MULTI-STAKEHOLDER PARTNERSHIPS IN POST-CONFLICT RECONSTRUCTION

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THE ROLE OF THE EUROPEAN UNION

MULTIPART Thematic Paper on Multi-stakeholder Partnerships Active in the Issue-area of Reconciliation, Confidence-Building and Inter-Communal Bridge-Building

MULTIPART Work Package 4D

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Executive summary

Violent conflicts and divisions in any war-torn society break or distort most previously existing bonds and relations among individuals (members of different identity groups in conflict) and communities (formerly) in conflict. Such conflicts create a situation of mutual mistrust, suspicion, and insecurity which is very hard to be overcome. Multi-stakeholder partnerships (MSPs) provide an institutional context within which these difficult and long-term processes can begin to unfold. MSPs working in the issue-area of reconciliation, confidence-building and inter-communal bridge-building aim to help provide a framework where fractured relationships are (re-)established. They thus seek to contribute, at different levels of governance, to peacebuilding processes (confidence-building and inter-communal bridge-building) and to reconciliation. They can be established specifically for these purposes, but very frequently, reconciliation, confidence-building and inter-communal bridge-building will come as a consequence (a side-effect) of MSPs.

Although a specific combination of external stakeholders, including donors, and national actors (including parties to the conflict), make MSPs an ideal setting for the relationship building process, the structure and operation of MSPs can be both conducive to relationship building, and they can negatively affect this lengthy and difficult process. A number of factors affect the process of reconciliation, confidence-building and inter-communal bridge-building within the MSP context. Above all, the selection of actors – stakeholders, as well as beneficiaries – can lead to empowerment, but it can also inhibit the process of relations building in the already very fragile societies. Further, the involvement of international actors in MSPs is crucial in post-conflict societies, unable to begin communicating on their own, but their participation can be very problematic. In particular, their different (often conflicting) interests and lengthy, top-down and self-interest based decision-making procedures, can lead to sub-optimal outcomes. The situation is worsened by the fact that post-conflict societies typically have no or very modest civil society, capable of inter-acting with international actors and providing the bottom-up view of post-conflict reconstruction.

A critical examination of existing theoretical and empirical work on reconciliation, confidence-building and inter-communal bridge-building in countries emerging from conflict shows that, despite some policy-community expectations, there is no reason to expect that MSP characteristics in themselves will confer enhanced capacities (or interests) to contribute to such goals compared with bilateral or other approaches to partnerships in such countries. However, where MSPs are developed with certain specific characteristics in relation to the conflict divisions and dynamics, such inherently beneficial capacities can be expected to emerge and contribute to reconciliation through a number of mechanisms identified. Enhanced initial analysis when establishing MSPs, combined with care to develop and sustain MSPs with these identified characteristics, may thus play an important role in improving reconciliation efforts in conflict-affected countries. Unfortunately, our empirical case studies and other experiences show that these are often neglected at present, resulting in missed opportunities. Nevertheless there is at least indicative evidence of where and how MSPs can contribute directly to reconciliation efforts through mechanisms associated with their multi-stakeholder characteristics.

Experience shows that indirect approaches towards to repairing fractured relationships (through reconciliation, confidence-building and inter-communal bridge-building) can often be more effective than direct reconciliation activities. Such indirect contributions can be through policies and programmes that encourage communication and co-operation for functional purposes (for socio-economic development in areas such as education, employments, reconstruction). MSPs play a major and increasing role in many post-conflict reconstruction and development processes, and thus can also contribute to reconciliation through this indirect approach. However, such programmes can do harm as well as good in conflict affected countries. The prospects for constructively contributing to peace-building in this way depends on the extent to which the policies programmes are 'conflict sensitive'. Analysis shows that MSPs could be expected to bring inherent capacities for and interests in conflict-sensitive approaches – but only if they have specific characteristics in relation to the conflict and peace-building structures and dynamics. Our empirical case studies show that some MSPs have been developed to display such strengths, but in

general opportunities are missed in this respect. These insights raise a range of potentially important policy implications for both EU or other international actors as well as for local actors.

The *Sustainable Partnerships for Assistance to Minority Returns to Kosovo* (SPARK) Programme was established in 2005 as a 4-year long integrated umbrella mechanism for multi-sectoral assistance for the returns process in Kosovo. Designed as a highly institutionalised, Kosovo-wide and all-inclusive project for the return of internally displaced persons and refugees, it aimed to promote inter-ethnic dialogue and confidence-building among formerly conflicting parties through community development programmes, housing assistance and building local (national) actor's competencies. Burdened by the unresolved issue of the final political status of Kosovo, it proved relatively incapable to reach its primary and secondary objectives of sustainable return and inter-ethnic relationship building. Partly, this was the result of the rigid and internationally prescribed organisational structure, but also because of various local factors, such as the problem of "spoilers", enclavisation and isolation of minority life, unfinished transfer of competencies to national authorities and the negative socio-economic trends in Kosovo. Additionally, SPARK has proved that the MSPs need to be perceived as fair, just and desirable by both, minority and majority members within a community, in order to impact on the peacebuilding process and genuine reconciliation in the long term.

The *Action Plan for Peace, Reconciliation and Justice in Afghanistan* (AP) was drafted in 2005 by the Government of Afghanistan, the Afghan Independent Human Rights Commission and the United Nations Assistance Mission in Afghanistan. It was officially introduced to the international community at the Hague Conference on Peace, Reconciliation and Justice in Afghanistan (June 2005) and only partially implemented in the following three years, while an Amnesty Bill passed by the Parliament strongly undermined its potential impact. The AP has been formally extended beyond the original 2008 deadline. Notwithstanding a substantial failure in reaching its most important aims – such as promoting institutional accountability and reform, and creating effective transitional justice mechanisms built on systematic documentation of past and current human rights abuses – this MSP has set up in motion collateral processes whereby local civil society groups have been encouraged to emerge and act, and have organised structural contacts with donor countries or international non-governmental organisations. Showing a wide gap between design and implementation, the AP case is particularly meaningful to understand the complex relation between membership criteria and inner governance rules of a MSP, on one side, and actual operation and power relations within it, on the other. It also provides very important lessons on the impact of the EU and other international actors in complex situations comparable to the present Afghan context.

The *Groupes de Réflexion sur les questions Foncières* (GRF) are small-scale discussion groups mainly focusing on land issues in the South Kivu province of the Democratic Republic of Congo (DRC). They were set up in 2008 by a non-governmental organisation, the Innovation et Formation pour le Développement et la Paix (IFDP), involving public actors (the Groupements of Karhongo/Nyangezi and Mumosho, and their local chiefs), local communities and beneficiaries, with the external financial support of a Dutch non-governmental organisation, the Catholic Organisation for Relief and Development Aid (CORDAID). This MSP, using the sociotherapeutic approach to tackle land disputes, has reached successful results in dealing with a core issue for confidence-building and reconciliation in the Eastern part of the DRC, where land issues have been a source of conflict for many years and reconciliation initiatives must therefore start from the grass-roots level to promote small community dialogue. The GRF case therefore offers interesting lessons on how international support may play an indispensable but respectful role to promote an innovative experience managed by the local civil society. Furthermore, given that financial support comes from a Western European non-governmental organisation, it may be argued that this transnational alliance at civil-society level provides a replicable model, useful for generalisations on the role of similar MSPs in post-conflict situations.

A. Introduction
Petra Roter, University of Ljubljana

This thematic paper, prepared by the WP4D, is composed of seven chapters, in addition to the Introduction and the Conclusion. The first chapter (B.1) clarifies conceptual issues as they appear in the issue-area of reconciliation, confidence-building and inter-communal bridge-building. The paper on "Theoretical and conceptual framework: the concepts of reconciliation, confidence-building and inter-communal bridge-building", by Petra Roter and Jure Požgan (University of Ljubljana), is based on the secondary literature, an extensive analysis of multi-stakeholder partnerships (MSPs) active in the field of reconciliation, confidence-building and inter-communal bridge-building, and of some empirical evidence from the three selected cases of MSPs analysed by the WP4D and active in Kosovo, Afghanistan and the Democratic Republic of Congo (DRC). Additionally, it is a result of intensive discussions within the WP4D, particularly at the workshop held in Ljubljana in 2009, and at several other occasions.

This conceptual paper is followed by three thematic papers, each discussing a particular aspect of MSPs active in the issue-area of reconciliation, confidence-building and inter-communal bridge-building, and relevant for assessing the contribution by such MSPs to post-conflict reconstruction.

The thematic paper (B.2) on "The politics of representation in multi-stakeholder partnerships involved in reconciliation, inter-communal bridge-building and confidence-building", by David Lewis (University of Bradford), examines a number of issues related to issues of representation in Multistakeholder Partnerships (MSPs). These issues are at the core of many aspects of multistakeholder processes. In particular, the paper explores issues of stakeholder choice and inclusion/exclusion; questions of representation, particularly of ethnic groups in situations of inter-ethnic conflict; issues of "re-entry" where representatives in MSPs face tensions with their broader political constituencies; and issues related to power and participation in decision-making structures. The paper is based on secondary literature as well as the relevant data from the WP4D case-studies.

In post-conflict societies, efforts that aim to contribute to reconciliation, confidence-building and inter-community peacebuilding largely depend on the involvement of the international

community (international actors). As these processes necessarily require participation of local actors, the MSP context appears to provide a very suitable way of collective efforts in the issue-area of reconciliation, confidence-building and inter-community peacebuilding. The paper (B.3) on "The role of the international community and international-local linkages in multi-stakeholder partnerships involved in reconciliation, inter-communal bridge-building and confidence-building", by Petra Roter and Zlatko Šabič (University of Ljubljana), focuses on the involvement of the international community (international actors) in post-conflict reconstruction in the context of MSPs operating in the issue-area of reconciliation, confidence-building and inter-communal bridge-building. In particular, the paper analyses the international-local linkages within the MSPs, and suggests that although the involvement of the international community is heavy and indispensible, it is neither straight-forward nor problem-free. On the contrary. But in order to understand these linkages in a specific MSP context, a number of factors needs to be taken into account and analysed. The paper suggests that at least three levels of analysis are required in order to understand the role of the international community and the international-local linkages in the context of MSPs addressing reconciliation, confidence-building and inter-community peacebuilding. Firstly, the very complex nature of the international community itself, with many different actors seeking to achieve their own objectives in a very competitive environment; secondly, the very difficult conditions in war-torn societies that are operationally/institutionally unable to begin any peacebuilding processes on their own; and thirdly, the characteristics (motivations, organisation) of international actors themselves.

The third thematic paper (B.4) on "Multi-stakeholder partnerships in post-conflict confidence-building and peacebuilding: multi-stakeholder partnership characteristics and conflict sensitivity", by Owen Greene (University of Bradford), explores two inter-related specific aspects of the potential and actual significance of MSPs for building peace in conflict-affected countries through reconciliation, confidence-building or inter-communal bridge building. It examines the extent to which MSPs are inherently more likely than other modes of policy-making and programming (e.g. bilateral, pure government, pure NGO etc.). to have capacities and interests to contribute to these goals; either directly or indirectly through to "conflict-sensitive" policy and programme design and implementation It develops an analysis to argue that there is nothing inherent in the basic characteristics (by the definition) of an MSP that provides comparative advantage in reconciliation efforts or promoting conflict sensitive policies or programmes. The capacities of an MSP contribute to peace-building in these ways can only be expected to emerge through its multi-stakeholder characteristics when these have more specific qualitative

characteristics in relation to conflict divisions and dynamics. On the basis of existing theoretical and empirical work, this paper refines and develops some hypotheses about the types of characteristics and contexts in which MSPs can bring enhanced capacities for contributing to reconciliation, confidence-building or conflict sensitivity. It then examines the evidence for (or against) these hypotheses from the 12 MULTIPART empirical case studies. The questions addressed in this paper directly contribute to efforts to address MULTIPART Primary Research Questions 2, 4, 5 and 6 in relation to the WP4D thematic area of reconciliation, confidence-building and inter-communal bridge-building.

While all three papers deliberately address the specific issues of WP4D, they also continue significant contributions to the discussions of MSPs in other work packages. Greene has aimed to address the impact that a wide cross-section of MSPs may have on conflict situations, including MSPs involved in security sector activities or socio-economic activities. Similarly, Roter and Šabič's discussions of the role of the international community and international-local linkages has resonance for all MSPs in post-conflict environments. Lewis's discussion of issues of representation and power also suggests different approaches to MSPs, including potential obstacles to their effective impact on post-conflict political environments.

The third part of this paper (part C) is devoted to empirical research. The thematic papers are thus followed by in-depth case studies of the three selected MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building: the Sustainable Partnerships for Minority Returns (SPARK) in Kosovo (chapter C.1), prepared by the University of Ljubljana (Jure Požgan); the Action Plan for Peace, Reconciliation and Justice in Afghanistan (chapter C.2); and the *Groupes de Réflexion sur les questions Foncières* (GRF) in the Democratic Republic of Congo (chapter C.3), both prepared by the University of Florence – CIMA. The in-depth analysis of the three cases has followed the MULTIPART methodology, including research questions and methods applied to collect the data.

This thematic paper ends with the Conclusion (in chapter D.1), which assesses – on the basis of conceptual analysis, thematic analysis and empirical analysis of the three selected cases of MSPs in the three selected MULTIPART countries – the (potential) contribution of MSPs active in the issue-area of reconciliation, confidence-building and inter-communal bridge-building to post-conflict reconstruction (above all to peacebuilding). The chapter pays special attention to factors

enabling MSPs to contribute to peacebuilding, and to factors that appear to pose an obstacle to effectiveness of MSPs in such specific societal context.

PART B:
CONCEPTUAL AND THEMATIC ISSUES

B.1 THEORETICAL AND CONCEPTUAL FRAMEWORK: RECONCILIATION, CONFIDENCE-BUILDING AND INTER-COMMUNAL BRIDGE-BUILDING IN THE CONTEXT OF MULTI-STAKEHOLDER PARTNERSHIPS
Petra Roter and Jure Požgan, University of Ljubljana

B.1.1 Introduction

There has been much confusion in the academic literature as to how to delineate and define reconciliation, confidence-building and inter-communal bridge-building, as well as other initiatives in the peacebuilding sector (i.e. security; democracy, good governance and the rule of law; socio-economic development). Mendel off (2004) and de Greif (2006) see reconciliation as a 'necessary requirement for the long-term survival of democracy'; it is therefore 'just as central and just as necessary as economic reconstruction, legal reform and all other post-violence reconstructive and preventive measures' (Bloomfield, 2006). This cross-reference and value added of reconciliation is well reflected in the fact that looking at the peacebuilding sector of the development policy in (above all Western) donor countries, reconciliation is one of the four main categories of initiatives that receive substantive donor support, after political and socio-economic development, but before security (Smith, 2004: 42).

While certainly being distinct policy terms, reconciliation, confidence-building and inter-communal bridge-building in their substance, content and overall objectives show considerable overlap. The IDEA Handbook has defined reconciliation as the 'process of gradually rebuilding broad social relationships between communities alienated by sustained and widespread violence, so that over time they can negotiate realities and compromises of new, shared socio-political reality' (Bloomfield *et al.*, 2003). Therefore, as it has been suggested in the academic literature, rather than being one instrument among several, reconciliation can be seen as the overall relationship-oriented process of which diverse instruments (among others confidence-building and inter-communal bridge-building) are the constitutive parts (Bloomfield, 2006). However, in an effort to bring about peace and human security to war-torn societies in the context of multi-stakeholder partnerships (MSPs), such an explanation may not suffice.

The purpose of this introductory conceptual paper is to shed light on the concepts (and processes) of reconciliation, confidence-building and inter-communal bridge-building, particularly in the context of MSPs.

B.1.2 Reconciliation, confidence-building and inter-communal bridge-building in the context of multi-stakeholder partnerships

When analysing MSPs in the three selected countries (Kosovo, Afghanistan and the Democratic Republic of Congo), the MULTIPART research team on the issue-area of reconciliation, confidence-building and inter-communal bridge-building (WP4D) has focused on the process of *relationship building* in a post-conflict setting – i.e. in societies that had undergone through a period of violent conflict between different identity groups. Research has taken into account specific conflict and country context; the analysis has thus focused on conflicts that are not perceived as one-dimensional, i.e. focused solely on inter-ethnic issues of contention. Instead, they include religious and cultural conflict issues, and other country specific dividing lines, such as modern-conservative, pro-West/anti-West, urban-rural, refugees-locals, war profiteers/war losers etc.

Although the conflicts and post-conflict situations analysed within the WP4D (and MULTIPART in general) are very complex and different in each of the three countries analysed, violent conflicts and divisions in any war-torn society above all break most, if not all, previously existing bonds and relations among individuals (members of different identity groups in conflict). Not only do such conflicts create a situation of mutual mistrust and suspicion, but they tend to deprive individuals and communities of basic human rights, and of the ability to satisfy even the most basic human needs.

It is such circumstances and such effects of violent conflicts that MSPs working in the issue-area of reconciliation, confidence-building and inter-communal bridge-building seek to address. Accordingly, in effect, the MSPs studied by the research team within the WP4D are MSPs that aim to help provide a framework where fractured relationships are (re-)established. They thus seek to contribute, at different levels of governance, to peacebuilding processes (confidence-building and inter-communal bridge-building) and to reconciliation. In other words, these MSPs aim to help build relations among (former) parties to the conflict, i.e. among communities (identity groups) and their members. It should be noted, however, that reconciliation,

confidence-building and inter-communal bridge-building are more often than not a consequence, rather than a self-contained primary objective, of MSPs operating in a post-conflict environment.

The MSPs active in the issue-area of reconciliation, confidence-building and inter-communal bridge-building, in the three selected countries, all considered as post-conflict societies by the MULTIPART, have been typically established to, among others, facilitate the return of refugees and internally displaced individuals; contribute to the local development and community stabilisation with a view to guaranteeing better performance of municipal services and creating conditions for the development of the civil society (by way of supporting local organisations, NGOs and citizens groups); contribute to administration of justice, amnesty, education about individuals' rights and duties; promote human rights and peace; support victims; or facilitate the development of conflict management skills, for dealing with various contentious issues, including land use.

In effect, MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building have been formed with a view to providing for inter-communal bridge-building by promoting democratic values and independent policy analysis, or by developing a multi-ethnic society by way of, among others, providing for minority rights and minority protection. Measures and policies promoted by the MSPs have been therefore aimed at creating physical inter-communal contacts, but have been simultaneously accompanied by instruments that are hoped to create confidence as a necessary requirement for genuine reconciliation (although it is arguable if the latter is achievable, or immediately desirable at all in war-torn societies, some of which still face at least some level of violence as is certainly the case in Afghanistan).

This conceptual paper will demonstrate that due to the very nature of reconciliation, confidence-building and inter-communal bridge-building in the very difficult circumstances of post-conflict reconstruction, the MSPs provide a very useful and suitable context for these processes to begin to take place. Particularly the involvement of external (international) actors is needed as war-torn societies and communities (formerly) in conflict are generally not capable, or willing, to start the peacebuilding process by themselves, on their own, due to the lack of trust, confidence and relations among them. Equally important, these processes cannot unfold without the active involvement of conflict parties themselves, as well as the civil society. The context of multi-stakeholder co-operation in the form of a partnership is therefore very promising and useful for re-establishing relations among (former) adversaries.

B.1.3 Building relations in the context of multi-stakeholder partnerships

Broadly speaking, there are at least two (mutually related) aspects of relationship building in post-conflict settings: political and social relationship building. In this context, reconciliation can be considered as *structural/institutional* relationship building that largely depends on a political process and also affects political relationship building, whereas confidence-building and inter-communal bridge-building can be described as predominantly *social/individual* relationship building. Furthermore, inter-communal bridge-building refers to a social process between war-torn communities in order to achieve specific relationship building objectives, whereas confidence-building can be defined as a *process-oriented* relationship building providing the context for reconciliation and inter-communal bridge-building.

The literature on reconciliation, confidence-building and inter-communal bridge-building in the context of MSPs – i.e. the scholarly attempts to describe, analyse and explain a specific approach to relationship building in various conflict situations, including war-torn societies, which are referred to as post-conflict societies within the MULTIPART research project – is both relatively scarce and somewhat confusing when it comes to terminology. There is even a level of controversy in the discourse on the very reconciliation process, which has certain practical consequences.

In particular, the concept of reconciliation has been developed somehow parallel to practice of post-conflict reconstruction. However, individual donor preferences in this respect differ as to what should be at the forefront of the reconciliation process and focus on different levels/types of reconciliation. For example, the USAID explicitly refers to the process of *social* reconciliation as being fundamentally distinct from the individual and/or political reconciliation process in that it focuses on fostering *inter-group* understanding, strengthening non-violent conflict resolution mechanisms, and healing the wounds of war (USAID, 1999). By contrast, the UN approach prefers *political* reconciliation therefore stressing the *national* justice and truth-seeking process as the precondition for advancement with regards to other issue-areas.

Recently, the reconciliation process has gained prominence in the development literature as one of the main pillars of post-conflict reconstruction. This evolution is supported by Hamre and Sulivan (2002: 89) in broadening the rather narrowly defined term of post-conflict reconstruction by the World Bank in 1995 to include not only 'rebuilding of the socio-economic framework of

society' and the 'reconstruction of the enabling conditions for a functioning peacetime society […] in the framework of governance and the rule of law' but also 'security, and justice and reconciliation.'

In general, scholars and donors acknowledge that a sustainable peace requires more than an end to violence and that the aftermath of the conflict and its destructive impact must be addressed in the post-conflict phase in the framework of a reconciliation process (i.e. relationship building or peacebuilding process). This rationale is well captured by Bloomfield (2003: 12), arguing that 'while democratic compromise produces solutions regarding issues of conflict, reconciliation addresses the relationship between those who will have to implement those solutions'. In this sense, political institutions commanding public support need to be underpinned by genuine reconciliation between divided communities (Lederach, 2000), therefore within WP4D special relevance is dedicated to the bottom-up approaches to reconciliation.

B.1.4 Ways and means of relationship building

In the broadest sense, reconciliation, confidence-building and inter-communal bridge-building can be defined as a long-term, deep and broad process of relationship building (Lederach, 2001; Kriesberg, 2001; Chapman, 2002; McCandles, 2001; Bar-Tal and Bennink, 2004; Bloomfield, 2003; Kelly, 2004). This process includes many different specific initiatives/instruments, such as justice and truth commissions, inclusive and representative judicial and constitutional system, or individual programmes (for instance, resettlement of displaced populations, settling the most contending issues), promoting dialogue, establishing free and independent media, developing civil society, and similar.

While some initiatives, particularly those conducive to justice and political reconciliation, fall within the domain of national/political reconciliation process and focus on establishing structural elements for peacebuilding in a post-conflict society, other initiatives and instruments directly seek to achieve confidence-building and inter-communal bridge-building at the sub-national level (local and community level, among individuals and identity groups). They thus focus on the social and/or interpersonal reconciliation process (as a substantial element of the peacebuilding process).

However, it is important to highlight that there is much overlap and cross-referencing between the programmes that deal with these instruments. Consequently, all these various initiatives, instruments and programmes should be perceived 'as complementary, mutually related and mutually supporting' (Bloomfield, 1997). For they all seek, as already indicated, to establish relations (among individuals, communities, living in a post-conflict society, and among political, economic and other elites at the national level), as well as the necessary structural conditions to foster such relationships, and thus contribute to long-term peacebuilding.

B.1.4.1 Justice and political reconciliation

Justice and reconciliation initiatives are generally considered as approaches to relationship building that are based on structural initiatives that aim to achieve progress through structural and/or institutional change. These instruments also appear under the heading of *political reconciliation* since they refer to the process that seeks to develop effective working relations in post-conflict societies. These relations and the process itself are mainly negotiated and implemented politically (in the sphere of politics) and target political co-existence. As Hamre and Sulivan (2004: 91) explain, the term justice and reconciliation 'addresses the need to deal with past abuses through formal and informal mechanisms for resolving grievances arising from conflict and to create an impartial and accountable legal system for the future.' Furthermore, justice and reconciliation need to address issues of development, social justice and improving living conditions of people affected by the conflict since building relationships cannot happen in the absence of satisfying basic human needs (Bloomfield, 2006; Brouneus, 2008).

The Action Plan for Peace, Reconciliation and Justice in Afghanistan (one of the three selected MSP in the WP4D, analysed in detail in Part C, Chapter C.2), hereafter the Action Plan, for instance, calls for truth seeking and documentation, promotion of national unity and reconciliation, and the establishment of mechanisms for accountability, and it has involved individuals occupying some of the highest posts in the country.[1] Indeed, the Action Plan was established following public support to calls for transitional justice, by the then interim leader Hamid Karzai who had also committed himself and his administration to take practical steps to this effect. Those calls had come from Afghan and international human rights organisations, maintaining that 'as a matter of principle and historical practice, transitional justice that punished

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[1] See the in-depth case study on the Action Plan, Chapter C.2 below.

perpetrators and recognised the suffering of individuals was a precondition for reconciliation and enduring peace.[2] That this is a very difficult and politically very sensitive issue was clear from the very beginning of this process – so much that Karzai, now as the President of Afghanistan, gradually lost most of his initial enthusiasm and publicly stated commitment to this process.

In policy terms, justice and political reconciliation refer to a set of efforts seeking to enable political coexistence, nurturing respect for new institutions and former enemies, and preventing the recurrence of conflict. Political institutions must therefore be designed so that 'they further fairness, representation, accountability, inclusiveness, etc., and the ability to manage difference without recourse to violence, but that they also have to pay conscious and ongoing attention to the relations contained and developed by and within them' (Bloomfield, 2006: 29).

In post-conflict settings, such a political process is of course very difficult. Fragile societies, with fresh memories of human suffering and wrong doing by many individuals, face a number of obstacles to create a political and legal environment, with political institutions that would further above all justice and fairness and that would thus enable individuals, communities and the society as a whole to re-establish relations and move forward towards peacebuilding. As identified in the peacebuilding literature, the main requirements for achieving justice and reconciliation are full participation and consensus of national and local actors, full and direct accountability of all actors involved, the process of re-unification, national/local ownership and community development measures (van Ness and Heetderks Strong, 2001; Ambos, 2009).

The Action Plan directly addresses the process of seeking justice and political reconciliation. One of the non-governmental actors, namely the International Center for Transitional Justice (ICTJ), thus noted (in January 2010): the Action Plan 'remains a relevant framework for building accountable institutions, recognizing the suffering of the Afghan people and promoting justice for past human rights violations and war crimes.' This is because it 'encompasses the mutually reinforcing elements of institutional reform, accountability, reintegration and justice as key components of good governance and stability.'[3] These essential elements of the Action Plan are:[4]

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[2] *Ibid.*

[3] Details about this and all other interviews are in the chapter on this case study, by the University of Florence, below.

[4] ICTJ (2010). 'Stabilizing Afghanistan: Legitimacy and Accountability in Governance'; available at www.ictj.org/static/Asia/Afghanistan/ICTJ_StabliizingAfgh_bp2010.pdf (last accessed on 17 April 2010), pp. 1-2. For details, see the case study of the Action Plan in Chapter C.2.

1. Acknowledging and memorializing the suffering of the Afghan people;
2. Building credible and accountable state institutions through reform of the appointments process, establishment of a civil service commission and reform of the judiciary;
3. Documentation and truth-seeking mechanism that support accountability and reconciliation;
4. Supporting the reintegration of former combatants;
5. Establishing appropriate judicial and other accountability mechanisms for those responsible for past war crimes.

Since activities of justice and political reconciliation approach deal with structural and institutional change, public/state institutions are typically the main actors, either directly involved, or at least supporting such initiatives. Actors involved in this process thus include government authorities (ministries of justice and interior affairs), national assembly/legislatures, judiciary and courts, judges, prosecutors office, public defenders, law enforcement agencies, regulatory bodies, non-state institutions (religious institutions and traditional governance structures).

Being a broad process, justice and political reconciliation efforts also include various strata of civil society as transmission belts between state and society, such as grass roots organisations, victim advocacy and human rights organisations, public law interest groups and NGOs providing legal assistance. Furthermore, justice and reconciliation efforts include ex-combatants, victims, and perpetrators. This is a particularly sensitive issue in a post-conflict setting, particularly if violence has not ended or if (former) warlords have retained a significant level of (political and military) power, which may be needed to affect a security situation in a country. If participation of (former) warlords is deemed necessary to achieve security, or to implement norms on human and minority rights, including the return of refugees and other displaced individuals, then international actors (international governmental and non-governmental organisations, individual states and private actors) will turn a blind eye on the need to prosecute (former) combatants. As suggested by Lewis, in chapter B.2 below, '[p]olicymakers (both domestic and international) label certain stakeholders as acceptable or unacceptable based on a wide range of criteria, including shared values, political views, power and legitimacy.'

Accordingly, as the analysis of the MSP in Afghanistan (i.e. the Action Plan) in Chapter C.2 demonstrates, the Taliban were first excluded from the post-conflict political settlement in Afghanistan due to their close relationship with al-Qaeda and due to their values that are contrary to those deemed legitimate in the international community (including the value of human rights protection, including the rights of women). However, as explained by Lewis, in

Chapter B.2 below, '[l]ater in the conflict, different labels appeared, suggesting that "moderate" Taliban factions might be considered legitimate stakeholders, while more extreme factions would not be included.' This was because the Action Plan faced 'considerable problems with major political players inside Afghanistan' (*ibid.*) who could not, or did not want to, afford alienation of the Taliban, still very powerful actors in the country.

As a consequence, the gradual "reintegration" of the Taliban and Taliban-related individuals and groups, affected the results of the Action Plan. Interviewees have therefore pointed out, as analysed in detail in the case study by the University of Florence below, 'a degree of reconciliation among leaders was reached, whereas no real and durable attention was paid to the victims of war crimes and violations of human rights, e.g. to the real core of the [Action Plan] as a transitional justice tool.'

The same issue has been observed also in Kosovo, as the analysis of the MSP in Kosovo (in Chapter C.1) shows. The analysed MSP – i.e. the Sustainable Partnerships for Assistance to Minority Returns in Kosovo (SPARK), predominantly concerned with inter-communal bridge-building as well as confidence-building – was also faced with the involvement of the former military. As minority returns have been facilitated by the government, in particular by the municipality civil servants, it has happened that these included some individuals who had occupied high level positions in the Kosovo Liberation Army. Paradoxically, however, as suggested by several interviewees (off the record), the process of minority returns has been most successful and sustainable in those municipalities where mayors are former Kosovo Liberation Army officers who still enjoy both power and respect among the local majority (Albanian) population who would respect the (mayor's) political decision on minority returns.

Given the specific context of building broken relations and relationships among former adversaries, the role of international actors as mediators or their third party (neutral) status should not be neglected. To the contrary, as will be seen in detail in Chapter B.3 by Roter and Šabič, international incentives tend to be crucial for enabling the beginning of a reconciliation process in a post-conflict society. The goal of achieving reconciliation has been part and parcel of international peace agreements following the end of (large-scale) violence. For example, The Dayton Peace agreement, which ended the war in Bosnia and Herzegovina, sets out Bosnia as a

country '*Dedicated* to peace, justice, tolerance, and reconciliation'.[5] Similarly, the 2007 Comprehensive Proposal for the, Kosovo Status Settlement determines, within Article 2 on Human rights and Fundamental Freedoms, that:

> 2.5 Kosovo shall promote and fully respect a process of reconciliation among all its Communities and their members. Kosovo shall establish a comprehensive and gender sensitive approach for dealing with its past, which shall include a broad range of transitional justice initiatives.[6]

Annex II of the same document (i.e. Comprehensive Proposal) on The Rights of Communities and Their Members further specifies (in Article 2, Obligations for Kosovo), that:

> 2.2 Kosovo shall promote a spirit of tolerance, dialogue and support reconciliation between Communities and respect the standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

In general, MSPs (or other initiatives) seeking to achieve justice and political reconciliation would thus tend to seek to achieve the following objectives (Bloomfield, 2006; USAID, 1999; Thoms, Ron and Paris, 2008; Ambos, 2009; Doung and Ear, 2009):

Enabling law enforcement instruments that are effective and respectful of human rights. This means that the hurt, losses, truths and suffering of the past need to be acknowledged and able to provide mechanisms for justice, healing, restitution or reparation, and restoration.

An impartial, open, and accountable judicial system. To build reconciliation, individuals and institutions need to acknowledge their own role in the conflicts of the past, accepting and learning from it in a constructive way so as to guarantee recurrence. Equality of treatment, inclusiveness and transparency are the necessary preconditions for establishing joint institutions.

A fair constitution and body of law. Involvement and fairness of access of the whole society, at all levels, needs to be guaranteed in order to prevent exclusiveness from the mainstream of society. The culture of suspicion, fear, mistrust and violence need to be broken down and opportunities and space opened up in which conditions to sustain dialogue are created.

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[5] *The General Framework Agreement* (reached at Dayton, Ohio, in November 1995, signed in Paris, 14 December 1995): *Annex 4: Constitution of Bosnia and Herzegovina,* Preamble.
[6] *Comprehensive Proposal for the, Kosovo Status Settlement*, S/2007/168/Add.1, 26 March 2007, Article 2.

Mechanisms for monitoring and upholding human rights. A culture of respect for human rights and human difference needs to develop creating a context where each citizen becomes an active participant/stakeholder in society and feels a sense of belonging. The social, economic and political structures which gave rise to the conflict and estrangement need to be identified, reconstructed or addressed, and transformed.

Establishing formal and informal reconciliation mechanisms for dealing with past abuses and resolving grievances arising from conflict. The articulation of a common vision of an interdependent, just, equitable, open and diverse society is a critical part of any reconciliation process. Representation and political power sharing of all members in the society must be assured in the processes and institution procedures.

Justice and truth commissions. Such commissions uncover the past, aim to address the fragmented relationships and fix responsibility. Acts of violence, gross violations of human rights, disappearances and displacement, and loss of property need to be addressed publicly in order to establish a social climate of non-repression and non-violence. Special attention should be given to the already existing indigenous/traditional mechanisms for acknowledging past misdeeds, such as public confession of guilt and/or public apologies; reconstructing the past through storytelling and public ceremonies attended by conflict parties.

Fact finding and documentation. Besides legal aspects of justice the importance of justice and reconciliation also lies in fact finding and documentation that can contribute to one important aspect of truth recovery by setting up a historic record for future generations who want to enhance societal processes for dealing with the past.

B.1.5 Confidence-building and inter-communal bridge-building

Confidence-building and inter-communal bridge-building are individual, small group or community level initiatives. These predominantly cultural/social initiatives 'operate at a broad community level aiming to further resolution [of the conflict] by a process of reconciliation between two or more distinct communal or cultural groups […] involving mostly members of society who do not wield significant official political power' (Bloomfield, 1997: 50). They involve personal interaction directly between and among conflicting groups and individuals along various

dividing lines (ethnic, cultural, religious, urban/rural etc.), who need such interaction to help them define the terms of their future coexistence in war-torn societies and to overcome prejudice and hostility. It is important to stress that these initiatives tend to operate as the structural and political initiatives discussed in the previous section of this paper. This so-called "contact hypothesis" (Pettigrew and Tropp, 2006) suggests that such initiatives aim at preventing or resolving the occurrence of violent conflict by facilitating communication and by developing community or grass-roots level peace structures; educing deep-rooted anger, prejudices, and misunderstandings among the conflicting groups through reciprocal dialogue, problem-solving workshops, acknowledgements of the past and other co-operation activities (USAID, 1999; Kehlman and Fisher, 2003).

Private actors are therefore key actors in confidence-building and inter-communal bridge-building. These include community members, social leaders, ethnic-group leaders, social organisations, NGOs, philanthropic and human rights organisations, private foundations, small and medium-sized entrepreneurs, farmers, local-church groups, local broadcasters. Of course, the processes of relationship-building, as already indicated above, will not begin by solely individuals and communities affected by the conflict. On the contrary, public actors will be needed to support confidence-building and inter-communal bridge-building. To this effect, public actors will be involved. They will include high-level government officials, civil servants, regional/community representatives, faction leaders, political parties, religious and academic organisations, religious leaders, academics and professionals.

B.1.6 Multi-stakeholder partnerships active in the issue-area of reconciliation, confidence-building and inter-communal bridge-building

Due to the nature of any reconciliation process, most of the MSPs in the field of confidence-building and inter-communal bridge-building take place at the local level, as close to communities and individuals that had been affected by the conflict. It is therefore not surprising that a number of MSPs have been set up to promote decentralisation on one hand, and inter-personal contacts and trust on the other. The majority if MSPs are thus composed of local (as opposed to national) partners, most frequently local communities, local authorities, municipalities. Some goals, however, can only be achieved with the support and active participation of national governments and relevant ministries. Among such activities is the return

of refugees and internally displaced populations. Other private actors/partners involved range from NGOs, local business centres, employment offices, and commercial banks to citizens groups, churches. External partners are various governments (overwhelmingly from Europe), donor agencies, such as UNDP, UN volunteers, research centres, think thanks, the European Commission.

At the core of confidence-building and inter-communal bridge-building initiatives the following objectives are identified in the literature on reconciliation and confidence-building (Ambos, 2009; Staub, 2006; Whitt and Wilson, 2007; Kaufman, 2006):

Free and independent media. Establishing and strengthening responsible and professional media (print and electronic) free of extremist propaganda helps to create transparency and accountability of public affairs, presenting diverse viewpoints, approaches and opinions. Through broadcasting of peace education programs and documentaries, establishing radio stations and newspapers, and assisting independent media, alternatives to the ongoing ethnic violence, inter-ethnic harmony, mutual understanding and conflict resolution are promoted as the necessary conditions for social/interpersonal reconciliation process.

Developing civil society. Grass-roots structures (peace committees, peace commissions, citizens groups) are essential to maintain peace since they mobilise local leaders and community members to prevent violence and foster tolerance, dialogue and mutual understanding. Examples of activities in this field include peace education community programmes, mediation between conflicting groups and/or government, advocating nonviolent solutions to conflicts, etc.

Promoting dialogue. This is a process oriented strategy aiming at bringing together former adversaries, conflicting communities in order to build a culture of dialogue where opposing viewpoints are presented and mutual needs, rights and obligations are acknowledged. Some examples of activities in this field include problem-solving workshops; high-profile conferences organised by religious, academic or inter-governmental organisations; conflict management training; and sustained dialogue.

Conducting joint projects. Collaboration in development projects/programmes (trade, agriculture, forestry, infrastructure, small-scale business) helps members of conflicting communities to move beyond anger and resentment, and fosters positive attitudes among participants. Through

working together and co-operation members of conflicting groups come to see each other as human beings, not as enemies. By providing positive benefits for participants collaborative activities help develop constituencies in support of such initiatives and contribute to the reconciliation process.

The MSPs frequently seek to achieve such goals through training. For instance, local government structures and civil society organisations can be provided with training and support to contribute to peacebuilding efforts. Thus, MSPs can support inter-ethnic leadership forums and inter-ethnic community development activities; they can facilitate linkages with municipal authorities, identify social-bridging opportunities, and increase the participation of minorities in existing community structures. Other methods, frequently used by MSPs are capacity building, particularly in terms of problem identification, dialogue, problem-solving or realistic solution seeking; and awareness raising. As discussed in Staub (2003), such efforts 'can enhance security and feelings of effectiveness, develop positive identity and connection, and provide a new and more positive comprehension of reality.'

The ability to achieve reconciliation through confidence-building and inter-communal bridge-building objectives in post-conflict societies, however, is very often constrained by limited resources, political commitment, legal and administrative capacity, and is very much country specific (Doung and Ear 2009; Thoms, Ron and Paris, 2008). In this sense, one constraint that diminishes the impact of these programmes is that international actors, as the key stakeholders within most of the MSPs, lack a deep understanding of the concerned cultures and country specific norms of conflict management. In this respect, if reconciliation projects are implemented in the wrong context and a bad timing, activities based on physical co-operation among conflicting groups can achieve negative effects. As a result, confidence-building measures can also produce or foster polarisation by reaffirming the existing prejudices or by unequally distributing the costs and benefits of such co-operation. As discussed by Carlowitz (2005) for Bosnia and Herzegovina, in societies that have experienced ethno-political violence, isolation and enclavisation of one constituency might be more effective and appropriate than multi-ethnic co-operation. This is further discussed in the context of the SPARK study in Chapter C.1 below. Furthermore, local NGOs, civil and religious organisations that could fill in this knowledge gap are non-existent or underdeveloped (at least in the first the post-conflict phase as is shown in the SPARK and AP case studies in Chapters C.1 and C.2 below), and usually small, many of them working simultaneously and lacking co-ordination (Kaufman, 2006).

Another obstacle for effective reconciliation is that despite being post-conflict, these societies still face outbreaks of violence which prevent peacebuilding in terms of confidence-building and inter-communal bridge-building. This was most evident in Kosovo, where violent riots in 2004 and the tensed political situation after the Declaration of Independence in 2008, caused enclavisation of minority life in Kosovo and almost brought the process of return to a standstill. One of the most discussed limitations in the literature on peacebuilding is the so called "spoiler problem" where certain sub-groups oppose reconciliation and confidence-building measures by sometimes (even violently) obstructing peacebuilding efforts (Kaufman, 2006; Stedman, 1997). This problem was evident in the MSPs case studies of AP and SPARK in Part III where politicisation and internationalisation of the peacebuilding process has led to isolation of certain groups (Taliban) or enclavisation of ethnic minorities (Kosovo-Serbs) within the peacebuilding process.

Finally, reconciliation initiatives are sometimes hindered by those who are supposed to facilitate and promote them, i.e. political elites, religious and traditional leaders. As long as these groups are stuck in the symbolic politics trap which prevents them to make compromises reconciliation can not be achieved (Kaufman, 2006). In order to transcend this symbolic political trap of local actors, international actors are needed as mediators to support and promote reconciliation initiatives and to create accountability of conflicting parties for the peacebuilding process.

B.1.7 Conclusion

Reconciliation, confidence-building and inter-community bridge-building are processes that are aimed at providing the means, tools and appropriate circumstances for relations between communities in conflict to be re-established, both between the communities themselves and among individuals belonging to those communities. The long-term objective of these processes is therefore peacebuilding. Because these processes cannot occur without the participation by the parties to the conflict, and because co-operation between them can be unimaginable following a particular violent conflict, MSPs provide a very suitable context for these processes to begin to unfold.

As partnerships of very different actors, national/local and international, governmental and non-governmental, public and private, the MSPs will not only provide the necessary resources to stimulate relationship building, but they will also give incentives for these very difficult processes to begin, both at the political/structural level (justice and political reconciliation), and at the inter-community and inter-personal level (confidence-building and inter-communal bridge-building). In effect, therefore, MSPs have a huge potential to provide the necessary context for peacebuilding in post-conflict societies. But as these processes take place among and within the conflict parties, the process of peacebuilding is not in itself guaranteed to happen. In other words, MSPs are not obstacle- and problem-free context for peacebuilding efforts to take place, as a set of thematic papers and the in-depth case studies in this report will demonstrate in greater detail.

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B.2 THE POLITICS OF REPRESENTATION IN MULTI-STAKEHOLDER PARTNERSHIPS INVOLVED IN RECONCILIATION, INTER-COMMUNAL BRIDGE-BUILDING AND CONFIDENCE-BUILDING

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B.2.1 Introduction

This thematic paper will examine a number of issues related to issues of representation in Multi-stakeholder Partnerships (MSPs), engaged in activities related to reconciliation, inter-communal bridge-building and confidence-building in conflict-affected and post-conflict environments. MSPs are defined here (in accordance with the broader MULTIPART project) quite broadly[7], and include a range of organisational structures in which there is formal involvement by three or more partners, often involving actors from different sectors (government, civil society, private sector), all united voluntarily in pursuit of a common goal.

Many of the structures that can be identified as MSPs in the area of confidence-building, bridge-building and reconciliation do not use the label themselves; the term is more commonly used to identify structures in the areas of urban governance, natural resource management or IT provision, particularly where there is a private sector component. However, the same issues with regard to representation and participation apply to all MSP-type structures, highlighting both the potential of MSPs in this area, and also the challenges and limitations that this type of organisation might encounter. In this paper some broad issues of representation in peacebuilding processes are explored to provide a framework for specific issues that are relevant to MSPs.

The rise of MSPs (or organisational structures that resemble MSPs in various ways) in post-conflict environments has been partially a response to significant problems of inclusion and participation in post-conflict peacebuilding processes. Almost all peacebuilding processes with a strong international component have struggled to achieve effective and sustainable "local ownership" of programming and policy implementation, and MSPs are an attempt to achieve much better and more equal partnerships between international and national actors.

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[7] See MULTIPART, WP 2-3 Working Papers, 'Theoretical and Methodological Framework and Guidance for the Project'

In theory MSPs seem to offer potentially rewarding possibilities for peacebuilding processes and programming. They offer ways for all significant stakeholders to take part in a common enterprise, with the inclusion of formerly conflictual parties often mediated by third-party international involvement. MSPs can expand to include multiple parties from different sides in a conflict, or to include third parties not formerly involved in the conflict. These kind of inclusive approaches could, in theory, undermine totalising understandings of each side in a post-conflict situation, challenge purist identity politics and open up space for reconciliation processes in complex and challenging post-conflict environments. Importantly, MSPs offer potential structures in which local and international actors[8] could be included in a single structure on an equal footing, and in which marginalised actors can participate as equal partners with other stakeholders. As such, they may be considered potentially radical alternatives to existing top-down bureaucratic structures in post-conflict situations.

However, while recognising the potential of MSPs, this paper will also explore some of the obstacles to the development of successful MSPs in the area of reconciliation, inter-communal bridge-building and confidence-building. In particular, there are three important areas in which the structures and dynamics of MSPs may poses challenges to the theoretical advantages of MSPs, and where the reality of implementation may contradict the potential advantages of the multi-stakeholder approach.

The *first* area of challenge is in questions of stakeholder choice and inclusion/exclusion: although MSPs are designed to promote participation and inclusion, case-studies suggest that in most cases participation is mediated by the most powerful actors, and significant stakeholders are often excluded for political or other reasons from such processes. MSPs operate within broader peace processes, in which some stakeholders are excluded or exclude themselves.

Secondly, the paper will examine questions of representation, where MSPs may inadvertently privilege certain groups in a conflict over others; issues of representation are always complex, but pose particular dangers in conflict-affected political systems, where appropriate representation of particular constituencies can have a significant impact on peacebuilding processes.

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[8] On the international-local linkages within the MSP context, see the thematic paper by Roter and Šabič below.

Thirdly, the paper will examine the extent to which MSPs may be said to promote marginalised groups and challenge existing power disparities, particularly where these are seen as potential root causes of a conflict. In this (and other issue areas), there will be attention paid to the potential tensions in many MSPs between international and local agents, and the important roles played by facilitators in MSP structures.

The paper will use data where available from the WP4D case-studies, and from other MULTIPART case-studies, but there will also be a significant reliance on secondary literature and evaluation reports of existing MSPs and MSP-like mechanisms to discuss these issues.

B.2.2 Inclusion/exclusion and stakeholder choice

In all situations of recent conflict, stakeholder analysis and inclusion is potentially complex and highly contested. While the definition of a "stakeholder", one who is affected by a particular process, event or decision, suggests a very broad spectrum of potential actors for inclusion, in practice most MSPs engage in an implicit or explicit process of excluding/including, which has an impact not only on the MSP itself, but on the broader political process in which it operates. Some MSPs may favour local groups that have credibility with an external actor, but these may not be fully representative of a broader constituency. In other cases, INGOs or other external agents may have a romanticised notion of one group or another and expect them to be represented or to act in certain specific ways. Within MSPs, where participation and inclusion are fundamental to the organisational philosophy, ensuring that the right array of actors is included in an MSP is clearly of significant importance.

In some MSPs, particularly those with a more technical goal, such as water management, stakeholder analysis is seen as almost politically neutral, and characterised as a technical exercise, which can be carried out using simple "brainstorming" processes[9], without any attempt at political analysis or other more challenging processes. This may be appropriate in uncontested, apolitical processes (although in most such situations, questions may arise about who is facilitating this process, who is invited to take part in stakeholder mapping exercises, etc.), but in the highly politicised situations of conflict-related MSPs, in most cases there will be a more

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[9] For example, UN Habitat, 'Tools to support participatory urban decision-making', Urban Government Toolkit Series, Nairobi, p. 21. Other approaches used by the private sector in particular, look at different areas of impact of a particular project, by sector and by geographical area.

difficult process to identify stakeholders, and a second process in which decisions are made about which stakeholders should be included in an MSP.

There may be legal, political or moral reasons to exclude certain factions from peacebuilding or reconciliation processes, but such selection, particularly where its rationale is not articulated, creates significant problems in achieving a credible mechanism for reconciliation or confidence-building in a complex post-conflict environment.

B.2.2.1 Peace processes and spoilers

The issue of inclusion and exclusion in political and governance processes in conflict-affected environments has been explored most thoroughly scholars in the context of peace processes and broader issues of post-conflict political settlement; the lessons from these processes are relevant to broader post-conflict peacebuilding structures. Critiques of peace processes have often pointed to the failure to include key stakeholders in the process of political settlement: Wanis-St. John points to the Oslo talks between Israel and the PLO, which were conducted in secret and excluded key actors, and the Arusha negotiations in Rwanda, where the exclusion of the hard-line CDF from the talks may have played a role in the failure of the accords (St-John, 2008). St-John writes that: 'In both cases, [...] excluded parties found that popular and political support against peace was relatively easy to mobilize and the vital central coalition in favor of peaceful coexistence withered away at critical moments' (St-John, 2008) Excluded stakeholders are often successful in mobilizing public opinion against controversial and difficult processes of confidence-building, bridge-building or reconciliation.

Policymakers (both domestic and international) label certain stakeholders as acceptable or unacceptable based on a wide range of criteria, including shared values, political views, power and legitimacy. The exclusion of the Taliban from the post-conflict political settlement in Afghanistan was initially seen as inevitable and legitimate, given their apparent role in sheltering al-Qaeda and their espousal of contrary values to those of most of the international community. Later in the conflict, different labels appeared, suggesting that "moderate" Taliban factions might be considered legitimate stakeholders, while more extreme factions would not be included. These definitions, labels and classificatory processes are not static but flexible in the context of broader political processes. Language and discourse is important in defining who may or may not be a stakeholder in a process. Labels such as "terrorist" or "extremist" help to legitimate exclusion of

particular parties, such as Hamas in Palestine, or the Irish Republican Army in Northern Ireland. As the Irish conflict demonstrated, such excluding language shifts over time and changes to permit inclusion in new political structures (albeit, in that case, reflecting changes in IRA activities).

A complex process of inclusion and exclusion characterised the peace process (and accompanying multi-stakeholder initiatives) in Sri Lanka between 2002 and its demise in 2006. Initially the processes centred around talks between the government and a non-state actor, the Liberation Tigers of Tamil Eelam (LTTE), which was designated a "terrorist group" by many third-party states, including the US and some EU states. However, while the peace process included the LTTE, it also excluded a wide variety of other actors, many of whom were critical stakeholders but had no voice in the process. Peace negotiations excluded Tamil political groups which were not supportive of the LTTE, and also excluded Sinhalese nationalist groups, who were opposed to any negotiated settlement. Muslim groups were also excluded from the bilateral peace process: additional stakeholders were seen as likely to complicate the peace process and make reaching an agreement more difficult.

On a different level, the LTTE was a proscribed organisation in the US and in many EU countries, which ensured its exclusion from some international aspects of the negotiation, e.g. direct talks with the US. In the event, this narrow process left too many powerful stakeholders excluded from the process, and resulted in its eventual collapse. While civil society stressed 'the need for inclusivity' (Ferdinands *et al.*, 2004), in reality there was an exclusionary element to the process, because the stance of some actors was opposed to the basic premises of the peace process. Multi-stakeholder approaches to confidence-building developed alongside the official process tended to mimic the stakeholder choice of the peace negotiators, with inclusion favoured for moderate Sinhalese elites and "moderate" pro-LTTE Tamils.

In this context, excluded parties are frequently referred to as "spoilers": Stedman defines spoilers as '[...] leaders and parties who believe the emerging peace threatens their power, world view, and interests and who use violence to undermine attempts to achieve it.' This is a broad definition that is contrasted by Stedman, rather uncritically, with what he calls "custodians of peace", referring to those international actors charged with overseeing the implementation of a peace process (Stedman, 2000). The definition of spoilers has always been controversial: it sometimes suggests a simplistic view of the world, in which international actors, in particular, are seen as

always neutral, and spoilers as acting for irrational or illegal ends. Later work has tended to nuance the role of "spoilers", suggesting that the excluded and self-excluded may have substantive political reasons for bypassing particular phases of a peace process, and that the existence of such groups should prompt a rethink of the process rather than simple condemnation of those groups who refused to take part. Some authors suggest that actors that oppose the normative nature of the so-called "liberal peace" are frequently designated as "spoilers" (Newmann & Richmond, 2006).

Given these frequent problems of representation within negotiated peace processes, parallel multi-stakeholder approaches to negotiation and confidence-building (particularly Track II confidence-building measures) might be seen as ways to develop more inclusive peace processes. Some have argued that the inclusion of civil society within a peace process could translate into a more sustainable peace (Wanis-St. John and Kew, 2006). However, in some cases, such civil society initiatives can be just as vulnerable to charges of inadequate representation as high-level peace processes. In Sri Lanka, a semi-secret, multistakeholder-type process known as "One Text" attempted to bring together stakeholders from the Sinhalese, Tamil and Muslim communities to achieve a united position on a new constitutional text to resolve the conflict. However, although Sinhalese activists in the structure tended to be moderate mainstreamers, Tamils involved in the process were LTTE activists, leaving other Tamil voices excluded from the process. With the Sinhalese and LTTE agendas entirely out of step with each other, it was not surprising that this Track II process failed to achieve a significant breakthrough. However, MSPs such as One Text and similar initiatives in complex, multi-actor conflicts, have often not only failed to achieve break-throughs in reconciliation, but have also cemented in place contested representations of particular ethnic groups that potentially prevented other initiatives from emerging.

Negotiators and advocates of confidence-building measures often argue that high levels of inclusion risk too much complexity and a break-down in peace negotiations and confidence-building processes. According to Wanis-St. John (2008: 4), 'International conflict mediators seem to prefer marginalizing all except government factions and armed groups to maximize the chances of getting an agreement'. However, in practice narrow, exclusive peacebuilding measures are often unsuccessful, suggesting that in some circumstances relying on a narrow range of stakeholders for peacebuilding does not often produce a sustainable, resilient peace. A typical high-level, exclusive peace process has continued for the past 15 years related to Nagorno-

Karabakh, the disputed territory over which Armenia and Azerbaijan fought a conflict in the early 1990s. During the process, key stakeholders, such as residents of Nagorno-Karabakh (either present Armenian residents, or expelled Azeris, who are now IDPs in Azerbaijan), have been excluded from the high-level negotiating process. Although the primary objection to their taking part has come from the Azerbaijani government, the international co-chairs of the Minsk process have been happy to preside over a simple, high-level bilateral process, seeking the efficiency of negotiations behind closed doors among key decision-makers.

There is a spectrum of activities and structures between the initial negotiation stages of a peace process, through confidence-building and conflict cessation, through to post-conflict bridge-building and reconciliation activities. At different stages, different levels of inclusion may be necessary, and different arrays of stakeholders may be the most relevant participants in various initiatives. However, the discussion of peace processes suggests that MSPs involved in peacebuilding can challenge the exclusionary nature of some peacebuilding initiatives by involving more actors, including those from civil society, business, or other sectors not strictly engaged in the political process or representing armed factions. On the other hand, such MSPs are not immune to the problems of inclusion/exclusion in peacebuilding: indeed, in many cases MSP type structures may further cement existing patterns of narrow inclusion or exclusion of certain key actors, potentially further exacerbating deep fractures in conflict-affected countries.

Indeed, parallel Track II MSPs engaged in confidence-building or bridge-building activities, and incorporating a variety of non-state actors, especially from civil society, have often been equally exclusive in their selection of stakeholders. Participants are often self-selecting, from a group of already known NGO activists or intellectuals, who are viewed by the international community as able and willing to participate in activities involving establishing contact with the parties to a conflict. International NGOs, which may be active in promoting such structures, tend to promote existing partners, many of whom are already amenable to a world view that includes peaceful reconciliation. As a result, confidence-building measures often take place between groups which have little need to participate in such processes, and only limited influence over the outcome. Powerful stakeholders are effectively excluded (or exclude themselves) from such multi-stakeholder processes because they do not share the values, discourse or narrative of the facilitators and funders of such initiatives.

While some exclusions are designed to produce efficiency in peace processes or reflect a difference in approach or understanding among key actors, other exclusions are designed to produce a particular type of peace. Goetschel and Hagmann point out that 'the international community's approach to bottom-up peace promotion has often [...] operated with an instrumentalist understanding of local actors or deliberately excluded local actors that do not share its geopolitical worldviews' (Goetschel & Hagmann, 2009: 63). Again, the situation in Gaza offers an obvious example of many projects which have been forced to exclude Hamas-linked representatives as a result of its designation as a terrorist group. In other situations, particular groups exclude themselves for specific political reasons. In the MULTIPART case-study on MSPs involved in returns in Kosovo, one of the main obstacles has been the refusal of the Serbian government to act as a stakeholder in such processes. They have also attempted to dissuade Kosovo Serbs from becoming involved, as part of a broader refusal to accept the legitimacy of independent Kosovo institutions[10]. At the grassroots level, meanwhile, some Kosovo Albanian communities have refused to be involved in the process, ensuring that the return of ethnic Serbs is producing mainly mono-ethnic, segregated communities.

This is not an argument for inclusion of all such groups in any confidence-building MSPs, but simply to note that all such exclusions have significant consequences, both for multi-stakeholder type structures, and also for the broader political context. In some cases, inclusion of a particular actor will be highly inappropriate in a given political context, or may have an adverse impact on a peacebuilding initiative. In other cases, difficult choices may have to be made between actors which challenge values espoused by the international community (such as women's rights or democracy) and their importance as stakeholders to a post-conflict reconciliation process or a pre-settlement confidence-building process.

B.2.2.2 Reconciliation

While the issues of inclusion and exclusion in peace processes (both official, and Track II initiatives involving civil society) have been explored in the literature, there is less attention paid to issues of inclusion in reconciliation processes. In much of the discussion, there is a sense that all parties must be included in reconciliation processes, regardless of their past behaviour or present values. In practice, reconciliation processes also exclude some parties to conflicts, most

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[10] University of Ljubljana, WP4D Case Study Report: Case study of the Sustainable Partnerships for Assistance to Minority Returns in Kosovo (SPARK), p. 19.

often implicitly and through their own process of self-definition. South Africa's Truth and Reconciliation Commission, which has become a model of other transitional justice mechanisms, seemed to include all significant actors from the South African conflict. In reality, however, it excluded those who disagreed with the policy, and who advocated revenge instead of reconciliation. Richard Wilson notes that 'enclaves of revenge controlled by militant youth and punitive elders continued to shape the character of justice in the townships of South Africa. Because it was guided by a religious redemptive notion of reconciliation, the TRC was never able to engage with, much less transform, these emotions and structures' (Wilson, 2001: xx). This exclusion by mandate and method is quite common in reconciliation processes, and reflects an internal tension within the debate about transitional justice, between sometimes contradictory concepts of reconciliation, accountability, revenge and redemption.

This reflects a wider debate within the transitional justice arena, between those who seek accountability for past crimes and those who wish to engage in reconciliation. The former approach, by definition, excludes those who have committed serious war crimes from involvement in reconciliation process. Instead, of being involved in reconciliation, they are held accountable in courts, including the International Criminal Court and other conflict-related international courts for the former Yugoslavia or Rwanda. There is a strong debate among those who seek reconciliation processes, including all parties to a conflict (potentially including serious war criminals) and those who seek justice for such perpetrators, even though it may have an adverse impact on the potential for peaceful settlement of a conflict, or post-conflict reconciliation.

Even where MSP-type structures include multiple actors, the role of facilitator can be important in terms of the perceptions of potential participants. Ireland's Forum for Peace and Reconciliation, initiated by the Irish Government in 1994, was supported by republican politicians and other actors, and offered what seemed to be a genuine multi-stakeholder approach to reconciliation. However, since the facilitator was the Irish government, Northern Irish loyalist political bodies boycotted the process, ensuring that it did not achieve any of its aims. Any reconciliation process where the facilitator is not seen as neutral will face significant obstacles to the goals of including all key stakeholders in a reconciliation process: this can cause difficulties in complex post-conflict situations where international actors are of significant relevance, but are politically controversial.

B.2.2.3 Case-study: The Action Plan for Peace, Reconciliation and Justice in Afghanistan

In the MSPs studied by the WP4D group, several aspects of inclusion/exclusion stand out rather starkly. In the case of Afghanistan, the situation is particularly interesting. The Action Plan for Peace, Reconciliation and Justice in Afghanistan is a good example of an MSP apparently devoted to reconciliation.. It combined government (the President's Office), the Afghan Independent Human Rights Commission (AIHRC), and international staff at the United Nations Assistance Mission in Afghanistan (UNAMA), as the three key players, but donor countries and international NGOs such as It deliberately set out to include civil society, including international NGOs such as the International Center for Transitional Justice (ICTJ).

Despite this apparent wide inclusion of different types of stakeholders, it was obvious from the beginning that many key actors were actually excluded from the process. The reality that emerges from our research[11] is that three key players drafted the Action Plan (AP), which then received widespread support from donors and key international actors, but faced considerable problems with major political players inside Afghanistan.[12] Rather than being the result of some kind of inclusive process, the plan emerged from a small group of technocrats and external actors. The AP forgot 'to put the people [from] the rural villages […] in the picture', according to one interviewee[13]. Most obviously, the AP excludes various groups that form part of the Taliban or allied networks. This is understandable given the normative framework of the "justice" element of the plan; however, by including the government, the plan also implicitly includes many actors who are also accused of widespread human rights abuses in the past. Justice, then, is seen as partial (and also does not extend to any criminal acts that may be committed by international forces in the country).

The Action Plan was interesting in the way it attempted to include other groups. For example, the first aspect of the plan was the development of symbolic elements of reconciliation, such as a National Remembrance Day for the victims of human rights violations and war crimes in Afghanistan; memorials to the victims of war crimes, and a museum to commemorate victims. However, in a complex post-conflict situation in which there is no national agreement on who

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[11] See MULTIPART, WP4D Working Papers, 'Action Plan for Peace, Reconciliation and Justice in Afghanistan' (hereafter, AP).
[12] According to the MULTIPART research, Rangin Dadfar Spanta (Senior Advisor to President Hamid Karzai at the time), AIHRC Commissioner Ahmad Nader Nadery and Richard Bennett (then UN Representative of the High Commissioner for Human Rights in Afghanistan and Head of the Human Rights Unit at UNAMA) elaborated the first draft and later proceeded to gradually include other parties and stakeholders (MULTIPART op. cit.).
[13] MULTIPART op. cit.

has committed war crimes, or the status of multiple victims, such initiatives are unlikely to succeed when they are viewed as led by one political faction in a complex polity. There is no place for forces opposed to the present government in the design or implementation of such symbolic spaces of reconciliation. In other post-conflict situations, such national days of mourning have also been seen as 'excluding' or creating new 'silences' (Zorbas, 1994: 40).

Significantly, the Action Plan has not only failed to achieve its short-term objectives, but it has made future work on transitional justice more complex. According to MULTIPART research, 'Civil society activists found that those who had suffered human rights violations were ready to talk and share their experiences at the beginning, but this is no more the case, since the victims now think that the AIHRC itself – as well as the judiciary system in general, having lost its prestige and accountability from their viewpoint – cannot help them.'[14] This backlash against urban and external interlocutors in transitional justice is understandable, given the failure of the AP to produce enhanced security or act against the worst perpetrators of human rights abuses. However, this situation contrasts with considerable support in opinion surveys in the initial 2001-02 period for attention to past and present human rights abuses.

The example of the AP suggests that MSPs aimed at reconciliation processes face significant problems in conflict situations, where there is no agreed political settlement. They are unlikely to be successful in cases where one set of perpetrators of human rights abuses is privileged in transitional justice, while others are excluded. The role of external actors in establishing and promoting the AP ensured that it gained some initial traction, but it became clear that not all international actors were equally strongly committed to the process, ensuring that local political actors felt that they could ignore its impact with impunity. In particular, the lack of US political support for the process, and the absence of any international military representation in the process, ensured that a further group of actors would also be excluded from the AP's provisions regarding war crimes and reconciliation. Effectively, the AP became an MSP that included only urban human rights groups, international NGOs and some European donors; they had considerable popular support initially, but gradually this faded as it became clear that there was no real commitment to the plan from the government, and the old abuses returned. As political and military reality suggested that elements of the Taliban might be included in the broader

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[14] MULTIPART, WP4D Working Papers, 'Action Plan for Peace, Reconciliation and Justice in Afghanistan' (hereafter, AP), Interview Reports (IR), no. D/AP/FI-14, Oct. 2009, Section 2.1, 2.2; D/AP/FI-15, Oct. 2009, 2.3; D/AP/FI-8, Sep. 2009, 2.1, 2.2.

political settlement, so an AP that continued to answer only to a small constituency appeared even less likely to succeed.

B.2.2.4 Group representation

An issue linked to stakeholder choice and inclusion/exclusion is the extent to which representatives of particular groups genuinely represent key constituencies in a post-conflict situation, in MSP structures.

Firstly, there is the broad challenge of how individuals represent a constituency at all, what claims they make on behalf of others, and how they legitimise their own participation in processes and structures as the conduit for the broader desires and ambitions of a broad collection of individuals in a community or grouping. Representation of group interests is a problematic with much broader resonance in political science, and these issues will not be explored in detail in this paper.

Within the context of inter-ethnic conflicts, the challenge of only one identity being represented in multi-stakeholder groupings – that of ethnicity – is problematic. One hypothesis for WP4D suggests that potentially having multiple actors from each group represented within an MSP may make it easier to achieve broader and more effective representation, and will encourage mechanisms which do not petrify existing inter-group divisions but rather seek to overcome them. For example, in theory, the inclusion of ethnic Serbian business people, religious figures and politicians within an MSP with other ethnic groups in Bosnia could break down the essentialisation of each group, and the deepening of identity politics based solely on ethnicity. Inclusion of multi-sector representatives offers an interesting potential method to challenge existing stereotypes; however, each case will depend on specific circumstances. Too prescriptive a method can actually serve to undermine non-ethnic identities and instead force individuals of particular ethnicity into the very identity politics that they have hitherto avoided.

Secondly, there is the question of "re-entry", where representatives in a peacebuilding negotiation mechanism face a tension between successful leadership of a social movement outside the negotiation process and adherence to the process itself. Representatives of groups in MSPs potentially face the problem of losing their credibility in the wider community through their

participation, making it difficult to achieve effective "re-entry" and implementation of agreed programmes or policies of reconciliation or confidence-building.

In this context, the situation is made more complex when there is significant involvement by powerful international actors. As Edmunds and Wallenberg note, 'The relationship of a representative to his/her constituency is perhaps most politically-charged when representatives of a group are designated by outsiders or are accountable to them, as is often the case in multi-stakeholder negotiations' (Edmunds & Wallenberg, 2001: 240). In the case of MSPs in post-conflict situations, the facilitators and funders of MSP institutions are almost always international organisations or donor governments, who have some kind of role (formal or informal) in selecting certain types of representative to be involved in the process. Broad political pressures may encourage exclusion of certain individuals or whole groups; but more often, MSP facilitators exert informal influence that encourages certain types of representatives to be promoted on behalf of particular constituencies.

The maintenance of a link to the constituency is particular difficult in situations where international donors are the sole or main source of funding for MSPs. In such contexts, a new class of interlocutor with the international community emerges, often significantly divorced from their own communities, but able to maintain a role as a hybrid (see Jenson, xxx) or translator between international and local. It can be difficult for such "community representatives" to maintain close linkages to constituencies, particularly when they gain personal advantage (status, income, etc) from their role in an MSP. In such situations, civil society can too easily emerge as a "virtual" civil society (Lewis, 2008; Heathershaw, 2007), no longer truly integrated into society but occupying a fragile space between a local political process and an international donor community. Particularly in complex political situations or post-conflict contexts, the failure of civil society to have the ability to mobilise support often ensures that other, more powerful stakeholders (which may be excluded from MSPs) dominate the political process and render MSPs devoted to inter-communal bridge-building irrelevant. Some MSPs thus run the risk of becoming "virtual" MSPs, lacking most of the key stakeholders required to achieve political traction, and yet using a rhetoric of inclusion to provide international actors with a false sense of engaging with the local and promoting the marginalised and powerless.

B.2.3 Power and participation

Some critics of participatory processes suggest that they may mask significant power differentials between groups that the participation mechanism does not challenge, but only accentuates (Cooke & Kothari, 2001). Recently, 'Ideas of participation have been the focus of much criticism; that they merely co-opt local elites into Western schemes or that "the tyranny of participation" steers communities towards technocratic and over-simplistic "solutions" to complex social problems' (Cooke & Kothari, 2001; see also Hickey and Moran, 2004; Chopra & Hohe, 2004).

Some aspects of MSPs are clearly designed to overcome this critique, particularly the institutionalised involvement of stakeholders in decision-making processes. MSPs explicitly aim to include marginalised groups, and in most cases take specific steps to try and achieve representation. UN-Habitat advises that 'Special effort should be taken to promote the inclusion of less powerful groups or individuals such as poor women and men, orphans and other marginalized groups in the multi-stakeholder forum' (UN-Habitat, 2008). In the MULTIPART study in DRC, there is some support for the view that that MSP has effectively given voice to marginalised people, and created an atmosphere of inclusion. According to the representatives of the NGO facilitating the GRF organisations: 'Les vulnerables sont ecoutés, on a une solution gagnant-gagnant, la paix et la cohesion sociale rétablie. La corruption a diminué. On agit plus dans les coulisses. On invite tout le monde. Le sens démocratique augmente. L'idée positive prévaut'.[15]

However, it is clear that not all MSPs achieve a successful inclusion of marginalised and vulnerable groups. In some cases, inclusion is tokenistic, in other cases involvement in an MSP appears to have led to co-optation of marginalised groups and reduced their negotiating power within the political system. In the MULTIPART studies, there were varying levels of attention to the effective inclusion of marginalised groups. In Kosovo, beneficiaries were included in the SPARK process at various levels, particularly through a mechanism called Central Review Mechanism, in which IDP groups and NGOs were represented. Overall, however, the process appears to have been dominated by the UNDP, initially, and subsequently by the Ministry of

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[15] MULTIPART, WP4D Working Papers, 'Groupes de Réflexion sur les questions Foncières, 'Interviews avec l'Equipe IFDP', p. 11.

Community and Returns. IDP organisations were united in a group called UNIJA/M, but they were represented in SPARK itself only on an individual basis, rather than institutionally.

The participation of marginalised groups in the process appears to have varied according to particular structures and aspects of the process, with considerable involvement in project implementation on the ground, but less in strategic planning. According to one interviewee, however, 'big decisions for the projects were still taken at the highest level between the head of the UNDP, Minister of the MCR and the UK Ambassador [for projects funded by the UK Government]'[16]. However, SPARK appears to have tried to strike a balance between having too many agencies and NGOs involved in the process, leading to the kind of inefficiency that had accompanied previous programmes, and achieving sufficient participation to ensure that there was some genuine representation for otherwise marginalised groups. This balance is highly complex and contested, but in most cases greater inclusion appears likely to achieve more sustainability of results, although there may be significant losses in efficiency in looser, more inclusive decision-making processes.

One problematic aspect of representation of marginalised groups in other contexts has been the sometimes romanticised perceptions of the way such groups should think and act by self-appointed representatives (often outsiders) who purport to act on their behalf. Alcida Ramos described this phenomenon in relation to activists working on behalf to indigenous people in the Amazonian basin (Ramos, 1994), and it also could be explored in the context of some MSPs in post-conflict situations. In some contexts, facilitators and international actors expect certain types of behaviour from vulnerable and marginalised groups that can reflect how they are incorporated within an organisation like a MSP, and how they are viewed by other groups in the wider context of confidence-building or reconciliation measures. This argument suggests that it is important to try and look beyond some of the formal mechanisms for inclusion of marginalised people that are developed by international facilitators, and seek to deconstruct some of the formal representations that are seen in MSPs to uncover genuine dynamics of power and inclusion.

Some of the strongest critiques of multi-stakeholder approaches have come from studies of MSPs in the area of natural resource management, where MSPs – typically among forest-dwellers, private companies and government – have become commonplace in resource

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[16] D/SPARK/12.

governance. Edmunds and Wollenberg argue that '[...] many approaches to multi-stakeholder negotiations mask abuses of power and more structural, enduring inequity. In doing so, they are prone to exaggerate the level of consensus reached through negotiations and expose disadvantaged groups to greater manipulation and control by more powerful stakeholders' (Edmunds & Wollenberg 2001: 232). They argue – using feminist theory and radical pluralist approaches - that in many cases disadvantaged groups living in forests gain better results from negotiations by taking a strategic approach that builds alliance, rather than engaging in multi-stakeholder approaches that seek consensus (Edmunds & Wollenberg 2001).

This has resonance for some post-conflict situations, where MSPs may also mask continuing structural inequities and effectively lead to co-optation of marginalised groups which tends to dilute their legitimate demands on political actors, or reduce their effectiveness in developing alternative modes of activism. Many donors argue rhetorically for a focus on marginalised communities, particularly through so-called "pro-poor-" policies and programmes, and in many cases, donors and NGOs achieve some success in highlighting the plight of particularly marginalised ethnic or social groups (Roma, street children, slum dwellers, etc). However, in most instances, such rhetoric sits uncomfortably alongside the relationships between international actors and existing elites and political structures; challenges to any structural inequities or abuses are usually dependent on other variables – the need for political stability, for example, or international security concerns. Financial flows from donors and political support from governments create new elites in post-conflict situations, and often fuel dynamics that contribute to more predatory and exploitative behaviour.

International involvement is often contradictory, with multiple actors engaged in different activities and with divergent goals. There has been a consistent drive by some NGOs and development agencies, however, towards the inclusion of more marginalised social groups not just as beneficiaries but in the development of peacebuilding projects. Goetschel and Hagmann echo this call for a bias towards the weak and powerless in peacebuilding strategies, suggesting that: 'Critical peace researchers could document the plurality of peace meanings that exist in both developed and developing countries, and explore how the bargaining power of weaker social groups can be increased in the formulation and implementation of donor-funded peace projects' (Goetschel & Hagmann: 67). This is ostensibly also the aim of many MSPs, providing a possibility for marginalised groups to be included in decision-making processes and implementation. However, it is not clear in reality how often such MSPs develop genuinely

participatory ways of functioning that challenge pre-existing power differentials. And, secondly, it is not always obvious that participation in such structures by marginalised groups improves outcomes for marginalised groups themselves. A more nuanced understanding of this process will require further research and a comprehensive understanding of the political realities of post-conflict situations, in which critiques of participatory processes, including MSPs, are tempered by the possible alternative scenarios and organisational structures available to such vulnerable groups.

B.2.4 Conclusion

This paper has attempted to discuss some aspects of the complex politics of representation in MSPs involved in confidence-building, reconciliation and inter-communal bridge-building in post-conflict situations, using insights from studies of representation and inclusion in broader peacebuilding processes, and critiques of MSPs involved in other types of activity. The MULTIPART case-studies provide interesting insights into the issues raised in this paper, but a fuller investigation of some of these issues suggests a broader research agenda for the future, with the use of micro-level analysis, particularly with regards to issues of representation and power.

There are not sufficient data at present to reach generalised conclusions on the extent to which MSPs are capable of acting in radically new ways to achieve better representation of different constituencies in post-conflict situations, in ways that would have a potentially positive impact on the peacebuilding. In Kosovo, there was a genuine attempt to achieve greater inclusion of ethnic minorities and IDPs in the decision-making process and in project implementation, but it appears that it was often difficult to maintain the balance between efficient planning and implementation and the development of structures in which there was genuine representation of the interests of IDPs. In Afghanistan, the Action Plan on Reconciliation, Justice and Peace failed to achieve significant traction, partly because of the exclusive way in which it was developed, and its inability to mobilise support beyond a narrow range of NGOs and international actors. In the DRC, on the other hand, the GRF structures appear to have genuinely included otherwise marginalised groups and allowed their voices to be heard.

It is impossible to draw convincing conclusions from such a narrow range of case-studies, but one important element that does emerge is the way that international actors tend to dominate the stakeholder mapping process and the questions of inclusion and exclusion. In the DRC, where international involvement was limited and not linked to any major issues of political contestation, grassroots mobilisation appears to have been relatively successful within the MSP process. In Afghanistan, where there was only limited local involvement in the process, and a significant impetus from international actors, the lack of genuine stakeholder participation reflected more broader problems in the political process and contributed to the failure of the AP. It is possible that MSPs are most likely to be successful in contexts where donors and international actors have a relatively limited presence, and thus unlikely to skew stakeholder mapping and decision-making too heavily.

It is arguable that none of the case-studies presents the kind of MSP which could achieve more radical results by using representation and inclusion in more creative ways. Most MSPs appear to devote too limited a time to stakeholder mapping and to discussing issues of inclusion. In some cases, such processes are reduced to a technical exercise, without discussing the potential problems posed by real power differentials resulting from financial disparities or existing inequalities in the political system. At the very least, it is clear that designing an MSP in a post-conflict situation involves profound political decisions about which stakeholders are included and which excluded, and what those decisions mean for the broader process of peacebuilding and reconciliation. Equally, there should be an explicit recognition that there are diverse ways in which different constituencies can be represented, and that the choice of representatives has implications for the way the MSP will operate and its potential impact. Finally, rhetorical assertions that MSPs can address existing inequalities among groups in post-conflict societies, and improve the status of marginalised groups need to be followed through and evaluated properly. In some cases, there is a danger that such representation of marginalised groups becomes a mere formality, with little impact on their position in society as a whole, and with decision-making in the MSP actually carried out by smaller groups of powerful actors.

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B.3 THE ROLE OF THE INTERNATIONAL COMMUNITY AND INTERNATIONAL-LOCAL LINKAGES IN MULTI-STAKEHOLDER PARTNERSHIPS INVOLVED IN RECONCILIATION, INTER-COMMUNAL BRIDGE-BUILDING AND CONFIDENCE-BUILDING

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B.3.1 Introduction

In post-conflict societies, characterised by the lack of trust, confidence and inter-communal relations, and faced with the problem of providing some of the most basic needs to the populations, the role of the international community appears indispensible. In particular, active involvement of various international actors, governmental (i.e. international governmental organisations and individual countries) and non-governmental (i.e. non-governmental organisations and other civil society institutions such as think thanks, experts or social networks), has been conducive to both ending violence as well as to helping the reconstruction process in war-torn societies (Brown, 1993; Weiss, 1996; Hafner-Burton, Von Stein and Gartzke, 2008).

International actors tend to be involved directly, with donations, expertise or training, or indirectly, through supporting other international initiatives (e.g. individual states can finance programmes set up and implemented by international governmental organisations or civil society institutions). In general, post-conflict reconstruction, particularly in the issue-area of reconciliation, inter-communal bridge-building and confidence-building, cannot begin and be carried out without the support of the international community. However, international involvement in these very sensitive processes at the national and local levels is not without pitfalls. Indeed, international involvement, or the lack thereof, can have both negative and positive effects on these processes.

The purpose of this paper is to analyse the so-called international-local linkages within multi-stakeholder partnerships (MSPs) in the issue-area of reconciliation, inter-communal bridge-building and confidence-building. We will thus analyse interactions between the international community and a post-conflict society. In particular, special attention will be devoted to the question as to how international actors (above all international governmental organisations and

individual states, acting alone or within those organisations) can affect the functioning of MSPs, or how their actions and policies can influence national (local) actors in a post-conflict society. Such external incentives can, as the paper will argue, both contribute to inter-community relationship building and foster long-term reconciliation, and prevent such processes from taking place, or slow them down significantly. The paper will seek to analyse and reflect on some of the key factors that need to be taken into account in order to understand the potential role and influence of the international community within MSPs of concern within this workpackage (WP 4D) of the MULTIPART.

When analysing the international-national linkages in MSPs established with a view to bringing about reconciliation, building confidence and re-establishing inter-community relations, the paper will refer, whenever possible, to the research findings of the three selected cases of multi-stakeholder partnerships in the issue-area of reconciliation, confidence-building and inter-communal bridge-building as they are presented in this thematic WP4D report below (in Part C).

B.3.2 International governmental organisations in world politics

International organisations have always had a peculiar place in world politics. The need for international co-ordination has been visible at least since the Vienna Congress in 1815, when the Rhine Commission was created, but their role has been mostly limited to that of a facilitator of world trade (Armstrong, Lloyd *et al.*, 2004: 2). It is therefore not by coincidence that first modern international organisations have been created for the management of technological advances (e.g. the postal system, or telecommunications), nor is it a surprise that the first international (governmental) organisation whose focus was the maintenance of international peace and security was created only in 1919, after the First World War (Walters, 1952; Northedge, 1988). The idea on which this new organisation, the League of Nations, was based was that of collective security. However, the history has shown that states have never taken collective security seriously. The League of Nations has fallen as an experiment, and even served as an inspiration to the realist school of thought (Carr, 1978). The United Nations had soon fallen a victim to the Cold War. After the fall of the Berlin Wall, things have not improved for the United Nations. After initial enthusiasm, it nowadays seems increasingly clear that the key decision-makers in the field of international peace and security are states, interest groups such as G-20, and military alliances such as NATO. The UN and its institutions tend to be marginalised.

Still, this does not mean that international organisations do not play a role in providing international peace and security, thus becoming a crucial element of global governance, defined by as 'a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.'[17] Peacekeeping and efforts towards conflict resolution are an essential element of global governance. International institutions thus continue to be heavily involved in post-conflict reconstruction of war-torn societies, including Kosovo, the DRC and Afghanistan.

In the 1990s, the number of peacekeeping operations broadly defined (i.e. those that go beyond traditional peacekeeping; see, for instance, Daniels and Hayer, 1995; Bellamy, Williams *et al.*, 2004) sent by the UN, rose dramatically. In addition, regional organisations and specialised (global) agencies increasingly became actively involved in conflict resolution and post-conflict reconstruction. What remains an open question is the issue as to whether the value these organisations bring to the crisis area – the effectiveness of their work – justifies their presence, and whether they are perceived as legitimate actors[18] in the process of rebuilding a war-torn society. Bosnia, for example, remains a potentially highly explosive area 15 years after the Dayton Agreement, regardless of the huge network of international institutions – more than 30 – that are still present in the area.[19]

On the other hand, however, post-conflict reconstruction in war-torn societies cannot begin without international involvement. This is particularly the case in the field of reconciliation, confidence-building and inter-communal bridge-building. The Action Plan on Peace, Justice and Reconciliation (hereafter the Action Plan) in Afghanistan was established following a co-ordinated pressure by the international community, working with governmental and non-governmental organisations in the field of transitional justice in Afghanistan. It was launched (in December 2006) by Government of Afghanistan, the Afghan Independent Human Rights Commission (AIHRC) and the United Nations Assistance Mission in Afghanistan (UNAMA), but it had been presented and agreed upon at an international conference in The Hague in June

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[17] Commission on Global Governance (1995). "Our Global Neighbourhood." Available at: http://www-old.itcilo.org/actrav/actrav-english/telearn/global/ilo/globe/gove.htm (all websites last accessed on 31 May 2010).
[18] On legitimacy of international organisations, see Coicaud (2001).
[19] Institute for International Trade Law, at: http://www.law.kuleuven.be/ipr/eng/CRPC_Bosnia/CRPC/new/en/html/links/links.htm.

2005, attended by, among others, Afghan high level officials including ministers), Dutch Minister of Foreign Affairs, representatives of the UNHCHR, EU Special Representative, and representatives of the European Commission, the Governments of Canada, Finland, France, Germany, Italy, the Netherlands, Sweden, UK and US, and Afghan national experts.[20]

Similarly, the process of minority returns in Kosovo would not have begun without the commitment and help by the international community. The MSP on Sustainable Partnerships for Assistance to Minority Returns in Kosovo (SPARK), and other MSPs seeking to enable the returns process in Kosovo, could not have been established without the international community. For Kosovo was faced with a very poor economic situation, the lack of funding for housing and house reconstruction, and institutions (national and local administration) not capable of addressing such a difficult and conflictual issue on their own. It was thus the United Nations (UN) that, in the UN Security Council Resolution 1244 (1999), placed the responsibility for the process of refugee and internally displaced returns within the UN Mission in Kosovo (UNMIK), which was to be assisted by the UN High Commissioner for Refugees UNHCR) and the Kosovo Force (KFOR).

To understand the influence and impact of international institutions in the management of crisis areas such as Kosovo and Afghanistan, one must identify the main factors that facilitate or constrain such an influence. In general, several possible departure points in such an analysis can be identified that might be applicable to crisis areas around the world. For example, in terms of a political system: are the countries in a region democracies? What kind of "help" can third countries provide to war-torn societies/countries? Are there any issues from history that have so far not been successfully addressed (e.g. border delimitation, minorities, intra-ethnic conflicts etc.). What is the distribution of power – is there an equilibrium or is it that one or more countries in the region have a preponderant role? What is the state of economy in the region?

This analysis derives from these general considerations and analyses the main factors that appear to determine the performance of individual international institutions and the extent to which they are able to fulfil their mandate. These factors are both intra-institutional and context-related (i.e. they can be attributed to the external environment in which international institutions function). As for the latter set of factors, these can be further divided into two broad categories:

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[20] See Afghanistan Independent Human Rights Commission, at: http://www.aihrc.org.af/actionplan_af.htm.

those that occur in a post-conflict society, and those that appertain outside of a particular war-torn country.

Because these factors have an impact on how international institutions function, they are relevant also for studying the functioning of MSPs, in their entire "life cycle". As international institutions play a very important role in international governance, they can be expected to have an impact on the formation of MSP, on their performance and on their effects. By implication, the international community can therefore influence the processes of reconciliation, confidence-building and inter-communal bridge-building. However, what is very much unknown is how these processes can be stirred in the desirable direction, for there are many obstacles that can prevent international institutions from helping to promote inter-communal relationship building in post-conflict societies.

B.3.3 International-local linkages and factors determining the functioning and effects of MSPs

B.3.3.1 A complex international community

The first factor that needs to be taken into account in any analysis of the role of the international community in general, and international governmental organisations in particular, in managing and facilitating reconciliation-related issues in a post-conflict setting, is the character of the international community itself. This is a very complex and diverse community, with many different actors, each with own interests, goals, and frequently conflicting values.

Conflicts of interests or values, and consequently of desirable objective, occur not just between the governmental actors and the civil society or non-governmental networks and actors (Scholte, 2002), but they are very much part and parcel within the governmental sector itself. For MSPs this means that they can function in a context of conflicting interests of individual countries, even international governmental organisations. The Action Plan in Afghanistan, for instance, was significantly affected by such conflicting international views and interests. In particular, the emphasis by the US-led coalition on guaranteeing security as the key objective to be achieved with the help of the international community, gradually shifted the issue of reconciliation to the second plan. As security was severely undermined, every available source within Afghanistan was

needed to help bring it about. This included (former) warlords, the Taliban and others who were co-opted to the Afghan government and governmental institutions, thus further limiting all efforts to address past human rights violations and establish the necessary conditions for renewed inter-communal relations building. A similar problem occurred in Kosovo, where the issue of the final status (and the conflicting messages about the status and standards to be met before the status was going to be decided) overshadowed the returns process.

In addition to many different (also conflicting) interests at play in the complex international community, the diversity of international actors is likely to affect the very functioning of MSPs. At least two issues warrant attention in this respect: the relations between the governmental and non-governmental sector, and the relations among international actors themselves (Jaeger, 2007). With respect to latter, it needs to be borne in mind that each of them seeks to promote their own goals, and many states are faced with balancing their individual interests with the collective interests of international governmental organisation they are a member of.

Such individual and collective interests of various international actors can be either contrary to the expectations of national/local actors and their needs, or can themselves be mutually competing or even mutually exclusive of one another. Frequently, international actors would thus find themselves competing for managing the same issues on the ground, or for setting the priorities for international action (a typical dilemma observed with respect to Afghanistan was the dilemma between prioritising either security or transitional justice, but some ambiguity was also observed with respect to the behaviour of individual states, such as China, in the DRC[21]).

With respect to the Action Plan in Afghanistan, it has been argued that the process of reconciliation could have been more successful had international donors managed to agree on a clear platform and 'avoid competition among themselves by cross-funding groups and therefore increasing fragmentation.'[22] The differences among international (individual and collective) actors and the effects on the functioning of the Action Plan in particular, or on the process of reconciliation in general, could not have been complemented by the very weak non-governmental sector.[23] A similar problem occurred also in Kosovo, where the "final status" debate was used as the reason by the Serbian minority not to co-operate in the returns process

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[21] See the case study of the GRF, by the University of Florence.
[22] See the case study of the Action Plan, by the University of Florence.
[23] *Ibid.*

(thus affecting the functioning of the SPARK), whereas the non-governmental sector was too weak to be able to compensate for the collective resentment toward co-operation.

The limited resources tend to lead to competition in the already underfunded non-governmental sector. Non-governmental organisations need to shop for projects in order to sustain themselves. This can have very negative effects on the actual beneficiaries and on their involvement on the ground, for they depend on preferences of donors, and not necessarily on the actual needs in post-conflict societies. In the early days of the SPARK, for example, there was a certain level of competition among non-governmental organisations, international and local, for finances and visibility. As the case study of the SPARK by Jure Požgan (University of Ljubljana) demonstrates, this developed into some kind of an "NGO business": NGOs, explained by a SPARK stakeholder, 'were writing concept papers for projects going through [municipal working groups] with proposals for a lot of infrastructure in order to get the approval of municipalities; and trying to get enough funds […] so it was in NGOs interest to get a project funded and not in the municipality's'. In the end, this "business" meant that such projects were least successful.

Such competition at the international level can lead, and indeed has led, to two negative side effects at the local level. On the one hand, it has increased patronage by foreign donors whereby the Action Plan became perceived 'as a foreign discourse and something that needed to be addressed, somehow, to keep the donors happy, but without breaking the internal ruling pacts'.[24] On the other hand, competition at the international level made it possible for some national/local actors to "play games with the donors" in order to gain resources, possibly from several sources at once.

All this can of course lead to sub-optimal outcomes. In the MSP context, the involvement of several (similar) actors therefore requires a great amount of co-ordination. When the latter is lacking, as was the case with respect to the UNDP and the UNHCR within SPARK's food assistance component, this can lead to the unwanted consequences. As the UNDP and the UNHCR reportedly failed to co-ordinate their activities in the field of food assistance and the delivery of food packages to IDPs and refugees, beneficiaries in some municipalities "benefitted" from this by obtaining extra food packages. The lack of inter-institutional (inter-stakeholder) co-

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[24] *Ibid.*

ordination thus led to the loss of sources and to unequal distribution of assistance among the beneficiaries, which can further worsen inter-community relations in a post-conflict society.

With respect to relations between the governmental and non-governmental sector within MSPs, two trends can be observed. On the one hand, the non-governmental sector depends on governments and governmental institutions in terms of financial support and policy-focus. Reconciliation cannot be achieved without the governmental support and commitment to the very difficult process of relational peacebuilding at the political and social/societal levels. In Afghanistan, the lukewarm approach by President Karzai, with the tacit support of key international actors who favoured security over transitional justice and reconciliation, has negatively affected the effectiveness of the Action Plan as reported in greater detail in the case study of this MSP.

By contrast, the commitment of the Kosovo government to the returns process has made the resettlement-related MSPs, including SPARK, face no obstacles at the level of high politics, which significantly eased the functioning of stakeholders in SPARK. Instead of dealing with a lacking political support, stakeholders were trying to resolve a number of severe organisational and administrative problems. Still, where the political will was very apparent was at the governmental level outside of the partnership – namely, in Serbia. This was particularly problematic after the Declaration of Independence in 2008, when SPARK "lost" its legal basis (since the role of the UNMIK fundamentally changed and there were no Provisional Institutions of Self-Government in Kosovo), and the Republic of Serbia would not recognise Kosovo and Kosovo authorities, which have not only taken full responsibility for the returns process, but have also committed themselves to facilitate the returns. The changed political status of Kosovo and the attitudes of key actors in the returns process have further undermined the trust, which resulted in a significantly smaller number of returnees following the Declaration of Independence in February 2008.

On the other hand, governmental policies and goals cannot be achieved without participation of the non-governmental sector either. This is particularly the case when it comes to addressing highly sensitive issues of justice, reconciliation, property restitution, or land ownership, which has been one of the key conflictual issues in the DRC. In all three post-conflict societies, in all three MSPs studied within MULTIPART's WP4D, the non-governmental sector not only supplemented the roles of governmental actors, but it assumed some of the key tasks that could

not be carried out by the governmental actors. For example, the umbrella non-governmental organisation called UNIJA/M (bringing together a number of associations of internally displaces persons), which had no formal relationship with SPARK, provided a key link between SPARK activities and the potential beneficiaries living in Serbia. In particular, the UNIJA/M's members were advising returnees and helping them address their needs, and they collected the data on potential returnees, including those living in Serbia. Representatives of the UNIJA/M were inspecting the SPARK activities in Kosovo i.e. building of the houses) and monitoring the social climate in the receiving communities (in particular, if the receiving communities were open and positive towards the returns process), and reporting on those activities to the interested individuals back in Serbia.

Furthermore, in the DRC, land disputes as addressed within the MSP on *Groupes de Réflexion sur les questions Foncières* (the GRF), were essentially dealt with by non-governmental organisations, and the MSP started upon the initiative by international non-governmental organisations. In general, the non-governmental sector benefitted substantially in all three cases analysed within the MULTIPART's WP4D. The Action Plan in Afghanistan, for instance, 'and the collateral processes it has set in motion, local civil society groups have been encouraged to emerge and act, have participated in conferences, and have organised structured contacts with donor countries or international non-governmental organisations', as noted in the analysis of the Action Plan by the University of Florence (below).

Because the non-governmental (civil society) sector is largely undeveloped in any post-conflict society (which was the case in all three countries under examination within the MULTIPART), many international non-governmental organisations help in developing it. The process of civil society development was very slow in Kosovo, for example, where it started through the so-called process of twinning. Thus, the Developing Together (a Kosovar NGO) developed with the help of the GOAL Ireland, and the Employment Promotion Agency Kosovo in co-operation with the *Arbeitsgruppe Entwicklung und Fachkräfte im Bereich der Migration und Entwicklungszusammearbeit*.[25] A similar development was noted with respect to the GRF in the DRC.[26]

In sum, the complexity of the international community needs to be taken into account in any analysis of international-local linkages within the context of MSPs, not only in terms of the sheer

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[25] See the case study of the SPARK by the University of Ljubljana (Jure Požgan).
[26] See the case study of the GRF by the University of Florence.

number of different international actors (which creates the problems of competition and co-ordination of their activities), but also in terms of different types of actors. They, accordingly, face both a number of opportunities and constraints in their interactions with the national/local actors in general, and in their effort in peacebuilding in particular.

B.3.3.2 A difficult post-conflict environment in war-torn societies

Maintaining stability in a crisis area is an essential component for creating a successful working environment for international organisations. Various models, such as power sharing, can be applied to prevent such scenarios from happening (Bieber and Keil, 2009), but they do not carry any guarantee that they will eventually serve their purpose – much depends on the complexity of a conflict (but in war-torn societies, causes of conflicts are anything but simple). Several challenges need to be address; fair and free democratic elections, for example, are a precondition for the legitimacy and credibility of the government. If the latter is credible in the eyes of the public than the work of international organisations will be "tolerated" – IGOs will not be seen as "supporters" of the government in power. Second, the stability of the government is another important element of international cohesion. Frequent changes in government, frictions in coalitions and the like damage the continuity of relations between international organisations and governmental officials. In a similar fashion, the successful management of ethnic divisions (which are often the main source of conflict) leads to a more stable working environment for international organisations. Last but not least, the adherence to basic norms such as the rule of law, human rights and the fight against corruption would make it easier for international organisations to do their work.

As already indicated, hardly any of these conditions is met in war-torn societies, recently emerged or still emerging (Afghanistan) from a violent conflict. This meant that the MSPs working in the field of reconciliation, confidence-building and inter-communal bridge-building, needed international involvement that had to go way beyond a mere "moral support" – not just in terms of funding, but above all in terms of providing the personnel with the skills and legitimacy needed to carry out the planned activities aimed to contribute to reconciliation, confidence-building or inter-communal bridge-building. In Kosovo, for example, the high sensitivity of the returns process and the lack of legitimate and skilled local administration meant that international actors were directly and hands-on involved in the SPARK. They served as mediators between the majority population and Albanians, as the case study on Kosovo shows,

for 'they were regarded as more credible, independent and the ones that can be trusted.'[27] In the peacebuilding efforts in the DRC (South Kivu), by contrast, there was hardly any international involvement and 'the absence of multilateral public' has been singled out as one of the main problems concerning peacebuilding and empowerment.[28]

The lack of local capabilities and very poor competences of the local administration directly involved in carrying out SPARK objective, was something that the international community was aware of. Accordingly, as the case study of the SPARK, by the University of Ljubljana (Jure Požgan), demonstrates, one of the goals of the SPARK was also to help the locals gain the necessary competences to be able to carry out the returns process on their own. However, because international actors were perceived, at least initially, as more legitimate, apolitical, more competent and impartial, but also more effective, such local capacity building was limited in its scope and success. The transfer of competences was further affected by the issue of final settlement of the political status of Kosovo, whereby local and municipal authorities were expected to develop their competences and follow the norms and standards before the decision on the final status was going to be made. In practice, however, this logic was not followed.

Furthermore, political culture and corruption in Kosovo made it very difficult for any partnership to function efficiently. SPARK was no exception in this respect. As the case study of SPARK by Jure Požgan (the University of Ljubljana) demonstrates, the ministry responsible for the returns process (i.e. the Ministry for Communities and Returns) changed four heads (ministers) in four years: 'Some of them were replaced as a consequence of corruption while others were mainly working in the interest of a particular municipality.' Strikingly, as pointed out by an interviewee working for an international stakeholder in SPARK, 'good people do not last long in Kosovo politics'. In such an environment, it will be very difficult to achieve trust, confidence or even fairness. Such an environment will also further support the views that 'the word of an international is still stronger than the word of a Kosovar in the same capacity' and the attitudes that local organisations 'are less credible and less preferred than internal ones.'[29] Such perceptions, of course, negatively affect the long-term peacebuilding process at the national/local level.

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[27] See the case study of the SPARK by the University of Ljubljana (Jure Požgan).
[28] See the case study of the GRF, by the University of Florence.
[29] See the case study of the SPARK by the University of Ljubljana (Jure Požgan).

Because in the initial phases of the post-conflict reconstruction efforts, there are hardly any competent (skilled) local administrators, and very few at the national level, international actors are faced with several process-related obstacles that are, however, essential in achieving the final objectives of any joint project, including the MSPs' specific goals. One of the effects of all three MSPs in the issue-area under consideration within the WP4D was therefore the process of capacity building. International actors played a crucial role, either before the official beginning of an individual MSP (the GRF), or during its duration (SPARK). The SPARK in particular was always aimed at enabling the national and local institutions in Kosovo (the governmental and municipalities) to be able to carry out the returns process on their own, in co-operation with the non-governmental sector. Capacity building by international actors has, of course, not been limited to the context of individual MSPs. Indeed, as pointed out in the case stuffy of the GRF by the University of Florence, '[t]he aim of the EU intervention in the DRC is the transmission of knowledge to help the democratic governance institutional process.'

One of the problems international actors face when they "enter" a country is the selection of their local partners. Frequently, the same individuals (typically educated in the West or able to speak English) end up working in many different projects. An even worse case scenario would lead to co-opting powerful individuals, some of which may have even played an active role during the conflict itself. For international actors working in the field of reconciliation, confidence-building and inter-communal bridge-building, such an intentional or unintentional involvement of those individuals – with a view to protecting (some) foreign interests, by some (typically more powerful) international actors – is even more problematic as it may undermine any effort in peacebuilding in post-conflict societies.[30]

Perhaps an even more problematic issue is the lack of support, rather than merely lack of competences and skills or organisational difficulties, by the high-level politicians in a post-conflict society itself. International involvement in post-conflict reconstruction is based on the assumption that international help is not just needed, but it is also welcome at the local level, by war-torn societies. Once the political system is (re-)established, it is assumed that the newly elected government and other institutions would continue supporting joint post-conflict reconstruction, with an ever increasing number of competences being transferred to and assumed by the local (elected) institutions and individuals occupying the post. However, such local support may be lacking, particularly with respect to such sensitive issues as those

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[30] The issue of representation is discussed in greater detail in Chapter B.2 (by David Lewis) above.

appertaining to the process of reconciliation, including transitional justice. President Karzai's ambiguous attitudes towards the Action Plan need to be mentioned in this respect. An additional problem can occur where the international community has different (opposing) views. UNMIK's or EULEX's "voice" was receiving different support internally, by the Albanians or the Serbs, depending on whose international voice was music to whose ears in Kosovo.

In order to address such serious problem of lacking domestic support, the Action Plan's stakeholders have called on international organisations to attached some conditions to their funding. The system of conditionality has been developed in greater detail by international institutions such as the European Union, in its external relations with third countries (including in the area of donor aid), and more recently, in the process of enlargement (Pridham, 2005; Schimmelfennig and Sedelmeier 2005; Bechev, 2006; Schimmelfennig, 2008; Sedelmeier, 2008), leading to what has been described as "network governance" (Lavenex, 2008). The concept of conditionality can, indeed, be usefully applied also to a post-conflict setting where (international) pragmatism will not guarantee progress in all essential issue-areas to be dealt with. The unpopular and highly sensitive issue-area of reconciliation, confidence-building and inter-communal bridge-building is particularly vulnerable to negative consequences of pragmatic internal politics. As noted in the case study of the Action Plan by the University of Florence, 'donor countries should now understand that only a government genuinely committed to truth-seeking and justice could implement a programme such as the [Action Plan]', acting 'in tight co-ordination with an ever stronger Afghan civil society'.

B.3.3.3 Internal organisation and behaviour of international actors

In specific post-conflict settings, where international involvement is urgently needed to promote and support the efforts aimed at relational peacebuilding, scholarly attention is first and foremost focused on environment-related factors affecting the success rate of those endeavours. Whereas contextual circumstances, particularly the lack of functioning institutions, lack of inter-community trust, and a very difficult socio-economic situation (e.g. high unemployment, hardly any intra-state income-generating economic activity), clearly have a crucial impact on the functioning of MSPs working towards achieving reconciliation, some other least likely factors affecting this process, though indirectly, should not be overlooked. In particular, attention should be devoted to the very organisation and functioning of international actors, in general, and international institutions, in particular. For, some forms of behaviour of individual

international actors, or the lack thereof, can have a significant impact on the functioning of MSPs and, consequently, on their effect on the processes of reconciliation, inter-communal bridge-building and confidence-building.

There are several aspects to this factor. With respect to states and their roles in MSPs, particularly as donors, their involvement in post-conflict reconstruction across the world depends on several factors. These include a specific commitment to helping societies with which individual countries have been linked historically (e.g. during the period of colonisation), politically (e.g. within the same multi-national state such as Yugoslavia), ethnically (transnational ethnic ties have been known to affect foreign policy of individual states; see Moore and Davis, 1998), or economically (e.g. if a country sees economic potential in a post-conflict society, it may be willing to contribute to different aspects of post-conflict reconstruction, also with a view to gaining trust and legitimacy or establish contacts[31]). Individual states get involved in post-conflict reconstruction efforts also for purely normative reasons – to help establish democratic societies, where human rights and fundamental freedoms are fully respected, and basic needs provided. Scandinavian countries in particular have established themselves as such honest "norm promoters" (Finnemore and Sikkink, 1998).

Whereas states have a number of legitimate interests in helping others to overcome the problems related to a specific post-conflict situation, some of such interests are problematic, as are motivations for their involvement in other countries. What also needs to be borne in mind is the fact that such interests and motivation can change over time as they are subject to governmental support. A government may thus decide to shift its foreign policy priorities from one region to another, to ignore the newly emerging needs in some regions (the process of peacebuilding in the DRC, including the GRF, appears to have been subjected to some of such purposeful lack of interest by key international actors), to readjust the amount of foreign aid. Or, a government with a clear interest in international post-conflict efforts can lose elections and be replaced by a differently-focused government.

From a theoretical perspective, therefore, international actors (states) play a two level game, whereby their behaviour at the international level is also closely related to the developments (interests, power, norms and values) domestically (see Putnam 1988). In order to understand the

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[31] For example, according to the 2006 figures, Austria ranked among the major donor countries to the EBRD's Western Balkans Fund; at: http://www.ebrd.com/pubs/factsh/investor/wbalkans.pdf.

role of the international community in MSPs and in post-conflict reconstruction more generally, one needs to understand and monitor also the domestic level.

With respect to international institutions, the intra-actor explanations would include issues that appertain to the way an institution is organised, and consequently, to the issue of as to whether or not an institution is capable and willing to provide the help most needed and most expected by actors in war-torn societies. In this respects, MSPs are a very useful tool for addressing specific needs at the local level, particularly if a partnership is made of competent institutions, complementing each others' contribution to the jointly executed efforts. This minimises both competition and duplication of work.

As international organisations are themselves dependent on member states and their willingness to support them financially, politically and organisationally, such a co-ordinated endeavour that addresses the "right" needs at the right time, without any unnecessary delay, may be a huge task. International governmental institutions thus have a very hard time to live up to the many expectations at the local level, in individual post-conflict societies.[32] They are often blamed for inaction although their member states purposefully ignored clearly stated needs as presented to member states by the staff of those organisations. As a result, those organisations may be faced with bad reputation in a particular area, and their future involvement will be much more difficult if not impossible.

In other cases, however, the intra-institutional (political) dynamics can prevent international institutions from acting, or from acting effectively. For instance, the European Union is frequently blamed for its ineffectiveness, which is made even worse given its normative and political power. In other words, what can be observed with respect to the European Union is its economic power, as well as its unparallel normative power (Manners, 2002). Local actors (in post-conflict societies) thus look up to the European Union for help in their reconstruction and in peacebuilding efforts. Indeed, as argued by Diez and Pace (2007: 1), the European Union's ability to transform conflicts through its involvement in partnerships or directly 'largely depends on this acceptance of the notion of normative power Europe.'

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[32] This state of affairs has been well portrayed by the former Secretary-General of the United Nations, Boutros-Boutros Ghali. Asked about the efficiency of UN peace operations, with specific reference to the prospects of US withdrawal from Somalia in 1993, he replied: *I can do nothing. I have no army, I have no money, I have no experts. I am borrowing everything. If the member states don't want, what can I do? The reality is to avoid giving promises which you are not able to fulfil* ("Somebody Will Have to Play Policeman", *Los Angeles Times*, November 9, 1993. Http://articles.latimes.com/1993-11-09/news/wr-54754_1_peace-enforcement).

Thus, it was the European Union that – even in the wake of US-led prioritising security of Afghanistan over reconciliation – clearly stated its continuous commitment 'to strengthening Afghanistan civil institutions, implementing the AP, securing peace and justice' because for the European Union, 'the rule of law, securing peace and justice is vital to Afghanistan and they need to be strengthened. […] Impunity from punishment is not acceptable and no one entitles impunity'.[33] Still, the changing attitudes in Washington (i.e. decreased support to the transitional justice process in Afghanistan as this was perceived to endanger the most important goal – security), have weakened the leverage of the European Union within the Action Plan. The empirical analysis of the Action Plan demonstrates that the Union has been very influential in some aspects of the Action Plan, it has also failed to meet the expectations to use its normative commitment in relation to Washington.

With respect to the GRF, however, the European Union was expected to finance more programmes for addressing the pertinent land disputes. In a way, the EU's was needed almost more as an economic power, rather than above all the normative power with the ability and willingness to enforce international norms. But the European Union was not perceived as doing what it could in the DRC. In comparison to the obstacles it was faced with within the Action Plan in Afghanistan, however, the EU's strength was weakened internally in the DRC. In particular, consensus at the intergovernmental level was affected by individual member states 'especially those with stronger economic interest in the DRC'.[34] Pragmatism – i.e. the idea that 'norms count, but power decides' (Bergesen, 1985) – thus affected the functioning of MSPs, albeit it came from different directions.

Although the European Union is perceived as a political, economic and normative power, with a significant leverage, governments such as Kosovo's,[35] local actors, including stakeholders in MSPs working in the field of reconciliation, inter-communal bridge-building and confidence-building, have observed that the European Union is significantly weakened by its intra-institutional dynamics. It tends to be perceived as a somewhat problematic partner because, as it

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[33] A statement by a Swedish diplomat, on behalf of the EU Presidency; more in the case study of the Action Plan, by the University of Florence, below.
[34] See the case study of the GRF, by the University of Florence.
[35] The goal of Kosovo to become an EU member state has led to the growing presence of the European Union in Kosovo in general, and in the issue-area of returns, in particular (for more see the case study of the SPARK, by the University of Ljubljana (Jure Požgan) below). It has to be added, however, that the European Union has never enjoyed a significant amount of normative power in Kosovo; it is the Americans that are perceived as "liberators" in Kosovo (following the US-led NATO operation in the 1990s).

was frequently observed, "it does not speak with one voice", and it "never makes decisions fast". In Afghanistan, the European Union was perceived as not having used all of its potential to help in peacebuilding efforts, due to a lack of sufficient co-ordination by the member states and also due to the lack of their willingness to share 'their prestige' in their effort, and because they 'have been competing all the time in the face of constraints, sometimes even throwing mud at each other to explain their collective inability', as noted in the case study of the Action Plan below.

Another general aspect of the intra-institutional dynamics, particularly relevant in the context of MSPs working in the field of reconciliation, is related to the planning and to its time dimension. In particular, empirical research has demonstrated that peacebuilding is a very long-term goal that requires a set of carefully planned and executed activities. This, however, appears to be far away from annual budgets of international actors, as well as from their slow intra-institutional procedures to approve specific projects. In general, international institutions have been criticised by local stakeholders for the duration of their internal procedures (i.e. between an initiative and a decision by an institution that it was going to support the initiative), and for the uncertainty of this process. For example, it was clear that the Action Plan 'was one of many donors-led programmes to fight for space with many others'.[36] The lengthy international procedures are ever more problematic when they are about post-conflict incentives that have an "expiry date". For example, the returns process is most effective when the displaced population has not permanently settled elsewhere. In Kosovo, many Serb families have relocated to Serbia, and it is ever more difficult to move back to Kosovo again. For this reason, most of returnees have been the elderly.

Such uncertainty, or short-term projects eager to satisfy constituencies (voters) in donor countries, can negatively affect the already fragile trust and confidence among the communities, or it can diminish all efforts for building trust in local institutions. If they stop providing certain services, or if they stop working in a specific issue-area (e.g. the returns process can slow down if funds are not available; if truth seeking commissions stop working, this will further increase the perception of injustice), this is likely to have negative effects on the long-term peacebuilding efforts, but it can also undermine the steps already taken towards this goal.

International institutions further face a potential problem of sustaining the "institutional memory" when it comes to field-related projects. The relatively frequent personnel turn-over,

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[36] See the case study of the Action Plan, by the University of Florence, below.

particularly in countries such as Afghanistan, makes it more difficult to retain the trust and good working relations between the internationals and the locals. This is of course essential, particularly in the most sensitive issues in a post-conflict setting. International organisations were also faced with the issue of their credibility, particularly with respect to the high costs of their own operation. This is particularly problematic in war-torn societies, faced with the problem of fulfilling even the most basic human needs. In Kosovo, where the bulk of the money for the returns process was contributed by the Kosovo government, this was very apparent. The UNDP in particular was frequently faced with complaints that international organisations were simply too expensive; 'that this is taking-away money from returns projects' themselves.[37] Given the limited capacities and the problems with transparent and efficient project management within the Kosovo government, the need for international involvement (above all the UNDP's) in Kosovo remains quite high.

B.3.4 Conclusion

In post-conflict societies, efforts that aim to contribute to reconciliation, confidence-building and inter-community peacebuilding largely depend on the involvement of the international community. As these processes necessarily require participation of local actors, the MSP context appears to provide a very suitable environment for collective efforts in the issue-area of reconciliation, confidence-building and inter-community peacebuilding. However, the heavy and indispensible involvement of international actors in these processes in Afghanistan, Kosovo and the DRC is neither straight-forward nor problem-free. On the contrary. As the empirical research of the three selected MSPs in these countries has demonstrated, the role of international actors – above all international governmental organisations, individual states and international non-governmental organisations – in post-conflict settings can be very ambiguous. Importantly, factors that influence the behaviour of international actors, and consequences of such behaviour in the issue-area itself (i.e. in the field – in the post-conflict societies themselves), are very complex.

As this thematic paper has demonstrated, at least three levels of analysis are required in order to understand the role of international actors and the international-local linkages in the context of MSPs addressing reconciliation, confidence-building and inter-community peacebuilding. Firstly,

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[37] The case study of the SPARK, by the University of Ljubljana (Jure Požgan), below.

the very complex nature of the international community itself, with many different actors seeking to achieve their own objectives in a very competitive environment; secondly, the very difficult conditions in war-torn societies that are operationally/institutionally unable to begin any peacebuilding processes on their own, and for international actors to participate in these processes; and thirdly, the characteristics (motivations, organisation) of international actors themselves, which help us understand the intra-institutional or intra-actor reasons for their behaviour (i.e. their policies, the way they are being pursued, as well as the lack of interest in a particular issue of country).

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B.4 MULTI-STAKEHOLDER PARTNERSHIPS IN POST-CONFLICT CONFIDENCE-BUILDING AND PEACEBUILDING: MULTI-STAKEHOLDER CHARACTERISTICS AND CONFLICT-SENSITIVITY

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B.4.1 Introduction

This Chapter aims to explore two inter-related specific aspects of the potential and actual significance of MSPs for building peace in conflict-affected countries through reconciliation, confidence-building or inter-communal bridge-building. It examines the extent to which MSPs are inherently more likely than other modes of policy-making and programming (e.g. bilateral, pure government, pure NGO etc). to have capacities and interests to contribute to these goals; either directly or indirectly through to "conflict-sensitive" policy and programme design and implementation in countries emerging from conflict. This issue directly contributes to efforts to address MULTIPART Primary Research Questions 2, 4, 5 and 6 in relation to the WP4D thematic area of reconciliation, confidence-building and inter-communal bridge-building.[38]

The starting point for the analysis is that it is unlikely that all types of MSPs are inherently better adapted to conflict-sensitivity, or to promoting reconciliation, confidence-building, or inter-communal bridge-building. It is more likely that this will depend greatly on their specific characteristics (for example to their membership, rules, resources, objectives and dynamics) in relation to the conflict and peace-processes of concern. The challenge is to clarify which characteristics are likely to be most critical in enabling substantial contributions by MSPs to peacebuilding impacts; in order to inform decisions on how best to develop and prioritise support for relevant initiatives.

Reconciliation, confidence-building and inter-communal bridge-building are each concerned with aspects of building constructive relationships between divided social or political groups. Activities to promote them can broadly focus either directly and explicitly on these objectives or indirectly addressing them through functional co-operation and integrative activities

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[38] See Sections C3.2 and D2.3, O. Greene, K. Pischikova *et al.*, MULTIPART Theoretical and Methodological Framework, Final report of Work Packages 2 and 3, December 2008.

(Ramsbotham, Woodhouse and Miall, 2005; Lederach, 1999; Dayton and Kriesberg, 2009). On this basis, a further starting point for this paper is that MSPs can contribute to reconciliation, confidence-building and inter-communal bridge-building in two broad types of ways:

- Focusing primarily on specific reconciliation, confidence-building or inter-communal bridge-building goals

- Pursuing other goals relevant to post-conflict reconstruction, human security and peacebuilding (economic, social, governance, security, etc) in ways that promote functional co-operation, integrative processes, or take opportunities to contribute to reconciliation and peace – that is in "conflict sensitive" ways.

While MSPs devoted directly to promoting reconciliation have an important role to play, it is very important not to neglect the second category. Overall MSPs in this category command much greater attention and resources, and in any case provide an essential context for specific reconciliation efforts.

Moreover, the primary drivers for EU and other external support for MSPs in countries emerging from conflict have been to promote progress on wider agendas relating to legitimacy, institution-building, governance, socio-economic effectiveness, empowerment and democratic state-building as part of the liberal peacebuilding agenda (see for example, Greene, Pischikova *et al.*, MULTIPART WP2&3, C.2, 2008; UN High Level Panel, 2004, Paris, 2004, Ramsbotham, Woodhouse and Miall, 2005; Darby and MacGinty, 2008). Within this framework, there has often been a contestable assumption that MSP processes that contribute to these wider goals will also overall contribute to reconciliation. This chapter does not accept this assumption, and aims to explore what specific MSP characteristics and dynamics are likely to lead to them being well-adapted likely to contribute to reconciliation and peaceful relationships.

The chapter thus aims primarily to refine the basis for, and focus of, detailed case-study investigations of the significance of selected MSPs for building peace. In that sense, it adds to the theoretical framework and hypothesis generation for MULTIPART empirical case studies. A further aim is to examine the findings of the 12 MULTIPART cases studies in relation to these hypotheses, to refine preliminary conclusions and thus contribute to the wider findings of this Thematic Working Paper (TWP) prepared by the WP4D and to WP6.

The paper is organised as follows. The following section B.4.2 briefly identifies and explores some key sets of characteristics that can be expected for partnerships focussed on promoting peace and reconciliation, on the basis of wider existing literature on such processes, and then discusses the extent to which these privilege MSP approaches. Section B.4.3 then similarly identifies characteristics of MSPs in the thematic areas of socio-economic development; good governance, and security that could be expected to enhance their capacity of conflict-sensitive policy-making or programming, and develops some possible hypotheses worthy of further research. Section B.4.4 formalities hypotheses on the basis of the preceding sections, and then briefly examines these in relation to actual MSP characteristics and significance as identified in the four WP4 TWPs, particularly the 12 case studies. Section B.4.5 identifies some possible implications for the EU and other international actors in relation to their international policies and practices towards conflict-affected countries.

B.4.2 Reconciliation and confidence-building capacities and MSPs

There is a vast literature and range of experiences relating to effective approaches towards reconciliation, confidence-building and inter-communal bridge-building (see for example, definitions and discussion in Section B of this Thematic Working Paper). Within this sphere, there is an honourable and important place for third-party external actors, for example to act as mediators or facilitators between conflict parties or alienated community groups (Ramsbotham, Woodhouse and Miall, 2005; Bloomfield, 2003; Kriesberg, 2001; van Leeuwen, 2009; Lederach, 1999; Paffenholz, 2009).

Over the last 20 years, however, a large proportion of the initiatives in countries emerging from conflict specifically aimed at promoting confidence, bridge-building between divided communities, or reconciliation have involved efforts to establish and develop working partnerships for this purpose (van Leeuwen, 2009; Godhand, 2006; Paffenholz, 2009). Civil society initiatives in this sphere take many forms, involving one or more national or local CSOs with relevant community links, often working with (and supported by) an international CSO (such as an NGO) dedicated to aspects of peace and justice promotion. State-oriented initiatives for this purpose are often organised around either power-sharing processes or confidence-building, perhaps between relevant national or regional authorities and representatives of political parties or local authorities from alienated areas. Private sector initiatives are typically

lower profile, as businesses and entrepreneurs establish necessary connections and environments to facilitate trade, production and investment (Joras, 2009; International Alert, 2006).

For the purposes of this chapter, assessments of the prospects of success for such initiatives can be expected to depend most critically on how such partnerships cut across key lines of political or social division. Reconciliation, confidence-building and inter-communal bridge-building are, after all, primarily about developing and transforming relationships between mutually-suspicious and divided social or political groups (as emphasised in Part B, Chapter B.1 by Roter and Požgan). The implication is that *partnerships involving groups from both sides of the relevant divides are best placed directly to promote and develop reconciliation or bridge-building.*

Within this framework, it is possible to identify some key questions or characteristics that are likely to affect a partnership's capacity directly to promote reconciliation, confidence-building or bridge-building.[39] These include:

1) Does the membership of the partnership come from both sides of a key societal or political divide?

2) To what extent is membership symmetric across the divide (legitimacy, influence, constituency, relationship to conflict-risks, etc, within their "home" communities)?

3) How many important societal divides are crossed by the membership of the partnership, and how do the interactions between these different divides relate to risks and opportunities for peace?

4) What is the quality of the relationship between members of the partnerships on each side of the relevant divide(s) (reliability, depth of mutual understanding and respect, sustainability, communication channels, etc.)?

5) Overall capacities of the partnership (and distribution of capacity between members) to identify, develop and implement initiatives for reconciliation, confidence-building, or inter-communal bridge-building – including innovation and problem-solving capacities.

6) The resources and extent of institutionalisation of the partnership, including its resilience against set-backs or opposition.

7) The partnership's access to external resources, influence or protection.

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[39] Author's distillation of key characteristics, drawing on a wide existing literature reflected in the references for this chapter, and building on the discussion by O. Greene in Section D of Greene, Pischikova *et al.*, WP2&3 (2008).

In addition to such capacity characteristics, it is important also to assess the actual and potential interests of the members of the partnership in reconciliation, confidence-building and bridge-building. In practice, many such partnerships have an interest in "working around" conflict rather than "working on" conflict.

In practice, countries emerging from conflict are highly complex, implying that there are many different roles and niches for partnerships to contribute to peacebuilding. Even if they do not directly span the relevant conflict divides, they can also contribute to wider processes relevant to peacebuilding, for example, by:

a) contributing to a benign political, social, security or economic environment;

b) encouraging or empowering supporters of peace, justice or reconciliation on at least one side of the societal divides, or removing/disempowering "spoilers";

c) providing "guarantees" or safe-guards in case of setbacks or bad-faith actions.

d) contributing to production or dissemination of reliable knowledge about conflict risks or peace-process options.

e) Contributing to the development of mechanisms or institutions designed to support reconciliation efforts (such as TRCs).

f) providing external resources (funds, expertise, etc) to enable agreed initiatives to be implemented

In practice, therefore, successful reconciliation and confidence-building processes require a network or "complex" of different partnerships, each of which can contribute to a wider peacebuilding and reconstruction process (various effective characteristics or configurations of such networks are discussed, for example, Lederach, 1999; Reychler and Paffenholz, 2001; Paffenholz, 2009; Bloomfield, 2003, Ramsbotham, Woodhouse and Miall, 2005; Mekenkamp, van Tongeren and van de Veen, 1999).

Many of these partnerships will not be explicitly focussed on reconciliation or confidence-building per se. Specific priorities, and "gap-filling" contributions, depend on the specific

context, and can only be identified on the basis of a detailed and up-to-date conflict assessment and peacebuilding strategy (Jeong, 2005; Greene, Buxton and Salonius-Pasternak, 2006; Kriesberg, 2001).

Nevertheless, it is important for the purposes of this chapter to distinguish between partnerships that aim *directly* to contribute to reconciliation, confidence-building and bridge-building activities and those that can contribute indirectly or as a side-benefit of their primary activities.

Building on this analysis, we now turn to link the above analysis with the potential benefits of an MSP over other types of partnerships for such *direct* reconciliation, confidence-building and inter-communal bridge-building initiatives or processes. The general lines of argument are similar to those for all types of MSP contribution to post-conflict reconstruction, peacebuilding and promotion of human security, as discussed for example in the MULTIPART Theoretical and Methodological framework (Greene, Pischikova *et al.*, Final Report WP2&3, 2008), and also building on the discussion in the previous chapters of this TWP 4D.

The mere fact of a partnership taking the form of an MSP does not necessarily confer any benefits for its capacities directly to contribute to reconciliation or bridge-building, as identified for example above. However, by expanding the number and variety of types of members of the partnership, it almost by definition affects the characteristics for a partnerships capacities to contribute outlined for example in 1) – 7) above. Within this framework, MSPs' wider membership provides several potential opportunities: for example, it can enable:

- Integration of partners *directly* concerned with reconciliation with other partners that bring *indirect* benefits for reconciliation activities (listed a) – e) above), promoting overall capacity by facilitating co-ordination and resilience; or;

- Qualitative changes (hopefully enhancements) in the overall characteristics of the partnership that are directly relevant for reconciliation and bridge-building capacity (as listed 1) – 7) above).

The permutations are endless, but the following illustrations aim to clarify this point.
Adding a state agency, international agency or donor to (for example) a civil society partnership focussed on reconciliation could:
- help to contribute to a benign political, social, security or economic environment;

o further encourage or empower supporters of peace, justice or reconciliation on at least one side of the societal divides, or help to remove or disempower "spoilers";

o provide useful "guarantees" or safe-guards in case of setbacks or bad-faith actions.

o contribute to production or dissemination of reliable knowledge about conflict risks or peace-process options.

o Help to establish generic mechanisms that can be used for reconciliation purposes.

o provide external resources (funds, expertise, etc.) to enable agreed initiatives to be implemented

Similarly, having of combination of types of partner (local civil society, international NGO, local authority, state agency, private sector) directly involved in reconciliation efforts one or both sides of the relevant societal divide(s) could contribute to effectiveness, for example, by

a. Providing additional opportunities for extending membership of the partnership across both sides of a key societal or political divide?

b. Provide opportunities for mitigating worrying asymmetries in the membership of the partnership across the divide (legitimacy, influence, constituency, relationship to conflict-risks, etc, within their "home" communities)?

c. Helping to manage how many important societal divides are crossed by the membership of the partnership, and how the interactions between these different divides relate to risks and opportunities for peace?

d. Improving the overall quality of the relationship between members of the partnerships on each side of the relevant divide(s) (reliability, depth of mutual understanding and respect, sustainability, communication channels, etc)?

e. Add to the overall capacities of the partnership (and distribution of capacity between members) to identify, develop and implement initiatives for reconciliation, confidence-building, or inter-communal bridge-building – including innovation and problem-solving capacities.

f. Increase the resources and extent of institutionalisation of the partnership, including its resilience against set-backs or opposition.

g. Enhance the partnership's access to external resources, influence or protection.

It could also help to strengthen or consolidate the overall interests of the partnership in sustained work on reconciliation or inter-communal bridge-building.

This discussion so far has primarily addressed the relevant aspects of MULTIPART Primary Research Question 2 – 'what are the *potential* mechanisms by which the MSP character of a partnership could enhance its capacity, interest and effectiveness for direct engagement in reconciliation, confidence-building and inter-communal bridge-building'?

However, the same mechanisms could equally bring disadvantages, if the additional or mixed range of partners in practice would have damaging effects. One example of this is provided by Lewis in Chapter B.3 above, discussing the dilemmas raised in the context of power-sharing approaches. Questions of membership and rules of participation in an MSP concerned with reconciliation are delicate and important and, to the extent to which key actors have real choices, they need to be assessed in each specific context, on the basis of an adequate conflict assessment and peace strategy.

In practice, the quality of judgements about how best to develop an MSP or other partnership that is directly concerned with reconciliation and confidence-building will depend on which of the partners take the lead in decision-making about strategy and about the membership rules.

It is in this context that the "top-down" or "bottom-up" distinction emphasised in Part B (Chapter B.1 by Roter and Požgan) of this TWP become highly important. Actors that do not have a long-standing and deep interest and understanding of the conflict dynamics and sensitivities, and of the challenges and opportunities, are liable to take bad decisions about the best configuration and membership of an MSP. It is likely to make a big difference if the "construction" of an MSP has been led by a small partnership with strong roots in local reconciliation efforts or by "incoming" post-conflict leaderships, national authorities or donors for example, Lederach (1999), Reychler and Paffenholz (2001).

This does not translate directly into a "local" versus "international" actor dichotomy: often international NGOs or international agencies have a deeper and more consistent engagement with addressing certain societal divisions than the provincial or local authorities, for example (Cousens and Kumar, 2001; Heijmans, Simmonds and van de Veen, 2004; Mekenkamp, van

Tongeren and van der Veen H, 1999 and 2002; van Tongeren, van der Veen and Verhoeven, 2002).

This discussion has so far aimed to clarify and refine questions to be researched in MULTIPART MSP Case studies asked in relation to direct contributions towards reconciliation, confidence-building or inter-communal bridge-building. Research could usefully focus on the extent to which the MSP characteristics of the partnership in question contributed to capacity or interest for reconciliation within and across the relevant societal divides, in relation to the potential mechanisms outlined above. It also highlights and further elaborates established MULTIPART questions on the extent to which the core actors that are most directly concerned with reconciliation efforts have led the development of the MSP, particularly invitations and rules for membership.

B.4.3 Characteristics and conflict sensitivity

This section focuses on exploring how MSP characteristics can help to contribute to conflict sensitive policies and programmes, and thus contribute to reconciliation, confidence-building or inter-communal bridge-building. As such, it complements the previous discussion on MSP characteristics relating to direct engagement on reconciliation processes. Although it is concerned with "side benefits", it is by no means less significant. As noted in the introduction to this chapter, the overwhelming majority of resources and efforts in general, and MSPs in particular in post-conflict contexts are primary devoted to wider social, economic, political, governance or security programmes. It is important to understand when and how the conflict sensitivity of such policies, programmes and activities can be shaped.

The concepts, determinants and relevance of "conflict sensitivity" have been discussed in depth in MULTIPART's Theoretical and Methodological Framework (Final Report of WP2&3, 2008), particularly in sections C.3 and D.7 (and references therein). In brief *Conflict sensitive policies, programmes and practices* are those that are carefully designed and implemented to (Greene, 2006):

- avoid or reduce the possibility of unintentionally exacerbating or contributing to processes or risks of violent conflict; and
- take opportunities to help to prevent or reduce violent conflict and to promote peace.

In order to adopt this approach, those responsible for design and implementation need to:

- Understand the context in which they are operating, particularly conflict dynamics;

- Understand the likely interactions between the proposed policy or programme activities and the country or regional context, particularly in relation to peace and conflict issues;

- Act upon these understandings to design and implement the relevant programmes so that they do no harm (in relation to violent conflict) and where possible positively contribute to conflict prevention and peacebuilding.

Thus, conflict sensitive policies and programmes will tend to avoid inadvertently creating obstacles to reconciliation, confidence-building and inter-communal bridge-building and also to take opportunities to support and promote such practices. Indeed, in most practitioner guidance documents for conflict sensitivity, it is one of the top indicators of success to designing and implementing programmes in ways that constructively promote confidence and bridge-building in appropriate ways across divided communities and stakeholder groups (see for example, Africa Peace Forum *et al.*, 2004).

In general, conflict-sensitivity of programmes and policies in conflict-prone countries emphasises the importance to engaging with a wider range of stakeholders, including those who are presently suspicious or alienated from the process. However, engagement does NOT imply full membership and participation in agenda-setting and decision-making, and so this principle does not automatically confer intrinsic benefits on large membership MSPs. It is disconcertingly easy to identify risks that inclusion of certain types of actors could add to risks of conflict insensitivity. Moreover, experience with challenges for achieving conflict-sensitive programmes and activities emphasises that the norms, procedures, rules and qualities of membership partnerships are often more important than membership issues alone.

In this context, in what ways could MSP characteristics help to enhance the capacity and interest in conflict sensitivity? On the basis of a review by the author of experience of attempts at conflict-sensitive policy-making and programming, the following possibilities emerge. The Multi-stakeholder character of an MSP could enhance capacity and interest in conflict sensitivity by:

A. Including members or processes that enhance (through their knowledge, contacts or perspectives) timely awareness of risks of inadvertently contributing to conflict or of opportunities to contribute to reconciliation and confidence-building;

B. Including members or resources that add to capacity to identify and resource conflict sensitive programme or policy options

C. Having sufficient range of resourceful members or contacts to enable emerging gaps or problems for conflict-sensitivity to be addressed in a timely and innovative way, without unduly disrupting the core programmes and objectives

D. Having sufficient range of members to enhance contacts and communications with potentially suspicious stakeholders.

E. Including a range of members that enhance resilience against damaging impacts of donor decisions or constraints, and improve sustainability of conflict-sensitive and confidence-building programmes beyond the funding cycle.

F. Include procedures that empower members to help to prevent conflict-insensitive actions of initiatives

It is an important focus for case study research on MSPs to critically examine whether and how characteristics of MSPs that are primarily concerned with socio-economic, security, governance or other programmes have affected their capacity and interest in conflict sensitivity.

B.4.4 Examining emergent hypotheses in relation to experience

Based on the foregoing discussions, it is possible to refine some productive research questions, or hypotheses, relating to whether and how MSPs are inherently better able to contribute – either directly or indirectly- to reconciliation, confidence-building and inter-communal bridge-building efforts than other types of partnerships in conflict-effected countries.

These include:

1.MSP characteristics do not intrinsically confer direct benefits for reconciliation, confidence-building and inter-communal bridge-building efforts, except when their specific characteristics are such as to enable and encourage to operate one or more of the mechanisms identified in sections B.4.2 and B.4.3 above (i.e. issues 1) – 7): a) – f); a. – g.).

2. MSPs are not in general more conflict-sensitive than other types of partnerships for policy-making, programmes and activities. However, MSPs whose membership and other internal characteristics and qualities enhance capacity

in one of the ways identified in section B.4.3 above tend to be inherently more conflict-sensitive, even if they are not specifically trained in conflict-sensitivity skills.

The likely validity of these emergent hypotheses can be explored through the three case studies for this WP4D, and also using the thematic and case study research for the other three WPs (4A, 4B and 4C). A combination of limited field research resources, competing research priorities, and particular challenges for field research in at least two of our case study countries (Afghanistan and the DRC) within this ambitious MULTIPART project, means that the field research questions and qualitative survey questionnaires used in the MULTIPART field work investigations could not be developed in full detail in relation to each of the elements of these two hypotheses. However, they were designed to open out and explore these questions as opportunities allowed, and thus provide a basis for at least an initial empirical exploration.

To what extent do MSP characteristics intrinsically confer benefits for activities directly aimed to contribute to reconciliation, confidence-building and inter-communal bridge-building?

On the basis of the evidence from the 12 MULTIPART case studies, and wider thematic research in the TWPs, it is clear that there is no automatic benefit arising from basic characteristics associated with MSP definitions. The extent to which MSP characteristics provide such benefits depends on more specific characteristics of the MSP involved and the context, particularly in relation to the positioning of MSP membership, procedures, capabilities and leadership in relation to primary of secondary social, political or ethnic divisions.

As might be expected, the value of MSP characteristics for direct contributions to reconciliation, confidence-building and inter-communal bridge-building also greatly depends on the extent to which the actors involved are interested in and alert to opportunities for reconciliation. Often the opportunities for reconciliation contributions arise for an MSP in ways that were not envisaged in the MSP's objectives. In many cases, lack of responsiveness to such opportunities leads to opportunities missed. For example, in practice, it is hard for MSPs to be effective in promoting reconciliation or confidence-building across primary lines of social division in contexts of on-going violence, insecurity or political contestation. However, there are greater prospects for working across secondary societal divisions, which are nevertheless important to the overall conflict reduction and peacebuilding process. Unfortunately, most MSPs established specifically for reconciliation purposes tend to focus on the relatively intractable (or "unripe")

divisions rather than on less prominent divisions where they could make a more significant impact.

We now briefly review the case studies more specifically. In Kosovo, SPARK members were focussed on their specific goals relating to return and re-integration of refugees and IDPs. Although there is evidence that the involvement of a range of international organisations, municipal authorities, and local NGOs contributed to achieving these declared goals, no strong evidence was found that these translated in practice into enhanced direct contributions to reconciliation or confidence-building (section 4, SPARK case study WP4D). It contributed indirectly in various ways, not least through the support for re-integration of returnees, and improvements of confidence of at least some Kosovo Serbs was reflected in enhanced participation in SPARK's activities. But it is not clear from the case study that the MSP specific characteristics played a significant role in enabling SPARK to stimulate this process.

Nevertheless, the SPARK case does provide some supporting evidence for the operation of some of the specific mechanisms enabling enhanced MSPs contributions to reconciliation, confidence-building or inter-communal bridge-building. For example, UNHCR and UNIJA/M had active roles in outreach and facilitated communication between Kosovo and Serbian authorities, and their participation in SPARK enabled the MSP to draw from these resources and reputation (SPARK case study). It is also manifest that the key roles in SPARK of the powerful institutions of UNMIK and UNDP helped to safeguard and empower municipalities and local NGOs in any local reconciliation and confidence-building work associated with individual IDP return. Considering the characteristics of SPARK in relation to those identified in section B.4.2 above as being potentially beneficial for reconciliation provides a mixed picture. The range of participants crossed a variety of secondary cleavages within Kosovo that could, in different circumstances and with different leadership, have been used to promote inter-group contacts and social cohesion. But SPARK was only very moderately well-placed to contribute to more than very local reconciliation and bridge-building across primary ethnic divides. Moreover, the dominance of UNDP and institutional rigidities implied constrains. In practice, this, and the high focus on the functional goals of SPARK appears to have meant that wider confidence-building potentialities were not really explored and encouraged (SPARK case study).

The WP4D case study for Afghanistan on the Action Plan for Peace, Reconciliation and Justice in Afghanistan (AP) (AP case study, WP4D) similarly confirms that basic MSP characteristics do

not directly confer reconciliation or confidence-building benefits, while also providing some evidence of the potential significance of the specific characteristics outlined above in section B.4.2 of this chapter. For example, amongst the factors leading to APs ineffectiveness in contributing to its primary declared goals of promoting transitional justice in relation to war crimes and crimes against humanity was the participation are the membership and veto power of Afghanistan government officials determined to block progress in this area. It is an open question whether more selective but still multi-stakeholder membership and agenda setting, to exclude spoilers from AP decision-making and to define realistic agendas, would have enabled the AP to become more effective in pursuing its declared goal. But the experience does highlight the extent to which specific characteristics of membership, agendas and operational rules of MSPs plays a determining role in the extent to which they can contribute to reconciliation.

The AP case study highlights the importance of sub-structures and clusters within large MSPs in relation to reconciliation and confidence-building. The AP is a large and complex MSP, enabling partnerships amongst sub-groups to form their own agendas and de-facto decision-making procedures with some relative autonomy within the framework of the larger (and perhaps less effective) overall MSP. The AP case study provides several examples of limited but significant contributions to confidence-building and inter-communal bridge-building, for example through the Travelling Participatory Theatre initiatives, with certain MSP members (AIHRC, UNAMA, Open Society, local civic groups) were able to mobilise resources and support using the wider MSP framework (AP case study). Taking advantage of room for manoeuvre within a large and loosely managed MSP framework, entrepreneurs and organisations concerned with reconciliation and confidence-building goals can more deliberately construct sub-MSPs with the characteristics outlined in section B.4.2 above that enhance beneficial capacity, while still drawing on some of the resources and protection afforded by the larger MSP.

This AP case also highlights the importance of using MSP resources to promote confidence-building across secondary social divisions in conflict-affected societies. Understandably, specific reconciliation MSP initiatives tend to try to address primary conflict divisions, but often with little effect while violence continues and until a political peace-agreement has been fully established (Paffenholz, 2009). This leads both to ineffective initiatives and also missed opportunities to address secondary but still important divisions, around which there is less violence and no peace agreement is specifically required. In Afghanistan, the Travelling Participatory Theatre initiatives within the AP did not effectively contribute to inter-communal

bridge-building and confidence-building in localities that were highly contested by the Taliban, but were nevertheless significant in other localities as a contribution to the processes of building social communication and cohesion in a country fragmented by decades of war.

The WP4D case study of *Groupes de Réflexion sur les questions Foncières* (GRF) in DRC provides evidence to support similar conclusions (GRF Case study WP4D): MSPs do not automatically bring advantages for reconciliation and confidence-building, but there is evidence that the more specific characteristics highlighted in section B.4.2 of this chapter are relevant. The primary goals of the GRF are directly and manifestly relevant to conflict-prevention, confidence-building and inter-communal bridge-building in South Kivu. Although they do not directly engage with some of the primary conflict parties, land disputes in this multi-ethnic and fragile region inevitably are closely associated societal divisions that reduce resilience.

The GRF case study demonstrates that in this case MSP membership was deliberately constructed to better enable affective dispute resolution and confidence-building work. It also provides evidence that the MSP-type partnership between local civic NGOs (IFDP), community and traditional leaders, and external supporters (CORDAID, IUCN-NL) provided inherently effectiveness-building characteristics for addressing local land disputes (GRF case study). The advantages of membership of the MSP by provincial government and its *chefs de localite* were less clear. It was probably politically essential to include these in order to establish a political environment in which the GRF could operate. In principle, it is also important to provide links between outcomes of dispute resolution and recognised state authorities; and to contribute more widely to the development of working governance structures in the Kivus. In practice, evidence of the benefits was not clear from the case study interviews, and their inclusion appears to have been motivated more by efforts to try to neutralise potential spoilers (GRF case study). Nevertheless, it appears that these MSP membership and participation rules were deliberately considered with such factor sin mind, contributing to the overall success of this MSP.

This brief review of evidence form the WP4D case studies provides tentative empirical support for the arguments in section B.4.2 of this chapter, and for the first broad hypothesis stated at the beginning of this present section.

To what extent are MSPs inherently more conflict-sensitive in their policy-making, programmes and activities?

Overall, the evidence from all 12 of the MULTIPART MSP case studies clearly demonstrates that in practice MSPs are not inherently relatively conflict sensitive in their policy making, programme implementation, or wider activities. The case studies provide evidence of the existence and operation of at least some of the mechanisms and characteristics of MSPs identified in section B.4.3 of this chapter that could potentially contribute to greater capacity and awareness of conflict-sensitivity. But in order for this potential to be realised, direct awareness and concern about conflict-sensitivity requirements and priorities are necessary, amongst at least some key MSP participants.

After this brief overview, we now highlight some lessons from specific case studies. In relation to "security partnerships", which are the focus of WP4A, the objectives of partnerships in areas such as DDR, SSR, SALW Control, and community-based safety and security would be expected to imply high awareness of conflict sensitivity issues, since these relate directly to declared security-building goals. In practice, such post-conflict security-building programmes are often designed and implemented as "stove-piped" programmes that are relatively un-integrated with wider conflict reduction and security building processes in conflict affected countries (Greene, with Hiscock and Flew, 2008; Muggah, 2009).

Priorities, programme design and programme implementation are typically driven by key international actors (such as the UN (DPKO, UNDP), World Bank, NATO, EU, and bilateral donors) and negotiated to achieve "sign-off" with selected emergent national authorities. If MSPs are formed to help to implement them, the local or international NGOs or contractors commissioned to do so often have relatively little agenda-setting power (as discussed in WP4A, sections B and C). In this context, the degree of conflict sensitivity of the policies of programmes can be expected to depend more on the extent to which the leading international MSP members and donors have adopted conflict sensitive approaches than on the MSP characteristics per se. However, where such international members or donors deliberately enable or promote use of MSP characteristics to enhance conflict sensitivity, the mechanisms discussed in section B.4.3 above could be expected to become important.

The WP4A case study of the DIAG programme unfortunately demonstrates high conflict insensitivity, from the design phase onwards. In this context, it is not surprising that the composition and dynamism of the associated MSP tended to reflect and reinforce these characteristics (DIAG case study, sections 2, 4 and 5). The Kosovo cases study of the Kosovo

Protection Corps Resettlement Programme (KPC-RP) is more complex and varied in this aspect of its findings. The programme design was at least partially conflict-sensitive. However, the UNDP domination of the detailed design and implementation processes mean that any inherent capacities for enhancing conflict sensitivity through the MSP characteristics were limited: the outcomes depended more on the understandings and priorities of one actor than on consultation within the MSP (KPC-RP Case Study, section 3.2). Nevertheless there was some scope for such MSP dynamics to be influential (*ibid.*, section 3.2), but this does not provide significant evidence for the operation of the conflict-sensitivity mechanism that most concern us in the present chapter. Overall, the net impact of the KPC-RC on freedom from fear has been shown to have some positive results, but not due to exploitation of the potential for conflict sensitivity offered by MSP characteristics.

The WP4A DRC case study on local community-based security initiatives provides tantalising evidence of the potential for MSP dynamics to enhance conflict sensitivity, but they remain tantalising because of the practical constraints that severely limited the scope of this case study. It is clear that the MSP characteristics were significant for the quality of the operation of the local security committees, though they were loosely institutionalised and ad-hoc in many ways. The inclusion of state actors, including local security officials, posed very similar dilemmas as found in the WP4D DRC case study, and likewise dominated by the dilemmas of engaging with potential spoilers. The case studies dos however show that, even in highly constrained contexts, leading roles by local community actors can enhance conflict-sensitivity as part of the capacities of working knowledgeably "in conflict".

In relation to the thematic issue area of MSPs in socio-economic development (WP4B), the Afghanistan case study of MISFA and the DRC case study on EITI provide no evidence of the operation of conflict sensitivity capacities drawing in internal MSP characteristics. This is convincingly explained not by the objectives of these MSPs – which have great potential for conflict-sensitive engagement, but rather by the overall characteristics of these specific MSPs. The EITI was scarely functioning within the DRC in practice (EITI case study, WP4B). MISFA in contrast developed into am massive and complex MSP, but the overall design and decision-making procedures were highly centralised around a small group of international actors, and questions about the conflict sensitivity of its programmes revolve critically around debates about the relevant and sensitivity of MISFA's overall design (MISFA case study, WP4B).

Similarly, WP4B Kosovo case study on the Active Labour Market Programme is rich, but limited in the evidence it provides for the operation of enhanced conflict sensitivity due to the MSP characteristics and resources. The case study analysis highlights some factors that may help to explain why such conflict sensitive dynamics did not really emerge, in terms of "missing partners" and "vanishing stakeholders", particularly in terms of the absence from the MSP of trade union organisations and the high selectivity of private actors. These exclusions may (or may not) have contribute to the efficacy of the MSP as far as its leading members were concerned, but it affected effectiveness of outcomes (ALMP case study, sections 4 and 5), and also diminished the potential for MSP debates to raise conflict-sensitivity awareness.

In relation to the thematic issue areas of good governance, democracy and rule of law (WP4C), the Afghanistan case study of the National Solidarity Programme provides rich evidence of the ways in which the design of the NSP as an MSP enabled and promoted conflict sensitivity in a range of community development and socio-economic development programmes. The NSP was deliberately designed to provide scope for local NSP programmes to enable and empower conflict sensitivity in programme design and implementation (NSP case study, WP4C). Above all, this appears to have been centred on the processes of developing and empowering community development councils in which traditional leaders, women and other relatively vulnerable groups could become influential in agenda-setting and oversight. As noted in the case study, the NSP was an enormous national programme, with thousands of local CDCs and programmes, each with their own characteristics. Thus in practice the MSP operated locally (in terms of local, provincial-national interactions) in a wide range of ways, some much more participatory and conflict-sensitive than others. The NSP case study notes a wide variety of anecdotal and interview evidence that the sorts of mechanisms discussed in section B.4.3 of this chapter contributed to conflict-sensitivity and effectiveness in different localities. However, project research resources did not allow any of these specific local cases to be investigated in detail, and thus such empirical evidence awaits further research.

The WP4C Kosovo case study of the Assembly Support Initiative is rich and interesting for the purposes of many of the key research questions of MULTIPART, but is not well positioned to provide empirical evidence of ways in which MSP characteristics can contribute to conflict sensitivity, and does not do so (ASI Case study, WP4C). The DRC case study on REJUSCO (Programme to Support the Restoration of Justice in Eastern DRC) is in principle better positioned for our purposes. The inclusion of civil society actors through this MSP is itself an

important characteristic in Eastern DRC, and evidence is provided to indicate that this in itself helped somewhat towards enhanced conflict sensitivity (REJUSCO case study, sections 3 and 4). Similarly, to the other DRC MULTIPART case studies, this case further demonstrates the dilemmas and mixed benefits of including state actors, but at least the MSP characteristics ensured that these dilemmas are continually visible. However, REJUSCO was found in practice to be constituted by a complex web of bilateral relationship, in which intrinsically MSP characteristics for conflict sensitivity did not really emerge. The Mobile Court initiatives were important in the impoverished Eastern DRC contexts, and through facilitating wider access to justice might have contributed to constraints against "doing harm". But this highly constrained case study provides only modest empirical evidence to illuminate the MSP mechanisms developed in this WP4D chapter.

B.4.5 Some possible policy implications

The research findings from this chapter include the development of some hypotheses, which, if true, would have major policy implications for international actors including the EU that engage in conflict-affected countries. The empirical evidence, including from the MULTIPART case studies, tends to support the overall hypotheses developed in sections B.4.2 and B.4.3 and presented and explored in section B.4.4 of this chapter, and at least does not contradict them. But, the evidence is still limited and relatively fragmentary. This implies that the findings of this chapter should be used to raise issues and stimulate reviews by the international and EU policy communities of the issues and emerging hypotheses. They are as yet not sufficiently well-grounded and developed to provide a firm basis for policy making or programme design. It is within this framework that the following points are presented.

As noted, the overall implications of this chapter are that the extent to which MSPs are better able and interested to promote reconciliation, confidence-building and inter-communal bridge-building depends critically on specific MSP characteristics and their relationship to the specific conflict context. In general, MSP characteristics do not confer intrinsic benefits. However, appropriate decisions about MSP design, development and internal governance and agenda-setting systems can make a big difference to their interest and capacities to contribute directly to reconciliation, confidence-building and inter-communal bridge-building.

This implies an agenda for policy analysis and decision-making for both local actors (such as a government agency, local authority, civic society, business association or NGO) and international actors (EU, international organisations, bilateral donors, INGOs etc.). In both cases, decisions about whether and how to support or participate in an MSP for the purposes of directly contributing to reconciliation or confidence-building should be based on an effective analysis not only of reconciliation opportunities and priorities, but also of the characteristics of the prospective MSP in relation to the issues set out in section B.4.2 above.

These are complex issues for assessment in any issue area, but particularly in relation to reconciliation, confidence-building and inter-communal bridge-building in fragmented and divided conflict affected countries. All actors come with histories and perceived biases relating to the recent conflict or to other sensitive social or political divisions. There are complex dilemmas to be addressed about which possible MSP members to invite or exclude, and about the declared aims, rules of membership, access or decision-making. If the potential of an MSP-oriented approach is to be realised, these dilemmas need to be carefully navigated and managed over time, as the MSP is nurtured into developing into an effective vehicle for confidence-building or reconciliation.

Policy-makers and practitioners need to allocate the necessary time and resources to this task. The MULTIPART case studies include examples of how the care and facilitation of a few trusted individuals have been a critical factor in contributing to the effectiveness of the MSP. But they also include rather more cases where relative neglect of the institutional design, membership and development of the MSP has meant that its contribution to reconciliation and relationship building was severely limited.

This poses issues for international organisations, donors or INGOs as they seek to support MSPs in conflict-affected countries for the purposes of reconciliation or inter-communal bridge-building. One issue is which approach to prioritise when searching for local partners? In conflict-affected countries, there are often relatively few well-established local NGOs and, since civil society groups generally reflect the social cleavages that contribute to conflict risks, many of those that do exist are generally perceived to be "problematic" or partisan. The same applies to emergent or residual state agencies after conflicts. Moreover, it is important to treat local actors' declared interests and like-mindedness sceptically at first. In conflict-affected countries (as the MSP case studies confirm) relatively well-resourced and networked international actors have

particularly strong agenda-setting capacity in relation to MSP formation or prioritisation. Local actors are keen to join partnerships that promise to mobilise capacity-building resources, as well as to empower them relative to other local groups. They are thus often willing to accept external agendas and proposals, even if they clash with their own understandings of how best to proceed.

In this context, the temptation is for external actors to approach MSP formation or support rather instrumentally, and to narrow the focus too quickly to a relatively small group of professional NGOs that appear to have relevant capacity and concern, plus to some relevant state agencies with relevant official responsibilities. Alternatively, they delegate the task of selecting and developing local civil society participants in a trusted international NGO, and then add relevant government officials to an emergent MSP to symbolise government buy-in and oversight.

The implication of this thematic research paper is that these sorts of approaches are unlikely to be effective for directly contributing to reconciliation or inter-communal bridge-building. The first is simply neglectful of critical MSP design and development issues. The second relies heavily on the INGO to take some critical decisions while saddling them with state MSP members that may prove unduly constraining or obstructive. Instead it may well be better to explore possible MSPs that not only include "problematic" civic groups that are genuinely rooted on either side of relevant social divides, but also provide space for these groups to play genuinely agenda-setting of leadership roles in the MSP. This connects to the wider issue of how best can external actors link with "traditional" or customary authorities in efforts towards post-conflict peacebuilding and reconciliation. Similarly, decisions on whether and how to include local state actors in an MSP need to be taken more cautiously.

As any international programme officer knows well from experience, it is much easier to endorse such statements and approaches in principle than it is to manage the risks and human resource challenges of actually pursuing this latter course of action as a donor or international implementing agency. Thus, a further policy implication is that external actors that wish to support MSPs in order to contribute to reconciliation or confidence-building need properly to review their own resources and capacities to analyse and then to provide active support for the development and operation of the MSP concerned.

The most desirable situation for external actors is when there are already well-established local partnerships operating with socially embedded links across key societal divides and with a direct interest in reconciliation and confidence-building. In such cases, the external actors can usefully provide support and protection in order to enable them to develop their activities, and might often helpfully contribute to the establishment of useful links with local state agencies. This has been the strategy of some donors for example in relation to support for reconciliation and confidence-building efforts by church groups in Eastern Africa or women's peace movements after the armed conflicts in the Mano River region. However, amongst the implications of this chapter are that great care should be taken before making any moves towards changing the characteristics of these home-grown partnerships, or turning them into MSPs with formal state members: the supposed benefits may well not materialise.

A further policy issue raised by this chapter for efforts directly to support reconciliation through the formation of MSPs relates to the experience that direct reconciliation or bridge-building across primary social or ethnic divides that have become central to the recent conflict is particularly challenging: progress often can only be achieved after the reconstruction and peacebuilding process is well-established. Indirect approaches are often more effective, in which functional contacts and co-operation across such primary divides is supported for the purposes of re-construction, SJSR or development projects. In contrast, the prospects for progress through direct reconciliation and inter-communal bridge-building efforts tend to be relatively good across "secondary" societal divisions from relatively early in the post-conflict peacebuilding process. But because they are "secondary" these opportunities are often not pursued, or external funding is not available. Policy communities need to reflect on the balance between indirect functional and direct approaches towards reconciliation or bridge-building, and to consider focussing more on reconciliation across "secondary", but still important, societal divides in conflict-affected countries.

This brings us to the policy implications for our emergent findings on the extent to which MSP characteristics contribute to conflict sensitivity in policy or programming in conflict affected countries. The most important overall implication is that MSP characteristics may have the potential to strengthen and facilitate conflict sensitivity, through the mechanisms discussed in section B.4.3 of this chapter and explored empirically in section B.4.4. However, in practice, this potential appears rarely to be realised.

Based on the analysis and empirical case study evidence, this appears to be due to a number of factors: each of which has obvious policy implications. One of these factors is that leading actors in the MSP, including often dominant international agencies or organisations, typically remain rather conflict insensitive in their approaches towards programme design and implementation, overriding any conflict-sensitivity capacities arising from the MSP characteristics. This is re-enforced by the fact that emergent local state structures in conflict affected states tend to be relatively dysfunctional in relation to conflict sensitivity, combining high sensitivity to the concerns of the emerging political elites with high insensitivity to community-level concerns. A second factor is that the internal agenda-setting and decision-making processes within the MSP often fail to enable or encourage inputs from knowledgeable local partners about emerging conflict risks or reconciliation opportunities, or are unresponsive even when the inputs are made. A third a related factor is that the membership of the MSP often does not include the local actors who may be most sensitive to or most assertive about emerging concerns. Fourthly, in practice effective conflict sensitivity is hard, and probably requires specific awareness, recognition and assessment capacity within the MSP (or at least its leading members); but few MSPs examined here have established such awareness in its rules of operation (the NSP in Afghanistan and community security initiatives in the DRC are possible exceptions).

Overall, international and local policy communities devote a substantial effort and resource in engaging with and supporting for MSPs in conflict-affected countries. It appears that certain characteristics of MSPs can help to enable or strengthen capacities to contribute to reconciliation, confidence-building and inter-communal bridge-building: either directly or indirectly through conflict-sensitive policies and programmes. They therefore have much to contribute. However, these benefits from MSPs do not come automatically, and in practice potential appears mostly not to be realised. Policy makes, practitioners and activists need to review and invest in further applied research in order to realise such contributions more frequently.

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PART C:

IN-DEPTH ANALYSIS OF THE SELECTED MULTI-STAKEHOLDER PARTNERSHIPS

C.1 CASE STUDY FOR KOSOVO: SUSTAINABLE PARTNERSHIPS FOR ASSISTANCE TO MINORITY RETURNS IN KOSOVO (SPARK)

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C.1.1 Introduction

SPARK has been selected as the MSP-REC case study because facilitation and support of the return of IDPs and refugees (to Kosovo) have been identified as one of the main issue-areas of MSP-RECs. As such, SPARK's directly stated aims are facilitation of returns and sustainability of the process. By bringing people back to Kosovo, SPARK is also closely linked with activities that aim to achieve genuine reconciliation between returnees and the receiving communities by fostering inter-ethnic dialogue and community development. These objectives are considered as secondary goals of SPARK with potentially significant influence on peacebuilding and human security.

Furthermore, the initial review of SPARK´s activities has shown that locals and internationals active in the field of post-conflict reconstruction in Kosovo consider this MSP to be a "disaster-case" in terms of not reaching either its directly stated aims of a successful and sustainable return, or its secondary aims. Despite such preliminary information, SPARK was believed to be able to nevertheless offer some interesting insights as to the main reasons for its failure in terms of local stakeholder inclusion, working relationship among different stakeholder, and potential impact on final beneficiaries.

According to the eligibility criteria of the Project research framework, SPARK qualifies for an MSP for the following reasons:
- there are at least three types of actors involved, including international public actors (UNMIK/OCRM, UNDP, UNHCR, and UK government, Czech government and

Norwegian government as donors), international NGOs (Danish Refugee Council (DRC), Arbeitsgruppe Entwicklung und Fachkräfte im Bereich der Migration und Entwicklungszusammearbeit (AGEF)), national public actors (PISG/Kosovo government; MCR, municipalities, MROs, MCOs), national civic actors (local NGOs (Employment Promotion Agency in Kosovo (AKKP) and Developing Together (DT)) and IDPs associations (UNIJA/M));

- activities within the process of return of IDPs and refugees clearly fall under the issue area of reconciliation, confidence-building and inter-communal bridge-building;

- the main function of the MSP is capacity building and furthering partnership with the Ministry for Communities and Returns and municipal return related structures to support sustainable return; and providing housing assistance, community development and socio-economic assistance to IDPs and refugees that choose to return to Kosovo;

- geographical range of the MSP is Kosovo-wide, including the northern K-Serb municipalities;

- SPARK has been established as a mid-term MSP with a duration of 4 years, starting in 2005 and ending in 2009;

- as a co-ordination umbrella mechanism for returns-related projects under international (UNDP) supervision, it is highly institutionalised at all levels.

The process of return in Kosovo has been identified as the pre-condition for a democratic and multi-ethnic society. In this respect, not only does SPARK address return and sustainability of the process, but it also aims at achieving inter-ethnic dialogue and developing community through the engagement of key stakeholders of the Kosovo society in its structures and in the implementation phase of the partnership. Established as a joint-project of the UNMIK/UNDP and the Kosovo government/MCR, but with a strong international impetus, its membership structure reflects this awareness that the process of return has to have a strong national component. In addition to the key international actors (UNHCR, UNMIK, UNDP and donors), national actors (OPM, MCR, MLGA) are also members of the decision-making bodies within SPARK – the Advisory board, CRM and FINAC. The MCR is the central local authority for return-related projects, whereby direct inclusion of local NGOs at the central level is guaranteed through representation within the NRCG, and through the observer status of local NGOs/CSOs and IDPs associations in the CRM.

An analysis of the decision-making relationship between these stakeholders and the level of their participation offers potentially interesting reasons for the success or failure of SPARK. Given the relative lack of capabilities and competencies at the local level as a consequence of the conflict, SPARK has a strong capacity building dimension attached to the process of returns. Local actors are additionally burdened by the lack of finances and human resources. The final goal in this respect is that the return process is managed and implemented entirely by local actors. However, due to the shadow of the past conflict, international actors seem to be perceived as the most credible and legitimate, especially in the field of IDPs return where sensitive issues of property restitution and land compensation need to be addressed and implemented in a just manner. Furthermore, given the tense political situation in Kosovo, international actors and donors perform several roles that are potentially interesting for the analysis of their impact and ownership of the MSP, such as neutral negotiators, mediators or facilitators within the post-conflict reconstruction process.

To get the broadest possible participation and inclusion of all actors, the return process within SPARK does not apply solely to physical returns, but is cross-linked with providing assistance and support to IDPs and refugees with housing, income generation and community development through common (inter-ethnic) infrastructure projects that should facilitate inter-ethnic dialogue and build confidence between members of different communities. The inclusion of key local stakeholders (individual beneficiaries, local NGOs and IDPs, municipal authorities (MCO, MRO)) in the phases of sub-project design within the MWG is meant to increase the level of their participation and to foster communication at the local level. It should also empower community members to take decisions regarding the future of their municipality. Furthermore, SPARK covers both, individual and spontaneous return, and organised and group return, in order to facilitate return to both, minority communities and mixed communities Kosovo-wide. All this diversity requires a number of different activities and sub-projects, which offer a potentially interesting insights with a view to comparing SPARK with other MSPs with respect to issues such as stakeholders dynamics, roles and impacts on final beneficiaries.

SUSTAINABLE PARTNERSHIPS FOR RETURNS IN KOSOVO (SPARK)
Description
The Sustainable Partnerships for Assistance to Minority Returns to Kosovo (SPARK) Programme provides an integrated umbrella mechanism for delivering the full spectrum of multi-sectoral assistance for returns. Facilitation of Sustainable Return and Reintegration through continued support for a) Individual and Spontaneous Returns and b) Organised and Group Returns, through adapting the structures and mechanisms of the UNDP returns projects, RRRF and GAR, to respond flexibly throughout the entire spectrum of return needs identified. UNDP's key

collaboration partner in terms of the overall coordination of SPARK is the Ministry of Communities and Returns in close cooperation with municipalities throughout Kosovo.

The broader goal of the SPARK will be to establish effective, practical and operational partnerships with national counterparts and specifically with representatives from the Provisional Institutions of Self-Government, Ministry of Communities and Returns, Municipal Returns Officers, Local and Gender Community Officers and other Institutions in Kosovo which support returns.

Actors involved	
International:	UNHCR, UNDP, UNMIK/OCRM, DRC, AGEF and donors: UK Government, Czech Government, Norwegian Government
Public:	Groupement of Government of Kosovo (pre-2008 Provisional Institutions of Self-Government), Ministry of Communities and Return, Municipal Return Officers, Gender and Local Community Officers
Civic:	local NGOs (AKKP, DT), returns related institutions (UNIJA/M).
Private:	No private actors

Ownership	
Planning: Decision making:	Capacity Building and Furthering Partnership with the Ministry for Communities and Returns and municipal return related structures though Joint Sub-Project Planning at all phases of the implementation of activities to support sustainable return including inter alia design, implementation, monitoring and evaluation of Projects, with a view to transferring the competencies and skills related to Project Management of sensitive return projects over to relevant, trained and competent Kosovo institutions and structures.
Implementation:	The Ministry for Communities and Returns (MCR) is an operational partner in all aspects of the implementation of Projects and Service Lines to support Organised and Individual Returns, including project design, planning, implementation and monitoring. The MCR has assigned representatives for this direct cooperation. The MCR is involved in screening and prioritising requests for support to returns along the established eligibility criteria for Individual Returns, and is directly cooperating for referrals, assessments, approval and provision of assistance (tendering procedures, inspection of construction, etc.). The MCR is also directly involved in technical aspects of the sub-projects being implemented under Organised Returns, reviewing technical documentation and actively working alongside UNDP engineers in the field. MCR expert staff is also lending their insights and expertise in designing economic sustainability strategies for the group returns. On the municipal level, the Municipal Returns Officers and Municipal Community Officers are involved on a daily basis in project activities with referring potential beneficiaries, carrying out joint assessments for assistance, etc

Issue-area	Confidence-building, reconciliation and inter-communal bridge-building

Geographic range	Kosovo-wide

Time scale	June 2005 – June 2009; extended until the end of December 2009

Operation & institutionalisation	
Regular meetings	The Advisory Board will meet on a periodic basis, to be decided upon by the Ministry for Returns and Communities but it is suggested at *least* quarterly. The Advisory Board will provide guidance on overall policy issues such as the changing of any of the eligibility criteria for selection under the *Individual and Spontaneous* and *Organised and Group* returns activities. Weekly meetings will be held between the UNDP SPARK Project Team and the MCR and UNMIK OCRM on all matters of policy related to the Project and periodically on progress made and issues highlighted in the monthly and quarterly reports. The Joint Project Planning, Financial, Community Development, Communication/Advocacy and Technical/Monitoring and Evaluation Units will provide a mechanism for daily contact regarding all

Decision structure	programme aspects of the Project implementation. Every aspect of this approach will be assisted by the establishment of a Joint Project Planning Unit (hereinafter JPPU), which will drive the support to returns process and will be a joint endeavour between the UNDP and the MRC (see Section III below - Management Arrangements). In order to strengthen effective partnership, empower and support transfer of capacities to the MCR, SPARK will use staff matching mechanism including one MCR (seconded) staff into each of the project units such as: • Finance unit • Communication, Advocacy unit • Community Development unit • Technical unit • Monitoring Evaluation unit • Programme Support Unit • Regional UNDP units with MROs and MCR Offices The UNDP office in Kosovo will execute the project. The UNDP Office will assume responsibility and accountability for the overall management of the project, including the delivery of outputs, achievement of objectives, and the use of UNDP resources. An Advisory Board will be established and co-chaired by the Ministry for Communities and Returns and the UNDP. This Advisory Board will consist of the Permanent members of MCR, UNDP, UNMIK / OCRM, UNHCR, Ministry of Local Self Government and one rotating NGO representative as appointed by the NRCG (NGO Returns Coordination Group). Other appropriate actors will be appointed on an ad-hoc basis and may include relevant Line Ministries such as the Ministry of Education, Science and Technology, Ministry of Health, Ministry of Local Governance, Ministry of Environment and Spatial Planning and the Ministry of Labour and Social Welfare.

C.1.1.1 Overall context of the returns process in Kosovo

Since the manifest and violent conflict of 1998 and 1999 Kosovo has witnessed three waves of population displacement, which have hampered its transition towards a democratic, multi-ethnic society. The first phase of the displacement mainly affected the ethnic majority of Kosovo Albanians (K-Albanians). About 20 percent (approximately 850,000) of K-Albanians were displaced within Kosovo and in the broader Balkan region (ICG, 2002). The majority of K-Albanians were able to return[41] by the end of the violent conflict, especially after the arrival of the United Nations Mission in Kosovo (UNMIK) and the NATO Kosovo Force (KFOR) in 1999.

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[41] In areas where K-Albanians were the minority population (this includes Northern Mitrovica and Strpce), their return was not possible due to infrastructural inabilities or majority (K-Serb) opposition (ICG, 2002).

However, the end of the manifest conflict in 1999 and the interim international administration in Kosovo could not prevent the second phase of population displacement – but in this wave ethnic minority populations were displaced. In particular, large numbers of internally displaced persons (IDPs)[42] belonged to Kosovo Serbs, Roma, Ashkaelie and Egyptian (RAE), Bosniak, Gorani and Turks. Although the precise number of the displaced was difficult to determine due to the lack of accurate registration, the estimates vary between 230,000 and 280,000 individuals. These IDPs fall under three broad categories: the displaced that were forced to leave but remained in Kosovo (approximately 22,500 IDPs), the displaced who live in Serbia proper (without Kosovo) and Montenegro (230,000 IDPs)[43] and refugees[44] living in the Former Yugoslav Republic of Macedonia (approximately 3,300 IDPs).

The third and last wave of population displacement came as a result of the 2004 ethnic riots in Kosovo. These riots created another 4,200 IDPs (including Kosovo Serbs and RAE), and have left hundreds of destroyed or damaged houses, public buildings and religious sites. As a result, this hampered the already slow process of population return and caused a 40 percent decrease of returns in 2004 when compared to 2003. Many communities have again become guarded and isolated enclaves or ghettos, where freedom of movement, access to essential public services and employment opportunities are limited at best. Such a state of affairs also put additional strains to the already fragile peacebuilding process. As noted by von Carlowitz (2005: 554–5), it is questionable as to whether or not reconciliation is at all possible when IDPs and refugees decide to live in segregated areas or do not return at all.[45] The events in March 2004 therefore not only reminded the international community of the fragile state of inter-ethnic relations and tense security situation in Kosovo, but they also underlined the importance of determining the final

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[42] IDPs 'are persons and groups of persons who have been forced or obliged to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border' (UN Guiding Principles in Internal Displacement).

[43] This was the estimate for 2002, by the United Nations High Commissioner for Refugees (UNHCR). Estimates of the Serbian Government were 242,000 IDPs (in total), of which 212,700 were estimated to live in Serbia (without Kosovo). The United Nations Development Programme (UNDP) Country Programme Document for Serbia and Montenegro mentions 220,047 IDPs from Kosovo in Serbia and Montenegro, and additional 20,000 IDPs in Kosovo.

[44] A refugee is defined, according to Article 1 of the Geneva Refugee Convention (1951), as 'a person who is outside of his/her country of nationality or habitual residence; has a well-founded fear of persecution because his/her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or return there, for fear of persecution.'

[45] Views on achieving reconciliation through minority returns differ as to whether or not territorial separation of conflicting parties is best for achieving peaceful coexistence and respect for the 'others', or whether reconciliation should be achieved by supporting ethnic elites and improving living conditions in general (von Carlowitz, 2005: 554–5).

political status of Kosovo and of the full inclusion of minorities in the Kosovo society (UNDP, 2005). It has become very clear that the future peace, stability and human security are all dependent on the resettling of the displaced populations. The settling of this issue was, however, never going to be easy.

The process has been further inhibited by additional barriers, such as the circumstances and conditions of the return process. Upon their attempted return after 2004, many of the refugees and IDPs found their homes destroyed in armed conflict, they were faced with illegal occupation of the remaining properties, unauthorised cultivation of their farmland or with illegal expropriations (CoE 2009). This has only aggravated the security situation of returns and forced many to look for an alternative shelter elsewhere in Kosovo or even to return back to their displaced locations outside of Kosovo.

As a result, ten years after the manifest conflict, the return rate remains rather low.[46] According to the UNHCR (2009), only approximately 20,000 of the 230,000-280,000 IDPs have returned to communities where they now form an ethnic minority (15,000 IDPs from Serbia (12,200) and within Kosovo (2,800)).[47] A general trend since 2004 is that the number of returns is continuously decreasing, despite relatively stable security situation and international facilitation and support of the return process through various projects. In 2008, after the Declaration of Independence (DoI), the returns process reached its lowest level with only 680 minority returns as compared to 1,700 in 2007, whereas the number improved only slightly in 2009 (until November 2009, approximately 1,000 individuals returned).[48]

Furthermore, the time component negatively affects the returns process, since with years passing, it becomes less and less likely that the IDPs who have settled in Serbia or elsewhere will return to Kosovo. Nevertheless, despite the fact that the unilateral DoI was, according to Benedek (2008: 169), 'not conducive to building trust, concrete measures of confidence-building can make an important contribution to overcome fears and suspicion and step by step build the

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[46] However, the return process should not be treated as a mere number game since it strongly depends on the overall security situation and socio-economic development (UNDP, 2005). In terms of re-establishing inter-ethnic relations and reconciliation, return is only the first step in this process and needs to 'be conducted in safety, dignity, and security' (ICG, 2002).

[47] After the peak in 2003 with 3,801 returns and a slight drop in 2004 with 2,643 people, the figures in the subsequent years have continuously fallen: 2,126 in 2005 (Ambrosso, 2009), to 1,627 in 2006 and to 1,685 in 2007 (UNHCR, 2009).

[48] It should be noted that sustainability and validity of the return figures have been contested and vary among different stakeholders. The UNIJA, a Serbian umbrella organisation of NGO-IDPs, reports that the international return figures are overestimated and that only approximately 5,000 K-Serb IDPs have returned sustainably (IDMC, 2010).

much needed confidence, necessary for a common country'. Given the rather slow process in terms of the returns rate and the pressing time component, multi-stakeholder partnerships (MSPs) and approaches in the field of reconciliation, confidence-building and inter-communal bridge-building, have become ever more important.[49]

C.1.1.2 Characteristics and types of returns-related MSPs in Kosovo

The political context in Kosovo greatly affects the return rate and represents one the main hindrances for the process of reconciliation, confidence-building and inter-communal bridge-building, which is largely dependent on a successful and sustainable process of returns. Although international actors agree that independence cannot be accepted as a precondition for successful returns, the lack of clarity on the final political status of Kosovo, according to the IGC Balkans Report (2002), has thrown 'a shadow over the return process'. In this respect, the Council of Europe has even argued that the uncertainty over the final status prevented the Serbian and Albanian communities to reconcile and to respect each other's human rights. The disagreements among international actors with respect to the future (final) status of Kosovo have affected the development of the conflict in Kosovo in a negative way, leading to the March 2004 riots and adding to the uncertainty after the unilateral DoI in February 2008. In terms of the return process this has decreased the number of returns or even caused further displacement.

As a consequence, one the of the key components of international post-conflict peacebuilding in Kosovo aiming to promote reconciliation, confidence-building and inter-communal bridge-building has been a set of programmes that work towards resolving property disputes, facilitating the return process of IDPs and refugees, and their re-integration into the Kosovo society. Restoration of property rights is in this respect seen as a pre-condition for a successful return and re-integration of the displaced persons without which it is difficult to build confidence of the displaced and to promote sustainable return (Revised Manual for Sustainable Return, 2006). Property restitution and compensation programmes namely help to achieve two constitutive elements of reconciliation, justice and truth, by addressing and improving property-related injustices through returns or compensation for the lost property.[50] However, these programmes can only contribute to reconciliation, confidence-building and inter-communal bridge-building if

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[49] For reasons indicated in the WP 2 and 3.
[50] According to Lederach (1997: 29–31), the four constitutive parts of reconciliation are peace, truth, justice and mercy, which may not be achieved at the same time.

they are perceived as just by the parties involved in the original manifest conflict – i.e. by both, the majority local population and the minority (or minorities).

While property dispute resolution mechanisms have largely been implemented and enacted in Kosovo with and through the establishment of the Housing and Property Directorate and the Claims Commission, and since 2006 through the Kosovo Property Agency (KPA), their implementation has not been equally successful.[51] This is also evident in the Revised Manual for Sustainable Return (2006: 5): the 'uncertainty of property rights in private agricultural and commercial property has presented serious difficulties in building the confidence of the displaced, negatively affecting the economy and returns.' In terms of its impact on reconciliation, confidence-building and inter-communal bridge-building the main problem was that successful property claims have not been seen as a sufficient pre-condition for the sustainability of the return process by the beneficiaries. Many refugees returned home after successful property claims only 'to sell their former homes and relocate to an area where they belong to the majority population', which does not aid much in promoting reconciliation (von Carlowitz 2005: 554), or inter-communal bridge-building.

The International Crisis Group's Balkan report from 2002 therefore clearly stresses the importance of the return process for the promotion of justice and reconciliation. Accordingly, 'if handled well, return could improve relations among ethnic groups, strengthen the position of minority communities already living in the province, and contribute to a gradual denouement among previously conflicting communities. However, if returns are overly politicised and mismanaged, they have the potential to jeopardise the already precarious existence of minorities' (ICG, 2002).

This is well reflected in the United Nations Security Council (UNSC) Resolution 1244 (1999) and in the Kosovo Standard Implementation Plan (2004), both calling for a secure environment in which refugees and displaced persons have the right to return home voluntarily, in safety and dignity, irrespective of their ethnicity. Additionally, the Protocol of Cooperation on Voluntary and Sustainable Return (2006) that was singed between the Provisional Institutions of Self-Government (PISG), the Government of Serbia and the Interim Administration Mission in

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[51] Restitution of property rights has been negatively affected by the general weakness in the rule of law in Kosovo and additionally hampered by missing and incomplete records, legislation and implementation problems. The Report of the Council of Europe Commissioner for Human Rights' Special Mission to Kosovo from March 2009 also raised the problem of KPA being 'unable to fulfil its mandate for the benefit of all communities, including the Serbian community […].' For more see CoE (2009) and von Carlowitz (2005).

Kosovo (UNMIK), places success of the return process on three pillars: (1) safety of the return process, (2) returning property to the displaced and rebuilding their houses, (3) and sustainability of the returns.

The most obvious reasons for the establishment of various return-related MSPs have been the lack of funding for housing and house reconstruction, weak local administrative capacities, the rising need for legal assistance to contest property expropriation, and a poor economic outlook for Kosovo. Through such MSPs, the international community has started to assist Kosovo authorities in order to launch community and IDP-oriented projects that target these most pressing issues of the democratic transition in Kosovo.

One of the reasons is that post-conflict Kosovo has been characterised by the lack of legitimate and permanent domestic institutions, at least until the establishment of the PISG in 2001. In terms of competences and capabilities for the post-conflict reconstruction one could argue that this "institutional gap" still persists. The UNSC Resolution 1244 (1999) placed the responsibility for the return process foremost on the UNMIK, which was assisted by the UNHCR and the KFOR. In general, the sustainable return of minorities and the development of a democratic multi-ethnic society was seen by the international community as a precondition for the start of the process of reconciliation, confidence-building and inter-communal bridge-building. However, international actors differed with respect to their approaches towards post-conflict reconstruction and with respect to what constitutes the (pre)condition for the (sustainable) return process. While KFOR and to a certain degree UNMIK and UNHCR were at least in the beginning more security oriented in their approach (enabling the appropriate conditions for the return of refugees and IDPs), the European Union (EU) was seeking to establish MSPs contributing to human security. Accordingly, the EU focused more on the provision of socio-economic assistance to enable socially and economically viable conditions for the return process. These differences can be partially explained by analysing the leading roles of individual actors and by taking into consideration the political developments in Kosovo.

Up to 2000, the security situation in Kosovo had prevented the development of a returns policy under international assistance despite the fact that the Serbian community made progress on the return a precondition for their co-operation with the UNMIK. However, UNMIK and the UNHCR as the leading international actors in the return process, had argued that the preconditions for the return of refugees and IDPs of Kosovo minorities (in safety, dignity and

freedom) had not yet been met by 2000 (UNSG 2000). For the purpose of facilitating the conditions for the return, the SRSG Bernard Koucher created, in 2000, the Joint Committee on Returns of Kosovo Serbs´ under the leadership of the UNHCR and with the participation of all relevant international actors in Kosovo (OSCE, UNMIK, and KFOR).[52] In the first two years of the UNMIK administration, relatively few returns took place (only approximately 5,800 people returned to Kosovo) and the process was characterised by the "enclavisation" of minority life in Kosovo and limited freedom of movement (UNHCR/OSCE, 2002).

Additionally, the UNMIK established the Office of Communities, Returns and Minority Affairs (OCRM) in 2001 to respond to the growing need for the returns process in Kosovo and opened a regional office in Prishtina to allow for a more direct link to the displaced as well as to the donor community (UNMIK, 2003). The increased involvement and interest of the international community in the returns process resulted in UNMIK´s Strategy for Sustainable Return in 2003 and in the establishment of a common framework for the post-conflict reconstruction called Kosovo Standards that were drafted by UNMIK in co-operation with the PISG. This allowed for the first return-related MSPs to be established in 2003. However, the March 2004 ethnic riots caused a new displacement of minorities and consequentially a decrease in the returns rate. This again securitised and politicised the return process, putting top-down imposed political aims before individual rights (UNMIK, 2003).

Since 2005, the main goal of the MSPs created was to make returns more sustainable and to build capacity at the domestic level, for both state and non-state actors. A high unemployment rate and poor economic records of Kosovo have forced the international actors (in particular the UNDP and the EU) to devote more attention to socio-economic assistance and community development projects in order to improve the pull-factors for returns.

The international community acting on the request from local authorities in Kosovo has since 2003 developed several returns-related projects and MSPs including Rapid Response Returns Facility (RRRF) 2003–2005; Government Assistance to Returns (GAR) 2003–2005; Sustainable Partnerships for Assistance to Minority Returns in Kosovo (SPARK) 2005–2009; Support to

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[52] In January 2001, this Committee issued the Framework on Serb Returns 2001 that outlined the basic principles of the return process, i.e. it needs to be voluntary and to enable return to the place of origin, freedom of movement, accommodation and access to essential public services (ICG, 2002: 5–6). A similar process was initiated for the communities of Roma, Ashkaelie, and Egyptians and resulted in the Platform for Joint Action Regarding Roma, Ashkalija, and Egyptian Communities (ICG, 2002).

IDP Associations 2007; Return and Reintegration in Kosovo (RRK 1 and 2) 2008; and IDP Regional Project on IDP Associations 2008.[53]

From 2003 to 2005, minority returns were directly managed by the United Nations Development Programme (UNDP) through two major projects: the Rapid Response Returns Facility (RRRF) and the Government Assistance to Returns (GAR) project. The RRRF provided direct assistance to small-scale, spontaneous individual return of IDPs through the so-called tailored support and provision of housing assistance, socio-economic assistance and community development.[54] One of the main targets was the increase of cross-border returns from Serbia and Montenegro. According to the UNDP's estimates in 2003 and 2004, over 1,100 individuals returned to Kosovo with the assistance of the RRRF.[55] The project received funds from the Kosovo consolidated budget and from bilateral donors including the UK government, the Czech government and the Norwegian government.

On the other hand, the GAR project provided assistance to large-scale, organised and group return of IDPs from Serbia and Montenegro and within Kosovo through housing assistance, socio-economic assistance, community mobilisation and development, inter-ethnic tolerance building and dialogue activities to support reconciliation. Its aim was to respond to the needs of group returnees as identified in the conceptual papers prepared by the Municipal Working Groups. The GAR was funded entirely by the Kosovo consolidated budget and directly implemented by international NGOs and local partners (UNDP, 2005).[56]

From 2005 to 2009, the return process has been managed jointly by the UNDP and the PISG in Kosovo, i.e. by the Ministry for Communities and Returns (MCR) through the SPARK programme. SPARK's strategy has been to manage the return process under one umbrella mechanism and according to the policy developed by UNMIK in Manual on Sustainable Returns. The two approaches of individual and spontaneous return (previously addressed by the

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[53] Given the relatively narrow definition of MSPs in the framework of the MULTIPART project not all of the abovementioned projects meet the eligibility criteria for an MSP. Nevertheless, in order to understand the "added value" of SPARK they will be used for the purpose of comparison.

[54] Individual and spontaneous returns constitute approximately 70 percent of all returns to Kosovo (UNDP, 2005).

[55] As to the share of assistance RRRF was propagating a balanced approach according to which all communities in all regions benefit. In this respect 28 percent of the assistance went to K-Serbs returns, 16 percent to K-Albanians, 16 percent to K-Egyptians, 15 percent to K-Roma and 8 percent to K-Ashkali. 18 percent was divided among the rest of the minority communities: K-Bosniaks (13 percent), Gorani and K-Turks (2 percent each) (UNDP, 2005).

[56] Approximately 12,000 beneficiaries have been directly or indirectly affected by the GAR (UNDP, 2005).

RRRF) and of group and organised return (previously handled by the GAR) should in this respect be jointly managed and co-ordinated within the SPARK project.[57]

Facilitation and growth of the minority returns process is fundamentally dependent upon progress made on other issue-areas of relevance for the MULTIPART research. First and foremost, the determining factor with significant impact on the returns rate is the security situation in Kosovo. The achievement of safe and secure environment is at the forefront of the process of refugee and IDPs return, as well as undercutting stability by increasing inter-ethnic interaction and building trust in the communities. In general, the security strategy in post-conflict reconstruction has been two-fold. Firstly, international actors such as the KFOR and the UNMIK (Police) have provided a secure environment for returns to take place, and secondly, local authorities (Kosovo Police Service) assumed greater responsibilities as regards the security provision.

Furthermore, progress heavily depends on the provisions of property rights that are part of the local law enforcement strategies of post-conflict reconstruction provided by the UNMIK and the Organization for Security and Co-operation in Europe (OSCE). Addressing the rule of law issues in addressing the security challenges, has helped to increase the numbers of returnees and served as a pull factor for the IDPs.

Consequently, the MSPs have been developed with awareness that in order to impact on reconciliation, confidence-building and inter-communal bridge-building, only facilitating the physical process of return will not suffice. Subsequently, the MSPs have aimed at building an environment in which minority rights are protected. Through assisting and providing returnees with property restitution, compensation and legal assistance, confidence is built among community members. Equally important was the fact that the MSPs started to include a socio-economic component within the return-related projects. The later have shown that the main problems within the return process appear after the return, and include insufficient sources of livelihood, poor access to public and social services, health care, education and public utilities. These lessons-learned have been already implemented in the operational framework of the 2003 Strategy for Return, which emphasised the need for a multi-sectoral approach in order to achieve inter-ethnic dialogue and develop community activities.

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[57] The individual return component dealt with returns of up to seven families, while the organised return component dealt with returns of seven or more families.

In practice, the UNDP return programmes were cross-linked with some other UNDP programmes, including the Employment Generation Project, the UNDP Municipal Business Centre Project, and the UNDP project supporting Agricultural Co-operatives.

C.1.1.3 Types of actors in return projects in Kosovo

Until 2008, the international community played a crucial role in the return process, representing the interests of minorities, refugees and IDPs, and building capacities of local actors (i.e. Kosovo government and community structures) that should eventually take up full responsibilities for the return process. However, after the Declaration of Independence (DOI) and the Constitution of 2008, the Kosovo authorities have taken full responsibility for the return process and made considerable commitment to facilitate returns and to transfer part of the newly acquired responsibilities to the municipal level. Although the role of the international actors in post-2008 Kosovo has been transformed, they are is still very significant for the return process, in particular since major obstacles to more returns continue to be difficult economic conditions, a high unemployment rate among the minority populations (as well as across Kosovo), perceived threats to minorities regarding their security and freedom of movement, a limited funding for return related projects, and the still underdeveloped capacity at the local and municipal level with respect to the enabling conditions for a sustainable return and reintegration (EC/UNDP, 2008).

Kosovo's clear political and strategic goal of EU accession has given the EU and its agencies a pivotal role in all matters related to international assistance and reconstruction in Kosovo. Simultaneously, the growing presence of the EU in Kosovo and the still high demand for return assistance to Kosovo resulted in the establishment of an EU-sponsored return-related MSP, namely the RRK project, in 2008. The RRK builds on the international principles for sustainable return as developed by the UNMIK (UNDP) but focuses more on community tailored and geographically limited areas.[58]

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[58] According to the RRK project design, 'the specific objective of the Project is to support the sustainable return of refugees and IDPs through the increased involvement of state and non-state actors at central and municipal level and the strengthening of administrative structures and accountability mechanisms in the project municipalities.' (EU/UNDP, 2008: 12)

Despite the leading role of international actors in post-conflict reconstruction since 1999, the main responsibility for the return process lies with the Kosovo government (Benedek, 2008).[59] As a consequence, the PSIG has been since 2002 more actively involved in the development of the institutional and legal framework in which the return process takes place. By co-drafting the Kosovo Standards (2003) and the Kosovo Standards Implementation Plan (2004), the PISG were acting in accordance with the UNSC Resolution 1244 recalling the UN Guiding Principles on Internal Displacement.[60]

Within the PSIG, the establishment of MCR in March 2005 was an important step in that direction, since the MCR is the main domestic public actor to support returns and reintegration. Several MSPs (SPARK, RRK) and institutions (including the UNDP, the UNHCR and the EU) have since then started to work with the MCR on capacity development in order to strengthen its competences and skills. The most prominent activity in this respect was the 'Transfer of Competencies' undertaken by the UNMIK/OCRM. Key functions to be transferred with respect to the returns process include policy-making, standard-setting, policy co-ordination, and project monitoring (EU/UNDP, 2008). As a result, the MRC started to implement the Strategy for Sustainable Return and Municipal Returns Strategies in order to co-ordinate the voluntary return of refugees and IDPs in Kosovo. According to this strategy, the return process is to be developed on a community-to-community basis through the establishment of the so-called Municipal Working Groups (MWG).[61]

A general trend in the development of MSPs has been to increase local ownership of and participation in return-related projects by giving municipalities more powers and responsibilities in the project planning and implementation phase. Within the municipal structures, the newly established Municipal Returns Officers (MROs), Municipal Community Officers (MCOs) and Gender Community Officers have been identified as the main facilitators and supporters of the return process by linking and assisting the receiving community with the returnees and *vice versa*. In particular, MROs were identified as the key actor in a municipality for return-related issues

[59] The role of international actors was (to be) limited to assisting and supporting the local authorities in the process of assuming these responsibilities and to developing capacities in order to manage returns-related projects after the solution of the final status.
[60] Accordingly, states have the duty to establish conditions and provide the means for voluntary return, resettlement and local integration.
[61] These consist of the UNMIK, the UNHCR, the KFOR, local authorities, NGOs and members of the IDPs and reflect the rights-based, bottom-up and participatory approach in which individuals and local communities are involved in the decisions that affect their future. As stated in this strategy, the MWG is 'the main mechanism through which displaced persons can access the return process and request support to return, and is the principal executive and coordination body for returns projects with primary responsibility for ensuring the sustainability of return efforts.' (UNMIK, 2003: 12)

and implementation of day-to-day responsibilities in the return process (UNDP, 2006). In 2001, municipalities in Kosovo established the Association of Municipalities to protect the interests of the local governance level and to develop capacities of municipal and local structures.[62]

As for the non-state actors in the return process, their main role has been to outreach and disseminate information in Serbia and Kosovo. From 2003 until 2006, MSP projects for return were mainly contracted through public calls for application. This allowed for different NGOs (local and international) to implement these projects and participate in the return process by enabling direct access to Serbia and to displaced persons there.[63] In 2007, IDPs associations and Kosovo based CSOs interested in supporting minority returns established the UNIJA-M, which is the first ever Kosovo-based IDP/CSO association.[64]

C.1.2 The formation, development and operation of SPARK

C.1.2.1 Formation of SPARK

Due to a relative lack of capacities and funds of the PISG, return-related MSPs (such as SPARK) were initiated in close co-operation with the key international actors in Kosovo, but with a strong component of local ownership. The framework of SPARK in terms of its design and implementation was the UNMIK's Manual for Sustainable Return 2005 and the MCR's Strategy on Sustainable Return and Municipal Return Strategies, whereas the institutional framework for the project was the Kosovo Standards (Standard 4). Legally, the UNDP-related project activities of its return programme (including SPARK) fall under the legal purview of UNMIK, the UNSC Resolution 1244 and other relevant UN Security Council resolutions and administrative regulations.

In general, all major stakeholders agreed that the process of return should eventually be the full responsibility of national and local authorities. However, the organisational structure of SPARK

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[62] According to the Regulation on Self-Government in Kosovo (2000), municipalities 'shall ensure that inhabitants of the municipality enjoy all rights and freedoms without distinction of any kind, such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, an that they have fair and equal employment opportunities in municipality services at all levels.'

[63] Interview D/SPARK/8.

reflects the idea that responsibility for the return process at that time had to be shared between international actors and the Kosovo authorities where the later were to slowly assume full responsibility over the return process. This "transfer of competencies" was entirely tied to the final settlement of the Kosovo political status. The logic behind this was that local and municipal authorities should develop standards and competencies before the final status was to be determined.

In 2005, the UNDP started thinking about an overall programme/mechanism for replacing two previous mechanisms for return (the RRRF and the GAR) in a more effective way. As a result, around mid-2005, the UNDP, with the support of the UNMIK/OCRM and the newly established MCR, developed this new project mechanism that covered both individual and spontaneous returns, and organised and group minorities returns in Kosovo. The project was planned to last 4 years, starting in June 2005 and ending in June 2009. Despite the final settlement of the Kosovo political status in 2008, the transfer of competencies from international actors to key local stakeholders in the return process, in particular the MCR and local NGOs, was not entirely completed by mid-2009. As a result, the SPARK project was extended to the end of 2009 at the request of the MCR. Although the need for capacity development continues even beyond 2009, the fact that SPARK was legally operating under the UNMIK mandate nowadays prevents the project's continuation.

In general, there was no major opposition to the establishment of SPARK. The aforementioned three waves of population displacement caused serious imbalances within the pre-1998/1999 demographic and community structure in Kosovo, as well as in the broader region of Serbia, Montenegro and the Former Yugoslav Republic of Macedonia (FYROM).

The tense security situation and unresolved political issues of Kosovo status affected SPARK in two ways. Firstly, the Serbian government was not involved in the project, either as a stakeholder or as a donor, since co-operation within the organisational structure of SPARK as an UNMIK-PISG partnership could mean that the Serbian government was giving a tacit consensus to the parallel institutions of self-government in Kosovo. In addition, the issue of return was further politicised by the authorities in the three northern Kosovo Serb majority municipalities (Leposavić, Kosovska Mitrovica and Zvečan) that have completely withdrawn from the Kosovo's political structures, following the calls from Belgrade for Kosovo Serbs to boycott what they perceived to be an illegitimate Kosovo Albanian government. All this has made it

extremely difficult to facilitate significant returns to Kosovo of the Kosovo Serb IDPs, and to integrate them into Kosovo's political and social life. According to the OSCE, 'there is a widespread perception among the Kosovo Serb community of insecurity and mistrust which prevents interaction outside enclaves' (OSCE Background Report, 2008: 3).

Secondly, the main problem for the returnees and municipalities was that the *politicisation* and *securitisation* (partly also due to the discourse propagated by the international community) of the return process has prevented inter-ethnic contacts by focusing (at least at the beginning) almost exclusively on the situation of minorities. Dividing families and minorities according to their ethnicity has caused *enclavisation* of minority life in Kosovo which has become a major obstacle for the process of reconciliation (Devic, 2006).

As previously mentioned, the SPARK Programme provides an integrated *umbrella mechanism* for delivering the full spectrum of *multi-sectoral assistance* for returns through continued support for two key components of the return process, i.e. for the individual and spontaneous returns, and for organised and group returns. As such, it follows previous projects, but adapts the structures and mechanisms of the previous UNDP returns projects, namely the RRRF and the GAR, to respond flexibly to the returnees' needs as identified in these programmes. The SPARK also uses the same database for IDPs as had been used within the GAR and the RRRF. Those two mechanisms were at that time the fastest instruments for the implementation of the returns projects (individual and organised). Best practices were related to community development, implementation mechanisms and eligibility criteria developed by the RRRF and the GAR for the different types of returns.[65] The *added value* of SPARK was the transfer of these fast and efficient mechanisms to Kosovo wide projects rather than focusing on a limited number of municipalities. Additionally, one of the advantages of SPARK was a very small number of projects for returns at the time. Accordingly, the donor community was willing to support projects like SPARK.

C.1.2.1.1 The role of local non-state actors in SPARK

SPARK was in the beginning entirely owned by the international community, since it was heavily dependent on international funding and management capacities of its key international actors (the UNDP and the UNHCR). Although it was designed in order to contribute to the development of local NGOs and civil society organisations (CSOs) through its capacity building

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[65] Interview D/SPARK/2.

component and to increase the participation of local stakeholders at all levels of MSP management, the involvement of local non-state actors within SPARK structures was rather limited and indirect at best. This can be partially explained by the fact that only in 2005, the DT as the first Kosovo based NGO was created. The DT started off working with the Goal Ireland, an international humanitarian NGO, in 2004. When the Goal Ireland ceased its mission in Kosovo in 2005, the DT registered as a local NGO and was able to sustain itself independently and implement projects. This is a good model of how to develop local NGOs capacities. Since international NGOs generally have competent and trained local staff, this can be a starting point for the establishment of a local NGO.[66] The role of the DT within SPARK was to connect the receiving community and the implementing partners with the IDPs.[67]

Further NGOs involved in SPARK came in the form of various IDP associations that were united under the umbrella organisation called the UNIJA/M in 2007.[68] There was no direct involvement of the UNIJA/M in SPARK; only individual members were involved. The role of the UNIJA/M's members was to advise returnees and help them address their needs, to ease the communication between the beneficiaries and communities; and to collect data on potential candidates for return. The main source of information came from Serbia, where each organisation covers one of the Serbian IDP areas (Belgrade, Kraljevo, Smederevska Palanka, Niš, Kruševac and Subotica). The UNIJA/M's members were circulating around Kosovo where SPARK houses were being built, they were inspecting those houses to inform individuals (IDPs) about their possibilities and future prospects for return. Their role was also to interview the people regarding their living conditions in the area of displacement and to assist IDPs with respect to visits to the places of return, with a view to making it possible for the IDPs to see the condition of their property, SPARK houses or to get information, by themselves, about the societal climate within the relevant communities.[69]

Involved in SPARK was also the Employment Promotion Agency Kosovo (APPK). For the activities related to SPARK, it was funded by the UNDP as a contracting partner for specific

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[66] Interview D/SPARK/4.
[67] The DT performed services with respect to the housing assistance component of the SPARK Individual Returns (IR), and provided rehabilitation, economic assistance, health and community development activities as well as infrastructure assistance within the SPARK Organised Returns (organised return) component.
[68] Currently, there are 10 IDP associations: Jug (2001) based in Kraljevo, Serbia; Homeland for Returns (2000) from Kraguljevac; Happy Family (2001) from Niš; Center for Human Resources (2002) focusing on Roma; St. Saviour (2001), St. Nicholas (2001), UNIJA, Voice of Kosovo and Metohija (2000) and Right to Protection based in Belgrade; and Božur (2000) based in Smederevska Palanka.
[69] Interview D/SPARK/7.

sub-projects within the provision of socio-economic development (income generation activities) and community development.

C.1.2.1.2 Degree of institutionalisation of SPARK

SPARK was drafted as a result of lengthy consultations by the UNDP with key stakeholders, including national (municipalities, MCR, MLGA, OPM, (local) NGO/CSO representatives) and international (UNMIK, UNHCR) stakeholders. On the one hand, the selection of key stakeholders in SPARK reflects the will of the international community to act in accordance with the UNMIK mandate, on the other hand it is the answer to the needs of key national stakeholders in order to build capacity and eventually obtain full competencies for managing the return process.

The institutional framework for the selection of stakeholders in the SPARK was the Manual for Sustainable Return, particularly the structures developed according to this document (Central Review Mechanism (CRM), MWG and Communication and Outreach Coordination Group (COCG)). Therefore, the participation/membership in these structures was pre-determined, rather than a result of negotiations in Kosovo. Partially, this could be explained by the lack or absence of competent central and municipal structures of governance, and the non-existent or at best developing NGO/CSO sector at the time of SPARK´s establishment that would opt for an inclusive and participatory approach.

As a result, the process of return was co-ordinated through the UNDP as the main implementing agency. According to the project proposal, the UNDP office in Kosovo was executing and managing SPARK, whereas the overall management and guidance of the return process (according to the Kosovo Standards and Manual) was delivered by the SPARK Advisory Board, established and co-chaired by the MCR and the UNDP. It consisted of the Permanent members of MCR, UNDP, UNMIK, UNHCR, Ministry of Local Government Administration (MLGA) and one rotating NGO representative as appointed by the NGO Returns Coordination Group (NRCG).[70] Other appropriate actors were appointed on an *ad hoc* basis and included

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[70] The NRCG consisted of international and national NGOs dealing with returns. The NGO that was chairing this group was also represented in the Advisory board.

representatives of other relevant ministries, donors, NGOs/CSOs etc.[71] The crucial and leading role of the UNDP was further confirmed by the fact that in the beginning, the UNDP also used to run the Secretariat of SPARK, but the latter was later transferred to the MCR, as part of the transfer of competences process.

The participation in the remaining organisational structures of the SPARK project differed according to the two components of SPARK, i.e. organised return and individual return. The organised return component has been realised through the CRM. Members of this mechanism were MCR, UNDP, UNMIK, UNHCR, and MLGA and members with observer status (such as NGOs, IDP representatives, donors, CSOs). Through such participation, SPARK was seeking to ensure grass-root involvement. The decision-making process was mainly a consensual one. The CRM reviewed cases of organised return. The MCR was responsible for this component also after 2008, although the component was ever less important and all efforts were transferred to the individual returns, deemed as much more efficient by all stakeholders.

When it comes to the individual return component of the SPARK, the UNDP was the main player until the very end of the project. The main (technical) body that reviewed individual requests for return was the so-called Final Approval Committee (FINAC). Members of this committee were the UNDP, the MRK, the UNDP and the British Government. In most cases, decisions were taken by consensus but decisions by majority vote were possible as well. The decision to rebuild a house was in both components followed by an offer of socio-economic support for the returnees (to the newly-rebuilt house).

The UNHCR was involved in SPARK since it is one of the main actors in the field of return and integration of the displaced persons in general that has been present in Kosovo for the last two decades. This UNHCR's mandate is based on its primary role as an organisation, but in the case of Kosovo, it is also based on the UNSC Resolution 1244 and after 2008, on the Ahtisaari Plan.[72]

The role of the NGOs in SPARK was twofold. Within the individual return component, they were involved only as implementing partners, i.e. they were implementing the community

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[71] Furthermore, it was determined that the Advisory Board would meet on a periodic basis, but at least quarterly. Additionally, weekly meetings were to be held between the UNDP SPARK Project Team and the MCR and the UNMIK.

[72] One important factor for the return process was the creation of a framework for the return in 2002 that served as a legal basis for this process. This framework was named as The Manual for the Sustainable Return 2003. Up till now one revision to this version was made in 2006 (a Revised Manual for the Sustainable Return) and a new one is expected to be developed by the MCR in 2010.

development component of SPARK's sub-projects. By contrast, within the organised returns component of SPARK, the project was entirely managed by (mostly international) NGOs and municipalities through the MWG in all phases of the project (design, implementation, co-ordination and monitoring).[73]

As to the participation of final beneficiaries (individual IDPs, minority and majority community members) within the SPARK structures, they were mostly represented by NGOs, CSOs and IDP associations at the central level (Advisory board), whereas in the CRM, the IDP associations and individuals (who wanted to participate) were granted observer status. In all other (municipal and local) structures, beneficiaries participated directly, as full members, on an equal footing with other stakeholders. This was most evident in the composition of membership within the MWG and in the operational planning of projects where the main actors were IDP participants (men and women), representing themselves, community members and members of civil society groups.

In general, returns projects were open to all IDPs and refugees who expressed their intent to return and corresponded to the eligibility criteria for assistance and support. According to this, beneficiaries should be displaced persons, should have a refugee carton, should have been registered in UNHCR offices in Kosovo, Serbia, Montenegro or the FYROM, and do not posses other property. In practice, these criteria were additionally refined as a result of the experience from the field, determining that the potential candidates were also checked regarding their involvement in the conflict. As a result, only individuals who did not have a black mark on their past were accepted. This clearance check was performed by the receiving communities and municipalities which were herewith empowered to participate in the selection of returns eligible for SPARK support in assistance..[74]

Furthermore, at the local level, SPARK was open to all municipalities (Kosovo-wide) with minority members that could propose concept papers to the MWG. Municipalities were selected according to their experience with project implementation and previous performance in the returns process, i.e. support to the returns process in the past and the number of displaced and

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[73] The MWG approved the concept papers, which different NGOs were developing in co-operation with communities and submitted them to the CRM for its approval.
[74] Interview D/SPARK/7 and Interview D/SPARK/1.

returnees. This meant that municipalities that did nothing for the returns (who blocked or even boycotted the process) would not be selected.[75]

C.1.2.1.3 The nature of the SPARK partnership

In 2003, the UNMIK issued the Strategy for Sustainable Return in order to facilitate and increase the cross-border returns process from Serbia, Montenegro and the FYROM.[76] In 2004, the importance of the returns process was underlined by the UNMIK and the PISG that jointly drafted and published the Kosovo Standard Implementation Plan with a view to assisting and guiding the process of post-conflict reconstruction in Kosovo.[77]

With respect to the return process and the SPARK, three standards were of the utmost importance. Firstly, *Standard 4* of the Kosovo Standard Implementation Plan, which contains provisions regarding 'Sustainable returns and the rights of communities and their members', was developed as a benchmark for achieving sustainable return and multi-ethnicity in Kosovo.[78] Moreover, such an approach marks a significant shift in responsibilities for the process of return to the PISG in further stating that 'this effort must entail not only the reconstruction of buildings, which is a key first step, but also the rebuilding the bonds of trust and confidence between the Government and its constituents from all ethnic communities […] in a systematic effort to promote reconciliation [and] build tolerance […]' (*ibid.*). This meant that SPARK had to be a multi-sectoral approach covering not only the physical return and housing assistance but above all facilitating the inter-ethnic dialogue and community relations.

Secondly, of special relevance for the SPARK was also *Standard 7* that determined the core principles of "Property Rights", which significantly affect the sustainability and security of

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[75] Interview D/SPARK/4 and Interview D/SPARK/2.

[76] As the key principles that should guide the returns process in Kosovo, the following were identified: a rights-based approach (free and voluntary return); a return to the place of origin and a free choice of residence; sustainability of the process (security, social and economic viability); a bottom-up and IDP-driven approach; a gender and age approach; an engagement of the entire community; and displaced and IDP Association participation (UNDP, 2003).

[77] The Kosovo Standard Implementation Plan relates to Standards for Kosovo that were published on 10 December 2003. The latter target the pursuit of European level standards and have been developed in order to facilitate the process of Kosovo's final status.

[78] According to the Kosovo Standards, it is the responsibility of the government to enable conditions in which refugees or IDPs can return to their homes, therefore the UNDP's main partners were the Office of the Prime Minister (OPM) and the MCR.

returns since they increase the pull factor for the IDPs by property restitution and compensation measures, and by strengthening the rule of law.

As the overall co-ordinating mechanism for return-related projects, SPARK was designed as a multi-sectoral approach and therefore linked to security and socio-economic development. Security was not only a pre-condition for the start of the return process, but it was also set as one of the long-term objectives of SPARK, particularly important for guaranteeing sustainability of the process. The involvement of the KFOR and the Kosovo Police Services (KPS) in the organisational structures of the return process in general and SPARK in particular acknowledges this linkage.

Moreover, SPARK underlined the need for a wider definition and perception of security in Kosovo, especially with respect to minority populations and inter-ethnic relations, where physical security, defined as the freedom from fear and the freedom of movement, was not sufficient for the returnees to remain in Kosovo. In this respect, SPARK had a strong socio-economic dimension attached to it. Within individual return component of the SPARK project there were three types of assistance and support: housing assistance, socio-economic assistance, and community development.

The housing assistance referred to the building of the houses for the beneficiaries. Potential beneficiaries were referred to the UNDP's regional offices through the UNHCR where they filled in an application for return. Following these rather formal procedures, a thorough social assessment was undertaken by the respective MCOs. Such a social assessment was supplemented by the so-called municipality verification process, which was carried out by the municipalities. These gave their consent regarding the return of individual IDPs according to the atmosphere within the receiving community ("clearance check") and the status of property rights issues. The final decision for the return was reached by the FINAC on the basis of the MCO's social assessment, the municipality verification and suggestions from the UNDP. If approved, a tripartite agreement had to be singed among the UNDP, the municipality and the beneficiary before the beneficiary's house was built. This bottom-up process of selection and verification was supposed to prevent top-down decisions imposed on municipalities, and a possible aggravation of inter-ethnic relations as a result of facilitation of the return to areas not friendly to IDPs and refugees. Furthermore, it should strengthen and empower community members to be

actively involved in determining the future development of their community and building (social) trust.

The second type of support included socio-economic assistance and was done after the construction works for the house were completed and the family returned. The main implementing partner at this stage was the APPK, a Kosovo NGO that performed the screening of the beneficiaries and offered trainings based on the profile of the beneficiaries. This included an income generation grant of 2,000 Euro intended for beneficiaries to be able to purchase something for income generation (e.g. a tool or machinery). If what they wanted to buy had costed more than 2,000 Euro, the returnees could co-operate in order to use this grant in the most efficient way (e.g. several beneficiaries, from the same village, could jointly buy a tractor). This clearly links socio-economic assistance with the objective of inter-ethnic dialogue facilitation where community members are encouraged to co-operate in order to reach a common objective, i.e. to generate their income. As a result, they created collective or shared property that could potentially lead to a feeling of common belonging and build confidence.[79]

A third type of assistance was community development, according to which each returned family received a voucher of 1,000 Euro, which could only be used for community needs. The logic behind this assistance was twofold. Firstly, this kind of support should encourage communities to accept more returnees, since with more people returning the chances of using money for larger projects increase.[80] Community development positively effects inter-ethnic relations since members of minority and majority are both the beneficiaries of these common goods (in practice vouchers had mainly been used to support education of most vulnerable members, health programmes and infrastructure projects).

C.1.2.1.4 Objectives of SPARK

The overall objective of SPARK was to contribute to a stable multi-ethnic society in Kosovo that would positively impact on reconciliation, confidence-building and inter-communal bridge-building through equitable and just provision of essential government services (including socio-

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[79] This was often the case with the purchase of tractors or moto-cultivators where the income generation grant of one individual was insufficient for the purchase so various members had to co-operate to be able to afford it. Interview D/SPARK/2, Interview D/SPARK/4, Interview D/SPARK/6 and Interview D/SPARK/7.

[80] In Vitomirica (Peja municipality), a medical centre has been built with vouchers, while in Peja, the municipality administration has been digitalised by using these means. Interview D/SPARK/3.

economic assistance and community development) to all citizens, without regard to ethnicity. The more specific goal of the project has however been to assist and support the sustainable return and reintegration of refugees and IDPs through a fully participatory approach that would involve state and non-state actors at central and municipal/community level. Moreover, administrative capacities and accountability of municipalities should be further developed or strengthened. As for the objectives of the SPARK, no differences between international and local stakeholders have been identified through interviews and desk research.

One important lesson learned from the previous partnership programmes (i.e. the RRRF and the GAR) in terms of reaching the objectives of a programme was related to co-ordination. The SPARK thus introduced a more co-ordinated approach through the CRM for approving projects for the organised returns and a more transparent project for the individual returns, with reports from the field.[81] SPARK also had the advantage to work with different communities, in every region, Kosovo-wide for individual returns and organised returns. Getting communities to co-operate with minorities and municipalities in various sub-projects of the SPARK is also closely linked to reconciliation, confidence-building and inter-communal bridge-building since it increases trust and builds confidence among them. In particular, sustainability of the process is dependent on trust among people from different minorities and on trust in different municipality structures carrying out the programme of returns.[82]

An additional lesson learned from the RRRF and the GAR was that in order to speed up the process and increase the return rate, better co-operation between the governments in Kosovo and Serbia was necessary. Although at the beginning of SPARK, political relations were extremely tense as a result of the 2004 riots, the Protocol of Co-operation on Voluntary and Sustainable Return was singed in 2006 between the PISG, the Government of Serbia and Montenegro, and the UNMIK, which was a step towards normalisation of the relationship necessary for achieving any progress on the issue of returns. However, co-operation with the North of Kosovo remains very difficult because the Serbian communities living there are not addressing their needs to the Kosovo government but are fulfilling them through their parallel structures, or are even addressing them to the Serbian government.[83]

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[81] Interview D/SPARK/2.
[82] Interview D/SPARK/2.
[83] Interview D/SPARK/5.

The *added value* of SPARK as identified by most stakeholders was also the inclusion and participation of NGOs in the decision-making structures of the SPARK. According to the UNDP, this was a consequence of good co-operation of the UNDP with municipalities in the framework of the GAR project, where the UNDP was trying to include them in order to build local capacities.[84]

Furthermore, an advantage of SPARK in comparison with other programmes was that it was open to all donors for contributions during all four years of its existence.

According to the UNDP, the project design of SPARK was developed in 2005, when it was clear that the key *lessons learned* from the RRF and the GAR should be integrated to ensure that return-related projects should: (a) be fully participatory (bottom-up driven); (b) multi-sectoral (include capacity building and service development); (c) emphasise community relations and dialogue with all stakeholders; (d) enable transparent flow of information and division of work among the stakeholders; (e) upgrade socio-economic assistance to include re-integration and social inclusion of the beneficiaries, (f) take into consideration the receiving community as well; and (g) be Kosovo-wide.

C.1.2.2 Internal operation of SPARK

C.1.2.2.1 Division of labour among key stakeholders

The UNDP and the MCR (in close co-operation with municipalities throughout Kosovo) were key collaboration partners in the overall co-ordination of SPARK, where capacity building and partnership with the MCR and municipal structures evolved through the Joint Project Planning Unit (JPPU) and included all phases of the project's life-cycle, namely implementation, monitoring, screening and evaluation of individual projects. The JPPU allowed members of the MCR to work with the UNDP's "SPARK staff" on activities related to individual and organised returns, and to be trained "in the job".[85]

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[84] A good example of this co-operation is the implementation of the project in Kline where the municipality implemented the whole project without external assistance. Interview D/SPARK/4 and Interview D/SPARK/5.

[85] SPARK made use of the so-called UNDP staff matching mechanism whereby one MCR-seconded staff was included into each of the projects' units (Finance, Communication and Advocacy, Community Development, Technical and Engineering, Monitoring and Evaluation). As a result, one of the key outputs of the project was expected to be a full transfer of competencies and skills regarding the programme management of the returns process to the relevant Kosovo institutions and structures.

At the municipal level, the SPARK project was designed to strengthen the MRO and MCO in their capacity to support IDPs and to identify basic needs of returnees that are linked to communities at the grass-roots level. Municipal authorities have been daily involved in SPARK activities by referring potential beneficiaries, carrying out joint assessments for assistance, and providing support for the outreach and community development programmes.[86]

The main responsibilities of the MCRs were to screen and prioritise requests for support to returns along the established eligibility criteria for individual and organised returns within the CRM, to support and review tendering projects developed and endorsed by the MWG, to review technical documentation, and to co-design economic sustainability strategies for the group returns. The CRM as the key decision-making body was co-chaired by the MCR and the UNMIK/OCRM until 2008; after that, it was chaired by the MCR alone (in accordance with the process of transferring the responsibilities from international actors to local ones). The strategic task of the CRM was to review and decide (by a simple majority vote) upon the eligibility of the project proposals according to the principles and policies outlined in the Manual for Sustainable Return. If a project was approved, it was put on a list of approved projects for funding for as long as the funding was available. Linked to the CRM was the Advisory Board, which approved the budget and distributed the resources for individual and organised returns projects. The choice of the projects from the CRM list was made according to the proposals from the UNDP for organised returns (and the FINAC for individual returns). Although membership in the budget committee was quite inclusive (the UNHCR Head, the UNDP Head, who together with the Minister (MCR) co-chaired the board meetings, representative from the OPM, representative from a local NGO (which was the UNIJA/M), the UNMIK, donors and a representative from the NGO community (on the basis of rotation)), there was no direct involvement of the municipalities in the decision-making phase, although the actual project proposals were developed by them, within the MWG.

MWGs were the main local co-ordination and implementation bodies through which beneficiaries (IDPs and individual communities) accessed to and requested assistance for their return to Kosovo. Individual MWGs served as a forum where projects were designed and

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[86] This heavy involvement of the MCOs and their close co-operation with the returnees was very obvious during the interviews of the MULTIPART researchers with the beneficiaries (Kosovo, 26 February 2010). The returnees and their MCO demonstrated that they knew each other well and that they respected each other for the successful completion of the return process.

facilitated in full consultation with its members, which included representatives of IDPs and IDP participants, local municipal authorities, the KPS, the UNMIK, the UNHCR, the OSCE, other relevant UN agencies and NGOs, members of CSOs. The MWGs were chaired by a respective Municipal Assembly President (MAP), and assisted by the MRO and Chief Executive Officers. Decisions were usually taken by consensus among all participants. Where this was not possible, the MAP adopted decisions on behalf of the group. Operational planning for the design of concept papers (tenders) and their implementation was performed by the Task Force/Project Team under the chairmanship of the MRO.[87] Concept papers endorsed by the MWGs were then submitted to the CRM in all official languages.

In practice however, all sub-projects of SPARK were referred to the UNHCR agencies in the field for potential beneficiaries for housing assistance since Kosovo institutions did not have any direct contact to the IDP community outside of Kosovo. They referred to their network of municipalities, MCOs and MROs and the IDP associations that served as a clearing filter for selection. All cases that fulfilled *eligibility criteria* of ownership, legal status, vulnerability, and intention to return, were then referred to the MWG. The highest authority and final approval of the cases was undoubtedly done by the FINAC and the UNDP.[88]

As previously indicated, the main funder for SPARK were the Kosovo government (both for individual returns and organised returns) and the UK government (from the start of the project for individual return and at the end for organised returns as well), a small part of the budget also came from the Czech government and the Norwegian government for individual sub-projects. Donors were mainly involved in the decision-making structures with respect to the beneficiary selection process.[89]

For instance, as one of the main donors, the UK government was formally part of the Advisory Board but it did not participate in its meetings regularly, since it was not in their interest to micromanage the project as such. Rather, they appointed one person who was responsible for monitoring this project, and conducted regular monthly meetings with the UNDP officials,

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[87] The Task Force consisted of municipal legal and technical experts, NGOs, IDP associations, IDP participants, members of the receiving community, KPA, KPS, the UNHCR and the UNMIK.
[88] The process of return within the SPARK had actually started with identification of the potential returnees by the UNHCR. Families or persons had then been assessed by the MWG. Although the final decision was up to the UNDP and their structures, deciding on a case-by-case basis, the UNDP always took opinions and proposals of the UNHCR very seriously, since their decisions were based on the status of property issues, and also on discussions about this process with receiving communities. Interview D/SPARK/1.
[89] Interview D/SPARK/5.

particularly with Mike Dixon who was the head of the organised return component. In fact, it was one of the tasks of the UNDP to report to the donors on a monthly and quarterly basis. These reports contained both the project implementation component and a financial component. Nevertheless,

> big decisions for the projects were still taken at the highest level between the Head of the UNDP, Minister of the MCR and the UK Ambassador [for projects funded by the UK Government]. However, the UK Ambassador never took any decision in regard to the financial support of SPARK without consulting the Minister of the MCR. It was our policy that we financed and supported return projects only if the MCR was involved financially and with their human resources in accordance with the MCR's strategies and policies.[90]

This indicates that the policy of international donors within SPARK was to support projects where local ownership was greatest and where the participation of local and municipal authorities in terms of project implementation could be guaranteed. Since the structures for allocation of resources largely overlapped with the decision-making structures for approval of projects this had no major influence on the internal politics of SPARK. Moreover, since the main donor in SPARK was actually the Kosovo government, this increased and balanced the role of local structures within the decision-making process.[91]

C.1.2.2.2 Potential clashes of interest between the stakeholders

One of the most contending issues for the stakeholders was the question of how to define (measure) the success rate of the returns process. Given the fact that SPARK covers IDPs and refugees belonging to all minorities in Kosovo and to the Albanian ethnic group, an overall benchmark was not realistic. The stakeholders agreed that for instance the K-Serb return was much more political than the return of the RAE. Furthermore, K-Serbs were also more demanding in terms of the assistance they were to receive, the size of houses, social inclusion, and were in general also more vulnerable than the RAE. The majority of the displaced K-Serbs have been, to a certain degree, already integrated in the place of their displacement (mostly in Serbia or Montenegro), while members of the K-RAE usually lived, and many still do, in IDP-camps in very poor living conditions and have no alternative but to return.[92] As a result, the success rate (number-wise) and sustainability has been much higher with the K-RAE than with

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[90] Interview D/SPARK/12.
[91] However, the credibility of local stakeholders depended more on the way they managed the process than on the amount of funds they contributed to SPARK. Interview D/SPARK/5.
[92] Interview D/SPARK/5.

the K-Serbs (despite the obvious discrimination of the K-RAE in Kosovo).[93] This means that measuring the success of the return process (SPARK) according to mere numbers of returnees and irrespective of the characteristics of individual or group minority members is not appropriate.[94]

A further problem for SPARK was the politicisation of the return process both in Serbia and in Kosovo. International stakeholders try to remain apolitical but politics nevertheless defined the framework for SPARK's activities. In this respect, political culture and corruption remain problematic in Kosovo. In the last four years, the MCR has had four different ministers. Some of them were replaced as a consequence of corruption while others were mainly working in the interest of a particular municipality. As noted by Dixon, 'good people do not last long in Kosovo politics'.[95] In this kind of environment, it is difficult to build capacities, trust and confidence.

After the 2008 DoI, the question of SPARK's future status came up among various stakeholders, but was unfortunately never addressed at the central decision-making level (within the Advisory Board). It was clear to the stakeholders that SPARK would eventually seize out, but it was not clear as to when and how this would happen. This meant that after the DoI, SPARK no longer had any legal basis, since the role of the UNMIK fundamentally changed and there were no PISG. A further problem has been that the mission of the UNDP within the process of transfer of competences has only partially been fulfilled. Some international and local stakeholders have opted for the MCR to take over the SPARK-related activities since the role of the UNMIK after 2008 was downplayed by the Kosovo government who wanted to see a faster transfer of competencies to the MCR.[96]

C.1.2.2.3 Alterations of the project's design

The main change of the project occurred as a consequence of the DoI and the adoption of the 2008 Constitution. The DoI mainly changed the role of the UNMIK, which has lost importance

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[93] Additionally, the occupancy of the Roma houses is a lot higher than the Serbian ones - mostly because they get bigger houses but they also try to generate at least some income. Nevertheless, there is currently a big problem as to how to integrate the Roma that had fled to Germany, Montenegro, and the FYROM but are now forced to return to Kosovo. So the donors and the EU will have to change the model of integration, find property and so on. Interview D/SPARK/4.

[94] One needs to take into consideration that the return of the K-RAE has been more successful than the return of the K-Serbs also because the K-RAE have mainly returned individually (i.e. through the SPARK's and other projects' individual returns component), rather than through organised return projects. Interview D/SPARK/12.

[95] Interview D/SPARK/4.

[96] Interview D/SPARK/5.

it had enjoyed before the establishment of the regular institutions/structures of the Kosovo government. Previously, the UNDP, the MCR and the government had to respect the UNMIK's decisions, whereas since 2008, co-operation among them has been much easier as they have been allowed a more direct access to the Kosovo government. Additionally, the role of the ministries has changed in the decision-making structures, too; they now have the power to decide. The UNDP is in this respect operationally released.[97]

One of the main problems at that time was the legal status of the SPARK as a project. Since this was a project between the UNDP and the UNMIK, with the DoI, there was (*de facto*) no UNMIK anymore and also the PSIG changed to the Kosovo government. So there was basically no clear legal basis for the project. Additionally, some international and local actors requested that despite the UNMIK for the time being officially remained in Kosovo, it should not have a say anymore.[98]

One additional change was with respect to the duration of the project. Officially, SPARK should close down in June 2009, but the project was extended due to the "unfinished business" of the transfer of competencies. The Minister of the MCR has asked for an extension of the project from June 2009 till the end of the year 2009, which was agreed by the UNDP.[99]

As far as the funding provisions are concerned, SPARK was very flexible and open for new donors that were able to join the partnership throughout the duration of the project. In this respect, it was possible for the Czech and Norwegian governments to join SPARK after 2005. This is a good practice that should be central for future return projects to allow for more flexibility in the implementation and for additional funds.

C.1.3 The effect of participation in SPARK on its members

C.1.3.1 Initial expectations of SPARK members and alterations in their roles

The general expectation of SPARK members had been that through SPARK, the returns process will be facilitated in terms of higher returns rate and increased sustainability. However, the

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[97] Interview D/SPARK/4.
[98] Interview D/SPARK/5.
[99] Interview D/SPARK/5.

success of SPARK in the overall process of returns was at best sporadic and very dependent on the political processes in Kosovo.[100]

Since security was gradually no longer an issue (except in some Northern municipalities) and freedom of movement is guaranteed in all municipalities, the biggest problem for SPARK remained the general socio-economic development in Kosovo that has negatively impacted sustainability of the process. Socio-economic support and assistance component within the SPARK project was in this respect seen as the way to generate income and stabilise the individual and his/her family as well as the broader society in Kosovo. One of the main expectations for the APPK as the implementing partner was to connect IDPs in and outside Kosovo (as potential employees) with potential employers, with the view to integrating them in the society by offering them economic support. However, SPARK was additionally burdened by the negative economic trends in Kosovo (a high unemployment rate), and by the lack of funds and capabilities within the MCR to deal with the sustainability problem directly or to outsource the socio-economic programmes to a greater extent.[101]

Furthermore, the local capacity building for national and municipal structures dealing with the return process was distributed extremely unequally throughout Kosovo. In this respect, still not all municipalities are equipped and/or capable to receive returnees, although the possibility for participation in the process was offered for the whole of Kosovo.[102] Most municipalities seem committed but fail to reach the IDPs and local population or are faced with a large inertia of the administration dealing with the return process; all this negatively affects the returns rate.[103] The MCR and the municipal structures should therefore improve their communication and outreach capacities.[104]

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[100] Characteristic for this was that after the establishment of the UNMIK in 1999, the 2004 riots and after the unilateral DoI in 2008, the demand for returns among the beneficiaries always drastically decreased. It reached its lowest rate in 2008, with less than 700 returnees.

[101] Interview D/SPARK/6.

[102] The process of returns has gone very easy in municipalities such as Gjilan, Peja, Istog, Klina, whereas in other (politically sensitive) cities with a Serbian-majority this process was quite problematic, including Gjakova, Suva Reka or the Northern part of Mitrovica. Interview D/SPARK/3. See also Kosovar Stability Initiative (2009).

[103] Interview D/SPARK/7.

[104] Kline and Istog are given as good examples. Orahovac/Rahovec has a good chance to succeed because people there are very dedicated to the project despite the fact that they had two wars (1998 and 1999). For instance, the mayor and the deputy mayor, the MRO and the MCO are very often at the MCR and they always come in pairs (a Serbian with an Albanian). Other municipalities, such as Suva Reka, still face problems, since there are not many returns or people want to go back to Serbia.

With respect to the roles and interests of NGOs in SPARK, in the early days of the SPARK, the main interest of an international or a local NGO was to fund itself and be viable.

> This was kind of a *business* [emphasis added] for NGOs, who were writing concept papers for projects going through MWG with proposals for a lot of infrastructure in order to get the approval of municipalities; and trying to get enough funds […] so it was in NGOs interest to get a project funded and not in the municipality's, which is not the right way to go about it and quite possibly these projects are also least successful.[105]

Therefore, the UNDP has been in the last couple of years cutting down the budgets so that the chances of *project shopping* for the NGOs are smaller. This way it is possible to distinguish NGOs that are serious to get a project from those that are only trying to get funds.[106]

As reported by the NGO sector within SPARK, there was much overlap and complementarity in the process (*business*) of project proposals. When there was not enough funding within the UNDP/Kosovo consolidated budget, the proposals were revised and done through the EAR, Danish or Swedish government funds, which basically followed the same procedures with minor funding differences.[107]

A general conclusion that can be drawn from the interviews with the UNDP, the local NGO (APPK), the international NGO (DRC), the IDP association (UNIJAM/M) and local authorities (MCR) is that SPARK mostly altered the role of the Kosovo institutions in terms of taking full responsibilities for the process of post-conflict reconstruction aimed at conflict reduction, peacebuilding, freedom from fear and want, empowerment and representation through its capacity building component. Although the transfer of competencies is not entirely finished in the realm of the returns process, local authorities are more and more self-managing projects according to the skills and capacities acquired thorough their participation in the SPARK. This is well reflected in the fact that the MCR is now in charge of the selection procedure for the return related projects, implementation and budget allocation. Although this is a sign of phasing out from a process driven by the UNMIK to the Kosovo government that should eventually be transparent and prioritised, the capacities are not entirely developed yet.[108]

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[105] Interview D/SPARK/4.
[106] This is a kind of a "chicken or egg" situation where NGOs cannot be founded if there are no funds available, and you can only get funds if you apply for projects. Interview D/SPARK/4.
[107] Interview D/SPARK/10.
[108] Interview D/SPARK/4, Interview D/SPARK/5 and Interview D/SPARK/10.

C.1.3.2 Local involvement and ownership within SPARK

Local and community involvement in SPARK was rather weak, especially in the beginning when the whole returns process was in the hands of the international actors and co-ordinated by international NGOs. Because Kosovo civil society was at best under-developed, with no NGOs, the process of local involvement started rather slowly and occurred with the help of *twinning*; for example, the DT as a Kosovar NGO was a result of the co-operation with the GOAL Ireland, and the APPK developed from co-operation with the AGEF.[109] The MCR is at the moment implementing five organised returns projects with local partners and local NGOs outside of the SPARK framework. This shows that certain emancipation process has happened and that the ownership of the returns projects has slowly increased.[110]

For the return process, the role of local IDP organisations was also crucial. Local IDP organisations, such as UNIJA/M, were very important and considered as key partners for both the UNDP and the MCR because they are close to the returns and provide outreach and spread information in Serbia and abroad. But the problem was that although they were represented in the returns mechanisms and bodies (the CRM, the Advisory board), they were rarely present and participating in the final selection.[111] IDPs in general were rather poorly organised due to substantial differences in their interests, level of education and area of displacement.[112]

With respect to the level of inclusion of local communities and municipalities, SPARK could be considered as initiating a *bottom-up approach*. It was a self limiting and voluntary process since receiving communities decided whether returnees were allowed to stay or had to go back due to their past role in the conflict.[113] However, the difference between individual returns and organised returns is crucial. The individual returns project component of SPARK was more successful as regards increasing ownership and involvement of local communities. Through the vouchers scheme donation were given from returnees to their communities and/or municipalities, which then decided for which concrete projects this money (vouchers) should be

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109 Interview D/SPARK/5.
110 The MCR has also completed a small scale mini-agreement with another Kosovo NGO called the Community Development Fund (CDF) for direct returns support for some 25 families (similar to the SPARK individual returns project) *Ibid.*
111 Interview D/SPARK/5.
112 Interview D/SPARK/7.
113 Interview D/SPARK/4.

used. This allowed for local communities (Serbian and Albanian) to be included in the decision-making process for the individual returns projects.[114]

On the other hand, the organised returns project component was more sensitive and with only a minor role for local communities, since the participating (mainly international) NGOs decided on potential returnees by collecting their names and writing concept papers. Organised returns projects tried to include a broad range of stakeholders, especially to engage local NGOs to submit project proposals and to be active at the grass-roots level but were limited by the under-developed CSO. Nevertheless, the level of CSO involvement in projects related to the returns could be higher.[115]

In general, the role of local NGOs in SPARK was very much dependent on the overall Kosovo context, where 'the word of an international is still stronger than the word of a Kosovar in the same capacity.'[116] If compared with international actors, local organisations are still (and will for a while remain) less credible and less preferred than international ones. The mismanagement of the returns process (also through SPARK) by some government officials in the past and the existing problems of corruption at all levels have additionally undermined local credibility.[117] In this respect, the mere participation in SPARK did not change credibility of individual actors, especially since credibility of these actors was not made a condition for taking part in the project.

Furthermore, the question of representativeness within stakeholders also undermined credibility of some actors. The UNIJA/M, as a pillow organisation between the majority and minority groups on one side and local authorities on the other side, has been accused of having parallel institutions for the Serbs and other IDPs. It was also negatively perceived by the MCR.[118]

Given the current socio-economic situation in Kosovo, the institutions of government are all faced with the problem of credibility. The lack of funds for projects, especially for socio-economic assistance, prevents successful implementation of some essential standards and principles. For instance, the Kosovo Ministry of Labour and Social Affairs (MLSA) does not

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[114] Interview D/SPARK/2.
[115] Interview D/SPARK/10.
[116] Interview D/SPARK/5.
[117] Interview D/SPARK/2, Interview D/SPARK/4 and Interview D/SPARK/5.
[118] 'The perception of the MRC is still that we are thieves not doing enough [...] Our contributions are very small but we are doing our best. We only get money from the UNDP and the UNHCR; we have no direct funding from the Kosovo or the Serbian government (since the Serbian government is supporting the returns to Serbian communities only).' Interview D/SPARK/7.

have enough capacity (either financial or in terms of skills) to deal with the huge employment problem in Kosovo. Additionally, there is no adequate social network providing social security, which means that NGOs like the APPK are needed but they are largely underfunded. There is currently also no institutional link between the APPK and the Kosovo government that could eventually lead to the development of a national labour agency.[119]

C.1.3.3 Effects of SPARK on its members

The biggest impact of SPARK as identified by the stakeholders was on municipalities through SPARK's capacity building component and with the establishment of MROs and MCOs. The goal of SPARK was to increase responsibility of municipalities and to train them to overtake the role for the return process in the future. After four years of SPARK, some municipalities are reportedly technically well-equipped (such as Gjilan and Kline) to organise individual and organised returns by themselves. These returns are also more sustainable. In general, progress in mixed municipalities (Kosovo Polje, Istog, Orahovac, Prizren) was much harder to achieve (because of the problems and lack of parallel structures for minorities) than in ethnically more homogenous municipalities (such as Kline and Gjilan).[120]

Furthermore, the impact of SPARK on government institutions, such as the MCR, was much less clear-cut and is visible in the gradual takeover of the return projects. For SPARK, this was evident since 2007 when the MCR started to implement various organised returns projects. However, the MCR was faced with underfunding and the lack of competences so that in terms of implementation it was still dependent on external assistance.[121] The transfer of competences to the MCR was additionally hindered by the mismanagement of the process in the first years and a high staff (and minister) turnover. In this respect, the project was not delivering the expected results.[122]

Nevertheless, some progress has been made. For instance, the JPPU reflects a relationship that was based on this new concept established by the MCR to carry out capacity building and learning. The JPPU's aim was to bring together people from different sectors, including the unit for project design, project implementation, project monitoring, finances and public relations,

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[119] Interview D/SPARK/6.
[120] Interview D/SPARK/2 and Interview D/SPARK/5.
[121] Interview D/SPARK/4.
[122] Interview D/SPARK/10 and Interview D/SPARK/5

where people from the MCR worked directly with the UNDP for 3-6 months in order to learn and transfer the knowledge on to the MCR and to empower local officials. [123] This was particularly obvious for the lower levels of administrators, for civil servants for examples, who have gained most from training organised by the internationals through the SPARK.[124] Drawing from the experience with managing the returns projects within the SPARK, the MCR is currently in the process of restructuring in order to increase the inter-ministry and intra-ministry co-operation. Furthermore, the MCR is currently making a step further and is building capacities in order to take over co-ordination and monitoring of the returns process. These new competences increased the credibility of the MCR and of the Kosovo government in the eyes of the local and international actors.[125]

SPARK has also changed the overall approach towards the returns process in two ways. Firstly, the government assistance to the return process is nowadays much less top-down than it used to be. As with of the projects, the balance of power always rests with the donor(s) and since the main donor in SPARK was the Kosovo government, the MCR was much more practically involved in the process itself, while implementation was carried out by others. One of the indicators of a much more assertive role of the MCR at the strategic level is the effort to create a common database of IDPs and returnees. This has greatly empowered the MCR since they are now the central deposit of information supplied by the UNDP, the UNHCR, IDPs etc.[126]

Secondly, a side-effect of the SPARK was the establishment of local NGOs. After the United Nations Office for Project Services had left the return process in 2004, the NGO sector had to be created from scratch. Within SPARK, four local NGOs were involved as implementing partners who *learned-by-doing* all the issues related to the returns process.[127]

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[123] 'The success of these efforts of course depends on the people selected for these trainings. We had a first group, which was quite successful and learned a lot but had problems in transferring this knowledge to the ministry. But either were they not heard in the ministry or they were not in the right position to apply their knowledge. The second group had no capacity in the first place.' Interview D/SPARK/5.

[124] Interview D/SPARK/12, Interview D/SPARK/10 and Interview D/SPARK/9.

[125] This is evident in the MCR's demands for regular updates, joints decision, and skilled staff. Interview D/SPARK/3.

[126] Interview D/SPARK/9.

[127] The DT and the CDF operate all over Kosovo, while the APPK and the Regional Enterprise Agency, the implementing partners for the provision of socio-economic assistance, are only active in Prishtina. Interview D/SPARK/5.

C.1.4 Assessment of the external impact of the MSP

C.1.4.1 Impact of SPARK on political reconciliation in Kosovo

In the context of political (national) reconciliation, bringing people back is only the first step in the returns process. All stakeholders agree that the real work begins after IDPs and refugees are back as conditions need to be enabled for a sustainable return. In this sense, reintegration is the most challenging and difficult task.[128] Economic reintegration has been identified by the SPARK's stakeholders as the most difficult to be achieved and one that also hinders the process of political reconciliation since it is unrealistic to expect good results with minority reintegration if the majority unemployment rate is 40 percent and if there are limitations regarding the use of language and access to some essential public services.

On the other hand, reconciliation is a much longer-term process that usually takes generations and means breaking the cycles of resentment among formerly conflicting parts of the society. In this respect, reconciliation definitely exceeds the range of the potential impact of SPARK (or any similar partnership or project). However, these issues need to be addressed because the process of passing resentment to redo wrongs and achieve justice from a generation to a generation is a real danger and a potential conflict incentive in Kosovo. This is particularly important because one of the unintended consequences of the returns process has been the enclavisation of (K-Serb) minorities.[129]

Nevertheless, SPARK played a significant role in the democratisation process in Kosovo, in easing tensions between different communities and in initiating the process of reconciliation in Kosovo.[130] Although SPARK did not directly interfere in the process of reconciliation, it tried to achieve it by focusing on concrete projects of mutual benefit for minority and majority members since neglecting or discriminating the majority population in the process of returns is always a

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[128] A distinction between reintegration and reconciliation in assessing the impact of SPARK on the process of political reconciliation has to be made. Reintegration has more to do with physical existence in the community and access to essential social services (health care, education etc.), both of which can be achieved without reconciliation. By contrast, reconciliation is a process based on recognition by all conflicting parties of wrongs done in the past and steps taken to correct those wrongs or at least acknowledge that they happened and to take responsibility for them. Interview D/SPARK/9.

[129] 'Because where you have separate communities (enclaves), there is much less opportunity for public discussion, inter-ethnic dialogue and community building. So what you will get is a monologue on both sides, K-Albanian and K-Serbian that is not stimulating for reconciliation.' Interview D/SPARK/9.

[130] Interview D/SPARK/13 and Interview D/SPARK/18.

potential conflict driver. However, not all stakeholders agree that the relationship between the returnees and the receiving communities should be balanced in terms of support and that this would necessary build confidence and trust among returnees and the receiving community. The NGO/CSO sector, the final beneficiaries and the local/municipal structures (MROs, MCOs) share the perception that in order to have more success with returns, all potential stakeholders and beneficiaries have to profit from SPARK (*win-win solution*) since otherwise objectives of acceptance, respect and integration will not be achieved.[131] This problem was not so obvious in SPARK since it was a multi-sectoral approach with benefits for the receiving communities and municipalities as well. Within SPARK, IDPs were through their employment, training or municipality verification procedure already in the process of integration, which mitigated any potential conflict through dialogue. Furthermore, various sub-projects within SPARK had a spill-over effect of funds for the returns going to local businesses, companies and employers by offering housing assistance or socio-economic assistance.[132]

On the other hand, some internationals and the MCR argued that there was sometimes too much focus in SPARK on counter-balancing within the returns process.[133] While it is important that the whole of the community gets at least some support (and some benefits), counter-balancing also prevents genuine reconciliation since the receiving communities only support the returns process if it is of direct benefit to them (by building a road, a school or some other infrastructure). This conditionality was especially evident in the SPARK's individual returns component, where community development projects where preferred as they brought more money to the communities, but without really addressing confidence-building measures, community dialogue and co-operation.

C.1.4.2 Impact of SPARK on the local population

As already discussed, the main problem of the returns process in Kosovo was the problem of reintegration and sustainability. Peacebuilding in terms of security alone is not an issue that directly affects the returnees in Kosovo, while income generation, reintegration in schools and

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[131] Interview D/SPARK/13, Interview D/SPARK/18, Interview D/SPARK/6 and Interview D/SPARK/3.

[132] 'There is a general conviction in the municipalities that if returnees should be accepted back, a situation where all can benefit has to be created. The problem is that there is no money to help non-returnees, which can create animosities if they are seen as privileged.' Interview D/SPARK/6.

[133] Interview D/SPARK/4, Interview D/SPARK/9 and Interview D/SPARK/5.

communities have a direct impact. [134] The Kosovo government was, according to the stakeholders, mainly focusing on the latter approach - on bringing people back and, given its budget constrains, not on socio-economic sustainability. [135] In this respect, one of the indicators that the security situation has really changed is that more and more Serbs come to municipal or NGO offices. In the beginning of the SPARK, participation of K-Serbs was non-existent, while since 2006 these visits have been more frequent, meaning that minority members started moving. [136]

However, for the purpose of evaluating the impact of SPARK on the local population, it is useful and necessary to differentiate between the two components within the SPARK where the organised return was a bigger, longer-term and cost-wise more demanding package, while individual returns were easier to implement and not so time consuming. [137] Within SPARK's organised returns, everyone received up to 2,000 Euros for income generation (not in cash but through purchasing equipment needed to generate income). Individually, this is not a lot of money but the idea was that this way people would be encouraged to co-operate in achieving common interests and solving collective problems. [138]

However, one unintended consequence of these income generation grants was that they were not used for this purpose. Most of the returnees were either retired or short-term oriented so they asked for things that are easy to sell in order to get cash. [139] The MROs interviewed have confirmed that these income generation grants are problematic, firstly, because they are very

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[134] Security and freedom of movement in Kosovo have improved although from a standpoint of a minority member, this is very much a perception based observation. As a result, there are still places like Mitrovica or Đakovica where returns projects have only started to be introduced because of past security concerns. Interview D/SPARK/10.

[135] Interview D/SPARK/4.

[136] Interview D/SPARK/10, Interview D/SPARK/13 and Interview D/SPARK/11.

[137] 'A concept paper submitted within the organised component of SPARK to build 20 houses will require approximately 2,5 million Euro. Imagine five of these projects in Kosovo per year and the cost would be more than 10 million Euros, which is already impossible for our government to secure.' Interview D/SPARK/18. Similarly, Kristen Stec, argues that 'the return process is extremely expensive in the Balkans, and especially in Kosovo (as compared to BiH). At the end of the day, we are talking about 25,000 Euros for a family.' In comparison, with individual returns you usually have the infrastructure and the supporting services already set up in the established communities. Interview D/SPARK/10.

[138] An example of a successful inter-communal project was the organised return sub-project in the municipality of Kline, where a lot of infrastructure, roads, large water supply, large power supply and a milk selection depot, were built within the community development dimension. Although some of the equipment is already gone and some of the people have left, the ones remaining have established themselves fairly well in terms of income. For example, a pig farm was established as an Albanian-Serbian project but Serbs have eventually dropped out so they are separately doing their own business and even started some individual pig farms. Interview D/SPARK/4.

[139] This was the case with the K-RAE returnees that mostly asked for livestock or work-tools that are easy to sell. Interview D/SPARK/14 and Interview D/SPARK/17. During the field research in Kosovo (by Jure Požgan and Petra Roter, 26 February 2010), it was apparent that one returnee family had received a cow although they had no land, no hay and no stalls to provide shelter for the cow. They had clearly asked for the animal to be able to sell it for cash.

small, and secondly, because they are not being used for income generation but for immediate cashing in.[140] As a result, community development failed and mid- and long-term sustainability concerns were only worsened. Dixon assesses that maybe the UNDP was 'wrong to assume that a community project is better and should have better supported individual returns. In terms of bringing community members together, we were most probably trying to bring together members that were even before not really closely connected but more individual. This was our mistake.'[141]

One of the problems for the K-Serb returnees as identified through interviews is that although they do not sell their houses in Kosovo, they live back and forward between Serbia and Kosovo in order to sustain them and their families. Importantly, many returnees are not satisfied with what SPARK and other returns projects have offered in terms of socio-economic assistance. Similarly, final beneficiaries also complained about the rather poor quality of the houses in the framework of the SPARK project – houses were built without concrete ceiling/plate but just wood, the houses have no isolation (and no façade), they are very small (not matched by their former homes they had to flee), the infrastructure (drinking and running water) was not completed when SPARK entered the process, the same applied for roads.[142] When people return, they expect basic public services to be there, including schools, access to economic sources for employment, health care. The lack of this is therefore often the cause that they sell their houses (sometimes for minimum costs) and return to the place of their displacement.[143]

However, an increase of funds for or quality of assistance is hard to achieve in a society where the K-Albanians as a majority also have huge problems with unemployment. Sometimes the problems are additionally aggravated since the communities and municipalities with only Serbian population do not recognise Kosovo institutions but directly co-operate with Belgrade. The participation of K-Serbs within the local structures was very low in terms of employment or using the services also during the SPARK project.[144] In addition, community development was burdened by the enclavisation of (Serbian) communities and parallel institutions, which posed

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[140] Interview D/SPARK/18 and Interview D/SPARK/13.
[141] Interview D/SPARK/4.
[142] Interview D/SPARK/14.
[143] Interview D/SPARK/7.
[144] Interview D/SPARK/18.

logistical problems, where children from mixed communities had to be transported to a nearby Serbian school, health centre or similar.[145]

C.1.4.3 Assessing the overall success and adaptation of the SPARK design

In assessing SPARK according to the achievement of its direct (return and reintegration) and secondary (reconciliation, confidence-building and inter-communal bridge-building) outcomes, again the difference needs to be made between the individual returns and organised returns components. All major stakeholders (national and international) believe that the individual returns component was a more successful mechanism in terms of (physical) return and reintegration. Since in the organised returns component the responsibilities of implementing partners for overseeing and the responsibilities of the receiving community and municipality were much greater, and given the limited or undeveloped capacities and competences of local actors, the organised returns were not as successful as the individual returns.[146] The SPARK's individual returns projects were more successful because they focused on individual returnees, meaning that they were targeted, focused on specific cases, and easier to sustain. Also in terms of the effect on the receiving community and municipality, the individual returns projects were less painful and demanded less adaptation of the existing municipal and community structures (returnees already have access to the existing regular and essential public service structures).[147]

The success of SPARK as regards its secondary outcomes of reconciliation, confidence-building and inter-communal bridge-building is more difficult to assess because sustainable returns and reintegration simply mean that more people have returned and that the majority have stayed. However, return rates are an insufficient indicator regarding as to whether returns are also engaged in the community structures or whether inter-ethnic dialogue and community development have occurred. One of the main problems in this respect remains the enclavisation of minority life in Kosovo and the existence of parallel structures that prevent inter-ethnic communication and hinder community development.[148]

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[145] This is also supported by Radivojević in arguing that 'it is more difficult to sustain organised returns because most of the receiving communities had no nearby parallel structures for the Serbian returnees and population to be used. Therefore, the organised returns projects had also created new potential enclaves.' Interview D/SPARK/2.

[146] The number of SPARK individual returns until 2009 was 1,300–1,400, out of which approximately 84 percent remained at their homes in Kosovo. The sustainability rate for organised returns was just over 40 percent. Interview D/SPARK/3.

[147] Interview D/SPARK/2.

[148] In the near future, it is therefore still very unlikely that a Serbian school will be built in an Albanian municipality or vice versa. Interview D/SPARK/3.

The SPARK's organised returns component was, at least according to the project design, more likely to build confidence and a suitable environment for reconciliation than its individual returns component. Community development efforts within SPARK had in this respect more impact on the perceptions of the receiving community, on building the capacities of local actors and strengthening the partnership between the MCR and municipalities.[149] However, in the organised returns process, there is on the one hand a strong demand for return but on the other hand there is also a strong demand from the municipalities to have the entire infrastructure necessary and to get extra funding for their infrastructure budgets. The big benefit for municipalities and sometimes the main reason for proposing and approving return projects was the possibility to get the infrastructure (rather that to facilitate the returns).[150] This was a downfall in terms of reaching SPARK's objectives and addressing genuine reconciliation through confidence-building and inter-ethnic dialogue. By cutting the infrastructure costs down, the emphasis towards the end of the SPARK project was more on those municipalities supporting the returns process and benefiting by only some infrastructure.

Furthermore, the design of the SPARK's organised returns projects enabled the "NGOs business" with concept papers that resulted in poorly conceptualised projects and a decrease in sustainability of the return process. At the beginning, the logic of NGOs was that they would first develop the papers and then go out to look for beneficiaries. As a result, the first concept papers were addressing all of the minority population within a given community as a beneficiary, which was unrealistic. Later, the concept was more demand-oriented and tailored to specific needs of the beneficiaries, meaning that concepts were developed according to their current requests and demands, rather than following the principle of one size fits all.

One of the further refinements within the SPARK, as a direct result of *learning by doing*, was that the initial principle for returnees of only having the right to return to the place of origin was altered to allow for a return to a different place if the former was not possible.[151] Sustainability and reconciliation cannot be achieved if the return process is faced with a strong resentment and negative reactions form the neighbours, in a village or a municipality. As a result, the right to let

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[149] Interview D/SPARK/5.
[150] Early projects included many provisions for running water, roads, power facilities, schools, health and community centres. 20–30 percent of the money in returns projects was therefore invested in such infrastructure. Nowadays, municipalities and NGOs are cutting these costs down because projects developed only for infrastructure purposes were not conducive to building trust. Interview D/SPARK/4.
[151] Interview D/SPARK/7.

IDPs return wherever they wanted has increased their chances to effectively claim their rights to infrastructure and public-services.[152]

An additional factor affecting the success of the SPARK is how balanced the process of returns is in terms of its benefits for the receiving community or municipality. Given the high rate of unemployment in Kosovo, an unbalanced approach could further deepen the resentments of one ethnic community towards the other and worsen perceptions of conflict-related injustice. The majority of SPARK's stakeholders agree that there should be some incentives for the receiving community besides the infrastructure but were not able to find a solution due to the returns policy restrictions and limited funds. As a consequence, the MCR was faced with the arguments from the receiving community that SPARK additionally decreased employment possibilities of the receiving community's members, while no programmes exist to help them in getting employed. The returning minority members were therefore perceived as privileged by the majority population since they got assistance for housing and income generation.[153]

C.1.4.4 Compatibility of SPARK with other returns projects and key lessons learned

The programmes and projects within the overall post-conflict returns process in Kosovo have been scarce. SPARK's stakeholders did not report about any conflict of interests, overlapping competences or competition between these projects. This can be partly explained by looking at the ownership of the returns process until and after the DoI, and the main challenges within the process of returns.[154]

Returns related projects mentioned above did not always co-exist. Instead, they mainly succeeded one another. In this respect, SPARK was a continuation (and an improvement) of the RRRF and the GAR projects, whereas the RRK could be perceived as an EU's follow-up to SPARK and RRK 1. Many elements of the SPARK's organised returns and individual returns components have just been copied by the RRK. [155]

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[152] Interview D/SPARK/5.
[153] Interview D/SPARK/5.
[154] Socio-economic assistance and reintegration remain problematic since the process of returns demands a lot of financial and human resources input to facilitate and support sustainability, social and political integration and community development.
[155] Eva Kitzler, at that time the UNDP Project manager for SPARK's IRs and who is now employed at the MCR, was involved with the design of the RRK concept, which was then submitted to the EC. Its approval then enabled the key principles and *lessons learned* from SPARK to be integrated in the RRK. Interview D/SPARK/9 and Interview D/SPARK/2.

Key *lessons learned* from the SPARK were the following:

a) Large organised returns projects are not sustainable because they have been mainly construction-led, with an underdeveloped socio-economic component. In this respect, the returns process should not differentiate between the individual returns and organised returns components, but it should rather be tailored to specific needs of IDPs and the receiving communities.

b) The returns related projects necessarily have to be supported by capacity building for municipalities that strengthen their skills and increase local ownership of the returns projects.

c) The returns process has to address the receiving community as well in order to contribute to community development.[156]

d) The outreach and information component of the returns projects is a vital part in the facilitation of the inter-ethnic dialogue and community development. Communities should be informed about the returns projects and the benefits they bring to the whole community.

e) The returns related projects should include a gender balanced approach since women were entirely "unaddressed" in SPARK despite the fact that they are more economically vulnerable and crucial for (a successful) social reintegration.[157]

C.1.5 The significance of international actors in SPARK

C.1.5.1 Roles and characteristics of international actors in SPARK

C.1.5.1.1 International actors as third party mediators

Implementation of the returns process was at the beginning of SPARK solely a responsibility of the internationals. Although a part of Kosovo's political actors supported the process of returns, they lacked financial and human resources to start implementing and supporting it. Given the high sensitivity of the returns process, international actors were needed as mediators between the two conflicting parties (and communities) since they were regarded as more credible, independent and the ones that can be trusted. International actors were also crucial for

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[156] Accordingly, up to 7 percent of the project value can be used for the support of some vulnerable families within the receiving community.
[157] In the RRK, 25 percent of the households are female-headed.

facilitating the return and communication with the Serbian minority that was especially at the beginning very reluctant and blocked all attempts to co-operate with the PISG.[158]

In this respect, the UNHCR and the UNIJA/M played key roles in communication and outreach (awareness rising) activities that were spreading the word about the SPARK, as well as in developing a database of potential candidates that expressed their will to return. Different IDP associations under the UNIJA/M have conducted interviews with IDPs in order to determine their eligibility for return and to gather information on the needs of IDPs in the returns process (legal assistance and documentation). Furthermore, they were acting as a mediator in balancing and adapting the needs, interests and desires of both, the IDPs and the receiving communities.[159]

Similarly, the UNHCR performed the role of a mediator and facilitated communication between Kosovo and Serbian authorities in relation to the return process, not least because it enjoyed an impartial image and had a regional office in both capitals, Belgrade (Serbia) and Prishtina (Kosovo).[160] Given the complicated and unclear political context, and often blocked, non-existent political relationship between the two governments, the UNHCR was indispensable in streamlining the IDPs demands to Kosovo government.[161] This indicates that the UNHCR was instrumental to the returns process in Kosovo (so that the process could begin), and later to the work in the field. Accordingly, it was well represented in SPARK's decision-making bodies at all levels, and perceived as the guarantee for respect of refugee and IDPs rights according to international standards and principles.

C.1.5.1.2 International actors as facilitators

The UNDP was the participating party to the implementation of Kosovo Standards within the UNMIK mandate. With respect to the returns process within SPARK, it was the main implementing partner and co-ordinating agency regarding the Standard 4 (*Sustainable returns and the rights of communities and their members*). The UNDP's specific policies in this respect were direct implementation of the project and a strong capacity building component for the local actors

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[158] Interview D/SPARK/9.
[159] Interview D/SPARK/7.
[160] The UNHCR was considered to be a credible and non-political mediator between the interests of the IDPs and the majority population in Kosovo. Through the UNHCR's regional offices, direct contacts with potential candidates for return were established and IDPs that submitted the request for return were assessed according to their vulnerability.
[161] Interview D/SPARK/1.

attached to return projects. As discussed within section B.4.2 above, the UNDP used its staff matching mechanism for capacity building whereby the MCR members were included in the UNDP projects units. A common perception within the post-conflict Kosovo was that the 'UNHCR is doing policy and the UNDP is giving money.'[162] However, this was not entirely the case, since the UNDP focused on returns projects according to the requests by the government, i.e. it managed and administered the finances for the MCR. The UNDP was also often faced with complaints from the Kosovo government and society that international organisations in general are too expensive, that this is taking-away money from returns projects and that the transfer of capacities should proceed faster. Given the limited capacities and the problems with transparent and efficient project management within the Kosovo government, the need for international involvement (above all the UNDP's) in Kosovo remains quite high.

An additional facilitator was the UNMIK, which established the OCRM (Office for Community Return and Minority Affairs) and served as the overarching authority not only in the field of the returns process but in the whole process of post-conflict reconstruction. In this respect it co-drafted and implemented the Kosovo Standards in accordance with the UNSC Resolution 1244 that empowers UNMIK as the highest authority in the international administration in Kosovo. However, immediately after the establishment of the Kosovo institutions in 2008 (and to some degree already within the PISG), the transfer of responsibilities to Kosovo institutions started to be done gradually and the role of the UNMIK decreased significantly, especially within the process of return in general, and SPARK in particular. One of the reasons for this, as identified by some stakeholders, was that UNMIK's credibility as a result of politically contested process of the final status settlement decreased during the 2004–2008 period. The transfer of legal (political) responsibilities of SPARK to the Kosovo government was therefore expected.

C.1.5.1.3 The role of the EU

The EU had no significant role in SPARK. It was involved in organisational structures of SPARK since 2006, but despite its full powers, it acted more as an observer in order to build capacity and establish follow-up programmes to SPARK – i.e. the RRK.[163] Since the DoI, the management of the return process is slowly shifting from the UNDP to the hands of the EU due to the European perspective of Kosovo in the near future (regardless of its political status). For

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[162] Interview D/SPARK/2.
[163] Interview D/SPARK/8.

many international agencies in Kosovo, this is desirable since the EU should be the leading agency in a future EU-candidate country. In this respect, the EU facilitates the development of capacities to immediately absorb the return cases within the RRK project. However, the local perceptions of the EU are less favourable in comparison to the UNDP.[164] The EU lacks the image of a neutral mediator and impartial negotiator and is often perceived as too slow, too reactive and too complex (it does not speak with one voice).

C.1.5.1.4 International actors as donors

The UK, the Czech and the Norwegian governments were the main international donors within SPARK. While the role of the UK Government was significant, both in terms of its financial input and participation in the selection of the beneficiaries, the Czech and Norwegian governments were only minor donors.[165]

The UK government was supporting individual returns and organised returns of SPARK, and assisted the UNDP in developing community oriented programmes in order to increase sustainability, based on goals stemming from the HMG's Strategy for Kosovo 2008–2011.[166] It was also in favour of a less construction and infrastructure led approach to returns. As the main donor, it was represented in the organisational structures of SPARK and regularly invited to the municipal working groups. However, its policy was not to get too involved in these procedures and bodies since their presence had sometimes changed the nature of the meeting.[167] Even after the end of SPARK, the UK government is keen to continue supporting the MCR and the return process.

C.1.5.1.5 The role of international NGOs

International NGOs were only involved in the SPARK as implementing partners and not as stakeholders, which resulted in no, or very limited, participation in the decision-making

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[164] Interview D/SPARK/18.
[165] Given their minor role and absence in the organisational structures of SPARK, no interviews were conducted with the Czech and Norwegian governments.
[166] The strategy identifies a stable, prosperous and multi-ethnic society in Kosovo as its main goal and focuses on stability, prosperity, good governance and the rule of law.
[167] Reportedly, participants (the receiving community and potential returnees) usually expected more from the UK government (in terms of financial means) so the meetings started to be political in nature and missed their basic aim of developing a practical approach in resolving the return-related issues. Interview D/SPARK/12.

structures (at best as observers). Their main role was in establishing the local NGO and CSO sector and in capacity building of this sector once it has been established.

The main international NGO involved in SPARK was the DRC, which was linked to the SPARK process through the individual returns component. As such, the DRC was not a member of the Advisory Board but only proposed projects, appropriate for funding, to the local officers (MROs and MCOs). The DRC referred cases to SPARK as one of the agencies dealing with the return process but also performed direct individual returns.[168] The DRC tried to utilise the funding resources available for and in Kosovo for individual returns, and followed the process of the referral from start to finish. If possible, the DRC was also complementing funding, where for example SPARK would build a house and the DRC would provide food and furniture assistance.

C.1.5.2 The interaction between international and local stakeholders

C.1.5.2.1 The failure of communication and outreach

National and international stakeholders agree that participation in return related projects such as SPARK has proven that success depends on the number of actors involved and the level of co-operation between local, national and international actors, which is vital in order to gather information about potential candidates and to inform the municipalities about the support available from NGOs and the international community. In SPARK, the communication between local and international stakeholders and information about other participating actors (implementing partners) was at times rather limited. The UNIJA/M that was monitoring employment programmes in some municipalities was not aware of the APPK as the local NGO doing the socio-economic assistance programmes for SPARK.[169] Additionally, the MCOs and MROs in the field reported that beneficiaries (IDPs and municipalities) were not really interested where assistance came from but merely that they got it.[170] This was also due to the fact that communication and outreach programmes were considered to be missing or a failure, since communities and municipalities were not addressing specific projects but rather the overall framework of the return process. As seen in interviews with the final beneficiaries (IDPs), these

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[168] However, due to financial restrictions (limited funds), the DRC was heavily dependent on the funds within the SPARK project. Interview D/SPARK/10.
[169] Interview D/SPARK/7.
[170] Interview D/SPARK/13 and Interview D/SPARK/18.

were not able to identify specific programmes and stakeholders (other than the UNDP and the UNHCR) that provided housing and socio-economic assistance.[171]

C.1.5.2.2 The problem of co-ordination

The UNDP and the UNHCR reported on not really co-ordinating each other's activities in the field of food assistance and the delivery of food packages to IDPs and refugees. Since some components (for instance food assistance) were provided by several actors (the UNDP and the UNHCR), beneficiaries in some municipalities used this lack of co-ordination and consultation among international actors to gain extra food packages. This not only caused unnecessary loss of sources and unequal distribution of assistance among the beneficiaries, but above all drew attention to the problem of co-ordination between international actors involved in SPARK and the lack of a central agency and a database for all sub-projects or components within the SPARK's framework.

However, the participation in SPARK increased channels of communication among stakeholders as well. The negative experience of some municipalities and communities with go-and-see visits where potential returnees were sometimes removed from the list because of the past war deeds resulted in, firstly, data-sharing and co-operation among international (the UNHCR, the UNDP) stakeholders in Serbia and Montenegro and local stakeholders (the UNIJA/M, municipalities, KPS) in Kosovo, which performed a clearance check of candidates. Secondly, a clear message was sent to the main stakeholders that the receiving community did have a say in who was returning and therefore needed to be consulted and better integrated in the decision-making procedures.

C.1.5.2.2 The problem of "spoilers"

One of the major problems for international actors in SPARK was finding the solution to the problem of "spoilers". As previously already discussed, the SPARK had a rather poor record as regards the rate of returns and the sustainability of the process. Many IDPs returned to Kosovo only to be able to sell their house once it was built, and then moved back to the place of their displacement (mostly to Serbia). These returnees were the real "spoilers" for the SPARK and the

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[171] Interview D/SPARK/14, Interview D/SPARK/15 and Interview D/SPARK/16, and Interview D/SPARK/16.

municipalities.[172] Namely, the more people decided not to return or even sell their house, the lesser was the credibility of the project in these municipalities. As a result, the willingness to fund new projects in these municipalities or villages decreased. This spoiled the possibility for the community development in the future. In this respect, it was obvious that assessments of potential beneficiaries by international and national stakeholders and municipal verifications should be further strengthened.

A second group of "spoilers" are the ones that remained in Kosovo but have often tried to make their stay conditional upon additional concessions as regards international assistance or even blocked the implementation of return-related projects. As discussed in previous sections, enclavisation and politicisation of the returns process additionally "empowered" such groups of IDPs and presented a major obstacle in the process of confidence and trust building.

C.1.6 Overall analytical conclusions of the SPARK case study

Drawing on the lesson learned from previous projects, SPARK has broadened the partnership and developed a more participatory approach by not only including local stakeholders in the organisational structure of the project but above all by empowering them through the so-called capacity building component at all levels (individual, governmental and municipal). As regards participation, local actors were formally included but had only limited competences and were under-represented in some structures, such as the CRM. The role of the local stakeholders was limited mostly to the role of a "facilitating partner". Grass-roots participation was additionally limited by socio-economic situation, political context, lack of funding and private actor initiatives.

As already discussed above, the approach propagated by SPARK was that in order to be successful and sustainable, the returns process had to be the responsibility of local stakeholders. This *transfer of competences*, skills and responsibilities resulted firstly in the *shared ownership* and since 2008 in *local ownership* of SPARK (managed through the MCR). However, capacity building at the national level was limited since international actors were by default perceived as more credible (apolitical, effective and competent), which challenged the authority of state actors. In addition, capacity building was only partially successful since community development and inter-ethnic

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[172] Interview D/SPARK/4.

dialogue through the common projects remain limited and did not really manage to break the cycle of resentment.

Furthermore, SPARK has shown that the physical return of IDPs needs to be complemented by reintegration and socio-economic sustainability measures of MSPs. In this respect, a shift from a *construction led* (mainly instrumental) approach to a (returns) *needs based* approach is necessary.

Additionally, without a central (common) database of IDPs and refugees and their needs, inter-agency or stakeholder co-ordination cannot be effective. The MCR should, in the near future, develop this capacity in order to improve communication and outreach activities for the facilitation of the returns process.

Moreover, assessing the success of an MSP should not be a mere numbers game. Number-benchmarking in reaching objectives should be substituted by a more gender, ethnic, individual or group sensitive approach where norm-benchmarking is preferred.

The design of an MSP should allow for enough flexibility for potentially valuable transformation. Returns-related projects are always country and conflict specific. Accordingly, rules and structure should not be too rigid. A correction mechanism should exist within any MSP structure – not only through the process of revision, but based on experience of *learning by doing*. In this respect, the lack of sanctions for "spoilers" due to international standards restrictions has been identified as the main problem.

Finally, in order for an MSP to be successful, it has to be perceived as just/fair. In this respect, the distribution of benefits between the majority (K-Albanian) and minority (K-Serb and K-RAE) population in communities and municipalities needs to be more balanced if the process should eventually lead to confidence, trust and reconciliation. The counter-balancing has to take into consideration both, the intra-returnee group perceptions that K-Serbs are being preferred, as well as the inter-beneficiaries perceptions of minority members being preferred and majority members neglected.

C.1.6.1 Recommendations for the EU regarding the returns process in Kosovo

For the future role of the EU in post-conflict Kosovo, the following recommendations can be considered to be of special relevance for the process of return – and consequently for reconciliation, confidence-building and inter-communal bridge-building:

(a) The creation of a reliable and consolidated central dataset on returns and their needs and demands is necessary for the sustainability of the return process and for the stakeholder co-ordination. The returns rate and the success are largely dependent on the selection of the beneficiaries. The assessment and verification of potential returnees should be done properly, accurately and carefully in order to be able to identify a firm will of IDPs to return, rather than just benefit from some services provided.

(b) Since the demand for the return is rapidly decreasing, future return-related projects should be designed so that delays in the decision-making and implementation phase are avoided.

(c) The project planning phase and tendering needs are to be localised and tailored to the needs of beneficiaries (both IDPs and communities), rather than designed at the central level or by international NGOs.

(d) Return-related projects should be more gender and ethnically sensitive. Women need to be included more and better represented in the organisational structures of projects like SPARK since they usually raise the issues of education, health and other essential public services that are necessary for the people and families to return and stay. It should also be possible for women to receive income generation grants or at least that they are equally divided among men and women in order to empower women in the long run, rather than merely include them in MSPs for instrumental reasons. A special attention should be given to the K-RAE social and economic integration.

C.1.6.2 Wider implications of MSPs working in the field of reconciliation, confidence-building and inter communal bridge-building for peacebuilding and human security

Taking into consideration the limitations of reconciliation and confidence-building measures in post-conflict societies as discussed in Part B, Chapter B.1, and the abovementioned constraints to the process of returns within MSPs and for Kosovo in general, the following implications and

conclusions can be drawn in order to strengthen the contribution of reconciliation, confidence-building and inter-communal bridge-building to peacebuilding:

a. The case study on SPARK has re-opened the question of the desirability and feasibility of a multi-ethnic society and of the effectiveness of inter-ethnic co-operation as it has been pursued in Kosovo (mainly) through the process of returns. Considering the problems and limitations of SPARK (see previous section), it is questionable whether and in how far return and minority oriented programmes contribute to peacebuilding. As was shown above, the success of the returns process, reintegration and community development measures have been most successful in mono-ethnic and not multi-ethnic/mixed-ethnic communities. The former have also proved to be more violence resistant and the returns process more sustainable.

b. One further conclusion is that the link between the success (failure) of the returns process and inter-ethnic (mis)trust is not one-dimensional, but to a large extent depends on the overall socio-political context in Kosovo. For now, the effect of these reconciliation and confidence-building measure was limited at best and entirely dependent on security and the provision of basic human needs and services (such as housing and property assistance, food assistance, income-generation etc.).

c. SPARK as a highly institutionalised MSP, furthermore, proved to be quite incapable of dealing with and working under the changing context of the Kosovo political status. Due to the politicisation and securitisation of minority life in Kosovo, inter-ethnic dialogue was trapped in the symbolic political game between the Provisional Institutions of Self-Government (until 2008)/Kosovo Government (after 2008) and the Serbian government, and did not prove the "contact hypothesis" as discussed in Chapter B.1. The main problem of the returns process was therefore the problem of spoilers and of low sustainability of minority returns that prevented genuine relationship building among the majority and minority population and interactive projects in most of the communities. Due to the unclear vision of Kosovo's future and the future of the relationship between Kosovo-Serbs and Kosovo-Albanians, sustainable multi-ethnicity is currently prevented by enclavisation of minorities and the existence of parallel institutions for the Kosovo-Serbs, and almost entirely dependent on presence of *other* minorities (Kosovo-RAE).

d. MSPs active in the field of reconciliation, confidence-building and inter-communal bridge-building such as SPARK were designed in order to address conflict sensitivity in their programmes and policy making, i.e. to protect the most vulnerable members of the society, and to contribute to peacebuilding. However, fairness are currently not sufficiently incorporated in the approach of the international and national actors towards coexistence and dialogue between minorities and the majority population in Kosovo. Community development measures and joint projects can therefore be potential conflict drivers, which will negatively effect peacebuilding. As was shown with respect to SPARK, if the complex role of socio-economic development in Kosovo that is highly important to all communities, not just to minorities, is perceived as unfair, unequal or as privileging one group or community over the other(s), this can cause anger, resentment and will only worsen the dividing lines between different groups. The lack of gender mainstreaming in the implementation of the returns related programmes only worsens this problem.

e. This problem is further exacerbated by unclear motivations of the majority population to engage in returns related projects, since inter-ethnic co-operation, i.e. community development, is promoted through large communal infrastructure projects as discussed above. Genuine reconciliation can namely not be achieved if mere participation in these projects is considered as sufficient criterion for inter-ethnic interaction without looking at the quality and sustainability of co-operation.

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ANNEX 1: List of interviews with SPARK stakeholders

CODENAME	NAME	POSITION	INSTITUTION	TYPE OF ACTOR	PLACE & DATE OF INTERVIEW
D/SPARK/1	**Arben Hajdini**	Programme Unit, UNHCR, Office of the Chief of Mission in Prishtina	UNHCR	International	Prishtina. 24 September 2009
D/SPARK/2	**Dejan Radivojević**	Head of the Social Inclusion Cluster of the UNDP Kosovo	UNDP	International	Prishtina, 16 October 2009
D/SPARK/3	**Afërdita Surroi**	Deputy Project Coordinator for SPARK Individual Return	UNDP	International	Prishtina, 16 October 2009
D/SPARK/4	**Michael Dixon**	UNDP Project Development Manager SPARK Organised Return	UNDP	International	Prishtina, 21 October 2009
D/SPARK/5	**Eva Kitzler**	Advisor of the Minister for Community and Return; former UNDP Project Manager SPARK Individual Return	MCR	Public	Prishtina, 22 September 2009
D/SPARK/6	**Bedri Xhafa**	General Director, Employment Promotion Agency Kosovo (APPK)	APPK	Private	Prishtina, 23 October 2009
D/SPARK/7	**Branislav Škrobonja**	Head of the UNIJA/M.	UNIJA/M	Private	Prishtina, 23 October 2009
D/SPARK/8	**Samir Selimi**	European Commission D/SPARK/1Liaison Officer to Kosovo	ECLO	International	Prishtina, 27 October 2009
D/SPARK/9	**Alex Standish**	UNDP Programme Manager for the RRK	UNDP	International	Prishtina, 30 October 2009
D/SPARK/10	**Kristen Stec**	DRC Representative in Kosovo	DRC	International	Prishtina, 6 November 2009
D/SPARK/11	**Bajram Qelaj**	Municipality Officer for Return	Municipality of Istog	Public	Istog, 23 November 2009
D/SPARK/12	**Rrezarta**	Project officer in the	UK Embassy	International	Prishtina, 16

	Jashari	UK Embassy			December 2009
D/SPARK/13	**Hysen Sllamniku**	Municipality Officer for Return	Municipality of Kosovo Polje	Public	Kosovo Polje, 26 February 2010
D/SPARK/14	Familiy of **Vahide Berishe**	Final beneficiary (ethnic minority of Kosovo Ashkali)	village Nakarada, Kosovo Polje	Private	Kosovo Polje, 26 February 2010
D/SPARK/15	Familiy of **Velimir Jankoviq**	Final beneficiary (ethnic minority of Kosovo Serbs)	village Bresje, Municipality of Kosovo Polje	Private	Kosovo Polje, 26 February 2010
D/SPARK/16	**Tomo Somonović Serbobran**	Final beneficiary (ethnic minority of Kosovo Serbs)	Municipality of Istog	Private	Istog, 26 February 2010
D/SPARK/17	Familiy of **Bedri Abazi Llukavc i Thatë**	SPARK beneficiary Final beneficiary – Kosovo Egyptian	Municipality of Istog	Private	Istog, 26 February 2010
D/SPARK/18	**Bajram Qelaj**	Municipality Officer for Return	Municipality of Istog	Public	Istog, 26 February 2010

ANNEX 2: MULTIPART Research Strategy for Thematic Work Package 4D on Reconciliation, confidence-building and inter-communal bridge-building

Multilevel research questions regarding the SPARK

Research Question 1: What are the main characteristics of the SPARK as a MSP operating in a country that only to a certain extent may be defined today as 'emerging' from armed conflict?

HYPOTHESIS 1:

Disagreements among international actors with respect to the future status of Kosovo affected both the development of the conflict in Kosovo, and the approaches towards post-conflict reconstruction. In such a vacuum, characterised by the lack of legitimate, permanent domestic institutions, international institutions played a leading role. The formation of MSPs (their characteristics, types and areas of competence) has been predominantly driven by the international community (i.e. different international institutions and states). The changing central position of individual international actors had an impact on post-conflict reconstruction: some international actors (e.g. NATO) acted primarily to achieve peacebuilding, whereas others (e.g. the EU) were seeking to establish MSPs contributing to human security. Additionally, actors such as the UN and the OSCE, as stakeholders in MSPs, aimed to achieve both peace and human security.

GENERAL RESEARCH QUESTIONS (for desk research):

I. Why were individual MSP-RECs established in the first place?

II. What were primary goals of individual MSP-RECs over time – have they changed?

III. Which (international) actors were involved in individual MSP-RECs – have they changed over time (the analysis to be carried out by the year of formation of individual MSPs; this should be compared with the leading actors and their strategies for post-conflict reconstruction)?

IV. Which domestic public/private actors were involved?

V. To what extent were non-state actors and other marginalised stakeholders excluded/included in MSP-RECs?

VI. To what extent were MSP-RECs operating in the fields of reconciliation, inter-communal bridge-building or confidence-building? Specifically, how did they seek to achieve their goals (i.e. what mechanisms, policies they used with a view to achieving reconciliation, inter-communal bridge-building or confidence-building)?

VII. Were there any cross-linkages between different issue-areas (i.e. were individual MSPs functioning in several issue-areas, such as security, socio-economic issue-area, good-governance/rule of law/democracy and reconciliation/inter-communal bridge-building/confidence-building)?

Research Question 2: What is the potential significance of the SPARK – as a MSP operating in the field of reconciliation, confidence-building and inter-communal bridge-building – (i.e. what possible mechanisms exist) to impact on peacebuilding, security, poverty alleviation and empowerment in Kosovo?

HYPOTHESIS 2a:

Any MSP engaged in reconciliation or confidence-building in complex situations of recent or ongoing conflict will attempt to reflect key stakeholder groups within its governance structures. Integration of rival groups in an MSP structure will have a beneficial impact on reconciliation, confidence-building, and inter-communal bridge-building. This will be the case only if the actual individuals participating in the MSP governance structure are recognised as legitimate by both, other members of their group and other stakeholders. Whereas MSPs in complex post-conflict situations operating in the issue-area of reconciliation, confidence-building and inter-communal bridge-building will generally seek to bridge the inter-community divide, intra-community conflicts can prevent genuine reconciliation, bridge-building and confidence-building from taking place.

HYPOTHESIS 2b:

How different groups are incorporated or recognised will depend on the context, and on the negotiating process that produces the MSP. Decisions to incorporate particular groups within an MSP – and the identification, either by themselves or by other agencies, of representatives of

such groups – can have an important impact on a wider conflict context, both positive (if the process was inclusive and have led to the selection of legitimate stakeholders and individuals) and negative impact (if the process was selective, or if it led to the involvement of controversial individuals, such as former war lords).

HYPOTHESIS 2c:

Furthermore, where the aim of MSPs is to promote reconciliation among all conflictual stakeholders, but where there is an overarching sharp distinction in power among different groups, the design of MSPs may be forced to take certain steps to protect the position of otherwise disadvantaged groups if MSPs are to achieve their overall objectives.

ESTABLISHMENT of MSP-RECs (for desk research):

I. Whose idea was the formation of individual MSP-RECs? Who gave the incentive? Who was the driving force behind the formation and continuation of the MSP-RECs?

II. Do you think that MSP-RECs have sought to achieve different goals over time, or to achieve the same goals differently (i.e. by using different methods, policies, by changing their strategy)? If yes, what was the driving force behind such changes – was the change of goals primarily due to different interests, goals and perceptions about post-conflict reconstruction of domestic actors (communities, individuals, government), or was it primarily due to international actors (including international organisations, individual states)?

INVOLVEMENT OF DOMESTIC ACTORS (Phase 1: desk research; to be supplemented by specific questions for field work in Phase 2 of the project – in September):

I. To what extent were they perceived as independent stakeholders (i.e. independent from international stakeholders)?

II. Who decided (and what was the role of key international stakeholders) on inclusion/exclusion of individual stakeholders (e.g. non-state actors, other marginalised stakeholders)?

III. Were the stakeholders (perceived as) legitimate, both by the outsiders and by the fellow members of their community?

IV. Were other domestic actors content with the choice? Have they voiced any concerns, disagreements?

V. What was the interaction between different types of stakeholders – public, private, civil society? Who was representing those different stakeholders? Was this an issue?

VI. Was there a specific requirement that representatives of both (several) communities were represented? How was membership in a community defined? Was it ascribed, self-ascribed? In what terms (what were the key identity markers used for identification of community membership)?

VII. What there imbalance in community representation in MSPs (in their decision-making structures)? Did international actors (stakeholders) intervene with a view to addressing the problem? If yes, how did they intervene: by using power, by imposing a change, and in turn providing for certain benefits (perhaps financial)? Were such strategies met with further resistance?

Research Question 3: How *in practice* has the SPARK formed and developed over time; how has it been composed and how has it operated – both internally and in relation to its external stakeholders and intended beneficiaries – with specific reference to reconciliation, confidence-building and inter-communal bridge-building?

FORMATION and DEVELOPMENT of SPARK (field work):

I. Who has initiated SPARK? Was it a result of an externally imposed initiative, by international actors (donors), or a part of an ongoing inclusive process of reconciliation in Kosovo? Has there been any resistance to launch SPARK? If yes, by whom, and why? To what extent were powerful actors opposed to this process consulted (included in the process)?

II. What process of stakeholder analysis did SPARK facilitators undertake? Is SPARK simply a continuation of previous UNDP minority returns partnership programmes (RRRF and GAR) or is it based on a new process of consultations with focus groups? In this sense, what is the added value of SPARK as compared to previous programmes?

III. How have NGOs been involved in SPARK? Can you explain the reasons for their involvement, or the lack of it?

IV. What consultation process was conducted among Serbian refugees in Serbia? To what extent was the Serbian government consulted/included in the formation and development process?

V. Were there different consultation processes in different localities? How did the formation/development phase differ between different localities?

VI. How were the participants of SPARK actually selected? Was the selection process donor-led or the consequence of a negotiation process within Kosovo? Was there a previous analysis of ethnic or regional representation in SPARK regarding participation and implementation? Which participants were excluded and why? What was the role of authorities in Serbia/UNHCR in Serbia?

VII. What was the political impetus of creating SPARK? How has the establishment of Ministry for Communities and Returns and PISG in Kosovo affected the partnership creation? How important were the 2003 "Standards for Kosovo" (especially Standards 4 "Sustainable Returns and the Rights of Communities and their members; and Standards 3 "Freedom of Movement") in this context?

VIII. Does SPARK crosscut with other peacebuilding dimensions (security, socio-economic development, democracy)? To what extent were the membership and decision-making of SPARK explicitly devised in order to achieve reconciliation, CB or ICBB? To what extent did SPARK develop, for example, confidence-building measures to assist in the return process?

IX. Did the facilitators undertake an analysis of the conflict sensitivity of SPARK? In other words, did they assess the potential for the programme to have negative impacts on inter-ethnic tensions and political stability? What measures were taken to improve the ability of the project to respond to and manage any such impacts?

X. How far are the objectives of SPARK compatible between international actors and local stakeholders (PISG, MCR, local NGOs, IDP associations)? How well have lessons-learned and impact findings of preceding minority returns partnership programs (through Government Assistance to Returns (GAR) and Rapid Response Returns Facility (RRRF)) been incorporated into SPARK?

XI. According to your experience with SPARK, has SPARK contributed most to reconciliation, or confidence-building, or inter-communal bridge-building? Were you aware of any other similar programmes? if yes, why did you decide to establish SPARK, or to participate in SPARK, as opposed to other programmes?

INTERNAL OPERATION of SPARK:

I. To what extent do decision-making structures reflect different power relations among different actors in SPARK? Can weaker or resource-dependent (local) groups (formally

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and/or informally) influence decisions that affect their broader constituency (e.g. the criteria and eligibility for the two sub-programs of SPARK – Individual and Spontaneous Returns; Organised and Group Returns)? To what extent do potential beneficiaries (i.e. refugees/ potential returnees) have any say in decision-making processes?

II. Are there issues that SPARK members would like to see addressed but which are ignored or downplayed by major stakeholders? If so, which are these issues? Given the limited time frame and resources, were the objectives specific and realistic enough (i.e. with clearly defined capacity building and development orientated service lines to support sustainable returns)? How are conflicts (clash of interests) over resources or political issues resolved within SPARK structure? Is there a sufficiently strong information flow between all stakeholders?

III. How does resource allocation affect decision-making and internal politics of SPARK? Does the co-dependence on external finance limit the role/influence of local organisations and undermine their credibility?

IV. To what extent do decision-making procedures (informal and formal) exclude/include women from decision-making and strengthen or undermine existing gender relations and stereotypes? How would you describe the role of Gender and Local Community Officers in this respect? Did the involvement of such community based local structures influence the output and impact of SPARK?

V. Were the original project design, funding provisions and project activities altered throughout the duration of SPARK? If so, why and how?

Research Question 4: How has participation in the SPARK impacted on its members, in relation to their roles, capacities, empowerment, interests and vulnerabilities relating to peacebuilding in Kosovo; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building? To what extent, and in what ways, have these impacts depended on the characteristics of the SPARK?

I. What were the expectations of SPARK members and in how far have they been met? Has the participation in SPARK altered the roles and interests of individual members (stakeholders) with respect to conflict reduction, peacebuilding, freedom from fear/want, empowerment and representation?

II. How would you describe the level of local/community involvement in and ownership of SPARK? Was their role rather consultative (for the purpose of legitimising SPARK's activities) or wholly participatory (bottom-up driven)? Have local organisations found it difficult to maintain their credibility in their broader constituency as a result of involvement in SPARK? Have perceptions of SPARK members changed (for better or worse?) within the broader (national/state and/or international) community as a result of their involvement in SPARK?

III. What impact has membership in SPARK had on intra-group/stakeholder relations (internal dynamics of individual group/stakeholder) and on inter-group/stakeholder relations (dynamics among different group representatives within SPARK)? Have the objectives of other partners influenced your own?

IV. Has the SPARK process had any impact on refugee groups outside Kosovo (e.g. Kosovo Serbs in camps in Serbia)? Has it affected attitudes (increased trust?) towards the return process or had an impact on broader processes of inter-ethnic confidence-building?

V. Have members of SPARK been empowered in other ways through their membership, in their relations to government for example, or in other areas of activity? Have they been able to access more international funding as a result of involvement?

Research Question 5: What have been the SPARK's impacts on external stakeholders and potential beneficiaries, in relation to: peacebuilding in Kosovo; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building? To what extent, and in what ways, have these impacts depended on the SPARK's characteristics (e.g. its multi-stakeholder character; its specific membership; its internal procedures, capacities or decision-making mechanisms; etc.)?

I. How would you describe the impact of SPARK on the process of political reconciliation (especially as regards the question of returns) in Kosovo? Was there any risk that insufficient provision of SPARK's objectives might make this process more difficult and cause radicalisation of beneficiaries? To what extent was the transition of activities concerning the returns process from the international actors to the MCR and affiliated municipal structures fulfilled/successful? Some numbers – how many were expected to return, how many actually returned, and how many remained after they returned? How do you monitor this process (who monitors it)?

II. Was the impact of SPARK beneficial for local population? Does SPARK enable all beneficiaries equal opportunities and rights (i.e. the same level of empowerment, security, socio-economic development)? How ethnically- (gender-, class-) sensitive is SPARK according to your opinion? How would you determine the impact of SPARK on final beneficiaries (such as individual, spontaneous and group returns)? Has the objective of this partnership led to more or less returns? Did this result in an increased/decreased ability of returns and the local community to effectively claim their rights and to enhance their level of security?

III. How participatory and community oriented was SPARK? Was a bottom-up input feasible and desirable at all? Did the involvement of local stakeholders and beneficiaries alter their perceptions, roles or interests with regard to conflict reduction, peacebuilding and human security?

IV. Has SPARK been able to achieve both its direct stated aim (e.g. facilitation of sustainable return and reintegration; capacity building and furthering partnership with the MCR and municipal return related structures) and a secondary outcome in terms of reconciliation, confidence-building and inter-communal bridge-building? Did SPARK decrease the level of vulnerability and reshape relationships of beneficiaries (minorities, local communities etc.)? Do you think that the partnership has had any impact on the overall security situation in Kosovo?

V. Do you think that all different programmes that have been established in Kosovo since the end of the conflict contribute to reconciliation, or confidence-building or inter-communal bridge-building, or do they compete among themselves for finances, prestige, recognition? Do you know The Return and Reintegration in Kosovo (RRK): are SPARK and RRK in competition, or are they complimentary?

Research Question 6: How has the participation or support of international actors, including the EU, affected the SPARK; in relation to its development, operation, sustainability and impacts? What are the lessons for how the EU and other international actors should support or participate in MSPs?

I. To what extent has the membership of international actors been crucial for the establishment and operations of SPARK with respect to reducing conflict, peacebuilding, enhancing security and empowering beneficiaries and vulnerable groups (minorities)? How dependent have local actors been on external financial resources?

II. How has international political support affected the design and operations of the MSP, and the selection of MSP members? To what extent did international actors encourage equal partnership (in planning, decision-making and implementation) and local ownership of SPARK? Which international actors were supporting wholly participatory approaches and local ownership (and which not)?

III. According to your opinion, has the international support been crucial for SPARK to gain more credibility in the broader population? Or can the external involvement in SPARK be perceived more as an obstacle to broad local support and to (local) responsibility?

IV. Who (which international actors) took a leading/dominant role, and when (during which phases of the programme)? How did the international actors reach final decisions? Who (which actors) had to adjust their own views most/least?

V. How have the following international actors affected SPARK in relation to implementing and managing of returns related projects in accordance with Standards 4 of the Kosovo Standards implementation plan:

 a) How would you describe the role of the UNDP? Which specific UNDP policies, and officials have affected SPARK?

 b) How would you describe the role of the UNHCR? Which specific UNHCR policies, offices and officials have affected SPARK?

 c) How would you describe the role of the UNMIK Office of Community and Minority Affairs? Which specific UNMIK Office of Community and Minority Affairs policies and officials have affected SPARK?

 d) How would you describe the role of the UNMIK Civil Administration? Which specific UNMIK Civil Administration policies and officials have affected SPARK?

 e) How would you describe the role of the OSCE? Which specific OSCE policies, offices and officials have affected SPARK?

 f) How would you describe the role of the EU? Which specific EU policies, offices and officials have affected SPARK? Have any EU member states played a prominent role in SPARK?

 g) How would you describe the role of the KFOR? Which specific KFOR policies, offices and officials have affected SPARK?

VI. How has the role of the UNDP as the international facilitator been viewed by other participants? Was it viewed as a neutral and impartial player, or as an actor in its own

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right, with consequences in terms of internal politics and their own credibility in their broader constituencies? Were other international actors viewed as neutral or as politically biased towards a particular ethnic group?

VII. Has the UK Government as one of the donors played a major role? In which fields and for which Project Activities? Which specific UK policies, offices and officials have affected SPARK?

VIII. Did any international NGOs play a notable role in SPARK?

IX. Did local stakeholders intentionally play different games with different international actors? How and why? Which behaviours in the interaction between international and local stakeholders slowed down or undermined the chances of implementation of SPARK?

Research Question 7: How can EU (including member states) policies and programmes better support and co-operate with MSPs in countries emerging from armed conflict in order to promote peacebuilding; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building?

I. According to your opinion, what are the lessons learned from SPARK in general and specifically for reconciliation, CB and ICBB? Do you think that participation of various actors/stakeholders (local and international) increases or decreases the program's significance for conflict reduction, peacebuilding, human security and empowerment? Which recommendations in this respect can be given for the participation of the EU?

II. How important are wholly participatory approaches and local ownership for returns related projects (and MSP-RECs)? How can local actors (or grass-root organisations) be best involved in returns related projects (and MSP-RECs)? Which are the preconditions for international actors' credibility and legitimacy *vis-à-vis* local stakeholders and beneficiaries?

III. What level of institutionalisation is best suited for returns related projects in terms of outcome/results? To what extent should flexibility of membership and program design be allowed?

C.2 CASE STUDY FOR AFGHANISTAN: ACTION PLAN FOR PEACE, RECONCILIATION AND JUSTICE IN AFGHANISTAN (AP)

CIMA – University of Florence[173]

C.2.1 Introduction

'The Action Plan is dead and buried', declared a military intelligence analyst in December 2009.[174] If we completely agreed with this rather pessimistic view, although the MSP deadline has formally been postponed and the *Action Plan for Peace, Reconciliation and Justice in Afghanistan* (hereafter, AP) should therefore be considered still in progress, the scientific significance of this case study for MULTIPART would have to be mainly restricted to learnt lessons for future use. Other opinions emerging from WP4D interviews and secondary sources, however, also leave margin to suppose that, especially in relation with durable EU support and the possible actions of other international governmental and non-governmental stakeholders, the AP – or at least some of its five key actions – might still have possibilities of implementation and, consequently, a degree of additional impact both on some of its stakeholders and on the perspectives of confidence-building, reconciliation and inter-communal bridge-building (hereafter, CRB) in Afghanistan.

According to a document released in January 2010 by the International Center for Transitional Justice (ICTJ), 'the AP remains a relevant framework for building accountable institutions, recognizing the suffering of the Afghan people and promoting justice for past human rights violations and war crimes. It encompasses the mutually reinforcing elements of institutional reform, accountability, reintegration and justice as key components of good governance and stability. As such, the measures included in the AP would go far to rebuilding public trust and at

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[173] This case study relies heavily on the interviews conducted in difficult circumstances by the Afghanistan-based research team of Attaullah Nasib, Abdul Hadi Sadat and Mohammad Sharif Samsor. The Center for Policy and Human Development (CPHD, http://www.cphd.af) has facilitated the field-research in Afghanistan and has organised the Roundtables on 10-11 January, 2010, Kabul, where the first draft of this case study was presented. The authors would also like to thank all the interviewees belonging to the diplomatic and international *milieu* for sharing their opinions on the Action Plan, as well as Martina Fischer and other MULTIPART partners for useful comments which were included in the final draft.

[174] MULTIPART, WP4D Working Papers, 'Action Plan for Peace, Reconciliation and Justice in Afghanistan' (hereafter, AP), Interview Reports (IR), no. D/AP/FI-81, Dec. 2009, Section 2.1.

the same time provide a blueprint for further steps that may be needed in establishing benchmarks for reconciliation with former Taliban'.[175]

This case study mainly aims to support thematic analyses by MULTIPART WP4D researchers. Its structure (nos 1-7) mirrors the research strategy drawn in August 2009, using interviews and documentary sources to describe the AP according to the underlying hypotheses, which generated each cluster of secondary Research Questions (RQ) elaborated for the questionnaire. Subdivisions within paragraphs nos 1-7 often use the questionnaire order.[176] More detailed information provided here should also complement the MSP initial description offered in the research strategy.[177]

Interviewees include: (a) members and personnel of the Afghan Independent Human Rights Commission (AIHRC);[178] (b) Government of Afghanistan (GA) personnel;[179] (c) personnel of the United Nations Assistance Mission in Afghanistan (UNAMA);[180] (d) diplomats and other personnel working for international governmental organisations active in Afghanistan; (e) personnel of international non-governmental organisations active in the country; (f) activists and personnel of Afghan non-governmental organisations; (g) non-Afghan military observers and intelligence analysts. Quotations do not mirror the exact words used by interviewees but the syntheses prepared by interviewers and should therefore be considered accurate but not literal. For confidentiality reasons footnotes only indicate numbers and dates of the interviews.[181]

Documentary resources include new materials indicated or made available by interviewees or by specific AP internal and external stakeholders (websites, working papers, etc.). Although these

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[175] 'These sequenced steps include: 1. Acknowledging and memorializing the suffering of the Afghan people; 2. Building credible and accountable state institutions through reform of the appointments process, establishment of a civil service commission and reform of the judiciary; 3. Documentation and truth-seeking mechanism that support accountability and reconciliation; 4. Supporting the reintegration of former combatants; 5. Establishing appropriate judicial and other accountability mechanisms for those responsible for past war crimes'. Cf. ICTJ, 'Stabilizing Afghanistan: Legitimacy and Accountability in Governance', Jan. 2010, www.ictj.org/static/Asia/Afghanistan/ICTJ_StabilizingAfgh_bp2010.pdf, pp. 1-2.

[176] MULTIPART, WP5.c Working Papers, 'Questionnaire – MULTIPART WP5.c Afghanistan, Action Plan for Peace, Reconciliation and Justice in Afghanistan', B. Kamphuis and CPHD Staff, rev. version, 25 Aug. 2009 (hereafter, QAP).

[177] MULTIPART, WP4D Working Papers, 'Research Strategy for Thematic Work Package 4D – Confidence-Building, Reconciliation and Inter-Communal Bridge-building, In-Depth Case Study for Afghanistan', University of Florence, 15 July 2009 (hereafter, RSA; see Annex 2 *infra*).

[178] Cf. www.aihrc.org.af.

[179] Cf. www.president.gov.af.

[180] Cf. unama.unmissions.org.

[181] Cf. MULTIPART, WP4D Working Papers, 'Draft list for interviews selection – Thematic Work Package 4D – Confidence-Building, Reconciliation and Inter-Communal Bridge-building, In-Depth Case Study for Afghanistan', University of Florence, 20 July 2009.

documents contain many interesting details on conflict and human security in Afghanistan, with specific reference to human rights and transitional justice issues, i.e. the conceptual core of this particular MSP, data are quoted here only if useful to support interpretations strictly focused on the AP.[182]

ACTION PLAN ON PEACE, JUSTICE AND RECONCILIATION (AP)[183]	
Description	
As interim leader, Hamid Karzai had publicly supported calls for transitional justice and had committed himself and his administration to take practical steps. In 2004, the Afghan Independent Human Rights Commission (AIHRC) conducted wide-ranging national consultations on the issue and found a 'rich understanding of and strong desire for justice among the people for both past and current crimes'. Building on this report, the AIHRC and the United Nations Assistance Mission in Afghanistan (UNAMA) – with the substantial involvement of the EU Special Representative Office and input from civil society groups – worked with the Government of Afghanistan to develop the Action Plan on Peace, Justice and Reconciliation (AP), which was approved in late 2005 and officially launched in December 2006. The programme calls for truth seeking and documentation; promotion of national unity and reconciliation; transitional justice and the establishment of mechanisms for accountability.	
Actors involved	
International:	UNAMA, ICTJ, donor countries (international public)
Public:	Afghan government (President's office and various line ministries), AIHRC, University of Kabul
Civic:	Civil society groups, local communities, religious leaders, media.
Private:	No private actors involved.
Ownership Investment: Planning: Decision making: Implementation:	The government's current efforts are mostly focused on the tactical level. According to UN officials, the Government of Afghanistan at present does not have a strategy in place to promote a broad-based Afghan political dialogue and reconciliation, even though everyone agrees in principle that the process must be Afghan-led. According to AIHRC commissioners, the international community is reluctant to hold the government to account despite the fact that the AP is part of the Afghanistan London Compact commitments and benchmarks. On the positive side, a number of UN Security Council Resolutions have called for its implementation, but, AIHRC says, the issue has moved progressively down the Security Council's priority list. The weakness of the Karzai government relative to "warlords" and criminals prevents the implementation of the AP. As there is no political will at the top regarding the implementation of the AP, the new commission strategy is to mobilise civil society and media. This is also challenging as Afghan civil society have become increasingly "NGOised" and funding oriented. Despite official inertia, AIHRC, UNAMA and some civic groups managed to implement some actions like the Travelling Participatory Theatre, which even if not specifically mentioned in the AP, could fall under the key action 1 of the AP.
Issue area	Confidence-building, reconciliation and inter-communal bridge-building
Geographic range	Nationwide
Time scale	2005–2008. The 2005 plan has a time-bound action programme that is set to end in June 2008. However, given the disappointing implementation rate, AIHRC advocated for an

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[182] See the text of the Action Plan in www.aihrc.org.af/actionplan_af.htm. Cf. RSA, pp. 11-15. All details on the country background in MULTIPART, WP5.c Working Papers, 'Country Study Paper: The Afghan Scene of Multi-Stakeholder Partnerships', B. Kamphuis, 14 Dec. 2009; see also recent comments by M. Fischer, email to MULTIPART Project Manager, 6 Mar. 2010.

[183] Data are taken from a table prepared by B. Kamphuis, in co-operation with H. Saeed.

	extension.
Operation & **institutionalisation** Regular meetings Decision structure	The AP clearly has been a failure in terms of operationalisation. This is no surprise, given that after 2001 some of the persons that are suspected of war crimes and crimes against humanity perpetrated during the factional fighting of the early 1990s held high political office or were positioning themselves to reclaim positions of power. As a result, in response to the AP, ex-mujahedin leaders organised a massive demonstration of public support and both houses of the Parliament passed a resolution in early 2007 on "National Stability and Reconciliation", which is basically a blanket amnesty bill.. As the AP identified lead actors for each action, these were largely responsible for taking the initiative forward and involve the other partners in coordination, planning and decision making. The outcome varies greatly with the lead actor involved (AIHRC, President's office etc).

C.2.2 Main characteristics and perception

The general underlying hypothesis linked to the RQ 2.1 cluster of secondary questions before developing research (what are the main characteristics of the AP as a MSP operating in a country that only to a certain extent may be defined today as "emerging" from armed conflict?)[184] was that MSPs may partly contribute to "transitional CRB" even in situations which cannot be adequately defined post-conflictual yet, e.g. are characterised by the violent struggle, or even the actual war, between a government recognised (and sometimes supported) by the international community and other factions or self-proclaimed national governments. The AP case may confirm this hypothesis with some caveats, specifically inherent to the 2001-09 Afghan crisis but also useful for prudent generalisation.[185]

In terms of perception and self-perception, interviewees, although seldom asked the direct questions grouped in this cluster, generally take for granted that the AP is – or more often 'was' or 'has been', as they assume – one of those MSPs trying to 'bring together several stakeholders – i.e. actors (private or public) that have a shared interest in the outcome and demonstrate some degree of ownership – to address a particular issue', according to the MULTIPART definition.[186] However, they generally imply or explicitly declare that only one of the three original partners, i.e. (a) the AIHRC, has demonstrated a strong and durable degree of ownership (namely, according to the MULTIPART definition, 'a relationship within an organisation that implies an

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[184] RSA, p. 4.

[185] Cf. also Sari Kouvo, 'Transitional Justice in the Context of Ongoing Conflict: The Case of Afghanistan', ICTJ Briefing, Sep. 2009, www.ictj.org/static/Publications/bp_kouvo_afghan_rev2.pdf, pp. 1-3.

[186] See MULTIPART, WP 2-3 Working Papers, 'Theoretical and Methodological Framework and Guidance for the Project' (hereafter, TMF), p. 30.

investment of certain types of resources and a degree of participation in decision-making'[187]), whereas (b) the GA has deliberately tried (or has been forced by circumstances, according to the "realist" views expressed by most diplomats, military international observers and military intelligence analysts) to monopolise real decision-making power and certainly invested insufficient resources, and (c) the UNAMA, due to its internal turnover dynamics, has not provided consistent support throughout the whole process, especially in some delicate phases determining its chances of failure or success.

A foreign diplomat explicitly acknowledged that the AP was never fully "owned" by Afghan communities because it was perceived as "partial" and foreign-driven. 'The obvious interest of groups that had been prevaricated to see justice done was offset by the lack of alternatives or threats to be offered to offenders'. Furthermore, 'pardon' and 'forgiveness' were not 'useful in the internal political market and could even cause a fall in respect from supporters on the other side'. The lack of serious threats against past offenders, 'coupled with the prospect they themselves could create instability, conjured in turning the AP in a matter of discourse, rather than immediate political action'.[188]

As for the MULTIPART definition of peacebuilding, interviewees explicitly or implicitly agree that the AP, although including some specific short-term measures, certainly belongs to those 'longer-term initiatives' which should 'address the structural causes of conflict' or 'stengthen capacities to manage and resolve conflicts peacefully'.[189] With specific reference to the field of transitional justice – a concept that has immediate relations with day-by-day violations of human rights but is also deeply intertwined with the slow reshaping of a shared perception of the remote and recent past by conflict-strained and post-conflict "national" communities – this long-term perspective implies that the AP, although largely unsuccessful within the time limits set for the actual implementation of its five key actions, is generally perceived by its stakeholders and potential beneficiaries, as well as by international observers and analysts, as a MSP that has tried to contribute to peacebuilding in Afghanistan, has reached some secondary results, and might still produce an indirect impact within the new scenario set by the 2009 presidential elections.

'The AP was set up in good faith', declared a diplomat, 'but could not accomplish the task of addressing "the structural causes of armed conflict" because, to that end, the whole

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[187] TMF, p. 30.
[188] AP, IR, no. D/AP/FI-84, Dec. 2009, 1.1.
[189] TMF, p. 33.

reconstruction process should have been based on that prospect. This is not the case, because the untold assumption of the Bonn agreement was that every local actor would buy into the process. "Ownership" was targeted at local power-brokers. With hindsight, excluding the Taliban proved to be a mistake. And yet, had they been included, certainly no AP would have been possible. Immunity was actually incorporated in the Bonn process'.[190] Another diplomat, interviewed in January 2010 on the eve of the Abu Dhabi summit, due to prepare the London conference which took place soon afterwards, remarked: 'You have seen how things may change. For some time now we have been talking of "reintegration" of the Taliban, and we shall very soon be talking of "inclusion". That was not the dominant discourse within the international community in 2005, and certainly not from the US viewpoint'.[191]

The same short/long-term distinction applies to the AP performance in contributing to the objective of human security in Afghanistan, especially in terms of the freedom-from-fear indicator. The AP, according to the opinions expressed by most interviewees, may not have offered direct and visible support 'to protect the vital core of human lives', but has at least contributed to define some substantial objectives linked to the future creation of 'a political, social, economic, environmental and cultural system that advances human fulfilment'[192] in the country. It should be noted, however, that these descriptive standards 'would sound alien to Afghan ears', noted a foreign diplomat. 'For most people there the basic access to resources and means of survival is based on the connection to networks of patronage and distribution managed by "those who wield the stick". It is the absence of basic State services and security that makes patronage a means to reduce insecurity. Human security, as defined above, would demand the State to become the ultimate authority – a notion that nobody would take seriously in Afghanistan while warlords still retain their power. The international community did not take the issue seriously either: as all donors mobilised to "reconstruct" the State, nobody assumed that it would be capable of managing something so delicate as a reconciliation process. "Human security" would have required to disarm first – through international forces – and then build a viable state'.[193]

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[190] AP, IR, no. D/AP/FI-84, Dec. 2009, 1.2. The dilemma described by this diplomat is very important to understand the AP and its evolution. As suggested by M. Fischer (MULTIPART, WP4D Working Papers, 'Feedback from Scientific Committee', May 2010, p. 11), interesting policy recommendations may be drawn from this experience even beyond the Afghan context.
[191] AP, IR, no. D/AP/FI-85, Jan. 2010, 1.2; see also no. D/AP/FI-86, Jan. 2010, 6.1.
[192] TMF, p. 38.
[193] AP, IR, no. D/AP/FI-84, Dec. 2009, 1.3.

The key problem in this first cluster of secondary research questions is whether the AP was "appropriately" set up at the beginning and then "appropriately" managed to reach its objectives. It is quite meaningful, and it was likely predictable, that the main stakeholders – the AIHRC and its central office, the GA and UNAMA – and most interviewees in the diplomatic environment share the view that the starting conditions set at the Hague Conference on Peace, Reconciliation and Justice in Afghanistan (6-7 June 2005) were reasonably adequate,[194] whereas interviewees belonging to non-governmental organisations active in the human rights and transitional justice fields, as well as personnel working at AIHRC regional offices,[195] are generally inclined to single out the roots of the AP substantial failure (a) in the top-down pattern chosen at the beginning to set the process in motion through the combined diplomatic pressure and support by international actors (both as single states and via multilateral organisations) on the GA original initiative, and (b) in the consequent counterproductive centralisation of the GA role for the management and implementation of the AP five key actions.

These latter features are deeply connected with the origins and proceedings of the Hague Conference. According to a leading figure of the AP initial outlining process,[196] a *trojka* composed of Rangin Dadfar Spanta (Senior Advisor to President Hamid Karzai in those days), AIHRC Commissioner Ahmad Nader Nadery and Richard Bennett (then UN Representative of the High Commissioner for Human Rights in Afghanistan and Head of the Human Rights Unit at UNAMA) elaborated the first draft and later proceeded to gradually include other parties and stakeholders. With Karzai's approval, prompted in particular by the results of the national consultations previously promoted by the AIHRC,[197] the draft was introduced to the international community in the Hague and received strong support from potential donor countries. At the same time, international human rights organisations were releasing reports which detailed alleged war crimes and crimes against humanity committed by Afghan individuals.[198] When the draft was submitted to the GA Cabinet, therefore, some of its members feared that the AP, and in particular its transitional justice and accountability core, could be easily used against them, since they had actively participated in the civil war or had previously been members of specific factions during the mujahedin era.[199] Also to prevent predictable

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[194] See RSA, p. 1 and footnote no. 2; AP, IR, no. D/AP/9, Sep. 2009, 1.3.

[195] See e.g. AP, IR, no. D/AP/12, Oct. 2009, 1.1.

[196] AP, IR, no. D/AP/17, Oct. 2009, 1.1.

[197] RSA, p. 1 and footnote no. 1; see interesting reflections on these consultations esp. in AP, IR, no. D/AP/9, Sep. 2009, 1.1 and 1.3.

[198] RSA, p. 1.

[199] Cf. www.ictj.org/en/where/region3/507.html: 'Regrettably, attempts to integrate accountability mechanisms into the political process have had little success. An amnesty clause introduced at Bonn by the Northern Alliance was

parliamentary opposition, Karzai tried further negotiations with former mujahedin leaders but they, too, rejected the AP, feeling threatened by what they considered a "conspiracy" to exclude them from power. This stalemate paved the way to a six-article Amnesty Bill, passed by the Lower House of the Parliament on 31 January 2007 and adopted by the Upper House by majority (which would later become the Public Amnesty and National Stability Law sent by the President to the Minister of Justice on 29 November 2008 for publication, in accordance with art. 94.3 of the Afghan Constitution[200]), which Karzai initially did neither sign nor veto. The following struggle between the AP and the Bill – also linked to the interpretation of the latter in Islamic law, based on the distinction between Haq-ul-Allah and Haq-ul-Abd[201] – blocked any chance of substantial implementation for the AP.[202] Specific opponents to the AP named by

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successfully avoided but has been raised in Afghanistan's Parliament. Since Bonn, efforts to exclude alleged perpetrators from holding public office because of their human rights records have suffered several setbacks, and many of those accused continue to occupy public posts, including parliamentary seats. The political process and transitional justice efforts have proceeded largely on separate tracks since the negotiated agreement, despite vigorous efforts by the AIHRC and others to bring them together'.

[200] MULTIPART, WP4D Working Papers, email, M. Mori (Human Rights Officer/Transitional Justice Focal Point, UNAMA Human Rights Unit) to B. Kamphuis, 27 Jan. 2010, and encl. text of the law. See Sari Kouvo, 'After Two Years in Legal Limbo: A First Glance at the Approved 'Amnesty Law'', 22 Feb. 2010, www.aan-afghanistan.org/index.asp?id=665. Cf. 'ICTJ Statement on Afghanistan Amnesty Law', 17 Feb. 2010, www.ictj.org/en/news/features/3456.html: 'The International Center for Transitional Justice (ICTJ) today cautioned that the amnesty provisions in Afghanistan's legislation on national reconciliation (the "National Reconciliation, General Amnesty and National Stability Law") violate international law and jeopardise – rather than promote – national reconciliation and security. The status of the bill has remained uncertain since it was passed by the Afghan Parliament in 2007 until it was published in the official gazette late 2009. The bill does provide possible openings in the long overdue discussion on how to move forward on peace talks and reconciliation by stressing the need for "ending rivalries and building confidence among the belligerent parties," and urging them to join a political process. However, the method for reconciliation promoted in the law is an amnesty for all involved in the Afghan conflict, regardless of whether they merely took up arms or were responsible for war crimes or crimes against humanity. Amnesties are frequently part of peace negotiations, but international law forbids amnesties for serious war crimes. In other societies where amnesty was granted, such as South Africa, an onus was put on alleged perpetrators of massive violations to contribute to accountability by disclosing information on their participation in politically motivated crimes. Blanket amnesties promote impunity and are currently deemed unlawful under international law. The Afghan amnesty legislation contravenes Afghanistan's obligations to pursue accountability for serious human rights abuses, and runs counter to President Karzai's commitment to pursue justice and fight impunity, explicitly laid out in his 2006 "Action Plan on Peace, Reconciliation, and Justice" that focused on institutional reform, establishing appropriate mechanisms for vetting potential political appointees and candidates, documentation of past abuses, and pursuing truth-telling processes that respect the rights of both alleged victims and perpetrators. By offering an amnesty to a broad range of perpetrators, the Afghan amnesty law undermines efforts to promote accountability a necessity both for ensuring the proper functioning of Afghan institutions and for sustainable peace. Institutional reform, particularly in the justice and security sectors, has foundered in part because of the lack of accountability. Sari Kouvo, the head of ICTJ's Afghanistan program, stated, "Many Afghans are today disillusioned: the state institutions, including the judiciary, police and intelligence are viewed as corrupt and even dangerous. While reconciliation is needed to end the conflicts in Afghanistan, it should not be promoted by further entrenching a culture of impunity." ICTJ strongly urges that President Karzai and the Afghan authorities amend the law to remove the blanket amnesty provisions and ensure that the rights of victims are respected. ICTJ urges the international community to demand that the Afghan government uphold its obligations under international law and to give political and financial support to promptly implementing the Action Plan on Peace, Reconciliation and Justice, which outlines a long-term strategy to address the country's legacy of war crimes.' See also Jason Leopold, 'Afghanistan Enacts Law That Gives War Criminals Blanket Immunity', *Truthout*, 16 Mar. 2010, www.ictj.org/en/news/coverage/article/3542.html.

[201] See e.g. AP, IR, no. D/AP/10, Sept. 2009, 3.11; no. D/AP/7, Sep. 2009, 4.1; no. D/AP/8, Sep. 2009, 3.11.

[202] AP, IR, no. D/AP/17, Oct. 2009, 1.4; D/AP/9, Sep. 2009, 1.2.

interviewees include Amir Ismail Khan, Atta Mohammad Noor, Haji Qadir's family, Dostum, Fahim, Krim Khalily, Mohaqiq, Saiaf and Youns Qanoni, counting on personal armed support in the provinces.[203]

It is interesting to remark that, notwithstanding what interviewees have generally described as a 'failure',[204] when asked about the AP's performance given the current peacebuilding and human security situation in Afghanistan,[205] many of them have introduced a recurrent "however", i.e. the fact that, also thanks to the AP and the collateral processes it has set in motion, local civil society groups have been encouraged to emerge and act, have participated in conferences, and have organised structured contacts with donor countries or international non-governmental organisations like the ICTJ, a prominent stakeholder of the AP "external cluster" from the very beginning.[206] Specific reference touched the establishment in 2008 of a Transitional Justice (TJ) Group composed of many civil society institutions, including the media, which could become an alternative target for donor countries' support, given the GA low and slow performance within the AP.[207] Under the latter respect, a UNAMA representative acknowledged that there was no real political will to implement the AP on the GA's side; however, since it is 'a roadmap for transitional justice' and UNAMA took clear responsibility in supporting the GA to work it out, a margin of hope and perspective is given by the inclusion of the AP in the Afghanistan National Development Strategy (ANDS).[208] From a different point of view, a GA provincial officer stated that 'our people are not ready to accept the AP […] because our government is very weak and young [and] does not have control over the country'.[209]

Clearly on the negative side are some bitter comments given by interviewees from the Afghan civil society. If the main objective of the AP was to establish 'sustainable peace' in the country, said one of them, this goal has obviously remained on paper and the AP was a complete failure – 'who should implement it?'[210] Copied from other countries' experiences, the AP forgot 'to put the people [from] the rural villages […] in the picture' and the fact that the GA should play a pivotal role for implementing the programme made the work and the expectations of local civil society and human rights organisations practically irrelevant, given the presence of 'a large

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[203] AP, IR, no. D/AP/9, Sep. 2009, 1.2; no. D/AP/5, Aug. 2009, 1.1.
[204] See e.g. AP, IR, no. D/AP/1, July 2009, 1.4.
[205] QAP, p. 4, 1.4; RSA, p. 5, 2.1.4.
[206] AP, IR, no. D/AP/1, July 2009, 1.4; on the ICTJ, no. D/AP/FI-94, Sept. 2009, 3.1.
[207] AP, IR, no. D/AP/8, Sep. 2009, 1.1.
[208] AP, IR, no. D/AP/3, July 2009, 1.1.
[209] AP, IR, no. D/AP/11, Oct. 2009, 1.1.
[210] AP, IR, no. D/AP/6, Aug. 2009, 1.3 and 1.4.

number of criminals and warlords' in the GA itself and the lack of co-ordination among donor countries on this key issue.[211] An interviewee noted that the AP process was not really inclusive from the beginning – only a co-ordinated pressure of the international community and the involvement of all organisations, both governmental and non-governmental, working in the field of transitional justice in Afghanistan, could have produced real chances of success for the project.[212] As a predictable consequence, therefore, a degree of reconciliation among leaders was reached, whereas no real and durable attention was paid to the victims of war crimes and violations of human rights, e.g. to the real core of the AP as a transitional justice tool.[213] Even if opposition to the AP came also from the two communist parties, Khalq and Parcham, and from the Taliban, the basic reason for the AP failure, according to another voice from the civil society, should be traced in the tendency to compromise with the mujahedin leaders that, according to some interviewees, characterised President Karzai's attitude even when he selected the team to draft the project, and later.[214] A diplomat noted that the AP was a failure, 'forced by the fact that the international community decided to prioritise military security rather than reconciliation. No open discussion was made on that, but the overlapping of various policies led to that end, which fit into the initial US strategy'.[215]

A comparative analysis of data collected through interviews (in which partially divergent opinions on the inclusion issue were expressed) and secondary sources, combined with viewpoints emerged from the final round table, allows to single out some final remarks:[216] (a) The AP was not the first step of a process. It was deeply intertwined with the recommendations expressed by the AIHRC after the rounds of wide and very inclusive consultations on human rights violations which the Commission had previously organised across the country in cooperation with Afghan civil society and international human rights organisations. (b) A remarkable but insufficient growth of the stream of inclusiveness during the crucial drafting phase – when it was difficult, but not impossible, to proceed differently – probably produced a strategic leak, in terms of potential effectiveness and impact. Consultations were effectively structured in four stages: civil society organisations;[217] international human rights and

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[211] AP, IR, no. D/AP/10, Sep. 2009, 1.3 and 1.4.

[212] AP, IR, no. D/AP/5, Aug. 2009, 1.1.

[213] AP, IR, no. D/AP/5, Aug. 2009, 1.1.

[214] AP, IR, no. D/AP/8, Sep. 2009, 1.2.

[215] AP, IR, no. D/AP/FI-84, Dec. 2009, 1.4.

[216] See also AP, IR, no. D/AP/FI-78 to 84, Nov.-Dec. 2009, 2.1.

[217] MULTIPART, WP4D Working Papers, B. Kamphuis to M. Guderzo, 5 Jan. 2010; M.S. Samsor comments, 26 Jan. 2010. Among other organisations: Civil Society and Human Rights Network, Afghan Civil Society Forum, Foundation for Culture and Civil Society, Afghan Human Rights Organisation, Afghan Women Network, Human Rights Research and Advocacy Consortium. Hora Mosadiq (then acting as a representative of HRRAC), Ibrahimi

peacebuilding organisations;[218] the media;[219] and finally some governmental stakeholders, whose viewpoints were taken into consideration. (c) Just on the political side, however, the original drafting committee calculated that presidential endorsement would be sufficient to support the AP and make it work, and therefore underestimated the potential significance of immediately involving a larger number of open-minded representatives of political parties and other influential sectors of society,[220] to keep momentum if Karzai had been squeezed between contradictory political needs. In this respect, if the AP had been much more inclusive, perhaps it might have been more widely accepted and more efficiently promoted. (d) This partially flawed approach further reduced the chances of success for the AP and its subsequent potential impact on human security in Afghanistan, given that the main core of the MSP was not reconciliation *per se* but the couple accountability-transitional justice, which made the strenuous opposition of the warlords in power certain rather than predictable.[221]

C.2.3 Potential significance and impact on peacebuilding and empowerment

The specific underlying hypothesis of RQ 2.2 for WP4D analysis in Afghanistan before research (what is the potential significance of the AP – as a MSP operating in the field of CRB – i.e. what possible mechanisms exist to impact on peacebuilding, security, poverty alleviation and empowerment in Afghanistan?)[222] was that the AP, given its membership and governance rules, *could* actually give a contribution to political stability and reconciliation in the country. Collecting data and checking secondary sources on that assumption was meant to help generalisations about the wider issue of whether *any* structure or process, MSP or other, has really had any substantial chances to achieve durable results in that direction in 2002-09.

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and Dr Naizi for FCCS participated in meetings of the drafting committee. In the provinces, only the Herat Council of Professionals was consulted on the draft.

[218] MULTIPART, WP4D Working Papers, B. Kamphuis to M. Guderzo, 5 Jan. 2010. Among other organisations, besides the International Center for Transitional Justice (ICTJ) as the AIHRC main technical partner: Rigths and Democracy, ICG, Human Rights Watch, Amnesty International, Care International, Afghanistan Research and Evaluation Unit, NPWJ.

[219] MULTIPART, WP4D Working Papers, B. Kamphuis to M. Guderzo, 5 Jan. 2010. At least two round tables where organised to consult with the media on the draft.

[220] AP, IR, , no. D/AP/FI-80, Dec. 2009, 2.1.

[221] As suggested by M. Fischer (MULTIPART, WP4D Working Papers, 'Feedback from Scientific Committee', May 2010, p. 11), interesting policy recommendations could be drawn especially from the contradictions of international involvement described at (d) concerning the main strategies and mechanisms which international actors should take into consideration when they try to conceptualise and implement interventions aiming at peacebuilding and reconciliation.

[222] RSA, p. 5.

The research data, especially opinions expressed by some prominent figures of the AP,[223] have highlighted that the MSP had an interesting potential significance, but its architects certainly underestimated the warlords' ability to gather strong popular support against it. When this happened in February 2007, President Karzai adjusted his attitude, also taking into account the oscillating posture of the international community, and chose not to exert enough pressure to have the programme implemented according to the initial expectations and pace. As a result, the AP impact in terms of transitional justice was considerably undermined, whereas its "second nature" as a means of enhancing Karzai's mediation role clearly emerged. The past and present deadlock situation, as painted by a prominent figure in the Afghan non-governmental environment, is characterised by the following three features: (a) the AP is a governmental programme, (b) many warlords control key duties within the government, and (c) the government and the president primarily aim to protect and prolong their own power.[224] Conclusion – transitional justice and accountability become means and options instead of the outcome of a complex set of objectives to be reached with determination and even at heavy political costs (given that 'transitional justice is the most important part of democracy', as stated by an interviewee working for a non-governmental organisation[225]), which easily explains the AP's 'zero impact'.[226]

According to this view, the Bonn Agreement itself, reached in December 2001, may be considered 'the original sin'.[227] Vulnerable people's real security from violence and crime did not increase in the following years, and the AP inclusive perspective failed because its opponents, or "spoilers", still had the intention, the means and the full power to discredit the very concept of transitional justice, and could easily intimidate and rally people against the AP in February 2007.[228] The perspective from the provinces is even worse: the AP has had no real impact in terms of security and empowerment, since it has mainly remained on paper and 'the criminals and the warlords are totally in the picture'. Present disillusionment on the people's side is clear

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[223] See e.g. AP, IR, no. D/AP/17, Oct. 2009, 2.1.
[224] AP, IR, no. D/AP/6, Aug. 2009, 2.1.
[225] AP, IR, no. D/AP/4, Aug. 2009, 2.1.
[226] AP, IR, no. D/AP/6, Aug. 2009, 2.3, 2.4. On this subject see the interesting interview with Sibghatullah Sanjar, Head of Policy and Transitional Justice Focal Point, President's Office, 28 Aug. 2009, *Truth*, no. 6, 30 Sep. 2009, pp. 20-23, www.watchafghanistan.org/files/Newsletter_06_English.pdf. For a different viewpoint cf. also the interview with Hafiz Mansoor, editor-in-chief *Payam Mujaheed*, former member of Jamiath Islami Afghanistan, 'Transitional Justice is a Political Project', ibid., pp. 14-19.
[227] AP, IR, no. D/AP/1, July 2009, 2.1.
[228] AP, IR, no. D/AP/12, Oct. 2009, 1.1, 2.3. Cf. D/AP/11, Oct. 2009, 2.3; no. D/AP/8, Sep. 2009, 3.13, 3.16.

and counter-productive for future initiatives:[229] civil society activists found that those who had suffered human rights violations were ready to talk and share their experiences at the beginning, but this is no more the case, since the victims now think that the AIHRC itself – as well as the judiciary system in general, having lost its prestige and accountability from their viewpoint – cannot help them.[230] Instead, they prefer to solve their problems – land conflicts, family issues and other conflicts in interpersonal relations – by non-governmental traditional "institutions" such as tribal *jirgas* and *shuras*, or the local Taliban, which may provide not particularly "fair" solutions and outcomes, but generally guarantee fast procedures without corruption.[231]

According to unchecked data provided by an interviewee working for a civil society organisation, 375 out of 400 district governors and 500 out of 530 high-rank police officers could be defined "warlords". People who suffer human rights violations may not dare even to complain against the warlords in such a situation, risking retaliation and further abuses.[232] This scenario allows to speculate that the governmental international community, directly involved in the MSP through UNAMA and indirectly through the donor countries, has either (a) had and built too high expectations from the AP and the GA's viable role within it, if one assumes that the real goals of the MSP were completely consistent with all declared objectives, or (b) has calculated that the programme could in any case be useful in order to strengthen Karzai's leadership and his mediation role, this (and the struggle against the Taliban) being the priority at the Hague Conference and later, in line with the Bonn tradition, and not transitional justice and accountability *in se*.[233]

Consequently, it is useful to debate not only a potential significance of the AP on a first level – the one on which interviewees generally appreciated the intentions of the MSP initiators, but defined the plan a predictable and then confirmed failure – but also a "collateral" impact significance on a second deeper level, where what matters more and above all is not the couple

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[229] On disillusionment see also ICTJ, 'Stabilizing Afghanistan' cit., p. 1: 'The reasons for popular disillusionment are obvious: police who prey on citizens through arbitrary arrest, extortion, routine mistreatment and torture; corrupt judges and prosecutors in pay of racketeers; appointed officials who serve the interests of drug lords not the people. A culture of impunity, not the rule of law, thrives under these conditions, and represents a security risk as great as that posed by the Taliban. Indeed, the two are linked: a weak state that has lost the trust of its people is fertile ground for insurgency. Making the shift to a culture of accountability will require a much more comprehensive approach if the government is to become answerable not just to international donors but to Afghan society and to the rule of law'.

[230] AP, IR, no. D/AP/14, Oct. 2009, 2.1, 2.2; no. D/AP/15, Oct. 2009, 2.3; no. D/AP/8, Sep. 2009, 2.1, 2.2. Cf. also AP, Roundtable Transcripts, 'Benefits for Its Stakeholders and Peace Building and Human Security Impacts', Kabul 10 Jan. 2010 (RT), Part 1, p. 5.

[231] MULTIPART, WP4D Working Papers, M.S. Samsor comments, 26 Jan. 2010.

[232] AP, IR, no. D/AP/7, Sep. 2009, 2.1, 2.4.

[233] See e.g. AP, IR, no. D/AP/FI-88, Dec. 2009, 2.2; cf. D/AP/7, Sep. 2009, 2.2.

accountability – transitional justice, i.e. the MSP's declared core, but further "empowerment" of the GA's authority, and of Karzai's role within the GA. This contributes to strike the AP potential/impact balance in a slightly different light, even if 'a lot of money has been spent', 'no effective step has been taken' to improve justice in Afghanistan and the AP has produced 'no positive effect on people's life', as declared by an interviewee;[234] and even if 'those who committed crimes in the country are part of the government today' and there are no 'human security guarantees at all levels', as bitterly stated by another one.[235]

Some final remarks on this cluster of secondary research questions may be useful: (a) The AP original structure had direct potential impact especially on reducing conflict, building peace and improving security from violence, crime and illegitimate coercion in Afghanistan, whereas socio-economic development, the empowerment of vulnerable people and communities and the promotion of their participation in public life might have just been collateral effects of its main focus on transitional justice and accountability. (b) It should be taken into due consideration that the AP would have had much stronger chances of success and substantial implementation against a background in which these two issues – justice and accountability – had been focused on from the beginning of the peace process in Bonn. The state-building priorities of the international governmental community, however, were different until 2004, and this contributed to create a "culture" of institutionalised impunity in which a single initiative like the AP could not easily modify the general context and directly or indirectly provide for a more sustainable peace and improved human security. (c) With specific reference to empowerment, the pre-history and design of the AP were homogeneous to the declared objectives, while its operation and implementation failed. (d) The wide-ranging national consultations promoted by the AIHRC in 2004 actually had an interim empowering impact on those who should have been the "final beneficiaries" of the AP, the thousands of people who shared their sad conflict experiences with the interviewers. And empowering were the facts that the Parliament was moved by these consultations to take action and that Karzai, on the basis of the Commission's recommendations, demanded a kind of institutionalised plan covering transitional justice and accountability. (e) Empowerment perspectives were sensibly reduced, however, when the Parliament changed its attitude, while at the same time civil society organisations were not driven to feel a sufficient degree of ownership regarding the AP.

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[234] AP, IR, no. D/AP/8, Sep. 2009, 2.4.
[235] AP, IR, no. D/AP/13, Oct. 2009, 2.3.

C.2.4 A difficult life

The specific underlying hypothesis for the cluster of secondary questions linked to RQ 2.3 (how *in practice* has the AP formed and developed over time; how has it been composed and how has it operated – both internally and in relation to its external stakeholders and intended beneficiaries – with specific reference to CRB?)[236] is that the AP case, showing a wide gap between design and implementation, is particularly meaningful for understanding the complex relation between membership criteria (and consequent MSP structure) and inner governance rules, on one side, and actual operation, decision-making process and power relations within the MSP, on the other. Data collected in the field have generally confirmed a correct – albeit shaded according to the interviewee's background – perception of the formation, evolution, composition and internal operation of the AP by the representatives of its main stakeholders, both internal and external, as well as by observers and actors linked to donor countries (diplomats, military personnel, intelligence analysts) and by beneficiaries or potential new stakeholders in civil society. Secondary sources are not particularly abundant but they offer a sufficiently clear picture of the MSP development together with recent research findings. The general chronological background against which the AP was elaborated and launched as a specific initiative to support transitional justice and promote reconciliation may be summarised as follows.[237]

2001-2005. Since the Bonn Peace Accord signed in December 2001 had not included mechanisms or structures to deal with past atrocities, the issue was postponed until March 2002, when the AIHRC was established and given the mandate of enhancing 'respect for human rights and national reconciliation in the country […] through investigation, recording and publication of the truth and through the establishment of accountability for past crimes – such as crimes against humanity and gross violations of human rights in accordance with international law, Islamic principles, Afghan tradition and the will of the people of Afghanistan'. In those days, a workshop attended by Karzai, UN High Commissioner for Human Rights Mary Robinson, representatives of civil society organisations and religious leaders paved the way to the decision that the AIHRC should carry out wide consultations in 2004 on how to address past human rights abuses. In early 2004 the National Reconciliation Commission was established. The AIHRC launched its eight-month consultation process within the project A Call for Justice: over 6,000 people were consulted from 32 out of 34 provinces and from refugee populations in Iran

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[236] RSA, p. 5.
[237] Cf. 'An Overview of the Transitional Justice Process in Afghanistan', UNAMA, conf.

and Pakistan.[238] On 29 January 2005, soon after the Office of the UN High Commissioner for Human Rights (OHCHR)[239] had handed over its Mapping Report on Past Human Rights Violations in Afghanistan to Karzai,[240] the AIHRC presented its report A Call for Justice to the President and the High Commissioner in a public ceremony. Karzai appointed the working group which drafted the AP. The GA presented the AP at the Hague Conference in June. On 12 December Karzai approved it and sent it to the Cabinet for final endorsement and inclusion in the Afghan national policy. On 13-15 December the OHCHR organised a national conference on truth-seeking and reconciliation with the support of UNAMA and the AIHRC, attended by some 300 participants.[241]

2006. On 31 January 2006 the Afghanistan Compact was signed in London and the AP was included in it. In the same months a Core Group on transitional justice was created. Composed by representatives of the President's Office, AIHRC, UNAMA, European Union Special Representative for Afghanistan (EUSRA),[242] EC, Embassies of the Netherlands, Canada and Germany, and several members of civil society, it had to oversee, monitor, drive the implementation of the AP, also mobilizing political, financial and technical support. In February seven Focal Points were identified in seven ministries (Justice, Interior, Defence, Education, Housing and Urban Development, Women's Affairs, Information Culture and Youth) to implement the AP and send representatives to the Core Group. A task force foreseen by AP key action 5, 'Establishment of effective and reasonable accountability mechanisms', should have been established in June in order to report no later than end-2007. No steps were made in that direction, but in September 2006 Karzai passed presidential decree no. 2421 to appoint the Advisory Board for Senior Political Appointments (APSA), foreseen by the Afghanistan Compact and AP key action 2, 'Ensuring credible and accountable state institutions', renewable

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[238] Cf. www.ictj.org/en/where/region3/507.html: 'Drawing on a broad cross-section of perspectives, the report details the views of more than 6,000 ordinary Afghans from 32 provinces and refugee populations in Iran and Pakistan. The results show that most people in Afghanistan (up to 70 percent) consider themselves direct victims of serious human rights violations that occurred during the conflict. Those consulted believe that crimes have been perpetrated continuously for 23 years and continue today. Respondents displayed a profound lack of trust in the government, public officials, and, to some extent, the international community for failing to do anything about the abuses. The consultation showed that ordinary people perceive that impunity is entrenched in Afghanistan and that perpetrators have been rewarded with positions of power despite their continued involvement in violations. The report suggests an urgent need to break with the past and recommends a way forward, including an integrated approach to build trust in Afghanistan's institutions and recognize victims' needs and wishes.'

[239] Cf. www.ohchr.org.

[240] Cf. www.ictj.org/en/where/region3/507.html: 'The report writing and review process, on which the ICTJ advised, took place during 2004. Other documentation initiatives have been carried out by the Afghanistan Justice Project and Human Rights Watch.'

[241] Cf. 'An Overview' cit.; AIHRC, 'Annual Report 2005', www.aihrc.org.af. 'The ICTJ acted as an adviser in the lead-up to the conference': www.ictj.org/en/where/region3/507.html.

[242] Cf. www.delafg.ec.europa.eu/en/eu_representative/index.htm.

at discretion of the President. The panel, established in November, should advise the President on the appointments of governors, chiefs of security and police, deputy ministers and members of independent commissions. It would become operational only in the second half of 2008, providing assessment to Karzai on the candidates to major positions, including the members of the Cabinet.[243] On 10 December, Karzai launched the AP and declared that date 'National Remembrance Day of Victims of the Conflict', according to key action 1, 'Acknowledgement of the suffering of the Afghan people'. On 12 December Human Rights Watch published its report 'Blood-Stained Hands. Past Atrocities in Kabul and Afghanistan's Legacy of Impunity', based on a field research conducted in the period 2003-2005.[244]

2007-2009. On 2 February UN High Commissioner for Human Rights Louise Arbour criticised the Parliament for the Amnesty Bill issue. On 17 March the AIHRC and UNAMA convened a transitional justice workshop, gathering a group of stakeholders ready to strengthen cooperation, revitalise the justice agenda and find viable activities to implement the AP. In December, during the celebration of the National Remembrance Day, Karzai declared that the GA was not strong enough to implement the AP.[245] However, the rules of procedure of the Advisory Panel were approved in April 2008 and the Panel started working the following month. Meanwhile, on 3 April, the AIHRC had convened a ceremony in the Badakhshan province within AP key action 1 to lay the foundation stone for a monument over the mass grave discovered in 2007. Collaboration between UNAMA Human Rights Unit and the AIHRC also allowed to support and finance a travelling theatre in that Spring, opening debate on victims and the legacy of impunity. On 10 December UNAMA, with the support of the OHCHR, produced a video on the theatre play to commemorate the National Remembrance Day. Some days later, the monument in Badakhshan was inaugurated.[246] In February AIHRC Chairperson Sima Samar asked Karzai to extend the deadline of the AP, set by the Afghanistan Compact on 29 March 2009. On 17-19 February the AIHRC organised a workshop to develop joint strategies on transitional justice with representatives of the international community as well as of national and international NGOs. A transitional justice network was created, paving the way to the establishment in March of a new Transitional Justice Core Group (TJCG), composed of almost

[243] AP, IR, no. D/AP/FI-90, Jan. 2010, 3.10. Cf. also 'Panel for Senior Appointment', Embassy of Italy in Afghanistan, conf.
[244] Cf. www.hrw.org/en/reports/2005/07/06/blood-stained-hands-0; 'An Overview' cit.; AIHRC, 'Annual Report 2006', www.aihrc.org.af.
[245] Cf. 'An Overview' cit.; AIHRC, 'Annual Report 2007', www.aihrc.org.af.
[246] Cf. 'An Overview' cit.; AIHRC, 'Annual Report 2008', www.aihrc.org.af; ICTJ, 'Transitional Justice Review of Afghanistan', www.ictj.org.

twenty organisations and victims' groups, due to meet on a monthly basis to share information, coordinate actions and advocate for transitional justice.[247]

The ICTJ has recently synthesised the AP story in these terms:

> The AP was incorporated into the Afghanistan Compact and the Afghanistan National Development Strategy. Some efforts have been made to implement measures outlined in the document: the President has publicly launched the AP; internationally-supported efforts to vet police chiefs have included human rights criteria so too has the Panel for Senior Political Appointments, the body which advises on appointments of deputy ministers, governors and police chiefs; the AIHRC has undertaken documentation initiatives; and there has been some, albeit limited, focus on acknowledgement of the suffering of victims (including memorials and museums). However, the core of the AP focused on promoting justice for past human rights violations and war crimes and ensuring that Afghan institutions are transparent and strong enough to resist corruption and further violations against the Afghan people remains unimplemented. Recommendations for senior appointments go unheeded, and many current militia leaders who have not disarmed, including those against whom there is evidence of war crimes, continue to hold high positions.

The document concluded: 'Promoting sustainable peace and regaining the trust of the Afghan people will require a new focus on fostering legitimacy in the Afghan state. Recognition of the suffering of citizens during all phases of the over-three decade old conflict and promoting justice for past and present human rights violations and war crimes must be an intrinsic part of any strategy for confidence rebuilding in the government and state'.[248]

C.2.4.1 Formation

(1) *Leading actors.* In the first months of 2005 AIHRC Commissioner Nadery, strongly supported by Sima Samar, prepared the AP first draft and submitted it to Spanta for the GA and Bennett for UNAMA. The inner circle of direct stakeholders opened the game to the first circle of external governmental stakeholders, involving Mariko Peters, who represented the Netherlands among potential donor countries, and Martine van Bijlert, working at the EUSRA office. Karzai

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[247] Cf. 'An Overview' cit.; AIHRC, 'Annual Report 2009', www.aihrc.org.af.

[248] ICTJ, 'Stabilizing Afghanistan' cit., p. 2. Cf. also the final recommendations (p. 3): '(1) Include implementation of the AP as one of the benchmarks the Afghan government should meet, and reference this in the final documents of the London conference; (2) Call on the Afghan government to take immediate steps to fulfil its obligation under the Action Plan, specifically in: (a) Acknowledging and memorializing the suffering of the Afghan people; (b) Building credible and accountable state institutions through reform of the judiciary, police and civil service appointments process in part by developing long-term strategies to curb abuse – notably torture, arbitrary arrest and interference in court cases – and promoting transparency and accountability in government institutions; (c) Supporting the establishment of documentation and truth-seeking mechanisms; (d) Supporting the reintegration of former combatants; (e) Establishing appropriate judicial mechanisms to hold accountable those responsible for part and current human rights violations and war crimes'.

received the draft but did not provide official comments. Then came the Hague Conference in June, granting the draft official support from an enlarged set of international governmental and non-governmental stakeholders, and the Cabinet *impasse*. In December 2006 Karzai still supported the AP, but the Amnesty Bill issue, in February 2007, changed his attitude. From then on, given the strong opposition displayed by the former mujahedin leaders, he became reluctant to effectively promote the plan and the AP core was gradually watered down.[249]

The circle of external government stakeholders which were involved in 2005 included several European countries (especially the Netherlands, Sweden and Italy[250]) and Canada,[251] whereas the United States did not show particular enthusiasm for the AP. [252] As for international organisations, UNAMA (especially its Human Rights Section, which 'was quite vocal […], even ready to challenge other branches of UNAMA which did not favour transitional justice as opposed to political settlement', according to a diplomat[253]) was very active during the Bennett time, but has scaled down its involvement since 2007, probably reckoning that the AP is too sensitive and therefore useless to solve 'the current fiasco of the government and the international community' to bring peace and reconciliation. [254] After all, as noted by an interviewee, 'the UN will always adapt to realities on the ground'.[255] UNAMA, however, strongly tried to involve not only the GA but civil society as well, for instance providing training for advocacy to a Transitional Justice Coordination Group and collaborating with the ICTJ to support the 'Participatory Theatre' initiative.[256] The EU chose to devote much energy and time to the AP especially when Frances Vendrell, former UN Secretary-General's Personal Representative for Afghanistan, took up responsibility as Special Representative for Afghanistan, until September 2008. [257] Thereafter, when Ettore Sequi, former ambassador of Italy to Afghanistan, took up the position, the EU continued to strongly focus on human rights and transitional justice issues, but decided to prudently react to new circumstances and tone down its position towards the AP.[258] Discussing in 2009 about the real possibilities of keeping the AP on

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[249] AP, IR, no. D/AP/17, Oct. 2009, 3.1. Cf. also Niamatullah Ibrahimi, 'Charting a Course for a Better Future: Responding to the Crimes of the Past', *Afghanistan, 1979-2009: In the Grip of Conflict*, The Middle East Institute, Washington, D.C., *Viewpoints* Special Ed., pp. 43-45, www.mei.edu/Portals/0/Publications/Afghan%201979-2009.pdf.
[250] AP, IR, no. D/AP/3, July 2009, 3.1.
[251] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.1.
[252] AP, IR, no. D/AP/3, July 2009, 6.1.
[253] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.1.
[254] AP, IR, no. D/AP/17, Oct. 2009, 3.3.
[255] AP, IR, no. D/AP/3, July 2009, 3.1.
[256] AP, IR, no. D/AP/3, July 2009, 3.1.
[257] Cf. Frances Vendrell, 'What Went Wrong after Bonn', pp. 29-32.
[258] AP, IR, no. D/AP/FI-85, Jan. 2010, 3.1; no. D/AP/FI-86, Jan. 2010, 3.2.

the political agenda, the EUSRA office decided to wait for the result of the presidential elections before promoting any new action or pressure on the GA.[259]

On the non-governmental side of the international community, the outstanding stakeholder was the ICTJ.[260] Although it had not organised a specific Afghanistan programme yet, it served as an extremely useful technical advisor for the whole elaboration process of the AP, providing assistance and important recommendations which were included in the final draft submitted to the approval of Karzai and the Cabinet.[261] A set of informal consultations with other possible local stakeholders and the media included some newspapers editors, Electronic Media, Tolo TV, Ariana TV, Radio Free Afghanistan, the Universities of Kabul, Herat and Jalalabad.[262] In spite of these involvement efforts displayed by the AP promoters, an interviewee from the civil society galaxy noted that the media were not effective enough to describe the project and provide a better environment for its implementation.[263]

(2) *Opposition and favourable lobbying activities.* In the drafting phase, opposition from the Afghan Cabinet to stronger statements on war criminals' accountability emerged in connection to key action 5 and likely had an impact on its final articulation in three activities – (a) establishment of a task force due to 'provide recommendations to the President for a legal, procedural and institutional framework necessary for Afghanistan's implementation of its international legal obligations' and to give 'priority to removing continued threats to peace and stability in

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[259] AP, IR, no. D/AP/2, July 2009, 3.4. On the elections see Martine van Bijlert, 'Afghanistan's Second Presidential Vote: How to Respond to a Flawed Election', *Afghanistan, 1979-2009* cit., pp. 108-110.

[260] Cf. www.ictj.org/en/where/region3/507.html: 'Since early 2002 the ICTJ has sought to partner with the AIHRC, UNAMA and civil society activists and organisations to ensure that accountability for massive human rights violations in Afghanistan is addressed in a constructive and realistic manner. In particular the Center has focused on strengthening the voices of Afghans through consultation; enabling Afghan partners to participate in ICTJ's fellowship programs and conferences on transitional justice; providing technical assistance to partners in Afghanistan; and encouraging a strategic approach to achieving accountability during a time of precarious peace. In early 2002 ICTJ Senior Associate Paul Seils conducted a mission to Afghanistan and developed a detailed proposal for public consultation to help determine a transitional justice policy for the country. The AIHRC largely incorporated the proposal into its work plan, and Senior Associate Marieke Wierda participated in preparatory trainings for the consultation and a survey in February and November 2003. The ICTJ also assisted in compiling a report, 'A Call for Justice' (2005). […] The ICTJ provided advice on the recommendations, which specify that a transitional justice policy must respect and draw upon Afghanistan's Islamic traditions while taking into account current challenges, including security. The consultation showed strong public support for prosecutions and removing war criminals from positions of power. […] The ICTJ attended in an advisory capacity' the Hague conference hosted by the Dutch Ministry of Foreign Affairs in June 2005. 'The struggle for justice in Afghanistan will be long-term, but the ICTJ has committed itself to keep contributing. Current efforts include a focus on gender issues, including training in December 2007 by senior consultant Yasmin Sooka and ICTJ consultant Fatima Ayub on documenting gender-based violations, advocacy and awareness raising, coordinating ongoing initiatives, building the capacity of civil society, contributing to victim-centered initiatives, encouraging policy-makers to prioritize accountability, and documenting past violations'.

[261] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.1; no. D/AP/17, Oct. 2009, 3.2.

[262] AP, IR, no. D/AP/17, Oct. 2009, 3.1.

[263] AP, IR, no. D/AP/16, Nov. 2009, 3.1.

Afghanistan'; (b) early clarification 'on non-amnesty' for 'perpetrators of war crimes, crimes against humanity and other serious human rights violations', in accordance with 'the lofty values of the sacred religion of Islam' and 'internationally recognised standards'; (c) capacity-building measures 'to implement the objectives contained in this Action Plan' – which gave the lead to the President's Office for the first and second activity, and the Ministry of Justice for the third one, and focused on the idea of a five-member *ad hoc* task force to be appointed by Karzai, in which UNAMA and the AIHRC would have to nominate one member each.[264]

In the following phases, the mujahedin warlords were the most powerful opposition force.[265] Although the AP was not specifically targeted at them, they were convinced of that – also because of some confusion between armed conflict and war crimes, as noticed by some interviewees[266] – and reacted, trying 'to kill it from the beginning'. Forcing the people to gather and support them in February 2007, they packed the crowds in buses and sent them to the Kabul stadium to demonstrate against the AP.[267] International NGOs and their lobbying activities were not of great help in that difficult situation. The Human Rights Watch report, for example, despite its good intentions, indirectly contributed to spread the idea that the AP mainly had to do with the mujahedin. It actually dealt with their activities in the Nineties, but the media mixed it with the AP and pictured a misleading image of the latter.[268] Since the beginning the GA was not prepared to effectively face this strong political resistance and to change the local perception of the AP as a top-bottom process promoted from outside the country.[269] After that critical phase, clear opposition de-escalated since it became unlikely that the AP could really reach its objectives in full.[270] Lack of attention therefore became the dominant attitude towards the AP – neither support nor opposition.[271] Some interviewees highlighted that insurmountable opposition to the plan was inevitable in a country that had not yet reached a post-conflict situation, and that this aspect should have been clear to the promoters from the very beginning. Developing this idea, it was noted that the United States, in particular, was not really interested in such an approach as transitional justice, believing that the mujahedin leaders' role was still too important for Karzai and his chances to stabilise the country, and fearing that the AP focus on human rights might

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[264] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.2. Cf. RSA, pp. 14-15, Key Action 5: 'Objective: In order to end impunity in Afghanistan and ensure that there will be no amnesty for war crimes, crimes against humanity and other gross human rights violations, the conditions for fair and effective justice procedures are established in accordance with the principles of the sacred religion of Islam, international law and transitional justice'.
[265] AP, IR, no. D/AP/12, Oct. 2009, 5.4.
[266] See f.e. AP, IR, no. D/AP/17, Oct. 2009, 3.2.
[267] AP, IR, no. D/AP/1, July 2009, 3.A; no. D/AP/17, Oct. 2009, 3.2; no. D/AP/5, Aug. 2009, 3.3, 3.9.
[268] AP, IR, no. D/AP/17, Oct. 2009, 3.2; no. D/AP/4, Aug. 2009, 3.10.
[269] AP, IR, no. D/AP/3, July 2009, 3.1; no. D/AP/7, Sept. 2009, 3.1; no. D/AP/8, Sept. 2009, 3.1.
[270] AP, IR, no. D/AP/12, Oct. 2009, 3.2.
[271] AP, IR, no. D/AP/2, July 2009, 3.3, 3.11; no. D/AP/13, Oct. 2009, 3.2.

later backfire to US possible violations during the war.[272] A stronger commitment by the international community to involve the warlords themselves in the AP drafting process might have had good political impact on the implementation perspectives of the project, but that was not considered viable.[273]

On the other side, at the beginning of the process, there were stakeholders lobbying in favour of the AP without being formally part of it. This was mainly part of the pro-active attitude taken on the governmental side – rather than the human rights international organisations – by the EUSRA office, the Office of the UN High Commissioner for Human Rights, the embassies of some key EU member states and Canada. International pressure matched AIHRC momentum and the mediation role of Spanta, 'who had at least the President's ear'.[274]

(3) *Selection of stakeholders*. The AP facilitators undertook wide consultation among donors, at least formally. But, as a diplomat highlighted, 'it was clear that the AP was one of many donors-led programmes to fight for space with many others'. In practical terms, 'those interested were welcome to contribute, or at least not to object'. As for different levels of consultation – public, semi-private, informal, international vs. local – the international side prevailed, whereas powerful interests predictably opposed to the AP process were not widely consulted: 'The expectation was that the international community would support the plan and that the Afghan political system would "digest" it as a matter of necessity. However, when it became clear that this was not the case, pressing for the approval of the plan became a matter of principle, rather than action'. There was no explicit decision or discussion about the exclusion of certain actors, 'as discussing that would have entailed human rights campaigners discussing military stability, which is something of a taboo still to this day'.[275]

(4) *Involvement of civil society*. The involvement of civil society had already begun with the Call for Justice project led by the AIHRC, which paved the way to the elaboration of the AP. After the initial drafting phase, which was restricted also for practical reasons, wide consultations on a national basis were launched, but rather to talk about the AP than to get feedback on its core.[276] According to a diplomat, involvement took place also 'to create awareness and produce incentives for the GA not to step back. Some media, like Tolo TV, used to challenge the

[272] AP, IR, no. D/AP/8, Sept. 2009, 3.2.
[273] AP, IR, no. D/AP/8, Sept. 2009, 3.3.
[274] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.2.
[275] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.3.
[276] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.5.

Government in many fields, would buy into that. […] Smaller civil groups espoused the initiative, but they certainly did not carry the political weight to make a difference nationally'.[277] Although the whole initiative was very inclusive, there was a kind of feeling spread in Kabul-based organisations that 'this was the AIHRC's Action Plan, instead of their own Action Plan'.[278]

(5) *Constituency representation.* Although an interviewee from the international community noted that it is not so easy in Afghanistan to check whether civil society stakeholders involved in the AP process really represent specific constituencies according to their claims, the plan was widely distributed and discussed among the "human rights" community and the "so-called democratic forces in the country". A national conference organised in Kabul in December 2005 allowed participation of local leaders and influential persons from all the regions of Afghanistan. However, it would be difficult to say that there is wide recognition of the existence of the AP in the country as a whole today.[279] A diplomat also remarked that an analysis of ethnic and regional representation in AP deliberations and participation likely took place, since UNAMA and other actors used to conduct those types of research in almost every sector,[280] but as for practical implementation this would have been basically left to the AIHRC and the GA to manage.

(6) *Initial assessment of political impact and delay reasons.* According to some civil society interviewees, the GA was mainly responsible for a weak impact assessment at the very beginning of the AP as far as reconciliation perspectives were concerned, thereby failing to provide the necessary implementation conditions in the following months and years.[281] A diplomat noted that 'the expectation was that the GA would use the AP to reconcile communities, but the Government was almost hostage to communities and their leaders',[282] and this basically undermined any realistic assessment of political impact since the beginning. An interviewee noted that delay was obviously linked to the opposition forces active against the AP. There was probably not much that could be done by Javed Danishyar, who was at that time the GA official responsible for transitional justice issues.[283] A foreign diplomat clearly acknowledged that the delay was due to the fact that 'the GA did not really want the AP and eventually launched it when it could not avoid it any longer'.[284]

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[277] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.5.
[278] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.2.
[279] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.6.
[280] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.6.
[281] AP, IR, no. D/AP/6, Aug. 2009, 3.8.
[282] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.8.
[283] AP, IR, no. D/AP/10, Sept. 2009, 3.9.
[284] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.9.

C.2.4.2 Evolution

(7) *Partial implementation of the AP five key actions.* Some interviewees from civil society reckon that setting a timeframe of three years showed a certain lack of realism since the very beginning.[285] The GA selected a day to commemorate the victims, in order to show that it really meant to implement the AP,[286] but then it did not celebrate it. As a consequence, even that specific activity, and in general key action 1, practically remained on paper.[287] As for the other key actions, the absence of substantial collaboration by Karzai and members of the Cabinet and the Parliament prevented real development, so that the plan as a whole was 'disregarded and still there is no justice for the people of Afghanistan', declared an interviewee.[288]

It should be noted as a very significant feature of the AP, however, that activities for which the AIHRC – alone or in collaboration with the Office of the UN High Commissioner for Human Rights or other organisations – was due to take the lead were partially implemented, especially within key action 3, 'Truth-seeking and documentation', and its activities (a) and (e).[289] Furthermore, the fact that President Karzai officially launched the AP on 10 December 2006 should be considered an achievement *in se.*

Finally, an interviewee noted, debate on the short timeframe initially assigned to the AP has recently produced the idea that the AP will not end until it reaches implementation, thereby transforming the notion of a failed programme into that of a reference paradigm for future action regarding transitional justice in the country.[290]

(8) *Impact of the Amnesty Bill on AP membership dynamics.* Even if an interviewee expressed the bitter opinion that the Bill changed nothing since it merely mirrored a reality of perpetual impunity in

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[285] AP, IR, no. D/AP/10, Sept. 2009, 3.10; no. D/AP/FI-94, Sept. 2009, 3.10.
[286] RSA, p. 12, Key Action 1, 'Acknowledgment of the suffering of the Afghan people', Activity (a), 'Assignment of a National Remembrance Day'.
[287] AP, IR, no. D/AP/12, Oct. 2009, 3.1.
[288] AP, IR, no. D/AP/17, Oct. 2009, 3.10.
[289] RSA, pp. 13-14, Key Action 3, 'Truth-seeking and documentation', (a) 'Initiate a consultative process seeking views on truth-seeking mechanisms from civil society, academia, community leaders, religious leaders, etc. to formulate recommendations for a truth-seeking mechanism in Afghanistan, giving special consideration to the participation of women in the consultation and how to deal with gender-based violence and other crimes against women'; (e) 'Increase and accelerate efforts to document past human rights abuses during the conflict in Afghanistan, including on gender-based violence, to complement and enrich the existing work'. Cf. also AP, IR, no. D/AP/1, July 2009, 3.10; no. D/AP/6, Aug. 2009, 3.10.
[290] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.10.

the country, [291] it certainly had a devastating impact on the perspectives of substantial collaboration between the GA, on one side, and the other AP stakeholders. While it went back and forth between the Parliament and Karzai, it paralysed all key actions and activities for which the GA had to take the lead. After it was finally published in the Official Gazette to become a Law, relations among AP stakeholders were modified and the AIHRC had to focus even more on civil society involvement to keep up hopes of having new deadlines adopted for the implementation of the plan.[292]

(9) *The role of international actors for the extension of the AP*. International pressures mainly aimed to offset and correct Karzai's slow implementation pace regarding the AP but did not have enough leverage to overcome his reasonable conviction that trying to go beyond mere lip-service to the plan would alienate support of prominent government members or mujahedin warlords having key responsibilities in the administration. The United States could have done much more to force implementation but did not deem it opportune, thereby undermining success chances of other governmental and non-governmental members of the international community. The AIHRC tried at least to modify the deadlines initially set for the AP, and its efforts for civil society involvement, combined with UNAMA pressures, [293] helped to demonstrate that transitional justice objectives still deserved a respite beyond 2008.[294] A wait-and-see attitude was adopted in Summer 2009, because of the presidential elections, by the EUSRA office and other members of the international community, convinced that 'the AP is still valid, maybe it is not perfect, but nothing has changed since its inception. The five key actions are quite clear. We can still extend the deadline'.[295]

Officers working for international organisations generally reckon that although the frequent personnel turn-over does not help institutional memory and foreigners may seem no more interested enough in the AP, some embassies in Kabul are duly engaged in transitional justice issues, share information and organise coordination meetings. For instance, the EU human rights and gender working group meets on a monthly basis.[296] Extending the AP, noted an interviewee, is a way of facing a typical problem of the international community in post-conflict situations, i.e. focusing commitment and funds on long-term programmes to ensure youth education, social

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[291] AP, IR, no. D/AP/3, July 2009, 3.11.
[292] AP, IR, no. D/AP/17, Oct. 2009, 3.11; D/AP/1, July 2009, 3.11; no. D/AP/11, Oct. 2009, 3.10; no. D/AP/6, Aug. 2009, 3.11; no. D/AP/5, Aug. 2009, 3.11.
[293] AP, IR, no. D/AP/1, July 2009, 3.12.
[294] AP, IR, no. D/AP/17, Oct. 2009, 3.12.
[295] AP, IR, no. D/AP/2, July 2009, 3.10, 3.12.
[296] AP, IR, no. D/AP/2, July 2009, 3.10.

progress and protection of human rights rather than short-term initiatives which may satisfy home constituencies in donor countries but do not have sustainable impact on future reconciliation, stabilisation and peace. The international community should 'be very supportive to listen and observe, and finally assist with patience and passion'.[297]

This attitude could open new chances for the direct or indirect implementation of the AP key action 4, 'Promotion of reconciliation and national unity', or at least of some of its five activities: '(a) Initiate a public debate on national reconciliation in Afghanistan in order to promote awareness on the need to reconciliation, the need to a culture of tolerance and the need to accountability and the promotion of the culture of forgiveness and avoiding revenge and violence; (b) In support of this process a conference on reconciliation, drawing from experiences in other countries and lessons learnt will be organised; (c) Support conflict resolution initiatives and explore the establishment of reconciliation committees within existing structures, such as the Provincial and District Councils, and through pilot projects with possible methods (reconciliation gatherings, mediation, dispute resolution, reparation, etc.); (d) Seek possibilities to incorporate peace and reconciliation messages in the education curriculum and also training on the rights of citizens and human rights and avoiding violence by the military, police and civil service. Prevent the use of educational and training materials containing discriminatory, partisan or violent messages. Involve teachers and students in the victim acknowledgement and truth seeking processes; (e) Encourage the return and re-integration into society of all Afghans, through a range of programmes such as the Disarmament, Demobilisation and Reintegration programme (DDR), Disarmament of Illegal Armed Groups (DIAG) and the Strengthening Peace Programme, and ensure the equal treatment of all Afghans in terms of reconciliation and justice'.[298]

C.2.4.3 Composition and internal operation

(10) *Membership, governance rules and CRB.* The decision-making process of the AP was designed as a part of the reconciliation strategy and the facilitators, clearly having in mind the conflict sensitivity of the AP, developed a debate on its impact on political stability. The result, according to a diplomat, 'was an understanding [among donors] that the process could not be really viable as long as key warlords would not be granted pardon'. Decision-making was meant to be

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[297] AP, IR, no. D/AP/2, July 2009, 3.10, 3.12.
[298] Cf. RSA, p. 14.

inclusive, not just conducted among like-minded facilitators, but 'there was a lot of wishful thinking among donors'.[299]

Another voice from the international community defined the main problem at stake in relation to membership and governance rules of the AP as follows: 'The AP was not seen as a project. It is a political document. This phase of creating a mechanism' has never taken place and that explains current efforts on transitional justice issues, which go beyond the AP itself.[300] In other words, declared another interviewee, the AP was a political tool to ensure transitional justice and accountability for past crimes: that was its primary goal, not reconciliation *in se*, and its membership and governance rules derived from that.[301]

With specific reference to one of the AP outputs, i.e. the formation of a TJ Group in February 2009 (composed of the AIHRC and local civil society organisations, and paralleled by a TJ donor group, which met the former for the first time on 20 July 2009), its membership is based on open invitation.[302]

As for women inclusion, the representative of an international organisation remarked that the activities directly or indirectly linked to the AP have involved many women, due to the fact that Afghan women have suffered a lot, so that 'men are participating actively but only some women are brave enough to come forward in support of the AP'.[303]

(11) *Agenda, resource allocation and decision-making process.* A voice from civil society remarked that the AIHRC and the GA were the most important stakeholders for agenda-setting at the beginning of the AP, but since the AP has had no real significance for peacebuilding and reconciliation in Afghanistan so far, it would not be appropriate to use the term "agenda" itself: 'It is only paper, nothing else'.[304] A diplomat remarked that 'discussion on many issues in Afghanistan, already at that time, was watered down by the consideration of "what was really possible" to do, in spite of the ideals at stake'.[305] According to a AIHRC officer, however, one should positively acknowledge the fact that some activities were at least partly implemented and that the agenda for them was built upon the tight interaction between the AIHRC, local civil

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[299] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.13.
[300] AP, IR, no. D/AP/3, July 2009, 3.13.
[301] AP, IR, no. D/AP/FI-94, Sept. 2009, 3.6.
[302] AP, IR, no. D/AP/1, July 2009, 3.13.
[303] AP, IR, no. D/AP/3, July 2009, 3.17.
[304] AP, IR, no. D/AP/6, Aug. 2009, 3.14.
[305] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.14.

society organisations (advocating the AP but not actively campaigning), international governmental organisations (especially UNAMA and EUSRA), donor countries (mainly the Netherlands, Scandinavian countries, Canada, Australia etc.) and international NGOs such as the ICTJ, United States Institute of Peace (USIP), Human Rights Watch, Amnesty International.[306]

AIHRC officers remarked that, whereas the Commission is supported by donors, there is no specific funding earmarked for the AP.[307] Voices from the diplomatic environment noted that dependence on external finance certainly limited the role of local organisations and partially undermined the credibility of the full process with certain political groups: 'That was the suspicion, especially on the Afghan side: that groups supporting the AP were actually bought by foreign money'.[308]

(12) *Local-international stakeholders interactions*. The AIHRC plays a key mediation role between the international community (donor countries, international governmental and non-governmental organisations) and the local civil society. As noted by an interviewee, 'building up an institution is difficult, especially in a context of jealousy, bitterness, lack of trust'. Even if international financial aid has mainly focused on the AIHRC so far, 'we still have to work a lot to close the gap between the AIHRC and civil society', aiming to the final objective, i.e. 'supporting civil society' as a whole.[309] UNAMA efforts to promote the TJ coordinating group give an example of this trend. Other stakeholders such as the Open Society Institute, USIP and the ICTJ have been very active since the beginning in this experience, which is based on donor-led thematic meetings focused on Afghan civil society participation.[310] It should be noted, however, that according to some interviewees the substantial failure of the AP was also due to the fact that since the very beginning some external stakeholders in the international community were not genuinely inclined to deny their direct or indirect support to certain individuals – warlords or even war criminals – who played a key role in the Karzai administration and could allegedly guarantee the stabilisation of the country and thus the protection of foreign interests.[311]

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[306] AP, IR, no. D/AP/1, July 2009, 3.14.
[307] AP, IR, no. D/AP/1, July 2009, 3.15.
[308] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.15.
[309] AP, IR, no. D/AP/2, July 2009, 3.12.
[310] AP, IR, no. D/AP/2, July 2009, 3.12.
[311] AP, IR, no. D/AP/12, Oct. 2009, 3.18; no. D/AP/10, Sept. 2009, 3.18; no. D/AP/13, Oct. 2009, 3.18.

C.2.5 Impact by definition?

Examining the AP impact on its members, with an open approach that has included in the category not only the AIHRC, the GA and UNAMA, but also the first "external" cluster of supportive stakeholders – i.e. donor countries representatives, governmental and non-governmental international organisations – the key underlying hypothesis for RQ 2.4 (how has participation in the AP impacted on its members, in relation to their roles, capacities, empowerment, interests and vulnerabilities relating to peacebuilding in Afghanistan; empowering vulnerable people and communities and promoting their participation in public life; CRB? To what extent, and in what ways, have these impacts depended on the characteristics of the AP?)[312] has been that the AP case might prove quite interesting in three specific research areas: (a) group representation, including how representatives performing as AP stakeholders are chosen and the respective constituencies-"negotiators" interaction (especially relevant for the AIHRC and the GA from the MULTIPART viewpoint); (b) the impact of AP membership on the Afghan community perception of – and attitudes to – chosen or self-proclaimed representatives (for the Afghan stakeholders) and to international actors; (c) the "double-spiral" linkage between intra-group and inter-group conflict dynamics, with specific attention paid to MSPs and their genetic "DNA" as an interpretative key both *tout court* and above all, from the MULTIPART viewpoint, for partly or totally unsuccessful CRB attempts in post-conflict contexts.

The key issue emerging from compared examination of semi-structured interviews and available secondary sources is whether it is possible – and useful for the sake of generalisation – to introduce the concept of "impact by definition" or "intrinsic impact" for members in the AP case. According to this interpretative line, the mere fact of participating in the AP, independently from the chances, before, and the actual result, later, of either failure or success for the MSP, might be considered and, for future developments, might actually prove to have been an important source of impact on the peacebuilding/empowerment potential of (a) the AIHRC and the GA (and also of UNAMA, from a different perspective, mainly in terms of local negotiating power *vis-à-vis* local and international counterparts), i.e. the inner circle of original stakeholders, as well as of (b) the first "external" cluster of supportive stakeholders. This also introduces the distinction between formal and substantial membership in a MSP and the point that direct proportionality between actual engagement and full enjoyment of collateral or direct impacts may

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[312] RSA, p. 7.

be easily confined into the world of wishful thinking and self-reassuring report-writing of some international agencies and nation-state diplomacies.

(a) *Impact on the roles and capacities of specific organisations.* Even if the main AP activities failed, the fact that the plan was set up and put in motion had an important impact on the AIHRC role, both at the central and peripheral level. Officers in Kabul and in the provinces trained personnel, organised workshops and seminars, built relations with civil society organisations due to collaborate with the AP key actions. Notwithstanding the present stalemate, this process is still going on, thereby representing a durable heritage of the project.[313] Although some interviewees from civil society reckon that the AP has had no real impact on the roles and capacities of their organisations,[314] other representatives are convinced that training personnel to collaborate with its implementation, as well as organising workshops and seminars linked to transitional justice issues, gave an important incentive to their activities at any rate.[315] Some participants in the MULTIPART roundtable debates organised in Kabul in January 2010 remarked that a general strengthening process of civil society in Afghanistan, also 'using the experiences of other countries' in capacity-building, would have been and would still be an indispensable precondition for effective implementation of the AP and transitional justice in the country, rather than the reverse process, i.e. expecting the AP to effectively boost the potential of civil society.[316]

On the governmental side, as many interviewees have confirmed, the GA never showed any real and proactive interest in the AP, which makes it difficult to conclude that the plan has had any direct impact on its internal dynamics, roles and capacities.[317] As a participant in the roundtable debates noted, the GA 'needed to act according to the AP' but, at the same time, had to seek its own survival 'by not implementing' it. This factor had an impact on the management itself of the plan: 'There are persons who work for the AP and for the transitional justice programme without being aware of their responsibilities […] and daily activities'.[318]

(b) *Impact on the empowerment of specific organisations.* The AP has certainly given a degree of empowerment to the AIHRC and other sectors of Afghan civil society, and the financial aid granted by the international community to the AIHRC was crucial to give momentum to this

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[313] AP, IR, no. D/AP/14, Oct. 2009, 4.1. See also AP, RT, Part 1, p. 2.
[314] AP, IR, no. D/AP/11, Oct. 2009, 4.1; no. D/AP/6, Aug. 2009, 4.1.
[315] AP, IR, no. D/AP/8, Sep. 2009, 4.1.
[316] AP, RT, Part 1, p. 1; Part 2, pp. 13-14.
[317] AP, IR, no. D/AP/3, July 2009, 4.1; no. D/AP/5, Aug. 2009, 4.1.
[318] AP, RT, Part 2, p. 11.

process.[319] As a prominent representative described the current situation, Afghan organisations now feel more responsible and less afraid of raising their voices against the GA, whereas people in power know that they are more closely monitored and that, although they can still decide to ignore or discard plans like the AP, at the same time they may not reciprocate by violent means, but rather have to cope with civil and social problems within tighter margins of accountability.[320] UNAMA and other external stakeholders have tried to facilitate the implementation of the AP also connecting civil society organisations to potential and actual donors, thereby pushing up their chances of empowerment and fund-raising.[321] A participant in the roundtable debates listed a series of achievements reached in working with the war victims (a book on their stories, a magazine, briefing sessions, medical facilities and psychological support, dissemination activities) and clearly stated: 'The AP has had remarkable effects on our organisation. […] We were benefited by its approval'.[322]

C.2.6 Partial impact notwithstanding substantial failure

According to the specific underlying hypothesis initially formulated for the AP within the RQ 2.5 cluster of secondary research questions (what have been the AP's impacts on external stakeholders and potential beneficiaries, in relation to: peacebuilding in Afghanistan; empowering vulnerable people and communities and promoting their participation in public life; CRB? To what extent, and in what ways, have these impacts depended on the AP's characteristics, e.g. its multi-stakeholder character; its specific membership; its internal procedures, capacities or decision-making mechanisms; etc.?),[323] a sharp distinction should be drawn between the impact reached by the AP in relation to (a) a specific human security indicator like "freedom from fear" for long-hand beneficiaries (single victims of human rights violations and war crimes, vulnerable people in general, organised groups of victims, etc.) and (b) a measurable degree of empowerment reached by grass-roots and higher-level civil society organisations active in the field of human rights, transitional justice and accountability, on one side; and, on the other, (c) the AP short-term impact on the Afghan political process and (d) the AP interaction with state-

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[319] AP, IR, no. D/AP/9, Sep. 2009, 4.5.
[320] AP, IR, no. D/AP/17, Oct. 2009, 4.2; no. D/AP/3, July 2009, 4.2.
[321] AP, IR, no. D/AP/3, July 2009, 4.3.
[322] AP, RT, Part 2, pp. 12-13.
[323] RSA, p. 8.

building and peacebuilding expectations of the international community against the background of a longer-lasting process.

A comparative analysis of semi-structured interviews and available secondary sources suggests that, on the first side, the AP very scarce implementation rate and slow operation pace have certainly generated disillusionment rather than momentum.[324] Some AIHRC officers remarked that 'the failure of the AP had a negative impact on the victims' and that the Commission even 'lost its image and reputation', since people who were ready to submit petitions and complaints at the beginning of the plan do not trust the AIHRC any more, given the scarce outcomes of the AP activities in spite of the 'high international standard' of the draft and the hopes it had raised.[325] According to some interviewees, the substantial failure of the AP disappointed most international stakeholders, who lost their trust in the GA readiness to adequately cope with transitional justice issues.[326]

Within this framework, cases of further empowerment experienced by single individuals and groups or by specific civil society sectors and organisations along the AP implementation period should therefore be considered independent from the MSP impact and linked to inner stamina dynamics or alternative processes involving those potential or *façade* beneficiaries. A participant in the roundtable debates clearly described how beneficiary groups perceive the AP impact: 'Unfortunately the accomplished AP activities are not sufficient, and the State could not do anything regarding the AP', especially for its sections insisting on accountability. 'The only achievement is our organisation. A coordination group has been established, whereas previously organisations worked separately and there was no coordination'.[327] Another participant added that 'recent achievements bring hopes that, if there are claims by the war victims, they will have some effect and will be listened to by the State'.[328]

On the second side, the AP has clearly had an impact, although much lower than expected, on the Afghan domestic and foreign policy processes. Furthermore, the fact that the MSP has been formally extended beyond the original 2008 deadline, combined with the new political circumstances set by the presidential elections in Summer 2009, invites to take into account the

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[324] See e.g. AP, IR, no. D/AP/4, Aug. 2009, 3.16, 4.1; no. D/AP/9, Sep. 2009, 4.5, 5.1; no. D/AP/16, Nov. 2009, 4.1, 4.2.
[325] AP, IR, no. D/AP/15, Oct. 2009, 5.3, 5.6; no. D/AP/3, July 2009, 5.1; no. D/AP/16, Nov. 2009, 5.3.
[326] AP, IR, no. D/AP/16, Nov. 2009, 5.1.
[327] AP, RT, Part 2, p. 10.
[328] AP, RT, Part 2, p. 11.

possibility of longer-term impacts in the second decade of the century, of which the AP could be considered the original root or, alternatively, an obsolete model.

It could also be argued that the failure of the AP has made political reconciliation more difficult in perspective, since it has nourished forms of reciprocal distrust and disenchantment not only within the circle composed of the original stakeholders and their immediate "neighbours" – the GA, UNAMA spearheading the international community, and the AIHRC representing civil society – but also in the relations between this circle and important components of the Afghan society which may not be excluded from any future reconciliation process, i.e. the mujahedin and the Taliban.[329] In tune with this idea, an interviewee suggested that relevant changes should be introduced in the original plan to adapt it to present needs.[330]

C.2.7 Do international actors make a difference?

This cluster of RQ 2.6 secondary research questions (how has the participation or support of international actors, including the EU, affected the AP in relation to its development, operation, sustainability and impacts? What are the lessons for how the EU and other international actors should support or participate in MSPs?)[331] touches a number of key issues at the core of international relations. The underlying hypothesis for the AP case study is that the international bond intrinsic to this MSP not only was a determinant factor for its initial composition and nature but also has deeply affected its operational margins and the extent to which fixed objectives have remained on paper instead of generating the expected impacts in terms of human security and empowerment of civil society beneficiaries via transitional justice and accountability measures.

Although a number of diplomats predictably support the idea that what was done in 2005-08 was the maximum one could obtain in extremely difficult circumstances, other collected data and the interpretation of secondary sources allow to understand how international pressure on the GA has lacked the necessary co-ordination and lasting momentum in order to have the Karzai government resolve the cost-benefits dilemma between self-preservation and cunning political mediation, on one side, and implementation of the AP declared actions and objectives, on the

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[329] AP, IR, no. D/AP/16, Nov. 2009, 5.5.
[330] AP, IR, no. D/AP/8, Sep. 2009, 7.1.
[331] RSA, p. 9.

other, in favour of sustainable accountability of its own authority and effective transitional justice actions, notwithstanding the AIHRC efforts and recurrent calls from civil society organisations.

International pressures, according to some interviewees, have also been weakened by oscillating attitudes and behaviours taken by domestic actors influencing certain donor countries' policies, as well as by differences among some of those countries regarding the ultimate objectives of their specific (national diplomacies) and collective (international governmental organisations) role in Afghanistan. [332] Non-governmental international organisations, notwithstanding their dedication, have proved not to be strong enough to fill themselves the wide gaps left by international governmental action.

(a) *The role of specific international actors*. Interviewees have generally remarked that the EU gave appropriate "space, time and authorisation" to Martine van Bijlert during the initial drafting phases of the AP, and remained thereafter an active supporter of the plan. However, it also had to take into account changing attitudes in Washington. At the beginning, the US had shared strong interest in the stabilisation of the country through a genuine process of transitional justice, but gradually it began to modify priorities in its agenda *vis-à-vis* the Karzai government and reduced its commitment to the AP implementation, thereby weakening the EU position and its leverage power.[333] Transitional justice in Afghanistan, according to a diplomat, 'was treated in a "residual" way – as long as other circumstances allowed it to be applied. This made it impossible to apply it'. So it is true that the EU, and especially some Dutch officials, played a relevant role to support the AP, and that specific EU policies – e.g. for the development of the Afghan media – had significant impact; the EU, however, 'should have been stronger vis-à-vis the US in pressing [for transitional justice] in the early stages of the Afghanistan intervention', paid a heavy price for its lack of a single voice on these issues, and 'came to be seen as partial by Afghan interlocutors, although it was praised by Western actors' for the same supportive attitude.[334] Strongly engaged in transitional justice issues, the EU anyway keeps on providing significant funding to some civil society organisations in that sector.[335]

The role of UNAMA, ICTJ, USIP and Open Society has also been highlighted,[336] as well as the relevant action displayed by the Office of the UN High Commissioner for Human Rights, 'quite

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[332] See e.g. AP, IR, no. D/AP/6, Aug. 2009, 6.1.
[333] See e.g. AP, IR, no. D/AP/17, Oct. 2009, 7.1.
[334] AP, IR, no. D/AP/FI-84, Dec. 2009, 6.1.
[335] AP, IR, no. D/AP/4, Aug. 2009, 6.1, 7.1.
[336] AP, IR, no. D/AP/5, Aug. 2009, 6.1; no. D/AP/4, Aug. 2009, 6.1.

vocal and supportive, but aware [that it] was clashing with big political interests also in the international arena'. On the contrary, NATO was not designed to take a leading role, 'nor could it have had one, due to political constraints and to the assumption that it was supporting, rather than directing, the GA'.[337]

Some interviewees argued that international donors should have adopted, and could still adopt, a clearly conditional funding attitude in order to force AP stakeholders, and specifically the GA, to implement the key actions of the plan.[338] Other interviewees and participants in the roundtable debates preferred to point out that divergent attitudes and policies by foreign countries, as well as lack of coordination among them, contributed to the AP failure: 'The international community has a variable policy regarding justice in Afghanistan. […] Pragmatism should stop', somebody remarked. Another voice highlighted that 'Afghanistan was not prepared to design such a programme. […] We are still in war conditions. Due to the existing war and the presence of the criminals in the Government the AP failed and civil society could not implement it. […] The war criminals were supported and saved in power. […] The US supported some of these criminals for they were expected to achieve some purposes for the US in Afghanistan'.[339] Another participant declared: 'The international community paid less attention to the AP in comparison to other issues: reconstruction, education, health. This caused the AP to be less effective. […] With the full support of the international community, the State should act against the criminals who have dominant authority inside the State itself, and facilitate the implementation of the AP'.[340]

(b) *Local-international interactions*. A foreign diplomat stroke the following balance of the international community's flawed approach to the AP: 'Divisions among foreign donors did not help. The Dutch pro-activity in the process – and the involvement of Nordic countries – was widely perceived in the international community as a matter of legitimate "state interest" in looking for an area of privileged action in the international arena. All the more so, since wider reconstruction programmes (for the army, police, judicial sector, counter-narcotics and disarmament) had been divided among G8 countries. The AP, moreover, tended to create friction with those other sectors: judicial reform ("is transitional justice part of the national justice sector or something different?"), disarmament ("how can you convince warlords to

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[337] AP, IR, no. D/AP/FI-84, Dec. 2009, 6.1.
[338] AP, IR, no. D/AP/12, Oct. 2009, 7.1; no. D/AP/4, Aug. 2009, 7.2. Cf. also AP, RT, Part 1, p. 8.
[339] AP, RT, Part 1, pp. 1, 9. See also AP, IR, no. D/AP/10, Sept. 2009, 3.2.
[340] AP, RT, Part 1, p. 6. See also p. 7. Cf. IR, no. D/AP/FI-91, Jan. 2010, 6.1.

disarm if they feel threatened") and the role of the army and police ("who will capture the offenders?"). To sum up, difficulties over the AP stemmed, among other things, also from confusion in the international community and different strategies for the stabilization of the country'.[341] Therefore, there was potential for an inclusive process of reconciliation in 2002-09 in Afghanistan, 'but this would have required international donors to agree on a clear platform in advance and decide to subordinate funding to compliance with certain rules, namely, reconciliation and disarmament. It would have also required donors to avoid competition among themselves by cross-funding groups and therefore increasing fragmentation. Paradoxically, communal fragmentation became a sort of leverage and hindered reconciliation and further increased "patronage" by foreign donors'.[342] The AP became perceived 'as a foreign discourse and something that needed to be addressed, somehow, to keep the donors happy, but without breaking the internal ruling pacts'.[343] Some local stakeholders, therefore, intentionally played different games with different international actors, 'starting from Members of Parliament, in order to gain resources and influence from international donors against rivals'.[344]

This viewpoint was confirmed, with different nuances, by participants in the roundtable debates: 'People lost their trust and think that the international community is playing politics with them'. So, although 'the policies and programmes of transitional justice depend on the support of the international community', it is the Afghan civil society that should 'push the international community to enforce the GA' towards changes and adjustments in the AP consistent with the current situation in the country.[345] A participant noted that 'there are various religions and cultural differences in Afghanistan, for example in some places revenge is a kind of tradition, whilst the AP emphasizes peace and justice [...]. Therefore, there is need for coordination between different cultures. The international programmes should support this coordination process'.[346] If pragmatism convinced the international community to establish and support the GA, another participant noted, donor countries should now understand that only a government genuinely committed to truth-seeking and justice could implement a programme such as the AP.[347] This viewpoint was partly shared by the representative of an international organisation, who highlighted that the international community should act in tight coordination with an ever stronger Afghan civil society to get the most out of the GA on transitional justice issues,

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[341] AP, IR, no. D/AP/FI-84, Dec. 2009, 1.1.
[342] AP, IR, no. D/AP/FI-84, Dec. 2009, 2.1.
[343] AP, IR, no. D/AP/FI-84, Dec. 2009, 3.1.
[344] AP, IR, no. D/AP/FI-84, Dec. 2009, 6.3.
[345] AP, RT, Part 1, p. 2.
[346] AP, RT, Part 1, pp. 3-6.
[347] AP, RT, Part 2, p. 15.

especially in the current situation, which seems to leave those issues out of the main political focus.[348]

A recent statement released on 10 December 2009 by Afghanistan Watch, prominent representative of civil society in the country, deserves to be quoted as a conclusive line on this mix of local and international pressures as the only viable opportunity to support transitional justice in Afghanistan:

> Despite its official launch, the Afghanistan State has failed to fulfil its obligations under the AP. We call on President Karzai to announce a fresh commitment to build sustainable peace and genuine national reconciliation by reinvigorating the AP. Fighting the pervasive culture of impunity must be a top priority of the international intervention and assistance in Afghanistan. The history of the past eight years should have clearly shown that peace, stability and social and economic development can be sustained only if they are based on justice, respect of human rights of the people of Afghanistan and genuine reconciliation that addresses the underlying causes of conflict and instability. There are growing calls for political settlements and negotiations with the insurgents. This process has so far lacked the necessary transparency and has mainly been conceived as a response to the spread of insurgency and escalation of the war. We urge all domestic and international stakeholders to ensure justice, transparency and accountability and broadest possible participation and involvement of the civil society in the process.[349]

C.2.8 Theory and reality of the EU common foreign and defence policies

The cluster of RQ 2.7 secondary research questions (how can EU and its member states' policies and programmes better support and co-operate with MSPs in countries emerging from armed conflict in order to promote peacebuilding; empowering vulnerable people and communities and promoting their participation in public life; CRB?),[350] due to support subsequent stages of MULTIPART, has been built upon an underlying hypothesis that may be applied to the AP case but is also very interesting from a more general point of view, since it focuses on the non-EU perception of EU foreign and defence policies, on the complex set of interactions that the EU "presence" in post-conflict contexts may set in motion or just let itself be involved in without specific leading intentions, and on the weight and significance of EU external or direct support for MSPs. In particular, research has tried to check whether the EU attitude and action *vis-à-vis* the AP (a) has been either weakened or strengthened by single or multilateral member states'

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[348] AP, RT, Part 2, pp. 16-17.
[349] 'Remembering the Victims. Statement of Afghanistan Watch on the 10th of December, the Universal Human Rights Day and Victims Day in Afghanistan', www.watchafghanistan.org. Cf. also Abdul Jalil Benish, 'Impunity and Instability: An Unbroken Circle', *Afghanistan, 1979-2009* cit., pp. 46-48.
[350] RSA, p. 10.

initiatives in Afghanistan; (b) has effectively contributed to peacebuilding and CRB; and (c) has produced meaningful leverage for future interaction with local and international counterparts to enact EU policies in the country, with particular reference to the defence of the state of law and the protection of human rights.

Perception of the EU role. Some interviewees remarked that the EU should have been more vocal in supporting the idea that the AP was just the first indispensable step towards democracy in Afghanistan.[351] Other representatives of civil society organisations noted that the EU should take a firmer position in order to support stabilisation in the country and encourage the government to implement transitional justice and other needed policies and reforms.[352] A diplomat clearly stated that the EU policies and programmes have not sufficiently encouraged the AP, and noted that the EU and its member states have not been able to play a role easily distinguishable from the US approach to Afghanistan in the George W. Bush years, 2001-2008. 'The problem was "to be in Afghanistan" and share in the task of rebuilding the country as letting the US do that alone would have cancelled the role of the EU and its member states on the world stage. Yet, the collective failure imposes a rethinking of the entire approach'.[353] A more softened view, given the official circumstances, was expressed by Ambassador of Sweden Svante Kilander in a consultative meeting on the obligations of Afghanistan under the International Criminal Court held in October 2009: 'Sweden as chair of the European Union', he said, 'is committed to strengthening Afghanistan civil institutions, implementing the AP, securing peace and justice and implementing ICC. [...] The European Union holds that the rule of law, securing peace and justice is vital to Afghanistan and they need to be strengthened. [...] Impunity from punishment is not acceptable and no one entitles impunity'.[354]

Peacebuilding, empowerment and CRB. In order to better promote peacebuilding in Afghanistan, remarked a diplomat, the EU should have created a Trust Fund and used it in co-operation with the UN.[355] The EU as an international actor may effectively contribute to empower vulnerable people and communities in Afghanistan, and promote their participation in the country's public life, 'only if member states agree on sharing their prestige and co-ordinating their actions'.[356] The

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[351] AP, IR, no. D/AP/3, July 2009, 7.1.
[352] See e.g. AP, IR, no. D/AP/5, Aug. 2009, 7.1.
[353] AP, IR, no. D/AP/FI-84, Dec. 2009, 7.1, 7.6.
[354] Husain Moen and Ahmad Zia Mohammadi (Afghanistan Watch), 'International Criminal Court (ICC) in Afghanistan', p. 10, www.watchafghanistan.org/files/Report_English.pdf. See also Sima Samar's presentation, ibid., pp. 14-15.
[355] AP, IR, no. D/AP/FI-84, Dec. 2009, 7.3.
[356] AP, IR, no. D/AP/FI-84, Dec. 2009, 7.4.

EU and its member states have contributed to CRB in Afghanistan, 'but not effectively. The main reason is that they have been competing all the time in the face of constraints, sometimes even throwing mud at each other to explain their collective inability'.[357] In order to better support and promote CRB in the country (and elsewhere), 'the EU should set development programmes where member states can buy into, making it easier to see a global European role both for the local government and other international players'.[358]

C.2.9 Final remarks

Participants in the roundtable debates organised in Kabul in January 2010, including foreign and Afghan academics, representatives of civil society and the international community, offered some final remarks to assess the significance of the AP against the background of a deteriorating security situation in Afghanistan during the last few years.

They reacted to some questions such as: (a) Is the time really ripe in Afghanistan for transitional justice and for the protection of day-by-day violations of human rights? (b) Is it already possible for the Afghan "national" community to reshape a shared perception of the past? (c) How can the AP and its non-Afghan supporters better help these two long-term reconciliation processes? (d) What do you expect from the EU?[359]

Among other answers, participants noted that (a) one of the most difficult challenges the country is facing today is given by the diffusion of a culture of impunity, a process which may be easily linked to the difficulties met by the AP;[360] (b) however, the time would remain ripe for transitional justice if the country took full advantage of the support offered by the international community in that sector, if international donors accurately evaluated the AP performance, action by action, and wished to use their leverage *vis-à-vis* the GA by economic and other means to adjust and implement the plan, and if the deadline for implementation could be postponed for a long period;[361] (c) a step-by-step approach to an improved situation in the country should aim at achieving security in its various 'social, economic, cultural' dimensions and obtaining

[357] AP, IR, no. D/AP/FI-84, Dec. 2009, 7.5.
[358] AP, IR, no. D/AP/FI-84, Dec. 2009, 7.7.
[359] Cf. AP, RT, Powerpoint Presentation, Part 3, 'Open Debate'.
[360] AP, RT, Part 3, pp. 18, 20.
[361] AP, RT, Part 3, pp. 18-20.

accountability on the government's side through tight interaction with civil society and the international community, thereby allowing the victims and all the citizens to stand up for their rights, without feeling threatened by the same State which should protect them;[362] (d) therefore, the enforcement of law in the country and the gradual improvement of security and human rights awareness among Afghan citizens through civil society advocacy and activities would be essential preconditions for any substantial progress in transitional justice issues and future CRB.[363]

Following this line of debate a participant quoted the specific case of Malalai Joya, a well-known Afghan Member of Parliament, author of a book related to transitional justice core issues, and noted that she was supported by the international community and civil society but could not continue her struggle and eventually left the country to protect her own security.[364] Another participant remarked that in any case 'peace is the main priority in Afghanistan' and after quoting inter-tribal and inter-communal rivalries concluded: 'We can have sustainable peace in Afghanistan if we stop blaming tribes and population. The individuals responsible [for war crimes] should be identified' and punished, and that should be the main reference point to build lasting peace and human security in the country.[365]

The EU role was briefly touched during the debate, when a participant highlighted that 'the EU and the international community should be extremely accurate' in evaluating the results of activities and projects linked to the AP and to the other human rights and transitional justice issues, in order to avoid corruption and duly check that the rights and interests of the victims remain the priority.[366]

A very simple and very interesting comment, indeed, on the expectations of the Afghan civil society *vis-à-vis* future EU attitudes in the country. All the more so, if one considers how perspectives of reconciliation, reintegration and even inclusion have recently become part of the diplomatic discourse on the Taliban,[367] whereas this was not the case – at least in practical terms,

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[362] AP, RT, Part 3, pp. 21-23.
[363] AP, RT, Part 3, pp. 23-24.
[364] AP, RT, Part 3, p. 24.
[365] AP, RT, Part 3, p. 26.
[366] AP, RT, Part 3, p. 19.
[367] AP, IR, no. D/AP/FI-93, Dec. 2009, 3.3; no. D/AP/FI-85, Jan. 2010, 3.3. Cf. *Truth*, no. 10, 30 Nov. 2009, pp. 3-5, www.watchafghanistan.org/files/Newsletter_10_English.pdf; no. 11, 16 Dec. 2009, pp. 4-6, ibid., Newsletter_11_English.pdf; no. 12, 31 Dec. 2009, pp. 3-6, ibid., Newsletter_12_English.pdf. Cf. also Martine van Bijlert's two blogs on the London Conference, 'Calling for Afghan Ownership and Afghan Leadership', 1 Feb. 2010, www.aan-afghanistan.org/index.asp?id=598; and 'Peace, Reconciliation and Reintegration', 2 Feb. 2010, ibid.,

in spite of general statements on the principles of transitional justice – in 2005, when the AP was elaborated.

index.asp?id=600; and Anders Fänge, 'The State of the Afghan State', Jan. 2010, AAN (Afghanistan Analysts Network) Discussion Paper Series, www.aan-afghanistan.org/uploads/20100108AFaenge_paper_website_version.pdf.

ANNEX 1: Table list of AP interviews

CODENAME	NAME	POSITION	INSTITUTION	TYPE OF ACTOR	PLACE & DATE OF INTERVIEW
D/AP/1	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 20 July 2009
D/AP/2	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 22 July 2009
D/AP/3	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 20 July 2009
D/AP/4	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 13 Aug. 2009
D/AP/5	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 25 Aug. 2009
D/AP/6	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 27 Aug. 2009
D/AP/7	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 8 Sept. 2009
D/AP/8	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 27 Sept. 2009
D/AP/9	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 16 Oct. 2009
D/AP/10	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 30 Sept. 2009
D/AP/11	*Anonymous*	*Anonymous*	*Anonymous*	*Anonymous*	Herat, 10 Oct. 2009
D/AP/12	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Herat, 6 Oct. 2009
D/AP/13	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Herat, 7 Oct. 2009
D/AP/14	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Jalalabad, 31 Oct. 2009
D/AP/15	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Jalalabad, 28 Oct. 2009
D/AP/16	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 16 Nov. 2009
D/AP/17	*Anonymous*	*Anonymous*	*Anonymous*	Civic	Kabul, 11 Oct. 2009
D/AP/FI-78	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 10 Nov. 2009
D/AP/FI-79	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 10 Nov. 2009
D/AP/FI-80	*Anonymous*	*Anonymous*	*Anonymous*	International	Kiev, 19 Dec. 2009
D/AP/FI-81	*Anonymous*	*Anonymous*	*Anonymous*	International	Moscow, 20 Dec. 2009
D/AP/FI-82	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 22 Dec. 2009
D/AP/FI-83	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 14 Dec. 2009
D/AP/FI-84	*Anonymous*	*Anonymous*	*Anonymous*	International	Milan, 27 Dec. 2009
D/AP/FI-85	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 10 Jan. 2010
D/AP/FI-86	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 10 Jan. 2010
D/AP/FI-87	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 11 Jan. 2010
D/AP/FI-88	*Anonymous*	*Anonymous*	*Anonymous*	International	Rome, 13 Dec. 2009
D/AP/FI-89	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 11 Jan. 2010
D/AP/FI-90	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 11 Jan. 2010
D/AP/FI-91	*Anonymous*	*Anonymous*	*Anonymous*	International	Kabul, 10 Jan. 2010
D/AP/FI-92	*Anonymous*	*Anonymous*	*Anonymous*	International	Taškent, 11 Dec. 2009
D/AP/FI-93	*Anonymous*	*Anonymous*	*Anonymous*	International	Rome, 28 Dec. 2009
D/AP/FI-94	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 10 Sept. 2009

ANNEX 2: MULTIPART Research Strategy for Thematic Work Package 4D on Reconciliation, confidence-building and inter-communal bridge-building

Multilevel research questions regarding the Action Plan

1. Multi-stakeholder Partnerships Selection

MULTIPART Work Package 4D has selected the *Action Plan on Peace, Justice and Reconciliation* (hereafter, AP) as the in-depth case study for Afghanistan.

This MSP was approved in late 2005 and officially launched in December 2006 by the Government of Afghanistan (GA), the Afghan Independent Human Rights Commission (AIHRC) and the United Nations Assistance Mission in Afghanistan (UNAMA), building on wide-ranging national consultations promoted by the AIHRC in 2004, which had shown a 'rich understanding of and strong desire for justice among the people for both past and current crimes'.[368]

Presented and agreed upon at the Hague Conference on Peace, Reconciliation and Justice in Afghanistan on 6-7 June 2005, the AP could count on the simultaneous releasing of reports by international human rights organisations, which detailed alleged war crimes and crimes against humanity committed by named Afghan individuals.[369]

1.1. Background information on the AP

The blanket amnesty bill passed by the Parliament in 2007 was designed by its sponsors as a defence against calls for accountability of those suspected of war crimes and crimes against humanity perpetrated during the factional fighting of the early 1990s. After 2001, some of these persons held high political office or were positioning themselves to reclaim positions of power. Meanwhile, the demand for transitional justice was mounting.

Afghan and international human rights organisations maintained that as a matter of principle and historical practice, transitional justice that punished perpetrators and recognised the suffering of individuals was a precondition for reconciliation and enduring peace. As interim leader, Hamid Karzai had publicly supported calls for transitional justice and had committed himself and his administration to take practical steps. The AIHRC conducted its national consultations and later the AP was launched.

The programme calls for truth seeking and documentation; promotion of national unity and reconciliation; and the establishment of mechanisms for accountability. Although the plan does not directly call for political dialogue or outreach to insurgents and other opponents, its proper implementation might remove grievances held by the insurgents and contribute to some measure of relief for the victims.

In response, ex-mujahedin leaders organised a massive demonstration and both houses of the Parliament passed a resolution in early 2007 on 'National Stability and Reconciliation'. The resolution provides blanket amnesty from prosecution to "all opponents" who join the reconciliation process, and extended the provision to present

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[368] Cf. AIHRC (2005), *A Call for Justice*, ch. 5, 'Analysis and Recommendations', p. 41; available at http://www.ictj.org/static/Asia/Afghanistan/aihrc.callforjustice.eng.pdf.

[369] See the annex and http://www.aihrc.org.af/actionplan_af.htm. According to the official introduction provided by the website: 'Participants included Minister Dr. Abdullah of Foreign Affairs and Minister Dr. Dadfar of Refugees of Afghanistan, as well as Dutch Minister of Foreign Affairs Dr. Bot, Special Representative of SGUN Arnault, as well as the senior advisors to President Karzai of Afghanistan, Dr. Spanta and Dr. Azimi, Dr Kamavi a representative of the Afghan Supreme Court, the AIHRC Chairperson Dr. Samar and Commissioner Nadery, representatives of the UNHCHR, EU Special Representative Vendrell, and representatives of the European Commission, the Governments of Canada , Finland, France, Germany, Italy, the Netherlands, Sweden, UK and US, as well as experts from the International Centre on Transitional Justice and the Afghanistan Justice Project.'

opponents of the Republic provided they abide by the Constitution and other laws. The final legislative outcome was a bill that allows individuals to bring criminal cases against alleged human rights violators to court, but places the burden of proof on the plaintiff and provides no mechanism for protection.

Afghanistan has no specific legislation governing war crimes and crimes against humanity. A proposal to establish a special prosecutor's office and a war crimes tribunal was included in early drafts of the Action Plan but removed from the final version that was eventually approved by the Cabinet. As a result, a central pillar of a traditional justice regime is lacking. For past offenders, *de facto* amnesty prevails by default.

1.2. Selection criteria of the in-depth case study

The MULTIPART country leader for Afghanistan, B. Kamphuis, remarked on 8 May that: 'The Afghanistan context is not particularly supportive to initiatives in the area of Confidence-building, reconciliation and inter-communal bridge-building. The Bonn Agreement is not a peace agreement; instead it sealed a "victor's peace" and put in place a process for establishing government institutions. The U.S.-led coalition's priority was to find Osama bin Laden, rather than addressing past injustices. As a consequence of this, many warlords have been co-opted into the government institutions; hence, further limiting future prospects for addressing past human rights violations. In this context, it is highly unlikely that substantial MSPs in this area take place. Hence, it is suggested to also include MSPs in this area, which are currently not engaged in substantial activities relevant to their primary goals. When WP 4D researchers agree with this "lax" application of the criteria, the Action Plan on Peace, Justice and Reconciliation would qualify as a MSP as well.'

The country leader noted that: 'The Action Plan is […] likely […] to contribute to our understanding of the required conditions – specific to the MSP and external/political – under which an MSP in the field of Peace and Reconciliation might have an impact on human security and peacebuilding. Thus, the Action Plan is more likely to provide insight into the research questions (with the exception of Q5).'

Finally, she concluded that AP seemed 'to be the best candidate for the WP4D in-depth case study' and provided the following updated chart, in co-operation with H. Saeed:
[…]

The WP4D team and the country leader also remarked that the AP: (a) has the potential for an interesting research design focussed on the area of reconciliation within post-conflict societies, addressing issues such as potential tensions between reconciliation, justice and human rights, and political imperatives; and (b) appears to be researchable within the well-known restrictions in the Afghanistan context. Also, (c) it would be very fruitful to assess whether it is possible to research the AP's impact at a local level in one or two areas, or whether it is of most interest as a national initiative. At the national level, this MSP-REC potentially provides opportunities to examine the conditions for successful influence of an MSP-REC even though it made little progress on its central objectives. However, there may also be interesting processes and impacts (in terms of coalition and bridge-building) at a national level amongst those groups from different regions and stakeholders that supported the AP aims. In other words, there appear to be several possible criteria for success/failure of the AP. Furthermore, (d) there may be some researchable provinces or localities where the AP programmes or activities were relatively substantial and merit special investigation. Similarly, (e) there seems to be a number of distinct activities/projects that took place under the AP umbrella – a few of these may justify focussed examination. Finally, (f) the AP case may also be useful for exploring the roles of external donors and actors.'

2. Multilevel research questions regarding the AP

Given that 'the overall research objective of the project is to improve understanding of how MSPs can contribute to peacebuilding and human security in countries that are emerging from armed conflict; and to clarify policy and programming implications for the EU and its partners',[370] all seven primary research questions[371] are of relevance for WP4D. However, some will acquire greater relevance than others in particular contexts and, considering the shortage of resources for case-study work, WP5 researchers must prioritise and highlight the most potentially significant research questions for the area of reconciliation, confidence-building and inter-communal confidence-building. RQs 3 and 4 should then be the primary focus of the in-country team.

The seven main research questions shall be detailed and adapted to the AP in-depth case study as follows:

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[370] See the 'Theoretical and Methodological Framework and Guidance for the Project', B.3.1, p. 26.
[371] Ibid., pp. 27-28.

RQ 2.1. What are the main characteristics of the AP as a MSP operating in a country that only to a certain extent may be defined today as 'emerging' from armed conflict?

Overall WP4D thematic comment: RQ2.1 is only partially relevant for WP4D. However, it could be useful to record and compare how certain sets of interviewees, both among stakeholders and potential beneficiaries, define and perceive (a) the chances of reconciliation in 2005 and today; (b) the AP's nature, objectives and performance along these years. It is also useful to directly or indirectly check whether they share specific MULTIPART theoretical assumptions. The questions in this section are noted here just for reference but field researchers will jump to the following RQs.

2.1.1. Do you agree that the AP is a MSP according to the following definition and sub-definition? (a) '*Multi-stakeholder partnerships (MSPs)* bring together several stakeholders – i.e. actors (private or public) that have a shared interest in the outcome and demonstrate some degree of ownership – to address a particular issue.' (b) '*Ownership* describes a relationship within an organisation that implies an investment of certain types of resources and a degree of participation in decision-making. By conferring financial, human or material resources actors become partners of an MSP and, as such, share the risks inherent to this endeavour. Material resources include, but are not limited to, skills and know-how, legitimacy or responsibility over a certain service/function. Ownership as degree of participation in decisionmaking implies that stakeholders are or can be proactive in setting the agenda for the organisation, have a voice in its discussion, and can have their preferences translated into certain decisions.'
2.1.2. Do you agree that the AP was set up and managed in order to contribute to peacebuilding in Afghanistan according to the following definition? '*Peacebuilding* is a set of policies, programmes and activities which initiate or contribute to broader processes that help to overcome the legacy of armed conflict and prevent any recurrence in the future; it will include short-term measures to respond to immediate threats to peace and longer-term initiatives to address the structural causes of conflict or to strengthen capacities to manage and resolve conflicts peacefully.'
2.1.3. Do you agree that the AP was set up and managed in order to contribute to the objective of human security in Afghanistan according to the following definition? 'The objective of *human security* is to protect the vital core of human lives from critical and pervasive threats (traditional and non traditional), in a way that is consistent with individuals' survival, livelihood and basic dignity. Human security expands on people's interests and aspirations (empowerment), in the view of creating a political, social, economic, environmental and cultural system that advances human fulfilment.'
2.1.4. Would you describe the AP as a success or a failure, given the current peacebuilding and human security situation in Afghanistan?
2.1.5. Would you be able to name and evaluate the performance of other MSPs that have operated, or are still operating in Afghanistan with a degree of success in the area of 'Confidence-building, reconciliation and inter-communal bridge-building'?

RQ 2.2. What is the potential significance of the AP – as a MSP operating in the field of reconciliation, confidence-building and inter-communal bridge-building – (i.e. what possible mechanisms exist) to impact on peacebuilding, security, poverty alleviation and empowerment in Afghanistan?

Overall WP4D thematic comment: RQ2.2. is of a certain importance for WP4D, notably in addressing issues regarding the membership of MSPs, and the formal governance rules that are developed for implementing an MSP. Furthermore, the following sub-questions are crucial to our understanding of the possibilities of reconciliation and whether any structure or process (MSP or not) could have achieved much in Afghanistan from 2001 to the present day. However, this RQ2.2. is less relevant than the following RQ2.3 to 2.7 for research design at the case-study level.

2.2.1. Was there potential for an inclusive process of reconciliation to be conducted in 2002-09 in Afghanistan, which might have contributed to political stability and ending conflict?
2.2.2. Could such a process have been conducted while also promoting transitional justice and human rights accountability?

RQ 2.3. How *in practice* has the AP formed and developed over time; how has it been composed and how has it operated – both internally and in relation to its external stakeholders and intended beneficiaries – with specific reference to reconciliation, confidence-building and inter-communal bridge-building?

Overall WP4D thematic comment: RQ 2.3. is the key question for field research, deserves significant attention and will be of particular importance in WP4D, where there is potentially a rich area of research on the gap between the potential impact of particular membership criteria and governance rules envisaged in a particular MSP structure, and the actual operation of MSPs in complex post-conflict situations, including the realities of agenda-setting and decision-making and the power relations they represent. This area of research may be of most interest in terms of lessons learned for the EU, and will probably gain from examining one or more case-studies where initial survey suggests that they have failed to achieve their objectives, and where this gap between design and implementation

may be expected to be particularly obvious. Additional sets of questions may be prepared for every stakeholder, after the standardisation of questionnaires.

2.3.0. Which domestic and/or international actor took the lead to initiate and define the contents of the AP? Which was the specific goal of this actor?

2.3.0.0. What was the first initiative for the AP to be launched?

2.3.0.1. What was the initial role of the GA in establishing the AP? Which were its main ministries, departments, offices and officials involved in the elaboration of the AP? Who took main responsibility within the President's office?

2.3.0.2. What was the initial role of the AIHRC? Did its composition in those days differ from the current one? Which members of the Commission were the main supporters of the project at the beginning? Did other activist groups play an important role in establishing the AP?

2.3.0.3. What was the initial role of the UNAMA? Were its regional offices involved and how? Which officials took the lead in promoting the AP?

2.3.0.4. What was the initial role of the ICTJ? Which were the main units of the organisations involved in the AP? Who took the lead for the initial support of the AP?

2.3.0.5. Which were the initial donor countries? Which were their explicit goals? Who provided diplomatic mediation?

2.3.0.6. What was the initial role of Afghan groups in Bonn, or other states?

2.3.0.7. Was there any opposition to the establishment of the AP at this stage?

2.3.0.8. Did any actors have different (opposing) views as to how the AP was to be carried out, perhaps as to its goals?

2.3.0.9. Were there influential groups (e.g. human rights groups) that were lobbying in favour of the AP, but were not formally part of the process?

2.3.0.10. Which specific reports released by international human rights organisations detailing alleged war crimes and crimes against humanity committed by named Afghan individuals were more influential for the establishment of the AP?

2.3.0.11. Why was the AP approved in late 2005 but officially launched in December 2006?

2.3.1. What process of stakeholder analysis did the AP facilitators undertake?

2.3.1.1. How was the process of consultation conducted before the AP was launched?

2.3.1.1.1. Were there different levels of consultation – public, semi-private, informal, international vs. local?

2.3.1.1.2. Who devised the methodology of the survey and focus groups that were carried out by ICTJ and AIHRC (AIHRC, 2005)? Was there a discussion about the appropriateness of that methodology?

2.3.1.2. How were the participants of the AP actually selected? Were they effectively selected by international actors, or as a result of intra-Afghan negotiations?

2.3.1.3. Which stakeholders were excluded and why?

2.3.1.3.1. Which was the exact extent of the consultations promoted by the AIHRC in 2004 before the AP was launched?

2.3.1.3.2. To what extent were powerful interests opposed to this process consulted?

2.3.1.3.3. Was there an explicit decision or discussion about the exclusion of certain actors?

2.3.1.3.4. Which stakeholders held which positions on exclusion?

2.3.1.4. What constituencies were those stakeholders involved in the AP believed to represent?

2.3.1.4.1. Did those representatives that attended workshops and consultation meetings believe that they represented particular groups?

2.3.1.4.2. Was there an analysis of ethnic or regional representation in AP deliberations and participation?

2.3.1.5. How were these decisions expected to affect confidence-building, reconciliation and inter-communal bridge-building?

2.3.1.5.1. What political analysis was undertaken to assess the political impact of the AP process?

2.3.1.6. Was the University of Kabul involved in the AP from the beginning? Why and with which goal?

2.3.1.7. At which stage and why did the initiators of the AP involve civil society groups, local communities, religious leaders and the media? Would you name the most important among them and explain why they supported the AP?

2.3.2. To what extent were the membership and rules of governance of the AP explicitly devised in order to achieve confidence-building, reconciliation or inter-communal bridge-building?

2.3.2.0. Was the decision-making process designed as part of the reconciliation strategy or separate from it?

2.3.2.1 Did the facilitators undertake an analysis of the conflict sensitivity of the AP in this context?

2.3.2.1.1. Was there any overt discussion of the impact on political stability of an AP-style process of transitional justice?

2.3.3. To what extent do decision-making structures reflect different power relations among different actors in the AP?

2.3.3.0. Was decision-making truly inclusive or is it conducted mainly among like-minded facilitators?

2.3.3.1. Can weaker or resource-dependent groups influence decisions that affect their broader constituency? Or are they effectively co-opted by the AP structure?

2.3.3.2. How are agendas set in reality? Are there issues that AP participants would like to see the AP address but which are ignored or downplayed?

2.3.3.3. How are conflicts over resources or political issues resolved within the AP structure?

2.3.4. How does resource allocation affect decision-making and internal politics of the AP?

2.3.4.1. Does dependence on external finance limit the role of local organisations?

2.3.4.2. Does dependence on external finance undermine the credibility of the process with certain political groups?

2.3.5. To what extent do AP decision-making procedures (informal and formal) exclude/include women from decision-making and strengthen or undermine existing gender relations and stereotypes?

2.3.6. How, when, to what extent have the three activities of Key Action no. 1 ('Acknowledgement of the suffering of the Afghan people') been implemented?

2.3.6.1. Which actors have taken the lead, and why, for each of the three activities?

2.3.6.2. Which partners have been involved for each of the three activities?

2.3.6.3. Was the timeframe realistically outlined and respected? Alternatively, why not?

2.3.6.4. To what extent has Key action no. 1 reached its devised objective?

2.3.7. How, when, to what extent have the three activities of Key Action no. 2 ('Ensuring credible and accountable state institutions') been implemented?

2.3.7.1. Which actors have taken the lead, and why, for each of the three activities?

2.3.7.2. Which partners have been involved for each of the three activities?

2.3.7.3. Was the timeframe realistically outlined and respected? Alternatively, why not?

2.3.7.4. To what extent has Key action no. 2 reached its devised objective?

2.3.8. How, when, to what extent have the six activities of Key Action no. 3 ('Truth-seeking and documentation') been implemented?

2.3.8.1. Which actors have taken the lead, and why, for each of the six activities?

2.3.8.2. Which partners have been involved for each of the six activities?

2.3.8.3. Was the timeframe realistically outlined and respected? Alternatively, why not?

2.3.8.4. To what extent has Key action no. 3 reached its devised objective?

2.3.9. How, when, to what extent have the five activities of Key Action no. 4 ('Promotion of reconciliation and national unity') been implemented?

2.3.9.1. Which actors have taken the lead, and why, for each of the five activities?

2.3.9.2. Which partners have been involved for each of the five activities?

2.3.9.3. Was the timeframe realistically outlined and respected? Alternatively, why not?

2.3.9.4. To what extent has Key action no. 4 reached its devised objective?

2.3.10. How, when, to what extent have the three activities of Key Action no. 5 ('Establishment of effective and reasonable accountability mechanisms') been implemented?

2.3.10.1. Which actors have taken the lead, and why, for each of the three activities?

2.3.10.2. Which partners have been involved for each of the three activities?

2.3.10.3. Was the timeframe realistically outlined and respected? Alternatively, why not?

2.3.10.4. To what extent has Key action no. 5 reached its devised objective?

RQ 2.4. How has participation in the AP impacted on its members, in relation to their roles, capacities, empowerment, interests and vulnerabilities relating to peacebuilding in Afghanistan; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building? To what extent, and in what ways, have these impacts depended on the characteristics of the AP?

Overall WP4D thematic comment: RQ2.4 attempts to address the impact of MSP membership on its members: in this context, one interesting area will be the question of group representation, including how representatives are chosen, and the impact of MSP membership of community attitudes to their representatives. This is of particular importance for WP4D, following up on a long-standing concern within conflict resolution over the frequently observed gap between negotiators and their constituents. RQ4 also opens up an interesting area of research on intra-group dynamics; research suggests that conflict between groups is also frequently exacerbated by conflict dynamics within groups. There is an under-researched linkage, in other words, between inter-group dynamics and intra-group dynamics.

2.4.1. Have local organisations found it difficult to maintain their credibility in their broader constituency as a result of involvement in the AP?
2.4.1.1. Have perceptions of AP members changed (for better or worse?) within the broader community as a result of their involvement in the AP?
2.4.1.2. Why have these perceptions changed?
2.4.1.2.1 Have the attitudes of Parliament towards the AIHRC in 2007 played an important role?
2.4.1.2.2. Which other elements have played an important role for those changes in perception?

2.4.2. What impact has membership in the AP had on the internal dynamics of a group-member?
2.4.2.1. Were there discussions within the AIHRC about the best way to design and implement the AP given the political context?
2.4.2.2. Were there discussions within the GA about the risks implied by the implementation of the AP?
2.4.2.3. Were there discussions within the UNAMA about the real possibility of implementing the AP beyond specific limits?
2.4.2.4. Did any changes occur within the ICTJ team?

2.4.3. Have members of the AP been empowered in other ways through their membership, in their relations to government for example, or in other areas of activity?
2.4.3.1. Have they been able to access more international funding as a result of involvement?

2.4.4. What was the overall impact of the 2007 amnesty bill on membership dynamics?

RQ 2.5. What have been the AP's impacts on external stakeholders and potential beneficiaries, in relation to: peacebuilding in Afghanistan; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building? To what extent, and in what ways, have these impacts depended on the AP's characteristics (e.g. its multi-stakeholder character; its specific membership; its internal procedures, capacities or decision-making mechanisms; etc-)?

Overall WP4D thematic comment: RQ5 will also be of significance for WP4D, given the context of post-conflict tension in which WP4D MSPs are working, and also the rich literature on conflict sensitivity and the concept of 'do no harm'. Clearly the AP has had some impact on the political process. Furthermore, it has been extended beyond 2008, so there is an opportunity to analyse whether impact has improved over time and why or why not.

2.5.0. To which extent has the scarce implementation rate of the AP been disappointing to individual stakeholders and beneficiaries?

2.5.1. What has been the wider impact of the AP on external stakeholders, including key political players and those potential stakeholders who have been excluded or are self-excluded?

2.5.2. What impact has the AP had on beneficiary groups?
2.5.2.1. Has the AP been able to achieve both its directly stated aim and a secondary outcome in terms of confidence-building, reconciliation and inter-communal bridge-building?

2.5.3. Was the AP process a major reason for the 2007 amnesty bill?

2.5.4. Did the AP process actually make political reconciliation more difficult?

2.5.5. Was the AP a complete failure even if it at least began a discussion about justice and accountability which continues to be relevant in Afghan politics?

2.5.6. Did the AP have an impact on the behaviour of 'warlords' and other targeted political figures responsible for human rights abuses?
2.5.6.1. Did they adopt certain political positions to limit international support for the AP process?

RQ 2.6. How has the participation or support of international actors, including the EU, affected the AP; in relation to its development, operation, sustainability and impacts? What are the lessons for how the EU and other international actors should support or participate in MSPs?

Overall WP4D thematic comment: The clearest relevance of RQ 2.6.to WP4D relates to the particular impact of international participation in MSPs on reconciliation, confidence-building and inter-communal bridge-building. It is important to discuss a wide range of international actors here, and even actors within countries, taking into

consideration the obvious distinction between NGOs and governments, but also among different states (in what sense were those views different – substance, finances?). How did national stakeholders act, who did they support: were there any international – local differences?

2.6.0. How, when, with which goal have the following international actors affected the AP in relation to its development, operation, sustainability and impacts?
2.6.0.1. Has the EU support played a relevant role? In which fields and for which Key Actions?
2.6.0.1.1. Which specific EU policies, offices and officials have affected the AP?
2.6.0.1.2. Has the EUSR office been particularly supportive?
2.6.0.2. Has the UN support played a pivotal role? In which fields and for which Key Actions?
2.6.0.2.1. Which specific UN and UNAMA policies, offices and officials have affected the AP?
2.6.0.3. Has the Office of the High Commissioner for Human Rights played a very important role? In which fields and for which Key Actions?
2.6.0.3.1. Which specific OHCHR policies, offices and officials have affected the AP?
2.6.0.4. Has the US attitude played a major role? In which fields and for which Key Actions?
2.6.0.4.1. Which specific US policies, offices and officials have affected the AP?
2.6.0.5. Has NATO played an important role? In which fields and for which Key Actions?
2.6.0.5.1. Which specific NATO policies, offices and officials have affected the AP?
2.6.0.6. Have any EU member states played a prominent role? In which fields and for which Key Actions?
2.6.0.6.1. Which specific policies, offices and officials belonging to the EU member states have affected the AP?
2.6.0.7. Have any other states played a remarkable role? In which fields and for which Key Actions?
2.6.0.7.1 Which specific policies, offices and officials belonging to those states have affected the AP?
2.6.0.8. Has the ICTJ played a pivotal role? In which fields and for which Key Actions?
2.6.0.8.1. Which offices, research teams, directors, staff members and consultants have supported and affected the AP?
2.6.0.9. Have international NGOs, Centres and research institutions other than the ICTJ played a notable role? In which fields and for which Key Actions? In which fields and for which Key Actions?
2.6.0.9.1. Which specific research teams, directors, staff members and consultants belonging to those institutions have affected the AP?

2.6.1. Who took the lead among the above-mentioned international actors?
2.6.1.1. How did international actors reach final decisions? Which actors had to adjust their own views most/least?

2.6.2. Did local stakeholders intentionally play different games with different international actors? How? Why? What for?

2.6.3. Which behaviours in the interaction between international and local stakeholders slowed down or undermined the chances of implementation of the AP?
2.6.3.1. Was that interaction relevant for Key Action no. 1? For which activity in particular?
2.6.3.2. Was that interaction relevant for Key Action no. 2? For which activity in particular?
2.6.3.3. Was that interaction relevant for Key Action no. 3? For which activity in particular?
2.6.3.4. Was that interaction relevant for Key Action no. 4? For which activity in particular?
2.6.3.5. Was that interaction relevant for Key Action no. 5? For which activity in particular?

2.6.4. To what extent has international support been crucial for the establishment and operations of the AP?
2.6.4.0. What was the role of the Hague Conference in June 2005? Who took the lead among participants in relation to the AP?
2.6.4.1. How has financial and political support affected the design and operations of the AP, and the selection of AP members?
2.6.4.2. How has international support for the AP impacted on its ability to gain credibility in the broader population?
2.6.4.3. How has the AP been presented by the GA to other political players?
2.6.4.4. Has the GA used the international support to discredit the process or to distance itself from it?

2.6.5. How has the role of international facilitators been viewed by other participants? Has it been viewed as a neutral and impartial player, or as an actor in its own right, with consequences in terms of internal politics and their own credibility in their broader constituencies?

2.6.6. What has been the role of international actors in extending the AP beyond 2008?

RQ 2.7. How can EU (including member states') policies and programmes better support and co-operate with MSPs in countries emerging from armed conflict in order to promote peacebuilding; empowering vulnerable people and

communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building?

Overall WP4D thematic comment: RQ2.7. is not addressed specifically at this stage, but some lessons for the EU are expected to emerge from many of the sets of secondary research questions outlined above. Furthermore, a short set of direct questions starting from the AP experience may offer interesting hints.

2.7.1. Do you believe that EU policies and programmes have sufficiently encouraged the AP?

2.7.2. Have EU member states' policies and programmes supported and co-operated with the AP more adequately than the EU itself?

2.7.3. What should the EU have done in order to better promote peacebuilding in Afghanistan?

2.7.4. Do you believe that the EU as an international actor may effectively contribute to empower vulnerable people and communities and promote their participation in public life in Afghanistan?

2.7.5. Have the EU and its member states actively and effectively contributed to reconciliation, confidence-building and inter-communal bridge-building in Afghanistan since the AP was launched?

2.7.6. Have the EU and its member states played a role easily distinguishable from the US approach to Afghanistan in the George W. Bush years, 2001-2008? If yes, have these differences positively contributed to reconciliation, confidence-building and inter-communal bridge-building in Afghanistan?

2.7.7. Which specific elements of the EU structure and policies should be improved to make it abler to support and promote reconciliation, confidence-building and inter-communal bridge-building in Afghanistan and elsewhere?

ANNEX 3: Peace, Reconciliation and Justice in Afghanistan: Action Plan of the Government of the Islamic Republic of Afghanistan[372]

Introduction

Afghanistan is taking important steps towards building a stable, lawful and democratic state. At the same time, it is facing with the legacy of egregious human rights violations committed in the context of more than two decades of armed conflict and which has cast a dark shadow over the peaceful and just co-existence of the people. In his report on rule of law and transitional justice in conflict and post-conflict societies, the UN Secretary-General has stressed that justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. To build sustainable peace and stability, deal with past abuses, reconcile victims, perpetrators and other stakeholders, and to move from a divided past into a shared future is a difficult task in almost any post-conflict situation where institutions tend to be weak, there are few resources, unstable security and a war-affected population. In order to transition into a peaceful life and to strengthen national reconciliation in Afghanistan, the past should be dealt with in a bold and just way that avoids revenge. We should explore ways to build co-existence amongst the citizens of this country based on the principles of tolerance, forgiveness and the requirements of a social order premised on law and order.

The Government of Afghanistan took the first important step towards facing this task when it established, in accordance with the provisions of the Constitution, the Afghan Independent Human Rights Commission (AIHRC) in June 2002. Based on the decree of the President of the Islamic Republic of Afghanistan, the AIHRC is mandated to undertake national consultations and propose a national strategy for transitional justice and for addressing the abuses of the past. The AIHRCs report A Call for Justice, based on consultations with more than 6000 Afghans, was accepted by President Karzai in January 2005.

The President thereupon requested his advisors to consider the findings and recommendations in A Call for Justice report and develop an action plan to implement a national strategy for peace, reconciliation and justice in collaboration with AIHRC and the United Nations Assistance Mission in Afghanistan (UNAMA).

In the United Nations Security Council Resolution 1589 and the statements of the UN Office of the High Commissioner for Human Rights and the UN Commission on Human Rights in April 2005 on the situation of human rights in Afghanistan and the importance of the transitional justice process, the efforts of the Government of Afghanistan to ensure human rights and to implement transitional justice have been welcomed.

The President's office, AIHRC and UNAMA have drafted the Action Plan for discussion at the Peace, Reconciliation and Justice Conference in the Hague on 6-7 June 2005. The terms peace, reconciliation and justice are often raised about the relatively new field of "transitional justice".[2] "Transitional justice" is a notion with multiple dimensions that is closely linked with concepts such as rule of law, security sector reform, judicial sector reform and governance reform. At the international level and discussions about basic violations of legal norms during the war, the term transitional justice is used to indicate a full range of processes and mechanisms associated with a society's attempts to address past abuses, ensure accountability, serve justice and achieve reconciliation. These may include a combination of both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all), individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals.

"Transitional justice" is often misunderstood as addressing questions of criminal responsibility only. As a first step, transitional justice strategy aims to realise peace and national reconciliation, to restore co-existence and co-operation, to heal the wounds and pains of the victims and to re-integrate the citizens into a peaceful life in the society. Reparations, healing of the physical and psychological suffering and re-integration in the community of citizens, whose social relationships have been damaged, are all attempts that go beyond concepts such as court, prison and revenge and run counter to them. Efforts to promote the culture of forgiveness, affection, brotherhood and sisterhood and to strengthen the solidarity between the country's today and tomorrow generations, constitute the principal foundation of the present Action Plan. The positive experience of countries that have passed bloody crises, show that the transitional justice strategy should balance a variety of goals including truth-seeking, victim

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[372] Text available at http://www.aihrc.org.af/actionplan_af.htm.

recovery, re-integration of the deceived and perpetrators in the society, reparations, the preservation of peace and stability, the strengthening of democracy and the rule of law and the administration of justice.

The Action Plan of the Islamic Republic of Afghanistan, considering the realities of the country and relying on the religious values and the need to maintain stability and security, attempts to incorporate all these facets within four key areas (symbolic measures, institutional reform, truth-seeking and documentation and reconciliation). These four areas are not alternative options, but are mutually reinforcing elements. The importance of "reconciliation" (key action 4) is particularly recognised because durable peace requires social re-integration and reconciliation in this country. Measures should be taken to make possible the return and re-integration of all hostile groups in the society and lead to the reduction of tensions, warmongering and bloodshed in the country. This peace and justice perspective can not mean to excuse genocide, war crimes, crimes against humanity and other gross violations of human rights. On the contrary, bold action against these crimes is itself a universally accepted moral principle.

Further, the Government of Afghanistan, with reference to the constitutional organs of Afghanistan such as the Parliament of the country, is committed to establish accountability institutions and to take the necessary accountability measures in accordance with the nationally and internationally accepted norms on war crimes, crimes against humanity and obvious violation of human rights. The commission of such crimes does not fall into the scope of amnesty on the basis of the principles of the sacred religion of Islam and internationally accepted standards.

It is recognised that on one hand, criminal justice will not satisfy all the needs and expectations of victims and on the other hand, cannot help restore the culture of forgiveness, reconciliation and co-existence on its own. Therefore, the Action Plan includes key actins 1, 2 and 3 to meet the needs of the victims.

Acknowledging the suffering of the victims, accepting the fact that innocent humans have been oppressed in the country, recording the past events in a historical and comprehensive way, reparations, promoting national reconciliation, removing human rights violators from official positions and restore the trust of people and victims in state, are the minimums to be addressed.

The Action Plan acknowledges that any mechanism for building peace and justice must be carried out with the active and meaningful participation of all national stakeholders, including justice authorities, civil society, professional associations, mujahedeen, traditional and religious groups, victims, ex-combatants and (non-criminal) elements of former regimes. Special attention must be given to ensuring the active participation of women in the process. There must be assurances that no one will be subjected to unlawful or unfair punishment and that the rights of all participants will be respected. Some of the suggested actions in key-areas are therefore limited to proposals for further consultation or exploration by the appropriate stakeholders, such as the idea of the establishment of a truth-seeking mechanism or reconciliation committees.

The Action Plan also acknowledges the challenges of coordinating the proposed actions with other programmes in the field of building of institutions based on the determination and participation of the people. But, as the UN Secretary-General has noted, justice and peace are not contradictory forces. Rather, properly and simultaneously pursued, they promote and sustain one another. The question is therefore not whether justice and accountability are to be pursued, but when and how. Careful sequencing of these processes is thus vital. The Action Plan's suggested timelines for the actions endeavour to achieve this.

The Government of Afghanistan acknowledges that many cases of human rights violation have been committed during the previous four years in Afghanistan. Relying on the principles enshrined in the Constitution and the commitments of the Government towards the people of Afghanistan, it should be reminded that human rights violations during these four years will be seriously dealt with. Violations in these four years should be evaluated in the framework of international human rights standards and the law of the country.

This Action Plan sets forth proposals for the initial steps towards implementing a national strategy for transitional justice in Afghanistan, based on the state commitments, Constitutional standards and the AIHRC research. The overall aim of the strategy is to enhance peace and stability in Afghanistan through a process that will achieve reconciliation and justice.

Vision

The promotion of peace, reconciliation, justice and rule of law in Afghanistan, and the establishment of a culture of accountability and respect for human rights.

Timeline

However, realisation of social justice takes more time, the timeline for achieving the actions proposed in this Action Plan is three years.

Summary

The proposals focus on four key fields of activity: 1) acknowledgement of the suffering of the Afghan people; 2) ensuring credible and accountable state institutions and purging human rights violators and criminals from the state institutions; 3) truth-seeking and documentation; 4) promotion of reconciliation and improvement of national unity.

Key action 1: Acknowledgement of the suffering of the Afghan people

Objective: By acknowledging the suffering of the Afghan people,[3] facilitate the healing of the nation and the building of a peaceful Afghanistan.

Activities

a)   The assignment of a National Remembrance Day, the day of victims of human rights violations and war crimes in Afghanistan, for instance 4th Jan (14 Jadi) - the day that Afghanistan's new Constitution was approved as a national day to commemorate the victims of war crimes and human rights violations in Afghanistan. The day would be announced during a brief ceremony for recognition and respect of the victims of the conflicts at the Loya Jirga tent, in the presence of war disabled, families of martyrs and victims, civil society groups, community elders, religious leaders, academics and women's groups.
-    Lead: President Karzai
-    Suggested partners: civil society, community leaders, religious leaders, etc.
-        Timeframe: Before the end of 2005; possible dates for the announcement: November 2005; or end 2005, following the establishment of the National Assembly and shortly before the National Day.

b)   The establishment of national memorial sites. Proposed location for the main memorial: near the National Assembly building in Kabul. Architects and artists from around the world will be requested to submit designs for such memorials. Roads and squares in Kabul, Herat and other cities can be named 24 Hut, 3 Hut or other similar days.
-    Lead: Presidents Office, Municipalities, National Assembly Secretariat
-        Suggested partners: Faculty of Fine Arts, Faculty of Architecture, international architects and artists, civil society, Ministry of Housing and Urban Development, Ministry of Culture and Information and other institutions that are ready to help
-        Timeframe: the call for designs will be made during the announcement of the national day for victims of the conflict, the announcement of the winning design will be made within five months, the ceremony for laying the foundation stone will take place no later than mid 2006.

c)   Establishment of a national museum commemorating the victims and designed to educate younger generations by presenting the history and symbols of three decades of war, including pictures and names of victims, photographs and films of the war, destructions, executions and etc.
-        Lead: Ministry of Culture and Information, Ministry of Education and Afghan Independent Human Rights Commission
-        Suggested partners: Kabul Museum, international museums, International Centre for Transitional Justice, civil society, representatives of donor countries
-        Timeframe: identification of location by January 2006; preparatory work to start in 2006, inauguration in 2008

Key Action 2. Ensuring credible and accountable state institutions

Objective To increase the confidence of the Afghan people in their state institutions, through effective reform and the use of transparent and fair appointment and vetting procedures.

Activities

a) Strengthening of the role, capacity and current attempts of the Civil Service Commission through:
1. the adoption of enabling and empowering legislation
-    Lead: Ministry of Justice, Presidents Office legal advisers

- Suggested partners: in consultation with UN
- Timeframe: no later than December 2005

2. Considering the human rights records of civil servants, integrity, loyalty to law and etc. in the appointment process
- Lead: Civil Service Commission
- Suggested partners: UN, AIHRC, international actors
- Timeframe: immediate

3. reform, training and technical assistance of the Civil Service Commission
- Lead: UN
- Suggested partners: Afghan Government, international organisations, donors
- Timeframe: start of project at the end of 2005

b) Establishment of an Advisory Panel for Appointments to advise the President on senior political appointments which are outside the scope of the Civil Service Commission.
- Lead: Presidents Office
- Suggested partners: Ministry of Interior, AIHRC and UN
- Timeframe: formulation of necessary rules and appointment of panel members no later than December 2005

c) Development of an inclusive strategy for the general reform of the justice sector (judges, prosecutors, police, corrections and defence counsel), so as to ensure the establishment of a fair and effective justice system and to prevent patterns of human rights abuses of the past from being repeated.
- Lead: Presidents Office
- Suggested partners: Ministry of Justice, Supreme Court, Italy, UN, other donors
- Timeframe: submission of the plan to the President no later than March 2006.

Key Action 3. Truth-seeking and documentation

Objective   Through truth-seeking and documentation, evaluate the facts of the conflicts and injustices happened in the past, establish accountability and put an end to the continued state of impunity through acknowledging the oppression and expressing the belief in justice[4], while supporting reconciliation and recognising that there are multiple truths.

Activities

a)   Initiate a consultative process seeking views on truth-seeking mechanisms from civil society, academia, community leaders, religious leaders etc. to formulate recommendations for a truth-seeking mechanism in Afghanistan, giving special consideration to the participation of women in the consultation and how to deal with gender-based violence and other crimes against women
- Lead: AIHRC
-    Suggested partners: civil society, academia, women's organisations, Ministry of Women's Affairs, mass media, etc.
-    Timeframe: consultations to start in the autumn of 2005, recommendations to be presented to the President by June 2006.

b)   In support of this process a conference on truth-seeking in other countries and the lessons learnt will be organised. (The conference shall also address reconciliation - see below, key-action 4).
- Lead: Office of the High Commissioner for Human Rights
- Suggested partners: AIHRC, UN, Kabul University, civil society, experts
- Timeframe: Autumn 2005.

c)   Draft legislation on the recommended truth-seeking mechanism to be presented to the National Assembly.
- Lead: Presidents legal advisors, Ministry of Justice
- Suggested partners: AIHRC, UN, experts
- Timeframe: submit draft legislation to the National Assembly by end 2006.

d)   Funding, establishment and staff training of the recommended truth-seeking structure.
- Lead: Presidents Office.
- Suggested partners: AIHRC, UN, civil society groups, donors
- Timeframe: January 2007 until July 2007

e)   Increase and accelerate efforts to document past human rights abuses during the conflict in Afghanistan, including on gender-based violence, to complement and enrich the existing work.
-    Actors: Office of the High Commissioner for Human Rights, AIHRC, national and international human rights organisations and civil society groups
-    Suggested partners: donors
-    Timeframe: ongoing

f)   Identify a location for the establishment of a documentation centre on the conflict in Afghanistan, bringing together existing collections and books, and regulate legal framework.
-    Lead: Ministry of Information and Culture, Presidents Office
-    Suggested partners: Kabul University, universities and researchers, donors
-    Timeframe: February 2006

Key Action 4. Promotion of reconciliation and national unity

Objective   to explore ways to promote reconciliation, strengthen national unity and to enhance solidarity and trust among people[5].

Activities

a)   Initiate a public debate on national reconciliation in Afghanistan in order to promote awareness on the need to reconciliation, the need to a culture of tolerance and the need to accountability and the promotion of the culture of forgiveness and avoiding revenge and violence.
-    Lead: AIHRC, Ministry of Information and Culture
-    Suggested partners: civil society, academia, media, education institutions, religious and community leaders, women's groups
-    Timeframe: ongoing

b)   In support of this process a conference on reconciliation, drawing from experiences in other countries and lessons learnt will be organised. (The conference shall also address the issue of truth-seeking - see above, key-action 3c).
-    Lead: Office of the High Commissioner for Human Rights
-    Suggested partners: AIHRC, UN, Kabul University, civil society
-    Timeframe: Autumn 2005

c)   Support conflict resolution initiatives and explore the establishment of reconciliation committees within existing structures, such as the Provincial and District Councils, and through pilot projects with possible methods (reconciliation gatherings, mediation, dispute resolution, reparation, etc.).
-    Lead: AIHRC
-    Suggested partners: Provincial and District Councils, civil society groups, academia, religious leaders.
-    Timeframe: present an expert paper at the Conference on Truth Seeking in Autumn 2005 on the idea of reconciliation committees.

d)   Seek possibilities to incorporate peace and reconciliation messages in the education curriculum and also training on the rights of citizens and human rights and avoiding violence by the military, police and civil service. Prevent the use of educational and training materials containing discriminatory, partisan or violent messages. Involve teachers and students in the victim acknowledgement and truth seeking processes.
-    Lead: Ministry of Education, Ministry of Interior, Ministry of Defence
-    Suggested partners: universities, teachers associations, students groups, experts, donors, AIHRC, UN, Civil Service Commission
-    Timeframe: immediate and ongoing

e)   Encourage the return and re-integration into society of all Afghans, through a range of programmes such as the Disarmament, Demobilisation and Reintegration programme (DDR), Disarmament of Illegal Armed Groups (DIAG) and the Strengthening Peace Programme, and ensure the equal treatment of all Afghans in terms of reconciliation and justice.
-    Lead: National Security Council
-    Timeframe: immediate

In the case of systematic violation of human rights, war crimes and crimes against humanity, criminal justice can be established based on the legal norms. Considering the realities of the country, the findings of the AIHRC through the National Consultation and bitter experience of human rights violation, the Government of Afghanistan will

submit a scheme to the Parliament in this regard so that it can make the necessary decisions and end the state of impunity in Afghanistan.

In making such a decision, attention should be paid to this reality that considering the clear Koranic verses and the international law, no amnesty should be provided for war crimes, crimes against humanity and other gross violations of human rights.

Key Action 5. Establishment of effective and reasonable accountability mechanisms

Objective: In order to end impunity in Afghanistan and ensure that there will be no amnesty for war crimes, crimes against humanity and other gross human rights violations, the conditions for fair and effective justice procedures are established in accordance with the principles of the sacred religion of Islam, international law and transitional justice.

Activities

a)   A Task-force will be established on the presidential decree. The Taskforce has the duty to provide recommendations to the President for a legal, procedural and institutional framework necessary for Afghanistan's implementation of its international legal obligations, and gives priority to removing continued threats to peace and stability in Afghanistan.
Lead: Presidents Office
-    The President to appoint a five-member Task Force, including one member nominated by UNAMA and one member nominated by AIHRC.
-    Timeframe: Task force to be established by December 2005, Task Force recommendations to be presented to the President no later than end 2007

b)   Considering the lofty values of the sacred religion of Islam and in accordance with internationally recognised standards; the perpetrators war crimes, crimes against humanity and other serious human rights violations will not be ignored.
-    Lead: President Office
-    Timeframe: clarification on non-amnesty as soon as possible

c)   Capacity building: appropriate measures should be taken to implement the objectives contained in this Action Plan.
-    Lead: Ministry of Justice
-    Suggested partners: Office of the High Commissioner for Human Rights, UN, international expert organisations, Italy and other donors.
-    Timeframe: immediately and continuing.

C.3 CASE STUDY FOR THE DEMOCRATIC REPUBLIC OF CONGO: *GROUPES DE RÉFLEXION SUR LES QUESTIONS FONCIÈRES* **(GRF)**

CIMA – University of Florence[373]

C.3.1 Introduction

In July 2009, MULTIPART selected the *Groupes de Réflexion sur les questions Foncières* (hereafter, GRF) – small-scale discussion groups mainly focusing on land issues in South Kivu – as the in-depth case study for the Democratic Republic of Congo (DRC) in the issue-area of confidence-building, reconciliation and inter-communal bridge-building (CRB). During the following eight months, until the final roundtable meetings with stakeholders and beneficiaries organised in Goma in March 2010, the standard methodology planned by the project partners was applied to this case.

According to a diplomat who has worked on DRC dossiers for the past five years, the GRF may be considered a success story of confidence-building and reconciliation.[374] Notwithstanding the extreme difficulties experienced by researchers in the field and the consequent scarcity of empirical data supporting the case study, the authors share that diplomat's opinion and deem that "success" is a convincing balance of (a) the GRF impact on beneficiaries, as demonstrated by most collected data; and (b) the GRF experience in terms of learnt or learnable lessons for current international donors and for possible EU support to this kind of initiatives (even if the EU has not been directly involved in this MSP), i.e. taking into account a process of cross-learning between beneficiaries and present/potential stakeholders. It should also be noted that, although the main focus of the GRF is on building intra-community confidence, this process also indirectly affects inter-community reconciliation.

[374] MULTIPART, WP4D Working Papers, 'Groupes de Réflexion sur les questions Foncières' (hereafter, GRF), Interview Reports (IR), no. D/GRF/FI-11, Dec. 2009, Section 2.1.

This case study mainly aims to support thematic analyses offered by MULTIPART researchers. Its structure (nos 1-7) mirrors the research strategy drawn in August 2009, using interviews,[375] focus groups reports and documentary sources to describe the GRF according to the underlying hypotheses which generated each cluster of secondary Research Questions (RQ) elaborated for the questionnaire. Subdivisions within paragraphs nos 1-7 follow the questionnaire order.[376] Information provided here should also integrate and deepen the initial description of this MSP offered in the Research Strategy.[377] From a methodological point of view, however, it should be clearly noted that researchers in the field used a very short list of basic questions[378] instead of the questionnaire and could not reach most individuals and institutional representatives listed in the Research Strategy, so that secondary RQs were not matched by direct answers of the interviewees. Furthermore, on a "higher" level, all interviewees in the diplomatic environment generally had nothing really relevant and specific to say on the GRF, even if they usually provided interesting general comments. Therefore, some prudent elaborations and inductions have been provided in the case study, but the remaining gaps represent a choice forced by the very limited feedback from the field and the overall scarcity of available data.[379]

Fieldwork was carried out in South Kivu from October to December 2009 by EGMONT (Royal Institute for International Relations) in collaboration with the Congolese researcher, Jean Berckmans Muhigwa, and facilitated by the IFDP (Innovation & Formation pour le

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[375] MULTIPART, WP5.c Working Papers, 'Draft long list for interviews selection – Thematic Work Package 4D – Confidence-Building, Reconciliation and Inter-Communal Bridge-building, In-Depth Case Study for the DRC', University of Florence, 9 Aug. 2009.

[376] MULTIPART, WP5.c Working Papers, 'Questionnaire – MULTIPART WP5.c DRC, Groupes de Réflexion sur les questions Foncières', S. Dominioni, rev. version, 25 Jan. 2009 (hereafter, QGRF).

[377] MULTIPART, WP4D Working Papers, 'Research Strategy for Thematic Work Package 4D – Confidence-Building, Reconciliation and Inter-Communal Bridge-building, In-Depth Case Study for the DRC', University of Florence, 1 August 2009 (hereafter, RSC; see Annex 2 *infra*). Cf. also Line Risch, Hans Hoebeke, Koen Vlassenroot, 'MULTIPART Draft Interim Country Study Paper: Democratic Republic of Congo', Bruxelles: Egmont Royal Institute for International Relations, 26 May 2009 (hereafter, CSP; see also Annex 2 *infra*); and the recent final version of the Study.

[378] The nine questions were: '1. Donnez l'historique de votre GRF (acteurs et particularités) en rapport avec la réconciliation, la consolidation de la paix, la restauration de la confiance et le développement. Donnez quelques exemples ! 2. Objectifs du GRF. 3. Quelles sont les stratégies utilisées par le GRF pour avoir un impact sur les conflits et la consolidation de la paix et pour le renforcement socioéconomiques ? 4. Dites-nous tout ce que vous avez déjà réalisé dans le domaine de la paix et réconciliation ? 5. Comment la prise de décision est faite dans votre GRF et entre vos partenaires. 6. Y a-t-il suffisamment des ressources financières et humaines pour vos activités ? 7. Quelle structure mise en place pour les décisions financières ? 8. Quelles sont les différentes organisations membres de votre GRF ? Quels sont leurs intérêts et leur relation de pouvoir et comment les femmes participent dans les activités de votre GRF ? 9. Comment votre GRF peut-il s'améliorer ? Avez-vous des recommandations à faire ?' Answers (given by groups, not by individual members) were generally resumed in few lines for each question.

[379] Cf. W. Benedek's comments in MULTIPART, WP4D Working Papers, 'Feedback from Scientific Committee', May 2010, pp. 12-13.

Développement et la Paix, Bukavu). [380] Interviewees include: (a) members of the GRF Burhembo/Mumosho, Nshimbi/Mumosho, Kahinga/Kandekere; [381] Kabiganda/Karhongo-Nyangezi, Lukananda/Karhongo-Nyangezi, Buzonga/Axe Mushenyi-Nyangezi, Kahinga Busimbi/Nkubagire, Munya/Ntendere (Intanabwijira), Munya/Cibimbi, Munya/Kalegera, Ishamba/Nacirhongwe, Ishamba/Ibambiro; [382] Kasigalire/Karhongo-Mushenyi, Namahwa/Karhongo-Mushenyi, Kabunda/Karhongo-Mushenyi, Kahinga/Mazinzi, Munya/Ishunda, Munya/Cijingiri, Munya/Namurhambye, Munya/Mushego; [383] (b) CORDAID (Catholic Organisation for Relief and Development Aid, The Hague) and the IFDP personnel;[384] (c) the CIM Bushi (Comité Intermarais du Bushi) personnel;[385] (d) a selection of diplomats, personnel working for international governmental[386] and non-governmental[387] organisations active in the DRC, Italian military observers and intelligence analysts.[388] For confidentiality reasons footnotes only indicate reference numbers of the interviews.

The case study is also based on documentary resources indicated or made available by interviewees or by specific GRF internal and external stakeholders (websites, working papers, etc.). These reports contain many interesting details on post-conflict reconciliation and human security in the DRC, with specific reference to land relations, i.e. the conceptual core of this

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[380] The information of the fieldwork has been gathered through various research methods: interviews, mainly semi-structured interviews and informal conversations and focus group sessions, mostly between ten to twenty persons, have been carried out with available members of different GRFs, including local administration on different levels and beneficiaries of these local initiatives. On 18 March 2010 a meeting was held in Goma with the various key stakeholders of the four MULTIPART DRC case studies in order to present the results of the analysis and to receive feedback on the research facilitated by a discussion around the case study and the potential added value of such partnerships in DRC, in particular for this case in the context of South Kivu. The results of the meeting are included in this analysis.

[381] MULTIPART, WP4D Working Papers, Transcr. 1, 'Focus group avec les membres des GRF' Burhembo/Mumosho (pp. 1-3), Nshimbi/Mumosho (pp. 3-5), Kahinga/Kandekere (pp. 5-6).

[382] MULTIPART, WP4D Working Papers, Transcr. 2, 'Focus group avec les membres des GRF' Kabiganda/Karhongo-Nyangezi (pp. 1-3), Lukananda/Karhongo-Nyangezi (pp. 3-6), Buzonga/Axe Mushenyi-Nyangezi (pp. 7-9), Kahinga Busimbi/Nkubagire (pp. 9-10), Munya/Ntendere – Intanabwijira (pp. 10-12), Munya/Cibimbi (pp. 12-14), Munya/Kalegera (pp. 14-16), Ishamba/Nacirhongwe (pp. 16-19, in two sets), Ishamba/Ibambiro (pp. 19-20).

[383] MULTIPART, WP4D Working Papers, Transcr. 3, 'Focus group avec les membres des GRF' Kasigalire/Karhongo-Mushenyi (pp. 1-3), Namahwa/Karhongo-Mushenyi (pp. 4-6), Kabunda/Karhongo-Mushenyi (pp. 6-8), Bwarha/Karhongo-Mushenyi (pp. 9-11), Kahinga/Mazinzi (pp. 11-12), Munya/Ishunda (pp. 13-14), Munya/Cijingiri (pp. 14-15), Munya/Namurhambye (pp. 16-17), Munya/Mushego (pp. 18-19).

[384] MULTIPART, WP4D Working Papers, Transcr. 4, 'Interview CORDAID', pp. 1-4; 'Interviews avec l'Equipe IFDP', pp. 4-18, § 1-39.

[385] MULTIPART, WP4D Working Papers, Transcr. 5, 'Interview CIM Bushi', pp. 1-5.

[386] MULTIPART, WP4D Working Papers, GRF, Interview Reports (IR), nos D/GRF/FI-1 to D/GRF/FI-11, Dec. 2009.

[387] MULTIPART, WP4D Working Papers, GRF, IR, nos D/GRF/FI-12 to D/GRF/FI-15.

[388] MULTIPART, WP4D Working Papers, GRF, IR, nos D/GRF/FI-16 to D/GRF/FI-18.

particular MSP, but data are quoted here only if useful to support interpretations strictly focused on the GRF.[389]

Any attempt to compare the GRF to the other MSPs studied in the CRB issue-area should take into due consideration the fact that this MSP is very different in structure and scope from both the Action Plan (Afghanistan) and the SPARK (Kosovo). Suffice it to say that whereas the Action Plan touches the core of the current international-local interaction at the highest level of global and local policy in Afghanistan, the GRF certainly deal with the core reason of conflict in South Kivu – land issues – but basically consist of a small-scale co-operative programme supported by a European NGO, which has provided funds and trainers to a local NGO.

However, on the key importance of land issues for reconciliation in the DRC, the MULTIPART Draft Interim Country Study Paper highlighted that:

> In many parts of the eastern provinces of the Democratic Republic Congo, land has been a source of conflict for many years. Changes introduced during the colonial period tended to politicise and exacerbate conflicts over disputed access to land. Before the colonial conquest, large parts of eastern Congo were characterised by markedly stratified patriarchal social structures. Access to land was regulated by a hierarchical administration based on communal territorial ownership. Under the Belgian colonial power a co-existence of "customary" and "modern" land access systems was set and was becoming extremely confusing under the Mobutu regime with the discarding of the customary law and the never-fully implemented statutory land law.
>
> In eastern DRC, the situation was made more complicated by the presence of large populations from Rwandan origin (Banyarwanda). As migrants, they had no access to local customary land tenure systems and were forced to buy land. In addition, demographic pressure further intensified land competition between small farmers.
>
> The direct relationship between problematic access to land and conflict was further consolidated during the Congolese war. Local disputes over land came to be linked to the larger, multi-level conflict for political power and control over local resources. The result of the new dynamic was that land gradually shifted from a source to a resource of conflict. The

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[389] Among other sources, see MULTIPART, WP4D Working Papers, (a) 'Historique sur le GRF' (hereafter, 'Historique'), in RSC, pp. 12-15, Jean-Baptiste Safari Bagula (IFDP Coordinator) to L. Risch, 10 July 2009 (more data will soon be available at http://www.ifdp.cd).; (b) 'Rapport final. Programme RESCOP n° 115/10162. Renforcement des stratégies communautaires de construction de la paix basées sur la sociothérapie au Sud-Kivu, RDC; phase pilote, 2007-2008' (hereafter, 'RESCOP 115/10162'), pp. 30; (c) 'Programme RESCOP n° 115/10162A. Renforcement des stratégies communautaires de construction de la paix basé sur l'approche combinée "Sociothérapie et réduction des conflits fonciers – SRCF" dans la province du Sud-Kivu, RDC; deuxième phase, 2008-2010; version finale, octobre 2008' ('RESCOP 115/10162A, Plan 2008-10'), pp. 67; (d) 'Programme RESCOP n° 115/10162A. Rapport intermediaire, novembre 2008 – avril 2009' ('RESCOP 115/10162A, RI 1'), pp. 26; (e) 'Programme RESCOP n° 115/10162A. Rapport intermediaire, mai-novembre 2009' ('RESCOP 115/10162A, RI 2'), pp. 29. On land conflicts see, among other essays, the important contribution of Séverin Mugangu Matabaro, 'La crise foncière à l'Est de la RDC', in S. Marysse, F. Reyntjens, S. Vandeginste (eds.), *L'Afrique des Grands Lacs. Annuaire 2007-2008* Paris, L'Harmattan, 2008, pp. 385-414, www.ua.ac.be/objs/00210789.pdf, esp. pp. 398-409 on South Kivu.

most visible illustration of this trend was the confiscation by local army commanders of local land titles. Access to land provided new leaderships with the necessary economic basis, yet at the same time offered them a perfect resource to be distributed among their supporters.

Land access thus continues to be extremely politicised and to pitch different ethnic communities against one another. The failure of the national legislation to defend small farmers' rights, the absence of a responsible local administration, the connection between ethnic identity and access to land and the economic importance of agriculture and pastoralism in the region all explain the necessity to longer-term support of land redistribution programmes, of strengthening of the legal framework and of facilitating dialogue between ethnic communities.[390]

The Country Study Paper also highlighted that: 'Reconciliation MSP initiatives are mostly set up from grass roots initiatives, focusing on a small community dialogue or livelihood improvement.'[391]

GROUPES DE REFLEXION SUR LES QUESTIONS FONCIERES (GRF)[392]
Description
The *Groupes de Réflexion sur les questions Foncières* (GRF) has been selected as a Multi-Stakeholder Partnership (MSP) in the framework of MULTIPART, a project financed by the European Commission (EC) under the EC 7th Framework Programme, and is one of the three case studies on the thematic area concentrating on confidence-building, reconciliation and inter-communal bridge-building (CRB).
The Catholic Organisation for Relief and Development Aid (CORDAID), a Dutch non-governmental organisation (NGO), and its local partner, *Innovation et Formation pour le Développement et la Paix* (IFDP), created and reinforced a network of discussion and mediation groups around land conflicts in South Kivu, more particularly in the *chefferies* of Kabare (territoire Kabare) and Ngweshe (territoire Walungu). Although their main focus is set on dealing with community land issues (passing borders, theft, land titles, etc.), the committees' objectives are also orienting and broadening towards developing aims, such as constructing or maintaining roads, and ecological questions.
In March 2008, the Groupement of Karhongo/Nyangezi, in collaboration with its 43 *chefs de localités* (local administrators) and with the IFDP, set up 43 GRF, including 645 members in total. Women, youth and other representatives of civil society have been involved in the formalisation and implementation processes of the GRF. External supporters (international NGOs) have provided methodological guidance, expertise and financial support to the initiative. The positive outcome obtained in Nyangezi paved the way to an extension of the process to the Groupement of Mumosho (Kabare *chefferie*).

Actors involved	
International:	CORDAID, IUCN-NL (external supporters).
Public:	Groupement of Karhongo/Nyangezi and its *chefs de localités* (later also the Groupement

[390] Line Risch, Hans Hoebeke, Koen Vlassenroot, 'MULTIPART Draft Interim Country Study Paper: Democratic Republic of Congo', Bruxelles: Egmont Royal Institute for International Relations, 26 May 2009, pp. 57-58. Cf. Patrick Cammaert, Hans Hoebeke, Evert Kets, Koen Vlassenroot, 'SAF DRC. Reference Document', Netherlands Institute for International Relations Clingendael, 21 Sep. 2007, pp. 134, 135; J. Pottier, 'Emergency in Ituri, DRC: Political Complexity, Land and Other Challenges in Restoring Food Security', Paper presented at the FAO international workshop on 'Food Security in Complex Emergencies: Building Policy Frameworks to Address Longer-Term Programming Challenges' (Tivoli, 23-25 Sept. 2003).

[391] 'Country Study Paper' cit., p. 64.

[392] Data taken from Annex 2, according to information provided by J.–B. Safari Bagula (IFDP Co-ordinator, Bukavu) and L. Ritsch (Egmont Royal Institute for International Relations, Brussels).

Civic: Private:	of Mumosho and its *chefs de localités*). IFDP (South Kivu NGO providing external support), local communities, traditional authorities, school teachers and directors, families, women, youth. Private actors will be soon involved in participatory discussion meetings organised by the IFDP.
Ownership Investment: Planning: Decision making: Implementation:	All actors involved in the GRF share both interest in the outcome of the partnership and risks inherent to it, and demonstrate a remarkable degree of ownership. International (external) supporters of the GRF mainly confer expertise and financial resources. The public actors (Groupement and local administrators) are engaged at the human and material resources level. At the civic level, the IFDP provides leadership and human resources, as well as material resources, in terms of skills and know-how. Other civic actors and beneficiaries are mainly engaged at the human resource level. All stakeholders share a certain degree of participation in planning and decision-making, even if the agenda for the GRF seems to be more dependent on the public actors and the IFDP than on other stakeholders' inclinations and choices. All stakeholders have a voice in the GRF, deliberately based on a multi-actor approach. The gradual implementation of the 43 GRF has begun to pave the way to "win-win" decisions translating stakeholders' preferences.
Issue-area	Confidence-building, reconciliation and inter-communal bridge-building
Geographic range	South Kivu (Walungu and Kabare *territories*)
Time scale	March 2008 onwards
Operation & **institutionalisation** Regular meetings Decision structure	'To tackle land disputes, it is necessary to bring communities – not just leaders – together to negotiate new procedures for land access by improving traditional methods of access to land (such as written title properties). The creation of GRFs can stimulate the debate on traditional land rights and contracts. By region, fifteen players and users of land form a GRF to help resolve conflicts with the help of property contracts which are based on the customary distribution and use of land. It is noteworthy that these contracts (and thus "landowners") are not part of the state cadastral system but are rather a temporal solution that helps to limit the uncertainty of the oral culture. Soon, the GRFs won the confidence of the people, including customary leaders and even some official authorities acknowledged the importance of an exchange. These GRFs may play a future role in establishing good governance in the decentralised regions. In this case they can form a bridge between the state and customary authority, by completing a control function (watchdog).'[393] The IFDP, in collaboration with the local administrators, stimulates a multi-actor approach at three levels: (1) Local and community level. The GRF gather local actors with different interests, objectives and professional qualifications (traditional leaders, teachers, religious leaders, women, youth, etc.) and organise their dialogue with external actors and supporters, such as CORDAID in the framework of the RESCOP programme. (2) Level of the *chefferie* as Entité Territoriale Décentralisée (ETD). The GRF pave the way to the institutionalisation of participatory discussion meetings (*forum de discussions*) focused on peacebuilding and decentralisation issues in the Ngweshe and Kabare *chefferies*, involving representatives of the *chefferie* administration, civil society and the private sector. Linked to the third section of the RESCOP programme, and thus involving also the IFDP, CORDAID and other actors, this activity aims to strengthen local governance and prevent conflict through fair resource management and a correct approach to land issues. (3) Provincial and international level. The IFDP is organising two initiatives: (3a). The GRF and local development. Starting from land disputes and reconciliation between local actors, the GRF also aim to promote local development and the struggle

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[393] 'MULTIPART Mapping Survey DRC', Bruxelles: Egmont Royal Institute for International Relations, March 2009, pp. 40-41.

against poverty based upon environmental concern. The Ishamba and Mushenyi GRF, for example, have begun to trace inter-village roads to facilitate exchanges and trade. Since August 2008 the IFDP and the Ishamba GRF have been studying the possibility of resetting the Businga ecosystem thanks to IUCN-Netherlands financial support, thereby addressing the land disputes linked to the destruction of the artificial forest in that area. In April 2009, the debate was extended to other Nyangezi GRF and other actors (public services, Provincial Assembly, army, police, civil society, scientists, technicians, etc.). In July, a five-member commission (the Provincial Co-ordinator for the Environment, a member of the Provincial Assembly, an engineer, the Chef de Groupement de Nyangezi representing all the GRF of his jurisdiction, and the IFDP Coordinator) visited the Greater Gombe Ecosystem Project/TACARE in Kigoma, Tanzania, to learn useful lessons about ecosystemic preservation. GGE/TACARE – Tanzania has been involved in the GRF debate, which will likely invite also the Jan Goodall Institute (United States) for further progress of the Businga initiative.

(3b) A consortium supporting decentralisation and local governance in the DRC. In October 2008, the IFDP and CORDAID began to build the consortium together with two local NGOs (Vision Verte and the OGP, Observatoire Gouvernance et Paix) a local higher education institution (the ISDR Bukavu) and the Wageningen (Netherlands) University. This project will probably interact with the GRF activities.

C.3.2 Main characteristics and perception

The general underlying hypothesis linked to this first cluster of secondary research questions (what are the main characteristics of the GRF as a MSP operating in post-conflict South Kivu and against the overall DRC background?)[394] before developing research on the GRF was that MSPs may partly contribute to CRB even in situations which cannot yet be defined as completely post-conflictual. Given the DRC current picture and, specifically, the state of security in South Kivu,[395] the GRF certainly confirm this hypothesis, even if any attempts at generalisation should take in due account that this case study relates to a relatively small-scale project, developed in two *chefferies* which are not necessarily similar to neighbouring territories, as far as propensity to intra-community dialogue is concerned.

Data collected in the field anyway confirm that all stakeholders share an optimistic view on the connection between reconciliation and the kind of "soft" solution of land disputes provided by the GRF. Furthermore, reports produced by the IFDP, the local NGO which has been playing the pivotal role in this experience since September 2007 (pilot phase) and more specifically since March 2008 (organisation of the GRF),[396] clearly show that stakeholders and beneficiaries

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[394] RSC, p. 5.
[395] Cf. 'RESCOP 115/10162A, Plan 2008-10', pp. 24-26, on post-conflict reconstruction in the DRC; pp. 27-31, on specific South Kivu problems.
[396] 'RESCOP 115/10162', pp. 20-21; 'Historique'. p. 1.

substantially have a common perception of the GRF nature, objectives and performance as a success story in partnership against the background of long-lasting land disputes.

As for perception and self-perception, GRF members have not been asked the direct questions grouped in this cluster, but their answers scattered throughout the transcriptions show a clear understanding of the GRF as an MSP trying to 'bring together several stakeholders – i.e. actors (private or public) that have a shared interest in the outcome and demonstrate some degree of ownership – to address a particular issue', according to the MULTIPART definition.[397] Their opinions also imply that the involved actors – including the Groupements of Karhongo/Nyangezi and Mumosho with their *chefs de localité* on the public side,[398] the IFDP on the civic side, and CORDAID from the international supporters' viewpoint – share a variable but generally high level of ownership (namely, according to the MULTIPART definition, 'a relationship within an organisation that implies an investment of certain types of resources and a degree of participation in decision-making'[399]).

Concerning the MULTIPART definition of peacebuilding as 'a set of policies, programmes and activities which initiate or contribute to broader processes that help to overcome the legacy of armed conflict and prevent any recurrence in the future', it would be wrong to assess the GRF as 'short-term measures' trying just to resolve recent land disputes created in the war years. On the contrary, interviewees explicitly or implicitly agree that the GRF may also work at micro-level on specific short-term problems, but certainly belong to the set of 'longer-term initiatives' which 'address the structural causes of conflict', since they focus on rooted land disputes, and should therefore 'strengthen capacities to manage and resolve conflicts peacefully'[400] with their typical win-win approach and their ambitious objectives of introducing new and clearer forms of written contracts (Contrat Foncier Type, CFT) and facilitating stronger social cohesion.[401]

A short/long-term distinction could be introduced to deal with the GRF performance in contributing to the objective of human security in South Kivu. It is difficult to single out a direct cause-effect link between concerted assessment/solution of land disputes and the protection of

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[397] See MULTIPART, WP 2-3 Working Papers, 'Theoretical and Methodological Framework and Guidance for the Project' (hereafter, TMF), p. 30.
[398] If referred to local state actors in this analysis, this includes the local administration and the chiefs on the different administrative levels (*chef de chefferie*, *chef de groupements*, *chef de localité*). These chiefs are not appointed by the local administration de territoire (AT), but inherit this function. However, they are officially recognised by the state law and form together with the AT the local hierarchical administration.
[399] TMF, p. 30.
[400] TMF, p. 33.
[401] See for instance GRF Burhembo, no. 2.1, in WP4D Working Papers, Transcr. 1, p. 1.

the 'vital core of human lives from critical and pervasive threats' in the short term. The GRF, however, have certainly given so far a meaningful contribution to the creation of 'a political, social, economic, environmental and cultural system that advances human fulfilment' in the long run, and they spring off a brilliant elaboration of traditional conflict-solving procedures based on the core concept that 'human security expands on people's interests and aspirations (empowerment)'.[402]

It is therefore appropriate to distinguish the longer-term GRF objectives from the current situation in South Kivu, which has gradually deteriorated from the political-military and security points of view,[403] and duly assess the GRF performance against their specific action domain and according to specific micro-indicators, such as the number of examined/resolved land disputes. Notwithstanding the regional state of turmoil, the GRF have been set up and managed appropriately, according to the sub-question proposed in the Research strategy.[404] And interviewees generally share the opinion that they have been a success, not a failure, even if the current peacebuilding and human security situation in South Kivu is still very far from what the local population and the international community – at least its part genuinely interested in sustainable conflict resolution in the Great Lakes region – would hope for the region and for the DRC in general.[405]

In terms of their structure and operation, the GRF may be considered a hybrid between "local advice councils" and "civil society watchdogs" gathered around the chief of the village (*localité*) to deal with all kind of non-violent land issues (from theft of crops to conflicts about borders or land titles). Based on "traditional" ways to tackle conflict in the community, local committees are not a new participatory development tool. Civil society has revived them also to balance top-down initiatives lacking local conflict assessment/sensitivity, ownership and sustainable local impact. However, the reviving of such committees, installed by an external actor – a local/international NGO – and not "from the community itself", might also strengthen conflict dynamics of exclusion/inclusion. This can be the case when a certain level of ethnic diversity exists in the different communities, and certainly in the context of Eastern DRC, where local communities have to deal with "intra-group" reconciliation before discussing sensitive themes

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[402] TMF, p. 38.

[403] See, for example, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Humanitarian Action Plan 2010. Democratic Republic of Congo', short version, p. 17, www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/ASHU-7ZYSTV-full_report.pdf/$File/full_report.pdf.

[404] RSC, p. 6, RQ 2.1.3.

[405] RSC, p. 6, RQ 2.1.4.

such as land issues. The performance of the GRF, therefore, largely depends both on the broader security context in South Kivu – since one of the key requirements for the success of this community-based dialogue is a minimum level of security – and on a certain level of homogeneity in the different communities.

It should also be noted that although the GRF include the local state administration (an ambivalent advantage, since the administration may also decide whether to organise them or not), they are not an official structure to deal with land issues. They can be consulted but are not obligatory by law. In the areas where they have already been installed, their existence and presence is widely known and the *chefs de localité/groupement* – sometimes even the police – often refer back to the GRF or ask for their support when they receive a non-violent land conflict case. However, this is also one of the weaknesses of the GRF: both parties in conflict have to be willing to choose their mediation and the GRF may not enforce a decision, even though it is considered as a win-win solution.[406]

C.3.3 Potential significance and impact on peacebuilding and empowerment

WP4D analysis in the DRC within the RQ 2.2 cluster (what is the potential significance of the GRF – as a MSP operating in the field of CRB – i.e. what possible mechanisms exist to impact on peacebuilding, security, poverty alleviation and empowerment in South Kivu?)[407] has started from the underlying hypothesis that the GRF contribution to reconciliation in South Kivu (and the expectable contribution of the GRF "module", if adopted in other territorial contexts, to facing analogous conflict sources around the country), considering their specific membership and working rules, might be significant and more-than-proportionally useful with a leap to a larger scale. The collection of data in the field, as well as the comparative analysis of documentary sources providing information on and evaluation of the gradual implementation of both the CORDAID-IFDP projects in general and, specifically, the GRF experience, allow to confirm that hypothesis. Generalisation, however, should take into account some caveats – in particular the scale of this MSP – in assessing whether *any* MSP has had so far real chances of giving durable contribution to peacebuilding and empowerment in South Kivu.

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[406] These final remarks include suggestions by L. Risch, e-mail message to the authors, 1 June 2010.
[407] RSC, p. 5.

The GRF tasks set by the IFDP clearly define the boundaries of their potential significance and impact. They mainly include: (a) receiving and registering the specific cases of land disputes in need of solution; (b) suggesting to use the CFT to facilitate reconciliation between parties, when simpler reciprocal engagements seem unfeasible, and making both the land actors and the whole population aware of the significance of written contracts; (c) fix the procedural rules for reconciliation meetings; (d) registering and taking documented record of resolved cases; (e) working under the supervision of the Groupement to monitor and manage CFT implementation; (f) disseminating GRF deliberations and all information on land disputes and local development among land actors and the whole population in the region; (g) organising plenary sessions open to the public in order to facilitate free debate on land disputes and local development actions; (h) settling individual conflicts within the GRF or between two or more of them; (i) promoting community projects and participating in them; (j) fostering co-operation mechanisms whereby the population, the traditional authorities and the state services may collaborate to reach the common goal of a local responsible governance; (k) forwarding GRF reports to the Sous-groupement (in the Mushenyi, Kahinga and Ishamba cases) or the Groupement, as well as to the IFDP; (l) involving the Groupement for particularly difficult disputes; (m) participating in meetings organised by the Sous-groupement, the Groupement and the IFDP.[408]

Along these coordinates the GRF have already given and will likely go on giving a signal contribution to peacebuilding and empowerment in South Kivu, since the consensual settlement of land disputes in collaboration with land actors, traditional authorities and the state services is in itself a remarkable "exercise in inclusion" and therefore represents a crucial step for a reconciliation process aiming at political stability and long-lasting social cohesion in the area.

Among the GRF mechanisms bound to have a beneficial impact on decentralisation and inter-communal bridge-building in South Kivu one should especially single out the co-operative relation with the Sous-groupement and the Groupement, the dissemination activity regarding deliberations and information on land disputes and resolved conflicts, the promotion of community projects and the well-designed perspective of supporting co-operation initiatives and fora between the population and the state/traditional authorities.[409] As for empowerment of

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[408] MULTIPART, WP4D Working Papers, IFDP, 'Proposition des tâches et responsabilités des GRF', p. 1.
[409] Cf. 'RESCOP 115/10162A, Plan 2008-10', p. 23: 'L'IFDP travaille depuis 2005 sur la problématique foncière, notamment en abordant des questions comme les contrats fonciers, l'exercice du pouvoir tradi-coutumier, le dialogue (intra) communautaire, les pratiques de gestion foncière, etc. Les résultats réalisés dans le cadre du programme RESCOP/phase 2007-2008, ont démontré que l'amélioration des relations intra-personnelles et sociales

vulnerable people and communities, with a view to their participation in public life, the chances of success and further implementation of the GRF experience would certainly grow against the background of an improved security situation in South Kivu.

Finally, it should be noted that the GRF play a significant role in dealing with the consequences or "symptoms" of a structural problem – land conflicts – through conflict resolution and mediation. They facilitate or reinforce the community social fabric, which is built on confidence and trust, and create stabilisation, since petty land disputes can escalate to brutal and violent struggles, and even trigger more widespread local conflict. However, tackling conflicts is different from preventing them, and preventing conflicts is essential in terms of sustainability: without an integrated approach to land issues on a structural basis (at provincial and national level) strong risk for renewed violence remains. Consequently, it is also important to stress the ability of the IFDP to follow up and support the GRF, as their number is increasing. Although a number of animators and coaches – trained persons living in a certain GRF community – are attending meetings and providing workshops and formation, the risk of being victim of their own success is significant. Long-term strategies for this initiative could be considered, maybe bringing in other NGOs or even international governmental actors.[410]

C.3.4 A success story

Field research has started from the underlying hypothesis supporting the cluster of secondary questions linked to RQ 2.3 (how *in practice* have the GRF formed and developed over time; how have they been composed and how have they operated – both internally and in relation to their external stakeholders and intended beneficiaries – with specific reference to CRB?),[411] namely, that the GRF case – with its specific membership criteria, governance rules, agenda-setting,

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ainsi que la cohésion sociale, entre autre, entre l'administration coutumière et les populations locales, ne sont pas des garanties indispensables pour la reconstruction et le développement local. Il a été constaté qu'au-delà du dialogue social progressivement installé dans la Zone du programme, il est plus qu'indispensable que les populations soient associées à la gestion et le développement de leurs entités. Le changement observé dans l'exercice du pouvoir politico-coutumier à la base, l'établissement du dialogue communautaire participatif à travers les GRFs et l'acceptation de nouvelles procédures dans la gestion des terres dans ladite zone, a permis aux acteurs locaux de se préparer progressivement à entrer dans le processus de la décentralisation encours dans le pays, où les communautés locales auront droit de jouir de leurs potentialités, de demander des comptes à leur administration coutumière et d'exercer un contrôle citoyen sur le programme mis en oeuvre par cette dernière. Il en est de même du côté de l'administration coutumière, cette dernière devra s'ouvrir à la gestion partecipative dans son entité et d'éviter l'opacité à travers la mise en place des mécanismes de transparence et de redévabilité'.

[410] This comment is based on suggestions by L. Risch, e-mail message to the authors, 1 June 2010.
[411] RSC, p. 6.

decision-making and inner power relations – could be of particular interest to explore in comparative perspective the gap between the potential impact and the actual operation and performance of MSPs in complex post-conflict situations, i.e. a differential to which the EU could give attention in shaping its attitude and possible support.

Data provided in the field by semi-structured interviews offer a homogeneous perception of the formation, evolution, composition and internal operation of the GRF shared by their members and stakeholders, as well as by observers and actors linked to donor countries or the EU (diplomats, etc.). These research findings, combined with secondary sources, draw a sketchy but clear picture of the GRF typical structure, as well as of their relations with external stakeholders and beneficiaries.

C.3.4.1 Formation

(1) *Leading actors*. In all examined cases[412] the leading actors for the formation of the GRF were CORDAID, as external supporter,[413] and the IFDP, co-ordinated by Jean-Baptiste Safari Bagula and appropriately playing its role of a local pivot for the RESCOP project since 2007.[414] No direct proactive role was played by the DRC Government at central or provincial level (nor was this role looked for or expected by the MSP initiators at this stage), whereas the involved

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[412] See above the complete list of GRF focus groups in Transcr. 1-3.

[413] Cf. www.cordaidpartners.com/projects/76-reinforcement-community-based-peace-building-strategies-through-the-sociotherapy-approach-in-south-kivu-drc-rescop. On CORDAID activities, www.cordaidpartners.com/programs/home.

[414] On the IFDP cf. www.ifdp.cd; 'RESCOP 115/10162A, Plan 2008-10', pp. 58, 62-67; p. 65 on Safari Bagula. On RESCOP and its relation to the GRF cf. 'RESCOP 115/10162', p. 6 (objectives of the programme: 'Contribuer à l'amélioration des relations sociales au sein des communautés locales dans la province du Sud-Kivu en République Démocratique du Congo. Pour contribuer à l'atteinte de cet objectif global, il était prévu, à court terme, de (a) renforcer les capacités des communautés locales dans la résolution des conflits individuels et collectifs; et (b) renforcer la réhabilitation psychologique et sociale des groupes vulnérables au sein des communautés locales'); p. 30: 'Les séances de sensibilisation suivies des deux ateliers sur la problématique foncière et d'harmonisation et de validation des 4 types des Contrats fonciers types selon les modes d'accès aux terres encore usuels à Nyangezi organisés en février et en juillet 2008, ont offert aux acteurs fonciers (demandeurs et donataires des terres), les possibilités de s'asseoir ensemble sans complexe pour faire un état des lieux dans le domaine foncier, dégager les principaux problèmes, examiner les différentes causes et les conséquences ainsi qu'élaborer les pistes de solution. Parmi les causes des conflits fonciers, il a été découvert que la quasi absence des débats sociaux au niveau des entités rurales (villages, localités, groupement et collectivité) est due essentiellement au type de relation très déshumanisante entretenue par les donataires des terres qui se considèrent comme des seigneurs (propriétaires) à l'égard des demandeurs des terres qu'ils prennent pour des vassaux. Ainsi, ils ont pu réaliser que tout en restant propriétaires et donataires, il y aurait moyen de développer des relations plus ou moins respectables, à travers des espaces de discussion, en vue de permettre aux parties d'accéder et d'exercer une jouissance sur les terres, selon les modes d'exploitation qui ont fait l'objet des spéculations des terres. C'est pourquoi dans le souci de matérialiser ces discussions, le Groupement de Karhongo/Nyangezi en collaboration avec ses 43 chefs de localités avec l'accompagnement de l'IFDP, ont mis en place à partir du mois de mars 2008, 43 Groupes de réflexion sur les questions Foncières (GRFs) constitués de 645 membres au total'.

Groupements of Karhongo/Nyangezi (Walungu *territoire*) and Mumosho (Kabare *territoire*) reacted to the proposal and effectively collaborated to its implementation, but research in the field could not directly verify their own intentions and motivations. The *chefs de localités* – who represent the traditional power, play an essential role in land attribution and generally serve as customary judges – were not ready to fully co-operate at the beginning since they feared a loss of power, but eventually were persuaded by the MSP initiators (CORDAID and IFDP) that collaboration was in their interest, too, and just in terms of intra-communal power relations besides overall reconciliation purposes. So they supported the option of implementing the initiative on a systematic base within the Groupement and participated in the GRF.[415]

The CORDAID – which provided 118,000 EUR to implement the first phase of the RESCOP project from September 2007 to August 2008 and 200,000 for the second phase from November 2008 to October 2010, and directly participated in monitoring activities[416] – and the IFDP, which managed the programme in the field, initiated the experience of the GRF and defined its contents in line with the long-term objective of the project, i.e. contributing to the improvement of social relations within local communities in South Kivu, and its short-term goals: (a) strengthening the ability of local communities to resolve individual and collective conflicts and (b) supporting psychological and social rehabilitation of vulnerable groups within those local communities.[417] No other stakeholders were looked for at this preliminary stage of the GRF initiative, since it seemed to the initiators that their forces could be enough to promote and manage it according to their intentions. The funds, as a matter of fact, proved to be sufficient to partially reach these ambitious objectives in the concerned intervention area.

The IFDP, due to previous involvement and regional expertise, had main direct responsibility for drawing the intervention perimeter in the first project phase, taking into account the fact that all populations in the area belong to the Shi tribal group and therefore share the same culture, traditions and values.[418] The area covers 43 *localités*, each led by a *chef de localité* whose power has been inherited or results from concentration between the *chef de groupement* and the *collecitvité-*

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[415] GRF, IR, no. D/GRF/FI-12, Jan. 2010, 3.1. Cf. also 'Historique'. p. 2: 'L'actuel plein engagement de Mwami Ngweshe – XV WEZA – III Pierre J-M.J. Ndatabaye MUHIGIRWA et celui de Kabare, le Mwami Kabare Rugemaninzi II Nabushi a permis de progresser de manière rapide dans le rapprochement du projet avec la vision de construction de la paix et du développement de deux Entités territoriales décentralisées (ETD). Désormais, les deux administrations politico-coutumières ne se sont pas seulement impliquées dans nos activités mais faisons corps ensemble dans le processus de changement (transformation) social'.

[416] 'RESCOP 115/10162', p. 4. See also p. 8, activity no. 25, for CORDAID direct participation through Christine Lain. Cf. also www.cordaid.nl. Cf. 'Interview CORDAID', pp. 1-2.

[417] 'RESCOP 115/10162', p. 6.

[418] 'RESCOP 115/10162', p. 4.

chefferie.[419] Given the economic context of extreme poverty, in spite of previous donors-led interventions (World Food Programme distributions, Tuungane project promoted by the International Rescue Committee), and given a favourable political moment, when the *chefs coutumiers* began to understand that after the 2006 presidential elections the "Third Republic" had promoted a new governance course from which they should not short-sightedly exclude themselves, the IFDP decided to focus on land issues, a typical and persistent conflict source in the area, in order to (a) build intra-communal confidence, (b) develop written contracts and dialogue fora as local tools contributing to establish legal procedures in land management and prevent conflict in the area, and (c) improve land actors' attitudes and behaviours.[420]

(2) *Selection of members and stakeholders*. The IFDP had initially planned to create just three GRF, corresponding to the three Sous-groupements, each composed of 20 people, for a total of 60 persons (40 men and 20 women, implementing CORDAID's gender-oriented suggestions) to be involved. The collaborative feedback received from these first participants and the suggestions coming from the *chefs de localités* paved the way to the idea of organising a GRF for each of the 43 *localités* of the Groupement, so that the involvement of 355 men and 290 women, for a total of 645 persons, was planned.[421]

The typical development pattern described by focus groups reports[422] singles out a general assembly of the people living in a *localité* as the founding event of the GRF. This happened in November 2007 for the *localité* of Burhembo (Groupement Mumosho), after a series of sociotherapeutic "training for trainers" sessions promoted by the IFDP in collaboration with CORDAID.[423] The members of the local GRF, elected by the general assembly, were the *chef de localité*, the religious leaders, representatives of teachers and schools, youth representatives and ILD (Initiatives Locales de Développement) representatives, – i.e. 'all socioprofessional categories and influential persons', defined as such by the MSP initiators.[424] The general assembly took place in August 2008 for the localité of Nshimbi (Mumosho). In that case, the focus group report notes that the GRF idea had come from the IFDP after the "training for trainers" sessions. The trainers received by the IFDP the suggestion to contact the *chef de localité* and build

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[419] See CSP for the explanation of these terms and the regional history and context.
[420] 'RESCOP 115/10162', pp. 4-6.
[421] 'RESCOP 115/10162', pp. 9-10, 15.
[422] Cf. answers to question no. 1 in WP4D Working Papers, Transcr. 1-3.
[423] On training contents see 'Interviews avec l'Equipe IFDP', pp. 12-13; 'Historique'. p. 1.
[424] WP4D Working Papers, Transcr. 1, p. 1.

up a GRF in collaboration with him.[425] In the Kahinga/Kandekere case, the *chef de localité* contacted the *chef de groupement* to promote the GRF, having realised that the initiative would be in their interest, too, for the reasons described above.[426] The focus group report for Kabiganda pictured a background of long-lasting land conflicts, raising to untolerable extremes in the final two decades of the twentieth century. Following a suggestion of the IFDP (likely coming from the co-ordinator, Safari Bagula), the *chef de localité* invited all the people living in the Kabiganda area to elect 15 members and create a GRF.[427] The same happened for Lukananda.[428] The Buzonga report described the usual pattern: sociotherapeutic "training for trainers", plenary meeting of the *chefs de localité* promoted by the IFDP, general assembly of the village gathered by the *chef de localité*, election, formation of the GRF.[429] The Munya/Ntendere report noted the presence of a CORDAID representative in certain stages of the usual procedure (thereby singling out the very discreet role – single financial supporter of the IFDP, provider of initial training for IFDP trainers, external participator in scattered GRF basically for monitoring reasons – deliberately chosen and played by the Dutch NGO in this particular MSP, aiming to delegate project management in the field to the empowered local NGO).[430] The Ishamba/Nacirongwe report highlighted that the local GRF, promoted by an IFDP proposal, 'supports the action of the *chef de localité*, who participates as moderator in the GRF.[431] The Ishamba/Ibambiro report noted that the elected members of the GRF included representatives of the protestant, catholic and kimbanguist churches, as well as representatives of youth, women and wise men.[432] In the Munya/Mushego case, the usual "training of trainers" reference also quoted 'Madame Cora', i.e. Cora Dekker (Fondation Equateur, another Dutch NGO supporting the IFDP in its sociotherapeutic work).[433]

The IFDP duly remarked that an important feature of the GRF initiative was 'the (self)inclusion of the *chefs coutumiers*', since the exclusion or marginalisation of these stakeholders, often considered greedy or incompetent individuals interested in prolonging rather than solving land and social conflicts, had been a mistake undermining previous CRB initiatives in South Kivu.[434] It was necessary to persuade the *chefs* that the GRF, and the overall RESCOP approach to social

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[425] WP4D Working Papers, Transcr. 1, p. 3.
[426] WP4D Working Papers, Transcr. 1, p. 5.
[427] WP4D Working Papers, Transcr. 2, p. 1.
[428] WP4D Working Papers, Transcr. 2, pp. 3-4.
[429] WP4D Working Papers, Transcr. 2, p. 7.
[430] WP4D Working Papers, Transcr. 2, pp. 10-11.
[431] WP4D Working Papers, Transcr. 2, p. 17.
[432] WP4D Working Papers, Transcr. 2, p. 19.
[433] WP4D Working Papers, Transcr. 3, p. 18. Cf. 'RESCOP 115/10162', pp. 11, 14-15. See also p. 15 for the formation role played by Saskia van Laar Hendrika.
[434] 'RESCOP 115/10162', pp. 12-13.

change in the area, did not aim to diminish their power. The best and simplest way to demonstrate this was asking them to play the role of chair/moderator in the GRF set up in their own *localité*, which all of them eventually did, thereby becoming the only non-elected members.[435]

Field research has not highlighted relevant involvement of civil society organisations in the GRF except for direct links built by the IFDP against the background of the whole RESCOP project. It should be noted, however, that the GRF may invite from time to time representatives of non-member organisations for *ad hoc* meetings on specific land issues.[436]

The planned number for GRF female members is 290 out of 645, i.e. 45 percent. During the meetings, as noted by the IFDP, women have begun to speak without fear or complexes due to traditional constraints, peacefully claiming their access and use rights in land issues.[437]

(3) *RESCOP, GRF and CRB.* All interviews and documentary sources show that the GRF initiative has been gradually intertwined with the sociotherapeutic approach in a useful mix typically characterising the RESCOP intervention.[438] This has been confirmed by a CORDAID representative: 'Sociotherapy is a key methodology within this process'.[439] Within the first RESCOP project, six activities directly regarded land issues and the GRF: (a) two meetings on land issues organised in collaboration with the Groupement of Karhongo/Nyangezi (activity no. 16); (b) a meeting on land issues and peacebuilding in the Nyangezi area (no. 17);[440] (c) the elaboration of a document on land conflicts and resolution procedures in the Groupement of Karhongo/Nyangezi, later sent to CORDAID (no. 27); (d) a meeting with the GRF attended by 132 persons (no. 31); (e) a meeting on GRF procedures (no. 35); and (f) two workshops on land contracts (nos 40-41).[441] These activities were in line with the innovative elements of the RESCOP approach, trying to revitalise and improve traditional best practices for solving conflicts (*kagombe*) with specific focus on land issues. Setting up the GRF as modern and more inclusive "councils of sages" – since the traditional ones were not open to women, youth and poor landless people – made them acceptable both for the *chefs coutumiers* and the population.

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[435] On the *chef*/moderator's role see 'Interviews avec l'Equipe IFDP', pp. 5, 14. Unfortunately, MULTIPART researchers could interview no *chefs*.
[436] No additional information is presently available on these links.
[437] 'RESCOP 115/10162', pp. 17, 23-24, 29; 'RESCOP 115/10162A, Plan 2008-10', pp. 19-20. Cf. 'Interviews avec l'Equipe IFDP', pp. 16-17.
[438] This was not the case in the pilot phase: cf. Nynke Douma, 'Rapport d'évaluation finale: RESCOP, phase pilote 2007-2008', www.whyze.eu/rapport_ifdp.pdf., p. 14. See also 'Historique', pp. 3-4.
[439] 'Interview CORDAID', p. 1: 'La sociothérapie est une méthodologie-clé dans ce processus'.
[440] 'RESCOP 115/10162', p. 7.
[441] 'RESCOP 115/10162', p. 8.

Urging the GRF to use the written CFT implied an attempt to change the tradition of verbal agreements, considered among the most detrimental sources of land conflicts.[442] In terms of actual CRB, however, the representative of an international NGO pessimistically remarked: 'They are full of good intentions, but the realization of them never follows. There are too many conflicts of interest. […] Moreover, corruption is high, anyone can go to a judge and pay him to be recognized as the owner of a plot of land. He will fake all the documentation you need to prove it'.[443]

C.3.4.2 Composition and internal operation

(4) *Features and procedures of meetings.* According to data collected in the field, the typical composition of a GRF – encouraged as such by the IFDP in order to respect and innovate tradition at the same time – includes the *chef de localité* as chair/moderator, representatives of most social and religious groups living in the *localité*, representatives of teachers (generally acting as rapporteurs), representatives of women and youth, a secretary and a treasurer (generally a woman) chosen among the members.[444] When they attend a meeting after being elected through democratic procedures by a general assembly of the village or *localité*, GRF members sit in circle and feel encouraged to speak freely about the land issues at stake.[445] Some GRF include representatives of local NGOs, when they are available in the local area and ready to be directly involved as members.[446]

(5) *Decision-making process.* According to GRF members, decisions are generally taken along democratic patterns as a specific step of conflict-solving strategies, including regular meetings, hearings, *ad hoc* meetings in case of need, participation of GRF members in *localité* councils.[447]

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[442] 'RESCOP 115/10162', p. 13; 'RESCOP 115/10162A, Plan 2008-10', p. 22. Cf. also 'Interviews avec l'Equipe IFDP', p. 7.

[443] GRF, IR, no. D/GRF/FI-12, Jan. 2010, 3.3. The interviewee is not a participant in the GRF.

[444] MULTIPART, WP4D Working Papers, Transcr. 1, pp. 2-3, 4; Transcr. 2, pp. 3, 5, 8, 11-12, 13; Transcr. 3, pp. 2-3, 5-6, 8, 10, 15.

[445] 'RESCOP 115/10162', p. 16.

[446] MULTIPART, WP4D Working Papers, Transcr. 2, p. 10. Cf. also 'Interviews avec l'Equipe IFDP', pp. 14-15; and 'Historique', p. 5: 'Les GRFs sont des formats rénovés (améliorés) par rapport aux (anciens) Conseils des sages qui ne concernaient que les (vieux) hommes du village. Les GRFs ont inclus en leur sein les hommes, les femmes et les jeunes. Les deux derniers groupes, possédant également la voix délibérative, représentent 45 % des effectifs, ce qui constitue une véritable révolution comparativement aux anciennes pratiques (coutumes). Le choix de leurs membres a été fait par des voies démocratiques, ce qui est différent de la constitution des Conseils des Sages où ce sont les Chefs de localités qui en choisissaient les membres parmi leurs amis proches. Avec le choix de ces procédures démocratiques à la base, les communautés locales se sentent préparer progressivement déjà à s'intégrer dans le processus de la décentralisation et la bonne gouvernance en cours en RDC.'.

[447] MULTIPART, WP4D Working Papers, Transcr. 1, pp. 2, 5.

Following the GRF rules signed by all members, the chair/moderator, i.e. the *chef de localité*, summons the meetings and his deputy prepares the agenda in collaboration with the other members. The secretary prepares a final report of the meeting, countersigned by the moderator.[448] Some GRF invite the local commanding officer of the army to sessions dealing with security issues, and other representatives of non-member organisations in case of need.[449]

(6) *Settlement of land disputes*. The main objectives of the GRF, as generally perceived by their members, were: (a) reducing land and family conflicts through mediation; (b) promoting reciprocal trust and social cohesion; and (c) fostering local initiatives to enhance community development.[450] Some GRF also noted the following goals: facilitating mutual aid between members;[451] sparing money otherwise wasted in legal procedures;[452] giving a viable alternative to actions of the State, the military or the police, perceived as oppressive or harassing;[453] reacting to bad practices such as asking for "governmental" support against neighbours;[454] encouraging agricultural development, environmental and health awareness;[455] allowing the local administrative level to resolve conflicts of state competence.[456]

According to GRF members, strategies for solving land disputes generally include: (a) preparatory meetings and enquiries on a monthly or biweekly basis, (b) individual and plenary hearings with people who submit conflict cases, (c) examination of neutral witnesses, (d) inspections in the field, if needed, (e) mediation committees, (f) implementation of final recommendations, (g) mobilisation of the population towards community development actions.[457] In other cases, GRF members mention the creation of a kitty for community needs,[458] direct participation of the GRF in the *localité* council,[459] *ad hoc* sessions for flagrancy cases,[460] transmission of meeting minutes and final reports to the interested parties, the Groupement and

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[448] MULTIPART, WP4D Working Papers, Transcr. 2, p. 2; Transcr. 3, p. 7.
[449] MULTIPART, WP4D Working Papers, Transcr. 2, pp. 5, 8. Cf. 'Interviews avec l'Equipe IFDP', pp. 12-13. An army officer participating in the final roundtable debates warned that involving military personnel in the GRF procedures could alter the attitude of members and potential beneficiaries: WP4D Working Papers, 'Goma Roundtable Report', M.S. Rognoni, 18 Mar. 2010, p. 1. Cf. also GRF, IR, D/GRF/FI-16, Oct. 2009, 3.1.
[450] WP4D Working Papers, Transcr. 1, pp. 1, 3, 5; Transcr. 2, pp. 1, 4, 7, 13, 14; Transcr. 3, pp. 1, 4, 6, 10, 18.
[451] WP4D Working Papers, Transcr. 2, pp. 4, 18.
[452] WP4D Working Papers, Transcr. 2, pp. 11, 14.
[453] WP4D Working Papers, Transcr. 2, pp. 15, 19; Transcr. 3, pp. 11, 17.
[454] WP4D Working Papers, Transcr. 2, p. 16.
[455] WP4D Working Papers, Transcr. 3, pp. 1, 4.
[456] WP4D Working Papers, Transcr. 3, p. 13.
[457] WP4D Working Papers, Transcr. 1, pp. 1, 3-6; Transcr. 2, pp. 1-2, 4, 7, 18; Transcr. 3, pp. 1, 4, 6-7, 10, 12, 15, 17.
[458] WP4D Working Papers, Transcr. 2, pp. 1, 4; Transcr. 3, p. 2.
[459] WP4D Working Papers, Transcr. 2, pp. 4, 7.
[460] WP4D Working Papers, Transcr. 2, p. 18; Transcr. 3, pp. 10, 17.

the IFDP,[461] meetings on a regular basis with the military to monitor the socio-security situation in specific *localités*.[462] As the IFDP remarks, if the parties finally do not reach agreement, they may still turn to traditional courts, but this has rarely happened so far.[463] This variety of strategies mirrors the fact that single GRF may flexibly react to specific situations provided they respect the principles and the basic procedures fixed by the IFDP in coordination with CORDAID.

During the first phase of the RESCOP project, four proposals of written CFT, corresponding to the four typical forms of access to land in Nyangezi (*kalinzi*, *bwassa*, *bugule* and *bwime*), prepared in participatory collaboration by the IFDP and the Groupement of Karhongo/Nyangezi, were finally accepted by the *collectivité-chefferie* of Ngweshe, after due examination by the traditional administration and the *collectivité*'s lawyer, also serving as legal advisor to the Governor of South Kivu province. The GRF could begin to launch their use in Summer 2008.[464]

During the first implementation phase, March to August 2008, the GRF had already contributed to clarify about 150 cases of verbal agreements, avoiding legal procedures, in a "win-win" logic.[465] In the first semester of the second phase of the project, from December 2008 to April 2009, the GRF examined 172 cases of land conflicts and resolved all of them except for five.[466] In the second semester, only 78 cases were submitted by local communities – a remarkable decrease interpreted by the IFDP as a signal that the population still prefers to turn to the GRF instead of the police or the Agence Nationale de Renseignement, but is also gradually realising the advantages of avoiding petty conflicts.[467] It should be noted, however, that the representative of an international NGO active in the region declared: 'The majority of the conflicts are not managed by the GRF. It is always the *chef coutumier* who decides. It is necessary to reduce the great power of these actors to let the GRF gain more influence in this issue'.[468]

(7) *Financial aspects*. Interviewed GRF members highlight that people do not pay for having their conflicts examined, and complain that the GRF, notwithstanding the creation of a kitty collecting

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[461] WP4D Working Papers, Transcr. 2, p. 18; Transcr. 3, pp. 4, 6-7, 14.

[462] WP4D Working Papers, Transcr. 3, p. 1.

[463] 'Interviews avec l'Equipe IFDP', p. 14.

[464] 'RESCOP 115/10162A, Plan 2008-10', p. 13. Cf. MULTIPART, WP4D Working Papers, 'Cadre légal et réglementaire pour la gestion durable des terres coutumières dans la Chefferie de Kabare', pp. 26, including 'Contrat de location de la terre: *bwassa*' (pp. 15-18), 'Contrat d'acquisition de la terre par achat/vente' (pp. 19-21), 'Titre foncier coutumier' (pp. 22-23), 'Procès-verbal de délimitation' (p. 24), 'Acte de cession de terre' (pp. 25-26).

[465] 'RESCOP 115/10162', p. 21; 'RESCOP 115/10162A, Plan 2008-10', pp. 16-17.

[466] 'RESCOP 115/10162A, RI 1', p. 22. See also the 'success stories', pp. 23-25. No specific information is presently available on the five failures.

[467] 'RESCOP 115/10162A, RI 2', pp. 24, 26-28.

[468] GRF, IR, no. D/GRF/FI-12, Jan. 2010, 3.4.

regular contributions from members and the promotion (mentioned in one case[469]) of self-financing activities, do not have enough funds for implementing their activities at best.[470] A CORDAID officer confirmed that the financial question is a key problem for the sustainability of the GRF. When some GRF directly asked CORDAID for funds to promote self-financing activities, bypassing the IFDP, the Dutch organisation refused in order to avoid the risk of changing the GRF mission and CRB tasks, and encouraged them to look for local stakeholders and supporters, such as the *chefs de chefferie* and other state services, given the social importance of their work.[471] It should be noted that this attitude above all confirms the donor's will not to have the local NGO bypassed in the current transmission of financial support to the GRF, as the IFDP is the only empowered "watchdog" of the project rules within the local-international relation characterizing this specific MSP. At the same time, however, CORDAID's readiness to encourage the GRF in their own search for additional funding indicates the donor's intention of implanting them in the fabric of local society, especially in relation to state services, even beyond the chronological limits of the present partnership with the IFDP.

C.3.4.3 Evolution

(8) *New actors and activities.* During the second phase of the project, given the good results obtained in the first one, the intervention area was enlarged to cover the *collectivités-chefferies* of Ngweshe (about 600,000 inhabitants) and Kabare (about 500,000) but the approach and the general objectives basically remained the same.[472] The constellation of stakeholders gathered around the main CORDAID-IFDP axis included two Dutch partners – ARQ Pays-Bas and Fondation Equateur (through Cora Dekker's support for sociotherapeutic formation) – the GRF, the core group of 24 *formateurs* responsible for giving sociotherapeutic training to GRF members and new trainers, Whyze Communications and Research (a Dutch consultancy agency directed by Nynke Douma, who wrote the evaluation report on the first phase of the project in May-June 2008[473]), the traditional institutions and the public services in the intervention area, a number of consultancy stakeholders at the local and regional level (for additional formation,

[469] MULTIPART, WP4D Working Papers, Transcr. 3, p. 2.
[470] MULTIPART, WP4D Working Papers, Transcr. 1, pp. 2, 4, 6; Transcr. 2, pp. 2-3, 5, 8, 10, 12, 14-15, 18, 20; Transcr. 3, pp. 2, 5, 7-8, 10, 12, 14-15, 17. Cf. 'Interviews avec l'Equipe IFDP', p. 15.
[471] 'Interview CORDAID', pp. 3-4.
[472] Cf. MULTIPART, WP4D Working Papers, IFDP, 'Cadre logique du programme RESCOP 2008-2010'; 'RESCOP 115/10162A, Plan 2008-10', pp. 6-7; and pp. 32-33, describing the context of the intervention area. Cf. 'Interviews avec l'Equipe IFDP', pp. 9-10.
[473] Cf. 'Rapport d'évaluation finale', cit.

external audits, translations, etc.).[474] Criteria for the selection of beneficiaries (mainly done by CORDAID and the IFDP) remained the same; in particular, GRF members had to be land actors (*acteurs fonciers*).[475]

Concerning specific objectives of the second phase, the IFDP noticed cases of bad practices developed by some GRF and highlighted the need to correct them.[476] Strengthening the organisational and operational skills of the 43 GRF born during the first phase was indicated as an important goal.[477] The second phase of the project, planned in October 2008, should therefore allow to organise six main activities supporting the GRF and their members in Nyangezi: (a) a session of sociotherapeutic training, in order to correct bad practices; (b) three thematic training sessions on gender and land conflicts, land and mines in the RDC, rural decentralisation and local governance; (c) eighteen *séances d'accompagnement* for the GRF and the FIGP (Forum Inter-paysan pour la Gestion Participative) of Ngweshe and Kabare; (d) translation of the CFT into French, Mashi and Swahili; (e) mobilisation sessions organised by the GRF and the IFDP to make the population aware of the advantages brought by the CFT; (f) IFDP legal help for the CFT application procedures.[478] New GRF should also be formed to cover the enlarged intervention area in Kabare, following the same patterns used in the first project phase, beginning with 20 new GRF in the Groupement of Mumosho (composed of 220 men and 180 women) to reach about 40,000 potential beneficiaries.[479]

C.3.5 Impact on members

Research in this sector, stemming from RQ 2.4 (how has participation in the GRF impacted on members, in relation to their roles, capacities, empowerment, interests and vulnerabilities relating to peacebuilding in South Kivu; empowering vulnerable people and communities and promoting their participation in public life; CRB? To what extent, and in what ways, have these impacts

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[474] 'RESCOP 115/10162A, Plan 2008-10', pp. 7-8. Cf. also 'Interviews avec l'Equipe IFDP', p. 5, quoting other organisations working in the CRB sector such as 'Groupe Jeremie', 'Commission Justice et Paix', APRODEPED, OCET, AED, AFEM; see also p. 18.
[475] 'RESCOP 115/10162A, Plan 2008-10', p. 9.
[476] 'RESCOP 115/10162A, Plan 2008-10', p. 35.
[477] 'RESCOP 115/10162A, Plan 2008-10', p. 41.
[478] 'RESCOP 115/10162A, Plan 2008-10', pp. 44-46; 'RESCOP 115/10162A, RI 1', pp. 5, 8, 13-14, 18; 'RESCOP 115/10162A, RI 2', pp. 6-7, 11, 15, 18, 20.
[479] 'RESCOP 115/10162A, Plan 2008-10', pp. 42, 49-50; 'RESCOP 115/10162A, RI 1', pp. 6, 8; 'RESCOP 115/10162A, RI 1', pp. 8, 12, 17, 24.

depended on the characteristics of the GRF?),[480] has tried to build upon the hypothesis that the GRF may offer a useful example of group representation, paving the way to generalisations on reciprocal attitudes between communities and their own representatives. Three main interpretative keys were singled out, taking into consideration GRF members *in primis* but also the first line of their "external" counterparts, namely, state and local administrative personnel and supportive institutions, such as the IFDP and CORDAID: (a) the intersection of credibility and involvement in GRF practices as seen from the viewpoint of local organisations and administrators; (b) the direct impact of GRF membership on group members, including an important concern area on how representatives are chosen; and (c) the enlargement of empowerment opportunities offered by GRF membership especially in relations between group members and the local/central levels of government.

The final round-table debate, open to other MSPs examined by MULTIPART researchers in the DRC, allowed to check the linkage between the attenuation of intra-community tensions facilitated by the GRF and inter-community propensity to conflict or conflict resolution by force.

Participation in the GRF has certainly had an impact on the empowerment of their members, in line with the sociotherapeutic method adopted and effectively implemented by the facilitators of the initiative. The IFDP report accurately specifies that very good results have been achieved in relation to six principles: equality, democracy, participation, responsibility, learning by action (in GRF meetings, debate on practical daily experiences provides an effective tool of social education), *hic et nunc* (GRF members and beneficiaries are requested to look at the present problems with reference to past experiences in order to prepare the future, thereby adopting a peaceful pattern to the solution of land conflicts against the background of growing intra-communal reconciliation).[481] It should be noted, in particular, how the *chefs* gradually changed their attitude from suspicion to confidence.[482]

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[480] RSC, p. 9.

[481] 'RESCOP 115/10162', p. 19. Cf. 'Interviews avec l'Equipe IFDP', p. 17; 'Rapport d'évaluation finale', pp. 10-11.

[482] 'RESCOP 115/10162', p. 21. See also 'Historique', pp. 4-5: 'Les populations paysannes du Groupement de Nyangezi ont bien apprécié la constitution de ces espaces au plus bas niveau (localités), d'autant plus qu'ils incluent les chefs coutumiers considérés toujours dans les villages comme les principaux fabricants des conflits. Dans plusieurs rencontres organisées à leur intention et d'après les informations recueillies auprès de leurs administrés, de plus en plus étant conscients de la méfiance qu'ont les populations à leur égard, leur attitude conflictuelle s'est positivement améliorée. Aussi bien au niveau de langage qu'au niveau de comportement, les gens se sentent qu'il y a de changements. Ils ne se contentent plus de leur pouvoir coutumier comme outil de répression, pour exploiter et violer les droits de leurs (con)citoyens'.

Responsibility for the organisation of the RESCOP project and the GRF initiative within it has not altered good relations between the IFDP and other civil society organisations active in South Kivu. The IFDP has strengthened its collaborative links with the *chefs coutumiers* and the local governmental administration during the implementation of the programme. The relations between CORDAID and the IFDP have also been confirmed by the good results obtained by the local NGO, giving an example of successful civil society empowerment ensured by transnational advocacy, support and financing.[483]

The IFDP has mainly focused its capacity-building activities on GRF members, so that the moderator and at least some GRF members may expect a trickle-down effect from participation. However, there is also a need for reinforcing security stakeholders, as they are often the spoilers in the process, mostly because of ignorance or vested interest. Shared workshops could already facilitate the first step to collaboration. However, reinforcing the security actors and reaching sustainable results at the local level will strongly depend on national policies.[484]

C.3.6 Impact on external stakeholders and potential beneficiaries

The cluster of sub-questions grouped under the RQ 2.5 umbrella (what have been the GRFs' impacts on external stakeholders and potential beneficiaries, in relation to: peacebuilding in South Kivu; empowering vulnerable people and communities and promoting their participation in public life; CRB? To what extent, and in what ways, have these impacts depended on the GRFs' characteristics, e.g. their multi-stakeholder character, specific membership, internal procedures, capacities or decision-making mechanisms, etc.)[485] springs from the following specific hypothesis for the GRF case. Since this MSP has clearly had some impact on reconciliation in the core issue of land disputes it should be possible and useful, although the GRF have been working for a short time so far within the RESCOP context, to analyse whether this impact has experienced an acceleration, getting momentum out of the first success stories (and how and why, in that case), or, conversely, it has reached a peak during the initial implementation phases but has thenceforth remained stable or even declined. This is particularly relevant for the WP4D scientific focus, given the background of lasting tension in which the GRF are working.

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[483] 'RESCOP 115/10162', p. 26; 'Interview CORDAID', p. 2.
[484] This final comment has been suggested by L. Risch, e-mail message to the authors, 1 June 2010.
[485] RSC, p. 8.

If one considers the GRF's main "specialisation" in land issues, a distinction should be drawn between (a) the indirect impact reached by this MSP in relation to such a human security indicator as freedom from fear in the long term, against the background of broader state-building and peacebuilding processes in South Kivu and/or in the DRC, and (b) a more measurable and direct impact as far as empowerment of GRF members and civil society organisations (the IFDP, specifically) is concerned in the short and long term. Both dimensions interact with the expectations of the international community towards CRB in the region and in the DRC as a whole.[486]

Field data and the analysis of documentary sources, together with the results of the final round tables, confirm that the implementation of the GRF has reached good immediate results in terms of empowerment also for external stakeholders and beneficiaries. RESCOP sociotherapeutic activities and the GRF have contributed to social cohesion in Nyangezi and Mumosho.[487] Both beneficiaries and the authorities remark sensible conflict reduction, measured through a useful indicator such as the rate by which people apply to traditional or state courts and institutions (Groupement, army, police, etc.) to defend their rights in land issues.[488]

Furthermore, it should be noted that the GRF have had a meaningful impact on the state services in the Groupement of Nyangezi since the first implementation phase in 2008. The *chef de groupement* and the *chefs de localité* have been thoroughly involved in the GRF process. The *chef de groupement* used to receive an average of 20 dossiers on land conflicts per day before the RESCOP project was launched, whereas he just had to examine a single case thereafter. Also the useless or counterproductive interference of state services in land issues has clearly diminished and it is interesting to remark that the police sometimes blames the GRF for being the cause of a declining penalty 'market'.[489] In 12 cases the *chefs de localités* have begun to give land back to families they had previously deprived of property rights.[490]

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[486] 'Interviews avec l'Equipe IFDP', pp. 10-11.

[487] 'RESCOP 115/10162', p. 29.

[488] 'RESCOP 115/10162', p. 19. See also 'success stories' in 'Historique', p. 2, e.g.: 'Le Chef de groupement de Karhongo/Nyangezi avait témoigné lors de l'Evaluation externe de la phase pilote que depuis l'implémentation de la Sociothérapie à Nyangezi, qu'il n'a reçu qu'un seul cas de conflit foncier entre février et juin 2009, alors qu'il recevait 30 cas par jour. Depuis janvier jusqu'en avril 2009, la situation est restée statu quo. Tous ces conflits trouvent déjà des solutions durables au sein des GRFs. De son côté, il s'est dit très soulagé et cette situation lui permet de réfléchir sur d'autres questions primordiales pour son entité et sa famille'.

[489] 'RESCOP 115/10162', pp. 21-22. Cf. 'Interviews avec l'Equipe IFDP', p. 11: 'Témoignage négatif de la Police, de l'ANR, de l'Armée et meme de certaines personnes de la Commission Justice et Paix. Le GRF est une usurpation de pouvoir sterile à leur marché noir de rançonneur pourtant ces conflits fanciers ne relevant pas de leur competence,

The GRF have also had an impact on external stakeholders and potential beneficiaries through their contribution to local development, especially in terms of protection of the ecosystem.[491] The Ishamba and Mushenyi GRF have begun to trace inter-village roads to facilitate exchanges and trade. Since August 2008 the IFDP and the Ishamba GRF have been studying the possibility of resetting the Businga ecosystem thanks to IUCN-Netherlands financial support, thereby addressing the land disputes linked to the destruction of the artificial forest in that area. In April 2009 the debate was extended to other Nyangezi GRF and other actors (public services, provincial assembly, army, police, civil society, scientists, technicians, etc.). In July a five-member commission (the Provincial Coordinator for the Environment, a member of the provincial assembly, an engineer, the *chef de groupement* of Nyangezi representing all the GRF of his jurisdiction, and the IFDP Coordinator) visited the Greater Gombe Ecosystem Project/TACARE in Kigoma, Tanzania, to learn useful lessons about ecosystemic preservation. GGE/TACARE – Tanzania has been involved in the GRF debate, which will likely invite also the Jan Goodall Institute (United States) for further progress of the Businga initiative.[492]

Impacts on beneficiaries, according to GRF members, generally include: successful mediation in most cases of land conflict, mobilisation of the population towards intra-communal reconciliation and peaceful coexistence, spread of sociotherapeutic approaches within the community.[493] Some GRF also mention successful meetings with state services to obtain release of people under wrongful arrest or consultation with the GRF before arrest,[494] small payments supporting a woman abandoned by her husband,[495] rural development measures including a community field managed by the local GRF,[496] direct assistance to sick and vulnerable people.[497] According to the IFDP team, listing 800 resolved cases and some remarkable successes in community development due to local GRF: 'Les vulnerables sont ecoutés, on a une solution gagnant-gagnant, la paix et la cohesion sociale rétablie. La corruption a diminué. On agit plus

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plutôt ils relevant l'image du nouveau tribunal! Même là où il y a le tribunal de paix ces cnflits fanciers persistent car les agents de l'Etat sont corrompus et la confiance en eux est faible'.
[490] 'RESCOP 115/10162', p. 22.
[491] 'RESCOP 115/10162', p. 24.
[492] Cf. RSC, p. 4.
[493] MULTIPART, WP4D Working Papers, Transcr. 1, pp. 2, 4; Transcr. 2, pp. 2, 4, 7-8, 11; Transcr. 3, pp. 2, 5, 7, 10-12, 13-15.
[494] MULTIPART, WP4D Working Papers, Transcr. 1, p. 2; Transcr. 2, pp. 9, 11, 13, 15-16, 19-20; Transcr. 3, p. 17.
[495] MULTIPART, WP4D Working Papers, Transcr. 1, p. 5.
[496] MULTIPART, WP4D Working Papers, Transcr. 2, p. 9; Transcr. 3, p. 7.
[497] MULTIPART, WP4D Working Papers, Transcr. 2, pp. 9, 11, 13, 15.

dans les coulisses. On invite tout le monde. Le sens démocratique augmente. L'idée positive prévaut'.[498]

In conclusion, there is no doubt that the GRF have a positive short-term impact by re-building social cohesion and empowerment in the local communities, reducing the number of "small" land conflicts and setting up development initiatives. Long-term opportunities, however, lay not exclusively in their hands, but strongly depend on the DRC national authorities, which should provide an overall legal and structural framework to deal with land conflicts.[499]

C.3.7 International support and the GRF

International support has clearly been an indispensable factor for the development of the GRF experience, since the RESCOP project, funded by CORDAID, has provided the context within which the IFDP has successfully promoted the initiative.[500] The secondary research questions in the RQ 2.6 group (how has the participation or support of international actors, including the EU, affected the GRF in relation to their development, operation, sustainability and impacts? What are the lessons for how the EU and other international actors should support or participate in MSPs?)[501] are therefore linked to the underlying hypothesis that the combination between CORDAID expectations regarding RESCOP (and more specifically the GRF) and IFDP capability of implementing the project in the most appropriate and effective way represents a unique mix but, at the same time, a replicable model of transnational alliance at civil-society level, possibly useful for generalisations on the role of similar MSPs in post-conflict situations. Research findings and documentary sources have allowed to check that hypothesis just for the specific GRF case, which does not involve "big" actors like the EU, but on a speculative level one should not overlook the implicit support or collateral co-operation of those actors, such as international governmental organisations and in particular the EU, given the MULTIPART research interest.

According to a CORDAID representative, international aid to the GRF should aim to make them gradually independent from IFDP assistance, in order to become an "Inter-GRF"

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[498] 'Interviews avec l'Equipe IFDP', p. 11.
[499] See L. Risch, e-mail message to the authors, 1 June 2010.
[500] 'Interview CORDAID', pp. 2-3.
[501] RSC, p. 10.

composed of the current GRF, i.e. an autonomous rural environment ('un monde paysan autonomisé') within five to ten years.[502] It may be noted that this reflection is in tune with general comments expressed by the diplomatic *milieu* on EU commitment in the DRC:

> It is sensitive and it is involving mainly the EUSR and the European Commission. The EC is indeed promoting remarkable investments in the area. The target of its intervention is mostly RDC civil society. A massive and multilateral approach is needed to solve the widely compromised situation in South Kivu. The EC is focusing on a reform of the Ministry of Defence (EUSEC DRC) and the DRC Army, also giving financial support to soldiers' families in order to fight nomadism. The aim of the EU intervention in the DRC is the transmission of knowledge to help the democratic governance institutional process.[503]

This is not directly relevant to the GRF, since the EU (as well as other international governmental actors) has not given specific attention to this MSP so far, according to collected data. However, it cannot be excluded that a predictable lack of financial resources and the awareness of sustainability problems for the GRF will predispose both CORDAID and the IFDP to involve governmental international actors in their partnership. In that case, the EU could easily play a useful role as donor along the guidelines described above, thereby helping to foster an innovative model of democratic governance at grass-roots level.

As for other international actors, on a general level and with no direct relevance for the GRF case, interviewed diplomats have mainly singled out the United States, South Africa, the United Nations (playing a focus role) and some EU member states such as Belgium, France, the Netherlands and the United Kingdom. Chinese involvement 'is to be considered ambiguous but not entirely to be deprecated: while giving unconditional help, China is developing DRC infrastructures – making the country less poor is in practice a way of helping reconciliation'.[504] It should also be noted, however, that 'a local diffuse approach to interaction with donors is to avoid multilateral confrontation by reconducting relations to one-by-one tactic communication. This is due to the high level of corruption of the political system. Mentality is to try and sell local resources obtaining money and financial help'.[505] This kind of reflections partly explains why, in the GRF case, the MSP initiators have so far preferred to work along a "civil society-to-civil society" cooperative pattern on the non-governmental level. They have thereby chosen a relatively small-scale intervention as the best way to restore and improve the social fabric of

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[502] 'Interview CORDAID', p. 4.
[503] MULTIPART, WP4D Working Papers, GRF, IR, nos D/GRF/FI-1 to D/GRF/FI-11, Dec. 2009; esp. D/GRF/FI-8, 2.6.
[504] GRF, IR, D/GRF/FI-8, Dec. 2009, 2.6.1.
[505] GRF, IR, D/GRF/FI-4, Dec. 2009, 2.6.2. Cf. also no. D/GRF/FI-12, Jan. 2010, 6.3.

South Kivu by solving land issues, identified as one of the main obstacles to both intra-communal and inter-communal reconciliation in the region.

Finally, one may note that the role of the international actor in the GRF partnership is one of support and reinforcement of a civil society actor, the IFDP, focusing in particular on how to develop strategies and how to measure results in the MSP. Although CORDAID is not actively involved in the GRF decision-making process, supervision (by stressing strengths and weaknesses, and by giving orientation), follow-up and international advocacy/lobbying are provided. Furthermore, the involvement of the international actor brings additional credibility and legitimacy to the GRF initiative. CORDAID, by being an objective actor, plays a significant role in enhancing the gaps between the other stakeholders in the security domain.[506]

C.3.8 What about the EU role?

The final section of the research strategy includes RQ 2.7 sub-questions (how can EU and its member states' policies and programmes better support and co-operate with MSPs in countries emerging from armed conflict in order to promote peacebuilding; empowering vulnerable people and communities and promoting their participation in public life; CRB?)[507] linked to the hypothesis that the EU could make a more sensible difference in conflict and post-conflict situations if it were capable of make itself perceived as a fully-fledged international actor.

Considering the size, scope and present "initial" state of the GRF, further research findings might be analysed with particular reference to the local perception of a EU "presence" in South Kivu and, more interestingly, from the viewpoint of a differential (actual and/or perceived) between EU and member-states' own actions in the region and in the DRC as a whole. Opinions collected from EU and member states' diplomatic personnel agree that the United Kingdom (in Rwanda) and France are currently developing such an activity that they are probably prevailing on the EU effort.[508] One of the main problems concerning peacebuilding and empowerment in South Kivu 'is the absence of multilateral public and clear tables: Europe should be speaking with one single voice', declared a diplomat, 'and its member states should not give the prominence to their personal agenda and interest in the area'. The action being implemented in

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[506] This remark was suggested by L. Risch, e-mail to the authors, 1 June 2010.
[507] RSC, p. 11.
[508] GRF, IR, D/GRF/FI-4, Dec. 2009, 2.7.3

the development of the justice and defence actors 'is absolutely useful and it is worth to be sustained more and more', whereas 'a military mission of the EU is not to be taken under consideration: the RDC needs to build its structures mostly by itself'. In other words, the EU should give advice and knowledge, without 'setting' DRC national institutions.[509]

As for specific elements of the EU structure and policies which could be improved to make it more able to support and promote CRB in South Kivu and elsewhere in the DRC, a voice from the EC noted: 'Given that the main EU actor involved is the EC, it should be logic to empower it and its financial projects. But from a realistic point of view an improvement of the consensus of the member states (especially those with stronger economic interest in the DRC) would have even more impact'.[510] An officer working for an international NGO declared: 'More programmes funded by the EU are needed in order to resolve conflicts. It is mainly a financing problem. South and North Kivu are at war, so we have to consider that in this environment nobody is available to set up or to fund project for peaceful resolution of land disputes. There is no stability, one day some militias can come and destroy everything. There is no security environment. Only urgency measures are adopted'.[511]

C.3.9 Final remarks

According to a CORDAID representative, international donors such as the EU should study whether both the transnational civil-society alliance CORDAID-IFDP and the GRF experience may provide a successful replicable model in South Kivu and in the DRC.[512] In this regard, participants in the final roundtable debates held in in Goma noted that it could be useful to compare the GRF with other current local and international programmes dealing with land issues, such as the *commissions de securité foncières* promoted by the Comité Intermarais (CIM) Bushi in the region surrounding Bukavu,[513] or the partnership between UN-Habitat and the UNHCR launched in May 2009 to foster mediation for land conflicts in North Kivu and Ituri.[514]

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[509].Ibid.
[510] GRF, IR, D/GRF/FI-7, Dec. 2009, 2.7.6.
[511] GRF, IR, no. D/GRF/FI-12, Jan. 2010, 7.6.
[512] 'Interview CORDAID', p. 4.
[513] Cf. MULTIPART, WP4D Working Papers, Transcr. 5, 'Interview CIM Bushi', pp. 1-3.
[514] See www.unhabitat.org/content.asp?cid=7319&catid=190&typeid=6&subMenuId=0, 'Programme de médiation des conflits fonciers dans le cadre du retour et de la réintégration des personnes deplacées internes et des réfugiés Nord-Kivu et Ituri'. On land issues in Ituri cf. Vincent Kangulumba Mbambi, Jean-Pierre Lobho Lwa Djugudjugu, Bruno Lapika Dimonfu, 'Les conflits fonciers en Ituri: de l'imposition à la consolidation de la paix', COFED, Sep.

Open debate in Goma also touched central issues such as the sustainability of the GRF in terms of financial and human resources, given that voluntary work offered by the members has been one of the key success factors so far, together with the relatively small size of the single groups, but could not ensure long-lasting momentum of the initiative, especially if the international donors decided to partially reorient their support.[515]

The decentralisation potential of the GRF has been defined an important feature of the initiative against the background of current transformations in the RDC.[516] Participants agreed on the empowerment potential of the GRF (both for the GRF members and, in a different perspective, for the IFDP) and noted that this could be improved by adequate coordination with other tools already tested in post-conflict contexts to resolve land controversies such as the codified arbitration, which could help the significant impact of the CFT.[517]

Concerning the local-international interaction, conclusive remarks highlighted that really useful initiatives should start at the lowest community level, building on a local assessment of the situation, which is generally lacking in huge top-down projects. Dealing with reconciliation sensitive issues, international actors should provide orientation and collaboration, taking due advantage of their role of (presumably) "objective outsider". Aiming at reinforcing the role and position of the local community level, they should always involve civil society as a key means to assess and face local problems, fostering real partnerships and avoiding to use it just as *maquillage*.[518]

These four observations coming from "the field" may be extremely useful for EU decision-makers and especially for the EC officials, who can luckily think in terms of supranational – rather than national – interest.

Given a regional context which is still troubled by war and insecurity, it may not seem clear enough whether the time is ripe or at least favourable in South Kivu for small-scale MSPs such

2009, www.rdc-humanitaire.net/IMG/pdf/09_2009_RCN_Conflits_fonciers_Ituri.pdf, enclosing useful bibliography. Cf. also GRF, IR, D/GRF/FI-12, Jan. 2010, 3.2: according to the interviewee, representative of an international NGO, the facilitators' initial assessment of the GRF potential impact was based on previous experiences developed by different actors in Ituri.

[515] Cf. also 'Rapport d'évaluation finale', p. 22.

[516] See also 'Rapport d'évaluation finale', pp. 23-24.

[517] WP4D Working Papers, 'Goma Roundtable Report', M.S. Rognoni, 18 Mar. 2010, pp. 3-4.

[518] WP4D Working Papers, 'Recommendations for EU/International Actors: General Round Table Conclusions (Goma), L. Risch, 1 June 2010.

as the GRF, which try to build step-by-step reconciliation beyond traditional land disputes, wisely combining old and new practices. However, the real issue at stake in this case, too – setting the GRF micro-level scope against an overall African background and comparing post-conflict societies worldwide – is whether it is already possible for the DRC "national" and local communities to reshape and accept a shared perception of their own past, or "pasts". Therefore, the key question is: can the GRF and their foreign supporters actively contribute to this long-term reconciliation process?

This case study provides evidence for an affirmative answer and proposes a second key question: is there any role for a post-Lisbon treaty EU "foreign policy" in this context? Yes, provided that EU citizens, anticipating and thereby influencing their leading élites, become mature enough to understand that in Africa and elsewhere a proto-federalist European approach, gradually stealing the scene to obsolete and short-sighted nation-state policies, is a non-escapable choice to bravely reach, and responsibly play, a decent role in the multi-polar world of this century.

ANNEX 1: Table list of GRF interviews

CODENAME	NAME	POSITION	INSTITUTION	TYPE OF ACTOR	PLACE & DATE OF INTERVIEW
D/GRF/FI-1	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 6 Dec. 2009
D/GRF/FI-2	*Anonymous*	*Anonymous*	*Anonymous*	International	Moscow, 20 Dec. 2009
D/GRF/FI-3	*Anonymous*	*Anonymous*	*Anonymous*	International	Moscow, 21 Dec. 2009
D/GRF/FI-4	*Anonymous*	*Anonymous*	*Anonymous*	International	Kiev, 19 Dec. 2009
D/GRF/FI-5	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 12 Dec. 2009
D/GRF/FI-6	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 14 Dec. 2009
D/GRF/FI-7	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 16 Dec. 2009
D/GRF/FI-8	*Anonymous*	*Anonymous*	*Anonymous*	International	Brussels, 18 Dec. 2009
D/GRF/FI-9	*Anonymous*	*Anonymous*	*Anonymous*	International	Rome, 28 Dec. 2009
D/GRF/FI-10	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 17 Dec. 2009
D/GRF/FI-11	*Anonymous*	*Anonymous*	*Anonymous*	International	Rome, 28 Dec. 2009
D/GRF/FI-12	*Anonymous*	*Anonymous*	*Anonymous*	International	Brussels, 27 Jan. 2010
D/GRF/FI-13	*Anonymous*	*Anonymous*	*Anonymous*	International	Krakow, 27 Nov. 2009
D/GRF/FI-14	*Anonymous*	*Anonymous*	*Anonymous*	International	Rome, 15 Dec. 2009
D/GRF/FI-15	*Anonymous*	*Anonymous*	*Anonymous*	International	Florence, 14 Dec. 2009
D/GRF/FI-16	*Anonymous*	*Anonymous*	*Anonymous*	International	Brussels, 11 Oct. 2009
D/GRF/FI-17	*Anonymous*	*Anonymous*	*Anonymous*	International	Melbourne, 27 Sep. 2009
D/GRF/FI-18	*Anonymous*	*Anonymous*	*Anonymous*	International	Brussels, 11 Jan. 2010
D/GRF/Transcr. 1*	*Anonymous*	*	*	Public, Private, Civic (GRF members)	South Kivu, Oct. 2009
D/GRF/Transcr. 2*	*Anonymous*	*	*	Public, Private, Civic (GRF members)	South Kivu, Oct. 2009
D/GRF/Transcr. 3*	*Anonymous*	*	*	Public, Private, Civic (GRF members)	South Kivu, Oct. 2009
D/GRF/Transcr. 4 (D/GRF/20)	*Anonymous*	Conseiller au programme Bureau des urgences et reconstruction	CORDAID	International	Bukavu (South Kivu), 9 Nov. 2009
D/GRF/Transcr. 4 (D/GRF/21)	Jean-Baptiste Safari; Augustin Ntaboba; Ghislain Magabe; Vital Mbula; Jeanne Rhugenda-banga	IFDP coordinator; management and formation; monitoring and research; moderator and impact on beneficiaries; judiciary questions and issues	IFDP	Civic	Bukavu (South Kivu), 9 Nov. 2009
D/GRF/Transcr. 5 (D/GRF/22)	*Anonymous*	Ex secretaire	CIM Bushi	Civic	Bukavu (South Kivu), 16 Nov. 2009

* See specific GRF interviews (D/GRF/1-19) in table below.

CODENAME	NAME	POSITION	INSTITUTION	TYPE OF ACTOR	PLACE & DATE OF INTERVIEW
D/GRF/1	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Burhembo	Civil society, Local state administration, Beneficiaries	Axe (groupement) Mumosho (South Kivu), 19 Oct. 2010
D/GRF/2	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Nshimbi	Civil society, Local state administration, Beneficiaries	Mumosho (South Kivu), 19 Oct. 2010
D/GRF/3	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Mufa	Civil society, Local state administration, Beneficiaries	Mumosho (South Kivu), 19 Oct. 2010
D/GRF/4	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Busimbi	Civil society, Local state administration, Beneficiaries	Kahinga (South Kivu), 20 Oct. 2010
D/GRF/5	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	2x GRF Cibimbi	Civil society, Local state administration, Beneficiaries	Munya (South Kivu), 9-21 Oct. 2010
D/GRF/6	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Ntendera	Civil society, Local state administration, Beneficiaries	Munya (South Kivu), 21 Oct. 2010
D/GRF/7	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Kalegera	Civil society	Munya (South Kivu), 9-21 Oct. 2010
D/GRF/8	Anonym ous	Chef; Moderateur	Localité Kalegera/GRF	Local state administration	Munya (South Kivu), 21 Oct. 2010
D/GRF/9	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Ibambiro	Civil society, Local state administration, Beneficiaries	Ishamba (South Kivu), 22 Oct. 2010
D/GRF/10	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Nacirhongwe	Civil society, Local state administration, Beneficiaries	Ishamba (South Kivu), 22 Oct. 2010
D/GRF/11	Anonym ous	Chef Nyumba Kumi; Socio-therapeute	Nyumba Kumi (Nacirhongwe); IFDP	Civil society	Ishamba (South Kivu), 22 Oct. 2010
D/GRF/12	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Kabunda	Civil society, Local state administration, Beneficiaries	Mushenyi (South Kivu), 23 Oct. 2010
D/GRF/13	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Kasigalire	Civil society, Local state administration, Beneficiaries	Mushenyi (South Kivu), 23 Oct. 2010
D/GRF/14	/	Moderateur (chef de localité) + available	GRF Namahwa	Civil society, Local state	Mushenyi (South Kivu),

		members of GRF and 3-5 beneficiaries		administration, Beneficiaries	23 Oct. 2010
D/GRF/15	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Cirimba	Civil society, Local state administration, Beneficiaries	Kahinga (South Kivu), 23 Oct. 2010
D/GRF/16	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Mazinzi	Civil society, Local state administration, Beneficiaries	Kahinga (South Kivu), 23 Oct. 2010
D/GRF/17	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Ishunda	Civil society, Local state administration, Beneficiaries	Munya (South Kivu), 24 Oct. 2010
D/GRF/18	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Cijingri	Civil society, Local state administration, Beneficiaries	Munya (South Kivu), 24 Oct. 2010
D/GRF/19	/	Moderateur (chef de localité) + available members of GRF and 3-5 beneficiaries	GRF Nyamurhambye	Civil society, Local state administration, Beneficiaries	Munya (South Kivu), 24 Oct. 2010

ANNEX 2: MULTIPART Research Strategy for Thematic Work Package 4D on Reconciliation, confidence-building and inter-communal bridge-building

Multilevel research questions regarding the Groupes de Réflexion sur les questions Foncières

1. Multi-stakeholder Partnerships Selection

MULTIPART Work Package 4D has selected the *Groupes de Réflexion sur les questions Foncières* (hereafter, GRF) as the in-depth case study for the Democratic Republic of the Congo (DRC).

The GRF are discussion groups mainly focused on land issues in South Kivu. They aim to facilitate exchange, capacity building and actions to improve the mechanisms and procedures for conflict resolution of land disputes in the "win-win" logic. They also aim to foster reconciliation between the actors and promote local development through a number of initiatives (reforestation, tracing inter-village roads, etc.).

The GRF were established in 2008 by the local population after several meetings of awareness and advocacy on land disputes. These disputes, in terms of land access, tenure, etc., may be considered among the strongest obstacles to peacebuilding and development in the DRC as well as, specifically, in the Bushi area (the shore of Lake Kivu). The GRC have enjoyed external support granted by a local NGO (Innovation & Formation pour le Développement et la Paix – IFDP, Bukavu) and two international NGOs – the Catholic Organisation for Relief and Development Aid (CORDAID, The Hague) and the International Union of Conservation of Nature (IUCN) National Committee of the Netherlands (Amsterdam).

The case study will check whether the GRF have effectively promoted multi-stakeholder groups in the Ngweshe and Kabare *chefferies*, involving a large number of chiefs in open and participatory discussion on land issues, and providing alternative solutions to abuses or direct authority exercise on the chiefs' side. The case study will also try to assess the extent to which women and youth have really been integrated into the discussions on land issues, thereby influencing the man-woman and elder-youth relationship, and improving chances of deeper confidence-building and reconciliation within the South Kivu society. It should be noted that, from the WP4D viewpoint, the case study starts around 2005/6 – not only from the formal beginning of the present GRF phase. Developments before 2008, very useful for the overall research design, will certainly provide interesting models for comparative analysis, and should therefore be covered by answers to the questionnaire.

1.1. Background information on the GRF

In March 2008, in order to foster and realise discussions on land disputes, the Groupement of Karhongo/Nyangezi (Ngweshe *chefferie*), in collaboration with its 43 *chefs de localités* (local administrators) and with the IFDP, a local NGO established in Bukavu (South Kivu) in 2002, set up 43 GRF, including 645 members in total. According to the IFDP, the GRF have solved more than 400 cases of land disputes (range of fields, inheritance, etc.) in a "win-win" logic, without mediation or defence, and have proved to be innovative spaces for learning and the promotion of (intra)community dialogue. The positive outcome obtained in Nyangezi paved the way to an extension of the process to the Groupement of Mumosho (Kabare *chefferie*).

Since 2005, the IFDP has been promoting peacebuilding initiatives with specific reference to land issues and local governance in the *chefferies* of Ngweshe (Walungu *territoire*) and Kabare (Kabare *territoire*). In January-August 2007, building on lessons learnt in Rwanda and after completing a feasibility study in the Kalehe, Kabare and Walungu *territoires*, the IFDP, supported by CORDAID and the Fondation Equateur/Pays-Bas, began to apply the "sociotherapy" approach (RESCOP programme) to stimulate peacebuilding patterns and social cohesion at grass roots level in South Kivu. A pilot phase (September 2007 to 2008) was implemented in the Groupement de Karhongo/Nyangezi (Entité Territoriale Décentralisée de Ngweshe) and the Groupement de Mumosho (Entité Territoriale Décentralisée de Kabare), together with the same international partners, in order to provide 72

volunteers from villages of the concerned areas with "sociotherapy" training and organise *ateliers* and community meetings mainly focussed on land disputes. After those experiences local communities, supported by the IFDP, began to experiment four main sets of measures, among which are the GRF.

1.2. Selection criteria of the in-depth case study
[…]
The WP4D team has agreed that the GRF are a typical example of […] community dialogue, which may effectively contribute to reconciliation. They are in line with the MSP definition chosen by MULTIPART. They involve (a) the local government through the Groupement of Karhongo/Nyangezi and its *chefs de localités* (and later the Groupement of Mumosho and its *chefs de localités*); (b) South Kivu civil society: women, youth, traditional and religious leaders, teachers, principals, etc.; (c) external actors supporting and funding the programme on a local basis (IFDP) and internationally (CORDAID and IUCN-NL). Furthermore, land issues and conflicts are certainly very significant from the viewpoint of confidence-building, reconciliation and inter-communal bridge-building in South Kivu as well as in the overall DRC picture and, for research purpose, in the general perspective of MULTIPART thematic research objectives. Studying the GRF will likely offer useful interpretative keys to the impact of MSPs in the WP4D field on human security and peacebuilding, and should provide deep insight into at least some of the seven research questions.
[…]
The WP4D team and the DRC country team finally agreed that the GRF: (a) have the potential for a useful research design based on the area of reconciliation within post-conflict societies, since they address sensible land disputes and promote local development through a number of multi-actor initiatives (reforestation, tracing inter-village roads, etc.); (b) appear to be appropriately researchable within possible restrictions in the South Kivu area; (c) may be very interesting also for exploring the role of supporting international NGOs and external donors.

2. Multilevel research questions regarding the GRF

Given that 'the overall research objective of the project is to improve understanding of how MSPs can contribute to peacebuilding and human security in countries that are emerging from armed conflict; and to clarify policy and programming implications for the EU and its partners',[519] all seven primary research questions[520] are of relevance for WP4D. However, some will acquire greater relevance than others in particular contexts and, considering the shortage of resources for case-study work, WP5 researchers must prioritise and highlight the most potentially significant research questions for the area of reconciliation, confidence-building and inter-communal confidence-building. RQs 3 and 4 should then be the primary focus of the in-country team.

The seven main research questions shall be detailed and adapted to the GRF in-depth case study as follows:

RQ 2.1. What are the main characteristics of the GRF as a MSP operating in post-conflict South Kivu and against the overall DRC background?

Overall WP4D thematic comment: RQ2.1 is only partially relevant for WP4D. However, it could be useful to record and compare how certain sets of interviewees, both among stakeholders and potential beneficiaries, define and perceive (a) the current chances of reconciliation in connection with land issues; (b) the GRFs' nature, objectives and performance along the first 18 months of implementation. It is also useful to directly or indirectly check whether they share specific MULTIPART theoretical assumptions. The questions in this section are noted here just for reference but field researchers will jump to the following RQs.

2.1.1. Do you agree that the GRF are a MSP according to the following definition and sub-definition? (a) '*Multi-stakeholder partnerships (MSPs)* bring together several stakeholders – i.e. actors (private or public) that have a shared interest in the outcome and demonstrate some degree of ownership – to address a particular issue.' (b) '*Ownership* describes a relationship within an organisation that implies an investment of certain types of resources and a degree of participation in decision-making. By conferring financial, human or material resources actors become partners of an MSP and, as such, share the risks inherent to this endeavour. Material resources include, but are not limited to, skills and know-how, legitimacy or responsibility over a certain service/function. Ownership as degree of participation in decisionmaking implies that stakeholders are or can be proactive in setting the agenda for the organisation, have a voice in its discussion, and can have their preferences translated into certain decisions.'

2.1.2. Do you agree that the GRF were set up and managed in order to contribute to peacebuilding in South Kivu according to the following definition? '*Peacebuilding* is a set of policies, programmes and activities which initiate or

[519] See the 'Theoretical and Methodological Framework and Guidance for the Project', B.3.1, p. 26.
[520] Ibid., pp. 27-28.

contribute to broader processes that help to overcome the legacy of armed conflict and prevent any recurrence in the future; it will include short-term measures to respond to immediate threats to peace and longer-term initiatives to address the structural causes of conflict or to strengthen capacities to manage and resolve conflicts peacefully.'

2.1.3. Do you agree that the GRF have been set up and managed so far in order to contribute to the objective of human security in South Kivu according to the following definition? 'The objective of *human security* is to protect the vital core of human lives from critical and pervasive threats (traditional and non traditional), in a way that is consistent with individuals' survival, livelihood and basic dignity. Human security expands on people's interests and aspirations (empowerment), in the view of creating a political, social, economic, environmental and cultural system that advances human fulfilment.'

2.1.4. Would you describe the GRF as a success or a failure, given the current peacebuilding and human security situation in South Kivu?

2.1.5. Would you be able to name and evaluate the performance of other MSPs that have operated, or are still operating in South Kivu with a degree of success in the area of 'Confidence-building, reconciliation and inter-communal bridge-building'?

RQ 2.2. What is the potential significance of the GRF – as a MSP operating in the field of reconciliation, confidence-building and inter-communal bridge-building – (i.e. what possible mechanisms exist) to impact on peacebuilding, security, poverty alleviation and empowerment in South Kivu?

Overall WP4D thematic comment: RQ2.2. is of a certain importance for WP4D, notably in addressing issues regarding the membership of MSPs and the formal governance rules that are developed for implementing a MSP. Furthermore, the following sub-questions are crucial to our understanding of the possibilities of reconciliation and whether any structure or process (MSP or not) could have achieved much in South Kivu in the last few years. However, this RQ2.2. is less relevant than the following RQ2.3 to 2.7 for research design at the case-study level.

2.2.1. In the last few years has there been real potential in South Kivu for an inclusive process of reconciliation – to be conducted through the solution of land disputes – which might have contributed to political stability and long-lasting social cohesion?

2.2.2. What possible mechanisms in the GRF might have a beneficial impact on decentralisation and inter-communal bridge-building in South Kivu?

RQ 2.3. How *in practice* have the GRF formed and developed over time; how have they been composed and how have they operated – both internally and in relation to their external stakeholders and intended beneficiaries – with specific reference to reconciliation, confidence-building and inter-communal bridge-building?

Overall WP4D thematic comment: RQ 2.3. is the key question for field research, deserves significant attention and will be of particular importance in WP4D, where there is a rich area of research on the gap between the potential impact of particular membership criteria and governance rules envisaged in a particular MSP structure, and the actual operation of MSPs in complex post-conflict situations, including the realities of agenda-setting and decision-making and the power relations they represent. This area of research may be of most interest in terms of lessons learned for the EU. Additional sets of questions may be prepared for every stakeholder, after the standardisation of questionnaires.

2.3.0. Which domestic and/or international actor took the lead to initiate and define the contents of the GRF? Which was the specific goal of this actor?
2.3.0.1. What was the first initiative for the GRF to be launched?
2.3.0.2. What was the initial role of the Groupement of Karhongo/Nyangezi (and later of the Groupement of Mumosho) in establishing the GRF? Which were the main offices and officials involved in the elaboration of the GRF? Who took main responsibility? Was there an awareness of possible failures and abuses in the local administration?
2.3.0.3. What was the initial role of the 43 *chefs de localités* (and later of the Mumosho *chefs de localités*)? Were they the same individuals in March 2008 and today? Which *chefs* were the main supporters of the project at the beginning? Did other DRC administration levels (central, intermediate, local) play an important role in establishing the GRF?
2.3.0.4. What was the initial role of the IFDP? Which were the main units and researchers of the organisation involved in the GRF? Who took the lead for the initial support of the GRF?
2.3.0.5. What was the initial role of CORDAID and the initial or later role of IUCN-NL? Which were the main units and researchers of the organisations involved in the GRF? Who took the lead for the initial support of the GRF?

2.3.0.6. Were international organisations (UN, etc.) and potential donor countries involved at the beginning? Who provided those contacts?

2.3.0.7. Was there any opposition (traditional authorities, central and local administrators, etc.) to the establishment of the GRF at this stage?

2.3.0.8. Did any actors have different (opposing) views as to how the GRF were to be carried out, perhaps as to their goals?

2.3.0.9. Were there influential groups in South Kivu or at national level supporting the GRF but not formally involved in the process?

2.3.0.10. Was the confiscation by local army commanders of local land titles during the war a matter of concern at the beginning of the process or an obstacle to the creation of any GRF?

2.3.1. What process of stakeholder analysis did the GRF facilitators undertake before launching the initiative?

2.3.1.1. How was the process of consultation conducted before the GRF were launched?

2.3.1.1.1. Were there different levels of consultation – public, semi-private, informal, international vs. local?

2.3.1.1.1. Who devised the methodology of the feasibility study completed in May 2007 in the Kalehe, Kabare and Walungu *territoires*? What was the role of Cora Dekker (Fondation Equateur/Pays-Bas)? Did CORDAID grant just financial aid? Was there a discussion about the appropriateness of that methodology?

2.3.1.1.3. Who devised the methodology of the 'sociotherapy' pilot phase in the Karhongo/Nyangezi and Mumosho *groupements* in 2007-08? Was there a discussion about the appropriateness of that methodology?

2.3.1.2. How were the participants of the GRF actually selected? Were they selected by the Groupement of Karhongo/Nyangezi (and later by the Groupement of Mumosho) in systematic accordance with administrative sub-divisions, or as a result of negotiations with external local and international supporting organisations?

2.3.1.3. Which stakeholders were excluded (if any) and why?

2.3.1.3.1. Which was the exact extent of the consultations promoted by the Groupements and the IFDP before the GRF were launched?

2.3.1.3.2. To what extent were interests opposed to this process consulted?

2.3.1.3.3. Was there an explicit decision or discussion about the exclusion of certain actors?

2.3.1.3.4. Which stakeholders held which positions on exclusion?

2.3.1.4. What constituencies were those stakeholders involved in the GRF believed to represent?

2.3.1.4.1. Did those representatives that attended GRF meetings believe that they represented particular groups?

2.3.1.4.2. Was there an analysis of ethnic or tribal balanced representation in GRF deliberations and participation?

2.3.1.4.3. Was the presence of large populations from Rwandan (and other) origin in the area, having no access to local customary land tenure systems, a specific matter of concern?

2.3.1.5. How were these decisions expected to affect confidence-building, reconciliation and inter-communal bridge-building?

2.3.1.5.1. What political analysis was undertaken to assess the political impact of the GRF process?

2.3.1.6. At which stage and why did the initiators of the GRF involve civil society groups, traditional authorities and religious leaders? Would you name the most important among them and explain why they supported the GRF?

2.3.1.7. Have the local and national media been involved in the GRF process? How and to what extent?

2.3.2. To what extent were the membership and rules of governance of the GRF explicitly devised in order to achieve confidence-building, reconciliation or inter-communal bridge-building?

2.3.2.0. Was the decision-making process designed as part of a specific reconciliation strategy in South Kivu or separate from it?

2.3.2.1 Did the facilitators undertake an analysis of the conflict sensitivity of the GRF in this context?

2.3.2.2. Was the decision-making process designed on the explicit awareness of a failure of the national legislation to defend small farmers' rights?

2.3.3. To what extent do decision-making structures reflect different power relations among different actors in the GRF?

2.3.3.0. Is decision-making truly inclusive or is it conducted mainly among like-minded facilitators?

2.3.3.1. Can weaker or resource-dependent groups influence decisions that affect their broader constituency? Or are they effectively co-opted by the GRF structure?

2.3.3.2. How are agendas set in reality? Are there issues that GRF participants would like to see the GRF address but which are ignored or downplayed?

2.3.3.3. How are conflicts over resources or political issues related to land disputes resolved within the GRF structure?

2.3.4. How does resource allocation affect decision-making and internal politics of the GRF?

2.3.4.1. Does partial or total dependence on external finance limit the role of local organisations and communities?

2.3.4.2. Does partial or total dependence on external finance undermine the credibility of the process with certain groups, stakeholders and beneficiaries?

2.3.5. To what extent do GRF decision-making procedures (informal and formal) exclude/include women from decision-making and strengthen or undermine existing gender relations and stereotypes?

2.3.6. To what extent do GRF decision-making procedures (informal and formal) practically exclude/include youth from decision-making and strengthen or undermine existing age relations and stereotypes?

2.3.7. How, when, to what extent have local communities and other stakeholders taken advantage of the "sociotherapy" tool through the GRF?
2.3.7.1. Which actors have taken the lead, and why, to use this tool?
2.3.7.2. Which internal and external partners have been involved for using the tool at best?
2.3.7.3. Was a timeframe realistically outlined at the beginning, and respected at planned milestones, for checking the results of this tool? Alternatively, why not?
2.3.7.4. To what extent has this tool reached its devised objective?

2.3.8. How, when, to what extent have local communities and other stakeholders taken advantage of the 'Contrats Fonciers Types (CFT)' tool through the GRF?
2.3.8.1. Which actors have taken the lead, and why, to use this tool?
2.3.8.2. Which internal and external partners have been involved for using the tool at best?
2.3.8.3. Was a timeframe realistically outlined at the beginning, and respected at planned milestones, for checking the results of this tool? Alternatively, why not?
2.3.8.4. To what extent has this tool reached its devised objective?

2.3.9. How, when, to what extent have local communities and other stakeholders taken advantage of the 'Débats Communautaires Participatifs (DCP)' tool through the GRF?
2.3.9.1. Which actors have taken the lead, and why, to use this tool?
2.3.9.2. Which internal and external partners have been involved for using the tool at best?
2.3.9.3. Was a timeframe realistically outlined at the beginning, and respected at planned milestones, for checking the results of this tool? Alternatively, why not?
2.3.9.4. To what extent has this tool reached its devised objective?

2.3.10. What are the typical features and proceedings of a GRF meeting?

2.3.11. What are the typical step-by-step procedures adopted by the GRF to solve land disputes?
2.3.11.1. Have the GRF been able to solve most of the land disputes they have addressed?
2.3.11.2. What have been the most important causes, conditions and circumstances of success or failure?

2.3.12. How, when, to what extent has the pilot phase of the Businga project been changing the structure, scope and objectives of the GRF?
2.3.12.1. Which new actors have been involved since April 2009?
2.3.12.2. Who devised the composition of the five-member commission which visited the Greater Gombe Ecosystem Project/TACARE in Kigoma in July 2009?
2.3.12.3. Who devised the methodology used by that mission?

RQ 2.4. How has participation in the GRF impacted on its members, in relation to their roles, capacities, empowerment, interests and vulnerabilities relating to peacebuilding in South Kivu; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building? To what extent, and in what ways, have these impacts depended on the characteristics of the GRF?

Overall WP4D thematic comment: RQ2.4 attempts to address the impact of MSP membership on its members: in this context, one interesting area will be the question of group representation, including how representatives are chosen, and the impact of MSP membership of community attitudes to their representatives. This is of particular importance for WP4D, following up on a long-standing concern within conflict resolution over the frequently observed gap between negotiators and their constituents. RQ4 also opens up an interesting area of research on intra-group dynamics; research suggests that conflict between groups is also frequently exacerbated by conflict dynamics within groups. There is an under-researched linkage, in other words, between inter-group dynamics and intra-group dynamics.

2.4.1. Have local organisations and local administrators found it difficult to maintain their credibility in their broader constituency as a result of involvement in the GRF?

2.4.1.1. Have perceptions of GRF members changed (for better or worse?) within the broader community as a result of their involvement in the GRF?
2.4.1.2. Why have these perceptions changed?

2.4.2. What impact has membership in the GRF had on the internal dynamics of a group-member?
2.4.2.1. Were there discussions within the Groupements about the best way to design and implement the GRF?
2.4.2.2. Were there discussions between the Groupements central administration and their *chefs de localités* about the risks implied by the implementation of the GRF?
2.4.2.3. Were there discussions within the IFDP about the real possibility of implementing the GRF beyond specific limits?
2.4.2.4. Did any changes occur within the CORDAID and IUCN external supporting teams?

2.4.3. Have members of the GRF been empowered in other ways through their membership, in their relations to the local and central government for example, or in other areas of activity?
2.4.3.1. Have they been able to access more international funding as a result of involvement?

RQ 2.5. What have been the GRFs' impacts on external stakeholders and potential beneficiaries, in relation to: peacebuilding in South Kivu; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building? To what extent, and in what ways, have these impacts depended on the GRFs' characteristics (e.g. their multi-stakeholder character, specific membership, internal procedures, capacities or decision-making mechanisms, etc.)?

Overall WP4D thematic comment: RQ5 will also be of significance for WP4D, given the context of post-conflict tension in which WP4D MSPs are working, and also the rich literature on conflict sensitivity and the concept of 'do no harm'. Clearly the GRF have already had some impact on reconciliation with specific focus on land issues. Although the MSP has been working for rather a short time so far, there is an opportunity to analyse whether impact has improved over time and why or why not. Field researchers should be aware that at this stage the WP4D is primarily asking questions helping to decide which impacts to particularly examine in the second phase of field work.

2.5.0. To which extent has the implementation rate of the GRF been satisfying or disappointing to individual stakeholders and beneficiaries?
2.5.0.1. Have the GRF begun to play an important role in establishing good governance and facilitating decentralisation in South Kivu?
2.5.0.2. Have the GRF begun to play a 'watchdog' role or a kind of indirect control function in the relation (a) between the DRC government and the local administration; (b) between the local administrators and the customary authority; and (c) between the customary authority and the population in South Kivu?
2.5.0.3. Have the GRF effectively changed relations between land *demandeurs* and land *donataires* in the concerned ETDs?

2.5.1. What has been the wider impact of the GRF on external stakeholders, including key political players and those potential stakeholders who have been excluded or are self-excluded?

2.5.2. What impact have the GRF had on beneficiary groups?
2.5.2.1. Have the GRF been able to achieve both their directly stated aim and a secondary outcome in terms of confidence-building, reconciliation and inter-communal bridge-building?
2.5.2.2. How and to what extent have the GRF met the necessity of longer-term support of land redistribution programmes, of strengthening of the legal framework and of facilitating dialogue between ethnic communities in South Kivu?

2.5.3. Has the GRF process actually made reconciliation more difficult in specific land disputes?

2.5.4. Have the GRF had an impact on the behaviour of traditional and other authorities responsible for past abuses?
2.5.4.1. Have these authorities adopted certain political positions to limit local and international support for the GRF process?
2.5.4.2. Have the GRF begun to form a bridge between the state and customary authority in South Kivu?

RQ 2.6. How has the participation or support of international actors, including the EU, affected the GRF in relation to their development, operation, sustainability and impacts? What are the lessons for how the EU and other international actors should support or participate in MSPs?

Overall WP4D thematic comment: The clearest relevance of RQ 2.6.to WP4D relates to the particular impact of international participation in MSPs on reconciliation, confidence-building and inter-communal bridge-building. It is important to discuss a wide range of international actors here, and even actors within countries, taking into consideration the obvious distinction between NGOs and governments, but also among different states (in what sense were those views different – substance, finances?). How did national stakeholders act, who did they support: were there any international – local differences?

2.6.0. How, when, with which goal have the following international actors directly or indirectly affected the GRF in relation to their development, operation, sustainability and impacts?
2.6.0.1. Has the EU support played any direct or indirect role?
2.6.0.1.1. Which specific EU policies, offices and officials have affected the GRF?
2.6.0.1.2. Have the EU representatives and offices in the DRC been particularly supportive?
2.6.0.2. Has the UN support played a pivotal role?
2.6.0.2.1. Which specific UN policies, offices and officials have directly or indirectly affected the GRF?
2.6.0.3. Has the UNHCR played an important role?
2.6.0.3.1. Which specific UNHCR policies, offices and officials have affected the GRF?
2.6.0.4. Has the US attitude played a major role?
2.6.0.4.1. Which specific US policies, offices and officials have affected the GRF?
2.6.0.5. Have any EU member states played a prominent role?
2.6.0.5.1. Which specific policies, offices and officials belonging to the EU member states have affected the GRF?
2.6.0.6. Have any other states played a remarkable role?
2.6.0.6.1 Which specific policies, offices and officials belonging to those states have affected the GRF?
2.6.0.7. Has the CORDAID played a crucial role?
2.6.0.7.1. Which offices, research teams, directors, staff members and consultants have supported and affected the GRF?
2.6.0.8. Has the IUCN-NL played a notable role? At which implementation stage of the GRF?
2.6.0.8.1. Which offices, research teams, directors, staff members and consultants have supported and affected the GRF?
2.6.0.9. Have other international NGOs, Centres and research institutions played any role?
2.6.0.9.1. Which specific research teams, directors, staff members and consultants belonging to those institutions have affected the GRF?

2.6.1. Who took the lead among the above-mentioned international actors?
2.6.1.1. How did international actors reach final decisions abut the GRF? Which actors had to adjust their own views most/least?

2.6.2. Did local stakeholders intentionally play different games with different international actors? How? Why? What for?

2.6.3. Which behaviours in the interaction between international and local stakeholders slowed down or accelerated the implementation of the GRF and the solution to land disputes?
2.6.3.1. Was that interaction relevant for the exploitation of the "sociotherapy" tool? For which outcome in particular?
2.6.3.2. Was that interaction relevant for the exploitation of the "Contrats Fonciers Types (CFT)" tool? For which outcome in particular?
2.6.3.3. Was that interaction relevant for the exploitation of the "Débats Communautaires Participatifs (DCP)" tool? For which outcome in particular?

2.6.4. To what extent has international support been crucial for the establishment and operations of the GRF?
2.6.4.1. How has financial and political support affected the design and operations of the GRF, and the selection of GRF members?
2.6.4.2. How has international support for the GRF impacted on their ability to gain credibility in the broader population in South Kivu?
2.6.4.3. How have the GRF been presented by the Groupement of Karhongo/Nyangezi (and later by the Groupement of Mumosho) to other political players at intermediate and national level, in connection with international support?

2.6.5. How has the role of international facilitators been viewed by other participants? Has it been viewed as a neutral and impartial player, or as an actor in its own right, with consequences in terms of internal politics and their own credibility in their broader constituencies?

2.6.6. What has been the role of international actors in extending the GRF duration and interest areas?

RQ 2.7. How can EU (including member states') policies and programmes better support and co-operate with MSPs in countries emerging from armed conflict in order to promote peacebuilding; empowering vulnerable people and communities and promoting their participation in public life; reconciliation, confidence-building and inter-communal bridge-building?

Overall WP4D thematic comment: RQ2.7. is not addressed specifically at this stage, but some lessons for the EU are expected to emerge from many of the sets of secondary research questions outlined above. Furthermore, a short set of direct questions relating to the GRF experience may offer interesting hints.

2.7.1. Have EU policies and programmes in the DRC and, specifically, in South Kivu, sufficiently, although indirectly, encouraged the GRF?

2.7.2. Have EU member states' policies and programmes in the DRC supported and co-operated with the GRF more adequately than the EU itself?

2.7.3. What should the EU have done in order to better promote peacebuilding and inter-communal reconciliation in South Kivu?

2.7.4. Can the EU as an international actor effectively contribute to empower vulnerable people and communities and promote their participation in public life in the DRC and, specifically, in South Kivu?

2.7.5. Have the EU and its member states actively and effectively contributed to reconciliation, confidence-building and inter-communal bridge-building in South Kivu since the GRF was launched?

2.7.6. Which specific elements of the EU structure and policies should be improved to make it abler to support and promote reconciliation, confidence-building and inter-communal bridge-building in South Kivu and elsewhere?

Part D:

CONCLUDING REMARKS

D.1 CONCLUSIONS

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D.1.1 Introduction

The overall objective of the MULTIPART project is to improve the understanding of how MSPs can contribute to peacebuilding and human security in countries that are emerging from armed conflict, and to clarify policy and programming implications for the EU and its partners. The goal of this thematic report, prepared by the WP4D, has been to analyse MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building. This analysis has been carried out according to the seven overall MULTIPART research questions. The purpose of this concluding chapter is to highlight key findings of our research, and offer some policy-relevant recommendations.

D.1.2 Findings of the WP4D in relation to primary and key secondary research questions

Research question 1

What are the characteristics and types of MSPs operating in the field of reconciliation, confidence-building and inter-communal bridge-building in countries emerging from armed conflict?

In a post-conflict situation, cessation of violence, followed by a degree of public security, does not in itself guarantee long-term stability or human security. Genuine reconciliation between communities (and individuals) formerly in conflict is generally acknowledged as one of the key conditions for long-term peacebuilding and human security. This lengthy process will begin, and depend on, confidence-building and re-establishing inter-community contacts.

In principle, MSPs active in the issue-area of reconciliation, confidence-building and inter-community bridge-building seem to provide a very useful setting for reaching these goals in a post-conflict society. They can be conducive to helping individuals and communities (formerly)

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in conflict re-build trust and mutual relations, as well as go through the process of reconciliation. Reconciliation, confidence-building and inter-communal bridge-building are more often than not a consequence, rather than a self-contained primary objective, of MSPs operating in a post-conflict environment. The MSPs studied by the research team within the WP4D were MSPs aiming to help provide a framework where fractured relationships can be (re-)established.

The MSPs active in the issue-area of reconciliation, confidence-building and inter-communal bridge-building are typically established to, among others, facilitate the return of refugees and internally displaced individuals; contribute to the local development and community stabilisation with a view to guaranteeing better performance of municipal services and creating conditions for the development of the civil society (by way of supporting local organisations, NGOs and citizens groups); contribute to administration of justice, amnesty, education about individuals' rights and duties; promote human rights and peace; support victims; or facilitate the development of conflict management skills, for dealing with various contentious issues.

The Sustainable Partnerships for Assistance to Minority Returns to Kosovo (SPARK) Programme was thus established to provide an integrated umbrella mechanism for multi-sectoral assistance for the returns process. The conflict in Kosovo had resulted in large numbers of displaced populations – first the Kosovo Albanians, and after 1999, some quarter of a million of persons belonging to minorities had to flee their homes and became displaced either within Kosovo, or in Serbia and its neighbouring countries. The Action Plan on Peace, Justice and Reconciliation (the Action Plan), launched in late 2006 in circumstances of increased efforts to reform Afghanistan into a (more) democratic, stable and secure state, called for truth seeking and documentation; promotion of national unity and reconciliation; transitional justice and the establishment of mechanisms for accountability. The *Groupes de Réflexion sur les questions Foncières* (GRF, also GRFs) address some of the key conflicting issues in South Kivu in the DRC. The GRFs, which can be described as a mixture between "local advise councils" and "civil society watchdogs" around the chief of the village (*localité*), deal with all kind of non-violent land issues (from theft of crops to conflicts about borders or land titles). The first GRFs were installed by a local NGO, the IFDP, in order to find a solution for the increasing land conflicts – as land is often the most important means for survival. They seek to both strengthen the ability of local communities to resolve individual and collective conflicts and support psychological and social rehabilitation of vulnerable groups within these communities.

MSPs active in the issue-area of reconciliation, confidence-building and inter-community bridge-building are often established as *nation-wide* initiatives and programmes. This was the case for SPARK and for the Action Plan, whereas the GRFs operate in a part of the DRC (South Kivu). The latter is an understandable exception to the "rule", especially because the Congolese government is not involved in this MSP, and because these local committees are a response to the top-down initiatives for land-related conflict management. The GRFs are thus, in fact, not a new participatory development tool, but are based on "traditional" ways of addressing conflicts in a society affected by them. The reviving of these local initiatives or local structures by the civil society is therefore also an attempt to ensure that conflict management initiatives do not lack local conflict assessment/sensitivity, ownership and sustainable local impact.

A wide variety of *actors* are involved in these MSPs, thus making them rather complex networks, which was especially the case with SPARK in Kosovo. This MSP included almost ten international actors, the Government of Kosovo, its ministry for communities, and a number of local (municipality) officers, as well as several local NGOs, but no private actors. Indeed, no private actors were involved in any of the MSPs studied by the WP4D. There are, however, plans to include them in the GRFs. It is therefore up to the public actors to stimulate and provide for reconciliation and relations building in general. In general, MSPs would thus seem to be more successful in reaching their objectives if the central government (or the president) strongly and consistently support the relations building process. If, however, such support is interrupted (as was the case with the Action Plan), then it is very likely for the relevant MSP not to be able to achieve its objectives. The process of relationship building appears to be so sensitive in post-conflict societies that it will be negatively affected by even the smallest changes in the MSP's structure.

The civil society plays an important role in the relationship building process and hence also in the MSPs active in the issue-area of reconciliation, confidence-building and inter-communal bridge-building. Both, organisations and individuals have been heavily involved in the selected MSPs. NGOs played a key role in the returns process in Kosovo as a link between the displaced populations and the public actors carrying out the resettlement plans; NGOs also played a pivotal role in the formation and functioning of GRFs. With respect to individuals, religious leaders and traditional community leaders, school teachers and others participated in MSPs' activities (the Action Plan and the GRFs). Among the many actors involved in MSPs, not all demonstrated the same level of ownership. Notably, the Action Plan suffered from the vanishing

support by one key actor (the Afghan Government). In the end, only the Afghan Independent Human Rights Commission (AIHRC) as one of the three original partners, has been described as having demonstrated a strong and durable degree of ownership.

The *level of institutionalisation* varies from a very institutionalised SPARK to the GRFs, which cannot be even described as an official structure. Their level of institutionalisation, however, is not related with the effectiveness or success of the MSPs. As a highly institutionalised MSP, SPARK turned out to be rather incapable of dealing with and working under the changing context of the Kosovo political status. In such a context, minority returns became a politicised issue and a highly securitised process, which the institutional structures of the SPARK could not overcome. Its structure and its eventual ability to contribute to genuine relationship building were significantly affected by the so-called "spoilers" (i.e. returnees who returned without any intention to stay, or those who came but made their stay conditional upon obtaining further benefits).

By contrast, as unofficial structures to address land issues the GRFs can be consulted, but are not obligatory by law. In areas where they are functional, their existence is widely known and *chefs de localité/groupement* – sometimes even the police – often refer back to the GRFs or ask support from the GRFs when dealing with a case of a non-violent land conflict. But this has been described by the MULTIPART country researchers as one of the weaknesses of the GRFs: both conflictual parties have to be willing to choose mediation by the GRF, the GRF cannot enforce a decision – even though it is considered as a win-win solution. For it is questionable who benefits – is it a winning formula for the community as a whole, or for individual families within that community? This also brings other issues to the fore: how to deal with the question of the plurality of the land policies, the lost land title contracts during the war – who is the owner? , the return of refugees and internally displaced population.

Finally, MSPs seeking to (re-)establishing relations and trust among individuals and communities (formerly) in conflict are typically established for no more than three to four years; and in practice sometimes even less than three years. However, given the very nature of the processes of reconciliation, confidence-building and bridge-building, this *duration* is much too short for these MSPs to be able to provide a context for long-term relations building to take place. In essence, the level of influence of MSPs on relationship building in a post-conflict society is

limited by the usually short-term project cycles and annual or biannual budgetary planning of main national and above all international donors.

Research question 2

In countries emerging from armed conflict, what is the potential significance of MSPs operating in the field of reconciliation, confidence-building and inter-communal bridge-building (i.e. what possible mechanisms exist) to impact on:
a. conflict reduction and peacebuilding;
b. improving vulnerable peoples' security from violence, crime and illegitimate coercion;
c. alleviating poverty and promoting socio-economic development;
d. empowering vulnerable people and communities and promoting their participation in public life?

MSPs active in the issue-area of reconciliation, confidence-building and inter-community bridge-building, including the three MSPs studied by the WP4D, can sometimes be particularly significant for peacebuilding in post-conflict societies, but their contribution to peacebuilding will frequently depend on progress in other issue-areas, particularly security, but also socio-economic development and good governance, as well as democracy and the rule of law. In practice, real progress on reconciliation across primary conflict divides (as opposed to secondary – but still important – ones) has been shown to be unlikely until there is not only a secure political settlement but also levels of violence (and fears of violence) have substantially reduced. These constraints thus particularly apply when so-called "post-conflict" societies can hardly be considered as post-conflict (political settlement, and greatly reduced political or inter-communal violence), such as in Afghanistan. In such societies, emphasis of local and also international actors will be on providing security; for only in a secure environment, confidence-building and inter-communal bridge-building can begin, and projects seeking to support and strengthen these processes can begin to be carried out. Similarly, a difficult socio-economic situation, the absence of a civil society and of capacities of the local and national governments to guarantee the rule of law or even provide for satisfaction of basic human needs and for the protection of basic human rights, are not conducive to the process of relations building among individuals and communities, in general, or reconciliation, in particular.

All this suggests that confidence-building, inter-communal bridge-building and reconciliation in the MSP context will mostly occur indirectly, as a result of MSPs addressing the most urgent needs of individuals and groups (formerly) in conflict, rather than necessarily by direct goals of relationship building. In this sense, MSPs as such (not only MSPs active in the issue-area under consideration by the WP4D) have a strong relationship building potential. And, in turn, if MSPs

are not conflict sensitive, including being sensitive to the needs and expectations of past or potential conflict parties, their effectiveness and achievements in general will be diminished.

Potential impact on peacebuilding and human security of MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building will thus necessarily depend on the broader security, political and legal, and socio-economic context. SPARK has confirmed the assumption that confidence-building and bridge-building (as well as reconciliation) are not one-dimensional processes. Instead, they depend on the overall socio-political context in Kosovo. So far, the effect of SPARK (and similar initiatives) were very limited and heavily dependent on security and the provision of basic human needs and services (such as housing and property assistance, food assistance, income-generation etc.). In many cases, these services provided by the SPARK were (mis-)used by individuals to collect the benefits (e.g. get a house and sell it), rather than support a genuine, sustainable relationship building.

Similarly, the Action Plan was largely unsuccessful because of the difficult security situation, which put the goal of reconciliation to the second place at best, but certainly after security. The GRFs, too, function well and directly contribute to empowering individuals and communities to participate in conflict management efforts as well as to helping individuals secure their basic human needs (by addressing land disputes). But this is only possible insofar as security is guaranteed. Furthermore, the GRFs address the consequences or "symptoms" of a structural problem concerning land conflict. They provide for the needed and necessary stabilisation in the community because small land discussions can escalate into very brutal and violent conflicts, and even trigger more widespread local conflict. However, managing conflicts is not the same as preventing them – i.e. as addressing the very (structural) causes of the conflicts. Without an integrated approach that deals with land issues on a structural basis (at the provincial and national level), therefore, a risk of violence reoccurring remains very much present in South Kivu in the DRC. In other words, the potential impact of the GRFs depends on issues beyond their competence and control. This is also the case, at least to some degrees, with respect to SPARK in Kosovo where a dispute between Serbia and Kosovo over Kosovo's independence fundamentally affected and continues to do so any inter-communal relations within Kosovo, particularly between the majority Albanians and the non-dominant minority of Kosovo Serbs.

In countries emerging from armed conflict, the potential significance of MSPs operating in the field of reconciliation, confidence-building and inter-communal bridge-building will also depend

on the role of international actors, particularly in the decision-making process on incorporating particular groups within an MSP, and not including others, but also on selecting representatives of the groups included. It is therefore essential that enough time is devoted to stakeholder mapping and to discussing issues of inclusion already at the time of the creation of an MSP. The cases analysed by the WP4D appear to have suffered from the lack of time and attention being devoted to these issues in the phase of planning. Furthermore, the international involvement has not been unquestionably conducive to peacebuilding. In the DRC, where international involvement was limited in the creation and functioning of the GRFs and not linked to any major issue of political contestation, grassroots mobilisation has been relatively successful. This has been also a result of the previously existing mechanisms for mediating land-related conflicts. In Afghanistan, by contrast, limited local involvement in the process of creating the Action Plan, the lack of genuine stakeholder participation reflected more broader problems in the political process. This eventually contributed to the failure of the Action Plan. Research within the WP4D has indicated that MSPs appear to be more successful in relationship building if international actors (including donors) cannot and do not skew stakeholder mapping and decision-making too heavily.

Potential impact of MSPs also seems to be related with their internal mechanisms, such as the membership and composition of the MSP and formal mechanisms relating to the governance structures. Clearly, any MSP engaged in reconciliation or confidence-building in complex situations of recent or ongoing conflicts will attempt to reflect key stakeholder groups within its governance structures. Properly managed, integration of groups from across important societal or conflict divides in an MSP structure will likely have a beneficial impact on the process of relationship building, but this will be dependent on how different groups are incorporated and recognised within the MSP. For there is always a danger that representation of marginalised groups becomes a mere formality, with little impact on their position in a society as a whole (i.e. with the lack of their empowerment), and within the MSP itself where decision-making can be actually carried out by smaller groups of powerful actors. In such circumstances, inter-communal tensions can be supplemented or replaced by intra-community tensions, which also negatively affect any potential significance of MSPs in terms of peacebuilding and human security in post-conflict societies.

This potential problem appears to be addressed very successfully in the GRFs, with the possible "spoilers" being given what it seems a very important position, but a position with no effective

power to control the outcomes. SPARK and the Action Plan, by contrast, suffered substantially by the problem of "spoilers". The three MSPs would thus seem to suggest that the initial planning of an MSP and its operational structure provides the first key for guaranteeing the development of the MSP's full potential as a framework for relationship building. If this window of opportunity is missed, MSPs can be severely affected in terms of their possibility to contribute to peacebuilding as well as human security.

SPARK was designed to address the conflict sensitivities, which the previously existing returns programmes had not taken into account (sufficiently). However, because the operation of minority returns within SPARK was not perceived as fair and just by the minorities and the majority community in Kosovo, SPARK's contribution to long-term and sustainable relationship building has been limited. Community development measures and joint projects can therefore be potential conflict drivers, which can negatively effect the peacebuilding process. As demonstrated by SPARK, if socio-economic development that is highly important to all communities, not just to minorities, is not guaranteed equally to all communities, this can cause resentment and even diminish trust and confidence between different groups. The lack of gender mainstreaming in the implementation of the returns programmes further aggravates this problem. Women were included in the returns process, but they were perceived in an instrumental way – as a guarantee for better sustainability of the return, rather than because the stakeholders sought to improve their actual empowerment.

Research question 3
How, in practice, have selected MSPs formed and developed over time, how have they been composed and how have they operated – both internally and in relation to their external stakeholders and intended beneficiaries?

The three selected MSPs in Kosovo, Afghanistan and the DRC were *formed* to fulfilled different goals, and they were formed in very different ways. The SPARK and the GRFs present a continuation of similar practice of either minority returns (SPARK was not the first MSP to provide for minority returns) or for land-related dispute settlement (GRFs can be seen as reviving the previously existing traditional ways of managing disputes). The Action Plan, however, was an initiative to fill in the gaps in the peace process leading to the Bonn Peace Accord in 2001, which included no mechanisms for dealing with past atrocities. The issue was began to be addressed with the establishment of the Afghan Independent Human Rights Commission (AIHRC) in 2002. Intensive, eight-month long, nationwide consultation in 2004, by the AIHRC, on ways of addressing past human rights abuses, led President Karzai to appoint a

working group to draft the Action Plan. The Action Plan thus came into existence due to international and national expectations, but it was crafted and drafted as a new, bottom-up initiative. However, some strong opposition in the Afghan Government, particularly to strong statements on war criminals' accountability, affected the formation of the Action Plan, and later also its operation.

For SPARK, previous practice with the returns process was beneficial as lessons had been learned and incorporated within the SPARK, but SPARK itself has provided a number of lessons that subsequent returns programmes have taken into account. For the GRFs, the previous experience meant that these new committees could follow and incorporate some traditional practices of dispute management. However, to revive such committees by an external actor (an NGO), rather than by the community itself, can affect power relations within the community and between communities, which can, in turn, worsen the conflict. This is more likely to be the case in ethnically diverse communities (such as those living in Eastern DRC). In such circumstances, local communities would first have to go through the intra-community reconciliation and confidence-building before they could undergo discussing the very sensitive issues, such as those related to land distribution and possession. In addition to a minimum level of security, the GRFs' performance has been seen as depending on a certain level of homogeneity within individual communities.

Ethnic diversity has been the key issue also in the returns process in Kosovo. For the returns process was not carried out solely to guarantee basic human rights of individuals to return to their homes or to their homeland (Kosovo), but also to preserve Kosovo as a multi-ethnic society. But the changing political context (with Kosovo gradually moving towards its independence, which was finally declared in February 2008), appeared to have increased the insecurities of the Kosovo Serbs. The returns process as it applied to the Serbian community was and still is highly politicised. Consequently, the returns process (including the process carried out within the context of SPARK) has been more successful for other minorities, and in homogeneous, rather than ethnically diverse communities and municipalities. The case of SPARK has thus re-opened the very problematic issue of desirability and feasibility of re-establishing and preserving Kosovo as a multi-ethnic society.

All three MSPs were formed as a result of at least some international involvement although the number and actual impact of international actors varied. Over time, however, international actors

recognised the need to transfer responsibilities to national/local stakeholders, but this could only happen after the latter had acquired the necessary competences to carry out the specific MSP's tasks. International actors retained some role and remained involved, but no longer played a crucial role. This trend has certainly been observed with respect to the GRFs, and most notably with respect to SPARK where a number of international actors had been heavily involved in the minority returns process.

Although decision-making on SPARK budgetary matters was rather inclusive, there was no direct involvement of the municipalities, which had originally developed project proposals within individual Municipal Working Groups (MWGs). With regards to its budget, SPARK was very flexible towards involving new donors. Over time, SPARK has indeed attracted new donors. This flexibility was deemed welcome as additional funds were needed, and the SPARK's structure was such that new donors did not affect any previously existing relations and (decision-making) procedures.

Importantly, the MWGs were also inclusive, and consisted of a number of international actors, local authorities, NGOs and members of internally displaced populations. They reflected the rights-based, bottom-up and participatory approach to the decision-making on the returns process. For if SPARK was to be successful and sustainable, the returns process had to be the responsibility of local stakeholders. This policy was reflected in the transfer of competences, skills and responsibilities resulted to a shared ownership and later to a local ownership. But capacity building did not follow suit because international actors were by default perceived as more credible, and because community development and inter-ethnic dialogue remained limited and did not really manage to break the cycle of resentment at the local level. Political culture (characterised also by a very short office time of ministers for communities and returns) and corruption further undermined SPARK's endeavours to build trust and inter-communal confidence.

With regards to decision-making, two other selected MSPs were also inclusive, although the Action Plan operated differently as originally planned. Because it was seen more as a political tool to ensure transitional justice and accountability for past crimes, rather than a project supporting the reconciliation process as such, it functioned accordingly. Its membership and governance rules were subjected to political decision-making. The issue was particularly problematic with respect to still powerful warlords who were deemed essential to help provide

for security of the country. Additionally, some women participated, but only those that were described as brave enough to do so. This suggests that the Action Plan did not empower women. Moreover, the Plan and actors involved in its implementation did not manage to provide an environment free from fear for women to take part in its activities.

In SPARK, women became more involved over time, but for instrumental reasons, rather than because SPARK managed to guarantee their empowerment. Thus, it was believed that women needed to take part in the decision-making on their family's return because they thought about services important for everyday life (schools, doctors, transport etc.). In the end, such careful planning would assure greater sustainability of the returns themselves.

Participation of women was best achieved in the GRFs, where they could take part in the committees on an equal footing with men. Women's participation was first initiated by the gender-oriented approach by the Catholic Organisation for Relief and Development Aid (CORDAID), a Dutch non-governmental organisation which was the key external partner and donor in setting up these committees. The substantial and meaningful participation of women in GRFs can also be attributed to the way these committees are formed, with a general meeting (assembly) of all villagers being an essential step in setting them up.

The selected MSPs cannot be credited with a genuine empowerment of women and other vulnerable/marginalised individuals; only the MSP in the DRC appears to show that there is some support for the view that the GRFs have effectively managed to give voice to such social minorities and to create an atmosphere of inclusion. Because the initial incentive for women participation came from the international actor/donor, this would seem to suggest that MSPs could provide a context for inclusiveness and empowerment, but these are not likely to happen on their own, particularly not in societies where women are discriminated and without a voice.

In Afghanistan, the very insecure and politically sensitive and fragile situation greatly affected the functioning of the Action Plan. On the one hand, security was clearly seen by international and national stakeholders and other actors as a number one priority. Issues such as reconciliation and transitional justice, came second. On the other hand, the weak political institutions not only made President Karzai admit that the Afghan Government was not strong enough to implement the Action Plan, but also led to the adoption, by the Afghan Parliament of an amnesty bill, which was in direct conflict with the objectives of the Action Plan.

The bill received international criticism by human rights institutions, but the granting of amnesty to those who had violated human rights, and their inclusion in governmental structures, necessary undermined the already difficult process of transitional justice in Afghanistan. To a large degree, international overwhelming concerns about the security situation in Afghanistan provided the external legitimacy for Karzai's policies at the national level. Even the EU, although it continuously focused on human rights and transitional justice issues, eventually decided to tone down its strong support to the Action Plan and thus prudently reacted to new (security-related) circumstances.

After this heavy blow to the Action Plan and to the process of reconciliation in Afghanistan, human rights organisations as well as international actors continue to press for a renewal of transitional justice efforts. Following a workshop organised by the AIHRC, a transitional justice network was first created, and in early 2009, also a new Transitional Justice Core Group (TJCG), composed of almost twenty organisations and victims' groups. The TJCG has been established to meet regularly, and to provide a setting for information sharing, actions co-ordination and for advocacy for transitional justice

In the DRC, the GRFs have over time become very desirable by various stakeholders. Importantly, although these committee are not recognised by law, the local state administration is included. This has been estimated as reducing the risk of creating power structures parallel to state authorities, although it also means that the GRFs can now only be installed if the local state administration demands them and is willing to organise such a committee.

In terms of MSP operation, some very interesting and important developments have been observed with respect to the three selected MSPs. With regards to substantive issues, the SPARK shifted its focus from organised (collective) returns to individual returns as those had proven more sustainable. Importantly, SPARK's institutional structure enabled such a fundamental shift in its activities. However, the problem of "spoilers" remained one of the major obstacles to its effectiveness. SPARK has thus indicated very clearly that relationship building in post-conflict societies is a very complex and multi-dimensional process. In particular, the physical returns is not sufficient for building trust, confidence and inter-communal bridges. On the contrary, it is merely the first step that needs to be complemented by reintegration and socio-economic sustainability measures. This case study has demonstrated that a returns process as a way for

relationship building needs to move from a construction led (mainly instrumental) approach to a (returns) needs based approach.

The GRFs, too, expanded their scope of activities to include broader issues equally important for the society. This gradual expansion – in terms of the number of GRFs and their scope – has, however, somewhat endangered the GRFs themselves as they have been said to risk falling victim to their own success. This is due to the potential limits of the IFDP's capacity to follow up the different GRFs. Although this NGO continuously trains animators and coaches and attends meetings as well as provides workshops, it would be probably necessary to bring in other NGOs in the long-term.

The Action Plan suffered from a lukewarm support by key political institutions in Afghanistan. The adoption of the Amnesty Bill in the Parliament had a particularly devastating impact on this MSP. It affected the perspectives of substantial collaboration between the Afghan Government and other stakeholders. Already the process of its adoption has been described as having paralysed all key actions and activities in the Action Plan for whose realisation the Government was the leading actor. After the Amnesty Bill had become legally binging, not only did relations among the Action Plan stakeholders change, but also the AIHRC had to focus even more on involving the civil society and thus maintain the hopes of implementing the plan.

Research question 4
How has participation in an MSP impacted on the MSP's members, in relation to their roles, capacities, empowerment, interests and vulnerabilities relating to:
a. conflict reduction and peacebuilding;
b. security from violence, crime and illegitimate coercion;
c. alleviation of poverty and promotion of socio-economic development;
d. empowerment of vulnerable people and communities and promotion of their participation in public life?

Participation in the selected MSPs has impacted their members, but the extent to which that happened varied among the MSPs. The GRFs, for example, have been described as having had an impact on the empowerment of their members. This is in line with the sociotherapeutic method used by the facilitators of these initiatives. Importantly, the GRFs have been formed and operated in a manner that managed to incorporate the potential "spoilers" – individuals occupying societal positions with some power that could be lost within the inclusive GRFs where decision-making is consensual.

Thus, the inclusion into GRFs of *chefs coutumiers* has been important. These individuals have often been considered greedy or incompetent, interested in prolonging rather than solving land and social conflicts. Their marginalisation in previous initiatives on resolving land-related disputes had proven detrimental to the initiatives themselves. In GRFs, however, they were given an important position – i.e. as appointed, rather than elected, chairs/moderatos –, which is also a position without any direct decision-making power. This position has been appealing to them as they all joined the GRFs in their own *localité*.

Gradually, *chefs de localités* (representing the traditional power and thus playing an essential role in land attribution, also serving as customary judges) changed their attitude from suspicion to confidence. In the beginning, they were not supportive of the GRFs because they feared they would lose power within this MSP. However, the MSP initiators managed to convince them about the benefits of (their) co-operation with the GRFs. Furthermore, the IFDP has been credited with strengthening good relations with the *chefs coutumiers* and the local governmental administration during the implementation of the project. Due to the encouraging results of the GRFs, relations between NGOs involved in the partnership have been strengthened, and the GRFs described as an example of successful civil society empowerment. The problem, however, may come from security stakeholders, whose ignorance and vested interests can spoil the process of dispute settlement. They would need to be more involved, but any reinforcement of the security actors locally would depend on national policies.

The different levels of governance are also a relevant factor to be looked at when discussing SPARK's effects on its members. These have been mixed. Thus, SPARK's stakeholders believe that the biggest impact of this MSP was on municipalities. Capacity-building has resulted in the creation of municipality returns and community officers who were directly involved in the returns process and provided a very important link between the returnees and the receiving communities. SPARK's succeeded in training them to overtake the management of the returns process so that this could be carried out as much in line with the actual needs and expectations of individuals and communities directly involved and affected by the process. However, progress in terms of capacity-building has been smoother in ethnically more homogenous municipalities and in those municipalities where the returns process enjoyed strong support by their mayor. By contrast, parallel (Serbian) structure in ethnically mixed municipalities severely limited the effects of SPARK on its members in those municipalities.

At the level of national governmental structures, however, the impact of SPARK was less clear. Although some training and collaboration with the international actors have led to positive results (acquiring the knowledge, competences, even empowerment of local officials), these were seen mainly at the lower levels of administrators, especially civil servants who have been described as having gained most from the training organised through SPARK. At the higher levels, however, the same positive effects have not been observed: the ministry responsible for communities and returns does not seem to have acquired the necessary competences to carry out the returns process independently. Instead, it was dependent on external assistance. The frequent staff-turnover, including no less than four ministers responsible for this process, was not helpful, either. The impact of SPARK on its members at the national level, and consequently on the returns process, was thus significantly affected by the politicisation of the returns process, and by political culture and corruption. But the ministry seems to be aware of these problems and has been in the process of restructuring, with a view to overcoming these problems that were exposed also by SPARK.

In Afghanistan, the Action Plan's impact on its members has been modest at the very least. It has affected roles and capacities of specific organisations (such as the AIHRC whose workshops and training have contributed to the development and strengthening of the Afghan civil society) although the main activities of this MSP were a failure. At the governmental level, however, the Action Plan had no real impact for the issue of transitional justice was considered too sensitive and problematic for the already very fragile government.

In terms of empowerment of individual members, the Action Plan has been credited with very limited impact. Some empowerment has been estimated at the level of civil society, e.g. the AIHRC, but this was a result of international financial help, rather than the overall functioning of the Action Plan itself. In general, some non-governmental institutions believe to be more vocal in relation to the government, also as a result of their experience with the Action Plan.

In sum, it is difficult to conclude that there is a general pattern of how and to what extent the MSPs have affected, or are capable of affecting, their members in relation to their roles, capacities, empowerment, interests and vulnerabilities, in ways that would have potentially positive impact on peacebuilding. Such possibilities seem to be largely dependent on the overall context in specific post-conflict societies. MSPs appear to be capable of providing opportunities to stimulate empowerment of their members, but careful planning appears to be needed, and

attention has to be devoted to minimising, if not eliminating, factors (e.g. corruption, political culture, institutional fragility, lack of security) in the broader political context that prevent such empowerment and capacities from developing.

Research question 5

What have been the impacts of selected cases of MSPs on external stakeholders and potential beneficiaries, in relation to:
a. conflict reduction and peacebuilding;
b. security of vulnerable people and communities from violence, crime and illegitimate coercion;
c. alleviation of poverty and promotion of socio-economic development;
d. empowerment of vulnerable people and communities and promotion of their participation in public life;
Furthermore, to what extent, and in what ways, have these impacts depended on the characteristics of the relevant MSP (e.g. its multi-stakeholder character; its specific membership; its internal procedures, capacities or decision-making mechanisms; etc)?

The selected MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building have had different impacts on external stakeholders and potential beneficiaries. All three partnerships were too short to be actually able to achieve (measurable) impacts on reconciliation, but they have certainly paved the way for relationship building. Direct conflict reduction has been observed in the DRC, where the GRFs can be described as having contributed to peacebuilding, but also to promotion of socio-economic development and social cohesion within individual communities, and to some level of empowerment and promotion of broad participation in land-related conflict management. The GRFs have been credited with having reduced the number of "small" land conflicts, but also with setting development-related initiatives.

These impacts can be ascribed to their specific bottom-up design and inclusive, consensual operation, based on a sociotherapeutic approach to dispute settlement, and to the lack of international governmental involvement that could not affect internal conflict management dynamics and strategies. However, their long-term impacts are less obvious and depend not only on them, but above all on the Congolese national authorities to provide a legal and structural framework for addressing land-related issues. It should be also reiterated that their impact is always depended on the security situation in the DRC.

Security, or the lack thereof, has been the key direct and indirect factor affecting the impact of the Action Plan in Afghanistan. This impact was very negative: both on the victims, on partners who lost credibility, and on international actors who have lost trust in transitional justice. Although the Action Plan has been described as having had an impact on the Afghan domestic

and foreign policy processes, this impact was very limited. The failure of the Afghan Plan even seems to have made political reconciliation more difficult in the future because the Action Plan has been said as having nourished forms of mutual mistrust and suspicion.

In Kosovo, SPARK has had some impact, but the latter needs to be evaluated with some caution. Thus, SPARK has been credited with having contributed to the democratisation process in Kosovo, to easing tensions between different communities and to initiating the process of relationship building. SPARK focused on concrete projects of mutual benefit for minorities and the majority population. However, the value of such balancing of benefits was a contested issue: the civil society sector, the final beneficiaries and municipalies shared the view that all potential stakeholders and beneficiaries had to profit from SPARK (*win-win solution*) if the returns process and SPARK itself were to be successful. By contrast, some internationals and the ministry responsible for communities and returns believed that too much focus on (counter-)balancing the benefits was not conducive to relationship building; for support to the returns process might be instrumental, rather than genuine, if there are (too) many benefits for the receiving communities. Indeed, SPARK suffered from such conditionality when individual returns were not strungly supported by the majority population because those returns brought significantly less money for the receiving communities.

SPARK has also had some very important unintended consequence. In terms of the long-term peacebuilding in Kosovo, the returns process (carried out within SPARK and other returns projects) has led to the enclavisation of the Serbian minority. This could make the functioning of the Serbian parallel structures easier and could thus prevent not just inter-communal bridge-building, but above all confidence-building and reconciliation in the long-run. This is particularly the case where Serbs do not recognise Kosovo insitutions. In general, participation of Serbs in local governmental structures was very low, and the eclavisation caused a lot of logistical problems.

With respect to short-term unintended consequence, the problem of "spoilers" needs to be brought to attention again. Income-generating grants or indeed SPARK houses were not used for what they had been intended for. When individuals only used SPARK to generate some income, rather than to return and integrate into the Kosovo society, this had negative consequences for the overall returns process and may have increased conflict sensitivities, rather than decreased them. At the same time, SPARK did not seem to be able to provide enough

"match" what the returnees had once had. The SPARK houses are very small and basic, and the income-generating support was hardly sufficient. Indeed, economic reintegration has been decribed as the most difficult aspect of SPARK. Yet, Kosovo overall very difficult economic situation could hardly justify additional funds.

Research question 6

How has the participation or support of international actors, including the EU, affected the MSPs selected for case study in this project; in relation to the MSP's development, operation, sustainability and impacts? What are the lessons for how the EU and other international actors should support or participate in MSPs?

In general, the participation and support of international actors in the three selected MSPs operating in the issue-area of reconciliation, confidence-building and inter-communal bridge-building has been important, and perhaps essential. Without the involvement and support of international actors, these MSPs would either not have been established, or they would have not been able to carry out their goals. In a problematic post-conflict environment, re-establishing relations among individuals and communities (formerly) in conflict tends to require help by third parties. MSPs thus appear to offer an ideal setting because they enable co-operation of and participation by many different actors – both, those that themselves need to re-built confidence and trust and re-establish mutual relations, and those that can mediate and help in these difficult processes.

However, the three selected MSPs also demonstrate that international involvement as such is not always beneficial for re-establishing broken relationships in post-conflict societies. In other words, MSPs do not necessarily contribute to reconciliation, confidence-building and inter-communal bridge-building, but they can also inhibit these processes. In order to understand how the involvement of international actors affects the functioning of MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building, at least three sets of factors need to be taken into account: firstly, the very complex nature of the international community itself with many different actors seeking to achieve their own objectives in a very competitive environment; secondly, the very difficult conditions in war-torn societies that are operationally/institutionally unable to begin any peacebuilding processes on their own; and thirdly, the characteristics (motivations, organisation) of international actors themselves.

Each of the three MSPs analysed by the WP4D offers some interesting and useful insights into the effects of international actors on the creation, operation and development of a particular

MSP. As opposed to SPARK and the Action Plan, which displayed a heavy international involvement, the GRFs display the least international involvement. The role of the international actor in this MSP is one of support and reinforcement of the civil society actor, i.e. the IFDP, particularly with respect to the development of strategies for addressing specific conflict issues and to the measurement of results of these projects. Although the internationals are not actively involved in the decision-making process of this MSP, they provide for supervision, guidance, follow up and international advocacy/lobbying. This has been important because the GRFs have graduated expanded their area of competence from land-related disputes to some of the structural bases of the conflict itself. In general, the involvement of the international actor has been estimated to have brought credibility and legitimacy to the initiative as they are perceived as an objective actor, capable of interacting between the stakeholders if needed.

In general, the many different actors seeking to achieve their own objectives in a very competitive environment would seem to suggest that there is some competition "for presence" in post-conflict countries, particularly among states interested in post-conflict reconstruction or merely in the countries emerging from violent conflicts. Such competition can lead to sub-optimal outcomes, particularly when states give priority to pursue their own goals, rather than fulfilling the needs of the local population in post-conflict societies, or when different states follow different (even mutually exclusive) objectives. The Action Plan was significantly affected by such conflicting international views and interests, with the US-led coalition's prioritising security over reconciliation. A similar problem affected the SPARK when the minority returns process as such was overshadowed by international disagreements about status and standards. Such different interests can increase fragmentation at the local level, in a post-conflict society itself. This was observed with respect to the Action Plan whose donors did not manage to avoid mutual competition, which led to some cross-funding. Moreover, the lukewarm approach by President Karzai to transitional justice, (tacitly) supported by key international actors who favoured security over transitional justice and reconciliation, has negatively affected the effectiveness of the Action Plan. Indeed, the state-building priorities of the international governmental community have been estimated to have contributed to the development of a "culture" of institutionalised impunity in which an initiative like the Action Plan could not achieve its objectives and realise its potential impact on peacebuilding in Afghanistan.

The same kind of competition can be observed among international governmental organisations, as well as among international non-governmental institutions (organisations, agencies, think thanks, networks etc.). They also compete for limited (financial) resources. This can affect the

actual beneficiaries and their involvement on the ground, for projects about re-establishing relations (peacebuilding) would depend on preferences of donors, rather than on the actual needs of individuals and communities (formerly) in conflict. In the case of SPARK, such "NGO business" and "playing games with the donors" diminished success of the project. This initial inter-NGO competition was, however, subsequently identified and addressed by the NGOs. They created an umbrella NGO (UNIJA/M) that became the sole NGO preparing the list of potential returnees.

All this competition may cause duplication of work, or to several MSPs focusing on the same problems in the same areas while ignoring other issues or other areas. It has also led to co-ordination problems (within the SPARK, two stakeholders failed to co-ordinate their activities in the field of food assistance, which caused duplication of food assistance for some beneficiaries in some villages; such institutional problems could further broaden the gaps between individuals and communities, rather than build trust and confidence among them).

In the aftermath of a violent conflict, however, a typical problem in post-conflict societies is that it is often difficult to identify the needs of individuals and communities because of the non-existing civil society in a post-conflict context. Also, such societies are operationally/institutionally unable to begin any peacebuilding processes on their own as they have no competent administration to carry out policies, or to even identify the local needs. For international actors, including the EU, a necessary step in any peacebuilding effort may thus be providing support to the non-governmental sector, helping in the (re-)establishment of a civil society, and above all helping local administration gain the necessary competences to carry out any confidence-building initiative, for example.

The participation and support of international actors in the selected MSPs have come as a result of interests and preferences of international actors; it is therefore also such (possibly changing) interests and preferences that can affect the functioning of MSPs and their effects on relationship building. In particular, stakeholder choice and inclusion or exclusion of individual actors (local and international) has consequences for the functioning of MSPs. So does representation of communities (formerly) in conflict. The research of MSPs in the issue-area of reconciliation, confidence-building and inter-communal bridge-building has shown that international actors, including the EU, need to pay special attention to the issues of participation and representation. The selection of the "right" and appropriate range of partners and their full

participation is key in any confidence-building effort. In fact, these issues fundamentally affect the effectiveness and final results of MSPs in this field (including popular perceptions about the MSPs and about international actors involved in those MSPs). This, however, is a very difficult exercise, and an exercise that does not follow any guidelines.

Still, some general principles can be suggested as they stem out of the research by the WP4D team. In particular, former perpetrators, known for having committed gross human rights violations, cannot take part in the immediate efforts to re-establish confidence and bridges between communities in conflict. This was a huge obstacle in the functioning of the Action Plan. Also, powerful local individuals need to have a certain role in an institutionalised approach to reconciliation, confidence-building and inter-communal bridge-building. They may be the key to success or failure (i.e. the problem of "spoilers") of MSPs. SPARK and minority returns in general have been more successful in municipalities with a powerful mayor who also support the returns. The GRFs have also functioned well because special attention was paid to individuals holding authority and power with respect to the use of land.

Research question 7
How can EU (including member states') policies and programmes better support and co-operate with MSPs in countries emerging from armed conflict in order to promote:
a. conflict reduction and peacebuilding;
b. security of from violence, crime and illegitimate coercion;
c. alleviation of poverty and promotion of socio-economic development;
d. empowerment of vulnerable people and communities and promotion of their participation in public life?

The processes of reconciliation, confidence-building and inter-communal bridge-building are by definition lengthy processes that do not and cannot happen over night. At the same time, successful and quick satisfaction of specific needs that appear on a daily basis, particularly at the local level, require instant action. Such a situation is, however, not in line with the functioning of international actors, including the EU. International agencies, organisations and other actors plan their activities well in advance, usually follow complicated and lengthy administrative procedures, which often prevent seizing the existing windows of opportunity for action in war-torn societies. MSPs are typically of short-term duration, and depend on shorter (two to five years) budgetary planning of international donors. This does not provide a stable approach to long-term relationship (re-)building as a necessary process in any post-conflict society. In order for international actors in general, and the EU in particular, to have a greater impact on processes of reconciliation, confidence-building and inter-communal bridge-building their way of operation

would need to be more flexible and adjust to the local needs in post-conflict societies, rather than generated by their intra-institutional budgetary and policy-making procedures (constraints).

An additional problem identified with respect to the EU is also the inability of the EU to "speak with one voice", as it was often heard on the grounds, particularly in Kosovo. Because national governments of member states follow their own (particularistic) interests, the EU comes across as less effective and less reliable when urgent action is needed. In this respect, the EU tends to be compared with the USA – the later being much more effective.

At the same time, countries that perceive themselves as future member states (i.e. countries with a European perspective), such as Kosovo, would be more prone – at least in principle, at the level of policy making and at the level of politics in general – to adopt and follow European norms on human rights, including minority protection, rule of law and democracy. These norms provide an important framework, if not the key conditions to be met, for promoting confidence and inter-communal relations in post-conflict societies. Of the three selected cases of MSPs in three countries, the case of Kosovo and SPARK is particularly relevant in this respect. Although the EU has not had any role in the functioning of the SPARK, this partnership was established to provide for minority returns. The overall context for this process was determined with the national and international objective that multi-ethnic character of the Kosovo society must be preserved, and that forced migrations (creating refugees and leading to internally displaced populations) were not acceptable. The past displacements needed to be addressed for reconciliation to ever take place.

The EU can therefore play a role of a normative power, upholding fundamental human rights and freedoms, as well as other norms that will provide the basis for the behaviour of national and local actors in post-conflict societies. Negative effects of the EU and its member states (and other international actors) not upholding those norms have been observed in Afghanistan. By prioritising security over reconciliation and justice, the potential significance of the Action Plan has significantly (even detrimentally) diminished. This would suggest than one-sectoral approach may not suffice as it tends to ignore other key aspects of any post-conflict reconstruction. For international involvement to bring about maximum results in the issue-area of reconciliation, confidence-building and inter-communal bridge-building, several issues of post-conflict reconstruction would need to be addressed simultaneously. This applies to all four fields of the MULTIPART's research. The Action Plan in Afghanistan has notably demonstrated the

necessity for providing for security together with attempts to carry out transitional justice programmes, where SPARK has indicated a tight connection between inter-community bridge-building and confidence-building on one hand, and socio-economic development on the other hand. For the returns process within the SPARK was not just about helping persons belonging to minorities to return to Kosovo, or to their homes within Kosovo, but it was also about providing them with the necessary social services and economic means to be able to stay.

There appears to be several other aspects of relationship building within an MSP context that needs to be given more attention, and where the EU could play an important role. Namely, the role and the position of the local communities would need to be strengthened and civil society more included in the MSPs. However, a lot of consideration needs to be devoted to the selection of representatives of these communities. In this respect, the MSPs studied by the WP4D have not managed to secure, among others, a genuine participation and empowerment of women.

Further, initiatives for relationship building would need to start as bottom-up initiatives, and the MSPs formed to help provide for confidence-building or inter-community bridge-building would benefit significantly if they addressed the actual needs on the ground. These, however, are very complex and diverse, ranging from security to jobs, access to land or education in a mother tongue. All this would seem to suggest that MSPs would be more successful if they were more flexible, and more fine-tuned to the beneficiaries' needs and expectations. The very formation of MSPs is therefore crucial, whereby local actors need to be present, but in a manner that their selection does not further exacerbate inter- and intra-community relations. In this respect, special attention needs to be devoted to representation and empowerment of women and other vulnerable individuals and communities. MSPs can provide an environment for women's participation and empowerment, but these do not happen on their own. Gender-mainstreaming therefore has to be part and parcel of MSPs already at the planning stage (i.e. to create favourable institutional/structural mechanisms).

Because the involvement of international actors depends on interests, plans and expectations of those actors themselves, it appears essential for those potential international actors (stakeholders, and particularly donors) to have the necessary information about the local needs before MSPs are created, and that their involvement can be flexible, rather than limited by fixed strategies, policies and budgets. Also, long-term programmes are needed for such a complex set of processes as are reconciliation, confidence-building and inter-communal bridge-building. If,

however, projects are of shorter duration (2-3 years), measurable results can hardly be expected. Accordingly, successes and failures or effectiveness of those projects will need to be assessed differently than it tends to be assessed at present. Quantitative measures may not suffice.

Perhaps equally important is co-ordination among international actors: post-conflict reconstruction cannot be a playground for any exercise of power and competing interests among international actors for even a slight disagreement with respect to support to reconciliation efforts in a post-conflict society is likely to have very negative effects on the already very difficult and lengthy process of relationship building in war-torn societies. For the EU this would mean that a truly "common policy", but not at the risk of prolong decision-making, will make a credible actor contributing to success of MSPs active in the field of reconciliation, confidence-building and inter-communal bridge-building.

ANNEX: Key secondary research questions as they apply to the issue-area of reconciliation, confidence-building and inter-communal bridge-building

The following secondary research questions have been developed for each of the primary MULTIPART research questions by the WP4D team (prepared by David Lewis, University of Bradford; July 2009).

Research question C.2 *What is the potential significance of MSPs operating in the field of reconciliation, confidence-building and inter-communal bridge-building (i.e. what possible mechanisms exist) to impact on peacebuilding, security, poverty alleviation and empowerment?* The first area in which working hypotheses are likely to produce some rich data is in the formation and composition of the MSP (C2.1). This area addresses secondary research questions which address the potential impact arising from internal mechanisms such as the membership and composition of the MSP and formal mechanisms relating to the governance structures. Clearly, any MSP engaged in reconciliation or confidence-building in complex situations of recent or ongoing conflict will attempt to reflect key stakeholder groups within its governance structures, and a key hypothesis for WP4D is that integration of rival groups in an MSP structure will have a beneficial impact on reconciliation or inter-communal bridge-building in particular. How different groups are incorporated or recognised will depend on the context, and on the negotiating process that produces the MSP. Decisions to incorporate particular groups within an MSP – and the identification either by themselves or by other agencies – of representatives of such groups – can have an important impact on a wider conflict context. In this context, the role of international partners will be of considerable significance, and one area of research that may be fruitful is the potential impact of external players on relations among groups in conflict through engagement in the MSP. Specifically, researchers should address the question of how the process whereby the representatives of various groups and institutions are chosen, and the identification of particular stakeholders could potentially impact on peacebuilding.

The area of governance and the internal dynamics and operations of an MSP is likely to be another area that will generate a range of secondary research questions. Secondary research questions outlined as C.2.2 include initial hypotheses such as 'participation empowers MSP members', 'MSP enhances communication among different stakeholders'; 'MSP operation contributes to confidence-building among different stakeholders'. Equally in this area there may be complimentary hypotheses that could be examined, including the possibility that inappropriate membership criteria, or internal governance rules may exacerbate rather than

improve relations among different groups, or that unequal resource allocation through an MSP may also have a negative impact on relations. This stage will focus on the design and rules of the MSP rather than actual operation (see below).

While MSPs may play a role in bringing different communities together in one organisational structure, with a potential impact on broader inter-communal relations (both positive or negative, potentially), another area of research should address the possibility that the different functional partners within an MSP (public sector, private sector, civil society, etc) may also be a useful way of addressing divisions or fractures within each community, and also avoiding the problem of some inter-communal bridge-building approaches that reify the group identity at the expense of other identities. In other words, one set of research questions that may be addressed could be whether MSPs may be better able to adapt to complex conflict situations, in which *intra*-communal conflicts also play an important role, but are disguised by the much more obvious *inter*-communal tensions.

A related set of questions concerns the external relations of an MSP (See C.2.3), and in the context of inter-communal conflict, the impact of the MSP on other actors can be considered an area of important research focus. The relationship between the MSP and international actors, primarily donors, is of importance for the stakeholders, but these external relations with selected MSP stakeholders may also have a wide impact on society or on the broader conflict. Additionally, an MSP may be able to attract important external resources (mediation or political resources, in addition to material benefits) that alternative organisations might fail to engage. One important area in many contexts where reconciliation or inter-communal bridge-building is political sensitive and potentially contested, may relate to the relationship between an MSP member and its wider community or political constituency (e.g. could participation generate opposition in the wider community or lessen its ability to claim to represent groups interests) Another set of research questions, appropriate for contexts where there is considerable mistrust among different political groups, will relate to the role of an MSP in building bridges between non-state and state actors, even where the latter are not necessarily MSP members.

Research Question 3: These hypotheses about the potential impact of MSPs depending on how they are designed will require a strong empirical base in the kind of secondary research questions outlined in C.3 (*how MSPs have formed and developed over time and how they operate in practice*). In particular, issues related to the formation of the MSP seem to be critical in the context of

inter-communal conflicts, and the second area of interest – how MSPs actually operate in practice – is potentially the richest area of potential research, but also poses challenges for researchability. Understanding the internal dynamics of an MSP in practice, as opposed to formal governance rules and procedures, will respond to an important set of secondary research questions that address the relevance of: informal decision-making processes; internal interaction in practice; internal politics within the organisation; the impact of gender on decision-making procedures; the importance of resource allocation in internal power dynamics; and other related issues about decision-making and governance in practice. All these areas are potential avenues for addressing questions related to the practical implementation of the potential impacts outlined under Research Question 2. Propositions such as 'MSP operation contributes to confidence-building among different stakeholders', as proposed in Research Question 2, can generate a range of secondary questions related to internal governance and decision-making powers within the MSP. Any structure in which formal rules of equality are undermined by informal decision-making mechanisms that undermine one party are likely to be detrimental to broader inter-group confidence-building. Similarly, the way the membership of the MSP is formulated *in practice,* as opposed to its initial conception, is likely to have a significant impact on its ability to both have a positive impact on confidence-building, but also to avoid any negative impact on a broader, sensitive conflict environment. Since preliminary research discussions suggest that much of the potential impact of MSPs on reconciliation, confidence-building and inter-communal bridge-building is likely to emerge as a result of innovative internal and inclusive structures of governance in MSPs, the reality of MSP governance is likely to be an important focus of work for WP4D.

Research Question 4: A further set of research questions related to WP4D's thematic area arises from Research question 4, relating to *'the extent to which participation in an MPS has impacted on the MSP's members, in relation to their roles, capacities, empowerment, interests and vulnerabilities'* (C.4). In particular, a useful area of research would relate to the extent to which MSP participation has an impact on the internal dynamics of members and stakeholders. As noted above, the relationship between group representatives in an MSP and the wider group or indeed rival representatives is complex and may be impacted by MSP operations. Equally, within even a small group of representatives in an MSP there may be fractures, conflicts and differences, potentially exacerbated or dampened by participation in the MSP.

Research question 5 (*what have been the impacts of MSPs on external stakeholders and beneficiaries*) builds on some of the research questions elaborated in C2.3 and is also very relevant to WP4D researchers. In the area of reconciliation, confidence-building and inter-communal bridge-building, the impact on external stakeholders, both within and outside a particular country is of considerable significance. This area links also to the formation and membership issues in MSPs, with its default definition of external stakeholders, and even identification of 'hidden stakeholders'. The attitude of beneficiaries will also be of importance in balancing the impact of the MSP on peacebuilding, for example. An MSP which successfully unites rival ethnic groups in implementing a project that has a negative impact on final beneficiaries is likely to have a very mixed overall impact on peacebuilding and human security. Researchers will need a broad assessment of the MSP on beneficiary groups and external stakeholders, but the need for research focus on this question will depend on the country context and the particular MSP.

Research question 6 '*How has the participation or support of international actors, including the EU, affected the MSPs selected for the case study in this project, in relation to the MSP's development, operation, sustainability and impacts?*' The clearest relevance of this research question to WP4D relates to the particular impact of international participation in MSPs on reconciliation, confidence-building and inter-communal bridge-building. A range of questions might be addressed, including the type of international actors involved, the broader political ramifications of particular countries' involvement or the role of certain international organisations. In relation to the impact on external actors, researchers might ask: do MSPs play a role in enhancing cooperation among international actors in such contexts? do they play a role in enhancing cooperation among different types of international actor (donor/NGO/government agency, etc)? how does international cooperation in and around an MSP impact on the internal relations and governance of the MSP? What impact does international involvement have on MSPs in terms of sustainability, particularly in sensitive political environments, where international actors play a mediating role?

Research question 7 is not addressed specifically at this stage, although some lessons for the EU are expected to emerge from many of the sets of secondary research questions outlined above.