

The case for contact: overcoming the challenges and dilemmas of official and non-official mediation with armed groups

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■ Executive summary

The role of mediators in armed conflicts is becoming increasingly difficult. With many of today's conflicts taking place in murky contexts of non-conventional violence, where the state is weak and multiple armed groups operate with diverse agendas, mediators are faced with many challenges. Not only is it more difficult to understand the rapidly changing contexts in which violence is taking place, as well as the internal structures and illicit interests of the actors involved, but a range of complex issues are now emerging.

Due to their political constraints, the official mediators that lead peace efforts (governments, and regional and international organisations such as the UN) are increasingly working alongside non-official mediators (NGOs, insider mediators, religious and humanitarian actors, etc.) to overcome these challenges, in particular in engaging armed groups. However, the role of non-official mediators entails a new series of dilemmas requiring careful attention. Beyond the question of coherence and coordination in peace efforts, the array of actors currently involved in mediation in armed conflicts generates other significant risks.

This report explores the challenges of mediating in today's armed conflicts and episodes of non-conventional violence, the role of official and non-official mediators, the risks and dilemmas that these different roles imply, and what basic guidelines are needed in the future.

The challenges of mediating in today's armed conflicts

Libya, mid-June 2015: while UN-led talks take place in Morocco and Security Council member states try to pressure delegations of the two broad blocks of the Libyan conflict into a much-needed agreement, a parallel reality takes place on the ground. Powerful armed actors, tribal elders and municipal councils continue their armed struggles, reach local ceasefires or adjust the terms of ambivalent coalitions. Despite the UN organising a range of discussions with some of these actors, they mostly complain that their views remain unheard and consider themselves unrepresented by either of the political sides at the talks². A resource-limited UN mission focused on the objective of a national unity government that could give Libya a new chance at a democratic transition cannot afford

either the political or the security risks of regularly engaging with such a broad range of actors, some of whom are known for their dubious interests and criminal methods.

From Libya to Mexico, most states suffering from some form of conflict today are dealing with not one armed group, but many. In some cases the state has become just one more actor in messy conflicts where it is difficult to identify clear lines of territorial control and which side – if any – has the support of the local population. While armed groups have traditionally claimed to represent a specific ethnic group, a national demand for self-determination vs state repression, or a revolution rooted in social and political grievances, armed groups' *raison d'être* are today blurred by overlapping political, commercial, and ideological interests and objectives (Briscoe, 2014).

1 The author would like to thank Ivan Briscoe, Ram Manikkalingam, Antonia Potter Prentice and Aracelly Santana for their comments on previous drafts of this paper.

2 Author interviews, Libya, June 2015.

As other papers in this series on non-conventional armed violence have explained, today's non-state armed groups often thrive in contexts of extreme state fragility where localised violence and criminal activity are often the norm, and where there is sometimes no peace process in sight – nor even an interest in one. Benefitting from a lack of functioning state institutions and controlled borders, armed groups cross borders regularly, gaining easy access to weapons and making them resilient to attacks. While they may not be able to defeat a state's army, they can cause great instability and act as spoilers of peace.

Mediators are especially affected by these developments. They have traditionally acted as neutral facilitators between two opposed sides, often the state and an armed group, but today, such a model is increasingly rare. Mediators must often delve into highly opaque contexts of state fragility and non-conventional violence, and engage with armed groups of many types to broker peace – or at least reduce violence. In these conflicts mediators are confronting a series of new challenges. The most significant of these are discussed below.

Understanding armed groups in complex contexts of violence

While it may not generally be the case, local populations will sometimes prefer authoritarian rule by an armed group if it provides some form of security, justice and social provision. With local populations frustrated by the state's neglect and abuse, armed groups fill the void. This reality can be seen today in some areas of Afghanistan, where the Taliban have set up parallel administrations; parts of Mexico ruled by criminal organisations; or certain al-Shabaab-controlled areas of Somalia. Understanding such social contracts between armed groups and local populations will be key for a mediator's understanding of the armed group's strength and *modus operandi*, and gauging the possibility of engaging in negotiations.

Before meeting with an armed group, mediators must try to find out how it is structured internally. Working through local contacts close to the armed group and with well-informed experts, one of the mediators' main tasks is to try to understand and track the role of key political and military leaders, internal tensions, the command and control of fighters, etc. But in the context of fluid conflict, where murky relationships exist between the relevant actors, such a task proves immensely challenging. For example, in Central America, *maras* (gangs) rarely respond to a single chain of command and are often pawns of larger and more powerful transnational drug-trafficking organisations (Planta & Dudouet, 2015). A mediator who has been negotiating with *mara* leaders in Nicaragua recently recognised that while he might reach local truces with

these leaders, he never really knows who is actually making decisions above them.³

How should mediators deal with influential actors driving instability to ensure continued profit-making from criminal activities? Some analysts have argued that negotiations with armed groups with major criminal interests are more likely to lead to their exchanging violence reduction for amnesty or other pay-offs, and that such pacts risk externalising the cost of structural violence onto vulnerable populations (Cockayne, 2013). While this may be true in some cases, mediators need to engage with armed groups to assess whether the best pact reachable is a better alternative in the medium to long term than the status quo. In these cases a mediator will often have to choose the least bad option. As Whitfield (2010) says, mediation may be "necessary but insufficient" for transformative goals in contexts of high violence.

Engaging with radical jihadist groups

The eruption of the Islamic State (IS) in the Middle East has again put the issue of radical jihadist groups on centre stage a decade and a half after the September 11th 2001 terrorist attacks in the U.S. The extreme barbarity of IS's violent acts and the group's public dissemination of them are resulting in a hard-line public reaction that primarily foresees a military response to a group that appears to have neither a desire to negotiate nor negotiable demands. In this context, engaging with such groups becomes a thorny issue. Al-Qa'ida- and IS-affiliated groups' use of kidnappings, for example, have divided Western states. Some states such as the U.S. or Britain have a clear policy of not paying ransoms, arguing that such actions only perpetuate this practice, while others such as France or Spain are understood to have discreetly negotiated ransoms for their nationals (Callimachi, 2014).

However, beyond the headlines, local and international actors are often forced to interact with such groups, directly or indirectly, to facilitate the exchange of prisoners, humanitarian access, etc. Such contacts are often difficult. In IS-controlled areas of Syria and Iraq NGOs have reached agreements for humanitarian access with local commanders. While these have often been overturned by IS (foreign) superiors, leading to most NGOs having to pull out for security reasons, they illustrate how actors on the ground must engage with such groups for operational reasons.⁴ Indeed, in some IS-controlled areas of Syria and Iraq the national or regional governments have become the main obstacles to humanitarian access instead of IS itself, which is keenly interested in providing the services of a functioning state.⁵

3 Organisation of American States seminar, Washington, DC, February 12th-13th 2015, "Searching for Common Approaches to Deal with Unconventional Conflicts and Violence in the Americas".

4 Author interviews with members of international NGOs working in Iraq and Syria.

5 Author interviews with members of international NGOs working in Iraq and Syria.

From a mediator's perspective, engaging with such groups is always worthwhile. Not only can such contacts help understand the groups' modus operandi, interests and objectives, but they also make sense politically. In Somalia, contacts with powerful individuals such as Sheikh Hassan Dahir Aweys led to local militia Hizbul Islam's defection from al-Shabaab and renunciation of violence. Syria and Libya present similar challenges today as regards the possibility of engaging with local jihadist groups such as Jabat al-Nusra or Ansar al-Sharia, on the understanding that such contacts may help to prevent these groups from radicalising further and swelling the ranks of IS. However, the security risks and political sensitivity of such contacts are often considered to outweigh these potential benefits.

Peace vs justice

Mediators are acutely exposed to the tensions between the pursuit of peace and the pursuit of justice. Issues such as granting amnesties to individuals responsible for human rights abuses, power-sharing arrangements that grant former warlords a political role, and peace agreements that fail to address the rights of minorities and the inclusion of other vulnerable groups present major challenges for mediators.

The negotiations under way in Cuba between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) are perhaps the most pertinent current example. While most mediators would probably share President Juan Manuel Santos's objective "to seek the maximum level of justice that peace will permit", in Colombia, as in other conflicts, such a position is considered unacceptable by human rights advocates, victims groups and some political actors (Carlin, 2015). Santos, however, not only wants to seize the opportunity to end a long conflict with the FARC, but also understands that the terms under which this could happen will affect the possibilities of a successful resolution to the conflict with the National Liberation Army, another guerilla group with which the Colombian government has now initiated a dialogue.

Moreover, since 2002, the International Criminal Court's (ICC) pursuit of international criminal justice in contexts where peace negotiations are taking place has created complications for peace processes. In Libya, the UN Security Council referral to the ICC and the arrest warrant against Muammar Qaddafi, his son Saif and intelligence chief al-Sanussi effectively ended any possibility that a negotiated transition would include Qaddafi's exit that envoys from the UN and African Union (AU) were exploring at the time (Bartu, 2014). In the case of northern Uganda, the ICC arrest warrants issued for the leader of the Lord's Resistance Army (LRA), Joseph Kony, and three other members in 2005 contributed to the failure of negotiations

with the Ugandan government by keeping Kony from being directly involved in talks in South Sudan. According to sources involved, the incompetence of and tensions among those he delegated to represent the LRA made an agreement impossible.⁶

From fragmentation to representation

The fragmentation of armed groups in many of today's conflicts also means that mediators struggle to understand who the most relevant actors are for inclusion in negotiations. The current UN-led Libya negotiations are a perfect example of this. With hundreds of local armed militias born out of the conflict that led to the fall of Qaddafi, armed groups have consolidated their strength at the expense of national institutions and newly created political parties (Garrigues, 2013). The fluid, fragmented Libyan context today presents UN mediators with the challenge of grappling with a scenario where no armed group can impose its will on others and political actors have little authority.

Understanding the difficulties of a fragmented conflict where it is often hard to decipher who represents whom and, most importantly, which actors benefit from continued violence, the UN is adopting a pragmatic strategy for negotiations that seeks to involve a wide range of different groups, thus making it easier to identify the internal and external spoilers that appear intent on imposing a military solution on the ground (Miles, 2015). However, serious risks exist that key armed actors on the ground, including the Islamist militias controlling Tripoli, the Misrata commanders and General Khalifa Haftar, will continue the fighting after an agreement is reached if they consider that their red lines are ignored, be they the guarantee of not being sent back to jail or the continuing presence of a radical jihadi threat.⁷

In Mali, the UN welcomed the Algeria-mediated peace and reconciliation agreement reached between the government, pro-Mali movements and the Coordination of Azawad Movements (CMA) on March 1st 2015. However, three key groups in the CMA did not sign the agreement, because a peace accord that did not include autonomy or federalism was unacceptable to the key individuals in the CMA and beyond, some of whom were not involved in the talks. It is very difficult, for example, to understand what role Tuareg leader Aghabass Ag Intallah played in Algiers and to what extent the position of Ansar ed-Din's Iyad Ag Ghaly was taken into consideration. Moreover, as a "lowest common denominator agreement", the accord leaves unaddressed the intra-northern tribal tensions and the competition over highly lucrative trafficking routes that fuel a great part of the violence in northern Mali.⁸ In this context, even if all the groups sign the agreement, a resumption of the fighting is highly likely.

⁶ Author interview, Kampala, 2015.

⁷ Author interviews, Libya, June 2015.

⁸ Author interview with Mathieu Pellerin, June 2015.

Negotiating and verifying ceasefires

While traditional peace processes followed a fairly regular pattern that involved a ceasefire, a political agreement, and then a disarmament, demobilization and reintegration (DDR) programme, today's efforts are far more complicated. However, ceasefires remain a critical part of efforts to address armed conflict. They may take place as a precondition for political negotiations, parallel to political negotiations or even after political negotiations. In all cases, negotiating and implementing ceasefires raise difficult issues for mediators.

In the middle of the seemingly endless fighting in Syria, local ceasefires have intermittently been reached, and UN envoy Steffan de Mistura has unsuccessfully made a push for a “freeze” to the fighting in Aleppo as one of his main objectives. While local populations in Syria appear to overwhelmingly support local ceasefires for bringing respite from the fighting, some analysts question their value, arguing that they are generally just *de facto* negotiated surrenders and thus do little to set the stage for a successful political dialogue. Moreover, local ceasefires can contribute to prolonging armed conflict by allowing parties to rearm and continue their criminal activities (Turkmani et al., 2015), and in a conflict such as that in Syria, where opposition forces are highly divided, can be used by the regime to reinforce its forces on another front.

Ceasefires are also challenging for mediators because they are hard to monitor. In Sri Lanka, the ceasefire reached between the government and the Tamil Tigers in 2002 held down violence and opened up access to Tiger-controlled parts of the country, but led to increased tensions instead of political negotiations. The role of Norway as the official mediator between the two sides was also undermined because it did not want to compromise its impartiality. According to the Sri Lankan president's senior adviser on the peace process at the time, Ram Manikkalingam, the Nordic Sri Lanka Monitoring Mission, facing a scenario where violations were committed overwhelmingly by the Tamil Tigers, seemed “more like a commentator talking about a boxing match rather than a referee ensuring that nobody was punching under the belt”.⁹

The UN and the limits of official mediators

The mediators leading peace efforts, governments, and regional and/or international organisations such as the UN are constantly grappling with the challenges described above. While these actors have the legitimacy and political weight to impose the sticks and distribute the carrots that are often needed to get warring sides to make peace, precisely the same characteristics that make official mediators best fit to lead peace efforts also imply limits to their ability to act as effective mediators.

As the most global of intergovernmental organisations, the UN is often considered the most legitimate actor to lead the mediation of a peace process. However, precisely this strength also generates its weakness. UN missions must operate and mediate (or provide the secretary-general's “good offices”, as it is termed in the UN Charter) under UN Security Council mandates that generally impose strict limits on envoys' roles. Not only is the Security Council often divided between its veto-wielding permanent members, but it has also been prolific in approving ambitious mandates while later proving unwilling to provide the sustained political pressure and/or resources the missions or envoys on the ground need for their implementation (Antonini et al., 2009).

The lack of general understanding of the UN's own internal structure by parties to a conflict can also be a challenge for its role as a mediator. According to Francesc Vendrell, the former UN and European Union (EU) envoy to Afghanistan, the Taliban first “said that the UN could no longer be an honest broker” in 2001 because they could not differentiate between the role of the Security Council (which had just imposed sanctions on them) and the secretary-general (who played no role in the decision) (Vendrell, 2015).

The UN's role as a mediator is also coming into question in some conflicts because of a tendency for the Security Council to authorise robust stabilisation mandates. While peace enforcement has previously been part of UN mission mandates, in today's missions in Mali, the Central African Republic or the Democratic Republic of Congo (DRC) UN forces are being tasked with such specific objectives as neutralising and disarming armed groups by military force (Karlsruud, 2015). These efforts are proving largely ineffective while also undermining the impartial mediating role the UN could sometimes be playing and is better situated to develop.

Over the past decades regional and subregional organisations have increasingly been called on to mediate. While they are often considered to be the most legitimate actor to mediate in a conflict due to their proximity, regional organisations face their own challenges as mediators. Most importantly, divisions born of conflicting national interests often interfere with these organisations' ability to act as neutral arbiters.

The case of the DRC expresses many of the limitations experienced by both the UN and regional organisations as official mediators. In the DRC, the UN leads MONUSCO (the largest peacekeeping mission in the world) and a Force Intervention Brigade (FIB) composed of regional states' forces. The UN also has a special envoy to the Great Lakes region who works alongside envoys from the U.S., the EU and regional organisations such as the AU, the Southern African Development Community and the International Conference on the Great Lakes Region.

⁹ From a forthcoming book by Ram Manikkalingam.

The result of this complex and overlapping arrangement has been an ineffective response to insecurity in the DRC. While the UN FIB managed some progress in forcing out the M23 armed group in 2013, regional divisions led to the stalling of an anticipated DRC-led, UN-backed military offensive against the FDLR armed group. By becoming a military actor in the conflict that depends on states from the region, the UN has become hostage to regional politics and made little progress acting as an impartial mediator between states in the region or in adequately addressing challenges such as the M23's DDR process.

In the case of individual states the main challenge to acting as mediators is impartiality. In an increasingly globalised world it is much harder today than a decade ago to find a mediator for a conflict that can be considered authentically impartial. Even the impartiality of countries traditionally involved in mediation efforts such as Switzerland or Norway is today more questionable in some contexts due to states' increasingly global interests, both political and commercial. And with more actors involved in conflicts, it is easier for a potential mediator to be unacceptable to one of the sides due to a real or perceived lack of impartiality.

Since the attacks of September 11th 2001, organisations such as the UN and EU and states such as the U.S., Britain, Canada and Australia have created terrorist sanctions lists that are updated regularly to include individuals and armed groups labelled as terrorists and thereafter isolated through strict sanctions. Recently the U.S. has included transnational organised criminal groups in its lists, and national legislation has criminalised membership of armed gangs and negotiations with these, leading some mediators to have to work in "semi official, legally grey zones" (Planta & Dudouet, 2015). While these lists may not make it legally impossible for mediators to engage with these actors and have never led to legal action against mediators, they make it politically risky for mediators. As Whitfield (2013) says, states and multilateral bodies have "built in sympathies towards other states and ... will understand that many governments will refuse to engage directly with insurgent groups unless the latter first agree to abandon the armed struggle, or at least to a cessation of hostilities".

The role of non-official mediators

The UN defines mediation as a process in which a third party assists two or more parties, with their consent, to prevent, manage and resolve a conflict by helping them to develop mutually acceptable agreements. Under this definition, numerous actors apart from official mediators are today playing mediation roles. These include international private non-governmental organisations, insider mediators, and religious and humanitarian actors.

One of the situations in which unofficial mediators can be most useful is in the early phases of negotiations, often before an official mediator has stepped in. In these situations reasonable arguments that exist against engaging armed groups – such as that these contacts may serve to legitimate these groups or that they may use negotiations to advance their own interests – point to one of the advantages of non-official mediation roles. Because they do not represent any particular state or organisation, non-official mediators can begin dialogues or test commitments with armed groups without compromising official mediators' relations with other parties to the conflict that may be firmly opposed to such contacts. In this sense, a non-official mediator's weakness becomes its strength.

In Aceh, Indonesia, the founder of the Centre for Humanitarian Dialogue (HD Centre), Martin Griffiths, acted on his own initiative to establish contact with the leadership in exile of the Free Aceh Movement (GAM) before any other international actor had tried, because he felt there might be room to discuss ending the conflict with the rebel movement's exiled leadership.¹⁰ While a peace deal that was signed between the GAM and the Indonesian government did not stick, the talks paved the way for a second successful mediation attempt in 2004 led by former Finnish president Martti Ahtisaari with the support of the Crisis Management Initiative (CMI).¹¹

Non-official mediators might also be needed to maintain contact with an armed group throughout a protracted conflict in which various political, military and/or mediation efforts are ongoing. In the context of the extreme state fragility that exists in the eastern DRC (with more than 30 armed groups present), and with the UN uneasily involved in both diplomatic efforts and military operations, Sant Egidio has for over a decade acted as an interlocutor with the FDLR.¹² In June 2014 Sant Egidio organised a discreet meeting in Rome between representatives of the FDLR and the UN, U.S. and EU envoys to discuss the terms of its DDR (Johnson & Schindwein, 2014). Clearly, international envoys would have never been willing to convene a meeting with a group that includes members directly involved in the genocide in Rwanda and against which ICC arrest warrants have been issued had it not been under the cover of a well-respected religious non-official mediator.

Non-official mediators also take on specific parts of a peace process that official mediators might not be able to politically. This could be a matter of dealing with a splinter group or a specific commander in an armed group, or helping negotiate a local ceasefire. In Northern Ireland, dissident republican groups opposed to the 1998 Good Friday Agreements and still active with occasional incidents of violence have acted as potential spoilers of the

10 The HD Centre is a Geneva-based private diplomacy organisation whose mission is to "prevent, mitigate and resolve armed conflict through dialogue and mediation".

11 The CMI is based in Helsinki and was founded by Martti Ahtisaari in 2010 to "build a more peaceful world by preventing and resolving armed conflict".

12 As part of the Catholic Church, this lay association has been able to use its presence in more than 70 countries to act as a non-official mediator in peace processes, including in Mozambique and northern Uganda.

peace. When the Irish National Liberation Army (INLA), the second-largest dissident republican paramilitary group after the Irish Republican Army, expressed willingness to disarm, an unofficial mediator helped in the process. Because the INLA was not willing to give up its weapons to British authorities, the Dialogue Advisory Group (DAG) met with members of the armed group to facilitate the handover and destruction of its weapons (*Londonderry Sentinel*, 2010).¹³ By playing this role it was acceptable for the INLA to take a difficult step while also helping the relevant governments address a serious security concern.

The risks and dilemmas of mediation efforts

The above examples of roles played by non-official mediators show how the many actors now involved in this field have tried to adapt to the complexity of today's conflicts. In particular, the collaboration of official mediators with a variety of non-official mediators has supported greater engagement with armed groups in order to move negotiations and/or peace processes forward. However, mediation in general, and such collaborations in particular, are fraught with risks and dilemmas.

Ensuring leadership and cohesive action

While official mediators have significant concerns about the competence and legitimacy of some non-official mediators, they also understand the added value of these actors and are taking steps to facilitate such collaborations.¹⁴ However, the growing number of actors involved in mediation efforts can lead to uncoordinated initiatives that can prove to be counterproductive. Mixed messages to states or armed groups involved in conflicts can increase tensions between parties to a conflict and undermine an official mediator's broader strategy to reach peace or reduce violence.

In Libya, behind the scenes of the UN-led dialogue process numerous non-official mediation efforts are under way with the wide array of political groups, militias, religious and tribal leaders, and civil society actors that are somehow involved in the conflicts that engulf the country. Beyond the UN special representative, regional organisations such as the EU and AU and states such as Britain and Turkey have designated official envoys to help resolve the conflict. In a conflict involving so many different actors whose interests are not clearly discernable, there is a real risk that a cacophony of initiatives backed by different governments will undermine official efforts.

Balancing impartiality, flexibility and leverage

One of non-official mediators' greatest strengths is that they are more agile than official mediators. As Griffiths

(2005) puts it, non-official mediators have the advantage of not relying "on the long chain of command and the mandate mindset" of states and inter-governmental organisations. However, as Antonia Potter Prentice says, "the smaller and less formal the institution which backs [a mediator] the more room they have for manoeuvre especially at the early stages of the process, but the less effective the carrots and sticks they have to apply at critical junctures" (cited in Powell, 2014).

In the crisis in Kenya following the elections in 2007 former UN secretary-general Kofi Annan led the mediation efforts under an AU mandate and with an ad hoc team that included UN and AU staff, as well as advisers from the HD Centre, giving Annan the right skills and enough space to manoeuvre. As Gowan (2011) has pointed out, "had he [Annan] had to work on the basis of a formally mandated UN entity, he might have spent more time dealing with New York than Nairobi".

However, flexibility and leverage are ineffective if the mediator is not considered to be impartial. A case in point is Algeria's mediating role in Mali peace talks over a conflict that includes a "nebula of reinforcing armed groups" who are primarily interested in maintaining – and if possible expanding – their drug-fuelled criminal political economies (Strazzari, 2015). While no other state has its leverage in the region, Algeria's direct interests, its close links to some armed groups involved in the conflict, and the well-known criminal complicity of many public officials make it both a biased and ineffective mediator in Mali.

Humanitarian actors and the principle of impartiality

Being close to the ground and often well regarded by local populations, humanitarian actors are in a privileged position to engage armed groups. In Colombia, a country that has suffered decades of extreme violence, the International Committee of the Red Cross (ICRC) has used its international prestige and local respect to mediate between authorities, paramilitaries and guerrillas to, among other things, help in the return of government soldiers kidnapped by the FARC and facilitate the return of displaced populations (Jenatsch, 1998). Such a role implies serious risks and dilemmas, in particular to avoid compromising the principle of impartiality vis-à-vis the other local actors and the commitment to seek to assist those most in need of assistance.

13 DAG is based in Amsterdam and was founded by Ram Manikkalingam to "facilitate political dialogue between diverse actors, including armed groups, in difficult conflict situations".

14 The UN's Policy and Mediation Division, situated in the Department of Political Affairs (DPA), is "supporting UN missions and regional divisions in mediation tasks, partnering with different non-official, private organizations and it has developed a series of mediation guidelines that acknowledge the role of non-official mediators in peace processes" (according to the DPA web site). Regional organisations are also increasingly exploring ways to partner with different types of organisations. The EU Mediation Support Team, part of the European External Action Service, includes among its four main objectives "Partnerships and Outreach" with "its Member States, the UN, regional organisations, NGOs and academic institutions" (according to its Fact Sheet).

As Peter Maurer, the ICRC's president, recently observed: "It is obvious that there is a growing lack of consensus on the meaning and implementation of humanitarian principles, as the number of actors, the range of their visions and the extent of crises in which they are involved, continue to increase ... the humanitarian space necessary for our work is becoming increasingly difficult to navigate against the new type of conflict and actors that are dominating today" (Maurer, 2015).

This complex reality will likely continue to limit the role humanitarian actors could play in mediating between different sides. In Somalia, while some humanitarian actors had certain leverage with al-Shabaab because they were perceived as "potentially useful service providers", it was difficult to use this leverage in a positive way, because it meant "accepting what many perceived as a generally abusive relationship between the organisation and those controlling access", including demands for preferential treatment (Belliveau, 2015).

Risks of religious actors mediating

With local networks spread throughout much of the world, religious actors and faith-based institutions are sometimes well placed to act as mediators in armed conflicts. Local populations will often resort to religious leaders to mediate between two sides in conflict or act as representatives of local communities. Similarly, in countries with deep-rooted tribal and clan systems such as Somalia, Libya or Afghanistan, tribal elders will often seek to resolve the local disputes that political leaders and armed groups cannot resolve at the negotiating table. While tribal elders are often limited to acting as mediators in conflicts within their tribe (as opposed to mediating in conflicts that include other groups), religious actors are more active as mediators in broader armed conflicts.

The role of Sant Egidio in the DRC has already been discussed. While it proved useful in facilitating contacts between official mediators and the FDLR, which would otherwise have been reluctant to maintain such contacts, its relationship with the FDLR entailed serious risks. The FDLR, who describe the Hutu people as "God's chosen people" who have been chased out of the "holy land", have consolidated a close relationship with Sant Egidio because they "trust God to influence the outcome in their favor" (Johnson & Schlindwein, 2014). With religious interpretations of this kind there is a risk that the FDLR – and other armed groups that claim to be religious – could use their relationship with non-official religious mediators like Sant Egidio to legitimise their cause and methods and thus consolidate the leadership's hold over its fighters.

Insider mediators' uncomfortable position

Insider mediators have been defined as individuals or groups from the country in conflict and/or with close relationships with the parties to the conflict (Mason, 2009).

They are often key, behind-the-scenes actors working either on their own or as part of broader processes involving international actors. Insider mediators must balance their relationships with the parties to the conflict and with the official or non-official mediators they will often be working with. In some cases insider mediators are reluctant to relay tough messages from external mediators to parties to the conflict, because they fear such messages might compromise their relationship with people they will have to live alongside in the future. Insider mediators are also sometimes left in difficult positions because their role is so political. For example, in the 2012 gang truce in El Salvador the government publicly denied any coordination with representatives of the Catholic Church and the former FMLN fighter Raúl Mijango, despite being closely involved.

In other cases local actors end up playing what could be defined as a mediation role simply to survive and continue their daily work. In the besieged Damascus Yarmouk camp, the Jafra Foundation has dealt with different sides to the Syrian conflict to establish brief ceasefires for humanitarian relief.¹⁵ With some of its members having grown up with individuals that have joined the Syrian government forces, the Free Syrian Army, Jabat al-Nusra and various Palestinian factions active in the area, Jafra was able to use its relationships of trust to reach agreements involving various armed groups for humanitarian relief. While Jafra would never have expected to find itself in such a situation, by interacting with various armed groups it has managed to advance its main objective of relieving the suffering of as many people in the camp as possible.

Looking ahead

Conventional wisdom in the small world of conflict resolution contends that the mediation field is crowded, leading to a perverse "forum shopping" phenomenon whereby the parties to the conflict pick and choose interlocutors. However, this analysis is flawed. The impression of a "crowded field" emerges from a sort of "bee hive phenomenon", whereby organisations involved in the broader peacebuilding field swarm to conflict "hot spots" to provide a broad range of services, ranging from negotiation training to gender inclusion strategies.

In reality, mediators are in short supply for the large number of armed conflicts in which they could be useful, and organisations actually involved in seeking to mediate between opposing sides to a conflict are few. Mediation efforts in recent years have shown how official and non-official mediation initiatives can complement one another. Mediators should now begin to assess the lessons learnt from these experiences and establish where non-official mediators' clearly added value. Engaging armed groups in early stages of peace processes and helping official mediators explore openings with radical jihadist groups are two possible examples. In these roles, mediators must

15 The Jafra Foundation is a Yarmouk-based NGO led by Palestinian refugees focused on providing humanitarian assistance to the populations of camps.

continue to search for innovative initiatives and structures that can lead to a better understanding, diagnosis and management of conflicts. For example, mediators still have far to go in tapping into the valuable knowledge that local and international journalists, academics, humanitarian workers, etc. possess.

In parallel, states and regional and international organisations need to consolidate and expand their support to mediation initiatives. While states and multilateral organisations have created institutional structures to facilitate such collaborations, funding for mediation from member states is still minor when compared to other related areas such as peacekeeping.¹⁶ This situation results in official mediators having little space to actually initiate collaborations, while non-official mediation organisations are forced to take on initiatives that are more the result of government's short-term interests than priority needs.

Moving forward, the role of mediators should be understood less as that of neutral referees and more as a positive force to prevent or reduce violence, including in contexts where non-conventional armed violence is predominant. While this may not always be possible, official and non-official mediation initiatives will continue to prove useful in serving to better understand the parties to the conflict through direct dialogue. During these efforts a division of tasks should be agreed to ensure clear leadership and complementary activities. At a minimum, non-official mediators should work on a "do no harm" basis, respecting the unofficial character of their efforts and making sure official mediators do not feel such efforts could be counterproductive.

Above all, mediators must remain open minded and flexible. As Martti Ahtisaari, the former Finnish president, said when receiving the Nobel Peace Prize for his mediation work, "The mediator's role combines those of a ship's pilot, consulting medical doctor, midwife and teacher" (Ahtisaari, 2008). With this attitude, mediators must continue to build the agile networks and structures that will be needed to face the varied, complex and rapidly changing local realities they must adapt to in each case.

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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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