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Inclusivity¹ in Peace Processes

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Why is inclusion relevant to securing a stable peace/preventing conflict relapse?

Exclusion is one of the principal reasons why groups resort to violence and protest. It is, however, important to make a distinction between active and passive exclusion.² Active exclusion refers to actors that are proactively excluded from political, economic, or social decision-making by power holders (e.g. The Society of the Muslim Brothers in Egypt or the Taliban in Afghanistan negotiations until recently). Passive exclusion is tacit, and involves those without the means to assert their stake in negotiations. Women are often the object of passive exclusion, though minority groups can also be passively excluded. Inclusivity in the UN context tends to be focused more on remedying passive exclusion; however, both types of exclusion matter for quality and sustainability of peace processes.

Research shows that inclusive peace processes³ have had a much higher rate of sustaining the peace agreements that result. However, newer research from the Graduate Institute shows that this has only been the case

when inclusion was exercised in a meaningful way, i.e. included actors have made quality contributions to peace agreement and their implementation. Mere presence of more actors is not sufficient.

What is an Inclusive Peace Processes?

Inclusivity is frequently conceptualized as involving women and civil society actors. Both women and civil society are often imagined as the 'good society' that is reliably pro-peace and -democracy and, therefore, an essential supporting component within peace processes. This is not always true. Women and civil society groups are a mirror of society, manifesting at times peace-supporting, nationalist and belligerent perspectives. However, women form 50% or more of the world's population, and thus a rights-based preference for their inclusion is as justified as evidence that comes of successful women involvement into processes. The same does not hold automatically for civil society as their inclusion is context specific and depends on the constitution of civil society, the phase of the peace

process and the preparedness of involved groups. In order to achieve sustainable outcomes, inclusivity in peace processes must encompass all relevant actors that matter for reaching, and implementing, agreements in a sustainable manner, including potential spoilers. These actors can be civil society and women but also armed groups (apart from the track 1 parties), political parties, business, minority groups, traditional and religious actors, eminent persons, communities, or the public at large. Inclusivity, however, also refers to issues and themes that need to be included into peace deals to make them sustainable.

Key operational/policy challenges

LACK OF KNOWLEDGE ON THE PRACTICE OF INCLUSION

There is lack of practical knowledge about inclusion in the UN and international community. Processes are designed and actors included mostly on the basis of untested hypothesis or normative biases. For example, many mediators still believe that there is a trade-off between inclusion and efficiency when reaching an agreement. Evidence from research shows that inclusive processes have not reduced the chances of reaching agreements, and quality inclusion has substantially increased the chances of sustainable implementation of peace agreements. Forging inclusion is important for UN missions both during UN-led mediation processes but also in support of implementation of agreements, constitution making and building new institutions.

PROCESS DESIGN CHALLENGES AND OPPORTUNITIES

There remains an excessive focus on the negotiation table as the locus of a peace process. However, inclusion can take place in all phases of the peace process. New research⁴ shows the broad variety of possible inclusion modalities. These are not mutually exclusive; on the contrary, they occur (or can be implemented) in parallel or at different stages of the processes, depending on the goals of the process, as well as specific contextual features. The following modalities exist in practise:

Direct representation at the negotiation table can be achieved by including more actors into the main negotiation delegations, or by enlarging the number of negotiation delegations at the table or else, include almost all relevant constituencies within society inclusive National Dialogues which can be for peacemaking (DRC) or constitution making (Yemen). **Observer status** given to selected groups or the public via opening certain sessions to the media. **Consultations** can be officially endorsed and part of the negotiation (Guatemala, Afghanistan 2001, Colombia); they can be unofficial (Kenya 2008); they can be elite based, as well as broader based, and even public. Consultations are the most commonly identified form of broader inclusion in all peace processes. **Inclusive Commissions**, including: post-agreement commissions (e.g. Truth and Reconciliation Commissions, Ceasefire- or peace-agreement-monitoring commissions); Commissions preparing/conducting peace process (such as the High Commissioner for the Peace Process in Colombia); Permanent bodies (such as the National Integration and Cohesion Commission in Kenya). The inclusivity of these commissions is a crucial precondition for their success and hence, the success of the implementation of a peace process. The more specifically the composition of these commissions is written into the agreement, the more effective they have been in practice. **High-level problem solving workshops (Track 1.5)**: These workshops are unofficial and generally not publicised. They bring together representatives close to the leaders of the conflict parties, and offer them a space for discussion without the pressure to reach agreement. **Public decision-making** (i.e. referenda): Peace agreements and/or new constitutions can be submitted to ratification by the population affected. The results are usually binding. This is a powerful tool to get public buy-in for an elite pact. Peace agreements are frequently negotiated by the moderates within the parties. A public endorsement of the deal helps to protect the agreement from hardliner constituencies. It also seeks to provide democratic legitimacy to the process, ensuring public support and the sustainability of the agreement. The decision to put a peace deal to public vote needs to be carefully considered,

however, as a vote against the agreement blocks its implementation and usually puts the process on hold.

Mass action may create a general pro- or anti-peace agreement atmosphere. In Nepal in 2006, for example, three months of mass demonstrations put pressure on the conflict parties to end the armed conflict.

In contrast, during the 2002 peace process in Sri Lanka, demonstrations against peace negotiations and the Norwegian facilitation – often carried out by Buddhist monks – became more frequent and louder than the demonstrations in support of the peace process.

Planning for inclusion should not be construed as a selection **between different inclusion modalities**.

In most peace processes, a number of modalities have been used either in parallel or at different stages of the process. The choice of inclusion modalities depends on context and the stage of the peace process. These models are equally important for UN led missions in support of implementation processes including governance structures or constitution making.

Procedures and criteria of selection are important. Deciding which group to work with, especially in cases where there are no strong and representative countrywide groups, is yet another significant challenge. Groups can be selected by the main negotiation parties, by the mediator, or alternatively by a self-selection process. Mediators need to be wary of selection criteria and processes driven by the belligerent parties, as evidence suggests included actors may be selected for their expected support for conflicting party positions. The most successful processes had transparent selection processes mainly done by constituents themselves. Procedures of inclusion should be detailed (for example by specifying quotas for inclusion in post-agreement mechanisms), but not rigid.

Decision-making procedures can negate the benefits of inclusion by sidelining included actors, or marginalizing their contributions (non-binding inputs). For example in most National Dialogues, despite widespread consultation, ultimate decision making power rested with a small group (usually comprised of already-powerful actors).

Transfer strategies are essential to ensure the inputs of included actors find their way into agreements. These can be either insider strategies (inclusion in official negotiation delegations; the handing over of reports and non-papers to negotiators or mediators; direct exchange with mediators, advisors, or negotiators; or the participation of mediators in consultations or problem-solving workshops) or outsider strategies (public reports or declarations; media outreach; public statements; press releases; visible peace messages; mailbox deliveries; lobbying for international community attention).

Support structures can increase the effectiveness of inclusion, for example through capacity building, resource centers for included actors, or support in the drafting of inputs. Such support can be both built into the process and/or provided through outside-facilitated arrangements.

Public buy - in for an agreement/constitution is essential and is influenced by the choice of venue (negotiations can be remote from the public, both in terms of geography and a lack of information about, or input into, the process), timing (negotiations can occur too soon, or too late, be pushed forward too fast, or drag on too long), and funding (when included groups cannot sustain participation). When there is no public support it is very hard to implement an agreement. Hence strategies to increase public support are crucial.

The **mediator** can use his or her role strategically: by displaying flexibility, being open for inclusion, finding alternative ways to feed the voices of included actors into a process (informal transfer mechanisms), and being perceived as unbiased.

Context challenges

Power politics: more inclusive processes challenge established power structures. Hence, resistance of power holders is to be expected. When the main negotiating parties or political elites in a country are

not committed to the process, including more actors to the table has little chances of success, especially when these groups are not given decision-making power. In such cases, it can be better to stay outside of official talks, as more leverage and pressure can be built from the outside via the media or mass action. If groups are to be included in the official negotiation format, they need a concomitant decision-making power. If they are attached to the official formats in consultations, for example, an official transfer mechanism of the results of the consultations to the official table needs to be agreed upon.

Geopolitical context: the political interest of **regional actors** is usually more important than other international actors. The UN therefore needs to see inclusivity also in the regional context.

Preparedness of included actors can refer to the technical capacity to engage with the formal procedures of an inclusion modality (writing submissions to a National Dialogue, for example) or the political cohesion to represent a unified position with regards to a given issue. Both of these requirements can be supported with technical and financial support for groups in need. Newer research shows that women groups get far more peace process support as compared to civil society groups or marginalized armed actors.

Suggestions to the High-level panel

The panel should

- » promulgate a broad understanding of inclusion as involving political, social and economically excluded issues and actors. This should include civil society and women but must also be beyond;
- » challenge existing assumptions that inclusion involves trade-offs, or is primarily normative, and advocate for inclusion based on evidence.
- » recommend the development of a UN guidance notes on inclusivity that addresses all phases of a peace process from pre-negotiations, negotiations and post-conflict peacebuilding.
- » support a UN approach to inclusion that remains cognizant of the need for public buy-in and political support, also from powerful national and regional actors next to the international community.
- » recommend investments into comprehensive research-practice transfer on inclusion, in particular of newer evidence based research as well as funding of additional research and capacity building inside and outside the UN system.

ENDNOTES

- 1 In this paper inclusivity refers to the principle of including relevant actors into processes, while inclusion refers to the act of including these actors in practice.
- 2 Sen, A. 2000 Social Exclusion: Concept, application, and scrutiny. Office of Environment and Social Development, Asian Development Bank.
- 3 Desirée Nilsson, "Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace," *International Interactions: Empirical and Theoretical Research in International Relations* 38, no. 2 (2012).
- 4 Paffenholz, T. 2014, *Civil Society and Peace Negotiations: Beyond the Inclusion–Exclusion Dichotomy*. *Negotiation Journal*, 30(1), 69-91, see also: *Broader Participation in Peace Processes: Guide to Mediators*, hd centre June 2014 by Thania Paffenholz: http://www.hdcentre.org/uploads/tx_news/MPS4-Broadening-participation-in-peace-processes.pdf