

Incremental inclusivity in peace processes: Key lessons learnt

Andreas Schädel and Véronique Dudouet

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WHAT is the policy brief about?

This policy brief provides evidence-based lessons learnt and recommendations on the timing, sequencing and modalities of inclusion of non-signatory armed groups and civil society actors in peace processes. It aims to inform a strategic understanding on how to design and implement peace processes that are effective in bringing about an inclusive political, economic and social transformation.

This policy brief draws on a comparative assessment of ‘incremental inclusion’ approaches for non-signatory armed groups and civil society actors during the negotiation and implementation of peace agreements in Afghanistan, Colombia, Mali and Myanmar, as summarised from the research report “Incremental inclusivity: A recipe for effective peace processes?” (Schädel and Dudouet 2020).

WHY is the topic relevant?

The quest for inclusive pathways for peace has become one of the cornerstones of the international peacebuilding agenda in the past few years. While there is a growing consensus that the inclusion of various constituencies and interests in conflict resolution processes is a crucial factor in building sustainable peace, there is still a great deal of confusion and disagreement on the right timing and sequencing of multi-actor inclusion, and on how to design genuinely inclusive processes without jeopardising the chances of concluding and implementing an agreement.

For WHOM is it important?

The policy brief is primarily addressed to policy-makers, negotiators, mediators, peacebuilding agencies and representatives of civil society organisations and social movements. It is also of interest to researchers and students interested in inclusivity in peace processes and the role of non-state armed groups and civil society actors in particular.

Key recommendations

External mediators and peace(building) support agencies should

- ≡ conduct regular analysis of included and excluded actors in a conflict system;
- ≡ support spaces for information-sharing between negotiating parties and other political and societal actors, in order to foster trust and legitimacy in the process and its outcome;
- ≡ support fair and meaningful access to negotiation processes across all marginalised social sectors;
- ≡ refrain from imposing ‘red lines’ or limiting the government’s freedom to engage with ‘hard to reach’ or ‘radical’ non-state armed groups;
- ≡ use leverage more strategically to entice national governments and elites to embrace inclusionary approaches;
- ≡ consider process design options that enable societal inclusion while ensuring a timely conclusion;
- ≡ ensure that modalities for societal participation in the implementation phase can be clearly specified in the peace accord.

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About the Authors

Dr Andreas Schädel is currently Advisor for Monitoring, Evaluation and Learning and for Conflict Transformation Research at the Berghof Foundation. Prior to joining Berghof, Andreas was a PhD and postdoctoral student in the International Conflict Research (ICR) group at ETH Zurich, where he studied the effectiveness of power-sharing arrangements in ethnic conflicts. He was previously employed in the disarmament section at the Swiss Mission to the United Nations in Geneva and held various positions in the academic and financial sector. Andreas also holds an MA in International and Comparative Studies from ETH Zurich and received his BA in Political Science and Economics from the University of Zurich and the Institut d'Etudes Politiques de Bordeaux.

Dr Véronique Dudouet is currently Senior Advisor for Conflict Transformation Research at the Berghof Foundation. She coordinates various collaborative research projects on the role of non-state armed groups, nonviolent movements and international actors in conflict transformation processes. She also conducts regular consultancy research and provides policy advice, peer-to-peer advice and training seminars for/with conflict and peacebuilding stakeholders. She has published two edited books and authored numerous publications in the fields of conflict transformation and nonviolent resistance. She holds an MA and a PhD in Conflict Resolution from the University of Bradford, UK, and a BA in Political Science and MPhil in International Relations from the Institut d'Etudes Politiques de Toulouse (France).

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1 Introduction

There is increasing consensus around the idea that political transitions and peace processes need to be broadly inclusive and representative. The incorporation of various constituencies beyond the primary conflict parties has been shown to make peace processes more sustainable, legitimate and accountable – especially in protracted civil wars characterised by a wide constellation of actors and interests. This consensus is reflected in global policy agendas promoted by the international community (e.g. Sustainable Development Goal (SDG) 16, UN Guidelines for Effective Mediation). The quest for inclusive peace processes is also anchored in specific calls for the inclusion of marginalised groups, such as UNSC Resolution 1325 on women, peace and security and UNSC Resolution 2250 on youth, peace and security.

The focus on inclusivity in these initiatives is, however, not just a matter of principle or the result of a change in the normative agendas of donors and foreign interveners. It is rooted in solid empirical evidence produced by a growing amount of research on inclusivity in peace and mediation processes. This research sees peace processes as a window of opportunity that allows for more inclusive political settlements to be negotiated, by creating a new social contract between ruling elites and between citizens and the state. However, while there is relatively broad consensus that inclusion is a crucial factor in terminating conflict, there is still a great deal of confusion and disagreement among scholars, practitioners and policy-makers over what type of inclusion is most important. There is particular disagreement on the type of actors, the right timing and the right sequencing of inclusion in order to bring about legitimate and lasting solutions to protracted armed conflicts without complicating already complex negotiations and jeopardising the chances of reaching an agreement.

To shed more light on this debate and to improve empirical understanding on how to design and implement inclusive yet effective peace processes, we conducted a comparative assessment of ‘incremental inclusion’ mechanisms during recent peace processes in Colombia, Mali, Afghanistan and Myanmar. Funded by the United States Institute of Peace (USIP) and in collaboration with four local research partners¹ with in-depth knowledge of the peace(building) processes under review and privileged access to its stakeholders, we examined to what extent the timing and modalities of inclusion (or exclusion) of non-signatory armed groups and sectoral social groups during the exploration, negotiation, codification and implementation phase had an impact on the quality of the following peace agreements and the effectiveness of their implementation:

- ≡ the **Algiers Accord for Peace and Reconciliation** between the government of Mali and two coalitions of (pro-state and opposition) armed groups (June 2015);
- ≡ the **National Ceasefire Agreement** between the government of Myanmar and eight ethnic armed organisations (October 2015);
- ≡ the **Havana Peace Accord** between the government of Colombia and the FARC guerrilla group (August–November 2016);
- ≡ the **Kabul Agreement** between the government of Afghanistan and the rebel group Hezb-e Islami (September 2016).

All four countries have now entered a phase of codification (e.g. enshrining the signed agreements in national legislation) and implementation of the agreed commitments, and the principle of incremental inclusivity has – to various degrees – been explored through attempts to 1) broaden horizontal inclusivity to other armed groups (e.g. ELN in Colombia, Islamist armed groups in Mali, non-signatory ethnic armed organisations in Myanmar and the Taliban in Afghanistan); and to 2) broaden vertical inclusivity by involving civil society actors in the design of structural reforms and reconciliation mechanisms.

1 Mery Rodriguez (Colombia), Dr Bréma Ely Dicko (Mali), Dr Sai Oo (Myanmar) and Farhadullah Farhad (Afghanistan).

This policy brief synthesises the findings compiled in a comprehensive research report (Schädel and Dudouet 2020). The data used for the report was collected by our local research partners from May to October 2019 by conducting 1) interviews and focus group discussions with negotiators, mediators and experts, as well as with members of non-signatory armed groups and grassroots social movements, 2) content analysis of key documents pertaining to the negotiation, codification and implementation of the new political settlement, and 3) participant observation in ongoing implementation and follow-up dialogue and decision-making arenas.

2 Incremental inclusion of non-signatory armed groups is impractical or unrealistic

In all four case studies, governments and/or foreign sponsors of the peace process adopted a sequential step-by-step strategy, by negotiating a peace deal with one armed group in the hope of enticing a rival armed group to open a parallel (or consecutive) negotiation channel. However, their approach of ‘leaving the door open’ for other armed groups to come on board during an ongoing peace process only succeeded to a limited extent for smaller non-signatory armed groups in Myanmar and Mali, which joined framework agreements that had been negotiated without them. For those ‘latecomers’, the delayed inclusion did not happen on equal terms and hampered meaningful inclusion in post-agreement dialogue mechanisms (e.g. implementation oversight bodies) and genuine influence over decision-making.

An incremental approach to the inclusion of non-signatory armed groups is thus either impractical or unrealistic. This is particularly true of the inclusion of more powerful groups, who either excluded themselves because the agreement was not attractive enough for their ambitious demands (ELN in Colombia), or who believed they were doing well enough on the battlefield to attain their aims by violent means (Taliban in Afghanistan), or who were actively excluded through inclusion ‘red lines’ and preconditions put in place by governments and mediators (Salafi Jihadi armed groups in Mali).

3 Limited space for incremental inclusion of sectoral civil society groups

Incremental inclusion has been slightly more manifest for civil society organisations (CSOs) or social movements, particularly in Colombia and to some extent Mali, where the range of actors consulted (women and LGBTI, victims, ethnic minorities) increasingly expanded during the formal negotiations and post-agreement stage, along with the thematic expansion of the substantive scope of the agreement. This was most visible with the successive civil society delegations visiting Havana and the broad-based National Conference of Understanding (CEN) in Mali. These actors’ inclusion was made possible by early public advocacy by those groups, as well as by external actors’ efforts to push for inclusion, for example by inviting societal groups to attend consultation briefings before, during and after negotiation rounds.

However, across the four cases, societal inclusion was more the exception than the rule. There were no mechanisms for societal participation or consultation in any stage of the Afghan peace process and only façade inclusion in Myanmar, where the process was characterised by a sharp mismatch between the inclusionary outlook of the ceasefire monitoring and political dialogue mechanisms and the limited access

granted to civil society groups in real decision-making bodies controlled by top leaders (government, army and a few EAOs). Those who failed to gain a seat at the table or in the corridors of elite bargaining processes were primarily excluded for reasons of expediency, with negotiating parties (or third parties) wishing to maximise effectiveness and speed up the process, or CSOs' own inability to prove their expertise and legitimacy, to speak with one voice, to make themselves sufficiently heard, or to be treated seriously by the main protagonists. Other intervening factors included electoral cycles resulting in a closing of the space for social participation in Myanmar and Colombia, and external actors adopting selective inclusionary practices.

4 Slow implementation as an impediment to incremental inclusion

The evidence of the four case studies furthermore suggests that the implementation phase is of particular relevance for the possibility of consecutive or parallel negotiations with non-signatory armed groups. In Colombia, the slow pace and setbacks in implementation (e.g. widespread killings of former combatants and social leaders) and the advent of new power-holders opposed to further negotiations increased the scepticism of the main non-signatory group (ELN) about the prospects for an effective transition to peace, and slowed down the pace of their parallel negotiation process. In Afghanistan, the attempts by entrenched elites to slow down implementation and prevent Hezb-e Islami from integrating into the armed forces and unifying politically not only undermined the peace deal but also reinforced the Taliban's mistrust towards the Afghan government and their preference to negotiate directly with the United States. For similar reasons, incremental inclusion of armed groups has also proved difficult in Myanmar, where non-signatory ethnic armed organisations (EAOs) observed how signatory EAOs have not been able to successfully further their political causes through the Nationwide Ceasefire Agreement (NCA). With progress stalling, as in the Afghanistan example above, overall faith in the peace process and trust in the government to deliver on its promises have seemed to fade, which is seen most prominently in the Karen National Union's withdrawal from the formal process in 2019.

5 The importance of timing

Our research has also shown that late inclusion can have a twofold negative impact. On the one hand, societal actors who were excluded from early negotiations typically show little stake in the process but have also a higher likelihood of actively resisting implementation. Buy-in, trust, understanding and empathy are difficult to achieve in the absence of direct interaction at the negotiating table or in parallel consultative formats during the negotiation phase. In Mali, the signatory parties were under pressure from the international mediation team to speed up peace negotiations and conclude an agreement, with no time to consult opposition parties and civil society. This rushed process at the expense of a more inclusive approach contributed to the exclusion of the 'silent majority' and popular resistance against the implementation of the accord among both elites and ordinary citizens in the South/Bamako.

On the other hand, the delayed inclusion of societal groups also results in reduced leverage to impact on the implementation of an agreement they did not take part in negotiating. While opportunities for direct participation in policy-making emerge mainly during the implementation stage, especially through

thematic commissions (e.g. for gender equality, reconciliation, transitional justice), it is during the negotiating stage that the provisions for participation are secured. When there is no genuine opportunity for societal participation in the negotiation and drafting of the agreement, the exact role and modalities for societal actors' participation in the implementation phase often remain unspecified or are couched in rather vague terms, making effective participation during implementation difficult and thus hindering gradual broadening of inclusion at a later stage.

6 Inclusivity and legitimacy

While the exclusion of CSOs has indeed made the process more time-efficient in Afghanistan, their inclusion in Colombia has prolonged the process but strengthened its legitimacy and made it more sustainable. The representative design of the transitional justice framework in Colombia, for example, created a sense of ownership for victims, turning many of them into great allies in supporting the agreement and its implementation. Although making the process longer and more complex, the direct inclusion of victims at the negotiating table was the most effective way to build legitimacy and increase confidence in the process.

The importance of inclusivity for legitimacy is also illustrated by its absence. When institutional channels of inclusion did not provide sufficient space for society to be heard and accounted for, there were frequent outbursts of extra-institutional mass action protesting against the lack of legitimacy, as seen in Mali, Afghanistan and Colombia. This perceived legitimacy gap had a dramatic impact on the Colombian referendum, where the late process of public awareness-raising on the content of the accord and the failure to consider the interests of some additional key actors, such as conservative groups and evangelical churches, led to backlash by these groups, and ultimately provoked the 'no' vote in the referendum and the defeat of the incumbent party in the 2018 presidential elections.

7 Key recommendations to international support

Lessons 1: As major proponents and enablers of inclusiveness, international peace(building) support agencies should enhance their own context-specific knowledge and expertise before intervening in a conflict system. They should conduct careful and **regular analysis of relevant (included and excluded) actors** and their interests, and be mindful of their own interests and influence on the conflict system and political settlement. This analysis should be informed by guiding questions such as: which important (armed or peaceful) non-state actors are currently excluded from official or informal peace dialogue arenas? What is their level of public support and which societal/sectoral voices do they (claim to) represent? What are their interests and grievances and how can they be best addressed through peace negotiation/implementation design? What are the possible benefits of including them in peace negotiation and implementation and what are the risks resulting from their (perceived) exclusion?

Lesson 2: External mediators and peacebuilding agencies should support spaces for dialogue and information-sharing between the main negotiating parties and other political and societal actors, either at the negotiating table or through parallel consultative formats, in order to **foster trust and legitimacy in the process and its outcome** and to prevent the emergence of future spoilers that are resistant to

its implementation. Various top-down or bottom-up mechanisms could be envisaged, based on the four case studies examined in this report, including: parliamentary peace commissions or peace secretariats representing a broad spectrum of political parties; sectoral delegations to the peace talks, enabling direct interaction with the primary negotiators; gender/ethnic/victim sub-commissions, including representatives of aggrieved groups; national conferences aimed at reaching out to stakeholders excluded from the peace talks (e.g. non-signatory armed groups, marginalised regions and groups); public outreach mechanisms to raise early awareness and avoid misconceptions (or to counter misreporting) about the content and progress of the talks; or national consultations and opinion polls to inform the design and agenda of negotiations.

Lessons 3: In the early stage (i.e. exploration and agenda-setting) of peace processes, third parties should provide **capacity-building support** to sectoral civil society groups and social movements in order to increase their ability to articulate their own claims for inclusion, to identify emerging entry points and opportunities for participation, and to contribute meaningfully to the peace process. Depending on the nature of social organisations/movements, capacity-building support might encompass, for example: selection of representatives and tailored training on negotiation and dialogue skills; strategic planning and scenario-building on avenues to influence negotiations at/around/beyond the table, including through constructive mass action; or thematic expertise on the negotiation agenda.

Lesson 4: External mediators need to explore and actively support inclusion principles beyond their own normative preferences and with consideration for the political and cultural context in which the mediation process takes place. Instead of prioritising support to specific groups (e.g. women and youth), they should support **fair access to negotiation processes across all marginalised social sectors**. This requires nuanced and locally-informed analysis (see above), but also a wide ‘toolbox’ of options to consider when selecting participants in negotiation and dialogue arenas, such as quotas (sectoral, ethnic, gender, age etc.), local consultations accompanying national dialogues, or partnership with insider mediators who can help to identify – and reach out to – missing societal voices.

Lesson 5: In order to enable the **incremental inclusivity of non-signatory armed groups**, third parties should refrain from imposing their own red lines or limiting the government’s freedom to engage with ‘hard to reach’ or ‘radical’ non-state armed groups (e.g. Salafi Jihadi armed groups in Mali). Third parties can also use their privileged channels of access and influence to incentivise non-signatory armed groups to engage in the peace process (e.g. China in Myanmar, Venezuela in Colombia). International actors can partner with INGOs and local bridge-builders to explore pathways for engagement with these groups, to better understand their motives for continued armed action, and to explore emerging windows of opportunity for dialogue outreach within the peace process architecture.

Lesson 6: Third parties such as donor/partner countries should **use their leverage more strategically** to entice national governments and elites to embrace inclusionary approaches, by identifying potential allies (e.g. reform-minded elites) and sources of resistance to inclusion, and sensitising them to the benefits of inclusion. Using the wide array of evidence-based research on inclusive peace processes, a strong case can be made for the normative and strategic advantages of adopting inclusive negotiation designs. External actors can use their channels of influence to convince (or pressure) those in power to adopt a ‘spoiler prevention’ mindset by setting up inclusive dialogue mechanisms (as described above).

Lesson 7: To support inclusive yet effective peace processes, third-party mediators need to carefully consider the merits and risks of reducing the range of voices at the negotiating table and speeding up the process to deliver tangible results. To prevent endless negotiations dragging on over several electoral cycles (with the risk that new power-holders might undermine the commitments made by their predecessors),

they should consider **design options that enable societal inclusion while ensuring a timely conclusion**. For example, as an alternative to a sequential peace process (negotiating the different chapters of an accord successively), mediators could suggest a more time-effective format, such as parallel thematic negotiating tables involving the actors most affected by the issue at stake (e.g. land reform, transitional justice, political participation, decentralisation, security sector reform).

Lesson 8: To prevent ‘exclusionary path dependencies’ and facilitate sustained inclusion, mediation support actors should provide technical and legal expertise to the main negotiators to ensure that **modalities for societal participation in the implementation phase** can be clearly specified in the peace accord. Legal and political advisors can suggest detailed provisions that anchor participatory practices within implementation mechanisms, such as: setting up inclusive monitoring commissions with direct representation from beneficiary/agrieved groups; spelling out specific benchmarks and indicators for assessing progress in implementing inclusive reforms; or conducting regular public consultation to tailor implementation programmes to local needs and interests.

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