

Fit for negotiation? Options and risks in the political transformation of non-conventional armed groups

By **Katrin Planta and
Véronique Dudouet**¹

■ Executive summary

Is it possible to envisage the use of political incentives as bargaining chips when negotiating with organised crime networks, youth gangs and other “non-conventional” violent actors? What types of political incentives could be provided and what challenges might they represent for democracy? What pitfalls do national and international actors willing to consider new engagement options with non-conventional actors need to consider?

This report discusses the opportunities for and dilemmas of using political incentives as a means to respond to organised violence outside the conventional arena of armed conflict. It suggests refraining from “blacklisting” actors on the basis of their “criminal”, “apolitical” or “non-conflict” nature and turning instead to other possible options for engagement.

While the report argues that many principles of engagement with conflict parties can be fruitfully transferred to the ambit of non-conventional armed actors, offering incentives for political conversion or reconversion must be approached with great care. This can be done by addressing the particularities of the actors in question, such as their level of social legitimacy and the coherence of their political agenda, as well as the specificities of the context in which they operate, including whether a formal peace process is under way.

Introduction: responding to new trends in organised armed violence

The first decade of the 21st century directed the attention of peace and conflict researchers towards non-state armed groups and to the way in which the “war on terror” had delegitimised dialogue with “terrorists”. At the same time new trends in the study of organised armed violence² have raised major concerns over the activities of violent actors operating beyond the traditional scope of international or intra-state armed conflict. Studies such as the World Bank’s 2011 *World Development Report* or the 2011 *Global Burden of Armed Violence* point to the acute threat posed by interpersonal or criminal violence. According to the latter study, “non-conflict” violence generated eight times as

many fatalities as all armed conflicts between 2004 and 2009 (Geneva Declaration on Armed Violence and Development, 2011: 43).

When it comes to formulating and assessing policy responses to “non-conventional” violence – as this sort of violence is often categorised – security and peacebuilding experts tend to agree that isolated criminal justice and policing approaches are doomed to fail in the long run. For instance, the use of *mano dura* (or iron fist) tactics against Central American gangs has led to increased violence (Hazen, 2010: 377; Swiss FDFA, 2013: 14) or the migration of violence to other, less-policed areas (Cockayne, 2011).³

¹ Lauren Schorr provided research assistance for this paper during her internship at the Berghof Foundation.

² “Organised” refers here to “consciously conducted and planned”, as opposed to spontaneous violence. Violence in turn will be understood according to the World Health Organisation’s definition as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.” See <<http://www.who.int/topics/violence/en/>>.

³ While analysts agree on the counterproductive impact of *mano dura*, the processes that lead to an increase in violence are still subject to debate. Some researchers have correlated increased violence with strengthened group cohesion (e.g. Hazen, 2010), but recent research from Mexico demonstrates how *mano dura* approaches can also lead to dangerous organisational fragmentation (Santamaría, 2014).

However, while debate revolves around the pros and cons of various forms of engagement with non-state armed groups operating in conventional conflict settings, whether through peace negotiations; transitional justice; disarmament, demobilisation and reintegration (DDR); security sector reform; or political reintegration, “no serious debate has yet occurred on what role these tools may play” in handling non-conventional armed actors (Cockayne, 2013: 19). The hybrid character of many contemporary armed actors, who use “a tailored mix of conventional weapons, irregular tactics, terrorism, and criminal behaviour in the same time and battle space to obtain their political/ economic objectives” (Hoffmann, 2014), calls for a major rethink of how peacebuilding and law enforcement approaches can be fruitfully connected.

This report aims to contribute to the emerging debate on whether and how engagement options developed in response to primary armed conflict parties can be transferred to non-conventional violent actors. Drawing from the authors’ past research on the transformation processes of armed groups, a review of the emerging research on non-conventional armed violence, expert interviews,⁴ and anecdotal evidence from case studies, the report addresses several key questions. Is it possible to envision political (re) conversion as an incentive that can be used in negotiations with non-conventional actors? What political incentive subtypes can be employed in such talks and what challenges might they represent for the democratic process? How might we ensure that the short-term imperative of violence reduction together with long-term stabilisation and peacebuilding goals are not compromised by legitimating actors regarded as “beyond the pale” by large parts of the population of the country in question? What challenges and pitfalls must national and international actors who are willing to explore new modes of engagement consider?

After highlighting how the terms “conventional” and “non-conventional” violent actors will be used, the report introduces the concept of political (re)conversion⁵ as applied to conventional armed conflicts and outlines the factors that might be associated with effective peacebuilding in such contexts. It then examines past “soft power” political engagement with non-conventional actors and the lessons learned, offering a critical assessment of the challenges and opportunities presented when transferring political (re)conversion to contexts of non-conventional violence. Lastly, the conclusion offers policy recommendations for international actors.

Conventional and non-conventional violent actors

Organised armed actors include social and political entities as varied as paramilitary groups, organised crime networks, rebels, insurgents, vigilantes, militias, urban gangs, warlords and pirates, to name just a few. Their common denominator is to be “challengers to the state’s monopoly of legitimate coercive force” (Policzer, 2005). That said, what are their similarities and differences beyond “the use of violence in order to attain their objectives” (Mair, 2003: 11)? In the last decade a scholarly debate has been built around typologies of “non-state armed groups” or “armed non-state actors”. Numerous criteria for classifying these groups have been offered, including their territorial scope, sociopolitical or profit-driven objectives, organisational features, organisational cohesion, and relations towards both the state and civil society (e.g. Mair, 2003; Schneckener, 2009).

In the universe of non-state violent actors most peace and conflict literature focuses on what we have elsewhere termed “power contenders” (Dudouet et al., 2012), i.e. direct parties to an intra-state armed conflict who support a political agenda that is amenable to negotiation and post-war (re)conversion processes. Nevertheless, numerous studies over the last decade highlight the porous boundaries between political and economic or criminal agendas. These studies outline the cooperative relations entertained by some power contenders with organised criminal networks (e.g. drug barons) or actors responsible for social violence (e.g. gangs and militias), thereby recognising the hybrid character of many contemporary armed groups. Some might emerge with a coherent political agenda, but develop close links or even institutionalised cooperation with organised criminal networks over the course of protracted armed conflicts, such as the Revolutionary Armed Forces of Colombia guerrilla organisation. Al-Qaeda in the Islamic Maghreb has also been referred to both as a jihadist organisation and as part of a criminal network “kidnapping Western nationals with the double aim of extorting ransoms and freeing the group’s imprisoned members” (Lacher, 2012: 19).

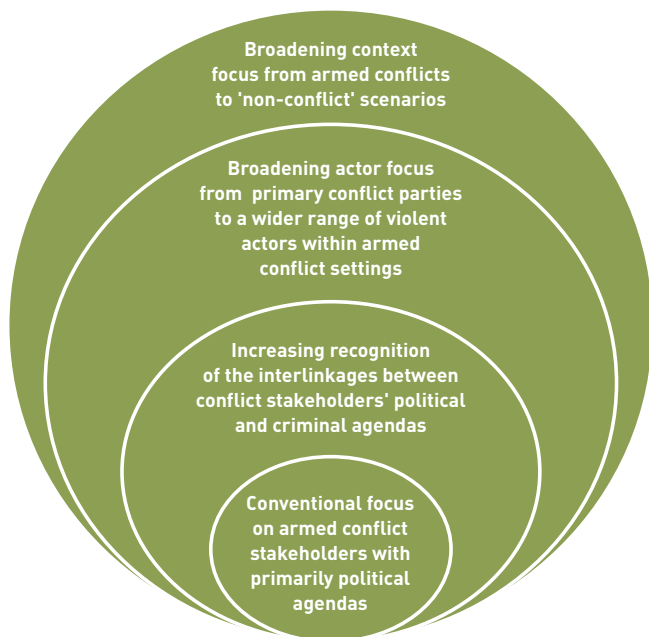
As a result, peace and conflict scholars have taken an increased interest in the challenges posed by violent actors beyond primary conflict parties. For instance, research has taken an interest in engagement options with war profiteers with the capacity to “spoil” conflict mitigation efforts – such as localised or transnational networks of organised criminals (Cockayne, 2013; Kemp et al., 2013), youth gangs (Whitfield, 2013) or militias (Okumu & Ikelegbe, 2010). Recent trends also suggest that peacebuilding practition-

⁴ We would like to thank the following experts for their insightful input: Audrey Palama (ICRC, Geneva), Marcela Smutts (UNDP, El Salvador), Janette Aguilar (Instituto Universitario de Opinión Pública, UCA University San Salvador), Sonja Wolf (CIDE, Mexico), Arthur Bouteillis (MINUSMA, Mali) and Eric Blanchot (Promediation, France/Mali).

⁵ According to Sprenkels (2014: 6), “reconversion can be defined as the process by which former insurgent groups seek collective and individual adjustment to the emerging peace circumstances by using different types of capital acquired over the years (political, military, socio-economic) in new ways, with the purpose of harnessing socio-political accumulation”. This term is offered as an alternative to the concept of reintegration, which overemphasises the technical nature of such transitions and the need to dissolve irregular structures instead of transforming them for peacebuilding and democratic ends.

ers are taking a more pragmatic stance towards mediating political solutions involving actors who are heavily involved in criminal activities.⁶ Finally, while the peace and conflict literature has been mainly concerned with the role and manifestations of organised armed violence in war and post-war scenarios (Rodgers & Muggah 2009: 301), the nature of contemporary violence is forcing peacebuilders to widen their scope of analysis to violent actors in “non-conflict” scenarios – in other words, actors perpetrating social or criminal violence in fragile states or “pockets of fragility” in countries that are otherwise relatively stable (e.g. Mexico, Brazil) (Banfield, 2014). Figure 1 summarises the progressive evolution of research on these issues.

Figure 1: Evolving actor/context focus in peace and conflict scholarship



For the purpose of this report the term “non-conventional” will be considered as an imperfect yet useful framework spotlighting those actors operating not necessarily outside conflict, but rather outside the radar of peace and conflict research and practice. These actors include gangs, organised crime networks or vigilante groups operating both within and beyond officially declared wars – and often in close cooperation with or strongly overlapping primary conflict parties. Far from representing a homogeneous group, such non-conventional actors present diverse features in terms of their main purpose (e.g. self-protection, identity-based, profit-making), organisational structure (cell-based, hierarchical), scope (local, national, transnational), the context in which they operate (conflict vs non-conflict scenarios), and their relation to civil society (protection, cooperation, confrontation, “predation”) and to the state (substitution, complementarity, collusion, competition, confrontation).

Political incentives as an effective peace-building tool⁷

In post-war contexts “political channels are increasingly seen as viable for handling societal problems for the individual” (Söderström, 2013: 92). The “demilitarisation of politics” (Lyons, 2006) by offering governance incentives to non-state armed groups can play a major role in supporting sustainable peace settlements by helping to convince militants that they can effectively protect their interests through non-violent means (Dudouet et al., 2012).

Defining effective political (re)conversion

The (re)conversion of armed groups from underground militancy to conventional politics and from reliance on coercive force to legitimate authority should be understood as a continuum of incremental changes. Renouncing force and accepting basic rules for political competition represent the minimal criteria for successful transformation. Additional steps include the new political entities’ ability to undergo internal democratisation through organisational change (from vertical command structures designed for military struggle to horizontal and participatory decision-making structures) and programmatic adjustments (the adaptation of war-time agendas to the complex reality presented by post-war politics). Effective (re)conversion also implies the sustained viability of these actors’ post-war political projects, and their actual influence over state power and governance.

Traditionally, “successful” transitions from armed insurgency to non-violent political participation include South Africa’s African National Congress and El Salvador’s Farabundi Martí National Liberation Front (FMLN). However, these transitions are by no means straightforward or uncontroversial – nor do they necessarily bring about long-term violence reduction. In both South Africa and El Salvador, large-scale social violence has followed the resolution of historical political conflict. Both former power-contenders-turned-power-holders have suffered several internal breakaways by splinter factions dissatisfied with the post-war governance agenda their parties uphold. Elsewhere, such internal splits have led to violent relapse (as seen recently in South Sudan). In cases where political (re)conversion followed rebel military victory (as opposed to negotiated agreements), former guerrilla structures risk evolving into vehicles for former leaders to dominate state affairs (as seen in Zimbabwe or Uganda). In other cases, such as Kosovo, rebel-group-leaders-turned-politicians face accusations of using their positions for pursuing criminal agendas in the post-war period (Cockayne, 2011).

It should also be noted that political reintegration does not only entail participation in party politics and electoral

⁶ For instance, the report from the 2013 Oslo Forum high-level mediation retreat was entitled *Innovative Approaches to Mediating Conflict* and has a section on “Negotiating with criminal groups” (Dziatkowicz et al., 2013).

⁷ This section largely relies on insights gathered by the authors (e.g. Dudouet et al., 2012; UNDP, 2014) and a review of the existing academic research on political conversions “from bullets to ballots” (e.g. Allison, 2005; De Zeeuw, 2008; Guáqueta, 2007; Söderberg Kovacs, 2007).

competition, but might also encompass other forms of (civil society-based) public participation in decision-making (e.g. through think tanks, non-governmental organisations (NGOs), social movements, veteran associations, lobby groups or journalism).

Drivers of effective political (re)conversion

With regard to the nature and characteristics of armed groups, three factors that enable effective political transformation merit highlighting:

- Firstly, actors that have clear ideological or political agendas, an interest in taking part in national governance and previous experience with conventional politics seem more apt for post-war political transitions. Many armed opposition groups evolve from oppressed or banned political parties and can thus claim a history of political engagement.
- Secondly, a particularly salient factor is the behaviour that these actors adopt vis-à-vis the civilian population, i.e. whether they prey on the population as a source of income, whether they target civilians as part of terrorist tactics or whether they cultivate mutually supportive relations with their social surroundings and gain recognition as legitimate representatives.
- Finally, organisational features also matter. Groups organised around a hierarchical command-and-control structure (as opposed to a decentralised network or cell-based units) with substantial internal cohesion levels are more likely to undergo political transitions in a coherent and disciplined way. Leaders play a crucial role in uniting their movement behind their decisions to undergo necessary transitions and cohesive structures enable them to instruct members down the chain of command about post-war transformation.

As regards external factors facilitating peaceful transitions, the role of *macro-political windows of opportunity* such as a peace process or a political opening towards multi-party democracy must be highlighted. In contexts of peaceful or democratic transitions specific incentives might be introduced to encourage militant groups to opt for non-violent politics, including favourable legal provisions to facilitate the formation of new political parties and to offer temporarily guaranteed seats in parliament, power-sharing arrangements resulting in public positions for the opposition, improved legal frameworks for previously marginalised constituencies, reforms of the electoral system, or amnesty mechanisms for demobilising militants. Regarding collective versus individual political incentives, Cronin (2011) distinguishes negotiation processes aimed at national reconciliation and offering broad power-sharing concessions to insurgent groups as a whole versus targeted incentives that address “the moderates” in a movement so as to win them over and weaken extremists. Similarly, Schneckener (2009) notes the distinction between negotiation approaches and “co-option” strategies

that consist of integrating single rebel elements into government positions, thereby weakening armed opposition without its having to undergo serious political reforms.

Finally, a *conducive international environment* and the proactive assistance of external actors (such as foreign allies, mediators, development donors, guarantors or technical experts), ranging from diplomatic and political support to guarantees and monitoring roles, and technical and financial assistance are also relevant factors for supporting – or impeding – successful political (re)conversion.

Political incentives towards non-conventional violent actors: learning from cases

Having discussed political (re)conversion in the context of “classical” armed opposition groups, we now consider the extent to which such strategies might be transferable to non-conventional armed actors. This section draws on existing cases of political engagement with non-conventional actors to offer a schematic overview of the forms it might take, ranging from dialogue and negotiation processes to incentives for political (re)conversion, and from individual transformation to collective reintegration into conventional politics or social activism.

From truces to peace accords: pros and cons of negotiations

Negotiations with non-conventional actors are more frequent than is generally assumed and can include hostage negotiations and negotiations about legal benefits or humanitarian issues such as access to affected populations. However, such negotiations do not entail political incentives, in contrast to the cases outlined below.

One example of high-level dialogue involving non-conventional violent actors, which has drawn much recent attention, was the March 2012 gang truce in El Salvador (see Bargent, 2014; Farah, 2012; Umaña et al., 2014; Whitfield, 2013).⁸ Secretly mediated by representatives from the Catholic church, the deal signed between El Salvador’s two main street gangs – Mara Salvatrucha 13 (MS-13) and Barrio 18 – was officially approved by the government. It resulted in several dozen imprisoned gang leaders being transferred to a lower security prison in exchange for ordering their followers to clamp down on homicides, extortion and child recruitment.

The truce’s outcome and degree of effectiveness became a matter of intense debate. On the one hand, it led to an immediate and unprecedented drop in murder rates throughout the country, demonstrating not only the command-and-control power of the gang leaders, but also the effectiveness of negotiation efforts in terms of violence reduction. On the other hand, it has been argued that the

8 Earlier examples can be found, such as the peace accords mediated by the NGO Viva Rio between rival gang leaders in Bel Air, Haiti, in 2007 (Kemp et al., 2013).

lower number of killings has been accompanied by a sharp increase in the number of forced disappearances (Farah, 2012). Gang leaders have also accused the government of having broken the truce. Following the election of a new FMLN-led administration,⁹ the Attorney General's Office arrested former gang mediator Father Antonio Rodriguez in August 2014 and criticised the negotiation process for having been "hypocritical" and a "mistake" (Bargent, 2014). While the truce has had a positive impact on living conditions on the ground, the process was not able to secure long-term support at the national level. Illustrating the challenge of translating short-term violence reduction into sustainable social change, this example suggests that while truces might be a good starting point, they need to be followed by longer-term engagement strategies.

The case of Mali also offers interesting perspectives on the prospects for integrating non-conventional violent actors into comprehensive and multi-party peace negotiations. In recognition of their central role and "spoiling capacity" in the current conflict in north Mali ("Azawad"), leaders of illicit economies (so-called *grands trafiquants*) have been invited to the negotiation table in talks between rebel groups, most of them Tuareg, and the Malian government. This has occurred either through being embedded in the government delegation (during the Ouagadougou negotiations in 2013) or under the label of traditional chiefs (in the ongoing peace talks in Algiers). The main rationale for conferring on actors of organised crime the status of belligerents (alongside political armed movements such as the Tuareg-led rebel group Movement for the National Liberation of Azawad) is the acknowledgement of their influence on the political class, power on the ground and leverage over eventual implementation mechanisms. According to interviewed experts, this inclusionary scenario might lead to positive outcomes, but only if these actors' presence and participation in peace talks motivate them to abide by certain behavioural codes of conduct (e.g. stopping drug trafficking) and participate in stabilisation efforts.

These two examples indicate that negotiations and agreements (e.g. truces or more comprehensive accords) with actors of non-conventional violence are by no means sufficient to transform conflicts and address the social and economic conditions that foster violence. But they can have a real impact on violence reduction on the ground and thus create opportunities for the design of more comprehensive political transitions.

Individual transition (or cooption) to conventional politics

If, as discussed above, armed opposition groups frequently undergo collective transformation into legal civilian entities such as political parties, are there comparable experiences among groups responsible for criminal or social violence?

In non-conflict and post-civil war scenarios alike one can find numerous examples of such actors taking up powerful political positions in local or national administrations, be they militia leaders in post-Qaddafi Libya or drug barons such as Pablo Escobar in Colombia. A crucial question arises: under what circumstances can the individual trajectories of leaders be considered incentives for sustainable conflict transformation?

In Afghanistan, one faction in the Pashtun party Hezb-e-Islami (Khalis), a strong mujahidin force that fought the Soviet invasion, was successfully "tamed" through government cooption by former president Hamid Karzai, who offered its leaders powerful positions in his government. For this militarised political interest group such cooption hinged on an internal fracture following the death of its figurehead and spiritual guide; one faction became allied with the Taliban, while the other opted to join Karzai's new U.S.-backed government. Without delving into the complexity of this case study, it seems to suggest that political incentives may be successfully deployed when dealing with tightly knit networks of non-conventional violent actors who are already motivated by traditional political issues and have a strong leadership hierarchy. By identifying ideological polarisation and intra-group differences as entry points, peacebuilders may use government cooption as an enticement towards conflict transformation.

However, in fragile states affected by bad governance and protracted or cyclical conflicts, political (re)conversion might not be seen as an attractive incentive for leaders of organised crime and illicit economies to move away from violent strategies. Mali is a case in point: although there are several instances of local traffickers with strong links to Islamist groups or who control their own militias undertaking political careers in the northern provinces, most leaders of armed groups show no interest in gaining formal political positions, given the weakness of the central state.

The case of El Salvador highlights further challenges associated with individual transition processes. In the wake of the 2012 truce observers noted that gang leaders asserted themselves as legitimate political representatives. They even issued press releases and participated in political talk shows from prison in which they proposed national reforms and argued that gangs have emerged because of the desolate socioeconomic conditions of many marginalised neighbourhoods (Voices on the Border, 2012). Some local gang leaders even managed to gain political office following the truce (e.g. the current mayor of Ilopango). While such a development could be regarded as a first step out of violence and into the political mainstream, it has also generated the fear that gang members might use these political platforms to gain additional power while continuing with their criminal and violent

⁹ On March 9th 2014 former FMLN vice-president Sánchez Cerén was elected president of El Salvador.

activities. There is also the fear that politically empowered gang leaders might jeopardise democratic procedures, e.g. by “backing certain candidates for local and national offices in exchange for protection and the ability to dictate parts of the candidate’s agenda” (Farah, 2012).

This example illustrates two basic conditions for the legitimacy and effectiveness of political incentives. On the one hand, these processes need a carefully designed communication strategy for the wider public to explain the benefits of the transformation. On the other hand, they need proper monitoring mechanisms to guarantee that conversion goes hand-in-hand with gang leaders’ and members’ abandonment of coercion. Finally, all the cases mentioned in this section raise the general question of how the individual cooption of leaders affects the pathway of the remaining, “ordinary” members of an organised armed group.

Local transitions to civil society activism

An alternative form of political (re)conversion for non-conventional violent actors consists of collective transformation into local civil society bodies. Community violence-reduction programmes undertaken by NGOs or international agencies such as the United Nations Development Programme are at the forefront of efforts to replace repressive law enforcement strategies with cooperative and transformative approaches at the local level.

In Ecuador, an NGO called SER PAZ has enabled street gangs to undertake collective conversions by making use of certain gang characteristics (such as teamwork, mutual respect, support and protection) for positive social ends (Small Arms Survey, 2010). In El Salvador, the gangs that took part in the 2012 truce also “expressed their intention to extricate themselves from violence and criminal activity, asking for assistance to peacefully and gainfully reintegrate into society while keeping their distinct social identity” (Umaña et al., 2014). In some localities the truce has enabled gang leaders to sign “covenants for peace” with city mayors and to participate in social reintegration programmes. One factor that enabled such processes was the express and concerted support of local civil society, including local associations, local businesspeople and church leaders.

The model for the local reintegration and political engagement of violent youth comes from U.S. cities. One leading example is that of the Almighty Latin King and Queen Nation (ALKQN), a former street gang in New York City, which underwent a rapid conversion from a criminal network into a social activist organisation following the mass arrest of its leaders in 1996. The ALKQN exhibited most characteristics of a typical youth gang: it was fiercely hierarchical, subject to loose and situational membership, and guilty of routine illegal activity (e.g. drug dealing, homicide, etc.). Yet, in opening new spaces for activities and dialogue, this violent group renounced violence and the underground economy, and self-transformed into a social

movement acting on behalf of the dispossessed and seeking to improve a depressed urban community (Brotherton & Barrios, 2004). In contrast to other examples cited in this report, the ALKQN benefitted from a pre-existing political infrastructure and well-functioning regional and national governance systems supporting non-violent civil society engagement.

In short, the most frequent types of political incentives towards non-conventional violent actors are those of (1) negotiations and truces for the purpose of violence reduction; (2) individual cooption into political careers or state positions in the absence of formal DDR processes; and (3) collective transformation into civil society entities that are active for the benefit of the community.

Opportunities for and risks of political incentives: an instrument for effective violence reduction or a means to empower criminals?

This section discusses the conditions that are favourable to political conversion which were outlined earlier, and examines whether they fit non-conventional armed actors and the domestic or international contexts in which they operate. It also addresses the consequences and ethical dilemmas arising from the political (re)conversion of non-conventional actors.

Internal features

(1) Pre-existing political agenda

A primary condition for effective political (re)conversion is interest in participating in government structures, as well as pre-existing political experience. This raises the question of whether non-conventional armed actors with little ideological orientation and political capacity might be both interested in integrating into an existing political framework and able to do so.

While most drug cartels refrain from establishing political programmes or competing in the electoral arena, they often seek to exercise political influence to protect their economic interests. Street gangs, for their part, do not seek to overthrow governments or seize state power (Hazen, 2010), yet their members might have joined as a result of sociopolitical grievances and marginalisation that could provide the basis for a political agenda. As outlined above, gang leaders in El Salvador have claimed to represent their constituency and asked for national reforms. Moreover, gang members may also become politicised through their actions, developing a conscious social or ideological agenda as they translate their socioeconomic precariousness into political riots, demonstrations, upheavals and other forms of contestation (Philipps, 2013). What they might lack, however, is the political and organisational capacity to transform themselves into a viable political party or a civil society group.

(2) Social legitimacy

As argued earlier, another factor supporting the transformation of conventional armed groups is the weight of their support base and their legitimacy among the local population. As one analyst noted, the authority of non-conventional actors often “stems not from democratic elections but from violence, fear, and the victimisation of society” (Farah, 2012). Some researchers have argued that in El Salvador,

the gangs developed a self-marginalising mentality and did not aspire to any ambitions of social “legitimacy”: anomic anger and despair pushed their aggressiveness not only against representatives of the state ... but also against society in general: the impoverished communities where they established their turfs lived in constant fear (Umaña et al., 2014).

However, organised crime networks or gangs might well acquire some social legitimacy through the services they provide to their communities. Partly as a result of absent or weak state structures, non-conventional groups may have assumed parallel state-like functions, providing governance, including justice, and social services (Winton, 2004: 170). According to Rodgers and Muggah (2009: 301), gangs “can be also be understood as alternative and legitimate nodes of authority to the state, particularly when the latter is perceived to be ineffectual and/or repressive”. In Mexico, some drug cartels have gained local support and solidarity through welfare projects for the population living in their terrain. At the same time analysts also note that a new generation of drug cartels are building their rule on a system of pure repression (Santamaría, 2014; Vulliamy, 2014).

These examples illustrate that it is vital to carefully analyse each group’s relations to civil society and their legitimacy. For those actors whose relationship with the population has been built exclusively on repression and violence, it is difficult to imagine an authentic path to political conversion. But even for those who have managed to build up local support through the provision of social services and some system of “order”, the question remains as to how they would be able to keep on delivering these goods to their constituency once stripped of coercive means. Likewise, the turn to legal politics risks sanctioning and legitimising territorial control acquired by force.

(3) Organisational features and (lack of) leadership

Research on conventional armed groups has highlighted the decisive role of leaders in transformation processes. On the one hand, their impetus is required to start a conversion process, but, on the other, their authoritarian character can prevent democratic change in an organisation. This assertion seems to resonate with non-conventional actors too, as illustrated in El Salvador, where the truce has affected gangs’ internal structures. While some claim that the relocation of leaders and the resulting improvements in internal communication helped to strengthen gang cohesion and improve their hierarchy, others argue that the non-participatory negotiation format

has angered street members, who claim that their leaders struck unilateral deals for personal profit (Farah, 2012).

The crucial role played by leaders raises a number of challenges. In the case of less hierarchical non-conventional armed groups, it may be difficult for outsiders to identify their interlocutors. Gangs, for instance, are often structured in loose, localised networks that do not necessarily communicate or coordinate with one another. As Rodgers and Muggah (2009) note, none of the bigger *maras* (gangs) “respond to a single chain of command, and their ‘umbrella’ nature is more symbolic of a particular historical origin than demonstrative of any real organisational unity, be it of leadership or action”. In addition, those willing to engage with these groups also need to understand the perceptions and needs of lower-level members in order to ensure that deals made with leaders have the expected outcome. The fact that political conversions mainly take place at the individual level, as discussed in the previous section, reinforces this concern. A general lack of internal democratic culture raises daunting prospects for non-conventional violent actors’ transitions into legal political entities.

External factors

(1) Ripeness and internal support for a peace process?

Many non-conventional violent actors operate in non-conflict contexts, e.g. situations where no formal conflict has been declared. According to Arnault (2014: 22),

generating a critical mass of domestic legitimacy for a negotiated settlement is a particularly challenging task in low intensity conflicts, and in particular when only a limited part of the territory and a narrow section of the population are directly affected by war.

In these scenarios there might be a lack of public interest in supporting a conflict resolution process. While the peace and security literature has introduced the concept of “ripeness” and “mutually hurting stalemate”, no equivalent has been found yet to determine when a situation of “chronic violence” has reached a scale where both violent actors and government representatives or citizens would be ready to engage each other in dialogue.

(2) Legal restrictions

There are major national and international legal restrictions on engagement with criminal actors. In El Salvador, national legislation criminalises both membership of armed gangs and negotiations with them (Briscoe, 2013: 4). Moreover, in July 2011 the U.S. government’s terrorist listing system was extended to transnational organised crime, and included El Salvador’s MS-13 (Whitfield, 2013). As a result, mediation efforts had to take place in a semi-official, legally grey area as a result of which those people involved in the mediation process risked possible prosecution at a later date. Even if these obstacles were to be removed, legal prohibitions against political participation remain. In most countries specific laws prohibit candidacy for political offices for certain crimes/offences. Colombia is a case in point. Following the

scandal of “parapolitics” (i.e. the influence of paramilitary connections on Colombia’s political institutions), legal restrictions on political participation were reinforced¹⁰ out of concern that “organised crime groups seek a hitherto unattended political dimension solely in order to obtain impunity for past actions” (Swiss FDFA, 2013: 6).

These reflections raise the question of how far the provision of judicial incentives (such as conditional amnesties – a widely used tool in the context of conventional actors) can be transferable to such contexts, and how far constitutional and legal reforms would have to be negotiated and implemented in order to enable effective political participation. In a situation where public support for a process is weak and a larger reform process (e.g. in the framework of a peace process) is absent, such reforms remain extremely improbable. This is exacerbated by the way in which many governments have contributed to a public discourse excluding any possibility of talking with “criminals”.

(3) International support

Conventional conversion paths have shown that international support is fundamental to effective political participation. However, in the case of non-conventional violence, such support is still lacking. A number of reasons explain while the international community, including the United Nations system, has only recently started to take an interest in this topic. These include the lack of expertise and analytical understanding of this phenomenon; the division between different (development/peacebuilding/rule of law) departments; the transnational character of some actors (e.g. organised crime networks), requiring approaches beyond the national level; the difficulty for international agencies in supporting actor-targeted and/or community-led initiatives, given their state-focused mandates; and, more generally, the lack of a specific mandate to deal with such issues.¹¹ According to Cockayne (2011: 4), “states are reluctant to take direction from the international community on how they should deal with criminal groups, since the exercise of investigative and prosecutorial power is traditionally so close to the heart of sovereignty”. This is particularly the case where non-conventional violent actors maintain strong clandestine connections to the government.

Policy implications

Despite the evidence that isolated law enforcement approaches to non-conventional armed violence are dysfunctional, alternative approaches have not yet been systematised into policy guidance for states and peacebuilding agencies. While it is too early to provide in-depth policy recommendations on the prospect of political (re) conversion for non-conventional violent actors, a number of preliminary suggestions can be singled out.

To start with, there is a strong need to strengthen analysis and research with regard to actors and labels before establishing criteria or “red lines” for intervention. What all groups – both conventional and non-conventional – share is the political character of their denominations and labels. What is still lacking is a profound analysis of both the differences and commonalities among the different subtypes of non-conventional and conventional armed groups, and a careful assessment of context-specific measures that might reduce violence and encourage these actors’ transitions towards peaceful roles. Prior to any intervention it is also essential to analyse which internal and societal features of such groups might be potentially utilised for purposes of constructive (re)conversions. Cross-departmental collaboration both at a policy and a research level would be a useful step towards formulating more targeted as well as comprehensive and balanced approaches by bringing together conflict resolution, development, good governance and criminal justice expertise in order to better understand the various actors involved. Actor-focused analysis should also be complemented by sound context analysis, e.g. by taking into account the groups’ relationship with civil society and state agents/structures, and the overall macropolitical environment (such as the opportunities for integrating such actors into broader peace accords or national dialogues).

Similarly, the planning and implementation of intervention strategies should encompass both actor-specific and context-targeted engagement. With regard to actor-focused approaches, practitioners and policymakers need to think about alternative models and incentives for political (re)conversion, taking into account the specificities of each actor involved. For instance, given the aforementioned pitfalls, it seems difficult to envisage collective political conversion as a sustainable violence-mitigation strategy for most non-conventional armed groups. Instead, peacebuilders need to identify intervention options adapted to various levels and types of group members. Donors could, for instance, integrate a political training component into exit or youth-at-risk programmes while simultaneously offering carefully crafted incentives to those individual leaders who have an interest in political participation and some degree of social legitimacy.

On a more structural level, engagement can also include supporting political reforms that benefit marginalised groups, building stronger institutions, reducing corruption and patronage, and restoring the credibility and legitimacy of the security sector in the eyes of local populations. Practitioners willing to support engagement with non-conventional actors should also take into account the need for specific support structures in situations devoid of any peace process that could facilitate dialogue or even these actors’ participation in negotiations. In the aforementioned

¹⁰ Laws passed since 1991 have established a stricter version of the type of crime that can be considered to be connected to a “political crime”.

¹¹ Tools that can be applied in situations of state failure to protect human rights, for instance under the Responsibility to Protect doctrine, do not yet apply to organised crime networks. In fact, the international regime for responding to organised crime, based on the Palermo Convention, works on the basis of decentralised, state-based cooperation.

examples, bridge builders such as the Catholic church in El Salvador or local NGOs in Ecuador and Haiti have played an important role in facilitating engagement by offering valuable entry points for peacebuilding. However, they often intervene without any official recognition, guarantees or protection. And in some cases they can be legally charged for their alleged association with criminal or terrorist actors. This challenge is particularly acute in the early stages of a dialogue process. Appropriate international support, such as funding and discreet lobbying, or public awards and recognition, is all the more important to help legitimise and protect their engagement.

Finally, monitoring mechanisms must be put in place to minimise some of the risks outlined in this report, including the risk that violent actors might use political incentives to consolidate territorial control acquired and maintained by force. Involving local communities in the monitoring of (re)conversion processes while offering protection to them might be one way to strengthen the sustainability and credibility of such transitions. These initiatives can also include electoral support (conducting training for civil society organisations in monitoring democratic elections or providing advice on the timing of elections) or the strengthening of specialised institutions such as a human rights ombudsman or community-based civilian police forces.

Recent developments have proved the assertion that one “does not negotiate with terrorists” to be misguided. It might well be that the persistent reluctance to consider “talks with criminals” also crumbles in the future. While the report argues that many principles of engagement with direct conflict parties (such as the need for in-depth analysis, cross-departmental collaboration, and a combination of actor- and context-specific approach) can be fruitfully transferred to non-conventional actors, the prospect of offering incentives for political (re)conversion must be approached with extreme sensitivity. It must be done by addressing the particularities of the actors under scrutiny (e.g. their lack of social legitimacy and coherent political agenda) and the specific contexts in which they operate (e.g. the absence of a formal peace process). However, instead of blacklisting actors on the basis of their “criminal”, “apolitical” or “non-conflict” nature, practitioners and policymakers should be encouraged to consider with all due care the options and building blocks for engagement.

References

Allison, M. E. 2005. “The transition from armed opposition to electoral opposition in Central America.” *Latin American Politics and Society*, 48(4): 137-62.

Arnault, J. 2014. “Legitimacy and peace processes: international norms and local realities.” In *Legitimacy and Peace Processes: From Coercion to Consent*. Accord no. 25. London: Conciliation Resources. <http://www.c-r.org/sites/default/files/Accord25_LegitimacyAndPeaceProcesses.pdf>

Banfield, J. 2014. *Crime and Conflict: The New Challenge for Peacebuilding*. London: International Alert. <http://www.international-alert.org/sites/default/files/CVI_CrimeConflict_EN_2014_0.pdf>

Bargent, J. 2014. “El Salvador investigates both sets of gang truce negotiators.” *Insight Crime*, August 26th. <<http://www.insightcrime.org/news-briefs/el-salvador-investigates-gang-truce-negotiations>>

Briscoe, I. 2013. *Non-conventional Armed Violence and Non-state Actors: Challenges for Mediation and Humanitarian Action*. NOREF Report. May. <http://www.peacebuilding.no/var/ezflow_site/storage/original/application/00cccfab83d2359a85dcc19bb5850e0b.pdf>

Brotherton, D. & L. Barrios. 2004. *The Almighty Latin King and Queen Nation: Street Politics and the Transformation of a New York City Gang*. New York: Columbia University Press.

Cockayne, J. 2011. *State Fragility, Organised Crime and Peacebuilding*. NOREF Report. September. <http://www.peacebuilding.no/var/ezflow_site/storage/original/application/2af427c8039ed02db6fd29fab1144aa8.pdf>

Cockayne, J. 2013. “Strengthening mediation to deal with criminal agendas.” Oslo Forum Papers no. 002. Centre for Humanitarian Dialogue. <http://www.hdcentre.org/uploads/tx_news/Strengthening-mediation-to-deal-with-criminal-agendas.pdf>

Cronin, A. K. 2011. *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton: Princeton University Press.

De Zeeuw, J. 2008. *From Soldiers to Politicians: Transforming Rebel Movements after Civil War*. Boulder: Lynne Rienner.

Dudouet, V., K. Planta & H. J. Giessmann. 2012. *Post-war Security Transitions: Participatory Peacebuilding after Asymmetric Conflicts*. London: Routledge.

Dziatkowiec P., S. Avasiloae & T. Papenfuss. 2013. “Through a different lens: innovative approaches to mediating conflict.” Oslo Forum 2013. <http://www.hdcentre.org/uploads/tx_news/Oslo-Forum-Meeting-Report-2013.pdf>

Farah, D. 2012. “The transformation of El Salvador’s gangs into political actors.” Center for Strategic and International Studies, Americas Programme. June 21st. <http://csis.org/files/publication/120621_Farah_Gangs_HemFocus.pdf>

Geneva Declaration on Armed Violence and Development. 2011. *Global Burden of Armed Violence*. <<http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2011.html>>

- Guáqueta, A. 2007. "The way back in: reintegrating illegal armed groups in Colombia then and now." *Conflict, Security and Development*, 7(3): 417-56.
- Hazen, J. M. 2010. "Understanding gangs as armed groups." *International Review of the Red Cross*, 92(878): 369-86.
- Hoffmann, F. 2014. "On not-so-new warfare: political warfare vs. hybrid threats." International Relations and Security Network. <<http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?id=182335>>
- Kemp, W., M. Shaw & A. Boutellis. 2013. *The Elephant in the Room: How Can Peace Operations Deal with Organized Crime?* New York: International Peace Institute.
- Lacher, W. 2012. "Organized crime and conflict in the Sahel-Sahara region." Carnegie Endowment. September. <<http://carnegieendowment.org/2012/09/13/organized-crime-and-conflict-in-sahel-sahara-region>>
- Lyons, T. 2006. *Demilitarising Politics: Elections on the Uncertain Road to Peace*. Boulder: Lynne Rienner.
- Mair, S. 2003. "The new world of privatised violence." *Internationale Politik und Gesellschaft*, 2.
- Okumu, W. & A. Ikelegbe, eds. 2010. *Militias, Rebels and Islamist Militants: Human Insecurity and State Crises in Africa*. Pretoria: Institute for Security Studies.
- Philipps, J. 2013. *Ambivalent Rage: Youth Gangs' Inner-city Protests in Conakry, Guinea*. Paris: Editions L'Harmattan.
- Policzer, P. 2005. "Neither terrorists nor freedom fighters." Paper presented at the International Studies Association Conference, Honolulu, Hawaii, March 3rd-5th.
- Rodgers, D. & R. Muggah. 2009. "Gangs as non-state armed groups: the Central American case." *Contemporary Security Policy*, 30(2): 301-17.
- Santamaría, G. 2014. *Drugs, Gangs and Vigilantes: How to Tackle the New Breeds of Mexican Armed Violence*. NOREF Report. <<http://www.clingendael.nl/publication/drugs-gangs-and-vigilantes>>
- Schneckener, U. 2009. "Spoilers or governance actors? Engaging armed non-state groups in areas of limited statehood." SFB-Governance Working Paper Series no. 21. October. <http://www.sfb-governance.de/publikationen/working_papers/wp21/SFB-Governance-Working-Paper-21.pdf>
- Söderberg Kovacs, M. 2007. *From Rebellion to Politics: The Transformation of Rebel Groups to Political Parties in Civil War Peace Processes*. Uppsala: Uppsala University.
- Söderström, J. 2013. "The political consequences of reintegration programmes in current peace-building: a framework for analysis." *Conflict, Security and Development*, 13(1): 87-116.
- Small Arms Survey. 2010. "An Ecuadorian alternative: gangs reintegration." In Small Arms Survey. *Small Arms Survey 2010: Gangs, Groups, and Guns*. Cambridge: Cambridge University Press.
- Sprenkels, R. 2014. "Reintegration or reconversion? Probing the nature of disarmament, demobilisation and reintegration (DDR) processes in fragile settings." IS Academy Research Brief no. 11.
- Swiss FDFA (Federal Department of Foreign Affairs). 2013. *Organised Crime and Its Impact on Peacebuilding Endeavours*. Workshop Report. Geneva, Hotel d'Angleterre, July 2nd-3rd.
- Umaña, I. A., B. Arévalo de León & A. G. Táger. 2014. "El Salvador – negotiating with gangs." In *Legitimacy and Peace Processes: From Coercion to Consent*. Accord no. 25. London: Conciliation Resources. <<http://www.c-r.org/accord-article/el-salvador-negotiating-gangs#sthash.8aSRJDri.dpuf>>
- UNDP (United Nations Development Programme). 2014. *The Challenge of Political Transformation of Armed and Banned Groups*. Workshop Report. Naivasha, Kenya, 3rd-5th June.
- Voices on the Border. 2012. "The evolution of gangs as political and social actors in El Salvador." May 2nd. <<http://voiceselsalvador.wordpress.com/2012/05/02/the-evolution-of-gangs-as-political-and-social-actors-in-el-salvador/>>
- Vulliamy, E. 2014. "Mexico: how arrest of the last don heralds ruthless new drugs era." *The Guardian*, October 5th. <<http://www.theguardian.com/society/2014/oct/05/mexico-war-on-drugs-hidden-story-joaquin-guzman-war-us>>
- Whitfield, T. 2013. "Mediating criminal violence: lessons from the gang truce in El Salvador." Oslo Forum Papers no. 001 Centre for Humanitarian Dialogue. June. <http://www.hdcentre.org/uploads/tx_news/Mediating-Criminal-Violence.pdf>
- Winton, A. 2004. "Urban violence: a guide to the literature." *Environment and Urbanization*, 16(2): 165-84.

■ THE AUTHORS

Katrin Planta is a project manager at the Berghof Foundation in Berlin. Her research interests include non-state armed groups, peace negotiations, transition processes, and the grey zones between war and peace. She graduated in social science and received an MA in conflict resolution from the University of Bradford. She is a PhD candidate at the Free University Berlin and is writing her thesis on the role of ex-combatants' associations in peacebuilding.

Véronique Dudouet is a programme director at the Berghof Foundation, where she manages collaborative research projects on non-state armed groups, negotiations, post-war governance and civil resistance. She also carries out consultancy projects for various civil society organisations and international agencies, and edits the Berghof Transitions publication series. She holds an MA and PhD in conflict resolution from Bradford University and a BA in political science from the Institut d'Etudes Politiques, Toulouse.

Non-conventional armed violence: new challenges and responses

This paper is one of a series commissioned by NOREF and the Conflict Research Unit of the Clingendael Institute with the aim of exploring the role of "non-conventional armed violence" around the world. A series of case studies, comparative analyses and policy papers will address the "non-conventional" phenomenon, understood as criminal or organised violence that either has no manifest political basis or which increasingly shapes the decision-making of non-state armed groups.



- The Norwegian Peacebuilding Resource Centre
- Norsk ressurscenter for fredsbygging

The Norwegian Peacebuilding Resource Centre (NOREF) is a resource centre integrating knowledge and experience to strengthen peacebuilding policy and practice. Established in 2008, it collaborates and promotes collaboration with a wide network of researchers, policymakers and practitioners in Norway and abroad.

Read NOREF's publications on www.peacebuilding.no and sign up for notifications.

Connect with NOREF on Facebook or @PeacebuildingNO on Twitter

Email: info@peacebuilding.no - Phone: +47 22 08 79 32

Disclaimer

The content of this publication is presented as is. The stated points of view are those of the author and do not reflect those of the organisation for which he works or NOREF. NOREF does not give any warranties, either expressed or implied, concerning the content.