

Incremental inclusivity: A recipe for effective peace processes?

Andreas Schädel and Véronique Dudouet,
with support from Johanna-Maria Hülzer and
Carlotta Sallach

Research Report

About this report

This report was written in the context of a research project on incremental inclusivity in peace process design, conducted by the Berghof Foundation from January 2019 to September 2020. Case study research was carried out in Afghanistan, Colombia, Mali and Myanmar.

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List of Abbreviations

AA	Arakan Army (Myanmar) al-Qaeda
ABSDF	All Burma Students Democratic Front (Myanmar)
ALP	Arakan Liberation Party (Myanmar)
ANC	African National Congress (South Africa)
ANC	Arakan National Council (Myanmar)
AQIM	Al-Qaeda in the Islamic Maghreb
AU	African Union
CAFO	<i>Coordination des Associations et ONG Féminines du Mali</i> (National Coordination of Women's Associations in Mali)
CEN	<i>Conférence d'Entente Nationale</i> (Conference of National Understanding – Mali)
CMA	<i>Congrès pour la justice dans l'Azawas</i> (Congress for Justice in Azawad – Mali)
CMFPR	<i>Coordination des Mouvements et Front Patriotique de Résistance</i> (Coordination of Patriotic Resistance Movements and Forces – Mali)
CONASCIPAL	<i>Coalition Nationale de la Société Civile pour la Paix et la Lutte contre la Prolifération des Armes Légères</i> (National Coalition of Civil Society for Peace and the Fight against the Proliferation of Small Arms – Mali)
CNAV	<i>Coordination Nationale des Associations de Victimes</i> (National Coordination of Victims Associations – Mali)
CNF	Chin National Front (Myanmar)
CNJ	<i>Conseil National de la Jeunesse du Mali</i> (National Council for Youth in Mali)
CNV	<i>Conseil National des Victimes</i> (National Council of Victims – Mali)
CSA	<i>Comité de Suivi de l'Accord</i> (Agreement Monitoring Committee – Mali)
CSO	Civil Society Organisation
CVJR	<i>Commission Vérité, Justice et Réconciliation</i> (Truth, Justice and Reconciliation Commission – Mali)
DDR	Disarmament, Demobilisation and Reintegration
DKBA	Democratic Karen Benevolent Army (Myanmar)
EAO	Ethnic Armed Organisation
ECOWAS	Economic Community of West African States
ELN	Ejército de Liberación Nacional (National Liberation Army – Colombia)
FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo</i> (Revolutionary Armed Forces of Colombia – People's Army)
FMLN	<i>Frente Farabundo Martí para la Liberación Nacional</i> (Farabundo Martí National Liberation Front – El Salvador)
HCUA	<i>Haut Conseil pour l'Unité de l'Azawad</i> (High Council for the Unity of Azawad)
HIA	Hezb-e Islami Afghanistan
HIG	Hezb-e Islami Gulbuddin (Afghanistan)
HPC	Afghan High Peace Council
IS	Islamic State
JEP	<i>Jurisdicción Especial de Paz</i> (Special Jurisdiction for Peace – Colombia)
JMC	Joint Ceasefire Monitoring Committee (Myanmar)
JNIM	<i>Jama'a Nusrat ul-Islam wa al-Muslimin'</i> (Group for the Support of Islam and Muslims)
KIA	Kachin Independent Army (Myanmar)
KIO	Kachin Independence Organisation (Myanmar)
KNLA-PC	Karen National Liberation Party-Peace Council (Myanmar)
KNPP	Karenni National Progressive Party (Myanmar)
KNU	Karen National Union (Myanmar)
LDU	Lahu Democratic Union (Myanmar)
LGBTI	Lesbian, gay, bisexual, transgender/transsexual and intersex

MAA	<i>Mouvement Arabe de l'Azawad</i> (Arab Movement of Azawad)
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MNDAA	Myanmar National Democratic Alliance Army
MNLA	<i>Mouvement National de Liberation de l'Azawad</i> (National Movement for the Liberation of Azawad)
MUJAO/	<i>Mouvement pour l'unicité et le jihad en Afrique de l'Ouest</i> (Movement for Oneness and Jihad in West
MOJWA	Africa)
NCA	Nationwide Ceasefire Agreement (Myanmar)
NDA-ESS	National Democratic Alliance Army-Eastern Shan State (Myanmar)
NLD	National League for Democracy (Myanmar)
NMSP	New Mon State Party (Myanmar)
NSAG	Non-state armed group
NSCN-K	National Socialist Council of Nagaland-Khaplang (Myanmar)
NUG	Afghan National Unity Government
PNLA	Pa-O National Liberation Party (Myanmar)
RSSS	Restoration Council of Shan State (Myanmar)
SDG	Sustainable Development Goals
SSPP	Shan State Progressive Party (Myanmar)
SSR	Security sector reform
TNLA	Ta'ang National Liberation Army (Myanmar)
UN DPA	United Nations Department of Political Affairs
UNAMA	United Nations Assistance Mission in Afghanistan
UNSC	United Nations Security Council
UPDJC	Union Peace and Dialogue Joint Committee (Myanmar)
UWSA	United Wa State Army (Myanmar)
WNO	Wa National Organisation (Myanmar)

Executive summary

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 in peace process design in order to bring about legitimate, equitable and lasting solutions to complex protracted armed conflicts. This report contributes to this debate by conducting a comparative assessment of ‘incremental inclusion’ approaches for non-signatory armed groups and civil society actors during the negotiation and implementation of the following peace/ceasefire agreements:

- ≡ 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-i-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 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 2) broaden vertical inclusivity by involving civil society actors in the design of structural reforms and reconciliation mechanisms.

After providing an overview of the scholarly debate on the different dimensions of inclusion, Section 2 clarifies the terminology (WHAT) and rationale for inclusion (WHY), and describe the trade-off between inclusivity and effectiveness as one of the biggest impediments to broadening participation in peace processes. We then outline the horizontal (inter-elite) and vertical (state-society) approaches to inclusion (WHO), and review the various modes of inclusion addressed in the literature (HOW). Finally, we develop our approach to incremental inclusion by focusing on the timing and sequencing of inclusion mechanisms during various stages of peace processes (WHEN).

≡ Inclusion pathways for non-signatory armed groups

In Section 3, we examine the timing and modalities of horizontal and vertical inclusion in Afghanistan, Colombia, Mali and Myanmar, with a specific focus on non-signatory armed groups and sectoral social groups. We first map out the various patterns of inclusion and exclusion of these actors before analysing the factors that facilitated or constrained their incremental involvement throughout pre-talks, formal talks and post-agreement negotiations.

Overall, we found limited space for the incremental inclusion of non-signatory armed groups. In all four case studies, governments and/or foreign sponsors of the peace process pursued a sequential step-

by-step strategy, by negotiating a peace deal with one (or several) armed groups with the hope of enticing other armed groups to open a parallel (or consecutive) negotiation channel. However, their approach of ‘leaving the door open’ for other armed challengers to come on board during an ongoing peace process only succeeded to some degree for smaller non-signatory armed groups in Myanmar and Mali whose inclusion did not happen on equal terms and hampered meaningful participation and genuine influence in post-agreement mechanisms. Other, more powerful non-signatory groups failed to join the processes concerned, partly through self-exclusion dynamics, as the groups felt that these agreements did not meet their ambitious aspirations (ELN in Colombia), or they believed they were doing well enough on the battlefield to attain their aims by violent means (Taliban in Afghanistan). Others were actively excluded through ‘red lines’ and preconditions put in place by governments and mediators (Salafi Jihadi armed groups in Mali).

≡ Inclusion pathways for sectoral civil society groups and social movements

Section 3 also analyses the patterns and timing of societal inclusion, with a particular emphasis on civil society entities representing women, youth, victims and ethnic minorities, as well as cross-sectoral movements and counter-movements (e.g. mass action for/against peace accords). It reviews the dominant strategies employed by (or inclusion space granted to) civil society groups to influence decision-making in various stages of peace processes. Overall, we found that (1) during exploratory talks, civil society was mainly active through public consultation for agenda-setting, mass mobilisation and lobbying; (2) during formal negotiations, inclusion primarily took place through formal or informal consultation arenas; (3) during the validation and codification stage, mass action campaigns for/against peace and top-down sensitisation programs prevailed; and (4) during the implementation stage, social sectors influenced decision-making through: national consultation processes on structural reforms and policies; direct participation in inclusive implementation oversight commissions; sensitisation campaigns to garner grassroots support for the agreement; and mass protest action to demand or resist full implementation.

Incremental inclusion was more manifest for certain social sectors, particularly in Colombia and to some extent Mali, where the range of actors consulted increasingly expanded during the formal negotiations and post-agreement stage, along with the thematic expansion of the substantive scope of the agreement. Their inclusion was made possible by early public advocacy by these groups and by external actors’ efforts to push for inclusion.

However, across the four cases, societal inclusion was more the exception than the rule. There were no mechanisms for societal participation or consultation at any stage of the Afghan peace process and only ‘façade’ inclusion in Myanmar. 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 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.

≡ Impact on effective peace

Section 4 in turn analyses the influence of incremental inclusion efforts (or failures) on the quality and sustainability of the four peace processes under study. The four signed agreements show significant variations in the representation of interests of non-signatory armed groups and nonviolent societal stakeholders, and their implementation is facing many acute challenges. We hence attempted to relate these outcomes to the patterns of incremental inclusion examined in Section 3.

First, we find that while the exclusion of civil society groups has made the peace process more time-efficient in Afghanistan, their inclusion in Colombia has prolonged the process but strengthened its legitimacy and made it more sustainable. Conversely, we observed that when institutional channels of inclusion did not provide sufficient space for society to be heard and accounted for, there were frequently outbursts of extra-institutional mass action protesting the lack of legitimacy, as seen in Mali, Afghanistan, and Colombia. While opportunities for direct participation in policy-making emerge mainly during the implementation stage, especially through thematic commissions, 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 participation of societal actors 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.

The evidence collected from all case studies furthermore suggests that the pace and quality of implementation also influence the prospects for consecutive or parallel negotiations with non-signatory armed groups – as implementation deadlocks and violent upsurge failed to convince them about the government’s ability and willingness to deliver on its promises.

Based on these findings, we conclude the report with a few tentative recommendations for international actors to support effective inclusion in various stages of peace processes, for instance by promoting early interactions between the negotiating parties and other political and societal actors in order to foster trust and legitimacy in the process and its outcomes; enabling marginalised groups to articulate their own claims for inclusion and to participate meaningfully in negotiation arenas; incentivising non-signatory armed groups to engage in the peace process, and refraining from imposing their own red lines for engagement with certain armed groups; socialising government actors and elites to the benefits of inclusive approaches; and supporting the design of binding mechanisms to ensure societal actors’ direct participation in the implementation phase of peace processes.

1 Introduction

The quest for inclusive pathways for peace has become one of the cornerstones of the international peacebuilding agenda in the past few years. On the one hand, there is a growing consensus that peace processes need to include various constituencies beyond the primary conflict parties – especially in protracted civil wars characterised by a wide constellation of actors and interests. On the other hand, there is still a great deal of confusion among scholars, practitioners and policy-makers on the right timing and sequencing of societal inclusion in peace process design in order to bring about sustainable, legitimate and equitable solutions. Based on a comparative assessment of ‘incremental inclusion’ mechanisms for non-signatory armed groups and civil society actors during recent peace processes in Colombia, Mali, Afghanistan, and Myanmar, this report seeks to improve empirical understanding on how to design and implement inclusive and effective peace processes. After an introductory section on the research rationale, objectives, design and methodology (Section 1) and a review of the state-of-the-art in inclusive peace processes informing our analytical framework (Section 2), we will turn to the empirical research findings by comparing the patterns and timing of inclusion of non-state armed groups and civil society actors during the four peace processes under study (Section 3), and their influence on the quality of peace negotiation and implementation (Section 4). We will conclude by synthesising the main findings and their policy implications for mediators and other external agencies (Section 5).

1.1 Rationale and research objectives

What makes or breaks peace processes? This question has inspired an increasingly sophisticated debate among practitioners, academics and experts in the field of peace support and conflict transformation on how to effectively design, manage and implement peace processes. Given the fact that up to 50% of peace agreements break down within a period of five years (e.g. King 1997; Walter 2011), there is a growing awareness that the effectiveness of a peace process means more than bringing about a negotiated settlement. To prevent violent relapse, peace processes need to provide arenas for post-war societies to effectively deal with political, social and economic exclusion as a key conflict mobilisation factor in today’s world (Call 2012; Cederman et al. 2013; Dudouet and Lundström 2017).

As a result, peacebuilding organisations have placed inclusivity at the heart of their normative frameworks and policy agendas. This interest is reflected, for instance, in the UN Agenda 2030 on peaceful and inclusive societies (SDG 16); the World Bank and UN study Pathways for Peace (2018), which argues that mobilising inclusive coalitions contributes to lasting conflict prevention (World Bank/UN 2018: 27); and the OECD’s New Deal for Engagement in Fragile States, which stresses the need for inclusive political settlements and conflict resolution.¹ The quest for inclusive peace processes is also anchored in specific calls for the inclusion of marginalised social categories, such as UNSC Resolution 1325 on women, peace and security and UNSC Resolution 2250 on youth, peace and security.

1 The New Deal for Engagement in Fragile States, developed through the forum of the International Dialogue for Peacebuilding and Statebuilding, was endorsed at the 4th High Level Forum on Aid Effectiveness in Busan in November 2011. See <https://www.newdeal4peace.org/peacebuilding-and-statebuilding-goals/>

In turn, the research community has taken on the challenging task of uncovering scholarly evidence on the assumed policy benefits of inclusive peace processes, by investigating the impact of elite-led vs. participatory negotiations on the resulting political settlements – as will be reviewed below in Section 2. In our own past research we identified key dilemmas surrounding the search for inclusive, yet effective, conflict transformation pathways (Dudouet and Lundström 2016). Indeed, despite major conceptual and empirical breakthroughs, there is still a substantial gap in knowledge of which forms of inclusion (whom to include, at what stage, and how) might help to bring about comprehensive and long-lasting solutions to intra-state violence.

This report contributes to bridging this gap by exploring the concept and practice of ‘incremental inclusivity’ in peace processes, with a specific focus on the timing of inclusion (or exclusion) of various non-state armed groups and civil society groups in peace negotiations. Our aim is 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, which is widely acknowledged as an important prerequisite for durable peace. Our research is based on the empirical assumption that the success of peace processes relies not only on the signing of a peace deal between the main warring parties, but also on their ability to transform the structural causes of the conflict. In other words, we investigate the causal relations between process inclusivity (i.e. effective participation of all concerned actors beyond the main negotiating parties) and outcome inclusivity (i.e. effective materialisation of post-war dividends for all social sectors affected by the conflict). We also examine the influence of third-party actors on peace process design, by analysing the (actual and potential) role of external agencies in influencing the inclusionary or exclusionary practices of domestic actors. The main research questions were therefore formulated as follows:

- ≡ During peace processes in complex conflicts characterised by a multiplicity of armed groups, what are the most effective timing and modalities for including non-signatory armed groups as part of a broader political settlement?
- ≡ What are the most effective timing and modalities for including the voices and interests of nonviolent societal stakeholders?
- ≡ What impact does the inclusion (or exclusion) of these actors have on the negotiation, codification and implementation of post-war structural transformations?
- ≡ What roles do, or can, external mediators and peacebuilding agencies play in incentivising, socialising or pressuring negotiation parties to adopt inclusive approaches to peacemaking?

1.2. Research design and methodology

The overall research design rests on a comparative framework and examines various pathways for incremental inclusivity. It includes four case studies of peace/ceasefire agreements which were signed in the past five years and are currently in various stages of implementation and follow-up (re-)negotiation.

Case study selection

The four case studies have been selected based on a careful assessment of their commonalities and

distinctions, in order to allow a meaningful comparison of the respective peace negotiation and implementation processes. These four formal agreements (three peace accords and one comprehensive ceasefire agreement) achieved in 2015 and 2016 aimed to de-escalate or resolve some of the most acute and/or sustained violent conflicts around the globe:

- ≡ 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-i-Islami (September 2016).

All four peace processes 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’ is being explored or applied through attempts to:

- ≡ broaden horizontal inclusivity to other armed groups that are still active and whose exclusion might derail the implementation of the agreed deal (e.g. ELN guerrilla group in Colombia, Islamist armed groups in Mali, non-signatory ethnic armed organisations in Myanmar, and the Taliban in Afghanistan);
- ≡ broaden vertical inclusivity by involving larger segments of society in the design of structural reforms and reconciliation mechanisms (e.g. national conferences/dialogues and implementation oversight commissions).

The differences and patterns across the four cases make these peace processes particularly well-suited to examine the above-mentioned research questions. They present a wide range of approaches to the inclusion of diverse non-state armed groups, responding to broader societal interests by involving marginalised social sectors, and consequently addressing all root causes of the conflict (socio-cultural marginalisation, unequal land and resource distribution, lack of political representation, poverty, etc.) and its consequences (DDR, reconciliation, transitional justice, human rights, etc.). Furthermore, their geographic spread over three continents allows different cultural understandings of inclusion to be factored in.

In each case study country, we focused the empirical enquiry on the horizontal inclusion of non-signatory armed groups, and the vertical inclusion of civil society entities representing women, youth, victims and ethnic minorities, as well as cross-sectoral movements and counter-movements (e.g. mobilisations for/against peace accords).

Research methods and case study partnerships

While the conceptual and comparative research was undertaken by the authors of this report, the case study work was led by four local researchers. In each country, we collaborated with a trusted local NGO or research consultant who had deep knowledge of the ongoing peace(building) processes under study and privileged access to stakeholders.

- ≡ In Colombia, we partnered with the **Centro de Investigación y Educación Popular / Programa Por La Paz (CINEP/PPP)** through a contracted consultant;
- ≡ In Myanmar, we partnered with the **Pyidaungsu Institute (PI) for Peace and Dialogue** through one of its senior staff members;
- ≡ In Afghanistan, we worked with a consultant who has been involved with the **Afghan High Peace Council (HPC)**;
- ≡ In Mali, we collaborated with a consultant from the **Université des Lettres et des Sciences Humaines de Bamako (ULSHB)**.²

Depending on the context and ongoing stage of the post-accord implementation process, the researchers relied on a triangulation of methods, including 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. The bulk of the data collection was conducted in summer 2019; the analysis in this report therefore does not cover events occurring in 2020, such as the COVID-19 pandemic or the August 2020 military coup in Mali.

Given the sensitive nature of the issue under investigation, whenever necessary and appropriate and in line with standard ethics guidelines (e.g. Economic and Social Research Council's Framework for Research Ethics), all researchers were careful to protect the anonymity of all participants. Participants were informed transparently about the purpose of the research and were asked for their consent.

The Berghof Foundation's long-standing research and practical expertise on the conflicts in question has served as an additional source of information. In particular, this study drew on the knowledge generated by several collaborative research projects, including studies on the role of non-state armed groups in peace processes and post-war political settlements in Colombia (Dudouet and Lundström 2016) and Mali (Roetman et al. 2019), on the role of religious and traditional peacemakers in Colombia, Mali and Myanmar (Mir and Vimalarajah 2016), on the role of formal and informal militias in Afghanistan (Feda et al. 2018), and on international peacebuilding and development support in Afghanistan (Van Veen and Dudouet 2017). Our National Dialogue Handbook (Berghof Foundation 2017) provided an additional source of information and in-depth insights into the design and implementation of national dialogues, including in Mali (e.g. Sy et al. 2016, 2017). Finally, this research also drew on the expertise and experience of the Berghof Foundation's staff whose involvement in current and past operational projects in all four countries allowed them to monitor and peer review this research.

² This partnership was established after the tragic passing of our trusted partner and principal researcher Ambroise Dakouo from the Alliance for the Rebuilding of Governance in Africa (ARGA-Mali).

2 Inclusivity as a vector of effective peace processes: Analytical framework and literature overview

2.1 Benchmarks for effective peace processes

This study defines a peace process as formal, bi- or multilateral political negotiations on substantive conflict issues, with or without the assistance of third parties, to end a civil war. Following the criteria of Darby and McGinty (2008), engagements between adversaries in a conflict qualify as a peace process if protagonists are willing to negotiate in good faith, parties abstain from using force as a means to achieve their objectives, the key actors are included in the process, and the negotiations address the central issues in dispute.

The course and structure of such processes are often uncertain. Peace processes are non-linear, complex and evolve organically as the negotiating parties repeatedly reshape the process, and re-evaluate their positions and chances of achieving their goals. Different peace processes thus go through distinct pathways, which makes it difficult to develop a blueprint for their development. The former South African president F.W. de Klerk, for example, identified three broad stages in the talks between the apartheid government and the ANC. After a first *exploratory phase* in which backchannel contacts were established, *informal talks* removed the most pressing obstacles and prepared *formal and representative negotiations* that resulted in a new constitution. Yair Hirschfeld, a key architect of the Oslo Accords of 1993, structured the process into four phases: *fact-finding*, *authorisation* for the talks, *legitimisation* of the channel, and *breakthrough* from backchannel to official talks (Powell 2014).

While there is a multiplicity of ways to structure and conceptualise the different phases of a peace process, a large share of the academic and non-academic literature applies a rather narrow definition of peace processes and predominantly focuses on formal and informal peace negotiations while putting less emphasis on the post-negotiation phase.

Peace negotiations are usually initiated through the establishment of informal backchannel talks in which a small number of representatives from each party establish discreet communication channels under conditions of deniability in order to gauge each other's seriousness about making peace and to build trust with one another. At this stage, the peace process is still highly exclusive and involves only a small number of selected people. However, if talks are to progress and fulfil their purpose of reducing violence and creating sustainable peace, these backchannels must at some point turn into official negotiations, which typically but not necessarily begin with a public announcement and involve a larger number of stakeholders. Formal negotiations are often unpredictable processes and demand a high level of resilience and steady determination by everyone involved. Their progress is halted, at times, by stalemates or 'no-war-no-peace' standoffs before they ultimately and ideally culminate in a binding agreement.

However, the signing of an agreement does not conclude the peace process, nor does it necessarily resolve the causes of the conflict. It is rather the beginning of a process that is aimed at transforming the conflict and gives "parties the necessary building blocks to start working towards a peaceful society" (Martti Ahtisaari, as quoted in Powell 2014: 279). To bring about sustainable peace, an agreement needs to be codified through political and constitutional reforms that manage the underlying conflict and build channels for future cooperation. These often need to be further refined through follow-up negotiation formats during the implementation stage (see Ball 2001).

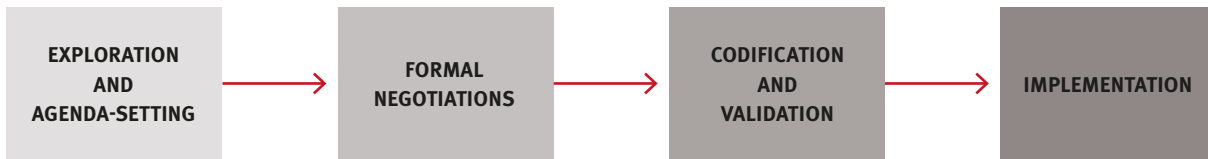


Figure 1: Main stages of peace processes

Peace negotiations thus represent only one of several steps in the complex transition out of armed conflict. When it comes to the materialisation of inclusive political settlements, post-agreement bargaining is equally important. Since the timing and sequencing of inclusivity is a key concept underpinning this study, we examine negotiation arenas and decision-making processes throughout the *exploration, negotiation, codification, validation* and *implementation* of peace agreements.

To study the effect of inclusivity during these various phases of a peace process, this report analyses its impact both on the quality of the peace agreement and on the effectiveness of its implementation. These two key concepts serve as a ‘benchmark’ across the four cases and are defined according to the following four criteria:

- ≡ Was a comprehensive peace accord signed? While different kinds of agreements are made over the course of a peace process, ranging from ceasefire deals to procedural agreements on the nature of the talks, sustainable peace can only be provided for by a comprehensive peace agreement with extensive constitutional, political, social, and economic reforms.
- ≡ Did it address the key conflict drivers? The agreement should aim to resolve the major grievances that gave rise to the conflict by directly addressing its root causes, or by establishing and strengthening ' the institutional and social mechanisms that indirectly address and transform the structural causes of violence.
- ≡ Did it end violence in a sustainable manner? The quality of the peace agreement is also measured by its ability to prevent a potential relapse into violence or the continuation or escalation of violence in the long run.
- ≡ Was it fully implemented? The provisions of the agreement should be implemented in the form of a constitutional and legislative reform mechanism, for example, or a power-sharing agreement, electoral reforms and election, peacebuilding and reconciliation programmes, DDR and security sector reform, or should include clear modalities for the implementation of its provisions and adequate processes to deal with possible disagreements that arise during implementation.

2.2 Inclusivity: What, why, who, how and when?

Existing research on inclusivity in peace processes and post-war political transitions is located at the intersection between several strands of the social sciences, including peace and conflict studies, political science and democratisation theory, gender studies, law, and development studies. As a field of research, it is the continuation of a fierce and long-standing theoretical controversy about the drivers of conflict that is commonly known as the ‘greed versus grievance’ debate. This debate has sought to explain conflicts as either the product of deeply felt grievances or the result of an opportunity structure in which rebellion

is an attractive option. Although this dichotomous ‘either-or’ framing has been shown to be largely misguided (see Bara 2015), the debate around incentive- vs. opportunity-based explanations of conflict has generated a vast amount of academic, macro-level literature on the causes of, and the potential solutions to, violent conflict. One major strand of this literature examines the role of inclusion and exclusion in causing, preventing, and resolving internal conflict. Building on Gurr’s (1993, 2000) pioneering work, this research has found that the inclusion of ethnic groups and particularly their elites either through territorial autonomy and decentralisation (McGarry and O’Leary 2009; Cederman et al., 2015) or governmental power-sharing (Lijphart 1977) can help prevent or end civil conflict. By providing all groups with a stake in the political process, so the argument goes, they are more likely to moderate their claims and foster change cooperatively from within (see Lijphart 2002).

The focus on inclusivity at the group level has since diffused to all areas of conflict and peace studies, including the study of peace processes and mediation. In particular, the concept of ‘inclusive enough’ transitions introduced by the 2011 World Development Report (World Bank 2011) has had a major impact on peacebuilding and development scholarship, inspiring researchers to carry out both quantitative and qualitative enquiries on the concepts, meanings, attributes and benefits of inclusive peace(building) processes and outcomes. Findings suggest that, generally, the degree, timing and type of inclusion shape the political dynamics of negotiation processes and also affect whether the resulting peace agreement is successfully implemented and contributed to a sustainable peace (see e.g. Papagianni 2009; Call 2012).

However, despite some major theoretical and empirical breakthroughs, the literature on inclusivity in peace processes retains a high level of conceptual confusion. While there is relatively broad consensus that inclusion is a crucial factor in terminating conflict, there is disagreement over what type of inclusion is most important. In particular, there is disagreement on who to include at what stage and to what end. In the following, we look at the different dimensions of inclusivity and provide an overview of the conceptual debate to illustrate how we use the term in this report.

2.2.1 WHAT: Definition of inclusivity

The literature that deals with inclusivity in peace processes generally distinguishes between two broad dimensions of inclusion: the inclusion of actors and the inclusion of issues. The former is often examined through the concept of process inclusivity (i.e. effective participation by all concerned actors beyond the primary warring parties), while the latter largely refers to outcome inclusivity (i.e. effective materialisation of post-war dividends for all social sectors affected by the conflict).

While most of the existing policy and academic literature tends to focus on one or a combination of the different dimensions of inclusivity, most often process-related inclusivity, this report is based on an all-encompassing understanding of inclusivity. We therefore define inclusivity as the *“degree of access to the various arenas of political settlements by all sectors of society, beyond the most powerful (pre-war) elites – both by participating (directly or indirectly) in decision-making, or by having their concerns addressed by the state”* (Dudouet and Lundström 2016: 8).

Such inclusivity can be measured through subjective perceptions or objective quantification. In some contexts, the perception that the outcomes are responsive to the needs and interests of a particular constituency is more important than the active participation in the decision-making process that led to that particular outcome (Parks and Cole 2010). Furthermore, inclusivity can be assessed within a single actor, between different actors or with regard to ‘outsiders’ who do not participate directly in the political settlement or its implementation.

2.2.2 WHY: Rationale for inclusive peace processes

There is increasing policy consensus around the idea that political transitions and peace processes need to be broadly inclusive and representative, and should incorporate those who have traditionally not had a voice in decision-making. This consensus is reflected in a number of initiatives by international institutions, including SDG 16 of the UN Agenda 2030, the UN Guidelines for Effective Mediation (UN DPA 2012), and the EU Concept on Mediation and Dialogue Support (Council of the European Union 2009).

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 as well as between citizens and the state (Zahar and McCandless 2020; Parks and Cole 2010; Kaplan and Freeman 2015; Bell and Pospisil 2017; Carl 2019).

One issue that has attracted particular attention in the research community is the inclusion and meaningful participation of women in various arenas of the peace process. Paffenholz et al. (2016), for example, found that genuine participation by women is positively correlated with agreements being reached and implemented. According to Anderlini (2007), women are often credited for bringing an understanding of root causes to the table, for displaying a holistic approach to peace and focusing on practical issues relating to quality of life and human security, and for recognising discrimination faced by marginalised groups and the importance of building positive relations while negotiating. Such a positive effect of inclusion has also been observed for other actors. Overall, the arguments in favour of inclusion in peace processes can, broadly, be classified in four categories:

- ☰ **Sustainability:** A number of quantitative studies found strong evidence of the link between involvement of civil society in a peace process and the durability of peace. For example, a comparative study of over twenty peace negotiations across Africa, Asia, Europe, and Latin America shows that the active involvement of civil society in peace negotiations has a strong effect on the durability of peace. All negotiations characterised by high civil society involvement have resulted in sustained peace, whereas most of the cases of low civil society involvement experienced a resumption of warfare (Wanis-St. John and Kew 2008: 27). Using novel data on the inclusion of civil society actors in all peace agreements in the post-Cold War period, Nilsson (2012) comes to a similar conclusion and finds that inclusion of civil society increases the durability of peace. Her findings are in line with Papagianni (2009), who also shows that peace agreements are – on average – more sustainable and effective if they entail a combination of inclusive elite consultations and a wider national dialogue. The positive effects of inclusion on the sustainability of a peace process have also been shown to apply to specific marginalised social categories, including women (Paffenholz et al. 2016; O'Reilly et al. 2015) and youth (Simpson 2019), or non-state armed groups (Ricigliano 2005; Dudouet 2009; Toros 2012).
- ☰ **Legitimacy:** Inclusion does not only enhance sustainability, but is also instrumental in producing legitimacy and public buy-in. While negotiations among a narrow group of elites often fail to fully reflect the interests of citizens (see Barnes 2002; Ron 2010), inclusive negotiations can help ensure that broad public interests are fed into the peace process and can add to the narrow preferences of negotiators – who might focus on their own political interests, or wish to avoid difficult issues in order to expedite an agreement. This broad participation in the decision-making process results in greater public acceptance and support for the eventual outcome, as it is seen as emerging from existing social forces representing real interests (e.g. Jarstad and Sisk 2008; Wanis-St. John and Kew 2008). Through the inclusion, or authentic representation, of a multitude of stakeholders, broader ownership of both the negotiations (input legitimacy) and the outcome (output legitimacy) can be increased, which in turn

generates social pressure for implementation and a more resilient social contract between the state and its citizens (Zahar and McCandless 2020). The normative claim that increased inclusion enhances the legitimacy of the process is also grounded in empirical evidence. Using original empirical data from the peace negotiations in Liberia in 2003 and Kenya in 2008, Zanker (2014: 62) shows that “the involvement of civil society groups can in fact make the conduct of negotiations and the outcome of an agreement more legitimate for the aggrieved population”.

- ☰ **Accountability:** In contrast to more inclusive dialogue formats such as National Dialogues or Constituent Assemblies, peace negotiations usually take place in confidential settings between the main power contenders and conflict protagonists, i.e. representatives of the state, armed opposition groups, and occasionally other political parties. Communication channels with non-combatants and non-state actors are primarily top-down led and unidirectional with the primary aim of informing the broader public about the progress of the talks while ensuring confidentiality to allow parties to make critical concessions away from the pressure of public scrutiny. This lack of transparency often extends beyond the negotiation phase and can hamper accountability throughout the entire peace process. However, with inclusivity increasing, non-state actors can monitor decision-making more closely and build feedback loops with their respective constituencies and the wider public, allowing them to hold the signatories to a peace agreement accountable and ensure its implementation according to agreed rules and procedures (Cortright et al. 2017). This exposure to public scrutiny furthermore enhances pressure for implementation and decreases the likelihood of conflict parties opting for an opportunistic peace deal that does not address the root causes of the conflict and fails to lay the ground for sustainable peace (Lanz 2011).
- ☰ **Expertise:** Finally, non-state actors such as professional civil society organisations can contribute to peace processes by bringing in a set of skills that are important for reaching a sustainable agreement. This is especially true of professional NGOs (e.g. think tanks, conflict resolution organisations, humanitarian organisations), which can make their know-how on implementation guarantees, timing and sequencing of peace provisions available to the process and provide comparative knowledge on what has worked and what has not worked in other contexts (Wanis-St. John and Kew 2008; Corell 1999).

Despite these normative and empirical arguments, the call for inclusive peace processes is frequently met with resistance as governments traditionally see such negotiations as a quintessentially governmental activity (Barnes 2002: 11). However, in addition to interest-driven resistance, there are a number of legitimate, empirical arguments that question the value of inclusion and its impact on the effective implementation of an agreement and the sustainability of the peace process as a whole.

A comparative study by Zanker (2014: 82), for example, shows mixed results on whether inclusion favoured civil society’s ability to positively affect the legitimacy of negotiations in Liberia in 2003 and Kenya in early 2008. Nilsson (2018: 147) compared the peace processes in Nicaragua, El Salvador and Guatemala and is equally sceptical, as she finds that civil society participation during the negotiation process mainly serves “to legitimize the negotiated outcome, not to strengthen civil society’s role in the implementation stage”. Unlike Zanker (2014) and Nilsson (2018), who portray inclusion as ineffective at best, there are a number of studies that discuss inclusion more critically and view it as an actual impediment to a sustainable peace process. Probably the most prominent concern regarding inclusion is its presumed negative impact on the efficiency of the process and the effectiveness of its outcome. Based on Robert Axelrod’s (1984) work on the evolution of (reciprocal) cooperation, critics of inclusion argue that an increase in the number of actors with divergent interests might not only be time-consuming and costly, but also carries a risk of complicating already complex negotiations due to a loss of focus, an overloaded agenda, collective action problems, and decreasing efficiency of negotiations. Although this argument has been partly refuted by Ghais (2016: 315) for the example of Liberia, there seems to be widespread agreement that bringing too

many parties and interests to the negotiating table makes it harder to reach consensus and “might threaten the warring parties, jeopardising their political will to come to any agreement” (Jok 2015). Furthermore, the resulting agreement might disperse power and authority so widely that it paralyses the political system and jeopardises state coherence (Rocha Menocal 2011: 1729).

Finally, Wanis-St. John and Kew (2008: 12) find that the dynamic of exclusion corresponds to a number of specific needs in the negotiation process. Among those is the principals’ desire to manage their internal hardliners, a reluctance to reveal to constituents that one is negotiating with the enemy, the need to build trust with counterparts, and the need to avoid agreeing with the preconditions that conflict parties often demand of their adversaries.

These multiple arguments are often put forward by national stakeholders who resist inclusion. The locus of resistance to broadening participation usually comes from the main conflict parties, i.e. key political and military elites and armed groups, who are reluctant to share power with more actors and significantly constrain inclusion efforts in what they consider ‘their’ process. As gatekeepers to the process with more political experience, social capital, and technical and legal expertise to shape the processes on their own terms, they restrict inclusion by controlling the selection of actors, by ignoring their inputs, targeting funding and other sources of support, by co-opting or delegitimising actors, or by using repressive violence against potential participants in the process. As an example of resistance from the powerholding elite, Cuhadar (2020) mentions the inclusive Constituent Assembly put in place after the signing of the the Comprehensive Peace Accord in Nepal in 2006. Although the Assembly was initially established as a highly representative body with the participation of lower castes, minority groups, and women, the decision-making process was gradually captured by the old political elite, who feared losing their privileged status and reversed most of the inclusive arrangements.

Opposition to inclusion can also come from donors, traditional and religious leaders, or the media. International mediators may also shy away from complicating negotiations by including groups who they consider to have insufficient negotiation expertise and instead opt for pragmatic, more exclusive arrangements, which they believe to be easier to manage and to increase the likelihood of a quick success (Paffenholz 2014). International actors involved in peace support or stabilisation missions may also influence the range of actors that can be engaged in a peace process, by imposing their own red lines against dialogue with publicly-shunned or legally proscribed hardliners and extremists (Göldner-Ebenthal and Dudouet 2019). Finally, opposition can also come from within marginalised groups themselves: for instance, nonviolent grassroots activists may see the prospect of negotiation with a repressive government as ‘pacification’ and ‘selling out’, and as potentially jeopardising the movement’s revolutionary momentum (Dudouet 2020).

The above arguments lay bare the lack of consensus regarding the value and effect of inclusivity and further emphasise the need to find the right formulas for sustainable and effective peace processes. At the heart of this endeavour lie the challenges of designing and implementing ‘inclusive enough’ deliberation processes that allow a genuinely participatory process without impeding the efficiency of decision-making mechanisms, while sustaining the interest of elites to prevent them from acting as spoilers. One strategy for arriving at such a genuinely participatory process is the concept of ‘incremental inclusivity’, which we examine in detail in this report. However, before delving into it, and examining how it affects the quality and effectiveness of the peace processes in the four case countries under investigation, we first need to look at a number of elements that are of central importance to an incremental approach to inclusivity. In the remainder of this section, we thus take a closer look at the relevant actors (who?), the modalities and pathways (how?), and the timing (when?) of their inclusion, and illustrate what role these three concepts play in shaping an incrementally inclusive peace process.

2.2.3 WHO: Horizontal and vertical inclusion

Peace negotiations are traditionally led by representatives of the warring parties, such as government envoys and leaders of one or several rebel forces, sidelining social organisations and actors that did not actively (i.e. violently) take part in the conflict. However, we have seen above that broadening the participation in the negotiation and implementation phase can have a positive impact on the sustainability of the peace process as a whole.

Although there is increasing agreement that inclusive political settlements are more likely to end conflict, there is still substantial disagreement over who should be included at what time and to what extent. Deciding who should be included in a peace process is, of course, highly context- and issue-specific. Irrespective of what the relevant actors are in a given context, peacebuilding practice and literature typically distinguish them according to two types of inclusion practices in the peace process and post-war state institutions, namely horizontal and vertical inclusion.

≡ Horizontal and vertical inclusion

The concept of horizontal (or inter-elite) inclusivity is based on the assumption that war can only be brought to an end if all actors with the capacity to enable or block a peace accord and its implementation are represented in the peace process. Conceptually, this approach rests on Tsebelis' (2002: 301) theory of the veto player, defined as “an individual or collective actor whose agreement [...] is required for a change in policy” and Stedman's (1997: 5) adapted version of the ‘spoiler in peace processes’, defined as “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it”. Horizontal inclusion hence refers to the participation of groups and individuals from the political, military, economic, social or cultural elite in the form of government representatives, army leaders, political opposition groups, religious and traditional authorities or business elites (Parks and Cole 2010).

Proponents of horizontal inclusion see elite buy-in as a prerequisite for successful implementation of a peace deal as it has been found to decrease the chances of (violent) spoiling and increase opportunities for the negotiating parties to compromise while providing elites with flexibility of action in the face of crises and against hardline tendencies within their constituencies (Zahar and McCandless 2020: 122). Arguments in favour of elite bargains can also be found in the vast literature on the advantages of power-sharing (e.g. Norris 2008) and on Lijphart's (2012) model of ‘consociational democracy’, which argue that collaborative decision-making of all major groups encourages moderation and creates trust, two elements which are crucial for democratic transitions and sustainable peace. Others argue in favour of elite bargains as the only realistic way for non-elite interests – through patron-client relations – to be genuinely represented in the negotiating process (Parks and Cole 2010: 23). According to Lindemann (2008: 23), “inclusive elite bargains” have also been shown to lead to the maintenance of political stability.

However, research has shown that the exclusion of non-elite populations can have significant implications for the stability of the agreement and its implementation, especially if the vertical relations between elites and their followers break down and elites fail to redistribute resources and opportunities to their own broader constituencies, and do not manage to deliver the expected structural transformation to those suffering from marginalisation. According to Barnes (2009), inter-elite pacts are significantly more likely to break down because they often fail to address the interests and grievances of the many constituencies that did not take up arms and would not act as violent spoilers in a peace process. Dudouet and Lundström (2016: 28) illustrate this by looking at the case of El Salvador, where the lack of vertical inclusivity during the negotiations resulted in an agreement that primarily focused “on the core security and political agenda items put forward by the FMLN, at the expense of the basic needs and grievances expressed by Salvadoran society and especially marginalised communities”. Elite power-sharing is

also seen by many as a ‘quick fix’ that merely suspends violence in the short term, while undermining democratisation and further strengthening the power of elite cartels (Rothchild and Roeder 2005: 38; Jarstad 2008: 125).

To address this issue, the concept of vertical (state-society) inclusivity has gained increased prominence in both the literature and peacebuilding practice. The societal approach to inclusivity suggests that all non-state, nonviolent social forces that are affected by a conflict should be involved in the design and implementation of solutions. Vertical inclusion thus aims to include and empower marginalised groups more directly by giving larger segments of the population access to decision-making and strengthening the broader social contract between the rulers and the ruled. Vertical inclusion puts specific emphasis “on (previously) marginalised societal sectors who by tradition, culture or history have limited resources and entry points to access, influence and participate in the power infrastructure” (Dudouet and Lundström 2016: 9). These include, but are not limited to, women groups, youth organisations, trade unions, community-based organisations, victim groups, tribal/traditional authorities and others.

Although sometimes mixed and contingent on the type of actor and the timing and modalities of inclusion (Kanol 2015; O’Reilly et al. 2015), there is overwhelming evidence on the benefits of including nonviolent, non-state actors in peace processes, as shown in the above section. However, there remain substantive empirical and analytical gaps when it comes to the role of other non-state actors, including ‘hard to reach’ actors such as ‘violent extremists’ and other radical non-state armed groups at the horizontal level, as well as grassroots informal social movements at the vertical level. These are the two types of actors we examine in detail in this report and describe in the remainder of this section.

Focus 1: Non-signatory armed groups

Non-state armed groups (NSAGs)³ are most often defined by reference to their attitude towards the core function of the state. They question the state’s legitimate use of coercive force and want to “challenge or reform the structure of political and economic power, to avenge past injustices and/or to defend or control resources, territory or institutions for the benefit of a particular ethnic or social group” (Ricigliano 2005). They possess a hierarchical organisation (or a basic command structure) and are well-organised. The definition excludes groups which are primarily pursuing a private agenda rather than political, economic, or social objectives (such as criminal organisations, drug cartels and private security agencies). Pro-government militias only fall into this category when they have a significant degree of independence from state control.

Over the past decades, many non-state armed groups have embarked on peace processes, participated in the post-settlement reconstruction of their societies and have transformed into political parties. Examples are the African National Congress (ANC) in South Africa, the Maoists in Nepal, the Free Aceh Movement (GAM) in Indonesia, and more recently the Moro Islamic Liberation Front (MILF) in the Philippines. There is a vast body of literature on the role and inclusion of non-state armed groups in peace processes. However, in this report, we focus primarily on non-signatory groups, which were not party to the ceasefire or the peace accord under study. In the four case study countries, this includes:

- ≡ Colombia: ELN, FARC dissidents and paramilitaries
- ≡ Afghanistan: Taliban, the Haqqani network, and the Afghan branch of the Islamic State (IS)
- ≡ Myanmar: various ethnic armed organisations (EAOs) that have not signed the Nationwide Ceasefire Agreement (NCA)

³ Other terms include: resistance and liberation movements (Dudouet 2009), rebel movements, insurgent groups (unlike morally more ambiguous, normative terms such as ‘terrorist organisations’ or ‘freedom fighters’).

- ☰ Mali: Salafi Jihadi armed groups, splinter groups from Algiers agreement signatories, and newly emerged armed actors in central Mali.

Few scholars have attempted to analyse the impact of negotiations with one armed group on the decision by other NSAGs to also seek negotiated and nonviolent avenues or to further radicalise (e.g. Goerzig 2010). The evidence on this issue is therefore still inconclusive. While Walter (2009) finds that accommodating one group leads to increased armed violence by non-signatory groups, Joshi and Quinn (2016) point out the positive role of successfully implemented peace agreements for decreasing the prospect of non-signatory armed groups using violence.

Focus 2: Social movements

Unlike most academic literature, the focus of our analysis on the vertical level goes beyond professionalised civil society organisations by including social (i.e. popular or civic) movements and coalitions that represent large groups of individuals, are organised around shared goals, and mobilise jointly in pursuit of these goals. This definition can include a very diverse group of actors from various communities of interests, identity and values, ranging from informal, fragmented social movements to more formal and professionalised institutions and platforms with national, regional, rural, or urban scopes. The key features of social movements is their grassroots nature and their methods of collective political action, which do not involve violence or the threat of violence to challenge authority and promote social change. Rather than giving a stage to elites and technocrats claiming to represent the interests of their constituencies (e.g. ‘out-of-touch NGOs’), grassroots social movements include and seek to empower those directly affected by the conflict through collective, coordinated, nonviolent campaigns. These can include demonstrations, strikes, marches, non-cooperation, or constructive resistance without the threat or use of violence (see Dudouet 2017: 5). The concept is in line with Della Porta and Diani’s (1996: 14-15) definition of social movements as “informal networks, based on shared beliefs and solidarity, which mobilise about conflictual issues, through the frequent use of various forms of protest”.

Examples of such actors include women’s rights organisations, youth associations and networks, religious groups, faith-based organisations, traditional or indigenous organisations, victim groups, pro-peace movements, trade unions, human rights advocacy groups, Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) organisations, diaspora associations, and other minority groups. The empirical sections of this report will primarily analyse the roles of broad-based social coalitions mobilising in favour of (or against) a peace accord, as well as sectoral groups advocating for the inclusion of thematic provisions (on gender, ethnic, transitional justice, etc.) in political settlements, or protesting against perceived shortcomings in addressing these issues. Indeed, as evidenced in the literature on civil society and peacebuilding, peace processes give rise to both pro-peace constituencies, and (counter-)movements mobilising against a peaceful settlement, either because they believe that one should not ‘talk to terrorists’ (e.g. if armed opposition groups have been publicly vilified for years), or because they oppose the substance of the talks, especially in contexts of acute social, political or ethnic polarisation. The example of Sinhala nationalists who mobilised in opposition to peace talks with Tamil armed insurgents in Sri Lanka has been well documented (e.g. Orjuela 2003).

While social movements often contribute actively to transitions to peace and democracy through bottom-up civil resistance (Dudouet 2020) and their exclusion can provoke mass protests (Zahar and McCandless 2020), they are rarely invited to play a meaningful role during political negotiations and post-agreement decision-making. Their inclusion is often limited to indirect representation through political leaders or ‘token participation’ in recognition of their contributions to social change by incumbent elites (Dudouet and Lundström 2016). While it is true that their lack of clear leadership and their sometimes unclear delineation can make it difficult to engage grassroots social movements (UN DPA 2012), their

exclusion often happens for other reasons, not least due to their perceived radical or uncompromising attitude (Wanis-St. John and Kew 2008; Dudouet 2020).

As a consequence of their absence from many negotiations and post-agreement decision-making, there is also very little in-depth research on the potential timing and modalities of social movements' inclusion during political settlements, and on the impact of their participation on the implementation of structural reforms to address the socio-economic grievances that lie at the heart of most intra-state conflicts.

2.2.4 HOW: Modalities of inclusion

The participation of non-signatory armed groups and grassroots social movements in peace processes does not happen naturally but needs to be actively claimed and provided for. There are a number of modalities for groups to achieve inclusion while simultaneously accommodating the increased complexity and guaranteeing effective process design.

Although there is an excessive focus on the negotiating table as the central negotiation platform and the main point of access for formerly excluded groups, inclusion can take place in all phases of the peace process and through a variety of modalities. The implementation phase in particular provides a range of opportunities for inclusion as it opens up a number of implementation mechanisms and fora. Determining how inclusive or exclusionary a political settlement is, can therefore not “be understood simply by looking at the extent of participation in the bargaining process [...] the ultimate test of inclusiveness needs to be anchored in the distribution of rights and entitlements, which are the outcomes of the settlement” (Di John and Putzel 2005: 5).

The ‘modalities of inclusion’ project by the Inclusive Peace and Transitions Initiative (IPTI) provides the most comprehensive and practice-oriented overview of modalities to integrate all relevant actors into peace processes design (Paffenholz 2014; Paffenholz et al. 2016). Looking beyond the negotiating table as the only entry point for non-elite participation, the project identifies nine approaches to incorporate the views of various societal groups (including ‘the public’) during negotiated settlements. The nine inclusion modalities are neither mutually exclusive nor restricted to one particular phase of the peace process.

- ≡ Direct representation at the negotiating table
- ≡ Observer status
- ≡ Official consultative forums
- ≡ Informal consultations
- ≡ Inclusive commissions
- ≡ High-level problem-solving workshops
- ≡ Public participation through public hearings, opinion polls, town hall meetings or signature campaigns
- ≡ Public decision-making/validation through elections or referendums
- ≡ Mass action

While **direct representation at the negotiating table** alongside the main conflict parties (e.g. in a National Dialogue) could potentially maximise influence, it is in most cases an unlikely scenario. ‘Negotiating tables’ are by nature exclusionary Track 1 bargains between a small circle of political and military elites behind closed doors, whose results are then presented to a broader set of stakeholders as a *fait accompli*

4 Paffenholz (2014) mentions the example of the 2002 Inter-Congolese Dialogue that brought together a broad set of actors, including the government, political opposition, armed groups and civil society. However, the different groups did not have an equal say in the negotiations and many civil society groups were not genuine representatives of their constituencies.

(Wanis-St. John and Kew 2008: 11). Vertical inclusion at that stage is not only difficult, but also largely ineffective, as “the veritable locus of negotiations is outside of the formal negotiation space behind closed doors” (Bramble and Paffenholz 2020: 38), and inclusion often does not translate into actual influence over the process and significantly improved outcomes (see e.g. Di John and Putzel 2009: 5).⁴ According to Wanis-St. John and Kew (2008: 13), inclusion in the negotiation can, however, be effective and make the process more sustainable if negotiating elites are democratic and civil society has regular influence on those elites.

Official and informal consultations are very widely used to make peace processes more inclusive. They happen in parallel to both the negotiation and the agreement implementation. They are frequently used during constitution-making processes as well as in truth and reconciliation programmes. Consultative forums help gather opinion and input from a larger set of constituents and are used to raise awareness and increase the legitimacy of reforms. This is achieved by acknowledging the individual and collective experiences and views of the broader public. Bramble and Paffenholz (2020: 36) find that in a number of cases, consultations can help build trust and increase the ownership of both the process and the resulting institutional framework. However, their impact and ability to enable meaningful inclusion remain disputed and highly contingent on the issue and the standing of the institution that carried out the consultations.

Inclusive commissions are the most frequently used modality to broaden inclusion, particularly during the implementation phase. Bramble and Paffenholz (2020: 13) distinguish between permanent bodies (often constitutionally enshrined), post-agreement commissions that carry out specific parts of the implementation process, and commissions that prepare or conduct the peace process. Examples of such inclusive commissions are reform commissions, truth and reconciliation commissions, human rights and gender commissions, and monitoring commissions. Depending on their composition and independence from the major negotiating parties, inclusive commissions can result in broad societal representation with a tangible impact and increased buy-in of the conflict parties and the public. However, they can also end up as inefficient paper tigers, or a window-dressing exercise, that merely simulates inclusion and whose proposals and legislation are widely ignored.

High-level problem-solving workshops are unofficial and informal spaces for discussions, primarily among delegates of high-level representatives under conditions of deniability and at a level and in a context that represents a relatively low degree of commitment. Due to the very limited use and discreet nature of such formats, their ability to enable meaningful inclusion and influence remains unclear and doubtful.

Modalities of **public participation and decision-making** have a crucial role in fostering legitimacy and creating a strong sense of popular ownership. One very powerful means of public decision-making are popular referenda in which the implementation of the agreement’s provisions are put to a public vote. Popular referenda provide a forum for public discourse and incentivise grassroots social movements and other formerly excluded actors to mobilise around their demands. However, broadening the participation through popular votes also risks disrupting or derailing the implementation process. This was the case with the ‘no’ vote in the 2016 Colombian peace agreement referendum, or the ‘no’ vote in the 1999 popular referendum in Guatemala, which halted the implementation of reforms envisaged in the peace agreement that would have improved the status of the Maya population, and led to renewed violence.

Finally, **mass action** includes a broad range of activities from street protests and strikes to petitions and other types of campaigns. They are typically used to express grievances, exert pressure on the conflict parties to end violence and start or resume negotiations, to influence issues and positions on the negotiation agenda, or raise awareness regarding (lack of) implementation. Like public participation, mass action is of particular relevance for nonviolent movements in supporting – or hindering (i.e. anti-peace campaigns) – inclusive peace processes. Mass action has proved to be a powerful instrument in rallying support for an agreement or in influencing the legislative process and bringing about institutional changes in the context of implementation. The successful street protests in Nepal that demanded a federal structure in the interim constitution or the petitions in South Africa and Northern Ireland in support of specific constitutional provisions illustrate this.

2.2.5 WHEN: The concept of incremental inclusion

In Section 2.2.2., we identified the trade-off between inclusivity and effectiveness as one of the biggest impediments to broadening participation both horizontally and vertically. By looking at the timing and sequencing of inclusion, we address this dilemma and hope to find ways to overcome it.

However, before we present the different concepts of sequential inclusion, we first need to have another look at how we define the stages of the peace process. A key conceptual underpinning of this study stems from the realisation that peace accords represent only one of many steps in complex transitions out of armed conflict. Therefore, post-agreement bargaining and decision-making arenas are as important as the preceding negotiations when it comes to the implementation of inclusive political settlements. Based on this realisation, we shift the focus away from the narrow period of negotiations and instead look at the political settlement as a whole. The latter is a reflection of all decision-making processes throughout the negotiation, codification and implementation of peace agreements and other political deals aimed at forging a common understanding about how power is organised and exercised in a given society. Focusing on political settlements rather than peace negotiations hence means broadening the analysis to a multi-level approach that incorporates other sectors of society that are attempting to build peace, including national dialogues (Stigant and Murray 2015; Planta et al. 2015; Berghof Foundation 2017), constitutional assemblies (Bell et al. 2017), technical committees (Bramble and Paffenholz 2020), and informal interactions that affect how power is organised (Parks and Cole 2010). To capture all these mechanisms and explore the extent to which additional actors can participate and influence decision-making, we examine the entire peace process as illustrated in Section 2.1., starting with *exploration and agenda-setting*, which then breaks through to *formal negotiations*, leading to the signing of an agreement which requires *codification and validation*, and ultimately its *implementation*. These are not necessarily distinct phases but can sometimes overlap and happen simultaneously, with the agreement being renegotiated during the implementation phase or with exploration and agenda-setting happening during negotiations. The phases are also not linear and unidimensional, with dialogue processes occurring on various issues, with different actors and at different political and societal levels.

There is only very limited opportunity for broadening participation during the exploration and negotiation phase. ‘Incremental inclusivity’, as conceptualised by Dudouet and Lundström (2016: 32), starts from the premise that negotiating tables are exclusionary by definition, as they usually take the form of elitist bargaining deals behind closed doors between the primary conflict stakeholders. Consequently, it may be unwise and unrealistic for mediators and political/security elites to negotiate ‘comprehensive peace accords’ (as labelled in Nepal and South Sudan) through formats which do not include all concerned and affected stakeholders. Instead, if they are unable to include all relevant voices meaningfully, peace negotiations ought to be restricted to addressing immediate security or humanitarian priorities and setting general parameters for a transformative agenda, while the subsequent decision-making over the transformation of the conflict’s root causes should take place within participatory arenas (e.g. National Dialogue, Constituent Assembly, or inclusive commissions). The exclusionary, “back-channel” nature of negotiations is, however, not without consequences. It can prevent the formation of a broad pro-peace constituency and can lead to failures in implementation, and ultimately undermine the process as a whole, as Lanz (2011) has found to be the case in the Palestinian-Israeli peace talks in 1993.

To some extent, the concept of incremental inclusivity is inherent in most political settlements, which typically start with covert backchannel talks “between top representatives of the government and the (sole or primary) opposition group, before involving broader segments of the state, opposition, civil society and in some cases additional armed groups” (Dudouet and Lundström 2016: 32). This incremental participation is illustrated by the peace negotiations in Colombia in 1991, when a number of guerrilla groups first signed ‘minimal’ peace accords focused on modalities for disarming, demobilising and reintegrating before they were given access to the broad Constituent Assembly where substantive structural reforms were negotiated and codified (Rampf and Chavarro 2014). Samuels (2005: 1) mentions the increasingly inclusive transition

in South Africa and the Bonn agreement for Afghanistan, which initiated a multi-step process that was increasingly participatory and thus incrementally improved the legitimacy of the new government, as other examples of the incremental character of inclusivity.

These examples illustrate that, in the absence of any genuine, broad inclusion during the exploration and negotiation phase, the implementation stage is of particular importance for advancing inclusion. Indeed, agreements often include provisions for the establishment of various implementation bodies that encourage participation. Although those provisions may not guarantee inclusion, they “are highly conducive to ensuring inclusion during implementation, as such measures tend to be adhered to, and can be built on, thus serving as a catalyst for further inclusion” (Bramble and Paffenholz 2020: 19).

The most common implementation mechanisms include constitutional and legislative reform processes,⁵ interim power-sharing governments, electoral reforms or the holding of elections, peacebuilding and reconciliation programmes, security sector transformation such as DDR and SSR, and monitoring mechanisms that provide signatories, mediators and the public with reliable assessments on the progress of implementation or potential breaches of the agreement.

There are significant differences in the extent to which actors beyond the main conflict parties can participate in these implementation mechanisms and influence the process. Bramble and Paffenholz (2020) find that vertical inclusion is likely in programmes relating to peacebuilding, reconciliation, human rights, and constitutional and legislative reform processes, while processes dealing with highly sensitive security sector issues usually offer limited opportunities for participation. Genuine vertical inclusion was also minor and limited to symbolic or consultative participation in monitoring mechanisms, despite civil society organisations’ apparent eligibility to play a major role in monitoring implementation in light of their credibility and transparency.

5 Constitutional reform processes can also take place during the negotiation phase, as was the case in South Africa, where the new constitution was also the peace agreement.

3 Inclusion pathways for non-signatory armed groups and social movements

This section aims to apply the conceptual propositions explored in Section 2 to the empirical realities of recent and ongoing negotiations and peace implementation processes in Afghanistan, Colombia, Mali and Myanmar. In particular, it will examine the timing and modalities of horizontal and vertical inclusion, with a specific focus on non-signatory armed groups and sectoral social groups. This will then be followed in Section 4 by an analysis of the influence of incremental inclusion efforts (or failures) on the quality and sustainability of the four peace processes under study.

3.1 Horizontal inclusion of non-signatory armed groups

The first type of non-state actors scrutinised in this report, i.e. armed groups (as defined in Section 2.2.3), comes across as a highly heterogeneous category that comprises a varied range of entities with local, national or transnational aspirations, along a wide ideological spectrum ranging from Marxism to Salafist Islam, all the way to pro-status quo militias and apolitical, profit-oriented criminal groups.⁶ The main dividing line for the purpose of this research study lies in these actors' inclusion or exclusion from the peace process investigated, with the latter group being labelled as 'non-signatory armed groups'. We first map out these two categories across the four contexts, before analysing the factors that facilitated or constrained their incremental inclusion from the pre-talks and formal talks right up until post-agreement negotiations.

3.1.1 Mapping of included and excluded armed actors

When examining the dynamics of horizontal inclusion and exclusion in the four case study countries, comparable trends could be found in Afghanistan and Colombia, on the one hand, and Mali and Myanmar, on the other. In the former two cases, bilateral negotiations took place between the government and one armed opposition group, while another significant armed actor sharing similar (or comparable) ideological roots was excluded from the process. A main distinction between both cases lies in the power dynamics at play: while the Colombian peace process involved the largest guerrilla group operating in the country and excluded the smaller one, the Kabul Agreement was signed by a weaker rebel group while the strongest insurgency group was not part of the peace deal.

⁶ The analysis will focus here on the most important NSAGs, or those that fit our criteria for NSAGs as defined in Section 2.2.3.

In **Afghanistan**, the main parties to the 2016 Kabul Agreement were the Afghan National Unity Government (NUG) and the Islamist insurgency group Hezb-e Islami, founded in 1977, and led from exile by Gulbuddin Hekmatyar. Far from representing a unitary actor, Hezb-e Islami was made up of a military wing called Hezb-e Islami Gulbuddin (HIG) and a political party, Hezb-e Islami Afghanistan (HIA), which had been registered as a legal political party since 2005 and was already represented in government and parliament before the peace talks (Orhan 2016). In fact, the HIA party functioned as one of the main entry points for the peace negotiations with HIG.

Among the armed actors which were not involved in the 2014-16 peace process, the Afghan Taliban constitutes the most important non-signatory group. The Taliban was founded in the early 1990s and ruled Afghanistan from 1996 until 2001. After its regime was defeated by a US-led invasion force in 2001, the Taliban re-grouped in Pakistan and initiated an insurgency against the new Afghan government, its international allies and former Afghan insurgent Mujahedeen groups (Laub and Maizland 2020). Ongoing warfare occurred throughout the HIG peace process, but the path to a political settlement gained significant momentum in 2019 through bilateral negotiations with the United States. Two other insurgency groups which pursued their armed activities throughout the HIG negotiations are the Haqqani network and “Khorasan” branch of the Islamic State (IS). The former has been active since the Afghan civil war in the 1980s and pledged allegiance to the Taliban in 1995, while the latter was formed by dissidents from the Pakistani Taliban and mainly operates in the border region with northern Pakistan but also in Tajikistan and India (Azami 2016).

In **Colombia**, the two signatories of the 2016 Havana Peace Accord were the Colombian government and the Revolutionary Armed Forces of Colombia—People's Army (FARC-EP, also known as FARC), a leftist guerrilla group founded in 1964 and led at the time of the agreement by its commander-in-chief Timoleon Jimenez, known as Timochenko. A smaller guerrilla group, the National Liberation Army of Colombia (ELN), also founded in 1964 and pursuing a Marxist ideology permeated by liberation theology, was not involved in the FARC peace process, but was engaged in its own informal explorations for parallel negotiations in 2017-18. The ELN is a decentralised organisation consisting of seven fronts operating throughout Colombia, and led by a Central Command. Commander Pablo Beltrán currently acts as its main spokesperson. In addition to the ELN, a number of FARC dissident groups,⁷ defecting guerrilla fighters and criminal and paramilitary groups have remained involved in armed activities and were not part of the Havana process.

In contrast to Afghanistan and Colombia, in both Mali and Myanmar, a wide range of NSAGs took part in multi-party negotiations, while many others were not involved in the talks. In Mali, the armed groups that were included were organised in two coalitions during the Algiers peace process, whereas those party to the ceasefire in Myanmar adopted an ‘all-inclusive’ approach to unite forces and adopt collective negotiating positions by forming several coordination bodies; however, in practice, many interviews with EAO representatives conducted for this study indicate a shared concern about the lack of collective strategic focus and the need for more efficient consultation and consensus-building mechanisms.

7 During the Havana negotiations, one of FARC’s guerrilla fronts declared itself as dissident and has remained active in the territory under its control. The signing of the peace deal and the demobilisation of the FARC also led to the formation, in 2019, of another dissident armed group made up of defecting guerrilla fighters under the leadership of former negotiator-in-chief and commander Iván Márquez.

In **Mali**, the various armed groups involved in the 2014-15 peace process were clustered in two main alliances of pro-government and opposition groups. With regard to the former, the Platform of Armed Movements (Plateforme) brought together pro-government armed groups and self-defence militias from the north. With regard to the latter, the Coordination of Azawad Movements (CMA) was formed in late 2013, in the pursuit of self-determination for the people of northern Mali (who refer to themselves as Azawad). Made up principally of Tuareg tribes, it brought together several armed liberation movements spearheaded by the National Movement for the Liberation of Azawad (MNLA). In 2014, the CMA was enlarged to incorporate two small splinter groups. Although these two coalitions enabled some coordination and streamlining of negotiating positions, ongoing leadership quarrels within their composite groups led to a constant refiguring of these alliances.

By contrast, NSAGs which have not been involved in the Algiers peace process are principally of a Salafi Jihadi persuasion, and hence have been categorised as terrorist organisations by the international community and the Malian government. They include Al-Qaeda in the Islamic Maghreb (AQMI), the Movement for Oneness and Jihad in West Africa (MUJAO), Ansar Dine and Katiba Macina. Some of these groups have been operating in Mali since the early 2000s and played an instrumental role in the advent of armed conflict in 2012, while others were formed more recently. In March 2017, the main Jihadi groups operating in Mali joined forces under the banner of the Group for the Support of Islam and Muslims (JNIM). JNIM bills itself as the official branch of al-Qaeda in Mali. Most of these groups share a transnational Islamist agenda and are united in their aspirations to apply Sharia rule in an Islamic state. They are divided over their foreign vs. Malian identity, especially when it comes to locally-rooted JNIM affiliates from northern and central Mali, namely Ansar Dine and Katiba Macina. In addition, smaller armed groups operate in various parts of the country, either on a transnational jihadist agenda (such as Katiba Khalid Ibn Walid in southern Mali), or on a self-defence agenda linked to inter-ethnic civilian massacres committed in central Mali since 2018 (such as the Alliance for Salvation in the Sahel). Their linkages and relations with JNIM are unclear.

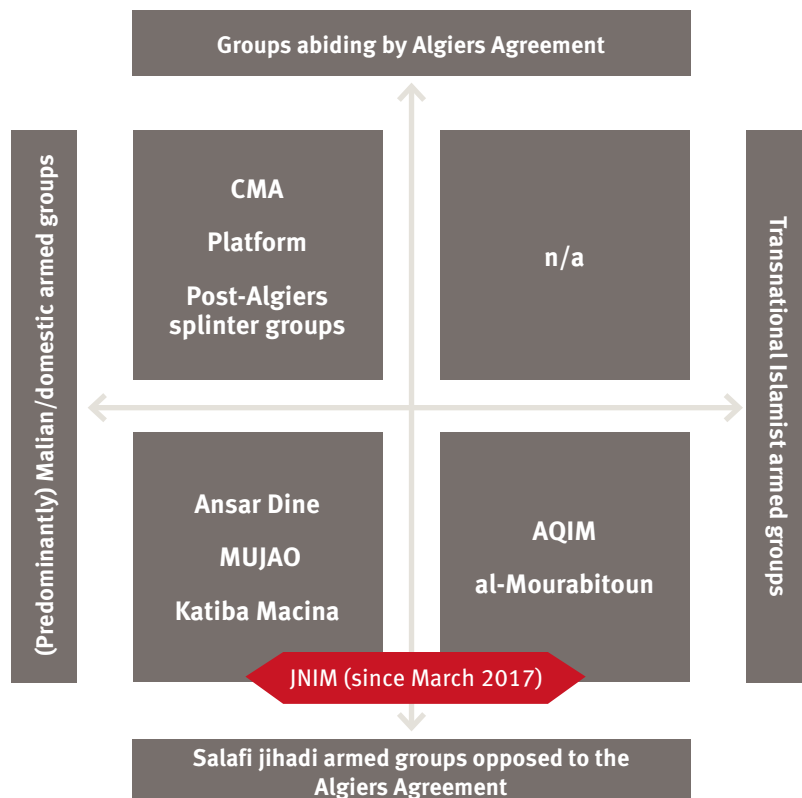


Figure 1: Mapping of armed groups in Mali (Source: Roetman, Migeon and Dudouet 2019)

In **Myanmar**, eight NSAGs signed a National Ceasefire Agreement (NCA) with the government in October 2015. Most of these groups have been operating since the 1970s and 1980s, and are referred to by the government as ethnic armed organisations (EAOs) due to their territorial aspirations on behalf of marginalised ethnic groups, the most powerful of which being the Karen National Union (KNU) and the Restoration Council of Shan State (RSSS). One of these eight movements, the All Burma Students Democratic Front (ABSDF), is dominated by ethnic majority Burman members but was founded on a multi-ethnic pro-democracy platform. Two additional EAOs later joined the list of signatory groups by endorsing the NCA agreement in February 2018. Beyond these ten signatory groups, a number of EAOs are still engaged in armed struggle or have signed bilateral agreements with the state without joining the NCA. The Federal Politics Negotiation and Consultation Committee (FPNCC), also called the “Northern Alliance”, comprises seven ethnic groups, which are largely based in the northern part of the country along the China-Myanmar border and oppose joining the NCA. Among these non-signatory groups, the Kachin Independent Army/Organisation (KIA/KIO) and the United Wa State Army (UWSA) retain significant military leverage and represent powerful opposition groups. This coalition also comprises the Arakan Army (AA), whose activities have led to continuous clashes in Rakhine (formerly Arakan) State, which also suffered from mass violence against the Rohingya population. Although non-signatory groups are excluded from the NCA ceasefire monitoring mechanisms and the central body coordinating the peace process, they have been invited to all Union Peace Conferences in 2016-18 as observers.

EARLY NCA SIGNATORIES (2015)	LATE NCA SIGNATORIES (2018)	NON- SIGNATORY ARMED GROUPS
ABSDF ALP CNF DKBA KNLA-PC KNU PNLA RSSS	LDU NMSP	AA ANC KIO KNPP MNDAA

Figure 2: Mapping of armed groups in Myanmar in relation to the Nationwide Ceasefire Agreement (NCA)⁸

⁸ For the full names of these groups, see the Abbreviations list at the start of this report.

Beyond the main negotiating parties, in some countries the government sought to accommodate the views of **political opponents** within the established institutions, including former armed groups which had integrated into the political system as political parties, while in other cases the political opposition was not involved in, and therefore openly opposed, the peace accord.

- ≡ In **Afghanistan**, political parties and former insurgent groups were included in the peace process through their involvement in the technical body negotiating on behalf of the government: the High Peace Council (HPC). The HPC had been established at the recommendation of the 2010 National Consultative Peace Jirga. Its negotiating team comprised members of former insurgent groups who had integrated into the political system after their participation in the 2001 Bonn conference (Rahim 2018: 11), including Jamiat-e Islami, HIG's main rival since the Afghan civil war. These groups were also indirectly involved in the process through their representation in the Afghan National Unity Government.
- ≡ In **Colombia**, the High Peace Commissioner's office played a similar role as the HPC but as a technical body; it did not represent any political parties. The political opposition was indirectly involved in the peace negotiations through the advisory and advocacy role of the Peace Commissions within both chambers of the Colombian Congress. These bodies include legislators from diverse political parties, and a few individuals who had previously been involved in armed groups and were accommodated in the political system after demobilisation in the early 1990s. However, the main opposition party led by former President Uribe was excluded from the process, which triggered its mobilisation of a protest campaign during the referendum process.
- ≡ In **Mali**, the peace agreement has not been formally addressed in Parliament, and opposition political parties were excluded from the discussions on its implementation. As a result, some of them strongly oppose provisions of the agreement that necessitate an amendment of the Malian constitution in order to generate more autonomy for the areas of northern Mali. They also denounce the government's lack of strategic vision for institutional reform (interview with armed group representative, 3 August 2019; Pellerin 2020).
- ≡ In **Myanmar**, the NCA agreement signed under a civilian-military government led by President Thein Sein provided for an inclusive format for political dialogue by granting participatory rights and voting power to five groups of stakeholders: the army, government, parliament, EAOs, and all political parties. However, when the NLD government took power in 2016, it downgraded political parties without representatives in the parliament to mere observers in the Union Peace Conferences while un-inviting them from key decision-making bodies such as the Union Peace and Dialogue Joint Committee (UPDJC). Altogether, 23 political parties are represented in the peace process and several small ethnic-based political parties raised their concerns over the government's decision to exclude them from the peace process.

3.1.2 Factors facilitating or constraining the incremental inclusion of non-signatory groups

Many complementary dynamics have contributed to the timing and modalities of inclusion or exclusion of non-signatory armed groups in the four peace processes studied. Some factors are linked to strategies pursued by government actors as well as the preferences of those armed groups. Both groups of factors are embedded in the overall conflict environment on the ground. The inherent dynamics of the four peace negotiation and implementation processes in turn influenced other armed groups, by either encouraging

a negotiation strategy or provoking further resistance on their part. Finally, external and third-party actors also influenced inclusion and exclusion dynamics.

Government attempts to incentivise incremental inclusion

The principle of incremental inclusion in conflicts involving multiple armed groups was embraced in an exemplary way during the South African democratic transition. The multi-party constitutional negotiations that followed the 1991 National Peace Accord did not include all armed contenders within the anti-apartheid national liberation struggle, but these were expressly encouraged to join the process at any time. In fact, the Inkatha Freedom Party only joined the final negotiations within days of the 1994 elections (Graham 2014: 12). How was this ‘open door’ policy applied in the four processes under study?

- ≡ In **Colombia**, when President Santos and his administration initiated talks with the FARC guerrilla group in 2012, they had high hopes that the smaller ELN would follow suit, in their belief that the Havana process would go a long way towards addressing most socio-political claims shared by both guerrilla groups, and offering a civilian ‘way out’ (and a political pathway) to their members. They also anticipated that a fruitful peace accord with the FARC would help to weaken or isolate other armed actors – such as remnants of paramilitary groups, dissident fighters and criminal armed entities (Schultze-Kraft 2018: 489ff). The framework agreement of September 2012 providing a roadmap for the Havana process made it clear that the door was also open for the ELN, by explicitly inviting “other guerrilla forces” to join the process (International Crisis Group 2014: 10). At the same time, the government also felt that the negotiation demands put forward by the weaker ELN were paradoxically more ambitious (e.g. on natural resource management, or popular participation) than those advanced by the FARC, and that it would hence be more prudent to conclude a workable agreement with the latter first, before initiating a parallel dialogue track with the former (ibid.: 17). However, in March 2016, just months before the signing of the Havana agreement, the government and the ELN announced the beginning of formal talks. With regard to FARC defectors, both negotiating parties also pursued an ‘open door’ policy by encouraging them to join the peace process – until the registration of FARC combatants during the demobilisation process, which officially closed the door to latecomers.
- ≡ In **Afghanistan**, President Ghani also hoped to foster incentives for a broader peace and reconciliation process for the whole country when he embarked on negotiations with HIG (Rahim 2018). By striking a deal with Hekmatyar, the government was expecting to “set a precedent for possible future negotiations with the Taliban, a much stronger opponent” (Ludin 2019: 11). A successful settlement would demonstrate that the Afghan state apparatus was able to negotiate in good faith, and “had the capacity and (just enough) internal cohesion to conclude the agreement” (Johnson 2018: 21). Another envisioned consequence of HIG fighters’ reintegration was the establishment of an “armed base with religious and Jihadi credentials” able to garner important votes, especially in insecure areas (Derksen 2018: 24). In fact, the most tangible incentivising effect of the peace agreement could be noticed among Taliban rank-and-file insurgents in remote Afghan provinces, particularly among those who had previously been affiliated with Hezb-e Islami. Many of the latter decided to re-join HIG in order to take advantage of the provisions of the peace agreement “allowing them to retain their weapons in the same manner as Hezb-e Islami commanders” and become part of the official security sector (Johnson 2018: 25). HIG leader Hekmatyar also called on his Taliban “brothers” to end the fight and offered his mediation services (Radio Free Europe/Radio Liberty 2017), although it is unclear whether this was coordinated with the Ghani administration or was a mere publicity stunt.

- ☰ In **Mali**, the 2013 Ouagadougou ceasefire talks initially followed the spirit of incremental inclusion, albeit within the boundaries of secular armed movements (see below). Although negotiations initially involved only two armed opposition groups (MNLA and HCUA), the agreement was explicitly “open to adhesion by other existing non-signatory armed groups that commit to respecting all its provisions without condition” (Art. 23).⁹ Indeed, two smaller armed groups (the CMFPR and MAA) signed a declaration of support to the agreement on the same day (International Crisis Group 2014). Later, in the context of the monitoring commissions put in place to implement the 2015 Algiers peace accord, the same principle of incremental post-agreement inclusion was applied, to some extent, by expanding the membership of these commissions to new ‘compliant non-signatory’ armed groups (Boutellis and Zahar 2017). Finally, it is worth noting that the principle of incremental inclusion was applied for the first time to Islamist armed groups in 2017, when a Conference of National Understanding under the chairmanship of the President of the Republic recommended the opening of a dialogue track with prominent jihadist leaders Iyad Ag Ghali and Hamadoun Kouffa (perceived as ‘sons of the nation’). Since 2017, an informal dialogue channel was opened with these groups but no formal engagement has been initiated (Bouhleb 2020).
- ☰ In **Myanmar**, the Thein Sein government invited only 16 EAOs out of 21 to sign the Nationwide Ceasefire Agreement (see below), but the subsequent government, together with the army, applied both incentives and pressure to entice other EAOs to adhere to the NCA. For example, they allegedly approached influential Buddhist monks to spread pro-NCA propaganda among the Mon population, and cut supplies from international relief agencies in refugee camps along the Thai border to pressure the New Mon State Party (NMSP) to the negotiating table (interview with NMSP representative, 18 April 2019). When the NMSP and the LDU joined the ranks of NCA signatories, the NLD government saw this as a ‘bonus’ which enabled them to showcase progress in the peace process, after three years of stagnating talks (interview with EAOs Coordination Office, 18 May 2019).

Active exclusion through government ‘red lines’ and preconditions

In two case study countries, the inclusion of NSAGs was mainly regulated by the government, setting barriers and deliberately excluding several armed groups according to established preconditions and participation criteria. These moves fostered exclusionary ‘path dependencies’, by setting the stage for the sustained exclusion of certain armed groups.

- ☰ In **Myanmar**, the government took on a gatekeeper role and unilaterally excluded several groups which it did not recognise as EAOs from the NCA signing process, either because it claimed that they were created after the initiation of the current peace process, or because they were not considered as armed organisations due to their limited military capabilities (Pauli 2016: 8). As a result, the government invited only 16 EAOs to the negotiating table (out of 21 active NSAGs at the time), eight of which eventually signed the NCA.
- ☰ In **Mali**, the government and its foreign allies also pursued a policy of double standards, by pursuing peace efforts with separatist armed groups and pro-government militias while simultaneously stepping up counter-insurgency against Islamist armed groups. This boundary between ‘compliant’ armed groups on the one hand, labelled ‘armed movements’ in recognition of their belligerency status,

⁹ Ouagadougou Agreement, 18 June 2013, Article 23.
Available at: www.justiceinfo.net/media/k2/attachments/Mali/Accord-Ouagadougou.pdf

and illegitimate ‘terrorist’ and ‘criminal’ groups on the other hand, can be traced back to the French counterinsurgency operation (‘Serval’) in 2012. The underlying logic was to enrol the former in the fight against the latter as part of joint patrols and later through military integration. These distinctions are overwhelmingly artificial, however, with fighters often changing allegiances and moving between different armed groups and from one to the other category (Boutellis 2015). Nevertheless, the 2013 ceasefire agreement confirmed this trend by mandating signatory armed groups to “refrain from material support to terrorist and criminal groups” and to “contribute with international forces to fight against terrorism and criminality” (Art. 18). The Algiers peace process further entrenched this boundary by establishing clear participation criteria. Indeed, Article 1 of the Algiers Agreement expressly excluded Islamist armed groups by binding the signatory parties to declare their “respect for the national unity, territorial integrity and sovereignty of the State of Mali, as well as its republican form and secular character [...]”.¹⁰

A disingenuous or incomplete inclusion of ‘late comers’

In Myanmar and Mali, we also found that the timing of inclusion of armed groups was strongly correlated with the (unfavourable) terms of their participation, often resulting in a ‘façade inclusion’ which did not translate into equal opportunities to influence decision-making.

- ≡ In **Myanmar**, two EAOs joined the ranks of NCA signatories in February 2018. However, EAO representatives interviewed for this research assert that the timing of their signing – which occurred without consulting other non-signatory EAOs – did not work in their favour. These ‘latecomers’ are not able to enjoy the full benefits of earlier signatories, as they are not effectively included in the Joint Ceasefire Monitoring Committee (JMC), and they joined the political dialogue framework at a time of deadlock, which prevented them from earning the benefits of their participation (interview with EAOs Coordination Office, 18 May 2019). According to a representative from one of these late signatories, “signing the NCA has not given any advantage to [his] organisation. After signing the NCA, [they] have faced even more military pressure in [their] controlled areas” (interview, 16 May 2019). This ‘façade inclusion’ of new signatories, as well as the overall lack of progress in the political talks, both serve as a disincentive for further EAOs to join the formal peace process.
- ≡ A similar trend could be observed in **Mali** for new armed groups formed after the signing of the Algiers Accord which demanded inclusion in all political and security aspects of its implementation. As shown earlier, some of these (secular) groups were invited to join the agreement monitoring commission and its technical sub-committees. Observers noted, however, that such measures may have incentivised the formation of splinter groups solely interested in the salaries, reintegration benefits and other peace dividends resulting from their participation in these peacebuilding mechanisms (Boutellis and Zahar 2017). As a safeguard against these dynamics and to prevent any unwieldy expansion of the commissions, these new groups were requested to join one of the existing signatory coalitions, and some were only allowed to attend commission sessions as ‘guests’. The CMA and the Plateforme were hence granted the roles of gatekeepers over the accommodation of new armed groups in the peace implementation mechanisms. As a result, the CSA does not offer equal opportunities for participation to armed groups that have emerged since the Algiers agreement.

¹⁰ Agreement for Peace and Reconciliation Project resulting from the Algiers process, 20 June 2020. Available at: <https://peacemaker.un.org/node/2681>

Self-exclusion by non-signatory armed groups

On the other side of the conflict spectrum, non-signatory armed groups are also partly responsible for their own (self-)exclusion from peace efforts, based on their strategic assessment of the security and political environment favouring or inhibiting the path to dialogue.

- ☰ In **Colombia**, the ELN formulated ambitious negotiation demands which could not be accommodated under the framework of the Havana process (as mentioned previously) and its leaders therefore opted to pursue a separate dialogue track, while maintaining close contact and information exchange with the FARC leadership (International Crisis Group 2014). Meanwhile, numerous setbacks hampering the implementation of the Havana peace accord, such as the change of government and widespread killings of social leaders in former FARC heartlands, increased the scepticism of ELN negotiators about the prospects for an effective transition to peace. This contributed to their lack of appetite for accelerating the pace of their own negotiation process with the Santos (and later Duque) government (interview with former peace negotiator, September 2019).
- ☰ The implementation of peace efforts in **Afghanistan** has also had a strong bearing on the prospects for effective talks with the main non-signatory group. However, while the peace process with FARC “is a game changer” for the ELN (International Crisis Group 2014: 1), the impact of the peace agreement between the Afghan government and HIG was seen as not having enough impact to “bring peace to Afghanistan” (Johnson 2018: 17).¹¹ Such hopes were quickly dashed, with district-level Taliban commanders stating that the deal “has not changed their views on reconciling with the government—and if anything has increased their conviction to continue fighting” (Johnson 2018: 24).¹² This is partly linked to the ideological differences between the two groups. While both HIG and the Taliban base their legitimacy on religious objectives, HIG recognises the current Afghan political order and the need for transparent elections as well as the possibility of civilian politicians taking office. The Taliban, on the other hand, strive for an administration almost completely made up of clerics; it does not recognise the Afghan government as a legitimate power-holder, nor as a valid negotiation interlocutor. This has strongly influenced their rejection of past peace efforts, including the 2015 peace process with HIG. Several district-level Taliban commanders have also openly criticised Hekmatyar for his rapprochement with the government, partly because of his backing down on the requested withdrawal of all international military forces from Afghanistan. In their view, “He is almost as big of an enemy to the Taliban as the Afghan government”; “He sold his dignity”; “Hekmatyar is not a mujahid” (Johnson 2018: 24).
- ☰ In **Mali**, the leadership of the Islamist armed group Ansar Dine also bears a large share of responsibility for their failed inclusion in early dialogue attempts by third party mediators (such as Algeria and Burkina Faso). Their hardline negotiating position and escalatory moves ahead of the Ouagadougou talks in late 2012 sparked the defection of moderate, pro-dialogue members who went on to create a splinter group (HCUA) in order to be able to join the talks (Roetman, Migeon, and Dudouet 2019; Bouhlel 2020).

¹¹ According to the leader of a Hezb-e Islami fact-finding mission to Baghlan, Kapisa, and Parwan, a significant number of mid- to low-level Taliban commanders, many of them former Hezb-e Islami insurgents, were “willing to reconcile with the government under the aegis of the Hezb-e Islami agreement” (Johnson 2018: 24).

¹² According to Derksen (2018), some sources reported threats and attacks by the Taliban on Hezb-e Islami commanders and members.

- ≡ In **Myanmar**, several groups which had been invited by the government to negotiate the NCA in 2015 intentionally excluded themselves by refusing to sign the agreement. They justified this move as a gesture of solidarity with other EAOs that had not been invited to the table. Other reasons have been put forward to explain this self-exclusion, such as these non-signatories's hope of negotiating 'a better deal' with the next government (Aung 2017: 8), or the fact that these groups military strength did not require them to participate in the process (interview with signatory EAO representative, 17 May 2019). However, some of them now reflect with hindsight on their miscalculations at the time: "EAOs that signed the NCA in 2015 have several advantages. They do not have to fight with the army and can build up their strength. The army cannot attack them ... We did not sign the NCA when the opportunity was given, and we are now paying the price. We have created the opportunity for the Myanmar army to concentrate their military effort on EAOs that have not signed the NCA." (Interview with non-signatory EAO representative, 17 April 2019). Others "do not see any benefits in signing the NCA" and are "comfortable with the current situation", especially given the lack of achievements made by signatory EAOs in the political dialogues so far (interviews with EAO representatives, 17 May 2019).

Changing conflict dynamics and emergence of new armed actors

Developments in the conflict's geographic centre of gravity, and the deterioration of security on the ground linked to the dynamics of peace implementation also affected the calculus of non-signatory armed groups and contributed to new forms and actors of violence that had not been addressed in the peace process.

- ≡ In **Mali**, the peace accord was mainly focused on pacifying the north of the country and paid very little attention to rising tensions in other parts of the country, hence excluding interlocutors from those regions. Since 2015, the hotspot of armed violence has shifted to central Mali, and targeted attacks have even been carried out in the capital Bamako. This violence has its roots in the emergence of new armed groups not included in the Algiers process, especially Islamist non-signatory groups which were able to recruit massively among marginalised ethnic groups in central Mali.
- ≡ In **Colombia**, implementation delays and setbacks faced by the Havana Accord led to the rise of new armed actors such as defectors and criminal armed groups, occupying the vacuum left by FARC demobilisation and the absence of the state in the affected regions. The sheer endless supply of money generated by drug trafficking refuelled the wars for territorial control in many of the areas previously occupied by FARC. These developments especially hindered progress in the peace talks between the Colombian government and ELN in 2017-18.

Third-party influences

This research did not delve into the details of third-party mediation, and a thorough review of the various roles played by external actors in the four peace process lies beyond the scope of this report. However, it is worth noting that third-party observers, discreet facilitators, mediators, guarantors and peace enforcers played distinct roles in encouraging or precluding the incremental inclusion of non-signatory armed groups.

- ☰ In **Colombia**, several countries supported the peace process as ‘guarantors’ (Cuba and Norway) and ‘accompaniers’ (Venezuela and Chile), while maintaining the image of a process ‘for Colombians, by Colombians’ (Segura and Mechoulan 2017). The United Nations’ involvement in a technical capacity and the trust it had won with both the government and the FARC were also a key factor in the Havana process. The international community was also broadly supportive of opening a channel for talks with the ELN in the Havana process. In practice, the clear overlap in the involvement of third parties in the two separate peace processes, exemplified by Cuba and Norway (as guarantor countries), could have promoted closer interaction between the two processes.

- ☰ In **Mali**, Algeria took a lead role in mediating a peace settlement, with support from a large group of co-mediators, including the UN and regional powers (ECOWAS, AU), with European and US diplomats playing various roles in the corridors of the Algiers negotiations. Given the impact of insecurity in Mali on the entire sub-region and beyond, many external powers had a stake in the outcome of the process, and heavily influenced the selection of armed groups to be invited as negotiating partners. France played an especially prominent role: a quote by Foreign Minister Jean-Marc Ayrault illustrates the preponderant influence of French diplomacy on the terms of inclusion and exclusion: “How could one negotiate with terrorists? It is a fight without ambiguity” (Reuters 2017; in: Thurston 2018: 14). The French government has allegedly applied sustained pressure on its Malian counterparts to prevent or block any dialogue efforts with those groups alleged to have ‘blood [especially French] on their hands’ (Bouhlel 2020).

- ☰ External actors mainly play an indirect role in the **Myanmar** peace process, which both EAOs and the army perceive as a genuinely and exclusively domestic endeavour. In their marginal space, international players such as multilateral organisations (UN and EU), influential countries (US and China especially) and INGOs have mainly employed shuttle diplomacy to increase effective communication amongst stakeholders and to keep different actors on track with the overall goals of the process (interviews with various EAO representatives, April-May 2019). China in particular exerts considerable influence over non-signatory EAOs operating in northern Myanmar, and has hosted several meetings between them and the Myanmar state (army and negotiation committee). It played a positive role in encouraging Northern Alliance members to attend the Union Peace Conferences and resume bilateral negotiations with the army after 2017 (interview with EAOs Coordination Committee, 18 May 2019).

- ☰ In **Afghanistan**, the discreet role of foreign actors in the HIG peace process was also appreciated by the Afghan stakeholders: “Support is broad in large part because the deal is widely perceived as a rare instance of an Afghan-led and -executed initiative” (Johnson 2018: 20). Several key individuals such as the EU representative in Kabul provided informal technical support to the peace negotiations and generated international support for the agreement, especially to fulfil the commitment to remove Hekmatyar from international sanction regimes (Rahim 2018: 10). The HIG peace accord may have contributed to the shifting positions of key international actors on the opening of a dialogue channel with the Taliban. While European and US governments officially opposed a peace process with the Islamist insurgents since 2001, their formal stance shifted radically in 2019, with the EU explicitly encouraging peace talks between the Afghan government and the Taliban (Council of the EU 2019). An agreement between the Taliban and the US in February 2020 paved the way for further exploration of intra-Afghan peace talks, and was described by the UN Security Council as “significant steps toward ending the war” with the Taliban (Nojumi 2020).

3.2 Vertical inclusion of social movements and other civil society groups

In this study's research design phase, we had envisioned investigating the inclusion timing and modalities of another category of non-state actors, namely grassroots social movements. As defined in Section 2, social movements have distinct features that differentiate them from other types of civil society organisation such as NGOs. However, in the case study reports produced by the local researchers, as well as in existing studies on the peace processes under review, no clear boundaries were established between various types of civil society entities. There are several reasons for this lack of a clear demarcation. One is the disciplinary gap between social movement scholarship and conflict resolution research, which partly explains why the literature on peace processes pays little attention to the role and dynamics of grassroots movements (Svensson and Lundgren 2018; Dudouet 2020). Other reasons are linked to the empirical realities on the ground and the difficulties in clearly distinguishing the role of grassroots social movements among various civil society voices claiming a stake in peace processes. Moreover, although many instances of mass mobilisation occurred before, during or after peace negotiations, they did not always arise out of organised campaigns united behind a common objective and driven by a well-defined leadership. By contrast, the few civil society leaders who had a chance to participate in negotiation processes (e.g. through formal consultation) were rarely linked explicitly to grassroots campaigns or coalitions mandating them to represent their interests at the peace table. Some of them were even decried by interviewees as 'government-organised NGOs (GONGOs)'. Finally, we often observed close interactions and overlapping affiliations between social organisations, armed groups and political parties, to the point that the boundaries between these actors are not always clear-cut.

Bearing in mind all these limitations, this sub-section examines how various social sectors were represented in participation, consultation or extra-institutional mobilisation channels, with a particular focus on the voices and interests of women and LGBTI activists, youth groups, victim groups, and ethnic minorities. Reference will also be made to counter-mobilisations by broad social and political coalitions in opposition to the peace processes studied.

3.2.1 Mapping of included and excluded social constituencies

The level of societal inclusion in political settlements varies extensively across the cases, but is also reflected in external vs. internal assessments. Peace processes in Colombia, and to some extent Mali, have been praised on the international stage for their inclusive attempts to incorporate civil society views; but they are decried internally for sidelining large segments of society, especially among conservative sectors in Colombia, and majoritarian ethnic groups in Mali.

- ≡ In the context of peace negotiations in **Colombia**, civil society participation was essentially consultative: the most visible channels for participation were the sectoral delegations who periodically visited the negotiating parties in Havana. However, "Colombian analysts are critical of the extensive external input" and of the fact that "there was no way for direct dialogue with most Colombians and no real opportunity to build and follow up with civil society" (Segura and Mechoulam 2017: 30). After an initial phase of secret talks, participation broadened over time, sequentially with the topics under discussion, with new themes brought out at the very end of the process due to the late inclusion of their proponents (ethnic groups, conservative church groups). The process was progressively opened to experts, the press, and civil society, but information-sharing on the proceedings in Cuba remained controlled and limited, which may have contributed to feelings of exclusion in Colombia.

- ≡ The **Mali** peace process broadly followed an incremental inclusivity logic: civil society groups were initially excluded from the Ouagadougou ceasefire talks in 2013, but the agreement provided for an ‘inclusive national dialogue’ which failed to materialise. Civil society representatives were later hand-picked by the three negotiation delegations (government, Platform, CMA) to attend ‘general debates’ in Algiers in 2014-15. Societal involvement was broadened in the post-agreement phase through CSO representatives in the 2017 Conference of National Understanding (CEN) and the post-agreement follow-up commission (CSA), even though they seem to be granted a rather symbolic role. Despite these increasing attempts to include societal voices in decision-making, the peace accord and its implementation are deeply unpopular with the majority of Malians, who feel that it does not address their needs and priorities and only serves a small elite of separatist Tuareg armed groups in the sparsely populated northern regions (Pellerin 2020).
- ≡ In **Myanmar**, the research interviews also revealed a sharp contrast between the inclusionary ‘façade’ of the ceasefire monitoring and political dialogue mechanisms, and the limited access granted to civil society groups in real decision-making bodies. According to the 2015 NCA, appointed civil society representatives participate in the Joint Ceasefire Monitoring Committee (JMC) as observers – yet their impact on the JMC is described as fairly minimal (interview with CSO leader, 24 June 2019). Moreover, CSOs were invited to the first national Union Peace Conference in 2016 but were subsequently sidelined and relegated to a consultative and technical support role.
- ≡ Finally, in **Afghanistan** there were no mechanisms for societal participation or consultation in any stage of the peace process. Information on the negotiations and resulting agreement was disseminated through official media channels without any opportunities for consultation beyond the main protagonists.

After this succinct overview of vertical incremental inclusion and its shortcomings, we explore in more detail the different modes and levels of participation claimed by, or granted to, various sectors of civil society across the four cases.

Victim groups

The cases of Colombia and Afghanistan offer a contrasting comparison with regard to the voices of conflict victims, while Mali may be regarded as a case of late inclusion.

- ≡ In **Colombia**, various individuals and CSOs representing victims’ rights were consulted throughout the Havana peace process. In 2014, regional and national forums developed proposals for the negotiations and five delegations of 60 victims were invited to the formal talks in Cuba in line with the principle of “plural and balanced representation of the different victims” (Brett 2017). Despite these attempts at inclusive participation, some (anti-FARC) victim groups still do not feel represented in the outcome of the process, as reflected in the plebiscite results, but also in the objections to the Special Jurisdiction for Peace (JEP) draft legislation on transitional justice that President Duque presented to Congress in early 2019. Others took mass action to protect the agreement in reaction to the ‘no’ vote, by organising public marches and addressing a letter to the peace table during the post-plebiscite negotiations to highlight key proposals to be integrated in the text of the accord (Nodal 2016, El Tiempo 2016).
- ≡ In the **Afghan** peace process on the other hand, the needs and demands of victims failed to be accounted for, and there were no attempts to include them at any stage of the process. This exclusion is particularly notable as HIG leader Hekmatyar was infamous during the civil war for his brutal assaults

on the civilian population during the 1992-1996 battle in Kabul (earning him the nickname ‘butcher of Kabul’), which led to outcries and mass protests in the streets of Kabul when the agreement was concluded (Radio Free Europe/Radio Liberty 2017). The complete disregard for victims’ concerns in the content of the agreement led to its condemnation by many civil society activists and organisations, who called for a review of the agreement in light of the Afghan constitution and human rights obligations.¹³

- ≡ In **Mali**, a wide range of victims from the successive waves of armed rebellions since the 1990s are represented by several coordinating bodies, such as the National Coordination of Victims Associations (CNAV) and the National Council of Victims (CNV). Although their leaders took part in concertation sessions during the Algiers process along with other CSOs, no attempts were made to organise inclusive consultations to ask for their consent before the signing of the agreement (interview with CNAV President, 22 August 2019). In the wake of the peace accord, most victim associations were invited to participate in the Truth, Justice and Reconciliation Commission (CVJR) which started its first public hearing in 2019 after collecting 15,000 testimonies covering crimes committed between 1960 and 2013.

Women and LGBTI groups

The importance of women’s inclusion in peace processes has been increasingly acknowledged in the international policy arena, especially since its endorsement through UNSC resolution 1325 in 2000. Stakeholders in the four case studies have embraced this principle with varying degrees of commitment.

- ≡ The peace process in **Colombia** has been particularly acclaimed for its innovative attempts to promote gender awareness and equality, including by elevating the voices and concerns of women and LGBTI communities at the negotiating table. The most remarkable mechanism for inclusive participation was the gender sub-commission created in September 2014, mandated to mainstream gender-sensitive language and measures in the various agreements, and to facilitate dialogue with women’s movements in Colombia. Although it was primarily composed of women from the two peace delegations, the sub-commission received three delegations representing women displaced by violence, women farmers, representatives of Afro-Colombian and indigenous women, LGBTI activists, and experts on sexual violence. The strength of their contributions lies in the focus on empowerment of rural women – as land claims are one of the root causes of the armed conflict – and the strengthening of female and LGBTI political actors in Colombia (Elston 2016). Furthermore, two prominent LGBTI CSOs were invited to address the parties during their negotiations on the thematic agreement relating to victims of the armed conflict (González 2017). For the implementation of the peace agreement, a thematic commission on gender was set up in the framework of the Monitoring, Impulse and Verification Commission for the Implementation of the Final Agreement (CSIVI). This body allowed direct participation by seven women selected from a list compiled by 830 women’s and LGBTI organisations (Vargas and Díaz Pérez 2018).
- ≡ The **Afghanistan** case once again offers a contrasting example of exclusionary processes when it comes to gender rights and women’s inclusion. The only female participant in the peace talks was the Deputy Head of the HPC Habiba Sarabi. Some sources state that as a key negotiator for the

¹³ Afghan Civil Society Activists and Organisations Statement About National Unity Government on the peace agreement with the armed opposition groups, 17 November 2016.

government, she “was able to transport women’s concerns into the peace negotiations” (Ludin 2019: 4), although she could not speak for the interests of rural women or victims of the conflict. After the peace accord was signed, some human rights groups also voiced their concerns about HIG leader Hekmatyar’s integration into modern Afghan politics, given his conservative views on the role of women (Derksen 2018: 15).

- ≡ In **Myanmar**, women’s organisations have been at the forefront of CSOs that emerged in the early 2000s and have mobilised around the issues of war victims in conflict-affected areas, women’s and children’s rights, and anti-war campaigns. Most ethnic communities also have their own women’s rights CSOs, organised in two national networks: the Burmese Women Union, and the Women League of Burma. Although primarily formed in reaction to the repressive policies and human rights violations carried out by the military junta, these groups have remained vocal during the peace process, but were formally sidelined in decision-making arenas, along with other civil society groups.
- ≡ In **Mali**, women’s organisations are primarily represented through the National Coordination of Women’s Associations (CAFO). Several CAFO representatives were invited to Algiers as part of civil society delegations nominated by the parties; but they only took part in general assemblies, while the decisive talks took place among the primary negotiators – which included six women altogether. This sidelining of women from civil society was also reproduced in the composition of the post-Algiers Agreement Monitoring Committee (CSA), where the only female participants represent the government and armed groups (interview with the President of CAFO, 19 August 2019). Since the signing of the peace accord, various women’s associations have been active in information-sharing and awareness-raising activities on its content. This is the case, among others, for the Association of Women Leaders of Mali (AFLM), and the Peace and Security Network for Women in the ECOWAS Region (REPSFECO).

Youth groups

By contrast to women, youth was not treated as a social sector in its own right when it came to societal inclusion and consultation in all four peace processes. In **Afghanistan**, no independent youth groups emerged within civil society during the negotiations; instead, the most prominent voices were those of the youth wing of Hekmatyar’s HIG, who expressed their strong support for the peace agreement and especially Hekmatyar’s return (Johnson 2018: 19). Similarly, in Myanmar and Mali, we found little evidence of an independent youth space mobilising for/against peace or claiming inclusion at the table, as opposed to youth wings of contending armed groups and political parties with a stake in the process. A couple of exceptions are worth mentioning: in **Myanmar** in 2016-17, ethnic youth organisations set up a national network to mobilise joint anti-war campaigns and peace conferences, managing to transcend ethnic and political identities and mobilise around a joint agenda. In **Mali**, the National Council for Youth (CNJ) also represents all youth associations in the country; its members organised marches before the Algiers process to raise the profile of young people in the peace process, and ran training workshops after the agreement to sensitive youth across the country to peace and reconciliation (interview with CNJ representative, 6 August 2019).

In **Colombia**, young people only expressed themselves as a distinct group through mass action and public advocacy to demand the inclusion of youth concerns in the peace process, to mobilise for or against the validation of the agreement during the referendum campaign, and later to protect the agreement and call for its comprehensive implementation (Palomino 2016; Forero 2016). In 2014, for instance, several student collectives organised a petition calling for a hearing dedicated to Colombian youth at the peace dialogue table. One of their most pressing concerns was the uncertain post-conflict future of the 6,000

young people involved in the FARC guerrilla (El Espectador 2014). Nevertheless, despite youth movements' mobilising capacity, they were excluded from the negotiating table in Havana.

Ethnic groups

In conflicts where ethnic fault lines and minority/majority patterns were a primary issue of contention, as in **Mali** and **Myanmar**, the ethnicity agenda was largely taken over by armed groups, and it therefore proved difficult for social movements to articulate an autonomous space to mobilise around related claims to minority rights or self-determination. Indeed, in both cases, those civil society groups which define themselves by identity traits were usually acting in close association with ethnic armed organisations, and their participation at the peace table was mediated through these actors who claimed to represent their interests. In Colombia and Afghanistan, the conflicts were primarily fought over ideological claims, but ethnicity and inter-community power relations are important underlying issues.

- ≡ In **Colombia**, marginalised ethnic groups such as indigenous and Afro-Colombian communities came together to form an ethnic commission and lobbied for their concerns vis-à-vis the negotiating parties; as a result, they managed to get their voices heard through a delegation invited to Havana only hours before the final agreement was announced in August 2016. Paradoxically, this rushed process meant that these representatives from Colombia's ethnic minorities were the only CSOs which actually sat at the table to negotiate and drafted provisions of the final agreement. Despite this direct access to negotiators, the leaders of these communities resented the rushed nature of their participation. While they were important voices in supporting the 'yes' vote, tension with the government remained high (Segura and Mechoulam 2017: 29-30).
- ≡ In the **Afghan** peace process, ethnic minorities were only considered through top-down representation of their interests by established power-holders. Members of the National Unity Government represent various communities that make up Afghan society, and are often elected and supported by their constituencies along ethnic lines (Johnson 2018: 6; Derksen 2018: 20). President Ghani is often accused of favouring the Pashtun community and thus to be inflaming ethnic tensions in Afghanistan. His peace agreement with another Pashtun-dominated group, HIG, plays into this image. The prospect of the return of thousands of Pashtun refugees in the aftermath of the agreement raised concerns among members of other ethnic groups such as Hazaras, Tajiks, and Uzbeks, who feared that Hekmatyar's divisive rhetoric and his ambition to strengthen the position of Ghilzai Pashtuns would further fuel ethnic tension and competition over government security. Particularly fierce resistance came from the Hazaras, who took to the street in large numbers after the agreement was concluded, resulting in the largest protests in the history of Afghanistan (Alizada 2017).

3.2.2 Timing and patterns of inclusion

Having reviewed the modes and patterns of inclusion (or exclusion) of various sectoral groups, we now turn to a sequential analysis of the main trends observed in the various stages of peace processes, in terms of the dominant strategies employed by (or inclusion space granted to) civil society groups to influence the content of the negotiations.

Exploratory talks and agenda-setting stage

As reviewed in Section 2, pre-negotiation ‘talks about talks’ are usually held in secret, outside public scrutiny, and are by definition exclusionary. They are then followed by exploratory talks between the parties, through direct dialogue or shuttle diplomacy, in order to set the agenda for the peace process, and discuss possible confidence-building measures such as humanitarian ceasefires. While ceasefire negotiations usually involve military actors only and do not lend themselves to civil society participation, the agenda-setting exercise offers a good opportunity to gather societal preferences and feed ideas into the design of the negotiations. The most common strategies used in this stage include:

- ≡ **Public consultations for agenda-setting:** During the pre-negotiation phase in **Mali**, CSOs conducted national consultations to record citizens’ views on the root causes of the conflict and their priorities for peace, while the government also organised its own consultations through conferences with hand-picked civil society participants (Estates General on Decentralisation, Concertations on the North) (Sy et al. 2016). In **Colombia**, various consultations were carried out in the early phase of the Havana talks (2012-2014), first through an online server receiving electronic proposals from concerned citizens, and then through regional and national thematic forums organised according to the main topics of the talks; the outcomes of these consultations were then transmitted to the Havana process to inform the subsequent negotiations.
- ≡ **Mass action and lobbying:** As exemplified earlier through sectoral groups (Section 3.2.1), CSOs and social movements also resorted to street action and petitioning to relay their demands for inclusion in the upcoming negotiations – either through direct participation or through the substantial inclusion of their concerns and priorities.

Formal negotiation stage

During the conduct of official negotiations, the most frequent forms of civil society inclusion observed in the four case studies were formal or informal consultation, which originated either through top-down invitations by negotiators or through bottom-up self-organised forums.

- ≡ **Formal consultation:** Prominent examples include the various civil society delegations invited to Havana during the advanced stage of the **Colombian** peace process (2014-2016), and the general debates with civil society representatives convened in Algiers between the first and second rounds of talks in the **Mali** peace process (2014). However, the delegates were designated by the three negotiating parties, each of whom invited ‘their own civil society’. The delegations were made up of representatives of refugees and the diaspora, traditional leaders, women, youth, and religious leaders, but “some armed groups included local political and military leaders in their delegations, while the government brought in some local elected officials” (Boutellis and Zahar 2017: 14). According one interviewee, out of 200 delegates, only 22 genuinely represented civil society (interview with female CSO leader, 20 August 2019); and those participants felt that they only served as a ‘stage’ to legitimise the process, while “not a single comma in the text of the agreement was adapted on the basis of civil society contributions” (interview with CNJ representative, 20 August 2019).
- ≡ **Informal/non-binding consultation:** During negotiations in **Afghanistan** (2015-2016), the only instances of CSO consultations were meetings held “for CSO representatives and the Hezb-e Islami negotiators to learn each other’s point of view” (Rahim 2018: 12). In **Myanmar**, CSOs attempted to be more proactive in advancing their agenda for peace. While CSO forums were mandated by the

government to contribute to the political dialogue, they were restricted to selected topics (Paung Sie Facility 2018: 16). Moreover, the formally inclusive Union Peace Conferences have been used as mere representative forums, or even as a ‘rubber stamp’, while the real decisions are taken by the executive body (UPDJC) which CSOs do not have access to (Focus Group with CSO representatives, 16 June 2019). In response, women and civil society groups independently organised their own pre-forums to discuss key issues of politics and security, although their reports were not taken seriously by the government (ibid.). CSOs have also used technical working committee meetings to provide thematic support to the stakeholders (interview with CSO activist, 24 June 2019).

Validation and codification stage

- ≡ **Mass action during public validation campaigns:** In the **Colombian** peace process, the referendum campaign in September 2016 saw massive rallies organised by social groups mobilising for or against the agreement. In the wake of the ‘no’ vote, mass action continued during the redrafting phase (October–November 2016) by groups seeking to be consulted or to protect the most progressive provisions from attempts at revision.
- ≡ **Top-down sensitisation:** Many observers also partly blame the limited, or late, sensitisation campaigns in **Colombia** to educate the public on the benefits of the peace accord and to prevent the opposition from spreading false rumours on its content. In **Afghanistan**, public awareness efforts were concentrated on the day of the signing ceremony, which was broadcast on public TV on 22 September 2016 (Ludin 2019: 13).

Implementation stage

Several measures carried out during the implementation of peace accords enabled civil society to transition from a spectator’s to an actor’s role in the peace process, thanks to their direct participation in formal bodies tasked with implementing the reforms promised by the peace deal.

- ≡ **Formal national consultation processes:** In **Mali**, civil society participation was a priority for the Conference of National Understanding (CEN) held in March 2017, designed as a sectoral follow-up mechanism to the Algiers Accord (2015) and aimed at garnering national consensus for peace and reconciliation by enabling “the participation of the totality of Malian society in all its diversity, both in terms of its territorial as well as its socio-cultural composition” (Sy et al. 2017). It was preceded by ten regional consultations with sectoral groups (women, youth, civil society, trade unions, and religious institutions) and with conflict stakeholders (political parties, former presidents, signatory armed groups) to garner support and to guide the agenda. In all, 1078 participants took part in this conference, 30% of them women, and all regions of Mali were represented, along with victims, youth and trade unions (Sy et al. 2017).
- ≡ **Participation in inclusive oversight and implementation commissions:** In **Colombia**, CSOs took leadership roles in thematic commissions (such as the National Commission of Indigenous Women) set up to oversee the implementation of the peace accord. By contrast, in **Mali**, the Agreement Monitoring Committee (CSA) remains dominated by the primary conflict parties. In January 2018, women’s organisations protested against their limited representation in the peace process and demanded that the CSA conform to a law on gender representation which requires any elective or nominated body to

include at least 30% representation of each sex.¹⁴ Several positions in sub-commissions were allocated to women and youth, but are mainly linked to the parties, and their role is more figurative and symbolic than active and meaningful due to the top-down nature of decision-making mechanisms (interview with Mali mediation expert, June 2020). Furthermore, the content of CSA meetings is never shared with CSOs (interview with representative of CONASCIPAL, 20 August 2019). **Afghan** stakeholders also missed an opportunity to open up participation to society, since the post-agreement implementation commissions are made up of the same individuals who negotiated the deal.

- ☰ **Sensitisation campaigns to garner grassroots support for the agreement:** In **Afghanistan**, the few efforts directed at popular outreach are initiated by HIG to gain buy-in for the implementation process among its own constituency (Johnson 2018: 19, 22). In **Mali**, CSOs and the media have been mobilised to disseminate the contents of the peace accord in various languages across the country, through radio programmes, workshops and seminars to garner public ‘appropriation of the agreement’ (MINUSMA 2016; Keita 2018). The National Coalition of Civil Society for Peace and the Fight against the Proliferation of Small Arms (CONASCIPAL), an umbrella organisation that brings together twenty CSOs, has been at the forefront of these efforts (interview with CONASCIPAL representative, 20 August 2019). Despite these initiatives, there is still little public buy-in for the agreement (FES 2019; Pellerin 2020).
- ☰ **Mass protest action:** In **Mali**, civil society organisations in the north have taken action to demand their inclusion in the agreement implementation bodies; an example is a youth group mobilising to defend community interests under the name Congress for Justice in Azawad (CJA). In the South, massive social protests by an alliance of CSOs, opposition parties, and religious leaders have taken place against the planned constitutional reform in 2018-20. In fact, to date, more citizen action campaigns have been carried out against the peace agreement than in its favour. In **Afghanistan**, as previously mentioned, victim and human rights groups took to mass action in protest against the agreement’s failure to provide accountability and justice. In addition, a petition was sent to the UN mission in Afghanistan (UNAMA) to raise awareness of victims and human rights concerns with regard to the peace agreement and HIG’s inclusion in civilian politics (UNAMA 2017). By contrast, in **Colombia**, mass actions by young people, victims, women, LGBTI and cross-sectoral movements have taken place in reaction to implementation setbacks and delays and to demand substantial progress on the Havana agreement agenda.

¹⁴ Law N° 2015-052 of 18 December 2015. Available at: www.ilo.org/dyn/natlex/docs/ELECTRONIC/103433/125635/F-893978704/MLI-103433.pdf

3.2.3 Factors enabling or limiting societal inclusion in formal peace talks

As in Section 3.1, we conclude this assessment of the modalities and timing of vertical inclusion by reviewing the manifold factors which have facilitated, or impeded, societal participation in the various stages of peace processes.

Factors contributing to vertical inclusion

Civil society representatives who earned a seat at the table or in formal consultation arenas benefited from complementary impetus from below and from above. Bottom-up activism through mobilisation by social groups demanding their inclusion proved an effective strategy to secure invitations to sectoral audiences issued by the negotiating parties in **Colombia**, but they also benefited from top-down incentives for civil society inclusion by the primary parties. Indeed, the Santos government and the FARC delegation had a common interest in generating social legitimacy and international support for the agreement. Although their outcomes later proved to be highly controversial, inclusive negotiations on gender issues with substantive contributions by women's organisations were used by the parties as a confidence-building measure to generate legitimacy and trust in the process, before tackling more contested issues such as DDR and transitional justice (interview with former negotiator, August 2019). The early participation of women, victims and ethnic minorities in regional forums during the agenda-setting also prepared the ground for the parties' readiness to invite sectoral delegations to Havana during the formal talks – an illustration of the 'positive path dependency' which can result from early inclusion patterns.

Factors impeding vertical inclusion

As with non-signatory armed groups, societal groups also face multiple sources of resistance to their early or incremental inclusion.

- ≡ **Opposition by conflict parties:** Resistance by the primary parties may be expressed overtly or in more subtle, indirect ways. For example, in **Colombia**, CSOs from ethnic minorities were told by the government that they did not need to form their own sub-commission in Havana as they already benefited from other channels to express their views, e.g. through their representation in women's and victims' delegations. Other reasons may explain the government's initial reluctance to incorporate an Ethnic Chapter in the peace accord, as these groups were perceived as being too radical, or too close to the guerrillas (Segura and Mechoulan 2017, 29). In **Mali**, neither the negotiation parties nor the primary mediator (Algeria) were in favour of civil society participation at the table; as a result, armed belligerency became the main and sole criteria for inclusion. This was also the case in **Afghanistan**, where the government – at the expense of consultation with CSOs – wanted to speed up negotiations and swiftly reach an agreement in order to avoid spoilers and gain support and legitimacy from international actors (Rahim 2018: 12).
- ≡ **Weaknesses of CSOs and social movements:** The sectoral groups' incapacity (and lack of resources) to organise and present themselves as a united and independent voice can create great obstacles for their inclusion. Social groups are rarely coherent entities but are equally divided and polarised along conflict lines. This is particularly visible in **Myanmar**, where the elite-driven and military-dominated process intensified mistrust among CSOs, some of which some are seen to be working for specific EAOs or are controlled by the government and the army and are involving in grassroots movement "to collect information or to spread false information or stir the situation in

meetings and forums” (interview with CSO activists, 24 June 2019). In this context, there have been concerns that “information on the peace process has become a form of power wielded to permit the inclusion of some and the exclusion of others” (Arrazia and Davies 2020: 126). This top-down structure, which also characterises the implementation architecture, further strengthens the elite’s political structure, deepens the divisions between CSOs and undermines the legitimacy of the peace process overall.

- ≡ **Electoral cycle:** The space for inclusive negotiation or effective implementation can also be compromised by electoral politics, e.g. when political rivals exploit implementation for political gains or if a progressive and inclusive accord by one government creates backlash and push-back by a new government during the implementation stage. In **Colombia**, for example, the change from the Santos government to the presidency of Iván Duque Márquez, who ran a campaign against the peace agreement and represented conservative elites excluded in the Havana process, was one of the biggest impediments in the implementation stage. The space for broadening participation was also undermined by a new government’s entry into office in **Myanmar**. After the space for civil society rapidly expanded under the Thein Sein government, the NLD government has significantly restricted opportunities for participation by CSOs, which it perceives as untrustworthy ‘trouble-makers’ (interview with CSO leader, 22 April 2019).¹⁵

External influences

International actors played both conducive and constraining roles in fostering incremental inclusion. On the positive side, we found numerous instances of external advocacy and technical support interventions to incentivise elites to the benefits of inclusivity, and to prepare CSOs for meaningful participation. Many interviewees mentioned the active agency by mediators and other third parties (e.g. UN, EU) who pushed for the inclusion of certain groups – especially women – in Colombia, Myanmar and Mali, and who intentionally invited civil society groups to attend consultation briefings before, during and after negotiation rounds. For example, in Colombia and Mali, international agencies supported CSO delegations to Havana and Algiers by funding their travel or contributing to their selection process. Other actors conducted international advocacy in favour of inclusive processes, such as the role of the US Congress’s Black Caucus in elevating the voices of Afro-Caribbean communities in Colombia (Segura and Mechoulan 2017).

However, external actors also share part of responsibility for the shortcomings in adopting incrementally inclusive negotiation formats. For instance, when mediators prioritise fast results and pressure the parties into signing an agreement prematurely, a genuinely inclusive process is usually not possible. This was the case in **Mali**, where the signatory parties were under great pressure from the international mediation team to conclude the process and sign an accord, with no time to consult opposition parties and civil society. The initial plan of the Algiers Roadmap to carry out sensitisation forums aimed at validating the draft agreement was never followed through. 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.

A genuinely inclusive process can also be hampered by international actors’ lack of a thorough understanding of the context and the situation ‘on the ground’. This critical point was repeatedly expressed in the interviews in **Myanmar**, where the implementation of programmes was too often oriented to (misguided) donor priorities or focused on providing access and skills to specific sectoral groups (e.g. women) while neglecting support for a broader inclusive approach. Donor funding regulations also impeded

¹⁵ See also Bächtold (2017: 2) and Brenner and Schulmann (2019: 17).

timely intervention in favour of incremental inclusion in **Afghanistan**. The European Union funded a peace support initiative managed by two European NGOs, which aimed to elevate and coordinate civil society contributions to the implementation of the peace agreement. However, internal EU bureaucracy and negotiations seem to have slowed down the effective start of the project, which only came into effect in late 2017, one year after the signing of the agreement when the focus of most parties had already turned to conflict dynamics with the Taliban.

Finally, the global policy environment can also significantly influence approaches to inclusion. At the time of the Havana process in **Colombia**, the policy discourse on inclusion in peace processes focused predominantly on the role of women. It was only through the signing of UN Resolution 2250 in December 2015 that youth came to the forefront and international NGOs started to systematically support youth inclusion in post-war peacebuilding and strengthen youth-led organisations' capacity. The youth generation had, for the most part, mobilised at the local level in the territories when this shift in the global policy environment materialised in early 2017. The United Nations Development Programme (UNDP) held a national consultation with 30 young peacebuilding leaders, who "contributed to define the youth, peace and security agenda in the Colombian context and identified priority intervention and investment areas" (Ochoa 2018: 11). At the same time, the Colombian example also shows how the global policy environment can generate active resistance by conflict stakeholders. The international support for gender at the time of the Havana process not only overshadowed the efforts of youth advocates; it also created a massive backlash and accusations of 'foreign influence' from conservatives and churches (Hagen 2016).

4 Effectiveness: did incremental inclusion address the conflict drivers?

While the previous section focused predominantly on patterns of inclusion and exclusion during the four peace processes, this second empirical section will now look at inclusivity from an outcome perspective, and examine to what extent the presence or absence of incremental inclusivity in the cases under investigation has affected the quality and content of the peace agreements and their implementation.

4.1 The four agreements: From opportunistic political deals to comprehensive peace agreements

We have seen in Section 3 that the degree of inclusion in the negotiation processes differs significantly across the four cases. Accordingly, the four signed agreements also show significant variations in the representation of interests of nonviolent societal stakeholders and non-signatory armed groups.

☰ In **Afghanistan**, the agreement was primarily aimed at ending violence and accommodating the demands and securing the support of Hekmatyar, with the 25 articles of the agreement covering issues ranging from integrating Hezb-e Islami (HIG) into the Afghan government and the Afghan National Security Forces, releasing HIG prisoners, granting judicial immunity for the leadership, supporting refugee return, and requesting the lifting of all international sanctions that had been imposed on HIG leaders and members. In return, HIG negotiators agreed to accept and adhere to the Afghan constitution, renounce violence (although without relinquishing their arms), and end their association with international terrorist organisations. The deal was thus primarily a political agreement between elites to end violence and strengthen security, while almost completely disregarding the concerns of marginalised actors and communities. Negotiations over the rights of women and youth and victims' demands were contentious and marginal and were ultimately only reflected briefly in the agreement, in which the conflict parties express their commitment to the current Afghan constitution, a "united and indivisible Afghanistan [that] belongs to all tribes" and the "protection of the rights and privileges of every Afghan citizen, both women and men" (Article 3). However, with no specific provisions that would legally substantiate these principles, it was obvious that they were purely of a rhetorical nature and would not result in improved acceptance of women's rights and more respect for the rights of other ethnic groups by Hekmatyar, whose past and current record and divisive remarks have made it abundantly clear that he and his party want to strengthen Pashtun dominance and do not approve of women's activities in the government and public sphere. Another issue that was completely marginalised in the agreement was the rights of victims. The granting of judicial immunity for Hekmatyar based on the 2004 law on amnesty and reconciliation and the release of HIG prisoners (Article 11) was of great importance to the Hezb-e Islami negotiators and stands in harsh contrast to the demands of victims and Afghan civil society and human rights organisations that wanted to see the hardship, pain and suffering of victims acknowledged (Ahmadi 2016). The disregard for transitional justice mechanisms and reconciliation was illustrated once more in Hekmatyar's speech

at the signing ceremony, where he reiterated his refusal to accept transitional justice, which in his view is a “flawed, conspiratorial, and impractical proposition that could not be justly applied” (Ludin 2019: 10).

- ☰ While similarly exclusive in the negotiation process, the Algiers Accord for Peace and Reconciliation in **Mali** comprises marginally more inclusive provisions. At its core, the agreement aims to restore order and stability through a process of decentralisation, economic development (particularly in the north) and the integration of members of the signatory armed groups into the national army. To accommodate the grievances of the north and its separatist demands, the accord grants devolution of power and financial resources to locally elected regional assemblies, the official use of the word Azawad for the traditional Tuareg territory in the northeast, investment in northern economic development and greater representation of the northern population in national institutions (National Assembly, Senate, government, bureaucracy). In return, the northern armed groups commit to a unified Malian state and to disarm, demobilise, reintegrate and reinsert (DDRR). Victims’ rights are reflected in Article 47, in which the parties commit to national reconciliation and to investigate allegations of war crimes against all sides in the conflict. The grievances and demands of women and young people, on the other hand, are not addressed in a meaningful way. The agreement includes provisions on the protection of women but remains vague on many issues pertaining to women’s rights and their participation in peacebuilding. Women and youth are listed as particular beneficiaries of economic measures and as potential members of the Local Consultative Security Committees, which should provide advice at the local level, assist with information exchange and awareness-raising, and take greater account of the concerns of the population. Overall, the agreement gives priority to order and stability and contains few provisions that address issues such as access to basic social services, employment, and justice, or which would substantially transform the conflict (International Crisis Group 2015). Furthermore, with a number of its provisions kept in aspirational terms (e.g. quotas and criteria for integration into the Malian defence and security forces), the agreement is less process-oriented and more a goal-oriented “framework agreement” that leaves a number of provisions to be clarified during implementation; this not only serves to prolong the process but is also seen as an impediment to thorough and effective implementation. To implement the provisions, the parties agreed on the need for a two-year interim period after signing the agreement. The agreement’s follow-up architecture consisted of the Agreement Monitoring Committee (CSA), chaired by Algeria and tasked with ensuring follow-up and continued international involvement during implementation, and the Joint Technical Commission for Security (CTMS), which was headed by the UN mission in Mali (MINUSMA).
- ☰ The Nationwide Ceasefire Agreement (NCA) in **Myanmar** consists of seven chapters, which together stipulate the terms of the ceasefires, their implementation and monitoring, and outline the roadmap for a political dialogue and peace. In addition to basic principles on religion and the state, the agreement includes a military code of conduct, specific provisions on troop deployment that prohibit certain activities in ceasefire areas (e.g. attacks, recruitment, establishment of new bases, use of landmines), and provisions on civilian protection and humanitarian assistance. The agreement only marginally reflects the voices and interests of social movements and other civil society groups. There is no mention of youth, and victims of the conflict are only addressed in provisions on humanitarian assistance, leaving out any efforts to achieve transitional justice. Women and gender are explicitly referenced in three sections of the agreement, which guarantees equal rights to all citizens, commits the parties to prohibit sexual and gender-based violence, and sets a ‘reasonable’ ratio of women representatives in the political dialogue process. However, in the absence of an anti-discrimination

law on sex or gender, a mechanism designed to monitor or verify sexual attacks on women,¹⁶ and regulations on how a ‘reasonable number’ would be determined,¹⁷ it appears unlikely that these provisions will translate into effective implementation (Muehlenbeck and Federer 2016). The NCA also provides a political roadmap for the peace process that includes planning and convening a political dialogue between representatives of the government, armed groups, registered political parties and ethnic and other relevant representatives. The political dialogue framework is reviewed, decided and agreed upon by the Union Peace Dialogue Joint Committee (UPDJC), which acts as the gatekeeper or regulator of political dialogues. A Joint Monitoring Committee (JMC) consisting of representatives of the government, the EAOs, and “trusted and well-respected individuals” oversees compliance.

- Finally, the peace agreement in **Colombia** is composed of six parts, which were negotiated as separate agreements but later agreed on as a whole according to the principle of ‘nothing is agreed until everything is agreed’. They include a comprehensive rural reform (chapter 1), inclusive political participation and FARC’s transformation from a guerrilla movement into a political party (chapter 2), an end to the conflict through a bilateral ceasefire, the decommissioning of weapons and security guarantees (chapter 3), measures to solve the illicit drugs problem (chapter 4), an agreement regarding the victims of the conflict, including transitional justice, reparations, truth and victims’ rights (chapter 5), and provisions on the implementation, verification and public endorsement of the agreement (chapter 6). Unlike in the other three cases, the agreement and its renegotiated version ratified by Congress after the plebiscite pay particular attention to the rights of women and the UNSCR 1325 agenda, members of the LGBTI community, ethnic groups, and victims of the conflict (as described below in more detail), making it “by far the most inclusive peace agreement in history” (Salvesen and Nylander 2017).

4.2 Impact of inclusion/exclusion pathways on the quality of the agreement

While the agreements in Afghanistan, Myanmar, and Mali are predominately – although to different degrees – political agreements between warring parties to end violence or to pave the way towards further dialogue and negotiations, the Havana Agreement offers a comprehensive and inclusive framework that not only puts an end to violence but also recognises some of the root causes of conflict and lays the ground for effective peacebuilding and reconciliation. The variation in outcome, combined with the differences in inclusivity during the negotiation process, allows us to learn a number of lessons about the effect and value of inclusion and exclusion during the agenda-setting and negotiation phase of the peace process.

¹⁶ This task is undertaken by joint monitoring teams consisting of actors from the government, military, and EAOs and with no quota for women’s participation.

¹⁷ As of early 2016, there were only three women on the 48-member Union Peace Dialogue Joint Committee (UPDJC), and no women in the Joint Implementation Coordination group and the Joint Ceasefire Monitoring Committee at the national level, resulting in women making up only 3% across all NCA implementation mechanisms (see Muehlenbeck and Federer 2016).

Legitimacy through incremental inclusion

The literature on inclusivity has shown that broadening participation in the negotiation process does not only enhance sustainability, but is also instrumental in producing legitimacy and public buy-in. This relationship – particularly its negative form – could be substantiated in the four cases under investigation.

A particularly illustrative case is **Colombia**, where different stakeholders have been included sequentially at different stages of the negotiation, allowing us to examine in particular the incremental aspect of inclusion.

The active and early participation of victims in the negotiation phase substantially shaped the content of the agreement and gave centre stage to the perspectives of those who suffered the most from the consequences of the conflict. This helped shift public discourse away from accusations that the agreement would provide impunity to the FARC. The representative design of the transitional justice framework not only increased the legitimacy of the agreement but also strengthened the entire process by creating a sense of ownership for victims, who became strong allies and supporters of the agreement and its implementation.

Women and the LGBTI community also managed to leave their mark in the final agreement through the creation of the sub-commission for gender. It was able to enshrine strong gender provisions that became an important part of the comprehensive peace agreement. The sub-commission had a considerable influence on multiple chapters and managed to replace the outdated image of women as passive victims, mothers, and caregivers in initial drafts with a more complex picture that reinforced both female victimisation and female agency (Oettler 2019). It also succeeded in moving beyond a binary understanding of gender by acknowledging the critical security situation of the LGBTI population (Alvarado, Bjertén-Günther and Jung 2018). Beyond the specific recommendations of the sub-commission, the continued presence of women and the LGBTI community during the process also had a significant impact on the members of both delegations, particularly for the FARC, who were sensitised to gender issues and the importance of having women present at the table (Segura and Mechoulam 2017: 17).

The two examples suggest that early inclusion in the negotiations can have a positive impact on the inclusiveness of the final agreement. Inclusion at a later stage, however, seems to be less conducive in that regard. The indigenous and Afro-Colombian communities arrived at the negotiating table on the very last day of negotiation and – with President Santos accelerating the process in the final weeks – did not have enough time to have their demands incorporated sufficiently in the agreement. Although they successfully lobbied for ethnic quotas and other measures (e.g. land restitution) benefiting ethnic minorities across all chapters of the peace accord, the generic and imprecise nature of these provisions hampered their effective implementation, which still lags behind (Kroc Institute 2019). Moreover, the late process of public awareness-raising on the content of the peace accord and the failure to consider the interests of some additional key actors, such as conservative groups, evangelical churches, and to some extent also youth, led to the ‘no’ vote in the referendum (Álvarez-Vanegas, Garzón and Bernal 2016).

In the other case studies, exclusive deals which do not address the root causes of their respective conflicts have severely affected their social legitimacy and public acceptance. The lack of inclusion undermined support for the ceasefire agreement in **Myanmar**, where the complex and long-term nature of the peace process would require direct inclusion of key civil society stakeholders, including women’s and youth groups, in all formal committees and processes (Johanson 2017). However, societal actors have been effectively marginalised in the peace process and the ceasefire agreement, whose provision for participation in the Framework for Political Dialogue for civil society representatives is “not sincere and not designed with good intentions”, according to one of our interviewees. The provisions of Myanmar’s NCA were determined and imposed by the central government and in particular the Tatmadaw, with no genuine input from societal stakeholders. As a result, societal stakeholders lost confidence in the process and withdrew their participation. The same is true of non-signatory (and even some signatory) EAOs, which criticise the NCA for not providing a clear and equal footing in the political dialogue platform for the EAOs and giving the government and the army the upper hand in all matters.

In **Mali**, finally, the preconditions set by mediators and the government, as well as the nature of the armed groups invited to the peace table in Algiers, strongly influenced the content of the agreement, and explain, for instance, why it failed to address the rising tensions in the centre of the country, and the role of Islam in Malian society – which was a major concern of excluded armed groups. Moreover, the limited representation of opposition parties and civil society groups from Bamako and majoritarian ethnic groups in central/southern Mali meant that the agreement’s provisions on central government reforms and country-wide development programmes were very vague. The late inclusion of civil society actors through their participation in the Conference of National Understanding in 2017 enabled the elaboration of a Charter for Peace and Reconciliation, as a complement to the Algiers peace accord, by a commission made up of political figures and civil society experts – although it is unclear to what extent their participation influenced its content.

Inclusivity and efficiency: Trade-off or complementarity?

Section 2.2.2 discussed the potential negative impacts of broadening inclusion on the efficiency and effectiveness of the negotiations. Including more actors at this stage of the process is time-consuming and costly, risks complicating already complex negotiations, and obstructs the chances of successful outcome due to a loss of focus, an overloaded agenda, collective action problems, and less efficient negotiations. We observe this trade-off between inclusivity and efficiency also in the four cases under investigation and for both societal organisations and non-state armed groups. While exclusion of the former has indeed made the process more time-efficient, as in Afghanistan, their inclusion in Colombia has prolonged the process but strengthened its legitimacy and made it more sustainable.

In the negotiations with Hezb-e Islami in **Afghanistan**, inclusion was reduced to a minimum “mainly due to the government’s wish to speed up the negotiations and swiftly reach an agreement in order to avoid national and international spoilers” (Rahim 2018: 12). This deliberately exclusive approach, primarily aimed at ending violence, came at a considerable price. Although the short-term goal of ending violence succeeded, the lack of consensus and support across a wide segment of society, as illustrated by the widespread resentment and protests denouncing the deal, undermined the agreement’s legitimacy and accountability and ultimately also its implementation and thus long-term sustainability. The trade-off between efficiency and inclusivity is illustrated particularly well by looking at the issue of transitional justice, whose exclusion from the agreement sparked widespread criticism by civil society activists and the wider public, but whose consideration during the negotiations would have made it impossible to reach an agreement in light of the scepticism¹⁸ or fierce resistance to any transitional justice mechanisms.

In **Colombia**, victims’ direct participation at the negotiating table and the effective inclusion of gender in the process increased complexity and prolonged negotiations due to a wider spectrum of represented interests. For example, chapter five, which focuses on victims and created the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, required extensive input from experts and testimonies from victims and took around 18 months to negotiate. 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, according to Sergio Jaramillo, former High Commissioner for Peace: “As is known, the process lasted for a long time – we were in Havana for four and a half years – and we paid a high political cost for it. But I wonder if it could have been otherwise. There was practically no day when we did not work intensely” (Jaramillo 2018). There is even evidence that the presence of victims, rather than making the negotiations more complex and obstructing efficiency, helped overcome a deadlock and make

¹⁸ According to Tourangbam and Dwivedi (2020), there is also widespread scepticism or resistance to transitional justice on the part of the government and Members of the Afghan Parliament.

the process more efficient, according to Juanita Goebertus, who was part of the government delegation at the negotiations: “as negotiations faced deadlocks and many saw them as already failing, the victims’ demands to continue negotiation and achieve an agreement to end the conflict was the necessary push to continue the negotiation process and not give up” (quoted in Perez 2017).

So while inclusion may make consensus harder to achieve during negotiations, an inclusive consensus can increase the agreement’s legitimacy and its chances of building sustainable peace. Nevertheless, the example of **Myanmar** shows that even if there are channels for inclusion of societal actors, their broad spectrum of interest and demands can make collective action difficult, and their divisiveness and competition over resources and personal recognition (see Paung Sie Facility 2018: 23) can raise questions regarding representativeness.

Creating (vertical) trust at the negotiating table

“The first victim of a conflict is confidence,” said Colonel Mbaye Faye, a Senegalese officer who worked on the Burundi conflict for over a decade (Powell 2014: 77). While true of protracted conflicts in general, it is particularly apparent in the four conflicts investigated in this report, which are all characterised by a profound mutual distrust among the warring parties. Without some degree of mutual trust and trust into the potential of the process to transform their adversarial relationships into peaceful cooperation, conflict parties will not enter into talks, as they fear that the other side will take advantage of their openness and truthfulness. Negotiations and, in particular, informal backchannel talks are crucial in developing such working trust, which has also been shown to various degrees in the four cases under scrutiny.

However, since negotiations and, to an even greater extent, backchannel talks are typically exclusionary, elitist bargaining deals between the primary (armed) conflict stakeholders and the perspectives of social movements, civil society organisations and the public in general are often neglected when examining the trust-building effect of direct interaction during the negotiation phase.

Evidence from our research has shown that such direct interaction between societal actors and conflict parties at the negotiating table or through parallel consultative formats during the negotiation phase can create mutual trust, understanding and empathy to an extent that is difficult to achieve at a later stage of the peace process and which can also effectively influence the course of the negotiations or even contribute to the successful conclusion of an agreement.

A case in point is victim groups’ participation in the Havana negotiations in Colombia, where the negotiating parties “heard testimonies, one after another and during whole mornings, of atrocious experiences and examples of the most extraordinary value, that reminded us all why we were sitting at a negotiating table. It looked like a truth commission, with the difference that the victims were not commissioners, but members of the negotiating teams, some of whom were confronting their own victims for the first time. Several members of the FARC cried in the corridors” (Jaramillo 2018). Listening to the testimonies and the pain of the victims facilitated the building of trust, reiterated the need to end the conflict and showed the importance of having victim groups’ proposals taken into account as a fundamental input in the search for agreements and in the reparation of their rights. “The encounter with victims and the clarity of their proposals,” Brett (2018: 292) argues, “provided the negotiators with a framework concerning specific measures for the design of the victims’ accord.”

The negotiation phase in Havana also allowed the conflict parties to build trust and empathy toward the demands of the LGBTI community, whose representatives sat down at the same table and worked alongside members of the FARC secretariat and members of religious communities, which would have been unthinkable some years prior (Pacifista 2017). Although depicting itself as ‘morally conservative’, FARC ended up supporting the requests of Colombia Diversa and Caribe Afirmativo, two LGBTI advocacy organisations represented in sub-commissions, after direct contact in Havana made them develop a sense of shared grievance based on discrimination and exclusion (Gómez Nadal 2016), which ultimately

contributed to the inclusion of specific provisions on LGBTI concerns in the peace agreement (Nylander and Salvesen 2017).

These findings cast doubt on the widespread opinion that vertical inclusion at this stage is largely ineffective and does not translate into actual influence over the process and more inclusive outcomes (see Di John and Putzel 2009; Nilsson 2018). While broader vertical inclusion at the negotiation stage may complicate the process and make it more difficult to reach consensus, it can constitute a useful instrument to develop confidence in the process, to hold the signatories to a peace agreement accountable, and to gain wider support and acceptance for the implementation of an eventual agreement.

4.3 Impact of inclusion/exclusion pathways on the implementation process

Imprecise provisions on role and modalities for inclusion

Research has shown that peace processes can benefit from the participation of non-state actors such as professional CSOs (e.g. think tanks, conflict resolution organisations, humanitarian organisations), which contribute technical expertise and know-how necessary to reach and implement a sustainable agreement (Wanis-St. John and Kew 2008; Corell 1999). The importance of providing channels for participation by actors such as these and making their knowledge available during the negotiation process is illustrated by the examples of **Afghanistan**, where the agreement was developed without any participation by people experienced in negotiating peace agreements, and as a result lacked important legal and technical stipulations, making implementation difficult and prone to be undermined by spoilers (Rahim 2018). As a consequence of exclusive negotiations and outcomes, the agreement did not provide mechanisms for broader participation during the implementation stage. The agreement lacked a (national or international) guarantor and an independent monitoring mechanism to ensure, oversee, monitor and review its implementation – a fact which Rahim (2018) ascribes to the absence of technical experts and a lack of inclusive consultations during the negotiations. Any differences that arise during the implementation of the agreement will have to be resolved by the parties “through consultations and amicable negotiations with goodwill in the Joint Commission whose members will be appointed by both parties” (Article 24). A further impediment is the absence of a detailed implementation plan, which makes it almost impossible to measure, monitor and review progress.

When there is no genuine opportunity for participation in the negotiation and drafting of the agreement, the exact role and modalities for participation by societal actors in the implementation phase often remain unspecified or kept in a rather vague language, making effective participation difficult. This was the case in **Mali**, where a number of the agreement’s provisions were kept in aspirational terms and left to be clarified during the implementation stage (Boutellis and Zahar 2017: 21).

In contrast, when the agreement specifies how and in which bodies societal actors will be included in the implementation phase (e.g. number of seats in a particular body) and provides the necessary political, technical and financial support, their inclusion is more likely to occur and also to be effective. In **Colombia**, for example, the proactive advocacy and participation by minority groups in the negotiations led to a progressive accord with detailed provisions on inclusive implementation and a number of new bodies and mechanisms designed to ensure public participation. The agreement, for example, provides for the continued integration of the gender approach and women’s rights into the implementation process through the establishment of a special unit consisting of representatives from six national and regional women’s organisations, which reports directly to the main commission tasked with the follow-up, promotion and verification of implementation (Salvesen and Nylander 2017). Another example is the Barometer Initiative

of the Kroc Institute tasked with providing evidence-based monitoring to measure compliance with the agreement and supports decision-makers with real-time information to facilitate decision-making and adjustments. Using inclusive methodology and a participatory monitoring mechanism, the Barometer Initiative provides an example of how inclusive monitoring mechanisms can “promote inclusion in a highly dynamic and ever-changing environment” (Paladini and Molloy 2019: 32) and “open up the implementation of a peace process to a range of new, previously marginalised actors” (Carl 2019: 6). However, even precise provisions on the role and modalities for inclusion are no guarantee of broader inclusion during the implementation stage. One example is the Colombian government’s ‘fast track mechanism’ that regulated issues on the rights of the victims without the participation of those affected by the laws and against provisions in the agreement that explicitly ordered such participation (Vargas and Romero 2017).

Non-signatory armed groups and their impact on stabilisation

Evidence from the four case studies shows that ongoing instability in the country can pose a particularly large barrier to the implementation of security provisions in peace accords. On the one hand, governments tend to overemphasise the DDR components of peace accords in order to stabilise the country and restore their monopoly over the use of force. This has been observed in **Mali**, where the implementation of the Algiers agreement has so far been highly focused on its security pillars, at the “apparent expense of fulfilling political decentralisation commitments” and neglecting fundamental political aspects of the 2012 rebellion (Carter Center 2020: 14). At the same time, ongoing confrontations among the armed groups have allowed the government of Mali to absolve itself from any responsibility and blame insecurity for its failure to implement the agreement. On the other hand, due to the sustained activities of armed groups uncommitted to the peace accord, signatory groups are reluctant to implement disarmament provisions without far-reaching security guarantees or integration into the armed forces. Indeed, the MNLA and its allies have insisted on keeping their weapons and their control over parts of the northern territory until the stabilisation of the country and the government’s progress on political reforms is achieved. Although there have been some positive steps forward, including the launch of a DDR process in November 2018, continued clashes and the presence of armed Salafi Jihadi armed groups and criminal groups make it unlikely that the disarmament agenda will move forward any time soon (Boutellis and Zahar 2017: 32).

For similar reasons, the implementation of disarmament measures was also postponed in **Afghanistan**, where Hezb-e Islami was confronted with rising Pashtun-Tajik ethnic tensions and, furthermore, feared immediate Taliban expansion into Hezb-e Islami areas if they committed to engage in disarmament and demobilisation programmes (Johnson 2018). While most active HIG commanders in the provinces appeared to have stood down and respected the ceasefire, they were reluctant to move forward with any disarmament and demobilisation “without jobs in the security sector that could guarantee enough protection to fully disband” (Derksen 2018: 18).

In **Colombia**, the continued presence of armed groups involved in illicit drugs production and trafficking also negatively affects the fulfilment of chapter 4 of the agreement on solving one of the main drivers of violence, while the sustained violence orchestrated by these groups also causes delays in the socio-economic reintegration of FARC ex-combatants and in the establishment of security and protection mechanisms promised by the agreement. As recently as 2019, 77 ex-combatants were assassinated, along with dozens of community leaders, which is having devastating effects on the implementation of the final accord and the perceptions of its progress.

Exclusion begets exclusion

Juxtaposing the implementation and the negotiation phase in the four cases under investigation, we see that the exclusion of societal actors in the negotiation phase is usually followed by a similarly exclusive implementation phase. Exclusive negotiation processes have been shown to weaken support and buy-in of the wider public and the willingness to engage in the implementation process.

According to Boutellis and Zahar (2017: 34), the opposition against the agreement in **Mali** is partly linked “to the resistance of the parties to socialising their supporters and the communities they claimed to represent at the table to the substance of the [Algiers] Agreement”. While there have been various initiatives to publicise the content of the agreement in the north, there has been very little effort in that regard in the south. In 2015, the sixth edition of Mali-Metre, a regular public opinion poll funded by the Friedrich Ebert Foundation, showed that less than one fifth of citizens knew the terms and content of the agreement (Keita 2018: 33). The 2019 Mali-Metre confirmed this trend as more than 80% of Malians surveyed stated that they had little to no knowledge of the peace deal (FES 2019). This low vertical buy-in and support reflects the failure of the negotiating parties to include wider segments of society and – amidst increasing pressure by mediators to sign an accord – to consult opposition parties, civil society and the ‘silent majority’, who had already been deeply suspicious due to the exclusionary nature of past peace processes which historically involved little public information about the processes and the content of the agreements (Boutellis and Zahar 2017: 7). A similar situation occurred in Colombia, where the delays in awareness-raising among some segments of society partly contributed to misinformation about the peace agreement and the victory of the far right in the 2018 election, which is largely responsible for slow implementation.

Ideally, civil society and the wider public should take a key role in the implementation process in **Mali** and actively engage in political, institutional and constitutional reform processes, as they affect the various strata of society (Daffé 2015: 123). However, with popular support waning, progress in these areas and with the implementation of the peace accord as a whole is severely undermined. The 2017 Conference of National Understanding (CEN), designed as an inclusive sectoral follow-up mechanism to the accord with the participation of “the totality of Malian society” (Sy et al. 2017: 30), could have provided an opportunity for more genuine inclusion and societal buy-in. However, flawed preparation and a “lack of commitment to inclusiveness seem to have merely put off the necessary heavy lifting on addressing the root causes of violence and resolving a number of outstanding issues from a peace agreement signed in Algiers in 2015” (Mechoulan 2017).

Legitimacy without inclusion

One very prominent argument in favour of inclusion is its positive effect on the legitimacy of the peace processes. Broadening inclusion is believed to create a sense of ownership, which in turn creates more social pressure for implementation (see Section 2.2.2.). Although grounded in empirical evidence, this argument and the way it understands inclusivity are at the same time also part of a normative framework of (Western) mediators and donors, who define inclusion independently of the (cultural) context in which the mediation process takes place.

Despite its flaws and limitations, the agreement in **Afghanistan**, for example, enjoyed support and legitimacy in some parts of society. However, this was not drawn from genuine inclusion as defined in this report but from the agreement’s characteristic as “a rare instance of an Afghan-led and -executed initiative” (Johnson 2018: 20). Nevertheless, although not inclusive according to the standards applied in this report, the process did manage to generate some (limited) buy-in from parts of the population. The consultations with – and inclusion of – provincial HIG commanders and stakeholders led to a unification of provincial HIG factions behind Hekmatyar and the peace deal, and strengthened its stability by preventing the emergence of future ‘spoilers’. The prospect of integration of HIG commanders and fighters into the security

forces and the prospect of success in upcoming parliamentary elections functioned as further incentives to take the implementation of the agreement forward (Derksen 2018: 14f.). The inclusion of grassroots HIG functionaries in the implementation process also has a positive effect on the implementation in provinces with a strong HIG influence, even if these are clearly not civil society activists but take the side of one of the former conflict parties. Requests for membership of HIG exploded in these areas, showing that parts of the population want to get involved and get a share of the positive effects that the implementation of provisions of the agreement implies for HIG members (Derksen 2018: 18). On the other hand, Jamiat-e Islami and other entrenched elites were worried about increasing Pashtun dominance generated by the return of Hekmatyar and his predominantly Pashtun followers, and actively sought to slow down the implementation of the agreement in an attempt to prevent Hezb-e Islami from unifying politically and integrating into the armed forces (Johnson 2018: 3).

5 Conclusion and lessons learnt for future peace processes

This concluding section reviews the main empirical findings emerging from the case studies, relates them back to the conceptual propositions made in Section 2, and derives a few implications for external support.

Limited space for incremental inclusion

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 negotiation design was not attractive enough for their ambitious demands (ELN in Colombia), or who believed to be doing well enough on the battlefield to attain their aims by violent means (Taliban in Afghanistan), or who were actively excluded through ‘red lines’ and preconditions put in place by governments and mediators (Salafi Jihadi armed groups in Mali).

Incremental inclusion has been slightly more manifest for 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 Bamako/Mali. These actors’ inclusion was made possible by early public advocacy by those groups, as well as efforts by external actors 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.

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 in Colombia, 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.

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 opposing 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 incorporating 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. The incremental inclusion of armed groups has also proved difficult in Myanmar, where non-signatory EAOs observed how signatory EAOs have not been able to successfully further their political causes through the NCA. With progress stalling, overall faith in the peace process and trust in the government to deliver on its promises has seemed to fade, which is seen most prominently in the KNU’s withdrawal from the formal dialogue process in 2019.

The importance of timing

The evidence from the four case studies suggests that late inclusion has 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. On the other hand, the delayed inclusion of armed groups and civil society 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, land redistribution, reconciliation, transitional justice), it is during the negotiating stage that the provisions for participation are secured. When there is no genuine opportunity for the participation of social actors in the negotiation and drafting of the agreement, the exact role and modalities

for their participation in the implementation phase often remain unspecified or is couched in vague terms, hindering gradual broadening of inclusion at a later stage.

Lessons learnt for international/external/third-party actors

Given the complexity of the peace processes under study, and the multiple factors at play in the dynamics of ceasefire/political negotiation, codification and implementation, we can only offer tentative policy implications from this exploratory research. In order to formulate specific and tailored recommendations, our findings will need to be refined through further in-depth research and dialogue engagement with all relevant actors in the four countries under review. Based on our concluding observations, we put forward the following propositions:

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/sectorial 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 bodies, 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; sectorial delegations to the peace talks enabling direct interaction with the primary negotiators; gender/ethnic/victims sub-commissions including representatives of aggrieved groups; national conferences reaching out to stakeholders excluded from the peace table (e.g. non-signatory armed groups, marginalised regions and groups); public outreach mechanisms to raise early awareness and avoid misperceptions (or counter misreporting) on 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 (i.e. exploration and agenda-setting) stage of peace processes, third parties should provide **capacity-building support** to sectorial 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 to negotiation and dialogue arenas, such as (sectorial, ethnic, gender, age etc.) quotas, local consultations accompanying national dialogues, or partnership with insider mediators who can help 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 motivations for continued armed action, and to explore arising 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) as well as sources of resistance to inclusion, and socialising 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 principled as well as 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 negotiation table and speeding up the process to deliver tangible results. To prevent endless negotiations dragging on over several electoral cycles (carrying the risk that new power-holders might undermine the commitments made by their predecessors), they should consider **design options enabling 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 most affected actors to 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 anchoring participatory practices within implementation mechanisms, such as: setting up inclusive monitoring commissions with direct representation from beneficiary/aggrieved 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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