



AN ARCHITECTURE FOR BUILDING PEACE AT THE LOCAL LEVEL:

A COMPARATIVE STUDY OF LOCAL PEACE COMMITTEES

A Discussion Paper By Andries Odendaal

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GLOSSARY

AED	Academy for Educational Development	NTTP	Nepal Transition to Peace Initiative
ANC	African National Congress	OAS	Organization of American States
CDI	Community Development Institute	OAU	Organisation of African Unity
CSP	Center for Systemic Peace	OECD	Organisation for Economic Co-operation and Development
CEPAD	Evangelical Council of Churches	OFA	Ohrid Framework Agreement
CIAV	International Support and Verification Commission	OSCE	Organization for Security and Co-operation in Europe
CICR	Committee for Inter-Community Relations	PPRC	Political parties registration commission
DMC	District Code of Conduct Monitoring Committee	PSNI	Police Service of Northern Ireland
DPPB	District Policing Partnership Board	RPC	Regional peace committee
DUP	Democratic Unionist Party	RUC	Royal Ulster Constabulary
EU	European Union	RUF	Revolutionary United Front
FYR	Former Yugoslav Republic	ToR	Terms of reference
GTZ	Gesellschaft für Technische Zusammenarbeit	TRC	Truth and reconciliation commission
IFES	International Foundation for Electoral Systems	SDLP	Social Democratic and Labour Party
LPC	Local peace committee	UML	United Marxist-Leninist
MoPR	Ministry of Peace and Reconstruction	UNDP	United Nations Development Programme
MPLC	Multi-party liaison committee	UNIOSIL	United Nations Integrated Office in Sierra Leone
NEC	National electoral commission	USIP	United States Institute of Peace
NGO	Nongovernmental organization	USAID	United States Agency for International Development
NPA	National Peace Accord	WANEP	West Africa Network for Peacebuilding
NPS	National peace secretariat	ZELS	Association of the Units of Local Self Government
NSC	National steering committee		

EXECUTIVE SUMMARY

This discussion paper at hand aims to:

- ensuring that UN staff who support LPCs have a high degree of technical expertise in conflict transformation;
- undertaking thorough analysis to determine if suitable conditions exist to establish LPCs;
- conducting further research to explore the possible role of LPCs in helping support local governance and decentralization;
- working directly with LPCs and national peace architectures by:
 - i) providing institutional support to national bodies that have the task of implementing LPCs;
 - ii) providing technical support through creating peace and development advisor positions, offering training events and providing in-service training support;
 - iii) requiring that election monitoring missions cooperate with LPCs;
 - iv) providing bridging finance to establish a peace architecture;
 - v) explaining the usefulness of LPCs to relevant national audiences through conferences, seminars, consultations and information-sharing events across countries and regions;
 - vi) stimulating deeper knowledge about LPCs by commissioning research on their various features, particularly their relevance to local development and governance.

INTRODUCTION

A man was shot dead because he got into a fight with a shopkeeper over change for a packet of cigarettes. This was a fairly un-noteworthy incident in South Africa in the summer of 1994, at a time when the country was in the throes of giving birth to a new constitution. Both the shopkeeper and his customer lived in one of the country's many shantytowns, and both were well-connected to two opposing factions that had split the township in two. The two factions pledged allegiance to the same dominant liberation movement, but an intense leadership struggle for local control was underway. This meant that the killing assumed local political overtones. The township was tense, with everyone anticipating revenge at the funeral since violence often broke out at these times. The police were perceived as 'the enemy' for their role in enforcing apartheid, so local people did not trust they would successfully deal with the situation.

Instead, the local peace committee established under the country's National Peace Accord (NPA), sprang into action. Meetings throughout the week involved political, religious and social organizations. There was some tough and angry talk, but eventually all participants agreed on one goal – the funeral had to be peaceful, as indeed it was.¹ The local peace committee had managed to defuse a potentially violent incident. It might also claim credit for having prevented a vicious cycle of revenge attacks.

This study explores these local peace mechanisms and particularly focuses on structures established as part of a larger peace architecture. In 1997, Lederach² noted two countries where regional and local peace commissions made effective contributions to peace: Nicaragua in the late 1980s, and South Africa in the early 1990s. Subsequently, similar local peace building mechanisms have been used in several situations as diverse as FYR

Macedonia, Kenya, Nepal, Sierra Leone and Serbia, as well as in Northern Ireland. The UN system has been involved in various supportive roles in some of these countries, and is considering involvement in others. It is too early to arrive at definitive international standards on implementing these structures, but there is a sufficient body of experience to point to some tentative guidelines – the goal of this study.

The study starts by briefly discussing the basic theoretical assumptions that are the basis of local peacebuilding, and by clarifying the concept local peace committees. This is followed by a systematic classification of LPCs and a description of research methods. Subsequent sections assess the impact of local peace committees and identify tentative methodological guidelines. The study concludes with recommendations for the UN system.



LOCAL PEACEBUILDING: ASSUMPTIONS AND CONSIDERATIONS

This study fits within the context of two larger discussions. The first is the growing body of literature on peacebuilding; specifically, the role of peace architectures. The second discussion focuses on the importance of the local (i.e. sub-national) dimension of peacebuilding. In other words, it deals with the effectiveness and importance of peacebuilding from below.

Peacebuilding and peace architectures: Assumptions

This section will not extensively describe theoretical developments since former United Nations Secretary-General, Boutros Boutros-Ghali³ popularized the concept of peacebuilding in 1992. Instead, it will summarize some of the main relevant guiding theoretical assumptions of the study.

- Peacebuilding is understood “...to refer to those initiatives which foster and support sustainable structures and processes which strengthen the prospects for peaceful coexistence and decrease the likelihood of the outbreak, reoccurrence, or continuation of violent conflict.”⁴
 - It is no coincidence that peacebuilding is a post-Cold War concept. From 1945, states were hastily established on very superficial foundations during the post-World War II decolonization drive. The world’s superpowers then propped them up during the Cold War era. These actions provide the main explanation of intra-state violent conflict. State fragility and warfare are closely connected,⁵ and imply that peacebuilding and state-building are twin concepts. In most violent conflict locations today, peacebuilding entails strengthening the legitimacy of democratic state institutions, and improving their capacity or effectiveness to perform their duties.⁶
- ⁵ There are large overlaps – conceptually and practically – in building peace in post-conflict conditions and preventing violence in states that are fragile.
- Peacebuilding is a multi-faceted and complex process. In their summary of the ‘revision of thinking’ on peacebuilding during the past decade, Ramsbotham et al⁷ identified some emerging insights:
 - i) The barriers to constructive intervention are more formidable than previously assumed. Embedded cultures and economies of violence do not easily lend themselves to simple one-dimensional interventions (such as mediation of elite ‘pacts’).
 - ii) Formal agreements need to be based on understandings, structures and long-term development frameworks that will diminish cultures of violence and sustain peace processes on the ground.
 - iii) Local participants, the nongovernmental sector and links to local knowledge and wisdom are all significant. Sustainable citizen-based peacebuilding initiatives should be enhanced, and participatory public political opportunities need to be made available.
 - The concepts of ownership and capacity are particularly relevant to implementing peacebuilding. According to Bush⁴, “peacebuilding is not about the imposition of solutions, it is about the creation of opportunities. The challenge is to identify and nurture the political, economic, and social space within which indigenous

participants can identify, develop, and employ the resources necessary to build a peaceful, prosperous, and just society.” In other words, peacebuilding will succeed if citizens of the affected society assume responsibility for implementing peace (‘ownership’). Similarly, they need to be willing to sustain the peacebuilding process by relying on local resources, both human and financial (‘capacity’).

- The understanding that peacebuilding requires sustained and deeply transformative work has contributed to the development of the concept of ‘peace architectures’; alternatively called ‘infrastructures for peace’. The concept was introduced by Lederach² when he proposed his ‘modest thesis’ in 1997. He stated that the nature and characteristics of contemporary conflict “...suggested the need for a set of concepts and approaches that go beyond traditional statist diplomacy. Building peace in today’s conflicts called for long-term commitment to establishing an infrastructure across the levels of a society, an infrastructure that would empower the resources for reconciliation from within that society and maximize the contribution from outside.” His model called for structural transformation within an extended and realistic timeframe. Lederach stated that infrastructure did not mean a rigid centrally-controlled system. Instead, it referred to a functional network that – like a spider’s web – would cross the divisions and levels of society and beyond, ensuring the best possible collaboration and coordination.
- Meanwhile, there is a growing acknowledgement of what Nathan⁸ called the ‘psycho-political’ dimensions of conflict. Lederach² expanded on this issue in 1997, stating that “...although enormous pain and deep-rooted animosity accompany any war, the nature of contemporary settings of armed conflict – where neighbor fears

neighbor and sometimes family member fears family member, and where each sheds blood – makes the emotive, perceptual, social-psychological, and spiritual dimensions core, not peripheral concerns.” Therefore, transforming relationships is a central peacebuilding objective

Peacebuilding from below: Some considerations

It is important to recognize that the concept of peacebuilding from below is not universally accepted. On the one hand, the peacebuilding literature increasingly recognizes the importance of working at the local community level when attempting peacebuilding. On the other hand, the idea of peacebuilding from below competes with an understanding of reality where political elites and state representatives govern the behaviour of a conflict. This ‘elite’ approach to peacebuilding assumes that national political and ethnic ‘entrepreneurs’ alone determine the use and extent of violence. This theory implies that local communities are passive recipients, and victims of violence carried out by political elites. It also is based on the idea that local participants deserve to be only objects of humanitarian relief instead of active ‘architects’ of building their own peace.

The following summarized assumptions form the basis of this study:

- There is not necessarily a contradiction between the roles of participants at various levels of global, regional, national and sub-national conflict systems. Ramsbotham *et al*⁷ have argued for a multi-layered approach to peacebuilding in both analysing conflicts and when implementing policies to resolve them. In fact, few people support an approach exclusively limited to peacebuilding from below, as deep structural causes of violence will not be addressed through local peacebuilding alone. For example, in South Africa no



amount of local peacebuilding would have produced a new democratic and just constitution. This could only be negotiated by national leaders.

- There are problems with local peacebuilding because it is difficult to provide convincing proof that it can make an impact. On the one hand, most donors have accepted there is value in local peacebuilding. In 2004, more than 4,000 NGOs from OECD countries were involved in overseas peacebuilding work, and another 20,000 national NGOs outside of OECD countries formed peacebuilding partnerships with OECD NGOs. In addition, there were countless community-based organizations working on peacebuilding.⁷ Many of these organizations had local peacebuilding objectives or believed their development work had important peacebuilding implications. Donors that spent substantial amounts of money financing these projects appear to have agreed.
- On the other hand, there is some room for skepticism. Anderson⁹ has concluded that many people engage in peacebuilding activities because they assume they will eventually demonstrate a return. In fact, this seems to be the dominant rationale for local peacebuilding projects. However, Anderson says evidence gathered when peacebuilding organizations analyse their efforts ('reflecting on peace practice') suggests that "many good actions do not simply add up to peace." She also reports two more key findings. First, there must be a conscious link between work at the local level and broader socio-political developments. One cannot assume that transformed individuals or local communities will engage in relevant processes of social transformation. Second, strategies focusing on key people need to link to strategies to engage broader level participants in order to avoid working only with the local elite or groups of people who do not have strategic relevance. This means that local peacebuilding projects must demonstrate their strategic relevance to the larger peace process. Anderson's findings have contributed to a significant and ongoing debate on the so-called peace and conflict impact assessment.¹⁰ The debate highlights the difficulty of achieving reliable impact assessments.

- Local and national conflict systems are both interconnected and distinct. Consider the following simple image: the earth and the moon circle the sun, and both are governed by the same gravitational forces that determine their pathways around the sun. The moon does not have its own separate independent orbit. However, it does have its own trajectory around the earth due to its particular relationship with it. In this image, the moon represents local conflict systems and the earth a national conflict system. Local conflict systems are invariably caused and driven by the same factors that determine the national conflict system. They are demonstrations of the same root causes. Yet, local dynamics, participants and histories cause local conflict systems to develop a momentum of their own. In some cases, achieving national peace is enough to bring peace at a local level; in other cases, it is not. In those situations, local conflict systems must be dealt with in terms of their own dynamics, not as automatic extensions of the national system.
- Ghana provides an example illustrating how local and national conflict systems are interconnected. The country has a history of violent inter-community conflicts, especially in the north. For example, between 1990 and 2002 ethnic communities had 14 violent clashes. The 1994-95 Konkomba-Nanumba conflict killed 5000 people. In 2002, a violent conflict broke out in the Dagomba Kingdom on the issue of succession to the throne. This conflict threatened national security since the two main national political parties were on opposing sides, and because an election was to be held in 2004. In March 2003, the Government declared a state of emergency.
- The Government had noted the distinct methodology applied by civil society in previous conflicts and approached the UNDP Country Office for help. UNDP cooperated with civil society organizations to make possible a conflict transformation process that used basic local peacebuilding methods. Instead of seeking to put down the conflict by sending in security forces and thereby inflaming the political atmosphere, a process was rather followed that engaged local actors and used local peacebuilding resources to defuse the conflict. This approach made a major contribution to the reputation Ghana enjoys today as one of Africa's most stable democracies.
- A key learning point is that local participants actively take part in a conflict; they are not mere victims. They both respond to and manipulate the larger conflict according to their own interests and needs.¹¹ The Sierra Leone case study demonstrates this dynamic and shows that tenacious local conflict systems have to be engaged on their own merit through a process that respects local participants and conditions. The Ghana example shows this engagement can contribute positively to national stability.
- The Ghana case also highlights the overlap in strategies needed to deal with post-conflict and fragile state conditions. Ghana scored 13 points (on a spectrum of 0-25) against the State Fragility Index 2009, as assessed by the Center for Systemic Peace.⁵ The score indicates that Ghana was not considered a 'seriously fragile' state. This is despite the fact that in 2009 in its northern region both state legitimacy and effectiveness were at risk. Progress in the peaceful resolution of Ghana's Dagbon conflict had a positive impact on both post-violence and state fragility conditions in that area. The Kenyan case study reveals similar dynamics.

Based on these assumptions, the following sections of this study examine 'local peace committees' as specific local peacebuilding tools.

LOCAL PEACE COMMITTEES: CONCEPT CLARIFICATION

'Local peace committee' (LPC) is an umbrella title. In practice, a variety of names are used in addition to local peace committees: 'district peace advisory councils', 'district multi-party liaison committees', 'village peace and development committees', 'committees for inter-community relations', and so on.

An LPC is an inclusive committee operating at sub-national level (a district, municipality, town or village). It includes the different community sections in conflict, and has the task of promoting peace within its own context. An LPC is appropriate in a situation when the local community experiences, or is under threat of, violent or debilitating internal conflict. Generally speaking, an LPC includes all participants, emphasizes dialogue, promotes mutual understanding, builds trust and creates constructive problem-solving and joint action to prevent violence.

The definition of peace is a complex matter based on deep ideological, philosophical and political concepts. LPCs with an overly idealistic understanding of peace may develop unrealistic expectations. In practice, the meaning of peace derives from the specific nature and context of a given conflict. Furthermore, peace parameters are usually defined by a national peace agreement or the country's constitution.

For the purposes of this paper, it is enough to state that the peace sought by local peace committees means ending the violence of the past; preventing any occurrence or recurrence of violence; acknowledging that local patterns of exclusion and discrimination need to be transformed, and with all participants committing to collaborate and take action in that transformation to deal with the most threatening and urgent problems facing the community.



IN PHOTO/FRED NOY

FORMAL AND INFORMAL LOCAL PEACE COMMITTEES

There are two main categories of local peace committees. Some LPCs receive formal state recognition; they are established through a national peace accord, legislation, or by a statutory body as part of its formal mandate. Examples include: local peace committees in South Africa (established under the September 1991 terms of the National Peace Accord); the Committees on Inter-Community Relations in Serbia (established under the terms of the Law on Local Self-Government of 2002, Art. 63); and the District Code of Conduct Monitoring Committees in Sierra Leone (established by the Political Parties Registration Commission as part of its statutory mandate to mediate disputes between political parties and to promote pluralism). Other LPCs are informal: they are established by civil society participants and are not formally recognized by the state.

There is evidence of widespread use of informal LPCs.^{12, 13} Their informal nature is both a strength and a weakness. Informality means they are less indebted to political and government actors, and they are often composed of volunteers with a high level of personal interest in peace. Consequently, informal LPCs are often more committed and more creative than formal bodies. However, their weakness is that they sometimes lack the clout to engage with government and political leaders and are easily ignored by those who wield power.

This study focuses primarily on formal LPCs since they are more closely associated with the mandate of the UN system to work primarily (though not exclusively) with government and state institutions. Furthermore, focusing on formal LPCs allows the study to examine the interface between local peacebuilding and formal national peace processes, and to view LPCs as a formal aspect of wider peace architectures.

This focus does not imply that informal LPCs are less worthy. They do have a track record of achievement. For example, in Kenya, a small group of women initiated an LPC in the Wajir district. It was so successful that it was copied in other troubled districts and ultimately recognized by the government. On 23 May 2008, the Government passed the Kenya National Dialogue and Reconciliation Agreement, mediated by former UN Secretary-General, Kofi Annan. It provided an implementation schedule to establish LPCs in all districts of the country. Therefore, an informal LPC inspired the formalization of LPCs in Kenya. As previously noted, a similar development took place in Ghana.



RESEARCH METHODOLOGY

The study is based on the following experiences: FYR Macedonia, Ghana, Indonesia (Aceh), Kenya, Malawi, Nepal, Nicaragua, Northern Ireland, Serbia, Sierra Leone, South Africa and Uganda (Karamoja). Case studies have been developed for the following (in chronological order): Nicaragua, South Africa, Kenya, Northern Ireland, FYR Macedonia, Ghana, Nepal and Sierra Leone.

The study has relied on available documentation such as published literature, unpublished reports and articles in the press. However, there is little independent LPC research and documentation, and differing amounts of research are available within each country. Therefore, additional information comes from the author's personal knowledge of the contexts in Ghana, FYR Macedonia, Malawi, Nepal, Sierra Leone, South Africa and Uganda. The author has worked in projects in these countries including interviewing local participants and observers. However,

the interviews were conducted in line with the author's specific tasks at the time, rather than structured by the current research objectives.

It is important to note that in relation to this study, no specific field research has been done and no comparative quantitative data is available. Furthermore, processes in these countries are at various implementation stages, from complete (South Africa) to others still being planned (Uganda and Ghana). Therefore, the sections that follow are an interpretation of available evidence with further field-based research required.

The documented case studies provide the primary information evidence basis of this study. The following sections will offer a brief discussion of the more thorough case study evidence, while the studies provide a more substantive detailed analysis.



UN PHOTO/TIM MCKULKA

IMPACT OF LOCAL PEACE COMMITTEES

The case studies show that LPCs have proven to be useful local peacebuilding instruments. However, at the same time, it is clear there are very specific limitations on what they can achieve. Their impact also varies from context to context – even within the same country.

The following evidence can help assess LPC impact:

- The Kenyan experience described previously, mentioned the success of the Wajir LPC that initiated a process resulting in a national agreement to implement committees in all districts. Kenyan LPCs have also facilitated the so-called Garissa Declaration – an agreement between northeast pastoralist clans and the Government on procedures to deal with cattle rustling. Chopra^{14, 109} has described and assessed this development, calling it a significant and good example of what she calls ‘bottom-up lawmaking’.
- The LPCs were particularly adept at integrating a broad range of relevant local stakeholders who could potentially achieve conflict resolution. From this base, the LPCs demonstrated further strengths such as applying features of the local traditional justice system, tackling cases of inter-ethnic conflict between groups with different values and customs, and facilitating a form of engagement between marginalized communities and the State – an achievement that has resulted in the State being more responsive to these communities.
- After post-election violence in Kenya between December 2007 and March 2008, a UNDP report¹⁵ mentioned that “... the country’s northern and northeastern provinces, which had seen the building of significant local capacities for peace prior to elections, had remained largely peaceful in the aftermath of the elections despite a long history of political and inter-tribal violence.” However, this statement should be interpreted cautiously, since other variables (such as the particular dynamics of the political contest) also had an impact on the situation.
- In Nicaragua, local peace commissions made possible many local agreements. They have been particularly successful in engaging contra guerillas who re-armed after the ceasefire agreement, and easing their reintegration into society at a time when all other attempts to deal with them had failed.
- The South African LPC experience is fairly well researched and documented.^{16, 17, 18, 19, 8, 20, 21, 22} Two of the assessments were conducted by independent outsiders, one on behalf of the United States Agency for International Development (USAID),¹⁶ and the other for International Alert.¹⁹ In addition, field research was undertaken in one of the regions of the country.²¹ At one level, it may seem that the South African LPCs failed since their primary objective was to prevent violence. Yet, the number of deaths caused by political violence increased each successive year during the LPCs’ lifetime – from 2649 in 1992 to 3567 in 1994. This fact clearly demonstrates that the LPCs could not enforce peace. However, more significantly, all observers agreed that LPCs had successfully prevented many potentially violent events and had bolstered local dialogue and problem-solving processes.
- The outcome of this work is not quantifiable, but the USAID report’s summary assessment¹⁶ provides the most apt observation: “...viewed as a whole, the

peace committees had a mixed record, and a definite assessment of their success or failure is impossible. Peace committees were unable to stop violence completely, but often limited its occurrence. They were unable to end impunity on the part of the security forces, but they were able to help equalize the balance of power between those in power and ordinary citizens and to strengthen accountability. Their ability to address the underlying causes of conflict was circumscribed, but even in the most violence-ridden areas, peace committee staff were able to mediate conflict and create a safe space within which problems could be discussed. And though unable to transform the 'struggle mentality', they were able to help South Africans take their first steps toward understanding the value of negotiations and how to engage in them constructively."

- In Sierra Leone, the 2007 European Union Election Observation Mission concluded: "... the National and District Code Monitoring Committees proved themselves to be an effective forum for addressing contentious issues. Their regular meetings acted as an efficient conflict mediation tool during the campaign period and successfully promoted reconciliation among political parties after clashes between their supporters in a number of areas including Kono, Kambia, Kailahun and Bo districts."²³
- In Northern Ireland, the design of the District Policing Partnerships was an attempt to "...find the solution to the policing of a divided community, one part of which had largely lost confidence in its police force."²⁴ Opinion polls from 2008 point to a remarkable normalization of community attitudes towards policing. However, credit for this is not due solely or primarily to these local bodies; national political developments played a major role. Instead, their value is that they provided the only available platform for local community dialogue on an issue that has always deeply divided communities.

- In Nepal, political stumbling-blocks have hampered LPC rollout. The Ministry of Peace and Reconstruction, which supports LPCs, has been involved in an ongoing political power-struggle for control. A February and May 2008 research team of the 2008 Nepal Transition to Peace Initiative (NTTP) interviewed the 22 existing LPCs and found that lack of support rendered most of them dysfunctional. Yet, seven were active and had been somewhat successful in dealing with conflict situations. This illustrates that even in very debilitating political and administrative circumstances, LPCs can be successful if local participants seize the opportunity they offer.
- In FYR Macedonia, Koceski²⁵ found anecdotal evidence that committees for inter-community relations effectively dealt with harmful rumours and facilitated solutions to disputes over inter-community coexistence.

The fundamental achievement of LPCs is that they create opportunities for dialogue. In most of the above cases, LPCs provided the opportunity for representatives of locally-divided communities to meet and talk about their joint conflict. For example, in FYR Macedonia, Sikoska²⁶ reports there was almost no constructive political dialogue between ethnic communities at national level. In this light the creation of committees on inter-community relations, designed to institutionalize ethnic dialogue at a local level, was a significant development.

In Northern Ireland, some commentators²⁷ felt that the consociational model adopted by the Good Friday Agreement diluted the need for inter-community reconciliation at the national level. Against this background, Northern Ireland's district policing partnerships dealt with the controversial matter of policing by institutionalizing regular discussions in deeply divided communities. These discussions were important for building better social cohesion and contributed to normalizing policing and, therefore, to greater state legitimacy.



These are just two examples. It is difficult to measure the impact of local dialogue in anchoring and promoting community ownership of the local peace process. However, it might be reasonable to assume it has a significant impact.

By facilitating dialogue, LPCs can achieve certain major impacts. They can:

- enable communication between current or former protagonists to deal with potentially destructive rumours, fears and mistrust;
- prevent violence through joint monitoring, facilitating negotiations and joint planning for potentially violent events;
- facilitate local peacemaking processes leading to local peace agreements;
- mediate ongoing or new disputes to achieve joint problem-solving;
- strengthen social cohesion through LPC-facilitated dialogue – a necessary precondition for sustainable, collaborative and inclusive governance;
- facilitate reconciliation;

- enable local and national information flow so local peacebuilding challenges can receive proper attention at the national level.

It is also important to note what LPCs are not able to do. LPCs cannot:

- enforce peace, especially among groups that are bent on using violence;
- deal with structural root causes of conflict, particularly when conflict is driven by national political, economic or cultural interests.
- override national political imperatives; they have only a limited ability to counter national trends. If the national political context makes peace impossible, it is unreasonable to expect miracles from LPCs.

In summary, LPCs are appropriate mechanisms to deal with situations of crippling polarization within local communities, and minimal national and local political will to make peace. In these cases, ‘soft’ approaches such as dialogue, facilitation and negotiation are appropriate, while any form of coercion or arbitration will likely prove counterproductive.

STRUCTURE AND METHODOLOGY OF LPCs: TOWARDS TENTATIVE GUIDELINES

The following discussion on structure and methodology will focus on four areas, including LPCs’:

1. functionality in the context of a national mandate, including issues of local ownership, requirements of a peace architecture, external technical support and the value added by international monitoring missions;
2. composition, including reference to civil society’s role and the need to include women on the committee;
3. primary conflict transformation methodology;
4. relationships with local government.

1. National mandates and local ownership

The specific objectives to be achieved when establishing LPCs vary from context to context. However, despite variations, the underlying objective of all formal LPCs is the same: to have a local mechanism that supports achieving nationally-agreed peace objectives. Therefore, formal LPCs are inextricably linked to the national agenda – they need to operate in the framework determined by national agreements. This situation opens up simultaneous opportunities and challenges.

A national mandate creates a window of opportunity for LPCs by removing major political stumbling-blocks to peace and legitimizing local peace processes. In Nepal, Northern Ireland and South Africa, establishing LPCs that included all protagonists would have been impossible without a national mandate. In fact, in South Africa, the political climate was so negative that local peacemaking efforts prior to the Peace

Accord were - with one or two exceptions - not at all successful.

In theory, a national mandate also enables information and resource flow between national and local levels. In the best case scenario, it also improves the likelihood that local communities can table their issues on national agendas. One of the main disadvantages of informal LPCs is their limited ability to have an impact on the national process.

For example, in Nepal during the Maoist insurgency (1996 – 2006), civil society participants did first-rate work to defuse various potentially violent local situations and to mediate local agreements between belligerents. The lack of connection between these and national level processes generated frustration. There were no feedback loops or platforms for interaction, limited access to national resources, and restricted ability to put local issues on the national agenda. Within a national framework, it is possible to achieve a much better flow of information in both directions.

However, there are inherent difficulties with operating in the national mandate context. Invariably, local processes are held hostage to national power-plays. This was the case in Nepal. Political competition to control the peace architecture has seriously delayed its implementation and diluted its impact. Since 2007 when an inclusive multi-party decision established local peace committees, political control of the Ministry of Peace and Reconstruction has changed three times. Each time the peace process was seriously disrupted. In every case, the incumbent Minister exerted damaging party-political control over the process.

In FYR Macedonia, some municipal councils have appointed representatives on LPCs on behalf of ethnic communities without

consulting them. In doing so, they have potentially undermined LPC legitimacy in minority communities, rendering the committee subservient to the interests of the dominant members of the council.

In order to ensure that LPCs make the most of their function in a national mandate context, three conditions need to be satisfied, including the need for:

- i) local buy-in through applying sound processes;
- ii) a functioning peace architecture;
- iii) sufficient appropriate external support.

Securing local buy-in

Political will at a local level is required to make an LPC successful in practice. National participants do not implement or participate in LPCs; local participants do. This fact explains why LPCs have a varied success rate within the same national context.^{28, 21} An LPC's success is not determined by the national mandate, but by local political and non-political participants using the opportunity the national mandate creates for them.

National political leaders need to understand that if a national mandate stifles local ownership, it defeats the very purpose of LPCs. There seems to be a contrary relationship between local ownership and imposed processes: the more the process is imposed externally, the weaker a LPC's capacity to serve peace. In Kenya, the original LPC, the Wajir Peace and Development Committee, was highly successful because the process was wholly locally-owned and driven. Local and international NGOs copied the model in other districts, and this resulted in local ownership and effectiveness being weakened.

The best possible *modus operandi* is a national mandate that grants enough 'space' for local ownership; a mandate that recognizes that local buy-in is needed. South Africa provides a good example. Implementing LPCs in South Africa

rested on two principles. The first was that the national mandate granted legitimacy to local peace processes. The second principle was that the need for local buy-in was recognized. This equally important principle proved to be daunting in implementation. In fact, the National Peace Accord (NPA) was an elite pact.^{19, 16, 18} It was negotiated behind closed doors and then announced to the public. At grassroots level, there were pockets of strong resistance to the NPA in particular, and to peace in general.

For this reason, authorities soon realized that LPCs could not be established by simply faxing instructions to local branches of organizations. They understood that carefully-facilitated processes were needed to secure local buy-in, and that LPCs needed to be rooted in the conscious decision of local participants to engage with the peace process. They realized this even though it meant that local participants had the right to say 'no' to and block the formation of an LPC – as indeed happened in several instances. They learned it was critically important to work patiently and deal effectively with local resistance to confront concerns about the peace process.

The most fundamental aspects in making peace are the decision to do so and possessing the will to embark on that road. To deprive local participants of this right removes their power and weakens the quality of their commitment to peace. If local participants refuse to form an LPC, it means a distinct local conflict system exists; it has to be engaged on its own merits and requires its own specific peacemaking process.

In their assessment of the reasons why the 'zones of peace' failed in Aceh, Indonesia, Iyer and Mitchell²⁹ noted local communities were not involved in decisions to establish these bodies. "There seems to have been no sustained attempt to involve the local people – to give them space to express their own needs or suggest appropriate arrangements. From mute spectators of war, they were asked to remain mute spectators of peace." This was a sure recipe for failure.

Therefore, the process of forming an LPC is very important. A committee should not be formed by issuing a bureaucratic order. Instead it should be carefully managed through facilitation that, at a minimum, needs to adhere to the following concepts:

- Proper information sharing should take place with all relevant local parties and organizations, ensuring local stakeholders have real opportunities to discuss the matter.
- During these discussions, the role, methodology and composition of an LPC need to be clarified.
- Local stakeholder questions and concerns need to be sought out and dealt with.
- Potential participants should then be requested to discuss the matter with their members or supporters in order to obtain a mandate that will guide discussions at a follow-up meeting.
- An LPC should only be constituted when these mandates have been received from all relevant organizations.

Details of the process can be adapted to contextual demands, but it is absolutely crucial for all participants to accept the underlying principle of securing meaningful buy-in from all stakeholders before forming an LPC.

A functional peace architecture

The benefits of a national mandate will get lost if national and local interaction is not facilitated by well-functioning peace architecture. Similar to the popular Asian rickshaw, a functional peace architecture relies on three wheels: multi-party political oversight and leadership as the front wheel, and technical and administrative support as the back wheels. The wheels are interconnected, and a puncture in any one tire will have an impact on the movement of the vehicle. We will consider the three wheels separately:

- i) A national multi-party body should be created to coordinate interaction with LPCs, provide advice and facilitate access to national resources. A good example is Sierra Leone's National Code of Conduct Monitoring Committee – a multi-party body with the same composition as local bodies. When members of a District Code of Conduct Monitoring Committee experienced a problem they could not deal with on their own, they contacted the national body for assistance. The national body then provided the necessary political back-up or advised the local body on possible steps. In some cases, key national participants were required to travel to a town to help the LPC deal with the problem.

In Ghana, the National Peace Council is positioned to play this role. In South Africa, the National Peace Secretariat provided coordination, but the most important leadership and guidance came from multi-party regional peace committees. These bodies met every two weeks and received reports from the LPCs. The Regional Peace Committee then deliberated on ways to support specific LPCs. Its support included advice, acting on requests for intervention from regional or national participants or, where appropriate, issuing a joint statement to address specific concerns.

Achieving this level of cooperation is not always easy. In Nepal, stakeholders failed to establish multi-party oversight of the peace architecture. A decision had been taken in principle to establish a high-level peace commission, but it was never realized. In FYR Macedonia, a National Committee for Inter-Community Relations exists and has an identical legal mandate to that of the local bodies. However, there are no procedures for interaction and no examples of support given to a local body.

The particular context – and of equal importance, the underlying issue – should determine the ways LPC and national body interaction are facilitated. There are crises and disputes that local participants will find impossible to deal with without constructive inputs from the national level. For example, in 2008 the Committee on Inter-Community

Relations in Struga, FYR Macedonia, was deeply involved in efforts to resolve a conflict over student demands to establish 'ethnic shifts' at a local secondary school (thereby effectively segregating the school along ethnic lines). The conflict received much publicity and soon became a national political issue. Local participants, including the municipal council and school authorities, appreciated LPC efforts, but felt it was out of its depth on issues such as laws that regulated schools. Ideally, the LPC should have had the option of requesting technical and political support from a national body, and of working collaboratively with national participants in dealing with the conflict.

If an LPC has access to a national body that shares the same make-up as the local body it allows it to draw on consensus opinion. However, there is an obvious risk that the reverse may also be true – the absence of a national consensus will have a negative impact on LPCs.

ii) LPCs require technical back-up: access to people who know the basic principles of peace processes, and who have the skills to help all participants implement them. Setting up and providing continuing support to LPCs requires in-depth understanding of peace process demands and dynamics, and the skills to manage them. LPCs should have access to professional, skilled conflict transformation practitioners, as this is one of the wheels of the rickshaw.

Current evidence suggests that LPCs with access to technical support fare better than those without it. However, this hypothesis needs further research. In Ghana, successful efforts to deal with the Dagbon crisis were directly related to the quality of the facilitative role played by civil society participants, the UN peace and development advisor and related UNDP-funded programme activities. In South Africa, the full-time staff deployed by the Peace Secretariat played an indispensable role in making LPC establishment possible, and in helping with mediation and facilitation processes. In Sierra Leone, the Technical Advisor of the United

Nations Integrated Office in Sierra Leone (UNIOSIL)/UNDP provided crucial assistance to the entire process (in fact, without him there would probably have been no Code of Conduct to monitor). In contrast, in Nepal LPCs theoretically had access to skilled facilitators but, in practice, there was no assistance. In Aceh, Indonesia, there was no technical support, and in FYR Macedonia the support provided focused more on administrative rather than technical skills. The situations also varied in other ways, but it seems reasonable to conclude that access to technical support may have enhanced LPC performance in these contexts.

Technical capacity specifically needs to:

- enhance facilitation of processes to establish LPCs (including the capacity to help create inclusive local peacemaking processes);
- support mediation processes, or provide the capacity to act as external mediators;
- provide orientation to LPCs. In most post-conflict societies, people are emerging from authoritarian political cultures. The concept of inclusive problem-solving is often known within cultures, but is not used as a political tool. Consequently, an orientation is needed on the methods LPCs should use. This orientation is particularly important for role clarification, since a confusion of roles among LPC members and the wider community can have a negative impact on how the committees function;
- provide skills' training to LPC members. This training is generally useful, but it is the very experience of joint exposure to training – former protagonists sharing the same training venue and experimenting with a different style of dealing with conflict – that helps to build relationships and a better understanding of the task at hand.

The capacity to provide professional technical assistance is best positioned within the national peace architecture rather than with international

organizations. Ideally, full-time appointments should be made at a ratio of one professional facilitator for every three to five LPCs. This was roughly the situation in South Africa. In Nepal, one part-time facilitator was proposed for every three LPCs.

To summarize, conflict transformation processes benefit from quality professional attention. Local peace processes are inherently complex; success is not necessarily easier than at national level simply because the issues are smaller in scale. It is unreasonable to expect local participants to have the capacity to deal with their conflict on their own. LPCs work because ownership of local peace processes is at a local level, but this does not preclude the need for technical support.

(iii) The third wheel of the rickshaw is administrative, logistical and financial support. LPCs are relatively cost-effective. In principle, LPC members should offer to work on a voluntary basis because they are working for their own peace. Payment for services is not advisable. In Kenya the “uncouth behaviour”⁵³ of some NGOs that offered ‘sitting fees’ to LPC members created many problems. However, financing is necessary to support members’ transport and accommodation costs, and for expenditure that may be incurred in the process of making peace (such as the renting venues, public address systems, bus hire, etc.). The largest budget items are for providing technical support, orientation and training of LPC members, and costs associated with establishing LPC offices if required.

There are many models to follow for locating and managing administrative support. In South Africa, the peace structures were funded through a Government budget and channeled through the Department of Justice. However, due to the liberation movements’ distrust of the Government, the peace committees created as much political and managerial distance as possible between themselves and the Department. They had their own separate

offices and staff. In Ghana and Sierra Leone, the UN system provided the main administrative and financial back-up, whereas in Kenya, support was spread over several local and international NGOs. In FYR Macedonia, the Organization for Security and Co-operation in Europe (OSCE) and a local NGO shared most of this burden.

Regardless of how administrative support is organized, it is important to recognize the interconnectedness of this ‘wheel’ with the other two ‘wheels’ of the rickshaw. In the same way as political decisions, administrative decisions may have a negative impact on peace processes if they are not based on adequate technical understanding. In 2007, Nepal’s Ministry of Peace and Reconstruction instructed all senior district officers to establish LPCs. This decision went against technical advice that a different type of process was required – likely because the civil servants who issued the instructions had no technical understanding. The more this ‘wheel’ is synchronized and moves in rhythm with the technical ‘wheel’, the better chance of success.

External support to LPCs

‘External’ support to LPCs refers to help from sources outside the national peace architecture. It includes support from other national participants, national NGOs or international bodies.

South Africa and Northern Ireland are the only examples where LPCs have been established without considerable external technical and/or financial support. Both countries had enough internal capacity. In other contexts, external support was necessary, although its nature varied. For example, in FYR Macedonia, it was largely left to the OSCE, the Association of the Units of Local Self Government (ZELS) – an impartial association of local governments – and NGOs to promote implementing LPCs. In Ghana, the UN system – and the UNDP in particular – played a major role in helping to develop the peace architecture. In Sierra Leone, the UNIOSIL/UNDP technical advisor and the

International Foundation for Electoral Systems (IFES) were indispensable.

However, in Kenya, a major problem resulted from so many NGOs establishing LPCs that in some districts, competing NGOs established multiple committees. Kenya's National Steering Committee (NSC) was then created to make the process coherent and orderly. The UNDP has subsequently become involved in providing technical support to the NSC. In Nepal, a determination to be the master of its own peace process has made it more difficult to provide external support. The Academy for Educational Development supported Nepal Transition to Peace Initiative has provided significant technical support to the Ministry of Peace and Reconstruction, and the UNDP is poised to move into a supporting role. This list is not conclusive, but these examples demonstrate the need for various types of support.

Similar to a political mandate, external support is a potential threat to local ownership. External support organizations that seek to pursue their own agendas, or that impose rather than provide support, may do more harm than good. In Nicaragua, the Organization of American States (OAS) provided support to local peace commissions in the northern and central regions through its International Support and Verification Commission (CIAV). However, many people were suspicious of the Commission because they felt it was biased towards the contras. The local peace commissions in these areas did not contribute as much to the peace process as in the south where churches were the primary support organizations. Other factors also had an impact on the situation, but local structures lost credibility and 'ownership' because of their association with this external service provider.

External support is appropriate in relation to the two back wheels of the rickshaw – technical and administrative support – but this support should be specifically aimed at building capacity and strengthening ownership. FYR Macedonia offers a good example of well-applied administrative support. Substantial support in various forms has come from ZELS, the OSCE,

and the Community Development Institute (a Macedonian NGO). They have actively promoted establishing committees for inter-community relations (CICRs) and have enhanced their legal, financial aspects and their strategic planning skills. They have also provided coaching to struggling CICRs and facilitated interaction between municipal CICRs and the national body and with similar bodies in Serbia.

The technical capacity to ease local conflict transformation processes should ideally be embedded in the peace architecture, and local practitioners should be trained and equipped to fulfill this role. This training needs to be a continuous process of action and reflection, rather than a one-off event. The objective: develop a body of knowledge and skill relevant to the specific culture and context. This training is one of the most worthy areas to consider for external participant support.

A key requirement is that external support needs to be sustained for as long as necessary, and to focus on transforming local institutions with long-term responsibility for managing conflict. A dysfunctional organization cannot sustain long-term processes. In 2008 in Sierra Leone, both the UNIOSIL/UNDP and the IFES scaled back their support to LPCs after the elections of that year. This was unfortunate. It quickly caused most LPCs to collapse despite their success at bolstering inter-party relations at district level. The local institution – the Political Parties Registration Commission – has failed to transform itself internally and has become largely dysfunctional.

In Malawi, GTZ, Deutsche Gesellschaft fuer Technische Zusammenarbeit (German Agency for Technical Cooperation), supported the Forum for Dialogue and Peace in its constructive work to help district multi-party liaison committees (MPLCs). These were LPCs with a specific mandate to prevent violence and mediate conflict during periods of elections. A 2009 independent observer report stated: "reports of people involved with MPLCs on the ground reflect a great sense of satisfaction and pride that peace initiatives that started around 2004

elections really bore fruit during the 2009 elections which recorded a remarkable level of peaceful elections.”³⁰ GTZ’s management now feels the Forum has reached the end of its life cycle and it is being phased out. This raises concerns over the future of MPLCs, their potential to build on their achievements, and the capacity of the Malawi Electoral Commission to sustain the initiative.^{31, 30} The lesson from this example is that external organizations that ‘commit’ to provide support need to understand the longer-term implications of their decision.

International observer missions

A nationally-mandated peace architecture offers potential for international observer mission-LPC collaboration, particularly during national elections. International observers help monitor specific potentially violent events, and they observe local negotiation processes. In Malawi, Sierra Leone and South Africa, observer mission-LPC collaboration has helped to prevent election-related violence.

In South Africa in 1992, the United Nations deployed a monitoring team to help end ongoing violence and to provide support in reaching a negotiated transition. In addition, it also explicitly aimed to support structures set up under the country’s National Peace Accord. In reality, this meant LPCs could rely on international observers to support efforts to avoid violence and to shore up local negotiation processes.

The presence of international observers served to strengthen South African LPC legitimacy and, in some cases, actively helped to defuse potentially violent situations. However, according to Ball,¹⁶ much depended on the quality and attitudes of members of the observer missions. She states that some were “useless,” nothing more than disguised tourists, while others added significant value because they were proactive and tried to understand the context and develop relationships of trust with participants across the political spectrum.

2. The composition of local peace committees

The composition of an LPC affects how it functions. In essence, an LPC is a discussion opportunity where local representatives of national protagonists meet. However, if the exercise is to work, the signatories of a national peace agreement or the main protagonists in the conflict need to be represented. This means that in line with what has been argued throughout this study, local conflict systems need to be engaged on their own merit in terms of their own dynamics. An LPC needs to be composed of local organizations or movements relevant to the local peace process, and LPC membership needs to be decided by local people.

The context of a conflict means the composition of LPCs differs significantly from one situation to the next. In a few cases, civil society is not represented (as with FYR Macedonia and Serbia), but in most cases, civil society participation has been welcomed. Civil society representatives are selected in a variety of ways. Malawi, Nepal, Northern Ireland, Sierra Leone and Uganda all laid down their own specified quotas and procedures. In particular, Northern Ireland has a meticulous process for selecting representatives. In South Africa, LPCs were open committees; any relevant civil society organization could apply for membership with no restriction on numbers.

Key facets of successful LPC composition include:

- LPCs work well when there is a core body of members who can occupy the middle ground and counter polarizing forces. LPCs need members with skills to act as peacemakers, conciliators or mediators. A committee composed solely of protagonists risks being unmanageable. Wehr and Lederach,³² have drawn on their experience and observations in Nicaragua, and have called people with these skills “insider-partials”.



These members are not presumed to be impartial mediators, but local people who provide leadership in peace processes, or who can mediate because they are ‘connected’, belong to and, crucially, are trusted by the community. “The trust comes partly from the fact that the mediators do not leave the post-negotiation situation. They are part of it and must live with the consequences of their work. They must continue to relate to conflict parties who have trusted their commitment to a just and durable settlement.”³²

Insider-partials usually come from civil society. In South Africa, religious and business leaders played this role and provided most of the LPC leadership. However, in other contexts religious leaders may not be able to play this conciliatory role (e.g. Northern Ireland or Sri Lanka). In Kenya and Ghana, it was important to engage traditional leaders and some played very constructive roles. In the KwaZulu-Natal province of South Africa, traditional leaders represented one party in the conflict, so generally could not play a conciliatory role. In any context, the challenge is to identify individuals or sectors of civil society with the greatest potential to strengthen the middle ground.

- Another important reason for including civil society representatives is to benefit from the alternative perspectives that they offer. By definition, civil society includes traditional, religious, gender, cultural, business representatives and labour movements or organizations with a stake in securing a meaningful and just peace. They may also present an alternative perception on proceedings to party-political representatives or nongovernmental organizations – that may have a dubious claim to represent the community. These ‘voices’ may not be more conciliatory (civil society is invariably as polarized as political parties), but they broaden the spectrum of voices on the LPC by representing different needs and interests.
- Including civil society members also provides coordination between peace initiatives in the informal and formal sectors. In many contexts, civil society participants have embarked on peace initiatives and may offer significant technical skills or other advantages. An LPC provides the opportunity to connect these initiatives with each other in a more formal process.
- If feasible politically, LPCs need to be led by insider-partials rather than members

of political parties or other organizations actively embroiled in conflict and who may seek to manipulate the LPC. In both Northern Ireland and Nepal, the enabling law stipulated that the chairpersons of LPCs should be elected representatives (i.e. politicians) with the chair's role rotating between parties. This is problematic. Some politicians may be able to transcend sectional political interests, many others may not.

Ideally, the LPC should be led by someone who commands the respect of a broad section of society and has the skills to facilitate constructive dialogue and negotiations without imposing his/her own view. An LPC's success depends on its ability to use the soft skills of facilitation and mediation. If its leaders do not understand the methods or possess appropriate skills, the committee is not likely to succeed. Therefore, LPC leaders need to be people who are, above all, 'peace seekers' who can facilitate and avoid seeking only sectional interests.

- In any successful LPC process, it is extremely important to include marginalized sections of the community – particularly women. The lessons of this major point are revealed through the contrasting the situations in Kenya and in Nepal. In Kenya, LPCs were born out of the search for peace between warring pastoralist clans in the arid regions of the north. LPC success came from the members' ability to work with traditional authorities such as clan elders. However, these traditional structures are patriarchal and exclude both women and youth. This in turn can present difficulties according to Chopra:¹⁴ "...the dilemma is that relying on existing local structures may imbue the peace initiatives with the most legitimacy, but doing so replicates existing asymmetric power structures within the community." At the insistence of donors, some NGOs operating in Kenya required that women and youth be included in LPCs. This weakened

the committees' ability to resolve conflict because it created confusion over traditional roles.

- On the other hand, in Nepal, conflict was a response to age-old practices of exclusion and marginalization. The caste system, the many marginalized ethnic minorities, and the inferior position of women created a very complex diverse set of marginalized groups. Consequently, if the LPC was to succeed, it was vital to include them. The issue was how to achieve it in practice. The final Government-approved Terms of Reference gave political parties 12 representatives, the business community one, civil society four, conflict-affected groups four, and excluded minorities not already represented, two. The terms also stipulated that a third of members should be women. The clear intent is to be widely inclusive, though the practical implementation of this complex formula, and its uniform application on all 75 districts, is challenging.
- The debate over 'best practice' to ensure inclusiveness is linked to the much deeper dilemma over the relationship between demands for peace, on the one hand, and justice and equality on the other hand. The guiding principle of this study so far is that local peacebuilding should be owned and managed as much as possible by local communities themselves. Their requirements and interests need to dominate the process and adopted procedures need to be locally meaningful. The nature and manner of external assistance should bolster local capacity, not replace or damage it. Chopra¹⁴ said it is preferable to leave the selection of true peacemakers at the local level (i.e. not to prescribe from the top or from outside) because it is more likely to produce legitimate and respected members. The key is that LPCs should have the right to determine their own composition; yet it should ideally be as inclusive as possible.

3. The problem of ‘teeth’

In their 1988 book, Ury, Brett and Goldberg³³ made a now-familiar distinction between the three approaches to conflict resolution: a) power-based, b) rights-based and c) interests-based. These approaches are fundamentally different: using coercion in one of its many forms (i.e. power-based); applying arbitration or adjudication (rights-based); or seeking to solve the underlying problem to satisfy the interests of all parties as much as possible (interests-based). The first approach relies on political, economic and military power; the second on the justice system. Both of these approaches have ‘teeth.’ By contrast, the third approach does not engage in hard bargaining and does not have ‘teeth.’ It relies on genuine negotiated mutually satisfactory solutions. Its authority rests on the strength of the achieved consensus.

LPCs typically operate in environments in which the first two approaches (power-based and rights-based) have limited chances of succeeding. In most situations of deep-rooted conflict or in post-conflict conditions, using coercion is inherently problematic and likely to spark further violence. Using the judicial system or other forms of arbitration depends on whether all parties recognize the legitimacy of the arbitrators or adjudicators. In most post-conflict situations or in weak states, the judicial system is often compromised or inefficient, and therefore a poor instrument for conflict resolution. That leaves an interest-based approach as the most obvious tool for LPCs. The key instruments of this approach are dialogue, negotiation, conciliation, facilitation and mediation – the so-called ‘soft’ skills. This approach is built on mutual recognition and a search for sustainable solutions. It deals with the dilemma over legitimacy of power by seeking consensus and using it as the guiding authority in implementing decisions.

Case study examples demonstrate this point. In South Africa, the liberation movement’s main strategy was to refuse to work with the minority government and to actively promote civil disobedience. The National Peace Accord provided legal procedural mechanisms to

monitor compliance. For example, it provided for appointment of local justices of the peace with authority to investigate cases of public violence and intimidation, and to refer them to the Attorney-General. In reality, no justices of the peace were appointed because participants realized peace could not be served because the law was thoroughly discredited. It did not matter whether the Justice of the Peace was “black or white”, since the law itself was ‘white’, and its enforcement invariably sparked violence.

For example, in Northern Ireland, paramilitary force beatings and shootings to enforce supposed justice on people in partisan areas persisted after the Good Friday Accord was signed. This clearly highlighted justice system weakness. NGOs responded productively to this situation by applying the principles and procedures of restorative justice; restoring the relationship between victim and perpetrator by easing communications. This worked by engaging former paramilitaries to enhance the process’s legitimacy.^{34, 35} In Sierra Leone, the Political Parties Registration Commission is a statutory body with a mandate to regulate the behaviour of political parties. It deliberately opted for an interests-based approach because the justice system lacked capacity and legitimacy.

Serbia provides the only example of LPCs following a rights-based approach. Its committees for inter-community relations have the right to ‘institute legal proceedings before Serbia’s Constitutional Court’ when they judge minority rights have been violated by municipal councils. In these instances, the assumed legitimacy of Serbia’s Constitutional Court justifies this approach.

In most post-conflict situations and in fragile states, authority is contested or delicate, requiring an interests-based approach to conflict resolution. The most successful LPCs have followed this methodology. However, LPCs struggle to settle into this approach; for some members the instinct to settle conflict through some form of coercion is too strong. However, the evidence shows that LPCs risk undermining the very basis of their success when they give

in to this instinct. The moment an LPC seeks to exercise power and develops the urge to 'bite' – particularly against a key stakeholder in a local conflict – it becomes just another arena for contesting power, and it relinquishes its unique role. An LPC should have authority based only on consensus. This can mean LPCs are vulnerable to spoiler groups intent on using violence, but there is contrasting evidence (e.g. from Nicaragua) that LPCs successfully engaged spoiler groups in a peace process at a time when power-based participants – such as the Government and military – could not make any progress.

The interest-based approach to conflict presents a potential dilemma for LPCs. Chopra's 2009 publication³⁶ "When Peacebuilding Contradicts State-building" notes that agreements negotiated between local parties almost inevitably contained compromises – possibly diluting the law. For example, in Kenya, LPCs operated in pastoralist areas in a vacuum created by weak governance institutions (particularly the justice system) that could not provide security and justice to communities. The weak judicial system came from a lack of resources and political will, but was exacerbated by the fact that clan and state concepts of justice differed substantially. A similar situation existed in Uganda's Karamoja region.³⁷

In Kenya LPC mediation involved more than problem-solving. The committee also mediated, albeit unconsciously, at the level of fundamental values underpinning the justice system. Chopra¹⁴ stated that in these situations the dilemma is that negotiated declarations are mini social compacts evolved through meaningful engagement between the state and local communities. However, they may fundamentally contradict the constitutional values of the state. Therefore, the declarations may offer peace, but they compromise justice as defined by a country's constitution.

For example, Kenya's Garissa Declaration prohibited the free movement of pastoralist clans, but the constitution guaranteed it. This dilemma has placed state officials such as district commissioners in difficult positions

where they had to choose which model to follow in each situation (in one instance a district commissioner was taken to court over the issue). In practice, formal authorities have mainly opted to cooperate with LPCs in order to prevent serious conflicts, rather than pushing for formal means of conflict resolution.¹⁴

This dilemma raises a number of significant questions. Does the quest for peace compromise the more urgent task of strengthening the democratic state? By bypassing state institutions, is the peace achieved through informal negotiations creating a short-term gain, but a longer-term loss? Should priority go to ensuring a state's conflict resolution mechanisms function properly, rather than investing in LPCs? Is restorative justice a good idea when restoring confidence in the police and the justice system may seem a greater priority?

On the whole, LPCs are an aspect of a fragile peace process. They are imperfect bridges³⁸ established to cross divides in communities in the absence of other bridges that work. The answer does not lie in a dogmatic refusal to use imperfect bridges. Instead, participants need to be conscious of the associated dilemmas, and therefore align processes to build peace with the larger objective of building the state.

4. Relationship with local government

Often, LPCs operate where local government structures are discredited, or if established interim local government structures have a limited mandate, or when local government has no capacity to fulfill its conflict prevention and resolution mandate. The existence of a local peace committee that represents political participants, the security sector and government officials (in some cases), and civil society, raises questions about its relationship in relation to local government.

The reality is that circumstance and context determine the nature of the relationship. For

example, in some situations LPCs are called on to establish the social cohesion that makes governance possible. In South Africa, the apartheid Government lacked legitimacy, and local government in black townships had collapsed almost entirely. The police were unable to contain public unrest. In the many instances of public protests, rallies and funerals, LPCs facilitated negotiations between the principal participants, including the police, so these events could be orderly and peaceful. LPCs were also often called on to mediate between municipalities and the so-called 'civics' (resident committees). They were asked to help with conflicts in which specific outcomes were demanded, and sometimes they had to deal with the very essence of relationships. For instance, the 'civics' demanded to be recognized and taken seriously and the LPCs provided a platform for this to happen.

In Sierra Leone, LPCs facilitated local agreements that made democratic elections possible in districts where there were almost no ordinary structures of governance. They did not administer the elections (the National Electoral Commission did that competently), but they ensured the elections were not disrupted by political conflict or violence. In some areas of Nicaragua, LPCs effectively functioned as local government because there were no alternative structures.

At the other end of the spectrum, there are instances when governments passed laws giving LPCs an advisory role. In FYR Macedonia and Serbia, LPCs advise municipal councils on ethnic relations' matters. The Councils have to respond to submissions but are not obliged to follow an LPC's advice. The LPC is clearly subordinate to local government, although they have some legal means to challenge council decisions. Similarly in Northern Ireland, district policing partnerships were consultative bodies to district councils.

In Ghana and Nepal, there is a clear conceptual distinction between the roles of LPCs and governance structures. The committees

facilitate and mediate; they do not arbitrate, or have the authority to intervene in or override governance functions. In Nepal, by design LPCs are interim bodies with mandates that will expire once a new Constitution (and therefore legitimate local government) is in place. Ghana presents a different model where LPCs are seen as a permanent institutional first response to community conflict. This is similar to an alternative dispute resolution system in civil litigation. A Ghanaian LPC will seek to solve a dispute by using an interests-based approach to achieve a mutually-satisfying solution. The LPC is not allowed to arbitrate, although it may make recommendations to government. Its primary function is to facilitate peacemaking. If that fails, formal legal processes may be used.

Therefore, while there is no uniformity in the way LPCs relate to local government, it is important there is as much role-clarity as possible to avoid harmful confusion. It is particularly critical that LPCs are not seen as hostile to, or in competition with, local government, but instead a means of enabling dialogue and consensus, thereby creating an environment that provides effective governance.

Role clarity is also vital when the police are involved with an LPC. Northern Ireland provides the best example of a peace architecture created specifically to transform policing. However, in Nepal and South Africa, the transformation of policing was also an important peacebuilding objective. Including police in an LPC brings them into dialogue with the community, offers opportunities to discuss the desired police role in preventing violence, and begins to restore police credibility. Once again, role clarity is essential because, unless specified by law, the police do not accept orders from an LPC and are not legally accountable to it. The LPC is a platform where the police interact with other participants and work to forge a common approach to preventing violence. However, they continue to be accountable to structures determined by relevant legislation.

RECOMMENDATIONS TO THE UN SYSTEM

For the UN to fulfill its peacebuilding mandate, local peace committee activities are very relevant, particularly to the UNDP. LPCs are mechanisms to support development and governance in post-conflict and fragile states. They can succeed because they have the potential to facilitate social cohesion, prevent violence, and mediate inclusive problem-solving processes.

The UN system's support of LPC achievements in general, and the UNDP's in particular in Ghana and Sierra Leone, should serve as universal best practices. In both cases, competent staff with appropriate skills were available and had a thorough understanding of conflict transformation; a critical component of success. These individuals were confident practitioners and truly believed in the methodology they were publicizing. More than any other factor, the integrity and professionalism of such staff create opportunities to provide meaningful technical advice and support.

Support to LPCs should be considered when the following conditions exist:

- There is a clear need for local peacebuilding – if local communities suffer major polarization, have a history of violence, or show strong indicators of potential violence.
- Local governance systems cannot fulfill their normal conflict-resolution functions, or require a specific mechanism to promote social cohesion and constructive conflict resolution.
- Sufficient national political opportunities exist to encourage implementing local peacebuilding processes. This includes an assessment of whether local peacebuilding will be excessively politicized, and if there is enough national and local 'buy-in' to the concept. In the LPC context, words such as

'excessive' and 'sufficient' are frustratingly imprecise. By necessity, LPCs operate in high-risk areas characterized by political instability and deep distrust. Therefore, the question is not whether ideal conditions exist to implement these committees, but whether there are opportunities to move forward despite the risks.

The UN system:

- enjoys credibility in this context as an impartial and reliable facilitator;
- has a longer-term commitment and support for local governance and decentralization, and understands the need to link and align LPCs to both;
- has enough internal technical capacity (e.g. peace and development advisors) to provide quality technical advice for implementing LPCs.

If these conditions are met, there are several ways the UN can support LPCs and national peace architectures. One particularly attractive possibility is to use the UNDP. It has several strengths that position it to focus long-term sustained attention on strengthening the capacity of a peace architecture at all levels. First, its continued presence in a country is important. Second, the UNDP has a global presence and community of practice to draw on to support long-run peacebuilding operations. Third, the agency already has a small group of staff with technical expertise in peacebuilding, and experience in transferring those skills to national participants. Fourth, the UNDP combines field operations, contacts with national NGOs, and positive relationships with national governments, so is well positioned to support both local peacebuilding efforts and national peace architectures.

The UNDP and other members of UN country teams can fulfill several roles to support a peace architecture that includes LPCs. They can:

- work with existing LPCs to strengthen their role in monitoring and preventing violence (as in South Africa), especially during election processes;
- provide financing as a bridging measure to help establish a peace architecture (as in Ghana);
- offer institutional support such as enhancing management or administrative systems (as with Nepal's Ministry of Peace and Reconstruction, or Kenya's National Steering Commission);
- provide technical support by establishing peace and development advisor positions, in-service training, or other forms of skills training and technical capacity creation;
- publicize the value of the LPC role with relevant national audiences through conferences, seminars, and consultations;
- Stimulate developing knowledge about LPCs by commissioning research on their lesser known aspects (particularly their relevance to local development and governance), and by organizing country and regional information-sharing events.



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APPENDIX 1: CASE STUDIES (in chronological order)

Case Study 1: Nicaragua

Case Study 2: South Africa

Case Study 3: Kenya

Case Study 4: Northern Ireland

Case Study 5: FYR Macedonia

Case Study 6: Ghana

Case Study 7: Nepal

Case Study 8: Sierra Leone

1. NICARAGUA

Peace commission development in Nicaragua arose out of the 1987 Esquipulas Peace Accords – a regional initiative that brought together Central American presidents in an effort to end civil wars in Nicaragua, El Salvador and Guatemala.

Starting in 1980, the United States-backed contra rebels fought the Sandinista Government in a 10-year war that killed 31,000 Nicaraguans.³⁹ At the end of the war, there was no single conclusive peace agreement. Therefore, local and regional peace commissions helped facilitate dialogue between the Sandinista Government and different factions of the contra army on issues including combatant disarmament, amnesty and reintegration. Religious leaders and church-based organizations were involved in conflict mediation, and helped contribute to the peace commissions' impact by monitoring armed groups and entering into dialogue with them, both during and after the war.⁴⁰ Later in the post-war period, with help from a verification mission led by the OAS, Nicaraguan-led peace commissions were formed to help coordinate local conflict mediation and human rights protection in the most highly-conflicted areas.

The following case study presents a brief background to the civil war and its incomplete settlement, an examination of two independent peace commission systems that were formed, and briefly discusses the most salient aspects of Nicaragua's peace architecture.

Civil war in Nicaragua

Civil war in Nicaragua resulted from conflict over control of government. The leftist Sandinista National Liberation Front overthrew the regime of Anastasio Somoza in a violent revolution that ended in 1979. The Sandinistas held power during the outbreak of the contra war and were then elected democratically in the 1984 presidential election, with 67 percent of the

vote. They governed a country with a failing economy, widespread poverty and severe environmental degradation.

By 1980, the Sandinista government came under attack by US-funded contra forces that sought to establish what the contras termed 'real democracy',⁴¹ and to protect the interests of Nicaraguan and US business elites. The Sandinistas received financial and military support from Cuba and the Soviet Union; the contras received arms, training and assistance from the US Government. The contras also received major support from former national guardsmen allied with the ousted Somoza regime, many of whom were exiled in Honduras and Costa Rica. Amid a civil conflict defined by Cold War-fueled tensions, Nicaraguans suffered from malnutrition, poverty and an economy ravaged by natural disasters and political violence from the early 1970s.

Negotiations to end Nicaragua's civil war

A series of national and regional agreements and negotiation attempts characterized efforts to conclude the war. Many settlements ultimately failed due to rearming by previously demobilized combatants – the contras and members of the Sandinista army. The process to achieve the 1987 Esquipulas Peace Accords was led by Costa Rican President, Oscar Arias. Through the Esquipulas process, Central American leaders developed a series of concrete steps that could lead to ceasefires and demobilization in wars throughout the region. By 1988, the Sandinista Government faced huge economic costs of war and declining prospects of international support for its anti-imperialist revolution against the United States. This prompted it to negotiate to end the war. For their part, the contras faced cutbacks in US military support and severe internal divisions, so they reluctantly accepted a ceasefire and consequent demobilization.

Peace negotiations focused on obtaining commitments to troop demobilization rather than reviewing the causes of conflict or the grievances of opposing sides.³⁹ The US Government then encouraged the contras to ally themselves with the *Unión Nacional Opositora* (UNO) party headed by Violeta Chamorro, and were absorbed into the political system in efforts to defeat the Sandinistas in the post-war election. This political arrangement meant that during peace negotiations the two factions at war never examined the reasons they were fighting. Therefore, polarization and resentment continued during and after the transition from conflict.

In March 1988, the two sides agreed to a ceasefire and to the contras withdrawing into separate zones. Ultimately, the Sandinistas and contra rebels created 23 self-governing development zones (20 percent of the country) where the contras could live and police themselves.⁴² Meanwhile, in 1989 the OAS created the International Support and Verification Commission (CIAV) to launch the Tela Accord with cooperation from Central American presidents. The Accord gave the CIAV-OAS mission a mandate to support and oversee demobilization, repatriation and voluntary resettlement of contras and their families, while ensuring their fundamental rights. Regional presidents further agreed to deny access to irregular forces to their territories. During the war, the contras had depended on gaining access to sanctuary in Costa Rica and Honduras, so this decision pushed them to end hostilities.

In early 1990, initial peace negotiations formally ended the war, but the demobilization process collapsed quickly and most combatants re-armed by 1991. The contras were divided internally and the UNO-contra alliance did not survive the political realities of the transition. The Chamorro government was elected in 1990, but failed to implement many Peace Accord commitments. Some analysts argue that more international peace process oversight would have resulted in a greater degree of accountability and organization during the

disarmament and peacebuilding phases. The peace negotiations restarted in 1990, and the Chamorro government negotiated agreements with particular contra factions that ultimately led to a more complete disarmament. However, Nicaragua remained a highly polarized society, plagued by citizen insecurity and a significantly weakened justice system.³⁹

History and formation of the peace commissions

The Esquipulas Agreement created Nicaragua's National Reconciliation Commission; one of its main tasks was to monitor and verify the ceasefire declared in three zones of Nicaragua. President Daniel Ortega called these ceasefires a step toward an official nationwide halt to violence. The Nicaraguan Government then actually went beyond the requirements of Esquipulas by assigning the National Reconciliation Commission the task of establishing "...a more extensive internal structure that included region-specific commissions and an extensive network of local commissions."⁴²

These local peace commissions developed different regional characteristics and impacts. Particularly in the south, the history and characteristics of local peace commissions, differed from those of the central and northern regions. The two systems of peace commissions developed independently according to local and external dynamics, and their leadership and operations diverged significantly, playing different roles at various moments during Nicaragua's war and transition.

Southern Nicaragua: Peace commissions and religious leaders

In the south, religious leaders – particularly Catholic priests and evangelical pastors – joined forces at the peak of the war to negotiate conflict-free zones by forming small commissions of local residents to try to foster community level dialogue between

the Sandinista Government and contra rebels. The commissions' original mission included documenting and investigating human rights violations, advocating on behalf of victims, and providing authorities with information.⁴³ The peace commissions eased local violent conditions so peasants could then continue planting crops during the war.

By 1987, there were 28 commissions near Nueva Guinea in the south, and by the end of the war in 1990, there were 60.⁴⁴ Most peace commissions had five members: an evangelical pastor, a Catholic delegate, a representative of the Nicaraguan Red Cross, a member of the opposition party, and a representative of the Government. Zone-based commissions oversaw and coordinated the work of local commissions. The local work continued and more were added after the war ended as their remit extended to responding to intra-community disputes, land conflicts and crime.

Peace commissions performed communication and mediation functions. They also strengthened the efforts of religious leaders to initiate and promote dialogue between the Sandinistas and contra rebel leaders of different factions at local and higher levels.⁴⁰ The religious character of the groups complemented and helped facilitate the commissions' neutrality. These commissions supplemented existing networks of personal contacts, enabling information exchange and continual dialogue between the Government and the contras. Commission members were selected for their integrity and experience as intermediaries, and for their useful connections with conflicting parties, taking on the role of the 'trusted insider-partial third party' that emerges from within the conflict itself.³²

The commissions had national-level impact through their efforts to negotiate a final truce with contra rebels following the failed disarmament and amnesty granted by the UNO government. The Chamorro Government had granted land, many amnesties, and, in some cases, government posts to contra leaders in exchange for their disarming 20,000 members. Months after the war's end, the contras again

took up arms from hidden caches and reignited violence nationally, particularly in rural areas. During this renewed fighting, peace commission members spent months in the mountains engaging the re-armed contras in dialogue and taking action to protect them.⁴⁴

The CIAV-OAS mission and the development of local peace commissions in northern and central Nicaragua

The CIAV-OAS mission started work in 1990. Its first task was to supervise to demobilize over 22,000 contra combatants in the northern and western regions of the country, and to coordinate resettlement of the contras and their relatives. Central and northern Nicaragua experienced the most violence during the war and the greatest flight of refugees. By the end of the war in 1990, the civil conflict had a direct impact on almost 20 percent of the country's total population of 3.5 million – about 600,000 people. Over 500,000 had left their homelands, including 400,000 who were internally displaced.

The CIAV assumed primary responsibility to care for and protect over 22,000 disarmed combatants, more than 63,000 family members, and some 24,000 repatriated individuals associated with the contras. At the end of the war, displaced people sought to return to their place of residence of the late 1970s or early 1980s.⁴⁵ As a result, the CIAV focused on these areas to fulfill its definitive mission of resettling the contras and their families.

In its early years, the CIAV helped fill an institutional vacuum and mitigate local conflicts in the most violent areas through mediation and human rights verification. Most of this work was done by CIAV-OAS staff members. By the end of 1990, when contras began to rearm, the CIAV had negotiated 30 agreements and had helped demobilize 20,000 rearmed combatants.⁴⁶ CIAV staff included contracted personnel who had initially been hired for two months.⁴⁵ The CIAV hired Latin American professionals and local Nicaraguans including demobilized

contra combatants. The mission relied on communication and travel among over a dozen field offices in northern and central regions, and on efforts to develop relations with citizens in potential conflict areas through building school classrooms and undertaking other community-focused programmes.⁴⁷

However, the CIAV-OAS operation and coordination efforts in Nicaragua have been criticized on two fronts. First, some observers called the mission an instrument of the United States Government. Its funds for humanitarian assistance and repatriation of the contras were supplied by the US international development agency USAID.⁴⁷ It funded 97 percent - \$42.1 million of CIAV-OAS's budget for April 1990 to June 1993.³⁹ At best, the mission was seen as caught between the wishes of its funder and the OAS bureaucracy, and at worst, not politically neutral. Many believed the CIAV-OAS put special emphasis on protecting the contras from human rights abuses and retaliation, while excluding other groups.³⁹ In later years, the mission investigated abuses against Sandinistas and became more neutral.

Second, the high profile of Argentine officials in the CIAV-OAS mission generated negative feelings. Many Sandinistas falsely believed these officials had links to Argentine military and intelligence officers who first trained and armed the contras in 1980-81. This created a lasting negative perception however misguided it may have been.⁴⁷

In 1994, the CIAV mandate was almost over and it sought to ensure that local peace bodies would continue its peacebuilding and human rights work after it left the country. It originally wanted to create peace commissions in the most highly-conflicted areas since there were no state institutions or NGOs to assume conflict mediation and resolution. The overall lack of state presence meant there were no legitimate public mechanisms to arbitrate disputes and impose criminal punishment.⁴⁸ The CIAV wanted the local commissions to defend human rights, promote peace and assume verification tasks and conflict resolution and mediation when it

left. It is not clear how much the CIAV-fostered peace commissions were officially or unofficially tied to bodies that operated during the war in the ceasefire zones. Unlike the south, the northern peace commissions were led by peasants.

By 1995, the CIAV supported creating 96 peace commissions which worked in four main areas: mediation, verifying human rights protection, promoting human rights and facilitating community projects.⁴⁸

Salient aspects of the peace architecture

Leadership and ownership of the peace commissions

Much can be learned from the differences in local commission leadership styles in the different regions. In the southern region, religious leaders were prominent and helped create local organizations by training community members as volunteer intermediaries between the Government and the Sandinista and contra combatants. This quickly bolstered negotiation processes as church leaders and members built durable local institutions for intra-community conflict resolution. The Evangelical Council of Churches (CEPAD) was among the first organizations to work on dispute mediation in Nicaragua's conflict zones during the final years of the contra war.³⁹ Many evangelical pastors and parishioners represented by CEPAD received deferments from the draft for religious reasons, allowing them to become relatively neutral agents of mediation and to achieve credibility with community members. Their ecumenical commissions carried out regular workshops to discuss human rights and nonviolent conflict resolution, and practitioners shared this knowledge in their home communities.

In the south, developing legitimate respected leaders and community institutions through peace commissions enabled the bodies to serve as the local government, particularly in

rural areas where the state and police were not present. In other words, in the south, local peace commissions depended primarily on churches to work towards peace. This was enhanced when an official National Commission for peace was formed to deepen and strengthen their efforts.

In the central and northern region, the CIAV-OAS supported peasant-led organizations to encourage local ownership. Its aim was to create a network of peace commissions, particularly in conflict-prone areas. The CIAV tried to develop peace commissions through local churches which were seen as strong representatives of Nicaraguan civil society,³⁹ but they could not work in harmony. Some observers have argued the CIAV-OAS mission should have ended much earlier than 1997 and its tasks adopted by Nicaraguans.⁴⁹ In contrast to the south, the northern approach was strong intervention by an external agent with an international mandate but not enough grassroots support. The lack of local support in the north was likely due to the fact that local peace commission development began late, or because the CIAV-OAS did not have the same credibility as the churches; therefore local ownership and sustainability did not take hold as it did in the south.

Coordination

Meanwhile, there was little regional or national coordination among peace commissions operating in the south and the north. Arguably, the lack of a single formula or method for forming peace commissions was due to the gradual collapse of civil war, an incomplete peace settlement and an unclear transition to post-war society. During the transition phase, the actions of the contras, Sandinistas and UNO government were inconsistent, and there was little joint planning and implementation which had a negative effect when local peace commissions were formed.

Contextual differences

Contextual differences between the different regions may further explain the divergent local peacebuilding approaches. From the early 1970s, political violence in the north created patterns of inter-familial and intra-regional conflict. It intensified ideological polarization and meant the northern and central regions were more prone to rebel activity. Demands for autonomy by northern coastal communities further increased tension with the Government. Meanwhile, in the south, demobilizing contra combatants received extensive amounts of land and local peace commissions were very active. This may explain why peace came earlier and easier there.

However, local peace commissions were not the only reason for peace and stability in the south, and the temptation to make easy comparisons between regions should be resisted (see Paul).⁴⁴ A key factor is that the national conflict between Sandinistas and contras manifested itself locally in particular and specific ways. For example, Lederach² noted that local peace commissions on the east coast dealt with conflict that was primarily between indigenous communities and the Sandinista Government. The issue there was the needs and demands of indigenous communities; not Cold War ideological tensions.

Nicaragua's experience with peace commissions illustrates an important point: regional historical and cultural differences in a war-torn country may require distinct peacebuilding approaches attuned to particular local conditions and capacities.

External participants: impartiality and timing

In the early years, the CIAV-OAS did little to promote developing local conflict resolution institutions. The CIAV-OAS did make critical gains in demobilization, contra resettlement and human rights verifications, but it failed to develop enough local capacity.

The limited success of the CIAV-OAS mission points to what is required if regional organizations or external agents participate in effective local peacebuilding. A regional political body can only succeed if its mission is seen as fair and impartial, independent from external funders' policies and not involved in wartime alliances.

The role of the church

The case of Nicaragua highlights the important role played by Catholic and evangelical churches and their institutions in legitimizing peace commission roles. This support was critical since the Government relied on peace commissions to monitor the ceasefire and reach out to armed groups. Church support often ensured the commissions were perceived as neutral participants and not Government agents.

The credibility of the church developed over many years and mainly grew out of the moral authority of the church. The church also gained credibility because it worked with peace commissions at an early stage when peace was still elusive. Peace commissions gradually received further institutional and capacity-building support that helped them become more expert at their work and assured some uniformity of practice.⁴⁰

Methodology

The insider-partial model that emerged is a key lesson of the Nicaraguan experience. Commission members were not neutral; they had deep links to different sections of the community. However, they succeeded because they adeptly used their personal and institutional networks within the context. This networking skill worked well with their credibility and personal and institutional-level confidence to enable them to influence processes and create "...a successful response to the conciliation needs...of specific communities."^{2, 32}

Inclusivity

The Sandinista Government supported local bodies' collaborative character by naming well-known critic Cardinal Miguel Obando y Bravo to head the National Reconciliation Commission – a step that was well accepted at local and regional levels. In forming their own commissions, citizens included well-known opponents. This model, and the commission members' efforts to bridge inter-personal and inter-group divides, helped them to catalyse direct negotiations among contras and Sandinista leaders in remote areas. It also enabled commissions to act as a liaison between the Chamorro Government and the rearmed Sandinista and contra armies.

Conclusion

Peace commission efforts bridged a critical gap between the Government's efforts to stop violence in Nicaragua during and after the war. Government 'buy-offs', the use of force, and a series of amnesties failed to convince the contras to abandon arms. Peace commissions performed important roles at local and regional levels through confidence-building measures and sustained dialogue with rebel leaders – whose reintegration into society posed significant challenges the Government often could not address. Commission efforts helped to achieve the long-term truce that finally emerged.

The commissions enabled an 'unprecedented space for dialogue' in which citizens could safely express their views and reunite with family members who were combatants.⁵⁰ The experience in Nicaragua also underlined the critical issues of impartiality, insider-partiality, inclusivity and credibility – preconditions needed for peace structures and processes to succeed.

2. SOUTH AFRICA

The transition between apartheid South Africa and the newly emerging democracy was served by a well-developed peace architecture; local peace committees were the main structures that prevented violence. These committees operated between 1991 and 1994, and were terminated following the successful national elections of April 1994. The pioneering nature of South Africa's peace committees drew the attention of other countries as a model that might be copied elsewhere. Ball¹⁶ estimates that "...the peace committee concept is transferable, but the precise form such committees assume should be developed locally." The South African experience is a concluded process. Therefore, it is easier to identify lessons to be learned about what local peace structures can and cannot achieve.

South African local peace committees were a product of its 1991 National Peace Accord (NPA) between the main protagonists in its conflict. The following case study describes the Accord, discusses the architecture set up to implement it, and examines the main relevant lessons that can help implementation of similar bodies elsewhere.

The National Peace Accord

Twenty-seven South African political parties and institutions signed the National Peace Accord (NPA). These included the Government, the ruling National Party and most political parties represented in various 'parliaments' of South Africa at the time (including the Tri-cameral Parliament and homelands parliaments). The major liberation movements, including the African National Congress (ANC) also signed. Therefore, the NPA represented all main political participants. However, some fringe parties and movements such as the (white) Conservative Party and the (black) Pan Africanist Congress, representing a radical pro-African position refused to sign.

The main reason for establishing the NPA was to respond to the country's escalating violence that killed more than 6000 people between 1985 and 1990. In February 1990, President FW de Klerk lifted a ban on liberation movements and soon after released imprisoned political leaders. It was then widely expected that violence would subside as shared public commitment to a negotiated settlement took over. However, this expectation did not materialize. Between September 1990 and August 1991, some 2600 people were killed.¹⁸ The number of deaths and the increasingly brutal nature of the violence were alarming. Most people felt the violence was severely damaging the prospect of a negotiated settlement.

The National Peace Accord was not a peace agreement in the strict sense of the word. It did not contain a political settlement since parallel political negotiations were continuing in a stop-start manner. The NPA was essentially a code of conduct that bound the Government, police and security forces, the political parties and the liberation movements to a set of mutually-agreed ground rules. It sought to regulate the behaviour of all the main participants while negotiating a political settlement. The NPA also had a chapter on socioeconomic reconstruction and development that bound all signatories to specifically focus on rebuilding communities affected by violence. Furthermore, the NPA created the Goldstone Commission of inquiry into preventing public violence and intimidation.

Chapters 7 to 9 of the NPA are relevant to this study. These chapters provided the peace architecture: a National Peace Committee of all signatories, regional peace committees in 11 regions of the country, local peace committees in all affected areas, and a National Peace Secretariat (NPS) to establish and coordinate regional and local peace committees. They also stipulated monitoring and enforcement procedures through justices of the peace, and provided an agreement on using arbitration

in possible disputes between signatories over any wrongdoing related to the Accord. The last chapter (Chapter 10) established special courts to speed up all criminal cases resulting from violent incidents. (The full text of the NPA can be found in Gastrow¹⁸).

Not all of the architecture was fully implemented. The National Peace Committee met only twice and was not a factor in peace process advancement. There were never any appointments of justices of the peace with legal authority to enforce NPA compliance, and arbitration was never used to deal with any transgressions of the Accord. The NPA's impact was achieved through the work of the Goldstone Commission and regional and local peace committees (coordinated by the National Peace Secretariat).

The peace architecture^{17, 18, 21, 16}

The National Peace Secretariat was responsible for implementing and coordinating the various structures that were created. The Secretariat consisted of nine people agreed through a consensus of NPA signatories and was chaired by a senior advocate. Members represented the main political parties and movements and South Africa's Department of Justice.

The Secretariat divided the country into 11 regions and helped establish regional peace committees (RPCs) in each. Not all regions experienced the same levels of violence. The Secretariat focused on the most troubled regions; the PWV-area (roughly the same as the current Gauteng Province), KwaZulu-Natal, the Eastern Cape and the Western Cape. The regional peace committees consisted of regional representatives of all signatories present in that region, as well as other relevant regional civil society entities such as religious organizations, trade unions, business and industry representatives and traditional authorities. Other representatives included the police and defense force and relevant government ministries with administrative responsibility for black townships.

The RPCs supervised establishing local peace committees in regional towns and villages. Their ultimate goal was to establish LPCs in all municipalities, but they initially focused on towns that had experienced violence. LPC composition mirrored the RPCs, but they were more inclusive; any civil society organizations that wanted to join an LPC could do so.

A controversial decision was taken to locate the bureaucratic administrative management of the peace structures in the Department of Justice. The main funding for these entities came from the Government's budget and it wanted a government department to oversee administration. The liberation movements distrusted the Government, particularly the Department of Justice. This created problems and threatened the legitimacy of the peace committees. However, the committees needed to get on with their work, so to offset potential damage, they established their own offices in separate premises and appointed their own staff. They also negotiated a considerable degree of bureaucratic flexibility over procurement and payment procedures due to the urgency of the work they had to do. Local peace committees were accountable to the multi-party regional peace committees, and ultimately to the National Peace Committee through the National Peace Secretariat.

LPCs' mandate

Under the NPA, LPCs were assigned the following tasks (NPA, 7.4.8):

- Create trust and reconciliation between relevant community organization leaders, including the police and the army.
- Prevent violence and intimidation by cooperating with the local justice of the peace.
- Resolve disputes that could lead to public violence or intimidation by negotiating with relevant parties, and recording agreements.

- Eliminate conditions detrimental to peaceful relations and peace agreements.
- Promote compliance with peace agreements.
- Reach agreement on the rules and conditions for marches, rallies and other public events.
- Liaise with local police and magistrates on preventing violence and setting conditions for rallies, marches and public events.
- Report and make recommendations to the regional peace committee.

LPCs' contribution to peace

Several studies have assessed the impact of LPCs^{16, 17, 18, 19, 38, 20, 21, 22} and offered the following observations:

- A truly objective assessment is almost impossible because of the lack of quantitative data. On one hand, LPCs had different success rates in different parts of the country. For example, LPC activities in the Western Cape were more successful than KwaZulu-Natal (probably because the Inkhata Freedom Party was weak in the Western Cape). In KwaZulu-Natal, most of the violence occurred in clashes between Inkhata and ANC supporters.
- The verdict of the various studies is unanimous in concluding that LPCs contributed towards containing the spiral of violence – despite the fact that the number of violent deaths increased during the lifetime of the LPCs (from about 2600 to over 3500 in two years). The minutes of RPC meetings and the NPS contained regular reports of successful LPC interventions. The Star, a leading Johannesburg newspaper, initially expressed skepticism about the NPA. However, by September 1992, it was writing that: “without an accord it would

be easy for South Africa to be sucked up into a vortex of violence.”¹⁸ Violence had escalated, but the general consensus was this would have been far worse if there were no peace committees. LPCs helped to contain violence, but were unable to prevent it completely.

- LPCs facilitated local dialogue and, for the first time, assemblies of stakeholders made up of all relevant categories of participants were able to address local issues jointly. It is impossible to quantify the value of these dialogues in terms of localizing the search for peace, promoting relationships, legitimizing negotiations, fostering reconciliation and deepening democracy.
- LPCs mediated many local disputes, mainly between township communities and local government.
- LPCs were powerless in the face of spoilers, or when political will was lacking. As suspected at the time, and confirmed later, much of the violence was deliberately stoked by the so-called Third Force (sections of the security establishment). Local bodies that operated through facilitation and mediation were powerless in the face of deliberate planned violence. They were equally powerless, for example, in KwaZulu-Natal, when some local leaders of political parties clearly signaled their lack of commitment to peace.
- Somewhat unfairly, LPCs have been criticized for making ‘negative peace’, i.e. for reducing violence without addressing its root causes.⁵¹ However, these root causes could only be addressed through negotiating a completely new Constitution, which happened in a separate process. LPCs operated in the context of a discredited and largely dysfunctional state where reducing violence was an urgent and immediate concern.

Ball's summary¹⁶ of events is possibly the most apt: "...viewed as a whole, the peace committees had a mixed record, and a definite assessment of their 'success' or 'failure' is impossible. Peace committees were unable to stop violence completely, but often limited its occurrence. They were unable to end impunity on the part of the security forces, but they were able to help by equalizing the balance of power between those in power and ordinary citizens, and to strengthen accountability. Their ability to address the underlying causes of conflict was circumscribed, but even in the most violence-ridden areas peace committee staff were able to mediate conflict and create a safe space within which problems could be discussed. And though unable to transform the 'struggle mentality', they were able to help South Africans take their first steps toward understanding the value of negotiations and how to engage in them constructively."

Lessons

The following lessons may be relevant for local peacebuilding processes elsewhere:

The process of establishing LPCs was as important as the national mandate to create them

In terms of their legitimacy, the LPCs were founded on two 'legs'. The first was the mandate provided by the National Peace Accord. Without such a national agreement, in many places it would have been impossible to establish LPCs, since resistance would have come from all sides of the conflict, the political and security establishment and liberation movements.

The second leg is as crucial as the first; local buy-in into the concept of LPCs. The National Peace Accord was an elite pact^{19, 16, 18} negotiated behind closed doors and then announced to the public. At grassroots level, there were pockets of strong violent resistance to the NPA, much of it occurring in black

townships where there were high levels of anger and outrage. Placing police on LPCs was a contentious matter as they were seen as the 'enemy' in the townships and there was doubt about whether they were genuinely committed to peace. For example, some liberation activists realized that they would be sitting on an LPC with police officers implicated in their arrest and torture in the recent past.

Regional peace committee members understood the peace process needed to be a carefully-facilitated process to secure local buy-in, and that LPCs could not be established by simply faxing instructions to the local branches of organizations. Establishing an LPC had to be rooted in the conscious decision of local participants to engage with the peace process – even though that implied they had the right to say 'no' to, or block LPC formation (as happened in several instances). A precondition for an LPC to succeed was the need to work patiently through local resistance to peace and deal with related local concerns.

The regional peace committees decided to employ fieldworkers on a full-time basis and to give them the task of facilitating processes to establish LPCs. A typical process^{21, 17} involved a series of one-on-one meetings with the various local organizations in which people discussed NPA implications and their concerns. The entry point was often a particular violent incident that had occurred, or a dispute that was potentially violent. Local organizations were asked to seek a mandate from their members to form an LPC as a means of dealing with the particular dispute or the fallout of violence. Establishing an LPC only took place once all the significant participants had received this mandate. In some places, LPCs were never established; in others, they were only created after protracted local negotiations. Sometimes, LPCs became quite inactive after their creation as the process of establishment itself was the true peacemaking event.

The analysis showed there were no guarantees local communities would make peace simply because national leadership made

that decision. In the South African case, the national agreement provided an opportunity, a framework and a legitimate mandate, but local participants ultimately needed to take responsibility for their own peace.

The LPCs relied on a functioning peace architecture

LPCs could not have operated in an administrative or logistical vacuum. The peace architecture created provided support as follows:

- **Funding.** LPC members did not receive financial compensation, but costs associated with meetings, workshops and other peace activities were covered through the national budget. The greatest peace architecture costs were employing staff and equipping their offices.
- **A functioning network.** LPCs did not exist in isolation but were linked with other area committees, regional peace committees and the NPS. Through these networks, LPCs could call on regional or national resources to help deal with specific local disputes. Problematic issues for individual LPCs were discussed at regular two-weekly meetings of the regional peace committees. When possible, the regional peace committee helped with access to relevant resources. This support often included intervention by regional or national participants who had the clout to defuse a particular bottleneck.
- **The professional services of full-time staff.** The staff that regional peace committees appointed played a key role how peace committees worked. Typically, staff stepped into a violent conflict situation on behalf of the committee and initiated a peace process. If they succeeded, an LPC would usually be set up. Once it was established, regional peace committee staff provided logistical and administrative

support, and also helped the LPCs to design and implement appropriate strategies to deal with conflicts. The appointed staff members were mainly from civil society, especially the business, religious and NGO sectors. At the time, staff received little preparation or orientation for their work and there were no 'best practices. Some local and international NGOs provided training to some of the staff. On the whole, staff mainly had to act on NPA principles, regional peace committee decisions and their own instincts. RPC staff were an indispensable ingredient of the success achieved.

- **UN and other international monitors.** When the UN deployed its monitoring team in 1992, the members decided to work closely with the peace committees. Other observer missions (the European Union (EU), the British Commonwealth and the Organisation of African Unity (OAU) followed suit and became very closely associated with the peace committees. On the whole, their presence added value to committee work, especially in monitoring potentially violent marches or other public events. The presence of these international participants strengthened LPC legitimacy, and in some cases helped to defuse potentially violent situations. However, Ball16 made the valid observation that the calibre of the help they provided depended on the quality and attitude of individuals. Some were little more than disguised tourists, while others who were willing to be proactive added the most value.

The NPA created opportunities for substantial civil society involvement

The NPA process could not have succeeded without input from civil society. The Accord itself was the product of a joint initiative between the business sector and the churches.

Its final text was negotiated by religious and business leaders. The Consultative Business Movement (CBM) was involved. It was a joint instrument of big business companies that facilitated their social engagement. CBM provided much of the process's administrative back-up. It also seconded several staff to the NPS and regional peace committees. Regional bodies and LPCs were chaired by civil society figures that drove the peace process forward. They occupied the middle-ground and kept all parties together, countering strong polarizing forces. These chairpersons led most of the facilitation, mediation and violence prevention work. They can best be described by Lederach's term of 'insider-partials'. They were not impartial (no South African was), but their commitment to the greater good of preventing violence and finding workable solutions made them credible to a wide spectrum of people.

The lesson here is that the 'business' of peace cannot be left solely to politicians. The peace process gained much depth and breadth because it fostered opportunities for insider-partials to operate effectively.

The dominant methodology must fit the circumstances

NPA design included measures to enforce compliance by providing for the appointment of local justices of the peace to investigate cases of public violence and intimidation. When the problem could not be solved through mediation, they could refer the matter to the South Africa's Attorney-General. The justices of the peace could also apply rules of natural justice to resolve disputes; by implication this would ensure that LPC decisions were legal.

However, no justices of the peace were ever appointed because authorities felt that putting them in place would be ineffective and too dangerous. In essence, the 'struggle' in South Africa was based on the black community's rejection of the white government's authority. During the 1980s, the internal liberation movements tried to achieve their goals through

civil disobedience. There was no way that justices of the peace could serve peace by applying the law because the legitimacy of the law was fundamentally challenged. It did not matter whether the justice of the peace was black or white because the law was 'white', and imposing it invariably sparked violence.

LPCs were most successful when they used 'soft' approaches to conflict, i.e. dialogue facilitation and mediation. They faced much criticism from all sides because they were perceived to lack the will or the 'teeth' to censure people who acted violently. These perceived perpetrators were, of course, fellow LPC members. However, it was unfair to expect LPCs to become arbitrators or referees in local disputes where the very rules of the game were contested. Instead, the essence of the LPC process was that it created an opportunity for civil society leadership to bring protagonists together while keeping communication alive. LPCs were unable to enforce peace, but they could bring it about by using softer approaches to conflict.

The lesson in this is that LPCs should not be burdened with unrealistic expectations, particularly related to enforcing peace. The same applies to LPC ability to address the root causes of conflict. They cannot be expected to transform deep-rooted conflict without the necessary national framework, mandate and resources in place.

Empowerment of women

There is a very pertinent criticism of the NPA and its structures. It did not pay enough attention to including marginalized groups such as women and youth. Political party and organization leaders dominated the LPCs; most members were men. To be fair, women's organizations and youth structures were always invited to join, and in many places they did. However, there was no deliberate policy to strengthen the 'voice' of women in local peace processes, or to ensure they were included in LPC leadership structures.

3. KENYA

Kenya is a fascinating example of a bottom-up process to establish a peace architecture. The process is not yet complete, but several dilemmas and consequent lessons have already emerged.

The move to achieve peace in Kenya was initiated in 1993 by a group of women from the Wajir district that borders Somalia and Ethiopia.⁵² At the time, a highly destructive cycle of violent conflict raged there between different clans of Kenyan Somalis, leading to more than 1200 deaths over four years. The violence was caused by:

- a very weak district government presence that led to state institutions failing to regulate conflict, provide security and promote development;
- an arid drought-plagued physical environment with few natural resources to sustain the population;
- a pastoralist culture of local inhabitants that condoned livestock raiding;
- an influx of refugees from Somalia and Ethiopia;
- a ready availability of small arms.

The Wajir initiative consisted of civil society participants working together to sensitize the population on the need for peace. They started by engaging the elders of different clans in a mediation process. After several meetings, the elders agreed to sign a code of conduct called the Al Fatah Declaration. During this process, on a voluntary basis, the civil society participants worked with and involved representatives of formal authority, particularly the district commissioner and the member of Parliament.

However, about a year after the initiative started, two reasons to formalize the process emerged: first, to provide coordination of all the

peacemaking and peacebuilding activities in the district, and second, to ensure continued participation by people with formal authority.⁵² However, how to formalize the process was a problem due to the strained relationships between civil society activists and government officials (a common situation in Africa). If government controlled a formal peace structure, some civil society participants would be unhappy. If civil society had control (for example, by forming an NGO), cooperation with government officials would be strained.

Eventually it was decided to integrate peace initiatives into the one structure in the district administration in Kenya that brought government, NGOs and citizen groups together – the District Development Committee. In May 1995, the Wajir Peace and Development Committee was formed with the District Commissioner as chairperson. Members included the heads of all government departments, representatives of various peace groups, religious leaders, NGO representatives, village chiefs and security officers.

The Wajir Peace and Development Committee succeeded in implementing and maintaining peace in the district, which soon led to the model being copied in other northern districts. After this success, international donors, NGOs and the National Council of Churches in Kenya became involved in facilitating and supporting establishing local peace committees. However, the uncoordinated and haphazard process sometimes led to several peace committees being set up in a single district. In addition, the same model was not always followed. Adan and Pkalya⁵³ identified three main varied models for peace committee leadership, from those chaired by the District Commissioner, to others chaired by an elected civil society member.

The national Government soon took notice of local peace committees. In 2001, it established the National Steering Committee (NSC) on Peacebuilding and Conflict Management

which aimed to formulate a national policy on conflict management, and to coordinate various peacebuilding initiatives including the local peace committees. In the same year, it used the creation of local peace committees in five districts to negotiate the Modogashe Declaration with various pastoralist clans. The Declaration essentially laid down ground rules for dealing with ongoing conflict associated with cattle rustling. It was amended in 2005 and re-named the Garissa Declaration. In some respects, this Declaration conflicted with the Kenyan Constitution and jurisprudence¹⁴, but it has been formally recognized by the Government.

The process of formulating a national conflict management policy proved to be politically complicated. The NSC had tabled a draft policy document as far back as 2006⁵⁴. In terms of the new constitution ratified in 2010, however, the NSC will be transformed into the national coordination agency for peacebuilding and conflict prevention. The peace architecture is therefore still work in progress.

In 2007, post-election mayhem killed more than 1500 people, and some 350,000 were displaced by inter-ethnic violence. This led to the National Accord and Reconciliation Act of 2008 which recommended establishing district peace committees in all of Kenya's districts. The fact that districts with peace committees reported much less violence than others¹⁵ considerably raised awareness of the importance of enhancing local capacities for peace. In the implementation plan, coordinated by NSC with UNDP support, priority was given to the Rift Valley area where most of the violence had occurred.⁵⁵

There is reasonable consensus among researchers and observers that, on the whole, Kenya's peace committees have succeeded by showing they can manage inter-community conflict, and contain or prevent violence. In particular, Chopra¹⁴ has noted the peace committees' ability to integrate a broad range of relevant local stakeholders to help resolve conflict; apply features of the local system; and tackle cases of inter-ethnic conflict where

different values and customs were at stake. In addition, peace committees have helped marginalized communities and the Government to engage – making it more responsive to these communities.

However, the following issues and dilemmas have emerged:

- The peace committees in Kenya's pastoralist areas operated in the vacuum created by weak governance institutions – particularly the justice system – that could not provide security and justice to communities. This weakness was caused by a lack of resources and political will, and by the 'disconnect' between two different models of justice: the clan model and the state model. The mediation offered by peace committees involved more than problem-solving; they also mediated, albeit unconsciously, at the level of those fundamental values underpinning the justice system.
- However, Chopra¹⁴ has identified a dilemma posed by this situation. The negotiated declarations are prime examples of mini 'social compacts' that are evolving through a meaningful engagement between the state and local communities. However, at certain points these compacts fundamentally contradict the constitutional values of the state. The negotiated declarations offer peace, but they compromise constitutional justice. This has made matters difficult for state officials such as district commissioners because they have had to choose which model to follow in each situation.
- Another dilemma arose around issues of inclusion and democracy. Traditional customs, particularly the authority of elders, meant that women and youth could not participate in peace processes, and also reinforced traditional unbalanced power structures. NGOs and donors often lobbied for women and youth to be included on

peace committees, but doing so did not substantially challenge the power structures and was little more than window dressing.¹⁴

- There was also a dilemma as to whether committees should use mediation or arbitration as the primary peacemaking method. Arbitration assumes conflicting parties recognize the authority of the arbitrating body. Mediation assumes the parties share mutual confidence in the mediator. The proposal to formalize peace committees was based on a perceived need to enhance their authority, and therefore their capacity to arbitrate. However, once the committees were seen as having formal authority, they experienced power struggles and competition to control key positions.⁵³
¹⁴ The very heart of the conflict in Kenya is differing views of legitimacy of authority, so adopting arbitration as a primary intervention model might yet prove counter-productive.

- Finally, there is a dilemma regarding local ownership and external support. The Wajir process was almost wholly locally owned. In most other cases, NGOs and donors oversaw establishment of peace committees. There seems to be an inverse correlation between local ownership and external support: the more the process relies on external support, the weaker it is. Adan and Pkalya⁵³ went as far as accusing NGOs of encouraging uncouth behaviour by offering sitting fees to peace committee members. Yet, some external support is necessary. Without key logistical, intellectual and technical support for mediation processes, most peace committees would not be able to function. Official recognition is also a type of support, although the more the process is formalized, the less local ownership and initiative is possible. The dilemma is how to provide necessary support to peace committees without undermining local ownership.



UN PHOTO/TIM MAKULKA

4. NORTHERN IRELAND

Introduction

At first glance, Northern Ireland's District Policing Partnerships seem like any other community-policing mechanism; many examples of these exist worldwide. Yet, Northern Ireland's mechanisms were part of a peacebuilding architecture with a very specific remit: to bring about local consensus on effective policing in a context where policing was at the very heart of the conflict. Therefore, the country's District Policing Partnerships were in fact local peace committees with a definite national peacebuilding objective.

Background

The 'troubles' in Northern Ireland have been the topic of extensive research – some 10,000 studies.⁵⁶ The causes of the conflict are varied, but historically the seed was sown by the colonial displacement of Irish inhabitants by British settlers which began in 1609.⁵⁷ In 1921, Ireland was partitioned into a Republican South and a Unionist North (as a consequence of the Government of Ireland Act of 1920, the so-called Anglo-Irish Treaty) in what was effectively a demographic compromise.⁵⁷ The six counties that formed Northern Ireland represented the largest area that could comfortably be held, with most people in favor of a union with Britain.

The Unionists were mostly Protestant and took political control of Northern Ireland until the Good Friday Agreement of 1998 ushered in power-sharing with the mostly Catholic Republicans who constituted approximately 30 percent of the population of Northern Ireland.

The birth of Northern Ireland was mired by violence. Between July 1920 and July 1922, 257 Catholics and 157 Protestants were murdered in sectarian attacks.⁵⁸ The settlement of 1921 precipitated a civil war in the South between

people in favour of partition and others who felt it betrayed the Republican ideal.

In 1967, a civil rights campaign was launched to promote liberal reforms. It resulted in high levels of disorder that resulted in the British Army intervening to impose order. This had an unintended outcome; it radicalized Republican sentiments. The Provisional Irish Republican Army was formed and shortly after embarked on a campaign of deliberate violence against the British Army. Paramilitaries with sentiments loyal to the Unionists also joined the fray. The violence peaked in 1972 when 468 people died.

The situation in Northern Ireland was characterized by social and economic inequality between the two communities, especially in employment and housing. Catholics faced clear disadvantages. The civil rights campaign succeeded in bringing reform for some of the problems, but not enough to check the momentum of the violent conflict.^{108, 57}

In this context, it was no surprise that from the moment of its birth, policing in Northern Ireland was controversial. Unionists felt threatened and took steps to ensure their security. They relied on the security forces of Great Britain, but also set up the Royal Ulster Constabulary (RUC) and equipped it with powers and resources to maintain stability and provide security. One means of doing so was the Ulster Special Constabulary (or 'B-Specials') established in 1920. It was made up almost exclusively of Protestant Unionists and was a quasi-military force designed to counter insurgency. Unionists viewed the Royal Ulster Special Constabulary as a valiant bulwark against illegal insurgency and terrorism, but the Republicans saw it as a brutal instrument used to enforce their marginalization in society. The force was disbanded in 1970.

These perceptions also spilled over into the RUC in general. The RUC was dominated

by Protestants – in 1998, 88.1 percent were Protestant and 8 percent Catholic.⁵⁹ Republicans believed the RUC was the armed wing of Unionism and the key bulwark of British occupation.¹¹⁰ The RUC was the defender of the state in the context of a severe contestation of the legitimacy of the state, and became a visible and deeply resented symbol of oppression.⁵⁹ Feeling against the RUC was so strong that its police officers did not dare tell their children what they did for a living because they feared attack. The Unionists believed RUC members were heroes in the front-line against terrorism; custodians of nationhood.⁵⁹ In the line of duty, 303 RUC members were killed and thousands injured.⁶⁰ In this context, transforming policing was a much needed peacebuilding objective.

The Good Friday/Belfast Agreement of 1998

The April 1998 Good Friday Agreement⁶¹ was a major breakthrough. “For the first time, the two sovereign governments of the United Kingdom and the Republic of Ireland, with the support of the United States, along with parties from across the political divide, agreed on a new political framework for Northern Ireland.”²⁷ A country-wide referendum a month later endorsed the Agreement with strong majorities in both communities. The Agreement introduced the principle of power-sharing and inclusive governance and committed the parties to non-violent political processes. It also abolished the Republic of Ireland’s territorial claims on Northern Ireland in favour of formal mechanisms for cooperation between the Republic of Ireland, Northern Ireland and Britain.

However, implementing the Accord proved extremely difficult. The first power-sharing Government collapsed in 2002, mainly due to failure to make progress on decommissioning weapons. In May 2007, after more intense negotiations, elections established a new power-sharing executive of Sinn Fein and the Democratic Unionist Party (DUP) – both the hard-line political factions of the two communities.

Establishing an architecture for transforming policing

The Good Friday Agreement acknowledged that police reform was both a relevant and sensitive issue. In their own words, the signatories recognized that “... Northern Ireland’s history of deep divisions has made policing highly emotive, with great hurt suffered and sacrifices made by many individuals and their families, including those in the RUC and other public servants. They believe the agreement offers the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole. They also believe that this agreement offers a unique opportunity to bring about a new political dispensation which will recognize the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland.”⁶¹ The signatories felt a transformed police service would be a key way to achieve an inclusive, equal and free society. To succeed, they knew that local peacebuilding structures would be necessary.

The Agreement provided for establishing a Commission on Policing for Northern Ireland to advise on the best way to transform policing. The Agreement also stipulated some fundamental objectives the Commission should pursue. One was to ensure that “... there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control...”⁶¹

This Commission subsequently became known as the Patten Commission after its chairperson, Lord Chris Patten. Its report contained a detailed peace architecture to transform policing. It recognized that “... the issue of policing is at the heart of many of the problems that politicians have been unable to resolve in Northern Ireland ...”⁵⁹ The Commission recommended forming a Policing Board to hold the Chief Constable

to account, with the authority to approve annual policing plans determining policing priorities. The Policing Board would have 19 members, 10 Members of the Legislative Assembly representing parties that served in the Executive, but members would not be Ministers.

The other nine members would be independent representatives of various parts of society (such as business and trade unions), composed "... with the aim of finding a group of individuals representative of the community as a whole, with the expertise both to set policing priorities and to probe and scrutinize different areas of police performance, from management of resources to the safeguarding of human rights."⁵⁹ Creation of this Board meant that policing became the joint responsibility of all political parties and the wider civil community.

Furthermore, the Agreement stated that each district council should establish a district policing partnership board (DPPB). These bodies would be a committee of council, composed on similar lines to the national body, with one more elected member than independents. The DPPBs were designed to be broadly representative of the district in terms of religion, gender, age and cultural background. The chair of the DPPB would be held by an elected member and rotated between parties yearly.

The DPPBs were to have an advisory, explanatory and consultative role. "The Boards should represent the consumer, voice the concerns of citizens and monitor the performance of the police in their districts ...".⁵⁹ The Agreement called for monthly meetings between the DPPB and the local police commander, and police would be compelled to consider the views of the DPPB. Patten also created links between the DPPBs and the Policing Board through annual meetings, regular seminars and other events, in addition to ensuring an adequate flow of information.

Patten's idea with the DPPBs was to ensure a constant dialogue at local levels between the police and the community, providing a mechanism to compel the more powerful

component – the police – to engage with the community.⁶² In this way, he felt consensus would be built on priorities for policing within a divided community, and trust would be restored in the police as a professional service across the community.

Unionist circles viewed the Patten Report with alarm. David Trimble, leader of the Ulster Unionist Party, called it the "shoddiest report in 35 years."⁶³ He was partly concerned the police force would "... be dominated by politicians and district policing partnerships, again dominated by politicians - and constructed, particularly with the gerrymandering of Belfast, in such a way as to enable certain paramilitary-related politicians (*read: Sinn Fein*) to exercise undue influence over policing." Another controversial aspect was the report's call for drastic measures to balance the composition of the new police service so that it represented both communities, and to abolish the existing police service emblem, flag, name and oath.⁶⁴

The Patten Commission recommendations had to be enacted into law. In light of the controversy, the Police (Northern Ireland) Act of 2000 contained some inevitable and substantial compromises. Hillyard and Tomlinson⁶⁴ have criticized the Bill for completely rejecting the Patten Commission Report's core proposition. "The P(atten Commission) R(eport)'s structure of a central Police Board and district partnerships is retained, but both levels are stripped of effective powers and many democratic elements are neutralized."

Their complaints related specifically to the following changes:

- District Policing Partnerships (note how the word 'Board' was dropped) would only have consultative powers, leaving final decision-making to the police.
- Persons convicted of terrorist offences would not be allowed to serve on the DPPs.
- DPPs would not be allowed to deal with the unfinished business of the past. They were strictly confined to the present and future.

Ryan⁶² distinguished between ‘democratic’ and ‘liberal’ policing. The Patten Report argued for ‘democratic’, the Bill settled for ‘liberal’. The liberal model is wary of popular participation in policing, and focuses on strong accountability structures and forcefully policed human rights legislation. Ryan stated this model curtailed DPP potential to facilitate deliberations needed in such divided communities.

The Democratic Unionist Party, Ulster Unionist Party, and the Social Democratic and Labour Party (SDLP) accepted the Bill, but Sinn Fein rejected it, refused to take up its entitled two seats on the Policing Board, and discouraged all Republicans from serving on DPPs, stating: “They have whittled down the powers of the partnerships in terms of accountability so you have a local community body to which the RUC Chief might speak but it has no actual accountability.”⁶² It was only in late January 2007 that the general membership of Sinn Fein decided to support policing reforms. As a result, Sinn Fein has joined the Policing Board and DPPs.

Consequently, almost 10 years after the signing of the Good Friday Accord, the architecture created to facilitate police reform could claim to have support from all the main participants.

Progress in police transformation

Between 2003 and 2008, regular surveys were conducted to gauge citizens’ perceptions and attitudes about policing in general, and of the DPPs in particular. Survey findings support the view expressed in 2008 by Sir Hugh Orde,⁶⁵ Chief Constable of the Police Service of Northern Ireland (PSNI) as the police were now formally called. He said that policing had come through “massive changes” with positive results.

A 2008 survey⁶⁶ by the Northern Ireland Statistics and Research Agency found that more Catholics (33 percent) than Protestants (30 percent) were generally satisfied with

policing in their districts. In fact, Protestant satisfaction dropped by a significant 4 percent from 2006, mainly because the Protestants felt the justice system was too lenient. Most respondents had neutral attitudes towards the police, about a quarter of both were dissatisfied with the police. However, it is striking how attitudes towards the police have normalized. The negative perception of policing among Catholics has largely been overcome. About 80 percent of both groups believe people are willing to engage with the police.

This said, the lingering impact of the troubles is reflected in responses on why people would be unwilling to engage with the police. Two thirds of Protestants blamed the justice system for being too lenient (45 percent of Catholics). Dislike or fear of the police was mentioned as a factor by fewer Protestants than Catholics. A person’s political opinion mattered somewhat to both groups; while the history of the troubles was a factor for fewer Protestants than Catholics. Only 8 percent of Protestants thought the police were not representative of their community, compared with 19 percent of Catholics.

The statistics, however, do not capture the depth of resentment among minorities that still distrust the police. Sinn Fein’s decision to support PSNI has led to several defections from the party.⁶⁷ In December 2007, the Sunday Times reported⁶⁸ that during the previous months signs of disquiet had become visible among grassroots Republicans in key areas on the issue of Sinn Fein support for policing. In Strabane, a town where dissidents were seeking members, two Sinn Fein councillors refused to take up their places on a DPP; the positions went to the DUP.

Sinn Fein pointed out that 55 of its councillors had joined DPPs, but the party could not conceal widespread discontent. Dissent gave rise to the more worrying threat of recourse to violence. In December 2007, the Irish Republican Liberation Army, a dissident group, issued a statement⁶⁹ vowing to kill Sinn Fein members who sat on District Policing

Partnerships. Furthermore, it stated that “people in Republican communities who give information to the PSNI will be treated as informers. The punishment for that is death.”

However, at the same time the threats and defections did not weaken Sinn Fein’s resolve to support PSNI. On several occasions, Gerry Adams, the Sinn Fein leader, has declared that much progress has been made. For example in April 2008, Adams met with Sir Hugh Orde and said: “clearly there has been progress – we would be the first ones to acknowledge that, and I have said on many occasions there has been progress. There have been positive things happening, but there is some more work to be done.”⁷⁰ Sinn Fein leaders have also withstood local intimidation. For example, the Sinn Fein chairman of the Moyle DPP was threatened with death in November 2009 if he attended a DPP meeting, but he went anyway.⁷¹

On the whole, remarkable progress has been made, much to Lord Patten’s satisfaction. In October 2008, he described the PSNI as a “very professional police service, which others around the world look to as a model of how to police a previously divided society.”⁶⁵ In some respects, the increasingly violent response from marginal groups may underscore the success of transforming policing in Northern Ireland. In 2010 the final and politically very difficult step of completely devolving police and justice departments from British control to the Northern Ireland Government was taken.

The impact of DPPs

It is difficult to assess how much credit DPPs can claim for what has been achieved. Clearly, national intra- and inter-party work is responsible for much of the progress (such as the progression in Sinn Fein’s position on policing). Work done with and by the police to professionalize their services has contributed substantially.

The role of DPPs has been publicly acknowledged by many highly placed

Northern Ireland officials. However, these acknowledgements have not provided any meaningful substantiation.

A fairly high awareness of DPPs exists in local communities. The 2008 survey found that three-quarters of all respondents had heard of DPPs. About a third of Protestants and Catholics said they were confident DPPs were helping to address local policing problems, although around half of both groups did not have much confidence in the DPPs. In terms of awareness, more than half of respondents learned about DPPs through the press.

A cursory review of newspaper articles on DPPs over the past two years shows they focused on controversial DPP incidents. There is not much press coverage on the substance and tone of DPP discussions. Furthermore, the public view of DPPs has not shown significant sectarian variance. Catholics are more favorably disposed to them than Protestants.

DPPs were not the only social mechanisms working to normalize community-police relationships. Important work was done by civil society groups such as the Community Safety Partnerships and restorative justice projects which aimed to counteract the administering of justice by paramilitary groups.^{35, 34} Between 1998 and 2005, more than 1800 paramilitary-style shootings and assaults were recorded in Northern Ireland. In his independent assessment of the work by Community Restorative Justice Ireland and Northern Ireland Alternatives, Mika35 found that their projects on restorative justice had a measurable and significant impact. In communities with these projects, there was a clear reduction in paramilitary punishments.

These projects were undertaken in communities with a perceived absence of legitimate policing, and where “...statutory bodies appear to be indifferent to victims who reside in working class areas...”.³⁵ The projects relied on former paramilitary leaders to enhance confidence, and promoted reconciliation and restitution rather than punishment.

However, there was tension between the work on restorative justice and efforts to restore police and wider justice system credibility. The restorative justice projects largely worked through informal processes of reconciliation and restitution. They bypassed the formal judicial system at a time when restoring its legitimacy was a national priority. As demonstrated elsewhere (such as in Kenya), civil society peacebuilding projects have the capacity to facilitate justice in contexts where state institutions are weak or compromised, although they are potentially at odds with the larger state-building project.

This does not mean that civil society projects should be discouraged, but rather that the implicit tension should be acknowledged and managed. Consider the statement by John Braithwaite,³⁵ winner of the 2005 Stockholm Prize in Criminology: “Northern Ireland actually has a more mature debate on standards and principles of restorative justice than any society I know. ... I suspect this is because Northern Ireland has a more politicized contest between state and civil society models of restorative justice than can be found in other places. Such fraught contexts are where there is the greatest risk of justice system catastrophes. But they also turn out to be the contexts with the richest prospects for rising to the political challenges with a transformative vision of restorative justice...”

Another factor to consider when assessing the DPP impact is that the Good Friday Agreement basically opted for a consociational dispensation. Consociational theory postulates that communal identities are irreconcilable and should be politically accommodated through systems of power-sharing that are based on their explicit recognition. Farry²⁷ pointed out that adopting this model for Northern Ireland contributed to persistent deep communal divisions and increased political polarization. Politicians had no incentive to moderate identity-based statements. “Peace has come at the price of reconciliation.”²⁷ There was no overarching political vision for a united and

integrated Northern Ireland, so processes promoting reconciliation were largely driven by civil society. The DPPs seem to be the only formal local mechanism that included both political and civil society representatives.

What then was the specific contribution of DPPs? On one hand, they lacked the power to hold the police accountable; they were often dismissively referred to as ‘talk-shops’. On the other hand, they provided a platform for representatives of a much-divided community to meet with representatives of a highly controversial security institution, the police. Their joint task was to build consensus on policing priorities in a manner described in an article in the *Irish News*:⁷³

“There is something of a quiet, largely unseen revolution, taking place inside the Republican community and the PSNI, as each comes to terms with the other in their joint task of creating a new policing service for a society emerging from war and conflict. I got an insight into that quiet revolution last Thursday night at a meeting of the West Belfast District Policing Partnership. On one side, those with a long history in the IRA and Sinn Fein and their community. On the other, those once with the RUC – the armed wing of Unionists – now with new police officers in the PSNI, a police service on the cusp of change beyond its imagination. There were others representing the SDLP and independents, but the fascinating experience was in the occasion itself ... The meeting was a constructive and critical encounter. The cut and thrust of the exchange reflected clear progress being made in tackling anti-community crime.”

From the above description, it is clear that DPPs provided a social space where an exchange could take place. It was the dialogue that mattered. Of course, the concrete outcomes were important, but without building enough mutual understanding, bureaucratic outcomes would have been meaningless.

The *Newry Democrat*⁷⁴ provides more insight from a different angle. In November 2009, it reported that the new DUP chair of a certain

DPP had said that he thought the DPP was a waste of time. “There was a hidden agenda to DPPs when they were first set up,” he said. “It was to get certain people to sit down with police. Now that Sinn Fein has come on board with policing, there’s no real purpose to them...I did agree with DPPs, but they’ve run their course...” The statement rather off-handedly recognizes that the real value of DPPs was their ability to facilitate interaction and engagement – not only between the police and Sinn Fein, but between all relevant local stakeholders.

In terms of the more technical aspect of determining policing priorities, DPPs may well be overtaken by more efficient structures. Discussions to strengthen this mechanism are ongoing,⁷⁵ but the historical reality should be acknowledged. Whatever their future, DPPs were a local opportunity for communities to formally meet, sit down and talk about jointly managing their future security. DPPs were essentially a local confidence-building mechanism.

This does not mean DPPs were an unqualified success. News reports reflected a fairly high level of petty political grandstanding in some DPPs. The fact that the Bill required the chairperson to be an elected person (i.e. a politician) potentially deprived DPPs of more expert and even-handed facilitation of meetings. Ryan⁶² has cited the following criticisms of DPPs: they were too much a ‘middle-class thing’ that alienated working class people and youth (an observation strengthened by the survey on public attitudes towards DPPs); the chair was a politician; the meeting style favoured politicians, thereby disempowering community representatives; and police presentations at meetings were too stylistic and defensive to enable substantive discussions. Furthermore, it seems as if much has depended on the local police commander; if the commander was not well disposed to a DPP, it resulted in top-down communication and overly bureaucratic discussions.⁷⁶

Conclusion

- DPPs offered a platform for local political elites to meet and conduct dialogue on normalizing the police. As such, they enhanced local political ownership of police transformation.
- DPPs were possibly the only formal local mechanism where civil society representatives and politicians from across the board could discuss a key peacebuilding objective.
- The relative importance of DPPs must be judged against a background where no emphasis was given to reconciliation in the wider peace process context.
- Similar to local peace committees across the world, local leadership and conditions co-determined the outcomes achieved. In other words, success was ultimately determined by what use local leaders – including the police commander – made of the opportunity. To some extent, this accounts for the patchy nature of DPP achievements.⁷⁶
- The impact of DPPs could probably have been enhanced if the chair did not have to be a representative politician. This would have enabled someone with broad acceptability and greater facilitation capacity to take on this role. Furthermore, more could have been achieved if meetings were run with the deliberate objective of encouraging constructive dialogue.
- DPPs should be evaluated for their impact on bringing about effective community policing, and also for their impact on building local social cohesion and state legitimacy.

5. FYR MACEDONIA

In FYR Macedonia, the peacemaking process has been driven by the Committees for Inter-Community Relations (CICRs). Their achievements are significant for the following reasons:

- Their mandate is rooted in a negotiated peace agreement.
- Their specific focus is on ethnic conflict.
- Their relationship to local governance has been restricted by legislation.

Furthermore, their implementation has highlighted important issues on their composition and political independence.

Background

Ethnic relations are at the heart of FYR Macedonia's struggle for peace, identity and prosperity. The country's population is around two million. The relationship between the majority Macedonians (64 percent) and the Albanians (25 percent) is particularly important. FYR Macedonia became an independent country in 1991 and deliberately opted for a civil democracy. However, ethnic coexistence has never been easy. After independence, several incidents boiled over into armed conflict when the National Liberation Army was formed in 1999. A relatively brief period of armed conflict was ended in 2001 by the Ohrid Framework Agreement (OFA), achieved through extensive international mediation.

The roots of ethnic conflict are complex.^{77, 78.}
²⁶ They involved historical patterns of privilege and exclusion, the collapse of the socialist system, economic hardship and unequal economic opportunities, the weakness of the state, FYR Macedonia's problematic relationship with its neighbors, and the trend towards the 'institutionalization of ethnicity' that marked the region through the late 1980s and early 1990s.²⁶

Despite forming almost two thirds of the country's population, the Macedonian community always saw itself as being under threat. The Bulgarians challenged its legitimate existence as a language community, the Greeks challenged its cultural identity as Macedonians and their claim on the name, and the Serbian Orthodox Church challenged its religious identity as Macedonian Orthodox Christians. Most important of all, its territorial integrity was seen to be threatened by Albanian irredentism. Conversely, the Albanian minority felt it was being politically, culturally and economically marginalized, and was insisting on proportional representation in governance and economic matters.

The OFA reaffirmed Macedonia's territorial integrity and multi-ethnic character, stating that there "...are no territorial solutions to ethnic issues."⁷⁹ It guaranteed greater political inclusion of minorities with fairer representation in public administration, the police and army. One of the major instruments for achieving OFA objectives was local decentralization. Article 1.5⁷⁹ stated: "The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities." Therefore, local decentralization was implemented for two reasons: more effective governance and achieving fair ethnic inclusion and participation for all.

To achieve these objectives, the borders of the existing 123 municipalities were redrawn to form 84 municipalities, in addition to the capital, Skopje. In 21 of the new municipalities, the demographic composition has resulted in ethnic minorities representing 20 percent or more of the population. These municipalities are considered particularly at risk of ethnic conflict. However, the process of restructuring has disturbed the existing ethnic balance in some municipalities, creating new sets of ethnic majorities and minorities. Ironically, this has increased tension in some districts rather than diminishing it. Tensions between the Macedonians and

Albanians dominate the political landscape, but there are also other ethnic minorities (Turks 3.8 percent, Roma 2.6 percent, Serbs 1.8 percent, Vlachs 0.5 percent, and others 1.9 percent), and they are often caught in the middle of the dominant power struggle.

Much progress has been made in implementing the peace agreement,^{78, 26} but enthusiasm for the OFA is not equally shared^{80, 26} and there is a trend towards increasing tension and ethnic segregation. On the whole, political parties are formed along ethnic lines, and professional associations, the media, and social life in general face pressure to segregate.⁷⁸ Even NGOs are mainly ethnically based. Politicizing ethnicity means that a municipal democratic election is a mechanism for endorsing ethnic control. The OFA was a brave decision to commit FYR Macedonia to a multi-ethnic democracy, but implementing it is proving difficult and frustrating.

Against this background, this study assesses the role of Committees for Inter-Community Relations (CICRs). However, the first aspect to examine is the function of the national CICR.

Committees for inter-community relations

i) The national Committee for Inter-Community Relations

At national level, an Inter-Community Relations Committee has existed since independence in accordance with the 1991 Constitution of the Republic of Macedonia (Art. 78, Amendment VII). The Constitution states:

“The Committee consists of 19 members of whom seven members each are from the ranks of the Macedonians and Albanians within the Assembly, and a member each from among the Turks, Vlachs, Romas, Serbs and Bosniaks. If one of the communities does not have representatives, the People’s Attorney (Ombudsman), after consultation with relevant representatives of those communities,

shall propose the remaining members of the Committee.”

“The Assembly elects the members of the Committee. The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution. The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them. In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by a majority vote whether the procedure applies.”

The voting procedure relates to the so-called Badinter Rule. Art. 69 (2) and stipulates: “For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to communities not in the majority in the population of Macedonia.” In effect, the Badinter Rule gives the right of veto to ethnic minorities in Parliament on certain issues of ethnic coexistence. If there is a dispute over applying the voting procedure, then the CICR decides by majority vote.

ii) Municipal committees for inter-community relations

Legal mandate

The Constitution and the OFA do not provide for establishing municipality-based CICRs. However, the OFA required the Law on Local Self-Government to be revised, and the revision⁸¹ provided for establishing CICRs (Art. 55). The concept of committees for inter-community relations was judged specifically appropriate to support the local decentralization process, and more generally the peaceful coexistence between local ethnic groups. Municipal CICRs were founded by the OFA-inspired Law on Local Self-Government, so they have their roots in that Agreement. However,



municipal CICRs do not have the authority to determine or interpret the application of the Badinter Rule, as does the national body.

By law, only 21 municipalities with a minority community of more than 20 percent of the population are required to establish a CICR (Art. 55.1). However, this does not preclude municipalities from voluntarily establishing CICRs even if the 20 percent ruling is not relevant.

The Law on Local Self-Government states the mandate of CICRs is to "...review issues that refer to the relations among the communities represented in the municipality and ... give opinions and proposals on the ways for their resolving" (Art. 55.4). The municipal council must review the opinions and proposals submitted by the CICR and "...make a decision with regards to them" (Art. 55.5). Therefore, the municipal council is not bound by a CICR decision, but it must discuss the proposals raised and respond. In other words, the municipal council cannot ignore CICR proposals.

CICRs are representative bodies of ethnic communities that legally must ensure the municipal council is aware of how decisions they are considering will affect the relationship between these communities. As such, they institutionalize local inter-ethnic dialogue and ensure minority community views are taken seriously by council.²⁵

Composition

A precondition for success in meeting the above mandate is the way ethnic community representatives are appointed. Individual municipalities determine the CICR composition

and functional administrative arrangements. The Law on Local Self-Government stipulated the committee shall be composed of "... an equal number of representatives of each community represented in the municipality" (Art. 55.2). This composition levels the playing field and allows each community – regardless of its size – an equal say in how the body functions.

Identifying and selecting members poses more problems. A 2006 study by the Organization for Security and Co-operation in Europe (OSCE) and the Community Development Institute (CDI) found that five of the 21 municipalities that had to establish CICRs by law issued a 'public call'.²⁵ This meant citizens were invited to apply for CICR positions. This was followed by a transparent public selection process. In the remaining municipalities, councils made the appointments. Civil society was invited to propose names for non-council members in only four of those cases.

Koceski²⁵ stated the disadvantage of this approach was that communities were not aware of and did not identify with the CICR. The representatives selected in this manner were people with which the council was comfortable. This resulted in communities not represented on the council having their CICR representatives imposed on them. This situation potentially seriously weakened the CICR because members were accountable to the council that appointed them instead of the communities they purported to represent.

Violence prevention and problem-solving

CICRs were assigned a role prescribed by law, but in practise they also took on other roles.

Most importantly, they succeeded in resolving local disputes that threatened to escalate into potentially violent ethnic conflict. These conflicts included cattle herding, graveyards and public symbol vandalism, local incidents of public discontent (such as stoning vehicles), and disagreements over re-naming of public buildings and streets.^{25, 82} It appears that one of the most important CICR roles was to defuse potentially harmful rumours and facilitate negotiations between relevant stakeholders.

However, CICRs did not always succeed, particularly when a conflict was highly complex or politicized. For example, in the municipality of Struga in 2008, Macedonian and Albanian students refused to attend the same school at the same time, and demanded ethnic shifts. This issue raised the country's political 'temperature' and involved the intervention – constructive and otherwise – of national politicians and bureaucrats. The CICR exerted considerable energy trying to resolve the conflict, with a mixed verdict on its effectiveness. The Struga Council and relevant schools appreciated its efforts, others in the Ministry of Education and Science felt that CICR was 'out of its depth' and did not have enough clout to deal with the issue.

CICR potential to actively promote better relationships between communities has also been recognized, but there are limited examples of where this has taken place. This activity has primarily been organizing joint cultural or sport events, and by making public announcements about incidents with potential to damage relationships, thereby calming the waters.²⁵

Capacity

CICRs receive substantial support to enhance their capacity, and it is doubtful they would have become operational at all without this support.

There are several supportive organizations. The Association of the Units of Local Self Government (ZELS), is a non-partisan Macedonian institution to which all municipalities belong. It is a national platform for local governments and provides

various policy and logistical services to local governments. OSCE, in partnership with the Community Development Institute – a Macedonian NGO – has offered substantial support. This has included actively promoting establishing CICRs, focusing on their legal and financial aspects, enhancing their strategic planning skills, providing coaching to struggling committees, and facilitating interaction between municipal CICRs and the national body, and between similar bodies in Serbia. Other international NGOs have also worked with individual CICRs, providing conflict resolution skills training to members.

Municipalities must budget for the operation of CICRs, but by April 2008 only 10 municipalities had done so.⁸³ Committee members do not receive payment (only reimbursement of costs), but CICRs require access to funding for some of their activities.

Conclusion

- The concept of CICRs is innovative and exciting as it offers substantial local peacebuilding potential. Of note are the ways they can establish a platform so minority views can be heard and ensure that ethnic community views are being taken seriously by the municipal council. Furthermore, against a background of the dire need for inter-ethnic dialogue, Koceski²⁵ observed that CICRs institutionalize this capability at municipal level. Sikoska²⁶ has also noted that the biggest challenge facing the government of FYR Macedonia is the "...lack of political dialogue with the opposition." Macedonian politics are 'ethnicized' to such an extent, that political dialogue translates into inter-ethnic dialogue. CICRs offer a municipal platform for this dialogue and their value cannot be underestimated.
- An objective assessment of CICR effectiveness requires more intensive research than the scope of this case study

allows. The study provides mixed signals. On one hand, there is anecdotal evidence that CICRs have been able to defuse potentially violent situations, are effective in defusing potentially divisive rumours, and facilitate dialogue and promote better relationships.²⁵ These examples are anecdotal and limited, but are still encouraging.

- However, on the other hand, it is clear that establishing municipal CICRs is not high on Macedonia's official political agenda; it was left to non-government participants to stimulate the process and provide capacity. This may point to a lack of political will or little appreciation for the value CICRs could add. In addition, CICRs cannot deal with excessively politicized disputes, or others that can only be resolved by a high degree of political clout and sophistication. On the whole, it might be said that CICRs have yet to demonstrate their true potential.
- It is possible that the greatest threat to CICRs is political interference and excessive political control. The manner of appointing CICR members is particularly worrying since the council – a political body – will invariably appoint members who maximize specific party-political interests. This dooms a CICR to becoming another platform for political contests, or a docile representative of the major political party's interests. Either way, the CICR becomes meaningless.

There are two mechanisms to address this situation: first, an open transparent process for appointing representatives with legitimacy and standing in their own communities, and second, selecting insider-partials³² who can occupy the middle-ground without losing integrity in their communities. This would give CICRs a stronger capacity to facilitate meaningful inter-ethnic dialogue and to mediate local disputes.

- Another issue is the lack of CICR role-clarity at every level.^{84, 25} The CICRs themselves,

the municipal councils and the communities they are meant to serve do not clearly or uniformly understand their role; this hinders their impact.

- The experience in Macedonia confirms the importance of capacity building. On the whole, these local bodies cannot function without substantial support. They need logistical role-clarifying and skill-enhancing support to perform their roles. CICRs also need orientation, training and access to national resources. At national level, they should be able to call for support from the National CICR, politicians, influential personalities, and facilitators and mediators so they can respond to the demands of a specific conflict.
- Despite similarities in their legal mandates, there seems to be little interaction between the National CICR and municipal bodies, but OSCE and CDI support of interaction between these bodies is encouraging. Ideally, local peacebuilding bodies should be able to place local issues on the national agenda, and some reporting structure or feedback loop with the national body would also be useful. ZELS is certainly a valuable national partner, precisely because it offers a non-partisan, professional platform with a history of effective networking. The National CICR and its municipal counterparts are similar in legal status and composition. Therefore, closer interaction would be beneficial.
- Finally, CICRs do not specifically emphasize or have strategies for including women as members. A mixed gender CICR is theoretically possible; there are some examples. However, many municipalities have decided to appoint only one member per community, so it has become difficult to achieve more balanced gender representation. For this to occur, each community should have at least two representatives.

6. GHANA

Ghana currently enjoys a well-deserved reputation as one of Africa's most democratic and stable countries. However, it has experienced high levels of debilitating and often violent inter-community conflict. For example, between 1990 and 2002 there were 14 violent clashes between ethnic community groups. Most of these conflicts occurred in the northern region where people feel politically and economically marginalized in relation to the more powerful and prosperous south. One of these conflicts, the 1994-1995 Konkomba-Nanumba war, killed 5000 people.

At the time of the Konkomba-Nanumba war, civil society organizations had combined their efforts to facilitate peacebuilding. An inter-NGO consortium worked to support dialogue and negotiation processes that were successful in restoring peace. Civil society's approach was very different from the Ghana Government's efforts. The latter's approach suppressed violence by using force, appointed a commission of inquiry that allocated blame, and then often ignored the commission's recommended sanctions because they had unpalatable political consequences. In contrast, civil society's approach sought to uncover the deeper sources of conflict, and to focus on dialogue, deeper mutual understanding, joint problem-solving and reconciliation.¹¹¹

In 2002, a more violent conflict broke out in Dagomba Kingdom which killed the King of Dagbon and 40 others. The violence was caused by a long-simmering dispute between two royal houses on ascension-to-the throne issues. The conflict happened in an excessively politicized climate and had the potential to destabilize the northern region. In March 2003, the Government declared a regional state of emergency and asked the UN system Country Office to help. UNDP appointed a 'Peace and Governance Advisor', whose work with Government and civil society actors contributed to achieve dialogue and negotiation that defused the conflict and made much progress in dealing with underlying conflict issues.

Following this success, with UN support the Government set out to create a national mechanism to prevent, manage and resolve conflict. It wanted to formally recognize and support the successful approach in the Dagomba Kingdom. It set out a national architecture for peace councils (i.e. statutory bodies) of relevant stakeholders and individual Ghanaians who were highly trusted and respected in society. It called for national, regional and district councils with mandates to facilitate dialogue, problem-solving and reconciliation processes. These would be served by full-time professional peace promotion officers connected to the 10 regional peace advisory councils. A Peacebuilding Support Unit was established in Ghana's Ministry of the Interior to coordinate all government agency support and collaboration.^{85, 86}

This peace architecture is still being established. The National Peace Council has been created, but still has no legal standing as Parliament has yet to debate a Bill to legalize its role. Despite this, the Council reportedly played a major role in ensuring peaceful elections in 2008 and in enabling a smooth transfer of power. It has done this through discreet meetings with stakeholders that have defused considerable tension. The Council's lack of legal status means it is dependent on donor funding, mostly supplied by the UNDP. Finally, UNDP also focused on strengthening the capacity of the Council,

The regional peace advisory councils' position is more complex. They have not been established everywhere and, where they do exist they have merged with regional security structures that primarily deal with early warning and security. There is no consensus on the precise regional peace council role. Some feel each should be a peacebuilding body focused on dialogue and problem-solving; others are seeking a primarily security body. Despite this uncertainty, the North's regional peace advisory council reportedly played a constructive role in ensuring peace during the 2008 elections.



The Ghanaian peace architecture is incomplete, but a number of features stand out:

- Ghana's national peace architecture is the first official African national programme for peacebuilding. It matches the Resolution of African leaders at the 2002 First Standing Conference on Stability, Security and Development in Africa. The Resolution proposed that each country establish a national framework to prevent, manage and resolve conflicts.
- Ghana's local peacebuilding process has made a major contribution to national security. The Dagbon conflict was treated as a distinct conflict cycle, and peace was secured by engaging local participants and stakeholders in a carefully facilitated process that defused much national political tension.
- Across the board political consensus exists on the usefulness and value of peace councils.
- Consensus has arisen from the experience of all involved with peacemaking approaches used in the north and during the 2008 elections. This consensus is based on the success of carefully-facilitated dialogue and joint problem-solving processes (as opposed to strong-arm tactics).
- The quality of support and capacity building from civil society and the UN system contributed to this success. Positive results were achieved by the presence of highly professional UNDP peace and development advisors and by its sustained capacity building programme.
- The peace architecture sets out technical and administrative support for councils through a peacebuilding support unit.
- At a conceptual level, there is a clear distinction between the roles of the peace councils and governance structures. The peace councils facilitate dialogue and joint problem-solving. They do not arbitrate or have the authority to intervene in or override governance functions. Role clarity is key since Ghana still faces challenges from ongoing confusion over peacemaking and security roles and the restrictive effect this has had on peace councils.

However, as it stands, the conceptual peace architecture in Ghana is a textbook example of a well-designed structure.

7. NEPAL

The search for peace in Nepal has been a multi-layered process. The first layer was to end violence associated with the Maoist uprising that led to almost 13,000 deaths between 1996 and 2006. The Maoists fought for a communist people's republic to end the monarchy and its associated feudal system. In April 2006, a massive popular civil society-led demonstration supported by most political parties (including the Maoists), effectively ended the king's absolute rule. A 2006 peace agreement (the Comprehensive Peace Agreement) between the Maoists and the political parties led to successful elections for a Constituent Assembly in April 2008. The Assembly's first act was to abolish the monarchy and declare Nepal a federal democratic republic.

The second layer was the struggle for minority rights. Nepal has a highly diverse population of about 23 million people (2001 Census) with 103 caste and ethnic groups, and 92 living languages. Many of these groups were marginalized under the monarchy and often violently struggled to achieve minority rights. The violence has been ongoing, especially in the Terai region during 2007-08. The transformation of this conflict has been a difficult, tense and sometimes violent process as more and more identity groups clamour for their rights. The Constituent Assembly has most of the responsibility for addressing minority rights and has to negotiate a new Constitution with a federal character. However, progress is relatively slow and adds to uncertainty and instability.

The third layer is the highly unstable and fragmented intra- and inter-party political system. The political process is characterized by excessive bickering and dysfunctional behaviour that contributes to high levels of social disorder in society, including mass protests and strikes. In this context, peace means establishing a stable and functional political system.

The fourth layer is possibly the most important. The country needs an established peace that offers improved conditions and basic rights protection to the millions of marginalized, impoverished and landless rural poor people. This marginalization has been caused by factors such as 'untouchability', gender, land tenure practices and ethnicity. Much transformation is needed to address this issue, and without relevant action Nepal will remain a country seriously at risk of continued conflict.

The peace movement has made significant progress, but much work still remains.

The contribution of civil society

Nepal's peace processes have moved in two clearly discernable streams: in civil society and at a formal political level. Strong international NGOs operating in the country have supported civil society by providing a great deal of peacemaking and peacebuilding capacity building. Many projects are strengthening the 'voice' of marginalized people and enabling dialogue between groups. Civil society has mainly focused on human rights, with specialists in this field often doubling as mediators to intervene in specific local incidents. Even during the worst days of violence, civil society participants have succeeded in mediating the release of hostages, preventing violence and achieving small-scale local peace agreements. They have persistently acted to protect the rights of innocent victims of the violence.

National civil society organizations played a critical role in mass demonstrations, particularly '*Janaandolan II*' – the April 2006 event that unseated the king. Prominent individuals have supported informal dialogue between protagonists and contributed to the decision to establish a Ministry of Peace and Reconstruction.⁸⁷

A national peace infrastructure

At a political level, the negotiators were quite outspoken and assertive in their commitment to a fully Nepalese-owned agreement, although external agencies provided various support to the peace process. This included help from the Special Representative of the UN High Commissioner for Human Rights in the early stages, followed by the United Nations Mission in Nepal. They provided a stabilizing middle ground and impartial monitoring in the peace process – especially during the billeting of combatants and the 2008 election process.

However, there was no consistent facilitation of political negotiations. Breakthroughs often occurred in one-on-one meetings between the then-Prime Minister and the Maoist leader. In effect, the Comprehensive Peace Agreement was essentially an elite pact negotiated between and signed by top political leaders. From a conflict resolution perspective, the negotiating process was not managed impartially, but was in itself a power struggle.

Various steps to create a peace architecture culminated in the 2007 establishment of the Ministry of Peace and Reconstruction (MoPR). However, from the first structure that was erected (the Peace Negotiation Coordination Secretariat in 2003) through its various mutations to the present Ministry, the process was characterized by the reluctance to establish joint multi-party control over the peace architecture and by efforts to exclude or side-line key stakeholders. In spite of the fact that MoPR was established by an inclusive, multi-party government, the Minister in charge was the Secretary-General of the Nepali Congress, the then ruling party.

This created serious legitimacy problems for the MoPR, particularly in the eyes of the Communist Party of Nepal (the Maoist political group). The Party repeatedly demanded that MoPR should be dissolved and replaced by a high level peace commission (i.e. a multi-stakeholder body to control the peace process). However, the new 2008 Government was controlled by the Maoists and the MoPR came under a Maoist

Minister who similarly made no effort to establish a Peace Commission. It then became clear that every political party would try and control implementation of the peace process.

Local peace committees

A key MoPR task was to provide administrative support for implementing Local Peace Committees (LPCs).⁸⁸ A multi-stakeholder Peace and Reconstruction Consultative Committee was envisaged to provide LPC policy guidance to the MoPR, but it still is not in place.

The process to establish LPCs was the same rocky process as other facets of the peace architecture. In 2006, the Cabinet decided to establish Local Peace Councils.⁸⁹ The decision was based on *Janaandolan II* and agreements with the Maoists that emphasized the need to ground the peace locally. However, the specific decision to establish LPCs was not negotiated with the Maoists; it was a unilateral move by the political parties in government at the time. Consequently, there was no progress. In 2007, the Maoists joined a unity Government and the matter was revisited and LPC Terms of Reference (ToR) were adopted in August 2007.

However, instead of following the MoPR's Implementation Manual, authorities issued a bureaucratic instruction in September 2007 to chief district officers to set up LPCs. More than 30 LPCs were set up in the following months, but the Maoists withdrew from Government leaving the newly-formed bodies with no political legitimacy. Some LPCs continued to function (often including Maoists), but it was not an ideal situation. One of the demands of the Maoists at the time as a precondition to return to government was the establishment of the High Level Peace Commission to ensure all-party oversight over MoPR.

This was a key issue. At the time, the Maoists effectively controlled most rural areas, while other political parties in the districts were in disarray. Creating LPCs offered the Maoists the opportunity to maintain political ground, while it

offered the political parties the chance to regain it. Therefore, political control over LPCs was a very important prize.

The stalemate continued until a new Government was formed in 2008 following national elections. The Maoists emerged as the strongest party. New ToR for LPCs were created and gave greater powers of control over them to the MoPR, now under the control of a Maoist Minister. Opposition party objections resulted in a third draft of the Terms of Reference being accepted by Cabinet in early 2009.⁹⁰ In May 2009, the Maoists resigned from government and control of the MoPR shifted to the third biggest party in the Constituent Assembly, the Communist Party of Nepal (United Marxist-Leninist) (UML). However, the Terms of Reference remained unchanged which indicated that the consensus around the framework remained intact.

The Terms of Reference provide for an inclusive district body of representatives from all relevant communities. A new feature is the creation of village- and municipal peace structures guided by the district committee. The primary objective is: “to create an environment conducive for a just system through restoration of sustainable peace by resolving the remnants of conflict at the local level and systematically promoting the processes of peace and reconstruction through mutual goodwill and unity.”⁹¹

The 23-member LPC composition has a specific formula: political parties have 12 representatives, the business community has one, civil society four, conflict-affected groups four, and excluded minorities not already represented, two. A third of the representatives should be women and the chair will rotate every six months. The objective is to create an inclusive body that does not fall prey to political manipulation. However, it is unclear how the formula will be implemented in practice in all 75 districts.

The Terms of Reference further stipulate that LPCs cannot arbitrate or override any local government decision. However, they may request local government or local

police representatives to attend meetings as observers and provide help on request. Furthermore, LPCs can demand that local or central government report on implementation of the Comprehensive Peace Accord.

A core group of nine members would function as an LPC secretariat and be involved in investigating and resolving local conflicts. The ToR also stated that: a third of the LPC would be women, international facilitators or mediators would be used as needed, and the committees would exist and work until a new Constitution was going to be implemented.⁹¹

By November 2009, 63 LPCs had been formed. The MoPR opened a committee office in each district with a civil servant acting as secretary; meaning the MoPR was exerting political control over LPCs. The first batch of secretaries was recruited on short term contracts in April 2009. Most of the 75 appointees were Maoist members or sympathizers since the Maoists were the Government. However, the Government resigned in May 2009 and the MoPR Ministry shifted to UML and the secretaries’ contracts were not renewed. New recruits were found by October 2009, but the time without secretaries damaged LPC ability to function.

Comments

The experience in Nepal demonstrates the interconnectedness between the political, administrative and technical dimensions of a peace architecture:

The political dimension

Problems include the failure to establish effective multi-party oversight of the peace architecture and the inability to provide political guidance through multi-party consensus. These have had a debilitating impact on the process. Furthermore, successive governments have chosen not to submit the committee ToR for scrutiny and debate in Parliament; doing so would have given them a much stronger and



UN PHOTO/AGNIESZKA MIKULSKA

widely-supported mandate. Instead, ruling parties have chosen to use the faster track Cabinet route which entrenched the interests of the ruling party.

A lesson from this experience is that a central political mandate is necessary, but political manoeuvring for one-sided control undermines the architecture's very purpose. Nepal's local level experience illustrates this dilemma. Prior to the Comprehensive Peace Accord local peacemaking activities suffered because they had no political legitimacy or access to and an impact on the national process. Now, in principle, LPCs have political legitimacy, but political party manipulation has made local peacebuilding ineffective. It is now caught in the dilemma of how to obtain a secure legitimate mandate free of interference by national participants.

The administrative dimension

Nepal has been innovative in establishing a Government ministry dedicated to providing administrative support to the peace process. However, despite its strong commitment, the MoPR has been crippled by political infighting.

The following failings reveal lessons that need to be learned:

- The breakdown in political consensus affected political legitimacy and eroded

MoPR credibility. It withdrew its support to LPCs more than once for political reasons, resulting in a loss of local confidence in the MoPR and, more seriously, in local commitment to the LPC.

- The lack of a regular MoPR-LPC communication mechanism left committees in limbo with no idea of when to expect support.
- The slow pace of administrative and financial support directly affected LPCs. Local participants began to doubt the sincerity and intentions of the MoPR and central political stakeholders since they provided little or no support for meetings, fieldtrips, interventions or projects. LPCs needed to be informed of limited central support realities and allowed to use local resources for a secretariat and other facilities.

Technical support

The process of establishing an LPC is at least as important as the end product. Setting up properly supported LPCs requires a thorough understanding of the needs, dynamics and necessary management skills of peace processes. Vital ingredients of a peace architecture are to identify technical support and to make knowledge and skills available.

The following lessons have emerged from the difficult experience involved in providing technical support to Nepal's peace process:

- It appears that both politicians and civil servants in the MoPR underestimated the importance of technical support. The first ToR Implementation Manual specifically recommended that LPCs should only be established after a thorough local stakeholder consultation process has been conducted. Civil society-based conflict transformation practitioners warned that people generally distrusted processes imposed by Government, and that this top-down imposition would prevent LPCs from being any different from other contested political and social structures.
- In practise, LPCs were established following a letter from the Ministry of Local Government and the MoPR to chief district officers. Officials then called the parties to a meeting where the LPC was established. This meant most of the community did not know LPCs existed and had little understanding of their role. Some LPC members also became angry when MoPR communications and administrative support stopped.
- An important feature of the Implementation Manual was its call to orient and train a group of expert facilitators who would be accountable to the MoPR's multi-party Consultative Committee. These facilitators would provide part-time technical support by facilitating processes to establish LPCs and providing further ongoing technical support as requested. In theory, a facilitator would be provided for every three districts, although deployment was to be flexible, taking issues of identity into consideration (e.g. making a dalit facilitator available where the relevant issue concerned dalit inclusion). The current Terms of Reference provide for access to national or international facilitators, but this has not happened.

- In late 2008, to its credit, the MoPR commissioned an LPC operating manual, strategic framework, and a capacity development plan. The manual is a resource document based on the ToR and describes the concept, roles, functions and responsibilities of various LPC participants. It outlines the relationships between stakeholders, develops report formats and outlines the technical support needed, including a monitoring and learning system.

The strategic framework and capacity development plan complement the manual. More recently, a shortened LPC directives document explains the ToR. These important documents helped clarify key roles and processes, but unfortunately they were completed very late in the process. They were also mainly developed by external consultants. The MoPR now needs to internalize and 'own' the contents so the documents can strengthen the quality of support it provides.

- Again, to its credit, the MoPR established an LPC project implementation unit. However, to function at its best, the unit will need to improve its technical peacebuilding knowledge and skills, as well as provide administrative support to develop these aspects. The unit can best support LPCs by combining administrative and technical peacebuilding expertise. Both administrative and technical staff should work as one team and plan their support in an integrated manner since there are many overlapping areas in the required administrative and technical inputs needed to enhance LPC peacebuilding capacity.

Support by the international community

The interplay between international organizations and the MoPR has been a core dynamic affecting technical support. International organizations provided a mixed

response to the LPC concept. Many thought it was a good idea but were uncertain how it would be implemented. Once the political seesaw started, many said they doubted political parties were serious about implementing LPCs, and questioned whether the MoPR had the technical capacity to support the committees. As part of its general budget support for Nepal's Government, the Asian Development Bank provided \$4.5 million of funding over three years to support LPCs. The Ministry then used the funds to establish basic LPC infrastructure; rented offices, purchase of office equipment and three members of staff per LPC.

In 2009, an LPC project implementation unit was formed within the Ministry, supervised by a Joint Secretary. The Nepal Transition to Peace Initiative (NTTP) was mainly funded by USAID through the Academy for Educational Development (AED), and has provided substantial technical support to LPCs from the time of their creation. The current UML Minister has recently stated that it is now urgent to set up more than 1000 village and municipal committees. The World Bank is now considering a Nepalese request for a substantial grant to fund creating them.

International organizations believe that their responsibility is to provide the MoPR with technical support that clarifies district roles, builds skills and competence so LPC members can resolve conflicts. They also help the MoPR to address related understaffing and limited technical capacity.

Over time, it became clear that the initial fears of international organizations were correct. Most of their technical support plans got stuck and to date they have provided very little technical capacity to either the MoPR or LPCs. The only significant progress has been creation of the above-mentioned three core documents with funding from USAID and the UNDP.

The Nepal experience reveals a dilemma over how to manage the tension between the need for national peace process ownership and the requirement to achieve the best possible

efficiency. Various international agencies have offered technical support, but many have wanted to control its delivery, funding and implementation to ensure quality and efficiency. This has been politically unpalatable in Nepal. Therefore, all participants need to negotiate an acceptable arrangement to coordinate various forms of technical and administrative support. For its part, the MoPR needs to communicate regularly and openly with all partners.

LPC successes

Despite general confusion and lack of support, there is evidence that at least some LPCs have achieved positive interventions such as preventing violence and mediating agreements. For example, in June 2008, the Nepal Transition to Peace Initiative released a case study report⁹² on the Chitwan LPC which had proved successful in a context of state illegitimacy and incapacity, showing impressive results in its two months of existence. The report quoted the LPC Chairperson: "We're living in a virtual stateless situation here. The administration and police cannot deal with many cases. Therefore, people call us whenever there is some major problem."⁹² Where LPCs have succeeded it was due to the initiative and commitment of individuals who used the opportunity that establishing a committee provided. It is notable that people interviewed for the report overwhelmingly supported the LPC concept.

LPC composition

The composition of LPCs is also a key factor. The committees have one less civil society representative than political parties (11 out of 23). This balance is positive; most civil society representatives do have clear political affiliations, but LPCs provide the only platform for politicians and civil society to interact and constructively cooperate. LPC composition also creates opportunities to more beneficially use society's conflict transformation capacity.

8. SIERRA LEONE

In Sierra Leone, local peace committees established voluntarily by political parties have played a significant role in ensuring peaceful elections. This case study explores the background to the country's civil war (1991 – 2001), specifically focusing on the impact of the violence on rural districts, development of the district code of conduct monitoring committees (DMCs) and an assessment of their contribution.

Background

Sierra Leone's Report of the Truth and Reconciliation Commission (TRC) called the pre-conflict African nation a "fragmented, exploited and deeply insecure country."⁹³ At the time, the British administration that ran the colony created separate and unequal development for descendants of liberated slaves and the inland protectorate of the country's original peoples. It also manipulated and undermined the chieftain system, setting up the coming serious 'disconnect' between rulers and the ruled. After British rule ended, the colony swiftly descended into a one-party dictatorial predatory state where the political elite gained huge wealth and advantages at the expense of the citizens.

The TRC found that the pre-conflict and conflict period reflected "a colossal failure of leadership at all levels of public life" (Vol. 2, Ch. 2, par. 67). The political elites of all the post-colonial regimes, particularly the rule of President Siaka Stevens (1969-1985), were held directly responsible for creating the conditions for conflict. Political elites mainly caused the conflict described as "endemic greed, corruption and nepotism that deprived the nation of its dignity and reduced most people to a state of poverty" (par. 13). By the end of the 1980s, the failure of the state meant that notions of citizenship and patriotism were meaningless concepts. For both communities and individuals, survival depended on whether they could successfully gain access to the patronage system.

The Revolutionary United Front (RUF) started the civil war in 1991 (allegedly in collaboration with Charles Taylor's NPFL). The war was initially portrayed as a people's revolution against the corrupt and self-serving elite, but it soon became clear there was no guiding revolutionary ideology or any unity of purpose. The TRC noted an "astonishing factional fluidity" (Vol. 3A, par.96) among a militia that switched sides and causes at every opportunity. Raw anger, greed and brutality dominated as the country sank into an orgy of self-destruction. Much violence was directed at the elite, but before long there was no identifiable logic to it except that the collapse of law and order presented economic opportunities for people with guns. For some analysts,⁹⁴ the real cause of the violence was economic. As they see it, the illegal diamond trade caused the civil war.

This case study focuses on a key factor: the consequences of state collapse in the districts. During the pre-conflict period, district participants felt profoundly alienated from and neglected by the country's central authorities. The TRC report contains seven district case studies outlining how they had suffered from neglect (Ch. 3A, par. 113). The studies clearly also show that when the RUF entered districts, they found ready collaborators motivated by specific grievances and unresolved disputes. Each district had unique political, economic and ethnic factors, much of it related to chieftain issues, personalities, political competition and patterns and degrees of exclusion.

This district alienation issues suggest the Sierra Leone conflict also had its roots in specific district conditions and tensions. The battle was not nationally imposed on peaceful districts; it fed on existing local conflict and made it worse. The violence also ruined community social fabric. Those fighting deliberately undermined social taboos by raping mothers and sisters, violating children, abusing elders and, in some cases, resorting to cannibalism. Each district and village experienced brutal violence

aimed at the very values and customs that held communities together. Violence was carried out by outsiders and, more devastatingly, by neighbors and even by members of the same family.

In this context, peacebuilding needed to work at both local and national levels. It is against this background that Sierra Leone's DMCs should be assessed.

Sierra Leone's code of conduct monitoring committees

Sierra Leone finally emerged from the cycle of violence with the democratic elections of 2002. In 2007, the country took two more huge steps forward by successfully conducting the next round of Presidential and Parliamentary elections, and by peacefully transferring power to the opposition party. These were highly significant achievements. They were a rare feat in Africa, and also should also be viewed in the context that almost half of all post-war countries return to war within the first five years of peace.⁹⁵

The 2007 elections were also the first post-conflict elections managed entirely by Sierra Leonean institutions (the 2002 elections were managed by the UN). However, a positive outcome was never a foregone conclusion. Tension flourished because the incumbent president was not a candidate and various splits and anxieties in the main political parties caused complications. Violence occurred in both the capital city and districts; a July 2007 early warning report by the West Africa Network for Peacebuilding (WANEP) sounded a pessimistic note⁹⁶ predicting a return to anarchy as a possible, but not unavoidable, scenario.

The elections succeeded for several reasons. The most important reason was that the National Electoral Commission (NEC) managed them very professionally and received well-deserved credit.^{23, 97, 95} Other reasons included improved civil society input and sound technical support received from UNIOSIL and the diplomatic community. However, this case study focuses

particularly on the contribution of the Political Parties Registration Commission (PPRC).

Provision to establish the PPRC was made in the 1991 Constitution but was not enacted. In 2002, a Political Parties Act was passed, but creation of the PPRC was further delayed until December 2005 when it was required by NEC restructuring to end complaints about its (the NEC's) impartiality and efficiency. The PPRC's mandate is to register political parties; to monitor party affairs and conduct to ensure they comply with the constitution; to promote pluralism and the spirit of constitutionalism; and to mediate conflict and disputes between political parties or leaders.⁹⁸

The UN Integrated Office in Sierra Leone (UNIOSIL), the UN Development Programme (UNDP), and the International Foundation for Electoral Systems (IFES) provided considerable financial and technical support to the PPRC. All supplied the Commission with dedicated experienced technical advisors who helped a great deal to empower it. In 2006, the Commission lacked even basic infrastructure to function, such as telephones and furniture. The advisors helped address these practical matters and, more importantly, shored up the PPRC so it could understand and fulfill its role.

The Constitution stated the PPRC Chairperson should be a senior judge or someone of similar competence. The remaining three members were to include one from the legal profession, the Chairperson of the NEC and a trade union representative. With this composition the assumption easily followed that the Commission was to apply the law and impose legal sanctions in cases of misbehaviour.

This was indeed the Commission's initial assumption. However, the PPRC had to face the judiciary's complicity in the past failure of the state (TRC 2004). At the same time, the opposition was accusing the ruling party of mismanaging the peace and reverting to old ways. Therefore, imposing legal punitive sanctions on political parties that breached the law would have been highly problematic. These

sanctions can work if they have widespread legitimacy and the means exist to impose them. Neither of these conditions was in place. Furthermore, Nyathi^{99, 100} pointed out that the electoral law ensured political parties could have direct access to the courts without recourse to the PPRC. This begged the question of what value the PPRC would add. In Nyathi's view, the PPRC needed to establish a relationship built on trust between it and the political parties, and should use mediation as its primary strategy. Only if that failed should there be recourse to the law.

The Commission accepted this understanding of its role and its members subsequently attended courses to enhance their mediation skills. Doing so meant the PPRC succeeded outstandingly in facilitating negotiations between all registered political parties on a voluntary Code of Conduct. It was an intense process,⁹⁹ but in November 2006, the Code of Conduct was publicly signed at an impressive ceremony at Parliament. Parties made a voluntary and public commitment to the Code of Conduct, and a National Code of Conduct Monitoring Committee (NMC) was established with one representative from each of the registered political parties, one from the NEC, two from civil society, one from the police, one from the Inter-Religious Council and one from the National Commission for Democracy and Human Rights.¹⁰¹ The Committee selected its Chairperson from its non-political members, and became an effective platform for dialogue and problem-solving between political parties during the election period. One of its first decisions was to copy the structure at regional and district levels. The PPRC then established district code of conduct monitoring committees (DMCs) in all districts.

These committees played a major role in ensuring the relatively peaceful nature of elections. Ohman¹⁰² stated that the DMCs served three functions. First, they showed the electorate that representatives from different political parties could work together for peaceful elections. This helped to reduce tensions. Important collaboration between DMCs and

the Independent Radio Network's district radio stations strengthened this perception as Committee members participated in bi-weekly radio programmes. Second, their local knowledge allowed them to identify potential areas of conflict and act to avoid them from developing further. Third, if conflicts did occur, the DMCs were well placed to mediate between the different participants. Ohman listed 46 incidents in 2007 and 2008 where DMCs mediated or intervened in situations of conflict and violence.

Nyathi^{100, 103} made the following additional observations:

- There have been other civil society-based initiatives to facilitate peace at a local level, but the DMCs had advantage of a formal mandate enshrined in the National Code of Conduct and set out by all political parties on the NMC. This meant that at district level DMCs had the clout to bring on board all political parties, the NEC, the police and civil society.
- DMC success was bolstered by the fact there were no alternative credible and functioning institutions to regulate district conflict since all other mechanisms had been destroyed. The DMCs offered them an opportunity to start anew.
- The context within which DMCs operated was much less sophisticated than at the national level, but also much less 'political'. The sheer need to prevent a return to violence enabled the local structure to operate more effectively than the national body which had to contend with deeper political tensions.
- A key aspect of DMC work was the technical and political support the committees received. This included training, access to the technical advisers for ongoing advice and access to the PPRC for national support. On occasion, the full Commission has traveled to specific districts to support

DMCs. Other times the PPRC has called on national political party leaders to help specific DMCs to deal with issues that involved their parties' local structures.

- The composition of DMCs mirrored that of the national body. There was no flexibility to allow for local variations of demography or other identity issues, or to specifically include women or youth. Local chiefs were not represented either despite their considerable clout in the districts.

Another important aspect of DMC operation was the network created to link the national with local levels (NMC, PPRC and DMCs) and to connect the committees with each other. Regular meetings between DMCs strengthened cooperation and discussed possible areas of conflict.¹⁰² In addition, committee structures promoted links between political parties, statutory bodies, security institutions and civil society. This enabled dialogue and interaction, thereby broadening and deepening their collective input to peacebuilding. Finally, DMC success was acknowledged by election observers.^{104, 105, 95}

The next test for Sierra Leone's progress in peacebuilding came at the local elections of July 2008. Once again, the overall outcome was positive; observers called the elections "credible", but noted that "...peace in this country is still on a tenuous footing."⁹⁷ Some violent incidents occurred during the elections and there were reports of intimidation, especially against independent candidates.

The work of DMCs continued during this period. Their composition was rearranged after February 2008 and the PPRC also gave them the mandate of monitoring the Code of Campaign Ethics, an NEC document that also covered independent candidates. With IFES support, the DMCs received conflict prevention training twice in 2008. They were also more active in 2008 than in 2007.¹⁰² Evaluation meetings were conducted with all DMCs before their work was effectively suspended at the end of September 2008.

However, other events had positive overtones. One took place in the northern region to prepare for a discussion between political parties on specific grievances.¹⁰⁷ The story is told that the acting PPRC Regional Commissioner and the regional minister facilitated a joint 'feast' between the three dominant political parties. Each party cooked food in its own offices, and the three parties went together from one office to the next to share in the feast and 'build peace'. This contrast with the violent incidents demonstrates that bodies such as DMCs can play a solid role in sustaining democratic pluralism and peace, even in the period between elections.

DMCs were local peacebuilding bodies with the specific task of ensuring peaceful elections. They had no mandate for the periods between elections. Following the elections of 2007 and 2008, sporadic incidents of violence related to political tolerance continued to occur in the country. In 2009, a series of incidents occurred in the diamond-rich Kono district: the office of an opposition party was smeared with human excrement, a rally the next day was disrupted and a woman was gang-raped.¹⁰

Conclusions

In creating an understanding of local peacebuilding structures, several aspects of DMCs stand out:

- Methodology matters. Sierra Leone provided a context where disciplinary coercion of political participants would have been risky and potentially counterproductive because the state lacked legitimacy and resources. The only viable alternative was to negotiate a new social compact to use collective monitoring, and to adopt a problem-solving approach to deal with disputes. The PPRC and the DMC approach focused on building trust and facilitating compliance and this proved effective (although they never relinquished legal sanctions as a last resort).

- Sustained technical support to local structures is necessary. DMCs could not have operated without technical and financial support provided by the UNIOSIL/ UNDP and the IFES. The post-2008 collapse of DMCs testifies to this fact.
- Stakeholders should pay attention to transforming the institutions responsible for conflict transformation. The capacity to implement advice and sustain momentum depends on the organizational health and culture of the institution. In the case of the PPRC, staff members who were civil servants seconded from other departments performed well under pressure during elections. However, after the elections the PPRC failed to make

necessary organizational and management changes that could have avoided the sharp decline in efficiency.

The quality of technical advice matters. Furthermore, the way advice is offered is as important as its substance.

Much of the discussion in peacebuilding circles today focuses on entry points – what events or systems allow suitable entry points for external peacebuilding support, and what constitutes a sufficient invitation to intervene. This case study suggests that the manner and qualitative substance of technical advice can, in itself, provide such an entry point. When the advisor is trusted, opportunities open up for creative initiatives. However, the downside is that when too much reliance is placed on the advisor, sustainability becomes an issue.



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