

A violent compound: competition, crime and modern conflict¹

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■ Executive summary

A notable characteristic of several of the most intractable conflicts in the world today is the presence of more than one sort of violence. In cases such as Syria, Mali and Libya the lines between armed conflict and other forms of organised violence have blurred. Conflicts that originated in political divisions have assumed criminal dimensions. At the same time highly criminalised parts of Central America and Mexico have witnessed the coercion of the state and society by groups whose methods resemble the military strategies of an insurgency.

“Non-conventional armed violence” is the term used to describe forms of organised violence that do not fit the formal classification of armed conflict as a “contested incompatibility” between two or more parties. However, violence without a clear political or ideological goal is no soft alternative to old-fashioned war. It can be as lethal as conflict, and is a notorious presence in protracted wars where both multiple factions and the state are fighting. The search for new streams of illicit revenue, connections to transnational crime, volatile ties to local communities, the collapse of vertical chains of military authority, and a certain ambivalence to official state and security institutions when these can partly be captured for shared material gain are the hallmarks of this violence wherever it flourishes.

Drawing on a series of 12 NOREF reports studying six countries affected by non-conventional armed violence, as well as core areas for policy responses, this synthesis report points to the importance of understanding and addressing this violence due to the critical role it plays in perpetuating insecurity, blocking peace and causing complex emergencies. Among its recommendations, the synthesis report calls for more flexible forms of mediation and reintegration for non-conventional armed groups, the redesign of humanitarian responses, and the implementation of novel controls over illicit flows connected to violent groups.

Introduction: armed conflict and the multiplier effect

Modern armed conflict appears to have undergone a multiplier effect. Most notably in the period since 2011 – the year in which a series of popular uprisings began in the Middle East and North Africa – conflicts have grown in number and in their casualty rates (SIPRI, 2015).² The size of populations displaced by war has reached a record high (UNHCR, 2015). The number of groups fighting in these conflicts or operating at the margins of hostilities has risen

sharply in several war zones (Bakke et al., 2015). At the same time the number of conflicts that can be described as “internationalised” intrastate wars – meaning that the parties to a civil war receive backing from foreign governments – has also increased and now stands at its highest rate since the end of the Second World War (Pettersson & Wallensteen, 2015: 537).

These might appear to be somewhat abstract numerical trends, but their combined effects are condensed in the

¹ Synthesis report of the research programme on non-conventional armed violence.

² The best estimate for the death toll in battle in 2014 makes it the “most violent year in the entire post-Cold War period” (Pettersson & Wallensteen, 2015: 539).

case of Syria. At the heart of the country's civil war, together with all the multiple effects and chain effects that the conflict has had on victims in Syria and neighbouring countries, as well as its implications for geopolitical rivalries, forced displacement and the global jihadist cause, sits an array of fighting groups.

Now estimated to be close to a thousand (Haspeslagh & Yousuf, 2015), these are the primary agents of insurgent violence in the country, although some of them serve as militias in support of the Assad regime. But their role is not restricted to the military campaign for or against the Syrian state. The conflict's duration and the territorial fragmentation it has induced are intimately bound up with the survival and entrenchment of this multitude of armed groups, most of which operate in loose coalitions. And as the war drags on these armed groups have become crucial quasi-state actors, poised at the intersection between foreign powers and other patrons, and the communities in which these groups prevail (Hallaj, 2015). In this fractious, competitive and violent environment, revenue generation and redistribution have thus become imperatives.

As a result, the conflict in Syria, as well as in Libya and Mali, has come to display certain characteristics not unlike those found in violence-affected areas that are not, formally speaking, war zones. In particular, the generation and allocation of illicit revenues by and among armed groups in these conflict-affected countries has assumed growing importance in accounting for the use of armed violence and the choice of military strategy. "Non-conventional armed violence" is one of various terms now used to describe this type of organised violence.³ Although it may be lethal and persistent, this violence is not caused by or connected to any fundamental political or ideological dispute; it is not conventional because no so-called "contested incompatibility" underlies hostilities.

The clearest examples of this category of violence are to be found in Latin America, above all Central America, Colombia and now Mexico, where the search for illicit profits, extortion rackets or narrow factional advantage drives the exercise of organised violence by a variety of criminal groups or gangs (Garzón & Olson, 2013). In such places the state – or its institutions of security and justice – is liable to be weak and corrupt; but with the exception of a dwindling number of guerrilla forces such as the Revolutionary Armed Forces of Colombia (FARC), the state is not in any straightforward sense the "enemy" of these armed groups. Nor are these organisations – aside from the Colombian guerrillas – particularly concerned about any political objective that would see the state or parts of national territory formally become theirs to administer.

The purpose of the series: diagnosis and responses

A series of 12 reports published by NOREF, in collaboration with the Clingendael Institute's Conflict Research Unit, has sought to dissect the similarities and variations across a number of phenomena of "non-conventional armed violence" around the world.⁴ As this report will show, the purpose has not been to argue that all armed violence is now an offshoot of criminal activity: the recent wars in the Middle East or North Africa do not originate in and were not caused by the search for material profit. Syria's war, the revolution in Libya and the Tuareg secessionist insurgency that broke out in Mali in early 2012 owe their origins to a popular or ethnic uprising against what is perceived to be a repressive or unrepresentative state. Jihadist forces, such as the Islamic State (IS) in Syria and Iraq – or al-Shabaab in Somalia and Boko Haram in Nigeria – have proved themselves to be skilled at extracting and managing illicit revenues. But their popular and political appeal among diverse constituencies cannot be accounted for without taking into consideration the groups' millenarian religious objectives, their relics of anti-colonial discourse or their direct appeal to marginalised communities (Caillet, 2015).⁵

Furthermore, the reports in the series do not argue that the generation of illicit revenues in war zones is particularly novel. "Greed-based" theories of insurgent mobilisation date from over a decade before the recent spike in armed conflict (Ballentine & Sherman, 2003), and their relevance to understanding intrastate conflict can be traced to the decline in proxy conflicts that followed the end of the cold war (De Boer & Bosetti, 2015: 5). The conflicts in the Democratic Republic of the Congo (DRC), Sierra Leone and Angola, for instance, were fuelled and shaped by the acquisition of revenues from illegal mining and other rackets. Nor do the reports contend that illicit revenue generation is the sole preserve of non-state armed groups in a war zone or that criminal activity, although it may be ubiquitous in a conflict, "crowds out" the other motives and strategies that compete for an armed group's attention.

However, the reports do merge into a powerful body of analysis showing how the archetypal model of insurgent warfare, whose ability to annex a territory or a state derived in large part from its organisational coherence (Staniland, 2014), has transformed in a number of cases into violent competition among multiple factions as well as with the state. These fragmented contexts of conflict – or of supposed post-conflict transition – have in turn been exposed to a range of dynamic influences and processes. The search for new streams of illicit revenue, the connection to transnational crime, the volatile ties to local communities, the collapse of vertical chains of military

3 A number of humanitarian actors refer to "situations other than armed conflict". See, for example, the research programme Humanitarian Situations Other than War (HASOW): <<http://www.hasow.org/>>.

4 A full list of the published reports is provided in the references section at the end of this report.

5 This exploitation of an anti-colonial stance was perhaps most evident in IS's repudiation of the border established by the 1916 Sykes-Picot Treaty between Iraq and Syria.

authority, and a certain ambivalence towards official state and security institutions when these can partly be captured for shared material gain have all become notable aspects of armed group behaviour across various war zones in ways that can be usefully captured and explored through the concept of “non-conventional armed violence”.

As a result of this violent, monetised competition, the traditional understanding of conflict – in which clearly demarcated lines separate state and rebels, or where insurgent “success” is believed to consist in gaining a share of state power⁶ – no longer seems pertinent to many war zones. Armed violence in conflict zones has become increasingly subject to a need for critical interpretation and deciphering: attacks no longer have a clear political meaning in the context of battle, but often need to be read as oblique “messages” between armed parties representing rival, sometimes hidden interests.⁷

This difficulty in understanding and predicting outbreaks of armed violence adds to the considerable dilemmas of the international community as it seeks to mitigate violence in conflict zones such as Libya and Syria, or to respond to the role of these areas as hubs for international security threats and humanitarian emergencies. These include trafficking in drugs and arms, complex crises (involving mass forced displacement), and bases for jihadist movements that have exploited to their advantage the fractious environment of armed groups seeking fresh resources and recruits.⁸

In the face of these immense challenges the traditional responses to armed conflict deployed by multilateral bodies and donor governments – such as peacekeeping, humanitarian relief, mediation and the political reintegration of armed groups – fall short of grasping and adapting to the evolving forms of violence that are modifying the nature of protracted conflicts. Although the types of security threat are distinct in Latin America, several countries in the region also continue to experience extraordinarily high levels of criminalised violence in spite of repeated law enforcement campaigns or, as in the case of El Salvador, efforts at peacemaking with urban gangs (Donadio, 2013).

The patterns of non-conventional armed violence in both the criminalised spaces of Latin America and the mutating war zones of the Middle East and North Africa, and the responses that the international community might consider adopting towards them, are issues that stand at the heart of the reports in this series. Ranging from studies of individual conflicts to diagnoses of global trends in violence, as well as

several critical studies of policy frameworks, these reports have charted out a better understanding of the phenomenon of “non-conventional armed violence” as a first step to responding to its significance and impact. This synthesis report aims to tease out some of the main insights and conclusions from these reports.

Defining and measuring non-conventional armed violence

Before resorting to use of the term, however, it is important to ask exactly what “non-conventional armed violence” means, and what benefits it brings to what is already a crowded field of hyphenated concepts that seek to identify the novelties and complexities of modern armed conflict.

As mentioned above, the term refers in its broadest sense to episodes of armed violence that pass a certain threshold of intensity and organisation, but which do not conform to the classic definition of an armed conflict in that no clear political dispute accounts for the violence. In her report Cecilie Hellestveit argues that groups exercising non-conventional violence “frequently operate on the periphery of armed conflict, thriving in the chaos or lawlessness commonly associated with it, but without qualifying as ‘parties’ under international law” (Hellestveit, 2015: 2).

Meanwhile, very high levels of violence that are not exclusively the responsibility of organised armed groups may be regarded as examples of “chronic violence”, whereby expectations as to the everyday use of violence have become prevalent among a traumatised public. As Tani Adams explains in her report, chronic violence can be said to occur when three conditions are in place: high rates of violent deaths, high levels of violence continuing over time, and the presence of this violence in “multiple social spaces, such as the household, neighbourhood and school” (Adams, 2014: 3-4).

Despite these useful distinctions, the lines separating traditional intrastate conflict, non-conventional armed violence, and chronic violence are porous, transient, and difficult to chart. Central America – the region most closely associated with the phenomenon of chronic violence and extremely high homicide rates – emerged from three civil wars only two decades ago. As the World Bank established in its landmark *World Development Report 2011*, a continuum of violence connects periods of armed conflict to the insecurity that affects many post-conflict transitions, above all when state institutions remain weak and criminal actors with experience in the use of arms are able to expand and diversify (World Bank, 2011).

6 According to Hellestveit (2015) in her report for the series, an armed conflict arises – and international humanitarian law can be invoked – when a pair of parties to the conflict can be identified, when hostilities are sufficiently intense and organised, and when armed groups can claim a degree of territorial control. Maurer (2015) makes the same point regarding modern conflict.

7 The notion that many acts of violence in war zones require interpretation so as to understand their purpose and meaning is far more typical of criminal activity. In his report on Mali, Francesco Strazzari gives the Movement for Unity and Jihad in West Africa as an example of an armed group whose opaque meaning and composition must be deciphered in order to understand its crucial role in the country’s 2012 war and its troubled post-conflict period (Strazzari, 2014).

8 This latter phenomenon can be found, for instance, in the case of al-Shabaab’s expansion in Somalia, particularly from 2007 to 2009 (Belliveau, 2015: 2), or in many areas of recent expansion by IS (Burke, 2015).

Doubts as to the theoretical and practical value of making clear-cut distinctions between armed conflict and organised violence – despite the far greater importance that is traditionally ascribed to the former – also emerge when the distribution of lethal violence across the world is scrutinised. Although the death toll of armed conflict has risen in recent years as a result of the war in Syria, it stands at merely a quarter of the total estimated number of homicides per year.⁹ According to the most recent *Global Burden of Armed Violence* report, only two (arguably three) of the top ten countries affected by the highest levels of lethal violence are actually at war (Geneva Declaration, 2015).¹⁰

Significance for policymakers

Two important conclusions for international policy towards armed violence derive from these studies. On the one hand, the measurement of violence across the world suggests that insufficient attention is being directed to countries that suffer high rates of bloodshed and its associated harmful effects, even though they are not formally at war. On the other hand, as mentioned above, efforts to mitigate the effects of conventional armed conflict have been confronted by the emergence of hybrid forms of violence in which political, tribal, jihadist, and criminal objectives jostle for space in rapidly changing and fragmented battle zones.

Peacebuilders and mediators have been particularly unsettled by these phenomena (Banfield, 2015; Garrigues, 2015), with crises such as those in Libya and Mali posing extraordinary challenges – during what were supposed to be post-conflict transitions – due to the schisms between armed groups and the constant threat of violence from militant spoilers. In the case of Mali, each armed group present at peace negotiations in Algiers is reported to have had a “non-compliant” partner organisation representing it through simultaneous acts of armed violence in the field.¹¹ Not surprisingly, as a result of these trends the humanitarian community has been exposed to extremely hostile conditions for its work: according to the head of the International Committee of the Red Cross, Peter Maurer (2015), these conflict-affected contexts feature “rapidly mutating non-state actors, the availability of small weapons, the fragility and fragmentation of many affected states, and the global ideological confrontation through the extended use of social media by the parties”.

At the same time, tougher means of response, whether in the shape of military engagement in these war zones or through strict sanctions regime against those responsible for atrocities, have either lacked support among Western states jaded by the failures of previous foreign interventions or have proved to be largely ineffective in curbing violence (Taylor, 2015).

Identifying hybrid spaces of armed violence

The hybrid characteristics of armed violence have been extensively noted and lamented by practitioners working on the front line of conflict. For their part, scholars and experts on security and development have sought to provide sharper analytic instruments to understand the changing patterns of conflict. Mary Kaldor’s theory of new wars (Kaldor, 2012) and the body of work addressing the sources and effects of state fragility have proved particularly important in connecting post-cold war patterns of armed violence to the emergence of an integrated global economy and to flaws in statebuilding processes.

More recent studies have insistently probed the interstices connecting conflict, crime and terrorism. In doing so they have challenged the notion that a non-state party to a conflict is clearly differentiated from other sorts of armed groups, or argued that alliances between insurgents and terrorist or criminal groups need not be struck only on an ephemeral, opportunistic basis, but can be organic and long-lasting (De Boer & Bosetti, 2015: 9-11; Makarenko, 2010; UN Security Council, 2015). Indeed, a panorama of recent literature on the subject of armed groups in conflicts and criminal organisations would indicate that the two have similar root causes in state weakness and the absence of the rule of law (Fearon, 2010; UNDP, 2013), can use identical strategies of violence (Cockayne, 2013), and currently resort increasingly to the same paramilitary tactics and use of violence that aim to broadcast terror in order to ensure the quiescence of state officials and local communities. This latter characteristic of organised crime, most notable in the case of northern Mexico, has been branded a type of “criminal insurgency” (Sullivan, 2012).

As a result the “kaleidoscopic conflict environments” (Simpson, 2013: 5) that have emerged over the past two decades, notably in Afghanistan, Yemen, Libya, Mali and Syria – to which “non-conflict” Mexico and Central America should be added due to their similar levels of violence and complex configuration of armed groups – have already been classified and diagnosed along various axes. The value of adding another loosely defined term on top of these other coinages might appear to be questionable.

However, what non-conventional armed violence lacks in descriptive precision is compensated for by the way it groups together phenomena sharing a “family resemblance”. By assembling under one roof countries or areas featuring armed groups of diverse dispositions and backgrounds – some of them originating in rebel movements – it focuses attention on the structural characteristics and material incentives that tend to emerge in conditions of violent, factional competition. “Non-conventional armed violence” is not a catch-all term to describe all the

⁹ According to Pettersson and Wallensteen (2015: 538), the best estimate for the total death toll in conflicts in 2014 is 101,406. According to the most recent United Nations Office on Drugs and Crime report on homicide, the total number of murders in the world in 2012 stood at 437,000 (UNODC, 2013).

¹⁰ The countries at war are Syria and Afghanistan, with Colombia an arguable third (most of the lethal violence in Colombia, however, does not derive from its armed conflict). The three most violent countries in the world, according to the survey, are Syria, Honduras and Venezuela (Geneva Declaration, 2015: 52, 58).

¹¹ Author interview with a former intelligence official from the UN peacekeeping mission in Mali (MINUSMA).

world's violent crises. But it does allow for the exploration and comparison of phenomena that might otherwise be ignored by international diplomacy and peacekeeping. Rafaâ Tabib's analysis of the post-revolutionary mutation of the powerful Misrata militia into a predatory criminal force in Libya is illustrative in this regard (Tabib, 2014).

As a result the concept and its application to diverse violent zones should help policymakers and practitioners to modify or reshape traditional instruments of conflict mitigation so as to adapt to the hybrid and protracted patterns of current armed behaviour.

The main features of non-conventional armed violence

Yet what does "non-conventional armed violence" mean in practice and what are the exact patterns of armed activity to which this report has referred? The first report in this project captured a number of characteristics that recur in contexts where the formal criteria of armed conflict are absent or of diminishing relevance to understanding the way in which organised armed violence is used. These features include the networked arrangements linking violent groups to their allies, the transnational illicit relations that sustain these groups' activities, the ambiguous relations they enjoy with formal state authorities and security forces, and their fluctuating relations with local communities (Briscoe, 2013). Regarding the last point, a recent report on the links between armed groups and local communities underlines how these run a gamut of affinities and hostilities: "communities can be victims, allies, family members, protesters, or channels of dialogue to armed actors" (Haspeslagh & Yousuf, 2015: 6).

The series of reports has provided far more detailed analysis as to what non-conventional armed violence means in countries such as Colombia, Libya, Mali, Mexico, Somalia and Syria. At the risk of omitting the nuances and specificities in each case, a number of trends in the use of armed violence stand out from these case studies.

Evolutionary dynamics of criminal and conflict violence

Each case study provides compelling evidence of how the clear distinction between the criminal use of violence and armed violence in a conflict has either been undermined or has disintegrated entirely. As a result, armed violence is increasingly exercised in a hybrid and volatile space in which political and criminal strategies intermingle.

In Mexico, as Gema Santamaría explains, the exclusive profit orientation of competing criminal organisations, including drug-trafficking organisations and territorially based gangs, has generated a politically oriented backlash in the shape of self-defence militia forces: these reportedly

operate in at least ten of the country's 32 states (Santamaría, 2014). Meanwhile, both the forced disappearance of the 43 trainee teachers in the town of Iguala in September 2014 and the murder of a Congressional deputy only days before¹² appear to have been the work of criminal organisations. But as with the paramilitary modes of violence deployed by cartels at the height of Mexico's "war on drugs", neither attack is without a political purpose as a brutal means to silence public dissent regarding the power exercised by a political-criminal mafia.

In both Libya (Tabib, 2014) and Mali (Strazzari, 2014), crucial parties to the armed conflict derive their military strategy from a barely concealed predatory or criminal logic. The case of the Movement for Unity and Jihad in West Africa (MUJAO) stands out. Formed in opaque circumstances, this group seized control of the town of Gao in northern Mali from the initially victorious Tuareg insurgency; MUJAO's offshoots currently represent some of the greatest threats to UN peacekeepers in the country. However, an analysis of the group's support base and propaganda suggests that its principal allies were local businessmen from traditionally marginalised Arab groups. Its proclamation of a new Islamic caliphate and its call for open borders constituted a veiled appeal to local drug traffickers enervated by competition from the short-lived Tuareg supremacy.

Recognition of this grey area between political and criminal strategy should not be regarded as a novelty. Armed conflicts involving non-state actors on one or both sides have long relied on illicit revenues and spawned large irregular economies among populations seeking to survive (Taylor, 2015). One important effect of this reliance on illicit incomes has been to prolong the conflicts that make these revenues possible, as can be seen in the relationship between illegal mining and conflict in the DRC. The devastation of other peaceful forms of economic activity also tends to convert salaries from local militia into a vital form of subsistence for local community members (Seymour, 2014: 130).

Furthermore, it has long been known that new modalities and geographies of violence can emerge in an existing armed conflict as a result of non-state armed groups' stakes in illicit revenue generation. This has been the case for the FARC in Colombia as a result of its protection economy derived from coca growers, which was established several decades after its initial rebellion. In all likelihood this evolution will continue in any post-conflict period that follows a potential peace agreement in Colombia, when the rebels' remnant factions may be drawn to more intensive predation of gold mining and oil production (Rettberg, 2015).

¹² Deputy Gabriel Gómez Michel from the ruling Institutional Revolutionary Party was abducted while on a road leading to the airport in Guadalajara. His charred corpse was later found in his vehicle.

However, a key issue for global peace and security has now become the coexistence and evolution of political and criminal violence in conflict or criminalised zones. The concept of “non-conventional armed violence” helps prompt the question of what drives these complex transitions. In the case of Mexico or Central America, it is crucial to know when and how criminal violence becomes so empowered and embedded in communities or territories that it takes on characteristics of “chronic violence”, armed conflict or insurgency. On the other hand, the cases of Syria, Mali and Libya raise the question of how and when armed conflict becomes so influenced by illicit linkages that material incentives and interests act with a degree of autonomy from what would appear to be the initial conflict objectives, making political or peace negotiations far more complicated, or simply obsolete.

Protection economies

The case studies suggest that a number of processes are worth considering as parts of these transitions towards hybrid states of violence. In particular, local protection economies – understood as spaces of economic activity controlled by violent entrepreneurs who offer paid protection from threats for which they themselves are responsible (or which they have invented)¹³ – are prized objectives for all sorts of non-state armed groups. In principle, protection economies offer a secure territorial base, a steady supply of revenue through the extortion of local business or commissions on illicit rackets, and the opportunity to diversify into new revenue streams by those involved offering the territory to transnational traffickers as a hub and safe passage. This is notably the case for certain parts of Mexico and Libya (e.g. the southern town of Sabha) that have been captured by armed groups and later exploited for use as drug-trafficking and migrant-smuggling routes (Santamaría, 2014; Tabib, 2014; Reitano & Shaw, 2015: 22-24).

Because these protection economies tend to be territorially based and involve control over a community that depends for its survival on public services and a modicum of security, the relations that emerge between civilians and the armed group are often characterised by a variegated mix of coercive control and cooption.¹⁴ Omar Hallaj offers a sophisticated account of how this works in the case of Syria. He argues that warlords feel increasingly obliged to balance the need to extract revenues from local populations with the requirement that they not alienate communities through excessive coercion and violence (such as through kidnappings), and thereby endanger their groups’ attractiveness to foreign donors (Hallaj, 2015).

One notable consequence has been a surge in rebel efforts to extract revenue from more established illicit revenue

streams, such as oil refining in the case of IS (estimated to earn the group \$1 million a day) or border-crossing revenues for its jihadist rival, Jabhat al-Nusra. However, the deepening criminal activity of groups across Syria, while it may be less overtly predatory towards local people, simultaneously threatens to entrench a system of warlord politics that is inimical to a negotiated peace process and to decent public governance because of its vested interest in perpetuating insecurity (Hallaj, 2015). Similarly, efforts of armed and criminal groups to ingratiate themselves with pre-existing sources of social support and legitimacy in Mali did not dampen insecurity, but instead aggravated traditional sectarian rivalries by spurring competition over access to illicit revenues and control of high-value parts of the trafficking chain (Strazzari, 2014: 3-5).

Transnational connections

Access to circuits of transnational organised crime can provide greatly increased earnings for armed groups and a major material advantage over rival factions or social groups. At the same time these links to transnational crime are often driven by strategies that reinforce the political-criminal mixture of armed violence. Militias that represent marginalised groups in competitive conflict zones are predisposed towards working with transnational crime as a means of redressing historical grievances and a way to accumulate resources that provide a factional advantage. This is noted in the case of Mali for the Tilemsi Arabs and Fulani tribes represented in MUJAO, as well as in Libya for the Misrata militia, or the Toubou tribe that straddles southern Libya and northern Niger (Tabib, 2014; Strazzari, 2014).

The combination of a keen sense of social marginalisation that precedes and is used to justify closer alignment with transnational organised crime is also found in a number of Central America’s most troubled contexts, notably in the illicit practices of urban gangs in El Salvador¹⁵ or in a number of peripheral zones that depend on the largesse of local drug traffickers (ICG, 2014). In this case of Central American gangs the experience of highly unequal, stratified societies is a powerful psychological influence on the future illicit behaviour of their members: “acts of violence are attempts to ward off feelings of shame and humiliation ... and replace them with their opposite, the feeling of pride” (Adams, 2014: 6).

But transnational criminal activities are not restricted to marginalised outsiders. They are also facilitated by social, political and economic elites in their respective countries, who are able to provide guarantees of safe passage for illegal goods with the help of complicit security forces, as well as access to formal trading and transport hubs. Evidence of these ties is now abundant in Latin America,

¹³ This definition is derived from one offered by Charles Tilly (Karstedt, 2014: 307).

¹⁴ For instance, in discussing the Zetas’ efforts to control the town of Tenosique in the Mexican state of Tabasco, the journalist Oscar Martínez estimates that half the population is in one way or another on the group’s pay-roll, while the other half maintains a strategic silence in order to survive (Martínez, 2014: 122).

¹⁵ There is growing evidence that, despite their origins as urban gangs with strong subaltern collective identities, the *maras* and other gangs of El Salvador and Honduras have become far more closely associated with organised criminal rackets, including drug trafficking (Cruz, 2012; Santamaría, 2013).

Africa and elsewhere (Briscoe et al., 2014; West Africa Commission on Drugs, 2014). In exchange for offering protection and support, these elites may gain access to revenue and other tactical benefits, including, in the case of countries affected by conflict, the means to coopt and influence armed groups and ethnic factions by allocating among them the right to carry out certain illicit trades.

The sharing of profits and interests between elites in the central state and non-state armed actors in the periphery, of the sort that has been reported in contexts as diverse as Mali, Libya, Colombia and Mexico, has generated a variety of outcomes. Evidence from various cases points to the eventual pacification of organised crime as it becomes more closely integrated into the operations of formal business and political life (Snyder & Durán-Martínez, 2009), when it assumes quasi-state functions with regard to poor communities (Williams & Felbab-Brown, 2012), or when it establishes hegemonic control over territories that are used for illicit activity, as would now appear to be the case in the northern Mexican border town of Ciudad Juárez (Vulliamy, 2015). Yet it is also apparent from the crisis of Mali in 2012 and arguably in numerous other cases of criminalised state structures (Chayes, 2015) that illicit ties between centre and periphery can corrode the already weakened legitimacy of the central state, foment ethnic or sectarian conflict, or prompt a popular uprising.

In short, there is no definitive effect of transnational criminal influence on levels of violence in zones affected by conflict or state weakness. Yet it is possible to draw a more tentative conclusion: transnational criminal linkages serve to monetise the generally hostile relations between groups in the centre and periphery of weak states.¹⁶ This fosters the conditions in which armed violence is increasingly used to extract rents or force a renegotiation of revenues or entitlements between the state and armed groups in ways that do not conform to a logic of conflict, but resemble instead a kind of continuous “armed politics” (Simpson, 2013: 102).

Fragmented nature of armed violence

Alphabet soups of different armed factions are in no way new to war. But an outstanding characteristic of both modern armed conflict and violent crime is the extremely fragmented and schismatic nature of organised violence. This has attracted increased attention and concern from scholars (Bakke et al., 2012; 2015) and practitioners, particularly mediators facing the strain of negotiating among numerous, often irreconcilable parties (Garrigues, 2015). The concrete examples in recent months of peace talks over Libya and Mali – which have stalled in the former and splintered in the latter into a tense

tripartite arrangement involving the government, a pro-Mali platform of three armed groups, and a coalition of five rebel groups¹⁷ – underline the great difficulties in handling a transition from armed conflict in such a fractious environment. Indeed, research has established that fragmented conflicts tend to be more protracted, lethal and contagious across the societies they affect (Seymour, 2014: 93-94).

This makes the issue of fragmentation appear particularly relevant to understanding transitions to non-conventional armed violence. As fighting in conflict zones becomes factionalised and internecine it starts to share many of the characteristics of non-conventional violence: it becomes messy, plagued by defections and side-switching, and geared towards the accumulation of material resources (Bakke et al., 2015). Moreover, the most intractable conflicts in the world – which are more likely to lose a large part of their original political denomination – currently feature numerous interconnections among diverse armed groups, illicit resources, and both the central state and foreign powers. Syria and Libya are outstanding examples of this phenomenon.¹⁸

Regions marked by high levels of criminalised violence also feature a multitude of groups. In the case of Mexico and much of Central America, a very few large drug cartels operate as increasingly networked and globalised ventures (*El País*, 2015), while numerous street gangs assure firm territorial control over urban zones and strategic corridors: “manifold actors and groups ... characterise Mexico’s ever more fragmented and volatile insecurity context” (Santamaría, 2014: 2). In Colombia, the number of major criminal groups has reportedly decreased to just four, although these are loose coalitions with highly diverse illicit interests that might well absorb the FARC’s demobilised combatants according to localised arrangements (Rettberg, 2015).

These similarities between conflict and crime invite the following question: Do the resemblances between splintered competition in conflict and criminalised zones actually point to a concrete link between the process of armed group fragmentation and a shift to non-conventional violence?

At first sight this relationship appears debateable. Fragmentation has diverse causes and characteristics. Evidence suggests that environments already marked by high levels of ethnic or sectarian diversity, such as Libya or Sudan, are naturally predisposed to armed group factionalism once conflict begins.¹⁹ Criminal factions in Latin

16 This conclusion is consistent with the logic of the political marketplace in fragile and conflict-affected countries, as developed by De Waal (2015: 5): “I think we need to see the organized violence or recurrent violence as not solely a feature of conflict between recognized political and military forces but as a feature of these systems as a whole, as a part of their governance modules.”

17 Eventually all the sides represented at the negotiations signed a peace deal after the Coordination of Movements of Azawad ratified the accord in June 2015. However, a number of armed groups, including jihadist factions, were not present at the talks.

18 See Hallaj (2015) for a detailed account of all the illicit revenues streams being tapped in the Syrian war zone.

19 “The outbreak of violence increases the intensity of local disputes by militarizing the terms of competition, creating a supply of vulnerable factions threatened by competitors in local and regional politics” (Seymour, 2014: 103).

America, on the other hand, have no noticeable ethnic basis and appear to emerge according to the logic of violent marketplaces. Nevertheless, the distinctive forms of fragmentation in criminalised areas in Latin America and conflict-affected parts of the Middle East and Africa do reveal one common thread, which is the crucial role of what might be regarded as opportunistic and ad hoc state interventions. Efforts by weak states in conflict zones to influence or control armed groups and leaders by patronage have been closely linked to the splintering of these groups (Seymour, 2014). Violent competition among criminal groups in Mexico, for its part, has been intimately associated with security policies that target criminal leaders without seeking to dismantle mid-level criminal cadres or their control over turf (Rios, 2013), or which fail to address divisions and corruption in the security forces (Lessing, 2013; Durán-Martínez, 2015).

Disentangling the overlaps between fragmented and non-conventional violence is far from easy. Contexts of fragmented violence also pose very tough questions for any policy response. On a legal level the more dispersed the groups carrying out armed violence, the less likely the threshold for the application of international humanitarian law will be reached for all factions. There are also good reasons to think that applying these laws in contexts of non-conventional armed violence may worsen bloodshed due to the difficulties in trying to disentangle communities, innocent bystanders, supporters and direct combatants, particularly as far as tribal networks are concerned (Hellestveit, 2015). Yet in spite of these difficulties and a general lack of fresh policy thinking on the issue there is little doubt that fragmentation remains a crucial issue reshaping conflict and systematically impeding peace.

New policy agendas

Neither the traditional responses to armed conflict nor the security measures that have been undertaken to combat high levels of violent crime have adapted to the acute challenges posed by non-conventional armed violence. The section above identified four of the ways in which this form of violence has become part of conflict zones or has embedded itself in criminalised territories: its hybrid character, reliance on protection enclaves, links to transnational crime, and acute levels of fragmentation. With the exception of a very few cases, armed groups may have lost their ability to topple states, but have gained massively insofar as they are able to survive, adapt and profit.

Over the course of the series of reports selected authors were invited to identify what policies are needed to address this phenomenon. Some of their ideas are pragmatic modifications of current paradigms, as in the case of political reintegration. Other proposals remain in an inception phase and as yet lack a legal or institutional apparatus to put them into effect. But in either case the suggested ideas are critical to any effort to explore and deepen responses to new forms of insecurity and the

transnational threats that they generate. For it is worth emphasising that the international community remains stuck in a series of automatic response mechanisms that rely largely on political and military solutions to armed conflict, and to strengthened law enforcement in the case of violent crime. Neither type of narrow policy band is working in the contexts that are currently of greatest concern because of the armed violence that afflicts them, whether Syria and Libya, or El Salvador following the collapse of its gang truce.

New forms of mediation

In numerous conflicts a conventional peace process aiming at the integration into peaceful political life of a non-state armed group – or a new political or constitutional settlement – is thwarted by the sheer number of armed groups involved, the existence of spoilers or extremist elements, and the self-interested interventions of foreign powers. As conflicts extend over time, deeper linkages to illicit economic activity make efforts to dismantle the vested interests in war even harder.

Mediation can, however, adapt in certain ways to these challenges. Juan Garrigues argues that a strong case should be made for maintaining contact and dialogue with all armed groups, whatever the circumstances of actual combat (Garrigues, 2015). This contact need not be anchored in a commitment to a peace process or to discussion on any matters of political substance. As the ongoing Colombian peace process has shown, it need not even require a formal ceasefire. Such contacts – whether through UN offices or through non-official mediators, or via “insider mediators” who have close and not necessarily impartial relationships to the conflict parties (as in the work of the Jafra Foundation in Damascus) – enable a basic level of communication to be retained as a source of future engagements.

For this sort of mediation to prosper, however, current legal limitations on approaches to armed or terrorists groups should be lifted. Furthermore, the field of mediation will have to undergo something of a collective transformation, embracing far greater structural diversity among its members; seeking out new, flexible forms of engagement; and recasting itself away from its self-conception as “neutral referees” towards a focus on preventing or reducing violence.

Political reintegration

Aside from conflict mediation, an array of policy instruments has been developed in recent decades as a means to wind down armed conflicts in the wake of a peace deal and prevent the emergence of armed spoilers. These include transitional justice; disarmament, demobilisation and reintegration programmes; and – most significantly for the long-term sustainability of peace – the political reintegration of armed groups. However, it is unclear how this canon of trusted policies could respond to the hybrid character of non-conventional armed violence. These doubts are

obviously most acute when it comes to considering how essentially non-political armed groups could be assimilated into political life.

Katrin Planta and Véronique Dudouet explore these issues by considering certain thresholds on the basis of which a non-conventional armed groups may become suitable for political reintegration (Planta & Dudouet, 2015). These criteria include the group's level of social legitimacy, its pre-existing political agenda (which may well be little more than a series of socioeconomic grievances that are not formally articulated), its leadership structure and the level of public support for a peace process.²⁰ Importantly, the authors argue that political reintegration could be thought of not in terms of the creation of a political party or coalition representing the objectives of former armed groups, but as a series of more tailored incentives to group members and leaders that could help them to assume a greater degree of political or social protagonism once peace is assured.

Humanitarian responses

The central role of tribal networks, criminal organisations and terrorist groups in non-conventional armed violence poses major problems for the application of international humanitarian law (IHL). These include the difficulty of identifying combatants and the risk that de facto criminal control of territory could be legitimised, as might state security responses based on the use of far greater and more indiscriminate force. However, a strong case could be made on behalf of extending the remit of civilian protection under IHL, while preventing the application of the rules on the conduct of hostilities from being extended to these cases (Hellestveit, 2015).

On a more practical note, a number of humanitarian agencies have experimented with new forms of access to areas that have fallen under the control of armed groups that run extortion rackets, embrace extremist ideologies or seek exclusive territorial control through violent means. The case of humanitarian access to parts of Somalia under the control of the Islamist extremist group al-Shabaab is discussed in depth by Joe Belliveau, who shows how for a period of four years a prominent humanitarian organisation was able to continue its operations without crossing any of its "red lines", i.e. imperilling the security of its staff or making direct protection payments to the armed group (Belliveau, 2015).

A crucial element in the continued access to areas under al-Shabaab control was the nature of this armed group's ambitions. Although brutal and fundamentalist, the group aspired to territorial control and, along with this, assumed some form of political responsibility. "Negotiating space may exist even if it is not evident, especially in situations in which the armed group believes itself to be, or aspires to

be, a governing authority" (Belliveau, 2015: 8). The humanitarian organisation's success in withstanding intense pressures could also be ascribed to a model of "remote management", in which local people were entrusted with day-to-day operations under the supervision of international staff working off-site. Although this model is far from having universal application, it indicates how the humanitarian community is striving to devise new forms of assistance in hostile and unpredictable contexts.

Controlling illicit flows

Although often touted as the most effective non-military way to target armed groups or repressive states, sanctions regimes are a blunt and often ineffective tool. However, a number of new legal avenues have opened up that could prove fruitful in efforts to mitigate non-conventional armed violence, above all where the most violent groups depend on their access to transnational illicit flows of weapons, commodities, money and foreign fighters.

Mark Taylor's report suggests that a number of recent cases and courtroom initiatives, albeit with varying degrees of success and merit, point toward the emergence of a new sort of legal regime that would seek to exclude from global trade flows armed groups that are accused of international crimes and atrocities, or would aim to prosecute those who assist these groups (Taylor, 2015). Examples of such initiatives include the 2014 Arms Trade Treaty, the Organisation for Economic Cooperation and Development guidance on minerals from conflict-affected areas, or the greater attention now being devoted to money laundering that violates international sanctions regimes. One outstanding example of an innovative approach to the international political economy that fosters armed violence was provided by the International Criminal Court case against former Liberian leader Charles Taylor, who was eventually convicted in 2012. The verdict against him centred on his proxy responsibility in aiding and abetting the rebels in neighbouring Sierra Leone.

Furthermore, much of the current debate on modifying the nature of the international drug prohibition regime has also concentrated on the need to reduce levels of armed violence associated with trafficking rather than focus on arrests and other forms of law enforcement (Collins, 2014). These diverse legal initiatives do not yet represent a coherent approach to the threats presented by non-conventional armed violence. But they do mark the start of efforts to address the recurrent failures of sanctions regimes, and tackle the global economic context and transnational illicit trade that support organised violence.

Reducing chronic violence

A final area of policy innovation – and possibly the most ambitious – aims to mitigate the chronic violence that permeates certain societies, and which leads to the

²⁰ In the case of the failed truce in El Salvador, the lack of public and state support for the process, combined with the evident lack of vertical leadership in the two urban gangs involved, appear to have been critical factors spurring the collapse of the process and the country's return to extreme levels of violence (Martínez, 2015).

reproduction over generations of violent and illicit practices. Drawing on her extensive ethnographic knowledge of Central America, Tani Adams posits that these societies have suffered traumatic shocks in multiple spaces of human interaction, and require as a result a systemic and long-term approach to violence reduction: “chronic violence has become a new perverse normality for a growing portion of the world’s population” (Adams, 2014: 7). Her analysis now applies to numerous post-conflict zones in Africa and the Middle East, as well as to vulnerable populations living in resource-scarce urban areas across the world.

Essential parts of this novel approach include close analysis of violence as it affects multiple social spaces, and a focus on the needs and welfare of family and other networks involved in the care of children. Adams also calls for far greater awareness among policymakers of the role played by trauma in perpetuating patterns of violence and fuelling intense mutual suspicion among competing groups.

Conclusion

Linkages between crime and conflict are hardly a novelty. But the evolution of conflicts in Syria, Libya and elsewhere towards protracted, fragmented and extraordinarily competitive war zones offering new homes to jihadist organisations, but hostile environments to many local people, raises urgent questions as to whether the standard conception of armed conflict still applies and what could be done to revive moribund policy responses.

Humanitarian organisations and conflict mediators have already sounded the alert over the challenges posed by modern conflict as it transforms into recurrent armed violence with no clear political objectives. The concept of “non-conventional armed violence” offers one valuable way to explore these phenomena and tease out insights. To do so, it looks for parallels between conflict zones and violent environments that are not at war, but where organised and violent groups contest access to criminal revenues, territorial control or factional advantage. Their target is not to topple the state, but to hollow it out.

The case studies carried out for the project show how significant this element of competitive enrichment and advancement has become in Mali, Syria, Somalia and Libya. In tracing the development of Syria’s warlords, al-Shabaab, the Misrata militia or the MUJAO Islamist rebels, these reports show the extreme care with which certain armed groups extract resources, control civilian populations and nurture illicit trafficking links. They show how significant the hybrid nature of armed violence has become, both in conflict zones and criminalised territories such as parts of Mexico, and how protection enclaves, transnational criminal connections and factional fragmentation are becoming endemic to numerous areas of armed violence, whether they are at war or not.

Other reports in the series have gone on to identify new policy responses, above all in the areas of mediation, the political reintegration of armed groups, humanitarian assistance, legal initiatives and development aid. They emphasise the need for more flexible response mechanisms in which the quasi-governance responsibilities and trading links exercised by non-state armed groups are exploited and controlled in the interests of conflict mitigation.

Admittedly, these policy proposals remain somewhat distant from a reality of recurrent crises and escalating violence. Moreover, critical issues that require far deeper consideration in light of the emerging significance of non-conventional armed violence are yet to be addressed. One is the geopolitical context that shapes responses to these conflict zones and may limit the range for innovative policy. The other is the nature of statebuilding in areas where hybrid forms of armed violence have worsened sectarian fragmentation, weakened respect for the law and raised levels of tolerance for the use of violence. There is no certainty that anything like conventional politics can be restored soon in these environments. At least it is to be hoped that this series of reports will focus attention on what is needed in the path ahead.

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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.



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