Peace Operations in Complex Environments

Dealing with Armed Groups Designated as Terrorist Organizations in the Sahel

In order to master the challenges posed by Armed Groups Designated as Terrorist Organizations (AGDTOs), peace operations need to apply people-centered approaches specifically tailored to the social, economic, cultural and political conditions of the host country and the affected local communities. It is crucial to develop national capacities to address AGDTOs and at the same time to improve the coordination of international responses with both state and non-state actors. The goal is to create clear national frameworks for a comprehensive engagement with AGDTOs that respect international law but do not restrict conflict resolution, peacebuilding and humanitarian efforts.

The international community needs to further strengthen state services and their presence in remote areas while promoting justice reform and the rule of law. A key aspect in this regard is guaranteeing complementarity among

Berlin Expert Dialogue

From 27 to 28 July 2021, the Center for International Peace Operations (ZIF) and the Office of Rule of Law and Security Institutions (OROLSI) at the United Nations (UN) Department of Peace Operations co-organized a Berlin Expert Dialogue on "Peace Operations in Complex Environments" aimed at promoting discussions on multiple challenges associated with the presence of AGDTOs in the Sahel. This ZIF Briefing summarizes the discussions and presents key insights and recommendations. Across contexts, international organizations must adapt interventions according to field realities and capacities of national counterparts. Under this premise, the UN has advanced the development of a system-wide, evidence-based operational guidance on AGDTOs, as part of the ongoing revision of the Integrated DDR Standards (IDDRS).[1]

interventions, in particular the implementation of Disarmament, Demobilization and Reintegration (DDR) processes and alternative accountability mechanisms, including as appropriate prosecution of gross human rights violations. Finally, in targeting AGDTOs a balance must be struck between standard repressive approaches and elements of transitional justice that focus more on guarantees of non-repetition, reconciliation and reintegration of communities and individuals.

Complex Environments

Peace operations increasingly operate in environments where AGDTOs are active. The presence of such groups creates a series of political, security, operational and programmatic challenges. One of the most prominent examples of this is the Sahel region, particularly Mali, where the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) has been repeatedly targeted by AGDTOs, becoming the most dangerous UN mission deployed today. In addition, the number and types of armed groups and the ways they interact have proliferated, and their members show increasingly fluid affiliations, moving from armed gangs and militias to organized criminal networks or religiously motivated AGDTOs. Intra- and intercommunal grievances are often instrumentalized to engage in violence. The conflict dynamics in the Sahel regions are further exacerbated by the effects of climate change that make access to resources such as water and arable land more difficult.

These emerging trends lead to a number of challenges peace operations face in complex environments. It has become clear, for instance, that traditional templates and one-size-fits-all approaches to stabilization that prescribe a clear sequence of steps to follow no longer work. There is also broad agreement that a solely military approach cannot address the root causes of such conflicts. International interventions thus need to be holistic, considering security, development and governance issues simultaneously. In many conflict zones, including the Sahel, the state's ability to guarantee the rule of law and to provide basic social services over its entire territory is structurally lacking. The absence of national capacities directly affects the type and scope of interventions as well as their sustainability. It must also be noted that local populations in complex environments are often not just faced with violence from AGDTOs but also from state security actors. Therefore, strengthening national capacities and accountability for human rights violations is crucial.

In many conflict zones, including the Sahel, the state's ability to guarantee the rule of law and to provide basic social services over its entire territory is structurally lacking.

Addressing the Challenges Posed by AGDTOs

Despite numerous studies and assessments, there is still a limited understanding of the motivations for individuals to join, leave or re-join AGDTOs. In addition, no universally agreed definitions of "terrorism" or "violent extremism" exist. Individual states thus have the responsibility to create

MINUSMA UN Police team engages with the population during a patrol in Menaka, Mali.

well-defined domestic legal, policy and institutional frameworks, with due consideration for international standards, to deal with these groups. As a result, there is currently a lack of coherence in the approach of the various national and international actors. Many actors from states to peace operations and NGOs refuse any interaction with AGDTOs, while others do have contacts, for instance, to facilitate the delivery of humanitarian aid to areas controlled by AGDTOs. To harmonize approaches and promote complementarities, the provision of clear, system-wide operational guidance based on internationally agreed standards is critical.

Moreover, in many complex environments, there is a growing "anti-international-community-sentiment". International organizations and peace operations are often perceived as supporting national elites in their illicit enrichment while neglecting to tackle non-state armed groups attacking the civilian population. One reason is the lack of clear communication of peace operations' mandated tasks and resources. Targeted misinformation campaigns further reinforce this dangerous development that threatens to weaken the legitimacy of peace operations to implement their mandates and can ultimately even lead to attacks on peacekeepers.

Understanding the Reasons for Recruitment

Peace operations clearly have to improve their knowledge of the motivations and grievances that drive AGDTO recruitment, based on up-to-date research data and dialogue with the respective communities. Several participants emphasized that particularly in the Sahel, a divide exists between the ideologically committed leadership of AGDTOs and their "foot soldiers" who are often motivated by local and personal considerations – or even forcibly recruited. Among those considerations are the lack of essential services and the absence of the government in the periphery. Particularly for rank-and-file followers, economic and social factors play a large role: for those who lack alternative income sources, joining an AGDTO provides employment as well as social standing within their communities. "Middle management" positions are often held by local businesspeople who are motivated by the desire to protect their (legitimate or illicit) enterprises in the presence of AGDTOs – in the absence of state security actors.

For those who lack alternative income sources, joining an AGDTO provides employment as well as social standing within their communities.

Unless they are properly trained and held accountable, however, the presence of armed forces, police, gendarmerie or national guard can drive AGDTO recruitment. Security institutions are often accused of abuses, in particular against

Recommendations on how to Address the Challenges Posed by AGDTOs

1. Focus on people-centered approaches that address root causes of violent extremism, including robust investment and developmental initiatives.
2. Specific social and cultural aspects, needs and grievances of the local communities must be given full attention in the design of all interventions.
3. Developing national capacities in accordance with the principle of national ownership is critical since international action alone can never be sufficient. At the same time, coordination of international responses and on the regional level needs to improve, both within the international community and with local governmental and non-governmental actors.
4. Promote holistic approaches for political dialogue and ensure complementarity among interventions.
5. Set up clear national legal, policy and institutional frameworks for dealing with AGDTOs that adhere to international law and UN resolutions but do not unduly restrict humanitarian access.
6. Address community-based violence and the spread of ethnic militias, which create a negative feedback loop with AGDTOs; measures such as Weapons and Ammunitions Management (WAM) and Community Violence Reduction (CVR) could have a positive impact in this regard.
7. Reduce human rights violations by state security actors against local communities by ensuring transparency through human rights monitoring and strengthening mechanisms to prosecute violations.
8. Find a nuanced approach to AGDTO members by distinguishing between those committed to the group's aims and those associated with them by social or geographical "accident".
9. Develop, fund and implement national strategies to support "full and sustainable exits" of members from AGDTOs and factor in former combatants' pre- and post-exit experiences and grievances when designing programs for rehabilitation and reintegration, not forgetting the role of women and youth in these groups.
10. Include host communities in the process of reintegration as "one can legislate an amnesty, but one cannot legislate reconciliation".

ethnic groups indiscriminately accused of "terrorist sympathies". In addition, security actors can be perceived as systematically favoring and sometimes arming the ethnic militias of communities perceived as more loyal to the state. This behavior along with human rights abuses create new grievances and thus perpetuate the cycle of violence. In the absence of a functioning justice system, AGDTOs also can provide individuals with protection and an opportunity to avenge perceived wrongs.

The discussion was enriched by the experiences of experts working with former members of Boko Haram, a violent extremist group comparable in many aspects with the AGDTOs active in Mali. Experts highlighted three main motives for leaving. Firstly disillusionment: Individuals who join Boko Haram for socio-economic reasons or because they seek justice or protection are often disappointed with the harsh conditions "in the bush". Secondly, misalignment of objectives: Some individuals join with a specific personal agenda which often includes advancement and adventure, but serving in the AGDTO does not fulfil these aspirations. Thirdly, lack of consistency between the messaging and the actions of the group: Those who join because of religious convictions are often frustrated because the group targets other Muslims and uses violence against women and children. The experts also emphasized the need not only to support the rehabilitation and reintegration of former members of AGDTOs but to specifically address the grievances that made them join in the first place and that they encountered while being a member of the group.

The Implications of Formal Designation

Despite the existence of protocols and criteria for tracking terrorist acts, the formal designation of individuals and/or groups by the UN constitutes a decision by the Security Council upon request by a Member State, under the ISIL (Da'aesh) and Al-Qaida Sanctions Committee. The designation of a group as a terrorist organization affects UN entities, notably among humanitarian actors, that operate in the area controlled by the group. Under this assumption, retaining

Chadian Peacekeeper in Kidal, northern Mali.

the impartiality and neutrality is key. A key challenge is the fact that humanitarian staff risks being criminalized when they have contact with AGDTOs and deliver aid to the population in areas controlled by them as offering "material support to terrorists". It was also clarified that nothing in UN counterterrorism resolutions is intended

> *A key challenge is that humanitarian staff risks being criminalized when they have contact with AGDTOs.*

to criminalize humanitarian work and that restrictions humanitarian organizations face are based on national decisions that go far beyond what the UN framework, in fact, prescribes.

Special attention was given to the implications for children. Children are often used as pawns that do not have any meaningful choice but to participate in a wide range of violent behavior. Due to the lack of a clear definition of "terrorist", some jurisdictions broadly prosecute even those just loosely associated with AGDTOs, including children that are only connected to them through family ties or by having been forcibly recruited. In line with international principles, children should be considered

Recommendations to Improve Justice and Accountability

1. Shift more focus from fighting ADGTOs to strengthening state services and their presence in remote areas, e.g. through operational and funding support to justice-related activities.
2. Increase capacity building for national justice and criminal investigation systems and improve state security institutions' accountability and mechanisms to prosecute human rights violations by state actors, e.g. by addressing national strategies for justice reform with clear prioritization criteria for internal authorities to rebuild the most relevant institutions. In doing so, it must be ensured that these institutions have a broad geographical presence and are not just concentrated in the capital.
3. Develop prosecutorial strategies that prioritize the most important crimes based on clear and transparent criteria.
4. Incorporate and streamline transitional justice approaches and build the necessary expertise also to ensure the protection of human rights, e.g., by using transitional justice approaches as an alternative for prosecution, including, for example, reparations, truth commissions, and guarantees of non-repetition.
5. Explore elements of traditional religious-based law, e.g. in jurisprudence to deal with questions of reparations, amnesties, and reconciliation, while ensuring adherence to international legal standards. Proposals included, e.g., the creation of a reparation fund based on Islamic traditions or the adjudication of land disputes.

primarily as victims and prosecution should constitute a last resort. Under this premise, protection, reconciliation and accountability measures that specifically focus on the needs of and threats to children should be promoted.

The debate also turned to the question of whether the language of UN resolutions on terrorism exacerbated the challenges identified. Several speakers felt UN terminology was unclear, leading to widely diverging interpretations and implementations of resolutions. Others pointed out that in the absence of a generally accepted definition of terrorism, UN resolutions had to be vague in certain places in order to be acceptable to member states.

To address the challenges posed by AGDTOs for entities within the UN system itself, a number of efforts are ongoing. One prominent example is the module on AGDTOs that will be added to the IDDRS and provides guidance to DDR practitioners in contexts where AGDTOs are present.

Ensuring Justice and Accountability

AGDTOs typically emerge in conflict and post-conflict contexts characterized by a lack of judicial institutions. The presence of extremist groups sometimes causes state authority to retreat even further so that non-state actors become the provider of justice and law enforcement for communi-

ties. Over the two workshop days, several major challenges were identified regarding efforts to ensure justice and accountability in conflict and post-conflict settings.

Indian Peacekeeper checking AK47 magazines for disposal.

While it is imperative to build expertise on behalf of the host governments, strengthen state institutions and increase trust in the justice system to legitimize state authority, the enormous case overload encountered by judges due to broad definitions of "terrorists" that criminalize large groups of people regardless of the degree or reasons for their association with AGDTOs needs urgent attention. Otherwise, the possibility to investigate crimes, pay reparations or protect witnesses is being severely affected. The efforts to prosecute all terrorism cases can overwhelm the justice system, leading to prolonged detentions and unfair trials. As a side effect, persons accused of criminal offences are detained jointly with prisoners accused of terrorism-related offences, which can fuel AGDTO's recruitment within prisons.

Moreover, prosecutions under the counter-terrorism framework risk falling into ethnic and other identity lines, causing stigmatization and discrimination. In insecure situations, gathering evidence can also be highly problematic or unfeasible. As a result, confessions are often the only available evidence because of a lack of capacity to investigate, increasing the risk of torture.

Screening processes, intended to determine whether a terrorist act has been committed, often lack an evidence base and tend to establish geographical or identity criteria that can be stigmatizing and violate human rights. Therefore, screening for terrorist acts must be based on clear criteria and be observant of human rights. Counterterrorism measures cannot be rigid, but flexible screening procedures based on clear initial criteria could be a starting point for ensuring accountability.

Reintegration and Reconciliation through Transitional Justice

Transitional justice has the potential to support reintegration and reconciliation efforts by providing complementary, holistic approaches beyond criminal prosecution for mass violations of human rights. However, for it to reach its full potential, a high level of legal expertise specific to local conditions is necessary. Transitional justice offers a set of solutions, remedies or processes that are valuable not only because they are varied and more comprehensive than state institutional responses, but because transitional justice processes are inherently political and focus on ending conflict in line with public interest. Due to this political nature, these processes should always be developed in partnership with society, particularly those affected by violations, and informed by a deep understanding of the root causes of violence and extremism.

The advantage of transitional justice processes is their focus on victims' reparation and on marginalized communities. In order to be truly effective, however, they need to be combined with a simultaneous strengthening of the state's prosecutorial capacities.

Transitional justice processes are inherently political and focus on ending conflict in line with public interest.

Moreover, traditional justice mechanisms cannot be disregarded but need to be integrated into modern legal systems. Creating specialized or hybrid judicial responses that allow for more comprehensive approaches can serve as a possible solution when there is a lack of capacity. However, their inclusion must be mediated to make sure they comply with the legal framework and international guidelines.

Conclusion

Overall, the workshop has again emphasized the urgent need to implement conflict-sensitive and context-specific interventions in order to meet the threat posed by AGDTOs. Better understanding the motivations of individuals for joining, leaving and re-joining such groups is one crucial element of designing effective and sustainable measures. Another is an improved coordination among UN actors. This alone can guarantee a complementarity of activities, particularly at the interlinkage between DDR and alternative accountability processes, including the Transitional Justice Framework. A key practical step to consolidate guidance in this regard is the UN system-wide development of operational guidance on AGDTOs, as part of the ongoing revision of the IDDRS. Together, these elements have the potential to improve overall mandate delivery by peace operations threatened by armed non-state actors and specifically to protect the security of both local populations and partners and of UN personnel in the field.

[1] United Nations Disarmament, Demobilization and Reintegration Resource Center (https://www.unddr.org/)

Authors
Center for International Peace Operations (ZIF):
Dr. Marlien Schlaphoff, Tobias von Gienanth, Brigitta von Messling
United Nations Office of Rule of Law and Security Institutions (OROLSI):
Mario Nascimento, Lea Koudjou, Nico Sauter

Photo Credits
Cover photo: Peacekeepers checking for IEDs on their way to a civilian outreach activity near Gao, Mali. © MINUSMA, Gema Cortes
Page 3: © United Nations, Marco Dormino
Page 5: © MINUSMA, Harandane Dicko
Page 7: © United Nations

Center for International Peace Operations (ZIF)
Ludwigkirchplatz 3 – 4 | 10719 Berlin | Germany
research@zif-berlin.org
@ZIF_Berlin
www.zif-berlin.org

Supported by:
Federal Foreign Office