

Engaging with Non-state Armed Groups to Protect Civilians: A Pragmatic Approach for UN Peace Operations

RALPH MAMIYA



Cover Photo: Major General Jean Bosco Kazura (left), force commander of the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), meets with representatives of the National Movement for the Liberation of Azawad (MNL) and the High Council for the Unity of Azawad (HCUA) in Kidal, northeastern Mali, November 14, 2013. UN Photo/Marco Dormino.

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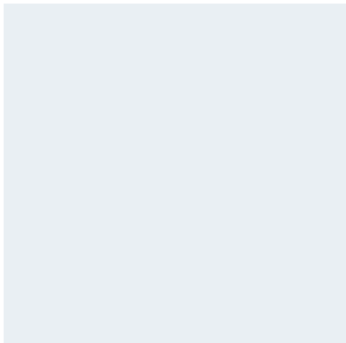
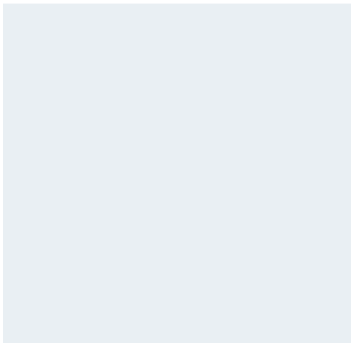
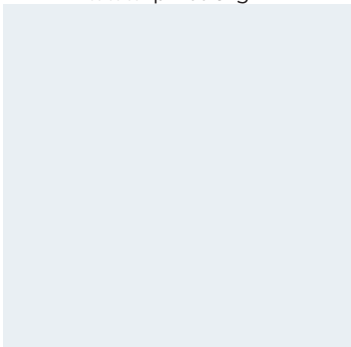
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Acronyms

| | |
|---------|---|
| ADF | Allied Democratic Forces |
| CAR | Central African Republic |
| DDR | Disarmament, demobilization, and reintegration |
| DFS | UN Department of Field Support |
| DPA | UN Department of Political Affairs |
| DPKO | UN Department of Peacekeeping Operations |
| DRC | Democratic Republic of the Congo |
| FDLR | Democratic Forces for the Liberation of Rwanda |
| FPRC | Popular Front for the Renaissance of the Central African Republic |
| FRPI | Patriotic Resistance Front of Ituri |
| IDP | Internally displaced person |
| MINUSCA | UN Stabilization Mission in the Central African Republic |
| MINUSMA | UN Stabilization Mission in Mali |
| MONUC | UN Mission in the Democratic Republic of the Congo |
| MONUSCO | UN Stabilization Mission in the Democratic Republic of the Congo |
| NSAG | Non-state armed group |
| OCHA | UN Office for the Coordination of Humanitarian Affairs |
| POC | Protection of civilians |
| UNAMA | UN Assistance Mission in Afghanistan |

Executive Summary

Engaging non-state armed groups (NSAGs) is an essential tool for the protection of civilians (POC), a priority mandate and core objective for peace operations. Beyond the use of force to prevent or stop armed groups from threatening local populations, multidimensional missions can use a wide range of unarmed strategies, such as dialogue and engagement, to counter hostilities from non-state actors.

Non-state armed groups are almost always present in the contexts where modern peace operations are deployed, and they have long been essential interlocutors for mediators brokering political settlements and humanitarian actors promoting protection and adherence to international law. However, impartial, principled engagement with all relevant actors is increasingly difficult for UN missions mandated to neutralize or prevent the return of armed groups or cooperate with counterterrorism forces. Such engagement also risks conferring legitimacy on NSAGs, violating the policies of host-state governments, and endangering both peacekeepers and those they are meant to protect.

Despite these risks, NSAGs are often pragmatic actors willing to engage constructively on protection issues if peace operations can establish their credibility and build relationships. Peace operations can use their POC mandate as a guide for doing this. Placing this mandate at the center of their work could help them clarify their purpose and prioritize resources; maintain their impartiality; open up to engagement with all armed groups (even those labeled terrorist organizations); and more easily choose when to engage and when to withdraw.

While peace operations face numerous challenges when engaging with NSAGs, they also bring important capacities, particularly their ability to bridge national and local efforts, impartial reporting and advocacy, programmatic funding, and military and police assets. To effectively utilize these capacities, peace operations require a political

strategy that links national political processes with the localized concerns of communities in which NSAGs are based. Operationalizing such a strategy further requires coordinating appropriate incentives, such as programmatic funding, and pressure, ranging from “naming and shaming” to military operations.

Civilian protection is ever more urgent, and engaging NSAGs is crucial to this work. A pragmatic approach, anchored in POC considerations, can help guide missions through potentially polarizing debates and safeguard UN principles while simultaneously allowing them to adapt more effectively to the challenges posed by new environments.

Introduction

Non-state armed groups (NSAGs) have been key actors in the contexts where UN peace operations are deployed for more than four decades. Only recently, however, have they received sustained attention thanks to the work of the Division of Policy, Evaluation and Training in the Department of Peacekeeping Operations (DPKO) and the Policy and Mediation Division in the Department of Political Affairs (DPA).¹ This results, in part, from the challenging political questions faced by missions, the sensitivities of host governments and other member states to engagement with non-state opponents or entities, and mandates that increasingly frame peace operations as potential weapons against NSAGs.

Non-state armed groups frequently represent threats to civilians, yet they may also be key interlocutors in efforts to reduce violence. From Afghanistan to the Democratic Republic of the Congo (DRC), peace operations have made observable, successful efforts to change the behavior of NSAGs through engagement. Many have long recognized the necessity of engaging NSAGs to promote protection, and, indeed, many peace operations have quietly engaged in similar work. This paper seeks to highlight some of those important stories.

Protecting civilians is a priority mandate and

¹ UN Department of Peacekeeping Operations (DPKO) and Department of Political Affairs (DPA), *Aide Mémoire—Engaging with Non-state Armed Groups (NSAGs) for Political Purposes: Considerations for UN Mediators and Missions*, May 2017.

core objective for peace operations.² This includes peace operations' specific mandate to protect civilians under Chapter VII of the UN Charter as well as the mandated protection tasks of special political missions, such as the UN Assistance Mission in Afghanistan (UNAMA). DPKO's policy on the protection of civilians (POC) in UN peacekeeping recognizes dialogue and engagement as an essential tier of protection activity.³ Mission-specific protection strategies explicitly mention dialogue and engagement as tools and activities that are essential to implementing the POC mandate. Some of those strategies specifically plan for engagement with NSAGs.⁴ For example, the Office of the High Commissioner for Human Rights recently issued guidance on engagement with NSAGs, recognizing their importance to protection work in missions like UNAMA.⁵ The Security Council is also moving from POC mandates focused exclusively on military operations to mandates that explicitly link POC to dialogue, though it does not yet explicitly reference dialogue with NSAGs.⁶

Engaging NSAGs may bring significant political and security risks, from objections by the host government to changes in the balance of power due to the legitimacy it grants to NSAGs. Moreover, the traditional methods employed by humanitarian and mediation actors, such as maintaining impartiality or neutrality, are often challenging for peace operations to implement. Using the POC mandate as a guide—whether the Chapter VII mandate of armed peacekeeping missions or the directive to special political missions such as UNAMA—can help peace operations navigate these questions. Focusing on the situation of civilians can clarify questions around the purpose of engagement, which NSAGs warrant engagement, and when to withdraw from engagement.

This paper seeks to complement work being undertaken by DPKO's Policy and Best Practices

Service and the Policy and Mediation Division of DPA to provide guidance and lessons learned based on the performance of peace operations engaging with NSAGs. It is informed by case studies that DPKO and DPA have conducted and seeks to connect the practice of missions to the larger policy questions of their approaches to the protection of civilians and political strategies.⁷

While this paper emphasizes how, when, and why missions engage with NSAGs, it also recognizes that engagement is not an end in itself and that there are times when engaging NSAGs is not desirable. Some interviewees spoke of colleagues who opposed engaging NSAGs on the grounds that these groups should be prosecuted or dealt with militarily. There are, no doubt, times when such a course of action is warranted. At the same time, engagement through dialogue and pressure through military or judicial means are not mutually exclusive. Peace operations have many options to pursue politics by other means, but this paper stresses the importance of keeping open more traditional paths toward political solutions.

This paper begins with definitions of key terms and an overview of practice. It then examines the risks of engaging NSAGs and the dilemmas faced by peace operations in undertaking such engagement. The paper then looks at peace operations' unique capacities and how best to leverage those capacities to support engagement with NSAGs. Throughout, it highlights the practices of the missions in the Central African Republic (MINUSCA), Mali (MINUSMA), the DRC (MONUSCO), and Afghanistan (UNAMA).

This paper is based on twenty-five interviews with staff from these four missions and external experts, as well as a review of the relevant literature. It is not meant to be a comprehensive examination of peace operations' engagement with NSAGs; no interviews were conducted with NSAG members, members of affected communities, or host-govern-

2 UN General Assembly and Security Council, *Report of the High-Level Independent Panel on Peace Operations on Uniting Our Strengths for Peace: Politics, Partnership and People*, UN Doc. A/70/95-S/2015/446, June 17, 2015, p. 11; Security Council Resolution 1894 (November 11, 2009), UN Doc. S/RES/1894, para. 19.

3 UN DPKO and Department of Field Support (DFS), *Policy on the Protection of Civilians in United Nations Peacekeeping*, 2015.

4 See, for example, MINUSMA's *Protection of Civilians Strategy* (internal document).

5 Office of the High Commissioner for Human Rights, *Policy on Engagement in Relation to De Facto Authorities and Non-state Armed Groups*, February 23, 2018 (internal document).

6 See Security Council Resolution 2406 (March 15, 2018), UN Doc. S/RES/2406, para. 7(a)(vi); Security Council Resolution 2409 (March 27, 2018), UN Doc. S/RES/2409, para. 26(i)(a); Security Council Resolution 2423 (June 28, 2018), UN Doc. S/RES/2423, para. 38(v).

7 Specific references to the DPKO/DPA papers remain un-cited due to their confidential nature. The author is grateful, however, to both departments as well as to

ment representatives. The lessons drawn are primarily from recent events, though some of the missions reviewed have engaged with NSAGs for decades, as have many missions not discussed here. A full account of their work, and the work of many past missions, could easily fill volumes.

Key Terms and an Overview of Practice

This section examines key terms used in this paper and the hidden assumptions they can carry. It also gives an overview of strategies of engagement in the practice of peace operations. The missions surveyed operate in unique contexts, and each undertakes different activities to engage with NSAGs for protection. Most missions surveyed do not explicitly frame their engagement strategy in terms of their protection of civilians mandate.

DEFINING “ENGAGEMENT”

There is not a universal understanding of “engagement” within peace operations. Staff from some peace operations, for example, noted that the phrase “engaging armed groups” was most frequently used in the context of military operations. Indeed, the increased recent attention to NSAGs likely arises from mandates that increasingly push peace operations to defeat “enemy” groups. At the same time, peace operations staff interviewed often raised the point that UN missions are not capable of providing military solutions to complex internal conflicts.

For the purposes of this paper, “engagement” is a broadly applicable term referring to two-way dialogue between NSAGs and peace operations. This includes formal dialogue as part of peace processes, local mediation, advocacy for human rights and protection, information sharing or negotiation for staff security, and programmatic activities such as demobilization of combatants or

justice reform. This paper also recognizes, however, that coercive tools can provide a mission unique leverage in its discussions with NSAGs (and other parties, such as governments). Such tools include military operations and support to national or international accountability mechanisms.

THE “NON-STATE ARMED GROUP” AND ITS DANGERS

The term “non-state armed group” is used widely, but its definition varies, and a failure to appreciate its nuance can mislead and detract from peace operations’ goals.⁸ The broad definition of political scientists Claudia Hofman and Ulrich Schneckener is useful:

Non-state armed groups are defined as distinctive organizations that are (i) willing and capable to use violence for pursuing their objectives and (ii) not integrated into formalized state institutions such as regular armies, presidential guards, police, or special forces. They, therefore, (iii) possess a certain degree of autonomy with regard to politics, military operations, resources, and infrastructure. They may, however, be supported or instrumentalized by state actors either secretly or openly.... Moreover, there may also be state officials or state agencies directly or indirectly involved in the activities of non-state armed actors—sometimes for ideological reasons (e.g. secret support for rebels), sometimes because of personal interests (such as political career, corruption, family or clan ties, clientelism, and profit).⁹

Non-state armed groups are often idealized as pure political or ideological movements, and the apparent simplicity of the name gives a sense of coherent organization and identity. However, this archetype often masks more complex realities. The boundaries between governments and non-state armed groups, even armed groups that nominally oppose state power, may be murky: army commanders may employ one NSAG to support government combat operations against another, or a politician may call on an NSAG to pressure an electorate.¹⁰ In the same way, a so-called internal

8 The term NSAG is used interchangeably with “non-state armed actor” in this paper, as a review of the literature finds little difference in their use. For example, Annysa Belai, Gilles Giacca, and Stuart Casey-Maslen describe “non-state armed actors” as “armed groups.” “International Law and Armed Non-state Actors in Afghanistan,” *International Review of the Red Cross* 93, no. 881 (2011), p. 2. Some argue that “non-state armed actor” is a broader term than NSAG in that it incorporates armed actors and groups that control territory and provide services. See, for example, Geneva Call and the Geneva Centre for the Democratic Control of Armed Forces, “Armed Non-state Actors: Current Trends and Future Challenges,” 2015, available at www.dcaf.ch/sites/default/files/publications/documents/ANSA_Final.pdf. Most definitions appear to capture both types of group, however, including groups like the Islamic State.

9 Claudia Hofman and Ulrich Schneckener, “Engaging Non-state Armed Actors in State and Peace-Building: Options and Strategies,” *International Review of the Red Cross* 93, no. 883 (2011), pp. 604–605, available at www.icrc.org/en/international-review/article/engaging-non-state-armed-actors-state-and-peace-building-options-and.

10 Judith Verweijen, “Stable Instability: Political Settlements and Armed Groups in the Congo,” Rift Valley Institute, 2016, p. 50, available at www.riftvalley.net/download/file/fid/4288.

armed conflict may involve NSAGs that neighboring states are using as proxies to exert influence.¹¹

Framing a conflict by juxtaposing non-state armed groups with government authorities may thus be misleading. In many cases, NSAGs may be better conceived of as existing within a web of what the researcher Alex de Waal calls “political entrepreneurs,” some of whom hold state power or have designs on it, and others of whom operate entirely outside of formal state institutions and may have little desire to join them.¹² In either case, however, these political entrepreneurs and their constituencies may be mobilized for violence as a means of bargaining with one another and their power.

It can be dangerous to use NSAGs as standalone units of analysis, focusing on the alphabet soup of acronyms rather than the individuals and power structures underlying the nominal organizations. Just as there are many “briefcase political parties”—individuals or small groups that falsely claim a large political constituency—in many states experiencing internal conflict there are armed groups that do not even rise to the level of street gangs in terms of organization and coherent identity. The fracturing, re-composition, and re-fracturing of NSAGs in many conflict settings is a testament to the danger of conducting an actor analysis based only on acronyms. The risk of focusing on the armed group acronyms rather than networks and power structures is particularly relevant to analysis for the protection of civilians, which is often “perpetrator-based.”

Special mention should also be made of “proscribed armed groups”—groups for which most forms of engagement are explicitly prohibited under various national or international legal regimes, such as groups labeled terrorists—and the continuing role they often play in conflicts. These groups can be difficult to engage with, but DPKO

and DPA have recently developed guidance that makes clear that such engagement is possible and may be necessary for peace operations.¹³ The researcher Véronique Dudouet similarly finds that:

Political engagement with proscribed armed groups is possible and desirable when, first, the conflict parties (state and nonstate alike) are interested in exploring political solutions to a conflict; second, the parties are seen as legitimate representatives of social, political, or cultural interests by their community; third, parties have the capacity to deliver a ceasefire or peace agreement; fourth, engagement could generate significant behavioral change on the part of the actors involved; and fifth, strategic national interests favor engagement, or there is a strong demand by allies or the conflict victims to engage politically.¹⁴

However, generalized labels used by the UN and its member states—for example, “proscribed” groups such as “terrorist groups”—often lead to assumptions that these groups are outliers, not based in a community and therefore aberrations that can be ignored politically or dealt with militarily. Many states categorically oppose engaging with such groups based purely on such labels rather than trying to justify their opposition.

In many cases, however, these groups have become fixtures of the conflict and legitimate entities within their respective communities. Immediately following the 2001 invasion of Afghanistan, for instance, most international actors underestimated the continued relevance of the Taliban to the political fabric of the country and failed to engage them early on.¹⁵ In Mali, many armed groups that have been designated as terrorists have established relationships with local communities that have often been marginalized by the government and may perceive these groups as protectors.¹⁶ This is not to argue that extremist ideologies should be mainstreamed, however, nor to suggest that engagement with any armed group should be undertaken without regard to potential consequences.

11 See, for example, Small Arms Survey, “The Sudan-Chad Proxy War,” *Human Security Baseline Assessment for Sudan and South Sudan*, 2012, available at www.smallarmssurveysudan.org/facts-figures/sudan/darfur/sudan-chad-proxy-war-historical.html.

12 See Alex de Waal, *The Real Politics of the Horn of Africa: Money, War and the Business of Power* (Cambridge, UK: Policy Press, 2015).

13 UN DPKO and DPA, *Aide Mémoire: Engaging Non-state Armed Groups (NSAGs) for Political Purposes*.

14 Véronique Dudouet, “Mediating Peace with Proscribed Armed Groups,” US Institute of Peace, May 2010, p. 1, available at www.usip.org/sites/default/files/SR239Dudouet.pdf.

15 Michael Semple, “Peace Dialogue, the Afghan Case 2001–2014,” in *Dialogue and Conflict Resolution: Potential and Limits*, Pernille Rieker and Henrik Thune, eds. (New York, NY: Routledge, 2015), p. 150.

16 Namie Di Razza, “Protecting Civilians in the Context of Violent Extremism: The Dilemmas of UN Peacekeeping in Mali,” International Peace Institute, October 2018.

AN OVERVIEW OF PRACTICE

All of the missions surveyed for this report took steps to engage with NSAGs in diverse ways that were tailored to their context. This section provides an overview of the approaches and strategies adopted. All of the mission activities and objectives addressed focus on reducing threats to civilians. These include dialogue to promote protection standards, as is regularly undertaken by human rights and child protection components; mediation at the local level, as in the case of MINUSCA; and work that bridges local and national politics, like MONUSCO's engagement in Ituri province.

One notable aspect of the missions surveyed is that, with the exception of UNAMA, they rarely articulate the goals of their engagement with NSAGs in terms of POC—though most recognize POC as a whole-of-mission mandate, and MONUSCO explicitly frames the mandate as an umbrella under which many of its activities fall. Instead, they have undertaken engagement with NSAGs as a distinct task related to political affairs, disarmament, demobilization, and reintegration (DDR), human rights, or civil affairs. Subsequent sections will outline a potential framework for POC-centered engagement with NSAGs.

It is difficult to generalize mission practice on engaging NSAGs because it differs so greatly from context to context. In MONUSCO and MINUSCA, engaging NSAGs is a frequent, even daily, event undertaken by staff at all levels. In UNAMA, engagement is structured and cautious; the mission engages regularly, but it is a carefully managed process generally limited to senior personnel. MINUSMA has regular contact with NSAGs that are part of the formal peace process (known as “compliant armed groups”) but rarely engages with other NSAGs, including terrorist groups. Similarly, MONUSCO's DDR staff have frequent and long-standing contact with the Democratic Forces for the Liberation of Rwanda (FDLR), but it has been nearly impossible for them to engage with the secretive and often violent Allied Democratic Forces (ADF). All missions interacting with NSAGs noted that engagement with armed groups—hostile or otherwise—often took place through intermediaries, such as local elders or community members with ties to the group.

The level of planning and guidance for engaging NSAGs generally, and the role of POC in framing

that engagement, differs as well. UNAMA, as noted above, takes a carefully planned approach—decisions on engagement with the Taliban must be approved by and coordinated at the highest levels of the mission. This process is so closely held that many UNAMA staff believed that the mission had an official policy against speaking to the Taliban, though in fact no such policy exists. Unlike in the other missions, in UNAMA POC is a distinct strand of engagement alongside political and humanitarian tracks.

In contrast, MINUSCA revised its standard operating procedures to make clear that staff at all levels are expected (rather than simply permitted) to engage with NSAGs where relevant. The mission's protection of civilians unit plays an important role in conducting analysis and coordinating operations. The mission's local agreements initiative (see Box 2) is also guided by the POC mandate, using improvements in the situation of civilians (even in small ways) as a guide.

MONUSCO has developed tailored strategies for engaging NSAGs in eastern DRC. These strategies include political, military, and community tracks with an explicit focus on protecting civilians. The mission also recently developed the capacity of one of its offices to analyze and potentially liaise with the ADF, one of the more reclusive and hostile armed groups. MONUSCO's child protection adviser also provided planning guidance for field staff entering into dialogue with NSAGs for the demobilization of children.

The level of guidance and support provided to staff—particularly field staff—when engaging with NSAGs also varies. Some missions, such as MINUSCA, have invested significant time and effort to ensure that staff at headquarters are available to guide and answer questions for staff in the field engaging with NSAGs. Field staff in other missions were less satisfied with the support they received through their chain of command.

Missions employed an identifiable set of strategies when engaging with NSAGs, whether that engagement was conducted by personnel from the civil or political affairs, human rights, DDR, or another component. The following strategies should not be viewed in isolation: mission engagement with NSAGs often involved all of these strategies, though the degree of application and timing varied.

Analyzing and Understanding

All missions surveyed engaged directly or indirectly with NSAGs to better understand the armed groups' motivations, intent, capabilities, and organization. Missions often incorporated these analyses into their protection of civilians work, though they can use the same data for political engagement or military operations.

Peace operations have significant assets they can use to understand and engage NSAGs but face challenges improving this capacity and transforming knowledge into action. While they have strong analytical and intelligence capabilities and good understanding of the operational environment, peacekeeping missions can benefit greatly from outside expertise. Unfortunately, UN recruitment rules and restrictions on the use of consultants can limit this. People with expertise on particular NSAGs—often gained over many years of field work—frequently do not align with the “generalist” profile sought by UN recruiters.¹⁷ Many of these recruitment rules require agreement from member states to change. Budget cuts are also detrimental to the hiring of short-term expertise.

A more vexing problem, articulated by a number of interviewees, is that UN leadership may fail to act even when information on NSAGs is available. There are a number of possible reasons for this: the civilian and military sides of the mission may develop different analyses, the mission's leadership may seek quick victories on mandate targets that ignore the broader conflict dynamics, or senior leadership can be reluctant to devote significant mission resources to “local” processes where success is uncertain.

Finding Entry Points and Creating Incentives

Many mission personnel described the importance of identifying something the NSAG values that the mission can potentially provide as an entry point for dialogue. This is rarely something tangible or monetary—though as discussed below, programmatic funding could be an incentive in some cases—but is more commonly the potential platform that dialogue with the mission could provide. In Mali, for instance, MINUSMA's human

rights component was able to establish a relationship with a variety of NSAGs by confirming the identities of detained individuals whose release they sought in a detainee transfer as part of a peace process.

Establishing Credibility

Many mission staff emphasized the importance of establishing credibility with interlocutors from NSAGs. Strategies to establish credibility include being transparent about the mission's intentions and proving its ability to deliver a dialogue.

They also include clarifying the mission's independence from the government or other parties. While all of the missions surveyed have a mandate to support the host government, they also found ways to make clear that they were free to criticize the government or others when warranted. This is particularly evident in reporting on government violations of human rights, such as UNAMA's reporting on the protection of civilians, but can also be seen in general statements from mission leadership or UN headquarters (see Box 3). It should also be noted that criticizing the government or NSAGs can have unintended consequences and complicate engagement efforts in the short term. For sustained engagement, however, mission staff emphasized the importance of credibility.

Applying Pressure

Mission staff also noted the potential importance of applying pressure to NSAGs before or during a dialogue. This pressure could come from the military or police—as in the case of Bria in CAR (see Box 6)—or it could be political. Political pressure on NSAGs varies substantially by context, depending on the points of leverage available to the mission. For example, missions could indirectly influence NSAGs through the communities and constituencies to which they appeal or from which they draw legitimacy. They could also leverage national political processes in which NSAGs seek to take part, such as by using DDR requirements for integrating into the national army or a transitional government as incentives for good behavior. MONUSCO's recent child protection work highlights these types of political incentive

¹⁷ Namie Di Razza, “People before Process: Humanizing the HR System for UN Peace Operations,” International Peace Institute, October 2017, available at www.ipinst.org/2017/10/humanizing-hr-system-for-un-peace-operations.

Box 1. MONUSCO's engagement with NSAGs to end child recruitment

Government forces and NSAGs have recruited and used children in the DRC for decades. The secretary-general has condemned Congolese armed forces for recruiting children by placing them on a list of child rights violators since the listing practice first began in 2002.¹⁸ In 2017, however, international monitors found that the Congolese army had ended these practices, and the secretary-general removed them from his list of offending armed groups.¹⁹ This not only improved the image of the armed forces and opened potential lines of international support but also set a new standard for NSAGs wishing to be de-listed so they can integrate into the national army.

The secretary-general has also listed non-state armed groups in the DRC as recruiting children, many of them for many years. While this “naming and shaming” in itself may have a limited impact on NSAGs’ decision to recruit children, their desire to take part in a national political process has created a groundswell of interest in engaging with MONUSCO and releasing children. In a short time, MONUSCO’s child protection unit has entered into dialogue with more than twenty armed groups and secured the release of more than 600 child recruits. As with other engagement with NSAGs, programmatic funding provided by community violence reduction projects has proven to be key in supporting these discussions.

structures (see Box 1).

Interviewees also highlighted the importance of accountability measures to exert pressure. These include support to national criminal prosecutions of members of NSAGs, international or hybrid justice mechanisms such as the International Criminal Court or the Central African Special Criminal Court, or UN or member-state sanctions regimes. Many interviewees stressed the importance of utilizing the “full toolbox” available to missions in this regard.

Facilitating Agreements

Another important facet of mission engagement with NSAGs is facilitating agreements on key issues related to civilian protection. This includes local agreements, such as in CAR, where MINUSCA has put significant effort into an initiative to establish local agreements between NSAGs (including anti-Balaka and ex-Séléka groups) and local government officials (see Box 2). It also includes mediation that bridges national and local efforts, such as MONUSCO’s facilitation of dialogue with the Patriotic Resistance Front of Ituri (FRPI) (see Box 5). Established child protection practice also frequently involves agreements with NSAGs, referred to as “action plans” (see Box 1).

Identifying and Navigating Risks

Engaging with NSAGs brings risks not generally associated with engagement with government forces. For example, it risks attracting the ire of the host government or shifting (intentionally or otherwise) the balance of power in political negotiations by lending legitimacy to NSAGs. Humanitarian actors and mediators have long faced these challenges and developed a set of strategies to mitigate them. However, due to the nature of peace operations and their inherent support of states, they have struggled to replicate these strategies. Peace operations have consequently lagged behind the humanitarian and mediation communities in professionalizing engagement with NSAGs. As argued below, however, framing engagement in terms of the protection of civilians mandate can ameliorate some of these challenges and assist missions in making the difficult decisions they face.

RISKS OF ENGAGING WITH NON-STATE ARMED GROUPS**Conferring Legitimacy on NSAGs**

The attention of international actors has the potential to confer an appearance of legitimacy on

¹⁸ See UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, UN Doc. S/2002/1299, November 26, 2002, annex, para. 1. For a more general discussion of the Security Council’s framework on children and armed conflict, see Jérémie Labbé and Reno Meyer, “Engaging Nonstate Armed Groups on the Protection of Children: Towards Strategic Complementarity,” International Peace Institute, April 2012, available at www.ipinst.org/2012/04/engaging-nonstate-armed-groups-on-the-protection-of-children-towards-strategic-complementarity.

¹⁹ UN General Assembly and Security Council, *Report of the Secretary-General on Children and Armed Conflict*, UN Doc. A/72/361–S/2017/821, August 24, 2017, annex 1.

Box 2. MINUSCA's facilitation of local agreements

MINUSCA has recently pursued a strategy of mediating local agreements. It encourages staff to engage with NSAGs to facilitate dialogue with local government authorities in order to achieve concrete gains for the protection of civilians.²⁰ The local agreements strategy recognizes the complex situation in CAR and does not try to address its root causes or feed directly into a national process, both of which are ambitious goals. In parallel to national processes, the local agreements strategy seeks to empower MINUSCA field staff, with support from mission headquarters, to seek opportunities for small political victories to enhance the protection of civilians.

The local agreements approach is adapted to each location in CAR, but a few general principles apply. First, the initiative is government-led rather than mission-led. State authorities in the Central African provinces are weak, but in every case it is the local *préfet* or relevant government representatives who engage in the dialogue and sign the agreement. Second, the local agreements emphasize follow-up with signatory parties, recognizing that the agreements are little more than paper and that they must be translated into action. Third, the approach seeks to empower field staff: the mission recently established standing standard operating procedures on engaging with armed groups stating that engagement is not merely allowed but is expected to further the mission's mandate.

The local agreements approach remains in its early stages, and it is too early to look for sustained successes. There has, however, been marked progress in a number of areas, including Bangassou, Bouar, and Bria. All three contexts involve conflict between anti-Balaka militias and ex-Séléka or self-defense groups.²¹ These NSAGs are each very different, and the mission has employed different strategies to bring them to the table (Bria is discussed in Box 6).

In Bangassou, anti-Balaka gangs overran the town in May 2017, attacking the MINUSCA base and displacing thousands of Muslim residents. In the aftermath, hundreds of internally displaced persons (IDPs) lived under MINUSCA protection, and much of the town became a no-go zone for MINUSCA troops. The visit of a Central African cardinal and a grand imam from Bangui, however, opened up opportunities for dialogue that MINUSCA supported. The loosely organized anti-Balaka and armed elements within the Muslim communities agreed to demobilize, something that had seemed far out of reach less than a year before. The mission's programmatic funding, through its community violence reduction program, helped show the immediate benefits of this agreement for the communities on the ground.

In Bouar, the mission initiated a dialogue between a Fulani self-defense group and anti-Balaka militia, resulting in an agreement also signed by the local authorities in December 2017. The mission has supported follow-up meetings that resulted in discussions with the Fulani group to participate in a full DDR process.

NSAGs. While humanitarian actors rightly maintain that dialogue does not confer any kind of formal or legal legitimacy or endorsement, the perception of legitimacy is equally important.²² Just as humanitarian actors are concerned with the perception of their neutrality, so too should actors engaging with armed groups recognize that their engagement may alter perceptions of an NSAG in

the eyes of the government, community, diaspora, other armed groups, and neighboring states.

Many humanitarian and mediation actors successfully address this risk by maintaining a low profile. Most engagement with NSAGs is conducted quietly, often by small NGOs. In the rare cases where larger organizations engage with armed groups, it is typically a closely monitored,

20 For further information, see Marie-Joëlle Zahar and Delphine Mechoulan, "Peace by Pieces? Local Mediation and Sustainable Peace in the Central African Republic," International Peace Institute, November 2017, available at www.ipinst.org/2017/11/local-mediation-and-sustainable-peace-in-the-central-african-republic.

21 The Patriotic Union for CAR (UPC) was operating near Bangassou; Return, Reclamation, Rehabilitation (3R) in Bouar; and the Popular Front for the Renaissance of CAR (FRPC) in Bria.

22 See Gerard Mc Hugh and Manuel Bessler, *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, UN Office for the Coordination of Humanitarian Affairs (OCHA), 2006, p. 22, available at www.unicef.org/emerg/files/guidelines_negotiations_armed_groups.pdf.

confidential process (as with the International Committee of the Red Cross); an informal initiative of lower-level staff that maintains a degree of deniability for senior leadership (as reported within some UN agencies);²³ or a dialogue that is clearly limited in scope (such as talks on ensuring humanitarian access).

Peace operations, however, are almost by definition high-profile entities, and their size and multinational structure often makes information security a challenge. This makes it more difficult for them to mitigate the risk of conferring legitimacy through dialogue. Most peace operations work in environments in which rumors can spread quickly, and their public image can be difficult to control. If communities observe peacekeepers engaging with NSAGs, even at a very local level, they could easily misinterpret the engagement to mean that the mission condones or even supports those groups.

Violating Government Policy

The political complications of engaging NSAGs in the face of host-government objections can be daunting. Most governments seek to maintain control over which actors engage in dialogue with NSAGs. They frequently oppose international contact with these groups for fear it will confer legitimacy, as noted above, or take away their control of what they see as internal affairs. Governments may also be loath to acknowledge that NSAGs control territory or enjoy popular support in some communities. This can place actors seeking to engage with NSAGs in a difficult position vis-à-vis the government.

As with the question of legitimacy, the low profile of many mediation and humanitarian actors can ease government concerns around their contacting NSAGs. The advantages these organizations can bring—including spending their political capital in place of the government's, in the case of mediators, and providing assistance, in the case of humanitarian actors—can further persuade governments not to oppose these efforts.

Peace operations may face greater difficulty in

this regard, however. First, while a humanitarian NGO or UN special envoy may be able to undertake quiet engagement with NSAGs in isolation from other aspects of a conflict, large peace operations may face more opposition from governments and less freedom to ignore those governments' displeasure. Second, peace operations, unlike most mediation or humanitarian actors, have explicit mandates to support host governments and often need to take into account larger domestic and regional political processes. Third, when peace operations are mandated to support host-state forces, they can be led to conduct joint military operations against specific NSAGs, hampering the prospect of constructive dialogue with such groups. At the same time, ending such joint operations can constrain a mission's leeway to pursue its mandated objectives. When the Congolese government broke off joint military operations with MONUSCO over the mission's accusations of human rights violations, for instance, MONUSCO spent substantial time and political capital to rebuild the relationship and restart the operations, one of its flagship activities.

Endangering Security

Security is a clear risk for mediation, humanitarian, and peacekeeping personnel engaging with NSAGs. The security risks vary substantially between countries and between armed groups, as do the security policies put in place (the differences between UN security procedures and those of other organizations are well documented).²⁴ Teams of mediators and humanitarian actors can leverage their advantages to facilitate a nimble response to security risks, but they often benefit from the enhanced overall stability provided by peace operations.

While peace operations have military and police at their disposal, these are rarely effective in ensuring security when engaging with NSAGs. Non-state armed groups will almost never agree to meet in situations where they are clearly "outgunned" by a potential opposing force, such as

23 Interviews with researchers based on experience in Afghanistan, June 2018.

24 See Jonathan Fisher, "Reproducing Remoteness? States, Internationals and the Co-constitution of Aid 'Bunkerization' in the East African Periphery," *Journal of Intervention and Statebuilding* 11, no. 1 (2016), available at www.tandfonline.com/doi/full/10.1080/17502977.2016.1260209; Jan Egeland, Adele Harmer, and Abby Stoddard, *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments*, UN OCHA, 2011, available at www.humanitarianoutcomes.org/publications/stay-and-deliver-good-practice-humanitarians-complex-security-environments.

the government or peacekeepers, unless it is part of a DDR process (which itself generally comes at the end of a series of dialogues). In remote areas, where peacekeepers can rarely deploy quickly or in large numbers and where NSAGs know the land and can plan ambushes if they wish, security from armed escorts is, at best, a partial assurance of safety. Particularly in contexts such as Mali and Afghanistan, the targeting of international personnel creates significant obstacles to engaging NSAGs. As will be discussed further on, military actions of peacekeepers can also negatively impact a mission's perceived impartiality, creating another set of security risks.

USING THE PROTECTION MANDATE TO NAVIGATE RISKS

While the above risks are real, humanitarian and mediation professionals have identified a series of good practices to mitigate them and increase the chances for successful engagement. They have found that four key factors are essential: a clear purpose and prioritization of resources, impartiality, openness to engaging with all groups (even those labeled terrorist organizations), and the freedom to choose when to engage and when to withdraw. In almost all of these areas, however, peace operations face significant hurdles to successfully imitating practices used by humanitarian actors and mediators and implementing their lessons. At the same time, using the protection of civilians mandate to guide engagement with NSAGs can assist missions in navigating the difficult choices involved.

Clarifying Purpose and Prioritizing Resources

Both political mediators and humanitarian actors note the importance of clarifying the purpose of engagement when opening a dialogue with NSAGs. This purpose may be as simple as keeping open lines of communication, or it could be to arrange a

more ambitious discussion around protection of civilians or of humanitarian space.²⁵ This is particularly the case where civilians are targeted for ethnic or religious reasons and impartial humanitarian appeals to protection can be perceived as touching on inherently political issues.

Developing and maintaining a clear purpose can be difficult for large, multidimensional peace operations. Commentators have observed that the Security Council often provides "Christmas tree mandates," with the potential to pull missions in numerous directions at once. This happens particularly frequently when peace operations are mandated to support the host government and extend state authority.²⁶

Prioritizing the protection of civilians mandate in decisions around engaging NSAGs can assist missions in balancing their competing priorities and provide a unifying strategic vision when the mission is pulled in many directions at once. The Security Council, in its last dedicated resolution on the protection of civilians, in 2009, codified the basic principle of POC as the priority among all peacekeeping objectives.²⁷ Missions such as MONUSCO have already taken steps in this direction by using the protection of civilians mandate as an overall frame under which other mandate activities are organized rather than a separate stream of work. As discussed further below, using POC as a reference point can also assist peacekeeping missions when confronting difficult political and strategic decisions related to impartiality and host governments.

Maintaining Impartiality

Impartiality is a key humanitarian principle that mediators have noted is also essential for their work, particularly for building the trust of the parties involved.²⁸ Peacekeeping doctrine requires all missions to implement their mandates impartially, yet the reality of modern mandates is

25 As David Petrasek notes, despite the importance of maintaining humanitarian principles, there is often significant overlap between the purposes of political mediation and humanitarian engagement with NSAGs. "Vive la Différence? Humanitarian and Political Approaches to Engaging Armed Groups," in *Accord 16* (2005), p. 44; Mc Hugh and Bessler, *Humanitarian Negotiations with Armed Groups*.

26 UN General Assembly and Security Council, *Report of the High-Level Independent Panel on Peace Operations*, para. 174.

27 UN Security Council Resolution 1894 (November 11, 2009), UN Doc. S/RES/1894, para. 19.

28 See Mc Hugh and Bessler, *Humanitarian Negotiations with Armed Groups*, p. 25; Nicholas Haysom, "Engaging Armed Groups in Peace Processes: Lessons for Effective Third-Party Practice," *Accord 16* (2005), p. 85. The status of UN actors as impartial varies between the mediation and humanitarian communities. Mediation experts note that one of the UN's strengths is its recognized impartiality, while some humanitarian actors criticize the UN as having lost credibility in some contexts. See, respectively, David Harland, "The Lost Art of Peacemaking," Centre for Humanitarian Dialogue, 2018, p. 17; and Ashley Jackson, "Talking to the Other Side: Humanitarian Engagement with the Taliban in Afghanistan," Humanitarian Policy Group, December 2012, p. 4, available at www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7968.pdf.

not this simple.²⁹ As political scientist Emily Paddon Rhoads argues, the norm of impartiality in peacekeeping has moved from “passive impartiality” (effective neutrality between the conflict parties) to an “assertive impartiality” that supports human rights and the international order embodied by the Security Council.³⁰

This shift is evident in POC mandates. When the Security Council first provided POC mandates, most missions made few, if any, changes to their operations and adhered closely to the concept of passive impartiality. Over time, and under criticism from member states for failures to protect, peace operations have become more proactive in their protection operations. In doing so, they have pushed the boundaries of impartiality. This trend was evident when the UN Mission in the Democratic Republic of the Congo (MONUC) used its protection of civilians mandate to justify military operations and, even more starkly, in the mandate of its successor mission, MONUSCO, to carry out targeted, offensive operations against armed groups. Peacekeepers in the DRC may carry out their mandate as professionally and dutifully as possible, but the mandate itself places them at odds with certain groups.

Mandates to restore state authority may also raise questions regarding peacekeepers’ impartiality. In the Central African Republic and Mali, for instance, the missions’ mandates explicitly call for them to support the host government against a range of armed opposition groups. In CAR, this has led MINUSCA to conduct significant military operations against armed groups.³¹ Impartial protection is challenging for peace operations because they always rely on a degree of goodwill from the government to carry out their work. Where Chapter VII peacekeeping is concerned, it is particularly difficult, both politically and militarily, for missions to oppose government forces seeking to harm civilians.

In practical terms, peace operations regularly navigate the tension between the even-handed ideal of impartiality and the importance of upholding internationally accepted norms and addressing political realities. Placing the security of the civilian population at the center of the mission’s activities can assist in this regard. Despite the state-centric nature of peace operations, they can appeal to international standards of protection to guide their mandates. These apply to activities supporting the state, such as building state capacity to provide protection while also guarding against abuses by state security forces, an endeavor in which the Human Rights Due Diligence Policy is an important guide.³²

The Security Council can also keep this tension in mind when drafting mandates. While some degree of tension between mandated tasks is inevitable, there is often significant dissonance between mandates to support states, on the one hand, and to protect civilians and promote human rights, on the other, with little strategic guidance on how to address it.

Opening Up to Engagement with All Relevant Parties

Peace operations face dilemmas when choosing to engage with NSAGs that the host state or member states fundamentally object to engaging with at all. However, the protection of civilians mandate can serve as a guide when there is a clear political interest in or advantage to engaging with an armed group. Humanitarian actors have long asserted the importance of engaging with any party to a conflict if humanitarian issues are at stake, regardless of how unsavory or politically proscribed that group may be, and mediators have highlighted similar lessons.³³

Peace operations can be particularly susceptible to pressure from governments, whether that of the host country or of influential member states, which may limit their ability to engage with all relevant

29 UN DPKO and DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, p. 31.

30 Emily Paddon Rhoads, *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations* (Oxford, UK: Oxford University Press, 2016), chapters 1–2.

31 See UN Security Council Resolution 2387 (November 15, 2017), UN Doc. S/RES/2387, para. 39 on reducing “the presence of, and threat posed by, armed groups.”

32 UN General Assembly and Security Council, *Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces*, UN Doc. A/67/775-S/2013/110, March 5, 2013.

33 See, for example, Andrew MacLeod, “Engaging Non-state Armed Groups for Humanitarian Purposes: Experience, Constraints and Ways Forward,” in “Humanitarian Engagement with Non-state Armed Groups,” Chatham House, April 2016, pp. 13–14, available at www.chathamhouse.org/sites/default/files/publications/research/2016-04-29-NSAG-macleod-hofmann-saul-webb-hogg.pdf; and David Harlan, “The Lost Art of Peacemaking.”

Box 3. UNAMA's engagement with the Taliban

The UN Assistance Mission in Afghanistan's protection of civilians work provides an important example of focused efforts to change the behavior of a violent NSAG—the Taliban—as well as the use of impartial reporting to buttress the mission's credibility. This engagement relies on the Taliban's own desire to establish standards for administration and the conduct of hostilities, such as their *layha* (code of conduct), that align with their view of Islamic law and distinguish them from the Afghan government and its international sponsors.³⁴

The mission's human rights component verifies all incidents of civilian casualties—approximately 4,000 incidents per year resulting in between 10,000 and 11,000 casualties³⁵—including those caused by the Taliban, the Afghan government, and international coalition forces.³⁶ This allows the mission to have detailed discussions on specific practices and violations rather than a dialogue based on aspiration or adherence to abstract legal norms. This approach relies on data to identify priority issues and develop engagement strategies. The mission has applied it to multiple issues related to human rights and international humanitarian law, including child recruitment, freedom of movement for women, and accountability for Taliban fighters who violate the group's code.

The mission's public reporting on human rights violations (including in places of detention) and civilian casualties attributable to international forces and the Afghan government also add to the mission's credibility.³⁷ While the Taliban often publicly challenge negative reports, the mission reports that they also look to UNAMA as an authoritative source of information and expect reporting when civilian casualties occur.

The mission's strengthened credibility has allowed it to engage in a dialogue with Taliban representatives, held outside of Afghanistan, that aims to obtain commitments, including on eliminating the use of child soldiers (under Taliban interpretations of Islamic law).³⁸ The mission also seeks to follow up on and monitor commitments, including by comparing Taliban statements and data on civilian casualties and violations as part of the regular dialogue.

There are, of course, limits to the mission's success in shaping the Taliban's behavior. Even UNAMA's successes generally take the form of ensuring that the Taliban adhere to their own code of conduct and interpretation of Islamic law, which often deviates significantly from international standards. The mission nevertheless has reported progress in some cases, particularly where the Taliban's leadership (based outside the country) is unaware that its field commanders are failing to abide by centrally promulgated standards; Taliban leadership can then address the matter internally.

34 See, for instance, Kate Clark, "The Layha: Calling the Taliban to Account," Afghanistan Analysts Network, 2011, pp. 2–4, available at www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/20110704_CKClark_The_Layha.pdf.

35 See and compare UNAMA's annual reports on the protection of civilians, for example, the 2017 report (approximately 10,400 civilian casualties), 2016 report (approximately 11,000 civilian casualties), and 2015 report (approximately 10,000 civilian casualties), available at <https://unama.unmissions.org/protection-of-civilians-reports>.

36 "For verification of each incident allegedly involving a civilian casualty, UNAMA requires at least three different and independent types of sources, i.e. victim, witness, medical practitioner, local authorities, confirmation by party to the conflict, community leader or other sources. Wherever possible, information is obtained from the primary accounts of victims and/or witnesses of the incident and on-site investigations. This form of investigation is not always possible, primarily due to security-related constraints affecting access. In such instances, UNAMA relies on a range of techniques to gain information through reliable networks using as wide a range of sources and information as possible, all of which are evaluated for credibility and/or reliability." See UNAMA, *Protection of Civilians in Armed Conflict: Annual Report*, 2017, p. i, available at www.ohchr.org/Documents/Countries/AF/ProtectionCiviliansAnnualReport2017.pdf.

37 See UNAMA's reports on treatment of detainees in Afghan custody, available at <https://unama.unmissions.org/treatment-conflict-related-detainees-afghan-custody>.

38 Clark, "The Layha," p. 12.

NSAGs. This may include groups labeled as terrorists, such as the Group to Support Islam and Muslims in Mali,³⁹ or groups the Security Council has implicitly identified as enemies, such as M23 in the DRC.⁴⁰ It is not unheard of for mission leaders to issue orders forbidding contact with NSAGs, as MONUC's head of mission did in 2004 regarding the group led by Laurent Nkunda.⁴¹ Even where engagement is not expressly prohibited, the UN's cautious working culture can create the impression that engagement is taboo, as in the aforementioned case of UNAMA and the Taliban.

Protection mandates can provide a strong argument for peace operations to engage with an NSAG where the government opposes such dialogue. In MONUSCO, for example, the government initially opposed formal child protection "action plans" with armed groups to end child recruitment, but the mission has found informal ways to engage (see Box 1).

Similarly, analyses of threats to civilians can and should guide a mission's decisions on engagement. Where armed actors are harming civilians, the mission should examine strategies to change their behavior. In the short term, this may involve deterrence, coercion, and military force. In the longer term, missions should explore the potential for changing groups' behavior through engagement, either directly with the NSAG or through their benefactors (whether a community or constituency, or a regional actor). In Mali, for example, MINUSMA faces increasing violence in the center of the country, and the protection of civilians mandate provides a framework for it to engage with NSAGs, including community-based self-defense groups and counterterrorism operations (see Box 4).

Choosing When to Engage and Remaining Willing to Withdraw

The protection of civilians mandate can serve as a guide to and provide political cover for difficult decisions on when to engage and when to make a principled withdrawal from engagement—both key questions for mediators.⁴² Parties to a conflict may sometimes agree to mediation only in pursuit of economic rewards, to avoid punitive treatment, or as part of a military stratagem. In such cases, third-party mediators can inadvertently prolong conflict. As a result, Nicholas Haysom, an experienced UN mediator, argues that mediators must be willing to walk away as a measure of last resort to maintain their independence and adhere to their principles.⁴³

Peace operations, however, may find it difficult to implement this advice. Their mandates often direct them to find political solutions, and they may face significant pressure from the Security Council and the international community to bring parties to the table. As articulated by Alex de Waal, where mediation is imposed by the international community, "the people who believe most in the peace process and are most heavily invested in its outcomes are the mediators themselves, and insofar as their own status and interests are vested in the process, in desperation they will try to force the parties to accept it.... Third-party mediators become trapped in a carousel of talks."⁴⁴ These pressures may be particularly acute where there is widespread violence against civilians, because withdrawal is often considered morally unacceptable.⁴⁵

The localized nature of many protection issues also presents opportunities for more flexible engagement. In CAR, MINUSCA's local agreements initiative engages NSAGs on protec-

39 Boutellis and Zahar, "Peace by Pieces?," pp. 31–33.

40 See UN Security Council Resolution 2098 (March 28, 2013), UN Doc. S/RES/2098, preambular paras. 8–9, 11–14; operative paras. 9, 12(b).

41 Paddon Rhodes, *Taking Sides in Peacekeeping*.

42 Haysom, "Engaging Armed Groups in Peace Processes," pp. 84–89.

43 Ibid. These lessons have also been recognized by humanitarian actors, as ending engagement with NSAGs may be necessary to preserve humanitarian principles but often means ending humanitarian assistance in areas they control. See "Terms of Engagement: Conditions and Conditionality in Humanitarian Action," Nicholas Leader and Joanne Macrae, eds., Humanitarian Policy Group, 2000, available at www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/303.pdf.

44 De Waal, *The Real Politics of the Horn of Africa*.

45 See, for example, Amnesty International's advocacy regarding the UN-AU Hybrid Mission in Darfur. Jonathan Loeb, "Time to Get Serious about Civilian Protection in Darfur," Amnesty International, December 20, 2016, available at www.amnesty.ie/time-get-serious-civilian-protection-darfur.

Box 4. MINUSMA's engagement with NSAGs in central Mali

The situation in central Mali is an example of where a mission could better use its POC mandate to guide decisions around who and how to engage. Engaging with NSAGs has been an important part of MINUSMA's mandate since its establishment,⁴⁶ but the mission's engagement has recently faced challenges in the center of the country, where civilians face significant threats.

NSAGs in Mali are motivated by a mix of political grievances, community self-defense, profit-seeking transnational organized crime, and religious extremism. This mix of groups creates challenges for engagement. Moreover, the attempt by the mission and the international community to fit these disparate and overlapping NSAGs into simple categories—such as “compliant” (with the peace agreement), “non-compliant,” “self-defense,” and “terrorist”—arguably compounds these difficulties, obscuring a more complex reality. Many of these groups compete with each other and share constituencies, blurring the lines between categories. As Arthur Boutellis and Marie-Joëlle Zahar note, “It [has become] difficult to differentiate between ‘compliant,’ ‘terrorist,’ and ‘criminal’ armed groups. All continue to carry weapons and to move around, and the lines between them remain blurred due to the fluidity in their leadership and the opportunistic calculations of fighters who join their ranks.”⁴⁷

While northern Mali has received a great deal of attention since the start of the conflict in 2012, the more densely populated central region of Mopti faces a more overlooked threat of violence. Beset by intercommunal violence as well as incursions by terrorist groups, this area has had the most civilian casualties in the country.⁴⁸ The violence is driven by a complex interplay between long-standing intercommunal tensions, the north-to-south spread of terrorist groups and jihadist ideology, and heavy-handed security responses from the government that threaten to further marginalize some segments of the population. Further, the cycles of intercommunal violence between settled communities and pastoralists (to simplify one fault line) have a strong possibility of becoming more severe, as they have in many other African contexts. The level of violence has reached such a degree that traditional intercommunal conflict-resolution mechanisms no longer work. In such cases, better engagement with communities and the armed groups that purport to protect them is extremely important.

However, the government—which acknowledges the international community's role in stabilizing northern Mali—is protective of its sovereignty in central Mali. It is reluctant even to use the term “intercommunal violence” to describe the situation there.⁴⁹ Moreover, government forces, government-allied militias, and international counterterrorism operations themselves pose a significant threat to civilians.

Security risks are also a major impediment to engaging with NSAGs or communities in the central region. Movement is challenging for the mission because of potential attacks on its personnel, and engaging with community members in the open can put them at risk of reprisal from terrorists who view them as collaborators or informants.⁵⁰ As a result, the mission has had to rethink traditional peacekeeping approaches to the protection of civilians and has been encouraged to prioritize POC approaches, including dialogue with NSAGs.

46 UN Security Council Resolution 2100 (April 25, 2013) UN Doc. S/RES/2100, para. 16(b).

47 Boutellis and Zahar, “Peace by Pieces?,” p. 32.

48 See Di Razza, “Protecting Civilians in the Context of Violent Extremism.”

49 Ibid.

50 Ibid.

tion issues at a tactical level (see Box 2). The localized nature of these agreements and their protection-specific focus means that the mission is not trapped in a “carousel of talks.”⁵¹ In contrast to these local agreements, the national-level mediation initiative in CAR involves fourteen armed groups, some of which are no longer relevant to the conflict but have secured political seats at the table.⁵²

Leveraging the Capacities of Peace Operations

While peace operations face numerous challenges when engaging with NSAGs, they also bring important capacities, particularly their ability to bridge national and local efforts, impartial reporting and advocacy, programmatic funding, and military and police assets. Fundamental to leveraging these advantages effectively is a clear and dynamic strategy for responding to specific situations.

BRIDGING THE LOCAL AND THE NATIONAL

While sometimes viewed as a liability for focused political mediation, the size, scope, and broad mandates of peace operations can be an advantage in complex and multilayered conflicts. Modern peacekeeping contexts rarely involve a single conflict with clearly defined parties on each side. Rather than a dynamic of “no peace to keep,” what perhaps best describes the challenge of modern peacekeeping is “many peaces to keep”: in countries with fragile governments and multiple NSAGs vying for power, the centers of power fracture, new alliances form, and loyalties shift. In such environments, matters of mediation are rarely as straightforward as “track I” (involving heads of state or the highest levels of command, generally the province of state or UN mediators) versus “track II” (involving lower levels, frequently an area where NGOs and civil society can add value).

Peace operations have the potential to engage along multiple tracks and, perhaps more importantly, in multiple conflicts. They are capable of such engagement because of their widespread presence and ability to harness a spectrum of capacities, from political, military, and civil affairs to DDR and security sector reform. In CAR, for instance, where a complex web of actors, alliances, and conflicts is related to national dynamics but often grounded in local concerns, the mission has facilitated local agreements between NSAGs and government officials (see Box 2). Similarly, UNAMA has utilized local peace initiatives to resolve local disputes and establish temporary cease-fires. This approach recognizes the highly hierarchical structure of the Taliban and the necessity of engagement with their leadership while also acknowledging the importance of local dynamics.

MONUSCO, too, has had significant experience developing approaches to NSAGs that seek to bridge local conflicts and national political processes. Scholars have actively debated whether national politics in Kinshasa (where elites manipulate local grievances) or local, intercommunal politics in eastern DRC (often focused on land and resources) is more salient for sustainable peace in the country.⁵³ Recognizing that links and bridges must be made between the national and local, MONUSCO has facilitated dialogue between the government and the FRPI under its protection of civilians mandate (see Box 5).

IMPARTIAL REPORTING AND ADVOCACY

Despite state-centric mandates, missions have numerous tools and opportunities to establish their credibility in the eyes of potential NSAG interlocutors. These can include statements of the special representative of the secretary-general or another spokesperson, but in most cases, the mission’s human rights component plays a key role. Impartial human rights reporting and advocacy

51 De Waal, *The Real Politics of the Horn of Africa*.

52 Zahar and Mechoulan, “Peace by Pieces?,” p. 13.

53 See Séverine Autessere, “What the Uproar over Congo’s Elections Misses: The Local Roots of the Country’s Problems,” *Foreign Affairs*, March 1, 2017, available at www.foreignaffairs.com/articles/democratic-republic-congo/2017-03-01/what-uproar-over-congos-elections-misses; Jason Stearns, Koen Vlassenroot, Kasper Hoffman, and Tatiana Carayannis, “Congo’s Inescapable State: The Trouble with the Local,” *Foreign Affairs*, March 16, 2017, available at www.foreignaffairs.com/articles/democratic-republic-congo/2017-03-16/congos-inescapable-state; and Autessere, “How to Build Peace in Congo: Elections Are Not the Only Way Forward,” *Foreign Affairs*, April 6, 2017, available at www.foreignaffairs.com/articles/democratic-republic-congo/2017-04-06/right-way-build-peace-congo.

Box 5. MONUSCO's engagement with the FRPI in Ituri

MONUSCO's recent engagement with the Patriotic Resistance Front of Ituri (FRPI), one of the oldest NSAGs still active in eastern DRC, highlights the importance of linking local, provincial, and national aspects of conflict resolution.⁵⁴ After years of DDR processes and military approaches with limited results—including MONUSCO-supported joint operations in 2014 and 2015—the mission has facilitated steps toward talks between the FRPI and government.⁵⁵

The FRPI originated as a locally built self-defense militia, created by the southern Lendu (Ngiti) people in Ituri province in 1999 and 2000. Over time, however, it has become a predatory armed group. Various attempts at militarily defeating or demobilizing the group have taken place. The most recent was a series of operations in 2014 and 2015 that led to the arrest of the FRPI's leader, Cobra Matata. It is questionable, however, whether the state's army-led operations posed a real threat to a well-organized group operating on its home terrain, and the FRPI remained a threat to civilians.⁵⁶

MONUSCO's most recent efforts to engage the FRPI appear to be an outcome of its revised International Security and Stabilization Support Strategy and the pursuit of its protection of civilians mandate. This strategy focuses on a bottom-up approach of carrying out community consultations in addition to a top-down approach of engaging with the government.⁵⁷ While it is easy to categorize the FRPI as a “predatory armed group”—and it has indeed carried out many serious human rights abuses against the population—such labels can mask the complex relationships FRPI members have with the community, who may be their victims, supporters, or dependents.

In a process still underway, MONUSCO staff have worked closely with the provincial representative of the government's Stabilization and Reconstruction Plan (STAREC) for eastern DRC and civil society members with contacts in the FRPI. The mission has used this network of contacts to build the basis for dialogue from the local to the national level, serving as a behind-the-scenes facilitator rather than a visible lead.

This process ultimately hinges on negotiations between the government and the FRPI, and in that sense it is part and parcel of national politics. At the same time, pressure from community and civil society groups appears to have played a role in bringing the FRPI to the table. At the time of writing, participants in high-level talks in Kinshasa had generally agreed to move forward with the process, but no formal talks between the government and FRPI had been initiated.

create significant political space for many missions to engage with NSAGs.

In Afghanistan, UNAMA's reports on the protection of civilians regularly highlight civilian deaths caused by all actors—including the Afghan government and coalition forces—rather than simply focusing on the Taliban and other non-state threats (see Box 3). Similarly, despite MONUSCO's mandate to support the extension of government authority and to neutralize armed groups, the mission's regular criticism of the government

(whether highlighting human rights violations by security forces or calling on the sitting president to call elections) makes clear that it is not simply an extension of the regime.

Human rights reporting can, however, complicate relationships with NSAGs. No group likes its bad acts publicly aired, yet this is a common task of peace operations. Government violations may be more difficult to document than NSAG abuses because of access restrictions. Despite this risk, most interlocutors described the importance of

54 UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, UN Doc. S/2015/797, October 16, 2015, para. 35.

55 On September 27, 2018, following many months of mediation at the field level, high-level government officials agreed to explore next steps in a cessation of hostilities and negotiations.

56 It should be noted that the Congolese armed forces were a threat to civilians in Ituri as well, though this threat has lessened in recent years due to changes in command in the province.

57 *International Security and Stabilization Support Strategy 2013-2017*, p. 19, available at www.unpbf.org/wp-content/uploads/ISSSS-2013-2017-Strategic-Framework-FINAL_EN.pdf.

reporting impartially, particularly on human rights. Even in Afghanistan, where the Taliban regularly decry and dispute UNAMA's human rights reports, the exercise creates the basis for dialogue, while the mission's reporting on violations by the Afghan government and international forces reinforce its credibility.

PROGRAMMATIC FUNDING

Peace operations have increasingly been provided with or been able to coordinate funding for programmatic activities of varying scale and complexity, whether termed "stabilization," "community violence reduction," or "quick impact projects."⁵⁸ This ability to provide tangible, short-term support to communities can prove invaluable for achieving mission goals. In general, the cases examined for this report indicate that programmatic funds are best viewed as an adaptable tool capable of supporting a wide variety of aims, but not as an end in themselves. Stabilization or community violence reduction projects, for instance, will neither stabilize nor reduce violence without a political objective behind them,⁵⁹ but they can create the space for political action and contribute to the immediate and longer-term protection of civilians.

For MINUSCA, funding through community violence reduction programs was instrumental in the local agreements facilitated in Bria and Bangassou (see Box 6). Likewise, UNAMA's work in resolving local disputes is supported by a programmatic trust fund that allows the mission to deliver tangible benefits to communities that create space for dialogue.

Understanding the motives and incentives of NSAGs is crucial to effectively employing programmatic funds, and well-designed programs can take this into account. For well-organized NSAGs with clear, known political objectives and a recognized role in the political process, the resources a peace operation can bring to bear through programmatic funding may have limited impact. But many smaller NSAGs with fewer available resources—many of which were created in the interest of community self-defense—may

value programs that support and protect their communities (though missions' outsized influence on smaller groups also carries risks for these communities if the mission provides the groups with too much power).

MONUSCO's International Security and Stabilization Support Strategy, for example, developed its program goals in Ituri through a grassroots, bottom-up approach. This allowed the mission to facilitate preliminary talks between the FRPI and the government by leveraging its understanding of the actors involved and building upon this understanding through community consultations (see Box 5).

MILITARY AND POLICE ASSETS

The most common and visible way for peace operations (particularly peacekeeping missions) to engage with NSAGs is through military and police operations designed to deter, impede, disrupt, or neutralize such groups. While not the focus of this paper, military operations can provide important leverage for dialogue.

Indeed, it is somewhat surprising that the two missions with the most active military operations against NSAGs—MONUSCO and MINUSCA—are also the missions that have had some of the most thorough engagement with them. These missions can be considered either the vanguard of future peace operations or outliers that have been far more aggressive against NSAGs than other missions. Regardless, these and other missions—such as the UN mission in Côte d'Ivoire during the 2010–2011 post-election crisis—highlight the fact that military operations can be used to weaken armed groups, reduce threats to civilians, and lay the groundwork for political dialogue.

MINUSCA's operations in Bria highlight how targeted force, when applied carefully, can support dialogue (see Box 6). Interviewees also noted that the implicit potential of MONUSCO-supported government operations against NSAGs could be useful leverage in prompting dialogue in the DRC. Following the collapse of the M23 rebel movement in eastern DRC and the establishment of the

⁵⁸ These terms all have specific definitions within UN policy and are not necessarily interchangeable. Nor, however, are they exclusive, and their overlaps are more important than their differences for present purposes.

⁵⁹ See World Bank Group, UN Peacekeeping, and Social Science Research Council, "The Changing Landscape of Armed Groups: Doing DDR in New Contexts," May 2018, pp. 3–8, available at peacekeeping.un.org/sites/default/files/the_changing_landscape_of_armed_groups.pdf.

MONUSCO Force Intervention Brigade, for instance, several NSAGs made overtures for dialogue. The FDLR called for talks with the African Union and the government of Rwanda, the leader of the Mayi-Mayi Cheka suggested meeting the mission and government authorities, and both the Alliance of Patriots for a Free and Sovereign Congo (ACPLS) and the Nyatura rebels called for integration into the national army.⁶⁰

The utility of force should not be overstated, however. While the threat of force can be useful leverage, and successful military operations can have real impact, failed or half measures can damage a mission's reputation and embolden spoilers on all sides. Many interlocutors noted the military limits of peace operations, even when mandates to tackle NSAGs are very clear. These limits are often well-known by NSAGs and local communities. In eastern DRC, for example, the population has consistently rated the mission as the least-trusted security actor—by a wide margin when compared to the Congolese police and military.⁶¹

Conclusion and Recommendations

Engaging with NSAGs and protecting civilians have been central elements of modern peace operations and will likely remain so for the foreseeable future. Engagement and protection are mutually reinforcing activities and mandates. Engaging NSAGs is necessary to effectively protect civilians, and protection strategies can help missions answer the difficult questions that engagement with NSAGs raises. A strong POC mandate linked closely to a mission's political strategy can set the parameters for engaging NSAGs, whether by establishing goals and objectives, determining which NSAGs are worth engaging, or setting standards for remaining impartial vis-à-vis the host government and NSAGs that oppose it.

The most successful peace operations surveyed play the role of the opportunistic peacemaker, winning small victories that improve situations for

Box 6. MINUSCA's arrests of spoilers in Bria

MINUSCA's arrests of anti-Balaka leaders in Bria highlight the potential for missions to leverage force to engage with NSAGs. Many interlocutors stressed this action was key to the mission's facilitation of a "road map" agreement between anti-Balaka and ex-Séléka groups (part of the local agreements initiative described in Box 2).

Bria, a provincial capital in the center of CAR, became the site of fighting between the Popular Front for the Renaissance of CAR (FPRC), an ex-Séléka group, and an anti-Balaka militia in May 2017. The fighting killed dozens and displaced tens of thousands, filling a makeshift IDP camp adjacent to the MINUSCA base. Anti-Balaka forces operated out of the IDP camps, and the FPRC took up positions outside of the town, establishing illegal checkpoints.

The mission maintained a modicum of stability, but the town remained a powder keg through much of 2017. As part of a strategic effort to stabilize the city, the mission arrested anti-Balaka leaders in 2017 and 2018. This opened the space to establish a political dialogue between NSAGs and the government (the mission worked with Bangui to deploy a provincial administrator). Together, they established a road map for peace that resulted in the removal of many illegal checkpoints and less harassment of civilians. Bria has witnessed spikes of violence since, however, and MINUSCA's military and police components remain important to buttressing the nascent political dialogue.

60 UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, UN Doc. S/2013/757, December 17, 2013, para. 22.

61 See Patrick Vinck, Phuong Pham, and Anupah Makoond, "Peacebuilding and Reconstruction Polls: Eastern Democratic Republic of the Congo—Poll Report #10," June 2017, available at www.peacebuildingdata.org/sites/m/pdf/DRC_Poll10_Final_Engl.pdf; Vinck, Pham, and Makoond, "Peacebuilding and Reconstruction Polls: Eastern Democratic Republic of the Congo—Poll Report #19," March 2017, available at www.peacebuildingdata.org/sites/m/pdf/DRC_Poll9_FinalEnglish.pdf; and Vinck, Pham, and Tino Kreutzer, "Peacebuilding and Reconstruction Polls: Eastern Democratic Republic of the Congo—Poll Report #6," June 2016, available at www.peacebuildingdata.org/sites/m/pdf/DRC_Poll6_Final_Engl.pdf.

civilians even if they do not end the larger war. They do not ignore the broader political-military context; rather, they recognize the limits of their influence and focus their efforts for maximum impact. Such an approach is necessary when engaging with NSAGs that fragment and form and re-form alliances, which can frustrate political processes that focus on formal structures.

Engaging NSAGs requires understanding possible strategies for finding entry points, establishing credibility, applying pressure, and facilitating agreements. It also requires effectively using the “carrots and sticks” at missions’ disposal, including programmatic funding and military operations.

To effectively leverage their capacities, however, peace operations need to take a strategic and coordinated approach. Multidimensionality, human rights tools, programmatic funding, and military and police assets can all hamper engagement with NSAGs rather than facilitate it if they are not well leveraged according to a clear strategy with POC at its center. While many missions have large numbers of troops and extensive civilian expertise, these potential advantages can create silos, lead to incoherent approaches, or distract the mission from its core tasks.⁶²

The Security Council and the Department of Peacekeeping Operations have long emphasized the importance of both strategy and coordination, particularly where the protection of civilians is concerned.⁶³ Developing such strategies is no small feat, as missions must balance the interdependent but potentially competing priorities of reaching a political solution and protecting civilians. The missions that have been best able to exploit their political, programmatic, and military capacities are those that have developed a strategic vision, translated that vision into a clear and succinct plan for all relevant components, and established coordination and planning mechanisms to jointly apply that strategy to current and emerging situations in real time.

In MINUSCA, for example, the deputy special

representative for political affairs established a political strategy that encompassed not only political affairs but also civil affairs, DDR, human rights, protection of civilians, the military, the police, and other components. Interlocutors described the strategy as brief, clear, and providing a framework to guide their work. This strategy was not merely on paper but was implemented by a set of planning groups: the Senior Management Group on Protection and the Protection Working Group, which highlight emerging situations of concern; the Planning Operations Coordination Team, which sets strategic medium-term priorities; and the Operations Coordination Team, which takes decisions on current operations.

Effective engagement and protection also require a suite of capacities that are not unique to peace operations but warrant mention. First, the mission should facilitate strong analysis, allowing analysts to think beyond the confines of dominant political narratives and explore the links between NSAGs and other groups (including the government). Second, the mission should empower field staff to pursue promising initiatives and make decisions on the ground, offering guidance and support where necessary. Finally, the mission should recognize the importance of employing strong national staff and enable them to deal with the potential dangers of their work.

To effectively use these capacities to engage with NSAGs, missions require country expertise. The UN Secretariat is, by design, an organization of generalists. These generalists are knowledgeable and capable of learning quickly, but this can never replace years of dedication to a particular country and region. Engaging NSAGs successfully and sensitively is often dependent on relationships that take time to build. The ability to hire consultants in peace operations is often constrained, but other Security Council organs, such as the UN groups of experts supporting sanctions committees, could be used as models for assembling specialized knowledge for peace operations.

Member states have a key role to play in helping

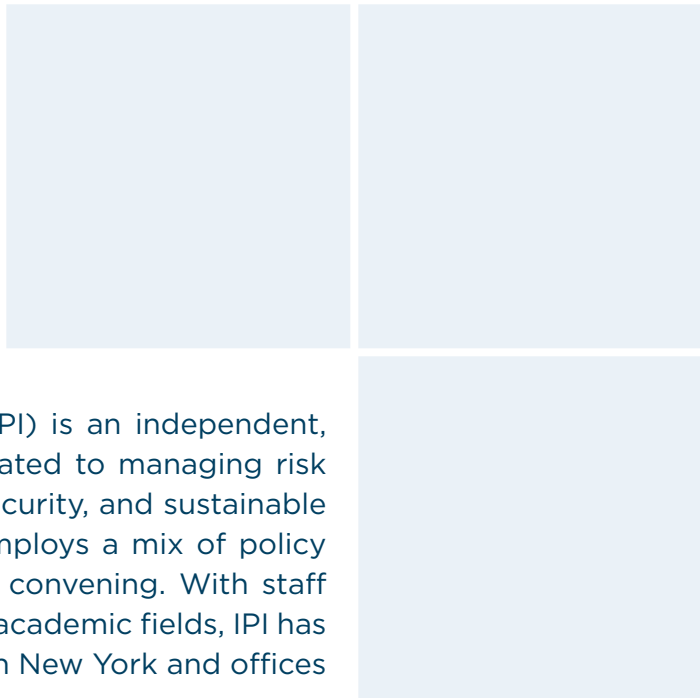
62 See, for example, Sebastien von Einsiedel, “Non-military Protection of Civilians in UN Peace Operations: Experiences and Lessons,” United Nations University, May 2015, pp. 1–2, available at https://i.unu.edu/media/cpr.unu.edu/attachment/1182/OC_03-Non-Military-PoC-in-UN-Peace-Ops.pdf.

63 UN Security Council Resolution 1894 (November 11, 2009), UN Doc. S/RES/1894, para. 23; UN DPKO, *Protection of Civilians Coordination Mechanisms in UN Peacekeeping: DPKO/DFS Comparative Study and Toolkit*, 2012, available at dag.un.org/handle/11176/400582.

missions protect civilians through engagement with NSAGs. Member states—particularly those that support the protection of civilians mandate and mandates related to peacebuilding, conflict resolution, and conflict prevention—should recognize the importance of engaging NSAGs and support peace operations’ capacities accordingly. This can take the form of providing missions political support to prioritize protection and engage with NSAGs in the face of objections from host governments, the space to conduct frank analyses of NSAGs and their relationships to other actors, and sufficient resources to effectively engage with NSAGs, including the expertise noted above and tools such as programmatic funding.

Just as NSAGs take a pragmatic approach when dealing with peace operations, UN missions must

be pragmatic when confronting new contexts. Strengthening the military capacities of peace operations is a vital endeavor but should not overshadow their core political responsibilities. In an era of smaller budgets and smaller military forces, peace operations will also be called upon to better utilize their significant capacities for dialogue to build peace and protect civilians. They should recognize the imperative of engaging NSAGs for effective political and protection work and implement practices essential to this task. A pragmatic approach, anchored in POC considerations, can help guide missions through potentially polarizing debates and safeguard UN principles while simultaneously allowing them to adapt more effectively to the challenges posed by new environments.



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