

# Accord

ISSUE 28

an international review of peace initiatives



CONCILIATION  
RESOURCES  
working together for peace



Issue Editor  
Andy Carl  
2019

## Navigating inclusion in peace processes



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'Dialogue with all stakeholders is needed to end the bloodshed in Kashmir. There is no alternative to peaceful negotiation and mutual understanding other than sitting down at the table to discuss the issues. It remains to be seen whether the process will retain its motion or come to a grinding halt. The hope, however, must survive.'

*Shujat Bukhari, the editor of Rising Kashmir wrote this in an Editorial weeks before his assassination when he was shot dead at a market outside his office in June 2018. No group claimed responsibility for the killing.*

**March 2019 // Issue Editor**

Andy Carl



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Cover photo: Participants on a 'March of Peace' from Nezuk to Srebrenica in Bosnia-Herzegovina, to commemorate the 20th anniversary of the 1995 Srebrenica massacre, 8 July 2015. //

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# Acronyms

<b>AKP</b>	Justice and Development Party [Turkey]
<b>BDP</b>	Kurdish Peace and Democracy Party [Turkey]
<b>CA</b>	Constituent Assembly [Nepal]
<b>CHP</b>	Republican People's Party [Turkey]
<b>CNDP</b>	National Congress for the Defence of the People [DRC]
<b>CONAMIC</b>	National Coordination of Indigenous Women in Colombia
<b>CPA</b>	Comprehensive Peace Agreement [Sudan and Nepal]
<b>CPN-UML</b>	Communist Party of Nepal–Unified Marxist–Leninist
<b>CRC</b>	Constitutional Reconciliation Commission [Turkey]
<b>CSO</b>	Civil society organisation
<b>CSSR</b>	Civil Society Support Room
<b>DDR</b>	Disarmament, demobilisation and reintegration
<b>DRC</b>	Democratic Republic of Congo
<b>ELN</b>	National Liberation Army [Colombia]
<b>FARC</b>	Armed Revolutionary Forces of Colombia
<b>FPTP</b>	First past the post
<b>GoA</b>	Government of Afghanistan
<b>HDP</b>	People's Democratic Party [Turkey]
<b>ICD</b>	Inter-Congolese Dialogue
<b>ICNC</b>	International Centre for Non-Violent Action
<b>IPTI</b>	Inclusive Peace & Transition Initiative
<b>IPV</b>	Intimate partner violence
<b>IS</b>	Islamic State
<b>LAS</b>	League of Arab States
<b>LGBTI</b>	Lesbian, gay, bisexual, transsexual and intersex
<b>MHP</b>	Nationalist Action Party [Turkey]
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NC</b>	Nepali Congress
<b>NGO</b>	Non-governmental organisation
<b>NVR</b>	Non-violent resistance
<b>PDIA</b>	Problem-driven iterative adaptation
<b>PKK</b>	Kurdistan Workers' Party
<b>PR</b>	Proportional representation
<b>PSRP</b>	Political Settlement Research Programme
<b>PYD</b>	Kurdish Democratic Union Party [Syria]
<b>RCD</b>	Congolese Rally for Democracy
<b>SDGs</b>	Sustainable Development Goals
<b>SPA</b>	Seven-Party Alliance [Nepal]
<b>TEPAV</b>	Economic Policy Research Foundation of Turkey
<b>UNSC</b>	United Nations Security Council
<b>VAW</b>	Violence against women
<b>WPC</b>	Wise People Commission [Turkey]
<b>YPG</b>	People's Protection Units [Syria]
<b>YPS</b>	Youth, peace and security

# Introduction

## Navigating inclusion in peace processes

Andy Carl

---

There is a broad global consensus that inclusion matters in peace processes. The 2018 UN and World Bank report, *Pathways for Peace*, asserts that ‘addressing inequalities and exclusion’ and ‘making institutions more inclusive’ are key to preventing violent conflict. The challenges now are to strengthen that consensus and to better understand what inclusion in peace processes means in practice. These have been the questions explored in the Political Settlements Research Programme (PSRP), which this publication is part of (see inset below).

Seventeen years ago, Conciliation Resources published Catherine Barnes’ ground-breaking *Accord* on public participation in peacemaking, *Owning the Process*. Since then there have been multiple milestones in negotiating peace accords with varying levels of commitment to inclusion, in the Philippines (Mindanao), Nepal, South Sudan and Colombia. UN Security Council resolutions 1325, 2419 and 2282 and the Sustainable Development Goals chart the emergence of a new global consensus that women, young people and society more broadly have essential roles to play in negotiating, implementing and sustaining peace, and in preventing conflict from descending into violence.

While the ‘inclusion consensus’ has been growing, new challenges to implementing it have been evolving with equal vigour. Negative trends in violent conflict have been reversing development gains, exacerbating suffering and fuelling displacement crises. Drivers of conflict have escalated and evolved, including fragmentation of military and political power, weak and corrupt governance and state institutions, climate shocks, rapid mutation of conflict causes and means of violence, geopolitical rifts that fuel a proliferation of weapons, and military interventions. Authoritarian governments have shrunk space for civil society mobilisation. International relations are in a state of strategic confusion, with little scope for agreement among global powers on ways to tackle instability – and how or even whether to uphold the rule of law.

### Structure of the publication

In addressing some of the practical challenges of navigating inclusion in peace processes, this publication is structured around three areas of enquiry:

1. Frameworks for understanding inclusion in peace processes
2. Inclusion in practice in national peace processes – with ‘deep dive’ case studies of Colombia and Nepal
3. Inclusion in practice in sub- and supra-national peace processes – with case studies on Turkey, the Democratic Republic of Congo, Syria and Afghanistan

### Section 1) Frameworks for understanding inclusion in peace processes

In the first section, authors introduce an essential vocabulary of concepts with which to navigate the challenges, dilemmas and opportunities for inclusive peace.

Christine Bell opens the section by situating the publication as part of a new ‘inclusion project’ in global policy circles, which sees inclusion as an essential goal in building peace. But different actors have different perspectives as to *why* inclusion is important. Development actors see it as essential to long-term poverty reduction. Peacebuilders understand it as a requirement for processes to address root causes of armed conflict. Human rights promoters advocate forms of group inclusion as integral to a commitment to equality. Bell further explains that within the inclusion project there are also three subsidiary projects which are in tension with one

## Political Settlements Research Programme

The Political Settlements Research Programme (PSRP) over the past four years has explored how peace processes attempt to revise political settlements to make them more inclusive, in order to end violent conflict. It has looked in particular at two forms of inclusion:

1. 'horizontal' inclusion between political and military leaders who have been former opponents
2. 'vertical' inclusion between rulers (often in the form of new power-sharing coalitions) and the ruled (wider social groups and individuals)

The PSRP research team comprised a North-South Consortium of five organisations led by the Global Justice Academy at the University of Edinburgh, together with Conciliation Resources, the Institute for Security Studies, the Rift Valley Institute and the Transitional Justice Institute.

The PSRP has used mixed methodologies to explore how actors within conflict societies and international interveners navigate through the tension that often exists between an elite bargain necessary to end violent conflict (horizontal inclusion), and a broader social contract capable of providing for good government (vertical inclusion).

[www.politicalsettlements.org](http://www.politicalsettlements.org)

another: efforts between conflict parties to forge a new pact to end violence; efforts by wider society to create a broader social contract; and the involvement of international actors connected to the conflict in a range of (often contradictory) ways, pursuing their own goals and interests. The fact that these various inclusion projects play out in different arenas – formal and informal, and internal and external – further complicates the inclusion challenge.

Jan Pospisil outlines the idea of the 'formalised political *unsettlement*', which he has developed along with Christine Bell. This describes how peace processes commonly result in situations whereby the conflict is not resolved, but rather is contained in reconfigured post-agreement political and legal institutions. This challenges linear approaches which assume that particular interventions will inevitably lead to particular outcomes. Formalised political *unsettlement* analysis helps to better understand the parameters of what is and is not possible in peace agreements and inclusive processes, and to pinpoint potential entry-points for more transformative change.

John Paul Lederach explores the core question of how people in conflict environments participate meaningfully

in decisions that influence their lives. People affected by 'deep and sustained harm' need to feel 'valued, visible and acknowledged'. Lederach explains that the dominant peacebuilding metaphors conceal as much as they reveal – not least the negotiating 'table', which epitomises elite bargaining and decision-making. Conventional peace approaches have consistently failed to enhance inclusion, especially for local communities, and space to do things differently is closed down. More substantive inclusion requires 'engaging the public imagination' through people's perceptions of the quality of process and the character of leadership, and moving to processes more akin to social networking.

Sophia Close, Catherine O'Rourke and Zahbia Yousuf introduce the idea of 'gendering political settlements' – paying attention to gender in relation to how power is administered, and to how it influences institutions and the distribution of resources. The authors recognise that the challenges of gender inequality are rarely fully addressed in peace processes. A commitment to equality and shared values is often missing from renegotiated political and legal institutions, and so the historic exclusion of particular identity groups is perpetuated, especially of women. Transforming gender norms takes time, and the authors stress that more support needs to be given to local actions, which are best placed to respond to the complex and interconnected dimensions of exclusion in all its forms.

Sean Molloy and Borja Paladini, drawing on recent experiences with the Barometer Initiative in Colombia, show how more inclusive monitoring mechanisms can open up the implementation of a peace process to a range of new, previously marginalised actors. They suggest that the sustainability of an agreement refers to the degree to which it is implemented, which means translating commitments into norms, institutions, policies and concrete actions – a long, uncertain and complex process. The peace agreement does not transform war economies, nor does violence necessarily reduce immediately. Political actors change and power-holders evolve. Unresolved and sometimes new conflicts emerge. Corruption and weak institutions remain. Divided communities, resistance to change and mistrust permeate the implementation environment.

Cedric de Coning explores how complexity thinking can contribute to our understanding of how to create more inclusive peace processes, and how adaptive approaches enable local and external peacebuilders to apply new models of practice, experimentation and learning. These differ fundamentally from approaches where the role of peacebuilders is to implement a pre-designed intervention. De Coning suggests that pressure for change tends to accumulate over time often without signs of progress,

and that key system changes occur during periods of turbulence when the self-sustaining 'path dependencies of violence' are disrupted. Adaptation does not imply embracing disorder or abandoning goals, but rather being more front-footed, coping with uncertainty, anticipating change and embracing experimentation.

Jenny Aulin's article draws on a recent consultation with over 170 local and international peacebuilding practitioners and academics, which asked 'what is inclusion in peacebuilding?' Findings suggest seeing inclusion three-dimensionally, as: 1) inclusive representation – who participates? 2) inclusive process – how do mechanisms to support inclusion work? and 3) inclusive outcomes – what are the results for excluded groups? Aulin explains that how people self-organise, claim access and hold powerful actors to account is integral to any peace process. Inclusive outcomes are 'as much a culture as a contract' – emphasising greater tolerance, social cohesion and prevention of violence. Recognising and working with the diversity of civil society is key to meaningful inclusive change.

Graeme Simpson's article draws on his experience as the lead author of the report on youth, peace and security mandated by UN Security Council Resolution 2250 (2015). Simpson challenges what he calls the 'policy panic', which erroneously associates youth with the threat of violence, and fails to recognise that the vast majority of young people reject the use of force. He stresses that, unlike other demographic groups, youth identity is inherently transitional and is constantly being outgrown, which requires strategies to manage such change. Young people refuse to be coopted into corrupt or partisan processes or political systems, and complain that the prevailing discourses of inclusion ignore how they are 'setting their own tables and forging alternative spaces for engagement'.

## **Section 2) Inclusion in practice in national peace processes**

The second section of the publication explores how more inclusive representation, processes and outcomes have been attempted in two peace processes – in Colombia and Nepal, where social, political and economic marginalisation lay at the roots of both armed conflicts. The Colombia and Nepal studies in this publication were coordinated respectively by Kristian Herbolzheimer and Deepak Thapa.

### **Colombia**

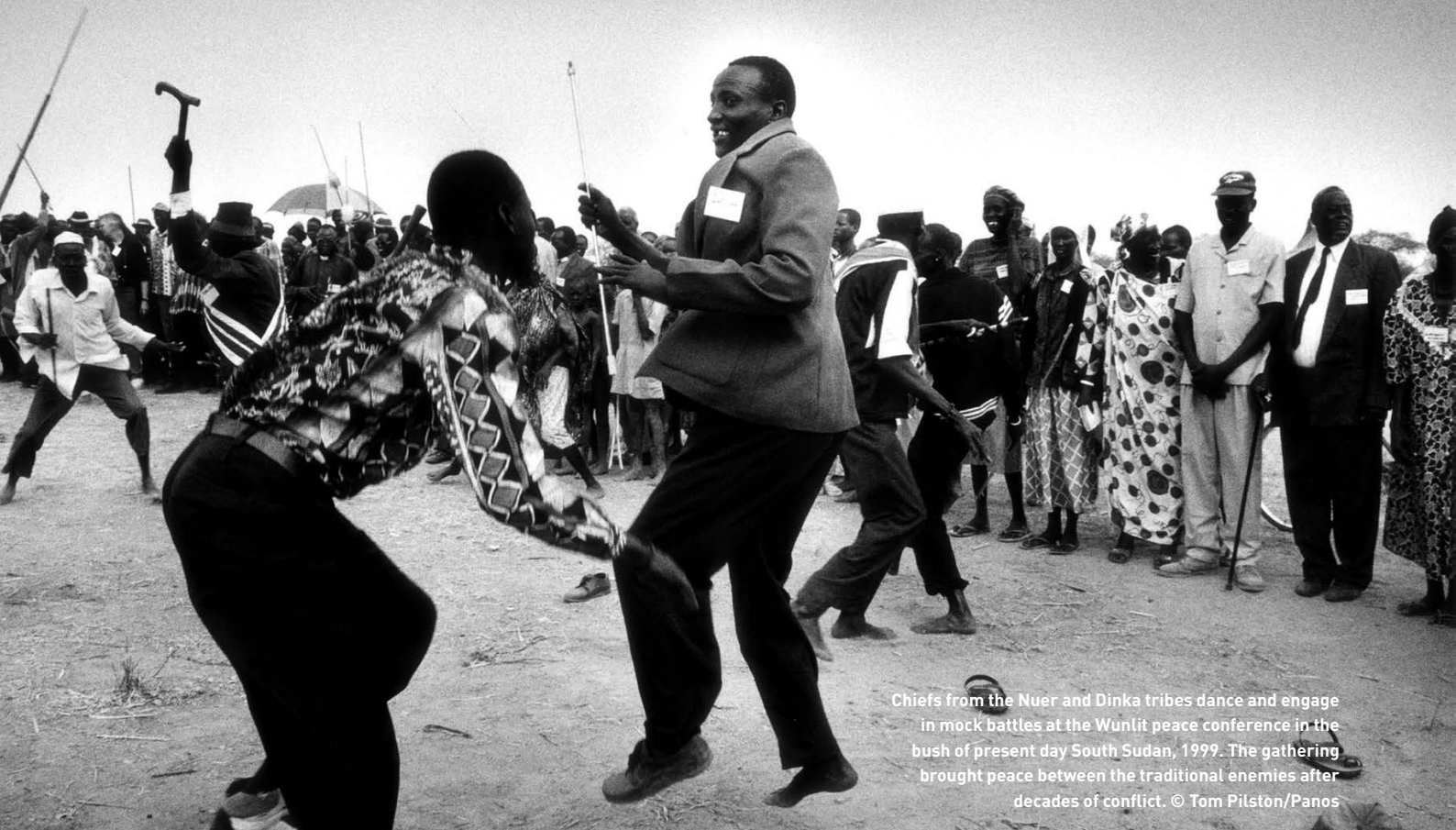
Introducing the Colombia study, Herbolzheimer provides a succinct summary of the peace process, explaining how it has developed new mechanisms for participation. He describes how the conflict parties drew an explicit distinction between initial peace *negotiations* between themselves, with a limited agenda aimed primarily at

ending the violence; and a broader social and political peace *process*, which would take place following the signing of a peace agreement 'with the participation of each and every one'. Herbolzheimer identifies specific inclusion innovations in the process: inviting the private and security sectors into the government's negotiating panel; public conferences and consultations prior to the formal peace talks, convened jointly by the UN and the National University; inviting victims to the peace talks; and responding to the demands of ethnic minorities. He explores the unexpected setback from the national referendum and some of the current challenges with agreement implementation and public participation.

Former High Commissioner for Peace in Colombia, Sergio Jaramillo, describes how peace is 'all about inclusion' in Colombia. He says a peace process seeks to transform the logic of confrontation into one of collaboration, working under the assumption that there can be win-win solutions, where winning does not mean defeating your adversary. He introduces their idea of *diálogos improbables* (improbable dialogues) that bring together people who had been deeply affected by conflict in very different ways. Jaramillo explores several of the more innovative mechanisms of inclusion in the talks and the current implementation process, including the concept of *paz territorial* (territorial peace), which refers to the ambitious rural development programmes that are based on very detailed participatory planning processes.

Helga Flamtermesky, Doris Ardila and Javier Charry explore the challenges of promoting participation for Colombian citizens living abroad. They explain that while there is a consensus regarding the need to place victims at the centre of the peace process, diaspora populations face a dual challenge to seek inclusion in societies of both their host country and their country of origin. They see their participation in the peace process as 'not only a right, but also an act of reparation'.

Members of the National Coordination of Indigenous Women in Colombia (CONAMIC) describe how indigenous people have been disproportionately affected by the armed conflict and remain vulnerable to violence today. They explain that their main challenge has been to be included as indigenous women in male-dominated decision-making spaces, both within their own communities and at the national level. They are now working to socialise elements of the agreement, crossing cultural and international borders, and making new alliances between indigenous and non-indigenous women.



Chiefs from the Nuer and Dinka tribes dance and engage in mock battles at the Wunlit peace conference in the bush of present day South Sudan, 1999. The gathering brought peace between the traditional enemies after decades of conflict. © Tom Pilston/Panos

## Nepal

Deepak Thapa explores the extraordinary changes brought about through the peace process in Nepal – ending a conflict rooted in the exclusion of more than 70 per cent of the population. His narrative begins with the end of the Maoist insurgency, following the success of the ‘People’s Movement’ and the formal signing of the Comprehensive Peace Agreement in 2006. He outlines how in Nepal’s peace process, inclusion has been used to refer both to ‘inclusive governance’ through, for example, granting citizenship papers to people previously deprived of them and declaring Nepal a secular and federal state; and building an ‘inclusive society’ – to ensure equality of opportunity and representation for all Nepalis. The ‘principle of inclusion’ developed into the principle of ‘proportional inclusion’ in the context of constitution-building, which implied quotas for social groups and delineating parliamentary constituencies primarily on the basis of population. Despite this focus at the centre of Nepal’s peace process, realising societal inclusion has proved complicated, in part because there was no consensus about what exactly this would mean in practice.

In assessing the relationship between inclusion and the peace process, Thapa concludes that increases in political representation for marginalised interest groups are likely to prevent significant violence in Nepal for the time being. But there is a high probability that incumbent elites will continue to try to reverse inclusive gains – forgetting that inequality and exclusion were sources of grievance and conflict in the past and can be again in the future.

In conversation with Thapa, Minendra Rijal, MP, one of the architects of the mixed electoral system in Nepal to promote social and gender diversity, asserts that at the end of the war, the Nepali state allowed the Maoist leaders to largely determine the content of the peace agreement so they could convince their cadres to engage with the process. Since then, violence has ended and there is broad political consensus on many major issues – so looking back, the compromises seem worth it. Rijal describes how efforts to promote inclusion can backfire, how quotas have primarily benefitted elites among marginalised communities, and that there has been too little focus on other forms of social empowerment through education and training: ‘it is easy to change anything politically, but it will take long time to change it socially’.

Thapa also spoke to well-known Nepali author Manjushree Thapa. She explains how recent progress on federalism and provisions for inclusion at all levels of government has suddenly opened up political space to new constituencies. But this has left a ‘capacity-gap’ as new appointees lack relevant experience. She stresses that the first Constituent Assembly was the most ‘intelligent body of governance Nepal has ever had *because* it was so inclusive’. The potential is there in the new local and provincial governments, but needs more support.

### **Section 3) Inclusion in practice in sub- and supra-national peace processes**

The third and final section comprises four case studies that explore international and sub-national dimensions of navigating inclusion in peace processes.

Judith Verweijen looks at Mai-Mai armed groups in eastern Democratic Republic of Congo and how their limited inclusion in the country's peace processes has contributed to their fragmentation and ultimate proliferation. She provides a compelling example of how the disparate and diverse groups and individuals that comprise the Mai-Mai based in the east were included as an 'umbrella category' in a national peace process, and that this fostered both internal power competition within the Mai-Mai and 'a sense of marginalisation' from the central process, with profound consequences for the sustainability of the peace agreement. Verweijen stresses that the difficult transition that followed reveals how the agreement failed to consolidate peace and has in fact led to remobilisation which continues to this day.

Esra Çuhadar's article looks at peace efforts over the last decade to resolve the conflict between the Turkish state and the Kurdistan Workers' Party (PKK). She introduces the language of a 'resolution process' – coined by Ankara to mitigate tensions between a wide process towards a comprehensive political settlement, and a narrower process to facilitate transition out of violence. Çuhadar explores the mismatches of expectations among the conflict parties and the communities affected by the fighting, and how the way in which the peace agenda is framed can facilitate or undermine consensus among the diversity of interests involved. But the breakdown of the resolution process also highlights the risks of too much 'constructive ambiguity' – and the failure to address the 'radical disagreement' at the heart of the conflict, or even to concur what that is.

Marie-Joëlle Zahar and Sara Helmüller explore challenges of civil society inclusion in peace efforts in Syria. Armed conflict in Syria is multi-layered, involving a multiplicity of national actors and of regional and geopolitical interests. International narratives have exaggerated external actors' influence, underplaying local agency and diversity. Syrian civil society has been labelled as either close to government or close to the opposition, with Damascus branding further

'opposition' civil society as terrorists. Recent UN mediation efforts have tried to break this mould, for example through the Civil Society Support Room (CSSR) – an independent platform of Syrian civil society actors that come together to influence the political process. But while civil society may have helped to broaden intra-Syrian talks, they have not reconciled fundamental splits among the conflict parties and can risk sending misleading messages of progress and legitimacy.

Finally, Michael Semple examines how international engagement has affected inclusion in peacemaking in Afghanistan. He looks at four peace initiatives with varying levels of 'inclusion ambition' – the Geneva process, the establishment of the Taliban office in Qatar, and the Peshawar and Bonn processes. The analysis stresses the potential of sequencing the peacemaking agenda to enable participation of warring parties to achieve agreement on controlling violence, leading to subsequent negotiation processes to address governance, institutions and the social contract. Semple stresses that the history of peacemaking in Afghanistan shows that sustained and broad international engagement is vital to support greater inclusion, but that international peacemakers may be better served by promoting local consensus rather than a particular political configuration.

The publication closes with a summary of key findings and conclusions. It is a rich volume, and probably one best consumed in bite-size pieces, but those seeking insights and inspiration for what we need to think about when we think about inclusive peace, and what it means in practice, will find it nourishing food for thought.

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**Andy Carl is an experienced peacebuilding practitioner with a career of leadership in the NGO sector. Andy currently works as an independent writer and advisor to individuals, groups and organisations engaged in working on peace, justice and social change processes. He helped establish International Alert in 1989 and in 1994 he co-founded Conciliation Resources where he was Executive Director for 22 years. He is an Honorary Fellow of Practice at the University of Edinburgh and a Senior Research Associate at the Overseas Development Institute in London, and a trustee of Impunity Watch (Netherlands) and the Rift Valley Institute (Kenya).**

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## SECTION 1

# **Frameworks for understanding inclusion in peace processes**

# New inclusion project

## Building inclusive peace settlements

Christine Bell

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Peace processes have always been understood to address exclusion. They centrally aim to bring those involved in challenging the state into a new political settlement that will enable violence to end. In recent times, however, what I will term the 'new inclusion project' – building on analysis presented by Alex de Waal in 2017 – is being promoted across a range of international intervenors as a way of ending violent conflict.

The new inclusion project presses inclusion as a 'cure' for conflict and marks an emerging strong consensus that 'inclusion matters' in peace processes. However, this masks a lack of consensus on key issues:

- » *who* is to be included in peace talks and negotiations
- » *why* they are to be included
- » *how* is inclusion to be provided for
- » *what* tensions exist between different types of inclusion and how they are to be managed

Over the past four years, the Political Settlements Research Programme (PSRP) has brought together a range of academic and practitioner organisations to consider these questions. In particular, we have focused on a key tension between including state and non-state actors involved in the conflict in a new elite pact, and efforts to forge broader forms of social inclusion associated with a social contract. Efforts to reach a negotiated settlement that will enable those at the heart of the conflict to stop fighting involve seeking to accommodate violent actors and their agendas for change in new political structures for the country. However, (re)constructing a broader social contract to address root causes of the violence and build civic trust involves an attempt to include broader social agendas for change involving a wider constituency of actors. Often these two different inclusion projects are in tension with each other. What have we learnt about how this tension can be managed?

### What is the new inclusion project?

The new inclusion project is a consensus across three quite different sets of actors that inclusion should be a key policy goal in conflict resolution efforts.

First are development actors. Development discourse has understood elite deals or pacts as the centrepiece of peace negotiations and crucial to a stable political settlement. Increasingly, however, donors recognise that these deals are incapable of sustaining and building strong development outcomes if they do not widen into a social contract that will enable public goods such as education and health to be delivered, and to address extreme poverty. The development of a social contract requires broad civic participation.

Second are peacebuilding actors. Peacemaking strategies often understand elite pacts between those at the heart of the conflict to be an important part of a peace process. However, peacebuilders also focus on broader social buy-in as necessary to reaching a peace settlement and sustaining it through the implementation challenges that inevitably follow. So-called 'track one' dialogues (between political and military actors), and 'track two' dialogues (between civil society actors) speak to two different inclusion agendas that are understood to be connected. Indeed, in recent times the boundaries between these two tracks are being broken down.

Third are human rights ‘norm-promoters’. International human rights norms emphasise equality and participation – the core rights which enable inclusion. However, standards that focus on groups – the rights of minorities, indigenous peoples, women, young people, children and victims – all emphasise not just individual equality but group equality, particularly when it comes to concepts of political participation in policies that affect groups. Increasingly, inclusion of these groups is emphasised as important to peace negotiations. The Women, Peace and Security Agenda found in UN Security Council Resolution 1325 (2000) is a good example of how inclusion and women’s equality are understood to connect to peace. However, international legal commitments to inclusion in peace processes exist for all the groups mentioned above.

Interestingly, while apparently converging on the importance of inclusion, these three different actors have different perspectives as to why inclusion is important. Development actors see inclusion as something that is instrumentally important to long-term development outcomes. They understand inclusion of political elites to be important to short-term stability, but social inclusion to be important to ensuring that public goods are delivered widely.

**“ Despite broad support for the new inclusion project, when we come to ask ‘who’ is to be included, ‘in what’, and ‘how’, consensus quickly breaks down. ”**

Peacebuilders understand inclusion in terms of the process requirements necessary to create a robust peace process in which root causes of violence will be addressed. They understand agendas for change as needing to come from more than just armed actors and to address more than the use of force. Peacebuilders often focus on understanding the range of constituencies who need to be brought on board if violent conflict is to be ended as a practical matter, such as women, civil society, victims or religious groups.

Human rights norm-promoters understand forms of group inclusion to be an outworking of a commitment to equality and human rights. While they may believe that human rights protection is central to development and peacebuilding, they do not promote human rights purely to achieve these outcomes, but because they believe that rights are important to being human. The different reasons for supporting inclusion mean that behind the apparent

consensus over inclusion being ‘a good thing’, there are quite different ideas of why it is a good thing. These different ideas shape the forms of inclusion being promoted and can lead to ‘inclusion confusion’.

### **Inclusion confusion**

Despite broad support for the new inclusion project, when we come to ask ‘who’ is to be included ‘in what’ and ‘how’, consensus quickly breaks down.

For the development community, in 2011 the World Bank Development Report suggested ‘inclusive-enough pacts for change’. While requiring more than a narrow ‘elite pact’, the report suggested that aiming for a fully inclusive political system, while important, should take second place to the search for a coalition capable of bringing a level of stability. This report was influential in shaping donor strategies relating to peace and transition processes.

By 2018, however, a new joint report by the World Bank and the United Nations, *Pathways for Peace*, suggested a major new emphasis on inclusion as a tool for preventing conflict. It argued that much more broadly inclusive approaches to violent conflict were needed to respond to the reality that ‘a significant proportion of contemporary violent conflicts are rooted in group-based grievances around exclusion that forge deep-seated feelings of injustice and unfairness’. These grievances included issues of access to power, natural resources, security and justice. Yet, while the inclusion project is now understood to be much broader than a search for a new elite pact or ‘inclusive enough coalition’, strategy and process advice remain largely missing: ‘how’ to enable the inclusion project still needs to be addressed.

Peace scholars and communities have placed different emphases on whether the focus of peacemaking efforts should be on political-military inclusion of those at the heart of the conflict, or on broader social inclusion strategies which would proactively seek to include wider social groups and demands. Key groups that are habitually excluded, such as women and non-aligned minorities, frequently push for their inclusion as part of the peacemaking strategy. But they have often faced struggles with mediators concerned about how much inclusion a peace process can ‘bear’. Strategies for inclusion have had to engage with the reality that in the midst of conflict, military actors call the peace process shots, often backed by powerful international allies. Diplomatic peacebuilding activities will typically be narrowly focused on these actors.

Broader approaches to peacebuilding, therefore, will face the ‘how’ difficulty of connecting the agendas and people at the heart of movements for change with the peace negotiations. For local civic actors, this will be part of a conflict-long

challenge of how to influence and effect change and compromise without coercion and often without negotiations.

International human rights norms also raise as many inclusion questions as they answer. Equality standards emphasise the need for political and legal equality, of individuals and also of groups. Yet, human rights lawyers and courts remain uneasy about the types of group-based solutions that peace agreements come up with. For example, the power-sharing provisions at the heart of the Dayton Peace Agreement in Bosnia and Herzegovina emphasised the inclusion of Serbs, Croats and Bosniacs whose grievances had been at the heart of the conflict. The European Court of Human Rights, however, found that these violated the equality provisions of the European Convention on Human Rights and Fundamental Freedoms, because they in effect discriminated against unaligned minorities – in this case Roma and Jews (*Sejdić and Finci v. Bosnia and Herzegovina*, application nos. 27996/06 and 34836/06).

There are reasons to be concerned about power-sharing: research from PSRP has found significant difficulties of participation and of rights protection, for women and unaligned minorities in power-sharing regimes. Yet, political power-sharing often remains crucial to achieving an end to conflict because it provides important security guarantees to parties that are otherwise reluctant to stop fighting – see Christine Bell, *Political power-sharing and inclusion*, 2018.

**“ Research from PSRP has found significant difficulties of participation and of rights protection, for women and unaligned minorities in power-sharing regimes. ”**

Human rights standards also seem to suggest the importance of excluding some actors from any new political institutions. Those responsible for serious violations of international human rights law are to be prosecuted and punished, rather than brought into government, according to the Rome Statute of the International Criminal Court (1999). This form of exclusion is often understood paradoxically as part of the inclusion project, because it sanctions and removes from power those who have had and may continue to wield a violent exclusionary capacity. Reconciling legal and moral imperatives to exclusion with conflict resolution imperatives to inclusion remains a challenge in peace processes.

## Coordinating inclusion projects

What have we learnt from PSRP that might inform how the inclusion project is taken forward? We have learnt that a peace process must often construct three different inclusion projects simultaneously. These processes create competing agendas for change which must be brought into some sort of alignment if the process is to be successful.

First is the inclusion project between the main political and military actors at the heart of the conflict who hold power. If those engaged in violence and contending for power cannot find a way to end the conflict, other projects of inclusion and justice are often not possible, except in very attenuated and fragile ways. While elite pacts will not necessarily deliver peace, peace without them is often impossible.

The second inclusion project is that pursued by broader social forces who have mobilised in pursuit of peace and development. These groups often bring wider agendas for change related to how best to end the conflict, address division and improve people's lives. Political and military elites are usually unable to unpick the broader fabric of violence in which society is embedded. The violence of groups directly engaged in the conflict is connected to many other forms of violent division and exclusion found in inter-communal and even inter-personal relationships – from violence used to force social segregation, to intimate partner violence against women. Civil society will often have a broader vision of the domains of social change that are necessary to address the interconnection between different forms of conflict. This vision is often necessary to address the complexity of conflict, and to bridge the gap between peace agreement proposals and the lived reality of social relations.

The third inclusion project is that of international actors who are often connected both to the conflict and to the peace process in a range of ways: as neighbours; as underwriters of negotiations; as members of regional organisations involved in supporting the peace process; as international legal norm-promoters; as regional or geopolitical actors in the conflict bringing their own strategic and economic interests; and often all or several of these capacities simultaneously.

While external actors may provide some incentives and opportunities for more inclusive approaches to peace processes, these interventions are also shaped by an alternative inclusion project of their own. This inclusion project involves their own inclusion as agenda-setters in a new 'global political marketplace of political transition' in which many states now seek to influence both conflict and peace process trajectories, for mixed reasons as Thomas Carothers and Oren Samet-Marram have discussed.

Our research in some of the most intractable conflicts today – Syria, Yemen, South Sudan and Somalia – has indicated the extent to which significant conflict and peace process decisions are being taken by actors beyond the country's borders in a context of international competition for influence. The peace process is then beyond the easy influence of the local communities most affected by the conflict.

## Inclusion arenas

These three inclusion projects often take place in three different peace process 'inclusion arenas'. A challenge therefore exists as to 'how' the different inclusion projects are to be connected up. The inclusion project of political and military actors is usually negotiated in the arena of formal peace negotiations. The inclusion project of wider civil society takes place in the wider social debates, interactions and interventions (for example street protest) that surround the peace negotiations and attempt to influence them (see the work of the Inclusive Peace and Transitions Initiative: [inclusivepeace.org](http://inclusivepeace.org)).

International actors in essence are negotiating not just intrastate conflict but the terms of their own global inclusion and influence when participating at the diplomatic level of inter-state talks that surround geopolitical conflicts, such as the somewhat competing Geneva and Astana processes focused on Syria (see the article by Hellmüller and Zahar in this publication). In each of these inclusion arenas, two things are going on: first, those involved in respective arenas are negotiating with each other; and second, they are often simultaneously trying to influence the agendas of actors in other inclusion arenas. Processes in Syria, Yemen and South Sudan, for example, see a complicated mix of local, national and international actors negotiating formally within their immediate inclusion arena, but with entry points to the actors in other arenas as they create tapestries of influence and involvement that are woven, unpicked and rewoven over the course of a conflict and peace process.

Peace processes today must focus not just on the national peace process, but also on how these three different arenas in which different forms of inclusion are promoted can be brought into forms of articulation with each other, so as to create a joint agenda for change across arenas. The complexity of the interaction of arenas is perhaps the biggest challenge for peace processes in the new inclusion project era. Often, development actors, peacebuilders and norm-promoters will be called on to support activities in one or other arena, and here their different ideas as to 'why' inclusion matters may see them pulling in different directions. The 2017 *Accord* issue on Nepal, for example, described how development donors supported inclusion

of marginalised groups in the peace process, but quickly found that this cut across their relationship with the Nepali state and efforts to partner for development.

## Inclusion challenges

The inclusion project offers a new consensus on the importance of inclusion that is very welcome. However, time and again, the communities that our research has connected with encountered daily struggles in seeking to influence peace processes, as they tried to engage with formal 'top-down' peace processes to influence questions of who was to be included with what consequences for the agenda for change. These struggles are reflected in the contributions to this *Accord* publication.

The peace process in Nepal, for example, saw an innovative attempt to make broad forms of social inclusion of all excluded constituencies key to the peace agreements. However, it proved very difficult for the broad and inclusive Constituent Assembly to deliver agreement on a new constitution which would also address the inclusion agendas of the main political and military actors. The new constitution was only achieved when the key political and military actors narrowed the agenda to cut a deal with each other. While this narrowing enabled the new constitution to be agreed, it had a cost in selling-short the wider inclusion agendas of some of the most socially excluded groups. Key to resisting some of these claims for inclusion was the relationship of India and China to ethnic and indigenous groups in Nepal's border regions (see the Nepal section of this publication).

In Colombia, the peace process brought women, victims and other groups to the peace talks between the Revolutionary Armed Forces of Colombia (FARC) and the Colombian government in Havana, in an innovation in peace process design (see Colombia section of this publication). However, in a context where many peace agreements have been signed over several decades often with limited success, the 'deal' between the 'main' parties was reached without either any wider settlement of the ideological divisions central to conflict, or the social inclusion that could have helped carry it through the resultant predictable opposition to the deal. To the shock of a celebrating international community, Colombians narrowly voted against the 2016 peace agreement in a referendum which had been designed to signal wider social endorsement for the deal, triggering an element of renegotiation.

Sectoral approaches to inclusion have not been any easier. Take, for example, the inclusion of women, which has been heavily promoted as a result of UN Security Council Resolution 1325. While it is not difficult to get agreement in principle that 'women should be included', which women, in what way and how remain difficult

questions. Despite over 18 years of effort since UNSC 1325, in practice it remains very difficult for women to get a place at the negotiating table in fragile peace talks, or if they are there to get those at the talks to listen and respond to their concerns. Consequently, the inclusion agenda is now being framed as requiring 'meaningful' inclusion.

Where women are accorded access to peace talks, the question quickly arises as to which women should be at the table, in what capacity and with what agenda. Women are of course just as much political actors as men and their views (as with those of men) will be diverse and reflect all sides in the conflict divide. Questions as to the 'how' of inclusion are often politically fraught, including among women themselves.

The Women's Advisory Board established by the mediator in Syria, and previously the Women's Coalition in Northern Ireland, had to defend their existence and right to be there – not just against the opposition of key parties to the talks, but also at times against a wider social challenge that they could not presume to speak for all women. Any attempt to broker a 'cross-political sectoral' women's position risked selling out the positions of women within political groupings (see article by Close, O'Rourke and Yousuf in this publication). Other sectoral inclusion strategies, such as those which focus on inclusion of victims, similarly find it difficult to take account of the deep division that often arises in relation to who is a victim, and the deep ambivalence victims might feel towards the peace process itself (see work by Astrid Jamar).

When it comes to inclusion, consensus about its importance can paper over the significant disagreements as to whose inclusion matters and why, what constitutes 'meaningful' inclusion, and what to do when some forms of inclusion create new forms of exclusion. If the inclusion project is to be more than the new fashionable mantra, it has to engage with the politics of inclusion in complex conflict contexts. Inclusion struggles are about power: who holds it, how it can be redistributed, and what carrots and sticks will persuade those in power to share it.

### **Conclusion: what have we learnt – from inclusion mantras to inclusion strategies**

The PSRP brought together a range of organisations of different types, a range of country case studies, and peace process research 'practice labs' to explore the inclusion project in practice.

### **Lessons**

What are the most startling lessons we have learnt about the inclusion in the course of our journey?

**There are clear tensions between the different inclusion projects which cannot be eliminated but must be managed.** Tension between different forms of inclusion and different agendas for change are inherent to the process of peacebuilding. We suggest that no single inclusion project can be prioritised at the expense of others because both the buy-in of those actors at the heart of the conflict and the broader social agendas for change will be critical to building sustainable peace.

**The difficulties of resolving conflicts continue to mutate to produce a new uncertain global context.** Our research on peace processes has revealed how intractable conflicts are increasingly multi-level, with forms of local, national and international conflict nested in each other. Each of the inclusion arenas tackles different conflict levels – all of which need addressing. We suggest that it is increasingly important to recognise that development actors, peacebuilders and norm-promoters are working in a context in which both the nature of intra-state conflict and normal ways of doing 'peace processes' are being challenged.

For nearly 30 years, peace processes and their inclusion projects have focused on national conflict and the relationship of the state to one or several large armed opposition groups. The most intractable conflicts today involve both geopolitical conflict and diffused local armed actors that, rather than having fragmented, were never formed into a large and coherent opposition but always operated as small groups in loose and changing alliances. PSRP work relating to Afghanistan indicates that understanding how we might produce multi-level peace processes to address nested conflicts is critical to peacebuilding. It might even hold new opportunities for using inclusion projects at a local level to build an island of peace in moments which see national peace processes struggling (see 2018 *Accord* publication on Afghanistan).

**Inclusion mantras tend to hurt rather than help the underlying inclusion projects that they seek to serve if not accompanied by practical strategies for meaningful inclusion.** The example of the failed peace agreement referendum in Colombia, unfolding as it did within our research timeframe, provided a working example of how a gap between the rhetoric and forms of inclusion on offer in the peace process, and people's lack of confidence in the agenda for change created by the final peace agreement, can undo the results of an apparently successful negotiation process.

**Unexpected forms of complementarity mean that dividends in one aspect of the inclusion project lead to unexpected dividends in others.** Research by Jessica Doyle and Monica McWilliams on domestic violence, for example, shows that if political and military elites can agree on radical programmes of disarmament, demobilisation and reintegration and police reform, violence against women in their intimate relationships can decrease as a result of better policing and reduction of weapons in homes.

“**Complex inter-connected local, national and global political marketplaces mean that there is a new and pressing need to ‘coordinate the coordinators’ across the three inclusion arenas.**”

#### **Ideas**

At the end of this phase of our work, what have been some of the most interesting ideas that we have encountered and generated? Two main points shine through.

**Inclusion and radical disagreement.** Peace processes should perhaps be understood as creating political and legal institutions as spaces of ongoing negotiation to address what Oliver Ramsbotham calls ‘radical disagreement’ on the basis of identity, interests or ideology. Radical disagreement in this sense refers to fundamentally opposing claims to ‘the truth’ that are understood to be beyond a matter of political choice. We suggest that the inclusion project is often one which finds a way to create agreement by ‘agreeing to disagree’, rather than attempting to reach a new ‘normal’ political settlement. PSRP examination of peace processes and settlement terms in the Peace Agreements Database (PA-X) has revealed tremendous innovation in finding ways to ‘leave disputes open’ rather than ‘resolve’ them. Often viewed by international actors as ‘imperfect’ and needing to be developed and resolved into more ‘normal’ political and legal institutions, we suggest that it is now important to understand better how to work with ‘unsettlement’ as often the only way to deal with radical political disagreement. The attempt to include some groups by agreeing to disagree will open up some forms of inclusion but at the same time create new exclusions which then must be addressed.

**Traditional modes of ‘settling’ conflicts are running out of steam and multi-level conflicts need a peace process ‘design refresh’.** As already alluded to, the idea

of a ‘national conflict’ between a state and its non-state opponents capable of being addressed by a peace process increasingly fails to reflect the complexity of dynamically connected local, national and international conflict processes. Complex inter-connected local, national and global political marketplaces mean that there is a new and pressing need to ‘coordinate the coordinators’ across the three inclusion arenas.

The PSRP work has revealed the complexity of this new world, and how contexts as varied as Colombia, Nepal, Syria and South Sudan often have multiple overlapping local, national and international peace processes as a result. Yet, the idea of the ‘national peace process’ focused around the state and a dominant armed group or groups still remains the default image of the ‘peace process’. Future peace process design needs to move more firmly to construct peace processes as multi-level, and indeed to develop better strategies for addressing parallel ‘competing peace processes’ in which external intervenors compete to ‘mediate’ in a bid to shape the terms of settlement in their own preferred image.

#### **Epilogue: a personal reflection**

Over the four years of the PSRP, I have had two dimensions to my work. One as Programme Director of the PSRP, focused on addressing inclusion in violent conflicts as a ‘development’ project. The second as Professor of Constitutional Law at University of Edinburgh, expected by virtue of my position to offer insights into domestic constitutional legal developments in the UK, which have included the aftermath of the Scottish referendum and the Brexit referendum.

Curiously, during that time it has become striking how the concerns and phrases that emanated from communities and researchers engaged in the PSRP within developing countries seemed to be coming to characterise Western states and institutions. Whether one looked to the US, the UK, Spain or the European Union, all seemed to be facing accentuated forms of radical disagreement over who the state existed to serve. Disagreement over questions of inclusion has moved beyond the realm of ongoing political dispute in ways that have proved difficult to respond to, and threatens fundamental destabilisation of their political settlements.

Phrases such as ‘stable instability’ (emanating from PSRP work in the Democratic Republic of Congo) as a perpetual condition of states, or ‘constitutional or formalised unsettlement’ as a new institutionalisation of a never-ending political transition (PSRP conceptual work), or the ‘political marketplace’ to characterise ways in which political support is literally bought and sold (emanating

from Alex de Waal and the Conflict Research Programme and its predecessors), increasingly seemed to have salience with regard to political developments in settled Western states.

Our unsettled times raise profound questions for the future direction of the inclusion project, which seems to have consolidated at the point when we have crossed over the top of 'peak liberal peacebuilding'. Political and legal institutions and constitutions rooted in rule of law norms no longer seem to have the power they once did to 'settle' politics and produce consensual political communities capable of building over time. Politics responds to constituencies which are fixed in their ideological or identity differences, rather than able to be constituted and re-constituted between elections on the basis of what policy choice political parties offer. Disagreements over the nature of the state appear to be radical and difficult to transcend. Radical disagreement over the state's project of inclusion, and the incapacity of democratic institutions to adequately address it, is fast becoming the global dilemma of our time.

In our research on some of the world's most contested and conflicted societies, people know this politics of uncertainty very well, and have fashioned imperfect but practical ways to assert inclusion as a way of bridging across deep social divides. With the PSRP's programme commitment to North-South partnership, understanding the 'whos, whys, hows and whats' of the inclusion project, now – more than ever – requires us to take lesson-learning much more seriously as a two-way street.

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# Peacebuilding and principled pragmatism

Jan Pospisil

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Supporting inclusive peace is the core mission of peacebuilding policy today and is reflected in the international development consensus in the 2030 Sustainable Development Goals Agenda. To empirically investigate the interrelation between peacebuilding and inclusion, the Political Settlements Research Programme (PSRP) has generated a new and innovative data source, the PA-X Peace Agreement Database.

The database contains details of over 1,600 peace agreements negotiated since 1990, coded along 220 variables to enable a fine-grain analysis of agreement texts. This work has been accompanied by a vast amount of first-hand empirical research, particularly from Afghanistan, the Democratic Republic of Congo, Ethiopia and Nepal.

This body of research has uncovered new insights about the challenges of inclusive peace. PSRP findings suggest that inclusive intentions and approaches to peace cannot guarantee that transitions out of conflict lead to inclusive and peaceful political settlements. In fact, the most likely outcome of a peace process is the formalisation of the 'political unsettlement' that characterised the violent conflict itself. Such 'formalised political unsettlement' is often based on institutionalised power-sharing arrangements that contain rather than resolve the contestation at the heart of the dispute. 'Inclusion', as suggested by the contemporary policy discourse, is not a panacea or a catch-all solution to violent conflict.

Still, this article argues that support for inclusion may, in combination with other elements, offer pathways or process 'hooks' that can facilitate post-war transitions. To be effective, these need to reflect the trade-offs inherent in any inclusive approach to peacebuilding. A more sophisticated understanding of the conditions of political

unsettlement can help identify opportunities for more transformative change and entry points for policymakers and peace practitioners to provide targeted support.

## **Peace agreements and political settlements**

The political settlements concept can usefully assist the examination of peace processes. Instead of looking at either pure politics or broad institutional settings, a political settlement lens rediscovers an analytical middle ground which classic political science would refer to as the institutional layout of a political entity. This lens shifts attention from a normative peacebuilding framing based on state institutions, rule of law and democracy, towards a more dynamic, flexible and predominantly political approach that reflects and responds to the configuration of power. Political settlements thinking, therefore, also safeguards against actor-driven considerations predominantly focused on deal-making and accommodation. A political settlement is more than a deal.

Current mainstream thinking in peacebuilding, as spelt out, for example, in the United Nations 'sustaining peace' agenda (UN Security Council resolution 2282 of 2016), expects a focus on inclusion to deliver better results in forging political settlements after violent conflict. Constructing inclusive political settlements should be accomplished by making peace negotiations and peace

processes more representative and participatory (actor inclusion) and by addressing broader societal concerns in the peace agreement (thematic inclusion). According to this logic, an ideal peace process sequence culminates in the signing of a comprehensive peace agreement – such as in Sudan in 2005, Nepal in 2006, or most recently the 2016 accord between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC). Identifying and addressing conflict drivers in an inclusive peace deal and properly implementing its commitments should, in theory, guarantee a successful transformation of the conflict and a return to normal politics.

However, in the ‘everyday’ of real peace processes, inclusive approaches have to face multiple trade-offs between competing priorities. Should the inclusion of groups and stakeholders in a peace process focus ‘horizontally’ on the conflict parties, or ‘vertically’ on broader societal groups? If the latter, who is representing these groups and their diverse memberships and views? Does professionalised civil society, which is often assumed to speak for the interests of more marginal actors, really have legitimacy to do so? Are societal groups prepared to sit in the same room and negotiate with conflict parties and make the necessary compromises to stop the fighting? Or will powerful conflict parties accommodate the interests of less powerful or unarmed interlocutors? Decisions regarding trade-offs between priorities of horizontal and vertical inclusion have political and ethical, but also practical implications. There is no easy and tested way to manage these, and even if navigated carefully and with the necessary emphasis, success in terms of an inclusive and peaceful political settlement is not guaranteed.

The peace negotiations in Colombia were arguably among the most inclusive to date (see conversation with Sergio Jaramillo in this publication). But, soberingly, they ultimately resulted in the rejection of the final peace agreement in a public vote. Politicking, of course, had a role to play in the negative outcome of the plebiscite. But the trade-off between short-term requests and long-term requirements played a significant role in pre-referendum campaigning – for instance, safety guarantees for the armed actors versus their accountability for wartime wrongdoings. Striking peace agreements, in most cases, demands substantial compromises which are not necessarily supported by society at large.

### **Formalised political unsettlement**

PSRP research shows that inclusion – in terms of process and substance – works best when a violent conflict is both ripe for a solution to the fighting *and* favourable to reaching agreement on the terms of a comprehensive deal. However, such combinations of circumstances are rare. Most peace

processes take place in climates of ongoing conflict. Sophisticated methods of confidence-building and mediation have rarely been able to resolve the political contestation at the heart of the conflict. Peace negotiations often resemble a continuation of warfare by other means. Many peace agreements thus enshrine the dispute that underlies the violence. While certainly not what many peacebuilding practitioners are aiming for, the most reasonable outcome may often be a compromise that essentially accommodates the ‘radical disagreement’ between the conflict parties.

**“ The common misperception still persists that a signed peace agreement represents the broader settlement of the conflict. ”**

These circumstances are widely recognised. But the common misperception still persists that a signed peace agreement represents the broader settlement of the conflict, and that a sophisticated power-sharing arrangement combined with substantial external support through post-conflict transition will eventually result in a restoration of normalcy. In practice, the hope that power-sharing arrangements will induce conflict transformation has rarely been fulfilled. Contestation over a state and what form it should take defines many violent conflicts and distinguishes them from ‘normal’, non-violent competitive politics. Power-sharing in the form of a compromise on power but not on a shared polity is likely to be ultimately perpetuated through a peace process. Referring to a seminal article by Neil Walker, Christine Bell and I have called such situations of ongoing contestation ‘formalised political unsettlement’.

The reasoning of ‘comprehensive peace’ also suffers from two more recent shortcomings. Significant changes in international relations and the prevailing global condition of ‘fluid multipolarity’ have severely compromised established channels of multilateralism. The international system has become what Thomas Carothers and Oren Samet-Marram call a ‘global marketplace of political change’. Secondly, against this background, many peace processes today exist in contexts of ‘amplified hybridity’ (such as Syria), that combine international, national and local layers to an extent that international conflict resolution in the traditional sense becomes impossible.

Formalised political unsettlements comprise some overarching elements. Political and legal institutionalisation takes place in a form that contains and thus protracts the conflict rather than resolving it. This core characteristic of unsettlement tends to stick



Temporary UN missions evolve to be the major landmarks in Juba, South Sudan. © Jan Pospisil

long-term. Nonetheless, as explained in more detail below, the nature of the formalisation is often fluid, resulting in a sense of permanent transition and open-endedness. Even though constitutional visions and principles may have been agreed upon in a peace deal, no settled end-state of the contested polity evolves. In most instances, situations of formalised political unsettlement are essentially hybrid, with international, national and local actors permanently interacting and negotiating in various contexts and at various levels, often with changing alliances rapidly forming and later dissolving. Crucially, it is this fluidity that opens up opportunities for transformative change and entry points for external engagement and support.

The term 'formalised political unsettlement' is not intended to add yet another label to post-conflict environments. It offers practical value to challenge linear, solution-based approaches to conflict resolution that assume that particular interventions will inevitably lead to particular outcomes. It enables a pragmatic but also optimistic approach that deals with the reality of post-conflict transitions and the possibilities they offer for more transformative change. It also describes the reality of conflict resolution where no better deal is available. Rather than simply bemoaning the unpleasantness of this reality, formalised political unsettlement analysis helps to dissect and understand the parameters of peace processes over time, and so to identify practicable pathways to more genuinely inclusive futures: potential openings, loopholes and entry points for change.

### **Engaging with formalised political unsettlements: principled pragmatism**

The core challenge presented by situations of formalised political unsettlement is that reaching a more consensual settlement is likely to remain elusive. While current peacebuilding policy debates argue that inclusion is, at least in part, the answer, the very notion remains vague and ambiguous and therefore hard to apply.

PSRP research suggests some ways that inclusion can best be 'navigated' in peace processes to become more practicable. A starting point for international actors looking to support peace processes is to assess the trade-offs brought to the fore by common 'inclusion tactics' of consultation and participation, and in particular the implications of decisions about who should be included or excluded. International actors need to accept the severe limitations they face when attempting to support peace negotiations. Seemingly rational decisions on who should participate in peace processes are based on a range of different interests – related and unrelated to the conflict itself – and may in fact undermine peace talks or simply be rejected by key protagonists. In Syria, for example, Western powers' refusal to negotiate with the Assad regime has resulted not in a more dynamic process but in their loss of influence over its direction.

In contrast to a prescriptive actor-based approach, structural or thematic considerations have more chance of remaining relevant to a peace process – notwithstanding the political conditions of their perceived value to the

negotiating parties. Supporting creative methods of redesigning peace processes is probably the best contribution international peacebuilding can make – for example to reduce emphasis on traditional configurations of formal peace talks, or to ‘demystify the negotiation table’, as Kristian Herbolzheimer describes it.

Peace processes also need to accept and work within the parameters of what (to use Alex de Waal’s term) the local ‘political marketplace’ can support. Transitions are unlikely to happen against the political logic institutionalised in a conflict or a post-conflict setting – the local configuration of power determines the extent and nature of change that is possible. This reality has ambiguous and at times seemingly contradictory implications. While not simply capitulating to the *realpolitik* of the existing political arrangement, it is necessary to acknowledge the limitations of external influence to change it. What, then, is the appropriate mix of methods to achieve progress within these restrictions?

**“ Transitions are unlikely to happen against the political logic institutionalised in a conflict or a post-conflict setting – the local configuration of power determines the extent and nature of change that is possible. ”**

PSRP’s work points to ‘principled pragmatic’ interventions. These accept the realities of the formalised political unsettlement in post-conflict environments and the power dynamics that underpin it. They pinpoint opportunities for transformative change within such environments, using the potential openings these provide in the prevailing circumstances of discontent and institutional fluidity to promote dialogue or other forms of peace practice. Such a pragmatic approach still needs to rest on a strong normative foundation to provide a principled framework within which to take the necessary political decisions. Norms are always established locally and incrementally. More importantly, their substance emerges through everyday practices in peace processes. When means of interventions can no longer be justified by their predicted outcomes, the means themselves ought to represent values in their own right.

### **Modes of engagement with formalised political unsettlement**

The one certainty about transitions out of war is their unpredictability. ‘Hooks’ in peace agreements can

provide footholds to leverage change at strategic points in a transition process. Hooks, in the form of formal or informal institutions or references to legal or other normative frameworks or demands, do not necessarily play an obvious structural role in a formal peace process. However, they can be used by actors to advocate or influence change when needs or opportunities arise. For example, reference to international legal frameworks in peace agreements may provide such a hook if applied in a smart way – avoiding dogmatic top-down enforcement of a norm and instead using it to enable further relations between interest groups.

Some institutional structures allow for more inclusive politics on specific issues – for example, committees representing minorities, or parallel forms of informal governance such as councils of traditional leaders. It is impossible to know in advance precisely what roles which institutions are going to play to facilitate inclusive change in the long run. For example, stipulations on guaranteeing women’s representation in a reform commission on an issue that at first seems comparatively uncontested may become more significant at a later stage in a transitional process. Unfortunately, no evidence or recipe can point towards which hooks may become significant in the course of a process.

Another option is to accept and use ‘constructive ambiguities’ in agreements and processes, and to choose not to try to resolve certain intractable underlying issues. The counter-claim to this suggestion is that substantial contested issues left unsolved are potential trigger factors for a relapse into violent conflict. But, at the same time, attempts to resolve issues of what Oliver Ramsbotham calls ‘radical disagreement’ among interest groups that are not likely to be resolved through dialogue or accommodation in the short or medium term can themselves also risk escalating violence. Especially when a peace agreement has addressed a thorny issue through ambiguity or deferment, more concrete subsequent steps to try to resolve it can become triggers for escalation. Creative non-solutions or deferrals may be the best way to deal with potentially violent contestation, allowing space for progress on less contentious issues, whereby creativity, on the one hand, refers to innovation, but on the other hand also to the practice of non-implementation, which can effectively create more favourable circumstances for transitional processes.

Enduring postponements are one such non-solution, which might provide the wiggle-room needed to keep a transitional process going. Challenges relating to territory, self-determination and citizenship provide some illustrative examples. The delay in deciding on the status

question of Abyei, a region on the Sudan/South Sudan border, during and after South Sudanese independence is one case in point. A settlement on the final status of this territory by a mutually accepted referendum as agreed in the 2005 Comprehensive Peace Agreement (CPA) might have exacerbated tensions and possibly armed fighting. This problem has effectively been institutionalised through a 'flexible freeze': inhabitants of Abyei are entitled to be citizens of Sudan *and* South Sudan, while the rights of migrating populations are annually renegotiated in local peace conferences. This may be the best way to ensure the continuity of the post-CPA transition process. Territorial blurriness and flexible citizenship rights have similarly been used to enable freedom of movement in the 'frozen' conflict between Moldova and the non-recognised entity of Transnistria. Promoting innovative ideas like multi-national autonomy might assist in softening state boundaries in ways that help to mediate territorial contestation. For instance, this was discussed in the southern Philippines concerning the Bangsamoro autonomy and the potential inclusion of the Malaysian Sabah archipelago – although this option ultimately did not materialise.

In conditions of formalised political unsettlement, a thorough examination of the 'everyday' of peace processes suggests prioritising options which keep the transition going. Rather than focusing on problem solving, this means thinking in terms of enduring transitions that allow for flexibility and adaptability in order to be prepared to exploit opportunities for influence that might open up in a fluid context. Productive engagement means providing tools that may become beneficial, but without knowing precisely when or how. It is about taking risks and making political decisions based on a clear and open normative position. Pragmatic transitions are a continuous process of mutual learning and experimentation. While the opportunities are rich, no recipe and no evidenced knowledge can guarantee success.

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# Forging inclusive peace

## We stink more than we think

John Paul Lederach

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The most significant aspect of navigating conflict is to know your starting point. When using public transport maps, nothing makes sense unless you can locate the 'You Are Here' arrow. My location in protracted conflicts has connected more with local communities than higher-level political negotiations. When I hear the word inclusivity, my 'You Are Here' button kicks in: how can those at local levels who are most affected by repeated patterns of exclusion and violence gain a sense of authentic voice in peace processes? Inclusion poses the challenge of agency: how exactly do people participate meaningfully in decisions that affect their lives?

I propose to explore inclusion in the forging of peace through metaphors, dominant and submerged. In their seminal work, *Metaphors We Live By*, George Lakoff and Mark Johnson demonstrated that metaphors help us make meaning by way of association. In the midst of great complexity, we connect one thing with another in order to locate and attach social significance to experiences and events. They suggest metaphors will both highlight and hide aspects of complexity. In our book *When Blood and Bones Cry Out*, Angela Jill Lederach and I explored how local communities affected by violence navigate and employ language to make sense of unspeakable violence in their journey toward healing and reconciliation. Here, I want to ask what peacebuilding metaphors highlight and hide, and whether we can expand key metaphors to enhance inclusivity.

### Dominant metaphors

In the transition from war to peace we have not fully explored the framing power of our dominant metaphors. By 'we' I include those engaged in peacebuilding across multi-tiered approaches. Generally, we have accepted the notion that inclusivity in peace refers to access and participation in the structure of formal negotiations, or *the table*. The table represents the *locus* of decision making and power.

Following Lakoff and Johnson, two dominant peace metaphors stand out in settings of armed conflict:

negotiations as a TABLE and transitions as ACCORDS. (Note they use capital letters to identify key metaphors.) Essentially, approaches to inclusivity revolve around concerns for *access to* and *the impact of* table-based negotiations and table-forged agreements. We rarely question how the table metaphor constrains our imagination about inclusion and participation. We assume that the sheer scale of numbers and the temporal long-term framework of protracted conflict necessarily require that we organise representational modalities to culminate at a table. However, the table metaphor hides important patterns.

First and literally, only so many people can physically sit around a table. Necessarily, a table metaphor relies on some form of representative presence. Since only a few among the millions can participate directly, much of inclusivity reverts to symbolic participation of a youth, woman, or civil society participant at the table.

Second, this representational approach can unintentionally spawn and exacerbate internal divisions within regions, identity groups and movements, each vying for more direct presence at the locus of power and decision-making. In some instances, this has propagated the need to 'arm' otherwise nonviolent social movements and identity groups in order to gain access to negotiations.

Third, the output of the table process highlights and depends on written accords. Written accords put extraordinary weight on the *prose* of agreed commitments, but they offer very little direct participation of the wider population in the *emotional processes* the changes will require.

A fourth element emerges around the need for confidentiality in early phases. As the process evolves, modalities for sharing and engaging the public imagination are not easy to develop.

Finally, as accords move into implementation they require wider participation. Yet, the terrain for participation and the organisation of agency for participating rarely have sufficient preparation. Political cultures of governments and armed movements rely heavily on top-down, relatively fast-paced forms of consultation (flying in for a local meeting and back out on the same day) built around weak and often fractionated bureaucracies. Thus, while the public language may encourage participation, the governance habits of participation in settings of protracted conflict are poorly evolved.

**“ The table process is perceived as elitist and controlled. It is also experienced as distant from lived realities and aspirations of the millions most affected by the decisions adopted. ”**

These limitations tend to create and re-create a common response among the wider population in a war-torn context. The table process is perceived as *elitist* and *controlled*. It is also experienced as *distant* from lived realities and aspirations of the millions most affected by the decisions adopted.

This may be why peace processes *stink more than we think*.

I recognise this olfactory reference likely provokes a reaction. However, we have growing empirical evidence for the multiple ways this statement can be interpreted.

### **We stink: promises of peace rarely match delivery**

Comparative work on peace agreements from the Peace Accord Matrix project (see articles in the References authored by Madhav Joshi and Jason Quinn) suggests that the quality of an accord is ultimately found in the quality

of its implementation. Looking across 35 agreements over the past 30 years, accords do not always deliver on what they promise. It takes longer to implement provisions than originally contemplated in agreement timeframes. As SungYong Lee and colleagues have shown, Accord implementation has been better at ending military aspects of conflicts than realising the provisions associated with social equality, economic equity, justice and political access.

Truth emerges slowly and rarely to the depth those most harmed hope to see. Reparations are sporadic, while national politics remain robustly front, centre, and moneyed. Much of the reason for this may be that military and political issues usually come early in the implementation process while wider social and economic elements come later, when implementation loses momentum. The table as metaphor contributes to an image of peace as a controlled process that moves from the many to the few and, once decided, from the few back to the many. As Lakoff and Johnson note, metaphors portray a sense of direction. In the case of the table, peace accords are delivered with downward vertical, hierarchical and operational flows of responsibility and action.

In sum, evidence suggests a first meaning of *we stink*: our actions and delivery do not match up with our promised changes. In settings of armed conflict, peace rhetoric has rarely delivered the quality of change it has appealed to in the public imagination.

### **Presence and behaviour speak louder than words**

A second challenge is found in the phrase, *more than we think*. In settings of deep harm and division, inclusion is connected with the perception people have about the quality of process and the character of leadership guiding the change initiatives. This is particularly true for local communities. People affected by deep and sustained harm are rightly suspicious and distrustful. Their survival requires that they *sniff out* what really is going on. They pay less attention to words, promises and proposals and rely much more on their sensory intuitions about who is promoting the change and how leaders show up in their midst. Negotiations and implementation build from and around top-down, event-driven interactions serving the leaders and representatives at the table. On the receiving end, consultations repeatedly deliver events and promises but few visible changes. This is precisely why consultations, surveys, referenda and reports rarely provide the wider population with a sense of authentic inclusion.

Perceptions of peace emerge around how people experience *quality of presence*, the *embodied* forms that

peacebuilding takes when *representatives* interact with the *represented*. While not easy to define, presence has ineffable characteristics that go far beyond the spoken and written word. It emerges from how people perceive each other, the hidden assessments of intent, motivation and purpose, and ultimately whether trust can be associated with what is explained and requested by representative leadership especially when major decisions have already been forged. Three consistent though mostly unspoken indicators arise from these perceptions.

First, people assess the quality of time leaders have for interaction. Event-based consultations needed in a representational approach require that many people give time to participate in a consultation, but rarely do those who organise the consultation have much time to give. A repeated complaint from local communities is that leaders simply do not have time for a decent conversation. These events may generate a lot of words and reports, but they rarely engender trust. Yet, inclusivity has everything to do with trust. In local settings with deep harm, trust never flows at the pace of political urgency or bureaucratic deadlines, yet those are the markers of time and often leave the sense that neither the quality of presence or process can be trusted.

Second, quality of presence fostering trust requires a different container and expression of listening and empathy. We often think of listening and empathy in terms of interpersonal metaphors, for example, 'to walk a mile in the shoes of another'. In settings of collective harm, inclusion requires a shift into collective listening, a more complex, varied and ambiguous undertaking. Collective listening requires *presencing*: to bear witness to the realities of whole communities, to *stay with* the ambiguity of circling conversations, and to *sit with* mutual learning over time. Collective conversation requires patient 'alongsideness', which, while slow, assures a deeper clarity of basic aspirations around concrete immediate and longer-term needs. Listening as committed presence shifts away from the extractive dynamics of gathering data and providing analysis toward re-humanising contexts of deep brutalisation. This listening does not drive toward quick conclusions on policy and political decisions. The purpose of collective listening leads toward deepening inclusion: people feel valued, visible and acknowledged. Their voice truly matters.

Formal peace processes tend to focus on content and analytical assessment. Consultations aim precisely to fulfil that need. On the other hand, collective listening and empathy opens toward emotional process and the unleashing of social courage and resilience, the ability to frame purpose and nourish agency for

change. In this sense, inclusivity embodies a vigorous understanding of interdependence that links analytical and emotional processes.

A final element assesses the true nature of presence: has visible action responsive to concerns and needs emerged from the conversations? Quality of presence is not just about the moments when people are physically together. Quality of presence is most significantly perceived in follow-up actions and behaviour. People affected by years and decades of violence want to see practical changes that make a difference in their lives. They too often have experienced some form of manipulated extraction around their concerns that rarely returns to make a qualitative improvement.

### **Termite approach: traces and building conversations**

The final aspect of *we stink more than we think* builds from this last observation and offers a shift in approach. 'Termites' as metaphor focuses on how insects face the coordination paradox: how do whole collectives cohere around purpose without centralised control?

**“ Navigating inclusivity in peacebuilding may not be about access to a single locus of power but rather the stitching of a thousand trace-leaving conversations that cohere toward action. ”**

One answer came from the study of insects that, as they travel, leave a scent which permits others to pick up and subsequently build on. The technical word for this is stigmergy: indirect coordination in the environment that stimulates subsequent agency. Social network analysis applies a similar lens to observe shifts in collective human behaviour. In terms of peacebuilding, when people travel, talk, interact with ideas, and then repeat this over time, coherence and wider shared meaning emerge without central control. What we leave in the trace of a thousand conversations may have greater and wider power than what a few share behind closed doors.

Navigating inclusivity in peacebuilding may not be about access to a single locus of power but rather the stitching of a thousand trace-leaving conversations that cohere toward action. Niall Ferguson provides a useful comparison between hierarchical and social network ways of organising agency. He makes the case that the

former, often portrayed as official history, has dominated the latter. He also suggests that the less visible webs of human relationships have always been present and wielded significant impact on social behaviour.

Kenneth Boulding noted a basic theory of change: *If it exists, it's possible*. He suggested we look for existing examples of what we seek to build. With reference to inclusivity, we may have overlooked important experiences that indicate this shift in metaphor. Here are three:

- » The Boroma Grand Guurti in Somaliland, which took years to prepare through a small, travelling set of elders moving across and returning to many conversations with local sub-clans led to an open gathering that greatly reduced violence across a war-torn region (see work by Ahmed Yusuf Farah and by Lederach and Lederach).
- » In Colombia, the process in Medio Magdalena of the Association of Workers and Campesinos provides an approach of transformative conversations within a context of armed conflict (see work by Alejandro Garcia and my book, *The Moral Imagination*). Initiated by those most under threat, creative approaches to conversation conducted by small groups travelling and engaging across deep and violent polarisation led toward unexpected capacity for transforming the conflict landscape.
- » The Natural Resource Conflict Transformation Center–Nepal has focused on longstanding local conflicts over land, water and forest use. They developed a modality of embedded members of the groups in conflict travelling together to sit with polarised communities, over and again, until consensus emerges for how the wider collective can move together toward joint conversation.

What might these initiatives highlight following a different understanding for action in pursuing greater inclusion in peacebuilding?

First, they do not rely on convening representatives around a table. They build on spider-like travelling, moving across communities and locations to spend time in collective, repeated, sustained and mostly publicly open conversations. We could call this *itinerant* movement across the affected landscape.

Second, their processes are circular and repetitive. Those travelling seek ways to stitch conversations, ideas and relationships even when people are not physically

together. The process leaves a scent, a trace. *Stitching* focuses on re-building a more meaningful conversation and eventually a trustworthy process. It represents *iterative and deepening* conversations.

Third, while not taking place in a single location, the conversations build and create connective tissue over time. This focuses less on events than emergent, growing and collective understanding. The accumulative impact has capacity to frame and hold a meaningful platform for action and behaviour change. This 'stimulating' trace left in the environment has capacity to *evoke* collective movement.

The termite shift can be summed up in three words: *itinerate, iterate, evoke*. From collective listening, action emerges without centralised control and with potential for wide, rippling effects.

In conclusion, for the practical negotiator, I am certain these reflections ring both odd and too abstract. Metaphor shifts always require a different mental model. Paradoxically, robust inclusivity requires the capacity to imagine how each metaphor – tables and termites – organises agency in ways that may in fact cross-fertilise and create interdependency. Each metaphor contains elements that ultimately make the other more successful. However, in peacebuilding one metaphor has been so dominant it has limited our ability to imagine the other exists. Inclusivity has paid the price for this blindness.

For inclusivity to rise toward more meaningful practices, we need to expand our metaphors. Reliance on the table and representational approaches will remain limited and inadequate. Our shift, before, during and after national negotiations, should robustly imagine and develop the practices of travelling and stitching a multiplicity of trace-stimulating, sticky conversations.

It may be the only way we embrace the scent and avoid the stink.

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# Gender, inclusion and political settlements

## Implications for peace processes

Sophia Close, Catherine O'Rourke, and Zahbia Yousuf

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This article brings together findings from four years of research on gender, peace and political settlements as part of the Political Settlements Research Programme. Research has looked at Northern Ireland, the Democratic Republic of Congo (DRC), Bougainville, Nepal, Liberia, Timor Leste, Colombia, Bosnia, the Occupied Palestinian Territories and Cyprus.

Political settlements describe how institutional and political power is organised, maintained and exercised in a society, and who is included and how. Political settlements discourse has increasingly shaped statebuilding and peacebuilding policy and practice. A variety of academic and practitioner-led approaches were used to explore the gender assumptions implicit in this discourse in terms of whose and what type of inclusion matters in securing 'inclusive' political settlements more conducive to sustainable peace – such as the conflation of 'elites' with men and the distinction between public and private spaces, particularly when talking about violence. The article further explores how peace processes have provided space for reform of gender norms, and how women and groups traditionally excluded from political decision-making have promoted their inclusion in conflict contexts and in post-agreement transitions.

The research speaks to a core question for this publication: how can more inclusive peace processes balance short-term goals of ending violence through the accommodation of warring parties against long-term goals to renegotiate a social contract that represents and meets the needs of wider society? It helps uncover the different ways in which exclusion in conflict contexts is maintained by gender norms (the deeply held expectations of the roles and behaviour of women, men and other gender identities) and by violence and coercion. It further explores how

peace processes and political, security and justice systems are shaped by these norms. The research sought to expand the understanding of 'gender' beyond a conflation with the category of 'woman', to look at different gender roles and experiences. It shows that there are multiple spaces for challenging gender inequality: formal and informal, public and private, national and subnational.

**“ The research sought to expand the understanding of 'gender' beyond a conflation with the category of 'woman', to look at different gender roles and experiences. ”**

The research built on two key concepts: Catherine O'Rourke's 'gendering political settlements', and Christine Bell and Jan Pospisil's 'formalised political unsettlement', both of which observe that the root causes of violence including challenges of gender inequalities are rarely fully addressed in any peace process. Instead, the disagreements at the heart of the conflict are transferred into a set of political and legal institutions that 'contain' conflict rather than establish

shared values – often perpetuating the historic exclusion of particular identity groups, especially women. Yet this ‘unsettlement’ also points to the potential for new processes that support accommodation, representation and meaningful participation of different identity groups and post-agreement reforms that can address outstanding issues to open opportunities for change.

The research generated findings in three areas:

- » Women’s representation and influence in peace processes, agreements and implementation: greater understanding of the different spaces in which women may be ‘included’; how and when their participation can be enhanced; and the complicated relationship between women’s participation, their influence on decision-making, and positive gender outcomes.
- » International gender equality norms in political settlements: how women have used international norms around gender equality and inclusion to provide leverage in peace processes. This has had different types of impact although shifts in embedded gender norms have proven difficult.
- » How peace interventions affect gendered violence: there are various forms of violence in conflict and post-conflict contexts. Some are more visible than others, notably gendered violence against women, which includes reconfigured forms of violence that emerge from new contestations over the political settlement, as well as more private forms of violence.

These three areas are explored in more detail below.

## **Women’s representation and influence in peace processes**

Most of the contexts examined experienced negotiations and the signing of a peace agreement that provided for or facilitated technical measures for greater inclusion. We found that there are multiple opportunities to support meaningful forms of participation by women and other historically excluded groups and greater inclusion of gender issues in all phases of a peace process, from pre-talks through implementation. The moment around the negotiation of the peace agreement – the talks themselves and the periods immediately before and afterwards – is especially significant as space for inclusive change can subsequently shrink. In situations of conflict and in the early phases of peace processes, women and men take on different roles, such as women acting as combatants in Nepal or as primary breadwinners in Colombia. But this flexibility in gender norms does not necessarily endure, and progress towards greater inclusion can generate significant resistance from incumbent elites which needs to be anticipated and mitigated.

In each context, civil society organisations led by women and that promoted women’s rights were prominent in pushing for their inclusion in peace and transition processes at all levels. Along with other historically excluded groups, women have used multiple strategies and collective activism to introduce gender-related provisions into peace agreements. Evidence indicates this can positively impact the initial cessation of violence and expand the scope and complexity of peace agreements (see References). Mechanisms, institutions and processes that have been used for gendered inclusion include: brokering local-level ceasefire and peace agreements in Bougainville and Colombia; contributing to the design of peace negotiations that incorporated their direct representation or advisory or observer status at the negotiation table in Colombia and Liberia; convening cross-conflict party meetings in Nepal and Northern Ireland; using traditional and new media; convening mass mobilisations in Colombia, Timor Leste and Nepal; and leading community and regional-level discussions and workshops in the DRC, Cyprus, Liberia, Colombia, Nepal, Northern Ireland and Bougainville.

The use of technical affirmative action measures – including quotas and reserved seats – have helped to increase the representation of women and other excluded groups in formal decision-making mechanisms. For example, in Nepal, diversity targets set in the post-agreement Interim Constitution resulted in a Constituent Assembly with increased representation for Dalits (‘low caste’) from zero to eight per cent, for Janajatis (indigenous communities) from 25 to 36 per cent, and for women from five to 33 per cent.

The changes are cumulative, building on previous efforts that had led to a significant change. No one ‘remedy’ or ‘moment’ has been identified to ensure greater inclusion in peace processes and political settlements. And significant gains remain vulnerable to being rolled back. While changes to a political settlement create space for revising gender norms, many established gender roles and behaviours remain embedded, for example in informal, customary and faith systems or patriarchal, elite political institutions. An overarching challenge is that technical measures do not directly or rapidly lead to deeper shifts toward gender equality across society. The gendered nature of political settlements is therefore better understood and more evident over time. Inclusion efforts to support greater gender equality risk being mainly symbolic if they are not sustained or complemented by other initiatives that incentivise deeper changes in gender norms.

Women and other gender identities disproportionately experience conflict-related violence and discrimination.

Discrimination is multidimensional, involving interaction between gender and other power systems including age, class, caste, religion, ethnicity and ability. An intersectional approach is important to re-examine the structures of decision-making that can perpetuate different forms of inequality – legal, governance, economic, cultural and religious – and to identify groups vulnerable to multiple forms of violence and discrimination. An intersectional approach to peacebuilding begins with gender-sensitive analysis of the conflict that incorporates the various experiences of different ‘sections’ of society. This enables peacebuilding actors to target efforts that ensure all groups benefit more equally from peace processes.

For example, Colombia’s 2016 Final Peace Agreement incorporated significant inputs from civil society and is among the most gender-sensitive agreements in recent history. Mass activism and direct representation by civil society influenced the incorporation of gender provisions in the agreement, including on political representation, sexual and reproductive rights and economic security, as well as specific references to gender and sexual minorities, indigenous peoples and Afro-Colombians. Inclusive provisions in the agreement are intended to enable all Colombians to progress their interests through the implementation of the agreement and the peace process more broadly.

Our comparative research showed that donors and international organisations can support the meaningful participation of diverse gender, identity and social groups at all levels of peace processes, particularly where gendered inclusion has not had traction. This international engagement can take many forms, including economic and political pressure, solidarity, direct and indirect funding, capacity and network building, technical exchanges and advice, mediation and facilitation. Such engagement remains challenging, and international assistance can unintentionally exacerbate community and national level tensions, block direct participation, and sometimes aggravate pushback from elites and other power holders. But approaches to peace processes that prioritise stability without gendered inclusion, risk preserving hierarchical and patriarchal decision-making systems.

### **International gender equality norms**

There is now a significant body of norms under international law for gender equality and inclusion in relation to conflict and post-conflict situations, such as the Women, Peace and Security resolutions of the UN Security Council and CEDAW’s General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations. These norms exist across international humanitarian, criminal and human rights law and in Security Council

resolutions. They can be significant in determining a clear agenda for gender inclusion in political settlements, in enabling political and financial resources for actors seeking to promote gender equality, and in underpinning activities by the international institutions charged with implementing, monitoring and enforcing them. Both the norms and institutions offer opportunities – and challenges – for ensuring women’s inclusion in political settlements.

International frameworks and standards provide useful leverage for inclusion in peace processes. Yet implementation has been challenging. International standards are often perceived as external, top-down and threatening, and these arguments have been used to defend the status quo and challenge agendas for change. Our research found that international frameworks need to be complemented by home-grown, bottom-up perspectives, priorities, approaches and activities.

Looking more deeply into the application of international norms and frameworks in practice, our findings suggest that local activists may be more concerned with their potential for influencing political elites’ behaviour than with their formal legal content. Especially as elites may lack capacity to meet formal requirements of the law in the midst of conflict, while non-state actors may be significant violators of these norms. UN Security Council Resolution 1325 and other international norms are also often invoked for their potential to help unlock resources (material and political) to support feminist and women’s organisations.

In post-conflict Northern Ireland, local feminist activists considered such norms almost entirely in terms of potential political resources, most notably underpinning local alliances and influencing local policy actors in institutions established by the peace agreement. Local activists were not unduly limited by the strict content of a particular international text; rather, they drew on the broad norm of women’s inclusion to underpin more tailored policy and political demands. In institutional terms, international norms also proved useful to women’s movements in finding international allies to support inclusion projects. Further international norm development that encompasses other excluded groups, allied to their strategic use by local actors in support of their own agendas, could provide useful pathways to inclusive change.

Some international assistance has been problematic. As discussed above, for example, international organisations rarely undertake gender-sensitive analysis. But where international institutional activities are shaped by a meaningful understanding of and commitment to international gender equality norms, they can help



Liberian women stage a sit-in protest to demand action against gender-based violence at the Temple of Justice, home of the Liberian Supreme Court, March 2007. © UN Photo/Eric Kanalstein

to re-balance local incentives by establishing the relationship between 'gender-inclusive peacemaking' and peacemaking *per se*.

### Gender, violence and inclusion

There is a relationship between gender-based violence against women (VAW), including intimate partner violence (IPV) in conflict settings, and the limited participation of women in social, economic and political life. Addressing IPV, enhancing gender equality and tackling gender stereotypes are all important elements of inclusive peace settlements. For example, our research findings from Liberia and Timor Leste indicate that transitional justice processes that failed to ensure women's inclusion led in turn to official truth accounts that overlooked gender-based violence and the ways in which unequal gender norms enabled such violence.

Violence against women during conflict is very much related to violence towards women before conflict. For example, many of the patterns of pre-conflict violence, such as

sexualised assault by men known to women, or IPV, are perpetuated – by the same or by different actors. Although there are distinctions in how VAW is perpetrated during the conflict, violence is nevertheless grounded in pre-conflict societal norms. Pre-conflict forms of violence targeted at women become distinctive during conflict because of the way they are used tactically or systematically. In Liberia, for example, some women attested that men known to them prior to the conflict selected them for assault during conflict, as the men's possession of guns and status as members of armed groups enabled access to the women in ways unavailable to them previously.

“ Pre-conflict forms of violence targeted at women become distinctive during conflict because of the way they are used tactically or systematically. ”

The forms and scale of conflict-related sexual violence vary both within and across conflict settings. For example, conflict presents increased opportunities for state and non-state actors to enact these forms of violence, in particular with the breakdown in the rule of law offering implicit impunity to perpetrators. Further, in Timor Leste, new actors introduced by the conflict, such as Indonesian state forces and proxy militia, used sexualised assault, harassment and rape in attacks and during detention. In addition, the greater availability of legal and illegal arms led to their greater use in IPV during conflict.

In the post-conflict environment, the impact of – and connections between – organised armed violence and IPV should be considered in formulating policies relating to VAW. In Northern Ireland, membership of armed or paramilitary groups increased the power, control and impunity of perpetrators of IPV during the conflict. Our research found that subsequent disarmament, demobilisation and reintegration (DDR) processes to some extent closed off this power by reducing the number of legally and illegally held arms, as well as the potential to use armed group membership to intimidate victims into not reporting VAW. DDR therefore can have IPV-prevention dividends, and the findings suggest the value of prioritising these elements in negotiations on disarmament.

In Northern Ireland, a more representative, transparent and accountable police service has had a positive impact on responses to IPV. Our research found that during the conflict, the unrepresentative composition of the police force and

its prioritisation of conflict violence in operational activities discouraged IPV victims from reporting; after post-conflict police reforms, these factors reduced dramatically. The findings therefore highlight the value of institutional reforms to policing as part of an inclusive peace process.

## **Conclusion**

The three areas of research – women’s participation and influence, international gender equality norms, and the gendered nature of violence in conflict-affected contexts – raise thought-provoking conclusions. Conceptually, the research points to the deficiencies in the analytical frameworks that currently shape peacebuilding and statebuilding interventions. In particular, the focus on elite bargains and particular forms of armed conflict ignore the multiple and complex ways in which exclusion and violence affect different identity groups, preventing some from influencing political decision-making, while ensuring others continue to shape it. As highlighted above, any international intervention committed to inclusion should be informed by robust gender-sensitive analysis, bringing an intersectional approach that examines diversity within excluded groups and supports targeted programming and policy. For example, disarmament negotiations could have additional IPV-prevention dividends if they incorporate approaches that deliberately address the connections between organised armed violence and VAW.

Furthermore, the research suggests that while there have been increased commitments in peace processes to broader societal inclusion, for example through peace agreements, constitutional reform processes, and other legislative and policy guarantees, deeper, longer-term structural change remains challenging – particularly change to gender norms. Formal commitments to inclusion as well as the local application of international norms have provided useful levers to support inclusive change. But international norms can be portrayed and perceived as part of an external agenda, opening them up to local criticism and resistance. Both international norms and formal approaches need to be accompanied by support to locally led, bottom-up actions that can

better respond to intersectional dimensions of exclusion, for example to explore the role of informal, customary and religious structures in both facilitating and blocking inclusive change.

Research findings indicate change as cumulative. Participation does not immediately lead to influence, and initial efforts to broaden inclusion often face resistance from established elites. Sustained efforts can help to embed norms on gender inclusion, making them more difficult to roll back over time, and to make participation more meaningful and more than a numbers game. Support for inclusive transition can be more effective when it looks to the domestic forums in which norms and standards are set, such as constitutional processes or local governance structures, and to supporting local and national systems of monitoring change. Inclusive gains also have the potential to progressively open up space for other identity groups to build on. This requires attention to the development of coalitions, alliances, and learning between different groups and movements, and not just between international and national organisations.

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# More inclusive monitoring of peace agreement implementation

## Barometer Initiative in Colombia

Borja Paladini and Sean Molloy

*'Without implementation, the most well-formulated provisions have no power'*

UNSG António Guterres

Peace negotiations capture national and international attention at the 'handshake moment'. Yet while the signature of the peace agreement signals the end of one process, it also signals the beginning of another and can create premature expectations that the war has ended, with normalcy soon to resume. In reality, the sustainability of any peace accord depends on the quality and robustness

of how it is implemented, and this is a long and complex process with its own enormous challenges.

Stronger and more engaged monitoring mechanisms can help to translate peace agreements from pieces of paper into practice. Monitoring mechanisms should help to 'sustain peace' by navigating the complexity of the implementation phase, responding to constructive and destructive 'emergent patterns', and enhancing the inclusiveness and legitimacy of signatories' efforts to honour their commitments. The Barometer Initiative



A joint progress meeting in Cartagena de Indias between the Government of Colombia, FARC and the international community to assess implementation of the 2016 Final Peace Agreement, 5 May 2018. © Borja Paladini

to monitor implementation of the 2016 Colombia Peace Agreement provides an innovative example of the roles that monitoring mechanisms can play to promote inclusion in a highly dynamic and ever-changing environment and insights into the challenges involved.

## **Obstacles to implementation**

Peace accords are produced through discussion among some or all of a conflict's protagonists. They have two primary ambitions – to end violent military conflict, and to address its main causes and consequences. Peace accords can include provisions on the creation of institutional mechanisms to allow access to state power and economic resources, empower minority or identity groups, compensate victims, or demobilise combatants and integrate them back into society.

Various obstacles can hinder or derail efforts to implement peace agreements. Promising and effecting change are two different things. The translation of the peace accord – a political and ideological document – into norms, institutions, laws, policies, programmes and concrete actions is a long and uncertain path. Unrealistic timeframes exacerbate anxiety among the parties and affected society. As enthusiasm diminishes, international support can also dwindle. Lack of trust among negotiating parties can compromise their adherence to commitments. Spoilers can undermine progress. Elites can resist the conditions of inclusion in the peace process and reject the reality of sharing power. These impediments are exacerbated by the continued legacies of war (war economies, mistrust and polarisation), and changes in national and international priorities and configurations of power-holders.

**“ Communities and many other stakeholders see implementation as their space for influencing change. ”**

The implementation stage invariably introduces many other negotiations, actors and constituencies. Different social, economic and political stakeholders typically excluded during negotiations now press for meaningful and transformative participation in order to overcome the 'legitimacy gap' created by negotiations among elites. Communities and many other stakeholders see implementation as their space for influencing change.

Certain peace agreement provisions are particularly resistant to implementation. Commitments on accountability for harm or crimes committed related to the conflict through punitive transitional justice mechanisms are clearly the most fiercely resisted as those responsible for implementing

them are also most liable. But economic reforms and ethnic, gender and environmental commitments also have lower implementation rates than those related to disarmament, power sharing or political participation – as documented by Madhav Joshi, Jason Quinn and the Peace Accord Matrix team at the Kroc Institute. The knock-on effects of non-implementation compound the complexities of implementation in other areas.

## **Monitoring mechanisms**

Monitoring is related to but distinct from verification. Monitoring refers to collecting information on implementation. It may be conducted remotely or locally, gathering data through sources such as the parties to an agreement, a specialist observer team, citizen reporting or technological surveillance. Verification refers to using monitoring information to evaluate parties' compliance with an agreement. It can provide an opportunity for parties to demonstrate compliance, or a process to identify violations or deter potential violations, for example through threat of exposure and possible sanction.

Monitoring mechanisms can include international, regional, sub-regional or national actors, civil society groups, community and religious organisations, media or research institutions. In many cases, monitoring mechanisms will consist of variations of some or all of these. This was the case, for instance, in the 1999 Lomé Agreement between the Government of Sierra Leone and the Revolutionary United Front. Monitoring mechanisms can relate to an array of commitments, such as regarding cessation of hostilities, weapons stockpiles and decommissioning, prisoner release, and political participation and elections.

Responsibilities for monitoring can emerge in different ways and cover different aspects of an agreement. Peace agreements can establish commissions or nominate various constituents to oversee the implementation of entire accords. Examples include the 2002 Global and Inclusive Agreement on Transition in the Democratic Republic of Congo ('Pretoria Agreement'), and the 2002 Peace Agreement between the Government of the Republic of Chad and the Movement for Democracy and Justice in Chad ('Tripoli Agreement'). Alternatively, agreements can provide for the monitoring of specific, discrete areas of implementation. In Bosnia, for example, responsibility to oversee refugee-related aspects of the Dayton agreement was designated to the UN High Commissioner for Refugees. In other cases, while not formally mandated by the agreement, there is frequently a multitude of civil society actors monitoring discrete areas of the post-conflict landscape, such as post-agreement human rights violations, implementation of legislation, destabilisation factors, and gender inclusion.

Third-party actors have important roles to play in peace implementation processes, such as to overcome low levels of trust between conflict parties. However, less is known about how, when and why the inner workings of monitoring mechanisms affect implementation, or their ability to influence ongoing peace processes more broadly – beyond the provisions of the accords – and whether the process of monitoring offers opportunities to counteract the exclusive nature of peace agreements.

## Barometer Initiative

As part of their 2016 peace agreement, the Government of Colombia and Revolutionary Armed Forces of Colombia (FARC) invited the Kroc Institute for International Peace Studies to provide technical assistance to the main monitoring and verification bodies: the joint Government of Colombia and FARC Monitoring and Verification Commission; and the International Verification Component headed by Felipe Gonzalez and Pepe Mújica (former presidents of Spain and Uruguay).

The tasks of the Kroc Institute can be clustered in two distinct groups:

1. Build an evidence-based assessment and monitoring model to measure compliance with the agreements, identifying in real-time the advances, difficulties, gaps and setbacks in the implementation, and providing contemporaneous analysis to key decision-makers.
2. Enable and facilitate real-time decision-making and adjustments in order to facilitate continuous improvement of peacebuilding capabilities to support implementation.

In response, the Kroc Institute created the Barometer Initiative, a bespoke methodology for the Colombian context that was inspired by its own Peace Accord Matrix programme.

The initiative examines the degree of implementation in 578 stipulations (actionable commitments) in the peace accord. These are grouped for analytical purposes into 18 themes and 70 sub-themes. The Barometer also assesses the level of implementation of cross-cutting priorities within the agreement: gender, ethnicity, territorial peace and human rights. A team of local peacebuilders gathers, verifies and systematises in a qualitative database information from hundreds of sources, including government officials, FARC advisors, the international community, NGOs, think tanks and universities, and women's and ethnic organisations. Means of data gathering include perception studies, field visits, ethnographic assessments and press monitoring.

Through a coding process, the information updates a monthly quantitative assessment of the implementation of each stipulation, theme and sub-theme. In addition, data and assessments are shared regularly with hundreds of local stakeholders through 'reflexive dialogue spaces', creating an engaged participatory process to make sense of the main qualitative advances, difficulties, alerts, setbacks and gaps, as well as of the positive and negative cascading effects of the implementation. Kroc also develops a comparative assessment using analysis from the 34 different cases in the Peace Accord Matrix.

Using this analysis, the Barometer Initiative prepares regular reports assessing the implementation process. Some comprehensive reports are public, evaluating the state of implementation including on cross-cutting priorities. Other reports are confidential policy briefs provided to the key decision-makers which present evidence-based quantitative, qualitative and comparative information. These can respond to questions from the parties, identify concerns, highlight difficulties, gaps and setbacks, and provide comparative insights about how other countries responded to similar dilemmas. In partnership with key local and international actors and local civil society platforms, Kroc also prepares assessments of the implementation of the gender equity and other cross-cutting priorities in the accord in order to influence debate and decision-making and encourage more meaningful and transformative participation of key actors.

Kroc sees its approach as an opportunity to facilitate an adaptive implementation that, among other things:

1. supports key decision-makers with information and timely options to respond to emergent dynamics
2. increases resilience by identifying local opportunities and processes that can be nurtured to sustain peace
3. facilitates implementation processes that are more inclusive, participatory and open to social and community actors, including women, young people, ethnic groups and other strategic stakeholders
4. provides access to credible information for increasing social and political support to the transition from war to peace

Kroc also provides timely information about key destabilising factors such as narcotrafficking, corruption and human rights violations, and comparative options about how to respond to these. Kroc's approach seeks to build trust between the parties.

## Participatory and adaptive monitoring

Monitoring mechanisms often produce reports at the end of their mandates. This is too late to make improvements or alter the trajectories of implementation. By contrast, the Barometer Initiative provides information to parties in real-time. It does not seek to 'finger-point' but rather to highlight advances, difficulties and implementation gaps while at the same time maintaining the commitment of the parties involved. In doing so, the Barometer Initiative seeks to build trust between parties by demonstrating goodwill and adherence to commitments.

Real-time reporting allows parties to assess what has worked and what has not. Highlighting areas of limited development can inspire either side to increase their efforts, leading to a 'positive cascading' effect. Similarly, quantitative and qualitative data can help to identify high-risk areas. In both cases, by providing information on implementation, parties are afforded the necessary data to help navigate the process of implementation.

Kroc's access to comparative information can also draw on the approaches adopted in other processes to address difficulties or to create ideas. The availability of comparative data makes it easier to identify common empirical patterns, outlier cases, and in some instances, possible solutions to gaps in implementation, including early preventive measures.

In providing information on implementation, monitoring bodies also offer the general public insights into the progression, regression or inertia of the peace process. In Colombia, Kroc issues nonpartisan analyses and periodic assessments of the pace of implementation and any strengths or gaps. This information has also been made available to around 300 organisations, which can offer their own interpretation of the data. These efforts have a pedagogical effect, helping to inform the wider public about both the substance of the agreement and the state of implementation.

Groups have used Barometer data to identify lags in implementation on issues such as land reform and social justice to support advocacy efforts. Data on the current status of implementation can, in this way, help to promote improved implementation. Implementation data often focus on failures, but an important factor in helping to sustain a peace process is acknowledging and celebrating success. Kroc can provide early detection warnings, but it has also made sure to highlight the achievements of the Colombian implementation process so far – for example, the significant progress of the disarmament process.

## Conclusion

Kroc's activities in Colombia highlight the opportunities for monitoring mechanisms to play more proactive and positive roles in facilitating the implementation of peace agreements. Important factors that monitoring mechanisms should take into account include the following:

1. The need to adapt implementation to the evolving and changing context. This is not an option, but an inescapable requirement.
2. Implementation is not an easy path. The peace agreement does not transform war economies immediately. Political actors change, power-holders evolve.
3. Communities use implementation processes as opportunities to make claims for inclusion and meaningful and transformative participation.
4. Unresolved and sometimes new conflicts emerge.
5. Corruption and weak institutions remain.
6. Divided communities, polarisation, resistance to change and mistrust impregnates the implementation environment. Violence does not necessarily reduce immediately, as seen in Colombia with the targeted killings of social leaders, human rights defenders and former FARC combatants.

In attempting to respond to these realities, Kroc's effort acknowledges and addresses constructively the many dilemmas of post-agreement transitions. Of course, more and more concerted efforts are needed to sustain peace and facilitate peacebuilding. Drawing on the example of the Barometer Initiative in Colombia, monitoring mechanisms have the potential to surpass simply observing and reporting on the status and rate of implementation. Inclusive monitoring mechanisms can open up the implementation process to a range of actors, many of whom may well have been marginalised from peace negotiations, creating a more inclusive peace process.

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# Complexity thinking and adaptive peacebuilding

## What can it contribute to our understanding of inclusive political settlements?

Cedric de Coning

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We often refer to peace processes being complex. Beyond this common-sense use of complexity, however, there is a serious project under way to study and theorise complexity, and to operate adaptively in such environments. Studying complexity can, for instance, help peacebuilders understand where they can have the most impact when trying to influence social systems.

Donella Meadows found that we devote most of our energy on aspects that, counterintuitively, only have weak leverage. In the peacebuilding context this will be things such as skills, equipment and procedures. These are weak leverage points because on their own they don't change the system within which they function. Meadows points out that the higher-order leverage points in complex systems where relatively small shifts can have the most impact are rules, structure, goals and paradigms.

Studying complex systems has also taught us that change does not always occur gradually. Pressure for change accumulates, but often without much evidence during the build-up phase. And then suddenly, when a tipping point is reached, a system can change significantly in a short period of time. Thus, working towards more inclusive political and social processes will not necessarily show signs of steady progress. Adam Day (UNU-CPR) and Ian Wadley (Centre for Humanitarian Dialogue) propose that in order to consider if peacebuilders are doing the right thing, even if progress appears slow or stalled, one

can evaluate against best practice, peer review and by considering counter-factual scenarios.

This is partly due to the importance of path dependency in systems dynamics. The choices that individuals make, even powerful leaders and political elites, are constrained by initial conditions and the choices that have been made earlier. This helps explain why most important system changes occur during periods of turbulence when path dependency is disrupted. From a peacebuilding perspective, such transitions create opportunities to exert influence on higher-order leverage points.

### **Self-organisation**

Another concept that unlocks new insights for understanding change in complex systems is resilience, which refers to the capacities of social institutions, such as formal and informal justice systems, to sustain acceptable levels of function, structure and identity under stress. Resilience to withstand shocks and challenges, and the ability to adapt, grows as social institutions develop

increasingly complex forms of self-organisation. Christine Bell and her colleagues at the Political Settlements Research Programme have shown that from Aceh and Mindanao to Colombia and Mali, national and local peace agreements reached through *self-renewing and inclusive peace processes* have proven to be more resilient when roles and responsibilities, including for implementation, are distributed among a broad group of participants.

**“ National and local peace agreements reached through self-renewing and inclusive peace processes have proven to be more resilient when roles and responsibilities, including for implementation, are distributed among a broad group of participants. ”**

Self-organisation, in this context, refers to the ability of organisations and individuals within a complex system, like a large community, to organise, maintain and adapt themselves without the direction of a controlling agent. It is thus not surprising that one aspect of self-organisation that is strongly associated with sustaining peace is the inclusion of *outsider groups*, ie interest and identity groups otherwise excluded from peace talks. Societies that have found political and social models that can accommodate multiple

identities of ethnicity, religion, language, race, gender and sexual orientation are less likely to experience violent conflict. For example, Tania Paffenholz and colleagues at the Inclusive Peace and Transition Initiative have found that when a broad range of actors beyond the principle conflict parties are included, and these actors were able to assert influence over the process, their inclusion was vital for preventing violence and for sustaining peace. This is partly because self-organisation facilitates and modulates the flow and processing of feedback information, for instance through developing a shared understanding, participatory decision-making or monitoring mechanisms. It distributes and dilutes vulnerability across social networks. If one node is weak, others can carry the load, thus preventing the system from breaking down. Based on these insights, support for peacebuilding should prioritise facilitating and enabling resilient, self-organising and adaptive national and local social institutions.

### **Adaptive peacebuilding**

Adaptive peacebuilding is one such complexity-informed approach where peacebuilders, including communities and people affected by the conflict, actively engage in a structured process to sustain peace by employing an iterative process of experimentation, learning and adaptation. It builds on the work of Andrews, Pritchett and Woolcock, who have pioneered the problem-driven iterative adaptation (PDIA) approach to escape the linear tyranny of the log-frame in development planning and evaluation. Adaptive peacebuilding applies this approach to sustaining peace and links it with other complexity-informed approaches to peacebuilding. Examples include the work



The Moro Islamic Liberation Front and the Government of the Philippines sign the Comprehensive Agreement on the Bangsamoro at the Presidential Palace in Manila on 27 March 2014. © Conciliation Resources

of Dialectiq, Humanity United's work in Mali and Zimbabwe, the work of Burns, Gray and Roos on community-based peace processes in Myanmar and the International Rescue Committee and Mercy Corps' ADAPT project, also in Myanmar.

UN peacekeeping operations in the Central African Republic and South Sudan, together with local communities, employ a range of strategies to pursue local peace agreements, improve local security, disrupt local conflict dynamics and encourage local economic activity. The people involved are continuously learning from their experiences and are adapting their approaches based on their assessment of which initiatives are more or less effective. Adaptive peacebuilding in these contexts does not necessarily imply following a specific methodological approach like PDIA. It is more a pattern of practices that experiment with an inductive, iterative and adaptive approach. These adaptive approaches differ fundamentally from the determined-design approach that was in vogue over the past two decades, where the logic of the programmatic intervention has been predetermined, and the role of the peacebuilders and communities was to implement the programmes as designed.

While peacebuilders can influence complex social systems by enabling and stimulating the processes that enable resilience and inclusiveness to emerge, the prominent role of self-organisation in complex system dynamics suggests that it is important the affected societies and communities have the space and agency to drive their own process. External fixes will not stick if they have not been internalised, so local adaptation processes are ultimately the critical element for inclusive political settlements to become self-sustainable. In *How China Escaped the Poverty Trap*, Yuen Yuen Ang describes this paradoxical mixture of top-down influence and bottom-up improvisation as 'directed improvisation'.

## Local leadership

This is why the notion of peacebuilding is unfortunate. It subconsciously suggests that experts can design and build peace, as if it was an engineering challenge. In *On the Frontlines of Peace*, Severine Autesserre shows how many successful examples of peacebuilding have involved innovative grassroots initiatives, led by local people, often using methods that international peacemakers tend to undervalue. In *Global Governance and Local Peace*, Susanna Campbell goes one step further and argues that the capacity of UN agencies to successfully pursue their peacebuilding aims relies to a large degree on the ability of their people in the field to make the organisation responsive to parties in the local context. Thus, not only is sustaining peace dependent on resilient local communities, but also the international efforts to support such efforts are more successful when they are accountable to local populations and informed by feedback from local communities.

As these examples show, adaptive peacebuilding approaches can contribute in original and innovative ways to more inclusive peace processes and more self-sustainable political settlements. This does not mean, however, that adaptation is a solution in and of itself. There are common fallacies associated with complexity that should be avoided, such as that complexity thinking implies embracing messiness, abandons goals and gives up on transformative change. What incorporating complexity thinking will do is to help mediators and other peace practitioners to become more confident in coping with uncertainties and more comfortable experimenting with adaptive approaches.

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# Civil society inclusion in peacebuilding

## Who, how and so what?

Jenny Aulin

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In global policy arenas the focus on inclusion in current agendas and strategies for sustaining peace has for many become almost synonymous with civil society participation, often with a focus on women and youth. But exactly whose inclusion are we talking about, and in what kind of peacebuilding?

Beyond the normative acceptance of our basic human rights to participation, freedom of speech and assembly, and the principled support for democratic systems of governance and decision-making, when it comes to tactics and strategies to support inclusion in peace processes, practitioners and policymakers alike often lack clarity and confidence.

To explore this topic with civil society practitioners, in February 2018 the Inclusive Peace & Transition Initiative (IPTI) together with Peace Direct and the Global Partnership for the Prevention of Armed Conflict (GPPAC) network launched a global consultation, 'Civil Society & Inclusive Peace'. Through a series of online consultations and workshops, over 170 local and global peacebuilding practitioners and academics from around the world have participated in an ongoing reflection that started with an open query: 'What is inclusion in peacebuilding – do we all mean the same thing?'

By comparing experiences and exploring concepts, this consultation has unpacked assumptions and sought to bring more clarity to what inclusion means in practice for civil society actors' role in peacebuilding. The various perspectives that have emerged can be clustered in three helpful ways:

1. Inclusion as meaningful representation (*who?*)
2. Inclusion as process and influence (*how?*)
3. Inclusive outcomes (*so what?*)

### **Inclusion as representation: whose voice counts in civil society?**

Inclusion in civil society peacebuilding is about the decisions on who should get to have a say in a peace process or a peacebuilding strategy beyond the conflict's most powerful armed actors. The tension around 'whose voice counts' is an ongoing and central dilemma for inclusion in practice. One way to broaden representation in a peace process is through national dialogues, which look to provide more participatory negotiation forums in which different identity groups are directly represented. National dialogues aim for public buy-in and acceptable trade-offs of interests between different groups. However, one persistent risk has been that conflict parties seek to instrumentalise such processes by picking 'their' civil society representatives to participate. A key challenge when looking to enhance participation of particular groups commonly excluded from peace processes, such as conflict-affected and marginalised communities, is that such groups are not homogeneous and rarely have agreed national representation to 'speak with one voice'.

Civil society groups, organised in a variety of forms, often look to function as social conduits for inclusion beyond state-led peace processes. In practice, the ability of local civil society to perform this role is complicated by dynamics within civil society itself, which can include power asymmetries or experiences of trauma, as well as clashing values, interests and conflict narratives. The question of ‘whose voice counts’ in civil society overlaps with perceptions of ‘whose voice is legitimate’, and is debated among civil society and other constituencies through ongoing negotiations on respective visions for peace. The assumptions of international actors on who among civil society is representative or legitimate are also often very influential.

Our consultation brought out a broad view on civil society actors, seen as organised and diverse communities of interests, identity and values, ranging from informal to traditional and local groups, and from broader social movements to formal and professionalised institutions and platforms. Among participants, civil society legitimacy was largely associated with the quality of the relationships that civil society organisations (CSOs) have with the constituencies they claim to represent or know, and their ability to articulate people’s concerns and grievances. Concerns about ‘out-of-touch NGOs’, as perceived by some communities, came out strongly. Participants in the consultation stressed the importance of paying attention to deeply contextual patterns of marginalisation in order to avoid tokenistic and ineffective inclusion (*‘...don’t just “add some women and youth”’*), and of the value of engaging with a diverse political and social spectrum (*‘...not just the liberal-minded groups we agree with’*). The consultation also highlighted as important measures of successful inclusion public perceptions of trust in dialogue and the participants and parties involved, and a sense that people’s priorities have been heard.

### **Modalities of inclusion: influence in the process?**

A key aspect of inclusion is the extent and quality of participation of groups usually excluded from a peace process, and the mechanisms that enable them to influence it. IPTI’s ‘Broadening Participation in Political Negotiations and Implementation’ research identified several ‘modalities of inclusion’ in official peace negotiations. Options for formal and informal civil society engagement include: direct representation at the negotiation table as members of or advisers to the negotiating parties; observer status; consultations; mandated commissions on specific issues; ‘Track 1.5’ problem-solving dialogues and workshops; public decision-making; and mass action.

The research found that more representative forms of civil society participation do not necessarily translate into actual influence over the process. Outcomes of participation are affected by a wide set of factors including elite support or resistance and geopolitical dynamics. Internal process factors cited as being important in supporting or limiting influence included selection procedures and criteria for participation as well as rules for decision-making. External factors included the existence of strong coalitions, public pressure and support structures that enable sustained participation.

Coalitions spanning diverse constituencies, such as women’s coalitions and platforms with representation from different levels of civil society – national, elite, regional, and rural and urban communities – can be instrumental in influencing formal processes. However, civil society coalitions, networks and partnerships are complex. The consultation highlighted that they face a ‘double challenge’ in polarised conflict contexts, of addressing differences and power dynamics within the political process *and* within their own ranks. Participants emphasised the importance of building trust, legitimacy and capacities, enabling mutual learning, and ensuring communication and feedback loops between different civil society arenas.

**“ Coalitions spanning diverse constituencies, such as women’s coalitions and platforms with representation from different levels of civil society – national, elite, regional, and rural and urban communities – can be instrumental in influencing formal processes. ”**

Formal peace processes tend to be ‘top-down’, designed by national and international elites who control the time frame, procedures and contents. Participants in the civil society consultation stressed the ‘importance of agency’ – not just being consulted (in ‘invited spaces’), but what civil society can do on its own terms (in ‘claimed spaces’). Processes that emerge from local initiatives in a variety of forms are important complements to formal negotiations. Inclusion strategies can usefully pay attention to ‘channels’ and ‘connectors’ – as identified by ‘CDA Collaborative Learning Projects’ – that can engage, broker and coordinate with bottom-up initiatives.

Analysis of non-violent resistance (NVR), such as that done by the International Centre for Non-Violent Action (ICNC), has much to teach peacebuilders about mass action. NVR theories of change, power analysis tools, protection and movement-building tactics are directly relevant to many civil society ambitions around inclusion, particularly in a global climate of shrinking civic space. Local activists from the Philippines to Colombia have long integrated peace and justice issues into social movements, but the professional sectors that aim to support peace and social justice often work in conceptual and academic silos. This disparity matters, as support by international partners and networks to local actors could be more strategic if they too played a bridging role. Recent efforts to explore integration and complementarities across NVR and peacebuilding, such as ICNC's 'Powering to peace' report, and the 'Synergizing Nonviolent Action and Peacebuilding Action Guide' by the United States Institute of Peace, are starting to address this broader potential.

### **Inclusion as outcomes: sustainable peace**

Beyond formal peace negotiations led by warring parties, peacebuilding CSOs in the consultation highlighted the importance of working to address the structural conditions that enable inclusion in society. They focus on conflict transformation towards building a culture of tolerance, social cohesion and the non-violent prevention of armed conflicts. Some question whether formal peace agreements offer a false promise through the presumption that a meaningful peace can be obtained via elite-driven negotiation. They highlight the importance of work on 'everyday peace' in local communities, such as by local peace committees in Zimbabwe, trauma healing in Bosnia, and peace education in the school curriculum in Côte d'Ivoire. Rather than a 'deal' to be implemented and monitored, these perspectives present a case for investing in formal and informal 'peace infrastructure' that allows for gradual and meaningful change processes.

Inclusion is ultimately about a society's shared vision of positive peace, where people have equal access to resources, services and governance. Peacebuilding

strategies and tactics that seek to address conflict through structural change are long-term undertakings – whether the structures are constitutional or legal frameworks, processes that deal with legacies of the violent past, or new political institutions. As noted by Jonathan Pinckney, the challenge for civil society is to keep social bases mobilised for positive political change throughout periods of transition ('transitional mobilisation') while actively articulating a vision for what lies beyond.

The diversity of civil society constitutes the main challenges *and* opportunities for inclusive peace. Recognising and working with this messy diversity is key to supporting meaningful inclusion and the outcomes that follow. The space and forms in which people self-organise, claim access and hold power-holders and each other to account are in and of themselves an integral part of any peace process. Peace does not trickle down from a formal agreement, but is about meeting the needs and interests that people are able to define and negotiate. This requires both mobilisation and enabling strategies that ultimately can address past, present and potential future grievances, as well as make space for reconciliation over the long term. The questions of *who*, *how*, and *so what* will always have to be asked.

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# Youth, peace and security

## Addressing the violence of exclusion

Graeme Simpson

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UN Security Council Resolution 2250 on youth, peace and security was passed in December 2015. At its core is a clear acknowledgement of the political, economic and social exclusion and marginalisation of 1.8 billion young people globally, as well as the potential consequences as more than a quarter of these young women and men are persistently exposed to violence.

However, governments and multilateral stakeholders view the implications of this very differently. For some, the primary motivation of the youth, peace and security (YPS) agenda is countering or preventing violent extremism. For others, it signals the critical challenge of fostering the broad participation and recognition of young women and men, and their contributions to building and sustaining peace.

The resolution called for an independent study on the role of young people in building peace and preventing violent conflict. The subsequent study, *The Missing Peace*, identifies a significant and growing trust deficit between young people and their governments, multilateral bodies and even international civil society organisations. This is rooted in prevailing and highly gendered stereotypes of young people as either progenitors of violence or its passive victims. Not only do these perceptions deny the agency of young people's contribution to peace, but they also foster policy myths and fear-mongering about their roles in violent conflict.

The resulting 'policy panic' is embedded in assumptions that increased levels of political unrest and violence are associated with youth populations that are bulging, in youth migration and urbanisation, and in the lure of recruitment into 'violent extremist' organisations. None of these sources of policy panic are sustained by convincing evidence, and indeed there is considerable evidence to contradict them.

Furthermore, this obsession with the small number of youths who join armed groups or gangs ignores the simple fact that the vast majority of young people are *not* involved in violence. It drives massive investment in hard security measures instead of in the resourceful and creative contributions many young people make to peace processes.

Young people and young men in particular are primarily treated as the potential spoilers of peace processes – the armed foot-soldiers and criminal lieutenants – or the cannon-fodder of violent conflict. This not only compounds their marginalisation from mediated peace negotiations but ignores their resilience and potential contribution as peace actors more broadly. Young people are treated almost exclusively as 'a problem to be solved' or as a potential threat, rather than as invaluable partners in building and sustaining peace.

If these approaches unhelpfully *demonise* youth, then the alternative of including young people must also avoid *romanticising* or *patronising* them. Of course, not all young people are peacebuilders, and many who are do not necessarily conceive of their roles in this way. In seeking to translate a demographic youth dividend into a peace dividend, the limits and challenges of inclusion in formal processes and structures must therefore be acknowledged. Further, the innovations and dynamism of youth-led and

youth-based contributions to building and sustaining peace must also be fully appreciated in all their diversity.

## **Inclusion in practice: participatory research and assessment**

In developing a YPS strategy, it was self-evident that an inclusive process was essential. *The Missing Peace* study itself could not afford to reproduce the problem of exclusion that it was intended to address. To this end, the methodology and design of the study was premised on the need to create access for and to listen to youth voices that were not usually audible in such global policy processes. Through the collaboration with a consortium of civil society peacebuilding organisations with trust-based access to young people and youth-led organisations on the ground, as well as the facilitation of UN entities and agencies, the study undertook extensive dialogue and research. This included seven regional youth consultations, 281 focus group discussions in 44 countries, a survey of over 400 youth-led peacebuilding organisations, 45 country-specific and thematic studies, and mapping of the work already being undertaken by UN entities and agencies as well as various governments. The project involved young people across both the global north and south, from urban and rural areas, and upheld a commitment to a full gender balance of those participating.

**“ A key conclusion of *The Missing Peace* was that it is essential to address the perceptions of injustice and what young people describe as ‘the violence of their exclusion’. ”**

Looking ahead, in assessing the further implementation of this global agenda and the specific recommendations of the study, the process for defining progress assessment indicators will similarly need to be based upon the inclusive participation of young people at country and local levels. These measures should not be defined externally by donors or operate as ‘drop-down templates’, but should, like the study, be premised on youth participation, perceptions and definitions in their different country and local contexts.

## **Meaningful inclusion**

From expansive consultations with young people around the world, a key conclusion of *The Missing Peace* was that it is essential to address the perceptions of injustice and what young people describe as ‘the violence of their exclusion’ – reflecting the systemic and structural character of young people’s marginalisation. But young people also challenged simplistic notions of inclusion, posing the key question

of what constitutes ‘meaningful inclusion’. In answer to this challenge, they were quick to point out that political inclusion is not unconditional and to emphasise that they often resisted being included in corrupt systems based on political patronage. They drew attention to the dangers of symbolic or tokenistic approaches which determine which young people are able to participate politically and which are excluded. They noted the dangers of manipulation by political parties, identity-based stakeholders or armed groups and warned of co-optation of youth elites in broader political processes and in formal mediated peace processes. While they recognised the potential importance of participating in youth advisory councils or, through youth quotas, in political parties or in parliaments, they also challenged the limits of these and similar engagements in formal political instruments or processes.

Under the banner ‘nothing about us without us’, young people consulted in the study drew specific attention to the importance of their involvement in the diverse and cutting-edge policy arenas that directly impacted their lives and which also often shaped the underlying causes of societal conflict. Young participants therefore challenged the ‘ghettoisation’ of youth inclusion when treated as the exclusive preserve of youth organisations, or which restricted ‘youth issues’ to a narrow set of concerns. They often criticised governments’ trivialising of youth politics and peacebuilding by corralling them under the ambit of youth ministries or ministries of culture or sports. In this vein, the young people consulted pointed to the transversal importance of the youth demographic, and emphasised for example in the case of the Sustainable Development Goals, that ‘every SDG should be seen as a youth SDG’. They insist that their economic inclusion needed to reach beyond just jobs or vocational education, to facilitate their involvement in the policy, planning and implementation of community development. They drew attention to the inextricable link between youth inclusion and the human rights protections which not only safeguarded their physical wellbeing, but also secured the enabling environment for their organisation and peacebuilding work – including their disruptive change agency through peaceful protest and dissent.

Young people noted that they were often more fearful of their own government’s security forces than of terrorist organisations. They emphasised the importance of inclusion beyond formal political processes as a means of building civic trust at some of the key interfaces between youth and the state – in particular, their interaction with criminal justice or security systems, and in the sphere of education. In these arenas, they challenged their exclusion from security sector or criminal justice reform processes, or from the strategic decisions about educational priorities or curriculum design in which they

were often seen as the primary objects but seldom enabled as the key protagonists. They presented an alternative vision of disengagement and reintegration processes that were not just about addressing the dysfunction of predominantly young combatants or former prisoners, but which were centred around the roles of youths and youth organisations at the heart of community-based reintegration processes. And in every one of these arenas of inclusion and participation, they also drew attention to the way distinctions based on gender, caste, race, ethnicity and class, mediated who was, and who was not, included from within the heterogeneous category of youth.

Young people also offered creative challenges to the prevailing discourses of 'inclusion' and 'empowerment'. They identified that these often imply that it is others (whether civil society organisations, governments or multilateral organisations) who are 'setting the table' and sometimes inviting young people to join it. But they complained that this language often inaccurately suggests their lack of agency, ignoring how young people are shifting the terrain of participation and effectively 'setting their own tables'. Disillusioned with the limitations of representative politics, they are actively forging alternative spaces for engagement and belonging. In so doing, young women and men demonstrate that they are redefining the arenas in which political, social and economic relations are played out and what this implies for what meaningful inclusion will look like in practice, both within society and between young people and the state.

The transitional nature of youth identity itself distinguishes youth from other identity-based or demographic groups. The study argues that youth is a socio-political and cultural construct rather than merely a chronological age – a *time of passage* rather than a *passage of time*. But unlike most identities, young people eventually outgrow this status even where rites of passage into adulthood are inhibited. This presents distinct operational and tactical challenges in sustaining inclusive youth-led and youth-based peace work, including the specific need for constantly reproducing and refreshing youth leadership (including within civil society organisations), and sustaining the transitioning capacities and agency from one youth cohort to successive cohorts. This presents unique challenges within youth-based social movements and organisations, and in turn impacts upon the relationship between these movements and wider society, and youth organisations specifically involved in peace processes.

### **Resilience of youth peace work: challenging the boundaries of inclusion**

*The Missing Peace* documents the creative, endogenous and resourceful manifestations of youth-led and youth-based peace work, identifying the alternative pathways for investment in youth resilience, rather than security-based investments based on risk alone. This calls for a significant shift in the narrative of how we think about the participation of young people in processes that build and sustain peace and security.



Young Ladakhis in Srinagar, Indian-administered Kashmir, share their perspectives on peace and conflict. © Conciliation Resources

- » The study describes how young people are engaged in peace work across all phases of the conflict-to-peace spectrum, from early intervention models seeking to prevent the outbreak of violence in relatively peaceful societies, to preventing the escalation of conflict, to the process of peace and reconciliation in the wake of violence. Young people's participation in building and sustaining peace therefore demands the recognition that this is an engagement in a non-segmented peace and conflict continuum which is neither just about ceasefires nor post-conflict peace settlements.
- » The study goes further to demonstrate that young people are working across different typologies of violence – from gender-based violence in the public and private spheres, to political violence, organised criminal violence, to terrorism – recognising the extent to which the patterns of and boundaries between different types of violent conflict change over time within a society or community.
- » Young people are also working from the most local people-to-people peacebuilding approaches, and up through different institutional, national and international levels – acknowledging the systemic relationship between these various peacebuilding tracks.
- » Youth-based peace work is also innovative in forging trans-sectoral partnerships, with government institutions and agencies at local or national levels, and with civil society organisations across peacebuilding, human rights, gender, development and humanitarian operational pillars.
- » Youth-led and youth-based peace work also boasts the development of innovative tools and popular methodologies, including sports, culture, art and music, and particularly the use new technologies and the occupation of cyberspace.

The shifting parameters of globalisation have also dramatically changed the horizons of youth experience. Technology, social media and cyberspace have radically altered boundaries – from the turf of the local community to global perspectives on horizontal inequality – while simultaneously creating platforms for wider organisation, connectivity and new forms of direct collective action. These factors potentially reshape the face of youth political participation both within and outside the margins of formal peace processes, although it is important to recognise that the digital divide still potentially serves as another vehicle for exclusion and inequality.

### **Youth inclusion: contesting the boundaries between formal and non-formal peace processes**

This brief description of youth-based and youth-led peacebuilding practice arguably demarcates a diverse

set of spaces in which young women and men engage and participate, and in which they redefine meaningful inclusion in their everyday practice and in their creative – if sometimes disruptive – agency for change. This also challenges prevailing assumptions of the spaces where peace is most meaningfully forged, and certainly upends the dividing lines between formal and non-formal peace processes, as well as between preventive and remedial approaches and between adaptive and more transformative forms of resilience.

**“ Ultimately it is the value young people bring to both the durability and legitimacy of peace processes, and the key preventive role that youth buy-in might serve, both in the short and long term, that will have a greater bearing on the future traction of peace settlements. ”**

There is no implication that it is any less important to address the fact that young people are only exceptionally included in formal mediated peace processes – or the anomaly that where they are present, it is likely to be those who have carried weapons or who have been selected by warring factions, rather than nonviolent young change-agents. However, while violence may be one good reason to include young women and men, it is by no means the best one. Ultimately it is the value young people bring to both the durability and legitimacy of peace processes, and the key preventive role that youth buy-in might serve, both in the short and long term, that will have a greater bearing on the future traction of peace settlements. Whether in the management of transgenerational transmission of traumatic memory of past conflict, or as the transgenerational guarantors of peace settlements, it is critical that youth peace work is not treated as insular but is fully integrated in these wider dialogues and political processes. Young people not only have an integral stake in the terms and outcomes of these processes, but are indispensable to them.

Participation quotas have proven themselves to be of strategic importance in enabling the necessary involvement of youth and women in formal peace negotiations. But the challenges of representativeness (especially in a demographic group that reflects a microcosm of the diversity of wider society), the dangers of co-option and manipulation are dilemmas that demand pragmatic

approaches and constant attention. Ultimately, the quality of participation is much more important than the quantity. Also, the integrity of the connection between those at the negotiation table and those young peacebuilders on the ground or in social movements is perhaps the most significant factor in shaping meaningful participation in formal peace processes and that has the best prospect of contributing to transformative resilience for peace and to concrete measures for prevention.

But sporadic involvement of youth in formal peace processes will not necessarily help in solving the structural sources of conflict or the enduring issues of exclusion and mistrust. Furthermore, there are multiple pathways to peace and the prevention of violent conflict seen in diverse forums for participation and settlement. It is through this prism that the peacebuilding world has perhaps the most to learn from endogenous and resilient youth endeavours to build peace, including what this implies for meaningful political participation from a youth perspective.

This approach recognises that the challenges of sustaining peace are not subject to simple sequential processes. It contests the narrowly defined notions of formal peace processes and thus the rigid distinction between inclusion in these processes as opposed to

informal ones. It appreciates that the role of young women and men in formal peace settlements is inextricably connected to their wider roles in support of these processes within their communities and societies. These notions of inclusion contest narrow definitions of peace as associated with formal political settlements, in favour of the need to address the everyday experiences of young people's social, political and economic exclusion.

Viewing inclusion through the prism of youth challenges the silos and defies the segmentation of peace processes between elite processes and more grassroots engagements, between formal and informal processes, between separate typologies of violence and conflict, and between peacebuilding, developmental, human rights and humanitarian sectors. Rather than seeing peace as a conclusive outcome, peacebuilding is recognised and experienced as an enduring process led by women and men, old and young.

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**Graeme Simpson is Director of Interpeace USA and the Lead Author of *The Missing Peace*, a global study on Youth, Peace and Security mandated by the UN Security Council under UN Security Council Resolution 2250.**

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## SECTION 2

# **Inclusion in practice in national peace processes**

# Negotiating inclusive peace in Colombia

Kristian Herbolzheimer

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Colombia has always been a country of paradoxes. A country that is able to produce the best and the worst. It is one of the more stable democracies in Latin America, yet has suffered protracted armed conflict.

Colombia has the highest inequality rate in Latin America after Honduras; a world-class legal system with gross historical injustices and impunity; and a patriarchal society with strong women's rights movements. Proud of its pre-colonial heritage, yet harsh towards its indigenous minorities. A place where its people can be creative in the arts as well as in crime; where grievance and joy, fear and hope coexist; and where a culture of peace is able to blossom despite deep-rooted beliefs and attitudes that nurture a culture of violence.

The current transition to peace is navigating this sea of paradoxes, sailing uncharted waters with a clear direction but facing uncomfortable uncertainties. Colombia is going through a paradigm shift at multiple levels: political, economic and also cultural. Something old is refusing to die and something new is struggling to emerge. Ashes of war still cover the seeds of peace.

The peace agreement between the Government of Colombia and the Armed Revolutionary Forces of Colombia (FARC) reached in 2016 became a sign of hope for humanity globally. It was the first peace agreement that put an end to armed confrontations since the Nepalese Comprehensive Peace Agreement in 2006, 10 years earlier – the 2014 peace agreement between the Government of the Philippines and the Moro Islamic Liberation Front followed a long-lasting ceasefire. If it was possible to stop one of the most violent and protracted armed conflicts in the world, it might also be possible to believe in the power of dialogue and peace negotiations elsewhere. Colombian President Juan Manuel

Santos was rewarded for his achievements with the Nobel Peace Prize that same year.

But inside Colombia, things looked different. The peace agreement and even the full and speedy decommissioning of FARC as an armed group has not been able to curb scepticism and opposition, leaving society divided and polarised between peace advocates and those unhappy with the peace process. In October 2016 the peace agreement was narrowly rejected in a plebiscite, which led the government to renegotiate the most contentious parts of the agreement with FARC before signing a second version a month later. In 2018 the most vocal opponent to the peace agreement won the presidential elections. A new government is having to deal with the challenges of implementing a peace agreement it does not like, and developing its own approach towards the last remaining active guerrilla group, the National Liberation Army (ELN).

## **Innovations around participation and inclusion**

The peace process in Colombia is widely understood as a process to strengthen democracy. It is a process where the peace negotiations were designed to put an end to the armed conflict and produce the conditions for a substantive transformation of the power dynamics in the country. Throughout four years of negotiations, the government and FARC were able to craft an agreement that responded to both the revolutionary claims of the guerrillas and the modernising vision of a government that saw violence as an impediment to economic development. For different

reasons, both sides identified political marginalisation and lack of rural development as the core drivers of conflict that needed to be addressed.

Learning lessons from shortcomings in previous negotiations in Colombia and elsewhere, both sides understood that deep political and cultural change would not trickle down from the negotiating table. They thus agreed on the need to design a process that paid attention to the views and groups who were affected by the conflict but were not party to the negotiations.

“ Throughout four years of negotiations, the government and FARC were able to craft an agreement that responded to both the revolutionary claims of the guerrillas and the modernising vision of a government that saw violence as an impediment to economic development. ”

At the same time, civil society organisations have long been advocating for their right to participate in the design of public policy. Their practical experience and perseverance in lobbying contributed to a more inclusive peace process. And, finally, the ELN has framed its own negotiating agenda with the government around the issue of public participation. As a result of these multiple factors, the Colombian peace process has developed remarkable mechanisms for participation, some of them truly innovative in international peacebuilding.

#### **Conflict termination to enable conflict transformation:**

The Framework Agreement between Government and the FARC of August 2012 that mandated the peace talks made a fundamental conceptual distinction between the peace *negotiations* – which would take place in Cuba between only the government and FARC, with a limited agenda and the aim of ‘putting an end to the armed conflict’ – and a broader peace *process* that would take place in Colombia after the signing of a peace agreement, ‘with the participation of each and every one’.

#### **Inviting the private and security sectors into the negotiations:**

The government’s Peace Panel for the negotiations with FARC included one prominent business leader, one retired general from the armed forces and one from the police. This was the first time in four decades



of peace negotiations that the military and the police had played an active role in the negotiations.

**Consultations:** The peace negotiations between the government and FARC followed an incremental approach to address each of the five items on the agenda: rural development, political participation, illicit crops, victims and conflict termination. Discussions in Havana on these items were preceded by conferences in Colombia convened jointly by the UN and the National University to listen to the needs, concerns and suggestions of the wider public. These inputs then informed the peace negotiations in Havana.

**Inviting victims to the peace talks:** Between August and December 2014, five groups of 12 victims, carefully chosen by the UN to represent diverse forms of victimhood, travelled to Havana and met with the Peace Panels. These were tough sessions, with victims meeting face to face with some of the perpetrators of crimes against them. The impact of these visits was huge for both the negotiating teams and the victims themselves.

#### **Inviting women’s and lesbian, gay, bisexual, transsexual and intersex (LGBTI) organisations to the peace talks:**

Following significant pressure from women’s organisations, on September 2014 the Colombian government and FARC agreed to create a gender sub-commission tasked with reviewing all documents issued as part of the peace process and ensuring that they contained gender-sensitive language and provisions. Between December 2014 and March 2015 the sub-commission invited three delegations from civil society organisations (comprising 18 in total)

working on gender issues, including LGBTI organisations, to present their insights regarding the gender approach in the peace negotiations and agreements.

**Responding to the demands of ethnic minorities:**

Colombia has a small, diverse and very active population of indigenous people. It also has a significant number of 'Afro-descendants'. These two sectors were successful in forming a joint lobby to ensure the peace agreement would respond to their specific rights and requests, which resulted in an 'ethnic chapter' of the peace agreement (see the conversation with Sergio Jaramillo in this publication). These sectors continue to struggle for their agency by developing innovative initiatives such as a National Coordination of Indigenous Women (CONAMIC – see conversation in this publication ).

**Agreement implementation:** The government and FARC have set up a number of new bodies and designed multiple mechanisms to ensure public participation. The most significant are related to rural development and are part of a bottom-up process to identify needs and draft the related development plans. These processes are designed as mini-peace negotiations in themselves, as they bring together stakeholders from all sectors of society and government.

**Truth Commission:** Created in 2018, the commission will open 20 offices throughout the country's most conflict-affected regions to promote public participation. It will pay unprecedented attention to the needs of the Colombian diaspora in the Americas and in Europe.

**ELN peace process:** Despite the above-mentioned developments, the ELN remains critical of the FARC peace process which it considers too elitist and not transformative enough. They have articulated a vision of a bottom-up peace process where the negotiating agenda and the negotiations themselves are framed by civil society, notably the more marginalised sectors. The vision has yet to materialise in more specific suggestions, but the ELN is determined to take participation further than FARC.

“ **What was designed with the best of intentions to ensure a broad sense of ownership of the peace agreement instead ended up exposing a society deeply polarised by mistrust, fear and divergent expectations and worldviews.** ”

On top of these major initiatives, other actors in civil society, government and the private sectors have long been promoting difficult dialogue between sectors of society with divergent perspectives and between civil society and the security sector, as well as with armed groups at the local level.



Thousands of Colombians march in Bogotá on 6 October 2016 to support a peace agreement with FARC, days after the terms of a deal were narrowly rejected in a nationwide referendum. © Nélsón Cárdenas/SIG/dpa

## Unexpected setback

The government was very confident they were on the right side of history when completing the negotiations with FARC – to the point that they called for a plebiscite on the peace agreement without a well thought-out communications strategy.

At the time it was indeed difficult to believe that anyone would seriously campaign for a NO vote. But former President Álvaro Uribe did. And his predecessor also did. And others joined. In the end, NO polled 60,000 votes more than YES, leaving the peace supporters in Colombia – and in the international community – stunned and speechless. The government's peace policy was further punished in legislative and presidential elections in 2018, which brought the political opposition to power. What went wrong? Why was one of the most innovative and inclusive peace processes unable to bring on board broader public and political support? Was there a problem with process design?

The results of the plebiscite and the elections take us back to the paradoxes described at the beginning of this piece. What was designed with the best of intentions to ensure a broad sense of ownership of the peace agreement instead ended up exposing a society deeply polarised by mistrust, fear and divergent expectations and worldviews. The people most affected by the conflict voted largely in favour of the agreement. The people less exposed to war voted against it. Despite all the innovations in public participation, large sectors of society remained unconvinced. The United Kingdom's Brexit referendum and the election of Donald Trump as US President – two other polls that left society deeply divided – took place around those same dates. Readers can draw their own conclusions.

## Looking forward

The war with FARC is over. The implementation of the revised peace agreement has witnessed unprecedented speed in decommissioning of FARC's arms, on the one hand, and in establishing new legislation and executive orders on the other. And society is showing signs of change that will be difficult to reverse, ranging from women's empowerment to increased protest against nepotism and corruption. The new government has also softened the anti-peace rhetoric of its electoral campaign.

But the state is slow and inefficient in turning laws into practice. FARC was unprepared to lead its own transition into civilian and political life. Social leaders who challenge power are being killed at a rate comparable to the worst years of the armed conflict. Political violence has reduced but still persists. Drug trade and criminal violence thrive in a power vacuum that everyone saw coming but no one was able to prevent. The question remains: is the current social and political turmoil an unavoidable symptom of the power struggle inherent to any process that tries to address situations of exclusion and marginalisation?

No one has a definite answer. Time will tell. Transitions to peace are always slower than predicted, and never work as they were planned.

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# Inclusion and the Colombia peace process

## Conversation with Sergio Jaramillo

Sergio Jaramillo was the High Commissioner of Peace under President Juan Manuel Santos between 2012 and 2016. He previously served in government as Vice Minister of Defence, and also held the position of National Security Advisor between 2010 and 2012. This article is drawn from a conversation between Sergio Jaramillo and Kristian Herbolzheimer in August 2018.

### **Inclusion and peace negotiations**

In Colombia, peace is all about inclusion. And I would like to think our process has been as inclusive as it can get.

During the negotiation phase we set up several mechanisms for public participation (see Kristian Herbolzheimer's article introducing this section). Each of the five agenda items [rural reform, political participation, illicit drugs, victims, and ending the conflict]

were discussed in national conferences, and we would literally get a pile of about eight or ten volumes with recommendations sent to us in Havana. These played a much larger role than people are aware. For the FARC [Revolutionary Armed Forces of Colombia], for instance, the proposals that came from organisations to which they felt sympathy became the meat on the bones of their own proposals at the negotiations.

The most important moment of inclusion is, of course, after signing the peace agreement. We conceptualised the idea of *diálogos improbables* (improbable dialogues) that bring together people who have lived through and been affected by conflict in very different ways; and *paz territorial* (territorial peace), which refers to the ambitious rural development programmes that are based on very detailed participatory planning processes. In fact, we created a new model of agreement implementation based on citizen participation. It is one thing to end the armed conflict and another to build peace, which needs the participation of the whole of society.

### **Relations with the FARC during the negotiations**

During our first informal contacts with the guerrillas we insisted on holding secret talks and reaching a framework agreement before launching a public peace process. This allowed both sides to talk seriously and test each other out without the pressure of public opinion. The fact that neither side leaked word of the secret talks in a country as media-



Sergio Jaramillo.  
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mad as Colombia was an early and telling sign that both sides were serious.

The secret talks further conferred the necessary dignity on the negotiations. We treated each other as interlocutors at the negotiating table and spoke to each other with respect, and generally with cordiality. That is something that to this day some people in Colombia do not accept; they claim that the government consented to make itself equal to the FARC. They miss the point: in a negotiation, you need to abide by the same rules and procedures, because it is those rules and procedures that allow you to get to agreements, and they confer the necessary dignity on the other side. Without dignity no negotiation is possible.

### **Importance of inclusion**

Inclusion is important for a number of reasons. In those areas where violence has reigned for a long time or people have really lived with the conflict, you have a fundamental problem of lack of trust in state institutions. It's one thing for us peace negotiators to talk about the peace process, but the communities on the ground have seen processes like this before and they just don't trust them. If you want to change this, people need to see that their voice not only counts but that they actually are able to shape their own future.

**“ The more there is a response and the more people see that their voice is taken into account, the more you get a virtuous cycle going. ”**

The more there is a response and the more people see that their voice is taken into account, the more you get a *virtuous cycle* going, of institutions being able to channel social demands and emerging conflicts in a way that prevents them from turning violent. Which is what I think in the end is your only guarantee of sustainable peace.

So inclusion is not only about stopping the war and building roads and setting up programmes of rural development, it's about empowering people to feel they're a part of the same country. I think this activation of political rights is a critical component.

But because Colombia is varied and diverse with such a difficult geography, there's no way any of this is going to happen unless society in the regions also takes the reins of its own future. You want to involve the regions' universities, authorities, businesses, but also representatives of the victims of the violence and get them to think about 'what does peace mean for my own region'? For example, in

### **Spontaneous participation – the 'ethnic chapter'**

We had an extraordinary moment when we were finishing the negotiations in August 2016. In Colombia, the indigenous communities and Afro-Colombian communities have very strong constitutional rights – the most advanced in the American continent. We always thought that because the mechanisms for participation that were in the agreement were so robust, there was to be ample space for the particularities of these communities to be taken into account. But they decided it wasn't enough.

On the very last day of the negotiations a delegation of indigenous people turned up in Havana and said, 'You aren't finishing this without us!' So, I went into a room full of people who represented various organisations and I said to them, 'Okay, you've got four hours to come up with an ethnic chapter, because we have to finish today.' They sat down together with my team, who did a fabulous job, and hammered out what was the ethnic chapter of the agreement.

2016 we [the Office of the High Commissioner of the Peace Process] started an experiment in one of the areas of the country hardest hit by the conflict, to get prominent members of society – cattle ranchers, trade unionists, teachers, local media – to sit around a table and to discuss their own future. This same model is being reproduced in other places. When you sit down with a diverse group of people and they realise they all have a shared problem and they can build a shared vision despite their differences, you have hope.

### **Inclusion and the referendum on the peace agreement**

We knew in Havana that we had a political problem. The referendum wasn't just about legitimising the agreement. It was also an issue of how to make people have a sense of ownership, especially considering the scepticism with which many Colombians viewed the peace negotiations. So, we rather naively thought that through the referendum we would awaken this sense of ownership. This actually happened, but only for half of the country. The other half was mobilised against what were fundamentally political and 'Brexit-like' objections. We lost by 0.3 per cent – by 60,000 votes out of 3.5 million.

It was then very important that the president as well as the FARC acknowledged that we had lost, and that modifications were to be made to the agreement. The government sat down with the leaders of the NO campaign, which included elected members of parliament as well as prominent politicians from the opposition, for a month of very intense discussions around some 60 issues. After settling all of these issues

we then flew back to Havana to renegotiate them with the FARC, which then largely accepted our renegotiated text. In retrospect, it's probably true to say that we should have done more outreach during the negotiations.

### **Political opposition and the peace process**

When a conflict goes on for half a century, as happened in Colombia, it is also because there are interests and practices that militate against any attempt at resolution. With the peace process we were seeking to transform the logic of confrontation into one of collaboration. We worked under the assumption that there could be win-win solutions, so that 'winning' does not mean so much defeating your adversary as, in Thomas Schelling's wonderful phrase, 'gaining relative to our own value system'.

This assumption is not shared by everybody. The evident ambition of former President Álvaro Uribe to use the plebiscite as a platform for the 2018 presidential campaign, and his insistent denial of the existence of an armed conflict in Colombia, and therefore of the basic conditions of a peace negotiation, made reaching consensus with him and his allies impossible.

**“ Contemporary democracies have increasingly become spaces of competition for parties or movements that seem dedicated solely to the achievement of power. ”**

I am afraid there is an extraordinary difficulty, paradoxically, in reaching a peace agreement and building peace in a democracy. Contemporary democracies have increasingly become spaces of competition for parties or movements that seem dedicated solely to the achievement of power, without any consideration other than its own interest. And the hunger for power trumps by far the interest in peace. In fact, the very positions on peace held by different political sectors define the identities and loyalties of their constituencies, and the politicians themselves therefore end up trapped in what is in effect a vicious cycle of intransigence and radicalism. Those conditions do not favour the creation of consensus and close the doors to the opportunities for transformation and reconciliation which a peace process permits and requires.

### **Role of the international community**

Here we learned from our past mistakes. In previous processes the government ended up inviting almost two-dozen countries to participate, without really knowing

what for. So, we went to the other extreme, to a minimalist strategy or a needs-based approach: you bring different countries in at the right moment and ask them to play a very specific role.

During secret talks we only needed to have two countries, Cuba and Norway. Indeed, even among two you already have problems with coordination. Cuba gave the FARC the necessary security guarantees, offered us a place to conduct negotiations far from the media, and provided us with all the resources to make the negotiations a success. Norway, for its part, brought all its quiet professionalism to bear and provided critical help with some of the thorniest issues – for example, by bringing transitional justice experts to talk to the FARC.

Once the talks became public, we involved two more countries, Chile and Venezuela, but at a different level: not as guarantors that were present all the time, but in an accompanying role, to come and find out what we were doing and tell other countries, especially in the region, what was going on.

Then, after signing the agreement, you need much more support. Before we signed the agreement the European Union had already appointed a Special Envoy, Eamon Gilmore, to start talking to us in Havana, which worked extremely well in planning for agreement implementation, thanks to his experience in Northern Ireland.

The role of the UN is a whole different chapter, because the FARC did originally not trust them. The previous failed peace negotiations [1999–2002] had left a bitter taste. It was always clear to us that the FARC were never going to hand over their weapons to the Colombian state. So, we knew we would eventually need the UN. I myself went to New York just as the secret talks ended in December 2012 to discuss what a UN mission might look like. The UN resident Coordinator in Colombia and several other key people in the UN system quietly built relations with the FARC by supporting the participation of civil society and by providing expertise, advice and institutional support to the peace process. Three years later, when we had to agree on the verification mechanism, the FARC had completely changed their attitude towards the UN and agreed to the tripartite approach (government, the FARC and UN). The Security Council also played an extraordinary role by approving two resolutions unanimously in 2016 – a time when, according to the UN, they otherwise couldn't agree on anything. This support contributed to setting up a very robust and credible system which I think worked extremely well.

The US was also very supportive. By the end of 2014 we told them it was the right time for them to send somebody

to Havana so they get a better idea of what's going on to get a sense of the FARC's views. They sent an excellent diplomat who helped the FARC to understand Washington's point of view, and vice versa. Sadly, with the change of government in the US came a corresponding change of attitude, which shows that one cannot let windows of opportunity pass by.

### **Innovations of the Colombian peace process**

We put the victims of the conflict at the centre of the process, which has never happened before in any previous negotiation. Virtually every Colombian knows someone who has suffered. If you speak to a young member of the FARC, or his equivalent in the former paramilitary militias, more often than not you will find that they joined because their family had been the victim of one group or the other. So if you want to break the cycles of violence and do justice to so many who were wronged, you need to bring the victims' rights and needs to the fore.

We decided to listen to the victims directly. We invited 60 victims to Havana, who came in five separate delegations composed of 12 members each. They were selected by the Church, the UN and the National University. The fact that both the government and the FARC were often unhappy with the choice was probably a sign that they were doing a good job. We heard, one after another and during entire mornings, testimonies of atrocities and examples of extraordinary courage, which reminded all of us why we were sitting at the negotiation table.

Including victims' rights was also fundamental in helping us navigate the tensions between peace and human rights. The people sitting across the table with whom you are negotiating are also those who, according to contemporary theories of criminal responsibility, are most responsible for the crimes committed by their group. How do you square that circle and guarantee 21st century standards of accountability?

Putting the focus on all the victims, and not just victims of the FARC, made it possible for the guerrillas to accept things no other guerrillas have accepted in a negotiation, precisely because we agreed that in order to close the historic conflict and guarantee equal conditions to all victims, we had to address the rights of all victims, not just the victims of the FARC (something that our own institutions to this day have not understood well). No guerrilla group has ever before accepted that international crimes – war crimes, crimes against humanity – cannot be amnestied, that they have to be accountable before a tribunal for those crimes, and that they have to serve sentences and make reparations to their victims with their own assets. They only accepted this because they would not stand alone on the stage of justice.

### **Status of the peace process**

I think the whole thing will take much longer than one would like. A lot depends on what the new government is going to do. But I'm convinced that those who most suffered violence in the regions really do cherish 1) the fact of peace and 2) the concrete measures that are contained in the agreement that suggest that finally, the absolutely minimal investments will be made in those regions, so that people have a decent life and are treated like any normal Colombian citizen should be. My main source of optimism in these uncertain times is that I don't think that those communities will allow the peace agreement and the peace process to be taken away from them so easily.

The sequence of the peace process is very important. The first foundation is to stop killing each other, to get the weapons out of the way, out of people's lives in the countryside and out of politics. That we achieved. Although we negotiated without a ceasefire, the peace talks led to a reduction of armed confrontations and, after we signed the peace agreement, the decommissioning of the FARC combatants and weapons followed swiftly.

Is that peace? Well, it's certainly the beginning of peace and it's paradoxical because on the one hand, one should not underestimate the huge importance of having achieved this. On the other hand, there is the risk of thinking that is the whole story, which it isn't. The peace process is much more than that, and it's a big challenge to get people to understand that it is something that takes at least a decade.

Why? Because fundamentally you have a problem of coexistence. You have to introduce serious and deep cultural changes, where people relate to each other in a different way, and where they acknowledge that they don't have to agree on everything but they can treat each other with respect, and that there are rules that we all abide by and there's also a disposition – this is very important – not to ignore what happened, but to acknowledge what happened.

There will always be social conflicts and some violence in societies. Certainly, you always have to have a vision, you have to have a dream. But you also need a plan to create the conditions to make change happen. History is full of ripe moments for change which slipped away because a solution was not yet forged.

# Colombian diaspora in the peace process

Helga Flamtermesky, Dorys Ardila and Javier Charry

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Today, when Colombia is undertaking the task of overcoming a violent past and building a peaceful future, those Colombians who live abroad feel the need, the opportunity and their right to participate in this collective challenge. Thanks to effective social advocacy, the Colombian peace process is opening up innovative doors to participation.

This article provides some reflections on the challenges and opportunities faced by those of us currently promoting citizen participation in the Colombian peace process from abroad.

## **Diaspora: a diverse and fragmented political subject**

Approximately five million men and women have left Colombia over the past five decades. Many of us were direct victims of the war, forced to leave due to exclusionary power dynamics. Others migrated to pursue their studies or seek jobs, while yet others did so because of emotional ties. For many women and members of the LGBTBI [lesbian, gay, bisexual, transgender and intersex] community, migration was the only way of escaping male violence and deeply rooted prejudices in Colombia. In all of these cases, the armed conflict has been part of our life experience.

The Colombian population abroad mirrors the country's social and ethnic diversity, with all of its virtues but also its defects, such as classism and racism. But the migration process entails a certain deconstruction of differences given that in host countries we all share a common identity as immigrants.

Some in the diaspora show clear symptoms of trauma caused by the conflict and, in many instances, also by the migration process. This trauma becomes evident, for example, in the loss of confidence in relationships, which, in turn, leads to isolation – total isolation, or isolation within family or political affinity groups.

Despite these difficulties, the Colombian diaspora has managed to sustain a high level of activism in favour of peace and human rights, with the assistance of social organisations and institutions in host countries. This work has been fundamental in supporting the international community's commitment to peace in Colombia.

## **Opportunities and achievements**

Progress made during the peace talks in Havana (2012–16) had a catalytic effect on Colombians living abroad. It created momentum and excitement as the unthinkable – an end to the armed conflict – seemed to become possible. In view of this historic moment, many people in the diaspora showed an interest, for the very first time, in understanding and participating in the peace process. The 'improbable dialogue' between the government and guerrillas also fostered rapprochements and new 'improbable dialogues' among residents abroad with very different political perspectives.

Anxious not to be left out, and committed to contributing to a better future, the diaspora challenged themselves to develop mechanisms to enable their own participation. No one in Colombia was counting on them, so their first task was to become visible and then, eventually, to come up with ideas on how to become agents of change.



Joint analysis at the Barcelona chapter of the Forum of Colombian women in Europe, November 2018. © Ingrid Guyon

Thus, numerous initiatives arose, aimed at promoting new organisational and advocacy processes. Some examples are summarised below.

**“ Women from very diverse social and political backgrounds saw the need for a space specifically for women that would enable them to focus on the need for psychosocial healing and reconciliation. ”**

In 2012, various European social organisations, in collaboration with Colombian embassies and consulates and jointly with the Peace Commissions of the Colombian House of Representatives and the Senate, organised a series of public hearings in London, Brussels, Paris, Berlin and Barcelona, in order to make the voice of the diaspora heard in the Colombian legislative bodies.

An International Victims' Forum was established in 2014 that mobilised people in Europe and the Americas to make victims living abroad more visible in the peace negotiations and to demand recognition of their rights in the peace agreement.

Shortly thereafter, women from very diverse social and political backgrounds saw the need for a space specifically for women that would enable them to focus on the need for psychosocial healing and reconciliation. They

called themselves the Truth, Memory and Reconciliation Commission of Colombian Women in the Diaspora, and developed hubs in London, Barcelona, Stockholm and Brussels.

These and other spontaneous social initiatives had a real impact at the policy level in Colombia. They resulted in spaces for participation in the government's advisory bodies and state institutions linked to the peace process. The National Council for Peace, Coexistence, and Reconciliation and the National Victim Participation Table created special spaces for the Colombian population living abroad. The government's Victims' Unit established a dedicated team to work with those victims residing overseas. The National Center for Historical Memory began working on a 'cartography of exile'.

The peace agreement further created three different bodies to ensure the rights to truth, justice, reparation and guarantees of non-recurrence: the Commission for the Clarification of Truth; the Search Unit for Missing Persons; and the Special Jurisdiction for Peace. All three bodies have an internationally unprecedented mandate to work with victims living abroad, which involves developing innovative and complex methodologies of participation and coordination.

### Difficulties

These efforts to promote participation of the diaspora have not always been welcomed by civil society in Colombia, as a result of widely held perceptions that those 'living abroad' (especially in North America and Europe) were 'living in comfort'.

At times also, sectors of the political opposition have tended to reproach those who 'abandoned' the country in difficult times and later wanted to participate from the alleged ease provided by exile.

**“ Efforts to promote participation of the diaspora have not always been welcomed by civil society in Colombia, as a result of widely held perceptions that those 'living abroad' ... were 'living in comfort'. ”**

Bureaucracy and the lack of precedent have further impeded the implementation of participation initiatives. For example, three years after having set aside two seats for representation of the diaspora, the National Peace Council has not been able to agree on the mechanism to select two people to occupy them.

At the same time, a serious distrust of institutions prevails, especially among the numerous victims of state violence. We cannot forget that at the beginning of the century, the state intelligence agency launched a plan to spy on the activities of the exiled political activists.

Other structural difficulties, such as 'machismo' in civil society organisations, remain a significant hurdle for the participation of women both in Colombia and abroad. Numerous men only value the participation of women from the perspective of stereotyped parameters, thus generating dynamics of power that debilitate, exhaust and cause pain.

## Conclusion

The Colombian population that was forced to leave the country faces a dual challenge: they must seek inclusion in the society of their host country as well as in that of their country of origin. The active participation of the diaspora serves as a tool to combat these exclusions by contributing to their recognition as legitimate actors in both contexts.

Historical characteristics of Colombian politics have involved social exclusion by elites, the physical elimination of opponents, the questioning of progressive ideas and the negation of diversity. The participation of the population that was expelled from the country due to their political ideas is not only a right, but also an act of reparation.

Finally, participation also offers the possibility of a 'symbolic return' to those who will not be physically returning to their country of origin, but who need closure in terms of a migration process that has often been traumatic.

Social organisations have had an enormous impact on the peace process. Today there is consensus in Colombia regarding the need to place the victims at the centre of the peace process, as well as an increasing awareness of the need to understand the relation between the armed conflict and the exodus of millions of citizens.

The implementation phase of the peace agreement is fraught with challenges and difficulties, but it also provides opportunities to build a more inclusive country. In the transition to peace, the country needs new ideas, actors and dynamics that make it possible to consolidate a culture of peace. The diaspora has certainly earned enough recognition to be able contribute to this process.

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# Indigenous women's inclusion in the Colombia peace process

## Conversation with the National Coordination of Indigenous Women in Colombia (CONAMIC)

This article is based on a conversation between Kristian Herbolzheimer and 11 leaders of the National Coordination of Indigenous Women in Colombia in December 2018.

### About CONAMIC

CONAMIC is an organisation that brings together women from 10 different indigenous groups in Colombia. We formed to defend our rights in response to the needs we have in our territories for economic autonomy, political participation, enforcement of justice, rights and equality. Indigenous women in Colombia feel excluded.

*'To me, peace means walking peacefully throughout my territory and enjoying freedom of expression as a people.'*

Yana Liliana (Misak)

Outside indigenous territories, cultural and racial discrimination affects all indigenous peoples. We were disproportionately affected by the armed conflict and today we are still the targets of threats and assassinations on a weekly basis.

Threats to our indigenous male leaders challenge their 'machismo'. Our indigenous communities are the only space men have to exercise autonomy and power. They zealously defend their authority and women's opportunities for participation are minimal.

Historically, we women have been submissive. We have prioritised household roles over external ones. This holds back women who want to assume organisational positions. We have internalised a form of violence according to which

thinking 'we aren't good enough' or 'we can't do it', and this has hindered us. We women have helped construct machismo. We have naturalised violence and discrimination against women. Non-indigenous women have gone through similar experiences, but many of them have had more opportunities for education and more economic autonomy than most indigenous women.

**“Historically, we women have been submissive. This holds back women who want to assume organisational positions.”**

When indigenous women began to organise, some of our own authorities looked at us with distrust, fearing that we might constitute a countervailing power.

Women still have not realised that what prevents their development is the patriarchal structure. Knowledge gives power. In CONAMIC's short existence, we have joined forces with other grassroots women and created awareness. We provide external knowledge that allows us to contribute to our ancestral domains.

It is very important for us to maintain and reinforce our indigenous identity. Our objective is to strengthen the

structures of indigenous *cabildos* (local councils), working together with the men. We women are transmitters of culture.

We strive to exercise influence on the 'life projects' of communities, working to provide guidelines regarding protection and safety of women and girls. 'Life projects' refer to the specific, internal development plans of each indigenous group. They are the roadmap that allows us to move forward, bringing harmony to our territories.

### **Challenges and opportunities of the peace process**

The peace process offers windows of opportunity. The gender and ethnic chapters [in the peace agreement] allow us indigenous women to organise and make proposals, but we face difficulties when trying to take advantage of these opportunities. Our proposals are not acknowledged. Our main challenge is to get included in opinion and decision-making spaces, both in the structures of indigenous communities and at the national level.

Men tend to speak on behalf of women. Although the peace agreement includes a differentiated gender perspective, the government summons indigenous authorities, which are all male, to discuss guidelines concerning women, with respect to land and justice issues, without consulting us.

The gender chapter does not specify the progress that should be made regarding indigenous women. The types of exclusion and discrimination we face are different from those of non-indigenous women.

It is necessary to 'socialise' the contents of the peace agreements. Two years after they were signed the contents of the agreements have still not been disseminated and we have not been made aware of the opportunities they provide. We find many of the acronyms confusing. This limits our participation.

We are also finding challenges with the delegates sent by institutions to discuss 'territorially focused development plans', since they arrive with preconceived notions about what needs to be done. Women are summoned to village meetings and many take part. However, the structural exclusion of women impedes their actual participation.

Peace is in jeopardy because the government is not keeping its promises to the FARC [Revolutionary Armed Forces of Colombia]. There is a risk that demobilised guerrillas return to the jungle where the indigenous population lives.

### **Lessons we would like to share with indigenous women from other countries**

Indigenous communities have a long history of resistance to war, both within and outside our territories. We are proud of the efforts we have made to contribute to the peace agreement: we have created and participated in working groups that have influenced the negotiations.

We have taken the initiative to monitor United Nations Security Council Resolution 1325 and to produce specific indicators for indigenous women.

We are crossing borders in terms of interculturality, forging alliances between indigenous and non-indigenous women. These alliances allow us to exercise influence at the national and international levels regarding complex issues like mining and the defence of our territories.

When we remain silent, we are considered insignificant. Visibility earns us respect, but it also entails risks, including threats. We have no guarantees of security, but indigenous female leaders have developed great resilience.

CONAMIC members meet to assess indigenous women's experience of the peace process, Cachipay, Colombia, April 2016. © CIASE



# Negotiating a 'New Nepal'

## Evolving relationship between inclusion and peace

Deepak Thapa

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It is not altogether clear who coined the phrase 'New Nepal' or where it was used for the first time, but it certainly managed to capture the spirit behind the (second) People's Movement of April 2006. The first People's Movement in 1990 had restored democracy after 30 years of monarchical rule. That was followed by a period of chronic political instability and bad governance by the parties that came to power, made worse by a violent Maoist insurgency from 1996.

Taking advantage of this political disarray, the king made a power grab in 2002. The second People's Movement arose in response, as an alliance between erstwhile foes – the political parties, which had banded together as the Seven-Party Alliance (SPA), and the Maoist rebels – who managed to rouse the people against the monarchy for a second time in less than two decades. The promised 'New Nepal' would curb the king's powers once and for all, end the decade-long conflict and, most importantly, craft an inclusive state.

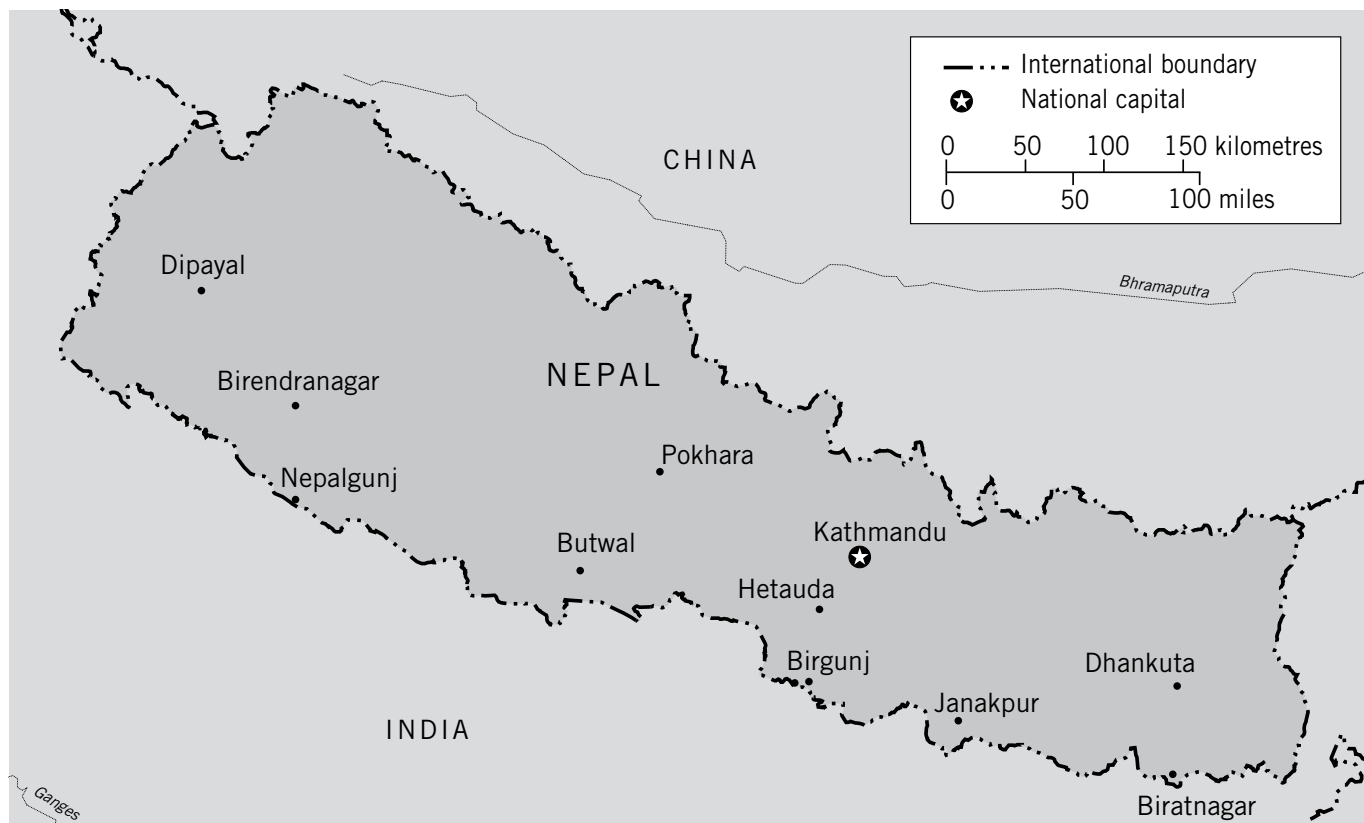
**“ Through a historic declaration, the House of Representatives pledged to 'establish inclusive governance' through a 'restructuring of the state', granting citizenship papers to people deprived of them. ”**

The Maoist insurgency effectively ended with the success of the People's Movement, although the formal end came with the signing of the Comprehensive Peace Agreement (CPA)

in November 2006. The monarchy was also soon rendered powerless, then voted out peacefully by the newly elected Constituent Assembly (CA) two years later. Against these clear-cut achievements, creating an inclusive society and ensuring equality of opportunity and representation for all Nepalis has proved more complicated, particularly since there was no consensus about what this would mean in practice.

### Understanding inclusion in Nepal

One major outcome of the 2006 People's Movement was the revival of the parliament dissolved four years earlier, and it was this body that adopted the first formal measures towards building a more inclusive state. Through a historic declaration, the House of Representatives pledged to 'establish inclusive governance' through a 'restructuring of the state', granting citizenship papers to people deprived of them – mainly Madhesis (people with origins in the southern Tarai plains) – and making the Nepali Army inclusive. It also declared Nepal a secular state. Driving these changes was the SPA that had come to power after the reinstatement of parliament. Further reforms were enacted over time in conjunction with the Maoists, who had been the force mainly responsible for pushing inclusion to the fore of mainstream politics.



Although in the end they happened very quickly, these steps had actually been years in the making, in line with the gradual acknowledgement by both the state and the major political parties that one of the primary drivers of the Maoist insurgency was the wholesale exclusion experienced by large sections of society. The excluded groups, who make up close to 70 per cent of the population, are the broad social categories of Dalits (formerly, 'untouchables'), Janajatis (indigenous peoples), Madhesis, and Muslims – as opposed to those who have historically formed the country's social and political elite, the 'upper-caste' Hindus from the hills, now known as the Khas Arya.

Most of these excluded groups had been mobilising for decades, seeking a greater role in public life and the adoption of government policies to recognise, promote and preserve Nepal's socio-cultural diversity. But it was only after the Maoist insurgency incorporated many of the demands of marginalised groups, thereby attracting them to their cause and contributing to rapid gains on the ground, that their aspirations – as well as those of the women's movement – would move to the political centre-stage.

Around five years into the conflict, the first attempts were made by the government to push for structural changes, such as declaring untouchability a crime, and setting up commissions to protect the rights of women and Dalits. These limited efforts were not enough to put the brakes on a movement seeking a deeper structural transformation. Over time, political parties made increasingly significant commitments to ending exclusion, but because the

parties were sidelined by the royal takeover in 2002, these remained nothing more than promises.

The first serious indication that the political parties would indeed follow through on these promises came when the SPA signed the 12-Point Agreement with the Maoists in November 2005, making common cause against the king. The agreement declared that 'there is an imperative need for implementing the concept of full democracy through a forward-looking restructuring of the state to resolve the problems related to all sectors'.

Restructuring the state was thus the basis for a 'New Nepal', an idea that received a further boost through the increasingly positive discussions leading up to the CPA in November 2006. Accordingly, the SPA and the Maoists agreed that the state would be transformed into an 'inclusive, democratic and progressive one' with a view to ending discrimination along 'class, ethnic, linguistic, gender, cultural, religious and regional' dimensions. They also agreed on an electoral system that would ensure better representation of the marginalised groups, including women. The Interim Constitution enacted in January 2007, which remained in place until September 2015, was replete with language on how better inclusion could be achieved.

In the first couple of years after the 2006 People's Movement the country moved at dizzying speed towards that goal. The declaration of a secular state undercut the legitimacy the monarchy had derived from the state

religion, Hinduism, but also heeded a decades-long demand of the country's religious minorities – and of myriad communist parties since the 1950s. Thereafter came a number of laws:

- » The awkwardly titled *Act to Amend Some Nepal Acts to Maintain Gender Equality 2006*, with its preamble stating the need to amend the 'discriminatory provisions between women and men in prevailing Nepal laws', led to the amendment of scores of other acts.
- » The *Nepal Citizenship Act 2006* granted near-equal rights to men and women to pass on citizenship to their children.
- » The *Civil Service Act 1992* was amended to reserve 45 per cent of government jobs for women, Dalits, Janajatis, Madhesis, the disabled, and those from 'backward' regions – consisting of nine districts in Nepal's north-west.
- » The ratification of the *ILO Convention on Indigenous and Tribal Peoples* and the subsequent adoption of the *United Nations Declaration on the Rights of Indigenous Peoples*, was symbolically important to Janajatis.
- » The *Constituent Assembly Election Act 2007* allocated 56 per cent of the seats on a basis of proportional representation (PR) and 44 per cent on a first-past-the-post (FPTP) or plurality vote. Quotas were also set for women, Dalits, Janajatis, Madhesis, Khas Arya and residents of 'backward regions'. Together with the proviso that women had to constitute at least 33 per cent of any party's contingent in the CA, the body elected in 2008 provided for social and gender inclusion on an unprecedented scale.

Laws were also made to counter caste-based discrimination and to make domestic violence a criminal act. A new national anthem was adopted that reflected the

mood of the country at the time and celebrated Nepal's great diversity in all its forms.

It is an indication of where the country stood at the time that one of the clearest articulations of the concept of inclusion came from a government document, the Three-Year Interim Plan (2007–10):

*Inclusion means to fulfil the physical, emotional and basic needs of all the people, groups or castes. It has to be achieved by respecting their dignity and their own culture and also reducing the disparities between excluded and advantaged groups and by reducing the gap in the existing opportunities and access. In addition to this, it is to help to build a just society by ensuring rightful sharing of power and resources for their active participation as a citizen.*

### Federalism fiasco

There was an initial (major) hiccup when Madhesi activists decried the absence of any indication in the Interim Constitution (2007) that Nepal would devolve into a federal state. Following strong agitation by Madhesis, and to a lesser extent by Janajati groups, the Interim Constitution was amended to declare Nepal to also be a 'federal' state. Federalism had long been considered key to an inclusive Nepal, initially by Madhesi parties, and, after the 1990 reinstatement of democracy, also by Janajati activists. Both believed that the creation of autonomous political units within Nepal would be the most effective way to break the stranglehold of the dominant Khas Arya, and, by extension, realise full citizenship rights and the benefits that go with them. That was the position favoured by the Maoists and one of the platforms on which they campaigned during the first CA election in 2008.

Dalit students at a street protest in Kathmandu demanding scholarships and quotas in higher education, December 2008.

© Kiran Panday



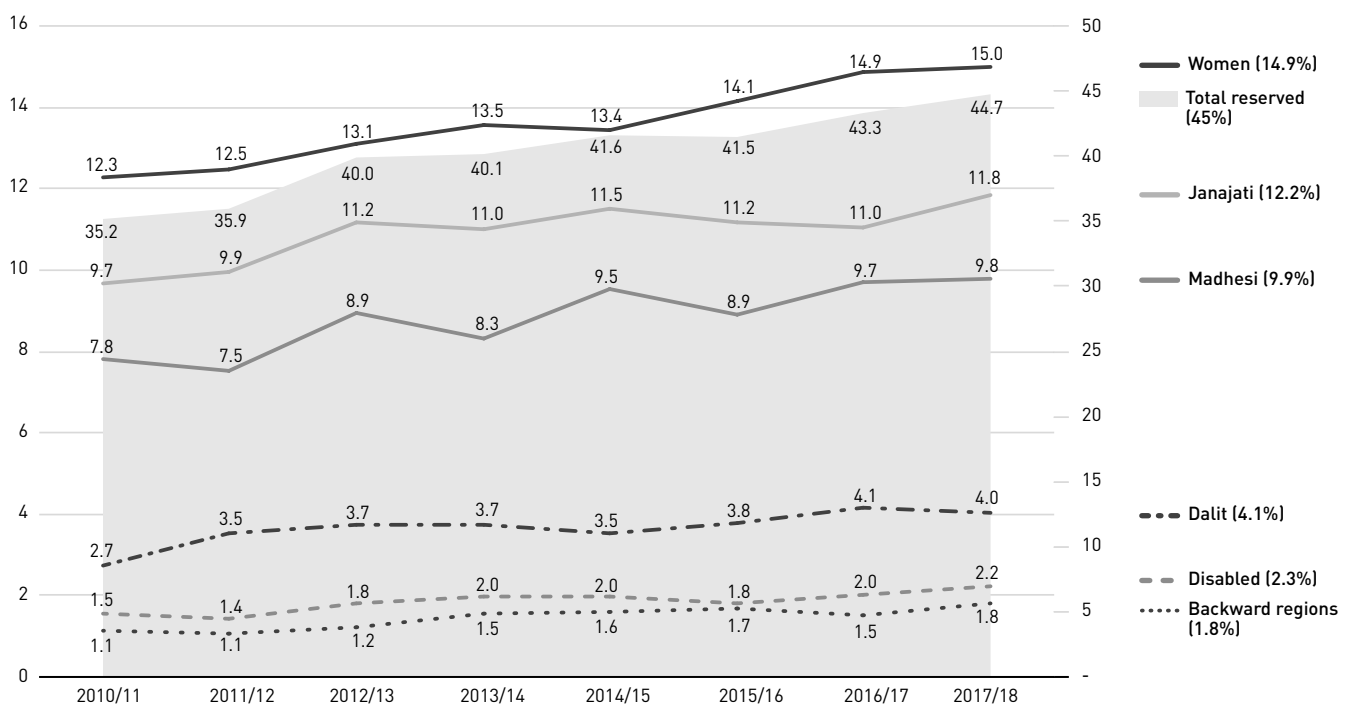
The Communist Party of Nepal (Maoist) emerged as the largest political party in the first CA, with Madhesi parties also faring well. Although the Maoists garnered a majority in the CA with the support of like-minded parties, they did not push for federalisation along ethnic lines. This was partly to do with influential Khas Arya Maoist leaders who opposed provinces named after some of the larger Janajati communities – even though the Maoists had actually established nine such autonomous areas during the insurgency itself. Perhaps more anathema to the three major political parties – the Maoists, the Nepali Congress (NC) and the Communist Party of Nepal (Unified Marxist-Leninist – hereafter, UML) – and also to many Janajatis, most of whom are from the hills, was the notion of a single Tarai province stretching east to west across the south of the country as advocated by Madhesi leaders. For the by-now reluctant Maoist leadership, it was perhaps fortuitous that they simply did not have the numbers to make good on their campaign promise; the Interim Constitution called for consensus on all the articles to be adopted for the new constitution, failing which approval of two-thirds of the CA would be required on each provision. This was beyond the strength the Maoists could muster in the CA.

It should be noted that none of the political parties of Nepal are defined by ethnicity, with the exception of the Madhesi parties and some smaller Janajati ones, and even those not exclusively. But all the larger parties are led and controlled

by Khas Arya men. Owing to the pace of change, the continual pressure for more reform, and the political and public dissonance over federalism, the Khas Arya community in general began to see inclusion as a zero-sum game in which they would lose out. That was the mood when the first CA dissolved in 2012, with the Maoists, the NC and the UML having failed to agree on provincial boundaries. Their leaders did not allow a vote in the CA as per the terms of the constitution, possibly fearing that the diverse body could end up adopting a federal model not to their liking. Thus, differences among political parties and social groups over the form of federalism ultimately proved to be the undoing of Nepal's 'progressive moment'.

**“ Owing to the pace of change, the continual pressure for more reform, and the political and public dissonance over federalism, the Khas Arya community in general began to see inclusion as a zero-sum game in which they would lose out. ”**

**Figure 1: Civil service intake through the reserved categories**



Note: Figures within parentheses denote the percentage of reserved seats in each category. These are the people who get through the Public Service Commission selection process. The actual number who join government service can be different.

## Earthquake and the new constitution

A second Constituent Assembly was elected in late 2013, and this time the results proved dramatically different. An anti-incumbency mood, the failure to write a new constitution, and a much more negative socio-political atmosphere over federalism ensured that the progressive forces represented by the Maoists and the Madhesis had a much-reduced presence. The NC and the UML, on the other hand, together approached a two-thirds majority, which they could have easily mustered with small anti-federalist parties – to the right and the left. To their credit, the NC and the UML did not make use of that potential. The two parties would also have been keen to avoid a spillover of differences onto the streets, as threatened by the Maoists and their allies. And so the discussions on federalism continued with stated positions unchanged on all sides.

That shifted with the April 2015 earthquake which devastated a third of the country. As Nepal reeled under the challenge of reconstruction, and calls were made for a united national effort, a breakthrough was achieved among the three major parties. The result was the speedy adoption of a constitution through a process that lasted just over three months. There was no debate worth the name either publicly or in the CA and the new statute faced vehement Madhesi opposition regarding provincial boundaries, particularly in how the Tarai was split among five of the seven new provinces.

There was also opposition from other groups to various provisions that appeared designed to subvert earlier reforms. The first of these concerned citizenship rights for women: the 2015 constitution reversed the 2006 Citizenship Act and the rights women had gained with respect to passing on citizenship to their children. The second was on secularism, which was redefined to include the practice of Hinduism, including retaining the status of the cow, sacred to Hindus, as the national animal. Third, 'indigent' Khas Arya were included among the groups eligible for affirmative action. Finally, while the mixed electoral system was retained for both the federal parliament and provincial assemblies, changes were made in the ratio between the FPTP and PR from 44:56 to 60:40, undermining the formula that has been the basis of better representation of the marginalised in the two CAs. The response from the leaders accused of drafting a less inclusive constitution was to provide for statutory commissions for all the under-represented social groups, including women. The remit and utility of these commissions are still unknown, however, as more than three years later they have yet to be formed.

Despite these shortcomings, opposition to the 2015 Constitution has not gained much traction. A blockade

was enforced soon after its adoption along the southern border by Madhesi activists working in tandem with the Indian state, leading to nationwide shortages of supplies, including fuel. The blockade ended with a constitutional amendment that provided for representation in government employment, not under the earlier 'principle of inclusion' but the 'principle of *proportional* inclusion', which would mean quotas in proportion to social groups; and delineating parliamentary constituencies primarily on the basis of population, a major demand of Madhesis from the Tarai.

## Inclusion today

The preamble of the 2015 Constitution recognises Nepal as 'multi-ethnic, multi-lingual, multi-religious, multi-cultural' and resolves 'to build an egalitarian society founded on the proportional, inclusive and participatory principles in order to ensure economic equality, prosperity and social justice, by eliminating discrimination based on class, caste, region, language, religion and gender and all forms of caste-based untouchability'. As such, there appears to be no turning back from the inclusion agenda. The Constitution provides room for policies that foster greater participation in all spheres of public life for Nepal's diverse population.

**“ There appears to be no turning back from the inclusion agenda. The Constitution provides room for policies that foster greater participation in all spheres of public life for Nepal's diverse population. ”**

An important reform is the reservations for excluded groups at all organisational levels in the major political parties, which will likely have a highly positive impact in terms of political representation in years to come. Others include the introduction of language interpreters in the court system to assist the huge proportion of people who cannot comfortably speak Nepali, the provision of scholarships for marginalised communities and girls in education, and the drive to increase gender and social diversity in the non-government sector.

The quota system in the civil service is also beginning to make its impact felt, particularly considering the initial difficulties faced in filling up the reserved seats. Thus, while in 2010/11 only 35 per cent of those seats had been filled, by 2017/18 almost the entire quota of 45 per cent had been achieved. In terms of actual numbers this means that of the 41,068 civil service positions filled between those years, 16,939 (41 per cent) were from the reserved categories, and 5,728 (14 per cent) were women. (These figures do

not account for those eligible for reservations who choose to enter through the 'open' seats.)

Quotas have also been instituted in elections to all three tiers of government – federal, provincial and municipal. At the municipal level, one of the party candidates for the top two posts has to be a woman and, at the ward level, of the four members at least two must be women, one of whom has to be a Dalit. With the most marginalised Dalits guaranteed representation in such large numbers, representation at the local level has seen some balancing out. Hence, the dominant Khas Arya, who make up 31 per cent of the national population, won only 34 per cent of local government seats. These figures mask their hold over positions of power, though, since they comprise 45 per cent of the all-important municipal chiefs and deputies and ward chairs. It is a somewhat similar trend going higher up, with the Khas Arya holding 44 per cent of the seats in the seven provincial assemblies and 45 per cent in the federal parliament. The latter is worrisome given that it reflects a gradual shift upwards from the first and second CAs (where the Khas Arya were 33 and 41 per cent, respectively) even if it compares favourably to their domination of the three parliaments elected in the 1990s (54, 62 and 58 per cent, in turn).

There are also unresolved issues. Most tellingly, the presence of so many women in local government has not translated into substantive changes due to society's ingrained patriarchy. More than 90 per cent of the deputy mayors and vice-chairs are women but the common refrain from across the country has been that the men have not

parted with responsibilities, even those sanctioned by law. Many of the women representatives are new to politics and often lack a basic understanding of governance matters, although many have leadership backgrounds in other organisational settings, and any effort to build on their existing skills can easily alleviate some of these problems. Regardless of the current experience, if the past is any guide, within another election cycle or two women are likely to gain increasing voice and influence, and should slowly change the leadership structure of political parties – from the bottom to the top.

After a decade of conflict and another of political transition, there seems to be little appetite among marginalised communities to agitate for further structural change. The mood seems to be one of wait-and-watch as the experiment with federalism continues despite some efforts being made to claw back achievements towards greater inclusion. The higher degree of political representation for all groups is likely to allay further conflict for now. But the inclusion agenda remains contested and attempts will continue to be made to erode it further by dominant groups, seemingly having forgotten rather soon that pervasive inequalities and exclusion can easily be a source of grievance and potential conflict in the future.

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# Creating space for inclusion in Nepal

## Conversation with Minendra Rijal

Dr Minendra Rijal is a Member of the House of Representatives of Nepal's Federal Parliament, and a member of the Central Working Committee of the Nepali Congress political party. He previously served as Minister for Information and Communications (2014–15) and as Minister for Constituent Assembly, Parliamentary Affairs and Culture (2009–11). Dr Rijal was also one of the architects of the mixed electoral system adopted by Nepal to ensure greater social and gender diversity in the Constituent Assembly. Deepak Thapa talked to Dr Rijal in Kathmandu in October 2018. The excerpts below are from that conversation.

### **On the alliance with the Maoists and understanding inclusion**

Initially, we were not too keen on the idea of joining hands with the Maoists. But after the king took power [in 2005], the Maoists also intensified their war. We realised that there was no other way out. At the same time, we began to engage with foreigners. We went on tours. We learnt about conflict management in Northern Ireland and at Harvard. We talked to people who had come from other countries. What we learnt from these interactions is that some kind of negotiated settlement is essential. We also slowly became interested in ideas about federalism, inclusion and republicanism.

I was in the Nepali Congress (Democratic) [at the time a breakaway faction of the Nepali Congress political party]. We had come around to the idea that, first, it is not the king who is indispensable but the monarchy; and second, that we had to go for federalism. We were the first national party to introduce reservations [quotas] for marginalised groups in our central committee.

### **On why the Comprehensive Peace Agreement reads like a Maoist document on inclusion**

The language in the CPA [Comprehensive Peace Agreement, 2006] definitely came from the Maoists. This is because [then-Prime Minister] Girija Prasad Koirala [of the Nepali Congress] had a lot of confidence in his ability to take things to their logical conclusion. And, that is what has happened ultimately – though he is now dead. He was not really interested in the language.

Krishna Prasad Sitaula [Koirala's confidant and the main government negotiator] made another major contribution to this since his approach was to find immediate solutions to everything [and so he did not really care what went into the CPA so long as the Maoists were on board].

[Maoist leader] Baburam Bhattarai was the one who was fixated with the wording. But, we should remember that it was the Maoists who had given up their position [of armed revolution] and so it was essential for them to demonstrate to their cadres that they had not given up everything. We did



Minendra Rijal. © Kiran Panday

not have to do that. Girija Prasad was not interested in what the CPA said. All he knew was that the Maoists had come into parliament. The Maoists renounced what they had stood for. The country did not go the way of the Maoists but moved along the path of democracy. That is why the agreement has language dictated by the Maoists.

And, what did we achieve by giving in? There is no insurgency in the country. There is more or less political consensus apart from a few issues with regard to Madhesis [people with origins in the southern Tarai plains]. Today, Nepal has a constitution, it has 761 elected institutions [one federal parliament, seven provincial assemblies, and 753 local bodies], it is more socially empowered, the country's economic fundamentals are strong. In that sense, I guess it was worth compromising on what was written into the CPA.

### **On federalism**

Federalism will make the country stronger. I think the country could disintegrate otherwise. For Nepal to stay together as a nation, there was no other option but federalism. There are some pending issues but I believe that we have self-correcting mechanisms.

The reason federalism was not included in the Interim Constitution was because Girija Prasad Koirala was not quite ready for it. There had to be consensus among Girija Prasad, [Maoist leader, Pushpa Kamala Dahal] Prachanda and [CPN-UML leader] Madhav Kumar Nepal. Each had veto power. Girija Prasad had the biggest veto, then Prachanda: Prachanda, because he was the leader of the insurgency; Girija Prasad because he had the backing of the rest. Without him, the process would not have moved forward. The monarchy would not have been eliminated only by two communist parties joining forces. They needed the Nepali Congress. The two communist parties working together would not have been able to introduce federalism either. The international reputation of the Nepali Congress was one factor. The other was the stature of Girija Prasad Koirala.

[Today] there is a small minority in favour of the monarchy. A larger proportion is against federalism. An even larger proportion is in favour of a Hindu state. What we are seeing is a conflation of all three to make them seem like one issue. That is nothing but the agenda of the old conservative establishment. But I do not foresee much of a danger from these old regressive forces.

### **On election quotas and the dispute**

We should only provide reservations [in the proportional representation system] to those who manage to get less than 60 per cent representation in the first-past-the-post

system compared to their share of the population in the last three elections. If that were to happen, many groups would not require reservations. [As someone from the already 'included' Khas Arya community] I don't need reservations. Women are guaranteed 33 per cent reservation. This means that although they make up 50 per cent of the population, they are guaranteed a comparatively large proportion of representation nationally. We should follow the same principle for the others.

“ **If we are going in the right direction, a day should come when we should achieve inclusive results without mandatory inclusion.** ”

Unfortunately, there is still a lot of misunderstanding over the issue. Let's take the constitution of the Nepali Congress, for example. There are reservations for women and all the other clusters but not for Khas Arya. As we draft the new constitution, I've been arguing that we do not need reservations for Khas Arya [who are generally not marginalised] but others are insisting on it [and was adopted by the party's general convention in December 2018]. I am not in favour because only those who cannot come through the regular election process need reservations.

If we are going in the right direction, a day should come when we should achieve inclusive results without mandatory inclusion.

### **On how inclusion can backfire**

Everyone was in favour of having two women members at the ward level [in local governments]. But, we ended up with the requirement that one of the two be a Dalit [formerly 'untouchable'] woman. That representation comes at the expense of non-Dalit women and also of Dalit men. Once we have a Dalit woman representative, there is no reason to find a Dalit man. Dalit men are not being selected for the remaining two seats because there is already a guaranteed seat for Dalit women. It was Dalit male leaders who insisted on this provision not realising it would come at their own expense.

At present, even small groups have been granted reservations. For instance, Muslims have been granted 4.4 per cent reservations [in parliament and provincial assemblies]. The result has been that not a single Muslim male could be elected through proportional representation for the Province 1 Assembly since we had to allocate the Muslim quota to Muslim women [to meet the 33%

requirement]. If Muslims had been put together in the same cluster as Madhesis, Muslim males could also have been elected as well.

### **On the inclusion agenda**

To be very honest, there has been a positive impact because of the Maoists. There were very vocal activists as well [who helped to push for inclusion]. We are now where we had to reach in terms of the inclusion agenda. If such a strong voice had not been raised, we would not have reached this point. But, had they pushed further, it would have led to social polarisation.

**“ Reservations have benefitted only the elite among the marginalised whether in the political parties or in civil service. ”**

Reservations have benefitted only the elite among the marginalised whether in the political parties or in civil service. The benefits have not reached where they were intended to reach. It is protectionism but for only for the

elites from these groups. This is only one mechanism that can pull people up, but we have not paid much heed to how they can be pushed upward through education, training, social empowerment. Until we are able to push everyone forward, this system will be able to empower only a few.

It is easy to change anything politically, but it will take long time to change things socially. Thus, it could be that the results so far have not been as progressive as hoped for, and so support for this may be not that great. A bit of backlash is only to be expected.

### **On inclusion promoting societal harmony**

We've learnt since childhood about 'unity in diversity'. We also learnt slogans like *Hamro raja, ramro desh; Hamro bhasa, hamro bhes* [Our king and country; Our language and dress]. We now realise that this was 'unity by force'. The language and dress was the language of the *parbate* [mainly Khas Arya]. It was not about Madhesis or about non-Nepali speakers. Inclusion has helped us understand that we were far from what 'unity in diversity' was supposed to mean.

# Making Nepal look like Nepal

## Conversation with Manjushree Thapa

Manjushree Thapa is a writer with a number of books to her credit, both fiction and non-fiction. She is the author of the highly acclaimed *Forget Kathmandu: An Elegy for Democracy*, and *The Lives We Have Lost: Essays and Opinions on Nepal*. Her writings have appeared in the *New York Times*, *London Review of Books*, and *Newsweek*, among others. Deepak Thapa talked to Thapa (no relation) in Kathmandu in December 2018. The excerpts below are from that conversation.

### On where the country stands today

The 2015 earthquake and the subsequent rush to establish the constitution showed how prepared the governing class was to fight back against the basic [more progressive] agenda of the first Constituent Assembly, which they themselves had made to fail. There was a triumphalist moment after their shamelessness and the fury with which they went ahead with the constitution, and the whittling down the agenda as far as they possibly could.

I feel now that the anti-inclusion agenda has softened a bit. The anti-inclusion mood is less prevalent because the group that is doing the governing is not doing such a great job, and so there is a little bit of humility coming back in. People are more relaxed. The moment of danger when the constitution might not have been passed is gone.



Manjushree Thapa.  
© Yunish Gurung

If the governing class once again wants to strike back and destroy the provinces, destroy the federalism project, I see the capability still there to do that. But if that does not happen and the transition is allowed to run its course for a period of 10 or 15 years, then that will have changed the reality. It will all depend on whether the parties can organise, democratic forces can organise, liberalism can re-organise in some way.

### On Nepali liberalism

Liberalism is like a brand. People who have identified themselves as liberals are not necessarily liberal. The constitution-making and the civil rights movements showed exactly how much caste and feudal structures and power structures operate in Nepali society. I feel [inauthentic progressive forces] showed their face around the drafting of the new constitution. But, it's always been like that, where the communists are not communists, the liberals are not liberals, socialists are not socialists. Nobody is anything. These are just labels that they have chosen. There has not been a defining of the liberal space. It is there as a small intellectual space. But I don't see any political party becoming agents of that other than of multiparty democracy – which is important.

### Inclusion and the peace process

There was such a force to the civil rights movement and to the demands [for inclusion] of the first CA [Constituent Assembly] that when the second CA tried to draft the constitution there had to be some compromise. So, there is proportional representation, there is federalism, etc. The constitution is a compromise document. Even though

it was watered down, such as the citizenship issue [for women] not working out, it has a life of its own. And if federalism can just play out, if the provinces can get more power, slowly, after one or two elections, that will create energy at the local level.

### **On the antipathy towards inclusion**

Inclusion is about making Nepal look like Nepal. Around the failure of the first CA [in 2012], we saw this negative organising from the right wing and that was about sowing misinformation about what the demands [for progressive change] were. So, in the naming of the provinces, the Janajatis [indigenous peoples] had said it was going to be a multi-ethnic province. There was propaganda around it, to which the media was party, and the Kathmandu middle class just panicked, and it was very effective. More of all these progressive movements needed to aggressively engage with more moderate voices, but they did not.

It will be interesting when the provinces actually get named. This process has more to do with the cultural imagination and the inability to imagine a Nepal that is different from the old model that the governing class has got hung up on.

“**Anyone who wants to organise around civil rights issues will have to deal with the potential backlash. I don't think the inclusion agenda is out of the woods yet.**”

### **On the possibility of rollback of achievements**

There is a sort of conservatism in middle-class Kathmandu that can easily be manipulated to turn all this [inclusive change] back. It is just a basic middle-class conservatism around wanting stability and peace and economic prosperity. The development paradigm that came in with the constitution is focused on infrastructure, and has moved away from any kind of rights or social issues. Which seems like a very Chinese model – throwing money into infrastructure. The predominant vision is infrastructure, money, contracts. This is the stability we were promised, and this is all the establishment wants to do. They don't want any bigger change than that. Anyone who wants to organise around civil rights issues will have to deal with the potential backlash. I don't think the inclusion agenda is out of the woods yet.

### **On the lack of mass support for women's issues**

[The lack of support for women's issues in Nepal] is because Nepali nationalism has been formed in reaction to India. The open border is what everyone is obsessed with: the ease of movement between India and Nepal is where Nepali nationalism panics – because they can't control the border, they want to control women instead. The citizenship movement did get criticism from Madhesi women's groups and activists, saying that [the unjust citizenship rules for Nepali women] is a Madhes issue and that it is not being addressed as such, which is true. But I think as a strategy, making citizenship and women's rights a mainstream, national issue has really helped because this has led to so many more iterations of Nepali women feeling like second-class citizens. This has sparked a consciousness that won't go away. Perhaps in 10–15 years that too will be a settled issue. The governing class never said they want women to be unequal but quietly they would always say the problem has to do with India, it has to do with Madhesis. It is a philosophically untenable position they are holding and I think they know that there is a basic lie in their position.

### **On institutionalising federalism**

At the risk of sounding like an NGO, there is the need for capacity enhancement because of the sudden entry of people with very little experience in governance in the government space [as a result of inclusive provisions in elections at all levels of government]. This does not mean that they are less intelligent than people already there [in local governance institutions]. The first Constituent Assembly was the single-most intelligent body of governance Nepal has ever had *because* it was so inclusive. There is potential for a comparable situation now through all the new [local and provincial] governments in place, but they need to be supported more. Just setting them up and letting them fail is not going to be a positive experience.

The government is not going to provide the necessary support and nor is it going to ask for aid or international support. So, I don't how that will happen. If all the civil rights actors valued that and supported it...

### **On the international community**

The international community's role has been compromised because the Nepali national powers have been so hostile and have directed them into cutting support for the social agenda. Although I've been accused of being too soft on the international community, the aid world is at the mercy of national forces. They have to work with the government. If the government is very strongly anti-inclusion, then the best international partners can do is water that attitude

down a bit. The whole aid world had switched away from rights and back into service provision, like the Panchayat model [the governance system that operated from 1962 to 1990].

### **'New Nepal'**

After 1990, social movements organised: the Janajati movement, the Dalit movement, the women's movement. But no larger theoretical or philosophical framework entered the discourse. The level of discourse in Nepal has been quite low. There wasn't anyone who framed

this as envisioning the nation. That has not come yet or, if it has, only in a small way that has not captured the wider public imagination. So, we are still at the stage of the framework set by the Panchayat, which is either 'you're unified' or 'you're going to disintegrate'. A 'unity in diversity' imagination has not been established in Nepal. And, so, I think it is work that has yet to be done. How do you imagine a nation that is diverse yet that doesn't lead to disintegration? I don't think that imaginative framework has come up in Nepal.

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## SECTION 3

# **Inclusion in practice in sub- and supra-national peace processes**

# Inclusion amid fragmentation

## Mai-Mai proliferation in the Democratic Republic of Congo

Judith Verweijen

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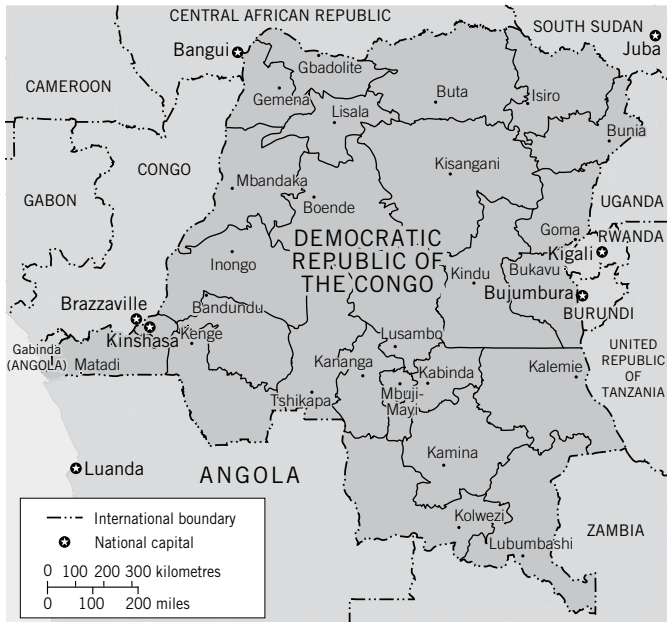
Studying the evolution and aftermath of the Second Congo War (1998–2003) – also known as ‘Africa’s First World War’ – is an exercise in analytical complexity. The war in the Democratic Republic of Congo grew from a mass of overlapping and interlocking conflicts on different scales – from local, to national, the Great Lakes Region and beyond. It drew in a large number of heterogeneous political and military actors, including government forces and rebel groups from about half a dozen countries, large-scale Congolese but often foreign-backed politico-military movements, and a host of smaller-scale armed groups.

Among this latter category was a type of armed group known as ‘Mai-Mai’, referring to groups that draw on discourses of community self-defence and ‘indigeneity’, or claims to be the original inhabitants of certain lands. In addition, Mai-Mai groups engage in rituals with water (in Swahili *mai* or *mayi*) that provide combatants with spiritual protection against harm. These groups – dozens of which operated throughout a vast territorial expanse – never constituted a single coherent faction under unified command, although some had formed wider coalitions.

Yet, in the 2002 peace accord that formally ended the Second Congo War – but never brought peace to the country’s east – the Mai-Mai were listed as a single signatory. This entitled them to a number of political and administrative positions during the transitional period that followed (2003–06) and command positions in the new national army. However, the existence of Mai-Mai groups did not end with this limited form of inclusion in the peace process. While their numbers decreased initially as numerous Mai-Mai commanders and fighters demobilised or integrated into the army, from 2007 the number of armed groups calling themselves Mai-Mai steadily increased.

“ **By treating disparate Mai-Mai groups as single category that was of lesser importance than bigger rebel groups, the peace process fostered power competition and a sense of marginalisation** ”

Why, then, did the formal peace process fail to bring an end to the existence of Mai-Mai groups? There is a complex range of factors at play, but the way in which the Mai-Mai were included in the formal peace process provides one part of the explanation. By treating disparate Mai-Mai groups as single category that was of lesser importance than bigger rebel groups, the peace process fostered power competition and a sense of marginalisation that was often perceived in terms of identity. Power plays and grievances motivated many Mai-Mai to take up arms again. At the same time, power-sharing focused attention on obtaining positions in the state apparatus, rather than on resolving



deep-rooted conflicts related to land and local authority in the east. The trajectory of the Mai-Mai thus sheds light on the circumstances in which participation in a peace process intensifies rather than diminishes violent conflict.

### Congo wars: Mai-Mai heydays

Present-day Mai-Mai groups have their immediate roots among the armed groups that appeared in the early 1990s. This period was marked by a fledgling democratisation process that triggered the political manipulation of conflicts around land, local authority and access to resources in the east of the country then known as Zaire. Many of these conflicts grew out of the colonial period, when the colonisers granted certain groups customary chiefdoms but excluded others, and organised the mass migration of Rwandans to Congo to work on plantations and in mines.

These processes left a legacy of disputes that were often expressed in identity-based terms, pitting populations identifying themselves as ‘indigenous’ (or ‘autochthonous’) against speakers of Kinyarwanda (*Rwandophones*, encompassing Hutu and Tutsi), who were labelled ‘foreigners’. Within this context, armed groups were seen to defend the land and rights of particular (ethnic) communities, and were closely linked to the leaders of those communities.

The mobilisation of these groups drastically increased during the First (1996–97) but particularly in the Second (1998–2003) Congo War, both of which were unleashed by the invasion of insurgencies supported by the Rwandan government. During the Second War, the Rwanda-backed Congolese Rally for Democracy (RCD) managed to occupy large swathes of the east. Based in remote rural areas, Mai-Mai groups waged a guerrilla

war against the RCD, whose leadership was dominated by Congolese Rwandophones.

Given the strong dislike for the RCD among large parts of the population, Mai-Mai groups drew massive popular support, portraying themselves not so much as an armed group but as a ‘popular movement’ engaging in self-defence. As Kapopo, former commander of a Mai-Mai group in Itombwe said: ‘The Mai-Mai, it’s not only us. It’s everyone, it’s every patriot who defends the Congo. It’s not a movement linked to a person, it’s the state of mind of every patriot, of those who defend their country and do not want aggression and the pillage of natural resources’ (interview, Bukavu, 27 March 2011).

Despite this popular ethos, Mai-Mai groups became increasingly disconnected from the communities they had emerged from and started to pursue their own agendas. Several groups liaised with bigger politico-military movements, which sometimes also provided military training. Many became caught up in competition over access to natural resources, such as gold, coltan and timber. Being based in the west and having no troops in the rebel-occupied east, the Congolese government also used Mai-Mai groups as proxies to fight the RCD, providing them with arms and ammunition. This diversification of sources of income and support made Mai-Mai groups less dependent on and accountable to local communities, contributing to a rise in abuses against the very civilians they claimed to defend.

### Inter-Congolese Dialogue: struggling for representation

Government recognition, even though largely symbolic, fostered an important sense of entitlement among Mai-Mai groups. It promoted a self-image of the Mai-Mai as patriots essential for defending the country’s territorial integrity, and who by extension deserved compensation for their efforts. Yet through the peace process and ensuing transition, the Mai-Mai’s expectations were largely frustrated. A first obstacle was their participation in the Inter-Congolese Dialogue (ICD) held under the auspices of the Organisation of African Unity and facilitated by Sir Ketumile Masire, former President of Botswana. The dialogue was an attempt to both establish peace and forge a new political dispensation for Congo. In addition to the belligerents (the government, rebel movements and other armed groups), it included political parties and civil society groups. Yet many of these groups were embroiled in intense struggles about which groups should participate and who should represent them, which complicated the negotiations.



Demobilised combatants from the Mai-Mai group APCLS in Nyabiondo (North Kivu). © Alexis Bouvy, with Local Voices, IA, SFCG

After Mai-Mai representatives were excluded from an ill-fated attempt to begin the ICD in Addis Ababa in 2001, the Mai-Mai were invited to a second effort in Pretoria in 2002. But who was to represent this heterogeneous category, which on paper looked like a few large coalitions of fighters, but in reality consisted of dozens of groups whose commanders often acted autonomously?

Only six Mai-Mai delegates were asked to attend. Moreover, Kinshasa tried to influence the composition of the delegation to ensure it was favourable towards the government. As a result, many Mai-Mai groups did not feel represented during the peace process, which culminated in the signing of a peace agreement named the Global and All-Inclusive Accord. These groups considered themselves to be non-signatories and so not bound to respect the agreement's provisions. As Mai-Mai leader Amuri Yakotumba said: 'We, the Mai-Mai, we were not signatories of those agreements. We were not invited so these agreements do not concern us' (interview, Sebele, 14 December 2011).

Mai-Mai representation was also a problem in relation to the allocation of positions in the army and political institutions during the transition (2003–06). The accord had been signed by the government, four rebel movements, 28 different political parties representing the 'unarmed opposition', the umbrella category of 'civil society' and finally, 'the Mai-Mai'. The Mai-Mai were listed as an 'entity' (*entité*) in the peace accord, rather than a 'component'

(*composante*) like the biggest political-military movements, and so were entitled to comparatively few political positions. Similarly, within the army, they were given a low quota in the allocation of command-and-staff positions. In part owing to their fragmentation, the Mai-Mai had limited political weight in Kinshasa, causing them to miss out in the division of political and military functions still further.

### Difficult transition

Once in government in Kinshasa, those acting as the Mai-Mai's political representatives largely pursued their own interests, losing touch with their bases in the east. The same pattern developed regarding those appointed to higher-level functions in the army. Not seeing their grievances and concerns articulated, many lower-level officers and rank-and-file lost faith in their leaders. In addition, the division of scarce positions in political and military institutions led to endless quarrels both among and within already fragmented Mai-Mai groups. These quarrels induced discontent and schisms, and ultimately contributed to the return to arms of those feeling disadvantaged.

Many Mai-Mai attributed their relative marginalisation in the political and military arena to their identity as *autochthones*. They believed that they were being discriminated against and saw this as evidence that the new state institutions were infiltrated and dominated by 'foreigners', in particular Congolese Rwandophones. In the words of Mai-Mai leader Fujo Zabuloni: 'the Mai-Mai today have no functions. We

fought during the war, but then we found that there was no work for us in the army. So we went back to the bush ... The question is: Why did they bring foreigners into the army?' (interview, Kisanga, 12 February 2012).

Another reason for Mai-Mai combatants to boycott the army integration process was that some of them never wanted to work as soldiers deployed throughout the Congo's vast territory. Rather, they wanted to stay in their zones of origin, close to their families and communities. In low-level positions in the army in distant territory, they would never command the same status and respect, nor have the same levels of influence and income. Thus, many Mai-Mai chose not to join the army but rather to be demobilised.

Additionally, numerous Mai-Mai groups – like other belligerents such as parts of the RCD – refused to integrate their armed wings fully into the army out of fear that local communities would be left unprotected. With memories of atrocities fresh in mind, some of which had appeared ethnically targeted, conflicts and suspicion among communities remained high. Few people fully trusted the newly formed national army, often doubting its neutrality. As political attention was focused predominantly on the transitional process in Kinshasa, there were limited initiatives to address the conflicts that had pitted communities against each other in the east.

Afraid to lose political and economic influence, civilian leaders and businesspeople linked to the Mai-Mai often encouraged Mai-Mai groups not to fully disband. While the war was proclaimed over, eastern Congo remained militarised – in particular the two Kivu provinces, where force was still a shortcut to political power and resources. For instance, links to armed groups was an important asset for holding on to mineral-rich zones or important positions in the local administration. To both attract attention in Kinshasa and consolidate influence in their local constituencies, politicians had to show that they had leverage over armed groups. This logic was not limited to Mai-Mai networks but played among all the former warring factions.

### **After the transition: remobilisation**

The 2006 general elections marked the end of the transition and revealed that it had failed to consolidate peace. A number of Mai-Mai factions, like Yakotumba's, abandoned their commitments to army integration and reconstituted themselves as armed groups, declaring little faith in the newly elected government. A major Rwandophone rebellion, the Tutsi-led National Congress for the Defence of the People (CNDP), reared its head in North Kivu, which in turn prompted a further proliferation of Mai-Mai groups in the area.

To explain why they took up arms, these groups generally invoked reasons of community self-defence necessitated by ongoing insecurity, dissatisfaction with the army integration process, and grievances related to conflicts around land and local authority. Yet for several military leaders, status, income and influence were also at stake. Leading an armed group gave them visibility, including in Kinshasa and among international donors, and made them people to reckon with.

The pertinence of these more opportunistic motivations became particularly clear when the news broke that a large conference to bring peace to the Kivu provinces would be organised by the Congolese government in Goma in January 2008. The conference culminated in the signing of a ceasefire agreement by around two dozen groups and paved the way for the creation of a government-initiated stabilisation and reconstruction programme (*Amani*) which was sponsored by donors.

**“ Feelings of marginalisation would push a large number of ex-Mai-Mai officers in the army to desert and create new armed groups after 2009. ”**

In the hope of gaining a place at the conference and access to positions in the army, the administration or the *Amani* programme, some entrepreneurial individuals created new armed groups or reconstituted dormant ones. A good example is commander Mahoro, who during the Second War had served under Mai-Mai commander Nyakiliba. After the war, he participated in the army integration process and received the rank of major, but never obtained a function. Therefore, when he heard of the Goma Conference, he decided to launch a new movement called the Mai-Mai Mahoro. In his own words, the conference was an opportunity 'to have my rank of colonel fully recognised and to no longer be *en dispo* [not having an active function in the army]' (interview, Bijombo-Ishenge, 18 November 2011).

Similar feelings of marginalisation would push a large number of ex-Mai-Mai officers in the army to desert and create new armed groups after 2009. That year a peace deal was concluded between the government and the CNDP – as well as between other armed groups and the government. The CNDP integrated into the army and obtained numerous influential positions in the command chain. This reconfirmed the belief among ex-Mai-Mai that Rwandophones were systematically favoured.

CNDP integration also went hand-in-hand with large-scale military operations against armed groups, which

fundamentally disrupted existing political and military power balances in many areas. The result was serious instability, which paved the way for the emergence of new Mai-Mai groups citing the need for community self-defence. An army restructuring process in 2011 caused many ex-Mai-Mai to again feel disadvantaged by the army. Elections that year gave further impetus to the proliferation of Mai-Mai groups, a dynamic that persists today. The accords signed on 23 March 2009 include the signatures of less than 20 Mai-Mai groups. But an analysis mapping armed groups published in December 2017 lists over 70 Mai-Mai groups, and their numbers have grown further since then.

## Conclusion

Given the multitude and heterogeneity of the parties involved, the peace process that aimed to end the Second Congo War always faced an uncertain outcome. The government re-established administrative control over former rebel-held areas, foreign armies withdrew, and many rebel groups were disbanded or transformed into political parties. But in the east, violence continued.

Although by no means the only reason, the power-sharing arrangement on which the peace process and transition were based importantly fed into this instability. By making the use of force convertible into positions in or influence on the state apparatus, power-sharing incentivised violence and unleashed a relentless competition for power, positions and resources, not only among but also within factions. This competition affected all ex-belligerents, but it hit the Mai-Mai particularly hard. Dozens of groups that had never formed a unified structure now had to divide up positions among themselves in the army and political institutions, positions that appeared fewer and less important than those allocated to their main adversary, the RCD.

Competition for power during the transition unfolded in a climate of ongoing conflict, distrust and violence. Some of this violence was clearly intended to protect economic and political gains made during the Congo Wars. Yet in the east, it was also related to a legacy of conflicts around land and local authority that were often instrumentalised in relation to identity. The focus on dividing positions in the state institutions seems to have deflected attention from addressing these conflicts and the related distrust between communities, on which Mai-Mai groups strongly drew for recruits and resources.

Excluding the Mai-Mai from the peace process altogether would have been likely to have produced worse outcomes. But questions can be raised in respect of the ways in which they were included. Should they have been treated as a single faction on a par with unified rebel movements? Should they have been given command positions and the option to integrate into the army, or rather have been demobilised? Could more holistic approaches to Mai-Mai demobilisation have been adopted that simultaneously addressed conflicts and distrust between communities?

While there are no easy answers to these questions, the case of the Mai-Mai does provide a few pointers as to how to address the inclusion of local and fundamentally fragmented groups into peace processes. First, a comprehensive study must be made of the level and nature of factions' fragmentation and how this affects (purported) leadership and the implementation of commitments. Second, power-sharing arrangements need to examine whether and how they can be implemented in ways to avoid further fragmentation. Third, more attention must be paid to the reasons underlying fragmentation – be it self-interested leadership, deep-rooted conflicts, or the fact that armed groups issue from communities that have never known centralised leadership. Finally, the story of Mai-Mai fragmentation also urges us to look beyond overarching, dichotomous conflict narratives (in this case: of autochthonous versus Rwandophone groups), to uncover the multi-faceted and diffuse conflicts that may hide behind them.

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# Inclusion and the Kurdish 'Resolution Process' in Turkey

Esra Çuhadar

The conflict between the Turkish state and the Kurdistan Workers' Party (PKK) dates back to 1979 when the PKK was founded. Espousing a Marxist/Leninist ideology, the PKK's original objective of an independent Kurdish state was revised after 1995 and modified to creating 'democratic autonomous rule' in Kurdish-populated parts of Turkey. The PKK resorted to violence throughout the 1980s and 90s in both rural and urban areas. Fighting between PKK militants and Turkish armed forces continues to this day and has claimed more than 40,000 lives.

The 'Resolution Process' initiated between 2009 and 2015 was the most significant attempt to resolve the long-standing Kurdish conflict through dialogue and

negotiations. Kurdish ethno-nationalism had grown in reaction to historical grievances including the centralisation of the Kurdish south-east region during the late Ottoman period, 'Turkification' during the early Turkish Republic from 1923 onwards, and political repression following the 1980 military coup.

The peace process sought to initiate progressive reforms and engage public participation in order to address these grievances by broadening national inclusion of Kurdish citizens and of all citizens while simultaneously seeking a nationwide dialogue for participatory constitution-making. Unfortunately, in the years since 2015, not only has the peace process collapsed and violence resurfaced, but



Constitution Platform meeting in Bursa, organised by the Economic Policy Research Foundation of Turkey (TEPAV). © TEPAV

Turkey's domestic politics have become highly unilateralist and exclusive, epitomised by the coup attempt in July 2016 and the government's subsequent purge and crackdown on civil society. Yet, the ways in which inclusion was both promoted and resisted in the process yield insights into its potential as a basis for peace in the future.

## 'Resolution Process'

When the leader of the PKK, Abdullah Öcalan, was captured in Kenya in 1999 and imprisoned in Turkey, the Turkish state gained the upper hand in the armed conflict. The PKK unilaterally declared a ceasefire in 1999 but returned to violence after 2004, after which the Turkish authorities came to see negotiations as a means to end the conflict and secret pre-negotiation talks began in Oslo between 2008 and 2011. Several other democratisation initiatives or 'openings' were launched by the government at the same time, such as a dialogue process between Ankara and representatives of the Alevi non-Sunni religious minority – another long-standing conflict in Turkey.

An inclusive Constitutional Reconciliation Commission (CRC) was set up in October 2011 to propose a new constitution. It comprised all four political parties represented in the parliament, including the pro-Kurdish Peace and Democracy Party (BDP), and was tasked with finding consensus among them. In late 2012, an escalation of violence and hunger strikes by PKK militants in prisons prompted exploratory talks. Although they collapsed after they were leaked to the press, covert talks such as these paved the way for an overt process formally announced in 2013, which succeeded in adopting a road map and a number of legal frameworks.

### Constitution Platform

The Union of Chambers and Commodity Exchanges (TOBB) and the Economic Policy Research Foundation of Turkey (TEPAV) initiated a semi-formal national dialogue process called the Constitution Platform to support the Constitutional Reconciliation Commission's work. Dialogue groups were held throughout the country with the participation of a range of citizens' groups including women, youth, ethnic and religious minorities (including Alevi), and geographic regions. Feedback from these meetings was passed on to the CRC in the form of recommendations to contribute to their work on constitution drafting in the parliament. However, the CRC was dissolved in December 2013 after the four political parties failed to reach consensus on a number of issues by the given deadline, and civil society input generated through the Platform was ultimately not used.

The negotiation process of 2013–15 was conducted with representatives of both the government and the Kurdish political movement visiting Öcalan in prison on İmralı Island. Negotiations evolved around: 1) disarmament and demobilisation of PKK fighters; 2) democratic reforms to address cultural and political grievances of Kurds and to ensure their inclusion into the social, economic and political life of the country; and 3) reintegration of ex-combatants.

The general framework was based on the idea that PKK disarmament would be realised in exchange for granting legal and cultural rights to the Kurdish collective. The talks resulted in the Dolmabahçe Agreement, reached on 15 February 2015 between the government representatives and deputies from the People's Democratic Party (HDP – a leftist, pro-Kurdish party). Although the meeting seemed to mark a turning point in the process, President Recep Tayyip Erdoğan renounced it in July 2015, after which the armed confrontation between the security forces and the PKK resumed.

### Weaknesses in the process

There were weaknesses in the process from the beginning. First, the parties disagreed on how it should be framed. While the government preferred to refer to 'disarmament' and 'dialogue', the PKK used 'negotiations' and 'mutual concessions'. Second, the framework for the content of 'rights' and how they were to be exercised remained vague – including over the issue of exactly what was understood by 'autonomous rule' and education in Kurdish. Third, mutual distrust overwhelmed the process, especially in the absence of an impartial third-party or monitoring mechanism. The government accused the PKK of not withdrawing their militants from Turkish soil as agreed, and the PKK's leadership suspected the government simply wanted to disarm them, with no intention of delivering their political and legal demands.

Finally, unfolding events in Iraq but especially in Syria were major drivers of conflict throughout the process. The Turkish-Syrian border was destabilised with the Syrian civil war. The growing Islamic State (IS) control over areas just beyond the border had massive negative impact on the peace process, especially the capture of the border town Kobane in 2014, followed by the IS-organised suicide bombings in 2015 against Kurdish targets, first in Diyarbakir and then in Suruc. The Turkish government did not let Syrian Kurdish Democratic Union Party (PYD) militants and volunteers cross the border into Syria to help the Kurdish population in Kobane in October 2014. This led to protests and clashes in Turkey between the security forces and those demanding to cross the Syrian border that left 40 people dead. Eventually the Turkish government allowed Barzani-led Iraqi Kurdish *peshmerga* forces to cross the border to

support efforts in Kobane. However, the damage to the peace process could not be undone. The event was a major turning point, displacing the Syrian conflict into Turkey and exacerbating mistrust between the negotiating parties and the emotional disconnect between the Turkish and Kurdish populations.

The war between IS and the PYD's People's Protection Units (YPG) forces escalated, with the US supporting the YPG as foot soldiers against IS. The Turkish government, perceiving a connection between the YPG and PKK, considered this situation a major security threat that risked establishing a PKK-controlled corridor on its border. In short, the Syrian civil war created a security dilemma in which the actions of both parties reinforced mutual fears.

### **Promoting inclusion**

There were a number of attempts to create a more inclusive peace process after 2013. These were largely limited to the governmental and Kurdish political elites and did not have the support of the majority of the population in Turkey. The resurgence of violence in July 2015 was followed by a strong Turkish nationalist backlash, which has dominated public opinion ever since and has been exacerbated by the lack of engagement with grassroots groups that could have helped alleviate polarisation.

**“ Regardless of political party affiliations, most of the Turkish population have negative attitudes towards the political inclusion of Kurds that can be traced to the core narrative of Turkish nationalism. ”**

Public support for a negotiated peace struggled to flourish in a context of long-standing Turkish nationalism. Support for the peace process fluctuated according to different public opinion polls, but the core political attitudes of the majority did not change. Regardless of political party affiliations, most of the Turkish population have negative attitudes towards the political inclusion of Kurds that can be traced to the core narrative of Turkish nationalism and its outlook on expression of other politicised group identities. This is exemplified in the motto 'One Nation, One Flag, One Country, One State' and ideas that go back to the foundations of the Turkish Republic in 1923, by which all Turkish citizens are considered 'Turks' regardless of their ethnic origins. Turkish nationalism has become the dominant ideology and Kurdish ethnic demands for more

autonomy or native language education are perceived as threats to the 'one nation' idea.

Inverse group narratives have fed mistrust throughout the peace process and efforts to advance inclusion and dialogue have failed to mitigate them. A 2015 survey conducted by TEPAV showed that 76.9 per cent of HDP voters and 56.5 per cent of all Kurds thought that the state discriminated against Kurdish citizens, but that only 11.7 per cent of the wider Turkish public thought that Kurds were discriminated against. Such contrasting group attitudes are very common in Turkey; for instance only 18 per cent of those who identify as Turks supported a policy to name townships and villages in Kurdish, compared to 87.4 per cent among the Kurdish population. In 2009 the Turkish government set up a commission to promote social cohesion and a draft law was proposed to ban any kind of discrimination based on ethnicity, race, religion or disability. However, the Law on Human Rights and Equality Institution of Turkey (no. 6701) was not adopted until 2016 and has only recently become operational.

Opposition parties did not support peace negotiations. Nationalist constituencies and political elites, especially represented by the Nationalist Action Party (MHP) and by parts of the Republican People's Party (CHP) and the governing Justice and Development Party (AKP), remained sceptical of or opposed to negotiations on the grounds that they would lead to the dismantlement and division of the country. Failure to garner the full support of the social democratic main opposition party, the CHP, was a persistent stumbling block. While the CHP advocated that the process should happen in parliament, transparently and with the participation of all political parties, it did not contribute to the preparatory commission set up in parliament in 2013 to make inquiries and recommendations for the peace process. The MHP rejected negotiations entirely and became a vocal critic. However, the government did not take additional steps to form a parliamentary commission on the negotiations or advance any other initiative to include the political parties. Even the BDP's participation was limited to a select few representatives in visiting delegations, and Kurdish political groups that did not support the BDP/HDP line were also excluded.

Abdullah Öcalan and the military wing of the PKK thus became the main interlocutors with the AKP government in the process. Failure to include civil society fed perceptions that Öcalan had his own personal agenda, while failure to include political parties meant that the peace process was neither a matter of 'national interest' nor protected from political competition. This was especially significant around elections. Throughout the process, local and national

elections constantly fuelled the polarised positions of the political parties on the negotiations. Facing a Turkish-majority opposition, the AKP leadership eventually chose to accommodate the Turkish nationalist constituency after losing its majority in Parliament in the June 2015 elections. The political alliance of the AKP with the nationalist MHP, especially after the July 2016 coup attempt, unleashed a nationalist backlash that since then has made it quite impossible to seek renewed negotiations.

### **Wise People Commission**

An early and significant step to include civil society in the process was the establishment of the Wise People Commission (WPC) by the government in 2013. This was a consultative body composed of 63 well-known personalities from different sectors of society, assigned to conduct public consultations in the seven administrative regions – Aegean, Marmara, Mediterranean, Black Sea, Central Anatolia, Eastern Anatolia, and Southeast Anatolia. Selection criteria for WPC membership included diversity and representation by religion, ethnicity, gender and political affiliation, although appointments were made top-down either by the government or BDP/HDP.

**“ Women’s participation and gender equality have been part of the pro-Kurdish movement’s ideology since the mid-1990s, despite its highly conservative and patriarchal support base. ”**

The WPC was an attempt to engage the public through information and calming public concerns. The government thought it could be useful in garnering public support for the process. However, regional meetings were not adequately planned or assisted by trained facilitators. Procedures for listening and formulating submissions (and complaints) varied between meetings and regional groups. Documents were received, but with no systematic method for analysing them. In meetings, prevalent entrenched views were repeated without a genuine dialogue format. This may have perpetuated the existing polarisation and helped maintain mental rigidity concerning new ideas and solutions to the conflict.

Significantly, the WPC work remained incomplete as the reports prepared by sub-groups and presented to the government were not openly discussed or shared with the wider public, nor was it made clear how these results would be used. This created a sense that the process was

neither genuinely transparent nor consequential. The Gezi Park protests in Istanbul in June 2013 also diverted attention. Ultimately the WPC failed to mobilise a sense of broader civil society engagement, contributing to a more general lack of grassroots ownership. On its own it was not sufficient to turn the closed-door peace process into a public one.

Civil society in Turkey has little independence: as the WPC process unfolded non-governmental organisations were influenced either by the PKK or the government, while universities and most broad-based civil society organisations were neither prepared nor engaged. Kurdish constituencies that were not affiliated with the PKK or BDP were side-lined, as were victims’ associations. All of this contributed to the absence of significant grassroots pressure to keep the process going. Without support from broader organised societal groups, opposition political parties, and major civil society organisations with broad-based memberships such as trade unions and business associations, when the process fell apart very few voices were left to call the parties back to the negotiation table.

### **Women’s participation and gender equality**

Women’s participation and gender equality have been part of the pro-Kurdish movement’s ideology since the mid-1990s, despite its highly conservative and patriarchal support base. In 2014 the BDP decided to constitutionally assign one of the party’s co-chair positions to a woman, the first designated position of its kind in Turkey. One of the three-member BDP delegations that shuttled between Öcalan and other negotiating parties was always a woman.

The establishment of the WPC also included the participation of women as an issue on the public agenda. Even though women’s participation was less than 14 per cent (at least one member in each regional team was a woman) and far from the desired gender balance, their inclusion was accepted as a norm and the name of the commission was modified to a more gender-neutral one (it had first been called the ‘Wise Men’s Commission’).

The government’s awareness of the importance of women’s inclusion increased over time. Grassroots women’s movements held meetings with all sides to advocate women’s participation. The Women for Peace Initiative (WPI), for example, was established in 2009 building on previous grassroots and women-led mobilisation efforts such as the Saturday Mothers and Women Meeting for Peace. It demanded that the peace process should put into effect regulations to ensure the equal participation of women. It did not convince the government to take actions towards drafting a National

Action Plan based on the UN Security Council Resolution 1325, however, as this was seen as biased towards the Kurdish side's position on women's participation. Still, the WPI contributed through several informal commissions in 2013, which included a 'Women's Truth Commission' to look into crimes committed against women during the conflict.

## Conclusion

In the few years between 2015 and 2017, following the collapse of the negotiations and the coup attempt of July 2016, Turkey lurched drastically from one of the most inclusive and participatory governance experiments in its history towards one that is highly unilateralist and exclusive. The question remains to what degree past experiments with more participatory governance are useful reference points for the future?

The Resolution Process was a key component of these efforts. It succeeded in opening some space for broader societal inclusion, but this remained limited and was closed down abruptly without gaining enough societal momentum and traction to generate meaningful results. Attempts at inclusion did not persuade the public to buy into the process, nor did they create transparency and accountability. The outcomes of the Constitution Platform, the Alevi opening and the WPC ultimately did not influence decision-making and the negotiation agenda. Rather than establishing a desperately needed inclusive social contract embedded in political reforms and a new democratic constitution, mutual efforts were replaced with unilateral decisions.

In the Kurdish case, the transition out of instability and violence failed to create a new elite pact. When the process failed, attempts at broader societal inclusion also waned, not only for the Kurds but also for other excluded communities like Alevis, women and civil society in general. Numerous civil society organisations, initiatives and individual activists working for the resolution of the Kurdish conflict were curtailed and criminalised under the emergency law declared after the 2016 coup attempt.

Reasons for these failures include: poor management of the peace process – in particular the failure to establish necessary peace infrastructure to conduct the process, such as an impartial monitoring mechanism, and the failure to complete the WPC's work; the lack of political will and severe competition among political parties, especially due to frequent elections; the lack of adequate public support; and the escalation of conflict with YPG/PYD in Syria.

Developments in Syria compounded Turkish anxiety about the 'dismantlement' of the nation, increasing fears of an independent Kurdish state emerging along the Syrian border, and made a purely domestic solution to the Kurdish conflict no longer tenable. The situation has been further complicated by the presence of more than three million Syrian refugees inside Turkey. The future of Kurds in Turkey is now increasingly tied to wider, regional considerations with neighbouring Iran, Iraq and Syria, and the global geopolitical interests of Russia and the United States. The December 2018 declaration of US troop withdrawal from Syria will leave thousands of YPG militants without the support they have enjoyed in recent years, and will certainly shift the existing power dynamics and alliances. This situation will eventually have an impact on the Kurdish conflict in Turkey, although it is hard to predict how.

One possible scenario is that the conflict will continue as an armed confrontation between Turkish security forces and PKK militants as well as between Turkey and Syria, like in the 1990s, until an armed victory or stalemate occurs. A more optimistic scenario for a peaceful solution may be that the YPG and PKK, under US and Russian pressure, announce a ceasefire and commitment to finding a political solution without the threat of violence. This would open space for the non-violent political struggle of Kurds inside Turkey and allow the HDP to function as a legitimate political party. This latter scenario may revive the dialogue and negotiations to resolve the conflict, which could also benefit from current prospects of three years without any scheduled elections in Turkey.

In any scenario, future efforts seeking peace inevitably depend on the actions of not just the Turkish government and the Kurds in Turkey, but also on multiple regional and global actors. If that moment arrives, lessons will have to be learned to avoid replication of past mistakes. Hence, the revival of a conflict resolution process should strive for more professional management and more inclusion, establishing and authorising the necessary support infrastructure early on, considering regional dynamics, preparing the public psychologically for a long transition process that will require perseverance, commitment and resilience, and enabling the political parties and elites to form more realistic expectations.

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# UN-led mediation in Syria and civil society

## Inclusion in a multi-layered conflict

Sara Hellmüller and Marie-Joëlle Zahar

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The war in Syria is one of the biggest humanitarian challenges of our times. It has claimed 500,000 lives, forced more than 5.6 million people to flee their country, and displaced 6.8 million people internally. The complexity of the conflict is reflected in the multiplicity of efforts to bring it to a negotiated end.

Initial mediation attempts were led by the League of Arab States (LAS) and the United Nations, which jointly appointed the first two Special Envoys, Kofi Annan (February–August 2012) and Lakhdar Brahimi (August 2012–May 2014). After Brahimi resigned, following in the footsteps of Annan, the UN appointed a third mediator, Staffan de Mistura in July 2014, who was succeeded by a fourth, Norwegian diplomat Geir Pedersen, in November 2018.

State-led efforts to bring the conflict to a negotiated end have included initiatives by Egypt, Saudi Arabia and Russia. The conflict has also seen many track two and three initiatives, often led by Syrian and international non-governmental organisations (NGOs). While these have been important in bringing civil society actors together to discuss some of the key issues at stake in the conflict, this article focuses on UN-led efforts to include civil society in the peace talks. At the time of writing, none of these efforts has succeeded in finding a negotiated solution to the conflict, or even silencing the guns. Instead, they have all faced challenges related to the attitudes of conflict parties, the plethora of actors and their vastly divergent positions and interests, and the influence of regional and international geopolitical dynamics.

### Multi-layered conflict

In the months after Syria's uprising began in March 2011, peaceful demonstrations calling for reforms and

regime change were increasingly violently repressed and militarised, pitting a fragmented opposition against the Syrian government. Regional powers quickly stepped into the fray, projecting their rivalries onto Syria and jockeying for regional preeminence. Iran provided support to the government, while Saudi Arabia, Qatar and Turkey supported the increasingly organised opposition.

Beyond the region, the conflict has laid bare differences among the permanent members of the UN Security Council. Initially, Western powers thought that President Bashar al-Assad's departure was imminent. They made it clear that his government had lost legitimacy and that they heavily supported the opposition, albeit with growing concerns about the emergence of radical groups. Fearing a repeat of recent events in Libya, where humanitarian intervention provided the cover for regime change, Russia and China opposed any efforts that could provide the legal basis for a Western-led intervention. Russia subsequently provided assistance to the Syrian government and intervened militarily in September 2015. Against this background, the rise of extremist forces, such as the al-Nusra Front and Islamic State, offered justification for further American and Russian involvement.

The multi-layered nature of the Syrian conflict has had profound impacts on Syrian society. Regional and international power games and their corresponding

narratives have taken a heavy toll on social cohesion and contributed to reinforcing subnational identities among Syrians. At the same time, external involvement has also rendered ordinary Syrians and their diverse interests more ‘invisible’, as both the media and analysts have described the conflict in broad geopolitical terms, overlooking the agency of Syrian actors, including civil society organisations, who were painted as proxies of foreign agendas.

This has not only impacted the ways in which Syrian civil society has mobilised, but has also affected relations between civil society and external state and non-state donors, as well as the ways in which the three previous UN mediators designed their processes to support civil society inclusion.

### **Civil society mobilisation in Syria**

Before the conflict, Syrian civil society mostly comprised charities and government-controlled NGOs. Between 1959 and 2010, only around 1,074 organisations were registered in Syria. In the early days of Bashar al-Assad’s accession to power in 2000, regime critics were also active issuing calls for liberalisation in what was termed the ‘Damascus Spring’ – although they would soon be silenced. With the start of the peaceful protest movements in 2011, activists created many new civil society organisations. As the situation deteriorated, and as the state and its services were either ousted or withdrew from opposition-controlled areas, local coordination committees developed from loose initiatives between young activists to become well-organised networks taking care of humanitarian aid and service provision. Of the many humanitarian, peacebuilding and development initiatives that ensued, some were institutionalised into formal NGOs, usually registered outside Syria, while others continued to work more informally.

**“ Binary narratives that portrayed the conflict as a struggle between two sides shaped international understandings of Syrian civil society as either ‘close to the government’ or ‘close to the opposition’. ”**

Because demands for change started with popular protest movements, many Western capitals equated Syrian civil society with the Syrian opposition. As the opposition became increasingly fragmented and militarised, many

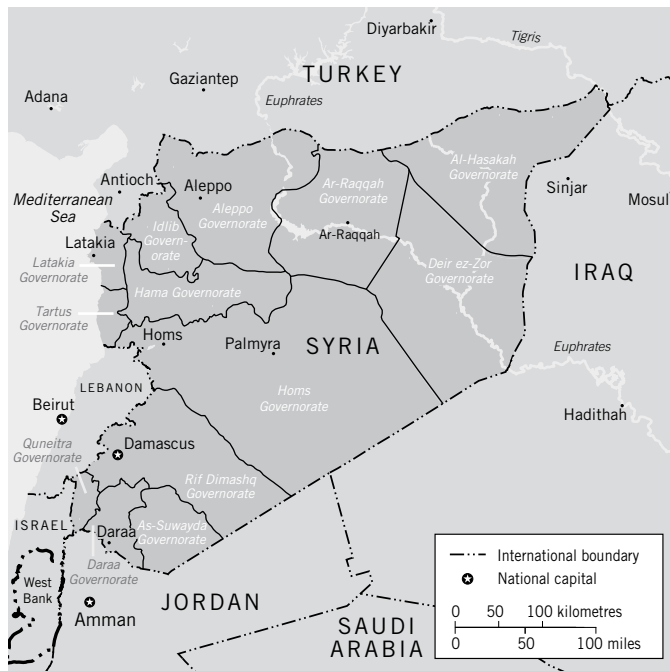
civil society organisations expressed concerns about the use of military means to oppose the regime. In spite of this, many Western capitals made no distinction between peaceful civil society actors and political opposition groups who subscribed to the military struggle. Nor did all civil society actors feel represented by the various opposition movements. Moreover, only civil society organisations established after 2011 or that operated in areas beyond government control were generally visible to Western powers and donors. As a result of these factors, the West tended to overlook Syria’s pre-2011 civil society organisations, as well as groups that were less formal or accessible.

Over time, outside actors became more aware of the diversity and complexity of Syrian civil society. However, binary narratives that portrayed the conflict as a struggle between two sides shaped international understandings of Syrian civil society as either ‘close to the government’ or ‘close to the opposition’. Allies of the Syrian government, meanwhile, portrayed civil society organisations ‘close to the opposition’ as terrorists, as illustrated by debates over the function of the White Helmets. These narratives have had an impact on the ability of organisations to function and collaborate, and have narrowed the geographical space in which civil society actors have been able to implement their programmes and activities. They have also exacerbated friction between organisations located in government- and opposition-controlled regions.

### **Civil society inclusion in the mediation process**

The multi-layered nature of the Syrian conflict and its geopolitical dimensions have influenced how UN mediators have included civil society in the peace process. Initially, the description of the conflict as a proxy war comforted mediators in the belief that a solution could not be primarily national, between the government and its fractious opposition, but that it needed the ‘blessing’ of regional and international powers. This was particularly reflected in the approach of the first two UN-Arab League mediators, Annan and Brahimi, who sought to get regional and international parties to lean on their Syrian allies and bring them to the negotiating table.

Annan and Brahimi led what can best be described as ‘exclusionary’ processes. Annan’s peacemaking effort culminated in his convening of the Action Group for Syria – which included government representatives of China, France, Russia, the United Kingdom, the US, Turkey, the LAS, the UN, the European Union, Iraq (in its capacity as LAS Summit Chair), Kuwait (in its capacity as chair of the LAS Council of Foreign Ministers) and Qatar (as Chair of the LAS follow-up committee on Syria). The group’s meeting on 30 June 2012 – better known as Geneva I –



resulted in the publication of the Geneva Communiqué, an international plan for an immediated ceasefire and an outline for peaceful transition. Yet, while Annan repeatedly highlighted the importance of including civil society actors in efforts to find peace, no Syrian civil society representatives were formally consulted in the process.

Following Annan’s resignation, new UN-LAS joint envoy Brahimi faced the reality of a heavy escalation of violence. It took him 18 months to bring the conflict parties together in the ‘Geneva II’ negotiations of late January to early February 2014. Although Brahimi met with some civil society actors, particularly women members of various organisations brought together on the sidelines of Geneva II by UN Women and the Netherlands government, he did not invite them to the talks. Like Annan, Brahimi stressed civil society’s and particularly women’s involvement as crucial, but focused on working with the main conflict parties and their regional and international supporters. The Geneva II talks broke down after only a few days and Brahimi resigned shortly thereafter. Both sets of efforts – in which civil society groups were not formally involved – failed to make any significant progress or reduce the violence.

The third mediator, de Mistura, took a different approach, seeking to include civil society while at the same time continuing to work at regional and international levels. After a failed attempt at brokering a local ‘freeze’ in fighting in Aleppo, de Mistura invited a number of civil society organisations to meet with him in the framework of the ‘Geneva consultations’ – an attempt to broaden discussions on next steps to resolve the conflict. De Mistura further institutionalised civil society’s participation when intra-Syrian political talks resumed under his auspices in January 2016. He established the Civil Society Support

Room (CSSR) as a space at the *Palais des Nations* in Geneva in which to invite a diverse group of Syrian civil society actors whenever UN-led talks were happening. They would engage in dialogue among themselves and with the mediation team, UN member states, UN agencies, international experts and NGOs, and potentially also the official delegations of the parties. Over the years, the CSSR has grown in scope and now has held meetings not just in Geneva but also in the region. It has developed into a platform of Syrian civil society actors that come together to influence the political process.

De Mistura’s attempt to include Syrian civil society reflects the challenges that such a complex geopolitical conflict creates for inclusion. On the one hand, de Mistura was aided by the fact that by the time he took office, civil society was increasingly acknowledged as diverse and comprising distinct actors with their own interests and views, diluting perceptions of civil society as being part of ‘the opposition’ and partisan. On the other hand, de Mistura continued to focus on the conflict parties and their regional and international allies, and in fact the decisions on the format of inclusion and on which civil society actors to involve in the Geneva talks in part reflected the fact that some influential governments continued to resist the idea of having civil society at the table. This illustrates the power of the conflict parties and regional and international actors to affect decisions on inclusion.

### Contributions and challenges of civil society inclusion

Syrian civil society participants in the intra-Syrian talks through the CSSR have made important contributions to the peace process. They often consult with their constituencies or networks before travelling and report back on what has been discussed in Geneva, providing linkages between the talks and the broader Syrian public. Civil society actors have also been essential to broadening the spectrum of views that influence the intra-Syrian talks. Even though this influence is mostly indirect, civil society actors bring perspectives and expertise that the main conflict parties do not represent. They enable the mediation team to design a more context-sensitive process – whether on urgent local needs and priorities, legal and constitutional issues, elections, detainees, missing persons and abductees, transitional justice, or other topics, this local knowledge and expertise provides important information about the reality on the ground. Civil society also offers a more nuanced understanding of Syrian perspectives on issues essential to the sustainability of any peace deal.

At the same time, civil society actors’ presence in Geneva helped de Mistura garner support for the political process and distinguished the UN-led talks from parallel initiatives,

especially the Astana talks sponsored by Russia, Turkey and Iran since December 2016 as well as the Syrian National Dialogue Congress in Sochi, Russia, held in January 2018. Thus, at a time when other initiatives sometimes appear to be taking the momentum away from UN conflict-resolution efforts, civil society inclusion actually bolsters the claim that the Geneva political process is the only process endowed with legitimacy.

Entering a high-level political negotiation arena has elevated the visibility and role of some civil society and individuals, even though they were not meeting directly with the conflict parties during the talks. As a result, some civil society actors expressed scepticism about participating in the CSSR from the outset due to concerns over the politicisation of their work – particularly the risks of being linked to certain parties to the conflict – or for personal security concerns. Others were thrust in the political limelight and had to navigate uncharted territory of political sensitivities that sometimes created tensions between them and their constituencies. Furthermore, try as they may to avoid this, some civil society actors still fell captive to the binary readings of the conflict which worked to deepen cleavages between them.

### Concluding reflections

An end to the war in Syria fundamentally depends on the willingness of the conflict parties and their main allies. But analysts highlight that the Geneva process is increasingly being overtaken by the Russian-led diplomatic initiative. In the meantime, on the ground, the Syrian army backed by its Russian and Iranian allies has regained control over most opposition-controlled areas. The conflict may be in its endgame, but Syrian civil society actors' participation in conflict resolution will remain crucial for the legitimacy and the sustainability of peacebuilding.

The contributions that civil society actors make to the intra-Syrian talks clearly indicate that their inclusion in the CSSR stems from more than the UN deeming it the right thing to do. Civil society representatives have brought valuable information and perspectives to bear, and former UN Special Envoy de Mistura considered consulting with them a political necessity. Indeed, institutionalised civic inclusion has set the Geneva process apart from other attempts at ending the Syrian conflict. Not only does this potentially ensure broader Syrian support and legitimacy for the UN-led process, but it may also play a role in securing the public acceptance of any peace agreement signed in Geneva. Thus, the norm of inclusion also has pragmatic, *realpolitik* consequences.

But civil society inclusion also has its limits. When the conflict parties are unwilling to resolve the conflict peacefully and to engage in serious negotiations, civil society inclusion cannot substitute for a process in disarray. To the contrary, their continuous inclusion into a stalled process risks sending a wrong impression of progress and legitimacy and may mask fundamental challenges instead of addressing them.

**“ Civil society representatives have brought valuable information and perspectives to bear, and former UN Special Envoy de Mistura considered consulting with them a political necessity. ”**

It is difficult to draw conclusions on the longer-term effect of civil society inclusion in the intra-Syrian talks. But the CSSR has certainly set important standards. It has helped to underline and constantly push the boundaries of the space allowed for civil society itself, and can provide a model for civil society inclusion in other peace processes involving multilayered conflicts. The CSSR has allowed the UN to navigate the troubled waters of inclusion in a context where conflict parties did not want civil society to be involved, and where regional and international dynamics risked blinding mediators to the local dimensions of the conflict. As many contemporary conflicts exhibit similarly multi-layered dynamics, the challenges encountered in the Syrian process should be carefully assessed to allow for conflict-sensitive design of future inclusion mechanisms.

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# Internationalisation and inclusiveness in Afghan peace processes

Michael Semple

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One of the enduring features of the Afghan conflict has been the involvement of a range of international actors. The conflict has been intensely local: tribe, ethnicity, faction and history have helped shape who fights whom. But it has simultaneously been international: all major Afghan conflict parties have looked to foreign patrons for material and political support.

Those attempting to mediate the Afghan conflict have typically pursued a punishing international travel schedule, flying between a dozen or so countries with a stake in the war. This paper examines four internationally supported Afghan peace initiatives to consider how the differing level and pattern of international engagement has affected inclusiveness: two 'limited' initiatives which sought to set the conditions for a settlement; and two attempted general settlements which addressed government and power-sharing.

Inclusiveness is considered both in terms of belligerents (to what extent were all warring parties included in the process?) and society (to what extent was broader society included in the process?). The four initiatives – the Geneva, Peshawar and Bonn Accords, and the 2013 launch of a Taliban office in Qatar – show different levels of international involvement. But while peace architecture has progressed over time, repeated flaws in how inclusiveness has been understood, applied and – critically – sequenced have ultimately compromised the ability of these efforts to sustain peace.

The Geneva process delivered on a key aspect of the armed conflict, the Soviet troop withdrawal, but deferred the questions of transition and future government. The

Peshawar Accord incorporated a roadmap for transition, but lacked the enforcement mechanisms or incentives to hold the parties to their commitments. The Bonn process started with limited inclusiveness through an agreement signed by hand-picked delegations in a conference overseas, but its roadmap provided for expanded inclusiveness in mandating the transitional government, constitution-making and ultimately in electing the president and parliament. The rationale of the Qatar initiative was also one of sequencing inclusiveness – establishing a mechanism to engage with the Taliban was supposed to be a preliminary step in advancing a peace process and not a short-cut to anyone agreeing a broad settlement with this single belligerent.

In September 2018, United States Secretary of State Mike Pompeo announced the appointment of Dr Zalmay Khalilzad as a special envoy for Afghan peace. He revived efforts for a settlement by engaging directly with the Taliban, through their mission in Qatar, by seeking leverage from the regional actors over the Taliban and by encouraging the Afghan government to establish a broad-based negotiating structure. As someone who was active in Afghan peace efforts from the final stages of the Cold War through to the Bonn process, Khalilzad is acutely aware of the flawed legacy of peacemaking in Afghanistan and can

be expected to draw upon the lessons learned from the four cases considered in this paper.

## Internationalisation of the conflict

The current conflict in Afghanistan dates back to the pro-communist coup in Kabul in 1978. The changes in the international order in the subsequent four decades can be traced in alliances which have helped sustain Afghanistan's warring parties. For the first decade of the war, a combination of the Cold War and regional politics defined the external linkages. The Soviet Union and the Eastern Bloc supported the government in Kabul, while the US and allies plus the Muslim world supported the anti-government *mujahidin*. Iran and Pakistan combined hosted in the order of five million refugees and provided rear bases for their preferred *mujahidin* fighters.

**“ The post-2001 period after the US and allies had removed the Taliban regime following 9/11 can be seen as a continuation of an internationalised intra-Afghan conflict, but with a major realignment of the patrons. ”**

The disengagement of the great powers after the collapse of the Soviet Union meant that in the second decade of the conflict, Afghan actors mainly depended on linkages with regional powers. Initially Pakistan maintained its support to what its intelligence service considered the most effective or reliable of the *mujahidin* parties, Gulbuddin Hekmatyar's Hezb-i Islami. India rapidly developed its links with Jamiat Islami, the opposing faction in the old mujahidin alliance, which by now constituted the government of Burhanuddin Rabbani. After 1996, Pakistan found itself supporting a Taliban government in Kabul, which had been formed by a newly emerged faction that had displaced both sides of the old *mujahidin* alliance. Meanwhile, regional powers, including India, Iran and the Central Asian states channelled materiel to the Northern Alliance resistance to the Taliban, which was formed from the remnants of the Rabbani government plus the old northern militias.

In this light, the post-2001 period after the US and allies had removed the Taliban regime following 9/11 can be seen as a continuation of an internationalised intra-Afghan conflict, but with a major realignment of the patrons. For the first decade or so, Pakistan



was widely considered the sole significant backer of the Taliban as they launched their insurgency against the new Kabul government and the NATO forces defending it – a role which Pakistan of course denied. More recently, the resumption of strategic competition between major global powers has strained the international consensus on peace in Afghanistan. The Afghan government has continued to depend upon the US and allies for military and economic support. Meanwhile, the Taliban have broadened their international linkages. They retain access to a ‘safe haven’ in Pakistan, operate a US-endorsed political commission in Doha, are widely considered to receive limited covert assistance from Iran and Russia and have cultivated wider international contacts. An internationalised conflict has added layers of complexity to the peacemaking challenge.

The presence of international troops in both the Soviet and US periods has clearly been one of the key issues around which the Afghan warring parties have mobilised international and domestic support. The Taliban have been at pains to draw the parallels between the two interventions, so as to appeal to the national spirit which inspired resistance to the Soviet presence. But plenty of the drivers of conflict operate independently of the existence of international troops in Afghanistan. In the case of an abrupt withdrawal of US troops, the most likely outcome would be a new reconfiguration of the conflict.

## International influence over belligerents

Table 1 provides an overview of the current state of regional and international power interests in the Afghan conflict. There are multiple actors pursuing different and conflicting interests and in some cases there is a contradiction between the powers' acknowledged position (support for the Afghan government) and covert actions (cooperation with the Taliban). The US and Pakistan have a disproportionate influence on the conflict actors and the ability to assist or sabotage any settlement.

**Table 1. Rival power interests in current state of Afghan conflict**

External power	Interests	Declared partner	Covert partner	Scale of engagement (1-10)
US	Deny access to al-Qaeda, combat Islamic State, stabilise region, protect reputation	GoA	None	10
Pakistan	Deny access to India, contain US, appease jihadi forces	GoA	Taliban	7
Iran	Contain US, combat Islamic State, hedge against collapse of GoA (Government of the Islamic Republic of Afghanistan)	GoA	Taliban, Northern power brokers	4
Russia	Contain US, combat ISIS, hedge against collapse of GoA	GoA	Taliban, Northern power brokers	3
India	Contain Pakistan, stabilise region	GoA	GoA	3
Gulf states	Stabilise region, combat Islamic State & al-Qaeda	GoA	None	2
Turkey	Support Turkic minorities and ideological allies, maintain regional influence	GoA	Northern power brokers	2
Central Asian republics	Stabilise region, combat Islamic State & al-Qaeda	GoA	Northern power brokers	2
EU	Stabilise region, appease US, offset refugee flows	GoA	None	2

Note: This is a schematic overview based on author's analysis. For more detailed treatment refer to [www.cidob.org/en/publications/publication\\_series/monographs/monographs/telling\\_the\\_story\\_sources\\_of\\_tension\\_in\\_afghanistan\\_pakistan\\_a\\_regional\\_perspective\\_2011\\_2016](http://www.cidob.org/en/publications/publication_series/monographs/monographs/telling_the_story_sources_of_tension_in_afghanistan_pakistan_a_regional_perspective_2011_2016)

The US intervened in Afghanistan to counter a terrorist threat. But its actions have also been driven by a desire to offset instability in South Asia, emanating from Pakistan. Pakistan's calculations have been more complex and even less transparent. Pakistan's official position is to support the Afghan government and promote a settlement, in the interests of stabilising the neighbourhood. But Pakistan's covert support to the Taliban suggests that its security establishment wants to counter Indian influence and US military presence while appeasing its considerable domestic jihadi lobby.

International assistance has unambiguously helped to sustain the war effort of the Afghan belligerents. For example, neither could the *mujahidin* of the 1980s have captured much of rural Afghanistan, nor could the Northern Alliance of the 1990s have held out against the Taliban in the way they did, without external support. But one of the recurrent issues is the extent to which international 'backers' retain leverage over their clients.

Despite Taliban propaganda claiming that the Afghan government is subservient to the US, the US has always insisted that it is acting in support of a sovereign Afghan government. There have been multiple occasions on which the Afghan government has taken a stance on security or peacemaking at odds with its US patron, such as when in 2013 then President Hamid Karzai opposed the Taliban's Qatar office and refused to sign a Bilateral Security

Agreement with Washington, or even more recently when current President Ashraf Ghani publicly reminded the US that he only wants peace negotiations to take place between the Taliban and his government.

From the perspective of Afghan conflict actors, both state and non-state, they cultivate international links to gain resources, reduce dependence on domestic alliance-building and to strengthen their hand relative to other protagonists. The 40 years of recent experience of internationalised conflict have meant that the quest for external backers has been an integral part of the war-fighting strategy of Afghan *mujahidin*, Northern Alliance, Taliban and successive national governments in Kabul. And, while successive international backers have sought to bring their Afghan 'clients' to the negotiating table or get them to cooperate with peace processes, the 'clients' have typically exercised a high degree of agency in deciding which parts of the peace process to cooperate with and when to hold out.

### Comparative analysis of Afghan peace processes

The protracted nature of the Afghan conflict means that previous rounds of attempted peacemaking provide a wealth of comparative material, including many recurrent challenges, particularly those concerning inclusiveness and representation of the parties.

**Table 2. Comparative analysis of inclusiveness in limited peace agreements**

Process	Geneva Accords	Taliban Qatar office
Period	1988–89	2012–18
Sponsors	US & Soviet Union	Qatar & US
Format	Proximity talks leading to a set of bilateral agreements	Operating agreement for Taliban diplomatic team
Output	Soviet troop withdrawal timetable, plus bilateral Af-Pak agreements and international guarantees	Established official 'address' for interaction with Taliban
Parties included	State-level belligerents, including GoA, Government of Pakistan, US, Soviet Union	Non-state belligerent (Taliban)
Parties excluded	Non-state belligerents (mujahidin parties), all non-violent actors	State belligerent (GoA) as Taliban refused to meet it
Outcome	Rapidly implemented Soviet withdrawal	Taliban enabled to attend occasional meetings, but no progress towards peace
Conflict consequences	Lack of an agreed transition and continued US/Soviet support to Afghan belligerents paved way to future civil war	Still in the balance. Conferred some legitimacy on Taliban, will they use this to resist peace or join a process?

### Limited peace initiatives: the Geneva process and the Taliban office in Qatar

The Geneva Accords in 1988 and the 2012 US sponsorship of the Taliban office in Qatar constitute examples of 'limited' initiatives in the sense that they stopped short of addressing the issues of a general settlement and post-conflict government. Nevertheless, the Geneva Accords rank as one of the key landmarks of Cold War diplomacy. These two initiatives illustrate contrasting approaches to the question of how the non-state party should be included in a peace process. They are summarised in Table 2.

#### Geneva Process

The Geneva Accords, and the preceding intense diplomacy conducted by UN envoy Diego Cordovez, took place against a backdrop of fighting between forces of the non-state *mujahidin* and the Soviet and Afghan governments. After six years of mediation efforts, Cordovez brokered an agreement on the withdrawal of Soviet troops, supported by supplementary deals on return of refugees, the framework of future Afghanistan-Pakistan relations and international guarantees. These Accords, and the proximity talks between the Afghan and Pakistan governments that led up to them, excluded the Afghan *mujahidin* from direct participation. In effect, Cordovez relied on the Pakistan government to represent the *mujahidin*. During this period, Pakistan had dealings with all the Sunni *mujahidin* parties and was relatively open about hosting them.

The Geneva Accords paved the way for a rapid end to the Soviet military presence. But they contained no political settlement or agreement on a transitional government. The format of the accords involved the two regional state parties,

the governments of Pakistan and Afghanistan, as signatories. The two superpowers, the US and Soviet Union, acted as guarantors, and it was the Soviet Union's commitment to troop withdrawal noted in the accords which gave them real significance. However, in addition to the formal exclusion of the *mujahidin*, who by then controlled most of the Afghan territory, there was no effort for civil society or broader social involvement in Geneva and the negotiation process remained the preserve of male officials and leaders.

The Geneva formula of Pakistan in effect representing its proxies, the Afghan *mujahidin*, achieved three significant outcomes. Firstly, the process delivered the *mujahidin's* main strategic goal, a Soviet military withdrawal. Secondly, the *mujahidin* in any case refused to deal directly with the Kabul government for fear of conveying legitimacy on it. And thirdly, the Pakistan security apparatus was separately engaged with the *mujahidin* parties in building up alternative government structures. However, Cordovez recognised that his process was not sufficiently inclusive to facilitate a general political settlement. He therefore focused on achieving the key milestone of the Soviet withdrawal and left it to his successors to try to design a follow-up process which could be both inclusive in participation and comprehensive in scope.

#### Taliban office in Qatar

An era later, in 2012, the US grappled with many of the same issues in attempting to bring the Taliban into a peace process. By then, the Taliban were the main armed opposition to the US-backed government and were thus in a position somewhat analogous to the *mujahidin* in 1988. The Afghan government, in both eras, declared

itself open to talks with the armed opposition. But, *mujahidin* and Taliban alike declined to engage directly with the government, describing it as a puppet. Among the belligerents, at least, the US team in 2012 took a more inclusive approach than Cordovez had previously. The whole purpose of the Qatar initiative was to provide a format which allowed the Taliban to represent themselves in talks, acknowledging them as a conflict party while trying to avoid legitimising them or implying diplomatic recognition.

The US approach deliberately avoided the Cordovez formula of engaging with a 'proxy' through Pakistan. Most Afghan actors, including the Taliban leadership, are acutely aware and wary of the Geneva precedent. The Taliban have embraced the relationship with Pakistan as a means of enhancing their leverage over the US and Kabul. But, periodically, during bouts of pressure to join talks, the Taliban have expected their Pakistani interlocutors to revert to the Cordovez formula and proposed that they (Pakistan) represent the Taliban.

The Taliban assume that Pakistan has its own strategic interests in Afghanistan, including the status of the border. They are wary of the possibility of Pakistan trying to control a negotiation process to pursue these at the expense of Taliban or Afghan national interests. Instead, US representatives since 2012 have stuck to their position that the key Afghan belligerents, both Taliban and the Afghan government, must participate directly in talks, with Pakistan facilitating rather than acting as a party. However, this attempt to introduce an element of belligerent inclusiveness has stalled, because the Taliban, like the *mujahidin* before them, have refused to meet with 'representatives of the puppet regime', the Afghan government.

The US effort to bring the Taliban into a peace process via their Political Commission in Qatar illustrates another dimension of the inclusiveness dilemma. The Taliban's strong battlefield position has made it clear that they must be included in any meaningful peace process and the Qatar Office constitutes recognition of this. But the Taliban, like many other Afghan parties before them, have a tradition of exaggerating their support among the population – they routinely claim to speak for the entire Afghan nation, while survey evidence, such as from the Asia Foundation's annual *Survey of the Afghan People*, suggests their popular support is limited. Bringing the Taliban to the table is a necessary requirement of belligerent inclusiveness but adds little to ambitions for societal inclusiveness.

## **General peace settlements: Peshawar and Bonn**

In comparing two of the most significant attempted general peace settlements of the Afghan war, at Peshawar in 1992 and Bonn 2001, it is possible to track efforts to address the

challenge of belligerent inclusiveness. Table 3 summarises the Peshawar and Bonn processes.

### **Peshawar**

In 1992, then Pakistani Prime Minister Nawaz Shareef presided over a meeting of representatives of the Pakistan-based Afghan *mujahidin* parties, which produced the Peshawar Agreement. This provided for a two-month interim government, to be headed by Sibghatullah Mojadidi, leader of one of the weaker *mujahidin* parties, followed by a four-month initial transitional government headed by Burhanuddin Rabbani, leader of one of the militarily stronger *mujahidin* parties. An 'Islamic Council' was supposed to give a mandate to another two-year transitional government. The agreement included a detailed carve up of cabinet and political appointments between the *mujahidin* parties. It made some attempt at balancing power, for example by allocating the prime ministership and the defence ministry to the two strongest *mujahidin* parties, which were rivals.

In the long run of the Afghan war, the Peshawar Accord should be seen as the political corollary to the Geneva Accords. It addressed the issue of government formation, which was parked when Geneva focused on the military issue of Soviet troop withdrawal. The Peshawar Accord was also the precursor to the Bonn Accord, with which it shares a core structure and rationale. In terms of inclusiveness, the key step from 'Geneva' to 'Peshawar' was that the main Afghan belligerents, the *mujahidin* parties, dominated the process. At the time, having acted as the figureheads for the military victory over the People's Democratic Party of Afghanistan regime, the parties seemed to have the legitimacy and military clout necessary to agree the transition.

But only in the most limited sense could Peshawar be thought of as an inclusive process. Firstly, the parties themselves, as political entities, were deeply flawed. There had been a certain organic logic to the way that each of the parties had built itself up. Each was dominated by a leader and recruitment reflected the leader's ideological appeal and the tribal alliances he could mobilise. Hekmatyar's Hezb-i Islami had its powerbase among his Ghilzai Pashtuns, while the main appeal of Burhanuddin Rabbani's Jamiat-e Islami was to fellow Tajiks. Pakistani support enabled the *mujahidin* to extend these networks across Afghan society. Because each of the parties claimed to be a national movement, they tried to organise in all provinces. However, strongholds also emerged where a single party or a commander affiliated to a single party had the upper hand. For example, Rabbani's Jamiat became the dominant force in Tajik-majority areas of the north-east.

By 1992 many *mujahidin* field commanders were deeply suspicious of the Peshawar-based leadership and had

**Table 3. Comparative analysis of inclusiveness in general peace agreements**

Process	Peshawar Accord	Bonn Accord
Period	1992–94	2001–04
Sponsors	Pakistan, with tacit US-backing	UN, with broad international backing
Format	Conference, direct talks, agreement	Conference, direct talks, agreement
Output	Power carve-up in national government and road-map for two-and-a-half-year transition	Power carve-up in national government, road-map for two-and-a-half-year transition, constitution-making and elections, cover for international involvement
Parties included	Mujahidin parties (agreed with Peshawar-based Sunni parties but reserved share for Shias)	The victorious belligerents (Northern Alliance) plus selected non-violent political factions. Participation by women, civil society, diaspora, tribal elders, ethnic minorities expanded during implementation
Parties excluded	Northern militias, old regime, women, civil society, tribal elders, field commanders – anyone marginalised by jihadi parties	Defeated belligerents (Taliban). Weaker ethnic groups in Northern Alliance and Pashtuns felt marginalised
Outcome	Template for national government partly followed in letter, not at all in spirit, for two years	Template for government, constitution and elections followed closely, national institutions reintegrated
Conflict consequences	Flawed, contested, weakly supported agreement set the stage for another phase of the war. Power carve-up proved unstable and was challenged by parties to the agreement trying to better their position. Central institutions were weak, ineffective or disbanded	Actual exclusion of Taliban and perceived marginalisation of Pashtuns contributed to new insurgency. The degree of inclusiveness plus international support, ensured regime survived, although contested

formed an alternative alliance, the Commander’s Shura. In the latter stages there had been some cooperation between Pakistan and Iran to push their respective proxies to cooperate. The Pakistani authorities and Peshawar-based *mujahidin* leaders working on the Peshawar Accord reserved a modest share in power for the Shia *mujahidin* of Hizb-e Wahdat, on whose behalf Iran advocated. But they excluded the Commander’s Shura, which was considered potentially subversive of the Pakistan-backed *mujahidin* leadership.

The Peshawar Accord completely excluded the northern militias, which had emerged as a force over the preceding year. And the desire of all the sponsors of the Accord to project the changes under way in Afghanistan as a ‘victory of the Islamic revolution’ dictated that no formal role be given to the former regime – although in practice many of the incumbent deputy ministers were asked to serve in the interim and transitional administrations and senior military figures, such as Chief of Army Staff Asif Dilawar, sought the protection of *mujahidin* parties and continued to play a public role.

The Peshawar Accord provided for 45 political appointments to the interim administration and state bodies. All of the appointees were male as were the party delegations which agreed the Accord. There was an active Afghan civil society at the time, with a strong presence in Peshawar. UN envoys had built strong relations with this civil society and took some trouble to address societal inclusiveness, for example by ensuring participation of women in consultations. But the UN attempt, under Benon Sevan, at shaping the 1992

transition with a government of neutrals and technocrats failed decisively.

**“ The UN ceded responsibility for convening this stage of the peace process to the Pakistan authorities who, consistent with their approach since the Soviet intervention, worked with the Afghan mujahidin parties. ”**

The UN ceded responsibility for convening this stage of the peace process to the Pakistan authorities who, consistent with their approach since the Soviet intervention, worked with the Afghan *mujahidin* parties. The *mujahidin* brought their own political culture, which included a significant degree of hostility to civil society and ideological commitment to restricting women’s role. Civil society was comprehensively excluded from the Peshawar process and became critical of the power grab it envisaged. And it was not just organised urban elites among civil society who felt excluded. The rise of the *mujahidin* parties had helped shift power in rural Afghan society away from tribal structures.

The power carve-up between *mujahidin* parties in the Peshawar Accord was the culmination of this shift. Furthermore, the Peshawar Accord precluded any move

to broaden inclusion during the transitional process. It provided for an 'Islamic Council' of the parties' nominees, to take top-level decisions guiding the transitional process. The lack of societal inclusiveness in the Peshawar process was a predictable consequence of the move from a UN-convened process to one involving the Pakistan authorities working with the *mujahidin* parties.

The failure of the Peshawar Accord to achieve a peaceful transition in 1992 is well known. A violent power struggle ensued in Kabul, among the parties to the Accord, the excluded northern militias and the marginally included Shia parties. This opened the way for the rise of the Taliban. The Peshawar Accord was the least internationalised of the major efforts at peacemaking during the Afghan conflict. The US and allies had largely disengaged with the end of the Cold War. UN envoy Benon Sevan headed up a diplomatic effort to reach a peaceful transition but did not achieve the level of international backing and local cooperation needed to implement his plan. That failure led to President Najibullah Ahmadzai living out his last three-and-a-half years in a UN compound in Kabul.

Pakistan was left as the sole sponsor of the Peshawar Accord. As a legacy of their support for the anti-Soviet struggle, the Pakistan authorities had well-established relations with all the *mujahidin* parties. Pakistan also initially provided food aid and cash assistance to the new *mujahidin* government. But, prudently, Pakistan did not attempt to deploy troops or provide overt security assistance in support of the accord. There was therefore no external mechanism to guarantee the implementation of the accord and few carrots or sticks to induce the Afghan parties to comply with their obligations and cooperate with the interim and transitional administrations.

Meanwhile, regional powers such as Iran, Turkey and India were all prepared to continue backing their favoured proxies, even as the accord fell apart. Measured against the criteria of both belligerent and societal inclusiveness, the Accord was clearly flawed and rapidly collapsed. The included parties calculated that they could grab more power than they had been allocated in Peshawar, and there was no external mechanism to coordinate regional engagement and deter them from this zero-sum behaviour.

### **Bonn Process**

The post-Taliban Bonn Accord of December 2001 constituted, in essence, a reworking of the Peshawar Accord. Indeed, some of the key participants in the Bonn Process, not least President Karzai, had personally experienced the collapse of the 1992 transition. The 2001 process was both more inclusive and more internationalised than that of 1992. But, although the

architecture of Bonn was greatly improved relative to Peshawar, it still replicated some of the flaws.

In common with the Peshawar Accord, the basic logic of the Bonn Accord was that Afghan factions reached agreement on the composition of a government in a transitional process, this time convened and witnessed by the UN. The conference that agreed the Accord was more inclusive than the meetings in Peshawar in 1992 because the UN, in addition to the main anti-Taliban armed faction, the Northern Alliance, invited delegations representing different unarmed coalitions with which the UN had maintained diplomatic contacts during the Taliban period. The non-belligerent delegations included the 'Rome group' of figures associated with the exiled former king, the 'Peshawar group' of figures associated with Pir Ahmad Gailani and moderate *mujahidin* based in Pakistan, and the 'Cyprus group' of *mujahidin* with some links to Iran. The non-belligerent delegations provided a vehicle for some participation of women, civil society and moderates, and even this limited degree of societal inclusiveness was in stark contrast to the 1992 process.

Critically, the Accord provided for an ambitious roadmap to broaden the base of the administration and to allow real popular participation. It further provided for a tribal assembly (*Loya Jirga*) to elect the head of the transitional administration and for constitution-making and elections. There was a strong international consensus in support of the Bonn process. In the first place, the US fully backed it, but also supported the format of UN-led talks. Backed by this consensus, UN diplomats were even able to draw on the regional powers to influence their clients to cooperate.

In strengthening the prospects for Bonn to be implemented, the key contrast relative to Peshawar 1992 was that it provided for an international presence and ongoing political, humanitarian and military assistance. The full-spectrum international support enabled a process that was more inclusive and ambitious than would have been possible for any single convener to deliver. Furthermore, although the regional powers such as Iran and Pakistan had a history of cooperation with key participants, these participants had their own agency and supporter base, and acted independently at the negotiating table.

One aspect of the Peshawar Accord that Bonn replicated, however, and which contributed to the next round of violent conflict, was the exclusion of the defeated power – in this instance the Taliban. The UN mission had responsibility for inviting participants and thus takes direct accountability for this exclusion. They were operating closely with US envoys Khalilzad and James Dobbins and, in the immediate aftermath of 9/11, overt Taliban participation would have been unpalatable in Washington. However, Taliban proxy

participation, for example by inclusion of Taliban in the Rome Group delegation, would have been possible if organisers had prioritised this.

Arguably, the supporters of the defeated regime in 1992 had been far more successful at associating themselves informally with the post-1992 power structures than were the Taliban during the Bonn process. Military officers, political figures and officials invoked tribal and clan ties to receive the protection of the *mujahidin* parties and many of them were able to hold onto their positions and work with new allies. Thus, the Bonn Accord succeeded in installing a system of national government which has endured for nearly two decades and which put an end to a cycle of violent power struggles in the capital. But, despite significant provisions for progressive inclusiveness, through the Loya Jirga, constitution-making and elections, the Accord helped sow the seed of another round of violent conflict, as yet unresolved.

## Conclusion

The four case studies of internationally backed peace initiatives illustrate differing levels of international engagement and evolving approaches to the challenge of inclusiveness in Afghan peacemaking. The key challenge is how to include belligerents so that agreement on ending violence sticks, and how to include society so that the settlement enjoys broad enough support and effects sufficient change to achieve a lasting peace.

The Geneva Accords rank globally among the most significant diplomatic initiatives of the Cold War. They were part of a fully international process, with a UN mediator and super-power and regional-power involvement. The principal outcome of the process was the removal of one international element of the conflict – the Soviet troop presence. But, ultimately, the Accords

did not address the issue of how to achieve a peaceful transition and could not meaningfully have done so given that they were not sufficiently inclusive of the key Afghan belligerents.

The Peshawar Accord was an attempt to settle the political issues which could not be addressed in Geneva and, unlike Geneva, included the ascendant Afghan belligerents as parties. But the process had a single regional sponsor and no support, guarantee or enforcement mechanisms. This process too was inadequately inclusive of the belligerents as it excluded the regime and the northern militias, and it marginalised the *mujahidin* parties' influential field commanders. It also had no societal inclusiveness. The parties made a show of complying with the Accord but then engaged in a destructive power struggle.

“ **The launch of a Taliban political office in Qatar was a US-sponsored attempt to overcome the problem of the exclusion of a key belligerent from the Bonn process.** ”

The Bonn Accord was supported by a strong international process, involving global and regional powers. The conference which produced the accord was already more inclusive of the Afghan parties than Peshawar. But even more significant was the way in which the Bonn Accord provided for a progressive and ambitious expansion of inclusiveness in subsequent decision-making. The period of political stability at the centre achieved through the Bonn Accord was unprecedented in modern Afghan history. This aspect of the outcome qualifies the Bonn process as a success,



Sima Wali (L) and Rona Mansuri (R), female delegates of the Rome group, attend a meeting with women's rights representatives during the Bonn Conference, November 2001. © Alamy

although the flaws in the political system it established and the resurgence of violence show that the Bonn Accord was insufficient to conclude the peace. Bonn included the seed of the next round of armed conflict because it lacked any provision to bring the defeated Taliban on board.

The launch of a Taliban political office in Qatar was a US-sponsored attempt to overcome the problem of the exclusion of a key belligerent from the Bonn process. The final outcome of that initiative is not yet known, as attempts to bring the Taliban movement into a meaningful peace process, via Qatar, continue. In the interim, installing the Taliban Political Commission in Qatar increased the Taliban's international exposure, allowing them to project their movement's position in various fora and to open up channels of communication with multiple international actors. But the movement has opted to pursue this political engagement alongside its war effort, without seriously committing to a peace process.

Previous successes and failures provide indications regarding possible strategies for enhancing inclusiveness. Sequencing the peacemaking agenda is key and all four case studies presented here include evidence on potential and pitfalls. The effective participation of warring parties (belligerent inclusiveness) is vital to obtaining agreement on controlling the violence. But the peace process can be sequenced so that subsequent negotiation and decision-making processes address governance, institutions and the social contract, all of which are essential parts of peacebuilding. Societal inclusiveness is important to the success of these efforts to settle the broad political issues. But it is also important that the peace process receives the sustained backing required to see it through the sequence of stages of winding down the conflict, from ceasefire to the renewed social contract.

The Afghan presidency has so far sought to claim a monopoly on decision-making around the peace process. But, Afghan democratic institutions more broadly can have a fundamental role in enhancing inclusiveness. For example, any meaningful process of peacebuilding through overhauling the social contract would require legislation. This implies a role for parliament. One of the radical contributions of the Bonn Process was that it provided for rapid transition to electoral democracy, with a national parliament, provincial councils and directly elected president. In a plural society such as Afghanistan, these elected institutions potentially have a key role in ensuring that all social groups are represented in decisions around peacemaking.

The five parliamentary and presidential elections since 2004 have provided occasions for societal mobilisation, in which all tribes and ethnic groups have built alliances

and influenced outcomes, in which urban elites have been forced to engage with rural interest groups and in which women, helped by reserved parliamentary seats, have come to the fore in public affairs. The chaotic 2018 parliamentary election indicates that lack of integrity in the electoral institutions constitutes as formidable an obstacle to the functioning of Afghan democracy, as does the opposition of the Taliban. One of the most effective ways in which international donors may be able to ensure inclusiveness in a peace process is by helping to restore the integrity of electoral institutions and thus the legitimacy of elected representatives involved in peacemaking.

Experience also indicates many pitfalls in trying to balance different objectives for inclusiveness. Most major actors in Afghanistan have endorsed the notion that any peace process must be 'Afghan-owned', while at the same time assuming that there will be significant international involvement. The case studies suggest that international involvement can underpin inclusiveness. The contrast between Peshawar and Bonn indicates that full-spectrum international involvement, which in the Afghanistan case means the US, regional powers and the UN, can provide a vehicle to ensure both belligerent and societal inclusiveness. But, in assessing the degree of inclusiveness, it is important to factor in Afghan belligerents' tradition of relying on international support as a substitute for domestic support.

The pitfalls also provide a reminder of the need for international peacemakers to adopt a do-no-harm approach, by avoiding legitimising flawed processes (such as stolen elections) and by remaining duly sceptical about opaque armed actors' unproven claims regarding the extent of their popular base. Experience suggests that international peacemakers may have limited scope to champion successfully particular political schemes to promote inclusiveness or stability in Afghanistan. At times, a better alternative may be to promote consensus, rather than a particular scheme per se.

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# Conclusion

## Keeping the process open: Practical insights for inclusive peace

Andy Carl

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*'The more there is a response, and the more people see that their voice is taken into account, the more you get a virtuous cycle going of institutions being able to channel social demands and manage emerging conflicts in a way that prevents them from turning violent. Which is what I think in the end is your only guarantee of sustainable peace.'*

Sergio Jaramillo

Finding better ways to build more inclusive, just and robust peace processes is an urgent and shared global challenge. Around the world we hear of the collective failures of diplomatic and peacebuilding efforts to prevent, end or transform armed conflicts that have led to unparalleled levels of displacement, insecurity, inequalities and harm.

Inclusion in peace processes is supported and resisted in equal measure. Where we see demands for representation and acknowledgement, we also see resistance to the participation of others in political negotiations: struggles to be heard and involved; and struggles to control and manage.

In today's highly internationalised conflicts, external involvement and interests can run so deep that they can assert a logic that a sustainable solution will not be found at the national level but will need the negotiated consent of regional and international powers. International interventions can render ordinary citizens and their interests invisible as conflicts are described in broad geopolitical terms, repeatedly overlooking the agency of local actors.

This *Accord* publication shows how rich the discussions around inclusion are, and how the debates have shifted. It should no longer be acceptable to exclude the conflict-affected public from efforts to define the new order. The diverse and expert authors in this publication offer a body of research and practice-based insights that help us to better understand what we mean when we talk about inclusion in peace processes and what we need to consider in the ways we pursue it.

In every context there is a need to reach a basic working consensus about what inclusion could look like in practice. Effectiveness does not mean including all of the people all of the time, but decisions on participation should be carefully considered as the cost of exclusion can have long-term and unintended consequences. This publication brings home that moving the inclusion agenda another step forward is about closing the gap from a rhetorical discussion to putting into practice what we have learned from experience.

This is a summary of insights from the authors in this publication. It is structured in response to three dimensions of the enquiry into inclusion in peace processes:

1. **Who** needs to be represented?
2. **How** are meaningful mechanisms for inclusion best designed?
3. **What** kind of more inclusive outcomes can result?

## 1. Who needs to be represented?

*'The challenge in Afghan peacemaking is in a nutshell a challenge of how to include belligerents so that an agreement on ending violence sticks, and how to include wider society so that the settlement enjoys broad enough support and effects sufficient change to achieve a lasting peace. [Each previous national process] included the seed of the next round of armed conflict because it lacked provisions to bring the defeated party on board.'*

Michael Semple

**Addressing diversity:** Identity groups affected by conflict are complex and diverse, and rarely have agreed national representation to speak for them with 'one voice'. In practice, their ability to influence a national negotiation process is complicated by their own internal dynamics, which can include clashing interests and accounts of the conflict, and tactics of violence or nonviolence. The question of 'whose voice counts?' is related to perceptions of 'whose voice is legitimate?' These are associated with the quality of the relationships that organisations have with the constituencies they claim to represent, and their ability to articulate their concerns and grievances. For outsiders, in making sense of whether a group has local legitimacy it is important to factor in their reliance on international support and whether this might substitute for a genuine domestic constituency. Taking an oversimplified approach to the question of representation of heterogeneous groups – whether armed or not – can unintentionally exacerbate internal divisions within them.

**The challenge of 'whole-of-system' peace processes:** Today's conflicts tend to spill across multiple levels with complex local, national and international disputes 'nested' within each other. Understanding how to contribute to multi-level, 'whole-of-system' peace processes while working to common objectives is a critical and elusive challenge for any peacebuilding intervention.

**Undermining peacebuilding:** External governmental involvement can underpin or undermine societal inclusion. We continue to see evidence of international diplomatic actors failing to adopt a basic 'do-no-harm' approach. Multiple and sustained peacebuilding efforts to respect the basic rule of law are often compromised by *realpolitik* international calculus, which results in varying degrees of state tolerance for corrupt practices and legitimisation of flawed electoral processes. These political decisions forcefully undermine progress in peacebuilding and reinforce exclusion and instability.

**Women's leadership:** It is no accident that the wider 'inclusion project' rides on the leadership, struggle and gains of the global women's movement for equal rights and participation. UN Security Council Resolution 1325 recognised the roles of women in preventing and resolving conflicts, 16 years before Security Council Resolution 2282 in 2016 acknowledged that 'civil society can play an important role in advancing efforts to sustain peace'. Examples cited in this publication and in research from the Political Settlements Research Programme (PSRP) show how women have created multiple spaces for promoting gender equality and meaningful forms of participation – from pre-talks, through negotiations, to implementation and beyond.

**Extreme exclusion of indigenous and minority communities:** Elite members of society, even in the most violent armed conflicts, still enjoy a high degree of personal security, largely cocooned from the traumas of war. Indigenous and minority communities often have the opposite experience. In the many contexts studied here, they are disproportionately affected by armed conflicts and disproportionately under-represented in peace processes. Women and youth within these communities face yet another degree of exclusion.

**Youth momentum:** Graeme Simpson draws our attention to the marginalisation of 1.8 billion young people globally, and the under-explored potential of their contribution to peace processes. But overcoming the challenges of young women and men's inclusion is, by nature, a moving target, as 'youth' is a status that all young people eventually outgrow. Factoring a deeper understanding of how young people can mobilise in peace processes includes paying attention to the particular needs for constantly refreshing youth leadership, who will have to deal with all the unfinished, difficult and deferred issues in the political settlement.

**Diaspora justice:** There are multiple innovative examples of how diaspora communities, another neglected demographic, can be part of a peace process, especially when there are state institutions that they can connect with – such as the National Coordination of Indigenous Women in Colombia (CONAMIC). They face the dual challenge of seeking inclusion in their host society as well as in their country of origin. Ending the cycles of violence and reprisals requires that the rights of diaspora and of all victims' and survivors' and are brought to the centre of the peace process. Their participation is in itself an important act of reparation.

## 2. How are meaningful mechanisms for inclusion best designed?

**Moving beyond the policy soundbite:** Christine Bell writes that inclusion struggles are about power: who holds it, how it can be redistributed, and who will persuade those in power to share it. But as long as inclusion policies remain ambiguous and without clear commitments to meaningful mechanisms for participation, they will be mantras that can 'hurt more than help'. Different actors view inclusion differently. Aid actors see it as instrumental to achieving long-term development outcomes. Security actors see it as part of a strategy for countering armed violence. Diplomats and peacebuilders understand it as a requirement for a robust peace process to address root causes of violence. Human rights promoters understand it as a basic right. The tensions between these different 'inclusion projects' cannot be eliminated but must be better managed.

**There are risks and consequences of ignoring the complex ways in which exclusion and violence affect different identity groups,** preventing some from influencing political decision-making, while ensuring others continue to shape it. Approaches that fail to pay attention to these dynamics risk preserving hierarchical, patriarchal and authoritarian decision-making systems with obvious costs for peace, justice and development. Verweijen's research shows how, in trying to address the inclusion of localised and fragmented armed groups into peace processes, there is a need to comprehensively understand the reasons underlying their divisions. It is important to look beyond simple conflict narratives about the stakeholders, to uncover the multi-faceted conflicts that hide behind them.

**Preparing for participation:** Political cultures of governance in contexts of protracted conflict tend to rely on top-down decision-making and ambivalent forms of consultation built around weak and often traumatised bureaucracies. So, while they may rhetorically encourage it, governance habits of participation in conflict contexts are poorly developed to deliver.

*'In those areas where violence has reigned for a long time ... you have a fundamental problem of lack of trust in state institutions. Communities on the ground have seen processes like this before and they just don't trust them. If you want to change this, people need to see that their voice not only counts but that they actually are able to shape their own future'.*

Sergio Jaramillo

**Moments of rapid change:** Sustained efforts towards greater inclusion shift social norms over time – like those relating to gender inclusion. These processes

of 'normalisation' will not necessarily show direct signs of steady progress. Research findings indicate that pressure for change accumulates, building on previous efforts and then, during periods of natural or human-made turbulence, a system can change significantly in a short period of time. Preparing for future transitions enables groups to better take advantage of such opportunities to exert long-term influence.

**Facing forwards:** There tends to be a rush to resolve conflict. But the PA-X Peace Agreements Database has revealed tremendous innovation in ways of leaving a process open to options for dispute resolution and future inclusive change. It is important to understand better how to navigate the fluid 'unsettlement' after a peace accord has been reached. References to international legal frameworks in peace accords can provide 'hooks' to leverage change if applied in a smart way by local actors when new opportunities arise.

**Effective peace processes do not run themselves** but require professional management support – including impartial monitoring mechanisms and other necessary infrastructures to conduct the process. These infrastructures are one arena where inclusive practices can be both enabled and embedded.

**Sequencing in the initial stages of peacemaking is a key consideration.** Some researchers conclude that this means aiming for a limited agenda and participation, where the goal is to 'stop killing each other and to get the weapons out of the way ... and out of politics'. This is then followed by a broader peace process with subsequent negotiations and decision-making processes that address governance, institutions and the social contract, all of which are essential parts of peacebuilding. But we should not undervalue the multiplicity of preparatory efforts taking place in different domains. In all processes, talks on a cessation of violence are preceded by often unofficial initiatives. The case studies in this issue suggest that comprehensive inclusiveness of belligerents in the early stages of a process is difficult to get right but essential to address.

**Risks in tackling the challenges of 'belligerent inclusion':** Poorly managed power-sharing arrangements have incentivised coercion and unleashed violent cycles of competition for power, positions and resources between and within armed factions. Power-sharing arrangements need to pay attention to whether and how they can be implemented in ways that avoid further fragmentation and find tactics for supporting the political transformation of armed groups and their constituencies.

**Not all good things go together:** Many of the case studies confirm that more directly representative forms of public participation such as national dialogues or referenda do not necessarily translate into influence over the content of an agreement. Also, elections, while an obvious, if limited, form of public participation, challenge the creation of conditions that enable consensus, compromise and reconciliation. This is equally true of referenda. In contemporary electoral democracies, party competition for political power can get in the way of promoting national interests, inter-group accommodation and peace. Politicians can end up trapped in a vicious cycle of intransigence.

**Selection procedures and criteria for participation as well as rules for decision-making can either support or limit meaningful inclusion:** Structural approaches to inclusion have a fair chance to remain relevant if considered useful by the negotiating parties, for example youth or women's advisory councils or parallel forms of informal governance such as councils of traditional leaders. Reservation systems in legislation and constitutions during or after peace processes can be effective in ensuring structural change but take time to make their impact felt. Quotas also tend to preferentially benefit elites among the marginalised. Research suggests that more policy attention needs to be paid those 'left behind', through access to education, training or social empowerment.

*'Until we are able to push everyone forward, this system will be able to pull up only a few ... If we are in the right direction, a day should come when we should achieve inclusive results without mandatory inclusion'.*

Minendra Rijal

**As peace processes move into the formalisation and then implementation of accords they require even wider participation.** It is important to publicise the contents of the peace agreements through public education, translation and dissemination. Yet, the terrain for participation rarely has sufficient preparation. There is also the need for capacity-building because of the entry into formal politics of people with little experience in governance and administration. Post-accord implementation invariably introduces new negotiations, actors and constituencies as those previously excluded during elite negotiations now press for meaningful participation in the new governance arrangements.

**There is a direct connection between civil society inclusion and human rights protections** which safeguard physical wellbeing. They also secure the enabling environment for peacebuilding work – including through peaceful protest and dissent. Rights and the rule of law provide the backbone to conflict prevention.

### 3. What kind of more inclusive outcomes can result?

**The promise of change:** A peace agreement is the signal of change. Transition processes from violence to meaningful peace are long and complex. Political actors change and power-holders evolve. Unresolved and sometimes new conflicts emerge. Corruption cultures and practices and weak institutions tend to persevere, while divided communities, resistance to change and mistrust permeate the implementation environment. As a result, violence does not necessarily reduce immediately.

*'The first Constituent Assembly (2008) was the single-most intelligent body of governance Nepal has ever had because it was so inclusive'.*

Manjushree Thapa

**Self-reinforcing peace outcomes:** Peace dividends from one aspect of the inclusion project can lead to unexpected dividends in others. PSRP research in Northern Ireland showed that when agreements were reached on progressive programmes of police reform and disarmament, demobilisation and reintegration, they also addressed some of the causes and enabling factors of violence against women. Violence in intimate partner relationships can decrease due to better policing and reduction of legally and illegally held arms.

**Civil society inclusion is no substitute for a flawed process:** Inclusion of civil society actors can bolster claims that a political process is legitimate. Their information and perspectives can be so valued that consulting with them in an official process may be deemed to be a political necessity. But their inclusion in a stalled process risks sending an impression of progress where there is none, and may mask fundamental challenges instead of addressing them.

**The consequences of not implementing commitments:** Certain peace agreement provisions are particularly resistant to implementation and will require new strategies and diligence. Commitments on accountability for harm or crimes committed related to the conflict are clearly the most fiercely resisted, as those responsible for implementing them also tend to be the most liable. Economic reforms and ethnic, gender and environmental commitments have lower implementation rates than those related to disarmament or power-sharing. Failed implementation in one area has knock-on effects that compound the complexities of implementation in others and risk enabling future conflict.

### **The need to find new ways to be more relevant and**

**effective:** Traditional modes of 'settling' conflicts are failing. Complex local, national and global political marketplaces that are siloed by sector mean that there is a pressing need to reach new ways of working that could unlock synergies across the development, humanitarian, security, justice, peacebuilding and diplomatic arenas. Future peace programming design needs to experiment with ways of moving more nimbly between multiple levels, and to develop better strategies for addressing parallel and competing processes and dynamics. A common commitment to inclusion is one area where we could see a strategic alignment of principles for separate but articulated interventions.

### **In conclusion**

This publication is not a 'how to' manual, but an invitation to join the enquiry into how inclusion in peace processes can be more effective, with guidance for future experimentation with new forms of engagement and consultation. New strategies to break out of the self-sustaining and vicious cycles of war and exclusion will be best achieved through creating positive counter-momentum from efforts to build an inclusive peace.

The inclusion agenda remains contested. Dominant groups in conflict will continue to ignore how pervasive inequalities can be an important source of grievance leading to potential future conflict. Without sufficient alignment, different inclusion projects are unlikely to realise their potential to make a collective impact. To bridge the gap between peace agreements and the lived realities of social relations, peace processes today must focus on both elite negotiations and on the unofficial arenas in which different forms of inclusion can be promoted. Our shared challenge is how these can create a more integrated inclusion agenda and sustained synergies for change.

*'The peace process is a window of opportunities ...  
If there is a final conclusion it is that we should be sure  
to keep the window open'.*

CONAMIC

# Key texts

## Afghanistan

### **Peshawar Accord, 24 April 1992**

[www.peaceagreements.org/masterdocument/482](http://www.peaceagreements.org/masterdocument/482)

### **Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, ('Bonn Agreement'), 5 December 2001**

[www.peaceagreements.org/masterdocument/272](http://www.peaceagreements.org/masterdocument/272)

*For a comprehensive list of key texts relating to Afghanistan, see: Larson, Anna, & Alexander Ramsbotham (eds) *Incremental peace in Afghanistan* (Accord 27, Conciliation Resources, 2018) [www.c-r.org/accord/afghanistan](http://www.c-r.org/accord/afghanistan)*

## Chad

### **2002 Peace Agreement between the Government of the Republic of Chad and the Movement for Democracy and Justice in Chad ('Tripoli Agreement')**

[www.peaceagreements.org/masterdocument/910](http://www.peaceagreements.org/masterdocument/910)

## Colombia

### **Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, 24 November 2016**

[bit.ly/2ruiJIE](http://bit.ly/2ruiJIE)

## Democratic Republic of the Congo

### **Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo, ('Pretoria Agreement'), 16 December 2002**

[www.peaceagreements.org/masterdocument/394](http://www.peaceagreements.org/masterdocument/394)

### **Peace Agreement Between the Government and the Congrès National Pour la Défense du Peuple (CNDP), 23 March 2009**

[www.peaceagreements.org/masterdocument/722](http://www.peaceagreements.org/masterdocument/722)

## Nepal

### **Comprehensive Peace Accord, signed between the Government of Nepal and the Communist Party of Nepal (Maoist), 22 November 2006**

[www.peaceagreements.org/masterdocument/333](http://www.peaceagreements.org/masterdocument/333)

### **Constitution of Nepal, 20 September 2015**

[www.peaceagreements.org/masterdocument/1361](http://www.peaceagreements.org/masterdocument/1361)

*For a comprehensive list of key texts relating to Nepal, see: Thapa, Deepak, & Alexander Ramsbotham (eds) *Two steps forward, one step back: the Nepal peace process* (Accord 26, Conciliation Resources, 2017) [www.c-r.org/accord/nepal](http://www.c-r.org/accord/nepal)*

## Sierra Leone

### **Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, ('Lomé Agreement')**

[www.peaceagreements.org/masterdocument/478](http://www.peaceagreements.org/masterdocument/478)

## Syria

### **Final Communiqué of the Action Group for Syria ('Geneva Communiqué')**

[www.peaceagreements.org/masterdocument/784](http://www.peaceagreements.org/masterdocument/784)

## Former Yugoslavia

### **General Framework Agreement for Peace in Bosnia and Herzegovina, ('Dayton Peace Agreement')**

[www.peaceagreements.org/masterdocument/389](http://www.peaceagreements.org/masterdocument/389)

## International

### **UN Security Council Resolution 1325 (women, peace and security), 31 October 2000**

[unscr.com/en/resolutions/doc/1325](http://unscr.com/en/resolutions/doc/1325)

### **UN Security Council Resolution 2250 (youth, peace and security), 9 December 2015**

[undocs.org/S/RES/2250\(2015\)](http://undocs.org/S/RES/2250(2015))

### **UN Security Council Resolution 2282 (review of the UN peacebuilding architecture), 27 April 2016**

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Inclusive Peace and Transition Initiative: [inclusivepeace.org](http://inclusivepeace.org)

International Civil Society Action Network: [icanpeacework.org](http://icanpeacework.org)

Peace Accord Matrix: [peaceaccords.nd.edu](http://peaceaccords.nd.edu)

Peace Agreements Database (PA-X): [peaceagreements.org](http://peaceagreements.org)

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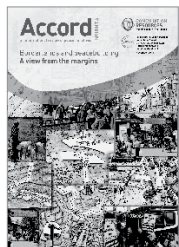
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# Accord series

[www.c-r.org/accord](http://www.c-r.org/accord)

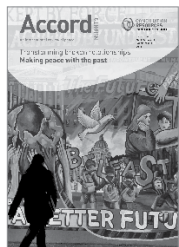
## Insight



**INSIGHT ISSUE 4 (2018)**

### **Borderlands and peace processes**

Accord Insight 4 looks at peacebuilding in borderlands and how peace and transition processes address the interests of borderland communities.



**INSIGHT ISSUE 3 (2016)**

### **Reconciliation and peace processes**

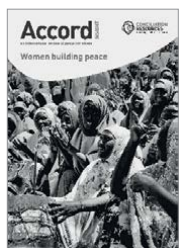
Accord Insight 3 examines reconciliation in peace processes. Case studies from the Georgian-Abkhaz conflict, Colombia, Mindanao (Philippines) and Northern Ireland offer insights from initiatives to transform relationships horizontally, among communities, and vertically, between society and the state.



**INSIGHT ISSUE 2 (2015)**

### **Local engagement with armed groups**

This second Accord Insight publication looks at the interactions between armed groups and local populations. Case studies from Colombia, northern Uganda, Syria and Northern Ireland document the experiences of communities who have organised to influence the behaviour of armed groups – often in advance of more formal negotiations and in situations of intense violence and embedded conflict.



**INSIGHT ISSUE 1 (2013)**

### **Women building peace**

Most peace agreements do not address the specific concerns of women, and women are still excluded from political processes. The first Accord Insight presents nine articles and new analysis drawn from the Accord series from 1998 to 2010, which examine the roles women have played in addressing violence and building peace – from Bougainville and Sierra Leone to Aceh and Northern Ireland.

## Accord



**ISSUE 27 (2018)**

### **Incremental peace in Afghanistan**

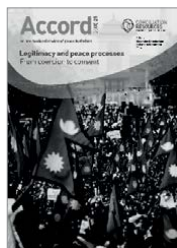
Accord 27 suggests a new, phased approach to peace in Afghanistan: short-term, to achieve a reduction of violence; and long-term, to achieve a more broadly inclusive social contract.



**ISSUE 26 (2017)**

### **Two steps forward, one step back: The Nepal peace process**

Accord 26 includes over 30 articles and interviews from Nepali and international experts focusing on the progress of inclusion and the function of power, and how peace and political negotiations in various forms and forums have facilitated transition from negative to positive peace.



**ISSUE 25 (2014)**

### **Legitimacy and peace processes: from coercion to consent**

Accord 25 focuses on the practical ways that legitimacy can contribute to building more sustainable peace: national dialogue; constitutional reform; local governance; and transforming coercive actors.



**ISSUE 24 (2012)**

### **Reconciliation, reform and resilience: positive peace for Lebanon**

Accord 24 includes more than 30 articles and interviews on peacebuilding in Lebanon: from diverse perspectives and from inside and outside the country. Together they show that the Lebanese are not passive victims of a violent fate determined beyond their country's borders. Many are actively pursuing opportunities for change.



**ISSUE 23 (2012)**

**Consolidating peace: Liberia and Sierra Leone**

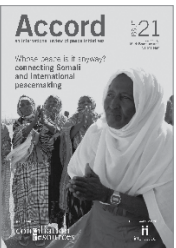
A decade after the official end of wars in Liberia and Sierra Leone, Accord 23 draws on respective societies' experiences and insights to ask what headway has been made to consolidate peace, what challenges lie ahead and what lessons can be learnt. It argues that policy needs to focus on people, on repairing relationships and promoting inclusion, and that traditional mechanisms can play a crucial role.



**ISSUE 22 (2011)**

**Paix sans frontières: building peace across borders**

War does not respect political or territorial boundaries. This twenty-second Accord publication, looks at how peacebuilding strategies and capacity can 'think outside the state': *beyond* it, through regional engagement, and *below* it, through cross-border community or trade networks.



**ISSUE 21 (2010)**

**Whose peace is it anyway? Connecting Somali and international peacemaking**

Accord 21 contains over 30 articles including interviews with Somali elders and senior diplomats with the African Union, the UN and IGAD, and contributions from Somali and international peacemaking practitioners, academics, involved parties, civil society and women's organisations.



**ISSUE 20 (2008)**

**Reconfiguring politics: the Indonesia-Aceh peace process**

In 2005, the Indonesian government and the Free Aceh Movement (GAM) agreed a settlement ending 30 years of armed conflict. Accord 20 explores how that agreement was reached and subsequent challenges to its implementation.



**ISSUE 19 (2008)**

**Powers of persuasion: incentives, sanctions and conditionality in peacemaking**

International policymakers frequently use incentives, sanctions and conditionality as tools to influence intra-state conflicts. Using a range of case studies, Accord 19 asks whether and how these tools can constructively influence conflict parties' engagement in peacemaking initiatives.



**ISSUE 18 (2006)**

**Peace by piece: addressing Sudan's conflicts**

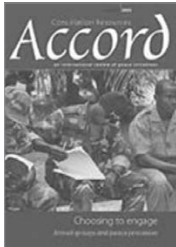
This Accord publication reviews the peace process that led to the 2005 Comprehensive Peace Agreement in Sudan. It also explores questions that remain to be tackled, arguing that future Sudanese initiatives must be more inclusive and better coordinated.



**ISSUE 17 (2005)**

**The limits of leadership elites and societies in the Nagorny Karabakh peace process**

Since the 1994 ceasefire, the conflict between Azerbaijan and Armenia over Nagorny Karabakh has remained deadlocked. Accord 17 explores the dynamics of polarisation, the obstacles to a sustainable agreement and the challenge of overcoming resistance to compromise.



**ISSUE 16 (2005)**

**Choosing to engage: armed groups and peace processes**

Non-state armed groups, key actors in many internal armed conflicts, have participated in peace processes across the world. Accord 16 draws on these experiences to explore the case for engaging with armed groups, and the different options, roles and challenges for such engagement.



**ISSUE 15 (2004)**

**From military peace to social justice? The Angolan peace process**

The Luena Memorandum of 2002 brought an end to Angola's 27-year civil war. Accord 15 reviews the history of peacemaking efforts in Angola, and analyses challenges that remain if the absence of violence is to develop into a sustainable and just peace.



**ISSUE 14 (2004)**

**Alternatives to war: Colombia's peace processes**

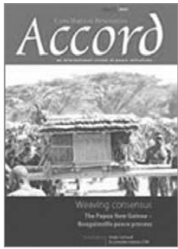
This Accord publication provides an overview of more than 25 years of peace initiatives with Colombia's guerrilla and paramilitary groups. It includes analysis of civil society efforts at local, regional and national levels and identifies the necessary elements of a new model of conflict resolution.



**ISSUE 13 (2002)**

**Owning the process: public participation in peacemaking**

This first thematic Accord publication documents mechanisms for public participation in peacemaking. It features extended studies looking at how people were empowered to participate in political processes in Guatemala, Mali and South Africa. It also contains shorter pieces from Colombia, Northern Ireland and the Philippines.



**ISSUE 12 (2002)**

**Weaving consensus: the Papua New Guinea – Bougainville peace process**

This Accord publication documents efforts leading to the Bougainville Peace Agreement of 2001. It describes an indigenous process that drew on the strengths of Melanesian traditions, as well as innovative roles played by international third parties.



**ISSUE 6 (1999)**

**Compromising on autonomy: Mindanao in transition**

The GRP-MNLF 1996 Peace Agreement was a milestone, as all previous peacemaking attempts over 24 years had failed. Accord 6 analyses elements of peacemaking in Mindanao and examines the challenges of implementation. (2003: Supplement Issue – see online index)



**ISSUE 11 (2002)**

**Protracted conflict, elusive peace: initiatives to end the violence in northern Uganda**

While a meaningful peace process in northern Uganda remains elusive, Accord 11 documents significant peacemaking initiatives undertaken by internal and external actors and analyses their impact on the dynamics of the conflict.



**ISSUE 5 (1998)**

**Safeguarding peace: Cambodia's constitutional challenge**

This publication documents issues around the signing of the 1991 Paris agreements that officially ended Cambodia's long war, and the subsequent violent collapse of the country's governing coalition in July 1997.



**ISSUE 10 (2001)**

**Politics of compromise: the Tajikistan peace process**

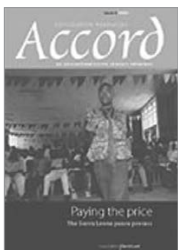
This publication describes the aspirations of the parties to the conflict in Tajikistan. It documents the negotiation process leading to the General Agreement of June 1997, looking at the role of the international community, led by the UN, and of local civil society.



**ISSUE 4 (1998)**

**Demanding sacrifice: war and negotiation in Sri Lanka**

This publication documents the cycles of ethnic/national conflict that have blighted Sri Lanka since 1983. It analyses negotiations and other peace initiatives, and outlines fundamental concerns that need to be confronted in future peacemaking efforts.



**ISSUE 9 (2000)**

**Paying the price: the Sierra Leone peace process**

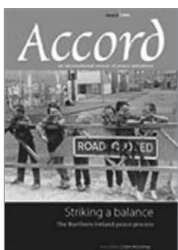
The Lomé Peace Agreement of July 1999 sought to bring an end to armed conflict in Sierra Leone: one of the most brutal civil wars of recent times. Accord 9 explores the Lomé process and earlier attempts to resolve the conflict, and draws lessons for Sierra Leone's transition.



**ISSUE 3 (1998)**

**The Mozambican peace process in perspective**

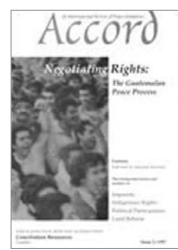
This publication documents the diverse initiatives that drove the parties to a negotiated settlement of the conflict in Mozambique. It further illustrates the impact on the country of changing regional and international political dynamics.



**ISSUE 8 (1999)**

**Striking a balance: the Northern Ireland peace process**

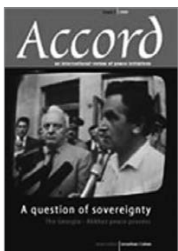
This publication examines the factors that led to the negotiations resulting in the 1998 *Belfast Agreement*. It describes the complex underlying forces and the development of an environment for peace. (2003: Supplement Issue – see online index)



**ISSUE 2 (1997)**

**Negotiating rights: the Guatemalan peace process**

The signing of the peace agreement in 1996 brought an end to 36 years of civil war in Guatemala. Accord 2 analyses issues of impunity, indigenous rights, political participation and land reform.



**ISSUE 7 (1999)**

**A question of sovereignty: the Georgia-Abkhazia peace process**

This publication explores the background and issues at the heart of the Georgia-Abkhazia conflict, providing a unique insight into a political stalemate and pointing towards possible avenues out of deadlock.



**ISSUE 1 (1996)**

**The Liberian peace process 1990–1996**

This first Accord publication documents the lengthy and fractious Liberian peace process and provides insight into why thirteen individual peace accords collapsed in half as many years.

Conciliation Resources is an independent international organisation working with people in conflict to prevent violence, resolve conflicts and promote peaceful societies. We believe that building sustainable peace takes time. We provide practical support to help people affected by violent conflict achieve lasting peace. We draw on our shared experiences to improve peacebuilding policies and practice worldwide.

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There is broad global consensus that inclusion matters in peace processes. The challenge now is how to support inclusion in practice. This 28th Accord publication draws on research from the Political Settlements Research Programme (PSRP) and elsewhere to explore challenges of *navigating inclusion in peace processes*, in three areas:

- » Frameworks for understanding inclusion in peace processes
- » Inclusion in practice in national peace processes – ‘deep dive’ case studies of Colombia and Nepal
- » Inclusion in practice in sub- and supra-national peace processes – case studies on Turkey, the Democratic Republic of Congo, Syria and Afghanistan

Effective peace processes do not mean including all of the people all of the time but making informed decisions about *who* should be included in *what* and *how*.

Contributors to the publication include:

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**Conciliation Resources** is an independent international organisation working with people in conflict to prevent violence, resolve conflicts and promote peaceful societies. Conciliation Resources' *Accord* publication series informs and strengthens peace processes by documenting and analysing the lessons of peacebuilding.



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