**Accord** spotlight
an international review of peace initiatives

# Navigating inclusion in peace transitions

Beyond elite bargains

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**CONCILIATION RESOURCES**
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**Conciliation Resources** is an independent international organisation working with people in conflict to prevent violence, resolve conflicts and promote peaceful societies. We take what we learn to government decision-makers and others working to end conflict, to improve policies and peacebuilding practice worldwide.

# About the report

This paper brings together learning from practice-based research carried out by Conciliation Resources and its partners in a number of contexts from 2015–17 – Nepal, Colombia, the Plateau state of Nigeria, and the Somali Region of Ethiopia (Ogaden).[1] It complements more specific guidance, published simultaneously by Conciliation Resources, on how different gender groups and social movements, particularly women, seek to inform, leverage and influence the political settlement.[2]

The research looked at how inclusion is negotiated in peace processes and associated avenues for resolving conflict and effecting political change. It also considered how peacebuilding transitions and interventions have interacted with 'local politics' (class, clientelism, bureaucratic power, elite interest, violence and gender). While analysis of peacebuilding and peace processes often focuses on and targets elite-led negotiations, this research examined how change is perceived locally, by the people that experience it and have a direct interest in its outcomes. In particular it explored strategies used by different groups to influence political change, as well as the formal and informal barriers faced.

This report builds on research within the political settlements literature, in particular Bell and Pospisil's 'formalised political unsettlement' to consider the opportunities afforded by peace transitions to promote inclusive change, as well as the dilemmas faced by those supporting it.[3]

The report is structured around:

- Key findings and implications for practice
- Background: framing inclusion and political settlements
- Methodology: applying political settlements to practice; comparing case studies
- Detailed findings: peace processes as an opportunity for inclusion; who gets included and who doesn't?; understanding inclusion below and beyond the state
- Conclusion

1. For a description of the methodology, see p.9. Available papers are accessible here: www.c-r.org/accord/nepal; http://www.c-r.org/resources/cooperation-contention; www.c-r.org/resources/indigenous-women-and-colombias-peace-process
2. See: Close, Sophia. *Gendered political settlements: examining peace transitions in Bougainville, Nepal and Colombia* (London: Conciliation Resources, 2018)
3. Bell, Christine & Jan Pospisil. 'Navigating Inclusion in Transitions from Conflict: The Formalised Political Unsettlement', *Journal of International Development*, Vol. 29 No. 5: (2017): 576–593

# Key findings and implications for practice

1. **Inclusive change is slow and incremental. Support to inclusion in peace processes requires realistic, long-term goals and sustained commitment.** Opening up political space to different agendas and interests inevitability brings contention, resistance and re-negotiation. Shocks like the 2015 earthquake in Nepal may provide unexpected opportunities to invigorate change, and avenues previously closed to promoting inclusion may later open up. And while the participation of new groups in change processes is crucial to broadening inclusion, their influence on decision-making is harder to achieve or measure*.* Inclusive change requires sustained commitment based on gender-sensitive analysis of risks, trade-offs, opportunities and benefits of including different groups' agendas at different stages in the transition. This can inform adaptive strategies in support of incremental change. A long-term view of impact that monitors and differentiates between inclusion in process *and* outcome also allows for realistic goal setting and assessment of change.

2. **Inclusive change is essentially an internal agenda and is highly politicised. External engagement is best provided through support or guidance.** Discrimination and exclusion from decision-making lies is a core driver of conflict. The demand to be included is therefore a key priority for many groups as a peace process progresses. Initiatives to expand inclusion have been prone to criticism by incumbent elites as externally driven, which can undermine their legitimacy and validate resistance. Pathways to inclusive change often come from internal momentum – including social mobilisation and armed action – that are unpalatable for externals to support. Effective support requires astute political analysis, understanding and recognition of different groups' agendas, and partnering with different types of local constituency. Efforts to support dialogue or accommodation of different interests – particularly with those who may be resistant – might be a useful entry point. The contextualisation of international standards and policies on inclusion can help to ground initiatives in local values, norms and politics.

3. **Conflict resolution frameworks that prioritise the inclusion of particular groups may make other forms of inclusion harder; external actors can adopt approaches that anticipate and mitigate exclusionary outcomes.** Mechanisms for accommodating different interests, such as executive power-sharing arrangements, often operate by accommodating specific identity groups. This may exclude other groups and interests, particularly people with multiple identities. External actors supporting inclusion should be aware of the unintended consequences of a particular mechanism and seek ways to mitigate its adverse effects. Effective approaches include: facilitating dialogue among different groups and across political spectrums and societal groups; and supporting the development of cross-party constituencies and political caucuses supportive of peace and inclusion agendas.

4. **Formal legal instruments can embed and protect inclusion commitments from reactionary pushback.** Explicit provisions on inclusion in peace agreements, legislation, and constitutional and political arrangements can provide protection and enforcement measures for human rights and equality concerns. Excluded groups can use such inclusion 'hooks' for advocacy to make demands of state authorities. These can help sustain inclusion agendas against resistance by incumbent elites, as over time such commitments incorporated into legal documents and instruments become too engrained in political and public discourse to be reversed. Existing legal and political instruments can also be of strategic use, for example, enabling groups in Nigeria and Colombia to ground claims for their inclusion in emerging conflict prevention and peace processes.

Newly elected members of the first Constituent Assembly take the oath of office, 27 May 2008. © Kiran Panday

5.  **Support to excluded groups should be accompanied with incentives to those threatened by inclusion.** While pro-change political caucuses and alliances are key groups to support, progressive agendas that introduce new interests and actors face resistance by existing power holders – elite institutions like the army, academia, faith groups and media. Incentivising inclusion is essential through all levels of bureaucracy, but the ability of external actors to motivate elites to commit to inclusion has been limited to date. A potential entry point is to consider combinations of incentives and guarantees to persuade those opposing or sceptical of change, for example, being able to broaden political constituency by appealing to new groups. Inclusion agendas more broadly require advocates among conservative elites – to foster societal acceptance of change, or to take up the cause of a particular under-represented group.

6.  **Supporting inclusion at sub-national levels is essential for sustainability and requires specific and disaggregated measures.** The sub-national level is often overlooked as an arena where change happens, and effective implementation of formal commitments at regional and local levels neglected. Firstly, sub-national conflict dynamics are often misdiagnosed at national level, and external actors can play a key role in supporting research that highlights sub-national modes of exclusion and avenues for inclusion. Stabilisation of sub-national regions is often outsourced to local power holders, and informal and customary authorities are particularly salient in areas where formal governance is weaker. Mechanisms of exclusion may therefore be less visible and preclude the possibility for particular groups, especially women, to participate in political and social change processes. Targeted gender-sensitive analysis that disaggregates identity can help identify informal and formal barriers to inclusion, marginalised groups requiring particular support, and influential local actors who can either champion or resist change.

# Background

## Framing inclusion and political settlements

Political settlements research is interested in how *political and economic power is organised*, and the formal and informal bargains that shape this.[4] Donors and practitioners are increasingly interesting in how political settlement analysis can help them promote more inclusive and hence more stable political settlements. The link between inclusive and stable political settlements is based on the assumption that if there are less groups dissatisfied with the institutional structure they are less likely to seek to undermine it or change it through violent means.[5] Yet this view of inclusivity is primarily linked to elites – other non-elite groups tend not to feature in political settlement analyses.

The focus on elites leaves an important gap in the current discussion, which cuts to the heart of the relationship between stability and inclusivity. What is the role of marginalised and non-elite groups? Particularly in conflict contexts where many people in society may have engaged in violent action, been the victims of violence and conflict, and are agitating in violent and non-violent ways for their inclusion in political and socio-economic processes, is analysis and practice focused on elite bargains missing a key ingredient of inclusive, peaceful and stable societies?

Conciliation Resources' research on political settlements in peace transitions brings practical understanding of how those living in conflict-affected contexts, particularly those outside the structure of formal power, understand inclusion and power relations. It explores how different non-elite groups in society push for the inclusion of excluded agendas within such political and socio-economic parameters; how they experience and perceive efforts to promote inclusion, and the tensions that emerge; and their priority areas going forward.

The paper uses Bell and Pospisil's framework of 'formalised political unsettlement', which asserts that peace processes are rarely able to fully address and settle the root causes of conflict.[6] Instead, they tend to formalise unsettlement – translating the disagreement at the heart of the conflict into a set of political and legal institutions that 'contain' conflict rather than establish shared values. These institutions allow for continued negotiation and bargaining in ways that are less violent than before.

The framework of political unsettlement allows us to focus on inclusion in specific ways. International normative commitments to inclusion such as UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, are widely accepted and shape the design and implementation of many contemporary peace processes and peacebuilding programmes. Yet practical experience shows that efforts to promote inclusion are hugely challenging, with recurring dilemmas on: who to include; how to balance stability with inclusion when tensions emerge; whether participation or influence is important (or possible), and whether early or incremental inclusion is more effective. Bell and Pospisil argue that the condition of formalised political unsettlement offers avenues for ongoing bargaining over inclusion – that the conflict's unsettlement opens up space for contestation on power and the rules of the game. By preventing "conflicting parties from achieving or imposing their default positions, it thereby keeps the political situation fluid and flexible in a way that has opportunities, as well as risks, for marginalised constituencies seeking inclusion in any revised elite-pact."[7]

4.  *Building Peaceful States and Societies. A DFID Practice Paper*. (London, DFID: 2010). This defines political settlements as: "the expression of a common understanding, usually forged between elites, about how power is organised and exercised. They include formal institutions for managing political and economic relations, such as electoral processes, peace agreements, parliaments, constitutions and market regulations. But they also include informal, often unarticulated agreements that underpin a political system, such as deals between elites on the division of spoils. Political settlements establish the basic rules governing economic relations and resource allocation". *(p.22)*. See also: Bell, *What we talk about when we talk about political settlements*. Political Settlements Research Programme, Working Paper 1 (1 September 2015)
5.  Kelsall, Tim. *Thinking and working with political settlements,* ODI Briefing (London, ODI: 2016)
6.  Bell, Christine & Jan Pospisil. 'Navigating Inclusion in Transitions from Conflict: The Formalised Political Unsettlement', *Journal of International Development*, Vol. 29 No. 5: (2017): 576–593
7.  Ibid.

# Why inclusion?

'Inclusivity' has been defined as "the extent and manner in which the views and needs of parties to conflict and other stakeholders are represented, heard and integrated into a peace process."[8] It is increasingly used in international peacebuilding interventions as a normative standard. For example, the 2018 World Bank and United Nations Report: *Pathways for Peace* argues that, "inclusive decision making is fundamental to sustaining peace at all levels, as are long-term policies to address economic, social, and political aspirations.Exclusion on the other hand creates alienation and grievances that can lead to violent conflict."[9] And DFID's *Building Stability Framework* interprets 'political inclusion' as 'essential for peace' and looks to build 'democracy and civil society' as its two main conceptual angles.[10]

Yet there is still some scepticism about the relationship between inclusion and peace: is there evidence beyond normative arguments as to why inclusion is critical to sustainable peace processes? How much 'inclusion' is necessary? Who should be included, and how? And at what stage of the peace process?

The incorporation of armed actors and key powerholders capable of destabilising a process is linked to the increased likelihood of reaching and sustaining peace.[11] The violence-prevention effects of elite-level inclusion have largely been demonstrated by the literature on power sharing, which illustrates that the distribution of political power across competing groups reduces the risk of violent conflict. Yet emerging normative arguments suggest that groups in society beyond immediate powerholders are also relevant: firstly, that the inclusion of these groups can help manage stability by creating widespread support for the peace process and making it more difficult to undermine, and that inclusive peace processes reduce the incentives for powerholders to return to violence or destabilise processes in the first place.

There is also emerging data to show that peace negotiations involving civil society produce more durable peace agreements than those that do not – according to one research, the risk of an agreement breaking down is reduced by 64 per cent.[12] Evidence also suggests that normative participation of women in formal peace processes impacts the sustainability of peace agreements.[13]

There are also a number of logical and pragmatic reasons why broad-based inclusion is beneficial. Firstly, it generates greater legitimacy and public support for any process and resulting agreement, particularly among civil society, who are likely to be key champions within society of any peace deal. This contributes to greater accountability among conflict parties – setting a baseline for measuring subsequent commitments including in relation to development and poverty reduction. Inclusion also sends the message that violence is not the only path to political representation and this can mitigate the risk of interest groups

8. UN Security Council, *Peacebuilding in the aftermath of conflict: report of the Secretary-General*, 8 October 2012, A/67/499-S/2012/746, available at: http://www.refworld.org/docid/50f3fd382.html [accessed 4 May 2018]. In his report the UN Secretary-General highlighted inclusivity as a priority and called on the international community to identify entry points for inclusion and social dialogue.
9. United Nations; World Bank. 2018. *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict.* (Washington, DC: World Bank., 2018)
10. DFID, *Building Stability.Framework*. (DFID, 2016) available at: www.international-alert.org/sites/default/files/DFID_Building%20 stability%20framework%202016.pdf (accessed 3 May 2019)
11. Nilsson, Desirée and Söderberg Kovacs, Mimmi, Revisiting an Elusive Concept: A Review of the Debate on Spoilers in Peace Processes. *International Studies Review,* Vol. 13, No. 4 (December 2011), pp. 606-626
12. Nilsson, Desiree, 'Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace,' *International Interactions* 38, no. 2 (April 2012)
13. Paffenholz, Thania, Andreas Hirblinger, Dana Landau, Felix Fritsch, and Constance Dijkstra. *Preventing Violence through Inclusion: From Building Political Momentum to Sustaining Peace* (Geneva: Inclusive Peace & Transition Initiative/The Graduate Institute of International and Development Studies, November 2017)

considering such action. Studies have also highlighted that civil society organisations can offer expertise and local knowledge, and, for instance, support mediators by providing contextual analysis or acting as the institutional memories of the peace process.[14]

Support for broader participation is an emerging trend in policy, and the relative lack of quantitative evidence on the impact of broad-based inclusion is likely due to the absence of available cases to date (in contrast to the number of cases where armed groups and key powerholders have been included). It therefore merits further investigation rather than dismissal. It is also clear in many cases that agreements or deals made by 'powerholders' have not prevented a reversal of ceasefires, the return to violence in multiple forms, nor ensured poverty reduction, progressive development outcomes or stable political institutions. There is an evident need to explore alternative ways to stabilise peace and development processes in conflict-affected and fragile contexts.

# Methodology

## Applying political settlements to practice

A grounded practice-based research approach was used to elicit non-elite perspectives of how inclusion is navigated in peace processes, as well as to prioritise the practical knowledge and experiences of civil society partners in each context.[15] Activities were co-designed with a local partner so as to identify an appropriate range of participants and issues for discussion, including to ensure gender inclusive participation and analysis. Primarily centred around two-day workshops, the research brought together a range of political and civil society stakeholders, policymakers, political analysts, practitioners, journalists and civil society from across different sectors and experiences, including from urban and rural areas. In order to ensure an environment conducive to opinion sharing, participation of government and international actors was limited. For example, international policy makers such as DFID country staff were invited to one session. In two contexts workshops were supplemented by regional focus groups and individual interviews with participants and other stakeholders. This allowed for group discussions that exposed differences in opinion, while also allowing participants to express opinions individually that

they may not feel comfortable doing in a group setting. The workshops were conducted in local languages where relevant and facilitated primarily by partners. The Ogaden research included primary and secondary research and a number of expert workshops and consultation meetings to test initial findings also informed the report and recommendations.

Guiding research questions were adapted to respond to context specific priority areas, with efforts made to ensure research findings were relevant to and could feedback into practical programming, including Conciliation Resources' own peacebuilding work. A core challenge was to ensure project design, research questions, and findings responded both to the needs and priorities within each context and particularly of peacebuilding practitioners in country, but also to key policy interests and questions.

A shared or co-writing analysis process was also adopted, with active drafting and editorial input from Conciliation Resources and partner organisations, with careful coordination between and within each organisation to ensure the process remained inclusive. Each of the reports was grounded in the participatory analysis processes that took place in the workshops.

14. Paffenholz, Thania, 'Civil Society and Peace Negotiations: Beyond the Inclusion–Exclusion Dichotomy', *Negotiation Journal,* 30(1) 69-9
15. For further information on the methodology see: Close and Yousuf, 'Gendered political settlements and peacebuilding: mapping inclusion in practice', *feminists@law* Volume 8 Issue 2, Special Issue: Engendering Political Settlements: Theoretical and Practical Perspectives on Inclusion (forthcoming, 2018)

Fulani pastoralists with the Ardo (Fulani pastoralist leader) of Pinau, Wase Local Government Area (LGA), southern Plateau State, December 2016. © Adam Higazi

## Using political settlements analysis to inform practice

Political settlements analysis was useful for introducing a consideration of power relations into discussions about peace processes and for those working on peacebuilding processes. For example, the emphasis on how elite bargains and underlying power relations shape formal political frameworks and the allocation of socio-economic resources, helped civil society partners think about how and why peacebuilding and peace processes progress, become stuck and unstuck in specific contexts, and how change happens outside of peace talks.

However, the practice-based research was distinct from conventional political settlements research in two key ways:

1. While political settlements literature has consistently focused on elite interactions, incentives and interests, social movements and civil society actors are largely absent from such analysis. By contrast, this research focused on non-elite perspectives and efforts to impact the political settlement.

2. The research incorporated a deliberate focus on gendered relations, and the interaction between elite/non-elite and formal/informal institutions. While informal and social norms, values and institutions, including identity-based considerations are recognised as potential factors in how political settlements operate, there has been little systematic analysis of this.

# Comparing case studies

The case studies – Ogaden (Somali Region of Ethiopia), the Plateau State of Nigeria, Colombia, and Nepal – are at different phases of peace and peacebuilding process. Colombia and Nepal have concluded peace agreements in the last 15 years, while the Ogaden is at the start of a concerted phase of peace talks. The case study on Nigeria's Plateau region looked outside of a formal peace process at how political unsettlement at federal, state and local level feed into herder-farmer conflicts at a regional level. A number of common features can be identified across the case studies: significant sub-national dimensions with implications for how inclusion progresses; histories of exclusion and marginalisation of particular identity groups; and influential informal, traditional and customary institutions and norms which shape inclusion.

The variations in conflict dynamic, political and social cultures, as well as the political framework applied to resolve conflict in each context, create diverse trajectories of inclusion. This makes robust comparative analysis problematic; instead, areas of convergence were identified from the case studies, grounded in the perspectives of non-elite and community-based actors and civil society. These can be grouped as:

- **Peace processes as an opportunity for inclusion**

- **Who gets included and who doesn't?**

- **Understanding inclusion below and beyond the state**

## Colombia

After five decades of violent conflict and a number of stalled peace efforts, a peace agreement was signed in Havana by President Santos' government and the guerrilla group, FARC (*Fuerzas Armadas Revolucionarias de Colombia*) in September 2016. The Havana talks provided space for a diverse range of voices: survivors of violence, women (including indigenous women), and gender and sexual minorities.[16] Three-thousand survivors participated in discussion forums in Colombia. In an unprecedented process, the government and FARC peace panels jointly received 60 testimonies from conflict survivors over 5 rounds of visits, including 36 women, who offered recommendations, including on conflict-related gender-based violence. A dedicated Gender Sub-Committee was created in 2014 to ensure a gender perspective and women's rights were included in throughout the Agreement.

The Agreement focuses on five themes: rural development; political participation; illicit drugs; victims and transitional justice; and decommissioning of weapons and reintegration of combatants. Yet, less than a month later the agreement was rejected 50.21 percent to 49.79 per cent in a national plebiscite, which led to renewed negotiations, including with representatives of those opposed to the original agreement. A new agreement, with changes to a number of points, was signed on 24 November 2016. This was subsequently sanctioned by the national parliament, paving the way for implementation processes to begin.

## Nepal

November 2016 marked the 10th anniversary of the signing of the Comprehensive Peace Agreement in Nepal. The Agreement took place after a decade of a Maoist insurgency and the mass mobilisation of diverse sections of society against the monarchy in the 2006 Second People's Movement. The post-CPA era saw the Maoists emerge as a significant political party and the development of a constitutional process that agreed on an acceptable model

16. This report uses the term 'gender and sexual minorities' to refer to the wider group who may not be encompassed by the acronym 'LGBTQI+' (Lesbian, Gay, Bisexual, Trans, Queer, Intersex).

for restructuring the unitary state based on absolute monarchy. A number of legislative and political changes also followed including the Gender Equality Act, the abolition of the monarchy and declaration of a republic.

Restructuring of the new secular republic was contentious with political wrangling over electoral systems, quotas and modes for devolving power. Waves of protests – such as the Madhes Movement, representing the Madhesi and Tharu populations predominant in Nepal's southern Tarai plains – in 2007 and 2008 were instrumental in pushing for the restructuring of Nepal along federal principles (to allow greater political representation of marginalised groups) and for greater electoral proportional representation. In the wake of a devastating earthquake in 2015, a new Constitution was pushed through which embedded federalism, although not entirely along the lines advocated by Janajatis and Madhesis. Elections in 2017 for provincial and local governments took place, which through quota systems provided for greater representation of marginalised groups, including Dalits and women.

## Ogaden

The Somali Regional State of Ethiopia (SRS – also known as Ogaden region) has historically suffered from armed conflict. This has included conventional inter-state conflict, irredentist-inspired wars, varying levels of insurgent group activity – most recently by the Ogaden National Liberation Front (ONLF) – and counter-insurgency. Kenyan government-led peace talks between the ONLF and the Ethiopian Government began in 2012.

For many years, politics in the Ogaden region was characterised by a succession of regional governments that were largely maintained and restrained by the federal government and its agencies – albeit with the connivance of local political actors. The arrival of a new regional president, Abdi "Iley" Mohamud Omar, in 2010 saw the emergence of a strong and resilient regional executive, which has demonstrated an unprecedented level of executive power and autonomy from the centre and has endured for much longer than previous regimes. Yet, this system is largely personalised and presidentially led with weak institutional roots, and is reliant on heavy-handed security measures to curb internal dissent.

## Nigeria

Pastoralist livelihoods support millions of Nigerians and form an important part of the rural economy and society. Nomadic pastoralism – the movement of livestock from one place to another between wet and dry seasons – have steadily increased in Nigeria in recent years. Increased demographic and ecological pressure has created more competition for land and water in rural areas of the country. While pastoralists and farmers have enjoyed cooperative relationships in many parts of the country, such coexistence has broken down in many communities. The pattern and scale of farmer-pastoralist conflicts varies across Nigeria, but in many states clashes have intensified – killing and destruction have reached unprecedented levels in major flashpoint centres in northern and central Nigeria, and tensions have extended to the south.

The majority of pastoralists in Nigeria are Fulani by ethnicity – which are predominantly Muslim. While there appears to have been an increase in conflicts between Fulani pastoralists and farmers across West Africa, by far the highest levels of violence have been recorded in Nigeria. Pastoralists lack meaningful political representation or support at federal and state levels. Rural areas are generally lightly governed, and heavy dependence on the oil economy has led to the neglect and subsequent decline of the agricultural sector. The prominence of pastoralism as a political issue has grown alongside rising levels of pastoralist-farmer violence. In particular, the politicisation of ethnic and religious divides in Nigeria, the intersection of rural violence with other forms of insecurity including urban riots, and the incorrect links made with Boko Haram activity in the north-east, have intensified the security and political profile of Fulani pastoralists.

# Detailed findings

## Peace processes as an opportunity for inclusion

### Types of inclusion

Three different types of inclusion were talked about in discussions.

1. In some contexts the focus was on ensuring primary power holders and negotiating parties are represented in formal talks.[17] For example, negotiations in the Ogaden have so far focused on the main insurgent group the ONLF and the Ethiopian Government. Recent shifts in participants have expanded to involve a previously unrecognised powerholder – the regional government.

2. In others, such as Colombia and Nepal, the inclusion of armed actors was viewed by participants as part of a broader shift to expand political party diversity after a long period of domination by a handful of parties and (typically conservative) forces. In such cases inclusion supports the participation of non-traditional parties, in particular those representing progressive agendas and leftist movements.

3. Inclusion was also identified as part of a process for restructuring the state – and in particular the ability of different groups in society, especially those previously marginalised, to participate in peace related processes, for example, indigenous women in Colombia, pastoralists in Nigeria, Madhesi in Nepal – either directly or through indirect fora. For example, Colombian civil society viewed commitments to broadened political participation, especially at the regional level, as a tool for democratisation to remedy the country's modernisation and state consolidation processes over the last two centuries. In addition, the potential transformation of the FARC into a political party was seen as an opportunity to broaden the ideological spectrum of Colombian politics, to 'rattle the conscience of Colombians'.

Unsurprisingly, the representation of diverse perspectives in peace talks also prompts greater confidence in subsequent agreements. For example, for Colombian civil society participants the legitimacy of the Havana talks and subsequent agreement is strongly linked to the participation of different non-traditional power holders such as survivors of violence, women, and ethnic groups. Yet the Colombian context also suggests that inclusive processes do not directly translate into wide scale societal acceptance of agreements: public rejection of the agreement in a plebiscite in October 2016 indicates that attention should be paid to different constituencies, some of which may be 'anti peace'. This includes supporting efforts to counter backlash from conservative or status quo forces against progressive agreements and processes that attempt to broaden the social contract.

### How and when is inclusion incorporated into peace processes?

The negotiation of peace agreements is a key moment to further inclusion in political decision-making, and there is more opportunity for change immediately prior and after the signing of a peace agreement. Nepal's First Constituent Assembly, created after the 2006 Comprehensive Peace Agreement (CPA), was a key forum for representation, debate and discussion of different identity groups that were previously excluded from political decision-making.

Yet, inclusion is not only secured in peace talks through the participation of diverse groups. Armed actors' agendas – the Maoists in Nepal and FARC in Colombia – were recognised as progressive, with core gains achieved in talks to broaden political participation and reframe political frameworks and structures. Inclusion was an important aspect of the Maoists political development in Nepal: they brought issues of caste, ethnicity, and gender to the forefront, distinct from the class struggle that shaped communist agendas. They also pushed federalism (along with other social movements) as a means to grant recognition to ethnic identity.

17. Dudouet, Veronique; Planta, Katrin, and HJ. Giessmann, 'The Political Transformation of Armed and Banned Groups Lessons Learned and Implications for International Support', *Berghof Framework paper* (UNDP, 2016)

Participants in Nepal and Colombia also pointed to mass mobilisation as a key and effective strategy for pushing specific agendas. Reductions in large-scale violence (in Colombia during the lengthy Havana talks, and in Nepal after the conclusion of the CPA) enabled large scale and sustained social mobilisation at both local and national levels, bringing previously excluded groups and reform agendas into the national political arena. For Colombian civil society, a key characteristic of the war to peace transition in Colombia was the emergence of social mobilisation around demands previously curbed by the conflict. The peace process is seen as an 'opportunity to revitalise the social struggle'.

Such mobilisations were viewed as instrumental in ensuring broad, diverse participation in the peace process. Nepal has a strong history of social mobilisation and collective action, and the Second People's Movement in April 2006 was a landmark in bringing together multiple forms of political movements with the social – Madhesi, Dalit, women and Janajati groups. It helped bring an end to the violence wrought by the Maoist insurgency and to autocratic rule by the King, and pushed for a Constituent Assembly that included representation from all these groups.

While key levers for change, armed action and social movement mobilisation are often seen as too unpredictable, politically sensitive or violent to allow or merit international support. Mass movements are often viewed as politically divisive, at times linked to agendas and actors that are not politically palatable, and it can difficult to judge their potential success. In Nepal social movement mobilisations leading up to the second constituent assembly were judged less influential than the Second People's Movement a few years earlier. This was ascribed to the emergence of deep cleavages between different movements, and their focus on individual priorities rather than convergence around a united struggle. There were also challenges for some groups such as the Janajatis to form political parties or engage with leaders in mainstream parties, while Madhesis were more readily able to do so.

Yet, it may be unrealistic to expect political movements to be uniform and coherent when they reflect multiple cross-cutting strands and identities. A key feature and advantage of social movements is their ability to mobilise people and popular opinion on broad, unifying ideas. Contention and discord are typical aspects of political development, particularly in conflict-affected contexts after many years where the legitimacy of the state has been contested. While international support to movements may invite criticism and risk 'backing the wrong horse', efforts to support dialogue or accommodation of different interests – particularly with those who may be resistant – might be a useful entry point.

The case studies also point to the use or potential use of existing legal and political instruments by different interest groups to ground their inclusion claims. For example, in Nigeria's Plateau State, there are multiple barriers to effective, inclusive mechanisms to address farmer-herder conflicts. Participants pointed to existing legal frameworks – on grazing reserves and routes – that could be updated to allow for more active federal and state policies, ones that could facilitate and support the management and allocation of land to farmers and pastoralists in rural areas.

The strategic use of legal and political instruments can also help ground peace agreement enforcement architecture. In Colombia the constitutional court has been a forum for minority groups, in particular indigenous communities and women, to mount legal challenges against the state for non-implementation or contravention of rights they gained in the 1991 Constitution. Civil society claim the right of 'prior consultation' – for any proposed legal or administrative measures affecting or activities are to be undertaken in the territories of indigenous peoples and other ethnic groups – is a key way to push for implementation of specific aspects of the agreements, particularly related to land. Yet, how the instrument can be effectively leveraged needs to be further explored, particularly as its significance to date is debatable.

# Who gets included and who doesn't?

## Modes of inclusion

Inclusion can be selective. A range of options to facilitate participation may be available and it is important to consider the type of inclusion each option offers. In many contexts inclusion involves accommodation of specific identity groups – particularly those seen as most able to destabilise the process. For example, in Nepal and Colombia the peace process and peace agreement has provided opportunities for particular ethnic- and political ideology-based groups to participate.

Such analysis supports the political unsettlement thesis that conflict is simply transplanted into a peace framework, moderating assumptions that peace processes, in their current practice, are transformative. It also points to a related challenge: that peacebuilding agendas often perform badly at building coalitions or developing constituencies that span political spectrums and societal groups, or anticipating resistance when they do. For example, in Nepal, when Janajati lawmakers tried to form a cross-party caucus in 2014 to push Janajati demands, traditional political party leaders warned them against it. The structure of Nepal's political parties is such that party members are heavily dependent on the patronage of their leaders, and so many lawmakers from marginalised communities were compelled to back down.

The frameworks selected to support inclusion may also preclude some groups from accessing the system. In Nepal the main mode of political inclusion advocated by Janajatis and adopted by the thematic committee of the first Constituent Assembly – federalism based on ethnic self-governance – would have benefitted identity groups that are territorially concentrated, whereas Dalit communities that are geographically scattered would have had to look for other ways to ensure their political representation. On the other hand, the 'upper-caste' Hindu political elite in Nepal have also used the frameworks to reassert themselves, especially after the second Constituent Assembly elections. They have self-identified as a separate 'macro-ethnic group', the Khas Arya, and the centre-right political parties they control are today dominant once again.

Experience from the ground illustrates that exclusion may operate along multiple identity-lines and it is much harder for multi-identity groups to navigate fixed frameworks. Mechanisms rarely enable people to move between specific political and identity markers, and groups are often pragmatic in which identity they choose to assert depending on the possible gains achievable. In Colombia, a group of indigenous women have been trying to gain recognition – both within their own community and at national level for their specific concerns and priorities. They have strategically developed alliances with national indigenous organisations (which are traditionally male domains) and women's rights agendas and networks, but importantly developed their own spaces and advocacy strategies.[18]

In the Ogaden, a restricted political space where political dissent is often suppressed, a different set of questions and options arise. In the Ogaden, recent developments have opened up space for powerholders such as the Regional President to be involved in dialogue, and potentially for intra-Somali dialogue between other Somali clans and groups transnationally. Yet, participants suggested that access to political decision-making and socio-economic resources is still ordered by customary clan hierarchies and structures, and therefore open to specific persons – mostly male.

## Risks and challenges: the re-emergence of traditional forces

The uncertainty and non-linearity of the political unsettlement also allows for the reversal of inclusivity. The emergence of progressive and inclusive politics can be shortlived, and a key feature of transition processes is the return of the 'old guard' to the political scene. This can in part be explained by the lack of attention paid to economic reform in conflict-contexts. While the restructuring of political institutions is a key

18. See: Close, *Gendered political settlements*

feature of many peace processes, commitments to economic reform are less sharply pursued. Yet, conflict-era political elites are often closely aligned to economic forces. The need to consolidate economic stability and growth, and promote post-conflict reconstruction, can mean those rooted in financial capital and economic resources retain political capital despite attempts to bring in progressive agendas and actors.

Yet, the re-emergence of traditional forces does not necessarily signal the demise of inclusion agendas as commitments may have been incorporated into legal documents and instruments, or become too engrained in political discourse to be substantially reversed. In Nepal, elections for the second constituent assembly in 2013 saw a resurgence of traditional political parties with links and support from the army and bureaucracy. In contrast to the first constituent assembly in which political caucuses were prominent and able to resist party lines to push progressive agendas in favour of particular identity groups, the second re-strengthened traditional political forces that were able to block the presence of caucuses and push through an elite-level agreed constitution without broad political support. While the resulting 2015 Constitution does not wholly reject progressive demands, it does moderate and scale them back: while a federal model is enshrined, the prescribed demarcation of state boundaries and constituency delineation ignore longstanding demands of Madhesis and Janajatis. It also rolls back a major modality for greater representation of marginalised groups by significantly reducing the share of proportional representation seats in the House of Representatives.

Similarly, in Colombia, participants suggested that talks between President Santos and the 'No' Campaign leaders following the plebiscite vote, were essentially a renegotiation of the terms of the agreement between the traditional political elites – there was no direct participation of victims or other non-elite groups. And while the overall integrity of the agreements was preserved, participants argued that

the amendments made, particularly to the agreement on land and rural reform, illustrate that careful attention was being paid to the socio-economic interests of those that had publicly questioned the peace process. Civil society participants anticipate that commitments to specific groups' interests and issues will be determined by which components 'the elite will be willing to pay for' (through increased taxation). There is concern that the hefty costs associated with the victims' agreement, DDR processes, and potential renewed land restitution process, may result in trade offs, for example, prioritising technical aspects of DDR to safeguard low levels of FARC violence, as well as some aspects of victim restitution, to the detriment of commitments to *campesinos* (rural farmers) on land reform and ensuring the security of displaced returnees.

A model of both incentives and guarantees, similar to 'affirmative action' measures used to help institutionalise the role of former armed groups in state structures prior to competitive electoral processes, may be helpful to bring in those resistant or sceptical of change – for example, the military, administrative bureaucracy, business sector, local power holders, sub-national and customary institutions.[19]

Such action not only encourages buy in from potential challengers but could also support broader inclusion agendas. For example, in Nigeria a main challenge is the under-representation of pastoralists at government level, or the lack of power holders at national and regional level to champion their cause. The support of political constituencies to take up this cause is key, including exploration of which state governments are more responsive to addressing tensions. And in Nepal, a key argument has been that neither the Maoists, traditional parties or development partners recognised the need to incentivise inclusion through all levels of the bureaucracy, and identify and support sincere advocates for the broader inclusion agenda among the traditional political elite.

19. Dudouet, Veronique; Planta, Katrin, and HJ. Giessmann, 'The Political Transformation of Armed and Banned Groups Affirmative action measures include granting them guaranteed seats in governments, parliaments, constituent assemblies, territorial administrations, diplomatic corps or public enterprises. For armed groups, such measures are seen as necessary to compensate for the imbalance between those surrendering their arms and dissolving their armed organisations, and the existing political parties, in terms of their access to legal political apparatus for campaigning.

Crowds waiting for the results of the referendum in Colombia. © CIASE and CONAMIC

## Selective inclusion

The case studies suggest that the most sustained forms of external support to inclusion focus on armed actors, potential spoilers, and women – suggesting a preference for prioritising the stabilisation of the emerging political unsettlement, whilst also remaining committed to inclusion and progressive agendas. Inclusion in peace negotiations, in particular, has emphasised women's participation.

In Nepal a context with a number of marginalised yet politically mobilised groups, quotas for women have been a key way to support inclusion. For example, the main development agenda (Gender Equality and Social Inclusion – GESI) has seen an unspoken 'rebranding' of the 'inclusion lens' towards gender equality as a way to navigate resistance to more politicised aspects.[20] Reducing focus on caste, ethnicity or regional identity as the basis for enhancing social mobility has helped make social inclusion more acceptable and broadly impactful. For example, programme design considers how power relations – between men and women rather than between members of different caste or ethnic groups or religions – may block access to services for members of non-dominant groups. There is however genuine concern that other excluded groups will not be included.

Given the trade offs and preferences made in favour of women's and armed groups inclusion, it is important to be aware of two further challenges in these areas. One is the ability of women to achieve broad and sustained influence beyond participation in transition processes. Progress has been made in diversifying representation in formal decision-making structures and institutions, but women's ability to influence decision-making processes and outcomes continues to be limited.[21] In addition, sustained and committed external support to armed actors to support and incentivise them to pursue political strategies, for example, in the Ogaden, is often limited in the very early phases of peace processes.

20. See Bennet, Lynn, 'Gender first: rebranding inclusion in Nepal' in (eds) Thapa, Deepak and A Ramsbotham, *Two steps forward, one step back: the Nepal peace process*, Accord No 26 (Conciliation Resources, 2017) Available at: www.c-r.org/accord/nepal/gender-first-rebranding-inclusion-nepal
21. See: Close, *Gendered political settlements*

## Understanding inclusion below and beyond the state

### Forms of exclusion

Common inclusion mechanisms such as constituent assemblies, national dialogues, consultation forums, as well as direct representation in peace talks, are important for supporting participation in the formal sphere. Yet less visible barriers to inclusion and forms of exclusion exist within sub-national, informal, and customary structures and authority that often determine access to political and economic resources. The typical focus on the national and formal can miss specific ways in which inclusion is precluded at local and regional levels. For many communities, the local and the informal may be more relevant in determining their ability to effect change or voice their perspectives. On the other hand, the unsettlement of a formal process is often equally acute at sub-national level, allowing for multiple layers of bargaining and negotiation – between centre and periphery, between formal and informal, authority and non-elite actors.

For example, in the Ogaden, the regional government has implemented measures to increase the number of local administrative units. This increases local-level political inclusion, but also tends to reward sub-clans and allies loyal to the president. By bringing greater resources to (clan) communities and their elites, it further ensures their political loyalty to the executive. And local politicians must have the support of clan elders to be effective.

A look at sub-state settlements brings into focus the multiple layers that influence inclusion, such as community structures and even households – breaking down the distinction between public and private spheres. In Colombia and Nepal, some women participants highlighted that a key barrier to their involvement in formal decision-making came from within their own households and immediate communities; in these spheres there were assumptions from both men and women as to who should and can play specific political roles and have influence over decision-making, as well as resistance to changing these gender norms.[22]

The fluidity of political settlements at different levels is illustrated in Nigeria, where dissonant political settlements at federal, state and local levels have affected the possibility for coordinated approaches. A focus on national-level priorities and agendas has also obscured analysis of the causes of conflict and violence, with implications for who is included in conflict responses. The 'political settlement' in Nigeria is based on compacts between rival political factions as well as the principle of 'federal character' – to incorporate elite representatives from different regions and states into the federal government. Yet, in rural areas of the Plateau state, pastoralist communities have their own internal leadership arrangements and greater links to the parallel system of traditional institutions in Nigeria than to elite politics at state and federal levels. There has also been a conflation at state and national political levels of herder-farmer conflicts with inter-communal tensions and the activities and spread of Boko Haram. The resulting counter-insurgency security approach has limited the potential for conflict resolution approaches that would involve farmer and herder associations. The pastoralist community, which lacks political influence, and farmer groups are often overlooked as key stakeholders and potential agents for resolving localised violence.

### Linking centre and periphery

The sub-national also reveals a stability dilemma: in many conflict contexts the consolidation of power at the centre has resulted in instability and conflict being contained at the periphery, and management of these areas outsourced to local power holders. In the Ogaden, increased 'elasticity' in relations between centre and periphery over the past decade has allowed the regional president to achieve greater autonomy partly because he has proved himself a proficient securocrat against the main insurgent group – the ONLF.

And in Nepal and Colombia, participants identified a system of patron-client relations that work at the sub-national level whereby national leaders offer the fruits of patronage and state resources to their constituents and local-level

22. Ibid.

mobilisers, and the latter can improve their own economic conditions and social influence by keeping the district political machinery running for the national leaders. This often rewards particular strong men and power holders linked to customary and informal structures.

These dynamics have important implications for how inclusion is supported at sub-national levels, particularly given increasing interest in formal and informal mechanisms – decentralisation, local governance, peace committees, and local civil society activism – to support inclusive political participation and peacebuilding. For example, in Colombia, decentralisation is seen by many as an evident way to realise the peace agreement's commitments to broadened political participation. The design of such mechanisms and structured support to them often takes place at the national level or comes from external actors. Yet once agreed at national level they often lack accompanying agendas for how to secure them in meaningful ways at the regional level where measures are to have effect.

In Nepal, the 2015 Constitution laid out a new three-tier federal state structure – federal, provincial and local. Elections to all three tiers took place over the course of 2017. Yet, there was little prior guidance or preparation for potential candidates – many of whom were contesting elections for the first time at the provincial and local levels – on how to contest elections, or training in local governance including what their mandate and powers are. This led in many instances to traditional powerholders gaining seats and maintaining patronage networks. While a long term view is undoubtedly required to allow for incremental changes in who holds positions and the influence they are able to assert, international support could have been better targeted and anticipated the need to support those entering the formal political sphere for the first time.

## Connecting (inter)national to local

Those with capacity often seek support and influence at the national level. This is a strategic choice – the national level may have more formalised channels available for lobbying, allowing access to international and national support and visibility, and may also help bypass the everyday modes of exclusion and barriers to participation that are faced.

As part of this strategy, international frameworks such as UNSCR 1325, ILO (International Labour Organisation) Convention No. 169 on Indigenous and Tribal Peoples, and UNDRIP (The United Nations Declaration on the Rights of Indigenous Peoples), are often used to gain leverage in national level discussions. Yet there is often a disconnect between international legal standards and national commitments, and their implementation, as well as the experience of women and other gender identities at a local level. In particular it is important to ensure the usability on the ground of measures that are negotiated nationally and set internationally. In Colombia, 'localisation' of international frameworks has been key to engaging local actors, and has also allowed women to talk about issues that were difficult to talk about (for example, transitional justice was "unlocked" by UNSCR 1325.)[23]

External actors can also play a key role in promoting research and information on sub-national dynamics that are mislabelled at a national level, and so highlight modes of exclusion and avenues for inclusion. Pastoralist-farmer violence is one of the conflicts facing Nigeria that could at the least be managed through relatively practical mechanisms and coordinated responses. Encouraging more accurate information on the issue at federal and state government levels, combined with practical and relatively cost-effective ways forward, including consultation platforms, local dialogue committees, and targeted DDR processes, would be a timely conflict prevention strategy.

23. See: Close, *Gendered political settlements*

# Conclusion

The idea of a formalised political unsettlement makes clear that that any intervention will be shaped by power relations and political interests. This debunks the technical focus on designing the 'right' interventions.[24] The need for international actors to remain engaged in peacebuilding processes is perhaps obvious but cannot be overstated. Yet their ability to incentivise elites, particularly given elite resilience, to commit to inclusion is unpredictable at best and limited in most cases. For example in Colombia, civil society highlighted the ability of the country's political elites to draft laws that recognise and respond to the historical marginalisation of social groups, yet simultaneously create blockages to the use and implementation of such legal instruments. However, participants in each of the case studies highlighted examples and the importance of international strategies to help reinforce inclusion agendas despite domestic pressures.

While the research findings highlight a number of risks and challenges for external actors to support inclusion and those pushing for a more progressive agenda, there is also a compelling argument for its importance and relevance to sustainable peace and development outcomes. The difficulty in navigating inclusion in peace transitions should not disincentivise action, but instead propel the peace community to seek out further evidence on its value and effective practice. Many of the challenges presented relate to the uncertainty associated with opening up political space and discourse to new agendas and actors, particularly where interests and incentives may be unclear. The tendency to fall back on measures that emphasise stability when inclusion agendas prove difficult may also contribute to undermining commitment and reinforcing the complexity of promoting inclusive approaches.

24. Bell and Pospisil. 'Navigating Inclusion in Transitions from Conflict'

## Navigating inclusion in peace transitions: beyond elite bargains

This paper brings together learning from practice-based research carried out by Conciliation Resources and its partners in Nepal, Colombia, the Plateau state of Nigeria, and the Somali Region of Ethiopia (Ogaden).

The report looks at how inclusion is negotiated in peace processes and associated avenues for resolving conflict and effecting political change. In particular it explores how change is perceived locally, by the people that experience it and have a direct interest in its outcomes as well as  strategies used by different groups to influence political change.

**Conciliation Resources** is an independent international organisation working with people in conflict to prevent violence, resolve conflicts and promote peaceful societies.

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