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Subnational and Local Mediation **Case Studies Series 1**

On assuming office in 2017, the UN Secretary-General called for a surge in diplomacy for peace, including action to enhance the UN's mediation capacity in support of dialogue and mediation efforts. Subsequently, the Executive Committee decided (2017/41) to strengthen the UN's mediation capacities, recognizing in particular the need for the UN to do more in the local context and for a broader strategy to increase such support.

The Mediation Support Unit (MSU) of the Department of Political and Peacebuilding Affairs (DPPA) responded to this call by the development of a strategy to enhance the UN's abilities to enable the resolution of subnational and local conflicts in a way that is strategic, collaborative, creative, inclusive and sustainable. As a key component of this strategy, MSU commissioned a set of case studies aiming to explore different ways in which local and national conflict resolution processes are interlinked, extrapolating key learnings and insights which may help inform future UN efforts in support of subnational mediation processes.

The first set of case studies examines five different countries in which various actors have attempted to engage in third-party mediation of subnational conflicts. These include:

- The Local Peace Initiative in Surobi, Afghanistan
- The Bangassou Agreement in the Central African Republic
- Local level mediation initiatives to mitigate pastoralist conflict in South Sudan
- Subnational mediation efforts in the Cordillera Region, The Philippines
- Joint Ceasefire Monitoring in Hpa Pun, Myanmar

Each case study is based on field observation, original interviews, and consultation with print sources. To aid the process of comparison between different contexts, drafters attempted to draw out five key elements from each case study: the context within which the conflict took place; a description of the mediators' intervention; the key actors and their roles; linkages between local- and national-level conflict and conflict resolution processes; as well as success factors and challenges to overcome.

The question of local-national linkages was of particular importance, more so because each case study is situated in the context of a wider conflict. In some studies, local dynamics had direct links to the national-level conflict; in others, the disputes were essentially local, but worsened by the presence of a greater conflict dynamics. In no case did the local-level conflict simply represent a scaled-down version of the country-wide conflict. Rather, each contained a unique set of actors, tensions, and opportunities that created both the conflict and the possibilities for mediation.

While each intervention—and indeed, each instance of conflict—is *sui generis*, these following studies contain useful lessons. It is the hope of MSU that this series will serve as a useful reference for the growing practice area of providing targeted support to local and subnational mediation efforts in UN mission and non-mission settings.

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UNAMA's Local Peace Initiatives in Afghanistan: Finding Opportunities in a Difficult Context

[Disclaimer: This case study has been researched and drafted from May to October 2019. Any incidents mentioned, actors referred to and lessons extracted are to be understood in light of the specific conditions and circumstances of that time period. Subsequent events and contextual developments are not accounted for.]

Context and Conflict

The UN Assistance Mission in Afghanistan (UNAMA) has supported sub-national peace initiatives since at least 2013. This has been further formalized and reinvigorated over the last two to three years. There is now a set funding stream, procedures, and staffing to support Local Peace Initiatives (LPIs), which are overseen by the Peace and Reconciliation Office of UNAMA headquarters and carried out by UNAMA's field offices. To understand the nature of this work, this paper describes one LPI project in Surobi District (in Kabul Province, Central Region) and then places this within the context of UNAMA's overall LPI programming.

The current broader context of the conflict in Afghanistan is challenging. There is the hope of a national peace process between the Taliban and the Afghan government (and others). This has yet to materialize, and the presidential and local elections that took place earlier this year creates an additional layer of complexity. The currently paused U.S.-Taliban talks had a narrow agenda focused on the external elements of the conflict. The uncertainty makes work in much of the country very difficult. The future direction of the country is unclear.¹

The Local Peace Initiative in Surobi

The Surobi LPI addresses a conflict between two villages, and between two tribes, in the remote Uzbin Valley, about two hours east of Kabul. The conflict includes multiple elements: it was first a land dispute, which began six or seven years ago after a period of severe drought. It was further aggravated when a violent clash between the two villages left one person killed and several wounded. And overlaying these immediate sources of anger is the effect of the national conflict: one of these villages (Chenar) is perceived as supporting the Taliban, and the other (Hussein Kheil) supportive of the Government and national army (all of the Uzbin Valley is considered unstable and much of it is controlled or under the influence of the Taliban). When there are Taliban attacks in the area – such as on the government checkpoints that stand just next to Hussein Kheil – then the blame and the anger is directed towards Chenar.

¹ This paper results from a visit to Afghanistan in early May 2019, including a visit to Surobi and meetings with members of both sides of the conflict, the District Governor, the Working Group, the Women's Shura, the youth associations, and with members of the UNAMA Central Region field office as well as staff and leadership of UNAMA headquarters.

As a result of the intensified conflict between these two communities, the larger Hussein Kheil has blocked access to the main travel route for the smaller, more marginalized Chenar. Hussein Kheil has also brought a legal case against all men in Chenar, holding them collectively responsible for the one person who was killed (since they don't know who actually fired the deadly shot). The outstanding arrest warrant for all adult males means that the residents of Chenar feel personally under threat, unable to travel within the district, and thus further marginalized. Many families have left the village for other districts.

The number of persons directly involved in this conflict is relatively small. Hussein Kheil is estimated to have 500 families (about 5,000 people). Chenar once comprised over 150 families, but as a result of the displacement is now estimated to have just 25 families (250 people).

The Context

- A national-level conflict between the Taliban and the Afghan government, with active military support from the US and NATO, persists.
- There are hopes for a national peace process sometime soon.
- In the Uzbun Valley, UNAMA has been working with two communities in conflict: Chenar and Hussein Kheil.
- Chenar is perceived to be Taliban-affiliated, while Hussein Kheil is viewed as government-affiliated.
- The local conflict began as a land dispute, which escalated and left one person dead.
- The Uzbun Valley is a drug-producing area, and powerful individuals have financial interests in the region.

The Intervention, Key Actors and Roles: UNAMA Support for the Resolution of the Conflict

UNAMA's Central Region Office has actively supported the resolution of this conflict for over two years. This engagement has the primary intention of strengthening (or creating) local mechanisms that can seek a solution, and quietly supporting these mechanisms without taking the lead. The key players include:

- The District Governor, who plays an important role in supporting the process. UNAMA has engaged him closely (the District Governor has twice changed during this period).
- A Surobi Working Group, now sixteen people, was created at UNAMA's initiative and serves as the primary mediation entity between the two villages. This is based in the District Administrative Center and is comprised of respected individuals who do not originate from the affected communities. When the project began, the traditional shura was not functioning, due to a leadership struggle.
- A Women's Shura, or council, has grown in size and in strength, and is seen as playing a unique and important role (described below).

The Actors

- The **Surobi Working Group**, an all-male group, forms the primary decision-making body
- The all-female **Surobi Women's Shura** can access areas and speak with stakeholders that would be inaccessible to men
- Two **youth committees** engage young people in the area
- A local **radio station** keeps the surrounding areas updated on the conflict resolution process
- District- and provincial-level **government officials** are supportive of the mediation
- UNAMA supports the process through **logistics and trainings**

- Two youth committees, bringing together smaller pre-existing youth committees in Surobi, help to ease the tensions between youth in the two tribes. They speak with the local youth and persuade them not to resort to violence.

For two years, UNAMA staff have visited the Surobi District Administrative Center, about 90 minutes from Kabul, on the average of once a week. This usually includes two or three staff members. In the planning stage the traveling team included four staff (representing the human rights, governance, political, and rule of law sections). It is estimated that two or three staff have spent between 25% and 70% of their time on this case (and another related LPI) over the last two years.

UNAMA partners with the local radio station to produce regular segments on the conflict and on the importance of the resolution to the conflict. This has brought much more attention to the issue throughout the district. Over the last three years, UNAMA's Strategic Communications Section has committed roughly \$8,500 for the production and broadcast of radio programs in Surobi, for the direct or indirect support of this particular LPI, including preparing the ground before the LPI formally began. Strategic Communications staff have visited Surobi many times to engage with the local radio station, speak with listeners, and write stories about the progress of the LPI.

UNAMA's activities in Surobi have included conflict-resolution workshops and trainings for the core working group, meeting with local officials and others to understand and explore avenues for resolution of the conflict, producing radio programs, meeting with local youth groups to encourage collaboration between them and creating a youth-led mediation track, giving support to the women's working group, and various other efforts. A number of trainings also took place in Kabul. When the district governor changed, UNAMA met regularly with the new governor to explain the ongoing efforts and obtain his support.

The direct costs of the project are covered through a grant from the Salaam Support Group project, managed by UNAMA's Peace and Reconciliation Office. This is a relatively flexible fund supported by Denmark, Finland, Norway, and Sweden, administered by UNOPS, to support a range of peace initiatives. The annual direct costs for the Surobi LPI are approximately \$4,500, although this amount has also covered some programming focused on neighboring villages in Surobi (this does not include staff, vehicles, or other costs to UNAMA in carrying out the project).

Of course, Afghanistan has strong local traditions for resolving conflict, relying on elders from either inside or outside of affected communities. In this case, there have been powerful forces that resisted any solution, in particular a Member of Parliament who held personal economic and political interests in preventing a resolution to this particular conflict. UNAMA staff hoped to gain his support for a credible negotiated solution, and met with him in Kabul to successfully gain his verbal commitment of support; this however was not matched by his actions, which continued to disrupt or block progress through his influence with local community members. While no longer an MP, this individual remains powerful and a potential spoiler to an agreement (the Uzbin Valley is a drug-producing area, which may be a factor).

Current State of the Mediation Effort

Through considerable negotiation and encouragement, both villages have granted their power of attorney to the Working Group, which is the equivalent to agreeing to an arbitration settlement. Two steps remain: 1) the Working Group is hoping to obtain the power of attorney directly from the families of the victims of Hussein Kheil, and 2) the villages must agree to a guarantee amount. This is what they will forfeit if they do not abide by the final settlement. Overall, observers note that the last two years of negotiation, public outreach, and discussions have resulted in a remarkable shift in the mood especially of the Hussein Kheil village: there was previously a strong call for revenge against Chenar, to atone for the villager's death. Villagers now accept the idea of a negotiated resolution.

In meetings in Surobi, the District Governor, the conflict-resolution Working Group, and the Hussein Kheil community members all independently expressed optimism that an agreement could be reached soon – perhaps in the next month or two. Elders from Chenar, who traveled to Kabul to discuss the mediation process, also were hopeful – and also eager for a resolution. But this has been a slow process, and UNAMA staff recognize that this timeline may be optimistic. One question that UNAMA regional staff ponder, after two years of engagement, is how long they should stay engaged. At present it is projected as a three-year project in total. They have meanwhile been very careful to design the project to be sustainable after UNAMA reduces or ends its engagement.

The Role of the Surobi Women's Shura

UNAMA played a critical role in forming a Surobi Women's Peace and Reconciliation Working Group to operate in parallel to the existing (all-male) Surobi Working Group. This was not easily done. UNAMA was eventually able to approach women through the principal of a girl's school, and then invited several women to UNAMA headquarters for initial meetings. The male family members of the women, at first suspicious, soon became supportive; after initially accompanying the women to meetings, they soon allowed the women to visit UNAMA's Kabul offices unaccompanied.

The Intervention

- UNAMA supported 27 **LPIs** in 2017 and 2018, assisting local peace processes or one-off meetings
- The LPI in the Uzbin Valley has focused on **support to (or creation of) local-level representative bodies** with the legitimacy to offer solutions to the Chenar-Hussein Kheil conflict
- UNAMA officials have provided a range of **technical assistance**, including logistical arrangements, training, workshops, and partnerships with local radio stations
- UNAMA provides important support to the Surobi Women's Shura, which has faced some opposition in the area
- In accordance with **Pashtun conflict resolution practices**, both villages have agreed to an **arbitration body**, the Surobi Working Group
- Both groups will agree to a **"guarantee" amount** that they will give up if they don't abide by the terms of the (yet to be decided) final agreement

To help address the conflict in Uzbin Valley, the women have visited tribal elders and the victims' families, and in doing so have been able to speak with both the men and the women of the households. In each case, they have urged them to resolve the festering conflict. They have focused especially on Hussein Kheil because this community has been the most resistant to a negotiated solution. The District Governor expressed his appreciation for the women's outreach efforts and their ability to reach all members of households. The women noted that they do not have the support of many local authorities and that it was thanks to UNAMA's efforts that they eventually obtained this support, including that of the Provincial Governor.

The women have a level of access that is less available to men. They can potentially cross through check-points and lines of conflict more easily, such as into Taliban-controlled areas, whereas men – in particular young men – will usually raise more suspicion and risk. This gives women an important role. And within each community, women can naturally speak with both the men and the women, whereas men would only have access to the men, especially in more conservative or Taliban-influenced areas.

Over the last year, the women's working group has grown to twenty-five members, and has been active on many subjects far beyond the specific Uzbin Valley conflict. They have encouraged mothers to send their daughters to school and to take part in polio vaccination; urged women to obtain their national ID card and participate in elections; and discussed the right of women to divorce. They speak with elders about avoiding negative tribal practices, such as exchanging girls as a means to resolve inter-communal conflict, child marriage, or other forced marriages. The women have formalized themselves as a council, or *shura*, with the clear commitment to remain engaged in the long term. At the suggestion of UNAMA, UN Women invited several Surobi members to participate in a two-day national workshop in Kabul on "improving women's participation in peace and security processes." This was an important opportunity for women who had not previously been exposed to national-level activities.

The Surobi Women's Shura clearly appreciates UNAMA's support for their work, not only in covering the small costs for their travel and meetings, but also providing the social and political backing for them to work in what is a very conservative part of Afghanistan. "A lot of people didn't want us to be here, but UNAMA's support allowed us to continue," they told me. The careful, deliberate process of developing this women's committee may well turn out to be an important legacy of the Surobi LPI effort – if, indeed, it manages to continue after UNAMA's engagement comes to an end.

Broader Impact of UNAMA's Engagement in Local Mediation in Surobi

In addition to the creation of the Women's Shura, and all of its expanded work, it appears likely that the (male) Surobi Working Group will also remain engaged in the long term, extending its attention to other conflicts that may emerge in the district. This is positive. The communications efforts through the radio programs have brought attention to this conflict district-wide, and to the idea that anger and resentments can be resolved through non-violent means. There are many accounts of villagers elsewhere in the district, far from the Uzbin Valley, inquiring about

the status of this inter-village conflict and whether it has yet been resolved. In this sense, this one specific case has served as an important example with a much broader educational value.

Linkages to National Political Processes

There is no direct link between this effort and the discussions and hopes for a national peace agreement. This is a local conflict that developed around a land dispute and the death of a community member. This LPI is not, for example, attempting to arrange a local ceasefire between the Taliban and Government forces.

However, indirectly there are links.² Or rather, what happens with this particular conflict will affect the Taliban-Government conflict in the area, and what happens at the national level will affect this conflict. The impact might be mixed, however:

- If the local conflict is resolved through an agreement, this could allow the many displaced families to return. Chenar village, in particular, would be able to return to more normalcy – rather than under fear and threat, and cut off from the local markets, as they now are. But Chenar is considered a Taliban village, and the returnees may feed more men into the Taliban fighting forces. It is thought that the Government-Taliban clashes in the area could thus worsen.
- In contrast, if there were to be a national peace agreement, this would likely ease the tensions between these two villages. Their enmity has been intensified because of the perception that the villages support opposite sides of the national conflict. A national agreement would not resolve the Chenar-Hussein Kheil conflict, but could ease its resolution.

Because of the strong Taliban presence in the Uzbin Valley, UNAMA staff generally cannot travel there. Meetings take place in the Surobi District Administrative Center, an hour south, or sometimes in Kabul. The project is thus fundamentally shaped by the national instability, relying on locals who can travel between areas more easily.

The Surobi case is an example of the multitude of local conflicts in Afghanistan that will not be resolved with a national peace agreement. As is often true, a national agreement might result in some local conflicts worsening, in those places where the broader insecurity has kept the local problems contained. In places like Surobi, a national agreement may help to ease – but will not resolve – the fundamentals of a local conflict.

Envisioning a possible national agreement, in any context, should include an analysis of the possible affects at a local or sub-national level. In some places, prior work can reduce the intensity of any negative backlash or help prepare communities to manage it. UNAMA views sub-national mediation as an important role for the Mission in a post-settlement Afghanistan, particularly for its Field Offices.

² It should also be noted that the Surobi District lies along the primary road between Afghanistan's capital, its eastern provinces, and one of the country's three primary customs borders. From 2002-2014, it was the main supply route for goods, fuel, and equipment for NATO and US forces.

UNAMA has been proactively considering the link to a national process in its own planning, encouraging Field Offices to consider any opportunities where local efforts may feed into long-term national peace.³ PRO has suggested Field Offices look closely at the implications of the broader conflict on local dynamics, and to incorporate this analysis into early planning stages of LPs. It has also suggested they consider social cohesion projects. Because a national peace process is still in development and not a clear reality, the timing and shape of any such agreement remains unknown. Thus, both the ways in which local initiatives could support a national process, and the local implications of any future agreement are subject to ongoing analysis by the Mission.

National-Local Linkages

- The Surobi LPI does not mediate between the Taliban and government authorities, so there is no direct link between the Surobi and the national conflict.
- However, a national-level peace deal would ease local tensions in the Uzbin Valley.
- Some actors worry that resolution of this conflict will allow greater local recruitment by the Taliban, as displaced Chenar residents return home.
- Women's Shura members have participated in national conferences.
- Some powerful national-level figures may be opposed to resolution of the Uzbin Valley conflict.

As suggested above, the link to a national process may take many forms. As a direct result of this project, members of the Surobi Women's Shura have been brought into national networks, through Kabul-based conferences. The Surobi case also shows that political actors with a much broader reach, such as an influential Member of Parliament, can affect the prospects of resolving a local-level conflict. It would be short-sighted not to assume that 'local' conflicts are not linked, through various networks and interests, to much bigger forces. Again, these could well be national (or regional) connections, but not necessarily a national-peace-process link, per se.

UNAMA's Local Peace Initiatives: Putting Surobi into context

The origin of the LPI program was in part a desire to engage UNAMA Field Offices more actively in their respective regions. Beginning in 2015, at the request of the Mission, an MSU Standby Team member visited several times to provide training in conflict analysis and mediation for Field Office staff. The Field Offices then began to seek out local opportunities where they could usefully engage. Newly arrived staff in UNAMA's headquarters who focused part of their time on LPs – and the creation of the new Peace and Reconciliation Office (PRO) to concentrate UNAMA's attention on peace following the 2018 Mandate change – began to give more structure to the program. PRO lists its support to Local Peace Initiatives as one of its three or four core areas of work (the others are: support for high-level peace efforts at the international and national levels, Track II and regional initiatives, as well as cross-cutting programming in support of women in peace efforts).

³ In several recent staff retreats PRO has dedicated a session to LPI links to the national level conflict, and it is an important point of departure when PRO evaluates LPI proposals.

In 2017 and 2018, UNAMA supported 27 LPs, at a total cost of \$115,000. Projects ranged from \$1,500 to \$8,000. In 2019 and 2020, there is an approved budget of \$80,000 per year for LPs (or other work by Field Offices in support of sub-national peace). The Nordic-funded Salaam Support Group project covers the LPI direct costs. As an independent fund, this gives PRO the flexibility to make small and quick turn-around grants to the Field Offices.

The application and approval process for LPI projects is managed by PRO staff in Kabul, who engage quite intensively with the Field Offices to shape proposals so that they are as effective and realistic as possible. Each project is reviewed by other substantive sections of the Mission (Strategic Communications, Human Rights, Gender Advisory Unit) and OCHA where applicable, and presented to the SRSG for approval (or D-SRSG Political, if the SRSG is absent). He or she engages with each, often making specific suggestions; the SRSG has in particular emphasized the importance of sustainability and long-term impact.

The Surobi project described above is considered one of the stronger examples, as a long-term engagement that has successfully built local conflict-resolution mechanisms that are now well-rooted in the community. Many of the other LPs have been shorter term, or even one-off meetings, such as bringing together community leaders to address specific issues. PRO has hosted national strategy and training meetings for field staff in order to improve the quality of the LPI proposals and projects. Most (but not all) of the eleven Field Offices are now engaged in at least one LPI, with projects in 26 of Afghanistan's 34 provinces since 2017.

One LPI project of note is being run in the city of Kabul, focused on promoting social cohesion. It results from a detailed mapping of actors and conflict dynamics across the city: this detailed strategic planning document, totaling over sixty pages, allowed UNAMA to focus strategically on a few neighborhoods where their efforts could be most propitious. The aim of the project is "to address three main deficits related to social cohesion in Kabul City," specifically:

1. to prevent community sectarianism in the wake of attacks against Hazara communities, and promote cross-ethnic and cross-religious interactions and reconciliation in seven selected Kabul City districts;
2. to reduce the vulnerability to radicalization of youth from all ethnic groups; and
3. to bridge the gap between communities and local officials by identifying and training local mediators and community liaisons of the police.⁴

UNAMA recognizes that this Kabul initiative is of a different character than other LPs, and some in UNAMA are considering whether this might be a good model to replicate elsewhere. Addressing issues of "social cohesion" rather than specific community conflicts could result in a deeper and longer-term impact. A similar, longer-term social-cohesion youth project is also being undertaken by, for example, UNAMA's Field Office in Bamyan and Daykundi provinces.

⁴ UNAMA, "Implementation Report: UNAMA Local Peace Initiatives," 13 Feb 2019, p. 11.

The task of supporting local mediation is not specifically mentioned in the mandate provided by the UN Security Council. UNAMA understands this to be implicit in the reference to providing “good offices” and supporting national peace efforts. In most cases, as is seen in the Surobi case, UNAMA works closely with local authorities in carrying out LPs, and the local communities and local authorities have welcomed its engagement.

UNAMA’s 2017 Strategic Review urged an increased emphasis on support for peacemaking at the national level, and also specifically suggested an expansion of UNAMA’s local peace support work, in particular highlighting the social-cohesion focus: “UNAMA Field Offices could scale up their work at the local level by fostering social cohesion in preparation for a high-level peace process, building on the knowledge gained from ongoing peace initiatives.”⁵

Assessing the Broader Impact of the LPI Program

UNAMA’s local peace work has the intention of easing or preventing local conflict. In the process, it also has important positive benefits for UNAMA itself. At the local level, for the stronger of the LPI projects, these benefits can include:

- Creating or strengthening local mechanisms, intended to be sustainable in the long term, that are adept at working to address and resolve conflict. These local working groups might receive training and other coaching that they can apply to conflict situations now and in the future. Existing mechanisms, such as tribal shuras, may be more prepared to serve an important mediation role.
- UNAMA has worked with these local mechanisms to avoid the more discriminatory or damaging aspects of tribal practices. Some of these conflict-resolution traditions clearly violate girls’ and women’s rights, for example; UNAMA staff use these specific conflict contexts to show that these can and should be avoided, and to suggest alternatives.
- A proactive commitment to engaging women in the LPI projects can have a broader positive result, as seen in the Surobi case. UNAMA’s engagement and encouragement at the very localized level can have ripple effects, both throughout the district and perhaps nationally, as members from the local women’s group begin to engage in national fora.
- The specific conflicts that are resolved help to remove a source of further instability and possible violence, now or in future. For specific communities affected, this of course can be life-changing, as access to markets, health services, grazing lands, or other community connections are opened up.
- Those that have been internally displaced from the conflict – in this specific case of Surobi that might be a thousand people from one village – would have the possibility of returning home. Reportedly, many are eager to return.

⁵ “Special Report on the Strategic Review of the United Nations Assistance Mission in Afghanistan: Report of the Secretary-General,” A/72/312–S/2017/696, 10 Aug 2017, para 29.

Meanwhile, the potential benefits to UNAMA are also important:

- It is clear that this local work is appreciated. Although UNAMA tries to keep a low profile in these projects, their contribution is seen and highly-valued by elders, community leaders, women, youth groups, and others. This further strengthens the positive reputation that the Mission has throughout the country, deepening its legitimacy by working at the very local level.
- The Field Office staff have a much closer understanding and appreciation of the local dynamics in their region as a result of engaging in very localized issues. The best of the LPI projects are shaped in a way that builds strong relationships between UNAMA Field Office staff and the local communities. This provides an insight into the local dynamics in a way that more general monitoring practices cannot.
- Even the fact of staying attentive to good opportunities, and proactively seeking avenues for local engagement in the form of an LPI, provides Field Offices a different way of engaging. The availability of funds to develop such projects can open creative possibilities.
- The LPI program has been an important vehicle through which Field Office staff (both Afghan and international staff) have received training, including in conflict mapping and strategic project development. This includes focused trainings by a Standby Team member, as mentioned above, as well as Kabul-based UNAMA experts.
- Some in UNAMA see the LPIs as a nice way to implement a “One UN” approach. The UN Regional Team in Kabul has an LPI working group, for example, bringing in UN Agencies, Funds, and Programs. PRO also encourages the Field Offices to involve and consult these other parts of the UN in the development of LPI proposals.

Success factors

- The LPI program as a whole is flexible and responsive, able to respond to opportunities within a day or two.
- UNAMA enjoys a positive reputation throughout Afghanistan.
- In the Uzbin Valley, the Women’s Shura has been able to cross conflict lines, gather information, and persuade elders and community leaders to engage in peace.
- Partnerships with local radio stations have aided engagement across tribal and geographic barriers.
- The UN support effort has been respectful of traditional Pashtun conflict resolution processes.

UNAMA’s local peacemaking work is reportedly appreciated by donors in Kabul and by member states tracking UNAMA from New York. The hands-on aspect of this work, taking the Mission beyond the political elite, seems to be especially attractive. Indeed, the 2017 Strategic Review of UNAMA cited the LPIs as one important reason to retain field offices across Afghanistan:

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Local-level interlocutors...referred to the mediation support role that UNAMA plays in the field through its local peace initiatives, which simply cannot be implemented from afar. Moreover, UNAMA is able to direct the attention of local leaders to areas that they may otherwise overlook and is uniquely placed to act as a connector between local communities/authorities and the relevant ministries in Kabul. This is an important but invisible effort that has a real impact, even if it is difficult to quantify.⁶

Concluding Observations

Some challenges are inherent to UNAMA's LPI program. The difficult security context severely restricts travel for many Field Offices. The prospects for a national peace process are unclear, making planning difficult. Some local conflicts are deemed un-resolvable, for now, because they are too closely linked to the national conflict or to deep and dangerous economic interests such as drug trafficking.⁷

The implementation of the LPI projects is also very resource-intensive, requiring significant staff time both in Kabul and in the Field Offices for the management of a relatively small number and size of grants. This might be seen as a shortcoming of the program, or alternatively, now that the programmatic infrastructure is in place, it could make it possible to scale up and do much more.

There is a possibility that the national peace process could move forward and lead to significant change, both for the country and for UNAMA. It may be a good time to reflect on the future of these local peace initiatives, in particular whether the current projects are as strategic as possible for long-term impact, and what the LPI program could potentially develop into in the medium to long term, under different scenarios.

Challenges

- The LPI program is too small to address each of the many hundreds of localized conflicts in Afghanistan.
- A difficult security situation often prevents travel by UNAMA officials.
- Some local conflicts are too deeply linked to national-level dynamics—or to economic interests like drug trafficking—to be solved locally.
- The LPI program is still new, and requires building the capacity of UNAMA field office staff.

⁶ Ibid., para 53.

⁷ The 2016 proposal for the above Surobi LPI describes the initial assessment of possible opportunities for mediation: "The visit of a UN Mediation Support expert in November 2015 presented an opportunity to examine in detail four conflicts in Surobi district (the ruby mines/displacement; township land grabbed housing development; control of the economic benefits of the three dams; and the contentious establishment of a representative district Shura). Discussions concluded that none of these conflicts were amenable to mediation by anyone, however." Staff recently explained that powerful interests made these conflicts very weak prospects for a negotiated resolution. See "UNAMA Central Region Consensus Building and Reconciliation Projects Proposal: Two Conflicts - Yakhdand and Chenar villages, Uzbin valley, Surobi District, Kabul Province," 19 Dec 2016, p. 3.

Promoting Local Dialogues in the Central African Republic: The Case of Bangassou

[Disclaimer: This case study has been researched and drafted from May to October 2019. Any incidents mentioned, actors referred to and lessons extracted are to be understood in light of the specific conditions and circumstances of that time period. Subsequent events and contextual developments are not accounted for.]

Context and Conflict

The Central African Republic (CAR) has had a turbulent history since it gained independence from France in 1960. Of seven political transitions since independence, only two have been peaceful. And despite its endowment in natural resources, CAR's socioeconomic development has stalled; the 2016 Human Development Index ranked the CAR 188th, the poorest country in the world¹. At the time of writing, over 700,000 people are internally displaced and half of the population—2.3 million people—require humanitarian assistance².

The Séléka rebellion that put an end to the ten-year dictatorship of General Francois Bozizé in March 2013 was the most violent armed conflict in the country's history. After seizing power, combatants of this coalition of predominantly Muslim armed groups and mercenaries from Chad and Sudan committed atrocities against civilians. The Anti-balaka (AB) armed group, dominated by Christians and animists claiming to protect non-Muslims from Séléka excesses, arose as a response to the Séléka rebellion. The sectarian violence that ensued—beginning in December 2013—claimed thousands of lives and caused massive displacement of women and children, rape, and loss of property.

The Context

- Nationwide history of violent political transitions.
- The mostly-Muslim Séléka rebellion in 2013 deposed General Francois Bozizé, but prompted a backlash from the Christian-animist Anti-balaka movement.
- Fragmentation of Séléka and AB movements, along with rise of non-aligned armed groups, caused widespread displacement and death.
- Bangassou, despite the national civil war, remained largely peaceful until 2017.
- In early 2017, changing dynamics in southeast CAR brought more Séléka activity to the area, with accompanying backlash from AB groups.
- A MINUSCA base was present in Bangassou, though MINUSCA was not seen as impartial.

¹ Nations Online. *Human Development Index 2016*.

<https://www.nationsonline.org/oneworld/human_development.htm>

² UN Humanitarian. "Central African Republic: Over half of the country needs humanitarian aid, but funding remains at an all-time low." May 25th, 2018. <<https://unocha.exposure.co/40c7c5976007d223dc134d3341836f28>>

The fragmentation of armed groups accentuated the crisis. After its dissolution in October 2013, the Séléka Movement mutated into 4 groups along tribal lines. The AB likewise split into two groups; other armed groups, loyal to neither coalition, were formed and groups that existed during previous conflicts resurfaced. Battles for access to natural resources, transhumance routes, land and waterways deepened the security crisis.

Numerous international bodies attempted to reduce the violence. Beginning in 2012, the Economic Community of Central African States (ECCAS) attempted to mediate the CAR crisis. A regional African Union (AU) peacekeeping force was deployed in 2013, and was succeeded by a UN mission—the UN Multidimensional Integrated Stabilization Mission in the CAR, or MINUSCA—in September 2014. Short-lived peace agreements in 2013, 2014, and 2015 failed to conclusively end the civil war.

The alarming levels of violence in 2017 prompted the elected government of President Faustin Touadera to call for the fusion of the disparate international mediation processes. His call led to the establishment of the African Initiative for Peace and Reconciliation in the Central African Republic in July 2017. This AU-led process eventually culminated in the Political Agreement on Peace and National Reconciliation (APPR) signed between the government and 14 armed groups on 6 February 2019 in Bangui.³

MINUSCA Mandate

From its creation in 2014, MINUSCA's mandates have authorized engagement in local dialogue. Res. 2149 (2014) (b) (iv) mandates the mission “to assist the Transitional Authorities in mediation and reconciliation processes at both the national and local levels, working with relevant regional and local bodies and religious leaders, including through inclusive national dialogue, transitional justice and conflict-resolution mechanisms, while ensuring the full and effective participation of women.”

By 2014, politicians had deserted the national scene. Instead, religious leaders filled the void to call for peace and reconciliation by forming an interfaith structure known as the Interreligious Platform. Further, as the conflict became sectarian and thousands fled to the premises of churches and mosques, religious leaders became mediators by default. MINUSCA's mandate reflected this reality.

³ The study was conducted through desk reviews in New York, interviews with selected personnel of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) at headquarters in Bangui, in the field office in Bangassou, as well as stakeholders in civil society, religious communities, internally displaced persons (IDPs), women's associations, MPs and administrative authorities from 19-30 April 2019. The MINUSCA Political Strategy and internal reports on the implementation of the local dialogue segment of the Strategy were also consulted.

Subsequent MINUSCA mandates 2217 (2015), 2301 (2016), and 2387 (2017) called on MINUSCA to support the national authorities in conducting inclusive local dialogues. However, MINUSCA was not able to give sufficient attention to this component of its mandate as the period 2015-16 was dominated by national level dialogue processes such as popular consultations, the Bangui Forum, the signing of a DDR Agreement and its operationalization, the drafting of a new constitution and holding general elections that ended the transition period.

MINUSCA Political Strategy

MINUSCA adopted a Political Strategy in February 2018 to operationalize, *inter alia*, its engagement in local dialogues. According to the document, “MINUSCA, together with the African Initiative’s Panel of Facilitators, should help the Government develop and carry forward a new strategy which is adapted to the specific nature of the different armed groups and capable of addressing local dynamics. This will require an architecture for dialogue and negotiations which segregates the diverse negotiation tracks and sequences them in ways which allows gradual consolidation of state authority.”

The Strategy recommends inclusive dialogue at all levels and the need to address the proliferation of self-defense groups by extending Community Violence Reduction (CVR) programming to youth in high-risk communities. MINUSCA also hosts a Local Peace Processes and Mediation Unit (LPPU) within its Political Affairs Division, which is tasked with supporting the aspects of MINUSCA’s mandate that relate to local mediation. The Field Coordination Office (FCO) manages Surge Teams - a mixture of civilian and military staff deployed to hard-to-reach areas to ensure the protection of civilians and promote community engagement.

The Boeing-PK5 Agreement was the first facilitated by MINUSCA. The experience and lessons served as a basis for replication across the country. Since then, MINUSCA has facilitated a dozen local agreements. For the purposes of this study, the Bangassou agreement will be examined as a case study of MINUSCA’s engagement in local dialogues.

The Bangassou Conflict

The town of Bangassou lies 600 km southeast of Bangui and is the capital of the Mbomou Prefecture of CAR. Although Séléka militia took control of Bangassou in 2013, the town had largely escaped the sectarian violence that gripped most of CAR in 2013 and 2014. The town was commended on several occasions as a model of reconciliation and social cohesion. The success of local peace committees in Bangassou prompted a recommendation at the Bangui Forum of May 2015 that similar local committees be created nation-wide.

However, increased activity from a Séléka-linked armed group in the area—and the accompanying backlash from AB militias as the groups fought for control of mining sites—caused heightened tension between Muslim and Christian communities in Bangassou in the early

months of 2017. These tensions erupted on May 13, 2017, in the form of an attack by a little-known AB faction on predominantly Muslim neighborhoods in Bangassou, and on the MINUSCA base in Bangassou. According to MINUSCA, the attack killed 26 civilians and wounded 32. 6 peacekeepers were also killed. The attack provoked massive displacement: 16,000 people fled to the DRC border, some Muslims sought refuge on premises owned by the Catholic Church⁴, and movement in and out of the town was restricted.

Further attacks on the town occurred in June and July 2017. The main market was forced to shut down because most stores were looted. Women bore a heavy brunt of this pervasive violence. As the majority of traders are women, they lost their sources of livelihood. Some, forced to flee to IDP camps, lived in precarious conditions as several humanitarian organisations pulled out. The women, however, insist the violence did not cause division amongst them. Their ties through business and other forms of solidarity took precedence.

Key actors and Roles

The parties in the Bangassou crisis are numerous and go beyond the simple dichotomy of Christian/Muslim. There are:

- **Armed groups:** The AB, ex-Séléka groups FPRC and UPC⁵ and other armed militias not affiliated to any of these groups vying for control of major roads and access to natural resources;
- **Faith communities:** The crisis provoked tensions and distrust between Christian and Muslim communities. Each supported by one or more of the armed groups cited above;
- **Ethnic groups:** Several main ethnic groups are in competition for control and influence in the prefecture of Mbomou, including the Nzakara, who are the majority and claim to be the natives of Bangassou, and the Yakoma, who are a numerical minority but hold key administrative and political positions;
- **Politicians, elites, and influential persons:** often obscure, these figures at local, national and international levels may manipulate youth and pull strings;
- **The State:** Its absence or weak presence robs it of its capacity to protect its citizens and deliver basic services;
- **MINUSCA:** Suspected of being partial and pro-Muslim. This perception is at the root of mistrust with the locals and the AB, who therefore target its staff and installations.

⁴ "De la crise à l'espoir : l'histoire de la ville de Bangassou." Reliefweb, 28 May 2019.

<<https://reliefweb.int/report/central-african-republic/de-la-crise-lespoir-lhistoire-de-la-ville-de-bangassou>>

⁵ FPRC (Front Populaire pour la Renaissance de la Centrafrique), UPC (Unité pour la paix en Centrafrique)

The Intervention

After the attacks in 2017, several actors attempted to mediate the conflict. Elites in Bangui reached out to MINUSCA to offer their services, but they were deemed too removed from the context or suspected of being part of the problem. MINUSCA itself was perceived as biased and pro-Muslim—and had, in fact, been the target of popular protests in Bangassou—and was thus unable to mediate themselves. In the meantime, AB fighters had moved into Bangassou in force, and the dire security situation had prompted the last remaining humanitarian organizations to pull out.

In keeping with its strategy to encourage local solutions, MINUSCA prompted administrative authorities to recognize the Interfaith Platform⁶ as the mediator/facilitator. In early 2018, an opportunity presented itself: under pressure from multiple quarters, and enticed by the possibility of entering MINUSCA's Community Violence Reduction programs, the AB in Bangassou made the decision to call for peace as well. Faced with this situation, Cardinal Dieudonné Nzapalainga and Imam Omar Kobine Layama of the Interfaith Platform were brought in by MINUSCA to intensify mediation efforts. Both were natives of Mbomou Prefecture and had deep personal networks in the area; Cardinal Nzapalainga had, in fact, been visiting Mbomou when the initial attacks occurred. He came into Bangassou and attempted to broker a ceasefire. After his initial visit, he maintained pressure on armed groups to disarm through media messages at national and international level with Radio Vatican.

The Intervention

- Influential Christian and Muslim leaders from the Interfaith Platform called for dialogue.
- Cardinal Dieudonné Nzapalainga and Imam Kobine Layama—both natives of Mbomou Prefecture—led a three-day consultation process involving all key stakeholders in Bangassou.
- The final days of the process involved plenary discussions with all parties—including Anti-balaka militia members—present.
- All signatories of the final agreement formed a Follow-up Committee to ensure the implementation of the deal.
- A second consultation was held to ensure the inclusion of IDPs, who complained that they had not been well-represented in the initial process.

The Interreligious Platform leaders arrived Bangassou on 5 April 2018 with a strategy for dialogue. The approach was to hold consultations with various segments of society to discuss and collect grievances. The schedule for these meetings was broadcast on a local radio station, *Mbari FM*. The consultation process took three days. Cardinal Nzapalainga and Imam Layama met with all relevant actors in Bangassou: administrative authorities, women leaders, youth leaders, the 49 neighborhood leaders, MINUSCA officials, and AB militias.

⁶ The Interfaith Platform was established in 2014 by religious leaders of three denominations who condemned the atrocities of armed groups and advocated for peace and reconciliation. They are: Imam Kobine Layama (Islam), le Révérend Pasteur Nicolas Guerekoyame (Protestant), and Cardinal Dieudonné Nzapalainga (Catholic).

The grievances of each group were then presented and discussed at a plenary session. The session had several tense moments because the representatives of armed groups attempted to monopolise the discussions, sometimes threatening other participants. The facilitators, with support from MINUSCA, frequently reminded of the ground rules and urging participants to refrain from violent behavior. At some point, MINUSCA had to assure non-armed group participants of its support and protection. Another challenge during the talks was attempts by some participants to derail from the agenda by raising incidents that occurred before the crisis under discussion. But the biggest challenge was managing cohesion amongst the IDPs. Breakout sessions were organized to manage tensions and keep the dialogue on track.

Initially planned for 7 April, the talks were extended to the 8th. The facilitators yielded to an overwhelming need for participants to air their grievances and critically analyse all the reports from the sectoral meetings as well as the wordings in the final agreement. A set of recommendations were adopted as the peace agreement. The signing ceremony took place on 9 April at the main stadium of the town, the warm embrace between the AB leader, Linet Roger, and Mahamat Abdoulaye (representing the IDPs), was the high point and an emotional moment.

The agreement signed in Bangassou consists of a series of ‘Recommendations’ to 5 entities: The Government of CAR, MINUSCA, the Interfaith Platform, armed groups and humanitarian agencies. Participants agreed on the restoration of state authority, dismantling of roadblocks and checkpoints, disarmament of armed groups, access to capital to restart local businesses, and assistance to IDPs. Each group who was consulted by the Interreligious Platform—including youth groups, women’s groups, MINUSCA representatives, administrative leaders, and the Anti-balaka leaders themselves—signed the final agreement. All the signatories of the Accord become members of an implementation body led by the Prefect of Mbomou Prefecture. This body was dubbed the Follow-up Committee (FC).

Dissension in the IDP Camp

The tensions amongst the IDPs during the talks persisted and almost wrecked the peace agreement when a faction of the IDPs rejected it on the grounds that those who attended and signed on their behalf did not represent them; moreover, they felt the agreement did not fully reflect their needs and aspirations.

Sensing that the protest could stall the peace process, the parties turned to MINUSCA for assistance to hold another dialogue. MINUSCA, as member of the Follow up Committee provided the required logistics and technical support for the holding of an “Inclusive Dialogue” on 4-5 June 2018. The dialogue was facilitated by Rev. Honore Nzom, a Catholic priest. Local and administrative authorities participated. Contrary to the previous dialogue, 15 IDPs attended and it was the first encounter between them and their attackers. Out of the talks came an addendum to the 9 April agreement. It called for support to IDP to rebuild their homes and remove check

points from all roads in the prefecture, not only the Bangui-Bangassou highway. In this way, small-scale local businesses can thrive within the prefecture.

Achievements of the Follow Up Committee

The FC developed an action plan to establish clear timelines and identify resources needed to carry out its mandate. It achieved the following:

- Persuaded combatants to participate in the Community Violence Reduction (CVR) programme.
- Reopened the main market in Bangassou which allowed women to resume trade—a major driver of social cohesion;
- Dismantled barriers around the IDP camps where, for several months, armed combatants had laid in wait to shoot any Muslim attempting to leave the camp. With barriers gone, humanitarian assistance was extended to IDPs and children could access schools and hospitals;
- Dismantled barriers on roads into Bangassou which contributed in stabilising the prices of basic commodities;
- Facilitated the resumption of micro-economic activities, thanks to the return of law and order. According to the MP for Bangassou 1, Hon. Serge Singha, his micro-finance program benefitted about 5000 women after the ceasefire agreement;
- Facilitated the restoration of State authority. The armed forces, gendarmerie, police as well as the legal chain returned, and the main prison was rebuilt;
- Shared its experiences with two communities in conflict—Gambo and Pombolo—who eventually signed a peace agreement;
- Led a Peace Caravan from Bangassou to Bangui to advocate for the elimination of all illegal roadblocks. This caravan was launched by the PM in the presence of Jean-Pierre Lacroix, Under Secretary General for Peace Operations and Smail Chergui, AU Commissioner for Peace and Security.

Support Role of the UN

Having a field office in Bangassou, and having been targeted on the attacks of 13 May 2017, MINUSCA was a key stakeholder in the Bangassou crisis. It therefore had a strong incentive to find a solution to the crisis. Apart from implementing its protection of civilian mandate, MINUSCA had to secure the Bambari-Bangassou route—a major logistics supply line.

In the midst of the crisis and prior to the signing of the peace agreement, senior UN officials visited Bangassou to lend their voices to frantic calls for peace and reconciliation from local organizations. Mr. Adama Dieng, Special Adviser to the Secretary-General on the Prevention of Genocide and the UN Secretary-General separately visited Bangassou in October 2017 to demand an end to violence and console the victims. These visits followed that of the Under-Secretary-

General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, who made headlines when he declared that "the early warning signs of a genocide are there"⁷ in Bangassou. MINUSCA intervened through various departments as outlined below:

The Political Affairs Division (PAD) of MINUSCA promotes inclusive political dialogue and reconciliation, supports political process and mediation efforts, provides good offices, and provides political analysis and policy recommendations in support of the Mission's mandate including at the local level. PAD also hosts the Local Peace Processes and Mediation Unit (LPPU) which provides advice and guidance to field offices in support of their engagement in local dialogues.

In Bangassou, PAD participated in the selection of a mediator. It received requests from elites based in Bangui to intervene, but there was pushback on grounds that most of them were disconnected from the context. MINUSCA, too, was not in a position to mediate; a 'March of 5000 Women' in Bangassou protested against MINUSCA's handling of the crisis, and demanded the departure of the Moroccan contingent and the Head Office.

MINUSCA advised the Mayor to retain the Interreligious Platform as mediator in the crisis. MINUSCA ensured the arrival of Cardinal Nzapalainga and Iman Kobine to conduct the dialogue process. MINUSCA was also granted Observer status in the follow-up committee. PAD sponsored a training in mediation for members of the FC. Facilitated dialogue between the FC and IDPs and provided advice and guidance to the president of the FC. Through PAD, MINUSCA funded the operations of the FC.

Civil Affairs Section (CAS)

As in other Mission settings, the CAS works with communities at the subnational level to build resilience for sustainable peace. Given its community focus, it works in close collaboration with PAD in the implementation of MINUSCA's strategy for local peace.

Upon the signing of the Bangassou agreement, CAS engaged in intercommunity dialogue initiatives. Much focus was on the Tokoyo district where the Muslim population was targeted, and many had to seek refuge at IDP camps. Dialogues were organized with self-defense militia, women's associations, the youth and local leaders (*Bakoumba*) to discuss the return of IDPs. There was stiff resistance against the return of those suspected of committing atrocities. CAS observed that the vast majority of those opposed to the return of IDP, were suspected of looting homes.

⁷ Debriefing to the UNSC on 7 August 2017

Disarmament, demobilization and reintegration (DDR)

The DDR department was not included in the dialogue in Bangassou at the beginning. It was introduced when the AB posed pre-conditions to join the dialogue process. Community Violence Reduction (CVR) was the acceptable offer to bring combatants into the peace process. Despite this, the CVR programme still generated suspicion; both the AB and Muslim constituencies in Bangassou feared that the CVR programme was a plot to weaken them.

After weeks of awareness-raising through the local media (Radio Mbari, the community radio) and with a sluggish start, the CVR programme eventually recorded impressive results such that the number of targeted beneficiaries was increased from 450 to 700. Some beneficiaries came from neighboring towns. Each beneficiary underwent skills development programmes, building materials to construct stores and workshops and kits worth \$500. In exchange, 1,500 weapons were collected in Bangassou. On 15 September 2018, the weapons collected were destroyed in a public ceremony attended by the Head of State who lit the symbolic flame. A second phase was launched in December 2018.

Interplay with the national political process

Local conflicts in the CAR are not just mirrors or replicas-in-miniature of the national conflict, and local armed actors are rarely just puppets or agents of national actors.

National actors can often be seen as weakly cohesive coalitions of local armed actors. The ability of those local armed actors to defect or mutiny gives them significant destabilizing power over national actors and national processes. Lack of investment in local issues and alignment of these local processes with national process can undermine both.

The most important negotiations are often within these weak coalitions, to which mediators rarely have access. National negotiations can destabilize these coalitions, undermining possibilities of progress as agreements become impossible to implement or national leaders lose their sway over armed actors and can no longer effectively negotiate. Investing in local processes creates a mechanism for dealing with multiple points along the chain of command and ensuring that local issues which animate conflict locally are addressed helping increase chances of a stable coalition in national negotiations.

That said, national-local linkages are quite common. In the CAR, several elites based in the capital, Bangui have been accused of stoking the flames of violence at the local level, establishing connections between the local and national dimensions of the conflict.

The violence in Bangassou caused ripples in Bangui. Several associations of victims staged protests at the Prime Minister (PM)'s office and handed him a memorandum calling for action

against the perpetrators of the violence. Similar memoranda were submitted to MINUSCA, the French and American ambassadors.⁸ It ignited once more the debate on the thorny issue of amnesty for leaders of armed groups in subsequent national level agreements.

After visiting IDP camps, MPs for the Mbomou Prefecture led by Prefect Hon. Serge Singha made public statements demanding the replacement of the Moroccan contingent of MINUSCA and the deployment of the national army and administrative authorities⁹. These media appearances contributed in drawing national and international attention to the crisis. In an interview with the VOA on 26 May 2017, the MP castigated armed groups for their failure to adhere to the DDRR Agreement of May 2015.

Following the signing of the APPR and the introduction of implementation mechanisms, the members of the FC have said their mission is accomplished. According to them, their achievements form a sound basis to implement this national level agreement in Bangassou.

The fact President Touadera attended the event to destroy weapons recovered through CVR sent a strong message that the Bangassou process was not isolated and local but linked to a wider strategy to reduce violence and protect civilians across the country.

Furthermore, the ceremony to commemorate the first anniversary of the peace agreement was presided over by the PM accompanied by the Undersecretary-General for Peacekeeping Operations, Jean-Pierre Lacroix, African Union (AU) Commissioner for Peace and Security, Smail Chergui and the Africa Director at the European External Action Service of the European Union (EU), Koen Vervaeke. The PM recognized Bangassou had an impact beyond its borders “Bangassou has become a model, it reminds as that peace does not come only from national

National-Local Linkages

- Local-level conflicts in the CAR are not “replicas in miniature” of national-level conflicts.
- Signature of national-level peace deals—the APPR in particular—facilitated the process of local-level mediation.
- Attention from national- and international-level figures (including President Touadera, the UNSG and USG for Peacekeeping Operations Jean-Pierre Lacroix) brought attention and legitimacy to the process.
- The Bangassou process helped reestablish local-national linkages, in the form of greater presence of state security organs, a judiciary, and a prison.

⁸ “RCA : Bangassou, premier bilan officiel selon la Minusca.” Radio Dekeluka, 16 May 2017.

<<https://www.radiondekeluka.org/actualites/securite/28705-rca-bangassou,-premier-bilan-officiel-selon-la-minusca.html>>

⁹ “Des députés dénoncent l’inaction face à la recrudescence des violences à Bangassou.” Radio Dekeluka, 27 July 2017. <<https://www.radiondekeluka.org/actualites/politique/29239-des-d%C3%A9put%C3%A9s-d%C3%A9noncent-l%E2%80%99inaction-face-%C3%A0-la-recrudescence-des-violences-%C3%A0-bangassou.html>>

processes but from the local as well. This dynamic must be extended to other localities of the country.¹⁰

The PM also launched the Peace Caravan from Bangassou to Bangui. It was led by the FC to advocate for the removal of illegal roadblocks along the 600 KM road from Bangassou to Bangui. This was a recommendation of the Bangassou Agreement to allow the free movement of goods and people. For them, with the signing of the APPR, roadblocks manned by armed groups had lost their *raison d'être*.

MINUSCA was member of the FC and the Panel of Facilitators of the African Union Initiative piloting the national peace process. The two processes came together through the Mission's participation in both of them.

Success factors

Before the mediation started, several factors weighed in favor of a peaceful resolution. A long tradition of peace and social cohesion existed in Bangassou. As highlighted earlier, Bangassou did not experience sectarian violence on the same scale as other localities of the CAR. Local peace commissions as the *Comité de paix et de médiation du Mbomou*, affiliated with the Interfaith Platform, already existed in 2014 to promote coexistence.

Additionally, the inhabitants of Bangassou have a strong collective will to make peace which brought pressure on the armed elements. According to them, the violence was externally driven to disrupt co-existence in the town. The youth who took up arms were instigated by AB elements from other parts of the country, they argue. It is widely believed the leader of the armed groups was an AB commander from Bakouma, 100 km north of Bangassou.

In addition to their moral authority, Cardinal Nzapalainga and Imam Layama who brokered the deal, are natives of the prefecture, and have intimate knowledge of the actors and the ethnic dynamics that underpinned the crisis. This gave them the leverage and access to the armed groups, civil society actors and administrative authorities.

Success Factors

- The Interfaith Platform mediators possessed moral authority and were natives of the prefecture.
- MINUSCA support—in the form of logistics, technical advice and CVR programming—helped immensely.
- The collective will of Bangassou inhabitants to make peace aided both the initial consultation and the Follow-up Committee's implementation.
- Restoration of state authority in the form of security services and a judiciary helped to stabilize Bangassou.

¹⁰ "Lancement des organes de suivi de l'Accord dans la Ouaka et de la caravane de paix à Bangassou au centre de la visite conjointe Gouvernement-UA-UN." UN Peacekeeping, 15 April 2019. <<https://peacekeeping.un.org/fr/lancement-des-organes-de-suivi-de-laccord-dans-la-ouaka-et-de-la-caravane-de-paix-bangassou-au>>

Throughout the process, MINUSCA logistic and financial support were a great help. MINUSCA flew in the Cardinal and the Imam to carry out the facilitation work. The mission organized a second forum on 4-5 June to accommodate disaffected groups into the peace process and funded the functioning of the FC in two phases. It also provided training in mediation, and advice to the FC.

Remarkable progress has been recorded in Bangassou since the signature of the agreement. Intercommunity violence, hatred, heinous speech, violence has all diminished since the signature of the agreement and the subsequent return of the FACA in Bangassou on 20 June 2018. The situation largely improved, so did the social cohesion between the different communities and a significant number of Muslim households have returned to Tokoyo, on 30 March 2019. The successful Peace Caravan to and Bangui and back illustrated the broader pacification of the prefecture. The implementation of the deal proceeded well. The FC kept a vibrant atmosphere and with a good team spirit. Members refer to the leadership style of the president, who was transparent to members, stakeholders and emphasized consensual decision-making. This kept the group together and maintained focused on their objective. The return of the national army (FACA) was a key determinant for success. Sensing the danger this development posed to their activities, several recalcitrant youths simply left the town.

And lastly, the success for the CVR programme was a stabilizing factor in Bangassou. Over 1500 weapons collected and over 700 combatants and at-risk youth, mostly young men, benefitted. Roger Linet, a prominent AB leader, became a trainer. Being a fisherman before taking up arms, he shared his skills with other beneficiaries. Beneficiaries also participated in sanitation projects in the markets and neighborhoods.

Challenges

Some organizational and political problems posed challenges for the mediation process. Relations between the national Ministry of Reconciliation and the FC were frosty at the outset. The Local Peace Committee had proposed the Minister as mediator, but this was turned down by stakeholders. For the Minister of reconciliation, the *Comité local de paix et de réconciliation* (CLPR) created by the state should have taken up the role of the FC. She therefore grudgingly supported its work.

Coordination between different actors was not always handled well. The Cardinal and the Imam designed the mediation process in Bangui, without consultation with the platform's liaison team in Bangassou. Those with proximity to the situation did not advise on the process design. This approach has the potential to weaken local peace infrastructures.

Some of the effects of the mediation were less than perfect. There is an ongoing concern that some perpetrators of violence still roam free. The scars of the violence remain, and the local population still hungers for the truth to find solace and full reconciliation. The peace agreement had the effect of displacing, not resolving, some of the conflict as combatants not willing to surrender their weapons in the CVR programme simply left the town. Some of them are suspected to have engaged in more violent activities in nearby Ouango, where over 600 homes were razed. Others attempted to cross into the DRC but were arrested and transferred to detention facilities in Bangui.

Challenges

- Relationships among various actors—including among some MINUSCA sections and between the national Ministry of Reconciliation and the Follow-up Committee—were frosty at times.
- The Interfaith Platform intervention was planned in Bangui, without input from Bangassou residents.
- Concerns exist that the mediation process simply displaced the Bangassou violence to other nearby locations.
- Some individuals—especially Muslim women in the IDP camps—did not equally share in the “peace dividends” of the process.

An arson attack on Radio Mbari occurred in July 2018. This is the only community radio and an important tool for peace education and mobilization. It was through this station that communities were mobilized for dialogue and the CVR programme was explained to armed groups. Its absence is a major setback in the promotion of peace and reconciliation in Bangassou. Finally, the “peace dividend” of the process was not spread evenly to women, especially Muslim women. Muslim women at the IDP camps regret they have not fully benefitted from the economic opportunities provided to communities. Whereas returnees have received support to resume their businesses, those at the camp have yet to benefit. This gives a sense of exclusion in the community. This challenge is compounded by the negative role of the local leader of OFCA (*Organisation des Femmes Centrafricaines*).

Concluding Observations

Despite its flaws, the Bangassou process remains an example of the power of local mediation, and future local mediation should apply several lessons from the process. Administrative officials should be included in follow up committees. This increases legitimacy of the process; their ability to access higher levels of decision-making facilitates the implementation of recommendations directed to the state. In the case of Bangassou, the restoration of state authority was largely facilitated by the Prefect who doubled as President of the FC.

CVR was included in the peace agreement as a “peace dividend”, which was a game-changer in Bangassou. The promise of an alternative means of livelihood was enough to bring the armed groups into the dialogue process. The legitimate needs of armed actors should be addressed through disarmament programs. Likewise, FCs should be as inclusive as possible, several points of view were represented—women, youth, minorities, etc.

Close follow up by the facilitators was helpful in Bangassou and should be emulated elsewhere. The Interfaith Platform promised to return after 6 months to assess progress. The UN should be prepared to support implementation of local agreements because of its presence and resources where viable state authority is usually absent. At the same time, there are no hard and fast rules as to who leads a local dialogue process. The dynamics and the context should determine who can facilitate. This does not exclude the UN. Other communities can emulate a good example. The success of the Bangassou local peace process inspired the rival communities of Gambo and Pombolo to sign a ceasefire agreement in February 2019.

The FC has completed its work and given way to a monitoring committee tied to the national peace process. It succeeded in ending violence and restoring social ties but was not able to ensure the return of all IDPs for reasons beyond its control. A separate committee is in place to continue to address the issue. The existence of a national-level peace agreement does not mark the end of MINUSCA's local dialogue strategy. According to the mission the APPR of 6 February is an additional tool to strengthen local peace agreements because of its firm commitments. Several armed groups are not included in the national peace agreement and fragmentation within recognized armed groups is very likely. In recognition of these challenges and the new context ushered in by the APPR, the Mission has adopted a Comprehensive Mission Strategy (CMS) to replace the Political Strategy of February 2018. Through the CMS, MINUSCA aims to "support the effective implementation of the peace agreement and ensure that it contributes to a sustainable transformation of conflict dynamics at both the national and local levels.

October 2019



Insider Mediation in Myanmar: **Case study of the Joint Ceasefire Monitoring Mechanism**

[Disclaimer: This case study has been researched and drafted from May to October 2019. Any incidents mentioned, actors referred to and lessons extracted are to be understood in light of the specific conditions and circumstances of that time period. Subsequent events and contextual developments are not accounted for.]

Context and conflict

Myanmar's internal armed conflict is one of the longest such conflicts in the world, and has been ongoing, with different degrees of intensity, since the country was freed from British colonial rule in 1948. It falls squarely into the typology of center-periphery conflict and has pitted a dominant ethnic group – the Bamar, which has long controlled the central government and major economic interests – against multiple ethnic groups, most of which inhabit highland border regions, and who have long fought for independence. These include the Chin, Kachin, Karen, Kayah, Mon, Rakhine and Shan ethnic groups. Myanmar (or Burma) did not exist as a nation, prior to the colonial period, and the British, in essence, cobbled together a country out of a patchwork of small kingdoms that have little in the way of shared history.

With the exception of a few brief interludes of democracy, Myanmar's post-colonial experience has been of military rule. The army, or *Tatmadaw*, has essentially kept the country unified by force, and fought multiple independence movements mounted by other ethnic groups. These are often referred to as Ethnic Armed Organizations (EAOs). The Tatmadaw has consistently waged brutal counter-insurgency operations, and has a long history of grave human rights abuse. Similarly it has put down multiple democratic initiatives by political leaders, students and monks, and the Tatmadaw has sought to maintain control by quickly stamping out dissent and restricting access to news or books, or contact with the outside world.

In 2011 the Tatmadaw undertook a process of gradually transitioning towards democracy. This shift was driven by decades of political and economic isolation that left the nation largely dependent on its northern neighbor, China, and among the poorest nations in Southeast Asia. In 2015 the Tatmadaw allowed largely democratic elections, in which the main long-standing opposition party, the National League for Democracy (NLD) won a landslide victory. The Tatmadaw, however, did not relinquish control over the Military or Police, and maintains an automatic 25% allocation of military seats in parliament, giving it a permanent veto power over constitutional change.

Myanmar has remained a largely agricultural and traditional society, and women have historically had few leadership opportunities. The current national leader, Aung San Suu Kyi (ASSK), was the daughter of the nation's founder, General Aung San, who led Myanmar's independence struggle against Britain. She is, however, something of an exception, and even today the number of female parliamentarians is relatively low.

Several international investigative mechanisms, including the Fact-Finding Mission on Myanmar (FFM) and the Independent Investigative Mechanism on Myanmar (IIMM) and others, have been mandated to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files to facilitate and expedite fair and independent criminal proceedings, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes. The FFM handed over their findings to the IIMM in 2019 that included evidence, that during their operations the Tatmadaw had systematically targeted civilians, including women and children, committed sexual violence, voiced and promoted exclusionary and discriminatory rhetoric against minorities, and established a climate of impunity for its soldiers. The report concludes that “rape and sexual violence are part of a deliberate strategy to intimidate, terrorise or punish a civilian population, and are used as a tactic of war.”

As part of the democratic transition, the Tatmadaw also took forward an effort to negotiate peace with approximately 20 EAOs that were active at that time. The Tatmadaw constructed the peace process around a Nationwide Ceasefire Agreement (NCA). This agreement included provisions for ceasefire monitoring as well as national peace dialogue. The Tatmadaw has always insisted that the peace process be nationally-led, and been resistant to UN or other 3rd party mediation efforts. It did agree, however, to let the UN Special Advisor to the Secretary-General (SASG) Vijay Nambiar (former Chef de Cabinet for Ban Ki-moon) accompany the negotiations.

In the most important milestone, to date, for the peace process, on 15 November 2015, eight EAOs signed the NCA, and in effect, creating a ceasefire zone covering roughly one-third of the national territory, mostly in south-east part but also in Chin State. Most of the other EAOs did not agree to sign onto the ceasefire, and after a brief lull, fighting resumed in the northeast including Kachin and Shan States.

The EAOs had long negotiated with the Tatmadaw for the creation of a UN or other international monitoring mission, but the Tatmadaw insisted upon keeping the peace process as a strictly national effort.

The Context

- Myanmar has largely been ruled by its military, the Tatmadaw, since independence from British rule in 1948. Internal conflict has existed in some form for this whole period.
- Partial democratization in 2011 accompanied an attempted peace process, the National Ceasefire Agreement (NCA).
- The national military (known as the Tatmadaw) and eight Ethnic Armed Organizations (EAOs) signed the ceasefire agreement.
- The armed actors, along with civil society leaders, formed a nationwide Joint Ceasefire Monitoring Committee (JMC) to safeguard the ceasefire agreement.
- In Hpa Pun Township, the Karen National Union (KNU) objected to the construction of a paved road, voicing concerns that the road could be used to deploy troops and artillery.
- Tensions quickly mounted, with both the KNU and the Tatmadaw mobilizing troops.

The NCA contemplated the establishment of a Joint Ceasefire Monitoring Committee (JMC) at three levels (national, state and local levels), under which the conflict parties, the Tatmadaw and EAOs, would self-monitor adherence to ceasefire commitments. The arrangement included a significant civil society component, and these leaders were expected to take on something of a 3rd party role within the JMC mechanism.

Key Actors and Roles

The Tatmadaw and EAOs agreed to invite the UN to play a technical assistance role for the JMC. In effect, the UN would be allowed to provide training and advice but not play a role in the actual ceasefire monitoring. The Government would not agree to Special Political Mission to carry out such support, and the idea that took shape was for the UN to work through UNDP to mount a project that would function as a platform for delivering financial and technical assistance to the JMC.¹ The Mediation Support Unit, together with the Standby Team of Mediation Experts, were contemplated as being an important source of expertise on ceasefire monitoring matters that could be connected to the JMC through this project platform. The project received initial funding from the PBF and Norway, and was later supported by a national multi-donor trust fund (Joint Peace Fund).

The Actors

- The JMC comprised representatives from both the Tatmadaw and the Karen National Union.
- A mediation delegation from the national JMC headquarters included three civil society members, one of whom was a respected Baptist pastor.
- The United Nations supported the process through funding and technical assistance.
- The Clingendael Institute – a Netherlands-based mediation training organization – delivered a three-day training to JMC members.

The JMC was designed as a three-tiered structure, with a central office in Yangon, five main field offices in States and Regions, and an initial set of ten Local offices. The JMC was to be backstopped by a nationally-staffed Technical Secretariat Committee (TSC) that took care of the finances and administration, as well as performing several secretariat functions including note-taking at meetings and record-keeping of reported complaints and verification activities. The core concept was that the conflict parties – the Tatmadaw and EAOs, together with civil society leaders, would co-manage the main activities of the JMC, and these were defined as monitoring (dissuasive presence of joint teams), verification of complaints and conflict resolution (to de-escalate tensions).

The JMC did face some significant gender challenges, as the leadership structures of the Tatmadaw and EAOs are largely male. The JMC consciously sought to compensate for this by involving a more women as civil society members in the JMC, and 13 out of 37 civil society slots in State/Regional and Local JMC committees were filled by women (35%). In addition, the TSC made a major push on gender equality, and 51% of its 70 person staff is female.

¹ UNDP's Joint Ceasefire Monitoring Committee Support Platform Project (JMC-SPP)

Over time, the UNDP Support Platform facilitated the delivery of several types of external expertise for the JMC. One was the Clingendael Institute, a Netherlands-based organization that is dedicated to capacity-building on conflict mediation, with a strong focus on “insider mediation” type approaches. The basic idea was that the JMC would be able to better perform its main activities if its members had strengthened mediation skills with which to engage with one another as well as the conflict parties themselves and the broader public. It is worth noting that the Tatmadaw and EAOs were not only bitter military rivals who had deep mistrust one of each other, but also separated by numerous cultural and social factors including religion. The Tatmadaw, and Bamar ethnic group, are largely Buddhist, and many of the EAOs are Christians.

The Clingendael Institute, after considerable consultation and preparations with the UNDP Support Platform and JMC’s TSC, delivered a series of 3-day immersive training courses for the members of the JMC as well as its TSC. The courses focused on delivering conceptual tools about mediation approaches as well as efforts to change mindsets towards less confrontational and more collaborative approaches. The trainings were grounded in practical examples that were hypothetical but closely mirrored the on-the-ground context and related challenges. These trainings were delivered to JMC members and TSC from Yangon and the five Field Offices, as well as some of the persons involved in two of the Local JMC activities.

Intervention

The JMC mechanism had been largely successful in helping prevent major lapses, and the ceasefire was widely understood to be relatively stable. But there were “hotspots” where significant frictions emerged and threatened to undermine the fragile confidence of the conflict parties in the ceasefire arrangements. One of these was in Hpa Pun Township, located in the rugged hills of northern Kayah State. This remote area was largely under control of the Karen National Union (KNU), one of the most powerful EAOs to sign onto the NCA agreement. The area was controlled by the 5th Brigade of the KNU, which was generally regarded as the most physically isolated and “hardline” units of the KNU.

The Tatmadaw proposed setting one of the first local JMC offices in Hpa Pun. The KNU senior leadership initially disagreed with the idea, citing that it was not a zone with a significant risk of ceasefire violations and viewing it as a Tatmadaw attempt to establish a presence in a politically sensitive area. After further discussion the KNU senior leadership reluctantly agreed to the idea. But the 5th Brigade leadership refused to accept this and decided to boycott the JMC meetings in protest.

The Intervention

- The JMC – which included members of the Tatmadaw, EAOs, and civil society – was a nationwide structure tasked with ceasefire monitoring.
- The JMC headquarters in Yangon sent a delegation to assess the Tatmadaw-KNU dispute in Hpa Pun.
- The initial delegation met with both sides and secured commitments to resolve the matter through the JMC instead of through force.
- After a second mission, the top-level leadership of the KNU and the Tatmadaw met, and the Tatmadaw leadership agreed to withdraw forces from the area.
- Unfortunately, in 2019, the Tatmadaw revived the idea. Tensions between the Tatmadaw and the KNU led to the KNU’s withdrawal from the peace process.

Some months later the Tatmadaw then announced that it would undertake a road refurbishment project on a long-abandoned dirt road that cut through the heart of 5th Brigade territory. The Tatmadaw couched this effort as a benefit to the local population that would allow them to more easily travel and trade with other parts of the country. It also explained that this would expedite the delivery of supplies to several small outposts in the area, which were thus far being resupplied by soldiers on foot or with mules. The KNU 5th Brigade countered that the local population, which is largely aligned with the KNU, did not ask for the road, and moreover, a refurbished road would allow the Tatmadaw to rapidly deploy troops and artillery to the zone, and constituted an existential security threat.

Within a matter of weeks, the situation began to escalate. The Tatmadaw sent large number of troops to the zone to begin working on the road. Some of the civilians living near the road work fled their homes out of fear of the Tatmadaw presence. The KNU 5th Brigade leadership and local Tatmadaw leadership began exchanging ultimatums and threats. While some of the details and sequencing are murky, shots were fired by both sides, some civilians were harassed and at least one was shot and killed by the Tatmadaw. The KNU posted Facebook videos of its troops preparing for an offensive against the Tatmadaw road project, and the Tatmadaw responded by sending in more troops to support the road work. The KNU and Tatmadaw were on a clear collision course and the potential for direct and large-scale military confrontation was growing almost daily.

Linkages to National Political Processes

The JMC's State-level Field Office was generally functioning well, but this conflict was deemed as too sensitive to be handled at that level, in large part because the two most principal members of the JMC Field Office, the Tatmadaw Regional Commander and KNU 5th Brigade Commander were direct parties to the situation, and neither was in a position to mediate a solution. Thus the JMC In central office in Yangon decided that it should intervene in the case. In March 2018, the JMC agreed to dispatch a team four-person team that included three civil society members and one TSC staff. The mission was headed by a distinguished Karen civil society leader and Baptist pastor, Reverend Saw Mathew Aye. All but one had recently participated in the first round of Clingendael Insider Mediation Training.

National-Local Linkages

- The Hpa Pun conflict represented a local-level manifestation of a wider conflict.
- The JMC – composed of a national headquarters with state and local offices – was designed to address threats to the ceasefire at a range of levels.
- Though a local-level conflict, the Hpa Pun standoff was eventually de-escalated by the actions of top Tatmadaw and KNU leadership.
- Peaceful de-escalation of the Hpa Pun conflict helped to maintain the credibility of the National Ceasefire Agreement.

This JMC mission has been tasked with establishing the basic facts of the situation, to be reported back to the full central JMC team, as well as to engage with the Tatmadaw and KNU leadership on the ground to de-escalate tensions. What followed was the application of a “shuttle diplomacy” technique that involved separate bilateral meetings with both parties. These meetings served to

establish a line of communication between the two commanders as well as provide assurances that the JMC was involved at the senior-most level, and in essence, offer a rationale for trying to resolve the situation pacifically rather than through confrontation. This first mission was unsuccessful in resolving the situation, but it did achieve a commitment from both sides to try to work through the JMC, and to avoid actions that would further escalate tensions.

Several weeks later, in April 2018, the JMC central office dispatched a follow-up mission. This also included four civil society members from both the State and Local JMC committees. All had also been participants in the Clingendael Institute's first round of Insider Mediation training. Building upon the relationship established by the earlier mission, the second mission continued a shuttle diplomacy approach. This technique facilitated communication between the two leaders, and explored some ideas for settling the matter, but no resolution was reached. At the same time, the mission was able to get the Tatmadaw and KNU leaders to commit to avoiding confrontational actions, while also offering to bring the situation to the attention of the high-ranking officials in the Tatmadaw and KNU leadership.

In May 2018, the Tatmadaw Commander-in-Chief Min Aung Hlaing met with top political and military leaders of the KNU (Chairman Saw Motu Sepo and General Saw Johnny) to specifically discuss the Hpa Pun road-building situation and related tensions. After several hours of exchange, the Commander-in-Chief agreed to temporarily halt construction and remove the troop presence though the coming monsoon season (about five months). This, in effect, produced something akin to a full de-escalation of the situation, and both sides stepped back from military confrontation.

The Hpa Pun road refurbishment situation remains a sensitive point for peace process, and in early 2019 the Tatmadaw reopened discussions on the matter. This has rekindled some of the previously existing tensions, and fed into KNU disappointment with the peace process. KNU withdrew from the JMC mechanism and national peace dialogue mechanism in late 2018.

Success factors and challenges

Although the JMC has been unable to fully resolve tensions surrounding the Hpa Pun road project, the JMC's deployment to teams, who can be understood as insider mediators, to the zone did play a key role in efforts to open up a negotiation process that ran parallel to a situation of military confrontation. This negotiation process, in turn, created dynamics that forestalled further military confrontation, and helped draw in senior leaders with full authority to address the situation. The solution that emerged from the process proved to be temporary but it also successfully avoided what, at the time, appeared to be an increasingly likely lethal confrontation that would have had both a

Success Factors

- The decision to send mediators with both **insider connections** and a level of **impartiality** helped the process.
- The JMC mission members were positioned to interact with **both high-level leaders** from the armed actors as well as with the **local population**.
- **Perspectives from local populations** helped to inform the armed actors' choices.
- **Local-national Institutional linkages** through the JMC allowed both local and Track 1 actors to address different aspects of conflict.

high human cost and major loss of credibility of the NCA process. In effect, this is clear case in which insider mediator informal efforts opened a pathway to towards a Track 1 process with top-tier political leaders.

The JMC mission was able to succeed because it incorporated insider mediators who offered different skills or qualities to the situation. On the first mission, Reverend Saw Mathew Aye brought gravitas to open doors. He is widely respected as Karen leader of integrity and commitment, and his reputation allowed him to gain access to the Regional Tatmadaw Commander and the 5th Brigade Commander. In Myanmar's hierarchical society, a delegation led by a person of lesser stature would simply not be granted an audience with these top officials.

The JMC mission, by incorporating members from the State and Local committees was also able to offer credible knowledge of the local situation including the logistics of the road itself and nearby villages, as well as perspectives from the local population about the historical reasons they mistrust Tatmadaw soldiers and fear the potential security consequences of the road being built. This allowed the delegation to engage with the leaders on sure footing about the facts of the matter, as well as inject a human dimension into the conversation about the fears and concerns of the local population.

It is difficult to assess the extent that the formal Insider Mediation training contributed to the work of the JMC field mission. On one level, they were exposed to mediation theory and basic mediation tools, and this appears to have informed their approach. At the same time, the training appears to have bolstered the JMC members self-confidence in their own role in the JMC, and given them to self-assurance to both enter a potentially hazardous situation as well as directly engage with senior-ranking officials from both the Tatmadaw and KNU.

Challenges

- The conflict was never fully resolved, and was rather **temporarily de-escalated**.
- The Hpa Pun road represented only **one of numerous points of contention** between the Tatmadaw and the KNU.
- The KNU's withdrawal from the NCA will make it **difficult to resolve future conflicts** through the Joint Ceasefire Monitoring Committee.

On balance, the JMC offers a model of ceasefire monitoring with a variety of strengths and weaknesses, but one positive aspect is that it creates an institutional platform for insider mediators to play a role in de-escalating ceasefire related tensions. In the case of Hpa Pun, the insider mediators appear to have played a significant role in preventing rising tensions from boiling over into outright military confrontation and buying time for a higher-level political process to initiate and de-fuse, at least temporarily, the situation.

Philippines Case Study: **Subnational Mediation in the Cordillera Region**

[Disclaimer: This case study has been researched and drafted from May to October 2019. Any incidents mentioned, actors referred to and lessons extracted are to be understood in light of the specific conditions and circumstances of that time period. Subsequent events and contextual developments are not accounted for.]

Context and Conflict

This case study on the Cordillera region shows the interplay of national and subnational mediation efforts in addressing vertical and horizontal conflicts. It recounts the process of settling the vertical armed conflict between the government and the Cordillera People’s Liberation Army (CPLA), a regional breakaway group from the nationwide insurgency led by the Communist Party of the Philippines-New People’s Army (CPP-NPA). Then it zooms in at local mediation actors and practices that deal with horizontal conflicts in Kalinga, one of the six provinces in the region.

The focus on local mediation initiatives is important because it highlights how autonomous subnational actors seek to enhance their collective security on a daily basis, independent of the fate of political processes at the national level. At the same time, local actors find pragmatic ways and means to leverage their welfare and interests vis-a-vis the local government and the national state. The organizational forms, institutional responses and national-subnational partnerships that take shape provide us insights on effective approaches and enable us to see the spaces and modalities for constructive intervention.

The Cordillera region provides an interesting case of a place that is populated mainly by indigenous groups that have remained culturally distinct from the majority population. The region gave birth to an armed ethnopolitical mobilization within the context of a nationwide armed conflict. Although other localities similarly witnessed the rise of groups that broke away from the

CPP-NPA and engaged the state in separate peace talks, it was only in the Cordillera where the ethnicity factor played a major role. Moreover, in Kalinga province, the tribes practice a culture-specific approach to local mediation. This ancient practice of peace pact-making between tribes is called *bodong*. Peace pact holders called *pangat* enjoy high esteem in their communities. They ensure that the *pagta*, or the codified laws governing the two tribes, are enforced.

The Context

- A decades-long nationwide insurgency pits the Communist Party of the Philippines—New People’s Army (CPP-NPA) against the Government of the Philippines.
- In the Cordillera Region, a breakaway faction of the CPP-NPA—called the Cordillera People’s Liberation Army—signed a ceasefire agreement with the government in 1986.
- CPLA members have reintegrated into society; some have taken posts in the national army.
- Since the ceasefire, violent crimes and inter-tribal tensions have been the primary causes of civilian death in the Cordillera Region.
- State systems, including a formal judiciary, are present—but most cases are settled through indigenous/customary justice systems.

In addition to the traditional bilateral pact-making, multilateral formations have been formed at the provincial and sub-provincial levels. These organizations provide a collaborative and supportive framework to the *bodong* system and a mechanism for developing other peacebuilding activities autonomous from the state. At the provincial level, the formation is known as the Kalinga Bodong Congress, Inc. (KBCI). It is managed by its executive committee called the Kalinga Bodong Council (KBC). There are also Bodong Councils at the municipal level, and a Consultative Council in the capital city of Tabuk, which is a mixed-population area and shared domain among tribes and settler groups. Even as the fortunes of the CPP-NPA and the CPLA ebbed, the Bodong Congress stayed on as a mediation support structure that sustained harmony across horizontal relationships while also serving as a link to the vertical processes.

Background of the regional armed conflict

The Cordillera region in northern Philippines is made up of six provinces populated by indigenous peoples belonging to different tribes and subtribes. In the late 1970s, two concurrent developments generated wide-scale open protests and armed mobilization. These were the plan of the Marcos regime to build four World Bank-funded hydroelectric dams in Kalinga and Mountain Province that, if it were not scrapped, would have entailed submerging 2,735 hectares of agricultural lands crucial to the economic and cultural survival of the people; and the paper and pulp enterprise owned by a crony of the late president Ferdinand Marcos that intruded on indigenous forest lands in nearby Abra province.

Government responded to the opposition with a heavy hand. Consequently, recruitment into the NPA among the young men and women of the indigenous communities intensified. By the 1980s, the Cordillera became a major stronghold of the communist forces. The protest movement assumed a region-wide identity that fought the regime and demanded autonomy for the Cordillera. Multilateral formations of peace pact holders like the Cordillera Bodong Association (CBA) were formed to unify the opposition among the tribal leaders.

Around 1985, the regional CPP-NPA suffered a schism. Leading indigenous party cadres and NPA combatants who were disgruntled with the CPP formed the CPLA. The CPLA accused the CPP of ethnic discrimination and offered an alternative vision for Cordillera autonomy along the lines of 'socialist-inspired indigenism'. They rejected the CPP's class-based analysis of the Cordillera, its national democratic agenda of overthrowing US imperialism and feudalism, and the imperatives of its 'people's war' wherein the Cordillera's mountainous terrain served as a major military training ground.

Peace negotiations

In February 1986, the 'people power revolution' forced the Marcos family to go on exile. Corazon Aquino assumed the presidency. The CPLA and CBA immediately accepted Aquino's offer to talk peace. In September 1986, they signed a ceasefire agreement with the government.

The administration also tried but failed to reach a political settlement with the CPP-NPA. Even before the 60-day ceasefire agreement forged on 10 December 1986 expired, swords were drawn again. Hundreds of CPP-NPA cadres were arrested, killed or forced to return to the underground.

Thus, while the CPLA forces put down their arms and wrestled with the government through lobbying and negotiation, their erstwhile comrade-in-arms continued to wage ‘armed struggle’. However, the CPP-NPA in the region was never able to recover its previous strength before the split. Up to the present day, it continues to condemn the series of deals entered into by the CPLA with the government.

Failed autonomy process

Although the government negotiated directly with the CPLA on the ceasefire and demobilization components, the Aquino administration sought to establish a broad-based Cordillera panel composed of representatives from different ideological blocs to draw up the shape of Cordillera regional autonomy. However, groups allied with the CPP-NPA refused to join. Other groups withdrew from the process, disdaining the dominance of the CPLA in the set-up and the government’s fast-tracking of its preferred transitional modalities. Politician-legislators from the region also objected and proposed to revert the set-up to a ‘simple administrative region’. Unable to achieve consensus among the stakeholders, the Cordillera has remained an administrative, and not an autonomous, region. Congress twice passed an autonomy law (in 1990 and in 1998) but these were rejected in a referendum by the voting populace in the region.

Demobilization and Integration of the CPLA

Despite the failure to achieve regional autonomy, the ceasefire between the government and the CPLA was sustained. However, the CPLA disagreed among themselves whether to settle for integration into the Philippine army as the government wanted, or stick to their original demand to be constituted into a regional security force. As implementation dragged and the autonomy track came to a standstill, most of the commanders settled for the integration offer. In 1999, President Joseph Ejercito Estrada finally approved an integration scheme. In 2001, President Gloria Macapagal Arroyo issued Administrative Order No. 18 directing the Armed Forces of the Philippines (AFP) to follow through the integration process. Consequently, a total of 269 CPLA members or their next of kin laterally entered the armed forces as officers (15) or enlisted personnel (249).

In 2010, under the presidency of Simeon Benigno Aquino III, the Office of the Presidential Adviser on the Peace Process (OPAPP) signed an agreement with a faction of the CPLA and CBA entitled “Towards the CPLA’s Final Disposition of Arms and Forces and Its Transformation into a Potent Socio-Economic and Unarmed Force”. However, other CPLA leaders including key CPLA members in the KBC questioned the representation of the group. In any case, from 2011-2015, the Philippine Army integrated another 332 former CPLA combatants or their kin, 15 of whom became officers; and 888 more into the civilian auxiliary force. Livelihood programs were awarded to 408 CPLA members.

Funding to support the mechanisms for implementation and some elements of the closure agreement were provided by UNDP under the six-year Strengthening the National Infrastructure for Peace (SNIP) Program. The Philippine government allocated P220.41 million for the implementation of 81 community development projects. The CPLA signatories to the closure agreement formed and registered the Cordillera Forum for Peace and Development (CFPD). In

November 2015, the AFP and the CPLA-CBA faction signed a document testifying to the full implementation of the integration program for the CPLA. But this was contested by other leaders. They refused to disband, arguing that the political goal of establishing regional autonomy has not been achieved. One group reorganized themselves into the United CPLA.

In all, the lack of unity within the CPLA coupled with the slow implementation of government projects have made the peace deal with the CPLA protracted and problematic. Still in all, the ceasefire has been kept, and demobilization has been accomplished. CPLA combatants have reintegrated into society, albeit many remain poor. Those who have put up community organizations more successfully accessed funds and progressed economically. Several ex-CPLA commanders have even been elected to local government positions. A 200-hectare resettlement site in Kalinga called the Conrado Balweg Camp in Tabuk City was established on the initiative of some CPLA leaders. It is the first such site for ex-combatants in the country.

Local Conflict Resolution and the Bodong

As these contentious political developments involving the armed groups took place, life in the communities moved on. At the local level, most of the disputes that arise between or among tribes relate to land and water resource-management, elections, and crimes against persons. Occasionally, trouble comes during law enforcement and anti-insurgency operations when the police or army personnel involved are also members of a tribe. However, since the CPLA is in a ceasefire with the government, and the CPP-NPA has not reestablished significant presence in Kalinga province, tribal conflicts and criminal violence have been the major causes of tensions since the 1990s. Killings among tribes and violent crimes became so rampant during this decade that the Catholic bishop provided church land for a monument commemorating the victims of tribal and criminal violence.

Traditionally, tribal conflicts are addressed through the *bodong* system. The *bodong* is the practice of peace pact-making between two tribes who agree on a shared code of conduct or penal law that shall govern the relationship between them. Tribal members are expected to respect and preserve the *bodong* in order to keep the peace. However, when harm is done to a *binodngan* (people who are in a *bodong*), customary law requires avenging killings and other serious injuries committed against them. Until the peace pact is restored, such killings continue. Any male or female from the other tribe becomes open target. “We don’t want to kill but we have the avenger” is a thinking that runs deep in tribal consciousness.

The Intervention

- Traditionally, conflicts are prevented and settled between tribes in the Cordillera region through the *bodong* system, in which two tribes come to agreements on shared codes of conduct or penal laws.
- When a pact is violated, tribal leaders may seek amends through negotiation in order to prevent or stop retaliations and restore the pact.
- Mediation begins with shuttle diplomacy between disputing tribes, until tribal representatives agree to meet in person to settle differences. A successful process ends in a celebration where the two tribes are reconciled.

In such situations, the main responsibility to investigate a reported violation belongs to the *pangat* or pact holder of the place where the offense happened. The *pangat* may immediately propose a form of settlement but if this is not accepted, or the parties do not agree on the facts of the case, especially after the other tribe has traveled to the site and conducted its own investigation, the *bodong* breaks down, and the threat of retaliatory violence becomes imminent.

One of the tribal parties, especially the tribe to which the suspect or accused belongs, may choose to initiate a mediation process. These internal mediators need not be from the same tribe, as other personalities deemed acceptable to the other side may be requested to assist. The external and internal mediators then conduct 'shuttle diplomacy' until such time that both tribes are ready to meet. They facilitate the dialogue between tribal councils on the incident. The external mediators accompany the *bodong* members in restoring their pact, and in agreeing on the terms of the settlement. The actual steps may vary from place to place and from time to time, but mediation, negotiation, settlement and celebration remain at the core of the process. A 2017 study of a *bodong* process in Lower Kalinga enumerates several such processes below. The study found that Kalingans are very much aware of the steps involved.

*Bodong procedures:*¹

Lumnok

- The accused tribe enters the area where the *bodong* will be held
- The offender (*Bummug-uy*) gives *papod* (a token; e.g. a water buffalo or a pig) to the aggrieved tribe, to be butchered during the *bodong*
- Once the *papod* is accepted, it signals settlement of the case

Pagta

- The tribal leader (*pangat*) invites his *kasuapang* (tribal leader of the other tribe) to formalize the *bodong*
- The tribal leaders of the aggrieved party narrate the facts of the case to the *kasuapang*
- The offender will give the *multa* (penalty) commensurate to the crime committed and pay the customary damages to the victim
- Each tribe leader investigates, interrogate witnesses, evaluate evidences, and work for the settlement of the case
- The tribal leaders decide and resolve the case immediately

Sipat

- Beads are given to the wounded victim
- Rituals (*kakab*) are performed, which symbolizes that the conflict ends
- Both tribes share meals (*pakan*) and drink native wine (*inum*)

¹ The descriptions of these procedures appeared originally in: Maita Guadamor and Victor Martinez, "Bodong in Lower Kalinga: A Strategy of Peace and Justice System," *International Journal of Advanced Research and Management Social Sciences*, 6:12(December 2017), 85-92. They have been slightly edited here for clarity.

A *bodong* ceremony is also held to renew a long-standing *pagta* or to officially transfer the responsibility of an elderly or sickly *pagta*-holder to an heir (a son or daughter and the spouse). In such friendlier circumstances, a delegation from the host tribe is sent to the other tribe to arrange the date for the *bodong* ceremony. Once the date is set, the host tribe prepares the physical space for the dwelling of the guests and the ceremony. On the day itself, the host tribe sends a second delegation to fetch the guests from the other tribe. In the meantime, the host family, clan members and villagers belonging to the tribe prepare the animals to be slaughtered, other food like rice cakes and wine, benches, shelter and the three-day program. The ceremony officially starts with the butchering of a pig by the host, a symbolic display of high social standing. On the second day, the transfer of the responsibility as *pangat* to the heir is officialized, and the feasting continues. On the third day, the *pagta* is read, discussed and amended accordingly. After their final meal, the guests depart for their villages.

In more rural settings, there would be a designated circular spot where the tribal elders will gather for their discussion and celebration. This spot is constructed of stones with a pit in the middle for the bonfire. The circular benches around the pit provide seats for the elders as well as other members of the villages, young and old alike who are taking part in the celebration.

Offerings of rice cakes are presented by other villagers as a sign of their own commitment to the process. Responsibility for the security of the guests throughout their journey to the *bodong* site and during their stay belongs to the hosts.

Key Actors and Roles

The whole *bodong* process is accompanied with singing, dancing and use of bamboo and brass instruments, a musical coming together described by one scholar as itself a dialogue or conversation between the two tribes who showcase their respective musical and dancing repertoires. The act of renewing pacts meanwhile has been interpreted as a preventive and protective mechanism that guarantees the security of tribal members vis-à-vis the other tribe. A tribal leader once described it as the best guarantor of their freedom of movement.

The Congress and its Prototype Pagta

In these customary practices, the KBCI has played an important role in convening the tribes, strengthening the integrity of the *bodong* system, and introducing new practices and policies that adhere to human rights norms. The KBCI is the intertribal assembly of about 2,000 tribal elders from 48 Kalinga subtribes and 9 tribes in border areas of two provinces who practice the *bodong* (also known as *pochon* and *pudon*). First convened in 1987, the KBCI acts like

The Actors

- The *Pangat*, or peace pact holder, is responsible for upholding the tribe's peace pacts with other tribes and acts as its lead negotiator when a pact is broken.
- The Kalinga Bodong Congress (KBC) is an intertribal assembly of roughly 2,000 tribal elders that drew up a prototype peace pact upholding new norms.
- KBC officials also serve as a pool of mediators who may be tapped to help settle tribal disputes. In 2016, the first woman tribal leader joined the KBC's Council.
- Various organizations have supported peacebuilding activities of the KBC and of the women of the community.

the legislative arm of the *bodong* system. It convenes at best every three years, when resources allow. In between the assemblies, the Council or the KBC remains on standby as a mediation facility.

In 1998, the KBCI adopted a prototype *Pagta* (“law of the *bodong*”) to aid the different *binodngan*. This *Pagta* has been amended several times to uphold new norms and address certain concerns vis-à-vis national laws. It should be noted that the KBCI template only serves as a guide. *Pagtas* are negotiated directly between the tribes and the tribes involved own the *Pagta*. As witnessed in June 2019, each and every provision is jointly deliberated and agreed on piece-by-piece during their joint assembly. Originally *Pagtas* were not documented. Today, these are usually documented. The tribes may provide the KBC, the Provincial Peace and Order Council, and the National Commission for Indigenous Peoples with copies of their *Pagta*.

The KBCI’s Norm-building Role

The KBCI’s codified bylaws and prototype *Pagta* have provisions that seek to minimize the resort to killing and preserve the peace. For example, the prototype *Pagta* states that when an offense happens, the *Bodong* is not automatically severed. This provides time for mediators to step in and prevent further bloodletting. Other introduced provisions exempt from the list of offenses death or injury resulting from police or military operations performed legitimately in the line of duty. Around 2012, trauma healing trainings and programs were introduced to the elders. The sessions reportedly belied the claim that Kalinga men, descended from the line of head hunters, don’t cry.

Moreover, the KBCI has adopted gender- and youth-responsive measures. The KBCI’s bylaws included among its declaration of principles the recognition of the important role of women and the youth in attaining peace, development and security. It encouraged women and the youth to be *bodong*-holders and to actively participate in *bodong* undertakings in order “to hasten their leadership potentials.” Noting that most of the offenders are young people, the KBC has increasingly encouraged them to join the KBC’s activities.

An article entitled “Crimes Against Womanhood” in its prototype *Pagta* imposes welfare benefits for women-victims of sexual violence and abandonment. An offender committing a lascivious act against a woman is charged one carabao (water buffalo), or its equivalent value in cash. The penalty for rape is 12 carabaos and the offender must provide child support if the crime results in pregnancy. Sanctions for extra-marital affairs that were imposed traditionally only on the woman were now also applied to the offending male. Spouses – male or female -- who desert their families for another partner lose the right to the conjugal property, are required to pay a fine of three carabaos, and must continue to provide support to the children. In 2016, for the first time, a woman was officially invited to join the Council.

Mediation Work of the Kalinga Bodong Council

Parties in conflict can come to the KBC for assistance. KBC leaders can be asked to mediate, recall past events, or to dispense advice especially to the younger, upcoming tribal leaders. In this way,

the KBC provides the regular support system to the *bodong* institution, acts as keeper of historical memory of *bodong*-related events, and serves as a resource pool of mediators.

Mediation accompaniment is the heaviest among these responsibilities. The settlement of disputes can take a long time. To illustrate, the KBC's officers are still mediating a dispute over the boundaries of the tribes' respective ancestral territories (called *bugis*) that resulted in violence in 2017. In order to mend the *bodong* between the Tolgao and Tongrayan subtribes, the first set of steps consisted of 'shuttle diplomacy' -- separate meetings of the mediators with the two tribes. Eventually, the Tolgao elders saw the merit in offering to the injured tribe a *sipat* (a peace token). Then it took three more visits to the Tongrayan tribe, the injured party, before the tribe agreed to accept the token. The Tongrayan tribe eventually offered a similar *sipat* to the other tribe, indicating their willingness to restore the *bodong*. With the *bodong* restored, the two tribal councils have sat down with the KBC mediators several times to agree on the process of settling the boundary dispute and consider possible solutions suggested by the parties or by the mediator. The discussions are continuing as of this writing.

A much earlier incident involved an NPA guerilla from one tribe who shot point-blank an army man from another tribe. When the guerilla returned to the fold of the law, the tribe of the army man requested from the Council mediation support to secure justice and reparation for the death of their tribal member. Despite efforts to convince the former guerilla to enter into a mediated process, he refused. He reportedly argued that when he surrendered, he was effectively amnestied. Consequently, the injured tribe killed the offender. This instance showed the difficulty involved in mediation when one party is unwilling. It reflects the reality that the Council's mediation efforts can also fail.

It should be pointed out that mediators and tribal elders finance the cost of a mediation process. For KBC mediators who dip into their own pockets, their reward is in seeing offended parties get justice and be reconciled, as the *bodong* system is a 'justice with reconciliation' package. As pointed out by a KBC official, adversaries in a court case remain enemies forever. Retaliation from the losing party may even happen. In the many *bodong* mediations that he witnessed and/or led, the warring families dined and embraced each other when settlement was reached. Not surprisingly, most disputes are settled through the *bodong* system and not in the regular courts.

National-local Linkages

The Kalinga Bodong Congress is a recognized people's organization in the province. Its Council has a seat in provincial bodies like the Provincial Development Office and the Provincial Peace and Order Council. It sits as one of several civil society representatives in the national government's Regional Development Council which convenes the different government agencies and local governments to discuss regional development plans. Here, the Kalinga representatives are made aware of new investments that are coming into their province, some of which have caused concern among them. The pro-autonomy KBC leaders have also used these avenues to garner support among the regional political elites for the passage of a new autonomy law. They work with their representatives in Congress on the possible content of regional autonomy. In this

regard, the Cordillera legislators have in the last decade filed autonomy bills several times. However, none has so far passed the Lower House, much less the Senate where there is no senator from the Cordillera.

Because of the stature of their leaders, the KBC and the KBCI as a whole have influence over the social, cultural and political life in the province. To begin with, the provincial governor, municipal/city mayors, and other elected government officials are automatically members of the KBC. This provides the KBC with an almost seamless communication line with the local governments at all levels. The KBC for a time held office in the provincial government building. The KBC's longstanding secretary-general was at one time an elected government official himself.

With their municipal *bodong* councils set up as subunits of the province-wide Congress, the KBCI is organizationally structured to be some kind of parallel structure vis-à-vis the local government system. Meanwhile in the provincial capital city of Tabuk, the city government put up the Mataguan Bodong Consultative Council (MBBC) which includes non-pact holders, immigrants from the lowlands and the Muslim groups that engage in commerce and have settled in the city. Here, tensions are addressed to prevent escalation into open violence. One tension that arises every now and then is when Kalinga soldiers or police are sent to Muslim Mindanao to fight lawless armed groups and are killed. There is danger that revenge-killing can happen, victimizing the Muslim community that has settled in Tabuk. To prevent this, the KBC and the MBBC engage the tribes to manage emotions. The MBBC has produced a Tabuk Code/*Pagta* patterned after the KBC's provisions but adjusted to include the migrant population, especially the Muslim community. The Tabuk *Pagta* notably adopted the protection of women and children provisions in a more consolidated form.

National-Local Linkages

- The KBC is a recognized people's organization and sits as a civil society representative in provincial and regional government bodies.
- Since the provincial governor, municipal mayors, and other government officials are almost always tribal leaders and pact holders, they are also members of the KBC.
- Some KBC leaders are also CPLA members and were involved in the integration program of combatants.
- Pro-autonomy KBC leaders make use of vertical linkages to continue to advocate for autonomy. They have also partnered with local and national civil society organizations.

With regard to the implementation of the peace accord with the CPLA, the KBC provided the certification for CPLA combatants from Kalinga who wanted to avail of the government's integration program. It remains one of the more solid bases of the region-wide Cordillera Bodong Association, one of the signatories to the 1986 ceasefire accord with the CPLA. However, the CBA has become fractured, like the CPLA.

The KBC relies on internally generated resources to function. This puts a strain on the community, especially the leaders and their families who finance most of the activities. In this regard, the KBC has benefitted from partnerships with different governmental and non-governmental institutions like the National Commission on Culture and the Arts, the Office of the Presidential

Adviser on the Peace Process and the Ford Foundation. These institutions have at one point in time supported the convening of the Congress, the documentation of their practices, and the crafting of the prototype *Pagta*. The KBC was a member of one of the earliest national peace coalitions active in the 1990s, the now defunct Coalition for Peace (CfP), which enabled it to join national peace campaigns, and in turn gave its activities projection in the rest of the country.

Horizontal Linkages beyond the Tribal System

Within the province, the KBC partners with the local Catholic and Protestant churches, and the provincial peace advocacy group called the Peacemakers Circle. From 2008-2010, the Peacemakers Circle trained over 100 tribal elders and *bodong*-holders. To convince the elders to undergo training, the trainers reportedly went from house to house to introduce and invite them to the program. Members of the Peacemakers Circle include the Bishop of the Vicariate of Tabuk (Kalinga) and academics in the university extension program which provide secretariat support. The original mediation modules and trainers were sourced from the Interfaith Center for Conciliation and Non-Violence (ICCN), an external NGO. Although one KBC leader said they didn't really need to be trained in mediation as they have been doing it, the coming together in these trainings also facilitated discussions among them and enabled them to systematize their own knowledge. But it is true as the leader claimed that the trainers learned more from them.

More recently, other groups have partnered with the local organizations in facilitating more peace education and mediation trainings beyond the tribal elders and especially for women under the rubric of the National Action Plan (NAP) on UN Security Resolution 1325. In 2012, the Women Engaged in Action on 1325, partnered with the Global Network of Women Peacebuilders on the localization of the NAP. A seminar on "Women's Agency in Keeping the Peace, Promoting Security" was recently organized by the Center for Peace Education of Miriam College, with funding from the Norwegian Embassy. Indeed, more women have become active leaders in the traditionally male-dominated arena of mediation, and can be expected to eventually play more influential roles in the KBC and Kalinga society at large.

Lessons and Challenges

The case of Kalinga tells us that organic mediation, justice and reconciliation practices and institutions that are already rooted in society are resources that must be nurtured and further supported with a more structured, convening organization such as we saw in the Kalinga Bodong Congress and its Council, as well as the semi-governmental MBBC in the provincial capital. Through the inter-tribal, province-wide organization, beneficial traditional practices and institutions have been affirmed and strengthened but were also informed by new, gender-responsive and rights-affirming norms. In this regard, the social prestige of the leaders in the Council, their high degree of voluntarism, their deep understanding of the value of mediation, and the trust that they enjoy in their communities were all important factors that made the KBC an effective mover and convener.

The integral links of the KBCI/KBC and the MBBC with the local governments and national agencies through their member-allies in government at the provincial level and their representation in governmental peace and development bodies are other factors that have made

the Congress and Council an important player in policy discussions and planning activities relating to the province and the Cordillera region. In this regard, the KBCI and KBC benefitted from the diverse vertical and horizontal linkages which occasionally secured funding and training support for them.

Since the original founders of the KBC who lived through the Cordillera autonomy struggle in its heyday in the 1980s are now in their senior years, and in general *bodong* holders are in their 50s-60s, it is good that the KBC has consciously included the youth and women in their activities. Ultimately, the sustainability of the organization will depend on the commitment, knowledge and skills of the next generation of men and women. But the next generation will certainly bring with them their own lived experience and resources which, for better or worse, would be different from that of the original leaders.

There remain other challenges, certainly. Urbanization and the changing landscape and government-set administrative boundaries that differ from tribal boundaries have made the application of the *pagta* complicated. And as in all mediation processes, coming to a settlement is fraught with difficulties. Even just fixing the date for a *bodong* can take a long time, as experience has shown. Preference for *bodongs* are during the dry months which coincide with summer breaks of youth in universities; when the date is not settled soon enough, the parties may have to wait for another year.

Various studies point to problems like uneven knowledge of the contents of the *pagta* among tribal members, tribes coddling offenders by providing them sanctuary or protection, demands of offended parties that may be too much or simply cannot be afforded by the other tribe (especially when the offender belongs to a low-income family), and altogether the huge cost of hosting a *bodong* leading to some pacts being dormant for a long time or the pact-holder not properly transferred to an heir. Sometimes, the peace pact holder may be remiss in his/her responsibilities or incapacitated for some other reasons. This causes shame to the clan and tribe, and the *bodong* may be put in danger until such time proper solutions are found.

Success Factors

- The KBC's methods are deeply-rooted in indigenous practices, and these customs and the indigenous leaders enjoy a high level of local legitimacy.
- The KBC's wide-reaching network of tribal elders covers all geographic units of the province.
- The KBC's government and CSO linkages provide it with further opportunities and legitimacy.
- The *bodong* system and the KBC are largely self-sustained through the voluntarism of their leaders.

Challenges

- Mediation is based on mutual consent, which means that violence may spiral if one party declines to take part, and that the process may take a long time.
- Some settlements may not comply with national penal laws.
- Inclusion of women and youth into the KBC, while ongoing, has proceeded at a slow pace.
- Urbanization and administrative boundaries that do not match traditional tribal boundaries complicate the *pagta* process.
- KBC mediators and tribal elders fund the hosting of the *bodong* and the cost of the mediation process can be quite expensive.

Although there are conscious attempts to reconcile penal provisions in national laws with that of the tribal pacts, and the *bodong* is generally perceived as helpful in attaining justice and reconciliation by tribes and local government and court officials as well, national law may still be bypassed in favor of the customary practice. When crimes are not settled through the internal process and are brought to the courts, tribal people who may stand witness in a *bodong*-related investigation, may not be as willing to testify in court hearings. There could be some uneasiness in the way some disputes are resolved, especially when the guilt is not proven beyond doubt. In one such case, for example, the accused was asked to indemnify the victim, on the condition that should the real culprit be found, the victim's family will in turn indemnify the wrongly accused with a higher penalty.

Other provinces in the region without the advantage of the traditional *bodong* system and the multilateral formations formed around it have adopted other forms of building the practice of mediation and network of mediators. In nearby Ifugao province, for example, a government-assisted association of provincial mediators has been convened and developed by the social welfare department of the province. They also effectively draw on internal mediators among the human resource pool of the tribes who are rooted and respected in their communities. They also have a provincial identity as a platform for conjoined activities among the subtribes of the Ifugao. But their sustainability rests on the active support and leadership of government enablers.

In Kalinga, the bottom-up network of *bindodngan* provides the foundation for the intergenerational reproduction of the system and the needed leadership who take up the cudgel for the populace. In turn, such an organizational base enables its leadership to penetrate the formal state at different levels in furtherance of their welfare, and to pragmatically overcome the uncertainties in national politics, whether in times of armed conflict or relative peace.

October 2019



South Sudan Case Study: **The Development of a National Framework for Pastoralist Migration**

[Disclaimer: This case study has been researched and drafted from May to October 2019. Any incidents mentioned, actors referred to and lessons extracted are to be understood in light of the specific conditions and circumstances of that time period. Subsequent events and contextual developments are not accounted for.]

Context and Conflict

Following the eruption of renewed fighting in South Sudan in 2016 and the proliferation of rebel groups, the Intergovernmental Authority on Development (IGAD) facilitated the signature of the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCCS) on 12 September 2018. The parties have started thirty-six months of transitional period with the formation of the Revitalized-Transitional Government of National Unity (R-TGoNU) on 22 February 2020.

The United Nations Mission in South Sudan (UNMISS) had been present in South Sudan since before the independence referendum in 2011. Prior to the outbreak of nationwide civil war in December of 2013, UNMISS had had a heavy focus on the resolution of local-level conflicts. The civil war forced the Mission to re-prioritize its resources away from local-level conflict resolution and towards national-level dynamics and the protection of civilians, but institutional capacity and memory for local-level engagement still remained.

While external partners and the United Nations continue to sustain pressure to maintain the ceasefire and build consensus on a political path forward, intercommunal conflicts, including cattle raiding, has continued unabated. Spikes in communal violence and cattle raiding incidents have caused concern. UNMISS, led by its Civil Affairs Division has sought to address subnational conflict dynamics related to seasonal pastoralist migration, as competing communities herd their cattle each year in search of water and grazing lands, through targeted reconciliation and mediation initiatives. This process forms the subject of reflection in this case-study.

The Context

- The South Sudanese civil war begun in December 2013.
- Despite the signing of a peace agreement in 2015, fighting broke out again in the capital city of Juba in 2016.
- While large-scale violence between the major political actors has significantly subsided since the signing of R-ARCCS in September 2018, massive numbers of civilian casualties resulted from local-level conflict.
- Conflicts between different pastoralist groups are a common source of violence. In South Sudan, cattle represent a source of food, a signifier of status and wealth, a form of reparations payment for penalties, and the principle form of dowry.
- Outside of Juba, state structures are nearly nonexistent. The formal state has only a low capacity for justice interventions, rule of law initiatives, and conflict resolution.

South Sudan Pastoralism – Background

According to the Food and Agriculture Organization (FAO) cattle in South Sudan represent more than merely a source of food. “They signify status and wealth and serve as the main livelihood asset for pastoralist communities. Livestock are sold for cash, slaughtered for cultural practices, bartered for grain, used as payment for penalties, and given for dowry.¹” It contends that the disruption of routes “poses a grave threat to the livelihoods and food security of pastoralist communities across the country.” In particular, it notes that the loss of cattle and reductions in milk production impacts the nutritional status of the household, especially lactating women and children.

More broadly, pastoralist conflicts have historically been exacerbated by local deep-seated cultural and political tensions, the absence of state authority, as well as population density and limited infrastructure.² Different cultural practices between pastoral nomads and farming communities meant that migrations were often characterized by intense conflicts between the two groups, particularly around the border region between South Sudan and Sudan in the vicinity of Bahr-el Ghazal, Warrap, Unity Lakes and the Upper Nile. Tensions increased following the establishment of an international border in 2011 overriding customary age-old routes and resulting in proliferation of small arms. However, strong interdependency between the communities on either side of the new border necessitated the establishment of various local cooperative arrangements in due course (see para 5 below).

The Intervention: Pastoralist Migration Framework

To mitigate conflict over shared resources and tensions between communities, UNMISS facilitated, supported and implemented a series of consultations in support of the annual pre and post migration conferences from May 2017 to March 2019. The initiative focused on five key regional states; notably, Western Lakes, Eastern Lakes, Gok, Amadi and Terekeka. It brought together representatives and stakeholders from each of those states, including cattle keepers, community leaders, government officials (State Governors and Ministers, County Commissioners, as well as representatives from the Transitional National Legislative Assembly), women and youth leaders. For the purpose of this review, the process can be accurately characterized as falling into three distinct phases: a preparatory phase, a negotiation phase (*actual pre/post migration conferences*), and an implementation/sustainability phase.³

Phase 1: Preparatory meetings in Aweil, Amadi, Rumbek and Yirol

From the outset, UNMISS recognized that valuable lessons were to be had from exposing local South Sudanese regional actors to the experience of the Dinka Malual (South Sudan based) and the Rezeigat and Misseriya (Sudan based) who successfully managed the long-standing annual seasonal migration south, from Sudan into territories of the newly established Republic of South

¹ Food and Agriculture Organization; *South Sudan: Livestock Strategy Paper*

² Ibid

³ The conferences were structured so that the community/traditional leaders took the lead in discussing conflict drivers attributed to the unstructured cattle migration across the different states and the solutions to address them. This process was then backed by the state governors who would provide the required institutional support to enforce the implementation of the recommendations

Sudan. Following an initial “lesson-learning” trip to Aweil in February 2017 to witness the cross-border migration conference, UNMISS facilitated the convening a first consultation national conference in Mvolo, Amadi State from 27 to 30 May 2017. The meeting provided an opportunity for stakeholders to reflect on the Aweil migration experience and discuss those aspects which could be usefully replicated or adapted to the South Sudanese context. Consequently, the participants agreed on the establishment of a Joint Border Peace Committee/Court (JBPCC), similar to that created to regulate transhumance across the international boundary.

According to its terms of reference, totaling ten members altogether, the JBCC was to be constituted of two representatives from each of the five regional states forming part of the overall initiative (see above). In addition, the committee was to have a five-person Secretariat holding technical positions of Secretary, Deputy-Secretary, Treasurer, Public Relations, and Information Technology. During the Amadi conference, the parties reached consensus on an overall framework going forward, notably an *“Agreement For the Advancement of Peaceful Coexistence to Regulate, Control, Manage Cattle Movement and Ensure Security Between Easter Lakes, Western Lakes, Amadi, Terekeka and Gok States”*.⁴ Innovatively, the agreement set out prohibitions against gender-based violence (rape) and outlined the appropriate method of adjudication for the restitution of property including theft of cattle and crops, the proliferation of small arms and a range of other intercommunal criminal behavior.

The Amadi conference was followed by two further conferences later that same year, in Rumbek (August 2017) and Yirol (October 2017) to further refine understanding on the roles of responsibilities agreed in Amadi, and to receive capacity-building training supported by UNMISS (and the Viable Support to Transition and Stability (VISTAS) program by the U.S. Agency for International Development) on conflict management. Representatives from Sudan (Northern Bahr-el-Ghazal) provided community-based conflict resolution examples from the border area with South Kordofan, which has historically been beset by cattle raiding tensions. Discussions also sought to identify potential conflict triggers or areas of concern along established migrations routes.

Phase 2: Community negotiations during pre-migration (Tali) and post-migration (Ceuibet) seasonal conferences; and the expansion of the model into rebel-controlled areas

Having laid the groundwork, UNMISS supported the convening of the two main conferences for 2018. The first was before the onset of the migration, held in Tali, Terekeka State on 23 to 26 February 2018. The Tali pre-migration conference was attended by an estimated 450 people, including chiefs, cattle camp leaders and youth leaders. All five Governors (aside from Gok State which was represented by its Deputy Governor) were present, as well as two members of the Transitional National legislative Assembly. The conference generated discussion and obtained agreement on the management of cattle migration between the five states, including the routes of migration, potential grazing areas and other associated logistics. It also formally activated the JBCC agreed earlier in Amadi by endorsing the chosen nominees from the respective states.

⁴ See Annex

Amongst those individuals confirmed for the five-person Secretariat was one female representative from Terekeka State (chosen as the Treasurer).

On the completion of the annual seasonal migration, the post-migration conference was held in Ceuibet, Gok State from 6 to 9 August 2018 with a similar participation of the earlier Tali meeting, but with the additional presence of the Special Representative of the Secretary General of UNMISS. The meeting provided an opportunity for community leaders to reflect on key issues of concern witnessed during the preceding migratory season, including armed cattle keepers who used violence to intimidate farmers. However, participants reported that the existence of the JBCC prevented the further escalation of violence and provided a readily accessible platform for the redress of grievances. In particular, the JBCC was noted to have been instrumental in the disarmament process in Gok, since its credibility had given local cattle keepers and farmers sufficient confidence to entrust the matter for resolution.

Following the relative success of the pre/post migratory conferences, community leaders from Tonj (Warrup) and Leich (Unity) states expressed their strong desire to see the JBCC subnational conflict management mechanism expanded beyond the initial 5 states to include them. This was significant as the greater Unity region (Northern Liech, Southern Liech and Ruweng states) remain strongholds of the Sudan People's Liberation Army-in-Opposition ("SPLA-IO") constituted of predominantly Nuer communities. Greater Warrap region is largely Dinka and the ancestral home region of the President of South Sudan, as well as many of the ruling elites. Consequently, an additional five-day meeting was convened in Nyiang County, Eastern Lakes from 6 to 11 September 2018. For the first time since the outbreak of renewed fighting, the meeting brought together various Nuer and Dinka communities. They emphasized their commonality and laid the blame on divisions with "elites in Juba".

On the suggestion of the Mission, which emphasized the importance of effective participation of women in the subnational process, the community facilitators dedicated an entire day to these issues. Specifically, how to create an enabling environment for women to identify areas where they can have influence, make an impact and take leadership roles. Participants agreed that the number of women in the border committees should be increased in the future, and women should find ways to create their own community watch program to assist the national authorities. The conclusion of the Nyaing meeting was to expand the conflict management framework under the JBCC to also cover the "central migration corridor" – comprised of Gok, Lakes (east and west), Tonj and Leich (south and north).

Phase 3: ensuring implementation/sustainability

Over the duration of the conferences, the communities stressed the importance of a recognized legal structure at the subnational level which could efficiently manage and adjudicate matters related to intercommunal conflicts.⁵ During the conference in Nyaing, the JBCC chairperson expressed frustration that the local judges were overturning cases previously adjudicated by the JBCC. It became apparent that there was a conflict of jurisdictions between the customary and

⁵ UNMISS CAD Best Practice Note: *Five State Migration Framework*

statutory legal systems. The establishment of the JBCC while positive, needed to have its authority reinforced, especially since it was being called into question by some national authorities at the subnational level. Accordingly, UNMISS facilitated a high-level workshop in Juba from 6-8 December 2018, and subsequently in Rumbek from March 19 – 21, 2019 for this purpose.⁶ The workshops were facilitated by the Mission (Civil Affairs) in collaboration with UNMISS Rule of Law section, UNDP Rule of Law section and VISTAS. They brought together representatives from the Office of the Chief Justice, Ministry of Justice and the Interior, as well as the South Sudan Local Government Board and the South Sudan Peace and Reconciliation Commission.

Noting the good progress of the pastoralist conferences and the creation of community-based dispute resolution mechanisms, the meetings stressed the need for improved complementarity between customary and statutory legal systems, and the state, local and national government institutions. The Office of the Chief Justice clarified that subnational state institutions are permitted by the Constitution to establish customary legal structures provided they obtain written authorization from the Chief Justice. Consequently, a warrant for the establishment of Joint Border Court (as part of the JBCC) was formally issued following the Rumbek meeting noting that, amongst other things, it “shall have the power to adjudicate on customary disputes resulting from cattle migration and/or cattle raids and make judgements in accordance with the customs, traditions, norms, and ethics of the community”.⁷

The Intervention

- In Phase 1, stakeholder groups first traveled to Aweil to observe a similar cattle migration management body. Then, three initial meetings (in Mvolo Rumbek, and Yirol produced and ratified a framework agreement on cattle management and created a forum—the Joint Border Peace Committee/Court—representing five South Sudanese states.
- In Phase 2, the organizers held a pre-season conference in which the JBCC facilitated agreements on cattle migration, and a post-season conference to debrief and receive feedback.
- Finally, in Phase 3, JBCC judges, UNMISS officials, and the Office of the Chief Justice clarified legal issues surrounding the process.

Key Actors and Roles

Through the establishment of the pastoralist migration framework, UNMISS assisted national actors in putting in place innovative community led monitoring, compensatory and restitution mechanisms to ensure grievances and disputes could be quickly addressed at the subnational level, thereby better managing potential intercommunal violence. The Mission oversaw the “process design” aspect of the conferences by undertaking initial shuttle consultations with key representatives from both the national and local authorities, and the wider community to gauge their receptivity. This included the governors, interior ministry, security services, district

⁶ In addition to representatives from the 5 framework states, a representative from Jonglei State (SPLA-IO controlled) was included in the Rumbek meeting

⁷ See: *Warrant Of Establishment of The Joint Border Court for Amadi, Terekeka, Eastern Lakes, Western Lakes, Gok and Jonglei States*

commissioners as well as community and business leaders from the five chosen regional states. During the actual conferences, UNMISS provided direct logistical support in many cases, including air/road transfer for participants, and facilitated the development of the agenda and other related aspects, including the conference agreements. The actual facilitation of the meetings themselves was left to the community representatives, in order to reinforce local ownership.

Within the Mission, the Civil Affairs Division (lead pillar) sought to include other components as required, under the overall guidance of the UNMISS Strategy on Communal Conflict Management, Reconciliation and Social Cohesion in September 2017 (*detailed below*). This included the Gender Unit, Political Affairs, Human Rights, Civil-Military, as well as the Office of the SRSB/mission leadership. The Political Affairs section was kept abreast of developments, but it was less directly involved. However, the SRSB participated in key meetings to amplify leverage and illustrate the Mission's commitment to implementation⁸. Key logistical air and ground transport was made available through the Mission's Movement Control (MovCon). Other South Sudan based key UN partnerships included the United Nations Development Programme (UNDP) and the Food and Agriculture Organization (FAO). Externally, the United States Agency for International Development (USAID) funded VISTAS project - implemented by AECOM through May 2019 - provided the overarching framework for collaboration and partnership with the Mission throughout the entire process. Additional non-governmental partners included Oxfam, Norwegian and Finn Church Aid. The Juba based Migration Working Group (established in 2015) chaired by UNMISS and co-chaired by FAO provided an additional mechanism for wider inter-agency coordination and cooperation. Beyond the traditional UN agencies, funds and programmes, its membership also included member states/donors.

The Actors

- Pastoralist communities were the main participants.
- Members of the South Sudanese state and county government structures lent legitimacy to the process.
- International actors—primarily, UNMISS and USAID's VISTAS program—provided training and logistical support, oversaw the process design, and acted as the main conveners.
- The Joint Border Peace Committee/Court was the principal body created by the conferences, which went on to facilitate cattle migration movements.
- Customary chiefs, youth leaders, and women leaders participated as key stakeholders.

Linkages to National Political Processes

Following South Sudan's independence, fissures became immediately apparent in the Sudan People's Liberation Movement. Like so many liberation movements before it, the transition from a liberation movement to governing party was met with monumental challenges as party elites became embroiled in fractious struggle for power, exposing both inadequate state institutions and deepening the ethnic divisions of the past. As Zach Vertin points out, when South Sudan's national army fractured as Dinka and Nuer communities clashed, "*what had begun as an elite*

⁸ For example, SRSB participated in post-migration conference in Ceuibet, as well as discussions with national authorities in Juba following migration to reinforce the legal framework (see Phase 3 above)

*political dispute quickly morphed into an ethno-regional conflict. Each side mobilized supporters by manipulating ethnic fears, and a cycle of massacres and revenge attacks left thousands of dead, most of them civilians.”*⁹

Given the broader ethno-regional sensitivities and the national cleavages, an effort was made at the outset of the pastoralist migration network to depoliticize it and emphasize its community-based subnational characteristics, by focusing on practical steps to address very local problems. The series of resolutions and agreements reached over the duration of the conferences, however, evolved from those entirely omitting any reference to the national political process (which led to the revitalized peace agreement) to the Rumbek Communiqué of 21 March 2019, which expressly called for signatories from the participating states to: “commit themselves to support the implementation of...R-ARCSS” and requesting them to “embark on massive sensitization of R-ARCSS...to facilitate its smooth implementation”.¹⁰

During the early part of 2017, when regional and international interlocutors considered supporting the National Dialogue in South Sudan, a key concern was that the process should contribute towards the attainment of peace and stability by addressing the country’s political divisions, which had been greatly exacerbated by events since July 2016 including the expansion of the conflict into Equatoria. Questions about the capacity of the South Sudan National Dialogue to impact upon these larger goals were brought into sharper focus when in June 2017 the IGAD Council of Ministers launched a High-Level Revitalization Forum (HLRF). The aim of which was to resuscitate the diminished prospects of the 2015 Agreement (ARCSS) and deliver a successful transition from conflict.

Prior to the launching of the HLRF, it was envisaged by both its initiators and potential supporters that the National Dialogue should also aim to facilitate political engagement between the Transitional Government of National Unity and its political and armed opponents, particularly the signatories of the 2015 Peace Agreement. This need to expand inclusivity was paramount, which left unaddressed, would prove challenging for prospects to address broader political exclusion and fragmentation in the South Sudan. Consequently, the series of inter-communal consultations (devised as part of the pastoralist migration network) though not officially part of the National Dialogue process, could be seen as complimenting some of its wider objectives, by impact if not design. Notably, by providing an

Linkages

- Initially, the process conveners sought to depoliticize the conferences, and focus instead on concrete, local problems.
- By the end of the process, participants elected to include commitments to implementing the national peace deal.
- Local-level solutions demonstrate the viability of national actors in peacebuilding and transitional justice.
- The process helped establish local-national relationships by soliciting the presence of Juba-based politicians.

⁹ Vertin, Z. *A Poisoned Well: Lessons in Mediation from South Sudan’s Troubled Peace Process*

¹⁰ Items [2] and [12], Communiqué of Six Governors of Gok, Western Lakes, Eastern Lakes, Terekeka, Jongeli and Amadi State

additional neutral inter-ethnic forum for community leaders to engage in dialogue safely with the aim of identifying potential issues and solutions.

Similarly, while at the national level the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) met regularly to discuss adherence to the permanent ceasefire and aspects related to the transitional security arrangements, at the community level, the conferences (*which were not officially linked to CTSAMVM deliberations*) were nonetheless identifying clear linkages between the proliferation of small arms and cattle raiding, by agreeing on local arrangements for the removal of small arms and weaponry. The need for comprehensive disarmament, demobilization and reintegration strategy was emphasized by the communities, particularly those living in areas along sensitive border areas such as Unity state.¹¹

Elsewhere, the R-ARCCS provides for the establishment of a Hybrid Court for South Sudan, as one aspect amongst an array of transitional justice mechanisms envisaged. The establishment of the Joint Border Courts (as part of the JBCC) and its subsequent empowerment during phase three of the pastoralist migration process (detailed above), while not directly linked, contributed towards illustrating the viability of national actors delivering sustainable transitional justice solutions. Their eventual success (or lack thereof) at the local level, may impact the views of invested international partners, including the African Union and others, in determining whether a nationally owned liberal prosecution model of transitional justice could be successfully applied to international crimes in the context of the broader political process.

Finally, Mission staff reported that the process of planning and conducting the migration conferences helped to establish local-national linkages. By encouraging Juba-based politicians—many of whom did not often leave the capital—to attend and to interact directly with constituents, the conference process encouraged the formation of local-national relationships between different actors, and the reinforcement of channels of communication and trust.

Key Success Factors

- **Local Ownership:** The initiative remained owned and led exclusively by local actors with commitment of support from state, national and local authorities, UN and international partners to ensure sustainability. Special attention was placed to ensure the involvement of women, including at the decision-making level.
- **Sub-Regional Approach:** Focusing on sub-regional blocs widened the impact of the initiative as it incorporated and empowered local structures and sub-state level authorities to address a wide range of issues. Ranging from sharing of livelihoods and resources to law enforcement and criminality. The approach established ‘islands of peace’ (as framed by the Mission), which represented successful models for replication throughout the country.
- **Inter/Intra-Organizational Partnerships:** Reinforced partnerships with the international non-governmental organizations and UN Country Team allowed UNMISS to take advantage of

additional technical expertise and resulted in increased access for partners (previously unreachable communities) to provide additional basic services and support.

Concluding Observations

The issuance of the UNMISS Strategy on Communal Conflict Management, Reconciliation and Social Cohesion in September 2017 assisted in providing a strategic guiding framework for action for the implementation of the pastoralist migration framework. It did so by encouraging a more integrated mission approach to subnational and communal conflict resolution issues. At the time, the strategy recognized that ethnic polarization posed “a strong risk of violence escalating along ethnic lines, with the potential for genocide”.¹² As the country moves towards the end of the transitional period to be preceded by an election, traditional resource related competitions between communities could easily descend into politicized violent confrontation.

This sober warning necessitated the strengthening mechanisms for “peaceful coexistence” at the community level. It did so by prioritizing five key areas in the strategy. First, the identification of conflict management as “core focus of the Mission at the sub-national level – stressing the importance of prevention, mitigation and resolution of communal conflict. Second, an emphasis on support to reconciliation and healing which focuses on strengthening local traditional structures for dialogue and reconciliation, and promotes the role of women, civil society, youth and faith-based organizations. Third, the prioritization of social cohesion and coexistence. Fourth, a recognition of the importance of coordination – stressing the criticality of leveraging internal coordination mechanisms within the Mission, but also with UNCT members and external partners based on comparative advantages. Fifth, the strategy envisaged a robust monitoring and evaluation component by making provision for an “independent consultant” to evaluate implementation on a periodic basis.

Success factors

- The process was locally owned, with state and international actors in support roles.
- Special attention was paid to ensure the involvement of women.
- Focusing on sub-regional blocs established “islands of peace” and offered a model for replication.
- Successful division of labor through partnerships among international NGOs and within the UN Country Team provided a range of expertise.

Challenges

- Jurisdictional conflicts between the JBPC and customary chiefs/judges.
- Despite the JBPC’s presence, limited instances of pastoralist-farmer violence did occur during the migration season.

In many situations, Mission level strategies take on additional importance in the absence of specific references to mediation and reconciliation at the subnational levels in the Mission’s mandate. A review of UNMISS mandates indicates an evolution from those driven by broader peace consolidation goals and long-term state building, to the elevation of protection of civilians and importance of humanitarian access.¹³ More recent iterations reflect a strengthened focus on

¹² UNMISS *Strategy on Communal Conflict Management, Reconciliation and Social Cohesion* September 2017, p2

¹³ UN Security Council resolution 1996 (2011)

the use of mediation as a conflict management tool to bolster sustainable local and national reconciliation efforts.¹⁴

In South Sudan and beyond, it is well documented that traditional high-level negotiation processes have struggled to bring about the transformation required. Having forged strong partnerships within the United Nations and with external actors, UNMISS successfully sought to understand the manifestation of conflict at the subnational level, by focusing on an issue which disproportionately impacted civilians, both as part of their economic livelihood and their larger sense of cultural identity. They did so in the context of ongoing conflict and political fragmentation.

As the recent report of the Secretary-General points out, these activities can be seen alongside broader rapprochement efforts between the Government and the opposition at the subnational level in various locations around the country, which have helped to build confidence and increase trust in the peace process. They also “led to commitments to address other security challenges, including criminality and cattle raiding.”¹⁵

It is also worth reflecting on the linkages between climate change, peace and security and the development of the pastoralist migration network in South Sudan. Links between climate, peace and security (increasingly recognized at the international level) are often indirect and contextual, determined by interactions with political, social and economic factors. Changes in the ecosystems, such as variations in seasonality, temperatures and rainfall, affect livelihoods and create systemic challenges, particularly for communities depending on the direct utilization of natural resources. Increasing temperatures are causing degraded farmland and droughts, impacting the availability of land for pastoralists and farmers.¹⁶ As resource competition intensifies, and tensions inevitably grow, established intercommunal arrangements regarding transhumance must be reinforced. A successful response to this challenge requires robust national institutions to prevent and resolve herder-farmer conflicts. Mediation support, such as that undertaken by UNMISS in collaboration with its partners in South Sudan, has helped build the necessary capacity for intercommunal dialogue at the subnational level and provided ample lessons for other regions.

The strong subsequent advocacy for the pastoralist migration framework approach undertaken by UNMISS is a testament to the success of the conferences. Arguably, they have reinforced trust between divided communities, enhanced accountability (*including through the devolution of decision-making power to subnational mechanisms allowing for restitution and the redress of grievances*) and encouraged the establishment of local peace committees ensuring the increased flow of commercial trade.

¹⁴ UN Security Council resolution 2406 (2018)

¹⁵ Report of Secretary General on South Sudan (S/2019/491). Para 6, p 2.

¹⁶ Science Direct; *Evolution of some observed climate extremes in the West African Sahel*; & FAO: *The Magnitude of the Problem: Land & Environmental Degradation*