Local Peace Processes

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A globalised practice of local peace agreements

Christine Bell, Laura Wise, Juline Beaujouan, Tim Epple, Robert Forster and Robert Wilson

Introduction

In recent years, the difficulties and failures of national level peace processes have prompted increased attention on 'the local' as a space of conflict resolution. In this introduction, we draw on an attempt to collect, categorise and archive local peace agreements across the globe – the PA-X Local Database[1] – to frame the discussion that unwinds through the subsequent case studies.

Any process of archiving, classifying or coding peace agreements involves definitions and boundary decisions as to what a peace agreement comprises. In our experience, this process pushes theoretical questioning of the phenomenon in question. We therefore use this dialectic between categorisation and questioning of the category of 'local peace agreements' to explore what comprises a 'local agreement' and further understand the relationship to 'the national' and the 'global'.

We suggest that the boundary dilemmas of the term 'local peace agreement' point to: the ways in which nested conflict operates; the role that local agreements can play in unwinding it; and the need for a better account of peace processes as multi-level between local, national and international levels of conflict. We point to a paradoxically 'globalised practice of local agreement-making'. Both the existence of local peacemaking, and the impossibility of delimiting what is merely 'local' about it, themselves point to a need for a new political imaginary for peace processes,[2] which would go beyond the idea that it is about brokering elite pacts reached in a comprehensive peace agreement. In a sense, given that local agreement practices have existed for centuries, the turn to the local can also be understood as something that has become more visible once the gaze is moved from the 'nation state' as the focus of conflict solutions. As the pieces in this collection illustrate, contemporary local peacebuilding practice emerges from a complex mix of long-standing local justice practices, distinct local peacebuilding initiatives, and the ongoing initiatives of local actors to deal with relationships between armed groups and inter-communal strife.

1　　PA-X Local Peace Agreement Database https://www.peaceagreements.org/lsearch (this forms part of our broader peace agreement data).

2　　Craig Browne and Paula Diehl (2019) 'Conceptualising the Political Imaginary: An Introduction to the Special Issue', *Social Epistemology*, Vol.33 No.5, pp. 393-397.

PA-X Local Peace Agreement Database [3]

PA-X Local is an open-access database of written local peace agreements from across a global set of conflict-affected contexts.

- Contains 318 agreements spanning the time period between 1991 and mid-2021

- Local peace agreements are recorded from Bosnia and Herzegovina, Burundi, Central African Republic, Croatia, Democratic Republic of Congo, Ethiopia, Kenya, Lebanon, Libya, Mali, Nepal, Niger, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syria, Yemen, although this is not an exhaustive list of contexts where the practice occurs.

- Agreements are coded for properties such as geolocation, type of participant, and link to national process, and prominent localised issues that feature in the texts, such as the use of rituals and prayer in the peace process, listing of local grievances, cattle rustling, and removal of 'social cover' (form of impunity) from individuals.

What is a 'local agreement'?

A number of different elements might frame an agreement as 'more local than national'. The following working definition can be woven around agreements that seem peculiarly 'local' in nature, to provide a starting point in understanding their relationship to national peace processes.

Local agreements may be formally documented, but are often informally documented or even unwritten. They relate to a geographic area smaller than the entire conflict zone, and involve at least some local actors, whether in an immediate village, neighbourhood, municipality, city or specified military zone. Their aim is to mitigate or end conflict in that area by addressing local conflict drivers and actors.[4]

Yet, classifying agreements as 'local' quickly demonstrates difficulties with each element of this definition, pointing to the need to understand these elements as cumulative. Applying each element of the definition quickly reveals fuzzy lines between local conflict, actor and conflict resolution process, and national, transnational or even international actors, conflicts and processes. Fuzzy lines also exist between local agreements enabling a project of peace, local agreements enabling a project of war, and local agreements which aim to resolve issues unrelated to armed conflict altogether.

Unpacking the elements of this definition with examples may deconstruct it, but, we suggest, reveals the need for new frames of analysis for peace processes.

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3   For more about the process of developing the PA-X Local Peace Agreement Database, see 'About PA-X Local', Political Settlements Research Programme, available at https://www.peaceagreements.org/files/About%20PA-X%20Local%20-%20final.pdf

4   Derived from Christine Bell, Monalisa Adhikari, Sanja Badanjak, Juline Beaujouan, Margherita Distrotti, Tim Epple, Robert Forster, Robert Wilson, and Laura Wise (2020), PA-X Local Peace Agreements Database and Dataset, Version 1. www.peaceagreements.org/lsearch

Local agreements can be documented or undocumented

Local agreements are often produced in written form, but they can also be agreed and disseminated orally. The PA-X Local Agreement Database is the most comprehensive public collection that exists; however, a full census of the practice is impossible for a range of reasons: the very local and often informal ways in which these agreements are signed and distributed (which include through newspaper articles setting out their terms, and even via social media platforms); the fact that they are often negotiated in minority languages that are not understood by external researchers; the fact that oral agreements may have an equal or superior authority to written ones. It can also be difficult to distinguish 'local peace agreements' from forms of local justice practice,[5] as the contribution in this collection from Feiras Kheirallah and Aya Alsafadi on tribal justice systems in Jordan illustrates; or from other more general local development projects in which local development and peacebuilding are understood to go hand-in-hand. The accounts and texts of local agreements that can be readily accessed are owed to someone historically deciding to research and record the phenomenon as interesting and a relevant part of the peace agreement landscape.[6] While our data appears to reflect an increase in local agreements over time, increased internet access means that it has become easier for local communities to co-draft and circulate agreements via websites and social media so that they exist in written form, meaning we may have more 'texts' rather than more agreements. Moreover, a deeper dig into the history of peacemaking in conflicts as diverse as South Sudan and Bosnia illustrates that local agreement-making has always existed in parallel with national peace agreement efforts.[7]

There is also reason to believe that written agreements may not be as important in the local context as in the national context. For example, in his reflection on local peace agreement practices in South Sudan in this collection, Martin Ochaya Lino Agwella explains that agreement often takes different forms than written: 'handshakes, rituals, prayer, exchange of property' all are important ways of consolidating agreement. This observation resonates with written reports of inter-communal agreements in other African and Middle Eastern contexts;[8] for example, a report of an USAID-CMM-funded local peacemaking initiative in northeastern Kenya noted that elders were reluctant be involved in written agreements, not just due to 'the aural culture of pastoralists but also from the mistrust some elders had of being manipulated by interests from outside through the signing of papers'.[9]

Where a written text of a local agreement does exist, the nature of the text sometimes suggests a different relationship between oral and written text than with national peace agreements. In national processes, lawyers, the language of commitment, implementation mechanisms and international signatories are characteristic in documents that read as part-constitution, part-contract. In contrast, many local agreements appear to be a 'minute or note' of what was agreed orally, rather than a set of binding commitments. The text operates as much as a set of common acknowledgements of grievances, recompense, and restoring of relationships as an attempt to 'contract into' peace settlement terms: it is the fact of the meeting having

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5   See for example, Somalia/Puntland, Ramada Peace Agreement, 04/12/2005 https://www.peaceagreements.org/lview/1852/; South Sudan, Misseriyya and Dinka Ngok Conference, Conference Agreement, Kadugli 13/01/2011 https://www.peaceagreements.org/lview/1671

6   See for example, local agreements printed in: Interpeace, The Search for Peace: Community-based Peace Processes in South-Central Somalia, https://www.interpeace.org/wp-content/uploads/2008/07/2008_SomSC_Interpeace_CRD_Community_Based_Peace_Processes_EN.pdf

7   See for example Mark Bradbury, John Ryle, Michael Medley and Kwesi Sansculotte-Greenidge (2006), *Local Peace Processes in Sudan: A Baseline Study.* Rift Valley Institute. Available at: https://riftvalley.net/publication/local-peace-processes-sudan

8   Between 1990 and mid-2021, 142 Local Peace Agreements in the PA-X Local Database from the Central African Republic, Kenya, Libya, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syria and Yemen contained references to ritual, religion, and prayer, including scripture (Quranic, from the Hadith, Biblical) and invocations of God. See further PA-X Local search 'Ritual or Prayer' category: https://edin.ac/3qfHBAs (search conducted on 12th August 2021).

9   Centre for Peace and Applied Research (2011) 'PACT Peace Program II: Reflecting on Peace Practice at the Kenya-Somalia Border'. A consolidated report of action research, pp. 9. (on file with authors).

taken place with agreement reached that matters, rather than delimiting a set of actionable commitments to institutionalise peace. While Western cultures often view binding legal agreements as achieving a unity between actual agreement and written form, other legal cultures often view the written text as secondary to the actual agreement, forming merely a note of a process which itself constitutes its own success.[10] In their contribution to this collection, for example, Farhat Ullah and Nizar Ahmad highlight the decision-making process behind whether or not local peace agreements are written or undocumented, and how that relates to compliance through Pakhtun notions of collective trust.

Local agreements deal with local geographies, sometimes of just a few miles

Geographically local peace agreements are often understood as confined to a small locale. Some are indeed startlingly local: they focus beneath the entire conflict region, and address conflict sub-regions limited to towns, districts, or military zones that may only encompass a few square kilometres. For example, a 2014 ceasefire signed in Hodeidah, Yemen, limited the terms of the agreement to an area between two buildings that were strategically important.[11] However, national peace processes, particularly in secessionist disputes, often focus settlement terms on the sub-national region in which the violence is centred. How local then is local?

We suggest that the geography of distinctively local agreements relates not just to the geographical size of the area, but also to its scale of attempted political settlement: is it a local one, or does it attempt a new national political settlement? A form of distinction can therefore be drawn between local agreements, and peace agreements that address a sub-state conflict region understood to threaten the national state. Peace agreements in Indonesia focusing on Aceh, or in the United Kingdom focusing on Northern Ireland, while focused on sub-state entities, involved political settlements understood as 'national' because they focused on the relationship between the centre and its periphery, in ways that implicated the national political settlement at least in part. While these agreements also provided for the internal relationships within the sub-state region in a form of sub-state localised settlement, they typically involved the state recognising and accommodating sub-state claims to be a distinctive political community, in return for restoration of the state's legitimacy and monopoly on the use of force across the territory as a whole.

Yet, despite our attempted distinction, the line between local and national agreements remains fuzzy. Some forms of centre–periphery agreement have a more distinctively local flavour to their content than others. The conflicts with indigenous peoples such as the Adivasi in India or the Zapatistas in Mexico, for example, have seen peace agreements which focus on the conflict between periphery and centre, but with content that 'feels' more similar to local agreements. While these conflicts have involved state/non-state negotiations, the settlement terms have often had few implications for the national political settlement. The groups are both too peripheral and 'micro' to destabilise the state, while the 'constitutional space'[12] available within the national constitutional framework for provision of autonomy means there is no real need to reconfigure the state's political settlement to provide for territorial devolution.

10   Interestingly, analysis of different Israeli and Palestinian interpretations of the Oslo Accords put emphasis on the different cultural approaches of the parties to the text, see Tamara Cofman Wittes (ed.) (2005), *How Israelis and Palestinians Negotiate: A cross-cultural analysis of the Oslo Peace Process* (Washington: United States Institute of Peace).

11   Up until this agreement, the local resistance Tihami group had maintained a strong presence in the area, controlling strategically important buildings around a hotel which had been the site of the specific conflict and thus became the focus the agreement refers to. See 'Agreement to Cease Fire between the Tihami Movement in Harah al-Yemen and Ansar Allah'. 24/10/2014, https://www.peaceagreements.org/viewmasterdocument/2006

12   S. Molloy (2017), *Sub-State Constitutions in Fragile and Conflict-Affected Settings: Workshop Report*. International IDEA, https://www.politicalsettlements.org/publications-database/sub-state-constitutions-in-fragile-and-conflict-affected-settings-workshop-report/

The Indian constitutional framework, for example, contemplates asymmetrical devolution of powers as normal. However, these new local political settlements still implicate 'the national' because they must reach an accommodation between indigenous (local) and settler (national) populations at the local level, and also provide economically for the sub-state region. These agreements often involve formulas for tribal/non-tribal forms of power-sharing in the local government and legislature, as part of the provision for autonomy.

Local agreements as involving local actors

Local agreements are negotiated primarily by local leaders. Yet, examination of actual agreements again reveals both that local leaders often reach agreements with national actors, and that their own status cannot be delimited as fully local or fully national. Local leaders may represent branches of larger organisations, such as tribes within larger, ethnic groups or battalions within the military.[13] Local leaders may technically be 'state actors' such as mayors, governors, and military unit commanders, albeit operating in devolved contexts. However, these local-level state actors can have opaque or unclear connections to their central state counterparts. Their relationship may be of subordination, cooperation, command, or competition with national-level actors. Indeed, relationships can be fluid and contingent, fluctuating between all of these possibilities, because no simple hierarchical structuring of the national–local relationship pertains, and state institutions are dysfunctional or have limited geographic reach. Hierarchical loyalty and cohesion may be in place in some moments and not in others.

Sometimes, local agreements are negotiated directly between the central state and local armed actors, and will be local because they focus on dampening conflict in particular areas only – for example, forms of local ceasefire or demobilisation agreement. These local agreements retain the 'feel' of more inter-communal agreements in the types of concern they address. Negotiations between the central state and local actors are often pursued as part of a state strategy of picking off minor groups, or 'rolling out' a peace process to more marginalised communities, in an attempt to extend ceasefires beyond the main armed groups. These agreements see the state address very local agendas that are often quite different from what are understood as the main conflict drivers. For example in Nepal, after the comprehensive peace agreement was signed, in part to enable safe elections, 21 micro agreements were signed with often small-scale armed groups, many of whom were very local in their reach and concerns.[14] Local peace processes can also bypass the state entirely, or count the state as merely one of a number of armed actors with which civic groups need to reach agreement to protect local communities from violence, as outlined by Annette Idler's contribution to this collection on local peace initiatives in rural Colombia.

Often more than one type of local agreement and process is going on. The case of Syria shows the complexity of different localised processes, and how these can co-exist in one conflict space, with the nature of local agreements mutating over time as different external actors also become engaged.[15]

13　　R. Turkmani, M. Kaldor, W. Elhamwi, J. Ayo and N. Hariri (2014), *'Hungry for Peace: Positives and Pitfalls of Local Truces and Ceasefires in Syria'*, London: London School of Economics and Madani, November 2014, available at www.lse.ac.uk, pp. 5.

14　　See agreements from 2007 to 2010 between the Government of Nepal and multiple armed groups, including the Liberation Tigers of Terai Eelam (LTTE), the Kirant Janawadi Workers Party, and the Madheshi Virus Killer Party. Available at PA-X Local, https://edin.ac/3ltkUFk

15　　See further, Juline Beaujouan (2020), *PA-X Local: Note on Local Peace Processes in the Syrian Conflict,* Political Settlements Research Programme, Available at: https://www.peaceagreements.org/publication/58

Local agreements as focused on local disputes

Local agreements often have a different subject-matter to national agreements: they attempt to address local drivers and manifestations of conflict in ways that are tied to the peace priorities of the communities concerned. Helping to distinguish local agreements from national, is the idea that 'local' agreements are those which deal with the 'everyday circumstances of the local' and intercommunal relationships. A quick foray into PA-X Local illustrates localised content relating to disputes over land usage, inter-communal movement and migration, cattle-rustling, water rights and access, and very closely inter-communal, kinship or even familial feuds. The agreements have a close communal texture: many are short in length, and they often deal with the fabric of what causes local conflict. Jérémie Mapatano and Irene Bahati illustrate in their discussion of the eastern Democratic Republic of Congo (DRC) the diversity of issues that different grassroots initiatives have attempted to address, including the differences between traditional, customary conflict issues, and local deals attempting to address political conflicts, some of which are transnational or cross-border in nature.

The sense of a local agreement as not just local in geography but addressing a distinctively local dispute, helps to distinguish agreements that focus on particular locales but are part of national negotiations and peace processes, from local agreements in the sense our definition tries to capture. In December 2018, for example, the United Nations mediated three agreements in Yemen: the 'Hodeidah' agreement providing for a ceasefire regarding the port so as to facilitate delivery of humanitarian supplies; a similar agreement specifically focused on conflict in Taiz, a key southern city that had been intensely contested among local leaders and military units with complex and varying military, political and religious affiliations; and a third prisoner exchange agreement.[16] Although clearly local in geography, both the Hodeidah and Taiz agreements attempted to provide immediate relief and form an initial confidence building measure in what was hoped was a move towards a wider political agreement. These national-actor agreements relating to a limited locale point to the ways in which national conflict and attempts to end it can become very locally focused.

However, when we turn to Libya, and inter-group agreements over Tripoli, these are often at once national and local, because the locale is of national significance as the capital city and keenly fought over, while the national conflict is highly factionalised requiring a host of micro-level agreements between different armed groups and areas of control. In his chapter on Libya, Christopher Thornton explores these interactions between local and national conflicts through the relationships and power bases of particular tribes and militias. He paints a picture of how the significance of particular areas and settlements constantly shifts.

Conversely, sometimes local agreements refer to the national peace process even when the forms of violence they address are relatively unconnected to the conflict the national process was designed to address. National peace processes and the idea that a national conflict resolution process can foster other peace initiatives can provide an opportunity to local actors seeking to address forms of violence that go beyond 'the conflict' as traditionally understood.[17]

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16   Yemen, 13/12/2018, Stockholm Agreement, https://www.peaceagreements.org/viewmasterdocument/2121; Yemen, 13/12/2018, Agreement on the City of Hodeidah and Ports of Hodeidah, Salif, and Ras Isa (Hodeidah Agreement), https://www.peaceagreements.org/viewmasterdocument/2120; Yemen, 13/12/2018, Statement of Understanding on Ta'iz, https://www.peaceagreements.org/viewmasterdocument/2122

17   See for example the Philippines/Mindanao, 31/12/2017, Meranao Peace Declaration in the City of Marawi. Available at https://www.peaceagreements.org/viewmasterdocument/2061

Local agreements as involving different forms of mediation

Local agreements often rely on distinctive forms of local brokerage by individuals with little formal role in the national process – international or domestic actors who have local relationships, networks and trust. These are often not the 'usual suspects' of the 'Track I' mediation world and may work somewhat 'under the radar', moving between armed groups and key constituencies (elders, women, youth, business). There have been some suggestions that women may be more involved in mediating local agreements than national ones, although there has been little concrete documentation of women's mediation roles and some evidence of talks being 'taken over' by local male leaders when they come close to brokering solutions.[18] However, the role of 'middle range' negotiators, now increasingly recognised as important in national processes, is critical in local processes where they are often the key generators.[19] We have very little systematic information about these middle range actors: who they are, what other power they hold in communities, and how they bridge between groups, or when, why and how they access international support.

However, local agreements often have forms of international mediation: there is increasing evidence of peace processes and indeed international organisations, embracing local peace processes as a 'bottom up' approach to national conflict. In some contexts the justification of involvement will be in terms of the failure of the national peace process, while in others, it will be in terms of the need to support the national peace process through a patchwork of local deals. In the CAR, the large number of armed groups led the UN Mission to focus on local agreement-making as a key strategy for national peace.[20] Following earlier work by InterPeace in South-Central Somalia, recently the United Nations Assistance Mission in Somalia supported the development of local peacemaking into a regional inter-clan political settlement which aimed to build to regional (sub-state) peacemaking which could form a parallel 'bottom up' process to the stalled 'top down' state-building attempted at the level of the central state.[21]

Concluding remarks

In conclusion, we suggest that local peace agreements are globalised in three main ways. First, local agreements can be understood as a global practice of peacemaking taking place in differentiated context-specific localities. Comprehending the distinctiveness of local agreement-making as spatial, conceptual, and textural – as Annika Björkdahl explores in her contribution to this collection – enables some delimitation of a common type of local agreement within a wider system of peace processes. Attempts to bolt down distinctiveness fail, not because local agreements are not distinctive – they are – but because the deeply nested nature of different levels of conflict means local actors, conflicts and resolution processes cannot be completely disentangled.[22] As Roger Mac Ginty states in this collection's conclusion,

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18   See for example women's efforts to negotiate a local ceasefire in Zabadani, Syria. Hanan Tabbara and Garrett Rubin (2018), 'Women on the Frontlines of Conflict Resolution: Community Voices from Syria, Iraq and Yemen', *UN Women*, pp. 7-10 https://arabstates.unwomen.org/en/digital-library/publications/2018/8/women-on-the-frontlines-of-conflict-resolution

19   J. Pospisil, L. Wise and C. Bell (2020), *Untangling Conflict: Local Peace Agreements in Contemporary Armed Violence* (ASPR Report No. 5). Stadtschlaining, Austria: Austrian Study Centre for Peace and Conflict Resolution, pp. 12-18. https://www.politicalsettlements.org/publications-database/untangling-conflict-local-peace-agreements-in-contemporary-armed-violence/ See also Lederach's concept of 'middle-range leadership' in conflict resolution. J.P. Lederach (1997), *Building Peace: Sustainable Reconciliation in Divided Societies.* (Washington, DC: United States Institute of Peace Press), pp. 41.

20   'UN Support to Local Mediation, Challenges and Opportunities', 17 November 2020, https://peacemaker.un.org/node/3612; see also Robert Muggah (2018), 'The U.N. Can't Bring Peace to the Central African Republic', *Foreign Policy,* https://peacemaker.un.org/sites/peacemaker.un.org/files/UN%20Support%20to%20Local%20Mediation_Challenges%20and%20Opportunities_0.pdf

21   See, for example, 'UN Welcomes signing of power sharing deal in central Somalia, 8 December 2017', Xinhuanet, at http://www.xinhuanet.com/english/2017-12/08/c_136811767.htm

22   For theories of nested conflicts, see Maire Dugan (1996), 'A Nested Theory of Conflict', *A Leadership Journal: Women in Leadership - Sharing the Vision* Vol.1 No.1 pp. 9-20; Erin Jenne (2015), *Nested Security: Lessons in Conflict Management from the League of Nations and the European Union* (Ithaca / London: Cornell University Press).

'local peace agreements do not exist in isolation: they are part of a series of wider social, economic, political and cultural systems. While this is messy, stretches across categories, and defies neat categorisation, it is accurate.' The local agreement practice captured by PA-X Local and the case studies elucidated in this volume point, paradoxically, to a globalised practice of local agreement-making constituted by the global persistence of diverse local processes, operating with different types of actor in different spaces, to address nested levels of conflict.

Second, local agreements involve local actors with transnational, and even with global ambitions. The concept of 'local' has for some time been recognised as not just a geographic or spatial term but one of symbolic social capital. As Sally Engle Merry captures, the term *local* signifies a lack of mobility, wealth, education, and cosmopolitanism, as well as recalcitrant particularity, whereas *global* encompasses the ability to move across borders, to adopt universal moral frameworks, and to share in the affluence, education, and cosmopolitan awareness of elites from other parts of the world.[23]

However, as Engle Merry also points out, local actors are often in practice transnational actors with capacity to move outwith and beyond the state. As regards local agreements, their transnational dimensions are clearly visible along borders with wider geopolitical significance: local pro-peace and pro-conflict constituencies move across those borders to neighbouring allies to operate with transnational capacity and relationships that can heighten their national significance.

Third, local agreements are globalised through the increased recognition and involvement of international actors in practices of local agreement mediation, with the UN Mediation Unit of the Department of Political and Peacekeeping Affairs recently producing guidance on the issue.[24] What is interesting in the current international move to embrace the local, is that it recognises the failure of elite 'national-level' actors to demonstrate a vision or capacity to effect a national level conflict resolution. The move marks a diversification of who international actors broker with, in a move that responds to peace process failures to be inclusive or achieve peace. National actors, often isolated in capital cities, from this viewpoint are merely the 'dominant local', whose attractiveness as peace process partners for international actors depends on their capacity to deliver the rule of law, statebuilding and stability.

We suggest that our documentation of local agreements and the difficulty of delimiting the precise sense in which they are 'local' points to an understanding of national conflict as itself operating as 'a complex conflict system' of intertwined local, national and often transnational or international conflicts. This reality needs a new political imaginary to support the resolution of intra-state conflict, that is, a 'collective structure that organises the imagination and the symbolism of the political'[25] that could replace the imaginary that seeks an elite pact between national armed actors codified in a comprehensive peace agreement, as Jan Pospisil returns to in this collection's conclusion. The persistence of local peace processes to support, disrupt, or bypass and 'exempt' local communities from national conflict, points to both the need for this new political imaginary and its actualisation in ways that we hope this collection contributes to.

23   Sally Engle Merry (2006), 'Transnational Human Rights and Local Activism: Mapping the Middle', *American Anthropologist* Vol. 108, No. 1, pp. 38-51.
24   UNDPPA (2020) 'UN Support to Local Mediation: Challenges and Opportunities', https://peacemaker.un.org/node/3615
25   Browne and Diehl, 'Conceptualising the Political Imaginary', pp. 393.

Local peace agreements and reduction of violence in South Sudan

Martin Ochaya Lino Agwella

Introduction

South Sudan has been a war theatre for decades. After gaining independence from Sudan in July 2011, the country swiftly plunged into a violent internal conflict in December 2013, triggered by a political power struggle within the ruling party, the Sudan People's Liberation Movement (SPLM). Despite the signing of the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) in 2018 between the government and opposition groups, some 1.6 million people remain internally displaced, and another 2.2 million are refugees in the region.[1] The situation has been exacerbated by intensified local and subnational violent conflicts that have been fought within the overarching civil war. Several local peace agreements (LPAs) have been negotiated and signed within the course of the war. LPAs are not uncommon in South Sudan. In 1999, a peace conference was convened in Wunlit, Bahr el Ghazal, by the New Sudan Council of Churches (NSCC) and traditional authorities to resolve the inter-factional fighting along ethnic lines that erupted following the 1991 split in the Sudan People's Liberation Movement/Army (SPLM/A).[2] Efforts to reconcile the two principals, John Garang, leader of the Torit faction, a Dinka, and Riek Machar, leader of the Nasir faction, a Nuer, had failed up to that point.[3] The Wunlit conference has been one of the most cited by scholars as a successful local peace initiative in South Sudan. It brought a negotiated end to hostilities between the rival groups. Access routes were opened, abducted women and children and stolen cattle were returned, and lives lost were accounted for.[4]

The two case studies discussed in this chapter, the Pageri Peace Dialogue and the Abyei Local Peace Agreement, yielded similar results. Tiger Battalion, a Presidential protection unit based in Pageri and Kerepi, apologised to the host community for the human rights violations and destruction committed in the area and formed a committee of members from the two communities to follow up on the implementations of the resolutions.[5] The Abyei local peace agreement between the Misseriya pastoralists in Western Kordofan and Ngok Dinka has reduced violence between the two communities.

This chapter discusses the role of local peace meetings in reducing violence and building consensus around security and shared use of resources. It has five sections: section one conceptualises Local Peace Processes (LPPs) and identifies initiators, actors and issues that are discussed. Section two examines common mediation practises and points out the uniqueness of specific cultural practices. Section three analyses how LPPs relate to the national and international level. In section four,

1 OCHA (2021) *Humanitarian Needs Overview South Sudan,* available at https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-needs-overview-2021-january-2021

2 Mark Bradbury, John Ryle, Michael Medley and Kwesi Sansculotte-Greenidge (2006), *Local Peace Processes in Sudan: A Baseline Study.* Rift Valley Institute. Available at: https://riftvalley.net/publication/local-peace-processes-sudan

3 D.H. Johnson (2014), 'South Sudan's Experience at Peacemaking: The 22nd Annual Gandhi Peace Festival'. In *Bertrand Russell Peace Lecture: Symposium on Conflict and Peacemaking in South Sudan.* McMaster University, Hamilton, Ontario, Canada.

4 J. Ashworth (2014), *The Voice of the Voiceless: The Role of the Church in the Sudanese Civil War, 1983-2005,* Nairobi, Kenya: Pauline Publications Africa.

5 https://www.peaceagreements.org/viewmasterdocument/2310 (Accessed on 13 March 2021).

I evaluate the role of external actors, the consequences of their engagements in LPPs and the challenges they pose regarding ownership, legitimacy, and sustainability. Section five analyses two case studies with distinct characters and draws conclusions.

Local peace processes and local peace agreements

Local Peace Processes (LPPs) are defined by geographical scope, issues, and actors.[6] The main aim is to reduce violence and reconcile communities, by addressing immediate causes of local and small-scale community conflicts. While high-level mediation and peace agreements tend to focus on power and elite interests, LPPs deal with issues that reflect day-to-day conflict dynamics, communal needs and concerns, livelihoods, security, and economic activities. But local initiatives have often been political as well because local conflicts are fundamentally about politics of community, land, power, space, and access among others. Generally, resolutions include the establishment of some security arrangements and request for humanitarian aid such as the provision of water points, shelter, schools, and clinics to returning IDPs. Most high-level negotiations take place outside the conflict area, but local peace agreements (LPAs) are negotiated where local community members have access. Addressing issues at the local level builds trust and confidence and leads to a change of perceptions through daily interaction.

Initiators and actors: Various types of actors have been involved in initiating LPPs. These include the community in conflict, religious and traditional leaders, elites and diaspora, armed groups and in recent years, humanitarian and international agencies. The nature and magnitude of the conflict determines how mediation is initiated, when and by who. Conflict parties take the initiative to negotiate or to reach out for assistance of a third party. Religious leaders have often been called upon as mediators.[7] This is built around respect, integrity, experience, resources, social status, and spiritual power. The Church in South Sudan, for example, has been playing a vital role in peace-making: through advocacy, mediation, and reconciliation as well as humanitarian and development services. The Church has a record of working closely with traditional institutions and authorities as well as with national and international actors. But the buy in of security actors is very important for the success of LPPs. The 1999 Wunlit peace conference succeeded because of external support and buy in from SPLA area commanders.

Elites and diaspora may also initiate and even fund peace processes. But diaspora support and advocacy are remote and sometimes controversial because their role could change the conflict landscape and trajectory. This is especially true when they initiate parallel processes by forming committees in towns. This affects ownership and sustainability of the process by local actors.

Common and specific mediation practices

Local peace-making in South Sudan generally revolves around the concepts of mediation, arbitration, compensation, restitution, reconciliation, and sometimes amnesty. The process follows the model of peace conferences and meetings, and a prolonged commitment to trust building, truth, and storytelling. The processes and procedures are like the 'palaver hut' conflict resolution and reconciliation meetings

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6   Local Peace Processes: ASPR/PSRP Joint Analysis Workshops' Concept Note.
7   Agreement on Resolution of Conflict in Jonglei State between Government of the Republic of South Sudan and South Sudan Democratic Movement/Army Cobra Faction (SSDM/SSDA) (Yau Yau Agreement), https://www.peaceagreements.org/lview/1675/Agreement%20on%20 Resolution%20of%20the%20Conflict%20in%20Jonglei%20State%20between%20Government%20of%20the%20Republic%20of%20 South%20Sudan%20and%20South%20Sudan%20Democratic%20Movement/Army-Cobra%20Faction%20(SSDM-SSDA-Cobra)%20 (Yau%20Yau%20Agreement) Accessed on 13 March, 2021.

that are common in rural communities across African countries.[8] The application of these principles differs from one society to the other. This means similarities as well as differences exist in conflict-resolution methods between ethnic groups in South Sudan, whose approaches are determined by traditions, circumstances and the personalities involved. Some communities have specific rituals and ceremonies for cleansing offenders and in recent years, combatants when they return to civilian life. The Dinka and the Nuer reconciliation rituals, for example, of sacrificing a white bull and sharing in the meal, serve both as an end to hostilities, as well as a cleansing and re-integration of combatants and offenders.[9] Despite their variations in practice, one aim remains consistently common to LPPs, and that is the restoration of broken relationships to ensure peaceful co-existence. Long preparation is key to the success of the process. It seems what is lacking in modern peace processes is the kind of preparation found in local approaches which involved transparency, the participation of the grassroots population at the local level and ownership by the people prior to actual negotiations.

What constitutes an agreement in a local setting is not necessarily written on paper. It takes different forms: handshakes, rituals, prayer, exchange of property (gifts), and culturally binding pronouncements by elders.[10] Documentation is a recent practice probably being encouraged by external actors. But even when documented, the agreements are written in a language different from the one used by the parties in negotiations.

Weaknesses: One of the major weaknesses of the LPAs is heavy reliance on external support from national and international bodies to be meaningful. Another is that mediators and chiefs are usually men; women are neither selected as mediators nor made chiefs, and do not participate in the mediation process, though this trend is gradually changing. The extent to which women are included or excluded differs largely from one society to the other. In the Wunlit PPP, one third of the participants were women.[11] Another common weakness with the LPAs is lack of effective disseminating of the agreements' resolutions to communities, and follow-up on implementation, which sometimes provides leeway to spoilers. The prioritisation of security actors in LPAs often means the marginalisation of other actors and stakeholders.

Relations between local peace processes and the national and international level

Local mediation interacts with high-level politics and often influences broader conflict dynamics. The Abyei conflict (discussed below) for example, consists of two aspects: a local involving pastoralists from Sudan who move to Abyei to access water and pasture; and a national, due to contestation of the area for reasons connected with national politics and resources. The role of the government is crucial: to provide security and protection; to provide logistical support for the mediators and participants; and sometimes to serve as a guarantor for the agreement.[12] The interesting thing about LPPs is how local communities are willing to put aside their differences and agree where state and sometimes international efforts have

8   K.C. Omeje (2008), 'Understanding Conflict Resolution in Africa'. In D.J. Francis (ed.) *Peace and Conflict in Africa* (London: Zed Books) pp. 69-91.
9   Ashworth, *The Voice of the Voiceless.*
10   M.O.L. Agwella (2018), 'Localising Peacebuilding in South Sudan? A Case of Transitional Justice and Reconciliation', Ph.D. thesis, University of Bradford.
11   Bradbury et al., *Local Peace Processes in Sudan.*
12   Z.M.B. Gado (2013), 'Conflict Resolution and Reconciliation in Sudan: Inter-Tribal Reconciliation Conferences in South Darfur State up to 2009'. Ph.D. thesis, University of Bradford.

failed to make meaningful progress.[13] This is because there is often a tendency for the top layer of the conflict, political and military elite to be the only groups engaged in negotiations, and therefore, mostly issues at the top are addressed, not priority issues for local communities.

Role of external actors, consequences, and challenges

External actors play an important role in this model of peace-making. International organisations often provide funding, support mediation services and train local actors in conflict resolution and peacebuilding activities.[14] The 2016 Abyei LPA was largely successful because of the support from Concordis, an international non-governmental organisation (INGO), International Organisation for Migration (IOM), Food and Agriculture Organisation (FAO) and United Nations Interim Security Forces in Abyei (UNISFA). The 2020 Pageri Peace Dialogue was successful because of the support of the DfID funded Peacebuilding Opportunity Fund (POF) project. However, international interests and goals often clash with those of the local community, for example, whether those responsible for atrocities should be punished or amnestied. The focus of external actors is often compliance with international principles. Religious and traditional institutions, on the other hand, provide important services that often resonate more with the South Sudanese conceptions of justice which are restorative, aimed at community harmony and peaceful coexistence rather than the statutory system.

The resolutions of the international actors are hardly followed up with implementation. Success for them is a good conclusion of peace conferences and publishing good reports, without much concern for a change in perceptions and reduction in violence, that often take time to be achieved. Timeline is a key factor, usually associated with linear programming of activities based on Western liberal approaches, making peace mediation an event, and not a process. They apply quick-fix-exit strategies, often with insufficient understanding of local issues. This could either escalate tensions between communities or sometimes transfer local level conflict to the national level.

Human rights issues: Are often associated with peace settlement logic based on distinct worldviews. Customary (restorative) and international (retributive) legal systems owe their origins to different philosophical foundations and world views. But tensions exist between the two legal systems mostly in relation to the standards and requirements of international human rights and humanitarian law. The main areas of tension concern due process in legal procedures and whether atrocities such as genocide, war crimes and crimes against humanity, can be amnestied as customary practices tend to do. Equally, Human Rights discourse usually only allows decisions regarding individuals, not whole sections of people as local justice sometimes does: for example, the granting of amnesty to entire communities in conflict such as the case of the Bahr el Ghazal Dinka and the Nuer of Western Upper Nile during the 1999 PPP.

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13   M.O.L. Agwella (2020), *Local Peace Agreement in Abyei: Achievements, Challenges and Opportunities.* Conflict Research Programme, London School of Economics, UK. http://eprints.lse.ac.uk/106614/1/CRP_local_peace_agreement_in_abyei.pdf

14   Local Peace Processes: ASPR/PSRP Joint Analysis Workshop's Concept Note.

Case Study: Pageri Peace Forum resolutions

The Pageri peace dialogue was between Madi local farmers and Dinka cattle keepers who were internally displaced from Jonglei to Nimule. The conflict started in 2007 and persisted through to the signing of the agreement in March 2020. During the 13-year period, some people lost their lives and many gardens with crops were devastated by cattle.[15] The December 2013 eruption of conflict in South Sudan introduced another wave of movements of armed cattle herders from Jonglei into farmlands in Magwi county, increasing tensions and hatred between farmers and cattle herders. Local defence groups surfaced in the area; some declared allegiance to Machar's faction (the Sudan People's Liberation Movement-in-Opposition or IO), while others remained within the area to defend the community.[16] Serious violations of human rights such as unlawful killings, arbitrary detentions, torture and enforced disappearance, prompted another wave of civilian displacements internally and to neighbouring countries.[17] The attempts made by religious institutions, local leaders, and other stakeholders to resolve this conflict, achieved little. With support from the South Sudan peacebuilding opportunity fund (POF), a DfID funded programme, the county authorities, and the inter-church committee (ICCs), the local wing of the South Sudan Council of Churches (SSCC) initiated a dialogue between the two communities.

The overall purpose of the dialogue was to discuss the key issues causing threats to peace and security in the area; to develop possible solutions to end violent conflict; and to explore ways for the return of refugees and IDPs to their areas of Pageri, Kerepi, Moli and other locations in the former Pageri county. The 105 participants who attended the peace dialogue included: the host community from Nimule, Mugali, Pageri, and Moli; cattle keepers; commanders of organised forces, particularly, the SSPDF, Tiger Division, Field Artillery Unit based in Moli Barracks, Police, National Security, Wildlife Conservation and Fire Brigade. Other participants included civil servants, chiefs and local authorities, youth, women associations, and business community. The organised forces were involved in these processes because they claimed a role in the enforcement of the Presidential Order, which demands all cattle to be evacuated from Equatoria.[18] The peace dialogue resolutions outlined typical issues that are often included in LPAs: return and repatriation of the IDPs and refugees, building trust and confidence, managing of cattle-related conflict, managing natural resources, and establishment of the implementation committee. The agreement was signed by fourteen representatives, four of whom were women.

Results: the Tiger Battalion based in Kerepi and Pageri apologised to the host community for the human rights violations and destruction committed in the areas, and a committee was formed of members from the two communities to follow up on the implementation of the resolutions, which include military evacuation of civilian areas. The Pageri peace dialogue resolutions, like others in South Sudan, seem to be short lived because of the vested interest of some key political and military leaders. The host community is concerned about the behaviour of cattle keepers. More cattle are seen moving from Jonglei state to Magwi county, casting doubt on the implementation of the resolutions.

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15   Pageri Peace Forum Resolutions: https://www.peaceagreements.org/viewmasterdocument/2310
16   'Soldiers Assume We Are Rebels: Escalating Violence and Abuses in South Sudan's Equatorias' https://www.hrw.org/report/2017/08/01/
       soldiers-assume-we-are-rebels/escalating-violence-and-abuses-south-sudans (accessed on 14/08/2020)
17   'South Sudan: Top Leaders Fail to End Abuses' (Accessed on 28/08/2020): https://www.hrw.org/report/2017/08/01/soldiers-assume-we-
       are-rebels/escalating-violence-and-abuses-south-sudans
18   'Committee formed to facilitate return of cattle keepers from Equatoria', https://eyeradio.org/committee-formed-to-facilitate-return-of-
       cattle-keepers-from-equatoria

Case Study: Abyei Local Peace Agreement

Abyei is situated at the border between Sudan and South Sudan. In 1905 it was transferred to Western Kordofan by the colonial authority, but the people of Abyei fought in the two South–North wars (1955-1972 and 1983-2005) alongside Southern liberation movements. Their consistent attempts to rejoin Southern Sudan have always been resisted by the government of Sudan. Abyei has been a site of contestation between the two countries, as well as between Ngok Dinka and Misseriya communities. This contestation has been characterised by violence, particularly after the 2005 Comprehensive Peace Agreement (CPA) and 2011 independence of South Sudan. International efforts at peacemaking, including the Abyei Boundary Commission (ABC), Permanent Court of Arbitration (PCA), and the African Union High-Level Implementation Panel (AUHIP) on Abyei's Final Status did not make any meaningful progress. Peace efforts were also undermined by the Abyei wars of 2008 and 2011, which resulted in many deaths and massive displacement of Abyei people from the area. The killing of the Abyei Paramount Chief, Kuol Deng Kuol, by the Misseriya in 2013 exacerbated the situation and severed the relationship between the two communities.

In February 2016, an agreement was signed between the Ngok Dinka and Misseriya. The process was initiated in 2015 by Chief Nyuon Pagot of the Ngok Dinka, mediated by local actors. Concordis provided logistical support. Peace meetings continued after 2016, when Concordis left their work in Abyei supported by the UNISFA, WFP, IOM, and FAO. The continuation of these peace meetings after Concordis' departure highlights their necessity, as well as the need for further continuity. The agreement terms included an end to violence and hostilities, security arrangements, commitment to peaceful coexistence, returning abductees and opening of routes; Misseriya access to water and pasture; conflict resolution mechanisms, and establishment of a peace market. The main implementation mechanism was the Joint Community Peace Committee (JCPC) composed of 10 Ngok Dinka and 10 Misseriya. The JCPC functions included coordinating with UNISFA, organising migration conferences, supporting conflict resolution, ruling on compensation and overseeing the work of its sub-committees, including the community police committee (CPC), a joint court (JC), a committee on trade, and management of a detention centre.

Results: Conflict between the two communities has reduced, and peaceful pastoral migration of Misseriya in the Abyei Administrative Area's locations has continued since the peace agreement was signed in 2016. Ngok Dinka displaced by the Abyei wars of 2008 and 2011 have returned to Abyei in large numbers and there is free movement between Abyei and Agok. The reopening of trade routes between Sudan and South Sudan has allowed for the free flow of goods to Abyei and other areas of South Sudan. South Sudanese travel with ease to Khartoum and other Sudanese towns for various needs. Relationships between the Ngok and Misseriya are gradually rebuilding through daily interactions in the peace market.

The Abyei LPA has been praised as a success story but has been critiqued for its lack of inclusiveness. Women were not directly involved in the talks and played a peripheral role behind the scenes. But conflict affects men and women differently; getting the insights of women in negotiations is vital, as women can introduce views and concerns that tribal leaders can neither consider nor see. For example, the physical, economic, and psycho-social impact of rapes and abductions suffered by women.

Conclusion

What is the role of local peace agreements in addressing present day conflict in South Sudan? In recent years, there have been many assumptions around the answer to this question: from pinning all hopes for conflict resolution on local peace processes (LPPs), to discussions of 'hybrid' solutions, or expressions of the futility or ineffectiveness of local mechanisms in the face of modern technological warfare and the forms and scales of community and political conflict. Most local and subnational violent conflicts in South Sudan have been taking place within overarching civil wars. This chapter discussed the role local peace dialogue and agreements could play in reducing violence and contributing to the solution of broader conflicts. It discussed the concept of LPPs, actors and issues, types of agreements signed, mediation from the perspectives of common and specific cultural practices, the complementarity and lack thereof, between local mediation and national and international approaches. LPAs are not meant to resolve conflict but to reduce violence and to contribute to final solutions. The full implementation and success of LPAs depend to a large extent on external resources, financial and logistical support.

The Libyan carousel: the interaction of local and national conflict dynamics in Libya
Christopher Thornton

On 20 October 2011, Libyan rebels successfully hunted down and killed Colonel Mu'ammar Qaddafi in his hometown of Sirte. This bloody end to the Libyan civil war presaged the violence, brutality and privation of justice which would characterise the Libyan polity for much of the following decade. While Qaddafi's death brought largely to an end the dyadic conflict between the 'revolutionaries' and the 'regime', it ushered in a new phase of multifarious, extremely violent localised conflicts. Historic conflicts between communities were overlaid with the rhetoric of the revolution; and longstanding pacific relations were drawn into doubt by the asymmetric benefits of the new regime.

In 2014, multiple localised conflicts and tensions once again coalesced into a nation-wide conflagration which pitted the so-called *Karama* (Dignity) forces of General Khalifa Hafter against the *Fajr* (Dawn) Coalition. UN-led efforts to resolve the conflict, known as the Skhirat process, culminated in the signature of the Libyan Political Agreement (LPA), and the creation of the so-called Government of National Accord (GNA). However, neither the LPA, nor its attendant institutions, garnered the support of Hafter's camp. Multiple localised conflicts continued amidst the national civil war, in Benghazi, Derna, Sirte, and Ubari among other places.

In April 2019, Hafter launched a massive offensive aimed at seizing control of Libya's capital, Tripoli, with the support of disenfranchised groups from Western Libya, notably from Tarhouna. Then, in June 2020, with strong Turkish support, the GNA recaptured the territory Hafter had gained in a *blitzkrieg* which took the world by surprise. It is unlikely that Libya's national conflict will be resolved quickly, nor is it possible that any national peace process will be able to address the fissiparous tensions driving Libya's instability. But a greater understanding of conflict dynamics in the country may help us craft peace initiatives that do more good than harm in the future.

Several papers have hitherto examined local and internationally-led efforts to resolve Libya's localised conflicts.[1] Similarly, much ink has been spilt examining the successes and, more commonly, failures of conflict resolution efforts at the national level.[2] This chapter does not seek to retrace this well-trodden terrain, but to examine

1   M. F. Alar, V. Birowa, A. Ladley and C. Thornton (2013) *Local Conflict and State Fragility: Supporting local mediation in the Philippines, Kenya and Libya* (Centre for Humanitarian Dialogue, Geneva). Paper presented at the Oslo Forum Network of Mediators, Oslo. https://www.osloforum.org/sites/default/files/Oslo Forum 2013-BP-Local Conflict and State Fragility.pdf; International Crisis Group (2012) *Divided we Stand: Libya's Enduring Conflicts*, Report 120: Middle East and North Africa; Chatham House (2013) *Local Conflicts, National Stability: Managing Conflict in Libya as a Platform for Successful Transition.* Libya Working Group: North Africa and Middle East Summary (Chatham House, London); Kane Gluck (2012), *Mediation after Revolution in Libya* (Centre for Humanitarian Dialogue, Geneva); V. Collombier (2016), 'Dialogue, Mediation and Reconciliation in Libya's Local Conflicts', in L. Narbone, A. Favier, and V. Collombier (eds) *Inside Wars: Local Dynamics of Conflicts in Syria and Libya.* (European University Institute, Florence).

2   Mohamed Eljarh (2015), 'Libya's New Peace Deal Has a Serious Flaw' *Foreign Policy: Transitions;* International Crisis Group (2016), *The Libyan Political Agreement: Time for a Reset.* Report 170: Middle East and North Africa; Wolfram Lacher (2015), *Supporting Stabilization in Libya: The Challenges of Finalizing and Implementing the Skhirat Agreement*, SWP Comment 2015/C 36; Christopher Thornton (2015); *Libya on the brink and how to pull it back: Options for International Actors*, Dirasat 6. King Faisal Center for Research and Islamic Studies (KFCRIS).

the complex interaction *between* localised and national conflicts in Libya since 2011. In Libya, local and national conflict dynamics have interacted in complex and often surprising ways. In some cases national and local conflict processes were mutually reinforcing: national conflict made local conflicts more intractable; and continued local conflict rendered national peace more difficult to achieve. Similarly, local peace agreements were in some cases facilitated by a reduction in the national-level conflict; and local peace created positive dynamics at a national level. However, Libya also has cases in which the relationship between local and national peace are negatively correlated: violence reduction efforts at the local level have aggravated the national conflict; and national political settlements have complicated efforts to resolve issues peacefully at the local level.

This paper outlines examples from the Libyan conflict of the five relationships described above, and proposes some possible mechanisms explaining the particular dynamics observed. It concludes by suggesting ways in which international and domestic stakeholders can ensure that local and national efforts positively reinforce one another, and avoid a spiral into further violence and instability.

Another victim of war: national conflict undermines local peace

The destabilising impact of national conflict on local dynamics is nowhere more evident than in Libya's South-Western region, which has been significantly destabilised since the 2011 civil war.

Between 1894 and 2011, peaceful relations between Libya's Tuareg and Tebu minorities had been assured according to the terms of the Midi-Midi pact. This pact provided that land to the west of the Salvador pass was under Tuareg control, while land to the east of the Salvador pass was the Tebu sphere of influence.[3]

However, in 2011, the Tuareg aligned with the Qaddafi regime, while the Tebu sided with the revolutionaries. With Qaddafi's ouster the Tuareg's position in national politics and in Libya's southwest was undermined. The Tebu by contrast benefitted from their pro-revolutionary position, working closely with Zintani security forces to secure lucrative contracts to protect the Sharara and El-Feel oilfields. These fields were located firmly within the Tuareg's historic sphere of influence, creating a fresh basis for tension between the two communities. The Tebu were moreover provided with responsibility for Libya's southern border security, which not only allowed them control over the smuggling trade, but also pushed them into conflict with Tuareg communities which also depended upon smuggling. Tebu from Niger and Chad also immigrated to the region, and particularly to the city of Ubari, changing the demographic balance and threatening the area's Ahali and Tuareg populations.

At the same time in Sabha, Southern Libya's largest city, the revolution empowered the city's historic Arab elite, the Abu Saif and Awlad Suleiman, who had been sidelined under Qaddafi. In March 2012, clashes erupted between the newly empowered and militarised Tebu community and these Arab tribes. A ceasefire was agreed in Tripoli in April 2013 and the national authorities deployed the Special Forces, under Colonel Wanis Bukhamada. However, Bukhamada's forces were withdrawn in late 2013.

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3   Frederic Wehrey (2017), *Insecurity and Governance Challenges in Southern Libya*. Carnegie Endowment for International Peace. https://carnegieendowment.org/2017/03/30/insecurity-and-governance-challenges-in-southern-libya-pub-68451

In early 2014, tensions began to flare at the national level between Misrata and Zintan, and between the so-called 'revolutionary' and 'former regime' camps nationwide. In early 2014, the GNC deployed the Misrata-led 'Third Force' to Southern Libya, ostensibly to keep the peace between the Tebu and Awlad Suleiman. However, the Third Force, rather than acting as a peacekeeping force, enflamed local tensions.[4] The Awlad Suleiman allied themselves to Misrata, pushing the Tebu into an alliance with the Qaddadfha tribe. As the Tebu were aligned with Zintan through their oilfield protection operations, the Tuareg also aligned with Misrata.

In September 2014, the national conflict raged between Hafter and his Zintani allies, and the General National Congress with their allies from Misrata. This national level conflict was echoed at the local level in Southwest Libya. Fighting broke out between Tebu and Tuareg in Ubari. This time, local mediators were unable to stop the fighting, which quickly escalated. Tuareg militias, with support from Misrata, seized the Sharara oilfield from the Tebu. While exact estimates are difficult to reach, around 300 people are believed to have been killed in the fighting, and over 2000 injured. More than half the population of Ubari was displaced.[5]

The long-lasting Midi-Midi local peace accord was fatally undermined by the dynamics of the national conflict. This local conflict, in turn, has implications for national peace and regional stability. As Murray has argued: 'Should there be a resurgence of violence, the vulnerability of Ubari's young Tuareg and Tebu fighters, the availability of arms and ammunition in Libya, and enduring crossborder kinship ties could allow the fighting to spread beyond Ubari and across borders.'[6]

Efforts to resolve the conflict were undertaken first by Qatar and then by Italy, with the support of the Community of Sant'Egidio. A trilateral inter-communal agreement was reached in Rome in March 2017 between Tebu, Tuareg and Awlad Suleiman representatives.[7] However, the national conflict continues to destabilise Libya's south as Hafter and the GNA vie for allies among the region's local population.

A thorn in the side: local conflict blocks national peace

Local conflicts also have the power to stymie hopes for a national political settlement under some conditions.

In December 2015, the United Nations Support Mission in Libya (UNSMIL) negotiated the signature of the Libyan Political Agreement (LPA) in Skhirat, Morocco. The agreement had limited support within Libya, but UNSMIL believed that international support to the Government of National Accord created by the LPA would convince key actors to fall in line. Additionally, while the Presidency Council created by the agreement did not contain the leaders of the rival camps, it did have proxies and supporters of the principal warring factions. Khalifa Hafter's camp was supposed to be represented by Ali Qatrani, an Awaguir businessman from the city of Benghazi. In early 2016 UNSMIL made great efforts to pressure and convince members of Libya's parliament to vote in favour of the proposed Government of National Accord. However, on 20 February 2016, just two days before the scheduled vote, Hafter launched 'Operation Martyr's Blood' in Benghazi. In just two days,

4   Frederic Wehrey (2017), *Insecurity and Governance Challenges in Southern Libya*. Carnegie Endowment for International Peace. https://carnegieendowment.org/2017/03/30/insecurity-and-governance-challenges-in-southern-libya-pub-68451. Wehrey argues that 'While interference from northern and outside actors is not the sole cause of the south's undoing, it is a contributing factor.'

5   Rebecca Murray (2017), *Southern Libya Destabilized: The Case of Ubari, Small Arms Survey: Briefing paper*. http://www.smallarmssurvey. org/fileadmin/docs/T-Briefing-Papers/SAS-SANA-BP-Ubari.pdf pp. 11.

6   Ibid.

7   *Libya Herald* (2017), 'Tebu, Tuareg and Awlad Suleiman make peace in Rome', https://www.libyaherald.com/2017/03/30/tebu-tuareg-and-awlad-suleiman-make-peace-in-rome/

Hafter's forces announced significant advances, seizing the areas of Laithi and Buatni, which had been out of their control for more than a year. This spectacular advance, after more than 12 months of stalemate, revived hope in a military solution to the conflict, strengthening opposition to the LPA among Hafter's eastern constituency. The GNA lost the vote of confidence in the House of Representatives, and supporters of Hafter ensured that a second vote in parliament could not be held.

The stalemate in Benghazi was broken through a significant and decisive increase in international assistance received by Hafter's forces, particularly from France, as disclosed by *Le Monde* on 24 February.[8] The French intervention was formally acknowledged by the French Ministry of Defence on 20 July 2016, following the downing of a helicopter several days earlier in which three French military officers of the Direction Générale de la Sécurité Extérieure (DGSE) were killed.[9]

The unexpected developments in Benghazi upended Libyan political actors' calculations on the costs and benefits of a national political settlement, pushing Hafter's supporters to seek a better deal than that offered by the LPA. Hafter's escalation of the local conflict in Benghazi prevented the LPA from gaining traction in the east of Libya. A local conflict jeopardised hopes for a national peace. French haste to support any credible counter-terrorism efforts at a local level undermined their broader objective of finding a political solution to the national conflict.

A virtuous cycle: local and national peace reinforce one another

Hopes for peace at the national level can also permit localised violence reduction efforts to move ahead. This may then create a virtuous cycle in which local de-escalation supports efforts at the national level.

The signature of the LPA in December 2015 was preceded by a dramatic reduction of violence in Western Libya in Spring and Summer 2015. In April 2015, Misratan forces negotiated a ceasefire with Warshafana. This was followed by a reconciliation agreement between Misrata and Zintan. These cease-fire negotiations were led by the Misratan local council, and were not coordinated with the other components of the *Fajr* camp, notably Zawiya. The strategy of eschewing a global ceasefire agreement in order to conclude a patchwork of piecemeal agreements with different groups was then also adopted by Zintan. In May and June 2015, Zintan entered into ceasefires with Ghariyan, Zuwara and Zawiya, as well as neighbouring towns in the Nafusa mountains. In most cases the ceasefires were supported through confidence-building measures such as prisoner exchanges.[10] The approach succeeded in creating a generalised condition of peace in Western Libya during late 2015.

Lacher argues that these localised ceasefires were 'largely independent of' the UN-led process.[11] While he is correct that UNSMIL played little or no role in the ceasefire negotiations, there were important connections between the two processes. On the one hand, the reduction in violence facilitated progress on the national level peace talks. In July 2015, UNSMIL secured a draft agreement to end the national conflict. This would not have been possible had fighting been continuing in Western Libya. On the other hand, the ceasefires themselves reflected a feeling among frontline commanders that the national conflict would not be resolved militarily

8   Le Monde (2016), 'La France mene des operations secretes en Libye', http://www.lemonde.fr/international/article/2016/02/24/la-france-mene-des-operations-secretes-en-libye_4870605_3210.html

9   Le Monde (2016), 'Trois Militaires Français tues en Libye', http://www.lemonde.fr/international/article/2016/07/20/trois-militaires-francais-tues-en-libye_4972142_3210.html#yBIOi6xZfcFzG5ev.99

10   Libya's Channel (2015), 'Prisoner Swaps Negotiated as Tentative Truce in Warshefana Holds,' http://goo.gl/2ejbYD

11   Wolfram Lacher (2020), *Libya's Fragmentation: Structure and Process in Violent Conflict* (London: I.B. Tauris) pp. 42.

and that the UN talks were making progress. Fighters from both Misrata and Zintan expressed a desire to avoid being 'the last ones to die', believing that a national political settlement was on the horizon.

Thus, the local level ceasefires in western Libya in mid-2015 were facilitated by the existence of a viable national level process and gave impetus to the national level peace process. Leading British mediator Jonathan Powell has described this elsewhere as the 'bicycle theory of negotiation': 'If there is a peace process in place and negotiations are continuing, people can hope that things will get better. If the peace process collapses, a vacuum opens up and is soon filled by violence'.[12] It is easier for mediators to get local agreements to stick if the national conflict shows signs of abating.

An apparent peace (i): local peace and national conflict

Local violence reduction efforts are not, however, always an unalloyed good. In some cases, localised violence reduction precipitates the escalation of conflict at the national level. This may be the case either where local ceasefires or peace agreements permit the significant redeployment of troops and equipment to other fronts, or where local peace agreements are, or are perceived to be, agreements to form a military alliance against a third party.

The former model of local agreements is well known in the Syrian conflict, where the regime of President Bashar Al-Assad prefers to negotiate piecemeal local armistices, allowing fighters to withdraw without their weapons, rather than negotiating with the rebel fighters as a group.[13] In Libya, the 'reconciliation' agreement between Tarhouna, Misrata and Zintan in April 2018 is a prime example of the latter case.

In order to secure its arrival in Tripoli in spring 2016, the GNA negotiated protection deals with several Tripoli militias: the Deterrence force of Abdelraouf Kara, the Rapid Intervention force of Abdelghani Al-Kikli (also known as 'Gnewa') and the Tripoli Revolutionaries' Brigade of Haithem Tajouri. These Tripoli militias parlayed their relationship with the internationally-recognised government into several lucrative rackets, and sidelined the traditionally dominant post-revolutionary powers of Western Libya, namely Misrata and Zintan. This was possible because Misrata was heavily engaged in a bloody fight to remove Islamic State from Sirte, while Zintan were unable to re-establish a foothold in the capital following their ouster in mid-2014 during the height of the *Karama–Fajr* conflict.

In early 2018, figures from Zintan and Misrata began to meet in Tarhouna, a city approximately 60km from Tripoli which traditionally played a significant role in Qaddafi's security services. Over several months, representatives of the three cities reached a 'reconciliation agreement'.[14] This 'reconciliation agreement' between these cities was perceived by many as an agreement to re-establish control over Tripoli.

The agreement paved the way for the August 2018 assault on the capital, led by Tarhouna's 7th Brigade with Misratan support and acquiescence. The resolution of the crisis, negotiated by UN SRSG Ghassan Salamé, involved the return of Zintani militias to the capital, under the command of Osama Jweili, and the placement of Misratan figure Fathi Bashaga in the position of Minister of Interior.

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12   Jonathan Powell (2015), *Talking to terrorists: How to end armed conflicts* (London: Vintage) pp. 204-205.
13   Amnesty International (2017), *'We leave or we die': Forced displacement under Syria's 'reconciliation' agreements* https://www.amnesty.org/en/documents/mde24/7309/2017/en/; Fadi Adleh and Agnès Favier (2016), 'Local Reconciliation Agreements in Syria: A non-starter for peacebuilding', (European University Institute, Florence); Samer Araabi, and Leila Hilal (2016), *Reconciliation, Revenge, Reward: Analysing Syrian De-escalation Dynamics through through local ceasefire negotiations* (Berlin: Berghof Foundation).
14   Guma El-Gumaty (2018), 'In Libya, Misrata and Zintan reconciliation bypasses UN bureaucrats', *The New Arab* (4 April 2018), https://english.alaraby.co.uk/english/comment/2018/4/4/misrata-and-zintan-reconciliation-bypasses-un-bureaucrats

Tarhouna was marginalised and left Tripoli feeling betrayed and isolated in Western Libya.

The resolution of the local conflicts between Tarhouna, Zintan and Misrata, paved the way for a more significant national escalation. The resolution of the national conflict, by marginalising Tarhouna, also set the conditions for this local actor to play an even greater role in escalating the national conflict by siding with Hafter during his April 2019 offensive.

In a similar vein, the 2017 reconciliation agreement between Tebu, Awlad Suleiman and Tuareg mentioned earlier was perceived by some as an attempt by the GNA to constitute a unified military front against Hafter's forces in Southern Libya, who predominantly came from the Magarha tribe. The reconciliation agreement was quickly followed by a major escalation in the conflict in May 2017, when GNA-aligned forces carried out a raid on the Brak As-Shatti airbase leaving as many as 141 people dead.[15]

More ambiguous are cases in which concessions at the local level upset the tacit social contract at the national level, catalysing more widespread conflict. This argument is often used to justify a state's refusal to accede to the autonomy demands of national minorities. In Libya, for example, it may be argued that the National Transitional Council's (NTC) 2012 concessions to the eastern federalist movement encouraged more widespread recourse to arms to press political demands.[16]

Under some circumstances, local agreements may upset fragile equilibria at the national level, which, while not constituting peace strictly speaking, may be serving to mitigate violence.

An apparent peace (ii): national agreement creates local conflict

National political settlements may also increase the risk of conflict at the local level, particularly if they are exclusionary or fail to take into account the specific demands of minority communities. The narrow agreement in Yemen facilitated by the Gulf Cooperation Council (GCC) demonstrates this dynamic. The power-sharing agreement between the Yemeni opposition grouping, the Joint Meeting Parties (JMP), and the General People's Congress (GPC) of President Ali Abdullah Salah, aggravated hitherto localised conflicts with the Houthi and Al-Hirak groups in the country's north and south.[17]

Libya does not offer such a stark example of local conflict escalation as a direct by-product of a national agreement, at least partly because no national agreement has yet been successful. However, it is clear that the exclusion of certain constituencies from national peace *processes* has undermined efforts at local reconciliation and contributed to insecurity and spoiling tactics at the local level.

This dynamic is most clear regarding social components associated with the former regime of Qaddafi. One of the major failings of the UN-led Skhirat process was the decision to exclude constituencies associated with the former regime, thus continuing the exclusionary processes that characterised Libyan politics following 2011. The exclusion of former regime elements encompassed both political figures who were openly critical of the post-revolutionary political order, as well as social groups who were strongly associated with the Qaddafi regime.

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15   Al-Jazeera (2017), 'Libya: 141 people killed in Brak al-Shat airbase attack', https://www.aljazeera.com/news/2017/5/20/libya-141-people-killed-in-brak-al-shat-airbase-attack
16   Lacher, *Libya's Fragmentation*, pp. 28.
17   International Crisis Group (2011), *Yemen between Reform and Revolution*. Report 102: Middle East and North Africa.

The failure to include supporters of the former regime in the national peace process, and their consequent exclusion from the institutions created by the LPA, has partly contributed to the agreement's failure to ensure security in several local areas. Warshafana, home to a 'pro-Qaddafi' tribe, continued to be a hotbed of criminal activity and instability after the LPA's signature; similarly, the towns of Jmeil and Rigdalin, which sided with the Qaddafi regime in 2011, remained restive after the LPA's signature and provided launch pads for Hafter's 2019 offensive on the capital. Tarhouna, too, has a strong local contingent of supporters of the former regime, contributing to their continued resistance to GNA control.

The failure of a political settlement to address the fears and demands of all communities is a recipe for continued conflict, even if just at the local level. In Libya, this is likely to become an issue in future with the Amazigh minority, which boycotted the 2012 Constitutional Drafting Assembly (CDA) and 2014 parliamentary elections. The Amazigh have already expressed their opposition to the 2016 draft Constitution, which is likely to feature as a point of contention in any future national political settlement.[18]

Conclusion

Using the Libyan example, this paper has shown how local and national conflicts interact, and how interventions at one level can reinforce or undermine violence reduction efforts at the other level.

Mediators and international actors must devote greater efforts to understanding local conflict dynamics in the countries in which they operate, as well as analysing the implications of national interventions on local communities and vice versa. We have shown that peace at a local level can presage a national conflagration. We have also shown how a seemingly disconnected, targeted local intervention can destroy the prospects for a national accord.

While further comparative research is required, several tentative recommendations suggest themselves from the cases outlined. Where possible, local peace agreements should involve the demobilisation of combatants, rather than their redeployment elsewhere. Robust and transparent monitoring could help to reassure neighbouring communities that an agreement between erstwhile enemies does not portend a mobilisation against them. While the benefits of peace will never be evenly distributed, more inclusive agreements, crafted to provide benefits for all social components rather than a select minority, would reduce the risk that a national political settlement precipitates local violence or undermines precious local peace. Military interventions in fragile conflict and post-conflict contexts, even when intended to be narrowly focused against designated terrorist groups, should be approached very cautiously to avoid fatally altering a balance of power or 'mutually hurting stalemate' which could lead to peace.

The difficulty in securing peace at the national level has led some to question whether such efforts should be abandoned in favour of a more modest, piecemeal local approach. Although it is certain that genuine local peace initiatives should be supported, we also believe that the Libya example shows how a viable national peace process supports local peace initiatives, even if it does not seem able to resolve the national conflict.

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18   *Libya Herald* (2018), 'Amazigh Supreme Council calls for boycott of planned constitution referendum' (26 July).

It is unlikely that Libya's national conflict will be resolved quickly, nor is it possible that any national peace process will be able to address the fissiparous tensions driving Libya's instability. But a greater understanding of conflict dynamics in the country may help us craft peace initiatives that do more good than harm in the future.

A glimpse of the tribal judiciary in Jordan: peace at all costs

Feras Kheirallah and Aya Alsafadi

Foreword

I was very fortunate to participate in the joint analysis workshop on local peace processes at the British Academy in London on October 9th, 2019. It was a highly enlightening event that inspired me to reflect on the issue anew, with a fresh vision. When discussing the Middle East, peace processes are often most recognised and are most visible at the national level, especially when dealing with external conflicts; typically involving high ranking government and military officials, as well as key international actors, who despite the great attention that they receive, have historically had little traction in actually ending conflicts.[1] Meanwhile, little attention is focused on local governance systems that manage the dynamics of internal and localised conflicts. Research on local peace processes in the Middle East is much overlooked, underinvested in, and underexplored, with dire consequences. The discounting of important peace mediation arenas is harmful not only for scholarship but especially to the local initiatives themselves, whose function in establishing and maintaining peace and reconciling parties, is undermined and often impaired. The role of local governance systems in conflict mediation and resolution is integral to the sustenance of peace, especially in fragile communities.[2]

Tribal dispute settlements have long played an essential role in the governance of different grievances between individuals before the establishment of the modern Jordanian state. To a certain extent, Jordanians appreciate the kinship networks that are related to these procedures. For example, the ṣulḥ (reconciliation) and ʿaṭwa (truce) processes remain time-honored peace-building mechanisms that confront wrongdoing by making amends and preventing revenge, as they remain informally recognised despite being 'formally abolished'.

However, the state's influence and the increasing heterogeneity of Jordanian society have caused people's observation of tribal settlements to evolve.[3] Drawing on existing literature that addresses local peace processes and tribal peace mechanisms, this paper seeks to explore the role of the Jordanian tribal judiciary system with regards to conflict transformation and resolution, the tools that it utilises, its relationship with the state, and the opportunities and challenges that this local apparatus faces in driving and sustaining peace on a local and national level.

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1   Jennifer Rowland (2009), 'Democracy and the Tribal System in Jordan: Tribalism as a Vehicle for Social Change', *Independent Study Project (ISP) Collection*. 749. https://digitalcollections.sit.edu/isp_collection/749
2   Jessica Watkins (2014), 'Seeking Justice: Tribal Dispute Resolution and Societal Transformation in Jordan', *International Journal of Middle East Studies* Vol.46 No.1, pp.31-49. Retrieved September 22, 2020, from http://www.jstor.org/stable/43303106
3   Ibid.

Furthermore, this paper explores a case study of various customary tribal conflict resolution mechanisms that are set in Jordan but are also widespread throughout the tribal areas of Bilad al-Sham (Syria and Iraq), as practical examples for local peace processes in the region in general, and in Jordan particularly.[4]

What is peace? A perspective of a Jordanian citizen

For this paper, local peace processes are defined as 'negotiation processes involving locally-based actors, which address local conflict dynamics within a part of the wider conflict-affected area'.[5] To understand such processes it is important to apprehend key outcomes that result from it: 'peace' is a word that is as multifaceted as it is straightforward, with often dangerous connotations. In its simplest definition, peace is the state of non-war, while it can also describe the state of the end of a war. Peace also denotes 'A state of harmony or communal friendship, in which violence and conflict are absent, and freedom from fear of violence between individuals and groups.'[6]

Alternatively, for many in the region, the word 'peace' invokes many underlying and hidden meanings, often tied to the normalisation of relations with Israel. Memories of Jordan's Wadi Araba peace agreement with Israel that occurred in the mid-nineties still linger with a sense of a state forced approach. The peace treaty that was signed was between two countries concerning their armies and borders and was supported by international sponsorship. However, years after it was signed, questions of whether or not the Wadi Araba agreement had brought peace remained.[7] *Peace* in such a form only managed to intensify the underlying conflict and public opinion, at least on the Jordanian side, views it as representative of the interests of the governments and not the people whose agreement is made in their name.[8] Thus, while peace was brokered to halt bloody hostilities between armies and secure the borders between the two countries, its approval was limited to those who signed it. Therefore, within the Middle East, the word 'peace' is used warily as it may lead to the trap of normalisation – that is, normalising a state that falls short of peace – rather than reflecting the state of the countries' interior. Aside from the misuse of the term 'peace' to market political and security agreements that altogether neglect and ignore the human element as an objective of this peace, it was imperative to approach the subject from an internal lens and search for local attempts at peace within Jordan.

Moreover, peace can be defined as a state of security within the same society through the guarantee of laws and/or customs. It is this final definition that I subscribe to and that prompted me to delve deeper into the infrastructure of Jordanian society and its customs, which both before and after the establishment of the state (founded in 1921, and gained independence from Britain in 1946) contributed to achieving and ensuring societal security and thus attaining peace.[9] It is also necessary to highlight that peace, in the Western understanding, content, and application may differ from the understanding that is prevalent in the Middle East. Western approaches

4   Alain Tschudin (2018), *The Role of Local Governance in Sustaining Peace*. International Peace Institute, 2018, www.jstor.org/stable/resrep17518. Accessed 23 Nov. 2020.

5   Laura Wise, Robert Forster and Christine Bell (2019), *Local Peace Processes: Opportunities and Challenges for Women's Engagement* (PA-X Report, Spotlight Series). Edinburgh: Global Justice Academy, University of Edinburgh.

6   'Peace', Retrieved November 19, 2020, from https://en.wikipedia.org/wiki/Peace.

7   J. Bowen (2015), 'Did Rabin assassination kill the best chance for peace?' Retrieved September 21, 2020, from https://www.bbc.com/news/world-middle-east-34712057

8   "Jordan seeks to end Israel land lease." (2018, October 21). Retrieved September 21, 2020, from https://www.bbc.com/news/world-middle-east-45933805 and Joffre, T. (2019, October 16). "Jordan Israel peace treaty under threat - Jordanian parliament speaker." Retrieved September 21, 2020, from https://www.jpost.com/arab-israeli-conflict/jordan-israel-peace-treaty-under-threat-jordanian-parliament-speaker-604689 and TRTWorld, A. (2020, June 25). "Annexing West Bank threatens Jordan-Israel treaty, analysts say." Retrieved September 21, 2020, from https://www.trtworld.com/middle-east/annexing-west-bank-threatens-jordan-israel-treaty-analysts-say-37571

9   Rowland, 'Democracy and the Tribal System in Jordan'.

to conflict contain assumptions about the conflict itself that starkly diverge from those in the Middle East.[10] A western understanding considers conflict to be a normal function of life that is inevitable, and that can also be positive in some circumstances in leading change within systems, enterprises, and even individuals. Conflicts are deemed to be managed to the satisfaction of the individual disputants, rather than solutions that are satisfactory for society.[11] The disputant's assessment of conflict is rational and in the interest of generating value-added outcomes. The ideal outcome of a consensual conflict resolution process is a written and enforceable legal instrument. Mediators are required to be objective and neutral actors that are independent of the conflict. Finally, the resolution process generally addresses the allocation of risks and resources. Overall, a western peace process is pragmatic and aims for a win-win.

In contrast, the assumptions that Middle Easterners typically have about conflict are overall negative, considering conflict to be dangerous and disruptive. In a conflict, group affiliation, rather than individual interests, is the central focus of strategies in the resolution process. During the process, social expectations, emotional spontaneity, and shared cultural values are dominant and favored over rational approaches. The ultimate resolution is driven by the concepts of honor, shame, and the maintenance of dignity, as well as reputation. Third-party intervention should be limited to people that are close to the conflict and are respected by both disputants. The success of the outcome is measured by the durable relationships between the conflicting parties rather than the satisfactory allocation of resources. Settling disputes is highly important from a Middle Eastern understanding, as the community has a great interest in settling to return to the stable status quo.[12] Hence, such differences need to be taken into account when formulating a holistic and contextual understanding of the driving forces behind the tribal peace processes.

Going back to what was discussed at the joint analytical workshop, the questions that were set as a framework for discussion and the basis for the interventions that were then proposed centered around:

What are the guarantees of implementation and respecting the enforcement of these agreements, both in terms of implementation mechanisms and the role of players?

1. *What will happen if conflicts return to the surface or the agreements are not fulfilled?*

2. *How can local peace processes be monitored?*

3. *How do these agreements affect local areas?*

4. *Do these agreements create or establish a new type of governance or do they produce new leadership?*

5. *Are local peace agreements considered to be successful or practical? What could be deemed as a success or an unexpected result?*

Before analysing the gist of these questions in a Jordanian context, more questions need to be clarified: Do local peace agreements exist at all? If yes, who are their players and sponsors? What is the *raison d'être* of local peace agreements, given that they occur within a sovereign state that has a security and judicial system that is capable of controlling conflict and restoring rights to their owners?

10   M. Abu-Nimer (1998), 'Conflict Resolution Training in the Middle East: Lessons to be Learned', *International Negotiation* Vol.3 No.1 pp. 99-116. doi:https://doi.org/10.1163/15718069820848120 and M. Abu-Nimer (1996), 'Conflict resolution approaches: Western and Middle Eastern lessons and possibilities', *American Journal of Economics and Sociology* Vol.55 No.1 pp. 35-52. doi:10.1111/j.1536-7150.1996.tb02706.x

11   Abu-Nimer, 'Conflict Resolution Training in the Middle East' and 'Conflict resolution approaches: Western and Middle Eastern lessons and possibilities'.

12   Ibid.

The tribes in Jordan

Local agreements are rooted in tribes. The tribes in Jordan can be viewed as basic organisational and cohesive social, economic, and political units whose existence in the region predates the emergence of the modern state; preceding it in terms of establishing the foundations of community, security, and peace in a manner that is perceived to be both fair and acceptable.[13] The tribal legal and social frameworks govern both internal relationships among the members of the same tribe and between it (as a single integrated unit) and any external element, such as another tribe or even a state. The tribes themselves are highly powerful players. Historically, they are credited with playing a fundamental role in the establishment of the Jordanian state and strengthening the pillars of the monarchy while remaining the main reservoir of loyalty to the throne. In describing the relationship between the central state and the tribes, loyalty to the state and the throne is expected in exchange for employment, education, and freedom of movement. The state needed the human resources and labour that the tribes provided as means of protection, production, and work. Until today, both the Jordanian army and security services are mainly made up of members of tribes.[14] Tribes also participate in local elections and usually win an overwhelming majority of seats. They are politically active, intervening in cases of political instability whether in support of the government or against it.[15] All attempts to undermine or diminish the role of the tribes in favour of the implementation of a more modern 'New Middle East'[16] (adopting liberal and open market policies and extending the reach of globalisation or privatisation of key organisations), were not successful. The King articulated some criticism of the tribes and their role, but the state was never able to go beyond diminishing their influence in certain areas of public life.[17] Demographically, some tribes extend beyond the borders of Jordan drawn by Sykes-Picot, meaning that they play a part in shaping relationships with other countries. Leaders or Sheiks of southern Syrian tribes have family extensions in Jordan and therefore, found Jordanian tribes to be welcoming and communicative, traits that have enticed the Jordanian government to use them as diplomatic bridges of communication especially in dealing with nearby countries.[18] Cross-border low-level ties between Arab countries have managed to keep the communication going despite troubled relations between official governments. The tribes in Jordan have played a key role in the political engagement of Jordanian communities, especially in the absence of dynamic political parties and active civil society. Until this day, tribes play a fundamental role in student council elections in major Jordanian universities and other educational institutions, but also in elections of professional associations and trade unions.

Characterised by their hierarchical and centralised leadership, the tribes have followed strict laws and teachings that are inherited from one generation to the next, aimed at preserving societal security and ensuring that the rights of all parties are protected. Besides, tribes have played the part of a sponsor ensuring the implementation of agreements and decisions of their tribal courts and judges.[19] The tribes have greatly contributed to the development of the judicial and legal system in Jordan, through both positive and negative influences. The Jordanian chief legislator is appointed by a democratic election that members of tribes participate

13   Watkins, 'Seeking Justice: Tribal Dispute Resolution and Societal Transformation in Jordan'.
14   Richard T. Antoun (2000), 'Civil Society, Tribal Process, and Change in Jordan: An Anthropological View.' *International Journal of Middle East Studies,* Vol.32, no.4, pp. 441–463. www.jstor.org/stable/259420.
15   Rowland, 'Democracy and the Tribal System in Jordan'.
16   https://carnegieendowment.org/files/new_middle_east_final1.pdf
17   Sean L. Yom (2014), 'Tribal Politics in Contemporary Jordan.' *Middle East Journal,* Vol.68, No.2, pp. 229–247, www.jstor.org/stable/43698157
18   D. Schenker (2017), 'A Safe Zone in Southern Syria: Jordan's Role'. Retrieved from https://www.washingtoninstitute.org/policy-analysis/view/a-safe-zone-in-southern-syria-jordans-role
19   Rowland, 'Democracy and the Tribal System in Jordan'.

in and influence the results of. Subsequently, the legislator would then propose legislation that reflects traditions and practices of the tribes, only for such laws to then be approved or rejected by the Jordanian Parliament.[20] Hence, the tribes in Jordan are powerful both internally and externally, both politically and judicially.

The tribal judiciary in Jordan

Establishing and maintaining social security and stability in the areas that they have occupied is a premier concern for the tribal governance system. The tribes have contributed to establishing the foundations of justice and the ensuing judiciary in Jordan, which is functional until this day. Yet, it remains an independent system that is parallel to that of the state, as the country is based on pluralistic informal legal practices.[21] Among its advantages are:

1. **Uncodified Constitution:** The fundamental laws are not written as they derive from Bedouin customs that are observed among the various tribes and handed down orally from one generation to the next. The preservation of such laws is of utmost importance, as it represents a symbol of the continuation of the tradition and tribal culture that is a great source of pride. Overall, the tribal law is considered to be sacred and most importantly binding, resembling a constitution that is resorted to in the event of a conflict.[22]

2. **Scope:** The tribal judiciary deals with specific cases of dispute such as:
   - Murder cases with known perpetrators, in which both the perpetrator and relatives to the 5th degree are sentenced and punished. (A more recent amendment has limited the inclusion of relatives to the third degree)
   - Cases that deal with transgressions on honour
   - Cases that deal with the neutering and castration of animals
   - Cases that deal with vandalism (The law of Tribal Courts, 1963)

3. **Enforced referral** to the tribal court is not possible without the consent of the two conflicting parties. Consent is an important hallmark of the tribal system, as it is synonymous with respect to both parties, even those that are on the morally reprehensible side of the perpetration equation.[23]

The primary laws that govern tribes are:

1. The bedouin control law (1924)

2. The tribal courts' law (1924): which allows the state to interfere in tribal issues

3. The bedouin control law (1929, 1936)

4. The tribal courts' law (1936), the establishment of a recognised tribal court. However, all these laws have since been abolished in the tribal law abolishment act of 1976; yet, tribal judges continue to be appointed by direct royal decree. Thus, the tribal judiciary continues to co-exist with the formal legal system, as it continues to intervene in the management of various types of grievances through its mechanisms.

20   Schenker (2017), 'A Safe Zone in Southern Syria: Jordan's Role'.
21   Ann Furr and Muwafaq Al-Serhan (2008), 'Tribal customary law in Jordan.' *South Carolina Journal of International Law and Business* Vol.4 No.2 pp. 3.
22   Rowland, 'Democracy and the Tribal System in Jordan'.
23   Furr and Al-Serhan, 'Tribal customary law in Jordan'.

Courses of action and mechanisms for transforming conflicts and achieving local peace

To a varying extent, tribal conflicts continue to generate a cycle of violence especially among the youth; where the concept that only death can pay for death and assault can only be repaid with a counter-assault still prevails, as customs dictate an obligation to avenge an attack on a member of the tribe.[24] Such practices and the resulting bloodshed have been largely stifled by the tribal courts themselves, as tribes evolved from their pre-state existence that engaged in territorial feuds and elimination contests that sought to maximise one's area and access to natural resources, to occupying different roles such as:

1. Providing immediate security and protection for people and their property from any violence, be it murder or assault

2. Imposing the authority of the state: little intervention is further needed by the state to extend its control, as it instead prefers to utilise tribal actors and their methods

3. Restoring rights and limiting harm as far as possible within the process, whether on an individual or a societal level, in order to maintain local social security and peace.[25]

Such roles are practiced through various peace-building mechanisms that are commonly exercised to manage conflicts in tribal-held areas. Such mechanisms include:

A'twa / Truce

The *a'twa* is often the first step in the aftermath of a declared case of infringement on the persons or properties of a family within the tribe. It is the agreement to enter into a state of truce, and it is agreed upon immediately after the occurrence of a crime.[26] The purpose of this state of truce is to provide a brief period of reprieve, wherein the perpetrator's family is obliged to conduct internal consultations with tribe elders and authoritative figures within the region, in hope of gaining them as mediators that can broker some sort of truce, defuse the crisis at hand, and ensure that justice prevails without the consequences of a blood bath or a situation that is taken out of control.[27] The truce is limited to three days and eight hours and can be extended. The family of the victim vows not to infringe on the persons or properties of the perpetrator and his family throughout the *a'twa*. The *a'twa* is written, documented, and authenticated through signatures and then published. Each *a'twa* has its prerequisites and conditions that are customary for each case. Mediators are chosen from both the victim's tribe and the tribe of the perpetrator. The mediators are required to be either direct first-degree relatives to each of the involved parties or cousins. The process of dialogue and mediation begins with the chosen mediators who may reach an initial agreement and then may decide whether or not there is a need to take the case to the tribal court. The conflicting parties may request the inclusion of an external third party mediator such as a sheik of a third tribe to guarantee the implementation

24   Antoun, 'Civil Society, Tribal Process, and Change in Jordan'.
25   Abu-Nimer, 'Conflict Resolution Training in the Middle East', and 'Conflict Resolution approaches'.
26   AlAhmad Alabdi Alfareeh Ali, 'The tribal Atwa and its methods are a cultural heritage in the Ajloun Governorate', *Jordanian Ministry of Culture.* Retrieved April 2021, from http://www.ich.gov.jo/node/50759
27   Antoun, 'Civil Society, Tribal Process, and Change in Jordan'.

and compliance in all the agreements that are set, preventing breaches or plans for retaliation. A tribal *a'twa* may extend for a week, a month, or even years. More often than not, official security services supervise the implementation of the *a'twa*, as the practice itself is one of the more formally merged mechanisms with the authorities and the legal codes of the country. The *a'twa amniyeh* is a type of *a'twa* whereby the state interferes and forces the *a'twa* onto families that refuse to cooperate and sign a truce period.[28] In January 2016, a direct state-sponsored *a'twa* in response to murder, led by the Deputy Prime Minister and Minister of Education, resulted in the mass eviction of over three dozen families that belonged to the suspect's tribe.[29] *A'twas* remain an effective and popular mechanism in pre-empting a possible bloody and messy vengeance being taken and paving the way for more rational and cool-headed individuals to solve the matter.

Jalwa / Eviction

A *jalwa* is the deportation of the perpetrator and his family (up to the third-degree relation) outside the village or city where the victim's family resides. The objective of such a practice is to reduce the friction between those concerned within a conflict and to ensure that there are no cases of revenge or attacks that could exacerbate the situation.[30] The most recent figures indicate that 14 cases of *jalwa* were reported in 2012, while in 2010, 16 cases of *jalwa* were reported, amongst which a prominent case included the evacuation of 300 people from a single tribe in the Zarqa governorate.[31]

It is also worth noting that despite the *jalwa* being reduced to include third-degree relatives instead of fifth-degree, as a result of an agreement between the state and the Jordanian tribes; yet, the custom of the *jalwa* includes women, children, and the elderly, which means hundreds of people would leave as a result.[32] In the past, families that have been deported used to flee and join another tribe to provide food and protection for them. However, today these families are struggling to start over with little support and care. A catalyst for the use of *jalwa* is often the delay in the official state judiciary system in issuing a final decision with regards to tribal crimes, due to the differences in prescribed punishment that hinge on reconciliation and settlements outside the legal system. The slow litigation process may be frustrating for the victim's families that feel cheated by the official system and seek justice elsewhere through clinging to the *jalwa* practice.

Jaha / Mediation

A *jaha* is constituted of a group of men that are known for their high social status and their track records in being responsible for handling matters of negotiation and mediation.[33] The *jaha* may include tribal sheiks, ministers, and even state officials such as governors or chief of police. In most instances, the immediate family of the perpetrator is excluded from such a process, yet they may ask in some cases for a specific formulation of the *jaha*, where they may request specific individuals to be a part of it in occupying certain roles.[34] It is noteworthy that the *jaha* may be appointed

28 Antoun, 'Civil Society, Tribal Process, and Change in Jordan'.
29 Naji Alaa (2017) 'Clan reconciliation and its role in achieving social justice' *AlNabaa Network*, available at https://annabaa.org/arabic/studies/12206
30 Danielle Sutton (2018), 'Tribal Law at the Crossroads of Modernity: A Study on Jordanian Attitudes towards Jalwa', available at https://digitalcollections.sit.edu/isp_collection/2827/
31 Human Rights Watch (2019), 'Jordan: Hundreds Displaced Based on Family Ties'. Retrieved September 21, 2020, from https://www.hrw.org/news/2019/09/17/jordan-hundreds-displaced-based-family-ties and M. Al-Lobani (2018), 'Jalwa is a tribal custom that Jordan is trying to reform' (الجلوة عرف عشائري يحاول الأردن إصلاحه). Retrieved September 2020, from https://www.almamlakatv.com/news/5342
32 Sutton, 'Tribal Law at the Crossroads of Modernity'.
33 Peter Millet (2011), 'Attending a "Jaha"' *UK Foreign, Commonwealth and Development Office*, available at https://digitalcollections.sit.edu/isp_collection/2827/
34 Sutton, 'Tribal Law at the Crossroads of Modernity'.

as mediators for the duration of the entire conflict resolution: from putting an end to it until the return of the people affected by the *jalwa*. This process may extend for months consisting of several meetings. Delays, whether in approaching the *jaha*, or by the *jaha* themselves in addressing the victim's family, are highly unacceptable to the tribes involved and also the sponsors. The aggrieved family needs to rest completely assured that this event has dominated the life of the perpetrator, as well as the life of the community, which would be reflected in the composition of the individuals constituting the *jaha*. The most important objective of the *jaha* is to achieve reconciliation and sign an agreement that documents the rights that are to be granted from one party to another. This is done to restore the security of the community and reinstate peace, whether locally or nationally. As the primary brokers of peace, the *jaha* may ask permission for the perpetrator's family to attend the meetings and make peace themselves, or return from the *jalwa*, should they act in good faith and be financially able to pay off the victim family's demands. The *jaha* possesses adjudicative powers, and in this initial process, it obtains from each side a binding commitment to its final decrees in the matter following its investigation which shapes its ruling.[35] Therefore, the individuals that make up the *jaha* are very similar to mediators in peace processes and ceasefires.

Al-sulha / Reconciliation

Al-sulha is the reconciliation process that pertains to conflicts of a civil and financial nature. The term *sulha* is derived from the Arabic word *sulh*: the literal act of stopping conflict and settling for peace.[36] The reconciliation process aims to reduce existing tensions and offer alternatives to resolve conflict before hostility arises or worsens with matters spiraling out of control; especially in crimes of murder or assault.[37] The interest lies mainly in putting an end to the conflict, restoring security and stability within the community by rebuilding strained ties, restoring honour and regaining face. The reconciliation process is highly structured following inherited norms that are strict in their adherence and their application as an accepted and legitimate form of social justice. The results of the *sulha* cannot be contested nor can they be breached. The *sulha* itself follows an oral tradition in which the *jaha* recounts previous success stories of other similar or even more difficult cases that were solved to establish that peace is possible. The peace is confirmed with the *musafaha* or handshake between families, *musamaha*, or the declaration of forgiveness by an authoritative representative of the family, and *mumalaha*, the sharing of a ceremonial meal. The end of the meal brings about the end of the conflict, and just as the *sulha* process is instigated to restore peace to the community, so does it end in the community witnessing the families undertaking peace.[38] Brokering a *sulha* often comes with many conditions that are placed on both families including blood money, *al-diyah,* a guarantor, *al-kafeel* and the authentication of the process, *al-tawtheeq.*

Al-diyah / Blood money

In most cases, the most important requirement of a murder victim's family may be blood money, which may reach hundreds of thousands of dinars.[39] Such a request is often solicited by a family member, or by another person from outside the tribe that is named by the victim's family, who speaks in the family name and presents its blood money demands to the *jaha*.[40] The amount requested differs from case to case, based

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35   Sutton, 'Tribal Law at the Crossroads of Modernity'.
36   F. Phillips (n.d.), 'Sulha: Traditional Arab Dispute Resolution'. Retrieved from http://www.businessconflictmanagement.com/blog/2011/04/
        sulha-traditional-arab-dispute-resolution/.
37   Millet, 'Attending a Jaha'.
38   Ibid.
39   Tamimi Ali (2012), 'Aldiyah Al Shar'iya wal Urf Al Aashaeri', Kitabat
40   Phillips, 'Sulha: Traditional Arab Dispute Resolution'

on the degree of infringement and the importance of the parties related to the crime. The transfer of money must be public for the community to witness the promises made. Moreover, the nature of the *diyah*, whether in monetary payment or other forms of compensation, is inspired by Islamic law – '*Al-Diyah Alshariyah*' describes a type of *diyah* that adheres to that prescribed in the Quran or other sources of the Islamic creed. Despite the different forms, the objective of the *diyah* is to provide a form of retribution that is far from the blood and further conflict.[41]

Al-kafeel / Guarantor

After the agreement is achieved, an individual is chosen to act as a guarantor for the implementation of this agreement. The guarantor is called '*kafeel el wafa*' or the 'guarantor of trust'. This procedure allows the family of the victim not to communicate directly with the family of the perpetrator.[42] The guarantor acts as the executive arm that ensures that justice is carried out and all rights are transferred from the perpetrator to the victim. Since the *kafeel* is assigned by the perpetrator, there is shame attached to failing the guarantor in any form.[43] Should there be any delinquency in a payment or in the execution of any of the prescribed conditions for the reconciliation to happen, the guarantor would then have the full right to utilise any tribal mechanism in order to safeguard the peace that was brokered. Moreover, the guarantor is owed a tenth of the total amount that is given to the victim as his right in guaranteeing the payment.[44] Alternatively, the guarantor must meet the debt that the guarantee is required to satisfy, especially in the extreme cases of non-payment, where the guarantor is supposed to match the amount required in the same unit that is prescribed, whether in money, stock or other forms of payment. Guarantors often assign a '*kafeel raha*' or another guarantor to aid in the execution of the *sulha*, especially when the guarantee isn't deemed trustworthy.[45] Overall, guarantors are critical actors that secure the execution of the *sulha* terms, which impacts the success of the tribal peace process.

Al-tawtheeq / Authentication

Following the end of the reconciliation process and the achievement of an agreement on the terms to be implemented, and the execution of those terms, a written document is signed by the main parties involved and by the state's representative for legal legitimacy. A knot is tied in a white flag to symbolise that the peace will not be undone and to finalise the entire peace process.

It is clear that tribes play a pivotal and fundamental role in providing stability in their regions and legal support for individuals. The *sulha* process is effective because it is restorative, honourable, and permeated with respect. It is led by wise and socially revered people that work hard to affirm shared social values because this preserves stability. Most importantly, the *sulha* process is necessary for the community to go on with their lives. Upon reaching a reconciliation the conflict may no longer be referred to as it is past. '*Once a wound has healed, it cannot bleed again.*'[46]

41   Phillips, 'Sulha: Traditional Arab Dispute Resolution'.
42   Millet, 'Attending a Jaha'.
43   Ali, 'Aldiyah, Al Shar'iya wal Urf Al Aashaeri'.
44   Furr and Al-Serhan, 'Tribal customary law in Jordan'.
45   Ali, 'Aldiyah, Al Shar'iya wal Urf Al Aashaeri'.
46   R. Faek (2015), 'Tribal Violence Plagues Jordanian Public Universities' - *Al-Fanar Media*. Retrieved from https://www.al-fanarmedia. org/2013/07/tribal-violence-plagues-jordanian-public-universities/.

Case study: clashes in Mutah University

In 2013, a series of armed clashes in Mutah University shook the Jordanian nation to its core. A conflict between two students that belonged to different tribal affiliations turned into a fight with Molotov cocktails after armed men from the students' tribes arrived.[47] The fight ended in the death of a student that suffocated from the tear gas that security forces used to break up the fight. The death resulted in the involvement of another tribe that through an *a'twa* between the three parties was able to provide a temporary truce.[48] Yet, this incident was only the first of up to 50 university clashes in the four months that followed. In order to prevent future violence, and resolve the open conflicts that involved over 13 different tribes across Jordan in five different universities, both the state and chief tribesmen worked through their own different aspects to prevent the issue from escalating into an even more grievous problem.[49] The conflicting tribes began an *a'twa* to ensure that the streak of violence stopped, as it was spilling over to tribal areas. A *jaha* was made that included both the chief tribal figures as well as key state personnel. Following a long negotiation process, a monetary *diyah* was agreed to be paid by the different tribes in varying amounts to the university, to pay for the different expenses that resulted from the aggressive encounter. Finally, multiple *kafeels* from each tribe agreed to guarantee the deal that was then publicly authenticated. University violence was denounced within the tribes. At the same time, increased security measures were put in place with a systematic plan to detect, prevent and combat violence on university campuses. The university administration also expelled the students involved. In commenting on the issue, the then minister of education Walid Maani remarked 'One cannot separate violence in the universities from that in society at large.'[50] The tribes of Jordan are intertwined with Jordanian civil society. The containment of the 2013 university troubles is proof that conflict resolution requires the fundamental partnership between local peace processes that tribes provide, along with national initiatives that the state must implement to settle internal conflicts.

The relationship between the state and the tribal judiciary

Despite the abolition of all tribal laws and their respective courts, in 1987 the Jordanian tribes were granted the right to apply tribal customs to cases of murder and transgressions on honour, while permitting the continuation of customary practices such as the *a'twas*, *jahas*, and *kafala*. Simultaneously some amendments were enacted to control how these mechanisms are put in place, such as limiting *jalwas* to second-degree relations only.[51] Moreover, the state has attempted to integrate the official legal code with tribal customs, such as the revision of crime prevention laws, or in administrative decisions that were adopted by some governors.[52] These amendments granted the state a permanent and central position in any tribal conflict and guaranteed the state's oversight of the tribal judiciary. The tribal judiciary is composed of individuals from the local community whose decisions are directed at society. Its activities are carried out in cooperation with and

47   Ali, 'Aldiyah, wal Urf, wal Sharaf'.
48   Ibid.
49   Faek, 'Tribal Violence Plagues Jordanian Public Universities'.
50   Ibid.
51   Watkins, 'Seeking Justice'.
52   D. Kuttab (2016), 'When tribal law supersedes civil law'. Retrieved September 21, 2020, from http://www.jordantimes.com/opinion/daoud-kuttab/when-tribal-law-supersedes-civil-law and D. Gibreel (2016), 'Is tribal custom above the law?' Retrieved September 21, 2020, from https://www.7iber.com/society/is-tribal-custom-above-the-law/

under the sponsorship of the state.[53] In practice, the state often plays the role of the tribe if the perpetrator was one of its employees and committed a crime while performing his duties as a state employee. In such a case, the chief of police or a minister may intervene and ask for an *a'twa* and coordinate the formation of the *jaha*.[54] Here, the state is a central party within a tribal conflict, as it performs the role that typically the 'tribe' of the perpetrator would fulfill. There are obvious conflicts of interest that appear in the case of the state being a party to the dispute; for its adherence to the tribal judiciary customs in acting as a 'tribe' may include the payment of blood money from the state to the tribe, and even the *jalwa* of its employees from a tribal held area.[55]

On the other hand, if the state was not involved in the conflict itself, then it would make way for the tribal judiciary to proceed instead. At most, the state would protect the conflicting parties, which could be understood as the state preferring conflicts that occur within tribal settings to be solved by tribal judiciary rather than the normative judiciary. Yet, the existence of the tribal judiciary is a transgression of the state's legal systems, even if it aims to achieve security and societal reconciliation and peacebuilding through mediation. Practices such as the *jalwa* are still considered an attack on the right to housing and the freedom of movement.[56] Such a mechanism is against the principle that criminal offenses and the ensuing penalties should be determined only by law. The fact that the tribal judiciary can supersede the state's system is an offense to the state's legal system, and an assault on its role and commitment to the constitution that mandates equality between all citizens in rights and duties.

Opportunities and challenges for the tribal judiciary

Since the establishment of the Jordanian state, the state apparatus has sought to follow a policy that communicates and coordinates with the tribes and listens to their demands. Nonetheless, the policies of privatisation, and the weakness of the public sector and its inability to provide job opportunities, in addition to the collapse of the regional system and imported sectarian conflicts, have all in combination led the individual Jordanian citizen to search for his tribal affiliation as the unit most capable of providing support and protection.[57]

However, despite their success in ending conflicts, the mechanisms that tribes use are often harmful in different ways. Practices such as blood money may lead to an entire tribe plummeting into debt,[58] while the *jalwa* leaves families destitute as they are forced to leave their primary assets and communities for crimes they did not commit. Moreover, the tribal systems are plagued with honour and revenge killings and forced displacements that are in opposition to national and international rulings. Outdated reconciliation customs such as offering an unwed family member of a perpetrator as a bride to the victim in an effort to join the families by blood and avoid bloodshed continue until this day, despite such a practice being prohibited by law.[59] Such practice raises many questions on the role of the state and society in protecting women instead of sacrificing them at the altar of other people's conflicts in the name of peace. Hence, while the tribes may be effective in ending conflicts, yet, their peace often comes at a very high price.

53   Watkins, Seeking Justice'.
54   Ibid.
55   Kuttab, 'When tribal law supersedes civil law' and Gibreel, 'Is tribal custom above the law?'
56   Ibid.
57   K. Kao (2019), 'Do Jordan's tribes challenge or strengthen the state?' Retrieved September 21, 2020, from https://www.washingtonpost.com/news/monkey-cage/wp/2015/05/28/do-jordans-tribes-challenge-or-strengthen-the-state/
58   O. Al-Jaffal (2015), 'Blood money marriage makes comeback in Iraq'. Retrieved September 21, 2020, from https://www.al-monitor.com/pulse/originals/2015/06/iraq-tribes-women-blood-money-marriage-dispute-settlement.html
59   Furr and Al-Serhan, 'Tribal Customary Law in Jordan'.

Conclusion

The Jordanian tribes are a prime example of local systems that take it upon themselves to settle internal conflicts. The tribes have predated the state and remain the more dominant players, and the attempt to dismantle them in the name of progress is nothing but a historical mistake that many make. Conflict transformation and resolution mechanisms that pave the way towards peacebuilding require strategic partners such as the tribes that should not be forfeited. In applying a multi-level approach to representation and conflict resolution, tribes are found to be represented at all three levels: the macro, meso, and micro. At the macro level, tribes can influence through their appointed ministers, senior bureaucrats, and security officials. As for the meso level, the tribes have a strong representation within the legislative authority and even within the trade and professional unions.

Finally, the tribes practice their activity at the micro-level through their direct presence on the ground and through organising social events.

The process of maintaining stability and security on a local level can only be achieved through the cooperation of all possible parties. Hence, it is necessary to improve the conditions that underlie conflict resolutions and tribal reconciliations so that they are less at variance with the constitution and local laws, as well as the charter of human rights and international laws and treaties.[60]

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60   See article 9 of the Jordanian constitution on freedom of movement, also Article 13 of the Universal Declaration of Human Rights and article 49 of the Fourth Geneva Convention.

Local peace processes: case study of the eastern part of the Democratic Republic of Congo
Jérémie Mapatano and Irene Bahati

The Democratic Republic of Congo (DRC) is a country known for its enormous and diverse natural resources, but where conflicts of all kinds have plunged its inhabitants into a stream of suffering. For several years, the eastern part of the country has been living through a cycle of all kinds of wars and conflicts due to the political, inter-community and inter-state extent of the various national and foreign armed groups, but also the serious social disharmony and the deep social voids between the communities (ethnic, tribal, land conflicts, etc.) which make this part of the country the epicentre of lasting tensions between communities, fuelled by political actors and economic operators. Unfortunately in the DRC, conflicts manifest as opportunities for certain people. For them, compliance with signed peace agreements is a barrier, a handicap for their generally selfish interests.

In the face of these tensions and conflicts, several initiatives have been launched at both national and local levels (the Sun City agreement, the Saint Sylvester agreement, community dialogues, regional peace forums, conferences on peace, security and development, etc.) by state and non-state actors, civil society actors, and structures and mechanisms established at community level, with the goal of finding solutions to the social, economic and political problems of communities, for peace-building and social cohesion. These initiatives have not had their much-hoped-for impact because of a lack of empowerment and accountability of the various actors. In most cases, state responses at the national level are not effective because they are not brought into context and adapted at the local level.

Several conflicts (issues) are the subject of negotiation in local peace agreements, including conflicts related to access to natural resources (there is currently an open land dispute between the Batwa Pygmies of Idjwi, Kalehe and Itombwe (Mwenga territory) and the Bantus); mining conflicts (for example, the mining sites of Mukungwe and Luhwinja); identity and nationality conflicts (migratory movements of populations resulting in the presence of refugees, which has an impact on the issue of citizenship); armed conflicts (forced recruitment of minors, presence of militia groups); conflicts surrounding inheritance and succession; conflicts of power between the heirs of royal families (e.g. the Chiefdom of Nindja in Kabare and the Chiefdom of Buloho in Kalehe).

These different conflicts, which local peace agreements are unable to resolve, contribute to the creation of local self-defence in both urban and rural areas. For example, in the city of Bukavu, because of growing insecurity, a local movement called the Pomba Solution was created by some young people to help provide their own security. In the same city, three years ago, the former governor Claude Nyamugabo launched a campaign, '*Operation Tukijinge*',[1] to curb insecurity in the city of Bukavu.

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[1] An operation initiated locally in Bukavu's South Kivu province that asks the population to protect each other by denouncing the situations and actors at the root of the insecurity, for lasting peace in this province.

Thus, these local developments require a smoother transition from the list of conflicts to the discussion of local peace processes, and are defined by community initiatives, bottom-up integration strategies, round tables organised between parties to conflicts, community self-care and collective agreements, and translated into a unity of sorts. These agreements are largely verbal and non-formal. In addition, these local peace agreements are initiated by civil society organisations, young people, community leaders, traditional chiefs, schools, religious authorities and churches. To formalise these agreements, the actors mentioned participate in awareness-raising through messages of peace; campaigns for peace intended to break down the climate of violence that reigns between the communities.

Some local peace agreements in eastern DRC

The tribal-ethnic conflict in Kalehe between the Batembo and the Batutsi

Previously, the Batembo did not live together with the Kinyarwanda-speaking Congolese; they were too opposed for any relationship to exist between them. Armed groups were formed by both communities. Peace-building processes have been attempted at the national level but have not been positive and have not reduced this conflict. At the local level, however, civil society organisations, local leaders and traditional chiefs have been involved in the peace process between these two communities through inter-community dialogues, sensitisations on cohabitation and messages launched in the media. Gradually, the traditional Batembo chiefs began selling land to the Tutsi (Rwando-Congolese) and this reduced their conflicts. The agreement was not overly formal, but the communities settled on social coexistence, and this has reduced tensions and sensitivity. Today, even in the farthest reaches of the Batembo community, Rwandan-speaking Congolese have been found peacefully going about their activities. The looting and destruction of their cows, houses, and other property in the past is no longer observed, because the locally negotiated peace has been a success. Many Rwandan-speaking Congolese have become landowners in Bunyakiri, Ziralo and Numbi. This has even made armed groups difficult to distinguish from one another. Even if some Congolese are unaware of the legal texts in which it is stipulated that these Rwandan-speaking Congolese are also true Congolese, a good part of them already accept the Rwandan-speaking Congolese as Congolese. They have accepted each other because each party has interests to protect in their entities (pastures, land, forests, cows) but also and above all, because there has been mixing of the two groups the political party has understood that to get elected, it will need to appeal to both elements of the electorate in a village. On the other hand, the customary power has also understood that its power is linked to this entity and that it should stop manipulating its subjects in this conflict. In addition, some Batembo and Bahavu leaders have found themselves in the same political parties as Hutus, and this alliance of belonging to the same political party has helped to reduce violence and conflict.

The conflict relating to field boundaries in Cubunbiro

Two years ago a violent conflict arose between two families in Cubunbiro, because of field boundaries. People killed each other, and the conflict soon spread beyond the original two families to take in the whole community. In short, a toxic climate enveloped the community; insecurity quickly reigned because of the warring parties' determination on vengeance. In light of these acts and the growing number of deaths resulting from this conflict, village leaders and other community leaders thankfully became involved to find a consensus between the warring parties. Through a signed peace agreement, an information and communication project aimed at the peaceful resolution of the conflicts has emerged by means of the radio clubs.

Traditional, customary conflict versus political conflict in Kalonge

In Kalonge, one of the villages in the territory of Kalehe in South Kivu, there had been a very open conflict between the Mwami (holder of customary power) and his brother, the holder of political power. The murder of a traditional chief in 2013 created strong tensions accompanied by murders and malicious destruction, and divided a whole district; entire villages were emptied of their inhabitants, with manhunts, deportation and rural exodus. During this conflict, the inhabitants of several villages were no longer able to move around; for example, villagers from Rambo could not move towards the village of Cifunzi, those of Fendula could not go towards Rambo or Cholobera, because of the manhunts of the villagers coming from Kalonge. As the Mwami's customary power was incompatible with the political power held by his brother, there had been involvement at national level on several occasions – a delegation of the National Assembly in Kinshasa, and even MONUSCO – but unfortunately no consensus was reached. Locally, young students took the initiative to bring together *bashamuka*[2], intellectuals, traditional chiefs, MPs and churches. This local initiative took shape from the bottom up and a way of living together was achieved. The conflicts came to an end, although collateral effects continue to be felt.

This local initiative from the bottom up shows that solutions do not always have to come from the top to yield good results; they can come from the bottom and solve community problems, at local and even regional level.

Women and access to inheritance

Peace agreements that are locally initiated by local women's organisations, local actors, local NGOs and civil-society actors with the support of other national and international organisations have helped to find a positive outcome to the issue of women's inheritance. Treating a woman as inheriting, owning or purchasing a plot of land or a field was seen as taboo. Today, among local leaders, and in many customs, there is now recognition of women as inheritors and purchasers of land or fields, and as owners of their homes. It is true that the results are modest, but there has still been a change. It is not because there is a law in the Congolese constitution that requires women to possess 30%; it is because the actors have been involved from the bottom-up, at the local level, and gradually there has been progress. People have finally understood, even without any constraint or repressive law at national level, that all children - whether girls or boys - must have access to the same educational opportunity and that anyone can inherit. All this was based on small awareness-raising messages and outreach from local organisations.

Small cross-border trade

Cross-border trade has contributed to social cohesion and peaceful coexistence of the Congolese and the Rwandan people, although Rwanda was seen as an aggressor by the Congolese. This local integration of groups of people from the bottom-up following cross-border mobility has played a part in regional integration and is a tool for peace. For these small traders, political conflicts between states are of little or no interest; they are looking for opportunities on either side of supply sites to feed their families. No formal agreement has been signed between them; they accept each other despite the political issues.

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2   The elders of the community.

The conflict around the Mukungwe mining site

This conflict was initially between two families in the same territory – the territory of Walungu – then three families, and now the Banro mining company is involved. It is heavily opposed by the local population who oppose the plan for industrialisation of mining activities. Peace agreements have been signed at the local level and have seen some consensus, but because of national and international interference, the conflict around the Mukungwe mine site sees a cycle of violence. Militia groups from families involved in the conflict are present at the site, and are known locally as the 'batoto cuyi.'[3]

Challenges of local peace agreements (problem of failure to reach local peace agreements)

Broadly speaking, the debate over peace agreements in the DRC in general, and its eastern part in particular, has encountered the following major challenges:

- Under-representation or non-representation of victims directly affected and involved in conflicts. Discussions about the peace agreements that concern them are conducted by people deemed 'experts' who discuss problems and conflicts in which they are generally not victims;

- Political and territorial issues, external forces, regional dynamics and the reorganisation of alliances, land issues and the issue of nationality, common aspirations that exist in the background: all are major problems in the failure to reach locally proposed agreements. Political manipulation and interference by politicians because of their interests are sources of the failure to reach agreements at the local level that would lead to lasting peace;

- The facilitators of some local agreements signed at local level do not have a truly lasting seat of power, unlike actors at the national level where there is continuity in the exercise of their offices. If, for example, these conflicts are related to land access, or forest or marsh management, a Mwami may hand over a piece of land for farmers to use. But, following the death of such a farmer, all too often the heir disregards these clauses or agreements previously entered into, because customary or local power is not based on continuity;

- Many local agreements are verbal and unwritten and are not archived, rendering them fragile. And all too often the hostile parties are uneducated;

- They are often fleeting and change forms, the collateral effects remaining to be seen. Agreements and peace alliances are drawn up but are short-term (indeed, the problem of armed groups with the various peace agreements that are already signed);

- In many particularly rural areas of the DRC, cultural attitudes and myths about women put women on the sidelines. Article 14 of the Constitution of the DRC guarantees equality between men and women, but the practice remains dubious. Women's desires are still ignored, and, even if equality was the case, what percentage of women are involved in peace-building today? Over the years, women were not involved and did not inherit, but thanks to the agreements, negotiations and involvement of actors at the local level, there is already progress as women can now inherit and enjoy property rights pertaining to a field or a house;

- Some local peace agreements create new tensions and conflicts between communities. Then there is a shift in conflicts from the area where the local peace agreement applies to a new area that has not been the subject of this conflict.

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3   Meaning, 'the leopard children'.

When all is said and done, even though there are challenges with local peace agreements, they are delivering good results. They simply need a lot more work and to be properly established. They can produce many positive changes and play a part in conflict reduction and the establishment of peace and harmony at community, local, national and international levels. It is true that the majority of these agreements do not provide long-term guarantees, but they find some answers without much incident or damage.

In conclusion, it should also be noted that the peace process at the national level does not often lead to positive relationships. The peace agreements negotiated at national level are dependent on interests. For the most part, decisions made at the national level do not involve parties to conflicts at the local level. Local strategies are quickly evaluated and adopted by local communities, as they are adapted to their context and their general conflict situation, but many peace agreements and round tables at the national level have failed in this. Local peace agreements negotiated at national level are contested at local level (for example, those relating to the conflicts in the Ruzizi Plain; the conflicts between Banro Corporation in Namoya (Maniema Province) and the surrounding population, and so on) because the population's interests are not served. Moreover, in these kinds of agreements people come from Kinshasa to formulate them. The farmers who suffer abuses are not represented, and the direct victims of conflicts are set aside, but indirect victims or those pulling strings are the ones who are heard. Agreements at national level are not translated into the context of local realities; local strategies are more extensively adopted by local communities than national level strategies because at least with local peace agreements, the local actors have felt and suffered the same consequences of the conflicts. They are therefore much more flexible in negotiations.

Local peace processes in Colombia
Annette Idler

Introduction[1]

'In situations like these, every individual should continue to sow peace.' This is what a women's rights activist from one of Colombia's most conflict-affected areas told me on 2 October 2016, following the plebiscite in which Colombians rejected a peace deal between the Colombian government and the Revolutionary Armed Forces of Colombia – People's Army (FARC). In November 2016, the Colombian Congress finally approved a revised version of the peace deal. However, in light of several failed national peace processes during the FARC's five-decades long armed struggle, this call for individualised peacebuilding sums up the need for individuals and communities to engage in local efforts to mitigate human suffering, and make, and build peace, rather than waiting for a solution at the national level.

Colombia's local and national peace efforts have been heterogenous, just as the country itself and the dynamics of the armed conflict manifest diversity.[2] Colombia's 1.1M km² territory features a varied geography ranging from mountainous and jungle areas to desert land and vast plains. This variation has influenced the numerous cultures of Colombia's populations including multiple ethnic communities, one of the reasons why the country has been described as a 'divided society'.[3] Due to the social and geographical heterogeneity of the country, the contested issues driving Colombia's conflict are diverse and have evolved over time.

Colombia's protracted, multi-party armed conflict is among the most entrenched ones in the world. With antecedents of unrest dating back to the nineteenth century, violence began to erupt more considerably in the 1940s.[4] Unsatisfied about unmet social needs, in 1964, the FARC and the National Liberation Army (ELN) formed as Marxist guerrilla groups to fight the government. Soon, other guerrilla groups such as the 19th of April Movement (M-19) and the Popular Liberation Army (EPL) followed suit. In the 1980s, right-wing paramilitary groups emerged, consolidated into the Self-Defence Forces of Colombia (AUC), and, following the AUC's demobilisation, fragmented into smaller groups. Some of these have maintained their right-wing character while others evolved into purely criminal groups.

These multiple types of violent non-state groups operate throughout Colombia's territory and across Colombia's borders in neighbouring countries. While social injustices have largely remained a constant, in some regions, locally rooted issues link to the conflict's master cleavages along ideological lines through alliances

2   At the national level (involving the government), these include: the peace processes with various guerrillas in 1990 and 1991, which led to the demobilisation of the 19th of April Movement (M-19), most Popular Liberation Army (EPL) fronts, and the Quintin Lame Armed Movement; several failed peace talks attempts with the FARC, including the 1999-2002 process under then-President Andrés Pastrana; the process in the early 2000s with the paramilitary Self-Defence Forces of Colombia (AUC), which led to their demobilisation between 2003 and 2006 but also to the emergence of successor and splinter right-wing groups; the peace talks with the FARC that formally began in 2012 and culminated in the 2016 peace agreement; and intermittent peace discussions with the National Liberation Army (ELN) between 2002 and 2017, when the Duque administration abandoned them. The Peace Agreement Database includes 129 documents, most of which refer to the peace process between the national government and the FARC. See https://www.peaceagreements.org/.
3   Frank Safford and Marco Palacios (2002), *Colombia: Fragmented Land, Divided Society* (New York: Oxford University Press).
4   Malcolm Deas (1997), 'Violent Exchanges: Reflections on Political Violence in Colombia,' in David E. Apter (ed.) *The Legitimization of Violence* (Houndsmills: Macmillan), pp. 350–405, https://doi.org/10.1007/978-1-349-25258-9_9.

between local and national actors.[5] A case in point are the clan disputes among the indigenous Wayúu, a binational people residing on the Guajira Peninsula that spans the Colombia-Venezuela border, which fuelled alliances between local clans and (neo-)paramilitary groups. Other instances include discrepancies between indigenous people and local non-indigenous elites, and competition among armed actors over controlling illicit markets.[6]

Given the heterogeneity of issues at stake and the large number of armed groups present, Colombia's armed conflict can be understood as a setting of organised violence that contains many subsets of dynamic conflict.[7] Such subsets take shape in a particular form of order that people are exposed to, itself a function of the configuration of violent non-state groups – and sometimes state actors – operating in a given region. Three forms of (non-state) order stand out: first, armed clashes ('enmity'); second, quickly shifting alliances and competition over illicit economies ('rivalry'); and third, the preponderance of one violent non-state group or relatively stable long-term arrangements among several violent non-state groups ('friendship').[8]

I argue that one must first understand what kind of contested issue is at stake, which actors are involved, and in which social and geographical context the conflict is embedded in order to then 'prescribe' a particular type of peace effort. This identification benefits from conceptualising Colombia's subsets of conflicts as distinct forms of non-state order, and from using a typology of four types of peace efforts on a continuum from negative to positive peace. The form of non-state order that characterises a given region influences whether a particular peace effort materialises in that region. To make this argument, I draw on more than a decade of research on Colombia's armed conflict and peacebuilding efforts. The research included extensive multi-sited, multi-year fieldwork carried out between 2011 and 2017 in some of the country's most war-torn regions, in the departments of Arauca, Cesar, La Guajira, Nariño, Norte de Santander, and Putumayo.[9]

Local peace efforts in Colombia: between negative and positive peace

The Political Settlements Research Programme defines local peace processes as 'peacemaking processes involving locally-based actors that address local conflict dynamics within a more limited geographic scope than an entire conflict-affected area'.[10] In the case of Colombia, it is useful to expand the scope of the phenomenon under study to include peace efforts that aim to ensure a peaceful life of the communities affected in a more limited way or to make the armed conflict more humane. This includes ceasefires, humanitarian appeals, or conflict management practices without a peacemaking goal, but which, over time, have led to more forward-looking, future-oriented processes. This broader conceptualisation is in line with how Colombians from war-affected regions understand peace in their everyday lives.[11] Tracing these initially backward-looking efforts with a view to their

5   For the difference between an armed conflict's master cleavage and local conflicts, see Stathis N. Kalyvas (2003), 'The Ontology of "Political Violence": Action and Identity in Civil Wars,' *Perspectives on Politics* Vol.1, No. 3 pp. 475–94.

6   Annette Idler (2020), 'The Logic of Illicit Flows in Armed Conflict: Explaining Variation in Violent Nonstate Group Interactions in Colombia,' *World Politics*, 1–42, https://doi.org/10.1017/S0043887120000040.

7   Annette Idler and Katerina Tkacova (2021), 'Conflicts in Flux: A Novel Approach to Analysing Conflict Dynamics.' Working Paper, *The Changing Character of Conflict Platform*.

8   For a discussion of these forms of non-state order see Annette Idler (2019), *Borderland Battles: Violence, Crime, and Governance at the Edges of Colombia's War* (New York: Oxford University Press).

9   For a discussion of this fieldwork see Idler, (2019), *Borderland Battles: Violence, Crime, and Governance at the Edges of Colombia's War* (New York: Oxford University Press) Appendices A and C; Epilogue.

10   Political Settlements Research Programme, ASPR / PSRP Joint Analysis Workshops, Local Peace Processes, Concept Note, 2019.

11   Pamina Firchow and Roger Mac Ginty (2017), 'Measuring Peace: Comparability, Commensurability, and Complementarity Using Bottom-Up Indicators,' *International Studies Review* Vol.19, No. 1 pp. 6–27, https://doi.org/10.1093/isr/vix001; Roger Mac Ginty and Oliver P Richmond (2013), 'The Local Turn in Peace Building: A Critical Agenda for Peace,' *Third World Quarterly* Vol. 34 No. 5 pp. 763–83, https://doi.org/10.1080/01436597.2013.800750; Pamina Firchow (2018), *Reclaiming Everyday Peace: Local Voices in Measurement and Evaluation After War* (Cambridge: Cambridge University Press), https://doi.org/10.1017/9781108236140.

effectiveness allows us to determine how to begin to 'sow peace' even in contexts where the prospects of peace are remote.

I identify four broad types of local peace efforts initiated by local non-state and state actors and conceptualise them on a continuum in terms of their goal, ranging from negative peace as 'damage control', via stopping violence, to positive peace – or 'conflict transformation' – that allows people to thrive by embracing inclusion, dignity, and the fulfilment of the human potential.[12] They include (i) humanitarian pacts at the 'negative peace' end, (ii) conflict management practices and (iii) peace communities in the middle, and (iv) transformative efforts at the 'positive peace' end.[13]

Figure 1: Continuum of peace efforts

◄──────   negative peace (damage control)   ──────────   positive peace (transformational)   ──────►
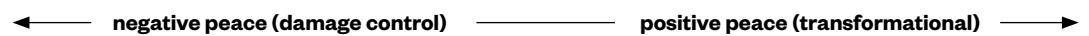
External actors have played important roles too, of course. The European Commission promoted 'Laboratories of Peace' in the early 2010s to promote 'regional development, peace and stability',[14] Sweden supported the pact in Chocó (see below), and donors such as Canada or Germany have provided targeted support for specific local peace initiatives. Likewise, the United Nations, the Organization of American States, and non-governmental organisations such as Peace Brigades International have supported local peace efforts. Such actors provide financial support, show solidarity, and signal to the government and violent non-state groups that someone is watching them. This has been particularly relevant since the 2016 peace deal, when many members of the international community turned their back on Colombia, as support was no longer deemed necessary. I focus here on local actors, however, because external actors cannot substitute for the political will needed to transform armed conflict into nonviolent debate. Also, external actors have often avoided the issue that incites the 'rivalry' form of non-state order that is least favourable to positive peace efforts: the illicit economy.

In what follows, I discuss the four types of peace efforts with examples from across the 2016 peace deal 'cut-off' date and outline how they are embedded in specific subsets of conflict.

Humanitarian pacts

Humanitarian pacts in Colombia are primarily aimed at negative peace, arising when communities try to reduce violence. During the late 1990s and early 2000s for example, local mayors in Eastern Antioquia and elsewhere established, often successfully, coexistence pacts and ceasefires with mid-range guerrilla commanders to protect their communities. Non-state actors likewise initiated such pacts. Various ethnic organisations and victims' and women's movements in the department of Chocó on the Pacific coast, for example, launched the 'Humanitarian Pact in Chocó – Now!' in 2017. After the FARC's demobilisation, numerous violent non-state groups interested in the strategic location for drug trafficking operated in the region in 'rivalry': the ELN (with whom peace talks stalled in 2017), the

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12   Johan Galtung (1969), 'Violence, Peace, and Peace Research,' *Journal of Peace Research* Vol.6 No.3 pp. 167–91. Paul F. Diehl (2016), 'Exploring Peace: Looking Beyond War and Negative Peace.' *International Studies Quarterly* Vol.60 No.1 pp. 1–10, 3; Gary Goertz, Paul F. Diehl and Alexandru Balas (2016), *The Puzzle of Peace: The Evolution of Peace in the International System* (New York: Oxford University Press).
13   The goal can evolve over time.
14   European Commission (n.d.), 'Projects in Latin America' (Brussels: European Commission), pp. 1, https://eeas.europa.eu/archives/docs/la/drugs/projects_lac_en.pdf.

Gaitanista Self-Defence Forces of Colombia, and several smaller criminal groups.[15] Through the pact they voiced eleven demands: eight related to stopping violence and three to more 'positive' values such as respect for their cultural identity; most of these demands have gone unmet so far.[16] In 2020, more than 150 civil society organisations from the departments of Chocó, Valle del Cauca, Cauca, Nariño, and Putumayo announced a similar, but more wide-reaching, initiative, the 'Pact for Life and Peace'. It likewise calls for an end to violence and counters the government's prioritisation of military presence and toxic fumigation of coca cultivation, but also covers issues such as development plans more comprehensively.

Conflict management practices

Colombia has also featured numerous local conflict management practices situated towards the 'negative' end of the peace spectrum, especially by ethnic communities. These typically aim for peaceful coexistence locally (e.g. to solve matters between clans or families within one ethnic group) and hence negative peace, rather than conflict transformation. Through their community councils, Afro-Colombian communities in regions such as Chocó or Tumaco have historically been engaging in their own conflict management and resolution practices. Likewise, the Wayúu manage inter-clan disputes. Even where these practices partly influenced wider conflict dynamics – if they occurred in the context of alliances forged between conflict actors such as the paramilitaries – this was not necessarily intended.

Another form of localised conflict management practice involves indigenous communities, armed groups, and local authorities (rather than intra-indigenous practices). Prior to the 2016 peace agreement the indigenous Nasa in the Cauca department, for example, were relatively successful in peacefully protecting their territories from armed groups, especially the FARC. Post-2016, FARC dissidents and other criminal groups competed for this strategic drug trafficking corridor. This led to the killings of at least 52 people in Nasa territory by November 2019.[17] The change in the form of non-state order deprived the Nasa of a clear interlocutor, making their practice less feasible. Following these killings in 2019, the Nasa and local authorities in the Cauca department managed their dispute over using indigenous territory for military purposes against armed groups – the Nasa rejected the presence in their territory of not only violent non-state actors, but also the state forces. It became a nation-wide scandal and spurred debates about the role of indigenous communities in the wider conflict dynamics. This was however an unintended consequence; the conflict management practices themselves were aimed at the 'negative peace' end of the continuum.

15   Ana Isabel Rodríguez Iglesias, Noah Rosen, and Juan Masullo (forthcoming), 'Revamping Organization Efforts to Counter Post-Accord Security Challenges: The Humanitarian Agreement Now for Chocó!,' in Susan Allen et al. (eds) *Confronting Peace: Local Peace Communities and Post-Agreement Problems* (London: Palgrave Macmillan).

16   *Propuesta de Acuerdo Humanitario ¡Ya! en el Chocó* (2017), https://reliefweb.int/sites/reliefweb.int/files/resources/Acuerdo-Humanitario.pdf.

17   See UNHCHR (2019), 'Press Briefing on Colombia: Northern Cauca Indigenous Killings', https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25248andLangID=E.

Peace communities[18]

Peace communities are more limited geographically than humanitarian pacts, yet typically more 'aspiring' in their goals.[19] They can be traced back to the so-called constituent assemblies, spaces that emerged in 1997 across Colombia to foster social and political participatory processes and thus amplify local communities' voices in the national policy making process.[20] Another influence was the initiative 'One Hundred Municipalities of Peace in Colombia', implemented in 1998 by the National Network of Initiatives for Peace and Against the War (*Red Nacional de Iniciativas por la Paz y contra la Guerra* – REDEPAZ), a Colombian non-governmental organisation that aims to promote peace in the country.[21] Peace communities may be geared towards negative peace initially, for example by promoting rules that help reduce human suffering such as asking armed actors not to carry weapons in their communities. Yet, given the historical influences, peace community residents then tend to not only demand non-violence in the territories they reside in, but also neutrality in the context of the conflict's wider conflict dynamics, and aim to strengthen local capacities for sustainable development and human security.

Some of the best-known cases are Samaniego municipality in Nariño department, San José de Apartadó in Antioquia department, and Mogotes in Santander department, where communities negotiated rules of behaviour with state and non-state armed actors.[22] The post-peace agreement period saw similar initiatives. In Pacelli close to Tibú in Catatumbo, for example, communities installed white flags at the village entrance and produced 'coexistence manuals', a practice that started in 2016 and continued in 2020. This served to signal neutrality to state actors – especially the army – and to the guerrillas; the community did not want to be seen as collaborating with either side by the other.[23] Still, the effectiveness of these practices depends on whether the armed actors respect the white flag, force the communities' collaboration anyway, or retaliate in the face of the communities' refusal to take sides.

Such initiatives have at times expanded demands to include more transformative goals, yet the progression is not necessarily unidirectional from negative to positive peace. They can also quickly fall apart, as the case of the 'Friends for Peace' initiative in the village of Las Mercedes (Norte de Santander) demonstrates. Over the years, multiple armed actors exposed the village to violence, including the FARC in the 1990s, the paramilitaries who tried to oust the FARC in the 2000s, and, following AUC demobilisation, again the FARC. The ELN, EPL, and small-scale traffickers likewise operated in the region. As I learned in 2014 during a field trip to the community, in 2005, nine community leaders successfully negotiated rules with both state and non-state armed actors, allowing the community after years of isolation to engage in public celebrations again and live a more peaceful life. In 2007, however, two of

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18   In the Colombian context, peace communities are also referred to as 'peace zones' or 'peace territories'.

19   Landon E. Hancock and Christopher R. Mitchell (eds) (2012), *Local Peacebuilding and National Peace: Interaction Between Grassroots and Elite Processes* (London / New York: Bloomsbury Academic).

20   Centro de Investigación y Educación Popular (CINEP) (2007), *Sistematización y análisis de las Asambleas Constituyentes en Colombia*; Mauricio García-Durán (ed.) (2004), 'Alternatives to War. Colombia's peace processes', *Accord*, Conciliation Resources/CINEP.

21   Catalina Rojas (2004), 'The People's Peace Processes: Local Resistance Processes and the Development of a "Zone of Peace" in Colombia,' *Reflexión Política* Vol.6 No.11 pp. 70–87.

22   See Victoria Sanford (2003), 'EYEWITNESS: Peacebuilding in a War Zone: The Case of Colombian Peace Communities,' *International Peacekeeping* Vol.10 No.2 pp. 107–18, https://doi.org/10.1080/714002455; Gretchen Alther (2006), 'Colombian Peace Communities: The Role of NGOs in Supporting Resistance to Violence and Oppression,' *Development in Practice* Vol.16 No.3/4 pp. 278–91; Esperanza Hernández (2000), 'Comunidades de Paz: Expresiones de Construcción de Paz Entre La Guerra y La Esperanza,' *Reflexión Política* Vol.2 No.4, http://www.redalyc.org/pdf/110/11020405.pdf.

23   CONPEACE Forum discussions, July 2019; CONPEACE (2019), 'Colombia's Changing Security Landscape: View from the Borderlands' (Oxford: CONPEACE, Changing Character of War Centre, University of Oxford), https://conpeace.ccw.ox.ac.uk/files/conpeacebrieffebruary2019pdf.

the leaders were killed and a third one fled into exile, triggering the peace initiative's collapse.[24] Among other factors, internal divisions did not allow the community to revive the efforts. Furthermore, the increasing competition and shifting alliances of violent non-state actors over trafficking routes in the region deprived them of a clear interlocutor. Using the peace label for their village became a risk for locals because various armed groups became suspicious at peace efforts that could disempower them. In particular, left-wing guerrillas claiming to fight on behalf of the poor peasantry favoured limited development plans that included peaceful coexistence conducive to economic growth over more ambitious steps towards sustainable peace. Rather than moving on the continuum towards transformational positive peace, the locals' peace efforts retracted into negative peace, if any.

Transformative initiatives

The fourth category of local peace efforts is more explicitly directed towards positive peace. Initiatives include those advanced by specific societal groups, such as women. In 2011, for instance, the female population of Barbacoas, a village in Nariño, engaged in a 'crossed legs initiative'. It consisted of denying sex to their husbands until the government improved local road infrastructure, one of the major forms of marginalisation that had led to entrenched grievances among the villagers and reinforced their vulnerability vis-à-vis armed non-state actors in the absence of state protection.[25] Similarly, youth have been promoting positive peace through programmes such as 'Growing Together' that enhanced local education opportunities to prevent youth from getting involved in armed conflict.[26] At the regional level, the departmental strategies and plans of Nariño during the Uribe administration stand out as transformational initiatives. While, nationally, Uribe promoted a hardliner approach aimed at eliminating narco-terrorism and hence narco-terrorists by means of the Democratic Security Policy, Nariño's regional government promoted an inclusive political solution to the armed conflict.[27]

Contextualising peace efforts in specific subsets of conflicts

As this brief overview of the various peace efforts on the continuum from negative to positive peace shows, peace efforts across Colombia have been heterogenous. The distinct subset of conflict, in particular the specific form of non-state order that characterises it, influences the appropriateness and feasibility of specific forms of peace efforts. It helps explain why and when local efforts are likely to contribute to positive or negative peace.

Transformative action benefits from the existence of clear interlocutors: a message identifying needs and demands can only be effective if the sender and the receiver of this message are clearly identifiable. A joined-up community approach that facilitates collective leadership, for example, means the sender is clear and can put out a coherent message. Regarding the receiver, in two of the three forms of non-state order this interlocutor is identifiable. The first one is 'friendship', when violent

24   Annette Idler, María Belén Garrido, and Cécile Mouly (2015), 'Peace Territories in Colombia: Comparing Civil Resistance in Two War-Torn Communities,' *Journal of Peacebuilding and Development* Vol.10 No.3 pp. 1–15, https://doi.org/10.1080/15423166.2015.1082437.

25   By 2020, 49 of the 57 km has been Constructed, in large parts thanks to the initiative. See RCN Radio, 'Mujeres de "piernas cruzadas" ganan nueva batalla para construir vía en Nariño', 6 March 2020, https://www.rcnradio.com/colombia/pacifico/mujeres-de-piernas-cruzadas-ganan-nueva-batalla-para-construir-en-narino.

26   Borja Paladini Adell (2012), 'From Peacebuilding and Human Development Coalitions to Peace Infrastructure in Colombia,' in Barbara Unger et al. (eds) *Peace Infrastructures – Assessing Concept and Practice,* Berghof Handbook Dialogue Series 10 (Berlin: Berghof Foundation).

27   Gobernación de Nariño, 'Plan de Desarrollo Departamental 2008-2011' (San Juan de Pasto: Gobernación de Nariño, 2008); Gobernación de Nariño, 'Estrategia Regional Para La Cooperación Internacional' (San Juan de Pasto: Gobernación de Nariño, 2008); Gobernación de Nariño, 'Plan de Desarrollo Departamental 2012-2015' (San Juan de Pasto: Gobernación de Nariño, 2012).

non-state groups have stable arrangements, or one subordinates the others. This was the case in Samaniego in the 1990s. Here, the local community had a clear channel of communication with the ELN, who at the time dominated the region.[28] This allowed the peace community to evolve into a transformational initiative over time. Also, in contexts of 'enmity' between groups in which the frontlines are clear, the receiver is identifiable. This was the case in Barbacoas, where local women delivered a coherent message aimed at positive peace to the state which was fighting against the rebels.

In more fragmented settings of 'rivalry', that is, when armed actors shift alliances, the receiver is less clear. Demands that require action from an armed group are less likely to yield results, making negative peace the more realistic peace effort goal. Accordingly, when Catatumbo became a new hub of rivalry among armed groups vying for territorial control post-2016, the white flag campaign discussed above signalled to 'leave locals alone'; meaningful dialogue to negotiate a better tomorrow was not feasible. Similarly, the peace community in Las Mercedes lost momentum when the EPL, ELN, and smaller criminal groups started to challenge the FARC's dominance in the region. And likewise, the Nasa's efforts became less effective when the FARC's demobilisation triggered the surge of rivalling splinter groups.

Local and national processes: a transitional landscape between war and peace?

The interdependence between local and national processes is two-directional. On the one hand, national level processes have influenced the local level unequally across Colombia because of the armed actors' heterogenous presence across the territory that led to distinct types of non-state order. For example, in places of 'rivalry' where the FARC demobilised but other actors persisted, the national peace agreement diverged from continued local violence. This is the case in urban parts of Tumaco at the Pacific Coast or in Alta Guajira at the Caribbean coast. Also, the nation-wide 'negative peace' efforts of ceasefires (that reduced casualties rather than built peace) trickled down unevenly. In many parts of Arauca, an ELN stronghold, FARC ceasefires were less impactful than ELN ceasefires which, in turn, were hardly felt in other parts of the country.

On the other hand, some local peace efforts had bottom-up effects by evolving into initiatives that gained momentum nationally. The Samaniego peace community, that began in 1998 under the local mayor's leadership, led to replications throughout Colombia. Its success was rooted in the high levels of participation of a cohesive community with collective leadership, the direct communication channel with the ELN – the most influential armed actor present in the region – and the support from REDEPAZ. Once it became integrated into the REDEPAZ network, the community exchanged knowledge with other members and gained more visibility in the media. This encouraged the community to engage in more public demonstrations which received further visibility in return, leading other communities to follow its example.[29]

Where does this leave us regarding the transitional landscape between war and peace? First, these examples confirm that the 2016 peace agreement should *not* be understood as a general turning point from war to peace in Colombia. Peace efforts already existed before 2016, when the armed conflict was formally ongoing.

28   Idler, Garrido, and Mouly, 'Peace Territories In Colombia'; Cécile Mouly, María Belén Garrido, and Annette Idler (2016), 'How Peace Takes Shape Locally: The Experience of Civil Resistance in Samaniego, Colombia,' *Peace and Change* Vol.41 No.2 pp. 129–66, https://doi.org/10.1111/pech.12184.
29   Idler, Garrido, and Mouly, 'Peace Territories in Colombia,' pp. 9–10.

Similarly, armed conflict continued after 2016, even though the period was formally labelled peace time. The 2016 peace agreement can thus be more usefully understood as an important milestone in a changing security landscape – the beginning of the demobilisation of the then-largest rebel group in Colombia.

Second, the discussion shows that local and national efforts have often been in discord. In Nariño, they were antagonistic during the 2000s. At that time, nationally, peace talks were inconceivable in a situation in which then-President Uribe denied the existence of an armed conflict and referred to 'terrorism' instead.

This antagonism evolved into a more positive relationship. However, even – or especially – after the FARC peace deal, local peacemakers still felt neglected: national decisionmakers interpreted 'territorial peace' as bringing peace from the centre to the margins, often ignoring pre-existing local initiatives. The disconnect between the power centre and processes in marginalised, conflict-affected areas is striking. For example, a senior government official at the forefront of the FARC peace process stated the government would bring opportunities to these regions so that youth do not just hang out at billiard tables but receive education – yet these communities did not even have billiard tables. Pressed on the question how the government included the voices and concerns of the indigenous Wayúu in the peace process, another high-ranking government official confirmed to me in 2016 that they published information about the negotiations online, accessible to all – not recognising that many Wayúu have no internet access and do not speak Spanish, but their native Wayúu language. Across Colombian territory, there was no unifying narrative about a future in peace. At the regional or local level, the FARC provided that narrative and communities did so for themselves – perhaps this is why the country and its vision of peace continues to be fragmented.

Conclusion

The case of Colombia demonstrates the importance of recognising distinct local non-state orders that emerge in multi-party conflicts for local and national peace processes to be effective and mutually reinforcing. Implementing national peace processes geared towards only one actor can put local populations more at risk if it ignores the non-state order shaped by the presence of multiple violent non-state groups whose strengths and interaction logics vary across the national territory.

Local peace processes can account in a more nuanced way for distinct forms of non-state order across heterogenous geographies and assess to what extent these dynamics allow for efforts geared towards negative or positive peace. When communities have a clear interlocutor to whom they can make demands, positive peace seems more achievable than in contexts of rivalry where negative peace may be a more appropriate starting point. For peacemakers, this shows the need to first identify what kind of non-state order prevails in a given territory in order to evaluate whether positive peace efforts are feasible. If not assessed properly, well intended peace efforts can cause more harm than good, as in the case of using the peace label where this is risky.

The relationship between these local conflict dynamics and the potential for success of efforts to reach positive, rather than negative, peace is particularly relevant in post-peace agreement periods. State presence did *not* shape the order that emerged in the aftermath of the 2016 peace agreement in Colombia's war-torn regions. Rather, once the FARC as the strongest non-state armed actor had demobilised, a more fragmented, unstable constellation of armed actors characterised local non-state orders. This is exemplified by the case of the Catatumbo community where the ELN, EPL, and FARC dissidents stigmatised people as state collaborators because

they were asked to help the state promote peace efforts. Once the state had left, they were vulnerable to acts of retaliation by these other armed actors. Throughout Colombia, the 'rivalry' form of non-state order has become more prevalent because armed groups are competing over the power voids left behind by the FARC (both in terms of their power vis-à-vis the government, and in terms of their illicit economic power). Local positive peace efforts are therefore becoming more difficult, in more regions, because these efforts typically rely on the availability of a clearly identifiable interlocutor that can receive and implement a certain message in a coherent and consistent way. It is in these regions of multiple rival armed actors, driven by the illicit economy, where the pathway to sustainable peace seems to be longest.

Yes, every individual needs to sow peace, as the women's leader quoted at the beginning of this chapter pointed out. But some parts of the soil may need more fertiliser for this seed to blossom than others.

The experience of local peace committees in conflict-affected areas of Pakistan

Farhat Ullah and Nizar Ahmad

Introduction

In today's world, local conflicts affect peace at a local, national, regional and global level. The presence of Al Qaida and the Taliban movement in Afghanistan not only disturbed the local level peace but created insecurities for states in the region as well as threats to global peace, as is clear from the incident of 9/11. In the same way peace processes with the involvement of local actors contribute to the agenda of national and international peacebuilders. Lederach (1997) proposes such a model in which the involvement of three levels of actors, namely international, national and local, are necessary. Local level actors are important in terms of acceptability, legitimacy, ownership and provision of information and support to both national and international level actors. Keeping this in mind, other scholars such as Mac Ginty and Richmond[1] and Millar[2] have written on the importance of a local turn in peacebuilding. In line with this, the local actors in the conflict affected areas of Pakistan have made substantial contributions to the peacebuilding efforts. This paper presents the case of one of the traditional approaches for peacebuilding in the northern part of Pakistan, exploring the nature of local peace agreements, and various issues that are resolved in such agreements. We argue that conflict-affected areas in a state also have traditional peace process systems and that too has a significant role to play in peace.

Local peace processes are difficult to define and to differentiate from national, regional, or international peace processes. Mostly, the local peace process is based on a traditional approach towards dispute settlement and conflict management. The term 'local' refers to the web of relationships that arises at the local level.[3] Most visibly, peace processes occur at the national level, generally including high-level international actors, government, and military actors. When we move to the local level, defining the term 'peace' proves to be challenging. We use the term 'local peace processes' specifically addressing the conciliation processes involving local actors, who speak about local causes of conflict within a part of the wider conflict-affected area.[4] Hence local peace processes are shorter and based more on local issues. The actors involved may include: community representatives, local influential elders or leaders, villagers, faith-based groups, religious leaders, local political leadership, local social workers, and in the case of Pakistan, personnel of law enforcement agencies like police and army etc.

1   R. Mac Ginty and O.P. Richmond (2013), 'The local turn in peace building: A critical agenda for peace', *Third World Quarterly* Vol.34 No.5 pp. 763-783.

2   G. Millar (2017) 'For whom do local peace processes function? Maintaining control through conflict management', *Cooperation and Conflict*, Vol.52 No.3 pp. 293-308.

3   For more on the different actor permutations across local peace processes in Syria, see Juline Beaujouan (2020), 'PA-X Local: Note on the local peace processes in the Syrian conflict', Edinburgh: Political Settlements Research Programme, https://www.peaceagreements.org/publications

4   P. Justino, R. Mitchell and C. Muller (2018), 'Women and Peace Building: Local Perspectives on Opportunities and Barriers', *Development and Change*, Vol. 49, No. 4, pp 1-19.

Nature of local agreements and the process in Pakhtun tribal society of Pakistan

Local peace agreements are based on diverse issues that disturb peace in society. There is a common saying that Pakhtun conflicts are based on *zan, zar, zameen*[5] which means that most issues are related to land, women, or business. But the most common issues are those related to land or women, and sometimes the issue of armed conflict may disturb the peace of the locality as well. Land disputes arise mostly with regard to inheritance. Women, though considered as the cause of conflict, play no active part in conflict. They are mostly victims of conflict. In the local cultural norms, women are considered a symbol of family honour and protecting the honour of women is supposed to protect the honour of the family. Any disrespect or harm to a woman is not tolerated by male members of the family and such cases result in violent conflict and long-term enmities between families. Women's role in both conflict and peace is often passive, having no power or say in these processes. But women-related issues are more serious and rarely negotiated, while land-related issues are handled by local elders under customary laws.

Regardless of the type of issue, negotiation and agreement are conducted under the local cultural norms in which local elders have to perform a key role. They are influential people in their community who exercise traditional power and their decisions are respected by the community. In most cases, there are no formal agreements but verbal agreements are mostly followed and have a strong influence. Those who negotiate these agreements also take responsibility for their enforcement as they are considered the leaders of the community and have traditional authority to hold people accountable. In case of non-compliance they may order a communal action against the violators of the agreement, which is in line with local norms and accepted by the local community. In rural areas, verbal agreements are considered stronger while in cities people may opt for putting the agreement on paper.

While speaking about the role of local actors in building peace in a situation of armed conflict, we can take the example of the valley of Maidan of the Lower Dir district[6] in Pakistan, which is a conflict-affected area where the Pakistan military started action against the militants in 2009. To avoid conflict, local people made continuous efforts to pressurise both the non-state and state actors to refrain from conflict, using political influence, Local Peace Committees (LPCs) of local *jirgas* (traditional assemblies), and through print and electronic media. The *jirga* comprising the elders of the locality of Lower Dir condemned the militants' attacks on army check posts but they also opposed the army operation and guaranteed the authorities assistance in containing extremist events. To retain the rebellious happenings in the area, elders of the *jirga* activated Local peace committees (LPCs). In areas where state control is weak, indigenous social structure offers a more consistent and powerful path to peace.[7]

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5   In Pashto, women, property and land.
6   Lower Dir is a district in Malakand Division of Khyber Pakhtunkhwa, Pakistan. The area is located in the northwest of Pakistan very near to the Afghanistan border.
7   J.P. Lederach (2005), *The Moral Imagination: The Art and Soul of Building Peace* (Oxford, Oxford University Press), pp. 16.

Who initiates peace process and what type of actor is involved?

LPCs' organisation, function, and role varies from region to region, including aims such as 'promoting reconciliation' or 'violence prevention' or more specific short-term aims such as ensuring peaceful conduct of elections.[8] LPCs are popular and notable due to their 'soft approaches' to peace-making. The selection of members is consensus-based. A person selected to chair the LPC must have demonstrated noteworthy support and influence in peace-building activities or processes in the past. Morgan[9] states that a person who wants to be selected a chairperson of an LPC must have past contributions linked with peacebuilding in their locality. The structure and functions of LPCs are generally established on choice by the local communities. However, Adan and Pkalya[10] believe that LPCs are formed by army or NGOs in most of the conflict-affected countries. In the area of Swat and Lower Dir, typically LPCs were established at the direction of government to counter militancy. Members of the LPCs were selected from local villages which included village elders, religious scholars (*ulemas*), political activists and social activists. In the area of Lower Dir the LPCs also extended their support in post conflict peacebuilding but they were mostly reliant on external sources, that is NGOs and the government organisations since LPCs lack resources and capacity.

The role of local elder or leadership in LPCs in Pakhtun culture is very important and wide-ranging. In Pakhtun tradition, elders are expected to take initiatives for peace and have authority to stop conflict, violence, and bloodshed. They intervene and stop conflict under the customary practice called *tiga* (truce). *Tiga* is a ceasefire agreement between the conflicting parties for a limited or unlimited period under the guidance of local level leadership who ensure the peaceful resolution of the issue for both the parties. In case of violation of this agreement the deviant party is fined by these elders. This is why parties in conflict refrain from hurting each other when they are under *tiga*. During this time both the parties remain peaceful and wait for the elders to resolve the issue. Local values and customary practices are the binding force that influences people to comply; for example, once a truce is in place then nobody is supposed to violate the truce otherwise he will lose his credibility and the local elders may not come again for resolution of his issues because he has no regard for local norms and elders. Elders are respected and their words are considered final. They are also considered just and neutral.

Format of local peace agreements in Pakhtun society

There are no specific formats for agreements used but the traditional practices guide the process. Verbal agreements have witnesses, while written agreements may be written by an educated person or a lawyer on stamped paper. The agreement reached by a *jirga* is mostly considered final and binding by both parties. Pakhtun society being a collectivist society, the agreement is often known to the community, and breaching the agreement also causes social pressure from society. Such agreements are considered final and people rarely breach them, due to social pressure.

8   P. Nyroud and A. Beckley (2001), *Policing, Ethics and Human Rights* (Devon, Willan Publishing).

9   C.E. Morgan (2005) 'Peace building and Human Security: A Constructivist Perspective', *International Journal of Peace Studies* Vol.10 No.1.

10   M. Adan and R. Pkalya (2006), 'The Concept Peace Committee, A Snapshot Analysis of the Concept Peace Committee in Relation to Peacebuilding Initiatives in Kenya', *Practical Action*.

The uniqueness of the practices and local peace process in Pakhtun society

Although in rural areas peace agreements are mostly informal or verbal (with witnesses), in urban areas, the increasing complexities of urbanisation means that formal agreements are more often needed. In cities, people do write their agreements. Sometimes, educated people in the villages also place more emphasis on written agreements. Moreover, the people who make the agreements will not remain alive forever, so, to create a record and evidence for the next generations, the formalisation of agreements is vital. Producing a written agreement may reduce the likelihood of future conflicts on issues already resolved in the past.

The role of LPCs in reaching out a peace deal can not be ignored in conflict affect areas. As we observed personally the significance of LPCs and found that they can usefully reduce various forms of violence and conflicts. LPCs worked as a bridge between local communities and government especially law enforcement agencies in Lower Dir. They negotiated the peaceful integration of ex-combatants with law enforcement agencies to agree upon common grounds on the peaceful returns of militants who were disarmed. LPCs perform a diversity of tasks by solving numerous serious disputes through dialogues by peaceful means. Similarly, the United Nations Department of Economic and Social Affairs (UNDESA) affirms 'the significance of dialogue and discussion as an indispensable tool in reaching to common agreement on the social integration practice'.[11] LPCs by using traditional methods, raise awareness in the community and strengthen civil society by giving it a role in managing conflicts, and also by instituting a procedure to monitor conflicts and to protect human rights. LPCs are effective in settling disputes even in exceptionally violence-prone societies, as evident from their role in the armed conflict in Pakhtun society. Reconciliation is important in dealing with the most terrible issues of human rights violations, to compensate victims and strengthen the social fabric. It was observed in many areas of Lower Dir, that government and NGOs involved LPCs positively in conflict assessment, investigation of atrocities, reconciliation, problem-resolving workshops, capacity building, and even in the most important work of rehabilitation. However a key problem is lack of funding for the work and capacity-building of LPCs as these are working on a voluntary basis and sometimes lack resources for their work. This negatively affects their performance and organisational strength. Dressel and Neumann have raised a similar concern about the lack of funding and institutional capacity needed by LPCs.[12] LPCs in the conflict-affected areas of Lower Dir strengthen civil society by extending their hands to other social organisations working for the promotion of peace and development. The role of LPCs is important in the development of the area as they represent the true local turn. They support the national government and other national and international organisations working in the area for peace and development. LPCs facilitate reconciliation forums, peace dialogues, coordinate peace activities, and hence strengthen civil society.

11   UNDESA (2007) *Participatory Dialogue: Towards a Stable, Safe and Just Society for All* (New York, United Nations), pp. 3.
12   D. Dressel and J. Neumann (2001), *The Long Road to Peace: Constructive Transformation in South Africa*. (Munster, LIT Verlag), pp. 132.

How local processes relate to the peace process at national and international level

A question often arises relating to the impact of the local peace process on the national peace process. Local peace agreements have a short term perspective compared to national-level agreements. Local peace efforts have direct impacts on the national level peace process and peace-making efforts. They provide a cheap alternative to negotiation and power-sharing compromises at the national level. Local conflict can be a breeding ground for issues affecting national and international level peace. Local peace efforts can block the conflicts at an early stage.[13] Local peace efforts safeguard the national interest at the local level. Because of the lack of involvement of the local peace actors in early stage of conflict in Lower Dir, the military operation was started against the militants that seriously affected the local people and local peace as well. The experiences of the local peace process in Lower Dir show that there is no shortcut available for resolving local conflicts and for conflict resolution local capacities must be used by avoiding military direct action in the conflict. The acceptance of local actors by national actors is an essential condition for it to be effective.[14] Moreover, during conflict and in post conflict situations local peace capacities are important to take on board. They are a helping hand for government and other national and international organisations to work on the ground having a local authority. Efforts that involve such local peace capacities are more sustainable, as national and international organisations cannot stay for long on the ground as they have funding issues, while local organisations such as LPCs are traditional structures working for years in the community on voluntary basis.

Moreover, local events have global impacts and the violent actors which threaten global peace are often found at the periphery of countries in areas outside the control of state. Anti-peace elements in any corner of the world can threaten the global peace. National and International peace organisations need to partner with local peace actors to understand the real situation and intervene with legitimacy. However, the nature of peace negotiation and agreement at the local level involves different standards from those applied by national and international actors. For example, the violent actors in Dir, a patriarchal society with strong influence of religion, needed to be handled according to the local custom and religious practices. In such cases speaking about international rights of women by western educated peacebuilders may not be an appropriate approach. However, a hybrid approach with the support and involvement of local actors such as LPCs and local religious figures would be a more better and acceptable way to engage with local actors in the conflict. In this regard some of the activities of the LPCs are discussed in the following section.

Peacebuilding efforts of LPCs

Local peace committees in the conflict-affected area of Lower Dir helped the national actors to address local issues and problems particularly by helping to identify anti peace elements and provide information to law enforcement agencies helpful in investigating anti peace elements, demobilising and reintegrating local militants and monitoring cross-border movement of terrorists. Apart from these, the most important function of the LPCs was their support in the post conflict rehabilitation process. LPC members played the role of local civil society organisations and remained partners with national and international developmental organisations

13   J. Pospisil, L. Wise and C. Bell (2020), *Untangling Conflict: Local Peace Agreements in Contemporary Armed Violence* (ASPR Report No. 5). Stadtschlaining, Austria: Austrian Study Centre for Peace and Conflict Resolution. pp. 19.

14   A. Boswell (2019), *Do local peace deals work? Evidence from South Sudan's civil war* (Kampala: Friedrich-Ebert-Stiftung Uganda); M. Bradbury, J. Ryle, M. Medley and K. Sansculotte-Greenidge (2006), *Local Peace Processes in Sudan. A Baseline Study* (London: Rift Valley Institute).

in post-conflict peacebuilding. LPCs assisted the national and international organisations in safe return of displaced families. They also helped in the rehabilitation of damaged houses and hundreds of shelters were built for vulnerable families with the support of international organisations. Thousands of people were provided cash grants, food items and non-food items by national and international organisations with the support of LPCs. LPCs played a key role in the assessment and monitoring of the delivery of this support to vulnerable families. Their most important contribution to the reconciliation process was reaching agreement on reintegration of the former combatants. They assured the government about the peacefulness of such ex-combatants and their monitoring in the community.

Such agreements produce an environment of normality that facilitates local business, allows children to go to school, and facilitates displaced persons in returning to their homes in a more secure environment. However, the results of such agreements and local peace efforts can be more advantageous if international actors in these areas connect to national and especially to local actors. In the area of Lower Dir, security forces remained important actors for peace, while the local people were not in favour of military action; that resulted in lowering the participation of local people in LPCs and mostly local political activists and religious actors were involved. Moreover, financial and technical support can further enhance the effectiveness of local peace efforts, as the role and participation of international donors in the area of Lower Dir was not visible.

Advantages of local peace committees

Many experts have highlighted the importance and challenges of LPCs in their findings. Ball, for example, focused on the significance of local responsive solutions which are the more genuine, acceptable and accessible way, by linking state and communities through citizen participation and exchange of information in the form of LPCs including local political as well as religious figures.[15] It was observed that indigenous actors are more reachable, nearby, inexpensive, and can be involved more quickly. Local agreements by LPCs in Pakistan are binding due to the role of social pressure. Besides that, there is very little to no chance of becoming involved in bribery, as compared to state actors, as local actors are working for their people in their community. The local peace builders might not be considered as intellectual, not having formal degrees, but they utilise their cultural knowledge and the outcome of the process has validity in the eyes of the parties concerned. To get more negotiation and facilitation skills to use in dispute resolution, volunteer LPC members could usefully be supported with training in some cases; also, there is no remuneration and sometimes it is not possible for them to undertake the operation's costs from their own pockets. In contrast, Chris Spies reveals that in the case of the South African National Peace Accord, more than 260 LPCs were established across the country, in many areas becoming 'involved in coordinating the 15,000 trained peace monitors drawn from all sectors of society. The volunteer LPC members were trained in dispute resolution, meeting facilitation and negotiation skills and were compensated for out-of-pocket expenses.'[16] Despites of such lack of funding and formal skills, elders in the area of Lower Dir held many *Jirgas* directed against the terrorists in the region and they assured peacefulness of the local communities towards the government, but at the same time they also condemned the armed

15   N. Ball (1998), 'Managing Conflict. Lessons from the South African Peace Committees', USAID Evaluation Special Study Report, Centre for Development Information and Evaluation.

16   C. Spies (2002), 'South Africa's National Peace Accord: Its structures and functions', *In Accord,* Owning the process, public participation in peacemaking, Issue noo.13 retrieved from https://www.c-r.org/accord/public-participation/south-africas-national-peace-accord-its-structures-and-functions.

actions of the government. Local elders were not in favour of the use of force from the government side against anti-state elements and instead formed LPCs to keep a check on disruptive events in the locality.

Conclusions

The findings of this essay expand on the lessons learned from examples piloted in other countries about the participation of local people through LPCs and their essential role in peace-building. The contributions of LPCs in peace-building are significant because they link the national and international level actors with the local vulnerable population. Such types of partnership are necessary to reduce a trust deficit, as local people distrust the actions of the state and international organisations, while accepting the actions of traditional actors. The issue of ownership, legitimacy and acceptability is easily resolved by the involvement of local actors in the shape of LPCs. LPCs also provided essential information to state actors and helped the law enforcement agencies in identification of local miscreants. LPCs also monitored the activities of local people and kept an eye on rebellious happenings in the locality. The LPCs with the support of local communities fostered public opposition to the insurgents and helped reintegration of those militants who were ready to lay down their arms. Local traditional authority and community acceptability are the main factors in the success of LPC activities. Based on this study, the authors conclude that the presence of LPCs is important in conflict-affected areas. An answer to the conflict might be found by working jointly in coordination with LPCs to offer necessary support and information to the state actors. LPCs' contributions to the prevention and eradication of militancy are very important as this encourages social justice, peaceful coexistence, and efforts for the progress of the area. However, there is a need for further research to elaborate on the problems faced by LPCs and their organisational structure in their operations.

Local pathways to peace
Annika Björkdahl

What is peace and where does it take place? Peace is a value-laden and contested concept. It can be seen as both a process and a goal, following multiple parallel paths, always fleeting, unfinished, always aspired to and unlikely to converge on a single agreed understanding. Globally, multiple processes have led to a complex peace architecture, building on traditional top-down and bottom-up perspectives of peace processes. Yet, these perspectives do not fully capture the layered, transcalar dynamics of peace. Thus, in order for peace not to be an abstract idea, an absent architecture or an ambiguous aspiration, critical approaches to peace research have paid increased attention to local dimensions of peace and advanced what has become termed 'the local turn'.

It is important to focus on the local because we have seen that internationally promoted and nationally negotiated peace accords often fail to take root in conflict-affected societies, and one reason seems to be that national peace accords do not reflect local understandings of peace, and these peace accords may not address local conflict dynamics. The concept helps us unpack broader questions pertaining to where peace takes place. It also helps us raise critical questions about the quality of peace and about the local in relation to the global. Paying attention to the local also has implications for understandings of the nature and location of power in peacebuilding. From a spatial perspective, processes of peace are always situated within and constitutive of different spaces and places.

Local peacebuilding involves a number of place-based and people-related processes such as mediating intergroup competition over territory and resources; constructing safe, shared public spaces; limiting the expression of conflictual discourses; and dismantling material barriers in order to build positive relationships, heal wounds, reconcile antagonistic differences, restore esteem, respect rights, meet basic needs, enhance equality, instil feelings of security, and empower the disempowered.

Yet, the 'local' in peace research is an elusive notion; it is a broad and sometimes all-inclusive term. It may refer to the local level of analysis, the local scale, the local context or a local place. It may also refer to actors, i.e. locally-based actors or groups of local actors, such as local elites, and the expression of local agency has gained attention in critical peacebuilding research. Moreover, unpacking the local we find that the local may also refer to local issues that are pertinent in a particular context. However, discussions on localness and local agency run the risk of stereotyping or othering the local, or making it mysterious and romanticising it. In a sense, the local becomes important only in searching for authenticity, thus turning the local into something homogenous and/or unidimensional. The notion of local is inherently relational and most often contrasted with the global, whereby it is confused with the national or the state level rather than indicating the sub-national, local level. To maintain its attraction local peace thus needs to remain limited in scope, time and space.

In research on urban peacebuilding 'the local' has come to refer to cities, and it brings to the fore the urban as a particular place for peace and peacebuilding. The city is at once deeply local and profoundly global and this has implications for both the 'local' and the 'global'. It is important in the sense that it is a place to locate peacebuilding efforts, to emplace peace. Research concerned with why divided cities such as Belfast, Mostar and Nicosia have been resistant to peacebuilding efforts aimed at

reconstruction, reintegration and reconciliation has gained new interest. The urban has then been used as a prism through which to view and understand peacebuilding processes localised in the city and describe how the urban conditions the building of peace, its maintenance or resistance to it.

So, the concept of local peace processes is useful because it makes visible the need to emplace peace; peace is not an abstract idea, it needs to materialise and to take place. In that sense the concept demonstrates the power of place. Moreover, this concept of local peace process allows us to also hear and take into account local voices rarely heard in the national and international politics that shape peace processes and peace accords. This concept also helps to spot 'peace gaps', the shortfalls between internationally brokered peace accords and local understandings of a just peace.

Local peace processes seem to become particularly relevant in at least three situations. First, in situations where national level peace processes become stalled, local peace processes may present an alternative avenue to address violence in the interim. Second, multilevel and trans-scalar conflict dynamics seem to require multilevel, trans-scalar peace processes. Third, local peace agreements can also be needed when state authority is limited, perhaps because the state is distant, has no impact, no control or authority in the place, or is not seen as legitimate, and against this background such a state cannot negotiate or uphold a peace agreement.

How do local peace processes relate to national and international processes? The relationship between local peace processes and national and international processes is particularly intriguing. In general, when we think about the local, we often view it in spatial terms, and by doing so the obvious 'other' as a point of reference would be the global. Most conflict dynamics are trans-scalar and in order to address these dynamics local peace processes most likely will have to interplay with national and global peace efforts in order to build a just and sustainable peace. By utilising the concept of 'friction' to analyse the assumptions embedded in global–local encounters, we are able to destabilise the boundaries between the global and the local and it helps us see that the 'global' and the 'local' are in constant confrontation and transformation.

Friction is a concept that highlights vertical and asymmetrical relations between the global and local. In social sciences, much interaction is regarded as frictional, as power and resistance to power often come into play. Such frictional encounters change facts on the ground as they create new and messy dynamics, agencies, and structures as well as unexpected coalitions built on 'awkwardly linked incompatibles' based on either universal or particular ideas. In addition, friction is able to capture and situate empowered and disempowered local agency, which contributes to an understanding of the transformation of local agency.

Local peace accords are particularly pertinent when they inspire national and international peace processes, and when new actors become part of peace processes, broadening the peace constituency. Local peace accords are constructive and important when they contribute to close peace gaps, i.e. shortfalls between the national accord and people's understanding and experience of peace. However, the notion of local peace accord may risk feeding into understandings of local conflict as limited conflicts that can be singled out and addressed on their own. Another risk to be addressed relates to how local peace processes deal with local 'peace spoilers'. By rescaling our analysis of peace and zooming in on the emplaced peace, we may be able to answer questions regarding where peace takes place and we may be able to map trans-scalar peace dynamics, islands of peace in conflicts, and everyday peace rooted in peoples' everyday.

The intertwined relationship between the global and the local, the formal and informal and the outcome of such global/local interplay is often conceptualised in terms of the hybrid peace, which in existing research often is seen as a more authentic alternative to the liberal peace, as it taps into local knowledge, broadens the peace constituency, and generates legitimacy. Yet, there are a few critical questions that the peace and conflict research community still need to seek answers to, such as: How to scale up from local peace processes to national peace processes? How can we think of peace in the plural, i.e. peace(s) and peace on different scales? The everyday is now occupying a more central place in discussion about peace; how does the everyday peace relate to local peace processes? Peace is connected to power, yet how is it related? Finally, the idea of local peace processes also brings to the fore the notion of knowledge production in peace studies; we need to critically assess how local knowledge is valued and raise questions about where knowledge about peace is produced.

Contextualising local peace agreements: multi-scalar peace

Roger Mac Ginty

Introduction

The notion and practice of local peace agreements immediately raises questions of scale: what or where is the local? How might local peace agreements connect with other agreements? Is it possible for local peace agreements to have a significance wider than the locale? These questions occupy this short essay. The essay seeks to address the questions by making three points: that peace is multi-scalar, that peace is multi-dimensional, and that we need to take seriously the issue of power. In sum, the three points strive to place local peace agreements, and local peacemaking and peacebuilding, in perspective. They also emphasise that peace and conflict are best seen as a system: a messy, incomplete, evolving system in which peace and conflict are ultimately connected.

Peace is multi-scalar

Violent conflict is often multi-scalar and seeks to be totalising.[1] Conflict actors often seek to engage with or thwart their opponents at multiple levels: the personal, emotional, familial, physical, the local, the national, the international, the transnational and all levels in between. Actors will be opportunistic and seek to exploit their own advantages and the disadvantages of their opponents. In a similar way, de-escalatory moves can take place at multiple levels. This notion of 'diffuse' de-escalation (as Bell and Wise term it)[2] is useful as it suggests a messiness of deconfliction occurring at different levels. One striking element of the essays arising from this study is variation within contexts. Thus peace and conflict in Libya, South Sudan, or Colombia cannot be seen in the singular or uniform. Libya, South Sudan, Colombia and other conflict contexts do not constitute unitary political entities with a uniform amount of peace or conflict affecting the territory. Instead, they are complex political, social, cultural, and economic spaces with variegated peace and security-scapes. There may be pockets in which tensions are high and violence or the threat of violence is common. There may be other pockets in which there is a sense of *communitas* or everyday peace at the local level.[3]

There is no guarantee that a local ceasefire, a peace zone, or civility among the community is mirrored elsewhere or generally across the territory. Numerous studies have shown how individuals, communities, and localities have sometimes bucked wider trends and engaged in pro-peace and pro-social actions that stood in contrast to more generalised incivility and violence.[4] Often this has involved iconoclastic individuals and communities who have had the bravery to be transgressive of

1   E. Halperin (2014), 'Emotion, Emotion Regulation, and Conflict Resolution'. *Emotion Review* Vol.6 No.1 pp. 68–76, pp. 69.

2   See 'A globalised practice of local peace agreements' in this publication.

3   H. Berents (2015), 'An Embodied Everyday Peace in the Midst of Violence'. *Peacebuilding: Every Day Peace and Youth* 3(2): 1–14; S. Pöyhönen (2018), 'Room for Communitas: Exploring Sociomaterial Construction of Leadership in Liminal and Dominant Spaces'. *Leadership* Vol.14 No.5 pp. 585–599.

4   C. Mitchell and S.A. Nan (1997), 'Local Peace Zones as Institutionalized Conflict'. *Peace Review* Vol.9 No.2 pp. 159–162; A. Moore (2013), *Peacebuilding in Practice: Local Experience in Two Bosnian Towns* (Ithaca: Cornell University Press).

prevailing attitudes to out-group members.[5] Of course, for many people the costs of such transgressive stances or actions would be too great and so they stay quiet.

One of the key findings arising from the cluster of projects that constitute the Everyday Peace Indicators programme has been that many people experience peace and conflict at the hyper-local levels.[6] The home, the family, and the immediate neighbourhood comprise the principal zones where conflict and violence are experienced, narrated, and embodied. Of course, this hyper-local sphere is contained within (and helps co-constitute) other spheres. This hyper-localism then encourages us to ask what is meant by the term 'local' in 'local peace agreement'. The geographic area covered by a local peace agreement might actually seem quite extensive to some individuals and communities who tend to see peace and security-scapes in a hyper-local way: routes to work, school and shops, relations with immediate neighbours, and the ability to safely carry out care duties or access what public goods might be available. Those who make, and break, local peace agreements might be remote and replicate elites at a national level. Just as many national level peace accords rely on 'trickle down peace', not all local peace agreements will have a granularity that allows them to reach the hyper-local level.

Peace is multi-dimensional

Just as peace and conflict are multi-scalar (that is, they occur at different levels of society and politics), they are also multi-dimensional. So in addition to the dimension of space (the local, the national, the international etc.) it is worth thinking about peace and conflict in other dimensions, particularly the difference between the material and immaterial spheres, and in relation to time.

It is worth noting that time is under-studied in relation to peace and conflict, with most work concentrating on 'ripeness' and deadlines in negotiations.[7] Different societies and cultures can have different conceptualisations of temporality.[8] This might have a bearing on peace in that some societies and cultures might be fixated on reaching an accord or some other milestone by a particular date, or may wish to measure peace accord implementation in terms of timeliness. Other cultures and societies may have a less fixed attitude towards time and so may see a 'timetable' or schedule linked to a local peace agreement as not particularly relevant.

In many cases, we are able to identify multi-speed peace processes with individuals, communities, political parties, militant groups, third party mediators, the media, and others having different levels of acceptance of the need to change, compromise, and reach agreement. There is often a highly complex variable geometry at play, with some actors more ready to compromise than others, and society and politics often much occupied by inter-group and intra-group persuasion and discussion. We have seen cases in which national and international actors are more ready to reach a peace accord than local actors. Conversely, there have been instances in which individuals and communities seem more advanced in their toleration of the out-group than political leaders. In localities there may be what sociologists call a 'societalisation', or an acceptance that change is necessary and it is the responsibility of communities

5   J. Krause (2017), 'Non-Violence and Civilian Agency in Communal War: Evidence from Jos, Nigeria', *African Affairs* Vol.116 No.463 pp. 261–283; P. Firchow (2019), *Reclaiming Everyday Peace: Local Voices in Measurement and Evaluation After War* (Cambridge: Cambridge University Press).

6   Firchow, *Reclaiming Everyday Peace.*

7   M. Pinfari (2011), 'Time to Agree: Is Time Pressure Good for Peace Negotiations?' *Journal of Conflict Resolution* Vol.55 No.5 pp. 683–709; W. I. Zartman (1991), 'Conflict and Resolution: Contest, Cost, and Change'. *The Annals of the American Academy of Political and Social Science* Vol.518 No.1 pp. 11–22.

8   R. Read and R. Mac Ginty (2017), 'The Temporal Dimension in Accounts of Violent Conflict: A Case Study from Darfur'. *Journal of Intervention and Statebuilding* Vol.11 No.2 pp. 147–65.

to make that happen.[9] In Northern Ireland, for example, Protestant-unionist-loyalist politicians reached power-sharing arrangements with Catholic-nationalist-republican politicians at the local government level many years before the 1994 Belfast Agreement was reached. It suggested a utilitarian pragmatism that was supported locally. Yet, even though the same political parties were involved, a power-sharing agreement for the whole of Northern Ireland was not reached until a number of years afterwards.

In terms of the difference between material and immaterial spheres, it is worth noting that peace processes and peace accords will have both. The material sphere may involve improved physical security or access to economic resources that arises from agreement among parties. The immaterial sphere involves the perception of what peace should be like, and how it is taking form. Different actors will place different weight on the material and immaterial. For some, the peace imaginary will be expansive and optimistic. Others might fear the version of peace on offer, or at least treat it with greater trepidation. Given our interest in local peace agreements, it is worth noting that localised actors might have a very different peace imaginary than actors at different levels. This localised peace might emphasise highly-localised issues, connect with cultural mores and expectations, and be articulated in ways that resonate locally. All of this might be out of sync with peace agreements that are reached at other levels.

Power

All discussion of conflict, peace, and politics needs to take account of power. Indeed, many peace accords – local, national, and international – rely on orthodox forms of power. In short, they rely on 'power over', or the ability to coerce, sanction, or discipline others into accepting an accord.[10] There may be incentives involved too (for example, the promise of resources) but ultimately many accords rely on the threat of sanctions should conditions or provisions not be met. When thinking about local peace agreements, it is worth considering the extent to which the actors involved have the power to effect their will, to sanction others, or to resist sanctions. It is also worth considering – in the constellation of local, clan, national, international, and transnational power – how local peace agreements connect with national level agreements. Do local actors have the power to override national agreements? Are they able to dissent, innovate, or derogate?

The discussion on material and immaterial spheres in the section above reminds us that there are other types of power aside from what Kenneth Boulding termed 'threat power'.[11] There are also more emancipatory forms of power such as 'power with', 'power to' and 'power from'.[12] These types of power might be enacted and embodied at the everyday level in the actions, speech, stances and logics of individuals and communities as they seek to navigate through life in a conflict-affected context. They may find their way into local peace agreements, especially those that rely on traditional or indigenous social processes (see, for example the contributions to this study by Ullah and Ahmad, or Lino Agwella). These types of power may also be how local peace agreements take form. Most peace agreements, especially those that are in written form, are statements of intent. Without action they remain nouns rather than verbs that are enacted, embodied, and take practical effect.

9   E. Peruzzotti (2011), 'The Societalization of Horizontal Accountability: Rights Advocacy and the Defensor Del Pueblo de La Nación in Argentina', in R. Goodman and T. Pegram (eds) *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions* (Cambridge University Press) pp. 243–269.

10   P.L. Chinn and A. Falk-Rafael (2015), 'Peace and Power: A Theory of Emancipatory Group Process'. *Journal of Nursing Scholarship* Vol.47 No.1 pp. 62–69.

11   K. Boulding (1990), *Three Faces of Power* (Thousand Oaks, CA: Sage), pp. 10.

12   Chinn and Falk-Rafael, 'Peace and Power', pp. 65.

Without the exercise of more emancipatory forms of power, peace is likely to remain as grudging toleration rather than something that can expand, take on a life of its own, and move a society on from being defined in terms of conflict.

Conclusion

A key to understanding local peace agreements seems to be context, or how we can situate local peace agreements within the wider firmament of peace and conflict. Yet in order to do this, we need to understand that peace and conflict are not binary conditions. Instead, they constitute a system with multiple connections between the two. So it is possible to conceive of 'peaceandconflict' rather than separate conditions of peace and conflict. This systemic explanation of peace and conflict has taken root in recent years with discussion of agnostic approaches to peace, the invocation of systems theory and network theory.[13] All of these theories emphasise the connected nature of peace and conflict, and how they shape and condition each other as part of a system of co-constitution. Thus local peace agreements do not exist in isolation: they are part of a series of wider social, economic, political and cultural systems. While this is messy, stretches across categories, and defies neat categorisation, it is accurate.

Peace and conflict are messy and evolving. Moreover, and as experimental work from quantum mechanics suggests, it is possible to conceive of two different states operating simultaneously:[14] peace and not peace; war and not war; a peace agreement and a lack of a peace agreement. It is in this messy world of contradiction and uncertainty that we can situate local peace agreements. In an optimum scenario, local peace agreements could be factored up; their geographical ambit could increase and local level conciliation might serve to inspire political elites and wider publics nationally. Such up-scaling is unlikely to be smooth or uniform. Instead, it is more likely to take the form of a non-linear, multispeed process. Moreover, for many of the local-level peace initiatives discussed as part of this study, it is probably more likely to conceive of scaling-out rather than scaling-up. Perhaps the greatest promise of many local peace agreements, and the processes that lead to them, is the normalisation of inter-group contact and how this might take root at the hyper-local level in terms of everyday interactions.

13   L. Strömbom (2019), 'Exploring Analytical Avenues for Agonistic Peace'. *Journal of International Relations and Development* Vol.23 No.4 pp. 947–69; C. de Coning (2016), 'From Peacebuilding to Sustaining Peace: Implications of Complexity for Resilience and Sustainability'. *Resilience* Vol.4 No.3 pp. 166–181; R. Mac Ginty (2019), 'Circuits, the Everyday and International Relations: Connecting the Home to the International and Transnational.' *Cooperation and conflict* Vol.54 No.2 pp. 234-253.

14   Y.Y. Fein et al. (2019), 'Quantum Superposition of Molecules beyond 25 KDa'. *Nature Physics* Vol.15 No.12 pp. 1242–45.

Dissolving the conflict mesh: opportunities and limits of local peace agreements

Jan Pospisil

As is reflected in this report, there is a growing consensus among scholars and practitioners working with and on local peace agreements that all three elements of their name are a problem. Most of the time, local peace agreements are not local, often not about peace, and every so often, do not even constitute an agreement. How then should we understand their relationship to national conflict and peace processes?

Hierarchies of conflict

International and national peacemaking efforts in intrastate conflict consider peace to happen hierarchically. The focus is on the national since the assumption holds that peace at the national level would allow liberal democratic statehood to emerge or prevail. A national peace settlement, so the argument continues, would eventually lead to a breakthrough of the state's monopoly of force and, consequently, to the transformation of all armed conflict. There is only one problem with this rationale. In most parts of the world, the governance of peace does not work from the international to the national to the local. Judging from history since the end of the Cold War, such a vision is not becoming more, but rather less likely.

The usual questions – reflected in this volume – regarding local peace agreements are whether they could contribute to, replace, or conversely, undermine a national peace process. The predominant thinking is that only a national peace process can offer a chance to comprehensively end a conflict. Local peace agreements, at best, can contribute. Yet, historical evidence is not entirely supportive of this assumption. Nominally successful peace processes in Latin America have seen the transformation of political violence into armed criminality. Also, the recent peace process in South Sudan has failed to improve everyday security in most parts of the country due to the still ongoing armed conflicts not directly related to the power struggle at the national level.

Armed conflict is hybrid and, often, interdependent between national and local forms of conflict.[1] Armed conflict, in its essence, is a total enterprise. It will always relate to and incorporate all processes it can get hold of, will try to utilise any support it can get because armed conflict is always essential and, to an extent, total. The sequential logic of conflict resolution might still work, but as an exception, not as a rule.[2] A glance at examples suggests that national peace processes cannot solve the whole conflict landscape, as in Colombia or South Sudan, nor can local peace agreements solve the national puzzle demonstrated by local peacemaking practices in Syria.

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1   R. Mac Ginty (2011), *International Peacebuilding and Local Resistance: Hybrid Forms of Peace* (London: Palgrave Macmillan).

2   C. Bell and K. Zulueta-Fülscher (2016), *Sequencing Peace Agreements and Constitutions in the Political Settlements Process* (Edinburgh, Stockholm: International IDEA).

The contrasting argument presented here is that the assumption of a hierarchy of conflict, with contestation at the national level on top, is misguided. The delineation of conflict based on a dimensional typology – international, regional, national, subnational, local – might help our overarching understanding, comparability, and help to make initial sense of surroundings. However, it does not help to understand and work towards resolving armed conflict. Due to its intrinsically absorbing and relating character, armed conflict cannot be neatly depicted and delineated into different levels of conflict. Rather, interconnected conflicts resemble a mesh and not any hierarchical ordering.

A mesh does not recognise hierarchy. It does not know that liberal thinking hopes to establish a national transitional framework as a pathway towards sustainable peace. Indeed, a mesh is not particularly receptive to approaches that aim to cut the proverbial Gordian knot of armed conflict, as comprehensive national peace processes aim to do. Peacemaking's thinking in levels, with the national level at the centre, cannot adequately deal with hybridisation and the complexity of a given conflict landscape. Traditional peace processes may establish some superficial order, which, in some cases, might be strong enough to maintain a longer-term truce. Nevertheless, in few places, South Africa and Nepal may serve as examples to an extent, do they bring a positive peace which can transform an armed conflict.

Taking hybridisation, interdependence, and complexity seriously as the three major components of a conflict mesh does not mean that all armed conflicts are the same. Some of these components might be more evident in some conflicts than others or might even be more systemically influential on conflict dynamics. Furthermore, these differentiations need to be read through geographical patterns. The Democratic Republic of Congo and the Philippines provide just two examples. Both cases have been, and partly still are, characterised by armed conflicts in some parts of the country that are hardly noticeable in others. Perhaps these cases, which are usually discussed as exceptions to a perceived common rule, are instead the most evident markers of how armed conflict unfolds and prevails.

Functionalities of local peace agreements

If there is no set hierarchy of conflict levels, there is also no directional and linear pathway through which to manage or transform them. Therefore, instead of asking what local peace agreements do for a national peace process or how they relate to national conflict, it is worth asking: how do they impact a conflict mesh? From a comparative assessment of the agreements in the PA-X local peace agreements database, we can heuristically distinguish between three broad types of functions that local agreements provide: connecting and strategising, managing and mitigating, and disconnecting.

Connecting and strategising: The connecting and strategising function demonstrates the difficulties of talking about positive peace when assessing local peace agreements. Regularly, such agreements are made between warring factions and to set up a truce between them. However, this alliance can be used to move towards peace, but, at the same time, to fight other parties in a complex conflict landscape. The often-cited Wunlit peace agreement in South Sudan falls into this category.[3] Other agreements link local conflict directly to a national peace process and attempt to 'clean up' a messy set of actors. As the contribution by Bell et al. has shown, in Nepal, for instance, the government signed agreements with over

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3   M. Bradbury, J. Ryle, M. Medley and K. Sansculotte-Greenidge (2006), *Local Peace Processes in Sudan. A Baseline Study* (London: Rift Valley Institute).

twenty often small armed groups in the Terai to include them in a broader transition process. The strategising element of local peace agreements, in a sense, challenges their character as purely 'local' since, most of the time, it points towards ambitions that range beyond a single locality.

Managing and mitigating: The managing and mitigating function is commonly pursued by local ceasefire agreements reached for humanitarian or pragmatic reasons. Humanitarian actors may be involved as parties and mediators due to their aim to enable relief aid or the joined use of essential infrastructure. Agreements serving this functionality often represent the prototypical local agreement that manages seasonal conflict patterns in pastoral conflicts about grazing routes or escalated cycles of revenge attacks. But it could also be the owner of a dairy factory negotiating his access routes towards the city of Damascus, as Kaldor and Sassen report.[4] These agreements are often also pragmatic with regards to their peace component. For instance, a recent – non-written – local peace agreement between Nuer and Murle communities in the Jonglei region of South Sudan obligated both parties not to abduct women and children when undertaking cattle raids. The raids as such, however, were not banned. Both sides were aware that the Murle communities had lost so many cattle in recent flooding that they had no other choice but to raid, so the agreement aimed to keep the raids manageable and prevent possible revenge cycles.

Disconnecting: Finally, the disconnecting function is a rare but still fascinating occurrence. It represents the ideal function of local peace agreements. Such agreements aim to establish a spatially limited zone of positive peace in challenging and mostly violent surroundings, which might also be linked to humanitarian concerns.[5] Unfortunately, not a lot of examples exist for this practice. The peace zone movement has some history in the Philippines, where it can be traced back to the revolution against the Marcos regime in 1986. 'Zones of peace' were established in various parts of the country due to the efforts of a broad grassroots peace movement.[6] Even though only a few of them prevailed over the longer term, they demonstrate the possibility to break away and disconnect from a wider conflict setting. Similar endeavours have been undertaken in Colombia[7] and, although on a smaller scale, in Bosnia and Herzegovina during the 1990s.[8] In Pakistan and Somalia, tribes have been able to negotiate their non-involvement in a conflict setting, albeit commonly underpinned by their armed capabilities.

Dissolving conflict

The above functionalities have no clear common conflict resolution point of connection to formal peace negotiations at the national level. Local peace agreements show a pragmatic and unplanned landscape of peacemaking that dynamically responds to the ever-changing landscapes of the conflict mesh. The responsive nature of local peacemaking fundamentally contradicts the liberal idea of a planned order and peace as a product of good governance. This contradiction explains the broad discontent and still-prevalent scepticism about local peace agreements by international peacemaking policy. They cannot be easily scaled up or connected. Attempts to do so might even hamper their chances of, however limited, success. While some countries managed to coordinate and

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4   M. Kaldor and S. Sassen (2020), 'Introduction: Global Insecurity and Urban Capabilities', in: Mary Kaldor and Saskia Sassen (eds), *Cities at War: Global Insecurity and Urban Resistance* (New York, NY: Columbia University Press), pp. 1-24.

5   H. Yamashta (2004), *Humanitarian Space and International Politics: The Creation of Safe Areas* (London: Routledge).

6   E. Garcia (1997), 'Filipino zones of peace', *Peace Review: A Journal of Social Justice* Vol.9 No.2 pp. 221-224.

7   C. Mitchell and Sara Ramirez (2009), 'Local Peace Communities in Colombia: An Initial Comparison of Three Cases', in Virginia M. Bouvier (ed.) *Colombia: Building Peace in a Time of War* (Washington, DC: USIP) pp. 245-270.

8   C. Mitchell (2007), 'Comparing Sanctuary in the Former Yugoslavia and the Philippines', in Landon Hancock and Christopher Mitchell (eds), *Zones of Peace* (Bloomfield, CT: Kumarian Press), pp. 123-136.

efficiently support local peacemaking efforts, most notably, despite some challenges,[9] Kenya and its National Steering Committee on Peace Building and Conflict Management, in most instances, these processes happen without the involvement of the national level.

Despite being an ungoverned practice that is at odds with a structured, planned, sequenced pathway to peace, local peace agreements still contribute to war-to-peace transitions. Indeed, their contribution is substantial, less as a conflict resolution exercise and more as a re-ordering of the conflict mesh. Instead of resolving the conflict mesh, they contribute towards dissolving local conflict and therefore disintegrating the mesh. They practically undermine mobilisation for armed conflict, for instance, by preventing the scaling up of community conflicts towards the national level, the search for armament, the recruitment, or the professionalisation of militias and their integration into larger-scale fighting forces.

Even more importantly, local peace agreements can contribute to a shift in conflict logics. They offer a concrete and tangible perspective of managing disputes without resorting to armed violence. They may even develop or foster a nucleus of what Marika Theros and Mary Kaldor call 'civicness'.[10] While such a shift does not necessarily translate into sustainable frameworks of peace governance, it is the most critical achievement when peace needs to be realised in challenging surroundings.

9   E. Elfversson (2019), 'The Political Conditions for Local Peacemaking: A Comparative Study of Communal Conflict Resolution in Kenya', *Comparative Political Studies,* Vol.52 No.13 pp. 2061-2096.

10   M. Theros and M. Kaldor, 'The Logics of Public Authority: Understanding Power, Politics and Security in Afghanistan, 2002–2014', *Stability: International Journal of Security and Development,* Vol.7 No.1.

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