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Meaningful political participation

Lessons learnt from UN mediation in Afghanistan and Syria

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Policy implications

\ Prioritising representativeness over mere inclusion in peace negotiations and rendering selection criteria transparent strengthens their legitimacy

Policymakers should make their criteria transparent for selecting a) who can participate in the broad spectrum of peace processes and b) who gets access to the negotiation table by participating in an official delegation. These choices should prioritise representativeness over mere inclusion to strengthen process legitimacy.

\ Peace process organisers should take the whole spectrum of societal interests into account

There is an added value to broadening the participation base of peace process participants beyond belligerent groups and institutionalised civil society actors. It should include those of the non-fighting groups inside and outside the country of conflict, those of marginalised groups who do not have institutionalised representation structures, including displaced persons and the victims of the conflict.

\ Enabling political participation requires that the participants themselves set the format and agenda for negotiations

Peace process agendas should not be externally determined but rather allow peace process participants to decide—or in the case of external mediation co-determine the content, as well as the format of talks according to their own priorities regarding themes, organisational set-up and the timing deemed necessary to conclude agreements.

\ Prioritising participation helps avoid common omissions in peace agreements

By taking the potentials of political participation seriously and establishing the relevant mechanisms to accompany mediation, peace process organisers automatically ensure the integration of crucial peace-building dimensions in peace agreements and related implementation.

Meaningful political participation: Lessons learnt from UN mediation in Afghanistan and Syria

Background

In this *Policy Brief*, we present lessons learnt and subsequent policy implications from an in-depth analysis of the UN peace processes on Afghanistan and Syria. We argue that in both processes, the ability of peace process participants who come from Afghanistan and Syria to politically participate in their respective process was and is severely limited, thus hindering the prospects of successful conflict transformation. By political participation, we mean that peace process participants not only attend negotiations (“are being included”) but are in a position to (co-) determine who is negotiating the agreement (incl. which representation mechanism is adequate), what is the format of peace-making (incl. methods of consultation), and what are the issues negotiated in which order (agenda-setting). We call this ‘meaningful political participation’.

Emphasising “inclusivity” in peace processes over meaningful political participation is highly problematic for potential progress towards longer-term/sustainable peace. Potential organisers of peace negotiations and related pre- and post-peace agreement measures (whether outside actors or ‘indigenous’) should strengthen political participation and process legitimacy for representatives from the populations concerned. This would contribute to opening a new pathway towards more sustainable peace processes, also beyond the Syrian and Afghan cases.

The Afghan and Syrian peace processes

The findings of this *Policy Brief* pertain to UN-convened peace processes for Afghanistan between 1980 and 2004 and for Syria since 2012. Both peace processes have a track record of not having achieved conflict transformation towards peace over forty and ten years respectively. Although frequently, peace processes are seen as too context-specific to compare, our research shows crucial similarities between the logics underpinning these processes.

Afghanistan

In Afghanistan, UN conflict resolution efforts have been recorded since January 1980, after the intervention of the Soviet Union in the last days of 1979 to aid the Marxist regime that had toppled the republican government in a coup d’état in April 1978. The subsequent proxy conflict during the Cold War was conditioned by a blocked UN Security Council and the extension of the Secretary General’s good offices and a representative who engaged in shuttle diplomacy and proximity talks that led to the Geneva Accords by 1988. These agreements between Afghanistan and Pakistan excluded the armed resistance and regulated only the withdrawal of Soviet troops from Afghanistan. It did not include any provisions to address post-withdrawal power-sharing.

After UN-mediation failed to reach a power-sharing deal by 1992, a civil war evolved among armed opposition groups. All following efforts at peace-making did not reach the level of direct talks.

After 9/11, US military action and a victor’s siege of Kabul preceded the UN Talks on Afghanistan at the end of November 2001 in Königswinter near Bonn (Petersberg). Here, a power-sharing agreement was reached that excluded the Taliban and other armed opposition groups but also representatives of pro-democracy and human rights groups. The transition was explicitly meant to be Afghan-led per what the United Nations designated as a light- footprint approach, including leaving it to the Afghans to make provisions for the inclusion of groups who were not present in the UN Talks in the process that followed.

Syria

In Syria, peaceful protest against four decades of dictatorship under the regime of Bashar al-Asad that began in spring 2011 was not met by reforms but rather repression and war. After initial mediation by the Arab League, the United Nations took on the process by providing good offices since February 2012, initially strongly relying on shuttle diplomacy with external states.

Three years into the war, the United Nations began summoning intra-Syrian proximity talks of regime and opposition delegations in Geneva (including background shuttle diplomacy), bar one round of direct talks. While the regime delegation remained largely unchanged, the formation of opposition delegations had been accompanied by significant changes. These had been drawn from several newly created umbrella organisations that were internationally declared as ‘the official Syrian opposition’, i.e. the Syrian National Council (SNC, Istanbul, Turkey, October 2011), the Syrian National Coalition (SNC, Doha, Qatar, November 2012), the Higher Negotiation Committee (HNC, Riyadh, Saudi Arabia, December 2015) and the Syrian Negotiating Committee (new SNC). Presently, the new SNC encompasses over 134 members from 56 armed and civic sub-groups, many of which represent umbrella groups themselves. The creation of these bodies has excluded other significant opposition groups (such as the National Coordination Bureau, NBC). At the same time, it has sidelined earlier and alternative peace processes organised by Syrians.

High-level diplomatic meetings have been complemented by several civil society fora as part of the process. The Geneva process has also encompassed a wide range of summits of external states (for instance, the Friends of Syria Group, the International Syria Support Group). These have often excluded Syrian participants but at the same time produced several peace plans and documents regarded as key documents for the process by the United Nations and in media reporting.

In both processes, military developments on the ground are a major reason why these peace processes have not yet been accompanied by longer-term conflict resolution. Yet, we have identified four additional obstacles within the setup of these UN processes that impede meaningful political participation from among actors from the country at war, thus undermining process legitimacy. Conversely, we suggest that adopting these lessons learnt would strengthen the prospects for conflict resolution in the longer term.

Prioritising representativeness over mere inclusion in peace negotiations and rendering selection criteria transparent strengthens legitimacy

Peace process organisers (e.g. UNDP, swisspeace) should make transparent how they value inclusivity, what they mean by it and how they intend to achieve it. To enhance the legitimacy of peace processes, clear criteria on who is included how and why, in which tracks of a given peace process need to be established, and these must aim for representativeness to the greatest extent possible. The lack of transparency has remained problematic even after the United Nations officially endorsed the principle of “inclusivity” in 2012. It stressed this norm could not create representativeness in peace processes because these must work through major conflict parties, but it would ensure that their “views and needs” are represented in the process. Yet, there are no transparent criteria for the United Nations as a peace process convenor, for instance, to decide who is included in or excluded from negotiations. Instead, criteria to which standards are used and when inclusivity is thought to be sufficiently achieved are unclear. Efforts to create a shared meaning of inclusivity are commonly absent.

In the case of Syria and Afghanistan, UN-mediated peace processes lacked transparency on at least two levels. First, the decision of who from among (civic) political and armed non-state actors from the country at war holds a seat at the negotiation table. While our research confirms that conflict parties seek to influence and often limit such access, it also shows that gaining access to this level of negotiations is a highly selective process governed primarily by the interests of external states who seek to secure influence over who may later attain ministerial or economic positions. Participants often gain access only if, and for as long as, they can harness the interest and support of a given external foreign ministry of other states, or if they possess relevant personal contacts.

Second, these unwritten, but practised “rules” of admission also often apply to civil society actors’ engagement in the process. Rather than foreign ministries, on this level, (I)NGOs push for the inclusion of “their” candidates at the expense of others. These filtering mechanisms demonstrate that participants are indeed pre-selected. Future research will have to address how this could be amended to achieve greater representativeness as a prevalent norm to consolidate peace process legitimacy. The key implication for policy is that as much as possible, peace process organisers should make their criteria for inclusivity and their selection of who has access to the negotiation table transparent. These choices should prioritise representativeness over mere inclusion to strengthen process legitimacy.

Representativeness goes beyond the participation of belligerent groups and institutionalised civil society actors

Peace process organisers should take the whole spectrum of societal interests into account to include the interests of

- \ non-fighting groups inside and outside the country of conflict;
- \ (often minority) groups who do not have institutionalised representation structures;
- \ refugees and IDPs;
- \ victims of the conflict

and establish participatory mechanisms for all these actors to ensure that their needs and interests are reflected and taken account of in peace agreements as well as subsequent implementation measures.

One of our findings is that political and armed groups with broad-based and long-term popular support are often missing among the participants who act as negotiators in peace processes. In Afghanistan, the decision of who appeared at the negotiation table was organiser-driven. The UN-Talks on Afghanistan 2001 neither included the antagonists of war (representatives of the hastily overthrown Taliban government, Hekmatyar’s Hizb-e Islami), nor the pro-democratic forces that were subsumed in a fifth delegation that

was excluded from participation at the last minute. Moreover, refugee and IDP communities are seldom represented in the Afghan and Syrian peace processes, even though 50 per cent of the Syrian population and well above 50 per cent of the Afghan population have been forcibly displaced by war and violent conflict over the years.

The option of involving exile groups’ peace initiatives needs to be systematically built into the organisational peace process, which is presently not the case. Our research reveals a general lack of attention to bottom-up transformation efforts towards peace brought about by initiatives such as civic education for peace (cf. *BICC Policy Brief 2/2021*), even though such self-initiated peace processes build onto organically grown networks from within and outside of the country at war. These can minimise, and sometimes actively seek to prevent, extensive foreign influence.

In the case of Afghanistan, several civic initiatives established by Afghans in exile throughout the 1980s have attempted to forge alliances and networks to end violence, seek a negotiated solution to foreign occupation and create a transitional government from 1987 onwards. For example, bureaucrats and royalists representing the pre-1974 constitutional monarchy were connected across Europe and the United States, forming various associations for peace and unity which authored several peace proposals, lobbied and mobilised for support not only among Afghans but also foreign governments. It was a missed chance that until 1987 the UN did not acknowledge these actors as valid participants in the peace process. During the civil war that followed in the 1990s and Taliban rule until late 2001, different types of well-connected and private Afghan citizens attempted to bring the main armed adversaries to the negotiating table. For Syria, a Damascene trading family brought together a wide range of oppositional actors including leading political personalities, activists, academics, human rights lawyers and businesspersons largely from within Syria as one of several beginnings of a Syrian-led peace process in Antalya in May/June 2012.

Attempts such as these, however, became quickly superseded by UN engagement from June 2012 onwards. Since individuals have limited time and resources to engage in peace processes—attendance of which is usually not paid for by the United Nations—those wishing to be active became divided between different formats. This has weakened bottom-up attempts to negotiate for peace that have been based on internal networks. From this, we can deduce that peace process organisers should recognise and, where possible, support, but not appropriate peace processes organised by persons or groups from the country at war itself.

Enabling political participation means that the participants themselves set the format and agenda for negotiations

Prioritising political participation means that peace process participants are enabled to set the agenda of what is being negotiated, in which format, and for how long. Having mediators mainly determine the agenda interferes with the prioritisation of negotiation needs by participants from the conflict setting. It is striking that internationally mediated peace processes prioritise questions of state institutions and structural economic reforms over issues like transitional justice, livelihoods and economic self-sufficiency. Moreover, international political and aid organisations expect war-torn countries and peace process participants to implement measures like security sector and economic reforms, constitution-writing and the holding of elections within a very short period of time. These measures serve the interests of international roadmaps and election term cycles in Northern capitals and impose unrealistic deadlines. Such pressure allows no time for conflict parties to define their own interests and positions, which is necessary for the peacebuilding process after an agreement is signed.

The UN Talks on Afghanistan in 2001 and the subsequent transition phase (so-called Bonn-process) followed a roadmap drawn up by the United Nations. It included milestones such as the immediate creation of a six-month interim authority, the holding of

an (Emergency) Loya Jirga in June 2002 to determine the transitional authority, the constitution-writing process within 18 months, which was to result in another (Constitutional) Loya Jirga in 2003, and the end of the Bonn process with free and fair elections after three years (in 2004). Besides the sheer speed of envisaged state-building, the UN Talks participants were neither selected based on criteria of representativeness (see above) nor was their selection transparent. During the UN Talks, external powers influenced the determination of a chairman and the appointment of cabinet positions for the interim administration to the point that individual participants were pressured (for instance to agree on a US- and UN favoured chairman) by international observers, especially US- and UN-representatives. Among other things, immense external pressure on all conference participants to agree on the interim authority, approve a peacekeeping force yet to exclude provisions on transitional justice has harmed the Bonn process. Interviews with participants in the UN Talks confirm that they perceived these overriding pressures as disabling in terms of self-determined political participation.

In the case of Syria, the Special Envoys used different approaches in their agenda-setting—yet equally, leaving no or only little leeway for process participants to determine it. For example, during Geneva II in February 2014, Lakhdar Brahimi as the Special Envoy at the time had asked the regime and opposition delegation to agree on the priorities of the agenda. The regime delegation insisted on focusing on combatting terrorism, while the opposition sought to discuss the transitional governing body. As a compromise, Brahimi suggested focusing one day on each. The regime refused, leading Brahimi to halt the talks. During a later round of negotiations in March 2016, the opposition delegation had drafted papers on the political transition process they proposed to discuss, whereas the regime prioritised the principles governing the negotiations. Without any further explanation, Special Envoy de Mistura announced his decision to discuss the principles. This decision forced the opposition delegation to accept it or leave. Having to make this ‘choice’

damaged the delegations' reputation. By 2018, the Higher Negotiation Committee's say in the agenda had been diminished further. As pointed out by one interviewee: "When we have an upcoming round in Geneva, the UN office only gives us the agenda with items to be discussed on the evening before the actual talks. One evening! We asked to receive it earlier. It would take time for us to prepare well and to discuss how we want to position ourselves. They don't give it us earlier. ... What can we do? ... Nothing."

Similarly to the UN-mediated processes for Afghanistan, in the UN Geneva process for Syria, all documents the UN and international media outlets considered key documents and peace plans did not include any plans brought forward by Syrian initiatives or from among peace process participants themselves. It is against this background that we argue that peace process agendas should not be externally determined but rather be decided by peace process participants according to their own priorities regarding themes, organisational set-up and timing.

Prioritising participation helps avoid common omissions in peace agreements

Representative mechanisms for inclusion and self-determination of the format and agenda of peace negotiations and subsequent implementation by process participants (who represent all relevant groups of society) will help avoid pitfalls in achieving long-lasting peace. This logic also pertains to the inclusion of issues in peace agreements that are usually disregarded, such as transitional justice or property restitution. In UN-mediated agreements (1988 and 2001) in Afghanistan, for instance, detailed provisions for physical safety—which is important for stayees, displaced and returnees, and the latter's reintegration perspectives—were left out. So were provisions to hold perpetrators of war crimes criminally responsible, as were provisions to establish institutional mechanisms for confronting the past.

In the case of Syria, no comparable agreements have been reached yet, but similarly, the trajectory of the ongoing process regarding concerns of those displaced (e.g. land and housing rights) or necessary security sector reform has not been promising.

Other peace processes (e.g., in Burundi from 2000 onwards and Guatemala in the second half of the 1990s) have highlighted how the inclusion of refugees and IDPs in peace processes can ensure that mechanisms for the recovery of land and property receive due attention. This attention is expressed in the form of resettlement commissions or comprehensive reforms of land tenure institutions and in that refugees are enabled to participate in post-conflict elections, for example. The inclusion of these topics serves especially the interest of those groups that are vulnerable to being excluded from peace processes due to their structural weakness in many conflict societies, such as women, representatives of ethnoreligious minorities, youth, victims of violence and displaced people. Beyond this, these issues must also be addressed in post-agreement peacebuilding in general to create legitimacy and achieve sustainable peace. Lastly, cases like Colombia highlight the peacebuilding-potential of including educational provisions in the peace agreement, a decision that is certainly in the interest of youth but also benefits women, returnees and ex-combatants if not the entire population. Prioritising political participation thus not only ensures the integration of crucial peacebuilding dimensions in peace agreements and related implementation plans, but also furthers long-term bottom-up conflict transformation.

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ABOUT THIS POLICY BRIEF

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