

Civil Society Dialogue Network (CSDN) Policy Meeting:

From Combatants to State-builders – Armed Groups in Participatory Peace Processes

Report

This document gathers some of the key comments and recommendations made by participants at the CSDN policy meeting 'From Combatants to State-builders - Armed Groups in Participatory Peace Processes' held on 10 February 2012, and collated by *rapporteur* Laura Davis. The meeting was held under the Chatham House Rule; the following comments and recommendations may not be attributed to any participating individual or institution, nor do they necessarily represent the views of EPLO or its member organisations. For more information about the meeting, contact Florian Kadletz (fkadletz@eplo.org) at EPLO.

1. Main Recommendations from Security Transition Processes Project¹

In **transition management**, third-party mediators should:

- Promote unity and cohesiveness within conflict parties during peace processes by encouraging inclusive negotiation formats and engaging with a broad spectrum of representatives (including 'radical' and marginalised factions as well as pragmatic leaders)
- Advise state negotiators to refrain from insisting on dismantling rebel organisations and command structures prematurely, as they can play important security and symbolic roles in volatile post-war contexts
- Recommend the regrouping of dispersed combatants from all conflicting parties into self-managed assembly camps
- Devise, in conjunction with the conflict stakeholders, context-relevant interim mechanisms to maintain cohesion and discipline in the early phase of peace implementation.

In **arms management**, third party mediators should:

- Advise state actors to refrain from making unilateral disarmament a necessary pre-condition for substantive agreements on the root causes of conflict
- Be aware of context-specific sensitivities (and symbolic or political connotations) that surround the terminology of arms management, and encourage parties to adopt a holistic approach, comprising reciprocal demilitarization measures by state and non-state armies alike

¹ The project is managed by the Berghof Foundation. The full report 'From Combatants to Peacebuilders: A case for inclusive, participatory and holistic security transitions' is available here: http://www.berghof-conflictresearch.org/documents/publications/Policy_Paper_dudouetetal.pdf

- Encourage parallel and reciprocal implementation timeframes for decommissioning and state reform, as mutual confidence-building measures
- Devise appropriate individual and collective protection schemes to ensure the safety of demobilizing combatants.

International **peacekeeping missions and peacebuilding agencies** should:

- Support combatants' ownership of arms management schemes
- Coordinate the work of the various agencies in charge of supporting DDR and SSR processes, in order to ensure their coherent planning and parallel implementation
- If required by the parties as confidence-building measures, monitor or verify their compliance with their agreed commitments with respect to the decommissioning and demilitarization processes.

National and international planners of **reintegration** programmes should:

- Carry out extensive analysis of the nature and specificities of the organisations undergoing demobilization; pay attention to the specificity of 'embedded' insurgencies, and broaden combatant identification criteria to take into account the diversity of role and functions within and between Resistance/Liberation Movements (RLMs)
- Design tailored reintegration schemes paying attention to the divergent backgrounds, needs and aspirations of combatants, and adopt a comprehensive approach to post-war 're-skilling' and (re) conversion by linking up socio-economic, political, and security sector integration schemes, and assessing the absorption capacity of each sector
- Include combatant organisations in programme planning and implementation in order to truly embody the principle of 'local ownership', offer capacity-building and support for self-managed schemes, and revise the generic 'reinsertion' and 'reintegration' terminology in the light of alternative, locally meaningful and acceptable concepts
- Tailor actions to meet the separate needs of male and female combatants when relevant, e.g. in the selection of appropriate re-skilling schemes, and the review of security provisions in and beyond cantonment sites; engage more strongly in awareness-raising with the receiving population
- Link community-based approaches with broader regional and national rehabilitation schemes that target needy constituencies, such as low-income housing, health and education schemes
- Include the private sector by encouraging private companies to integrate ex-combatants into productive and entrepreneurial projects
- Where appropriate, complement reintegration measures with psychological assistance for both former combatants and return/host communities, in order to reduce suspicions and negative perceptions, and thereby foster conditions for societal reconciliation.

Regarding **transitional justice**, mediators should:

- Ensure that local understandings of 'justice' are taken into account before importing TJ experiences from elsewhere
- Make amnesties conditional on collaboration with justice mechanisms acknowledging all conflict stakeholders' mutual responsibility for past abuses.

Peacebuilding agencies should:

- Provide technical advice for the introduction of appropriate human rights vetting and lustration mechanisms (discharge, transfers or early retirement) to restore trust in justice and security institutions, and offer international supervision of such proceedings upon request
- Support former combatants engaged in dealing with the past, reconciliation or other TJ projects through capacity building and financial support.

Recommendations for **state-building** support:

Mediators should:

- Facilitate fair and balanced agreements addressing RLMs' claims to security sector transformation, democratisation or socio-economic reform, by ensuring that references to reforms are included in peace accords.

Peacebuilding agencies and NGOs should:

- Support the transformation of underground structures into effective political parties, through training and facilitation of peer advice, e.g. from other armed groups which have transformed into political parties.

National or multinational security experts (e.g. NATO, EU CSDP missions or bilateral assistance) should:

- Guarantee international legal and technical standards for military/police integration, vetting and re-ranking
- If required locally, offer training for the new defence and security forces in conventional warfare and international codes of conduct
- Offer technical assistance in drafting security-related national strategic assessments, laws and regulations.

International monitors of peace implementation (members of verification and oversight bodies run by the UN, regional organisations or other international actors) should:

- Interpret their mission mandates broadly and accompany the implementation of peace accord with provisions that go beyond immediate security stabilisation measures
- Involve local (state and non-state) actors in oversight and monitoring activities, and plan for a timely transfer of these competencies to inclusive national bodies.

2. Post-war Security Transition Processes: What role for the International Community/EU?

The Aceh peace process is cited as an example of good mediation (by Crisis Management Initiative (CMI) and others) supported among others by European Commission funding leading to the peace agreement and post-war transition, which engaged other actors. The EU working closely with ASEAN in the Aceh Monitoring Mission (AMM) is also cited as a positive example.

The Aceh experience shows that third party mediation is constructive even if not totally successful; CMI was able to succeed in 2005 where the Henry Dunant Centre was not in 2000-2001 because CMI did not need to reinvent the wheel and society was familiarised with the notion of addressing sustainable peace. Both initiatives created momentum.

“Talks after talks” are as important as the “talks before talks”: getting the actors together is difficult but they need to agree on implementation as soon as possible. The Aceh Joint Forum enabled this, but the forum stopped with the Aceh Monitoring Mission’s (AMM) departure and the opportunity was lost. AMM expected peace to be self-sustaining too soon. Although mediators say ‘Nothing is agreed until everything is agreed’, they do not apply the same pressure when it comes to implementation; they should say ‘Nothing is implemented until everything is implemented.’

Despite the pressure for local actors to take over, rushing for to implement an exit strategy has negative effects because long-term commitment by external actors is key. Critics of AMM say that it left at the most difficult time for implementation and aspects such as transitional justice and the Human Rights Court have still not happened. Its mandate was to monitor all aspects of implementation, but it focussed on monitoring areas where success was more likely. AMM played a proactive and constructive role in DDR but not in the more challenging areas of SSR and reintegration.

The political reintegration of ex-combatants is harder than DDR; rebel leaders become political leaders overnight with no clear understanding of democratic society and governance. Supporting their transition to political actors is key. This will require external actors to change their roles during the process.

Recommendations:

- Facilitators need to be persistent as failure may create momentum for more successful interventions in the future.
- A range of actors may provide the best mix e.g. NGOs, national and international organisations can play complementary roles in peace process, monitoring and implementation.
- The process for implementation needs to be set up early and not be dependent on an external actor (e.g. the Aceh Joint Forum).

International missions should

- Be mandated to monitor implementation of all aspects of peace agreements, not just those most likely to be successful.
- Ensure links between peacebuilding and development and link DDR to economic opportunity

In Kosovo, there were two DDR processes: one post-conflict to demobilise the Kosovo Liberation Army (KLA) and create the Kosovo Protection Corps (KPC); one post-independence to dissolve the KPC with dignity and create the Kosovo Security Force (KSF). The EU had a lesser role than the UN, NATO and IOM in post-conflict DDR, and then UNDP in post-independence DDR. In those cases, (post-conflict and post-independence) there were weaknesses in the international community’s engagement.

Former combatants expected the creation of a security service similar to a military; KSF is more like the French *protection civile* than an army, despite recommendations from UNDP in 2006 to create a defence mechanism. Some EU member states were reluctant to establish an army, fearing reaction from Belgrade/Moscow (‘exaggerated stability’).

During the dissolution of the KPC, 50% of its members joined KSF. The international community created a relationship with only one group of ex-combatants. Vetting by NATO was only successful for ex-combatants from one wing, which was thought to be more servile to the international community. This created tension between the ex-combatants. Between 1999-2008 UNMIK

oversaw the security forces, not local institutions; a parliamentary committee created in 2005-2006 had no oversight role. A large number of veterans claim they took part in the war which has huge implications on the budget (for their pensions).

The relationship between the population and EU/EULEX has deteriorated: EULEX was responsible for important cases and Kosovar society and veterans were disappointed. EULEX is the largest and most important CSDP mission; it was strategically important for the EU but not for Kosovo as it did not manage to address key parts of its mandate. It has a large police presence but too few judges and prosecutors.

Recommendations:

External actors should:

- Ensure local institutions are engaged in overseeing the security forces as early as possible to facilitate handover to local ownership.
- It is important to have interim, self-run security arrangements (e.g. as in Kosovo and Aceh) while long-term structures are developed and to integrate DDR with SSR (Burundi, Nepal).
- Avoid creating tension between former combatants by only integrating those perceived to be more compliant.

Confidential negotiations are closed and therefore not inclusive. External actors can nurture processes until they can address more issues and have broader participation. The parties are responsible for creating the link with their own parties and constituencies; external actors can assist this process but it is the parties' task. Governments can be in a difficult position as they have to deal with their own party, the opposition and the institutions, which likely still act according to the law/practice which excludes RLMs. External actors can help governments move away from demonizing RLMs as people they cannot negotiate with.

External actors cannot always widen participation at the negotiation table, but can help open political space, for example, by supporting related dialogue processes. They can encourage the parties to use the political space to engage their constituencies and keep them on board.

Political and security issues are often dealt with through parallel tracks. The security track is the most exclusive and limited to military actors, whereas the political track can be more inclusive (e.g. Colombia, South Africa, Basque country). But it is important not to separate the tracks entirely as the armed group has to be represented in the political track, and may also need to have a visible role in shaping change.

Recommendations:

External actors can help confidential processes to mature by assisting the parties in reducing the (perceived) political risk of engagement by:

- Mentoring: the process and bringing in comparative experience from those who have been through similar processes.
- Assisting the parties to create and recognise room for manoeuvre e.g. by supporting them in organising consultations or surveys without referring to the process
- Broadening the base through encouraging, supporting or initiating parallel initiatives outside the confidential process that help set the public agenda and open up political space.

Transition of RLMs to political actors

In Northern Ireland, the Commission's direct support for ex-prisoners has been praised. In Aceh it has been difficult to find funding for female ex-combatants to support their transition to political actors.

The incentives to engage in violence remain after demobilization: criminal gangs often recruit from the demobilised. Individuals need to have incentives to work peacefully.

Recommendation:

- The tension between exit and long-term commitment can be addressed through sequencing outsider actors, including question of trust (between the society and international actors, and between international actors).

Transitional justice

As Burundi and South Sudan show, accountability relies on parallel institutional reform processes. In Afghanistan, the lack of institutions and a solid institutional reform process is a serious challenge for transitional justice. External actors tend to focus on formal institutions for transitional justice and nation-building, but they need to work with civil society organisations and informal/traditional justice systems.

3. Lessons and implications for EU support to ongoing and future peace processes

A strong link between negotiation and implementation led to the success of CMI and AMM in Aceh. The EU managed to start very quickly, with financing from a coalition of member states (MS), support from Javier Solana and committed individuals on the ground. The strong link between negotiation and implementation meant there was a clear, detailed, and well-sequenced road map/peace plan which addressed all the issues realistically. This was a great advantage and lays the foundation for success. The international community was fragmented, the different elements (ceasefire, disarmament, reintegration, amnesties, and reforms) need different skills and different organisations for each phase. No single organisation was capable of handling the whole chain.

A relationship of trust between AMM and the Indonesian President and head of the armed forces was vital in overcoming Indonesian resistance to foreign engagement, especially on security matters. But there was a clear sense that the mission should not stay too long. The EU member states and Commission Delegation in Jakarta lost interest. The EU should have followed up more on reintegration, and socio-economic reform.

Recommendations:

- The EU needs policies for engaging in peace processes and transitions.
- The EU should become better adapted to supporting the whole chain of events (negotiation, implementation), particularly by becoming proficient in engaging in the early stages, dealing with combatants on the ground.
- Understanding armed groups (information and motivation) is crucial. This has implications in terms of staffing, career paths, and engaging regional expertise, and practice as in-country teams rarely leave the capitals and fail to tap into local civil society conflict analyses and draw on local knowledge.

Arms management

Timing is always a matter of negotiation, of leveraging decommissioning with political advantages and reforms e.g. entry into political system in return for arms. E.g. in Macedonia, arms surrender was linked to the political track in the Ohrid agreement so a hitch in the political track delayed arms surrender.

There needs to be confidence building before arms are collected (e.g. in Macedonia, helping rebels withdraw from threatening Skopje to behind their lines); during decommissioning (e.g. Aceh); and after weapons are handed over (e.g. South Serbia where a multi-ethnic police service serves largely Serb villages).

What happens to the weapons has political significance: in Indonesia, instead of storing the weapons, AMM destroys them publically in villages, so that villagers, military and the government see the weapons are beyond use.

Recommendation:

- Confidence building before, during and after weapons collection is important.
- Symbolism is more important than the number of weapons, so long as enough are collected to allow progress in other tracks. EU policy and practice should reflect this.

EU direct engagement with RLMs

RLM are not by definition terrorists, nor are they angels. They have their own agendas and may be resourced through illegal means e.g. trafficking, crime, corruption. They have taken up arms against the established national legal order and this question of sovereignty is very sensitive and can make it difficult for EU or NATO member states to agree to deal directly with RLMs, which involves some level of recognition. Although EU legislation is less prescriptive than US legislation, once organisations are on a terrorist list it is a long and tortuous process for the EU to agree to delist them. Although the EU does not have blanket prescription of talking with terrorists, there is much self-censorship.

Recommendations:

- Although questions of sovereignty are important and sensitive, the EU's underlying assumption should be that the state has the responsibility to protect.
- The EU's position towards the RLM should change over time, and this change should be leveraged as an incentive for peace.

Transitional justice

Amnesty generally works when it is appropriate (i.e. does not cover crimes of interest to the ICTY in the Balkans) but it leaves a bigger question of what to do about trafficking and organised crime. The truth commission in Indonesia did not work as it was a step too far (it would have addressed the past before Aceh and included other conflicts).

Reform

In the Balkans there is the perspective of EU membership, which is a powerful leverage for human rights and community rights. This helps enshrine the peace provisions in national legislation and constitutions. It is more difficult outside Europe, however: the Indonesia–Aceh Memorandum of Understanding called for deep reform of the Indonesian armed forces which was not realistic.

Language and Discourse

Labels – such as ‘victim’ and ‘perpetrator’ or ‘disarmament and demobilization’ are politically charged and contested. Discourse over international standards can be confused (e.g. there is a prohibition on children in armed forces, but there is no international standard for providing an ex-combatant with a particular job). Local elites contest these discourses and their meanings.

Role of the International Community

UNMIN stayed too long in Nepal, and became part of the problem; local actors project problems onto the international community.

Different actors

Different actors have complementary roles: formal actors can bring sticks and carrots, can grant legitimacy but may have legal constraints. Non-state actors may have greater access and bring experience from elsewhere, but no “carrots”. Local actors have a wide range of contacts and understanding of the situations. The International Contact Group on the Mindanao conflict shows how different types of state and non-state actors can play complementary roles.

External actors tend to provide external technical expertise (e.g. constitutions, negotiation, SSR/DDR) but work with RLMs requires more, i.e. experience and empathy. Actors should therefore draw from the experience made with similar groups (e.g. IRA) and adapt their approach and include similar groups themselves to provide expertise.

In some contexts, the OSCE and UN find the EU a difficult partner; joint workshops could increase trust and coordination.

EU engagement in processes

There is no inevitability of EU engagement in crises.

Recommendation:

- NGOs need to raise awareness of the need for the EU engagement in crises and conflict situations.

The mediation support division’s mission is to build EEAS and EU capacity to be a smart mediation actor, support other actors engaged in dialogue and mediation, and try and support EU representatives in formal negotiations. It also provides expertise/advice to funding instruments. EU engagement should be seen as a subset of overall international and local crisis management/response activities, i.e. part of the broader peace process.

The EU can be a difficult partner for those engaged in peace processes: log frames and indicators may not be relevant on the ground; EU project managers cannot engage in the projects they fund. There is a lack of coordination and information sharing within the EU – few geographical units know the mediation division exists. Visibility rules can be a challenge for partners but a lack of understanding of the EU leads to confusion on the ground.

Recommendations:

- Steering committees of EU officials from the delegations and headquarters may improve their engagement in EU-supported peacebuilding projects.

- The EU should fund more information points to raise understanding of the EU.

Where the people involved are EU citizens (e.g. the Basque country), the EU should be involved and could play an important role in providing a neutral arena to help move forward on key issues, including through providing the state with incentives for reform. The example of Northern Ireland shows that there are instruments that can be used.

Recommendation:

- EU engagement in intra-EU processes is necessary and could be positive

Common Security and Defence Policy (CSDP)**Lessons learnt from CSDP:**

- EEAS offers the possibility for EU to move beyond declaratory foreign policy, assorting political statements with packages of concrete actions, including CSDP, which EU foreign ministers can discuss when they meet. This requires more information flow between geographic and CSDP planners and a more comprehensive approach.
- Clear objectives for missions are needed to enable evaluation of their success and learning from good examples about effectiveness.
- In addition to more 'train and equip' missions, traditionally used to support existing leaders, ongoing efforts of CSDP support to Security Sector Reform (SSR) are an attempt to (a) provide security through engaging in participatory processes of institutional reform, (b) reflecting EU commitments to promote democracy, the rule of law and human rights and engaging with civil society, (c) encouraging inclusive political processes to define national security strategies for the host country and (d) ensuring that basic security needs of the population are met.
- A comprehensive approach, based on a holistic EU regional strategy, to foreign and security policy is recommended, which brings together the different instruments to support the EU's political objectives in a rational and transparent way. Example: current EU strategy for the Horn of Africa.
- CSDP also aims and should aim to address connections between organised crime, preventing criminal activity of ex-combatants and corruption among politicians and high-level officials, especially in the Western Balkans.