

THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY

Presentation Paper

Armed Groups: Approaches to Influencing Their Behaviour

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**ENDS AND MEANS
HUMAN RIGHTS APPROACHES TO ARMED GROUPS
SUMMARY PRESENTATION¹**

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1. In today's world, it is increasingly accepted that it is not just States that engage in practices that seriously undermine respect for human rights. In particular, and this will be obvious to people in Sri Lanka, in situations of internal conflict, those armed groups that are fighting State forces (or each other) are responsible for serious human rights abuses. Indeed, it is precisely the unacceptable violence committed by such groups that provides the reason for our presence here in Colombo.
2. In this brief presentation, I want to describe a research project that the International Council on Human Rights Policy has undertaken regarding the problem of human rights abuses committed by armed groups. In particular, I will try to summarise the results of our research to date. My presentation is based on a fairly lengthy, 80 page report, that was released in December 1999. This report is itself a consultation document, sent out to about 400 groups and individuals in more than 60 countries. Based on the responses we receive, we will publish a final report in July 2000.

INTRODUCTION – PURPOSE AND RATIONALE

3. For many years, there has been a spirited debate among human rights activists at both the national and international level about whether it was appropriate for non-governmental actors to use the language and methodologies of human rights to condemn and campaign against abuses committed by armed groups. In a number of countries, this issue led to intense and often acrimonious debates in the NGO community. At the international level, organisations like

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Amnesty International engaged in lengthy and wide-ranging debates as to whether they should or should not monitor and campaign against certain types of abuses committed by armed groups.

4. However, I think this debate is, for the most part, coming to an end. It is by now more or less accepted at the international level that organisations which monitor and report on abuses in situations of internal conflict must, for the sake of credibility and effectiveness, look at the abuses of all parties to the conflict including armed groups. At the national level, the situation varies. In some countries, human rights organisations work actively to put an end to both government and armed group abuses; in other countries, local groups restrict their campaigning work to ending government abuses. Still, even here, where NGOs at the national level are not actively working against abuses by armed groups this is, in my view, usually because they do not have the capacity to do so, or because doing so poses unacceptable risks. It is only rarely the result of a conscious decision that the proper role of a human rights NGO is to limit its work to State abuses.
5. The question of *whether* independent actors should monitor and campaign against abuses committed by armed groups is not unimportant. It raises problematic issues concerning the proper scope of international human rights law (can it apply also to non-state actors?); the need to maintain pressure on States to live up to their commitments (and not deflect criticism onto armed groups); and the extent to which scarce resources should be apportioned between government and armed group abuses.
6. However, the starting point for our research was not the question of whether, but rather the question of how? That is, assuming a human rights NGO or UN agency has made the decision to try and influence the behaviour of an armed group, what then should be done? How can human rights actors intervene effectively with armed groups to end abuses? What strategies have been tried and worked? What are the obstacles that hamper efforts to hold armed groups accountable?
7. We felt these questions had not been seriously addressed. Moreover, we also felt that there was a pressing need to examine the strategies and methodologies for holding armed groups accountable, as these were likely to differ in many cases from the types of approaches used to hold States accountable.
8. With this in mind, we took on researchers in eleven different countries where armed groups operated (now or in the past). The countries chosen were Colombia, El Salvador, Northern Ireland, the Philippines, Sierra Leone, South Africa, Somalia, Sri Lanka, Sudan, Turkey and Uganda. The researchers were provided with a common set of research questions, which essentially directed them to inquire into what had been tried and what had worked, and where problems had been encountered. It was our feeling that the answers to these questions would be of interest to a wide range of actors – in human rights NGOs, in international organisations, in humanitarian relief agencies and, indeed, in government.
9. We brought together these country researchers with a people at the international level (in NGOs, the UN, academics) to compare and contrast different experiences and try to draw some general lessons. The result of the research to date is set out in the consultation report I referred to at the beginning.

Framework for analysis

10. What are the main points emerging from our research so far?

11. A number of our tentative conclusions and preliminary findings will not be surprising. Indeed, they might well seem obvious and even banal to people living in situations of internal conflict. However, other results of the research to date, if correct, have fairly profound implications for the way in which both international and national actors choose to engage with armed groups on human rights questions.
12. As a starting point for thinking about how to change armed group behaviour, one needs some way of making sense of the many different factors that will influence whether an armed group will be more or less likely to respond positively to overtures on human rights.
13. Our research brought out dozens of factors, and it seemed that it made sense to organise these under three broad headings:
 - factors related to the character of the armed group
 - factors related to the role and capacity of civil society (or those taking action vis-à-vis the armed group)
 - factors related to the role of the State and its armed forces

CHARACTER OF THE ARMED GROUP

14. There are a number of features of armed groups which make them more or less likely to be willing (and, in some cases, able) to respect human rights. These include
 - the ideology and aims of the armed group
 - the system of leadership under which it operates
 - the “openness” of the group
 - the armed group’s methods of military command and control
 - the groups economic base, and
 - the armed group’s constituency and its foreign sponsors.
15. There is insufficient time to go into detail on all these points, and I would refer you to the full report. Suffice it to say, that armed groups with an inclusive (as opposed to narrowly ethnic, or class-based) ideology, that operate under a political leadership that is in some measure accountable, that are open to internal dissent, (and open to new members and to allowing existing members to leave), and that ensure soldiers are under full military command, are likely to be more susceptible to arguments that they should respect human rights and humanitarian norms. A key factor in influencing an armed group will be determining who makes up its constituency – from where does the armed group receive or claim support? Who does it claim to represent? And which foreign states act as sponsors for the group?
16. With regard to the character of the armed group, I want to emphasise two points.
17. First, it emerged in our discussions that a key indicator of whether an armed group would be likely to heed calls to respect human rights or humanitarian norms in warfare, is the extent to which it tolerates dissent among its own combatants and constituency. That is, armed groups that are more “totalitarian” in nature, with a narrow leadership (often a single, cult-like figure), and that deal ruthlessly with any perceived dissent or disloyalty in their own ranks, are much less likely to be open to persuasion on human rights questions. The lack of “openness” leads directly to human rights abuses arising from “purges” in the ranks, but also acts to deter those within the armed group (or its constituency) from trying to change policies or practices that are abusive.

18. On the one hand this should not be surprising. Yet it is very often overlooked in the types of approaches made to armed groups. A lot of attention has gone on criticising how armed groups treat the “enemy” in terms of captured government soldiers or civilians from “the other side” of the conflict, and too little attention on the abuses internal to the group and its constituents. If we apply an analogy from the way totalitarian governments reform their behaviour, it is clear that pressure from the outside (though important) is in itself insufficient and that real reform happens when those within the system begin to speak out and seek to change it.
19. There is a problem here too with the legal basis for demanding armed groups respect certain norms of behaviour.
20. A second, related point on the character of the armed group that I wish to emphasize relates to its constituency: who supports the armed group? Or, perhaps more correctly, who does the armed group claim to represent? If reform comes from within, then it is very important to understand correctly who within the armed group or its constituency might be willing and able to argue for a change in tactics. And, once that determination is made, to engage with those elements.

ROLE AND CAPACITY OF CIVIL SOCIETY

21. A second set of factors relates not to the character of the armed group, but rather to the role and capacity of those who are seeking to change the group’s behaviour – as a shorthand term, we can say civil society: This would include a very diverse range of national and international actors. In the full report, we try to set out some of the different ways humanitarian relief agencies and human rights NGOs approach the question of abuses by armed groups. We also draw attention to the many distinct advantages and disadvantages of national as opposed to international actors.
22. For example, understanding the complex relationship between an armed group and its constituency will almost always be easier for national actors, and such actors will usually be in a better position to enter into dialogue with an armed group (or, at a minimum, crucial to advising on how such a dialogue might be initiated). At the same time, in many situations only international actors will be in a secure enough position to undertake high profile public actions. National actors face risks that international actors can often ignore.
23. It is interesting that in the two historical cases we looked at (where the internal conflict had ended) El Salvador and South Africa, the perception now is that is elements within the ANC and the FMLN who were most influential in, for example, arguing for changes in military tactics such as the use of landmines. In a number of cases it was felt that “insiders” – people close to or supportive of the armed group – played a crucial role in changing abusive patterns of behaviour.
24. Again, this should not be too surprising. It is natural that an armed group leadership might be more willing to listen to appeals from within, from people who can be “trusted”. At the national level, of course, this is often well understood. However, international actors, whether in NGOs or international organisations like the UN, are often inclined to see these very “insiders” as being compromised

ROLE OF THE STATE

25. A third set of factors relates to the State, and State-controlled forces. Factors here include the degree to which the State or its armed forces orders or tolerates human rights violations, and the degree of legitimacy of the State. If the State itself shows scant regard for human rights, then this

conditions any approach one might make to an armed group. For example, independent actors, whether in NGOs or international organisations, will simply lack any credibility with an armed group if they have not also spoken out and campaigned against State abuses. Similarly, where the State itself acts with impunity, it will be harder to convince those fighting against it to act with restraint.

26. In addition to these factors, one further point deserves to be highlighted. In a number of countries where internal conflicts exist, the State is extremely hostile to any actions by independent actors that aim to convince an armed group to respect human rights. That is, NGOs at the national level risk harassment, imprisonment or worse if they attempt, for example, to enter into a dialogue with an armed group leadership. Genuinely independent efforts to open channels of communication to the armed group leadership, or even to enter territory controlled by it for the purpose of monitoring its actions, are denounced as collaboration and treason. Actions taken by international NGOs are dismissed, or hindered because those NGOs refuse to describe the armed group in emotive terms (like “terrorists”).
27. Our research has strongly pointed to the need for convincing States to allow independent actors the space to monitor and even engage with armed groups on human rights issues.

TYPES OF ACTIONS

28. In addition to setting out the factors that come into play in assessing whether actions will be effective, our research and the resulting draft report brought out a number of different types of actions:
 - Shaming
 - Fact-finding and denunciation
 - Use of media
 - Sanctions
 - Engaging constituencies
 - Dialogue
 - Points of entry
 - Working with armed groups
 - Assistance for reform
 - Developing codes of conduct
 - Direct services
 - Punishing
 - International tribunals
 - UJ prosecutions
 - Conflict resolution