Accord

an international review of peace initiatives

Paix sans frontières
building peace
across borders

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issue editors
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Acknowledgements

Cover photo: Travellers crossing the border into Liberia at Gendema, Sierra Leone © Aubrey Wade

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Acronyms

ACLED	Armed Conflict Location and Event Data
ADF-NALU	Allied Democratic Forces and the National Army for the Liberation of Uganda
AJK	Azad Jammu and Kashmir
APEC	Asia-Pacific Economic Cooperation
APP	Aceh Peace Programme
ASEAN	Association of Southeast Asian Nations
AU	African Union
BAC	Basque Autonomous Community
BBC	British Broadcasting Corporation
CAF	Andean Development Corporation
CAFTA-DR	Central America-Dominican Republic Free Trade Agreement
CAR	Central African Republic
CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	Conflict Early Warning and Response Unit
CNDP	The National Congress for the Defence of the People
COMESA	Common Market for East and Southern Africa
CONDECA	Central American Defence Council
CPA	Comprehensive Peace Agreement
CPPF	Conflict Prevention and Peace Forum
CR	Conciliation Resources
CSBM	Confidence- and Security-Building Mechanism
DOM	Military Operations Zone imposed on Aceh
DRC	Democratic Republic of Congo
EEC	European Economic Community
EGTC	European Grouping for Territorial Cooperation
ETA	Euskadi Ta Askatasuna, the Basque nationalist movement
EU	European Union
EUFOR	European Union peacekeeping force to Chad and Central African Republic
FARC	The Revolutionary Armed Forces of Colombia
FARDC	The Armed Forces of the Democratic Republic of Congo
FDI	Foreign Direct Investment
FDLR	Democratic Forces for the Liberation of Rwanda
FSLN	Sandinista National Liberation Front
FTA	Free Trade Agreement
GAFTA	Greater Arab Free Trade Area
GAM	Free Aceh Movement
GBD	Bi-national Dialogue Group
GWN	Good Water Neighbours
IaJK	Indian-administered Jammu and Kashmir
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICL	International Criminal law
ICTY	International Tribunal for the Former Yugoslavia
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Desertification
IHRL	International Human Rights Law
ILAC	International Law of Armed Conflict

IMAM	Aceh Society of Malaysia
IRA	Irish Republican Army
JEM	Justice and Equality Movement
KPCS	Kimberley Process Certification Scheme
LoC	Line of Control
LRA	Lord's Resistance Army
LURD	Liberians United for Reconciliation and Democracy
MEP	Member of the European Parliament
MINUGUA	United Nations Verification Mission in Guatemala
MINURCAT	United Nations Mission in Central African Republic and Chad
MONUC	United Nations Organisation Mission in the Democratic Republic of Congo
MONUSCO	United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo
MRU	Mano River Union
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NIAC	Non-International Armed Conflict
NRA	National Revenue Authority
OAS	Organisation of American States
OAU	Organisation of African Unity
ONUSAL	United Nations Observer Mission in El Salvador
PaJK	Pakistan-administered Jammu and Kashmir
PEACE	The European Union's special funding programme for peace and reconciliation
PNV	Basque Nationalist Party
RCD	Congolese Rally for Democracy
REPUSM	Universiti Sains Malaysia's Research and Education for Peace
RUF	Revolutionary United Front
RWDBP	Regional Water Data Banks Project
SADR	Sahrawi Arab Democratic Republic
SEACSN	Southeast Asian Conflict Studies Network
TAWR	Total Actual Renewable Water Resources
UMA	Arab Maghreb Union
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UPDF	Uganda Peoples Defence Force
US; USA	United States of America
USM	Universiti Sains Malaysia
USSR	Union of Soviet Socialist Republics
WHO	World Health Organisation

Introduction

paix sans frontières: building peace across borders

Alexander Ramsbotham and I William Zartman

Armed conflict does not respect political or territorial boundaries, but forms part of wider, regional conflict systems through dynamics that cross borders: refugee flows, 'nomadic' armed groups, narcotic or criminal networks, illicit trade in 'blood diamonds' or small arms or cross-border political, economic and social ties [*see box 1*].

Policy is well established – if not always well applied – between states (diplomacy) and within them (governance). But there is a policy gap across borders and in borderlands where governance and diplomacy can struggle to reach, as conflict response strategies still focus on the nation state as the central unit of analysis and intervention.

Early findings of the 2011 *World Development Report* acknowledge this gap, asserting that conflict-affected and fragile states are experiencing 'repeated and interlinked violence that crosses borders', and that 'excessive focus on assistance to the individual nation state is mismatched with the challenge of transnational and cyclical violence'. This twenty-second publication in Conciliation Resources' Accord series tries to address this gap.

Accord has always sought to tackle the practical challenges of peacebuilding, and to develop insights into how to overcome these challenges drawn from real experiences of local and international peacebuilders on the ground. Motivation for looking at 'cross-border peacebuilding' came initially from CR's regional programmes and their local partners in East and Central Africa, the South Caucasus, West Africa, Kashmir and Central America where the challenges of cross-border peacebuilding have become increasingly prominent and problematic. Case studies from all of these regions and from around the world are featured in this publication.

In order to tackle the challenges of cross-border peacebuilding, the publication explores how peacebuilding strategies and capacity need to 'think outside the state': *beyond* it, through regional engagement; and *below* it, through cross-border community or trade networks. And it looks at how *beyond* and *below* can be connected.

Terminology

Some of the following definitions are explanatory of terms used in this Accord publication.

Borders: de jure and *de facto* borders that delineate state or quasi-state territorial boundaries. In many contexts of armed violence, such borders are disputed or not recognised by groups in conflict.

Cross-border conflict dynamics: dynamics of an armed conflict system that cross borders. Recognising that conflict systems are inherently complex and transnational, in the context of this project, cross-border conflict dynamics have in common that the communities most affected by them are geographically proximate. Dynamics can be both material and psychosocial.

Peacebuilding: working with local people in fragile and conflict-affected states to prevent violence, promote justice and transform conflict into opportunities for development. Peacebuilding aims to establish sustainable political settlements and peace processes that are locally supported and complemented by international engagement.

Cross-border peacebuilding: peacebuilding initiatives that respond to challenges of cross-border conflict dynamics.

Structure of the publication

The publication is divided into five sections. The first section, 'Thinking outside the state', presents three conceptual analyses

of the challenges of 'cross-border peacebuilding' from global, systems analysis and legal perspectives. Sections 2, 3 and 4 present case studies of cross-border peacebuilding initiatives from around the world, looking 'Beyond the state', focusing primarily on regional inter-state responses, and 'Below the state', looking at cross-border community relations, and at cross-border trade and natural resources. A fifth, final section draws policy conclusions from the analysis.

The case studies in this publication respond to three questions:

1. What is the cross-border conflict problem – ie the cross-border conflict dynamic that needs to be addressed?

2. What is the cross-border peacebuilding gap – what is missing from or blocked in international conflict response architecture (strategies and capacity)?

3. What has been the cross-border peacebuilding response – how have local and international peacebuilders tried to overcome blockages and gaps to tackle the cross-border peacebuilding problem?

Thinking outside the state

The first article by I William Zartman looks at *Boundaries in war and peace*. There are two types of transboundary disputes: disputes over (about) boundaries and disputes over (across) boundaries. Disputes about boundaries occur because we do not know where the line is, or we do not like where the line is. Disputes that cross boundaries are more complex. They are likely to involve other bordering areas between the two countries, often otherwise not in dispute. A second circle carries the dispute to the two capitals, the centre of the peripheries. A third circle then encompasses the two countries' allies, for each country will seek additional power by engaging support from abroad. Disputes across boundaries by their very nature involve at least the threat and most likely the lure of escalation, ie conflict beyond boundaries. While such disputes are bound to occur, there are specific ways outlined in the article by which their occurrence can be prevented and their effects can be reduced.

Professor Robert Ricigliano then describes a systems approach to conflict analysis and peacebuilding, explaining how strategies that refer to systems rather than states can shape more flexible and appropriate responses to cross-border conflicts, to identify actors or dynamics that exist outside state borders, such as narcotic networks that support insurgent groups, and to incorporate these into peacebuilding interventions.

Next, Clionadh Raligh briefly describes the groundbreaking Armed Conflict Location and Event Data (ACLED) data set,

which records violence spatially and temporally, and enables violent activity to be tracked by location (instead of by state), across borders over time.

Finally in this section, Professor Geoff Gilbert and Clara Sandoval explore some of the international legal challenges presented by the cross-border impact of conflict, especially pertaining to the international law of armed conflict, international human rights law, international criminal law, the law relating to the protection of internally and internationally displaced persons, and transitional justice.

Building peace beyond the state

Section 2 of the publication looks at the political, governance and security challenges of cross-border peacebuilding. An introductory article to the section by Cedric Barnes suggests that regional diplomacy or institutions can help to level the 'political playing-field' for cross-border state-to-state dialogue by counterbalancing perceptions of power inequality among states. Regional bodies can instil confidence in peace processes, add impetus to inter-state peace processes and bring practical assistance in delivering peace dividends. But regional institutions may lack capacity, or member states can refuse to divest sovereignty. Barnes suggests that developing links between regional organisations and cross-border civil society networks would enhance regional capability for conflict prevention and resolution.

Case studies in section 2 include three analyses of the role of the European Union (EU) in cross-border peacebuilding: two within Europe – in Ireland and the Basque country – and one on the border between eastern Chad and the Central African Republic (CAR).

Katy Hayward describes how European integration over time helped to dilute the political significance of the border between Ireland and Britain, which contributed to the signing of the 1993 Anglo-Irish Agreement. The EU has more recently tried to smooth tensions across the Irish border more explicitly through 'PEACE' initiatives, rehabilitating marginalised borderland areas and facilitating cross-border cooperation at national levels. But despite such direct EU community engagement, the sustainability of cross-border peacebuilding at a local level is questionable.

Next, Professor Julen Zabalo and Oier Imaz discuss the Basque conflict, writing from a Basque nationalist perspective. ETA's ceasefire declaration of September 2010 suggests political transition and perhaps progress on the Basque issue. The authors ask whether the EU's experiences in Ireland provide any lessons for the Basque case, and question why Brussels has so far failed to engage on the Basque question.

In responding to the regional conflict system in eastern Chad, the EU innovatively sought to deploy a peacekeeping force (EUFOR) across the border with CAR. But David Lanz asserts that, in practice, EUFOR Chad/CAR did not patrol the insecure border area. Ultimately EUFOR's impact on security was minimal. And Brussels' focus on EUFOR eclipsed vital political engagement.

Ben Shepherd looks at another African regional conflict system in eastern Democratic Republic of Congo (DRC). International pressure convinced Rwanda to withdraw support for Laurent Nkunda's National Congress for the Defence of the People (CNDP), and encouraged dialogue between Rwanda and DRC. But although large-scale violence was reduced, such inter-state security cooperation has failed to tackle structural drivers of violence in eastern DRC related to governance and borderland marginalisation.

The Esquipulas process in Central America in the 1980s and 1990s shows how regional diplomacy can respond to regional security complexes. Jordi Urgell Garcia describes how regional initiatives had previously foundered in the context of Cold War proxy conflicts and externally sponsored dictatorships. The spread of democratisation and the de-escalation of the Cold War enabled Esquipulas to get a solid footing, but it took many years and came at a distinct historical juncture, and momentum has subsequently waned.

Building peace below the state

Sections 3 and 4 look at efforts to build peace below the state, through cross-border community or trade networks.

Cross-border community relations

Section 3 looks to social and community networks and relations. In an introductory article to the section, Kristian Herbolzheimer notes that borders can be much less relevant to peoples than to states, and that understanding the social and cultural conditions of borderland communities is key to tackling cross-border conflicts. Social and cultural ties can span state borders. State presence may be weak in remote borderlands where local people are left to provide for their own needs. This can mean looking outwards across borders to other communities, rather than inwards to administrative capitals. Herbolzheimer asserts that borderland communities have the insight and capability to respond to cross-border conflicts, and he shows how international support can help to strengthen this capacity and link it to formal peacebuilding processes.

In conversation with Accord, John Baptist Odama, Archbishop of Gulu, northern Uganda, describes the efforts of a Regional Civil Society Task Force to respond to the Lord's Resistance

Box 1
Cross-border conflict dynamics

Conflicts over and across borders
Conflict can be about borders that are uncertain or unaccepted. Conflict can also be across borders, and between or over borderlands. Layers of conflict dynamics can flow across several states and quasi-states, as well as across multiple levels – international, regional, national and local or provincial.

Material cross-border conflict dynamics
Borders can be ignored or contested by 'nomadic' conflict actors such as the Lord's Resistance Army. Inter-connected civil wars and insecurity complexes can involve whole regions, and armed groups can seek sanctuary or anonymity across sympathetic borders or in ungoverned borderlands.

Populations can be displaced across borders. Weak, corrupt or militarised borders can interrupt essential cross-border traffic and trade, and cause resentment or be a direct source of violence and exploitation, such as in the Mano River Union in West Africa.

Terrorist or narcotic networks can exist across porous and badly managed borders, such as in the borderlands between Colombia, Venezuela and Ecuador, or illicit trade in blood diamonds and small arms can sustain regional conflict systems, such as in West Africa.

Psychosocial and economic cross-border conflict dynamics
Borders and boundaries can cut across ethnic or cultural sources of societal cohesion. Inequalities of political capital between communities across borders can cause tension and grievance. Contrived or contested borders can epitomise much bigger political cleavages, such as in Kashmir.

Inter-community cross-border conflicts occur where different communities have claims of exclusive access to, or ownership of, a given territory, such as in the Middle East. Irredentist or secessionist aspirations inevitably challenge borders, such in the Basque Country, and war economies can be regionalised through cross-border trade, such as in the African Great Lakes.

Army's (LRA) conflict. Now that violence related to the LRA conflict extends into four separate states across East and Central Africa, traditional, religious and civil leaders from affected countries have joined together to share learning, assist affected communities and advocate for a regional non-violent response. Archbishop Odama asserts that the regional military offensive, Operation Lightening Thunder, was like "throwing stones at bees; the swarm scattered and bees are now stinging people everywhere". He explains how civil leaders from northern Uganda are using their long experience of dealing with the LRA to empower newly affected communities in Sudan, DRC and CAR to transform themselves from LRA victims into 'anchors of resilience' to the violence.

Socorro Ramírez shows how the spread of violence across Colombia's borders has tested diplomatic relations with neighbouring countries. She describes how the impact of cross-border violence is felt most keenly among local communities living in borderlands in Colombia, Venezuela and Ecuador. Civil society has developed links across national boundaries between all three countries to respond directly to peacebuilding priorities in borderlands and to promote better relations between capitals.

Kamarulzaman Askandar explains that long-standing cultural links and affinity between Aceh and Penang in Malaysia made Penang a natural home for Acehnese refugee peacebuilders who were displaced by the war in Aceh. The *Universiti Sains Malaysia's* Research and Education for Peace (REPUSM) unit helped set up the Aceh Peace Programme (APP) as the base for peace activity. Together, REPUSM and APP were able to contribute to the resolution of the conflict in Aceh through advocacy, capacity building, networking, institution building, and local (Acehnese) ownership of the activities.

Peter Albrecht and Elizabeth Drew describe how poor border management has undermined legitimate cross-border movement and commerce in the Mano River Union (MRU), where informal cross-border trade in livestock or manufactured goods underpins many local livelihoods. Women are especially vulnerable to sexual assault and harassment by corrupt security services. Empowering local communities can increase collective oversight of security services and promote border security governance, but borderland communities need more information about their rights and responsibilities and greater access to security sectors.

Rachel Clogg and Jenny Norton state that the south Caucasus has been in a state of 'no peace, no war' since the early 1990s, interlaced by closed borders, front lines, and abandoned roads and railways. Contact between ordinary people has been severely restricted, but Clogg and Norton stress how the media has been helping to reconnect people and to rebuild ties severed by violence.

Mossi Raz describes the All for Peace radio station, currently the only fully independent, Israeli-Palestinian collaborative communications venture operating in the Middle East. It promotes cross-border dialogue, human rights and collaborative civil society peacebuilding initiatives in order to break down misperceptions and strengthen democracy in the region.

Cross-border trade and natural resources

Section 4 of the publication looks at trade and natural resources as 'entry points' for cross-border peacebuilding. Diana Klein introduces the section. She describes how economic or environmental cooperation across borders in pursuit of a shared goal, such as access to end markets for local traders, regional economic interaction to promote development and integration, or better management of shared natural resources, can open trade channels that contribute to building trust, or establish interdependencies across borders that provide incentives for cooperation and increase the costs of war. She warns that cross-border economic cooperation can also promote violent conflict if profits are used for war. Nor can a peacebuilding outcome be assumed; rather, initiatives need to mainstream a peacebuilding objective in order to maximise effectiveness and impact, for instance so that increased cross-border trade extends beyond economic activity and addresses the needs of peacebuilding.

Ayesha Saeed explains how trade across the Line of Control (LoC) in Kashmir has helped to 'soften' the border and re-establish links between divided Kashmiri families, trading communities and civil societies. But the impact of the initiative has been limited as both an economic and a reconciliation enterprise, as traders have to use an inefficient barter system, and exchange of goods across the LoC takes place through intermediaries, leaving little people-to-people contact.

In eastern DRC, mineral extraction and trade is often portrayed as an exclusive driver of regional violence. But Nicholas Garret and Laura Seay stress that weak governance, not trade, underpins conflict in the African Great Lakes – and is key to resolving it. Efforts to simply suppress the mineral trade are not only impracticable, but ignore its developmental potential and exaggerate its significance.

In West Africa, diamonds were valuable assets in the regional conflict system, funding Revolutionary United Front (RUF) rebels in Sierra Leone, and sustaining Charles Taylor's grip

A young woman crosses the border between Sierra Leone and Liberia at Gendema in Sierra Leone. © Aubrey Wade

on power in neighbouring Liberia. Alex Vines describes how regulating the 'blood diamond' trade through the Kimberley certification scheme has helped to de-link it from a regional war economy. The system is far from perfect, but the industry is in better shape than in the late 1990s.

Annika Kramer states that scarce water resources have interacted with asymmetric power relations between Israel, Jordan and the occupied Palestinian territory. She suggests that water cooperation is not only essential for environmental and humanitarian reasons, but could contribute to peacebuilding and human security.

I William Zartman looks at trans-border conflict in the Maghreb, where the solution is obvious: regional cooperation among the neighbouring countries would increase the economic welfare of all of them significantly. Instead, there is endemic rivalry among them and specifically a dispute over the decolonised territory of Western (formerly Spanish) Sahara that blocks cooperation, keeps borders closed, and fuels costly competition in trade and arms. Underneath this situation lies the fact that the central state, Algeria feels no need for enhanced economic benefits because of its oil cushion.

Building peace across borders
A fifth, concluding section looks in more detail at how peacebuilders can 'think outside the state' to link supra- and sub-state peacebuilding initiatives. It looks at how

peacebuilders can strategise 'holistically', focusing on conflict systems rather than states, and at ways to 'humanise' regional security cooperation to engage better with conflict prevention and resolution.

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I William Zartman is the Jacob Blaustein Professor Emeritus at the School of Advanced International Studies (SAIS) at the John Hopkins University, and member of the Processes of International Negotiation (PIN) Program at Clingendael. His doctorate is from Yale (1956) and his honorary doctorate from Louvain (1997). His books include Negotiation and Conflict Management (Routlege - 2008), and Understanding Life in the Borderlands: boundaries in depth and motion (ed.) (University of Georgia Press 2010). He is president of the Tangier American Legation Institute for Moroccan Studies (TALIM), and was founding president of the American Institute for Maghreb Studies and past President of the Middle East Studies Association.

Section 1

Thinking outside the state

cross-border peacebuilding concepts and themes

Boundaries in war and peace

I William Zartman

A boundary is a line indicating where I stop and you begin, separating me from you. Boundaries have to do not only with physical separation but also with social and psychological separation: that is, with identity, indicating who we are and who we are not. Since they divide, they also protect what they have divided, again both physically and psycho-socially.

Most boundaries are artificial (the exception being water boundaries around islands), because I and you do not separate easily and naturally, and even if we do, there is likely to be plenty of traffic, transport, and communication across the line. Geographic features help, as walls and moats, but are often ambiguous. Mountain crests tend to separate populations if they are high enough but they are complex. Rivers divide shores but unite valleys.

In many senses, boundary conflicts have all the characteristics of any other conflict. Their special feature is that they involve land and its division. The spatialisation or territorialisation of the conflict gives it a concrete nature that is both a complication and facilitation of conflict management.

Studies show that territorial conflicts are easier to solve than conflicts over intangibles, and although the sacralisation of territory makes it less easy either to divide or to trade it, those possibilities do nonetheless exist. Agreement over a boundary and its conditions provides a specific conclusion to a conflict that is hard to achieve with intangible stakes.

Disputes about boundaries

Trans-boundary means 'over boundaries', and there are two types of trans-boundary disputes: disputes over (about) boundaries and disputes over (across) boundaries. There are two reasons for disputes about boundaries: we do not know where the line is, or we do not like where the line is.

Boundary uncertainty can occur because the line has never been drawn or never been accepted by both parties. Territorial limits to a state are a new development in many parts of the world, where the polity was traditionally a population unit rather than a territorial unit.

Entrance into the modern international state system, often brought by colonisation, has required establishing territorial limits, often in inhospitable areas. Until 1972, much of the boundary between Morocco and Algeria was never formally defined (having been declared 'superfluous' because the area was largely uninhabited); in the 1970s, aerial photography revealed new geographic features in an undelimited area in the otherwise demarcated boundary between Ecuador and Peru; and the Somali-Ethiopian boundary was once drawn 'from a rock to a tree to traditional grazing areas' and the treaty on the resulting line was then lost.

All these uncertainties have given rise to wars and only the Andean boundary has been fully resolved. But there are other reasons for uncertainties, frequently less conflictual. A notable instance arises from the shifting bed of boundary rivers, but shifting roads can also ignore and complicate boundary certainty.

A boundary commission in the 1990s made small but useful rectification in the Zairean-Zambia boundary for these reasons, and the US-Mexican Chamizal dispute received a technical solution after some years of contestation.

Finally, the very act of defining the boundary can create conflict. Efforts to overcome uncertainty can rouse sleeping dogs and can bring to light details worth disputing, according both to physical and human geography, and to relations for other reasons between the bounded countries. An effort to clarify the Eritrean-Ethiopian boundary around the apparently

Trucks carrying goods prepare to leave Uri in Indian-administered Kashmir for Pakistani-administered Kashmir. October 2008. © Zafar Choudhary

insignificant little town of Badme made each country realise how much it really meant to them, and how tense the rest of the relations between the two of them were anyhow.

Disputes over the acceptance of an otherwise established boundary have more to do with the territory behind the line than with the line itself, and hence are properly territorial disputes. Again, such claims can occur for physical or social reasons.

Physical sources of claims concern resources or positions that the territory holds. An oil-rich neighbouring territory, such as Kuwait next door to Iraq, or a coal-rich territory, such as the German Saar next to France, arouses covetous looks from the other side of the border that then calls the border into question.

The simple location of the territory in question in the name of geographic logic issues a powerful directive. Iraq questions its treaty boundary with Iran running down the thalweg of the Shatt al-Arab because it leaves Iraq with a very narrow entrance into the Persian Gulf; Idi Amin's Uganda claimed the Kagera salient to the Kagera river as a 'more African' boundary instead of the colonially-drawn straight line; and the United States arrived at its current continental form by following its 'Manifest Destiny' to reach the Pacific shores.

Social sources involve above all 'ethnic overhang', where a part of one country's national population also lives on the other side of the border. Somalis in the Ethiopian Ogaden, German-speakers in the Italian Alto Adige (Süd Tyrol, across

the mountain wall), Bosnian and Kosovar Serbs, and Turkish, Iranian and Iraqi Kurds all contest the state boundaries that keep them from 'themselves' in the neighbouring country.

By extension, this same sort of boundary dispute can be applied to secessionist demands, in the sense that the ethnic group is protesting the *absence* of a boundary between themselves and the rest of the country. Diola-led *Casamançais* in Senegal, Muslim Moros in the Philippines, some Kashmiris in India and Pakistan, and Tamils in Sri Lanka all have territorial disputes requiring a new boundary.

Disputes across boundaries

Disputes that cross boundaries are more complex and are not easily categorised. Of course, disputes about boundaries cross boundaries too, since they involve not only a line but also the contested territory that that line divides. The dynamics of the conflict carry it back and forth across the borderlands, either in search of a new line or to destroy an old one. However, such conflicts are unlikely to be limited to border wars, restricted to the disputed territory, or the land around the boundary; they extend much deeper, in circles.

They are likely to involve other bordering areas between the two countries, often otherwise not in dispute. A second circle carries the dispute to the two capitals, the centres of the peripheries. A third circle then encompasses the two countries' allies, for each country will seek additional power by engaging political, economic and military support from abroad. For example (one of many), the Iraqi-Iranian border war in 1975

Disputes about sacred boundaries or boundaries around sacred lands are obdurate problems with high potential for escalation"

concerned Iranian support for Iraqi Kurds, then spilled over into war at other points along the border including the southern salient near the Shatt al-Arab. Settled in 1975, the war broke out again between the traditionally hostile neighbours in 1980 after the Iranian revolution and spread to threats of direct air attacks on the capitals, while in both cases bringing in regional and global allies of both sides.

Disputes across borders arise from the fact that an artificial line interrupts normal human interaction. In some cases life goes on across the soft borders, families continuing their family life despite the line. On the Togo-Benin border, between two sometimes hostile states with burdensome customs and immigration procedures on the main road between them, family weddings and funerals (and night-time bride-snatching) go on free of official interference. And on the French-Swiss border, towns and even backyards are divided by an unpatrolled invisible line.

On the other extreme, hard borders sharply divide, patrolled by frontier guards and marked by mined strips, barbed wire, and no-man's lands. The very sharpness of the frontier gives rise to attempts to get around it, creating new professions: smugglers, middlemen, border officials, etc. These two boundary models can be called *black-and-white* and *grey*: the Iron Curtain and the current Cypriot Green Line are examples of the first; the Rhine valley and the Rio Grande Valley, until recently, examples of the second.

More profoundly, these different types refer to the boundaries in depth – borderlands, the area on either side of the border. It is important to realise that these areas are inhabited by people who identify as borderlanders, whatever their attitudes toward their national identity.

The *black-and-white* and *grey* models are pictures of some borderlands, but other pictures are available, each with its own implications: *buffered,* where a third population is inserted to separate the other two; *spotty,* where islands of one population are scattered within the other; *layered,* where social strata separate different populations related to either side of the boundary; or, one should add, something else or a mixture of these. The Serbs inserted by the Austrians in the Krajina to

separate Croats from Muslims, Jewish settlements in Palestine, and Palestinians in Israel are examples of the three models.

Mostly, these types of borderland populations are the result of conflicts across boundaries, but they then form the context for future conflicts. The US-Mexican *frontera,* locally termed the Serpent; Israel and Palestine, entire countries (even if thin) which make up their own borderlands; and Republika Srbska (formalised or not) in Bosnia and Kosovo – these *are* the conflict, not merely its observers or its subjects.

The other side of the centre-periphery relationship – relations between centres – is also crucial to the nature of conflicts across boundaries. Conflicts, inter-state or intra-state, know no boundaries; they reach out from their centres until they meet resistance, and they reach into the other side of the boundary, whatever the relations that the borderlands had enjoyed before. The wars over the breakup of Yugoslavia and the control of Rwanda turned previously peaceful neighbours and inter-ethnic couples into killing fields; the Eritrean People's Liberation Front and the Tigrean People's Liberation Front fought together to overthrow the Ethiopian government, but later turned on each other in a mindless boundary dispute.

The third dimension of conflicts across boundaries reaches from the borderland to the centre to the region. Internal conflicts play on the neighbour and the neighbour plays back, bringing in other neighbours; peripheries have reciprocal links and centres have networks of alliances. This is of course the history of European wars from the 15th to the 20th century, but also the more contemporary story of the West African cancer, spreading from Liberia to Sierra Leone, Guinea Bissau, and Casamance, then to Côte d'Ivoire. Or of the Afghan war, bringing in the USSR and then the US, pulling in Pakistan, and, indirectly, India and Iran, and then giving birth to al-Qaeda, in the 20th and now 21st century version of the 'Great Game'.

The lure of escalation: conflict beyond boundaries

Disputes across boundaries by their very nature involve at least the threat and most likely the lure of escalation, of conflict beyond boundaries. There are many types of escalation, other than the escalation of space, and each feeds the others: escalation of means, ends, conflicts, parties, images, risk, costs and commitment. Many of these effects operate intransitively (conflicts scalate on a mechanism of their own) as well as transitively (they are escalated by one and then both of the parties).

Escalation of *space* means that competing claims between Ethiopia and Eritrea on Badme expand to competing claims for one whole state covering larger portions of previously

uncontested territory. Escalation of *means* means that greater efforts – from border guards to insurgents to back-up troops to full armies – are thrown across the border, as between Iran and Iraq. *Ends* refers to an expansion of goals from cultural rights to autonomy to independence, as in Kosovo.

Parties refers to the agglutination of interest participants, as the war against Colombian guerrillas expanded to involve Venezuela and Ecuador, and then the two sides brought in external allies, the moderate Latin American states against the Bolivarists, and then the US against Russia, among others. *Conflicts* refers to the contagion effect, in which one conflict encourages another with no direct relation to the first; Ethiopian and Ugandan support for Southern Sudanese rebels was met by Sudanese support for Eritrean rebels and for the Lord's Resistance Army in Uganda, and so on in the Horn of Africa where bilateral conflicts have been inextricably interlocked.

Escalation of *images* runs from worthy opponent to enemy to evil one, as vilifying and demonising sets an ever heightening barrier against dialogue, negotiation and reconciliation. Escalated *risk* involves the chances the conflicting parties are willing to take, often as they fall into the maelstrom of entrapment, throwing good efforts in after bad, as the Moroccan-Algerian conflict over the Western Sahara has led to competitively destructive efforts in the then-Organisation of African Unity (OAU) and to the destruction of the Arab Maghreb Union.

Costs too relate to entrapment, and the investment and damages each party is willing to undergo, as Greece went to great and ultimately childish efforts to deny the nominal existence of (the Former Yugoslav Republic of) Macedonia and then the existence of (the Turkish Republic of) Northern Cyprus.

Finally, *commitment* covers many of the above, referring to the depth of engagement of the two sides in their conflict, often felt in existential terms.

Boundary conflict management and resolution

How can this complex of conflict situations be handled to reduce, manage and even resolve the conflicts?

Disputes about boundaries can be handled preventively by simply establishing clearly demarcated boundaries. The effort to delimit and then demarcate involves cooperation between neighbours, itself a step toward conflict reduction. It is often objected that sleeping boundaries should be let lie, but the fact is that demarcation in times of peace or at least quiet relations is far better than demarcation in response to a crisis.

Whereas ripeness theory tells us that states do not act until they find themselves in an uncomfortable impasse, the theory can also be applied prospectively, when states realise that they will be in a hurting stalemate if they leave their potential boundary problem to simmer until the boil bursts. There have been repeated calls from the time of the OAU for African states to declare the *Year of Boundary Demarcation* to stave off future boundary disputes that are so potentially frequent, and the African Union (AU) Border Programme is now actively working on this very task. Even though a segment left undemarcated because unknown was later to cause conflict, most of the Peru-Ecuador boundary was demarcated and thus removed from dispute in the mid-1940s.

But clear definition is not enough. Because of their artificial nature in human terms, boundaries need to be made permeable so that borderlanders can cross easily to do their daily business and make their normal contacts. Often this poses problems for authorities, since illegals and criminals can slide across under the cover of normal contacts, and are often cleverer than the normal controls. The balance between clarity and openness is, as usual, a work of continual tending. The US-Mexican border and the Chinese-North Korean borders – both fully demarcated – pose such problems.

A third word of prevention is need for wise and careful rectifications as conditions change. Rectifications refers to small changes as roads and rivers alter their courses to fit nature, as new terrain features are discovered, or even as new population patterns mean that salients need to be changed or exchanged. The more territory involved, the more delicate the rectifications become, of course, and even rectifications may involve territory that is sacred or strategic for other reasons. Nonetheless, small changes can prevent big conflicts.

Disputes about sacred boundaries or boundaries around sacred lands are obdurate problems with high potential for escalation. Such territories are often presented as absolute and indivisible. The problem is that they engender such tense and hostile relations that it is difficult to make the parties sit down and coldly and creatively examine the problem. There are always technical, objective and innovative solutions available, but the parties are not feeling objective and creative. Trust, the necessary ingredient of any agreement, is lacking, not only in the negotiation process but also in the longer time of implementation. Such situations require confidence- and security-building measures to render the situation as controllable as possible.

Research has shown that a necessary ingredient is third-party monitoring after an agreement. Jerusalem is indeed divisible,

but the parties must be open to the principle of division (admitted in Ehud Barak's proposals in Camp David II in 2000) and must have confidence that each side will administer its part and cooperate in city administration honourably (as the bitterly rival Christian sects have done, more or less, in the Church of the Holy Sepulchre). The patriotic and holy Serb sites in Kosovo can be handled by open access and administration regimes (or even 'ownership' as opposed to 'sovereignty', as invented for a Peru-Ecuador site). All that is necessary is mutual trust and creativity, with a little attention from a friendly and committed mediator!

Disputes across boundaries enter into the realm of all conflict management. Conflict between centres is the problem on which efforts need to focus. Escalation in space and parties can be controlled by invoking the regional dimensions of the conflict, using third-party neighbours and regional organisations to dampen the conflict, urge negotiations and respect for common values, and care for borderland populations.

In the Mediterranean islands disputes, the EU's refusal to side with its members, Spain and Greece, and instead urge restraint, removed the Union as a mediator but did much to calm the tension. Other regional organisations, such as the AU, the Association of South East Asian Nations (ASEAN), and the Organisation of American States (OAS) have been similarly helpful in boundary disputes among their members. On the other hand, such organisations are often impeded from acting as mediators, and mediation needs to come from an external source with a certain amount of standing, often the US or the UN, but in the Beagle Channel boundary dispute between Argentina and Chile it was the Vatican. Regional organisations are, after all, groups of members, who may be involved in the conflict, too close to it to be effective mediators.

Despite the difficulties boundary disputes present, the world is well-equipped to act as peacemaker. There is plenty of expertise and many examples of effective conflict management (reducing the conflict from a violent to a political stage) and conflict resolution (settling the issues at dispute). Countries, often assisted by NGOs, need to be ready and willing to limit and mediate conflicts, despite the conflicting parties' frequent resistance to third-party involvement and the 'internationalisation' of their conflict (even while they look for foreign support). Parties in conflict need help, even if they are unwilling to admit it. Often they overcome their unwillingness, only when they find themselves painfully stalemated in their efforts, hence the difficulty of, but crying need for, preventive efforts.

Mapping conflicts across borders

ACLED (Armed Conflict Location and Event Data) is a conflict dataset that collects and codes information on internal political conflict.

By recording instances of violence spatially and temporally, ACLED can discern conflict patterns such as diffusion and contagion, and conflict cycles, clusters and frontlines. The coverage and coding system enable activity to be tracked by location (instead of state) and across borders over time. For example, conflicts in Rwanda and Democratic Republic of the Congo, or rebel activities in Sierra Leone and Liberia, can be analysed as part of a conflict system.

Instances of violent activity can be mapped against other cross-border conflict dynamics, such as refugee movements, and structural elements such as state capacity (roads, police stations, military bases) and environmental factors (terrain, natural resources), as well as political indicators, in order to provide a more integrated and contextualised picture of a conflict system.

Data are derived from media reports, humanitarian agencies and research publications. Many findings in the World Bank's 2011 World Development Report on conflict, security and development are based on ACLED data. The map below uses ACLED data to depict the shifting regional diffusion of Lord's Resistance Army (LRA) activity over time.

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Figure 1. *Regional LRA diffusion*
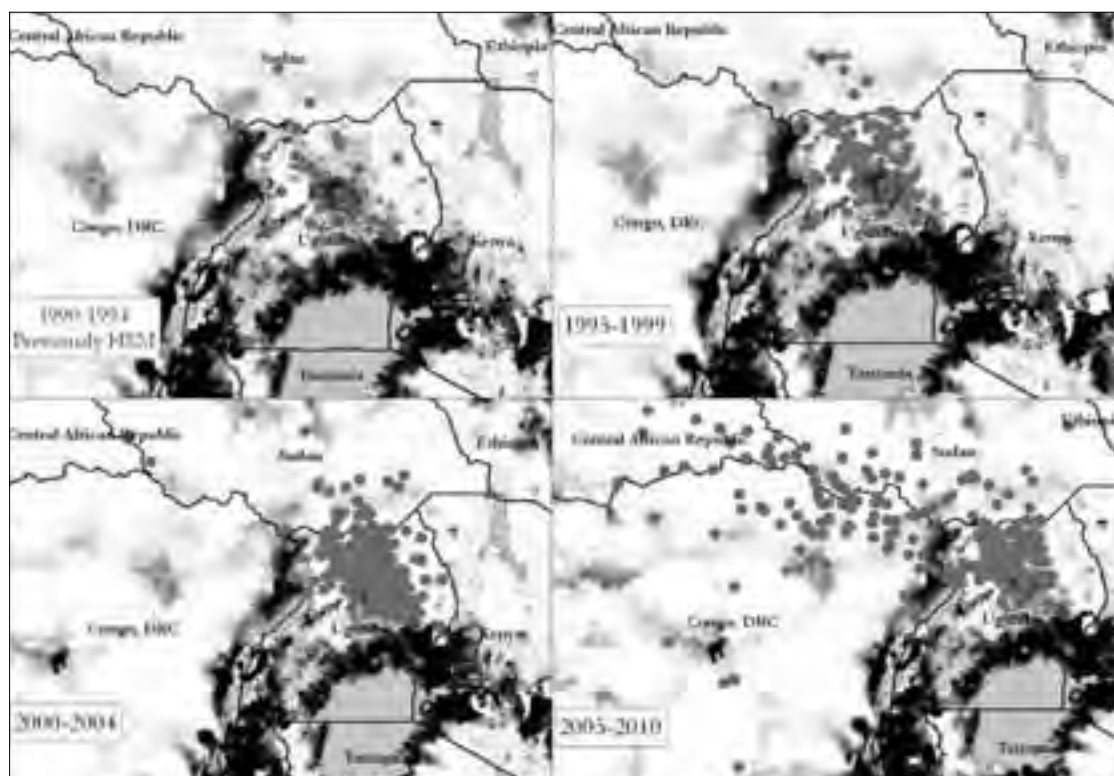
A systems approach to peacebuilding

Professor Robert Ricigliano

When my children were little, I used to look at a picture book with them called *Close, Closer, Closest*. The book would take an object and first show a close-up picture of a small part, then zoom out a bit to show more of the object, then zoom out a lot so the viewer could see the whole object in context.

The game is that for each picture you try to guess what the object is. Only when you get to the last picture, which shows the object in a broader context, do you know with certainty what the object is, and realise, with some humour, how far off your original guess was. For example, what looks at first like a symmetrical pattern of red, blue and green dots (perhaps a piece of cloth?), is actually a child's face, which is in fact a child's face on a television screen being watched by another child.

The book illustrates a useful lesson: one's ability to see objects or events in a broader context changes one's sense of what the object or event means. If this lesson is applied to a children's book it may make for a fun afternoon. But when applied to complex social systems, such as societies that are experiencing violent conflict, it matters a great deal more.

This twenty-second Accord publication is a case in point. Any particular peacebuilding challenge, such as in Somalia, Afghanistan or Colombia, is difficult in its own right. However, the core problem may be that of using political boundaries to define the challenges and opportunities that these conflicts present. For example, instability and violence in 'Somalia' have much less to do with the boundaries that delineate the political entity we call Somalia, than with relations between groups within Somalia and other states – such as Ethiopia, Kenya, some Muslim and Arab states, and the US – international organisations – such as the United Nations (UN), the African Union (AU) or the Intergovernmental Authority on Development (IGAD) – cross-border criminal groups, international aid

agencies, the Somali diaspora in the Gulf States, and global non-state armed actors such as al-Qaeda.

However, donors, foreign ministries, and international and non-governmental organisations (IGOs and NGOs) tend to organise their peacebuilding efforts around political boundaries. From a systems thinking perspective, this presents peacebuilders working in specific countries with a 'close, closer, closest' problem: how they define the 'problem' and what they believe constitutes 'success', and the strategies they pursue to move from one to the other, will be fundamentally different depending on whether their unit of analysis is a country (an 'up close' perspective) or a complex social system defined without regard to national borders (a holistic perspective).

Thinking systems

Systems thinking is based on a few fundamental premises, including the following:

- *Interconnectedness*: events and social phenomena do not exist in a vacuum but are connected to other events and social phenomena

- *Dynamic causality*: causality does not flow in only one direction but any causal event touches off a chain reaction that will eventually have an impact on the initial causal event itself (feedback)

- *Holism*: seeing the whole tells one more than just understanding all the parts that make up the whole

Systems thinking is a reaction to 'reductionist' approaches that try to eliminate the confusing aspects of complexity by breaking a messy 'whole' into its component parts. This may be useful when trying to fix a car engine, but it can be very unhelpful when dealing with a social system that produces violence.

In this sense, an approach to peacebuilding that stops at national borders is reductionist: it disconnects a part (a nation state) from the broader whole (a trans-boundary social system) in an attempt to better understand and 'fix' that part.

More importantly, the three basic systems thinking assumptions make this approach to peacebuilding fundamentally different, even from other trans-border approaches to peacebuilding. Systems thinking and corresponding approaches, such as looking at the idea of political space and not just geographic space, provide a reason to look beyond political borders.

For example, an effective peace process in Somalia needs to include more than just internal political actors, but also external actors as mentioned above. However, from a systems perspective, looking beyond borders is not an end in itself. The assumptions of interconnectedness and dynamic causality mean that to understand Somalia as a social system that is characterised by high levels of violence and instability, one must follow the causal chains, wherever they lead. And the purpose of this is to get a different understanding of Somalia, rather than to just identify additional players that should be incorporated into a negotiation process.

A systems view will provide a definition of peacebuilding issues in Somalia that is different than a non-systemic view. In terms of the example from the children's book, a holistic, systems view versus a reductionist view is like the difference between thinking one is looking at a piece of cloth and looking at a child that watches too much television! Similarly, a non-systemic view of Somalia may lead one to see the problem as a conflict between combatant parties – Al Shabab and the Somali transitional government – and ignore the complex system of dynamic relationships and social trends (both internal and external to 'Somalia'), one impact of which is to cause internal Somali actors to fight each other.

The Israeli-Palestinian conflict may provide a better illustration of the above point. Looked at from a reductionist perspective the conflict might be defined as existing between Israelis and Palestinians over the status of their respective political entities. In this frame of reference, one might define the problem as the lack of a political settlement that would determine borders and settle land disputes, enable economic and social development, increase security for both communities, strengthen the conditions for healing, and perhaps even enable steps toward reconciliation.

A systems view would characterise the situation very differently. Stepping back from specific developments in the Israeli-Palestinian peace process, one can see recurrent patterns of interaction. There have been signs of progress in the peace process, such as agreements between Israel and Egypt, and Israel and Jordan, Israeli withdrawal from Gaza and south Lebanon, the Oslo Accords, reform and capacity building in the Palestinian Authority in the West Bank, and so on. There have also been significant setbacks, including the wars in 1948 and 1967, the Intifadas, breakdown of the Oslo Accords, Hamas and Hezbollah rocket attacks on Israel, Israeli attacks in Lebanon, bombings in Israel, Israeli armed crackdown in Gaza, expansion of settlements.

Over time, progress toward a political settlement between Israelis and Palestinians is intertwined with setbacks in a recurring pattern. Leaders from the two parties, along with leaders from key external actors (such as the US, the EU, and some Arab States such as Egypt), dedicate themselves to a renewed negotiation process, expend significant political and financial resources, and hail progress in the form of 'key steps' toward an ultimate Israeli-Palestinian political settlement. These events are met with new roadblocks, periods of negotiation impasse, heated rhetoric and accusations, acts of violence, internal shakeups within key actors, and one or another party withdrawing from the peace talks.

Further, these patterns of behaviour that constitute the Israeli-Palestinian social system have a dominant purpose. It is not a purpose that is defined by the intentions of the actors in the system, but rather by the key outputs of the system over time. If judged by its predominant output over time, the purpose of the peace process does not seem to be a political settlement, rather the purpose of the Israeli-Palestinian social system appears to be 'resolution OR reconciliation avoidance'. The parts of this system deftly interact so as to avoid reaching a political resolution or reconciliation – weaving its way between tangible signs of progress and escalating violence (but never enough violence to cause the system itself to collapse).

Neither Israeli nor Palestinian leadership – nor external governments – seem willing to bear the potential costs of a political settlement. Marked political rifts exist within both communities, such as between Fatah and Hamas on the Palestinian side, and between the hard-line right wing of the Israeli electorate and those Israelis more comfortable with the concept of trading 'land for peace'.

Analysts such as Nathan J Brown claim that many leaders in the Arab world are 'addicted' to the image of Israel as the enemy in order to deal with domestic pressures. In the US, political leaders would face political backlash from Israeli leaders and from internal US constituencies if the terms of an agreement appeared to be too pro-Palestinian; and backlash externally, especially with Arab and Muslim allies, and in war zones in Iraq

and Afghanistan, if the terms were too pro-Israeli. Of course, the same agreement might be simultaneously viewed both ways.

This systemic view of an Israeli-Palestinian social system whose purpose is to avoid settlement implies very different strategies for how to intervene in the system to increase the level of peace in the region. From the reductionist, geographically defined perspective, it would make sense to enlist international support to pressure leaders of the two communities to engage in negotiations, and to bolster support for such a process among regional players such as Egypt, Syria, Lebanon and Jordan, as well as to deal with intra-communal tensions, such as between the ultra-Orthodox right wing and the liberal political parties in Israel, or the split between Fatah and Hamas.

From a systemic perspective, however, this approach is unlikely to be effective as it is futile to ask actors in a system to act contrary to the overall purpose of the system because larger dynamics in the system will undermine those actions. So, even if the US, the EU, Egypt and Turkey were able to pressure President Abbas and Prime Minister Netanyahu to support a political settlement, other actors or agents in the system would likely counter this move (for example, one or both might lose their jobs, new acts of violence might break out, external spoilers might intervene).

Systems response

A systems approach suggests that intervention should not be designed to impose change on the system itself, like pressuring Israeli and Palestinian leaders to make much the same compromises that previous leaders were reluctant to make. This does not mean that people should not seek to affect and change systems over time. It does suggest that some approaches will be more effective than others.

For example, changing part of the system – like installing a new leader, or adding more development assistance – is also likely to fail. Rather, systems analyst Donella Meadows describes how intervention should start with 'listening to the system', to identify where change is already happening in the system and nurture that change in the direction of a more peaceful, less violent trajectory. Brown suggests that a much more detailed analysis of the Israeli-Palestinian social system is necessary to spot these potential opportunities, which might include working with the slow process of institution building started by Prime Minister of the Palestinian National Authority, Salam Fayyad, or the renewed growth of the Israeli economy.

The central point here is not to present a cogent systems analysis of the Israeli-Palestinian peace process. Rather, the general dynamics of this process help illustrate how a systems approach

to peacebuilding is very different from one that uses political borders that define national states to determine how one analyses and responds to peacebuilding challenges. There is a need to draw sensible limits around one's analysis and interventions into conflict. An analysis that says everything is connected to everything else, and avoids setting priorities, is not helpful.

Rather, it is a matter of how to set one's 'level of zoom' – to borrow a term from photography. If one stands too far away from their subject, then the useful details are obscured (that is, a view from Mars would make key dynamics of the Israeli-Palestinian social system unrecognisable). Conversely, a view of the situation solely from within the borders of what is recognised as Israel and the Palestinian Territories and does not recognise the broader context will lead to unproductive or even counterproductive interventions.

Systems thinking provides a more reasonable set of criteria to set a helpful field of vision for peacebuilders. The concepts of exogeneity (what is external to the system you are studying) and endogeneity (what is internal to the system you are studying) are key aspects of systems thinking. If key actors or social dynamics exist outside one's view of a conflict, then those factors are more likely to be taken as a given and not included in interventions aimed at addressing the conflict. However, if something takes place outside of a national boundary, such as funding for insurgents from a diaspora community or demand for drugs that fund insurgent groups, they need to be recognised as part of the system.

A starting point for a better approach to peacebuilding is to abandon a view that is bounded by political borders. Peacebuilders need to follow the dynamic causal strings they encounter: taking positive or negative aspects of a conflict environment and asking 'why', and then following the analysis to its natural ends, regardless of whether it takes one across a national boundary. Peacebuilders need to look for dynamic feedback loops and start from the assumption that any observable feature of a conflict is both a cause of some other feature and an effect of other factors in that system.

Lastly, peacebuilders need to look for the main drivers of big systems change: the key factors – *structural* (basic systems and institutions), *attitudinal* (widely held group attitudes and beliefs), and *transactional* (how key people work together to deal with conflict) – that both help explain why a social system is the way it is and focus attention on the necessary building blocks for sustainable peaceful change.

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Cross-border conflict and international law

Professor Geoff Gilbert and Clara Sandoval

International law should not be thought of as just another branch of treaty obligations. Rather it is a complete but parallel legal system, where states are the classical primary actor. International obligations ought to be implemented by states at the domestic level or individuals may not be able to benefit from them. As such, the laws of the states where a conflict is having an impact need to be understood in the light of this other, separate international legal system.

This legal system has several sources, including both treaties that bind all parties, and custom based on state practice that is legally obligated, which binds all states apart from persistent objectors to the rule. Some rules, known as *ius cogens*, are so important, though, that no state can opt out. International law is traditionally seen as the law governing the behaviour of states – among themselves and in relation to persons under their jurisdiction, and accommodating state sovereignty. The state is the paradigmatic actor in international law and part of the definition of the state involves its territory based on recognised, if sometimes disputed, borders. The ideas of self-defence and territorial integrity are dependent, in part, on clearly defined borders.

The cross-border impact of a conflict raises questions going to the essence of modern international law, especially pertaining to the international law of armed conflict (ILAC), international human rights law (IHRL), international criminal law (ICL), the law relating to the protection of internally and internationally displaced persons, as well as the emerging field of transitional justice. Moreover, it is in relation to these branches of international law that the classical model is challenged and where other actors – individuals, non-state actors and international organisations – interact with the state.

Modern international law derives from the United Nations Charter, Article 2.4 of which provides that all members should refrain from the threat or use of force against any other state;

thus, no state should act in such a way within its territory that it directly impacts on the territorial integrity or political independence of another member state, a concept more fully elaborated by the UN General Assembly in its 1970 Declaration on Friendly Relations.

The unilateral use of force by one state against another is no longer permissible in international law. If force is used or threatened, however, states have an inherent right to self-defence under Article 51. Equally, Article 2.7 provides that the UN shall not intervene in matters that are essentially within the domestic jurisdiction of a member state. Nevertheless, under Chapter VII of the Charter, the Security Council shall take measures, including where necessary the use of force, to maintain international peace and security. This Security Council duty might be exercised in line with the developing ideas relating to the 'responsibility to protect'.

While armed conflicts still take place between states, what is more usual – and needs further analysis – is the situation where an internal armed conflict spills over into another state, either directly or indirectly, such as where civilian populations fleeing fighting cross a border seeking refuge, sometimes including persons who have committed war crimes or crimes against humanity.

International law of armed conflict or international humanitarian law

The law relating to going to war (*ius ad bellum*) is different from the law that applies during an armed conflict (*ius in bello*). Whether the conflict is lawful in international law is irrelevant to the question as to whether the laws of war (*ius in bello*) apply: once there is an armed conflict, then the laws of war apply. The laws of war are usually described in terms of Geneva Law, which relates to the protection of non-combatants, and Hague Law, which governs the means and methods of warfare.

The scope of law that applies depends on the nature of the conflict. ILAC only applies in full to so-called 'international armed conflicts', that is, wars between two states. Internal armed conflicts or civil wars have a more limited set of rules that apply to non-international armed conflicts (NIACs): Common Article 3 of the four Geneva Conventions (1949), and Protocol 2 to the Geneva Conventions of 1977, where the state has ratified that Protocol.

Hague Law would not, on its face, apply to a NIAC. However, international law is not limited to what is laid down in treaties, but also includes customary international law. In relation to NIACs, much of the law relating to international armed conflicts is said to be binding customary international law.

Adding to this complexity, what is apparently a NIAC may actually be international in character because of the involvement of neighbouring states: there is undoubtedly an internal element to the war in the Democratic Republic of Congo (DRC), but is the involvement of troops from neighbouring states sufficient to render it, in whole or in part, international in character? This question was explored by the International Court of Justice in DRC v Congo.

It is unclear at what point the involvement of another state turns a civil war into an international conflict. Does assistance to a rebel movement more readily effect that change than assistance to another government? Where an NIAC spills over into a neighbouring state, such as the Lord's Resistance Army conflict in northern Uganda and now DRC and other states in the region, does that render activities of the rebel movement in that neighbouring state 'international'?

Finally, the law of armed conflict applies to 'parties to the conflict' – are international peacekeepers parties to the conflict and bound by ILAC? This series of so far unanswered questions indicates the problems with respect to the cross-border impact of armed conflict, peacekeeping and peacebuilding.

International human rights law

One of the novelties of modern international law is that states have granted separate rights to individuals who live within their jurisdiction. Recognising that individuals have rights means that states are bound to comply with the international obligations deriving from such rights.

IHRL grants civil and political rights (such as the right to life, to humane treatment or to fair trial), and economic social and cultural rights (such as the right to health, to education or to housing) to individuals. IHRL treaties include the International Covenant on Civil and Political Rights (ICCPR), the International

> " One of the novelties of modern international law is that states have granted separate rights to individuals who live within their jurisdiction. Recognising that individuals have rights means that states are bound to comply with the international obligations deriving from such rights."

Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights.

States are obliged to respect, protect, promote and fulfil the rights they have recognised, both in peacetime and situations of conflict. The right to life applies throughout a conflict, although it needs to be noted that the ICCPR prohibits 'arbitrary' killings and ILAC permits the killing of enemy combatants and even civilians where the attack was targeted at a military objective – the so-called 'collateral damage'.

Furthermore, under IHRL states are allowed to derogate from certain obligations under a treaty if certain conditions are fulfilled. Rights that cannot be derogated under any circumstance include the right to life, the right to humane treatment and the prohibition of slavery. Other rights, like the right to personal liberty or freedom of expression, can be derogated from. According to the ICCPR, for example, a state can derogate when there is 'a public emergency that threatens the life of the nation' and if certain requirements of proportionality, necessity and non-discrimination are present. During the Rwandan genocide many people fled into neighbouring states. Such massive movement of people across the borders might represent a threat to a neighbouring state like Uganda or Burundi, both of which have ratified the ICCPR. Therefore, were they to have a legitimate claim, they could derogate rights to personal liberty or freedom of expression.

Moreover, and not the same as a derogation, many rights have built-in 'clawback' clauses restricting the scope of certain rights in specific circumstances. So, under the ICCPR, states parties are allowed to limit their protection of the right to freedom of expression to uphold, for example, national security and public order.

As noted, IHRL applies both in peacetime and in conflict to persons who are within the jurisdiction of a particular state, not

just its territory. Thus, for example, a state party to the ICCPR could breach its treaty obligations when it acts outside its territory if the violation was within its extraterritorial jurisdiction.

How could such jurisdiction be established? The requirement is that of 'effective control.' In the 'war on terror', for instance, the United States and the United Kingdom are claimed to have been instrumental in the planning and implementation of extraordinary renditions, and would be responsible for breaching rights under the ICCPR if it is proven that they exercised 'effective control' over the disappearances, torture and lack of fair trial guarantees that took place in countries like Pakistan. The meaning of 'effective control' continues to be debated by states and relevant bodies.

The consequences of extraterritorial application of human rights treaties are important for the protection of the individual with respect to the cross-border effects of conflict since liability might arise for actions and omissions inside or beyond its borders. The question remains open whether an ICC indictment before the end of a conflict, as in the case of Hassan al-Bashir and his colleagues in Sudan or Joseph Kony in Uganda, inhibits or helps the resolution of the conflict.

The border between Sierra Leone and Liberia at Gendema in Sierra Leone. © Aubrey Wade

International criminal law

Persons who violate ILAC and IHRL may be subject to prosecution as international criminals. The state where any crime takes place has jurisdiction to prosecute, subject only to the international law relating to immunities. However, some crimes are so heinous that international law allows for universal jurisdiction, permitting all states to prosecute such crimes. This is particularly so with respect to war crimes, crimes against humanity and genocide. Moreover, the past twenty years has seen a growing use of international and internationalised courts to carry out these prosecutions.

In terms of war crimes and the cross-border impact of conflict specifically, Geneva and Hague Law establish several crimes in relation to international armed conflicts, but in situations of civil war individual criminal responsibility for violations is not expressly established. Nevertheless, the International Criminal Tribunal for the former Yugoslavia (ICTY) has held that customary international law provides for such individual responsibility.

With respect to international armed conflicts, all four Geneva Conventions and Additional Protocol 1 create the crime of grave breaches. Grave breaches give rise to the only example of explicit mandatory universal jurisdiction in international criminal law. That is, states parties to the Conventions and Protocol have to seek out and prosecute violators found within their

territory; other *soi-disant* international crimes only enable states to prosecute violators on their territory and the obligation is either to surrender to another state with a more pressing claim to jurisdiction or, failing that, to carry out the prosecution itself (*aut dedere, aut judicare*).

Crimes against humanity are not set out in any comprehensive, global treaty. But Article 7 of the Rome Statute of the International Criminal Court (ICC) regarding crimes against humanity is now generally accepted – despite some differences in the text between the statutes of the ICTY, the International Criminal Tribunal for Rwanda (ICTR) and the ICC. Further, custom provides for universal jurisdiction. Custom equally grants universal jurisdiction over genocide, while the 1948 Genocide Convention only grants jurisdictional competence to the territorial state and any international tribunal. Genocide is difficult to prove because it requires the perpetrator to intend to destroy a group, in whole or in part.

Most prosecutions of international crimes will continue to take place before domestic courts asserting either territorial or some form of extraterritorial jurisdiction. Nevertheless, the 1990s saw the establishment of the ICTY, ICTR and the ICC. At first blush, these three international tribunals look very similar, but they have different jurisdictional competences and the ICC, created by states by treaty, only has jurisdiction over Article 5 crimes – genocide, crimes against humanity, war crimes and the crime

of aggression – committed on the territory of a state party or by a national of a state party where no relevant state is willing or able to prosecute.

Undoubtedly, the three bodies, as well as the so-called 'hybrid tribunals' like the Special Court for Sierra Leone, have had and will continue to have a major influence on the development of ICL; but in terms of direct impact, national courts will remain the primary prosecutor. Understanding the jurisdictional competence of domestic courts will remain important to everyone analysing the cross-border impact of conflict.

Transitional justice

Armed conflicts constitute a potential threat to the international community since they have spillover effects. This threat makes it imperative to help states in such situations to undergo important political and social change, so that they can build systems where the rule of law, democracy, and human rights protection can flourish. In such contexts, peacebuilding measures are necessary to achieve a lasting transformation, to avoid a relapse into conflict and repression.

A key element of peacebuilding is transitional justice. This field, although not synonymous with international human rights law, has been strongly influenced by it, and in particular by the obligations deriving from this law that aim to prevent and fight impunity. ICL, ILAC and international refugee law are also part

of the normative framework applicable in transitional justice situations.

Four *processes* are believed to constitute the core of transitional justice: 1) *justice* – aiming to prosecute and punish the perpetrators of mass atrocities; 2) *reparations* – seeking to adequately redress victims of atrocities for the harm suffered; 3) *truth* – aiming to investigate the atrocities so that society discovers and knows what happened during conflict; and 4) *institutional reform* – to ensure that such atrocities do not happen again.

While there are reasons to implement these processes within the boundaries of the state where conflict took place, considering the cross-border implication of conflict in a transitional justice setting challenges a solely state-centred approach. Indeed, the close interaction between states and other important international actors, and between people across borders, calls for a more comprehensive approach to truth, justice, reparations and institutional reform that is bound to transcend state boundaries.

For example, transitional justice processes should include, in a satisfactory manner, people in exile and refugees. Also, other states or non-state actors equally responsible for atrocities should recognise their mistakes and assume responsibility for what happened. International justice helps to achieve this aim, although in a limited way. Yet, truth remains a local business when the UN, other states and other actors could play an important role in truth-seeking and truth-telling, beyond providing economic or expert support.

Internationalising transitional justice mechanisms is not an easy task and is one that faces strong resistance by states who might see it as a threat to their sovereignty and their political interests. A palpable example of this is international criminal justice. While international tribunals (*ad hoc*, hybrid and the ICC) were created not as an expression of transitional justice mechanisms, they play, *de facto*, that role, since they are meant to help in the realisation of the justice dimension.

An important challenge to the domestic and international justice element of transitional justice is the perception that it can be an obstacle to peace, truth or reconciliation in the aftermath of conflict or repression. The ICC, for example, is considered by some states and critics to be an obstacle to peace in countries where it is currently conducting investigations, for instance in Uganda and Sudan.

Displacement

Conflicts inevitably give rise to displacement, sometimes across a border, sometimes internally within the state. In both cases,

the victims suffer in much the same way, but those who cross an international border have a separate regime to guarantee them protection, both in the state of refuge and from return to the country where the conflict is occurring.

The 1951 Convention Relating to the Status of Refugees defines a refugee in terms of someone who has crossed a border with a well-founded fear of persecution based on certain specific grounds. Such persons are owed protection by the receiving state and fall within the mandate of UN Refugee Agency (UNHCR). Moreover, even where the receiving state is not a party to the 1951 Convention, such as Thailand with respect to those crossing from Burma/Myanmar, it still has an obligation, either through custom or due to IHRL obligations, not to *refouler* (force back) someone to where their life or freedom would be threatened.

Nevertheless, it used to be that those fleeing international armed conflict were deemed not to be suffering "persecution" under the 1951 definition. However, the conflicts of the 1990s in the former Yugoslavia, where civilians were targeted on grounds of race, religion and ethnicity, caused a re-think on this interpretation and led to a broader understanding of refugee status.

Where a person does not cross an international border, as is the case for many affected by the Colombian conflict, they cannot be refugees, but IHRL and ILAC do offer protection. In 1998, the UN Secretary-General promulgated the Guiding Principles on Internal Displacement – they are not legally binding, but highlight how other binding parts of international law can protect internally displaced persons.

Conclusion

Important branches of public international law – ILAC, IHRL, ICL, refugee law and the emerging field of transitional justice – apply to conflicts that impact across borders. The application of international law in such situations has to address complex

issues, because of the lack of clarity of such laws or fields, but also due to the state-centred approach that still dominates in international discourse.

The interplay between these different branches of international law is also significant. Clearly, the paradigm of international law aims to provide some coherence to the treatment of the cross-border consequences of conflict. Nevertheless, international law is not constituted by a set of infallibly clear, consistent and compatible norms of law, adding challenges to the way these particular branches of law regulate and interact with one another in such situations.

But despite the problems of interpretation and application of these laws, significantly they have tried to put human beings at the heart of their concerns. So they offer important principles and rules – such as human dignity, *non-refoulement*, the prohibition of torture, accountability for past crimes, and the right to adequate reparation – that should be used to protect people affected by conflict, including where its impact crosses borders.

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Section 2

Building peace beyond the state

politics, governance and security

Section introduction

building peace beyond the state: politics, governance and security

Cedric Barnes

Experience of conventional peacebuilding in cross-border or transnational conflicts shows that efforts focused on the state and its political borders need to be complemented by a better understanding of 1) the regional dimensions of state diplomacy; and 2) the poorly understood structural drivers of cross-border governance.

This requires peacebuilding efforts to look 'beyond' the state to explore the potential of regional integration and organisations, but also 'below' the state and recognition of the agency of informal trans-boundary communities. Attention to both may bring greater opportunities to attenuate or even resolve complex cross-border conflicts. Borders are the epitome of modern state sovereignty and borderlands are neighbourhoods where state authority may be easily undermined and where the state is most neuralgic about its authority. Despite the national importance of borders, borderland communities are often marginalised.

While borderland populations suffer neglect, the land they occupy might have national 'emotional' significance that far exceeds its material value, for instance because of past military sacrifice. Equally, when borderlands hold important and valuable resources, local communities may feel distanced and alienated from the centre. Borderland societies are often oriented towards larger socio-economic trans-border community interests that can resist the intrusions of centralised state power. Borderlands are symbolic to actors enforcing or contesting political authority and borderland governance can be complex and congested.

Cross-border conflict dynamics are entwined with the modalities of borderland governance that can vary according to the nature of the state and the regional context. Securitisation is a common default solution to insecurity in borderlands by state or regional apparatuses.

Conflicts are messy and do not keep to sharp territorial or ideological lines. Intra-state conflicts almost always spill over political boundaries. Rebels find convenient bases in neighbouring countries, often among ethnic cousins for whom borders are a source of grievance. State neighbours can even act as patrons for cross-border conflict actors to further inter-state tactical ends. However, priorities shift and peace – or at least stability – can break out in unconventional conditions and without underlying resolution.

In spite of the entanglements of inter-state rivalry, wider regional diplomacy through mature regional institutions has an important role in de-escalating state sensitivity over sovereignty in cross-border conflict. The involvement of a regional organisation can reduce perceptions of unequal power between neighbours and help build confidence in peace processes. Regional engagement can bring extra momentum to state-level peace processes already underway, and practical assistance in delivering peace dividends to all parties. This is most striking in institutionally strong and materially rich regional organisations such as the European Union (EU). Other regional bodies, with less capacity and especially where member states have not divested any significant part of their national sovereignty, struggle to fulfil their diplomatic potential.

Contextual variables and conceptual challenges

The five case studies in this section encompass very different traditions of state, and very different cross-border and regional contexts: the Northern Ireland peace process; Basque nationalism in France and Spain; the Central American 'Esquipulas' process; the 'resolution' of conflict in eastern Democratic Republic of Congo (DRC); and EU peacekeeping in eastern Chad.

The examples range from 'historic' European nation states; to well established post-imperial Latin American republics

with shared heritage but complex social bases; to recent post-colonial African states with shallow institutional roots, strong trans-national identities and territorial sovereignty often mediated by ties of personal loyalty. Understanding formative histories, to better to understand the particular viewpoint of individual states and communities within regional systems, should be integral to peacebuilding approaches.

Each case study shows that the historical construction of the state in the region influences conflict dynamics and interactions at regional level. Actors, including cross-border communities, may have a very different understanding of their history within or between states. The two European examples show conflicts that are rooted in historical state-based issues of 'nationalism and self-determination' within strong unitary states, although they are no more amenable to resolution because of that heritage. The cross-border dimensions to the Irish and Basque cases are symptomatic of the political problem that underpins the respective conflicts, not necessarily a cause of the conflicts themselves.

The Central American and African examples are more immediately rooted in strong regional dynamics. The Central American 'Esquipulas' case reveals how an appreciation of the larger neighbourhood of a state and its historical context is imperative to understanding the dynamics of cross-border conflict and possible peacebuilding approaches.

The case studies also give contrasting examples of peacemaking, peacekeeping and peacebuilding in cross-border conflict: comparatively conventional models through well-established regional institutions or looser, *ad hoc* regional coalitions in Ireland and Central America, respectively; and two studies in eastern DRC and Darfur where expensive international peacekeeping deployments have had little noticeable impact, but conflict has instead been mitigated – if not transformed – due to shifting patterns of good and bad relations between regional states and their respective elites. The Basque example, as well as the case of the Intergovernmental Authority on Development (IGAD) presented below, suggest that regional institutions are only as useful as the commitment of member states to cross-border peacebuilding.

Intergovernmental Authority on Development

The history of IGAD and its member states in (North) East Africa illustrates starkly some of the challenges of cross-border peacebuilding and the strengths and weaknesses of regional responses.

The complex web of historical, ethnic, religious, trade, geographical and resource ties make the Horn of Africa and the constituent national components of IGAD a model of a 'regional security complex', and even the most cursory glance at the political history of IGAD's member states (Ethiopia, Eritrea, Sudan, Somalia, Djibouti, Kenya and Uganda) confirms the changing patterns of 'amity and enmity' that characterise it.

IGAD – and its earlier manifestation as the Intergovernmental Authority on Drought and Desertification (IGADD) – evolved in a region that had become a proxy theatre for Cold War rivalries. IGADD was originally a regional response to common environmental problems, although its political potential was recognised early on. Even in the ten years between IGADD's establishment in 1986, when it managed conflict between Somalia and Ethiopia, and its restructuring into IGAD in 1996, the region saw revolutionary change of state leadership in Ethiopia and Sudan, the collapse of Somalia into civil war and the emergence of the new state of Eritrea after a 30-year armed struggle. None of the internal upheavals of IGAD's member states happened in isolation from one another.

One of the results of the restructured IGAD in 1996 was an aspiration towards prevention, management and resolution of inter- and intra-state conflict in the sub-region. Furthermore the transformation of Africa's continental regional institution, the Organisation for African Unity (OAU), into the African Union (AU) at the turn of the 21st century, and the establishment of the AU Peace and Security Council, recognised the importance of sub-regional mechanisms and so IGAD acquired both continental and regional mandates for greater intervention in support of regional peace and security. The next decade saw IGAD trying to step up to the challenge of addressing conflicts in which its member states were embroiled, with decidedly mixed results. IGAD provided an institutional home for negotiations over the Comprehensive Peace Agreement between north and south Sudan, signed in 2005. IGAD has developed some explicit conflict response structures, such as the Conflict Early Warning and Response Mechanism (CEWARN) [*see Box 2*].

As a regional institution IGAD was in the contradictory position of being mandated to intervene in the interests of peace and security on the one hand, while on the other, having member states that were actively involved in hostile military action, either directly or through proxies, against one or more of their neighbours.

In spite of IGAD's regional security mechanism, member states have also chosen to take bilateral or unilateral action outside IGAD in many instances of cross-border conflict. Meanwhile in eastern Sudan, Asmara and Khartoum ended a cross-border conflict when the regional security interests of the two states converged with no involvement from IGAD. And since 2001

Box 2
CEWARN

Ibrahim Farah

The Conflict Early Warning and Response Mechanism (CEWARN) was established by IGAD in January 2002 as part of the IGAD Protocol. It is a collaborative effort of IGAD's seven member states – Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.

CEWARN aims to mitigate and prevent violent conflicts within the Horn of Africa sub-region. Its mission is to establish itself as an effective and sustainable sub-regional mechanism for conflict early warning and response, fostering cooperation to respond to potential and actual violent conflicts and contributing to the peaceful settlement of disputes.

IGAD's intricate and often conflicting regional politics have precluded CEWARN from regional diplomatic engagement to tackle inter-state conflicts or significant civil wars among its membership. Instead it has focused on low-level, local cross-border and related conflicts and responses, including pastoral conflicts, cattle-rustling, small arms and light weapons proliferation and communal insecurity. CEWARN is mandated to receive and share information, to provide analysis and develop case scenarios, and to formulate options for response. It has established networks of governmental and non-governmental stakeholders, including national-level Conflict Early Warning and Response Units (CEWERUs), National Research Institutes and Field Monitors.

In addition to information-sharing and networking among these various stakeholders, there is also the CEWARN Rapid Response Fund which manages a regional basket endowment that supports national and cross-border peacebuilding projects in CEWARN's areas of reporting. The regional basket has so far received funding from the governments of Austria, Belgium, Denmark, Italy and the UK, as well as the German Agency for Technical Cooperation and the Swedish International Development Agency.

Through these mechanisms CEWARN carries out its conflict early warning and response function in three clusters or pilot cross-border areas:

1. the Karamoja Cluster: Ethiopia, Kenya, the Sudan and Uganda

2. the Somali Cluster: Ethiopia, Kenya and Somalia
3. the Dikhil Cluster: Djibouti and Ethiopia

Impact

Most of CEWARN's monitoring and responses occur at the local level and from within each various cluster area. Local field monitors collect information and feed it into a data-based monitoring system using CEWARN-reporter-software. This is based on 52 indicators, including structural as well as climatic and environmental data.

Such micro-level preventive action has provided an important platform for coordinated interventions nationally – and in some case cross-nationally. CEWARN has been able to provide valuable information and analysis based on local insight from IGAD member states and other actors active in the Horn of Africa sub-region, including NGOs and donor governments.

In April 2010 CEWARN helped to resolve cross-district conflict in Uganda, when 40 animals were raided from Rupa parish in Moroto District by a group of Jie raiders from Kotido District. The Moroto District Field Monitor used an HF radio to contact the Secretary of Moroto District Peace Committee, who then alerted the Ugandan People's Defence Forces (UPDF). The UPDF was able to follow the raiders and recover all 40 animals, with no injury or death registered in the process.

Data provided on the 52 early warning indicators mentioned above include violent incidents, human deaths, and net livestock losses. However, there are a number of important issues that limit the relevance of CEWARN's methodology, in particular the indicative data that CEWARN analysis is based on as the indicators do not keep pace with important emerging trends such as the industrialisation of pastoralist conflicts – particularly large-scale commercial and highly violent cattle-rustling.

Diplomatic sensitivities within IGAD have further precluded CEWARN from engaging in significant conflict issues in the Horn of Africa sub-region, such as political extremism and in particular the impact of violence related to terrorist- and counter-terrorist activities. Particularly prevalent in the cross-border areas of Ethiopia, Kenya and Somalia, such violence involves both state and non-state actors, and threatens regional stability. CEWARN's continuing aversion to tackling conflict at the higher end of the political scale nine years after it was established

IGAD and its member states have demonstrated a similarly schizophrenic approach to conflict in Somalia: attempting to provide a collective regional mechanism for negotiation and reconciliation, while member states simultaneously and often counteractively pursued unilateral interests, or occasional bilateral cooperative interventions.

IGAD has struggled to manage conflicting national interests of member states. Not only has it made little impression on the frozen border disputes between Ethiopia and Eritrea, and Ethiopia and Somalia, it has also been unable to contain Ethio-Eritrean rivalry in the rest of the region, and especially southern Somalia. Common IGAD membership has done little to reduce cross-border tensions between Sudan and Uganda over Southern Sudan. IGAD's regional security agenda is now driven by three powerful players – Ethiopia, Uganda and Kenya – whose unilateral ambitions only periodically coincide, but whose collective agency was enough that Eritrea felt it had little to lose by suspending its membership.

That member states actively pursue unilateral agendas is not unique to IGAD. In common with any regional organisation IGAD is dominated by its larger and more powerful constituent states who enjoy different levels of security capacity. Member states also owe allegiance to other regional transnational institutions, notionally the Common Market for Eastern and Southern Africa (COMESA), but more importantly, for Uganda and Kenya at least, the East African Community.

Despite its weaknesses, IGAD has developed into a significant regional body and has helped to push forward regional initiatives on conflict early warning and counter-terrorism cooperation. IGAD's imperfections should not preclude further institutional growth or active engagement on regional peace and security issues.

The case studies

Although the Irish conflict might be traced back to the early 20th century division of Ireland, the border issue was ultimately totemic rather than integral to the conflict; the border itself and surrounding borderlands were increasingly marginalised and securitised. Irish and UK membership of the European Community and later Union gradually helped neutralise the political significance of the border between member states. Furthermore, common membership of the EC/EU built confidence between Dublin and London as the EU was (at least on paper) a 'forum of equals', allowing institutional distance from the lopsided power relations of the past.

Yet it took a full twenty years of common membership in the European club before the breakthrough of the 1993 Anglo-Irish Agreement. Since then, and through the additional impetus of the 1998 Good Friday Agreement (or Belfast Agreement), the EU has played a strong role in the 'normalisation' of the cross-border tensions and conflict, rehabilitating marginalised areas and facilitating cross-border cooperation at national levels. Despite the relatively deep and direct involvement of the EU down to community level through the PEACE initiatives, there is still a question of how embedded cross-border peacebuilding has become at a local level.

The Basque case study is written at a time of a potential peacebuilding breakthrough following ETA's ceasefire declaration of September 2010. So far the response from the regional Basque administration in Spain, and the Spanish and French governments, has been circumspect. While most of the conflict has been internal to Spain, the division of the Basque nation remains a potent grievance. The EU has not been used as a regional forum for peacebuilding so far and its cross-border regional integration policies have had relatively little impact on the Basque conflict, although the EU has indicated some interest in resolving the Basque problem through the March 2010 Brussels Declaration. Common EU membership may have encouraged greater security cooperation between Spain and France, which has ultimately weakened ETA as an armed non-state actor and pushed it towards ending armed struggle.

The example of the Esquipulas process in the Central American isthmus in the 1980s and 1990s demonstrates the potential of regional diplomacy to help build peace in response to civil wars

that over the course of thirty years had multiplied into a classic regional security complex. Previous regional initiatives had struggled in the context of destabilising proxy conflicts tied to the global Cold War and externally underwritten dictatorships. Esquipulas gained traction due to the spread of democratisation and the expansion of sub-regional autonomous peacebuilding initiatives into the wider Latin American region at the same time as the gradual de-escalation of the Cold War. Nevertheless, like the Irish case the Esquipulas processes took many years and came at a distinct historical juncture.

Eastern DRC is a compelling example of a regional system of war involving the rebel group of Laurent Nkunda's National Congress for the Defence of the People (CNDP) and the states of DRC and Rwanda. Conflict in eastern DRC had been immune to both peacemaking and peacekeeping, which had treated the conflict as primarily a Congolese concern. The eventual acknowledgement of Rwanda's role in buttressing the CNDP and the regional nature of the conflict shifted the debates dramatically and provided impetus for international pressure on Rwanda to withdraw support from Nkunda, and for direct Rwanda-DRC talks and agreement. This eliminated a key cross-border driver for conflict almost at a stroke. But although large-scale violence was reduced, as a state-based security agreement it has done little to resolve the structural drivers of violence, including underlying problems in governance and borderland grievance.

Conflict in eastern Chad can also be seen as part of a regional system of war that has engulfed parts of Sudan (Darfur) and the Central African Republic, although it has misleadingly been characterised as the 'Darfurisation' of the Chadian conflict. International recognition of the cross-border dimensions of all three conflicts came late, and although the mandate for the subsequent deployment of EU peacekeepers sought to address the cross-border insecurity between Chad and CAR, this objective was never effectively operationalised. As in eastern DRC, while international peacekeepers and mediation efforts recognised the cross-border dynamic and mitigated some fall-out from conflict, they did not prevent or end it. Rather it was rapprochement between the presidents of Chad and Sudan that has more recently helped to de-escalate some aspects of cross-border conflict.

Hard lessons learnt

The case studies in this section show that cross-border conflicts involve both complex regional dynamics and intricate local contexts. These need to be addressed by regional peacebuilding initiatives that go 'beyond and below' state-centric approaches. But while this conceptual recognition is useful, applying it in practice throws up many policy challenges.

- Conventional international relations and 'track two' informal diplomacy and dialogue need to find compatible policies and response architecture – ie strategies and capacity – to address conflict dynamics that transcend boundaries. Non-state parties to conflict are often ahead of external peacebuilders and many are already adept at using a range of repertoires that are not necessarily bound within state borders.

- Regional organisations bring much potential for cross-border peacebuilding. But they do not ordinarily look beyond inter-state relations or security cooperation to include grassroots or community perspectives, input and buy-in. As a result, even the most effective regional peace initiatives tend to get stuck in conflict management and fail to progress to sustainable resolution or transformation. Peacebuilders need to find ways to link supra- and sub-state regional conflict response initiatives.

- Timing and endurance are key to peacebuilding in complex cross-border conflict systems. Peace processes can start decades before any decisive progress is evident. Sustained engagement in peacebuilding initiatives, even where progress may be stalled or reversed, is critical for timely interventions to take advantage of unexpected opportunities. The multiplicity of dynamics in regional conflict systems and the breadth of national and local contexts in which they operate implies corresponding complexity to policy and peacebuilding response strategies, which need to align and coordinate with each other to make progress towards peace. Peacebuilders should be alert to sudden shifts and backfill gaps in reconciliation and neglected structural causes of conflict.

- Securitisation of cross-border policies must be accompanied by softer peacebuilding efforts. The case studies below show that the efficacy of regional organisations and international peace missions is greatly improved when the bilateral interests of state-based protagonists converge, especially in greater security cooperation. But although the concentration of harder security interests can sometimes open peacebuilding opportunities, as in eastern DRC, securitisation in isolation from a broader peacebuilding approach can offer at best only temporary and likely reversible conflict reduction. Securitisation can become an end in itself to the cost of concerted and sustained peacebuilding initiatives.

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The EU and the transformation of the Irish border

Katy Hayward

If you board the *Enterprise* train at Dublin Connolly station and take the scenic 170km journey up to Belfast, the only sign of having crossed a national border may be a text message from your mobile phone service provider to announce that you are now 'roaming'. But having disembarked in Belfast Central station, should you venture a little beyond the city centre, the 'border' soon becomes all too apparent.

The marking of local territory as 'Irish' or 'British' *within* Northern Ireland (characterised by the colouring of pavement kerbstones and the flying of flags from lampposts) remains the most visible sign of ethno-national division. While the actual state border has become a model of 'permeability' and 'invisibility' enabled by European integration, enduring internal boundaries illustrate the magnitude of the challenge posed to peacebuilding on the island. What difference can supranational integration make to such a conflict: one that is, in many ways, *about* a national border but not physically concentrated upon it?

The transformation of the Irish border as a physical and symbolic divide has been integrally connected to the role of the European Union (EU). At one level, the EU has indirectly helped to nullify the border's impact as a line of dispute between two states. At another, the EU has attempted to directly address the division caused by the border between two communities.

This article considers the extent of EU influence (and limitations on it) in cross-border peacebuilding in Ireland and what this can tell us about the potential of supranational integration to facilitate the transformation of contested borders elsewhere.

Association for the administrative boundaries. © EuroGeographics

The border and the conflict

The border between the 26 counties of independent Ireland and the six counties of Northern Ireland was drawn in 1921 as a purportedly temporary solution to the difficulty of granting self-determination to Ireland without causing civil war in the north, where a majority wanted to remain under British rule.

Over the course of the 20th century, development in the Irish border region was impeded by policymaking in Northern Ireland and in (what later became) the Republic of Ireland being devised with little cross-border correspondence or consideration. The consequent neglect of the peripheral border region was aggravated by the effects of conflict, which saw army checkpoints built beside customs posts and 'no man's land' turned into 'bandit country'. This worsened following the

British Army Border Patrol Base. Beleek, Co.Fermanagh, Northern Ireland UK. 1999. © jonathanolley.com

1956-62 'border campaign' of the paramilitary Irish Republican Army (IRA) – a counter-productive effort which led to an increase in the use of British security powers in Northern Ireland.

The border campaign was the last paramilitary operation to approach the problem as a straightforward 'border conflict'. The outbreak of republican and loyalist paramilitary violence in what became known as 'the Troubles' a few years later was not stimulated by desire for, or opposition to, Irish unification. Rather, it was a complex conflict over how power should be exercised, and by whom, within Northern Ireland. The majority of the Catholic population in Northern Ireland (and also in the south) saw the border as an artificial divide and had a nationalist (or hardline republican) political identity. In contrast, most of the Protestant population (which constituted the majority in Northern Ireland) viewed the border as necessary for maintaining Northern Ireland's distinction from the Republic and its embedded place in the United Kingdom, hence their unionist (or hardline loyalist) political stance.

The border was not the primary locus of violence during the Troubles, the direct effects of which were predominantly concentrated in Belfast (due in part to heavy paramilitary recruitment in working class areas where 'opposing' communities were closely juxtaposed). This reflected the fact that the inter-state and inter-community alienation and distrust underpinning the conflict was caused less by the material manifestation of 'the border' than by its exploitation in political rhetoric and cultural symbolism.

British-Irish relations and the EU

The British government's approach to the Troubles as a domestic concern of the United Kingdom contrasted with the Irish constitution's irredentist claim over the territory of Northern Ireland (although the latter was always more a gesture than an objective). In practice, the Irish government sought to 'internationalise' the Troubles, to bring the conflict out of the clutches of the British military.

It was in the context of such high-level disagreement that, urged on by nationalist MEP John Hume, the then European Economic Community (EEC) came at last to address what it euphemistically called 'the situation in Northern Ireland'. MEP Nils Haagerup's 1984 report for the European Parliament committee he chaired on the topic categorised the problem in terms of 'conflicting national identities' and concluded that the 'clue' to 'any lasting improvement' must be 'comprehensive Irish-British understanding'.

The border did indeed constitute an immense metaphorical barrier to 'understanding' between the British and Irish governments. The frosty intergovernmental relationship which characterised Ireland's first half century of independence had continued into Ireland and the UK's membership of the EEC in 1973. In an attempt to stamp the Irish Nationalist emblem on a move that would otherwise be seen as a betrayal of principles of sovereignty, the Irish government chose to present EEC membership as making Irish unification more likely. Yet the actual experience of membership had a very different effect overall. Rather than embedding greater separation between Britain and Ireland, as fellow EU members, the two

governments came to identify and build on common ground in many policy areas. This was largely a consequence of the normal functioning of the EU's institutions rather than any particular EU effort to build bonds between the two conflicting governments.

The EU generally necessitated and enabled a positive working relationship between the two governments even at times when it was difficult for the two to meet publically, let alone agree on matters concerning Northern Ireland. For example, the good relationship of trust built between British Prime Minister John Major and his Irish counterpart, Taoiseach Albert Reynolds – declared in joint statements issued from Brussels and Downing Street in 1993 – was essential in preparing the way for the paramilitary ceasefires the following year and multi-party talks thereafter.

The 1998 Agreement: addressing the multi-level impact of the border

The Good Friday (Belfast) Agreement (1998) that followed Northern Ireland's multi-party negotiations recognised the *multi-level* nature of divisions caused by the border and responded with a three-stranded approach. Strand One addressed the conflict in Northern Ireland as being between nationalist and unionist communities. The Executive and Assembly that govern Northern Ireland with powers devolved from the British parliament have been designed to ensure that power is shared between unionist and nationalist parties.

The second Strand of the 1998 agreement established north/south cross-border bodies to formalise cooperation between the government of the Republic of Ireland and the Northern Ireland Executive, as well as between civil servants in certain key areas. The remit of these north/south 'implementation bodies' are carefully non-contentious and function-oriented, such as trade, waterways, and cross-border EU programmes.

Strand Three of the agreement facilitates regular meetings between the two governments and between representatives from the governments and Executives from the various constituent parts of what are carefully referred to as 'these islands', ie including the Isle of Man and the Channel Islands as well as Britain and Ireland. This British-Irish strand is generally seen as a 'counter-balance' to the north/south strand as reassurance to unionists; nevertheless, its very institutionalisation indicates significant change not only in intergovernmental relations but also in sub-national governance within the two states. Such a move towards greater regional-level decision-making is one example of the indirect impact of the EU (with its support for subsidiarity and regional development) in changing the context for cross-border peacebuilding.

Cross-border peacebuilding

The Troubles had seen the border become the focal point for securitisation between the British and Irish states. To an extent, this reflected the constraints of a state military response to a complicated paramilitary conflict. Crossing the border consequently became more of a challenge and entering the other jurisdiction a less appealing prospect for all travellers. Although security in the region remained tight until the peace process was well established (the last British army observation post on the border was removed in 2006), some progress towards practical cooperation was made in the context of European integration.

Entry of both Northern Ireland and the Republic of Ireland into the EU's Single Market in 1993 brought some of the practical benefits of supranational integration, such as the lifting of customs barriers. The EU's Regional Development Fund also had a direct impact on socio-economic conditions (eg through funding major infrastructure projects) in and around the Irish border region, which had long suffered the consequences of conflict: neglect, under-investment, and low population density. Turning this contextual and structural support into peacebuilding, however, has been an immense challenge.

As a supranational body whose influence is mediated by national and regional institutions and agencies (as the bodies responsible for implementing EU directives), the EU's impact on relationships between unionists and nationalists in Northern Ireland has been necessarily constrained. A notable exception to this has been the way in which the strength of the EU as a monetary benefactor has been utilised in such a way as to have a direct effect on the context for peacebuilding in Northern Ireland and the border region.

The EU's special funding programme for peace and reconciliation (PEACE) was originally intended as a 'carrot' to be offered in the early days of the peace process. Its support for, among other initiatives, cross-community and cross-border activities aimed at realising (loosely defined) goals of peace and reconciliation, enabled substantial growth and professionalisation in the voluntary sector. The first two PEACE programmes (1995-2006) together funded over 22,000 diverse projects, from women's groups and child care provision to family literacy and youth training schemes. Such needs and gaps were particularly acute in the border counties, north and south.

The legacy of the EU's peacebuilding role

Another significant impact of the EU is less easy to trace but has the potential for a lasting legacy for peacebuilding on the island of Ireland, namely its facilitation of multilevel

cross-border networks. The conditions placed on EU funding, including PEACE, have required the establishment of effective and meaningful partnerships between multiple public agencies, often working on a cross-border basis. These networks have centred around meeting the conditions for effective use of EU funding and have incorporated umbrella organisations from the community and voluntary sector, county/district councils, public agencies and government departments.

That said, the current trend is towards growing state-sector ownership of the process. The third (and final) PEACE Programme (2007-13) has seen a pruning of the number of bodies involved in managing the funding, concentrating it instead in 'clusters' of county councils on either side of the border – perhaps in an attempt to begin to address the outstanding issue of the sustainability of this peacebuilding work.

The PEACE programmes will have invested some two billion euros to address the legacy of conflict in Northern Ireland and the border region. The substantial EU contribution to grassroots peacebuilding perhaps allowed the two governments and the Northern Ireland Executive to have been rather slower to take responsibility for addressing the causes and consequences of conflict in the border region than they might otherwise have been.

While actors at the community level and in the European Commission look instinctively towards the state sector to mainstream some PEACE-funded work, the likelihood now of any major public funds being diverted into 'peace and reconciliation' activities (particularly if they are cross-border) looks increasingly remote in the context of economic recession. Yet the prospects for peace across borders can neither be measured nor secured by the amount of money available for cross-border projects.

Public awareness of the cross-border work supported by the EU is generally low, and fewer still would make the connection between the EU's role and the wider task of peacebuilding. Ultimately, the most significant input of the EU to building peace in Ireland will have centred on the steady, functional work of normalising cooperation for mutual benefit across state borders. Whether such progress helps to embed peace across inter-community boundaries *within* the contested territory can only be determined at a level somewhat closer to the 'ground' than supranational EU policymaking.

Lessons

We learn from experience in Ireland that the EU is, at best, a *facilitating* peacebuilder, with a unique capacity to enable cooperation at various levels between different types of actors.

There are four main lessons to be drawn from the experience of the EU's role in transforming conflict around the Irish border:

1. *EU integration can provide a propitious context for improving intergovernmental relations and aiding cooperation between neighbouring states*; common membership of the EU as a 'forum of equals', for example, built confidence in the relationship between Dublin and London

2. *EU integration can provide both a model and an incentive for practical cross-border cooperation that meets common needs*, not least through its Single Market, which facilitates freedom of movement for people, goods, services and capital

3. *EU integration can make multi-level, multi-agency approaches to peacebuilding more feasible and acceptable* by, for example, requiring formalised cooperation between various partners in the administration of EU-funded initiatives

4. *The capacity for cross-border cooperation and peacebuilding at 'grassroots' and national levels can be enhanced by EU integration*, by both direct means, such as funding for community-based projects, and indirect means, such as normalising inter-regional policy networks

Conclusion

On 12 July 2010 republican protests at loyalist Orange parades crossing an internal 'boundary' in a northern town overflowed into an attempted hijack of the *Enterprise* train as it passed the vicinity *en route* from Dublin to Belfast. The train's capture was a violent subversion of one of the most lauded means of cross-border cooperation into an attention-grabbing display of local sectarianism.

The incident exemplified the enduring symbolic power of the Irish border and its easy susceptibility to inter-community antagonism. But the riotous youths were rapidly dispersed by respected local community workers – testament to the courage of individuals willing to take a stand for peace. And the trains have continued to run, with commuters, tourists, families, bargain-hunters and business traders on board – demonstrating the determination of many to reap the benefits of the 'permeable' border made possible by the EU. Such courage and determination remains critical to building peace across borders at all levels on the island of Ireland.

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The EU and the Basque conflict

opportunities for engagement?

Julen Zabalo and Oier Imaz

Written from a Basque nationalist perspective, this article outlines certain aspects of Basque nationalist approaches and proposals to end the Basque conflict, focusing on the potential role of the EU and major contemporary developments such as the announcement by Euskadi Ta Askatasuna (ETA) in September 2010 of its decision 'not to carry out offensive armed actions'.

In particular the article explores whether EU initiatives for cross-border social and economic development have relevance to the Basque question, such as the PEACE programme that has been used to help regenerate the Irish border [*see page 31*]. From a Basque nationalist perspective, cross-border relations may be perceived as a further step in Basque nation-building – although most non-nationalists would see these more as functional tools for regional and local development. As this paper makes clear, no EU instrument can have an impact without the political will of two powerful EU member states most directly involved in the conflict: Spain and France. Any chance of progress is reliant on the Spanish and French governments being convinced that ETA violence and the 'armed confrontation' is over for good.

From the 1990s the Basque nationalist movement's various approaches to the Basque conflict have focused on recognition of the existence of the 'Basque Country' (Euskal Herria) as a distinct political entity. The Basque Country that is the focus of Basque nationalism comprises seven provinces currently in three distinct administrative units: the Basque Autonomous Community (BAC) and Navarre in Spain, and the western part of the *département* of Pyrénées-Atlantiques in France. Although the French-Spanish border is not contentious between Madrid and Paris, the Basque 'problem' spans it.

Batasuna, the Basque nationalist political party that is the main engine of the *Izquierda Abertzale* (Abertzale Left – a leftist Basque nationalist movement), is illegal in Spain and is also included on the EU terrorist listing, along with several other organisations of the Abertzale Left. Batasuna is still legal in France, although in November 2010 France accepted the extradition to Spain of a French Basque Batasuna militant, Aurore Martin, following the validation of a European arrest warrant. An appeal on the case was still pending at the time of writing.

Spain does not accept the existence of a Basque 'conflict', but understands the situation exclusively in security terms, seeing ETA as a terrorist organisation. Spain considers the 'autonomous community' model that it adopted following the post-Franco transition as adequate to meet Basque demands over status. Nevertheless, it is important to remember that 'Spain' is not monolithic and can be analytically disaggregated: the Spanish government; the state apparatus; the justice administration; the security forces; and the political parties, which are highly regionalised in Spain.

France sees the conflict as a Spanish security 'problem' related to criminality and terrorism. Within the French political system, the distinct *Abertzale* parties and movements constitute an active and influential minority. The French institutional counterpart of the Basque Autonomous Community has not been the French Basque country, but rather the *département* of Pyrénées-Atlantiques in the region of Aquitaine. Since the mid-1990s, however, the French Basque Country has started to be institutionalised through the Council of Development and the Council of Elected Officials, and the Autonomous Community is now the main point of Basque solidarity.

A mural on the Falls Road, Belfast, in support of Basque self-determination.
© Katy Hayward

When compared with the Spanish Basque region, French Basque mobilisation is low. But civil society dynamics are strong in the French Basque country, where sectoral demands – for instance on language, agricultural policy, economic development or academia – have coalesced into wider aspirations for French Basque territorial recognition. Distinct political and social voices, going beyond the nationalist spectrum, ask for a '*Département Pays Basque*' as a first official step. There is considerable uncertainty, however, over the specific institutions of the French Basque country given ongoing decentralisation in France.

Basque nationalist plans and proposals

In 2004 the Basque Nationalist Party (PNV), a Christian-Democratic nationalist movement, tabled the *Ibarretxe Plan*. It recognised the existence of the Basque nation and its right to self-determination, but its spatial application was limited to the three western provinces that make up the Basque Autonomous Community. The plan was supported by an absolute majority in the Basque Autonomous Community's parliament, but was rejected by the Spanish parliament.

In 2007 Abertzale Left presented two proposals called *Anaitasuna* and *Uztaritze*. The former proposed autonomy for the four provinces of the western territory – the Basque Autonomous Community and Navarre; the latter for the three continental provinces – Lapurdi, Lower Navarre and Zuberoa.

Both proposals accepted *de facto* administrative autonomy within Spain and France, and stressed the importance of public consultation; but both required acceptance of the right to self-determination. But until now these proposals have been rejected by Spain and France, whose interpretation of the political conflict as a security problem has, from a Basque nationalist perspective at least, reduced the scope for resolving the dispute by making it solely a matter for the police and intelligence services. From the point of view of this paper, it is ironic that French and Spanish cross-border security cooperation has been exemplary!

Stand up Basque Country!

In February 2010 *Abertzale Left* launched a new proposal: *Zutik Euskal Herria* ('Stand up Basque Country!'). *Zutik Euskal Herria* tries to develop a democratic process to move the Basque confrontation from the armed to the political sphere, where Basque nationalism considers itself strongest.

Its key innovation is to require a complete absence of violence. Internal debates on the use of violence have historically provoked some splits within *Abertzale Left*, in BAC and in Navarra, and between French Basque nationalists. Batasuna itself has also gone through an important internal process since the turn of the 21st century, including appeals to cease violence. Two previous ETA ceasefires, in 1998 and 2006, also generated debates and currents within the nationalist and

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non-nationalist political spectrum and civil society, even if the processes ultimately failed.

Zutik Euskal Herria proposes building a broadly-based grassroots movement to defend human, civil and political rights. It publicly and unilaterally commits to continuing to campaign by exclusively civil and political means, reinforcing this latter commitment by undertaking to respect the 'Mitchell Principles' within the framework of the negotiation process. The Mitchell Principles refer to recommendations set out by US Senator George Mitchell in relation to the Irish peace process; in particular not to use force, or the threat of force, to influence the course or result of multiparty negotiations, nor to try to modify any agreement that results from the talks.

Zutik Euskal Herria was welcomed by a number of prominent international personalities in the March 2010 'Brussels Declaration', which was signed by a number of prominent international personalities, including F. W. de Klerk, Desmond Tutu, John Hume, Betty Williams, Albert Reynolds and the Nelson Mandela foundation. The declaration commended the reiteration of the commitment to exclusively peaceful and democratic channels, and supported dialogue and negotiations among parties, asked all actors, including the Spanish government, to achieve a situation where Basque citizens could take their own decisions about their own future, and called on the international community to accompany this process. It appealed to ETA to declare a permanent, fully verified ceasefire.

ETA responded to *Zutik Euskal Herria* through a series of public statements during September 2010 stressing that since March that year it had held firm on its decision not to engage

in military offensives, and announcing that it was willing, along with the signatories, to study the steps to be taken in order to open up a pathway to a final end to armed conflict. In September 2010 ETA made its ceasefire announcement. Spain immediately rejected the announcement.

A role for the European Union? The EU PEACE programme

Below, the authors explore models among various EU instruments for cross-border cooperation with potential application to the Basque Country. Cross-border EU policy is not aimed at resolution of ethnic conflicts, but to regional socio-economic development. But Basque nationalists see a potential nation-building function in some cross-border EU cooperative tools applicable to their case. Of course, any EU engagement is dependent on a major shift in attitude from Spain and France.

Potential EU cross-border instruments include 'communities of collaboration' and the 'Euro-regions'. Both of these relate to relations between provincial administrative units in different but neighbouring EU member states, and refer to a common cultural, linguistic or historical identity as the basis for building economic or social relations. These structures now sit within a new European legal framework established in 2007, the European Grouping for Territorial Cooperation (EGTC), which is intended to promote cross-border, transnational and inter-regional cooperation among regional and local authorities from different EU member states, in order to deliver joint services.

EU cross-border and inter-regional cooperation programmes are designed to help resolve problems among adjacent communities across borders that are deemed 'neutral'. So

their application to the Basque instance appears limited. They do not carry any political power and cannot generate new administrative entities. Managing these instruments requires the involvement of governments as well as local and provincial authorities, and there is little chance that the will of constituted states will bow to the aspirations of stateless nations to grant them recognition. Also the institution of Euro-regions has been interpreted very differently in different cases.

Euro-regions and similar structures proposed within the legal framework of EGTC are, on paper at least, capable of preparing, implementing and managing cross-border community programmes within the EU. Cross-border activities developed by local and provincial authorities are seen as important, since by using scarce economic resources they generate added value.

The establishment of the EGTC for the first time provides a legal framework for cross-border, inter-regional and transnational cooperation. It can act to implement cross-border cooperation programmes and can legally recognise authorities and public entities established under it. The advantage of the EGTC over previous instruments is that it can increase both the degree of responsibility for cooperative entities, and the demand for financial transparency concerning the management of common resources. But from a Basque nationalist perspective, a key question is whether EU instruments can move beyond economic development into the political sphere, and so contribute to resolving the Basque issue – and in particular its cross-border components.

Some Basque nationalists have been looking to the EU PEACE programmes which have been used to support state and inter-state conflict resolution policies for Northern Ireland. Through directly-invested funds, the PEACE programmes have sought to foster renewed economic activity, local development and regeneration strategies in borderland communities, as well as cross-border cooperation and social reconciliation throughout Irish territory. In September 2010 PNV made statements in Brussels (notably to the European Democratic Party) about the introduction of a 'PEACE Euskadi' programme. Although underdevelopment has not been a major problem in the Basque regions, which are an industrial zone, some in the region have been concerned with the implications of the economic and financial crisis since 2008.

The application of EU inter-regional or cross-border cooperation instruments have yet to be engaged in resolving the Basque conflict. But the Irish case suggests their broader conflict resolution applicability to help resolve cross-border disputes. European institutional instruments cannot override the will of powerful member states, and in the Basque case they do not define Spanish and French political positions. Nevertheless, they could serve to enhance steps being taken by Basque nationalist movements to resolve once and for all the political and armed conflict that has held the life of this small European nation in its grip for decades.

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The EU and the 'Darfurisation' of eastern Chad

David Lanz

The Darfur conflict in western Sudan has captured the attention of the world. In late 2005 fighting broke out across the border from Darfur in eastern Chad and in Central African Republic (CAR). Violence has evolved into a 'regional conflict system' where separate crises have become interconnected and the space in which armed conflict is taking place transcends state boundaries. This analysis of the situation contradicts popular portrayals of the region as a whole having been 'Darfurised' – violence in Darfur spilling over its borders. Experts like Roland Marchal and Jérôme Tubiana have rejected this analysis as simplistic and, ultimately, misleading, for brushing over the internal causes of armed conflict in Chad.

This article focuses on the response of the European Union (EU) to cross-border insecurity in eastern Chad. EU intervention has been based on four 'pillars': security, development, humanitarian aid, and political engagement. Brussels acknowledged the regional dimension of the crisis, giving its Special Representative a mandate to deal with Sudan, Chad and CAR. The EU also deployed one of the first ever cross-border peacekeeping forces, EUFOR, to both Chad and CAR. Conceptually, EUFOR represents an innovative initiative to address a cross-border problem.

But in practice the EU has struggled to deliver a coherent cross-border peacebuilding response. EUFOR failed to become operational across the Chad-CAR border and its impact on regional conflict dynamics was minimal. Brussels prioritised EUFOR to the detriment of political engagement, while EU peacekeepers were only deployed for one year; and so their contribution to peacebuilding in Chad was limited. The EU also did not respond to local sources of borderland insecurity in eastern Chad, such as relating to law and order, or recognise their links with deeper structural problems of governance and political marginalisation. Meanwhile, some EU member states have sold weapons to Chad although it was well known that the Chadian government was arming Darfurian rebels.

The formation of a regional conflict system

The escalation of the conflict in Darfur in 2002-03 put the Chadian President Idriss Déby in an awkward position. On the one hand he was under pressure to support the Darfur rebels, many of whom come from the same ethnic group as Déby, the Zaghawa. On the other hand the Chadian regime had cultivated a longstanding alliance with the Sudanese government of Omer al-Bashir, who expected Déby's help in curtailing the rebellion in Sudan's tumultuous west. Déby initially tried to stay neutral and even acted as a mediator between the government and the rebels in 2004.

However, as pressure increased Déby was forced to safeguard against a coup from within his inner circle of power, consisting largely of fellow Zaghawa, by reneging on his association with Khartoum and siding with the Darfur rebels. At the same time, Khartoum began arming Chadian rebels based in Darfur. Consequently, since late 2005, the Chadian government has channelled money and arms to the Darfur rebels, primarily to the Justice and Equality Movement (JEM) led by Khalil Ibrahim, who is also Zaghawa.

Proxy wars ensued as Darfurian rebels began operating from eastern Chad and, vice versa, Chadian rebels established rear bases in western Sudan. This brought the Chadian regime to the brink of collapse. In April 2006 one rebel group, *en route* via the northeast of CAR, launched a raid against the Chadian capital N'Djamena, which the army succeeded in repelling.
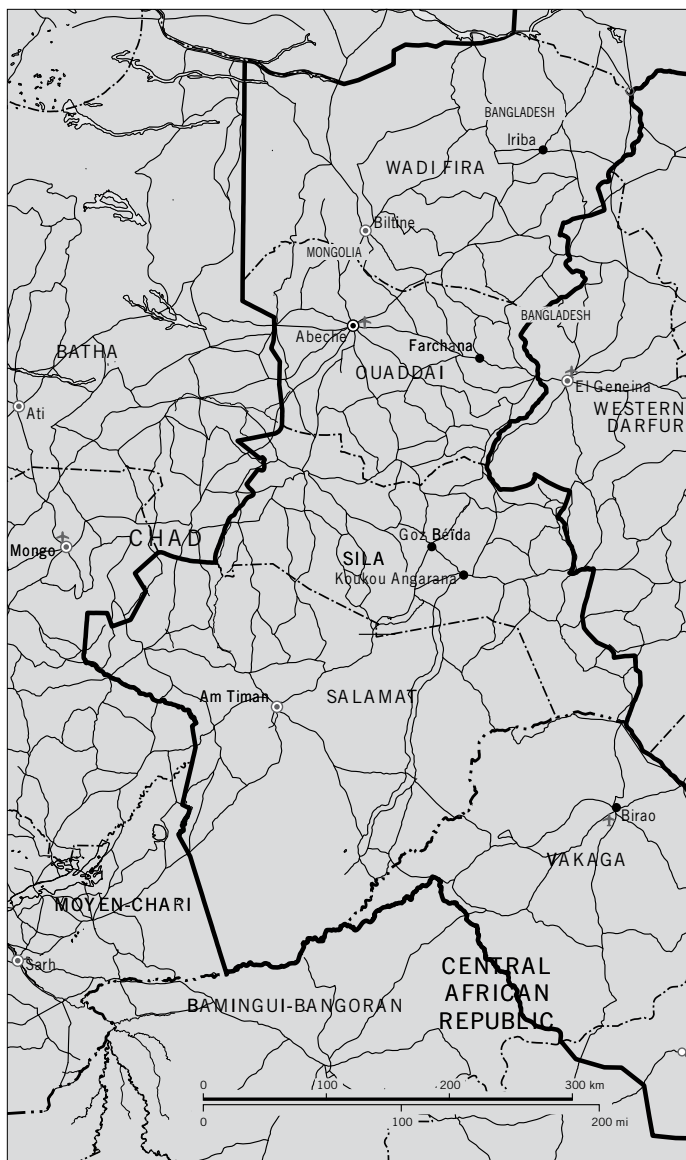
EUFOR Chad/CAR area of operation

Once again in February 2008, Chadian rebels, still armed by Khartoum, attacked and nearly succeeded in ousting Déby. In fact, it was thanks to French support, JEM's intervention and quarrelling among the rebels that the Chadian army managed to fend off the second major attack on N'Djamena after several days of fighting.

The confrontation between Chad and Sudan also had local repercussions. In 2006 the security situation in south-eastern Chad deteriorated as a result of clashes between the Chadian army and the rebels. At the same time, the area experienced violence that was reminiscent of the conflict in Darfur: villages were attacked by militia groups, some of whom allegedly had connections to *Janjaweed* fighters in Darfur. Growing insecurity led to the internal displacement of 170,000 Chadians who joined the 250,000 Darfurian refugees already in Chad.

The cross-border conflict dynamics that destabilised eastern Chad were triggered by the escalation of the war in Darfur and the subsequent breakdown of the Chad-Sudan alliance.

However, beyond these triggers, the process of conflict regionalisation in the Darfur-Chad-CAR 'triangle' was driven by structural factors, many of which are interconnected across state borders, which peacebuilders should consider if they are interested in the sustainable transformation of conflict.

The most important structural driver is the clientelist nature of state power in the region. Rulers concentrate political power and economic resources in the hands of personal associates, to the exclusion of large segments of society. Hinterlands are governed through opportunistic alliances with local strongmen, which can include armed groups across national borders. Other structural factors include the presence of combatants in search of employment; the abundance of small arms; and the role of cross-border ethnic groups, such as the Zaghawa.

Enter the European Union

It took some time for the international community to recognise the cross-border dimensions of the Darfur conflict. In December 2006 then UN Secretary-General Kofi Annan for the first time proposed the deployment of a multidimensional UN peacekeeping mission to Chad and CAR, which included a mandate to facilitate an inclusive political dialogue in both countries. Déby outright rejected this proposal, which he painted as an illegitimate interference in Chad's internal affairs. Libya and Sudan were also opposed to a UN force in eastern Chad. In February 2007 the new UN Secretary-General, Ban Ki-moon, proposed a less ambitious plan, but it was also rejected.

The tide turned in May 2007 when Bernard Kouchner became foreign minister of France. Kouchner was eager to 'do something' in Darfur, but his offer to establish humanitarian corridors was dismissed by humanitarian organisations as counter-productive. He then took up the idea of sending European peacekeepers to eastern Chad, who, together with the EU-funded joint UN-African Union peacekeeping mission already stationed in Darfur, would contain the cross-border effects of the conflict. Déby agreed to Kouchner's offer after obtaining a series of compromises: the peacekeeping force would not have a political mandate and it would not operate in areas immediately bordering Sudan.

Kouchner's project was controversial within the EU as a number of member states, most importantly Germany, suspected the mission to be a fig leaf for advancing French interests in Chad. Nevertheless, in September 2007 EU foreign ministers approved the establishment of an EU force in eastern Chad and north-eastern CAR for the duration of one year. The UN Security Council subsequently authorised the deployment of EUFOR, alongside a UN mission, MINURCAT, which was tasked with training Chadian police officers operating within camps for the displaced.

The deployment of peacekeepers explicitly aimed to address some of the cross-border dimensions of armed conflict in the region. EUFOR spanned two countries and UN Security Council resolution 1778 authorising the mission acknowledged that 'the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security'.

The EU also saw its engagement in Chad and CAR through a regional lens. In September 2008 Javier Solana, the then EU High Representative for Common Foreign and Security Policy, stated that 'the presence of EUFOR contributes to mitigating regional tensions. This is fundamental since what happens in Chad and CAR is linked to what happens in Darfur, and vice versa'.

EUFOR was operational from March 2008 until March 2009, when it officially handed over to the UN mission MINURCAT II. With 3,700 soldiers, 2,100 of whom were French, EUFOR cost €1 billion and was the largest ever autonomous EU military operation. Operating from four bases in eastern Chad and one in north-eastern CAR, the EU peacekeepers focused on securing areas around camps for the displaced and facilitating the delivery of humanitarian assistance.

While the security dimension was undoubtedly its centrepiece, as mentioned above the EU's response to cross-border conflict dynamics in Chad included three additional pillars, which, in theory at least, aimed to constitute a broader peacebuilding agenda. First, the EU provided funding for humanitarian aid, aimed at alleviating the effects of the supposed cross-border violence in eastern Chad. The contributions from the European Commission alone, without counting donations from individual EU member states, doubled between 2005-06 and 2007-09 to roughly $50 million per year.

Second, as part of its development cooperation with Chad, the EU extended its funding for governance projects, such as reforms of the justice and police sectors, decentralisation, and public finance reform. These projects were aimed at addressing some of the structural problems of the Chadian state, which, as mentioned above, are an important driver of armed conflict in the region.

Finally, the EU was engaged at the political level as a means of addressing the underlying causes of armed violence in Chad and in the region. The EU sponsored and, through its head of delegation in Chad, acted as mediator in negotiations between the Chadian government and members of the non-armed political opposition. These talks culminated in the 13 August 2007 agreement, which set out a blueprint for electoral reform with the aim of strengthening the democratic process in Chad. On the regional level, EU Special Representative Torben Brylle was involved in the diplomatic process to improve relations between Chad and Sudan.

What difference did it make?

What difference did the EU's interventions make on the ground? EUFOR contributed to improving humanitarian access in eastern Chad, fostered by relatively good coordination between EU peacekeepers and humanitarian agencies. Also, no major rebel attack took place during EUFOR's deployment in eastern Chad. However, whether the rebels were actually deterred by EUFOR's presence is difficult to determine.

As for the security situation, eastern Chad in 2008-09 experienced a marked increase in crime and banditry, to which EUFOR could not adequately respond. The mission did not include police units, while those of the accompanying UN mission were only belatedly deployed.

From the outset, EUFOR focused on the protection of civilians around camps for the displaced and refrained from patrolling the tumultuous Chadian-Sudanese border. One reason for this prudence was an incident that occurred early in the mission, in March 2008, when a French EUFOR soldier was shot by the Sudanese army after he mistakenly crossed the border into Darfur. The force also did not have a formal mechanism to deal with Sudanese or Chadian rebel groups, who were operating in the border area. This is confirmed by a UN report of July 2008, which frankly stated that 'EUFOR and MINURCAT are not in a position to directly address the problem of cross-border movement by armed groups'. Thus, EUFOR's impact on cross-border conflict dynamics was minimal.

As far as the EU's interventions to improve governance are concerned, the 13 August agreement provided a useful framework for organising elections. However, according to the International Crisis Group (ICG), the agreement is modest and ambiguous since it did not address paramount governance issues in Chad, such as reforming the security sector. It also excluded actors from civil society as well as Chad's armed opposition. It fell short of the ICG's recommendation of a 'new conflict resolution framework', including different layers of negotiations between the Chadian government, political opposition, rebel groups and neighbouring countries.

The EU's engagement in other areas of governance, such as justice and police, may have had a marginal effect. However, as a whole, despite its leverage, the EU's interventions did not change the way in which the Chadian regime functions.

Polish soldiers, part of the European Force (EUFOR), patrol a village near Iriba, in eastern Chad © PHILIPPE HUGUEN / AFP / Getty images

> "The EU also did not respond to local sources of borderland insecurity in eastern Chad, such as relating to law and order, or recognise their links with deeper structural problems of governance and political marginalisation"

Clientelism and authoritarianism are as much a problem today as they were before EUFOR's deployment, and therefore a primary root cause of armed conflict in Chad and across the region remains intact. That the cross-border conflict dynamics between Chad and Darfur have diminished at the time of writing is not due to international intervention, but to the rapprochement between Déby and al-Bashir since January 2010.

Challenges for cross-border peacebuilding

The EU's experiences in Chad reveal four challenges for peacebuilding in cross-border conflicts.

- A conceptual challenge to *recognise that many armed conflicts have cross-border dynamics and therefore conventional, state-centric conflict management instruments may not be sufficient*. The EU's conceptual approach to Chad has been remarkably progressive: it recognised a regional dimension to the crisis; it tried to deploy an innovative cross-border peacekeeping force; and it gave its Special Representative a regional mandate. But as discussed above, the EU has come unstuck in implementation.

- *Understanding correctly security threats in borderlands*. Too much focus on cross-border security threats, for example the incursion of foreign rebel groups, can obscure important local sources of insecurity in borderlands, such as lawlessness, banditry and land disputes. European soldiers were useful to deter large-scale attacks, but they were ill-prepared to deal with the more pressing law and order problems in eastern Chad. In this context, a focus on policing and local peacebuilding may have been more effective than a heavy-footprint military mission.

- *Developing a coherent policy approach across all sectors*, even those that are less conventionally associated with peacebuilding. A recent SIPRI report showed that some European countries still sell weapons to Chad, although it is well known that these arms could end up in the hands of armed groups in Darfur, thereby fuelling cross-border conflict. Some observers have also criticised Europeans, and in particular France, for turning a blind eye to the repressive practices of Chadian security forces in the aftermath of the aforementioned February 2008 attack – even as such repression is undoubtedly a cause of armed conflict in Chad.

- *Recognising that peacebuilding is inherently political and requires long-term engagement, especially if the aim is to address the structural drivers of cross-border conflicts*. In Chad the EU focused on humanitarian and military instruments to mitigate the symptoms of cross-border conflict. It did not use its exceptional leverage to promote more fundamental changes at the national political level. Nor did the EU develop a long-term vision of peacebuilding. This would explain why European countries, again focusing on France in particular, have been so passive during post-EUFOR discussions in the UN Security Council about the continuation of MINURCAT II. In the end, Déby's will prevailed and he forced the withdrawal of the UN mission at the end of 2010.

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Congo, Rwanda and the National Congress for the Defence of the People

Ben Shepherd

The downfall of Laurent Nkunda was startlingly swift. In late 2008 he had seemed untouchable. His forces had humiliated the Congolese military (FARDC) three times in as many years. His politico-military movement, the National Congress for the Defence of the People (CNDP) was exerting increasingly coherent administrative control over a growing fiefdom on the eastern fringes of the Democratic Republic of Congo (DRC). Nkunda had resisted or ignored the attentions of a wide variety of international envoys and was beginning to express national political ambitions. Conflict in North Kivu appeared to be entrenched and doomed to repeat. But by early 2009, just weeks later, he was a prisoner in Rwanda and the CNDP was in the process of disintegrating.

According to its public statements, the CNDP represented the interests of the marginalised population of eastern DRC, providing authority and security in a region of minimal state control. Although it claimed to be acting on behalf of all local ethnic groups, the grievances of the Congolese Tutsi were central to its agenda, including demands for political representation, refugee returns and protection from the predations of the Democratic Forces for the Liberation of Rwanda (FDLR) – a rebel group from neighbouring Rwanda long active in the forests of eastern DRC.

Many Congolese observers, however, saw CNDP as a Rwandan proxy; the latest in a sequence of Kigali-backed actors dating back to the Congolese Rally for Democracy (RCD) that had played a central role in the second Congo war (1998-2003). Many CNDP combatants had previously fought for the RCD, and had resisted integration into the Congolese national army during the post-war transition, re-emerging under Nkunda's leadership during the Bukavu crisis of 2004 and later forming

the core of the CNDP military. Nkunda himself had fought for the Rwandan army in the 1990s, before holding a senior position in RCD. From this viewpoint, CNDP was no more than a mechanism for continued Rwandan meddling in the political, economic and security landscape of the Kivu provinces of eastern DRC.

In fact, CNDP was a hybrid organisation, reflecting the deep complexity of parallel local, national and regional conflict systems operating in eastern DRC. It represented a local reaction to the abject weakness of the Congolese state and the long-standing grievances of Congolese Tutsi over political power and land. At the same time, it was also a cross-border Rwandan surrogate. The violence between CNDP and FARDC that caused such enormous humanitarian suffering from 2006-08 was therefore a product of state weakness, the marginalisation of a borderland community, and a cross-border intervention by a neighbouring state.

Failed peacemaking

In the first decade of the 21st century, the CNDP and its precursor groups had weathered repeated peacemaking initiatives, from the inter-Congolese dialogue (2001-02) and the transition (2003-06), to the 'mixage' agreement of 2007, the Goma conference of 2008 and subsequent *Amani* programme. Each of these processes treated CNDP and its antecedents as a predominantly Congolese phenomenon, with roots in domestic political dynamics or inter-community tensions. All failed.

Bilateral agreements between Rwanda and the DRC had been limited to negotiating the removal of an overt Rwandan military presence from DRC, resulting in the 2002 Pretoria Accord

Civilians hold on to their belongings as they flee their town in Kiwanja, the Democratic Republic of Congo © Uriel Sinai / Getty Images

and a weak joint statement on the removal of FDLR and other armed groups: the Nairobi Communiqué of 2007. Rwanda and DRC had also been regularly brought together under the US-facilitated 'Tripartite Plus' process, along with Uganda and Burundi, to discuss general questions of regional peace and security. Its importance was tacitly acknowledged – the agreement that launched the failed 'mixage' process of 2007 had been negotiated between Rwandan and Congolese leaders.

But the cross-border nature of CNDP had not been fully acknowledged in these processes, and Kigali had not faced any meaningful scrutiny over its continued relationship with them. Rwandan support was key to ensuring that CNDP retained military superiority and political confidence to rebuff the Congolese government and international community alike, secure in its ability to overcome any military challenge or ride out any political storm. This gave Nkunda no incentive to negotiate meaningfully and wrecked any attempt to find a negotiated solution. The ambiguity of CNDP's status – as both an expression of local political grievances and the proxy of a powerful neighbour – had undermined attempts at peacemaking.

What changed?

In late 2008 CNDP had repeatedly proved itself to be the most effective military actor in eastern DRC. Meanwhile, its political demands had not been met and the structural causes of

conflict, such as land distribution, nationality, resources and refugee returns, also remained salient. The Congolese state was also as weak as ever. Yet by early 2009 it had all but ceased to exist as a discrete actor.

The proximate cause of this change was an abrupt improvement in the relationship between Rwanda and DRC. This resulted in a bilateral agreement formulated in December 2008 away from international scrutiny. Its exact terms are unknown, but it seems likely that the agreement balanced Rwandan action to neutralise Nkunda with tacit acceptance by the Congolese authorities of ongoing political and economic control over important areas of eastern DRC by former CNDP cadres.

This *détente* was the result of many different factors. A renewed CNDP military campaign in late 2008 had conclusively revealed the impotence of FARDC, and had also illustrated the limits of the will and ability of the UN peacekeeping mission (MONUC) to intervene. The humanitarian disaster triggered by conflict between CNDP and the Congolese army had further attracted the spotlight of international media attention to events in eastern DRC.

DRC President Joseph Kabila was under intense political pressure in Kinshasa and was nervous about a growing economic crisis. He needed to deliver progress and prove his

> **"The violence between CNDP and FARDC that caused such enormous humanitarian suffering from 2006-08 was therefore a product of state weakness the marginalisation of a borderland community, and a cross-border intervention by a neighbouring state"**

ability to deal with Nkunda, who had become emblematic of his failure to control Congo's vast national territory.

Nkunda's independence and adventurism, notably his repeated threats to take the provincial capital Goma, had also reportedly begun to persuade his backers in Kigali that he had become a liability. Some observers saw growing messianic tendencies. Others have since argued that he was also beginning to restrict the flow of profits to Kigali from mining areas under his control.

The power of information

Most importantly, at the end of 2008 Rwanda suddenly saw the prospect of its support to CNDP starting to carry significant costs. This was in part a product of the availability of more and better information. A scarcity of observers and patchy and ideologically-driven media coverage had allowed Rwanda to deny its support to CNDP for many years, despite widespread suspicion.

But the quantity and quality of information grew alongside increased international attention that accompanied peacemaking efforts. Significant international resources were deployed to eastern DRC, including diplomatic representation from Belgium, the US, France, the UK, the EU and others. An extremely capable UN Panel of Experts was appointed to investigate arms transfers into the region. The result was a far greater flow of reliable information, most notably the report of the UN panel in late 2008 that made clear the extent of Rwandan support to the CNDP.

Key international actors gained a more accurate understanding of the cross-border conflict dynamics at a moment when media attention on the humanitarian disaster in North Kivu was contributing to demands for effective action, and the stakes for the wider Great Lakes region were perceived as extremely high. The international reaction that followed included the loss of budgetary support from the Swedish and Dutch governments,

and significant diplomatic pressure from Rwanda's key external allies: the US and UK. The DRC-Rwanda deal, Nkunda's arrest and the CNDP collapse followed swiftly. International diplomacy proved sufficient to change the pressures on Rwanda such that a political deal became logical, and cross-border support for the CNDP was removed.

Conflict transformation or cosmetic change?

Although Nkunda has been removed from circulation in the region, remaining under house arrest in Rwanda, eastern Congo remains the site of significant violence and humanitarian suffering. Long-running inter-community disputes over land ownership, refugee returns and the nationality status of the Congo's Tutsi community persist. Equally, although former CNDP forces are now officially integrated into the Congolese army, ex-CNDP commanders still control key economic and strategic sites in eastern DRC, with loyal ex-CNDP troops under them in robust, parallel chains of command. Seen from the ground up, the demise of Nkunda has produced little more than cosmetic change.

But viewed from a longer historical perspective, the removal of Rwandan sponsorship from the CNDP and its subsequent collapse means that for the first time since 1997 there is no armed group in DRC with the political or military capacity to threaten the central legitimacy or security of the Congolese government. And for the first time in more than a decade, none of DRC's neighbours is directly supporting a proxy armed group against the government, even in the volatile Kivu provinces. Thus it can be argued that events of early 2009 represented the final act of the 1998-2003 Congo war, as the last wartime combatant removed its final piece from the board.

The Congolese state remains almost non-existent in many areas and continues to be challenged by an array of domestic and cross-border armed actors, from the Lord's Resistance Army [*see page 51*], to the Allied Democratic Forces and the National Army for the Liberation of Uganda (ADF-NALU) to a range of Mai Mai and local defence militias. The country will doubtless remain disordered and prone to outbreaks of violence. But while former CNDP command structures remain relatively intact after their nominal integration into the FARDC, their numbers are comparatively few in the context of a bloated and already highly-factionalised military. Without the resumption of external support they are likely to pose an essentially local threat to peace.

Violence in North Kivu is now primarily driven by political cleavages and local grievances in a marginalised borderland region. CNDP had represented both local grievances and the ambitions of a powerful neighbouring state, and was, as a

result, able to threaten both national and regional peace. While the end of the CNDP evidently did not mark the final resolution of conflict in the Kivus, it certainly represented a meaningful change in an underlying conflict dynamic. Assuming external sponsorship does not return – a very real possibility in the context of the ongoing weakness of the Congolese state – this could pave the way for deeper peacebuilding in the region.

Lessons for peacebuilding: international diplomacy and local deal-making

In attempting to resolve hybrid cross-border and intra-state conflict, the levers of international diplomacy are most effectively deployed against state actors rather than armed groups. Nkunda had proved resistant to all the tools in the international conflict resolution toolbox – sanctions, asset freezes, travel bans, threats of international justice, shuttle diplomacy by multiple envoys and so on. None were sufficient to moderate his behaviour or bring him to meaningful negotiations. Indeed some, such as threats of international justice, may have had the converse effect of pushing some of his commanders – Bosco Ntaganda in particular – into maximalist positions, in search of leverage to negotiate immunity.

Where the international community gained traction was in applying intense diplomatic pressure on the Rwandan government – Nkunda's cross-border *eminence grise* – at a key moment, including calling development aid into question. The motivations persuading Rwanda to support the CNDP – ethnic association, profit and security concerns – became outweighed by the potential damage to the Rwandan economy and national development goals through international sanctions. The pragmatic cost-benefit calculation made by the Rwandan

government was altered; it had more to gain by checking the North Kivu crisis than by fuelling it, and its policy shifted remarkably quickly.

But if the international community played a role in creating the conditions for a deal, its influence did not extend to the substance of the political settlement that emerged. All external mediators seem to have been bypassed, and the agreement was reached locally and in private. The resulting pact had an immediate impact, was sufficiently robust to have lasted to the present, removed a major barrier to improved relations between Rwanda and DRC – key to longer term regional stability – and allowed the focus of attention to shift to the FDLR, a group which arguably presents an even greater challenge to the security of Congolese civilians.

The deal also seems to have cut across a number of broader peacebuilding ambitions, notably on human rights and justice. It allowed *de facto* immunity for CNDP cadres for crimes committed during the hostilities, placed an ICC indictee – Bosco Ntaganda – in a senior command position in the Congolese military, and gave former CNDP commanders effective control of strategically important and mineral-rich areas of North Kivu. The resulting resentment on the part of local populations is likely to have played a significant role in ongoing violence and human rights abuses in the province.

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Informal regional diplomacy

the Esquipulas Process

Jordi Urgell Garcia

The civil wars in Guatemala (1969-96), El Salvador (1979-92) and Nicaragua (1961-79 and again in the 1980s) became known collectively as the Central American Crisis. Each conflict had its own specific characteristics but the causes, dynamics and solutions of the different conflicts in the isthmus also had a connected, regional dimension.

Central America gained its independence from Spain as a confederation and it is widely regarded as a single cultural, economic and geopolitical system. It is not surprising that some of the structural causes of socio-political violence in the region share some commonalities: among them economic inequality, social and economic exclusion, weak political participation and representation, authoritarian and militarist political culture, and 'racist' political and economic elites.

The conflicts in Central America were also interconnected and regionalised through more manifest, physical 'spill-over' and cross-border dynamics, such as the displacement of more than two million people – around half a million to the US, and hundreds of thousands to Mexico, Honduras and Costa Rica. Neighbouring countries also provided sanctuary and support to some guerrillas; for example, support for US-backed anti-Sandinista Contras in Honduras and Costa Rica, or the alleged political, economic and military links between the Nicaraguan government, and Salvadoran and Guatemalan guerrillas.

At the beginning of the 1980s Central America seemed to be trapped in a regional security dilemma in which the incentives to cooperate and make credible commitments were counterbalanced by uncertainty over the real intentions of the 'other' warring parties. Mistrust was augmented by several inter-state border disputes – Guatemala/Belize, Honduras/El

Salvador, Nicaragua/Honduras, and Nicaragua/Costa Rica – but it can be better explained by two factors.

First, the region lacked credible and capable institutions to address regional conflict dynamics or build confidence. The Central American Common Market collapsed after the so-called Football War between El Salvador and Honduras in 1969, while the Organisation of Central American States, created in 1951 to enhance regional integration, had disappeared by the beginning of the 1970s. The only functioning regional institutions in the 1970s focused on security cooperation to address threats posed by guerrilla movements. For example the Central American Defence Council (CONDECA) was the maximum expression of a regional security model, which concentrated on counterinsurgency rather than any concept of human security. It was conceptually linked to the prevalent 'Doctrine of National Security', which emphasised the fight against international communism and the 'internal enemy'.

Second, the Central American civil wars became internationalised and closely linked to Cold War politics through the involvement of extra-regional powers that took advantage of the political dynamics in Central America to pursue their own strategic interests. The Soviet Union saw the Central American crisis as an opportunity to erode US hegemony in its 'backyard'; although Moscow's involvement in the region was less decisive than Washington's, and declined rapidly with *Perestroika* in the mid-1980s. Cuba supported many Central American guerrillas as a means to spread the Communist revolution, and also to counter its isolation on the American continent.

For Washington, the victory of the Sandinista National Liberation Front (FSLN) over the dynastic and corrupt Somoza

regime in Nicaragua in 1979 – the same year as the Soviet Union's invasion of Afghanistan and the revolution in Iran against the US-allied Mohammad Reza Pahlevi – seemed likely to consolidate an already strong Havana-Managua axis and to further foment revolution in Guatemala and El Salvador. The US increased its support to military regimes in Central America and tried to erode the Sandinista Revolution through economic boycott, diplomatic isolation and military confrontation.

Cross-border peacemaking in Central America: Contadora and Esquipulas

In the absence of viable or relevant regional institutions in Central America, the Contadora process emerged in the early 1980s to create a less formal regional diplomatic framework for dialogue, confidence-building and inter-governmental cooperation. Contadora culminated in the Esquipulas II agreement (1987), which paved the way for elections in Nicaragua (1990), and peace accords in El Salvador (1992) and Guatemala (1996), and also established a network of regional institutions designed to enhance the pacification, democratisation and integration of the region.

The Contadora Group originally comprised Panama, Mexico, Colombia and Venezuela, but was later expanded to include Brasil, Peru, Uruguay and Argentina. Its initial aims focused on confidence-building measures and promoting talks on the pacification, democratisation and integration of Central America. Despite some international support, the 1984 Contadora Act on Peace and Cooperation in Central America was rejected by some Central American governments as unworkable. The US also saw Contadora as an obstacle to its ambitions in Nicaragua. Nevertheless, Contadora helped to sustain international concern about the Central American crisis – and its resolution.

The election of new presidents in Guatemala (Vinicio Cerezo), Honduras (Jose Azcona) and Costa Rica (Oscar Arias), between January and May 1986, helped to reinvigorate regional negotiations. In May 1986 the five Central American presidents met in the Guatemalan city of Esquipulas and agreed to increase political cooperation and dialogue. Following the 'Esquipulas I' summit and subsequent presidential-level talks, the president of Costa Rica presented a peace plan in February 1987. The plan became the core of the 1987 Esquipulas II Accord that established measures to promote national reconciliation, end hostilities, hold credible elections and initiate democratisation processes, establish negotiations on security issues and arms control, and increase the assistance to refugees and internally displaced persons.

Esquipulas II established a road map – backed by the UN and the Organisation of American States (OAS) – for the governments of Guatemala, El Salvador and Nicaragua to engage in dialogue with their respective armed opposition groups. It also sought to develop regional institutions (eg the Central America Integration System or the Alliance for Sustainable Development), as well as periodic presidential summits to discuss economic and security issues.

Lessons from Esquipulas

Esquipulas was an ambitious attempt to overcome deep-rooted structural and historical socio-economic inequalities in Central America. It consolidated an autonomous regional space for dialogue that was sufficiently safeguarded from overbearing Cold War geopolitical imperatives and represented an innovative and *ad-hoc* Latin American regional initiative to resolve regional problems – when more formal regional structures were either compromised or inappropriate. Summits of the five Central American presidents that were developed through Contadora and Esquipulas became the primary regional diplomatic forum.

The presidents did not seek total international isolation, understanding the contribution of appropriate international support to the success of peace processes in Central America; for example, the diplomatic engagement of the European Community, or the recognition provided by the award of the 1987 Nobel Peace Prize to Costa Rican President Oscar Arias.

The UN and the OAS contributed to the political legitimacy and technical capacity of the process by participating in the creation of confidence-building measures, monitoring ceasefire agreements, and supporting the disarmament, demobilisation and reintegration of former combatants and the implementation of the peace agreements. This was done in particular through bodies such as the UN Observer Mission in El Salvador (ONUSAL) and the UN Verification Mission in Guatemala (MINUGUA).

The success of Esquipulas was also built on the innovative structure and principles of the negotiation process. Esquipulas adopted a two-track negotiation approach. The first track was regional international negotiations between the Central American presidents. The fact that the negotiations were held at the highest political level contributed to the confidence among the negotiating parties and to the credibility of the commitments made by each government. The second track was bilateral negotiations at the regional level between the governments of Guatemala, El Salvador and Nicaragua, and their respective opposition armed groups.

The *ad hoc* and flexible negotiation structure of Contadora and Esquipulas was also founded on important prior principles regarding the negotiation agenda, notably simultaneity,

international verification, gradualism, political recognition of armed groups and comprehensiveness.

The simultaneous compliance of scheduled commitments and their verification by an international commission – comprising the Secretaries-General of the OAS and the UN, the foreign affairs ministers of the Central American countries, the Group of Contadora and the Support Group – helped to create trust and overcome the aforementioned security dilemma.

Also important was the gradualism of the talks, which sequentially established an end to violence and then addressed the development and integration of Central America. The formal launch of the peace talks was facilitated by the Central American governments agreeing to recognise the political status and demands of the non-state armed groups, and not to demand a ceasefire as a prerequisite for initiating exploratory dialogue.

The comprehensiveness of a negotiation agenda sought to addresss not only the consequences of the war – displacement, demobilisation of combatants, economic and social impact of the conflict – but also some of its structural causes through solutions that went far beyond the traditional power-sharing arrangements.

But despite their diplomatic innovation, the peace agreements in Central America lacked the wide-reaching social support needed to become an effective agenda for economic and political transformation. The role of civil society during the negotiation process was marginal and there was a lack of popular ownership of the peace agreements – despite the fact that the Catholic Church facilitated the talks and has launched numerous initiatives for social reconciliation. Moreover,

Costa Rican President Oscar Arias (L) shakes hands with Panamanian President Martin Torrijos (R) as Guatemalan President Oscar Berger looks on after the ceremony commemorating the 20th aniversary of the signature of the Central American 'Esquipulas II' peace plan © MAYELA LOPEZ / AFP / Getty Images

the capacity of the guerrillas to lead the implementation of the peace agreements and the socio-political change was undermined by their failure to abandon hierarchical and militarised internal structures, and to adapt to a new environment of democratic, electoral competition.

The initial optimism of Esquipulas II was progressively eroded by the failure to implement the agreements. Central American integration was diluted through the 1990s, replaced by bilateral tensions and border conflicts; and transitions to peace and democracy were eclipsed by rising social unrest and criminality. Many governments in the region have resorted to uncompromising security responses, provoking new cycles of violence.

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Section 3

Building peace below the state

cross-border community relations

Section introduction

borders define states but can divide peoples: cross-border community relations

Kristian Herbolzheimer

Maps are useful tools for understanding the world, showing how it is divided into many countries of many different sizes and colours. The power of world maps is their ability to reduce complexity and offer a simple and comprehensible picture. But in reducing complexity, maps can distort our worldview, conveying wrong assumptions. They can mask at least two important kinds of diversity: diversity of peoples; and diversity of institutional strengths of states.

Countries are rarely monocultural, but instead host a number of communities with different (sometimes multiple) identities. The geographic distribution of peoples and cultures does not necessarily coincide with state borders, and therefore social, cultural and even economic ties between them can have significant cross-border dimensions.

At the same time, in many countries the state is not present in the same strength across the breadth of the territory: education, healthcare, infrastructure and other important state functions tend to be precarious in remote areas, which often coincide with borderlands. In these places local people are left to take the lead in addressing their more pressing needs, and this often entails collaborations among and between communities across borders, instead of cooperation with political or administrative centres. Borders are of fundamental importance for states, but can be much less relevant to people's identities and needs.

In order to address cross-border dynamics of armed conflict effectively it is essential to understand the social, cultural and economic conditions of peoples living in border areas. This is the aim of this section of the publication. It includes case studies from East Africa; the Middle East; Colombia's borders with Venezuela and Ecuador; the Mano River Union; the South Caucasus; and Acehnese refugees in Malaysia.

The case studies highlight how cross-border dynamics of conflict affect local communities, and the agency these communities can offer to respond effectively to such dynamics. They suggest why this agency needs to be supported and strengthened, and provide examples of how this can be done.

Cross-border conflict dynamics and peacebuilding challenges

The conflict dynamics described in this section relate mostly to cases where disputes are not about the border itself, but instead cross the border. In other words, the borderline is not contested, but it creates or exacerbates tensions and conflict. Dynamics can be *horizontal*, relating to antagonism between communities, as well as *vertical*, relating to relations between border communities and state capitals.

Since the breakdown of the Juba Peace Process in 2008, the Lord's Resistance Army (LRA) has become nomadic, moving out of its traditional areas in northern Uganda – where it originated – and Southern Sudan – where it had been hiding for a long time – into the Democratic Republic of Congo and as far north as the Central African Republic. In its initial phases the LRA acted as an Acholi protest movement that challenged the Ugandan government. This periphery-centre conflict has subsequently escalated to overlap with multiple regional conflict systems involving rebels in Southern Sudan, the government of Sudan in Khartoum, and other regional actors in the Democratic Republic of Congo and the Central African Republic.

After the Comprehensive Peace Agreement (CPA) in Sudan in 2005, and following an arrest warrant against LRA leaders by the International Criminal Court that same year, the LRA seems to be spreading terror not so much to pressure the government of Uganda, or even neighbouring countries, but existentially just to survive and to defy the international community in general. The

limited capacities of the affected states to control their border territories make predation easier for the LRA. Inter-community tensions have ensued with the newly affected communities blaming the Acholis in northern Uganda for these developments.

Inter-community conflicts become less tractable when different communities have claims of exclusive *access to* or *ownership* over a given territory. The conflict between Israel and Palestine is among the most protracted and complex in the world. While the internationally-sanctioned approach aims at reaching an agreement on a two-state solution, others favour allowing Israelis and Palestinians to live together in one state. No matter which approach finally prevails, animosities between communities have escalated to a point where any solution must go beyond *political engineering* and will have to devote enormous amounts of energy and creativity to establish a minimal level of trust and communication between affected communities.

Disputes in borderlands can eventually affect *international relations* between neighbouring countries. Colombia's primarily military response to leftist insurgencies has pushed these out to its vast borders with Venezuela and Ecuador. *Soft borders* (long and sparsely populated) ease the transit of insurgents and facilitate illegal trafficking of drugs, chemicals for drugs production, weapons, money and people.

Local (often indigenous) peoples become exposed to an expanding borderland economy of war and crime – although they can sometimes benefit from it. State responses from within Colombia as well as neighbouring Venezuela and Ecuador have tended to be unilateral and overly simplistic, reacting more to respective capitals' political agendas than to the needs and appeals of the conflict-affected peoples. Nationalist discourse can inflame some people, but does little to address the real challenges at stake.

One of the most visible cross-border dynamics of conflict is when people have to leave their home country as a result of violence. The sudden influx of a number of people can generate tensions within the receiving community. But in some circumstances social and cultural ties across borders can help to develop solidarity networks that can address grievances – imagined or real. People in Aceh in Indonesia and in Penang state in Malaysia have a long history of social and cultural exchange across the Malacca Strait. This provided a welcoming environment for Acehnese political refugees, students, economic migrants and even rebels seeking a safe haven from fighting in Aceh. But despite this affinity, there remained a challenge to address potential tensions between the *migrating* and the *hosting* communities, as well as intra-community tensions between Acehnese who were already living in Malaysia for very different reasons.

Distinct armed conflicts within a region that have different roots can also share mutual or connected dynamics. Escalation in one area can have a knock-on effect throughout the region. The South Caucasus has been in a state of 'no peace, no war' since the early 1990s, interlaced by closed borders, front lines, and abandoned roads and railways. Contact between ordinary people has been severely restricted. Weak border management has undermined legitimate cross-border movement and commerce that is the traditional lifeblood of many borderland communities in the Mano River Union (MRU). Informal cross-border trade in livestock or manufactured goods underpins many local livelihoods. Bad border management affects both men and women, but women are especially vulnerable to sexual assault and harassment by corrupt security services. While international third parties have the potential to support peace initiatives – to enhance, facilitate, mediate or even broker them – the international community seems badly equipped to deal with the complexity of conflicts that have cross-border dynamics. Too often international responses apply crude models that risk exacerbating the problem instead of solving it.

The case studies in this section of the publication suggest that military responses to cross-border conflicts in particular tend to be simplistic and counter-productive. In the LRA case study, Archbishop Odama from northern Uganda describes how the effect of the regional military response since the end of the Juba negotiations has been "like throwing stones at bees; the swarm of bees scatter and are now stinging people everywhere".

Peacebuilding responses

People living by borders have developed a number of initiatives to respond to the cross-border dynamics of conflict. The primary reason for their engagement is probably the fact that they are most directly affected. But additionally, local actors have a far better understanding of cross-border conflict dynamics and this in-depth perspective can inform and influence action by states and inter-governmental organisations.

Community-dialogue initiatives are a basic but essential approach for identifying mutual, cross-border peacebuilding challenges and priorities, and for assessing whether these can be addressed at the local level or whether there is a need to connect these with national and regional initiatives.

Traditional mechanisms can be very helpful, such as the *Mato oput* reconciliation ceremony in northern Uganda that has helped reconcile rebels returning to their communities. Community dialogue needs *horizontal capacity* – people who are respected in their own community and at the same time will be listened to outside it. Religious leaders in northern Uganda, cultural leaders in Aceh and Malaysia, or local government officials along the

Colombian borders act as unofficial conflict mediators and bridge-builders, playing a role that external actors cannot.

Cross-border community coalitions can help to *strengthen the vertical capacity* of local, grassroots initiatives to influence national, regional or international efforts. Regional diplomatic channels to respond to regional conflict systems can be blocked by historical, political or ideological disagreement and discrepancy between capitals, or poor personal relationships among leaders. Cross-border community interaction can offer parallel tracks for improved regional relations and integration.

Two innovative examples described in the case studies below include the Regional Civil Society Task Force, which is helping to join up local communities in countries affected by the LRA conflict, and initiatives led by universities in Colombia and Venezuela that helped to unite peoples of both countries when their governments were at diplomatic loggerheads. Vertical capacity has more traction when local initiatives can offer *alternative approaches* to formal national or international ones. Civil society efforts in Colombia, Venezuela and Ecuador were successful when they were able to challenge and, eventually, change the populist nationalist discourse that the political leaderships in all three countries were focusing on.

Civil society efforts in Colombia, Venezuela and Ecuador engaged with the media to get their message across. When mainstream media are hard to reach, it is still possible to harness the support of alternative media with a strong commitment to challenging stereotypes and providing more accurate information. All for Peace Radio presents an initiative covering the Israeli-Palestinian conflict with the goal of promoting the role of the media as a key agent of change and engaging policy-shapers and decision-makers through interviews, radio programmes and cross-border action. In the South Caucasus, the media have helped to reconnect people and to rebuild ties severed by violence.

Civil society actors can also be well-placed to identify *unexpected* or *neglected agents of change*. The Universiti Sains Malaysia in Penang was able to help channel the potential of Acehnese refugees, from being seen as victims of the conflict into active agents of peacebuilding. Women's organisations, indigenous groups, humanitarian agencies, environmental associations, schools and local governments, all played a role in developing a citizens' cross-border response to tension between Colombia and Ecuador. Such local peace coalitions have been further strengthened with the *support of international civil society* actors such as the Carter Center (Colombia-Ecuador border), and Conciliation Resources (the Regional Civil Society Task Force). Support for Acehnese peacebuilders from the Universiti Sains

Malaysia stressed the importance of local ownership. In the MRU, CR has been supporting local communities to develop accountability and oversight over border management and security.

Conclusions and policy recommendations

Combining traditional and modern, local, national and regional peacebuilding approaches is complex. At the same time balancing and integrating several approaches, and linking track one and track two peacebuilding at the regional level, can help address cross-border conflicts.

Recommendations for policy:

- Local and traditional structures and relations can span political borders to promote social cohesion and relieve inter-community tensions that can underpin or complicate regionalised conflict. Cross-border community structures can often function horizontally despite state weakness in borderlands and either poorly managed or heavily militarised borders.

- Borderland community actors can provide unique insight and analysis of cross-border conflict dynamics. The number and range of potential local peacebuilders is surprisingly large. Local strategies and priorities for response can both inform and assist track one regional peacebuilding. Traditional mechanisms that have fallen into disuse can often be effectively revived, carrying legitimacy and authority from the past.

- Refugees are not merely cross-border victims of conflict. They can provide vital capacity and should be encouraged and supported to engage in peacebuilding, as well as being protected and provided for. It is essential to prioritise local ownership of refugee peacebuilding initiatives.

- Networks of community peacebuilders can be built across borders to bolster community resilience to cross-border violence and to build track two advocacy capacity at the regional level. The media can help amplify political voice. Community networks need help and support to thrive. Official and unofficial peacebuilders should find ways to cooperate regionally in order to address cross-border dynamics of conflict more effectively.

- Local borderland actors have capacity for vertical conflict transformation. They can identify cross-border dynamics, network across borders, develop and sustain bottom-up perspectives, engage with the media, and ultimately shape broader policy.

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Regional community peacebuilding and the LRA conflict

a conversation with John Baptist Odama, Archbishop of Gulu, Uganda

The Lord's Resistance Army (LRA) conflict has spread across national borders, from northern Uganda into southern Sudan, Democratic Republic of Congo (DRC) and Central African Republic (CAR).

A number of traditional, religious and civic leaders from affected countries have responded by pooling their own resources across borders to promote peace. In March 2009 they formed a Regional Civil Society Task Force building on the long experience of northern Ugandan civil society in dealing with the LRA conflict to develop collective peacebuilding capacity. Through shared analysis and experiences, the Task Force advocates regional, non-violent responses and provides direct support to affected communities. It uses traditional peacebuilding mechanisms, like the *Mato oput* justice process in northern Uganda that helps to reconcile former LRA fighters and reintegrate them into their communities.

A prominent figure in northern Ugandan civil society, Archbishop Odama has been a leader of efforts to build peace with the LRA throughout the conflict, and he is a founding father of the Task Force. Below, the Archbishop reflects on his experiences. The Task Force faces huge challenges: developing relationships across great distances with limited resources and little infrastructure, and bridging multiple language barriers. Archbishop Odama illustrates how the Task Force's presence in LRA-affected areas, especially the most isolated, has helped fearful communities to talk about their problems and find ways to address them. Experiences from northern Uganda in supporting the return of abducted rebels to their communities has inspired and empowered newly affected communities.

The Task Force's strategy of encouraging rebels to return home aims to deplete LRA ranks, reduce risk and rebuild damaged communities.

The LRA insurgency against President Yoweri Museveni's government began in northern Uganda in 1986. Led by Joseph Kony, it fused Christian theology based on the Ten Commandments with elements of mysticism and local Acholi tradition. It was one of several resistance movements mounted against the government due to perceived political marginalisation. Lacking popular support, the LRA adopted brutal tactics against communities including murder, mutilation, abduction and sexual enslavement.

The LRA is especially notorious for the forced recruitment of child soldiers and the majority of LRA rebels are abductees. Government military operations have killed many LRA – but losses are replaced through further abductions. Following pressure from civil society, in 2000 the Ugandan government introduced an Amnesty Act to allow the return of rebels to their communities without prosecution. Thousands went back.

In 2005 the International Criminal Court (ICC) issued arrest warrants for Kony and four of his senior commanders. But a political settlement remains elusive. The only formal peace process between the Ugandan government and the LRA took place in Juba, southern Sudan from 2006 to 2008. A Final Peace Agreement was drawn up but Kony did not sign it. Some say the ICC arrest warrants influenced his decision. Nevertheless, elements of the agreement have been implemented, including introducing a Special Court in Uganda to try war crimes.
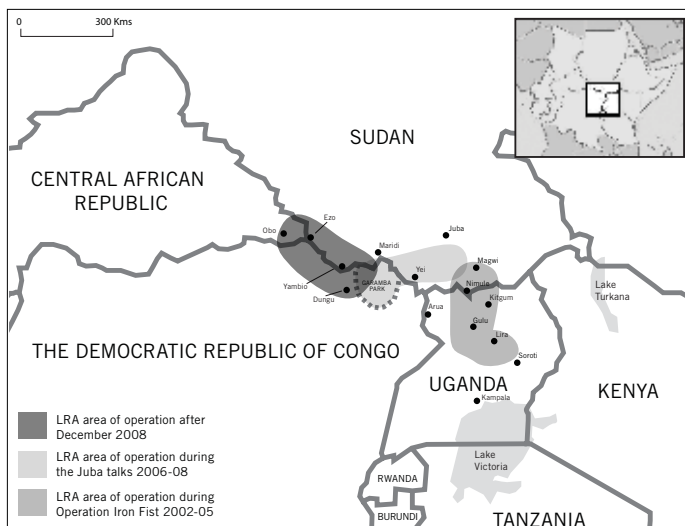
Lord's Resistance Army areas of operation.

Ugandan civic peacebuilding initiatives have been active since the beginning of the war. They have been instrumental in supporting dialogue between the Ugandan government and the LRA, and in informal processes of demobilisation, rebel return and local reconciliation. Local communities have provided 'anchors of resilience' to violence. Civil society dialogue with the LRA leadership prepared the ground for the Juba negotiations.

Since 2008 regional governments have focused on joint military offensives against the LRA, including Operation Lightening Thunder. Military responses have so far been inconclusive – if not counterproductive. They have driven the LRA out of Uganda, allowing for the resettlement of over 750,000 displaced Ugandans. But military operations have dispersed and escalated the conflict, and have prompted the LRA to violently recruit. People in neighbouring countries are now suffering, while the cross-border dynamics of the conflict have made it more complex and harder to resolve.

Interview

Regionalised LRA conflict dynamics and peacebuilding

What challenges does the LRA conflict pose for peacebuilders now that it is affecting communities in four countries?
The LRA conflict is no longer a national issue. It has become 'multi-local' and nomadic. The area covered by the LRA now is much bigger, including south-west Sudan and parts of eastern DRC and CAR. As the conflict multiplies, it becomes more complex. People are not sure where it will move to.

What are the particular peacebuilding needs that you see?
We need to build trust, unity and solidarity across the affected countries to say: "yes, we can address this confidently without fearing". This can't just come from Uganda. There is

also a great need for national and local support for victims. People in affected communities are not open about the LRA's presence. They feel insecure. If they say something, they wonder who will defend them if they are then assaulted. This makes it difficult – you're not sure where the LRA is. Other groups are also involved in local conflicts so you don't know which people are LRA and which are not.

How are you working to respond to the conflict?
We came to the conclusion that we need to work with cultural, religious and civil society leaders, as well as our political representatives, from the affected countries. With the help of partners like Conciliation Resources (CR) and Pax Christi, we have created a Regional Civil Society Task Force to try to address the situation.

We have held five meetings so far – two in Gulu and then Kampala (Uganda), Sudan and Dungu (DRC) – to find the truth about where the LRA has moved to and how we can respond.

The meeting at Dungu was very 'hot'! Reconciling with the people of Congo and CAR and Uganda was challenging. At first they were hostile to us Ugandans, accusing us of having spread the war. We told them that we understand, we have suffered too, but that we should reconcile to build a better understanding of the conflict and work together to bring an end to it.

We poured what I call some 'water' or 'sand' on the situation: we went through their thoughts, the abductions, the things we have all gone through. We shared these stories without any laughter or shouting, talking honestly from the heart. We described our peaceful approach and advised that anything we do together, we do peacefully. They ended up accepting us. Staying together for four days, eating together and accompanying them on walks helped in this.

We then started working on categorical joint statements and what we need to do to promote the Task Force: issues that we can work on in our different countries, promoting peace and dialogue, building our skills.

What challenges have you faced?
One challenge is that the distances are great. Logistics are difficult. Second, the other peacebuilding groups are not so well organised. Groups working for peace in Uganda are more advanced than the others, as the religious, traditional and cultural leaders here are used to working together. Third, financial difficulties: it is not easy to access resources. We are lucky that CR has supported us but we could do more. It's not easy to meet others to make our voice louder. We could do more on advocacy. These are the challenges we have.

> ❝ Operation Lightening Thunder (2008-09) was like throwing stones at bees; the swarm of bees scattered and are now stinging people everywhere"

What would you like to achieve through more advocacy?
First, to promote dialogue and non-violent approaches. Second, leaders of the countries affected by the LRA war must come together to address the issue on a regional level. Third, to help unite the religious and cultural leaders regionally so they can mobilise people to raise a common voice, as we have done in northern Uganda. Also, we are broken into pieces by this war. We need reconciliation. On a national level in Uganda we are not yet reconciled – and even less so on a regional level.

The impact of military responses to the war

What has been the effect of military operations deployed to end the war?
The military response has made the war become nomadic. Military responses have always been destructive and do not solve anything. They multiply problems. We do not advocate them because of our experiences.

Operation Lightening Thunder (2008-09) was like throwing stones at bees; the swarm of bees scattered and are now stinging people everywhere. From Uganda to Sudan, from Sudan to Congo, from Congo to Central Africa. I'm not sure whether it will also go to another country. This is my fear.

We have advocated for a peaceful way of resolving this conflict. If you have a conflict at home, when brothers and sisters fight, you normally make them sit down and ask: "why are you fighting?" You don't say: "solve it by killing one another." Once you've exterminated the child, you've exterminated the family. This is the fundamental problem with using force against an 'enemy' where many are themselves victims, having been abducted as children and forced to commit atrocities. These people need protection, not extermination.

For us in northern Uganda – taking the area of Lango, Acholi and West Nile – this war has lasted too long, and we wish to address it through dialogue. We urge the government to look into this. We say to the government: "you are like a father; you cannot fight with the aim of exterminating your child." We say to the LRA: "the government is your father; you don't go fighting with your father to the point of exterminating him."

So now the problem has spread, we are saying to the Congo (DRC), Sudan and CAR: "you're a brother to Uganda; we are all brothers. Why are you going to such lengths as exterminating one another to solve this problem? You must talk."

Our approach is to mobilise elders whose influence will have an effect on the leaders – political, cultural and social – so they can put their voices together to address the parties who are at war with one another and bring them to the table.

What have been the effects of violence on communities?
I don't know how many lives have been lost as a consequence of the fighting. Nor are we sure of the definite financial cost of the military operation. But the money was invested in destruction, not construction. That money could have brought a big change to northern Uganda.

Also, abducting people from villages is a way of recruiting, for the LRA to cope with military attack. When they know there is no fight against them in the area, usually they will not abduct. The moment they think the population is against them or there is imminent attack from the armed forces, then you see them abducting to increase their numbers so they can fight effectively.

Suppose we said: "we don't want any of this fighting. If you want food we shall share ours with you, but please solve your problems." This would help. Local people are ready to cooperate when they are safe. They are looking for a way out. Some abducted LRA fighters have been accepted back into communities in Congo, for example.

How can international policymakers more effectively help you to resolve the LRA conflict?
One idea would be: let them concentrate on the resettlement of the people, the reconstruction of the area and the work for development programmes at home. This is what would attract people to come back, when they see that activities for growth and production are going on and the environment in which they are living is less difficult. This will be more convincing than a military response. Military responses consume more money. If the money allocated for resettlement of the people is used for military operations, there will be nothing left.

Dialogue with the LRA

Has the Task Force connected with national, regional or international peacebuilding processes?
We have been advocating contact with the LRA. We did it in the past. We have had some face-to-face talks. The rebels knew that we are not people for their destruction so they were eager to talk.

During the Juba peace process (2006-08), the Vice President of southern Sudan and Chief Mediator of the peace talks, Riek Machar, gave us the opportunity to meet the LRA leader, Joseph Kony. We went to Garamba Park, where the rebels were encamped. We met Kony and convinced him to meet another bigger group. And he met them. That was a good confidence-building process. It allowed him later to come out to go to a gathering of peace negotiators with the help of Joaquim Chissano (Special Envoy of the United Nations Secretary-General for LRA-Affected Areas during the Juba talks).

In December 2008, fourteen days before Operation Lightning Thunder was launched, around 20 religious, cultural and civil leaders went to meet Kony and his team. He exceptionally raised the issue of ICC with us as a reason for not coming out to sign the Final Peace Agreement. You see all these efforts to prepare the ground.

John Baptist Odama, Archbishop of Gulu, Uganda © James Latigo

With the new relationships formed through the Regional Civil Society Task Force, might you find a way of having this kind of dialogue with the LRA again?

Where there is goodwill for dialogue, such efforts can yield fruit, just as at Juba. For two and a half years the LRA, the Government of Uganda and civil society could meet face-to-face, except for the top leaders. I'm confident that if regional leaders reduced the military approach and supported people with access to the LRA to move freely, something positive would come out of it.

Supporting communities

What can people do that governments cannot?
One thing governments cannot do is to convince LRA fighters returning that they are accepted back and say: "we are ready to reconcile with you, you are still our children." The government can act officially through granting amnesty and so on. But if people from where the rebels were living, people who are suffering, say: "we are ready to welcome you back" – and when they see that they are not attacked, not rejected – they will come back. This is the power of civil society.

The rebels continuously heard about *Mato oput,* the Ugandan Acholi tribe's traditional justice system. Community chiefs mediate a ceremony involving acknowledgement of wrongdoing and the offering of compensation. They got to think: "yes, this is possible, let us go back home." Some of them came. They were received with a cultural ceremony of stepping on eggs which officially says: "you are welcome, you still have your place at home." You need to convince these people.

Have people in Congo, CAR and Sudan learnt from your way of dealing with returnees?
Yes. We talked with people in Dungu in DRC, especially those in charge of justice and peace, and tried to advise them about how our efforts to reach out to individual combatants in northern Uganda worked to bring those people out of the bush. In the Congo, CAR and Southern Sudan, where community members have worked together, they have managed to woo them back. Not everyone accepts this approach though. When there is conflict, people are divided. They take sides and it becomes difficult.

Is it true that the LRA are providing training in Luo (a language spoken in northern Uganda and southern Sudan) to maintain it as a common language? If so, might your colleagues in neighbouring countries need help with the Luo language too, so they could have dialogue with the LRA at a local level?
Communicating with the abducted rebels in the right languages is a key issue. Many rebels do speak Luo. Somebody from Gulu (northern Uganda) was employed by the radio station run by MONUSCO (the UN Organisation Stabilisation Mission in the DRC) in Dungu to transmit messages to the LRA in Luo. However, local communities didn't understand the programmes. They feared they encouraged the LRA to come closer to the villages instead of telling them to go back to Uganda. So people held demonstrations against MONUSCO. Also, the rebels are no longer only Acholi. They are mixed now. Some speak languages from Congo and CAR, such as Lingala and Azande, and they learn each other's languages. A fundamental

question is how some rebels are able to live in an environment where they don't know the language. It may mean they have trust in the population around which they stay.

Moving forward and sharing lessons

How would you like to see the Regional Civil Society Task Force developing?
We would like to see more meetings in the affected areas, like Yambo, south-west Sudan, and Congo and Central Africa. Dungu was very good as it was very close to where the LRA were residing. Some places might be far away, but it's worth going to them because when the local population hears that a group like this is coming and is interested in their issues, this resonates with them and helps give them hope.

Communities in many other places face conflicts that cross borders. Do you have a message to share with others in similar situations to you?
My first suggestion would be: advocacy for promotion of human dignity is fundamental. When you are a peace worker and you want others to take the same line – to respect human dignity, even in the enemy – it is important to sensitise him or her to

realise this. Then a person will begin to think twice before they take a more destructive course of action.

I say this from my experience in November 2008 when I went to visit Kony. My words to the rebel leader were: "Kony, your life, the lives of those that are in your hands in Uganda, Congo, Sudan, DRC, are very precious. We don't want to lose any of them. That's why we have come to you." He went quiet. But I think he took the point. I wish we had more time to talk with him about that.

Second, communication between human beings is also fundamental. It's through communication you come to understand, to know, to appreciate one another. The moment you can talk to one another, that is already a big achievement.

Third, convince those fuelling the conflict: don't stain your hands with blood. Don't promote yourselves by the blood of others. Respect and protect life. Promote the good of humanity.

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Interview conducted by Elizabeth Drew. Introduction section by Elizabeth Drew.

Figure 2. *Geography, trends and trajectories of the Lord's Resistance Army since 1997 (timeline and event frequency)*

Clionadh Raleigh, Armed Conflict Location and Event Data (ACLED) [*see page 16 for more on ACLED*]

The above graph outlines LRA activity since 1997, with an emphasis on major points in the group's history. Rates of LRA violence seem to diverge in response to 'carrot' and 'stick' interventions. Government military operations against the LRA, including Operation Iron Fist in 2001 and Operation Lightening Thunder in 2008, prompted civilian massacres and large-scale abductions. By contrast, the LRA's lowest period of violent activity in the past 14 years correlates with its participation in the Juba Peace Process.

Civil society peacebuilding on Colombia's borders

Socorro Ramírez

Since the escalation of the Colombian civil war in the mid-1990s, the spread of violence across Colombia's borders has severely tested diplomatic relations with neighbouring Ecuador and especially Venezuela. But the impact of cross-border violence is felt most keenly among local communities living in borderlands in all three countries. Civil society has developed links across national boundaries between Colombia and Ecuador, and Colombia and Venezuela to respond directly to peacebuilding priorities in borderlands and to promote better relations between capitals.

There are three main components to the cross-border dynamics of violence associated with the Colombian internal war. First, limited state presence in borderland areas has allowed non-state armed groups – guerrillas, paramilitaries and drug cartels – to encroach across national boundaries in order to access supplies, to rest or receive medical treatment and to prepare military operations. Inadequate structures for administering justice in peripheral borderlands, combined with widespread impunity, mean that irregular groups impose their own law – by force, extortion or corruption. High unemployment and underdevelopment has further fuelled the informal or illegal economy, including a wide range of smuggling networks. There are only three checkpoints on Colombia's 2,219 km border with Venezuela and two on its 586 km border with Ecuador, and such lack of regulated frontier controls allows armed groups to move quite freely across borders.

Second, there are links between armed conflict and drug trafficking. Colombian drug cartels are not contained by national boundaries and Venezuela and Ecuador have become key routes for international drug traffic networks. People from neighbouring countries participate in harvesting coca leaf crops on the Colombian side of the border, act as middlemen in trafficking materials for cocaine production, or provide liaison in illegal asset-laundering systems through the dollarised economy in Ecuador or through the currency exchange market in Venezuela. Weapons and explosives are also smuggled across borders.

Third, Colombian national counter-insurgency or counter-narcotics actions have crossed borders as the Colombian military has pursued irregular armed groups into neighbouring territories, and coca crop spraying operations have affected fields across borders and have compounded local displacement problems.

Although the cross-border nature of these problems suggests the need for cross-border solutions, Colombia, Venezuela and Ecuador have failed to pursue joint responses. Conflicting analyses and approaches, and diplomatic tensions have encouraged all three states to indulge in ultimately pointless recrimination over violations of national sovereignty, or failures to control frontiers which have allowed armed groups free transit.

Presidential leadership in all three countries over the last ten years has served to exacerbate friction. Leaders have had personal differences and have tended to be distrustful of diplomacy. National strategies have been correspondingly divisive, such as taking unilateral actions, placing restrictions on freedom of movement, imposing economic sanctions, undertaking international legal actions, militarising mutual borders and sometimes making threats of war.

Marginalised borderland populations have paid the highest price for cross-border tensions. Fighting among armed groups over

territory and resources, and between armed groups and the Colombian army, has displaced countless borderland villagers.

Many borderland communities rely on crossing borders for survival, using small pathways and handmade bridges for transit to exchange goods and services. But armed groups also use these routes and many have consequently been bombed by Ecuador or Venezuela, or have been subject to severe controls by Colombian authorities. Retaliatory restrictions on Colombian exports by Quito and Caracas has contributed to unemployment in Colombia, and to shortages and inflated prices in Venezuela and Ecuador. This has further encouraged smuggling networks and hindered regional integration.

Cross-border civil society peacebuilding

Colombia and Venezuela

Recurrent tension between the governments of Colombia and Venezuela has encouraged several civil society cross-border peacebuilding initiatives, for example by the countries' respective Chambers of Commerce, the social action agency of the Catholic Church ('Pastoral Social') and the Jesuit Service for Refugees.

One of the oldest and most significant initiatives has been an academic relationship that has evolved over the past 16 years between the main public universities of Colombia and Venezuela. It has been building a framework for communication between different sectors involved in bilateral relations [see Table 1]. It has involved research, publications and academic exchange, helping to construct a bilateral approach to promote better understanding of the problems underlying disputes between the two countries.

A number of bilateral academic activities have been carried out in the midst of intergovernmental friction and, by linking educational institutions in both countries with social organisations and local and national authorities, these have played an important role in finding ways to address urgent issues of mutual interest in the border areas and even beyond. At moments of particularly tense relations between Bogota and Caracas, the initiative has issued memorandums offering joint perspectives on disputed matters and promoting peaceful relations, despite political and economic differences.

Colombia and Ecuador

In March 2008 Ecuador cut diplomatic relations with Colombia. This was in protest against Colombia's incursion in Ecuadorian territory to attack a camp where a high-ranking commander with the main Colombian rebel group, the Revolutionary Armed Forces of Colombia (FARC), was hiding.

The high economic and social impact of that diplomatic crisis on borderland populations has encouraged cross-border civil society peacebuilding cooperation between Colombia and Ecuador of unprecedented breadth and extent. Table 2 shows ten types of cross-border initiative which eventually contributed to the normalisation of relations.

Bilateral academic initiatives have involved seventeen universities from both Colombia and Ecuador, which have drawn attention to affected communities on both sides of the border. Indigenous communities, such as Cofanes, Pastos and Awa, and the African American communities that span the border, have strengthened their non-violent resistance to war through their own 'Life Plan' initiatives, which are strategies for development based on their own cultures and traditions.

Other cross-border civil society initiatives have included the following: demonstrations and meetings of women's organisations from both countries; religious initiatives for humanitarian action; meetings of Chambers of Commerce; media forums; summits called by local authorities from bordering municipalities; and a bilateral environmental network. A Bilateral Dialogue Group (GBD) has also been set up, composed of ten well-known personalities from both countries. The GBD has sought to strengthen diplomatic bilateral relations, to facilitate mediation efforts and to set up dialogue with the respective governments.

The diversity of sectors involved in cross-border peacebuilding in Colombia and Ecuador has articulated a broad momentum of social dynamics and has been able to mobilise at critical moments of diplomatic tension.

Civil society initiatives in Colombia and Ecuador have had external assistance from international agencies, including financial support and help in convening and organising activities. This has helped civil initiatives to foster greater links and leverage with both national capitals and with international organisations. The United Nations Development Programme (UNDP) has been trying to develop its own initiatives to operate on both sides of the border, and assistance provided by the Carter Center and UNDP to the GBD enabled it to engage with the Organisation of American States (OAS).

External engagement has also played a more direct role, such as former US President Jimmy Carter's efforts to mediate between Colombia and Ecuador. He was in contact with both countries' presidents to help build trust between them, and also facilitated closer relations between Ecuador and the US government, which in turn had a positive influence over the Ecuadorian government's relations with Colombia.

Achievements and lessons

Building peaceful coexistence between antagonistic neighbouring countries with different political and economic models, personal tensions between their leaders, and severe cross-border security problems has not been easy. But in August 2010, diplomatic relations were successfully re-established between Colombia and Venezuela and these are now being followed up by a confidence-building process.

Cross-border civil society peacebuilding initiatives have shown how boundaries between states are not just lines dividing two territories, but also involve people with close everyday relationships. They may belong to the same ethnic community or need to cooperate to exchange goods and services. By defending their rights, highlighting the situation at the borders, and gaining external support for their cause, they have challenged those who tend to criminalise populations living in conflict-affected areas.

When diplomatic channels have been blocked, civil society has been able to stress the importance of finding cross-border solutions to cross-border problems, and also to provide cross-border dialogue to facilitate interaction – either through existing networks or by establishing new ones. Borderland communities' proximity to cross-border violence has provided both incentive to act, and insight into specific local circumstances to develop appropriate responses. Unilateral state responses, military approaches and centrally-imposed sanctions, served only to make life for people at the border even harder, and to distance relations between neighbours.

Cooperative cross-border analysis, for instance through academic exchanges, has provided a more accurate and nuanced understanding of the context, perspectives and needs, and has helped to reduce the impact of nationalist and hostile discourse by governments. Bringing together national authorities, border stakeholders and international development and humanitarian agencies has provided a useful platform to develop constructive cross-border responses. This alliance of initiatives and actors eventually reached the mass media and was thus able to influence governments who had initially been reluctant to listen. It is important that agreements and commitments reached by governments are followed up and monitored: sustainability of engagement is essential to prevent new crises.

Venezuelan soldiers blowing up Col-Venez border bridge. © STR / AFP / Getty Images

Rapprochement between Colombia and Ecuador has developed more quickly than between Colombia and Venezuela. The greater diversity and scale of cross-border civil society peacebuilding engagement between Colombia and Ecuador, as well as the international support they gained, has been essential to this process. Tensions between Colombia and Venezuela have been more entrenched, probably due to more antagonistic political positions, as well as remaining territorial disputes. The contrast between both cases suggests significant potential for civil society engagement, but at the same time a threshold in the impact of their activities.

In any case, these case studies describe the potential negative consequences that central policies designed in capitals can have in peripheries, and the capacity of civilian initiatives at the borderland to develop a constructive counter-discourse that eventually redresses the central government's approach.

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Table 1. *Colombia-Venezuela academic initiatives*

1996 Caracas and Bogotá	Colombia Studies programme at the Venezuela Central University, and Venezuela Studies programme at the National University in Colombia.
1997 Caracas	Joint research programme involving 30 Colombian and Venezuelan professors around the ten most conflictive issues of bilateral relations. Supported by UNDP.
1998 Bogotá	Establishment of the Bilateral Academic Group.
1999 Caracas	Assessment of progress, with support from the Andean Development Corporation (CAF).
1999 Cartagena	Discussion of results and publication of the book *Colombia – Venezuela: common agenda for the 21st Century.*
2000-01 different locations in both countries	Presentation of results to both governments, to editors and journalists from both countries, to local mayors from border cities, and to other stakeholders from areas along the border.
2002 Bucaramanga (Colombia)	Design of the second stage of the academic initiative.
2003 Maracaibo (Venezuela)	Discussion of results and of the book *Colombia – Venezuela: images and reality.*
2004 Riohacha	Workshops with local authorities from both countries, and workshops about health issues in the Wayuu indigenous communities.
2005 San Cristóbal (Venezuela)	Discussion of results and of the book *Colombia-Venezuela: Discussion about History and Challenges of the Present*; discussions of new intergovernment tensions.
2005 (both countries)	Forum with media and local authorities on new bilateral tensions.
2005 Bogotá	Forum on new bilateral tensions and on the book *Colombia – Venezuela: Challenges of coexistance*, at *El Tiempo* newspaper.
2007 Bogotá	Course on 'Bolivarian Venezuela' for Masters degree students and public officers in charge of relations with Venezuela; publication of the book *Venezuela today: Bilateral perspectives.*
2008-2009 Caracas and Bogotá	Bilateral messages to both presidents.
2010 Panamá	Colombia-Venezuela meeting, including UNDP officers (with Conflict Prevention and Peace Forum, CPPF).
2010 Caracas and Bogotá	Message from eminent persons in both countries to the presidents of Colombia and Venezuela

Table 2. *Citizens' cross-border initiatives*

Comm-unities	Academic	Bilateral Dialogue Group	Municipal gov'ts	Women groups	Business & commerce	Media	Environ-mental	Religious	Human-itarian
Life plans of indigenous communities	Forums 2006-07 Bogotá, Pasto, Quito "For an early and durable coming together"	2007-09 Atlanta Quito Bogotá	Joint cross-border waste management plan, Ipiales/Tulcán, since 2008	Demonstration at the border 2008	Meeting of Chambers of Commerce in Bogotá 2008	Journalists and editors meeting in Quito 2009	Forum of Food Security & Biodiversity 2009	Church's social action meetings along the border	Continued support to IDPs and refugees by the Catholic Church, and several Colombia, Ecuadorian and international NGOs and agencies. Indigenous people's collective initiatives ('*mingas*')
African Descent People Association, and development plans	Ecuador Studies programme, February - June 2007	Meetings with Presidents Uribe (Col.) and Correa (Ven.)	Bilateral Forum of the Pacific rim	Bilateral event in Colombia 2008	Business meetings in Colombia, 2009	Building a Colombia-Ecuador Fraternity http://www.frace.org/	Amazon Bilateral Food Network 2009	Bishops Conference in Ecuador, 2009	
	Bilateral events: 'Building Bridges', with the OAS and UNDP, 2008	More than 150 articles or media reports	Amazon Border Authority meeting, 2010	Business-women Bilateral meeting, Bogotá 2009	Tourist Border Integration Association 2009		Three Borders Environmental Strategy 2010	Relief assistance by the Jesuit Service, along the border.	
	Four Bilateral books	Bilateral books, articles, videos	Andean Authorities Plan 2010				Workshops: *Neighbours and Partners in Sustainable Development*, 2010		

Aceh refugees and conflict transformation

the Penang connection

Kamarulzaman Askandar

Penang, Malaysia has provided not only a safe haven for Acehnese refugees but also a platform for many of the activists among them to continue their peace work. Through its Aceh Peace Programme (APP), the Universiti Sains Malaysia's Research and Education for Peace (REPUSM) unit was the base for much of this activity, providing financial, institutional, intellectual and moral support.

There has always been close cultural solidarity between Aceh and Penang, making Penang the perfect choice for the Acehnese to conduct their peacebuilding activities. Despite the many challenges, including political and security sensitivies in Malaysia, the REPUSM and APP managed to transform the Aceh conflict through peace support based on advocacy, capacity building, networking, institutional building, and local (Acehnese) ownership of the activities.

The Aceh conflict

Aceh province is located at the northernmost tip of the Sumatra Island in the Indonesian archipelago. It is an area rich in natural resources, especially natural gas, yet it is one of the poorest provinces in the country. Exploitation of the riches of Aceh, by a combination of the Indonesian state and foreign interests, contributed to internal calls for Aceh's independence in the 1970s.

The Free Aceh Movement (GAM) was formed in 1976, led by the late Hasan Di Tiro. The Acehnese had traditionally been proud of their Islamic heritage and identity, and claimed sovereignty over their land. They fought the Dutch colonisers fiercely and supported the Indonesian independence movement in the 1940s.

The period from 1951-59 marked the first phase of the Aceh conflict. Many Acehnese joined the *Darul Islam* rebellion in Indonesia in the 1950s after claims that they were cheated by the new Indonesian government with regard to both Aceh's inclusion in North Sumatra province, and the adoption of the *Pancasila* as the national ideology instead of Islamic Sharia law. Between 1959 and 1999 intermittent demands for autonomy developed into a full secessionist rebellion. A Military Operations Zone (DOM) was imposed on Aceh by the Indonesian government from 1989-98. Harsh counter-insurgency measures and human rights abuses by the Indonesian military during this period fuelled popular support for independence.

The last phase of the conflict (1999-2004) was triggered by a chain of events including the Asian economic crisis in 1997, the removal of Indonesian President Suharto in 1998, and the *reformasi* (reformation) of Indonesian society, which resulted in a referendum in East Timor and the eventual democratisation of Indonesia. In Aceh, this period saw the resurgence of demands for independence – for example a 1999 rally to demand a referendum on independence for Aceh, attended by more than a million people – as well as greater civil society pressure for justice and the resolution of the conflict. It also saw the start of peacemaking efforts by both parties.

The Indonesian government under the leadership of President Abdurrahman Wahid initiated the involvement of a third party, the Henri Dunant Centre for Humanitarian Dialogue (HDC), as a facilitator to peace talks. However, talks collapsed in 2003, followed by the introduction of a military and civil emergency soon after.
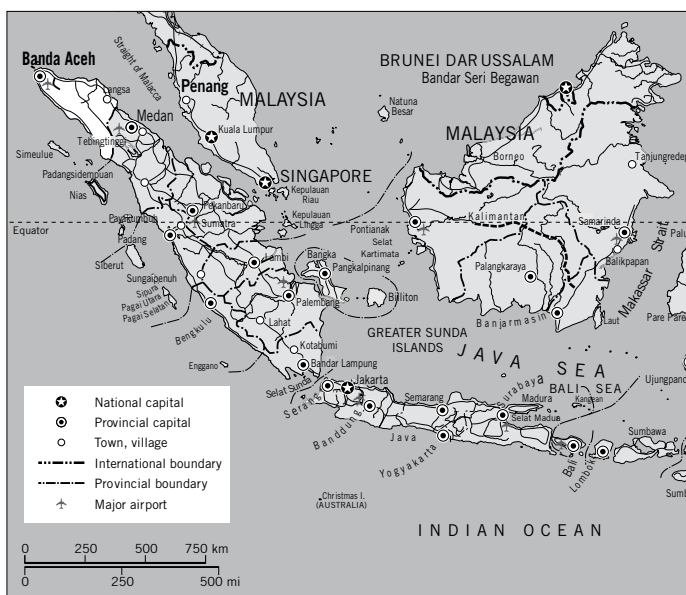
Aceh and Penang

The tsunami of 26 December 2004 that devastated Aceh was a catalyst for the two armed actors to rethink their focuses, goals and strategies. It also accelerated the process of building the foundations for peace through dialogue, which had until then been carried out quietly between the Indonesian government, led by then Vice President Jusuf Kalla, and the GAM.

The Penang connection

REPUSM is located within the Universiti Sains Malaysia (USM) in Penang, Malaysia. It was set up in 1995 to facilitate peace research and education at the university. It has an outreach programme and had been involved in peace support activities, not only within Malaysia but also throughout the Southeast Asian region. In 2001 REPUSM became the Regional Secretariat for the Southeast Asian Conflict Studies Network (SEACSN), tasked with enhancing the study of peace and conflict in the region and fostering collaborations between peace academics and researchers. Four special peace programmes were created at REPUSM, including the APP, Mediation and Reconciliation Services, the Mindanao Peace Programme and the Southern Thailand Peace Programme.

The APP was launched in 2001 for five main reasons. Firstly, Aceh's proximity to Malaysia means there has been a substantial Acehnese community in the country, particularly in Penang, for many years. Many Achenese have also been forced to cross the Straits of Malacca because of ongoing conflict. Between 1999 and 2004, newer 'migrants' and 'refugees' included members of civil society, including NGO leaders who had fled persecution in Aceh, GAM members, activists, exiles, combatants, refugees and students.

Some of these refugees, especially those that used to work in academia or NGOs, enrolled at USM. It made perfect sense to harness their energy, spirit and experience to help design a peace programme that would be implemented by them. Older generations of Acehnese living in Malaysia were active in helping out the newcomers. For example, a support group called the Aceh Society of Malaysia (IMAM) was created by Malaysians of Acehnese descent and supported by some prominent Malaysian politicians with Acehnese ties, such as the former Chief Minister of Kedah state, Tan Sri Sanusi Junid.

Secondly, because of insecurity in Aceh, it was difficult to organise peacebuilding programmes in Aceh itself, especially after the escalation of violence from 1999 and the collapse of the peace talks in 2003. Penang provided a safe haven to continue peacebuilding activities. REPUSM, and especially its coordinator, played an important role in promoting Acehnese issues in Malaysia and protecting the Acehnese in Penang. For example, articles were written in newspapers and other popular media to explain the Aceh conflict and the plight of the Acehnese refugees. These explained the importance of defining Acehnese refugees differently from other migrants, especially economic ones. Attempts were also made to gain Malaysian public support, especially humanitarian support.

Thirdly, there was need to strengthen regional and international support for peace in Aceh. A study was conducted by the APP to determine the strength of the peacebuilding support work for Aceh. It concluded that there was a need first to consolidate the positions of the various NGOs working on Aceh, and second to connect Acehnese activists and peacebuilders to the national and international peacebuilding community. This was facilitated through the SEACSN, which had extensive contacts in the region.

Fourthly, it was important to enhance the capacities of peace activists, especially in the areas of advocacy,

language, strategic planning, and theories and practices of peacebuilding and conflict transformation. This was part of a strategy to develop strategic thinking about Aceh: to envision a peaceful Aceh and ways to get there. As academic institutions, REPUSM and SEACSN were in the position to contribute to these efforts.

Lastly, there was a need to engage with GAM members and sympathisers, many of whom were based in Malaysia, and connect them with Acehnese civil society members, especially those present in Penang. The rationale behind this was: first, to evaluate the proclivity for peace among GAM members and sympathisers, especially the younger leaders, and identify their potential inclusion in future peace-related activities; second, to create solidarity among the Acehnese and consolidate their various positions in anticipation of future peace talks.

Strategies and activities for peacebuilding

The APP was started by accident and not by design. It would not have been possible to set up the APP without a substantial Acehnese student body at the university (especially those with activist backgrounds), and if the students had not volunteered their time, energy, expertise and enthusiasm to start and maintain the programme. This commitment eventually evolved into an effective conflict transformation and peace support programme for Aceh.

The APP works on the basis of supporting local peacebuilding actors to transform the conflict. It has always been the belief of REPUSM and SEACSN that the 'roots of peacebuilding must always be local'. The coordinator of the APP was an Acehnese postgraduate student attached to REPUSM. He was an activist working with a coalition of human rights NGOs in Aceh. Because of the pressures of life in Aceh, he joined his wife who was studying in Malaysia and enrolled at REPUSM as a Masters student. At the APP he was supported by an informal network of Acehnese: other Acehnese students studying at USM from various backgrounds, as well as non-student activists, both in Penang and Aceh.

Capacity building activities for Acehnese activists have included training in advocacy, language and strategic planning through workshops and seminars organised by REPUSM, delivered by staff as well as senior members of Acehnese civil society. Participants have included Aceh-based activists – student and non-student. Exposure programmes, in which activists were sent on trips or internships to other countries in the region, were also conducted to encourage understanding of issues in other conflict areas and how they are managed, and to promote language learning.

Advocacy work has involved organising seminars, writing about Aceh issues in local media and other publications, organising (through SEACSN and sometimes partnering with other bodies) regional and international workshops and conferences to highlight the issues in Aceh, and connecting with like-minded international bodies. Institutions that REPUSM and SEACSN have partnered with include Forum Asia, the US Institute for Peace, the Initiatives for International Dialogue, the Support Committee for Human Rights in Aceh, and many Indonesian and Acehnese NGOs.

Humanitarian activities have focused on supporting Acehnese refugees in Penang, for example: organising a 'safe house' in Penang with support from the local Acehnese community and the UN Refugee Agency; documenting refugees; liaising with local Malaysian communities and the authorities; and providing student visas and financial support to refugee activists. Some Acehnese students at the university also helped provide basic education to refugee children.

Engaging with GAM involved gaining the trust of GAM members in Malaysia, especially middle-ranking leaders, through humanitarian support and frequent discussion, and linking them up with the activist groups. This engagement strategy was important to connect and consolidate the two groups. Engagement was conducted with the eventual peace process in mind: to ensure that GAM was aware of the concerns and needs of the people for whom they claimed to be fighting.

The Aceh Institute [www.acehinstitute.org] emerged from an Aceh Scholars' Group workshop convened by the APP in July 2004. This workshop brought together leading Acehnese scholars and activists from various fields to pave the way for a peace movement through discussion. The workshop started with envisioning the future of Aceh and moved on to developing

Free Aceh Movement (GAM) founder Hasan di Tiro (C) makes an emotional homecoming after nearly 30 years in exile
© ANDI MADUSILA / AFP / Getty Images

strategies on how to create a peaceful, prosperous Aceh. It ended with agreement to establish the Aceh Institute. The institute was relocated to Aceh in 2005 after the signing of the Helsinki Memorandum of Understanding that officially marked the end of the war. Relocation to Aceh was important for local ownership of the initiative.

Peacebuilding challenges

Funding There was no stable financial support for the activities of the APP. Most were supported by REPUSM, which in turn used resources from SEACSN. Staff members of REPUSM were paid by SEACSN, but donated extra time and energy to the Aceh programme. The people working in APP also helped other REPUSM programmes, using the opportunity to gain more experience of other conflict and peace issues in the region as well as using these platforms to advocate for peace in Aceh.

Security APP activities were constantly monitored by the Malaysian authorities. Police special branch officers would make frequent visits to REPUSM, especially relating to its programme activities. The coordinator of REPUSM and the APP were frequently interviewed by the authorities, mostly in the safety of the REPUSM office, but sometimes outside. The authorities also sometimes made requests to sit in during the activities. Some were granted, but most denied. REPUSM made efforts to explain the situation in Aceh and the necessity of APP peacebuilding activities, and to connect activities to Malaysian security and national interests. REPUSM's coordinator assumed 'guarantor' responsibility of both the Acehnese working with the unit as well as its activities. Everybody was aware of the risks and worked hard to ensure things ran smoothly. Activities were carried out with little or no media coverage. Only when it was deemed necessary to highlight a particular issue or activity would the media be invited.

International political will The profile and nature of the Aceh conflict generated challenges around gaining international support for peacebuilding activities. It was neither a prominent conflict internationally, nor one that evoked international sympathy. It was a 'self-determination' or 'separatist' conflict, involving a small insurgent movement that was prepared to use violence to pursue its goals. An Islamic secession movement like GAM would never be supported internationally. As such, little international support for peacebuilding was forthcoming and so the situation had to be approached creatively.

Acehnese disunity Many Acehnese grew up during the Military Operations Zone period, witnessing military atrocities and the government forces' harsh treatment of the population. They associated justice with freedom from Indonesian rule that allowed atrocities to take place, and so justice meant sympathising with GAM. However, sympathy did not necessarily extend to support. GAM directed violence against its own people as well as the Indonesian authorities, undermining its own support base and placing an 'invisible barrier' between itself and the Acehnese community, including activists in Aceh and Malaysia.

Asymmetry The parties were talking at different levels: the Indonesian government wanted to talk on the basis of unity and Indonesian national sovereignty, while GAM wanted an independent nation as the starting point.

Bringing it all back home

Many of those affiliated with the APP at REPUSM returned to Aceh after the 2004 tsunami and the signing of the Helsinki MoU in August 2005. Many of them are now in various leadership positions in government, NGOs, academia, business and politics. The Aceh Institute is now in Aceh, where it belongs, with the former APP coordinator as its Executive Director. REPUSM still maintains close relations with the institute and other organisations in Aceh. The institute has evolved into a well respected scholarly body in Aceh. It has conducted research on a number of topics, including peace and security, the economy, culture and religion, often collaborating with local, national and international partners. Scholars and interested individuals go to the Aceh Institute website to get information about Aceh. The Aceh Institute office in Banda Aceh also hosts a café, library and meeting areas where people gather in both formal and informal settings to discuss relevant issues. The institute is continuing to make an impact with the work that it is doing.

In conclusion, it can be said that the work done by the APP, REPUSM, and SEACSN for Aceh shows that cross-border collaboration for peace to provide support, advocacy, and capacity building for the future, plays an important role in a conflict transformation and peacebuilding process.

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Security governance in the Mano River borderlands

Peter Albrecht and Elizabeth Drew

In the Mano River region of West Africa, comprising Sierra Leone, Liberia, Guinea and Côte d'Ivoire, communities span national boundaries. People make crossings daily for personal visits and to trade. Informal cross-border trade of livestock, agricultural and manufactured goods, and handicrafts forms the backbone of many locals' livelihoods and deepens cross-border connections.

Both women and men participate in trade, but the benefits they derive and the challenges they face differ and are gendered. Since women tend to have been educated less, petty trade is an important source of income and financial independence. But they are most vulnerable to sexual assault and other forms of harassment at the hands of corrupt security service staff. All borderland traders experience forms of corruption and exploitation routinely.

Mano River border communities have been speaking about the need to improve border security governance and ways of doing this. An initiative supported by Conciliation Resources (CR) conducted broad-based interviews to map the day-to-day problems of poverty, corruption and abuse faced by local people along the region's borders, and also consulted security sector staff.

The initiative has explored the underlying drivers of violence and exploitation along the borders – impunity, locals' lack of awareness of regulations and poor resourcing of the security sector – as well as possible responses. CR has helped bring together regional government and Mano River Union (MRU) representatives to discuss the effectiveness of border management and coordination around cross-border trade, the free movement of people, and community safety and security.

To highlight and generate discussion around these issues, in March 2010 CR produced a docu-drama based on the interviews relating to daily challenges faced by people trying to cross or manage Mano River borders. It was screened in Sierra Leone's capital Freetown the same month in order to draw attention to the seemingly peripheral, borderland concerns among policymakers in the capital. It has been distributed internationally and is available on YouTube [www.c-r.org/our-work/west-africa/west-africa-resources.php]

CR and its partners in West Africa hope to build on this work through outreach at policy and community levels in the region, including screening the film with borderland communities and security staff, and facilitating dialogue on the challenges of working towards local solutions.

Mano River insecurity

Since the 1980s, violent conflict in the Mano River region has led to more than 300,000 deaths, millions displaced and mass economic hardship. In Liberia and Sierra Leone particularly, governance systems, infrastructure and communities' social fabric have been devastated.

The region's civil wars are heavily intertwined. Communities and governments have hosted and financed neighbouring insurgent forces. Liberians fought along side the Revolutionary United Front (RUF) as it advanced into Sierra Leone in 1991, and during the 11-year conflict in Sierra Leone the RUF received financial support from then Liberian President Charles Taylor.

Liberia's own rebel groups received significant cross-border support. Guinea harboured and financed the disparate armed

factions that coalesced into Liberians United for Reconciliation and Democracy (LURD) and fought the Second Liberian Civil War from 1999 to 2003.

Such cross-border conflict dynamics have been enabled by soft borders, political and ethnic interests and marginalisation from the centre. Mano River countries face governance problems that are particularly acute at the peripheries where state presence is very weak, producing a power vacuum. Existing state presence is largely securitised. Due to a lack of oversight, corruption is endemic in local security services. Exploitative, predatory practices threaten rather than protect border communities' security and livelihoods.

There have been considerable internationally-, regionally- and locally-led efforts to strengthen governance in the region, both before and after the conflicts in Sierra Leone and Liberia. The MRU intergovernmental organisation was established by Liberia and Sierra Leone in 1973 to promote regional integration, particularly economic cooperation. In 1980 Guinea joined, followed by Côte d'Ivoire in 2008. A declaration and protocols were developed on areas like trade, immigration and security. For example joint border patrols are ongoing which discuss challenges with their authorities. But the regularity with which such initiatives are implemented is limited by resource shortages. The impact of war and poor governance have hindered the MRU's effectiveness. Implementing regulations in the under-governed borderlands is particularly difficult.

Postwar, member states are committed to revitalising the MRU, but capacity challenges remain. Both Liberia and Sierra Leone's security sectors have also been subject to extensive, ongoing reform. Aiming to 'humanise' security, these processes have had successes. For example the creation of the largely civilian-staffed Office for National Security, responsible for coordinating Sierra Leone's security services, has improved inter-agency

working and reduced politicisation. And the creation of Sierra Leonean provincial and district security committees that incorporate civil society are a positive step. But the processes have not reached the states' peripheries. Border communities are meanwhile calling for better security and justice services. Improving state-society relations and developing accountable security in these vulnerable areas is integral to sustaining the region's fragile peace.

Building on ongoing work in Sierra Leone to facilitate better collaboration between communities and security sector staff, in 2009 CR developed an initiative to enhance security governance in the Mano River borderlands. The *Improving Information Dissemination on Security Issues in Cross Border Areas* project focuses on strengthening security sector governance along the borders through gathering experiences and facilitating dialogue around the issues locally, while also raising awareness of local realities among decision-makers nationally and regionally. Its aim is to empower communities to better understand the law and articulate their rights, and to inform and galvanise local, national and regional responses to the challenges experienced and posed by the borderland security sector.

Sharing experiences and 'Talking Borders'

The project gathered first-hand experiences of crossing and managing the border from local people, including women traders, ex-combatants, security sector staff and government officials. Three assessments were carried out in Pujehun District, Sierra Lone and Grand Cape Mount, Liberia; the Kailahun tri-border; and Kambia in Sierra Leone, near the Guinea border.

The assessments revealed a range of issues that clustered around capacity problems, corruption and abuse. The security sector's ability and will to operate legitimately is limited by a dearth of resources and recompense. Police, military, customs and immigration officials work under poor conditions, lacking the equipment, infrastructure and human resources to adequately manage the region's long, porous borders. In Sierra Leone's Pujehun District state authorities manage only one of thirty existing crossing points. In Kailahun District customs officers are considered to be 'volunteers' or 'self-employed' and do not receive a salary. Police submit situation reports to their respective governments but frequently receive no response. Low pay, impunity and inherited perceptions of power contribute to practices of extortion and exploitation in border areas.

One trader in Gendema, Sierra Leone explained: "Security [actors] most times ask traders for money, even if they are

Police officer Marie Koroma inspects a traveller's documents at the border between Sierra Leone and Liberia at Gendema in Sierra Leone.
© Aubrey Wade

Mano River Union

transporting commodities within Gendema. Business people are targeted, and the money that is extorted does not go to the NRA [National Revenue Authority]. If you don't pay, the goods are seized, and in the middle of Gendema town, there are about seven police checkpoints. You have to pay to all of them. Movement of people between the two sides of the border is difficult; people are asked for money to see their relatives." A civil society activist in Gendema commented: "Money is your passport". The monetisation of security extends to the police. In Kailahun District, a youth leader complained about the police being "money collectors rather than regular police officers".

Political patronage is also a problem. Military officers in Kailahun claim that the immigration and customs officers based in Koindu were appointed by politicians as a reward for support during the elections. Weak oversight also creates the conditions for abuse. Women traders are exposed to rape and sexual harassment, particularly if they fail to pay charges. Redress mechanisms are ineffective. NGOs that supported women psycho-socially and in seeking justice have since left. In Sierra Leone, women turning to the Family Support Units created as part of its security sector reform process are often asked for money for stationery to register a complaint and for

the fuel to investigate it. Women are often told it is their fault and perpetrators rarely face justice. High rates of economic disempowerment and illiteracy among women increase their vulnerability.

A lack of information and awareness of people's rights contributes to their exploitation. For example the MRU declaration states that traders doing business within seven miles of one of the member countries' borders are exempt from tax. Traders rarely know this so customs officials are able charge unjustified tariffs. The lack of oversight to enforce MRU protocols, weak local demand, and reportedly little coordination between the different countries' security forces means that the benefits that regional regulation should bring to border security and trade are not being realised.

In partnership with the MRU Secretariat, CR held a workshop with regional government and MRU representatives which focused on the effectiveness of the four countries' border management and coordination around cross-border trade, the free movement of people, and community safety and security. One emerging conclusion – that people's lack of awareness about their rights and responsibilities hinders fair treatment

– mirrored concerns also expressed at the community level. There were also suggestions that structures be developed to empower vulnerable or disenfranchised communities, such as a Border Communities Women's Forum to address breaches of their rights. But interviews with locals revealed that the solutions needed are not just structural. Without proper oversight and resourcing, the deep-rooted cycles of opportunism and impunity that fuel corruption and insecurity will persist.

Based on the experiences gathered, CR produced the docu-drama *Talking Borders*, which tells the stories of a young woman trader, a policeman and an ex-fighter living in the Sierra Leone, Liberia and Guinea tri-border area. The film depicts some of the key issues faced by borderland communities and security sector staff of extortion, sexual harassment, resource shortages and poverty. The film was produced in the local languages Krio, Mende, Susu and Liberian English. It is also subtitled in English.

The film was launched at the British High Commission in Sierra Leone's capital Freetown with an audience of some fifty Sierra Leonean, Liberian and Guinean government officials, and representatives of donor governments and local and international civil society. It has subsequently been shown more broadly in Sierra Leone, such as at the Human Rights Commission and at University Fourah Bay College as part of its Conflict Studies curriculum, and has been widely disseminated on DVD and YouTube. To promote locally-owned responses to borderland challenges, CR hopes to screen the film and hold discussions with local communities and security sector staff throughout the region. For local people, having information about their rights and increasing the visibility of abuse is a step towards challenging abuse. For security sector staff, addressing the need for proper resourcing and staff payment is important.

Conclusions

There have been considerable efforts to develop regional security, immigration and trade regulation, and cooperation through the MRU. But these have not filtered down to the under-governed borderlands due to weak implementation in such areas. Similarly, security sector reform and wider efforts to strengthen national governance have not been adequately realised in areas of weak state penetration.

The chief challenges include the lack of oversight and accountability of security and border management services in the border areas. The 'opportunity' this provides, combined with 'push' factor of poor pay and working conditions, helps to generate cultures of corruption. The problems and solutions are not purely 'top down' however. The evident demand by local communities for transparent, accountable, effective security governance and border management needs to be reinforced

> " Without proper oversight and resourcing, the deep-rooted cycles of opportunism and impunity that fuel corruption and insecurity will persist"

with information about their rights and responsibilities and further dialogue between communities and security sectors.

Processes that promote visibility of the problems and the empowerment of local communities to exercise oversight collectively will strengthen the demand for accountability and, in turn, the need for authorities to respond. The type of initiative documented here facilitates such processes in select border areas. But better account should be taken of security governance issues affecting peripheral communities most acutely within the Mano River region. Coordinated provision of resources, oversight and information is needed – within governments and across borders.

Policy messages

Governments need to develop robust central and local oversight to ensure that security and trade regulations are being implemented accountably in peripheral areas. Adequate resourcing and pay is also key to reducing the incentive for corruption among security sector staff.

Governments need effective mechanisms to communicate with and empower marginalised border communities. Their concerns, particularly around security, need to be fed into policymaking. Local civil society is well positioned to facilitate such links, as well as educate communities and security sector staff about customs and immigration regulations and their rights and responsibilities.

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Communicating across borders

peacebuilding and the media in the South Caucasus

Rachel Clogg and Jenny Norton

"Before, I thought Azerbaijanis were our enemies, I never thought I'd be able to sit down with them, have a cup of tea and a chat, but during this project I met Azerbaijanis for the first time and they've become my friends. I didn't feel any barriers between us." **Armenian participant in a cross-border film project in the South Caucasus**

As the Soviet Union fell apart in the early 1990s, armed conflict broke out in the South Caucasus. Armenia and Azerbaijan went to war over the disputed region of Nagorny Karabakh. Georgia went to war in the breakaway regions of Abkhazia and South Ossetia. Although these conflicts all have different roots and nuances, they also have many things in common and their eventual resolution is inevitably linked. Escalation in one area has a knock-on effect on the rest of the region. Progress in one domain could have a significant catalysing effect in another.

Since the early 1990s the South Caucasus has been in a state of 'no peace, no war', criss-crossed by impassable borders, front lines, and once-busy roads and railways which gather dust on the way to nowhere. For the past decade and a half there has been very little contact between ordinary people across the conflict divides. Travel is either physically or psychologically impossible, or politically discouraged. There are no postal connections and in some cases people cannot even make phone calls to the other side.

Against this bleak background, the media has proved an important way to help people begin to reconnect and try to rebuild some of the ties broken by war. Organisations like the Institute for War and Peace Reporting and Internews have been creative in challenging and supporting journalists in the war across divides. In a small but symbolic way, Conciliation

Resources has also supported cross-conflict media work that is helping to overcome the borders, both real and imagined, that continue to keep people apart.

In 2002 a small group of local radio journalists from Georgia and the breakaway region of Abkhazia started up a joint project recording ordinary people talking about things that had happened to them in everyday life. Most of the stories – dubbed *Radio Diaries* – were in Russian, a language still widely understood across the South Caucasus. They covered the stuff of ordinary life everywhere – birth, death, marriage, conflict, joy, sadness, loss and hope. They were both heartbreaking and hilarious.

The stories were initially broadcast on radio stations on either side of the Georgian-Abkhaz divide. For the first time since the war ended they gave people on both sides the chance to hear each other speak, to remember the shared life they had once had, and to see each other as individual human beings rather than 'the enemy'.

Over the next five years twenty more radio stations from other parts of the South Caucasus joined the project. Between them they recorded more than 1,300 stories. The reach of *Radio Diaries* extended beyond the Georgian-Abkhaz conflict to bring in contributions from Armenia, Azerbaijan and the disputed regions of Nagorny Karabakh and South Ossetia. The enthusiasm of the journalists who took part in the *Radio Diaries* project, and the positive feedback that participating stations received from listeners, demonstrated that despite everything, ordinary people caught up in the Caucasus conflicts were still interested in each other, and that common ties had not completely dissolved.

Women cross the bridge that marks the Georgian/Abkhaz conflict divide
© Zora Pauliniova / www.pauliniova.blog.sme.sk

By 2006 it was clear that the media environment in the region was changing fast. While radio is a good way to reach predominantly older listeners on a local level, it was important to reach out to a wider audience, including younger people, and to explore the new possibilities offered by video and the internet.

One of the most impassable and militarised borders in the whole South Caucasus is the 'line of contact' between Azerbaijani and Armenian forces controlling the disputed region of Nagorny Karabakh. Before the 1991-94 war, a journey from the Azerbaijani capital Baku to Karabakh's main town Stepanakert (known as Khankendi to many Azeris), would have taken about seven hours by car. Now it involves two flights, via Georgia and Armenia, followed by a six-hour drive.

The official peace process focuses on high level contacts between Azerbaijan and Armenia, the only recognised parties to the conflict. Efforts bringing people together from across the divide generally exclude Karabakh Armenians, even though their region and identity lie at the heart of the conflict.

In 2006 three local media organisations in Armenia, Azerbaijan and Karabakh decided to challenge the impasse by reaching out to each other through a unique endeavour called *Dialogue Through Film*. The idea was to train young people from Azerbaijan and Karabakh to make short films about everyday life. The project involved contacts and conversations on different levels between young people taking part in workshops together on neutral ground, and watching each other's films;

and between audiences on both sides who watch the films and get a rare, unfiltered glimpse of life on the other side.

Over four years the young people involved in *Dialogue Through Film* have made more than 30 films, most of which are available on video-sharing sites on the internet and many of which have now taken on a life of their own via Live Journal and Facebook.

An ongoing programme of community screenings in Armenia, Azerbaijan and Karabakh ensures that they reach local audiences and that ordinary people can discuss the films together. Some have been shown on local television, although it remains a challenge to convince state-controlled national channels to screen them.

For many viewers, watching the films can be a deeply unsettling experience, provoking strong emotions and often heated debate. For Azeris and Armenians forced from their homes during the war, for example, or people with strong family connections to places shown in the films, it can be very difficult to see much-loved and familiar places so changed and so out of reach.

For the young generation growing up with the myths and negative stereotypes that prevail on both sides about each other, it can be disorientating and upsetting to see how different the reality can be from what they have been lead to believe. Young people are crucial players in our cross-border media work, but their involvement clearly underlines both the challenges and the limits of projects of this kind.

While the *Radio Diaries* project was lead by professional journalists in their 30s or 40s, *Dialogue Through Film* has focused on young people who grew up during or after the war. For them it has proved more of a challenge to meet in person. They have no shared past to fall back on. In some cases they do not even have a common language. Mistrust and fear have to be overcome. Connections have to be made from scratch.

The shared experience of making films, and taking part in workshops and screenings together, helps to establish those connections. But while young people have the tools to stay in touch – email, social networking sites, mobile phones and so on – they do not always have the incentive to do so. When meetings end, both sides go home to their separate worlds and to the prejudices and negative propaganda that neither encourage nor facilitate continued communication with new friends.

What this clearly underlines is the need for grassroots cross-border projects to be part of a wider political process. Media projects in isolation can break down barriers inside peoples' heads, but in a politically stagnant environment those barriers can just as easily build up again. Media projects suggest possibilities for further contacts, and in doing so they raise expectations that cannot always be met unless politicians are also engaged in the process.

The very existence of these media projects provokes obvious questions about Armenian and Azerbaijani commitment to peaceful change. Why should it be impossible to show Armenian films on Azerbaijani national television, and vice versa? Why can't Azeris travel to Karabakh, or Armenians to Baku? Without these elementary building blocks of conciliation in place, how serious can leaders be about peace?

In order for cross-border initiatives not to burn out, policy-makers and peace envoys need to recognise what a useful tool they can be. They remind us that peace deals are not just about presidents and politicians meeting behind closed doors. They are also about the people who will have to find a way to live together again once the peace deal has been signed. This was even more clearly demonstrated by a web-based video project, which started up in Georgia after the war with Russia over South Ossetia in 2008.

Eyewitness Reports trains ordinary people across Georgia to be 'citizen journalists', making short video reports about interesting stories in their local communities. The journalists behind the Eyewitness project had all been involved in cross-border and boundary efforts before the August 2008 conflict. In the period immediately after the war it seemed that their links with colleagues from both Abkhazia and South Ossetia had been irrevocably damaged.

But very cautiously they worked to rebuild trust and to re-establish contact, and former colleagues from both regions are now beginning to contribute their own videos to the site. The result has been that *Eyewitness* is now in a strong position to challenge the wave of chauvinism and negative propaganda unleashed by all sides during and after the 2008 fighting.

Their video reporting holds up a mirror to Georgian society, reminding ordinary Georgians that they are living in a complex and multicultural country. It reminds people living in Abkhazia and South Ossetia that there is another Georgia behind the negative images they see both on local and Russian television channels. And it reminds Georgians that the reality of life in the two 'conflict zones' can be very different from what they might wish or imagine it to be.

This in essence is the real value of cross-border media projects. They create independent channels for ordinary people to reconnect, supportive of formal peace processes while also challenging leaders to relax their hold on them. By showing the realities of life on the other side, cross-border media projects invite people to start thinking about what a new post-peace settlement world might look like, and how they can prepare themselves for that time in a more constructive and realistic way.

They offer both a reminder and a vision of the South Caucasus as a unified region without today's rifts, in which communication is free and common values can emerge from behind the current divides.

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Jenny Norton is a journalist with the BBC World Service and has spent much of her career following developments in the former Soviet Union, especially in Central Asia and the Caucasus. She studied Russian at Leeds University and spent nearly three years in Tashkent, Uzbekistan in the late 1990s running the BBC's Central Asia bureau. Jenny has worked with Conciliation Resources since 2001 when she produced the first ever joint Abkhaz-Georgian radio series about the legacy of the conflict. Current projects include *Dialogue Through Film* for young Azeri and Karabakhi filmmakers, and *People and Times* – a local newspaper for Abkhazia's Georgian community.

All for Peace Radio

breaking down borders in the Middle East

Mossi Raz

The prolonged Israeli-Palestinian conflict and stagnation in the peace process has generated intense intercommunal distrust and disillusionment around the prospects for peace. Domestically, optimism regarding a viable two-state solution has reached an all-time low. Regionally, an image of a 'dehumanised other' promotes extremism and weakens faith in negotiations. Internationally, high expectations of an externally-led return to the negotiation table further compromise local ownership and direct action. There are three major areas for action: grassroots public opinion; policy; and the media's role in framing the public debate.

The lack of interaction between Israelis and Palestinians due to travel restrictions, roadblocks and the security barrier means that the media plays a major role in the way people view each other and the conflict. The region reports some of the highest media consumption rates in the world. According to the Palestinian Central Bureau of Statistics, in Israel 63 per cent of adults read at least one newspaper, 68 per cent listen to the radio, and 40 per cent visit internet news portals on a daily basis. In the Palestinian Authority (PA) 58 per cent read the newspaper, 62 per cent listen to local radio stations, and 34 per cent read internet news.

Israeli and Palestinian mainstream media organisations tend to highlight extremism and violence, relegating peace initiatives and moderate voices to the margins. On the Palestinian side, a lack of independent media outlets prevents real discussion of political, socio-cultural and economic issues from a critical perspective and excludes marginalised voices such as those of youth and women.

The All for Peace Radio station is currently the only fully independent, Israeli-Palestinian collaborative communications venture operating in the Middle East. It promotes cross-border dialogue, human rights and collaborative civil society peacebuilding initiatives in order to break down misperceptions and strengthen democracy in the region. All for Peace comprises 24 staff members and 48 volunteers. Roughly half are Israelis and half Palestinian. Volunteers dedicate time to research, develop and host diverse programmes together. Their intercommunal perspective is reflected in the station's content, which is broadcast continually on FM airwaves and online.

The station's content is diverse, ranging from political talk shows to cultural programmes and music to engage listeners on topical issues while also cultivating shared tastes and cultural exchanges. It supports civil society to promote understanding and reconciliation through regular coverage of their work on programmes like *Civil Society Hour*, interviews with peace activists from different sides, or special programmes focusing on innovative civil society initiatives, such as the only joint Palestinian-Israeli public policy think tank, the Israel/Palestine Center for Research and Information (IPCRI), the Palestinian Centre for the Dissemination of Democracy and Community Development (Panorama), or Rabbis for Human Rights.

All for Peace creates a channel that allows Israeli perceptions of Palestinians to be played back to the Palestinian community and vice versa, to reflect dominant narratives across the divide as well as helping alternative perspectives to filter through.

The station also raises issues that 'trickle through' to the mainstream media. For example, its popular morning show featured interviews and a discussion on the issue of illegal foreign workers' and asylum-seekers' children being held unsupervised in detention centres in violation of international

and Israeli law. A month later the topic received widespread coverage in Israeli and some international media.

Tailoring the approach

In 2009 the station decided to split its frequencies to broadcast in Hebrew and Arabic concurrently, in recognition of growing hostility and distrust within, and between both societies, as well as the steady expansion of All for Peace's programmes and profile. The split was designed to reach the tens of thousands of Israeli and Palestinian listeners in their own languages, to more successfully bring the Palestinian message to the Israelis and the Israeli narrative to the Palestinians.

The station also runs special language programmes for certain communities. A weekly Russian and Hebrew talk show discusses current affairs and the conflict. Interviews have been held with Peter Satgni, Russian Ambassador in Israel, and Alex Tentzer, a renowned activist for the rights of the Russian-speaking population in Israel. It is one of very few media organisations engaging this predominantly conservative community from a progressive perspective.

Combining tailored intra-national programming for better accessibility and cross-border exchange has proven strategic. The station's listener base has increased within Israel, the PA, the Middle East and internationally. Between August 2008 and March 2010 online listeners numbers grew from 9,000 to 22,000. Increasing numbers of emails, faxes and phone calls help to determine the station's content, enabling All for Peace to interact directly with listeners.

In May 2010 Maysa Siniora, the Palestinian Co-Director of the All for Peace radio station and Mossi Raz, its Business Manager, were awarded the International Media Award for an outstanding contribution to peace. The award is presented on behalf of the International Media Council of the Next Century Foundation to individuals demonstrating courage and balance in broadcasting. All for Peace radio was recognised as strengthening mutual understanding in a polarised environment.

Conclusions

Borders can be psychological as well as physical. Isolation on either side of a conflict divide often has an echo chamber effect; limited interaction and information flows tend to reinforce negative perceptions of the 'other'. But there is a clear appetite for information and exchange among the Israeli and Palestinian people. All for Peace radio has harnessed this demand to break down discursive barriers and broaden public debate.

The station creates opportunities for people-to-people contact through volunteering and collaborative programming. Its content reflects progressive Palestinian and Israeli viewpoints and showcases innovative peacebuilding initiatives. It also creates a forum for inclusive debate and opportunities for discussion between listeners.

Mossi Raz is business manager of All for Peace Radio. He is a former Israeli politician and a well-known peace activist, having served as secretary-general of the Israeli NGO Peace Now and as director of *Ir Shalem*.

Section 4

Building peace below the state

cross-border trade and natural resources

Section introduction

funding war or facilitating peace?
cross-border trade and natural resources

Diana Klein

This section of the publication applies political economy and environmental lenses to the challenges of cross-border peacebuilding. Case studies in this section look at sharing scarce fresh water resources among communities in Israel, the occupied Palestinian territory and Jordan; trading for peace across the Line of Control in Kashmir; regulating blood diamonds in West Africa; mineral trading in the African Great Lakes; and economic integration in the Maghreb. Using I William Zartman's terminology from his paper on *Boundaries in war and peace* in this publication [*see page 11*], the case studies in this section concern disputes across boundaries, rather than about them: ie where tensions relate to the territory behind the boundary, not the boundary itself.

Not all of the case studies have significant cross-border economic or environmental conflict dynamics – although such dynamics are fundamental to the west and central African examples. Rather, the common denominator among the case studies relates to the cross-border peacebuilding response, and the premise that economic or resource cooperation across borders in pursuit of a shared goal – access to end markets for local traders, regional economic interaction to promote development and integration, or better management of shared natural resources – can act as an entry point for peacebuilding; for example, opening trade channels that contribute to building trust, or establishing interdependencies across borders that provide incentives for cooperation and collective action and increase the costs of war.

Such a premise presupposes a collaborative approach and a positive result for all involved. But years of research have shown that cross-border economic cooperation can also fuel violent conflict if profits are used for war, as was the case with blood diamonds smuggled out of Sierra Leone, or is still the case in

the eastern Democratic Republic of Congo (DRC) regarding proscribed mineral trading.

The case studies reveal that a peacebuilding outcome cannot be assumed. Initiatives need to be context-specific and should mainstream a peacebuilding objective in order to maximise effectiveness and impact, for instance so that increased cross-border trade extends beyond economic activity and addresses the needs of peacebuilding.

Of course, there is no shortage of examples of disputes *about* boundaries with significant cross-border economic dynamics. For example when the existence of a border is disputed by warring parties and its legitimacy is denied by one of them – such as in Georgia/Abkhazia, Georgia/South Ossetia, Serbia/Kosovo, or Azerbaijan/Nagorny Karabakh. In these types of situation, maintaining the border can become a political goal. If that maintenance then begins to generate an income for a particular armed group or parasitic clandestine activity, the political goal can be reinforced by economic interests.

Regional economic development can promote mutual interdependence. If both sides of the border benefit, this can raise the threshold for mobilising for war and increase the stakes in peace, or at least some form of stability. The case study below on the situation in the Maghreb [*see page 96*] highlights the need for regional cooperation, in particular between Algeria and Morocco, as a conflict prevention measure among the countries and territories of the region.

Economic development in conflict-affected regions should not be confined to one side of the border. The resulting asymmetry may fuel the conflict or maintain the conflict status quo – as is the case between Israel and Palestine; or may simply be

counterproductive to rapprochement efforts – as between Rwanda and the DRC.

Global *environmental challenge*s – such as climate change, energy, disease, or pollution – are increasingly linked with conflict and peace dynamics that transcend state borders. More proximate, regional environmental concerns, such as access to water or natural resources, can provide important lessons for the types of cross-border peacebuilding challenge that are the focus of this Accord publication.

Sharing resources such as water can establish inter-dependencies to provide incentives for cooperation and collective action across political boundaries and ethnic divides. However, the case study on sharing water in the Middle East [*see page 93*] illustrates how cross-border cooperation at local and technical levels does not translate easily into higher political spheres.

Cross-border trade in high value natural resources such as minerals, timber or oil can complicate regional peace and security. As the case studies on mineral trade in the DRC and the role of conflict diamonds in West Africa show [*see pages 85 and 90*], better regulation of mineral trade across borders can help to de-link it from a regionalised war economy and can open opportunities for trade to contribute to peacebuilding and development. Crude analytical linkages between mineral trading and cross-border conflict dynamics lead to equally crude and ineffective policies, and to further corruption and criminalisation.

Cross-border conflict economics

Cross-border economic activity that fuels conflict. Cross-border licit or illicit trade can resource warring parties, in particular if one party controls parts of it. If the border crossing generates a separate income and the 'border' element of the trade becomes an economic activity in itself, whether smuggling, customs levied by armed border guards, employing additional security, drivers, or porters; this can feed into a cycle of usually low level, but persistent violence: enough to maintain the conflict status quo and the nature of the border crossing, but not to disrupt the trade.

Cross-border economic activity that is distorted by conflict. When a border closes down as a result of violence, existing legitimate commerce can be disrupted resulting in higher financial costs to all concerned. This is especially prevalent in economically integrated areas or areas of high mutual dependency. Closed borders can delegitimise economic activity by creating opportunities for war profiteers, including in situations where conflict creates new borders, such as in the

former Yugoslavia or the Caucasus. This goes beyond payments to smugglers and border guards, to incorporate 'normal' trade in legal goods by local populations trying to survive and cope, as legitimate cross-border trading is subsumed within a cross-border war economy.

Selling goods – let's say apples – across a border can resume even in war when border guards or other 'gatekeepers' allow it. Cross-border trading may now incur a heavier 'tax', which can both feed into the war economy and distort prices. The apple seller is then absorbed into the system through paying taxes that become the market norm and are ultimately transferred to consumers through higher prices.

Cross-border economic activity that inadvertently has a positive impact. The sharing of resources, the development of a collective identity among businesspeople, the prevention of violence from breaking out due to the economic necessity of stability – all have been registered as side-effects of cross-border economic cooperation. The question remains how to turn these by-products into 'unintended' peacebuilding outcomes.

Make money not war

Some of the initiatives described below were designed as explicit mechanisms for peacebuilding. Others were intended to bring economic or environmental dividends first, with a peacebuilding outcome more coincidental. Either way, promoting cross-border economic cooperation or resource-sharing as a means to build peace can bring tangible benefits. Among the most visible and immediate are creating or strengthening markets, restoring livelihoods or resuscitating environments, creating 'pockets of stability', providing employment for people who might otherwise be mobilised by armed groups, or more generally creating a 'peace constituency' by increasing stakes in stability.

The peacebuilding community has recognised the potential of contact through trade or resource-sharing to build or rebuild trust, to breakdown stereotypes, and to begin laying the foundations for future interdependency and providing incentives for cooperation and peace.

Business often responds quicker across borders than diplomacy or civil society. Cooperation across borders does not necessarily stop during fighting, but in some circumstances can increase as the economy and businesses adapt to conditions of war.

Unemployment due to war increases the numbers of people trying to cope through trade – in practically everything. Large

markets can skirt or span borders – such as the Red Bridge and Red Light markets in Georgia and Liberia, or the Arizona Market in Bosnia-Herzegovina – trading goods from plastic beads to carpets or petrol. The people-to-people contacts in these markets are essentially a by-product of necessity and are testimony to the business community prioritising opportunity over animosity or stereotypes.

A major challenge is how to mainstream peacebuilding in initiatives with multiple mandates. The profit versus peacebuilding components of cross-border trade is illustrative. If one imagines a 'see-saw' with profit at one end and peacebuilding at the other, it is very hard to maintain equilibrium. Trade is driven by free markets and financial interests, whereas the peacebuilding agenda has to be manipulated or pushed, at least in the initial years, through concentrated effort by donors and peacebuilders alike, and so the 'freedom' of the market appears to contradict the 'regulation' of the peacebuilding agenda.

Moreover, donors' investment can yield a slow return with low visibility and therefore may seem less profitable than the trade side of the see-saw, both for those who are part of the initiative and for outsiders. Part of the original intent and focus of the intra-Kashmir trade initiative, for example, was to build confidence across the Line of Control (LoC). Yet individuals were not allowed to cross the LoC, as goods were traded through intermediaries, and so the balance appeared to tip towards economic rather than peacebuilding benefits. But the manufactured and restricted nature of the trade has also placed severe limits on its profitability as an economic exercise. [*see page 81*]

Professor Zartman's article on the importance of cooperation in the Maghreb region [*see page 96*] explores the potential of regional economic and resource cooperation as a conflict-prevention measure: mutual trade can promote welfare and well-being; and regional collaboration on water scarcity can increase interdependency, raising the threshold for war between regional states. But if the advantage is so obvious, why has it not been adopted? The answer lies in Algeria's ability to ride alone on its oil wealth and on the political rivalry that leads it to cut off its own benefits to spite its foes.

Mineral trading in the African Great Lakes has undeniable links to a regional war economy. So far the predominant response has been to try to stop the minerals exploitation and trade all together. But not only are there major question marks over the viability of such a strategy, but regional conflict dynamics are much more complex and the mineral trade is not the sole or even primary driver of violence in the region. Such blanket

> ❝ Cross-border trade in high value natural resources such as minerals, timber or oil can complicate regional peace and security"

responses ignore both other major conflict dynamics, as well as potential positive, developmental benefits of trade.

The case studies below also expose challenges to connect trade or resource-sharing with the diplomatic sphere: 'trickle up'. The environmental imperative of water quality degradation has prompted cooperation between affected communities in Israel, Jordan and the Palestinian territory as part of a civil society 'Good Water Neighbours' (GWN) initiative [*see page 93*]. Community cooperation to improve access to clean water has succeeded in forging ties where diplomatic negotiations between capitals have failed. But although the GWN project tries to reach out to local mayors as a means to link up to political discussions, decisions over water cooperation are taken at a much higher political level.

Conclusions for policy

- Cross-border trade can provide an entry-point for peacebuilding. But to realise the peacebuilding potential of cross-border trade, peacebuilding needs to be prioritised as a strategic objective. In Kashmir, cross-border trade has helped to promote cooperation that can be channelled to help strengthen Kashmiris' collaborative peacebuilding agency. The newly established Joint Chamber of Commerce in Kashmir provides a structure to develop and cohere the economic and peacebuilding functions of the cross-LoC trade initiative.

- Business often responds quicker across borders than diplomacy or civil society. Economic cooperation across borders can sometimes increase during fighting as the economy and businesses adapt to conditions of war. The peacebuilding community has recognised the potential of such contact through trade to build trust, break down stereotypes, and lay the foundations for future interdependency.

- Cross-border trade in high value minerals is not an inevitable or exclusive driver of violence. In eastern DRC weak governance, not trade, lies at the heart of the conflict and is key to resolving it. Unworkable efforts to squash the trade ignore its potential developmental dividend and exaggerate its significance in relation to other key conflict

drivers and dynamics. Better regulation could help to legitimise the mineral trade and channel resources for peacebuilding. Regulating the diamond trade in West Africa through the Kimberley certification scheme has helped to de-link it from a regional war economy.

- Water resource sharing at the community level in Israel, the occupied Palestinian territory and Jordan has enabled cooperation where diplomatic channels have been blocked. But 'trickle-up' of local or technical cooperation to higher political spheres has not followed. For this to happen, change at the individual level needs to be sustained over time, in order to have an impact on the individuals' behaviour and to gradually extend outwards horizontally to promote change at the socio-political level.

- The economic benefits of peace can build a potent 'business case' for peacebuilding. The establishment of a free trade area among the countries of the Maghreb could yield significant economic gains for the region. Research shows that integration occurs when it becomes a political party platform across potentially integrating countries. In the Maghreb, a less formal, NGO-led initiative could highlight the benefits of cooperation to decision-makers, tapping into extant regional social cohesion to counter centrifugal regional political dynamics.

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Trading for peace in Kashmir

Ayesha Saeed

Trade across the Line of Control (LoC) in Kashmir was resumed in 2008 as a confidence-building measure to develop economic links and development across the border. To date the economic impact of the initiative has been limited. But concrete cross-border structures have been established, like the Federation of Jammu and Kashmir Joint Chamber of Commerce.

Cross-border trade has also helped Kashmiri communities to start to rebuild severed relationships across the LoC – although so far this outcome has been limited by restrictions on movement of people across the border, and it is also somewhat coincidental, since peacebuilding is not a primary objective of the initiative.

Nevertheless, cross-border trade in Kashmir may ultimately have potential to provide an entry point to help build confidence in the India-Pakistan peace process, and to strengthen Kashmiri capacity to contribute to peacebuilding in Kashmir.

Inter- or intra-state conflict?

The state of Jammu and Kashmir is a disputed territory between India and Pakistan. It is a major cause of the antagonistic relationship between the two South Asian nations and has been the source of four wars over the past 63 years.

The erstwhile state of Jammu and Kashmir was predominantly Muslim, with sizeable Hindu and Buddhist minorities. In 1948 it was divided between India and Pakistan. Pakistan-administered Jammu and Kashmir (PaJK) is wholly Muslim, while Indian-administered Jammu and Kashmir (IaJK) is ethnically and religiously heterogeneous.

PaJK includes territories of Azad Jammu and Kashmir and Gilgit-Baltistan from the former state of Jammu and Kashmir. IaJK refers to areas of Jammu, Kashmir valley and Laddakh. Throughout this paper the term 'Kashmir' is used to refer
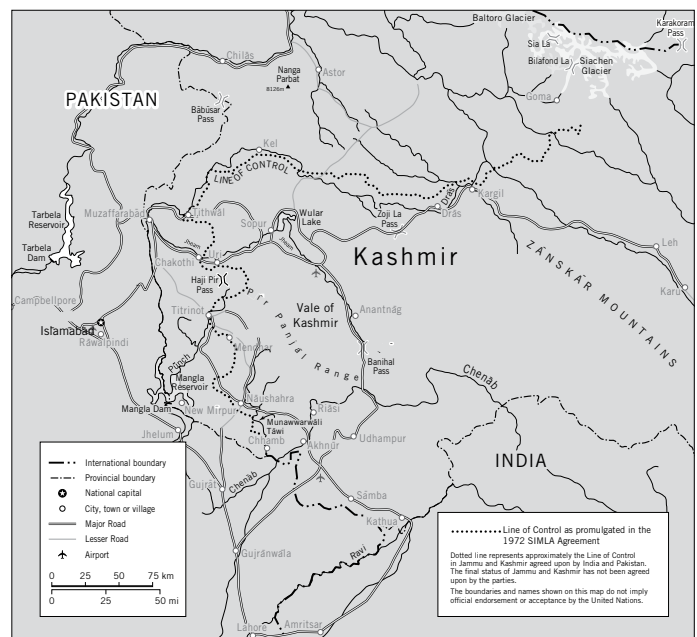
Map No. 3828, Rev. 14, United Nations.
The boundaries and names shown and the designations used on this map do not imply official endorsements or acceptance by the United Nations.

collectively to both administrative zones. This does not reflect any political position, but is rather the most popular contemporary reference to the area. The term 'Kashmiri' is used to refer to inhabitants of the region.

Traditionally the Kashmir conflict has been deemed 'inter-state', not least by India and Pakistan themselves. Neither New Delhi nor Islamabad consider residents of the disputed region to be protagonists in the conflict system. Both states have claimed to speak on behalf of Kashmiris while largely ignoring their voice and capacity. Kashmiris have not been formal parties to bilateral discussions over the dispute and have had to mount their efforts for resolving the conflict outside of the bilateral setup between India and Pakistan.

Kashmiri peacebuilding has been severely hindered by the enforced restrictions on movement and interaction across the

A delegation of traders from Pakistani Kashmir arrived to a warm reception in Indian Kashmir to hold talks with their counterparts on the Indian side of the de-facto border © TAUSEEF MUSTAFA / AFP / Getty Images

LoC separating the two administrative parts of Kashmir. Until 2005 Kashmiris were unable to travel across the LoC to meet with family and friends. The conflict has prevented meaningful interaction between Kashmiri communities across the LoC and relationships, and exchange of ideas and perspectives, have suffered.

Cross-LoC trade: building business and peace?

Before partition, a trade route had existed from what is now IaJK into mainland Pakistan, via Jammu to Rawalpindi and beyond. This trade route was severed soon after partition as India and Pakistan launched their military campaign over Kashmir.

The massive Kashmir earthquake of 2005 acted as the catalyst for the governments of India and Pakistan to ease restrictions on movement across the LoC, bowing to the demands of many Kashmiris. Acting on humanitarian impulses, the governments agreed to launch a cross-LoC bus service for divided families. For many Kashmiris this was the first opportunity to meet separated relatives since the start of the conflict. The bus service was widely appreciated in Kashmir and added momentum to calls to allow the resumption of trade across the LoC.

In October 2008, after bilateral negotiations and persistent lobbying by Kashmiris from both sides, India and Pakistan officially opened the LoC for trade. Cross-LoC trade was set up as a limited trade regime designed to provide opportunities for economic growth and development for both IaJK and PaJK.

Revitalising the economic potential of the region is one of the objectives of the initiative. In IaJK, for example, there is a distinct impression that a fully liberalised trade regime with PaJK can have a very positive impact on the local economy.

Trade across the LoC also offers a low-cost and high-visibility measure to build confidence in the India-Pakistan peace process and to create an environment for the governments to move beyond stated positions. In official discourse, cross-LoC trade has been framed as a peacemaking step and marketed as a confidence-building measure. Cross-LoC trade is the only high profile confidence-building measure between India and Pakistan that has survived the disastrous impact of the Mumbai attacks in November 2008.

Cross-LoC trade is facilitated by the two governments' decision not to impose trade tariffs on goods. New Delhi and Islamabad have approved a list of 21 items (primary products originating from the region) for trade across the LoC that are intended to stimulate local economies on both sides. Currently trade takes places across two routes, Poonch-Rawlakot and Srinagar-Muzaffarabad. In the absence of banking facilities linking the two sides, trade takes place through barter. Consequently, accurate and reliable figures on the volume of trade across the LoC are hard to come by.

As described in more detail below, cross-LoC trade has so far had limited impact as a tool for economic development in the

region. However, it has provided some economic benefits, for example acting as a catalyst for economic invigoration in the towns serving as the crossing points for the trade routes, as contractors and labourers have been drawn in to assist the trade process, and local properties have been turned into storage units. Bit by bit, local economies are being strengthened.

The cross-border trade initiative has been supported in large part by Kashmiris on both sides of the divide. Kashmiri motivations for supporting cross-LoC trade are complex. At the very basic level, the initiative promised to reunite divided families and to establish regular contact with Kashmiris on the 'other' side. But in practice there has been very little people-to-people contact, as individuals are not allowed to cross the LoC with trade goods. Rather, trade takes place through intermediaries who switch goods at crossing points.

Kashmiri business communities have made use of the initiative as an opportunity to build cross-border peace constituencies. A major development has been the formation of the Federation of Jammu and Kashmir Joint Chamber of Commerce, the first official cross-LoC institution. The respective trade and commerce chambers from Muzaffarabad (capital of PaJK) and Srinagar (capital of IaJK) assumed an active leadership role in finalising modalities for cross-LoC trade. This relationship was formalised in the Joint Chamber, which now leads on cross-LoC trade and uniquely connects Kashmiri civil society and traders to governmental apparatuses on both sides.

PaJK civil society and traders feel that the AJK government has failed to facilitate trade effectively and they have consequently taken ownership of the trade initiative. There is hope within PaJK civil society that its involvement will help to move the initiative beyond trade and create momentum to democratise the peace process: that over time a successful cross-LoC trade regime can enable a voice for ordinary Kashmiris at the negotiating table and empower Kashmiris to influence the peace process.

There is evidence to suggest that trade has been able to provide alternatives to violence in PaJK and has created an 'incentive for peace', for example convincing a number of ex-combatants in PaJK to forsake violence and take up trade as a means to address the Kashmir dispute. Despite suffering economic losses, Kashmiri traders time and again emphasise that they are determined to continue the trade venture for its symbolic value.

Shortcomings of the trade regime

The Kashmir trade initiative has impressively survived the strain of its first two years. But it has not been allowed to realise its full potential, *vis-à-vis* both economic and peacebuilding objectives.

> " Intra-Kashmiri relationships established through trade can be developed into 'cross-border partnerships for peace' and used to build collective Kashmiri peacebuilding capacity"

The governments of India and Pakistan have adopted an unhelpful attitude on the practical dimensions of trade. Various bureaucratic and logistical hurdles have made trading difficult and economically unviable.

As mentioned above, cross-LoC trade currently takes place indirectly through a primitive barter system of exchange of goods between trading partners. Also, both traders and policy-makers lack the foundations of a thorough market analysis that would enable them to make trade a fully productive initiative. The lack of reliable market information and related difficulties in assessing the real impact of trade also make it harder to develop peacebuilding strategies in tandem with the trade effort.

The peacebuilding rationale behind cross-LoC trade has failed to coalesce coherently. Both official and informal discourses on cross-LoC trade include somewhat arbitrary references to the trade regime 'bringing Kashmiris closer together' or 'helping to normalise relationships between India and Pakistan'. However, there is no clear indication of the peacebuilding objectives that could or should be pursued through trade. It almost appears that any peacebuilding impact is an accidental by-product that has come as a pleasant surprise to Kashmiri traders.

The Joint Chamber has been unable to build upon the proactive leadership it displayed at the onset of cross-LoC trade. In its charter, the Joint Chamber has avowed goals of creating 'bottom-up' pressure for normalising relationships across the LoC and promoting sustained economic interdependence. But it has struggled to establish its relevance as a confidence-building measure, has failed to develop consensus on its future role and has been unable to engage proactively to set either the trade or the peace agenda. The recent cooling of Indo-Pak relations has further undermined the Joint Chamber's productivity.

Making trade matter

Why should cross-LoC trade matter in the broader scheme of peace in Kashmir, and between India and Pakistan? Cross-LoC trade provides a concrete opportunity to transform the dominant narrative on the Kashmir conflict: a narrative that has for the large part ignored Kashmiris' voice and capacity, and

that has strictly controlled the nature of interaction between people on both sides of the LoC.

Cross-LoC trade provides an opportunity to repair relationships severed by the LoC. Through this initiative Kashmiris are already re-establishing links between divided families, trading communities and civil societies.

Re-established relationships can be developed into partnerships for long-term peacebuilding and the transformation of the Kashmir conflict. These 'cross-border partnerships for peace' can be forged within communities in IaJK and PaJK and across the LoC to build Kashmiri peacebuilding capacity. This sort of relational change can fundamentally alter the conflict dynamics by strengthening Kashmiris' collective agency to contribute to conflict resolution.

Restructuring relationships in Kashmir should be guided by the need to construct platforms for proactive Kashmiri ownership and involvement in peace processes, both within the broader Kashmiri region and in the context of bilateral relations between India and Pakistan. A platform for change in this context would imply thoughtful and strategic networking among agents for change in both societies across the LoC. It would also require nurturing the technical capacity for peacebuilding as well as the parameters of a shared vision for change, so that traders and trade leaders have an understanding of peacebuilding, conflict transformation and conflict-sensitive trading techniques.

For these processes to gain traction, peacebuilding objectives need to be clearly infused into and articulated in the cross-border trade initiative. This will ensure that communities are purposefully working towards particular goals and not hoping for accidental gains. To work, this must be developed by all three parties involved: Indian and Pakistani governments and Kashmiri traders. Kashmiri traders need to define the peacebuilding objectives that cross-LoC trade can serve.

But can cross-LoC trade be leveraged to achieve this 'wish-list' for transformational change? Cross-LoC trade already incorporates objectives of normalising relationships between the two parts of Kashmir and assisting their economic growth. The trade regime is also recognised as a confidence-building measure in the India-Pakistan bilateral framework. Some recommendations for policy to develop cross-LoC trade into cross-border peacebuilding in Kashmir are outlined below.

Recommendations for policy

- All three parties – India, Pakistan and Kashmiris – need to identify, plan and calibrate their peacebuilding agendas.

At the very least, Kashmiris need to develop an internal consensus and not wait for India or Pakistan to take lead on the matter.

- Peacebuilding objectives need to be clearly articulated in the cross-LoC trade initiative, so that Kashmiri communities on both sides of the divide can work purposefully towards achieving stated goals, rather than hoping for accidental gains.

- The cross-border trade effort should focus on empowering Kashmiris' voice and capacity. Such transformational change can fundamentally alter the conflict dynamics by strengthening Kashmiris' agency for conflict resolution. Intra-Kashmiri relationships established through trade can be developed into 'cross-border partnerships for peace' and used to build collective Kashmiri peacebuilding capacity. A liberal cross-LoC trade regime can create opportunities for meaningful interaction between Kashmiris.

- Relations of mutual dependence from the cross-border trade regime should be cultivated such that the resulting interdependence makes cross-LoC trade economically and politically valuable. Success with cross-LoC trade can encourage the Indian and Pakistani governments to soften the border between IaJK and PaJK, making it 'less relevant' and thereby contributing to conflict resolution in Kashmir.

- The Federation of Jammu and Kashmir Joint Chamber of Commerce provides a mechanism to develop and make coherent the economic and peacebuilding functions of the cross-LoC trade initiative: to build grassroots pressure for normalising relationships across the LoC; to support sustained economic interdependence; to develop collective Kashmiri strategies; and to mainstream peacebuilding objectives. Kashmiris need to maintain political momentum to support the Chamber and to build consensus on its future role. The international community should work with the Indian and Pakistani government to create a political atmosphere conducive for a Kashmiri-led trade regime to function and thrive.

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Trade, development and peacebuilding in the African Great Lakes

the role of the minerals sector

Nicholas Garrett and Laura Seay

For the countries in the African Great Lakes, their economies – and for some their conflicts – are interdependent. In eastern Democratic Republic of Congo (DRC), investing in the creation of an economic and political environment that enables legitimate cross-border mineral trade to flourish could pay dividends, not just for traders, but also for governments and conflict-affected communities, in eastern DRC and throughout the region.

Since the 1990s many sources have explained conflict dynamics in the Kivu provinces in eastern DRC as a consequence of various actors trying to accumulate wealth, often through the exploitation of natural resources and control over informal cross-border trading activities.

The UK-based lobby group Global Witness, for instance, has portrayed the three 'T' metals (tantalum, tungsten and tin), as well as gold, as 'conflict minerals', and mining and regional trade as the root of conflict dynamics. But even if a rational economic profit motive can explain the behaviour of some political and military elites, placing an over-simplified war economy model at the centre of analysis of eastern DRC's conflict dynamics neglects their complexity and ignores a number of critical issues.

The primary basis of conflict in the Kivu provinces is longstanding tension over ethnicity, citizenship rights and land rights, which are in turn related to grievances over access to resources such as land, and over legitimacy and power. Conflict dynamics also include the marginalisation of eastern DRC borderland areas

from the capital Kinshasa, which are themselves symptomatic of broader governance failures in DRC. Dynamics also span the border into Rwanda and the wider region, such as through political, ethnic and economic ties and channels.

These challenges predate the 1994 Rwandan genocide and primarily concern the status of the Kinyarwanda language-speaking Congolese, known variously as Rwandaphones, the Banyamulenge and the Banyarwanda (henceforth Rwandaphones). Congolese citizenship status is directly tied to rights to the Kivu provinces' high-value and fertile land, some of which can yield three harvests per year. The citizenship status of Rwandaphones in the Congo is therefore of paramount importance.

In the name of protecting their access to land, other Congolese indigenous to the region have a powerful incentive to deny Rwandaphones their citizenship rights and to support politicians who promise to do the same. For the past five decades, Congolese politicians – from former President Mobutu onwards – have manipulated Rwandaphone citizenship status, as well as the distribution of land to other Congolese individuals and organisations. The 2006 constitution guarantees citizenship rights to ethnic groups that were in the country at the time of independence in 1960, which includes most Rwandaphones in the Kivus. But it does not list the groups by name, leaving them vulnerable.

Rwanda's role in the Congo wars of 1996-2003 exacerbated existing tensions. Particularly problematic was Kigali's commercialisation of Congolese resources to finance its

> **" where the exploitation of and trade in natural resources has formed the basis for conflict, mining and trade can also form the basis for development and contribute to peacebuilding"**

war machine and its backing of the Goma wing of the Rwandaphone-dominated *Congolese Rally for Democracy-*Goma (RCD-Goma) rebel group, which used its military power to redistribute North Kivu's valuable land to Tutsi and Hutu elites from within its ranks and from Rwanda.

When the wars ended in 2003, Rwanda formally pulled out of DRC and the RCD-Goma's leadership joined the DRC government – a highly profitable move as access to the state equates to access to lucrative rents. However, the question of citizenship and land ownership in eastern DRC remains problematic, and non-Rwandaphones continue to express grievances over access to land, blaming Rwandaphones for socio-economic and political challenges.

Rather than minerals, therefore, it is perceptions that anyone who speaks Kinyarwanda is not a legitimate Congolese citizen – and therefore not entitled to own land in the region – that are key drivers of conflict dynamics in the region and motivate much of the current fighting.

A stated goal of another Rwandan-backed armed group operating in eastern DRC, the National Congress for the Defence of the People (CNDP), was to protect Rwandaphones from a Hutu militant group, the Democratic Forces for the Liberation of Rwanda (FDLR) [*for more on the CNDP see Ben Shepherd's article on page 43*]. Led by some of those responsible for the 1994 Rwandan genocide, the FDLR is a rebel movement of approximately 3,000 soldiers whose ostensible aim is to retake control of Rwanda.

Now *officially* inactive as a politico-military entity, one of CNDP's primary objectives was, in fact, to guarantee rights and influence for Rwandaphones in the region after the demise of the RCD-Goma. This was not the sole reason for Kigali's support: funding CNDP also helped some Rwandans achieve and maintain access to Congolese commodity trade revenue and has allowed Rwanda to keep a more direct eye on FDLR and the Congolese government. But there is intra-regional concern in Kigali about the status of Rwandaphones in the Congo, and Tutsis in particular.

The borderland nature of the eastern Congo also plays a significant role in the region's violence. The Kivu provinces are physically, linguistically and economically separated from the Congolese capital, Kinshasa. It is impossible to cross the more than 1,000 km between Kinshasa and the eastern cities of Goma and Bukavu by land. Air connections are the only practical way to move from place to place, meaning that most eastern Congolese never visit their country's capital city.

The *lingua franca* in the east is Kiswahili, while western Congolese use Lingala to communicate across ethnic divides. Given the difficulty of transporting goods west to Kinshasa, the east is instead incorporated into east Africa's regional economy. Goods travel overland from Uganda and Tanzania, while minerals, charcoal, and agricultural products are exported (sometimes fraudulently) to Rwanda, Uganda, Burundi, and to markets beyond the region's borders.

'Conflict minerals': a misdiagnosis

American and British lobby groups *The Enough Project* and *Global Witness* have built high-profile advocacy campaigns portraying minerals as the source of conflict and sexual violence in Eastern DRC. For example, Enough co-founder John Prendergast suggested in an April 2009 op-ed, "The time has come to expose a sinister reality: our insatiable demand for electronics products such as cell phones and laptops is helping fuel waves of sexual violence in a place that most of us will never go, affecting people most of us will never meet".

Such lobby groups present a narrative that the complex series of challenges in eastern DRC can be solved primarily through mineral trade control measures such as technical mineral traceability and certification schemes, and due diligence measures, and only secondly through wider state reforms.

While technical trade control measures have a role to play in mineral trade reform, professionalisation and formalisation, they are neither conflict resolution nor rape prevention strategies. This misunderstands both the nature of violence in the Kivus and the logic that motivates armed actors, and can only lead to weak prognoses and flawed treatments. A more solid analysis would acknowledge the complexity of eastern DRC's war economy, including the following issues:

• Insecurity in eastern DRC cannot be interpreted as resulting solely from borderland marginalisation, but is symptomatic of broader governance failures in DRC, including the inability of the Congolese state to maintain security. The DRC's national army, the FARDC, is a source of instability in eastern DRC, where its members are responsible for significant human rights violations.

Without a functioning army under state civilian control, armed groups will continue to proliferate in the region and be able to operate at will.

- Mining activity around high-value commodities, including diamonds and gold, exists throughout many regions of DRC, but violence does not develop around every mine or in every mining region. But the state is weak in *all* regions, suggesting that specific, local dynamics drive conflict.

- War economies include all economic activities that are carried out during a conflict and attention must be given to shadow economies and coping or survival economies, which are causally interlinked. In addition, economic activity in times of conflict is linked to the political, cultural and emotional economies of the conflict. At play is not simply control over resources and territory, but also deep underlying tensions stemming from ethnicity and past grievances.

- Economic activities during conflict do not necessarily differ from economic activities developed in peacetime. Likewise, conflict economies have the potential to persist in post-conflict contexts and in some cases are hardly affected by peace processes. In peacetime, competition over control of natural resources is a common facet of larger political strategies – to escape control by the political centre, for example, or to support local power complexes. Moreover, the political economies that surround the extraction and trade in natural resources can produce powerful centrifugal political forces that not only further fragment the state, but also create what Garrett, Sergiou and Vlassenroot describe as "multiple unstable, ungovernable spaces".

- While some violence is certainly funded by the mineral trade, not all armed groups in eastern DRC get all – or even most – of their financing from minerals. Trade in other commodities including charcoal and timber, diaspora remittances, taxation of local populations, and toll collection on major roads, all constitute valuable sources of revenue for the various armed groups. If armed groups lose access to mineral revenues while the state continues to fail to adequately maintain security, it is likely that armed groups will prey on the population even more than they already do.

- Rwanda has aligned its development strategy for the domestic minerals sector with wider diversification of its economy. It has focused on service provision in regional economies, its domestic mining sector and the mining sector of eastern DRC, as well as value-addition to its domestic production and exports from eastern DRC. Rwanda's *Vision*
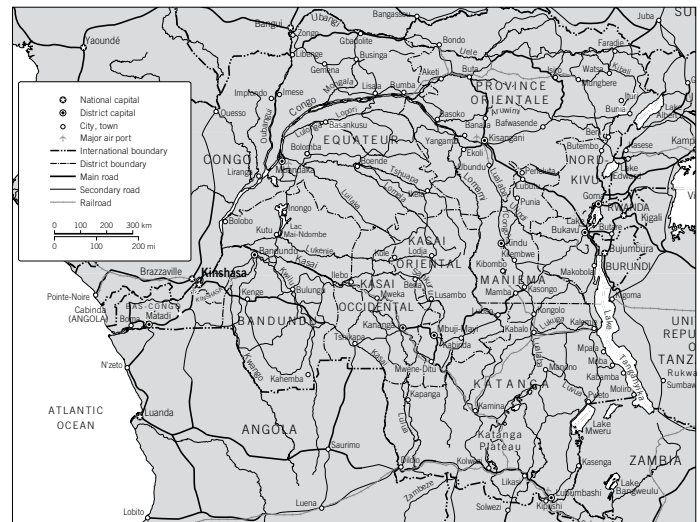
Democratic Republic of Congo

2020 document presents both a vision for the nation to strive for, and a clear framework designed to advance development programmes for the country's social and economic progress. In the medium-term Rwanda aims to achieve significant third sector growth and become a service-based economy. Understanding this goal helps to contextualise recent actions by the Rwandan government, such as the mobilisation of the domestic mining sector and moves to improve relationships with neighbouring countries. In other words, Rwanda has more to gain from a stable eastern DRC than from an unstable one.

The key point is that the mineral trade is not the only source of revenue for armed actors in the Kivus. The Kimia II joint military offensive, launched in early 2009, against armed groups in eastern DRC by the FARDC, which was supported by UN peacekeepers serving with the MONUC mission, was a human rights disaster. Begun as an effort to address the regional security threat posed by the FDLR as part of a broader diplomatic initiative to mend relations with Rwanda, the operation became illustrative of the depth of armed groups' reliance on the mineral trade for revenue. Kimia II had some success pushing the FDLR out of some key mining areas in South Kivu, often replacing FDLR units with FARDC units. But far from being brought close to collapse, the FDLR continues to operate today, strengthening the argument that it has access to a diverse portfolio of revenue sources.

The majority of FDLR revenue used to be derived from the gold trade, which is largely unregulated and currently untraceable. Recent conflict minerals legislation introduced in the US, widely propagated as a means to stop conflict and rape in the DRC, will not significantly cut funding for the most significant rebel groups in eastern DRC. It will not be able to stem the largely unregulated flow of gold to countries with underdeveloped oversight structures and even less public scrutiny.

Workers stand on a muddy cliff as they work at a gold mine in Chudja, near Bunia, north eastern Congo. © LIONEL HEALING / AFP / Getty Images

As highlighted in several UN Group of Experts investigative reports, armed actors in the Kivus derive revenue from a plethora of sources, including commodity trade taxation (ie relating to charcoal, drugs, minerals, timber and cattle), and remittances and donations from sympathetic parties such as traders. These alternative revenue sources will continue to fund armed activity, unless credible security is established in key economic zones and along key transport routes, coupled with the build up of public security institutions in support of a better functioning governance regime.

Mineral trading for peace and development

In recent years, debates on war economies have been balanced by the view that, where the exploitation of, and trade in, natural resources has formed the basis for conflict, mining and trade can also form the basis for development and contribute to peacebuilding.

In many resource-rich countries minerals are central to development, both because they sustain livelihoods and because they are the principal source of revenue for states to finance social services, security and infrastructure, and for investment in agriculture and other productive activities. This

reflects the vibrancy and resilience of much of eastern DRC's mineral trade, which has managed to remain active and vital in sustaining up to one million livelihoods regionally through the most difficult political times.

Except for the growth periods of the 1960s and 1970s, natural resources have historically brought little benefit to the Congolese people. However, this is less down to microeconomic and trade issues, but to poor mineral governance as part of broader governance weakness in the country.

Instead of trying to stop or interrupt the minerals trade, professionalising and formalising a large portion of it could contribute to long-term peace and security. Stopping or interrupting the trade is not only impossible to implement in eastern DRC, it would also likely have a retarding effect on regional development and cooperation, much of which is based on economic interdependences and dialogue.

- Peace will not be achieved without the involvement and commitment of regional actors, a fact that is recognised in the US-facilitated Tripartite Plus mechanism aimed at bringing lasting peace and security to the African Great Lakes, which includes Burundi, Congo, Rwanda and Uganda. Achieving long-term peace in eastern DRC must include the following regional conditions:

- *Security guarantees for Rwanda* While the FDLR is currently incapable of invading Rwanda and overtaking the government in Kigali, its presence in Congo is still a real threat to Rwanda's border security and the safety of Congolese Rwandaphones. The FDLR must be demobilised and its leaders face international justice for their roles in the 1994 genocide.

- *Economic development for Rwanda* Rwanda is developing its comparatively small mining sector, but access to the DRC's minerals trade used to be and will continue to be a strong motivating factor for Rwandan businesses. There is nothing wrong with this involvement so long as it is undertaken in compliance with existing laws. Supporting Rwanda in continuing to develop domestic economic opportunities through strengthening the service sector, strategic industrialisation and improved agricultural production will be key to reducing the importance of the minerals trade as a factor shaping regional policies.

- *Strengthen Congolese law and order institutions* DRC's national army must be transformed into a source of stability, rebel groups must be demobilised, and the criminal justice system must be strengthened in every sector.

- *Rwanda must be held to account if its government forces are found guilty of having committed atrocities in Congo.* A recent UN Mapping Report on DRC suggests that the government in Kigali is responsible for a large number of human rights violations committed during the DRC war in 1997. If the UN findings are found to be true, those responsible must face international justice to assure the Congolese that the international community will not tolerate such behaviour.

Conclusion

The militarisation of the production and trade in minerals is primarily a reflection of governance weaknesses in eastern DRC. Where fledgling democratic institutions find it difficult to assert themselves *vis-à-vis* entrenched interests, the full developmental potential of natural resources will not be realised so long as security around natural resource deposits is negotiated locally, or the establishment of security is attempted through the application of economic sticks and carrots such as sanctions or mineral trade control regimes. While these practices can offer some positive outcomes, in all likelihood state weakness would either remain or even be exacerbated – promoting a negative feedback loop.

However, there are enough positive trends to suggest that the moment is right to help develop legal trade and productive economic activity, which remains the primary focus to achieve development in the region. A professionalised and formalised mineral sector would support a 'regional public good', with DRC potentially emerging as a positive economic contributor to the development trajectories of itself and its neighbouring countries in the medium to long term.

The most populous country in the region, DRC offers enormous untapped natural resources, labour and large markets for goods and services that could grow should peace prevail. Those who have been benefitting from an absence of regulation, from the militarisation of economic activity and from unauthorised rent-

seeking, are potential spoilers of positive change. But the likely benefits could improve the lives of many more across a range of sectors of society, from miners to local officials to exporters, who have had to cope with or have suffered from the effects of informal mining and trading simply because the formal systems have become so corrupted.

A process of reform that engages stakeholders in minerals exploitation and trade offers a potentially promising way to transform the industry. Actors in the current shadow economy include insecurity profiteers. But their objective is not necessarily to cause or sustain insecurity. Many may have an interest in stability and development, so long as they regard it as compatible with their profit motives. Incentivising the transfer of shadow economic activities to the formal economy would help provide a local basis for professionalising and formalising the 'coping economy', as well as to contribute to reform and strengthen governance from the bottom up.

The immediate dividend from improved cross-border mineral trade is economic, but the long-term reward may well be peaceful coexistence. This process will require the development of political incentives and a long-term commitment by all parties involved.

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West African blood diamonds recognise no borders

Alex Vines

Diamonds were perhaps the most valuable assets available to all parties involved in the conflict in Sierra Leone, for providing funds for the vicious rebels of the Revolutionary United Front (RUF) of Sierra Leone and for maintaining Charles Taylor in power in neighbouring Liberia. Decades of diamond smuggling in Sierra Leone had encouraged government corruption and provided funds for the civil war.

In 1999 the Lomé Peace Accord was signed to bring peace to Sierra Leone through the creation of a transitional government of national unity prior to general elections. As part of this agreement a Commission for the Management of Strategic Resources, National Reconstruction and Development was created under which all diamond exports would be transacted through the commission, with proceeds used exclusively for development. The problem was that key diamond-producing areas such as the Kono and Tongo fields were under rebel control and continued to provide the RUF funds and the Commission was chaired by RUF leader Foday Sankoh.

Regulating cross-border blood diamonds

It took the groundbreaking work of NGO Partnership Africa Canada on 'blood' or conflict diamonds in Sierra Leone to convince the UN to take action. UN sanctions were finally imposed in July 2000 under Security Council resolution 1306, banning the trade in Sierra Leone of rough diamonds until such a time as the Sierra Leonean government had an effective certification scheme in place.

Until this point the RUF had, with the support and encouragement of Charles Taylor and his National Patriotic Front of Liberia, exported relatively large quantities of diamonds every year. Official exports of 'Liberian' diamonds from Monrovia

had skyrocketed in 2000. The Sierra Leone diamond embargo remained in place until June 2003, when the president of the Security Council announced the ban would not be extended, given the success of the Kimberley Process Certification Scheme (KPCS), which had recently come into operation. A UN embargo was also imposed on Liberian diamond exports from May 2001 to April 2007, following which Liberia joined the KPCS and a system was put in place, although this has cost more than the official exports of diamonds from Liberia, making it only practical if supported by donors.

Since the end of the war, Sierra Leone has taken steps to tighten and introduce regulations related to diamonds. This began with a national certification scheme in October 2000 that allowed for limited exports and Sierra Leone became in 2003 the first country to enforce the KPCS. The KPCS depends on the producer and participant for controlling the exploitation and trading of rough diamonds, issued with a Kimberley Process Certificate of Origin guaranteeing that the diamonds are conflict free.

KPCS in Sierra Leone has been successful in reducing smuggling, as official exports in 2001 were $26 million, rose to $41 million in 2002 and to $142 million in 2007, although since then exports leveled off to $140 million in 2008. Today, Sierra Leone is one of the most important diamond producers in West Africa, exporting around 600,000 carats. Twenty per cent of these are produced from commercial mines, with the remaining production from the output of about 150,000 artisanal miners, mostly from Kono and Kenama districts.

While KPCS is not a UN mechanism, it was the scheme for exporting diamonds legally from Sierra Leone that was recognised by the Security Council. We should credit the

> **"** Without banning production of diamonds in Côte d'Ivoire, significant smuggling should be expected. A better solution would have been a successful outcome to the 2010 presidential elections in Côte d'Ivoire as this would have ended the country's division and allowed the UN embargo to be lifted"

Diamond prospector filtering earth in Koidu, Eastern Sierra Leone.
© GEORGES GOBET / AFP / Getty Images

success of Kimberley for contributing peace and stability to Sierra Leone. UN sanctions including the 2001 diamond embargo on Liberia also contributed to reducing the trade in Sierra Leonean blood diamonds. Charles Taylor was forced back from Sierra Leone and in August 2003 was finally removed from power into exile in Nigeria. In March 2006 he was extradited to Liberia, and handed over to the Sierra Leone Special Court.

While kimberlite diamond deposits are relatively easy to control, artisanal diamondiferous deposits are not. Significant artisanal and small-scale mining makes controlling production difficult, especially when poverty drives such production, as there is little alternative livelihood available. In Sierra Leone, where state capacity is weak and corrupt, and where international borders intersect causing trans-border trafficking and mining, significant smuggling will continue. Smuggling is not dealt with by KPCS but it inhibits enforcement and sustainable development, and provides organised criminal networks additional incentives.

There have in recent years in Sierra Leone been various efforts to try and limit smuggling, such as the High Level Steering Committee and the Kono Peace Diamond Alliance. There has been some limited success but in Kono production seems to be in decline with few alternative sources of employment. Sierra Leone's greatest post-conflict challenge is to create jobs and so the incentive for smuggling remains.

The diamond trade in West Africa is regional and interconnected. Solutions require a regional approach. UN diamond sanctions on Liberia resulted in a move to gold production, and reverse smuggling to Sierra Leone and Ghana.

Exploiting a loophole

Thankfully today conflict diamonds are almost extinct. Only in Côte d'Ivoire is there still a UN diamond embargo on exports because rebels control diamond mines. When diamond sanctions were imposed on Côte d'Ivoire in 2006, UN investigations showed a lack of well-organised and implemented internal controls, which posed a serious threat to the integrity of the KPCS because of smuggling of conflict diamonds to Ghana.

A UN investigation found that following the sanctions a company originally operating in Côte d'Ivoire, Sogenem, re-registered as Peri Diamonds in Accra and purchased various diamonds from brokers in Ghana, but continued to purchase Ivorian rough diamonds. In effect, Peri overcame two regulatory measures (a voucher system and a payment voucher system at the Bank of Ghana) in order to mix blood diamonds from Côte d'Ivoire with legitimate Ghanaian rough diamonds.

Ghana has responded by making a register of unregistered miners and the KPCS Working Group of Diamond Experts has created a morphological photographic exercise, to create a database of Ghana's rough diamond production to counter

infiltration of Ivorian rough diamonds into Ghana. The market for Ghanaian diamonds also collapsed in 2007 because international diamond dealers feared they might be buying conflict diamonds until new measures were introduced.

As these diamonds had been exported to Antwerp, Belgian judicial authorities investigated and in October 2007 confiscated diamonds and documents from Peri Diamonds. Belgium Federal Police claimed that diamonds worth $19 million were brought into Belgium illegally from Côte d'Ivoire and an Antwerp court sentenced to jail for three years two Peri directors for tax evasion and money laundering. This is the second such case: a Belgian Court in December 2004 convicted eight people for smuggling $81.7 million worth of diamonds through Asa Diam in violation of UN sanctions and for money laundering. The police believed arms trafficking had occurred, but the prosecutors could not prove it.

There are suspicions that Ivoirian diamonds have also been smuggled to other neighbouring states. The 200 per cent increase in Guinea's rough diamond production from 2007-08 remains unexplained, especially as Guinea's rough diamond control systems remain opaque. Ivoirian suppliers of rough diamonds to Peri Diamonds in Ghana seemed to have tried to establish operations in Liberia in 2007 once Ghana became unattractive. Well-documented smuggling also passes through Mali. Without banning production of diamonds in Côte d'Ivoire, significant smuggling should be expected. A better solution would have been a successful outcome to the 2010 presidential elections in Côte d'Ivoire as this would have ended the country's division and allowed the UN embargo to be lifted.

The KPCS has had an impact in West Africa, helped by UN investigations and police action in Antwerp. Although this system is far from perfect, the industry is in better shape than in the late 1990s, when brutal rebels in Sierra Leone and nasty governments in Liberia funded their actions from unimpeded sales of diamonds to dealers based in Antwerp, London, Dubai, Tel Aviv and Mumbai.

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Cross-border water cooperation and peacebuilding in the Middle East

Annika Kramer

Jordan, Israel, and the occupied Palestinian territory all have arid climates. The Falkenmark water stress indicator shows that water resources available *per capita* are far below the chronic water scarcity limit and that evaporation exceeds rainfall for most of the year.

Such limited water resources must also be shared between neighbours with at best distant, at worst highly antagonistic relations, which has led to disputes over water issues, especially between Israel and its neighbours. The single most important surface water source for the region is the Jordan River. Water development efforts on all sides of the river have today reduced flow to only 10 per cent of its natural discharge below Lake Tiberias. What little remains is of the poorest quality. Aquifers provide over 50 per cent of the freshwater supply for Israel and Jordan and almost total consumption in the Palestinian territory. Aquifers on all sides are threatened by overpumping and pollution, mainly through untreated wastewater and agricultural leakage.

The political importance of water between Arabs and Israelis dates back to the 1920s and is rooted in the Zionist movement's development plans, which were heavily dependent on water for large-scale irrigation and hydropower. Arab-Israeli relations concerning water have been strained since the late 1940s, when the parties first began working separately on water development plans. Water issues have repeatedly been triggers of conflict and of political and military action in the Jordan Basin, although its relative weight within the mix of causal factors in conflict is moot.

Water access: regional inequalities

Water resource development and management and access to freshwater is highly asymmetric between Jordan, Israel and the Palestinian territories. Table 3 shows the water situation in terms of the total actual renewable water resources, domestic *per capita* water consumption and access to 'improved drinking water and sanitation'.

Table 3. *Overview of the water situation in Israel, Jordan, and the Palestinian territories*

	Israel	Jordan	Palestinian territory
TARWR[A] (m³ per capita per year)	250	160	41
Domestic water consumption (litres per capita per year)	240-280[B]	94[C]	60[B]
Access to improved drinking water (percent of population)	100[E]	91[D]	75[D]
Access to improved sanitation (percent of population)	100[F]	85[E]	35[D]

Sources: [A] UNESCO (2006); [B] Fröhlich (2008); [C] Courcier et al. (2005); [D] World Bank (2007); [E] WHO Data (2006); [F] Globalis (2002).

The Total Actual Renewable Water Resources (TAWR) figures show *de facto* water availability for each party, reflecting natural conditions as well as distribution patterns of shared resources. These numbers therefore also reflect the unequal distribution of trans-boundary water resources, especially among Palestinians

and Israelis, with Israel consuming about 85 per cent of the shared resources.

Israel gained control over all Palestinian water resources in the 1967 occupation. Under military orders a permit system was established for drilling new wells, and pumping quotas were assigned to restrict water use. Israel permitted the drilling of only 23 new wells between 1967 and 1990, mainly to replace older ones. In addition, Israel drilled new wells for Israeli settlements and consequently uses the lion's share of groundwater recharged in the West Bank. Since 1967 Palestinians have further been denied access to the Jordan River and its water resources.

Water disputes between Israel and Jordan focus on diverting water from the Jordan Basin. The Israeli–Jordanian Peace Treaty signed in October 1994 includes extensive water provisions, such as allocation of rights to water resources in the Jordan Basin, as well as joint projects to develop additional water resources and prevent pollution. Implementation of the Peace Treaty's water provisions has been problematic, however. The former senior negotiator in Jordan's delegations to the Middle East Peace Process, Munther Haddadin, has stated that several of the water provisions from Israel to Jordan have not yet been implemented as stipulated within the agreement. And problems continue to arise, mainly due to ambiguities in the treaty text.

Potential for regional cooperation

Solving water problems is of common interest to Israelis, Jordanians and Palestinians. In 1992 a Multilateral Working Group on Water Resources was established as part of the multilateral track aimed at enhancing the Middle East peace process. Implementation of water-related projects involving Palestinians, Israelis and Jordanians has been seen as a hopeful sign for broader peacebuilding efforts and related projects have received substantial funding from the international donor community. Since then, governmental and non-governmental institutions have started several bilateral and regional projects to promote water cooperation in the region.

The approaches taken to promoting water cooperation range from institutionalised official communication between government representatives (eg the Joint Water Committees that have been established after the peace process in the 1990s between Israel and Jordan, and Israel and the Palestinian Authority respectively), to exchange of expert knowledge and data (eg the Regional Water Data Banks Project (RWDBP) working in collaboration with national water agencies), and local-level collaboration (eg the Good Water Neighbours initiative by Friends of the Earth Middle East (FoEME) that works with local communities).

While the initiatives show that dialogue on water is possible among Palestinians, Jordanians, and Israelis, they also demonstrate that joint water initiatives soon hit a roadblock when it comes to cooperation on issues that tackle actual water resources management. Water projects face several barriers to cooperation, and today, almost 20 years after the Oslo peace process began, substantial cooperation in water resources management still remains limited.

Asymmetric and politicised water relations

Water has become a very political issue in the region. The fact that the Palestinians do not hold power over water resources in their territory makes cooperation in an equal partnership near impossible. Any project working on water is difficult to separate from questions of water rights and justice. The importance of water for the ideology of Zionism and Arab nationalism further leads to securitisation and politicisation on all sides. This puts a limit to initiatives that aim to promote cooperation at the technical level, as the decision on wastewater management, for example, is taken at the political level.

Asymmetrical power relations among the three parties determine water relationships at the political level, such as in the Joint Water Committees, which do not work effectively. Different levels of capacity in human and financial resources mean that cooperative efforts at the technical level are problematic, as they can make it difficult to choose suitable technologies, for example databases and systems to support decision-making that are appropriate for all parties. Further, unequal access to water results in diverging interests making it difficult to identify projects that can be equally beneficial for all parties. This can cause frustrations for both the weaker and the stronger party. At the level of project implementation, asymmetries are evident in the logistics, such as different obstacles for travelling to joint meetings.

Communities and experts agree that access to water cannot be solved unilaterally. Still, spill-over of cooperative behaviour on the local and technical levels towards higher political spheres is difficult to achieve in the centralised water management systems existing in Israel, Jordan and the Palestinians territories. While water cooperation initiatives regularly achieve individual changes of perception of 'the other', as well as creating personal relationships, this does not automatically add up to societal change. For this to happen, change at the individual level needs to be sustained over time, in order to have an impact on the individuals' behaviour and to gradually extend to other people and to promote change on the socio-political level.

The asymmetries described above, as well as the parties' different priorities and needs, create diverging expectations

and perceptions with regard to cooperation. When asked for their needs related to environmental peacebuilding efforts, interviewees in Israel, Jordan and the Palestinian territories broadly indicated very different priorities: Jordanians focused on economic development and free movement of people and goods; Israelis concentrated on reconciliation and improved environmental management; and Palestinians stressed the importance of access to water and land rights, as well as the ending of occupation. Managing high and often different expectations poses a major challenge. The goals and possibilities of initiatives need to be transparent and clear in order to prevent frustrations on all sides. Otherwise, mounting frustrations can lead to failure of cooperative efforts.

Recommendations for international policy

Address existing asymmetries. Any initiative that aims to promote the links between regional water cooperation and peacebuilding in the Middle East must take account of existing asymmetries with regard to human and financial capacities, as well as political power. These asymmetries need to be addressed in the design and implementation of initiatives in order to ensure that cooperation provides at least mutual – if not equal – benefits, and to prevent asymmetric power relations favouring one party. It is essential that the stronger party does not dominate the cooperative process and that project goals respond to the needs of weaker parties as well. Capacity-building to overcome asymmetries must be complemented or coordinated with initiatives advocating for empowerment of the parties.

Promote regional water cooperation towards peacebuilding and human security. Lack of political cooperation can impede technical solutions to existing water problems and can limit the effectiveness of water cooperation with regard to sustainable water management. A lack of political will for cooperation can also limit the impact of technical and civil-society initiatives. Donors should take an active role in promoting regional water cooperation with the national governments and authorities – considering the mutual benefits it offers for economic development, human security and peace in the region.

Advocate for the empowerment and involvement of water users and stakeholder groups in the process of developing water

policies and cooperative political frameworks. This could help to transfer the successes of local and technical water cooperation initiatives to the political level. Working towards improving international relations should thus go hand in hand with improving national and local water management institutions and practices, eg by promoting institutional frameworks that allow for systematic involvement of stakeholder groups.

Provide ongoing funding, even when conflict escalates. Examples of water cooperation show that collaboration and communication channels could be maintained even when the political peace process collapsed with the outbreak of the second Intifada. While this alone does not constitute an objective, it shows the importance of maintaining funding, even in times when the conflict escalates, to allow initiatives to continue their ever more important work towards cooperation in water resources management.

Do not confuse impartiality and appeasement regarding abuses and injustices committed by parties. If opportunities to express concerns about inequalities and human suffering are not offered in cooperative processes, technical discussions on environmental cooperation can easily become infected by political issues.

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Why the Maghreb matters

threats, opportunities and options for cross-border cooperation in North Africa

I William Zartman

The four countries of North Africa — Morocco, Algeria, Tunisia, and Libya — form a historic and civilisational island (*al-jazira* in Arabic) between seas of water and sand at the far end (*al-maghrib* in Arabic) of the Arab world. Yet they are 'enemy brothers', unable to bring their social and economic similarities together into a cooperative ensemble. As a result, open trans-border conflict lurks as a possibility and the welfare of all four countries is impeded.

Effects of languishing cross-border cooperation

Historically, the region was never fully integrated as a single political unit except once, in the 11th and 12th centuries under the Moroccan al-Moravid and al-Mohad dynasties. But the countries were united for long periods as neighbouring administrations under the same overlord – Romans for five centuries, Ottomans (except for Morocco) for four centuries, and French (except for Libya) for up to a century. During the anti-colonial struggle, the independence movements in three French areas – Algeria as an 'integral part' of France and Tunisia and Morocco as protectorates – cooperated closely, but separate independence dates (1956 for the protectorates, 1962 for Algeria) and different means of attaining independence pulled them apart onto separate paths, distinct identities, and discrete interests.

A number of attempts were made to organise cooperation after independence. The nationalist movements met in 1958 and the states set up a loose international organisation in 1964, but neither overcame divisive politics and soon collapsed. Instead Morocco and Algeria frequently claimed mutual subversion and fought border wars in 1963 and a battle in 1975. Tunisia and Algeria fought border wars in 1963, and Algeria and Libya had border skirmishes in 1985. Algeria and Tunisia (and Mauritania) in 1983 joined in alliance against Morocco and Libya, who made a counter alliance in 1984; Algeria created an anti-terrorist military alliance with three Saharan neighbours in 2010, purposely excluding Morocco.

The four North African countries (plus Mauritania) in 1989 created a regional economic and security cooperation organisation, the Arab Maghreb Union (UMA), encouraged by a plan of the UN Economic Commission for Africa for regional groupings in the continent. The UMA has been 'frozen' since 1995, largely because of political tensions between Algeria and Morocco. It has not met at the decision-making level for nearly two decades, and sectoral commissions on various aspects of cooperation have made little progress. Tunisia and Morocco joined 17 other Middle Eastern countries in the Greater Arab Free Trade Area (GAFTA) in 1997 (joined by two other Mashriqi countries in the Agadir Agreement in 2004), which has made small steps toward freeing trade but covering only two Maghrebi countries.

External parties, especially the European states, have also attempted to bring the Maghreb countries together in a cooperative arrangement. Four such attempts have been made: the Mediterranean Action Plan sponsored by the UN Environmental Program in 1975, the Euro-Mediterranean Partnership in 1995, the European Neighbourhood Policy in 2004 and the Union for the Mediterranean in 2007 – the latter three all sponsored by the EU. The focus of these initiatives however has been on European-led dialogue, exchange and cooperation between the two shores of the Mediterranean, rather than Maghribi-led integration of the North African region.

Intra-regional merchandise trade has languished at 1.3 per cent of the region's total trade, one of the lowest rates of any region in the world. The countries compete with each other in many products, and comparative advantages, economies of scale, and region-wide investment possibilities are in near-total

neglect. Annual per capita GDP growth from 1997 to 2007 was only 4.4 per cent, much lower than the rate experienced by the countries of Association of Southeast Asian Nations (ASEAN) – excluding Indonesia – and the countries of Central America that are parties to the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR). Unemployment is high, often above 20 per cent, and, unless action is taken, promises to increase because of a burgeoning demographic bulge in the region. Extremism threatens to further limit economic growth and foreign investment. Each country has opted to negotiate a separate economic agreement with the EU, rather than collectively negotiating for better terms, an option favoured by the Europeans. This likewise compares unfavourably with the experience of the ASEAN and CAFTA countries, which have realised increased political bargaining power from regional integration.

The loss is not only economic. Many inter-regional activities pass through the US or Europe rather than among North African countries. In transportation, it is still easier to fly through Paris than directly between countries. Academics in the same field often have little contact with each other except through meetings in Europe or the eastern Mediterranean, or those sponsored by foreign organisations. News coverage of neighbours is biased and wary.

In security, there is more cooperation with the US and Europe than among the Maghrebis. Instead of constituting a security community like the EU or NATO areas, defined as an area where war among members is not available as policy option, the countries arm themselves against one another and discuss the dangers of attack.

A substantial increase in employment opportunities is necessary to keep youth off the road of alienation, desperation, emigration, and al-Qaeda terrorism. This need is shared by Mediterranean EU countries to ensure stability in a region where both terrorism and demographic pressures pose an increasingly direct threat. If conditions in Morocco and Tunisia were to reach the levels of current insecurity in Algeria – where the UN headquarters in downtown Algiers was blown up three years ago, the president nearly assassinated, and travel to parts of the country is no longer safe – a vicious circle of government crackdowns and escalating terrorist attacks would be the likely result.

Potential gains of cross-border cooperation
Economic model analysis by the Peterson Institute of International Economics, *Maghreb Regional and Global Integration* suggests that a full-fledged free trade area (FTA) among the Maghreb countries would yield a gain in total

merchandise trade of some $1 billion. Even this modest figure would almost double the extent of commercial relations within the region and pave the way for a future deepening of ties. FTAs between the EU or the US and the Maghreb would generate even larger gains. Based on gravity model calculations, total Maghreb trade would expand by $4-5 billion (3-4.5 per cent) if the EU or the US separately establish a free trade area with the UMA region, and by nearly $9 billion (nearly 8 per cent) if both establish regional FTAs with the Maghreb. In an EU-US-Maghreb free trade area, total Maghreb inward foreign direct investment (FDI) stocks would increase by $5.8 billion (75 per cent), and total Maghreb outward FDI stocks would rise by $3.9 billion. Both the US and European economies stand to benefit as well from enhanced cooperation with the Maghreb region over horizons of 2-5 years. While these projections are theoretical, they convey the promise in reducing trade and investment barriers for the Maghreb.

The major stumbling block on the road to greater cooperation is the Western Saharan conflict. This is a running sore between Morocco and Algeria that prevents regional cooperation in all areas. For the Moroccans, this former Spanish colony, administered for over three decades as Moroccan territory, was returned to Morocco as a result of a 1975 decolonisation agreement with Spain. The issue is regarded as an existential matter by the Moroccan public and government. For Algeria, the territory must achieve independence as the Sahrawi Arab Democratic Republic (SADR) through a confirmatory referendum organised by the UN, a procedure once adopted by the Security Council but now recognised as impossible.

The only current proposal for a compromise between these two positions has been a compromise offered by Morocco in 2007, which proposed a special status of autonomy under Moroccan sovereignty. The Polisario Front, the national liberation movement operating out of Algeria, has thus far refused to even discuss autonomy and has failed to proffer an alternative compromise solution. Morocco now governs the majority of the disputed area as an integral part of its territory with regular participation by the population in both local and national elections, but the Western Sahara is officially designated by the UN as a 'non-self-governing territory' pending final determination of its status. Some tens of thousands of Sahrawis also live under Algerian and Polisario authority in refugee camps near Tindouf in southwestern Algeria. It is in the interest of the US and the EU to see that this conflict does not continue, and to avoid an outcome that produces another Somalia on the Atlantic coast of North Africa.

The current stalemate, which began in 1991 following a UN and African Union negotiated ceasefire, is enormously costly

to both sides and costly too to the possibilities of inter-regional cooperation. Yet for each side stalemate is preferable to the preferred solution of the other side. The view that the current situation is either manageable or sustainable over the longer term is an illusion.

Morocco and Algeria keep a watchful eye on their delicate relationship and they share an interest in not letting that relationship explode. But things have a habit of getting out of hand on occasion, as Arab-Israeli and Indian-Pakistani relations have demonstrated in recent years. In these areas, it was often a third party rebellious movement – Hezbollah and Islamic Jihad in one case, and Lashkar-e-Taiba in the other – linked with internal factions on one side or the other that triggered cross-border explosions and dragged the confronting states beyond their sober policies. Any worsening of bilateral Maghrebi relations would strain relations with Europe, Russia and America, and could lead to a crisis in relations at an inopportune moment.

Efforts for cross-border cooperation

The decision to turn to greater cross-border cooperation in the region can only come from the highest levels in each country, and in this case that means the very personal attention of the heads of state – Mohammed VI in Morocco, Abdelaziz Bouteflika in Algeria, Zine Labadine ben Ali in Tunisia and Muammar Gaddafi in Libya. Pressure points in such a situation are difficult to find. However, they exist, at very high and much lower levels.

The lower levels concern public opinion, the media, NGOs, and political parties. None of these have the weight one might find in a more developed country, but they do exist and the leaders are not insensitive to them. Morocco and Algeria, under a monarchy and personalised leadership respectively, are multiparty polities; in Tunisian and Libyan autocracies, civil society would be the source of pressure in the absence of political pluralism. Studies have shown that integration takes place when it becomes a party platform across the potentially integrating countries, and this is true for cooperation, a looser form of integration. To date, this has not occurred, so what is necessary is a less formalised effort led by NGOs to bring the message of the benefits of cooperation to the decision-making levels.

The higher levels refer to other states, friends and allies of the Maghreb countries, who can weigh heavily on the North African leaders, in all the parties' interest. A focused policy to encourage Maghreb economic cooperation will have multiple components, beginning with a new approach that treats the region as a unit rather than a collection of competing bilateral relations. Discussions called for in existing EU-Moroccan and

Tunisian President Zine al-Abidine Ben Ali, Libyan leader Moamer Kadhafi as Morocco's King Mohammed VI and Algerian President Abdelaziz Bouteflika on the sidelines of a first-ever EU-Africa summit in Cairo.
© AFP / Getty Images

EU-Tunisian FTAs and the US-Moroccan FTA on coverage by the agreements' rules of origin can be used to explore creative ways to greater cooperation, including regional cumulation or 'economic integration zones' modelled on the successful Qualifying Industrial Zones in Jordan and Egypt that are tied to the US-Israel FTA. The US and EU can build upon their trade and investment framework agreements in the region (as done with the Asian Pacific economic region) and bilateral investment treaties with Tunisia and Morocco to promote regional trade and investment liberalisation.

Maghreb partners of the US and the EU can also be encouraged to eliminate their own tariffs and non-tariff barriers on products imported from other Maghreb countries and reduce barriers to intra-regional investment and trade in services. The US can create mandates for regional projects in North Africa for the Trade Development Agency, Overseas Private Investment Corporation and the Ex-Im Bank. The US and Europe can also create regional, private sector initiatives through instruments and programmes such as the US Center for International Private Enterprise, and promote FDI that focuses on the region as a whole, instead of simply on a country-by-country basis.

By emphasising reform, the EU has done much to improve the business climate in Eastern Europe and it can do the same for the Maghreb. The US can cooperate with ongoing EU initiatives such as the Barcelona Process for Euro-Mediterranean cooperation, the eastern Mediterranean 5 [European]+5 [Maghrebi] efforts at handling common challenges, and the French-sponsored Union for the Mediterranean designed to promote exchanges between the north and south shores, all of which can benefit from some external energising. One example would be US support for systems for independent administrative and judicial review of customs determinations.

The US and the EU can encourage harmonisation of regulatory regimes throughout the region to the highest

possible standards, as is being done for ASEAN in Southeast Asia and Asia-Pacific Economic Cooperation (APEC) forum in the Pacific area. In the Maghreb, where both the US and European countries have common interests, the two sides of the Atlantic can find a common cause for cooperation and overcome the temptation to see each other as competitors and to be played off against each other. This requires focused dialogue, measures of collaboration, and attention to mutual benefit.

The most dangerous future challenge to the region concerns its water supply. The Maghreb is now a 'water-threatened area' where water is in scarce supply, and will soon become a 'water-deficient area' where water supplies are seriously inadequate to human, agricultural and industrial needs. A coordinated international effort to support research, investment and infrastructure development to meet the threat before it crunches agriculture and urban life in the region is a critical confidence-building measure.

As in any of these areas, collaborative research can help improve general research and development capacities in North Africa. As leading members of the international financial institutions, the US and EU countries can coordinate projects to promote North African regional integration, including current efforts at high-speed train and motorway construction and crisis stabilisation in the region. Other sectors ripe for greater regional cooperation are energy (including wind generation), agribusiness and banking.

Security rests above all on the improvement of socio-economic conditions and the development of a healthy society and economy, so that youth are not drawn down into the pit of despair and rebellion, with the unemployed seeking outlets for their despair in terrorism, *jihadi* groups, drug networks, and smuggling. Without greatly increased levels of cooperation and coordination among the Maghreb countries and with the US and the EU, the *sahel* region will continue to be the Achilles heel of any efforts at regional security. The unregulated and ungoverned areas, including those populated by the Polisario refugee camps, are real threats to cooperation and stability in the region.

Moroccan security services have been more effective against *jihadi* groups since the deadly attacks on Casablanca in 2003 and Madrid in 2004, and within the past year several major Moroccan terrorist cells with roots and connections in Europe have been dismantled before they could carry out their attacks. Although security has improved in Algeria since the series of Al Qaeda attacks in the Islamic Maghreb in 2007, the attacks continue and Algeria could benefit from increased regional cooperation. It would be far more efficient in meeting these

threats to complement 'vertical' cooperation with the US and Europe with 'horizontal' cooperation between Maghreb countries. Examples include regional training programmes on anti-terrorism, drug smuggling, trafficking in persons, illegal immigration through existing multilateral programmes (like NATO's Med Initiative) or through bilateral efforts of both the US and European allies.

The states of the EU and NATO security communities can help the countries adopt confidence- and security-building mechanisms (CSBMs) as a step toward the development of a security community in the region, where war is no longer conceivable as an arm of intra-regional policy. The most obvious measure to promote regional integration is to reopen the border with road and rail services between Morocco and Algeria and increase direct flights between the Maghreb capitals. The countries of North Africa face no threats external to the region, and they know that a war in the region would be costly and unproductive. Security cooperation is an option that the US and the EU can facilitate, and would help forestall an accidental escalation of tense relations between neighbours. Removing the single largest issue in the way of security cooperation by resolving the Western Sahara conflict would allow Morocco and Algeria to turn coordinated attention to the security problem to their south, permit them to reduce their forces level and halt their arms race and free them to devote more of their budgets to civilian needs.

For those who feel that the Western Saharan issue is merely a symptom, not a cause, of ill relations, its removal can eliminate a specific instance of cross-border conflict and clear the way for other measures of cooperation and CSBMs that can chip away at bad neighbourly relations.

It should also be obvious that the Saharan problem will not be 'solved' in any absolute sense in the near future, but that a new compromise status could allow attention to be focused on specific components of the situation without remaining stuck in the larger principled deadlock. If the US and the EU states members of the UN Security Council provide active leadership, there are good prospects for creating an environment for action toward a solution based on the compromise expressed in the UN-favoured sovereignty/autonomy formula. Already, these countries can adjust their policy on development assistance and investment support to offer direct assistance and development programmes in the Western Sahara for the benefit of the local population and to provide better opportunities and a more hopeful future for the people of the region. Such a leadership role would benefit the entire Maghreb and the interests of the external sponsors as well.

Section 5

Conclusion

promoting 'trickle-up'

Conclusion

promoting 'trickle-up': linking sub- and supra-state peacebuilding

Alexander Ramsbotham and I William Zartman

This Accord publication suggests that, in order to tackle the challenges of cross-border peacebuilding, strategies and capacity need to 'think outside the state': *beyond* **it, through supra-state regional engagement, and** *below* **it, through sub-state cross-border community or trade networks. To function effectively, supra- and sub-state initiatives need to be strategically linked.**

International peacebuilding responses should be aligned to tackle conflict *systems*. Policy that refers to systems rather than states can shape more flexible and comprehensive responses to cross-border conflicts. It can identify actors and dynamics that exist outside state borders, such as narcotic networks that support insurgent groups, and incorporate these into peacebuilding interventions.

Examples from Asia, Europe, the Caucasus, East, Central, North and West Africa, Central America and the Middle East show that country-based analysis risks limited or flawed conflict responses. A more creative approach is to strategise holistically, focusing on a conflict and its dynamics regardless of borders. How we define the 'conflict problem', what constitutes 'peacebuilding success' and the strategies we adopt to get from one to the other will be very different depending on whether the analysis and response focuses on an individual state or on a conflict system encompassing dynamics and drivers irrespective of national borders.

States are important peacebuilders. But international policy has become dominated by statebuilding as a response to conflict. Statebuilding involves creating state institutions and the provision of services. While it can be useful to help rebuild fragile societies, it is not synonymous with either peacebuilding or nationbuilding and can ignore or exacerbate cross-border conflict dynamics.

Borderland communities can be politically marginalised and can associate more profoundly across borders than with state capitals. In weak or fragile states, state presence in borderlands can be limited to the police or military, with little evidence of social or welfare services. Legitimacy comes from people, and political legitimacy in borderlands is especially complex. State institutions do not necessarily confer either identity or legitimacy. Borderland communities need to be comfortable with both their identity (nationality), and the legitimacy of the institutions and services of central government (statehood). This can reduce the risk of insecurity in terms of threats to centralised perceptions of sovereignty.

States can do a lot to minimise tensions in borderlands by investing in border areas to reduce the alienation of local communities. More effective border management regimes can facilitate legitimate movement and trade, maintain accountable cross-border security and encourage cooperative management of resources and infrastructure.

Think regional

Regional integration can help to 'soften' problematic borders. Shared membership of regional organisations can soothe state sensitivity to sovereignty through collective purpose and goals. But regional organisations do not offer 'off-the-peg' solutions to cross-border conflicts. Regional bodies have to navigate strong political currents and regional policy needs to be carefully tailored to local contexts, institutions and capabilities.

European integration facilitated problem solving in Northern Ireland, helping to balance disparity of power between London and Dublin, and providing a more level playing field for talks. And the EU has been supporting regeneration and reconciliation on the Irish border. But the EU has not been able to engage significantly with the Basque conflict, not least due to Spanish and French resistance to 'internationalising' the conflict.

Box 3 – Cross-border analysis of the Lord's Resistance Army conflict system

The LRA conflict has spread from northern Uganda into southern Sudan, Democratic Republic of Congo (DRC) and Central African Republic (CAR). Joint, regional military offensives like Operation Lightning Thunder (2008-09) have dispersed the rebellion and exacerbated insecurity for civilians across the region. The LRA now operates across an area 20 times bigger than it did before Lightning Thunder.[1]

The Ugandan perspective

The problem

- LRA rooted in north/south grievances
- War in the north now over; small risk of LRA return
- Ugandan government desire to end the conflict

The response

- Military pursuit in DRC and CAR
- Amnesty programme; outreach to northern Ugandans
- Recovery and development programme to address grievances

The southern Sudanese perspective

The problem

- Foreign rebel group terrorising communities in the southwest and creating displacement and instability; one problem among many in the south
- Fear of Khartoum providing proxy support to the LRA
- Weak state presence, especially in borderlands

The response

- Authorise the presence of UPDF soldiers
- Local militias and self-defence groups set up

A cross-border perspective

The problem

- LRA is nomadic, unpredictable and primarily in survival mode
- Links with Sudan's north-south conflict; risk of potential instrumentalisation of LRA following January 2011 referendum
- LRA and government forces pose security threats to civilians across the region
- Amnesty process and messaging are not working regionally; LRA fighters considering return fear hostile communities
- Regional military offensives have primarily served to disperse violence and provoke LRA reprisals against communities
- International Criminal Court arrest warrants for LRA commanders complicate peace negotiations
- Negative perceptions of northern Ugandan Acholi people regionally

The response

- Regional strategy to encourage LRA fighters to return
- Work with affected communities to promote reconciliation with ex-fighters
- Shared regional analysis between communities and governments
- Joined-up response from UN missions and teams in countries, focused on civilian protection
- Development of national security capacities and governance
- Deal with local Acholi grievances to undercut rebel support and move from conflict management to resolution

The DRC perspective

The problem

- Foreign rebel group terrorising communities in far northeast; one security problem among many
- Weak state presence, especially in borderlands

The response

- MONUC provides peacekeeping support
- UPDF and FARDC conduct military operations against LRA
- Local self-defence groups set up

The CAR perspective

The problem

- Foreign rebel group terrorising communities in remote southeast; one security problem among many
- Weak state presence, especially in borderlands

The response

- Authorise the presence of UPDF soldiers
- Sideline the problem

Rather, Madrid and Paris have responded to persistent violence by the Basque separatist group ETA with security actions within and across the border, inhibiting external EU engagement on the underlying issues.

In the Horn of Africa, the Intergovernmental Authority on Development (IGAD) has not been able to engage with the dispute between Ethiopia and Eritrea, as neither country has been prepared to compromise sovereignty – territorial or political. IGAD has had more impact in Sudan, where it was central in delivering the Comprehensive Peace Agreement (CPA). It is important to differentiate regional interventions by issue as well as geography. The Common Market for Eastern and Southern Africa (COMESA) is a more useful body for setting up trade corridors in the Horn of Africa than either IGAD or parallel negotiations with states. But it is not the right forum to tackle conflict and insecurity.

Hard power, soft borders

Regional responses to conflict have tended towards 'harder' security policy – border security, military cooperation or peacekeeping coalitions. But cross-border conflict dynamics are varied and complex and demand soft as much as hard approaches.

As the case studies in this publication show, cross-border security is difficult to implement in practice, as agents of insecurity often have greater cross-border mobility than agents of security. Regional initiatives that focus on security only address the symptoms and not the causes of conflict, and can struggle to engage in conflict prevention or resolution, leaving in place many of the structural drivers that underpinned cross-border violence in the first place. Security precedes resolution, but resolution must be pursued as a second step.

In responding to cross-border insecurity in eastern Chad, the EU innovatively sought to deploy peacekeepers across the border with the Central African Republic (CAR). But when it became operational, the peacekeeping force EUFOR Chad/CAR did not patrol the insecure Chadian-Sudanese border, in particular after a French EUFOR soldier was shot by the Sudanese army when he mistakenly crossed the border into Darfur. Ultimately EUFOR's impact on security was minimal. And Brussels' focus on EUFOR eclipsed vital political engagement.

Regional organisations should focus on conflict prevention and sustainable resolution, working with governments and civil society networks to develop early warning mechanisms and to facilitate local participation and buy-in to peace processes. Regional organisations need internal political support from member states, and may need external capacity support from donors. Regional organisations should lead and own capacity-building initiatives, independent of the state members.

Social networks

Without grassroots participation or buy-in, even the most constructive regional peace initiatives struggle to produce or sustain broadly legitimate peace agreements. Cross-border conflict response strategies can draw on local perspectives and support local peacebuilding capability. Cross-border community networks can develop shared response practices as conflicts morph and spread into new forms and territories.

The case studies presented in this publication show how affected borderland communities have both the insight and the incentive to contribute essential analysis of cross-border conflict dynamics. They can identify local peacebuilding priorities and structures – and also people. Sub-state cross-border networks and connections exist through social and cultural ties between borderland communities, which can provide policy entry points for regional peacebuilding.

Civil actors can play peacebuilding roles across borders that governments and inter-governmental bodies cannot. Shared experiences, traditions, social structures and kinship provide powerful tools to foster social cohesion and cooperation when diplomatic channels are blocked.

Regional responses to the Lord's Resistance Army (LRA) conflict have focused on joint military operations by the Ugandan government in collaboration with its neighbours. But regional military offensives like Operation Iron Fist have served to disperse the rebellion and have exacerbated insecurity for many civilians, as the conflict has spread from northern Uganda into Southern Sudan, the Democratic Republic of the Congo (DRC) and the CAR. As of the end of July 2010, over 600,000 people were displaced by violence in the region, mostly now in DRC (540,000).

The Regional Civil Society Task Force described by Archbishop Odama above [*see page 54*] has employed a strategy of encouraging LRA rebel abductees to return home – for example using the traditional *Mato oput* reconciliation ceremony from northern Uganda to help communities accept them – in order to deplete LRA ranks, reduce violence and rebuild damaged communities. Communities are transforming themselves from LRA victims to become 'anchors of resilience' to the violence. Their insight into LRA dynamics makes them uniquely placed to provide essential analysis. By combining and amplifying their voice and capacity regionally, the Task Force is working to connect their efforts with official track one peacebuilding

channels. Inter-community efforts at peacebuilding need to be recognised and utilised by state efforts in order to be fully effective in management and resolution; either effort without the other is insufficient.

Peace economies

Cross-border trade can contribute to building trust, or establishing interdependencies across borders that provide incentives for cooperation and collective action and increase the costs of war. Business reacts faster to cross-border conflict dynamics than diplomacy or civil society. The peacebuilding community has recognised the potential of contact through trade to build trust, breakdown stereotypes and lay foundations for interdependency. Tensions between profit and reconciliation in cross-border trade can dilute its peacebuilding impact, and so peacebuilding needs to be mainstreamed in cross-border trade initiatives as a strategic objective. The challenge is to harness this potential for peace rather than war.

Trade across the Line of Control (LoC) in Kashmir has been used to develop economic links and build confidence between conflicting parties. Above, Ayesha Saeed asserted that, in order to realise the peacebuilding potential of cross-LoC Kashmir trade, peacebuilding objectives need to be prioritised and clearly articulated. A significant development in the trade regime has been the formation of the Federation of Jammu and Kashmir Joint Chamber of Commerce, the first official cross-LoC institution, which connects Kashmiri civil society and traders to governmental apparatuses on both sides of the line. The Joint Chamber provides a potential mechanism to develop and cohere the economic and peacebuilding functions of the trade initiative: to build grassroots pressure for normalising relationships across the LoC; to support sustained economic interdependence; to develop collective Kashmiri strategies and capacity; and to mainstream peacebuilding objectives.

In eastern DRC, a better understanding of the role of the mineral trade within the regional war economy, and in relation to other conflict drivers and dynamics, can inform more sophisticated and effective policy. Better regulation within DRC and across the region could help to legitimise the mineral trade and channel profits and resources to address more significant conflict challenges relating to ethnicity, citizenship and land rights, borderland marginalisation and governance. In West Africa, regulating the 'blood diamond' trade through the Kimberley certification scheme has helped to de-link it from a regional war economy.

Promoting 'trickle-up'

Connecting supra- and sub-state peacebuilding provides a way to 'humanise' regional peace and security, to develop policy and response architecture that goes beyond conflict management to tackle cross-border conflict dynamics at their roots. The challenge is how? The case studies in this publication demonstrate how civil society and business can provide bridges across borders and into borderlands, to help track one peacebuilding initiatives to listen to the communities who live there and tap into their capability.

Academics in Colombia, Venezuela and Ecuador linked up with borderland and other communities affected by the spread of violence from the war in Colombia. Indigenous and Afro-Colombian communities, women's organisations, humanitarian agencies, environmental associations, schools and local governments – all played a role in developing a citizens' cross-border response to border tensions. They engaged with the media and international civil society partners to help amplify their voice. Together they built up cross-border community solidarity and capacity and were able to mobilise at critical moments of diplomatic tension and, ultimately, to challenge populist nationalist discourse between Colombia and Ecuador. The support of the Carter Center helped to connect these efforts upwards, to engage with the Organisation of American States.

In Indonesia, the peacebuiliding potential of Achenese refugees was supported by the Universiti Sains Malaysia on Penang Island. Its Aceh Peace Programme enabled Acehnese displaced by the conflict to work for its resolution through advocacy, capacity building, networking, institution building and local (Acehnese) ownership. Postwar, many former refugees have assumed influential positions back in Aceh and have continued to champion peace.

Linking regional civil society and business networks with track one regional policy can help fill the policy gap across borders and in borderlands, and to move from regional security cooperation to conflict prevention and resolution. The overarching message of this issue of Accord is that state efforts at peacebuilding need local inter-community and coordinated inter-state efforts to underpin their action; without such supporting activities 'below' and 'beyond' the state, state policies, even when focused on peacebuilding, are unsupported and insufficient.

Accord standard features

Key texts
Further reading
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Key texts

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www.acledata.com

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ISSUE **22**

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ISBN 978-1-905805-16-7

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