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Parliamentary Track 1 ½ Diplomacy: An Effective Tool for Peace-making

Shazia Rafi *

Abstract

Preventive diplomacy traditionally involves Track I of governments and inter-governmental organisations in diplomatic negotiations to prevent and end armed conflict. Track II are confidence-building contributions of non-state actors - human rights organisations and women's groups. This paper outlines a third form of Track 1 ½ diplomacy, and analyses two intra-state peace-processes that used this track – the Aceh Peace Process 2005 and the on-going 35th round of the Colombian Peace Process. In the context of intra-state conflicts and peace processes, the paper defines parliamentary Track 1 ½ diplomacy as the role played by high-level political actors and national and state legislatures in the resolution of local disputes, conflicts, and insurgencies. The paper concludes by setting the context of relevance that Aceh and Colombia peace processes might provide for Pakistan's policy-makers.

Keywords: Track 1½ diplomacy; peace-making; parliamentarians; negotiations; Aceh; Colombia; lessons learnt

Introduction

“Precisely because no form of government is so weak as the democratic, its framework must be firmer, and its institutions must be studied to determine their degree of stability ... unless this is done, we will have to reckon with an ungovernable, tumultuous, and anarchic society, not with a social order where happiness, peace, and justice prevail.”
Address by Simón Bolívar, Founder of Gran Colombia, to the Congress of Angostura, February 15, 1819.

* Shazia Rafi is the former Secretary General Parliamentarians for Global Action (PGA) 1996-2013.

As conceived by former United Nations (UN) Secretary-General Dag Hammarskjöld, preventive diplomacy is the diplomatic action taken by governments, the UN system, and its partner organisations to prevent or mitigate the spread of armed conflict.¹ Different organs and actors of the UN system, including the Security Council, the Good Offices of the UN Secretary-General, the Peace-Building Commission, Special Envoys, and regional organisations form the building blocks of conflict prevention and peace-building.

In addition to the Track I process involving governments and inter-governmental organisations are the contributions of non-state actors, including human rights organisations and women's groups. These are sometimes referred to as Track II. This paper will outline a third form of parliamentary diplomacy, or Track 1 ½ diplomacy, and analyse two peace processes – the Aceh Peace Process 2005, and the on-going 35th round of the Colombian Peace Process, with a view to examine the unique contribution of Track 1 ½ diplomacy to these international peace-making efforts. The paper draws heavily on the author's experience as the developer of Track 1 ½ diplomacy,² outlining both the theory and practice behind its deployment.

A parliamentary system is a system of democratic governance in which the executive branch derives its democratic legitimacy from, and is held accountable to, the legislature (parliament). The executive and the legislature are thus interconnected. Parliamentary diplomacy is defined as the international relations of legislatures and legislators, conducted bilaterally and through multilateral forums. In the context of intra-state conflicts and peace processes, the author defines parliamentary Track 1 ½ diplomacy as the role played by high-level political actors and national and state legislatures in the resolution of local disputes, conflicts, and insurgencies.

Framework

The classic theory of diplomacy is based on an inter-state model deployed largely by inter-governmental actors and institutions such as the UN, regional bodies, and their affiliated organisations. Increasingly, these institutions must respond to, deal with, and provide

solutions to intra-state dispute resolution. The UN's Department of Political Affairs maintains an online repository of peace processes. As of July 8, 2014, there are 628 intra-state peace processes, and 144 inter-state, older dispute agreements.³ In an institution based on state sovereignty, the UN has expanded the traditional definition of preventive diplomacy to include a broader array of actors, using a wider range of tools than ever before. Stronger normative frameworks have emerged in favour of international intervention to prevent violent conflict and mass atrocities, and to ensure the inclusionary institutions of governance, peace, and security. At the 2005 World Summit, member states committed to building a "culture of prevention," strengthening the preventive capacity of the UN to take "effective collective measures for the prevention and removal of threats to the peace." Earlier, in its unanimously adopted resolution 1325 (2000), the Security Council significantly called for greater participation of women in conflict prevention and peace negotiations, and recognised the importance of indigenous conflict resolution mechanisms.⁴

The UN General Assembly adopted on 22 June, 2011 a consensus resolution that is a ground-breaking development positioning the UN as a standard setter for mediation and the provider of a broad framework for productive collaboration with member states, regional organisations, and other mediation actors.⁵

The key actors which have filled this gap, acting either on their governments' behalf or their organisations' behalf, are politicians ranging from senior leaders like former president of Finland, Marti Ahtisaari, to rapid-deployment parliamentary missions from regional parliaments and inter-parliamentary organisations.⁶

This paper argues that the opening towards elected governments after the end of the Cold War in 1989 led to short-term instability. Groups that had not previously had the chance to express their grievances were able to do so in the formation of political parties to contest for power. Power-sharing in transitional legislatures proved a challenge, particularly where parties were drawn on an ethnic or religious basis. The personal egos of leaders without the experience of managing electoral politics, in countries without established rule of law, led to rising disputes due to their

unwillingness to compromise.⁷

At the same time, these parliaments in transition were free to redraw the rules, to change the former authoritarian structures, to create Truth and Reconciliation Commissions, to open politics to women and minorities, and to engage in public peace processes that involved civil society with the support of the international system of the UN and regional bodies.

Anticipating these challenges and new opportunities, parliamentary organisations stepped in with parliamentary Track 1 ½ diplomacy. Parliamentarians for Global Action [PGA] formed a peer-to-peer support mechanism, founding the Parliamentary Task Force on Africa in Abidjan, Cote d'Ivoire in 1991. Composed of senior politicians - men and women from both established and transitional democracies, and co-chaired by Sir David Steel, Member of Parliament (MP) of the United Kingdom, the Task Force responded to political disputes across Africa at the request of its legislatures.⁸

Recognising both the unique demands of intra-state political disputes and the successful dispute resolution by parliamentarians, the UN Security Council began authorising peace missions with high-level political heads of mission – the Special Representatives (SRSGs), Special Envoys (SEs) and Personal Envoys (PEs) of the Secretary-General. Currently, the UN system has over sixty-six SRSGs/SEs/PEs. In addition to senior diplomats, many of them were politicians. PGA's Task Force, starting with Burundi in 1994, developed the concept of parliamentary Track 1 ½ diplomacy as a functional, multi-conflict peace-making tool working across Africa and the Caribbean in coordination with the UN system. The work eventually expanded to the Caribbean, South-West Asia, and South-Eastern Europe, with the now renamed Task Force on Peace and Democracy.⁹

Conflict-related data from Uppsala University, Sweden shows that over 50 years the death tolls per intra-state conflicts were far lower, declining almost to the base line, compared to death tolls per inter-state conflicts.¹⁰ In an overlapping period, the share of democracies doubled from 28 per cent to 56 per cent.¹¹ The role of an on-going political

process and peace negotiations in ensuring that the door to compromise and dialogue remained open is a key factor in this difference.

This paper reviews two peace processes for lessons learned. The first is the Aceh Peace Process - a three-decade conflict that ended with a comprehensive peace agreement between the Government of Indonesia and Gerakan Aceh Merdeka (GAM), facilitated by President Marti Ahtisaari of Finland in 2005. The second is an on-going five-decade conflict in Colombia between the government and the Revolutionary Armed Forces of Colombia [FARC]. This conflict is currently in the last stages of the 35th round of peace negotiations between the Government of Colombia and FARC, being hosted by Cuba, which is a “guarantor” along with Norway, while Venezuela and Chile are “accompanying” the talks.¹² This paper concludes by setting the context of relevance these cases might provide for Pakistan’s policy makers.

Aceh - The Peace that Still Holds

Contrary to the popular narrative, peace negotiations to end the Aceh movement for secession were not the results of the tsunami of December 26, 2004. Several prior attempts over the three-decade conflict had been made with ceasefires and some trust building. What changed the dynamic starting 1998 was Indonesia’s national transition to democracy. By 2005, the country was led by a reformist President backed by the parliament.

There is copious literature on the final negotiations themselves, including the seminal role played by former President of Finland Marti Ahtisaari. This article looks primarily at the decision by the Government of Indonesia [GOI] to return to the table this time for direct talks facilitated by a high-level international leader.

Following its independence from the Netherlands in 1949, [the official independence date being August 17, 1945], Indonesia went through decades-long authoritarian regime, and struggled with secession in several provinces including the independence of the former Portuguese colony of East Timor. Policies of military suppression and brutality did not succeed in Indonesia. The final straw in 1998 was President Suharto barreling his way to a re-election by parliament instead of a direct ballot.

The result was considered so outrageous that students occupied the Parliament.¹³

Suharto was forced to hand power to Vice President Jusuf Habibie, also from the ruling Golkar party. As President, however, Habibie undertook numerous political reforms, starting the process of what is called Reformasi – an opening up of Indonesia’s political culture. Theo Sambuaga, the then-chairman of Defence and Foreign Affairs Committee of the Indonesian parliament, said: In “1998/1999 there was a shift of thinking among us politicians...the military was still a major influence in government and bureaucracy, including ex-military in my committee... we decided to focus on a solution for East Timor first.”¹⁴

In February 1999, Habibie’s government passed the Political Parties Law whereby political parties were no longer limited to just three. Political parties were also not required to have Pancasila [the five principles of independent Indonesia] as their ideology. Forty-eight political parties competed in the 1999 Legislative Election. In May 1999, Habibie’s government passed the Regional Autonomy Law - the country’s first step in decentralising government. The Press was liberated and key political prisoners were released, including Sri Bintang Pamungkas, Muchtar Pakpahan, and Xanana Gusmão. Habibie presided over the 1999 legislative elections, the first free election since the 1955 legislative election.¹⁵

Even though it harmed his popularity, Habibie called for a referendum on the future of East Timor. Subsequently, on August 30, 1999, the people of East Timor voted to break away from Indonesian rule and ironically, under a reform process managed by a Golkar presidency, became an independent nation.¹⁶

Reformasi, continued under President Abdurrahman Wahid’s national unity government with a national unity cabinet, abolished the Ministry of Information and the Ministry of Welfare, opened autonomy discussions with Aceh and Papua, and made efforts to control the military/Laskar Jihad connection. Sambuaga recalls internal tensions within the parliament: “In our committee discussions it was the civilian politicians who said, let’s reform Aceh policy, (while) military members’ resistance

was due to losing East Timor... (and) eventually government backed by parliament opened the peace process. This policy was started by Wahid and continued by his successor Mrs. Megawati Sukarnoputri. Meetings [with GAM] were held in Tokyo and New York.”¹⁷

In 2004, Susilo Bambang Yudhoyono [referred to popularly as SBY] was elected as President. SBY’s coalition, which included the military, business community, and conservative Islamists, re-stabilised the reform process. Recalling the same period, Professor Damien Kingsbury of Deakin University, Australia, who served as a negotiations advisor to GAM, states: “SBY was a genuine reformer ... he understood that a country at war with itself would always have problems.”¹⁸

This was a period of intense internal negotiations among the reformists in government, in the military and in the parliament. “Parliament took the initiative to convince the military/ultranationalists,” says Sambuaga. “There were a lot of PDIP [ultra-nationalist party] ex-military in the defence committee whom I focused on... Reform movement in the parliament was led by [Foreign Minister] Hassan Wirajuda; the reformist inside military was then-Commander-in-Chief of TNI [the Indonesian military]. He worked together with SBY.”¹⁹

Within weeks of SBY’s taking office, initial contacts between the GAM leadership-in-exile from Stockholm on the one side, and a GOI representative on the other side, were arranged by Juha Christensen, a Finnish businessman in Jakarta/Aceh just prior to the Tsunami. Christensen also contacted Ahtisaari to confirm his interest. According to Mr. Christensen, he had established contact with then-Minister, later Vice-President, Yusuf Kalla by February 2004.²⁰

Face-to-Face Negotiations

Peace negotiations took place in Helsinki, Finland, mediated by President Ahtisaari of Centre for Mediation Initiatives from 27th January 2005 to 17th July 2005, with the final peace agreement signed on 15th August 2005.

Several negotiators and analysts cite Ahtisaari's personal mediation approach as a key reason for success. Ahtisaari met the negotiators during talks often with brusque directness, discarded the previous cease-fire approach and made it clear at the start that his mediation strategy was not about reducing violence but getting a complete and final agreement captured by a phrase often cited in the United Nations: "Nothing is agreed until everything is agreed."

Ahtisaari pressured GAM to give up its claim for independence but offered them flexibility instead to set their governance terms. The GAM team proposed the concept of "self-government" which was between "special autonomy," a precondition by the Indonesian government, and GAM's long-held demand for complete independence. Ahtisaari also insisted that only issues put on the agenda could be discussed, including putting several issues on the agenda himself. He used coercive bargaining and walkouts as required.²¹

The Tsunami of December 2004 had both heightened the time pressure and brought international actors, humanitarian groups including the European Union agencies into the region. Ahtisaari was also able to commit the European Union (EU) to monitor the implementation of the Helsinki Memorandum of Understanding, helped by the tsunami effect with development aid pouring in.²² The negotiations took place in a rapid and tight time frame concluding after five rounds in six months.

Final Peace Agreement

The Helsinki 2005 peace agreement strengthens the autonomy already granted to Aceh in a 2001 agreement with GOI.²³ The agreement includes:

- Immediate ceasefire and disarmament of GAM's 3,000 fighters by year's end.
- Amnesty for all GAM members; some 1,500 GAM members to be released from prison.
- Restricted Indonesian military troop movements in Aceh.
- Changed Indonesian law to allow political participation of regional parties.

- Mandated a better mechanism for prior agreed 70 per cent of proceeds from Aceh's natural resources that would stay in Aceh.
- Established an Aceh human rights court and an Aceh truth and reconciliation commission.
- Allowed Aceh regional flag, crest, and hymn.
- Indonesian government kept the country intact and continued to have control over Aceh's finances, defence, and foreign policy.
- Allowed 200 unarmed peace-process monitors from the European Union and the Association of Southeast Asian Nations (ASEAN).

Post-Agreement Results

Observers from both sides agree that peace in Aceh has led to economic development. "They very quickly understood that they should use this as an opportunity to build back better ... put Aceh on a higher trajectory of development than before the tsunami," said Beate Trankmann, Indonesia Country Director for the United Nations Development Programme (UNDP). In 2007, the Indonesian parliament passed a new disaster management law on prevention and risk management. "I think that this is the only place in Indonesia where village roads are paved," said Kuntoro Mangkusubroto, who headed the reconstruction agency from 2005-2009.²⁴

The Indonesian political process has also matured partly due to this positive result. There is a growing understanding that decentralisation and federalism do not mean separatism or the destruction of the country; and that Aceh with its gas and oil resources is open for business.²⁵

Not all is a positive picture, however. One casualty of ceding so many key law-making powers to the provincial government and legislature has been the rights of women and minorities in Aceh, which is a conservative region. As early as 1999, Aceh's Special Status agreement made it the only province free to adopt the Sharia, including applying the Aceh Islamic Criminal Code to non-Muslims.²⁶ UN reports show that women's participation in the peace process was limited. Only one woman joined the negotiators by default to replace a GAM delegation member who was unable to join.²⁷

Thus far the role of women has been limited in post-conflict peace-building as well but through UNDP's Strengthening Sustainable Peace and Development in Aceh Programme, 2,021 female ex-combatants in eight Aceh districts received individual grants along with training, workshops and the provision of initial capital for small businesses. UNDP, with financial assistance from Norway, is working to increase the political representation of women in national and provincial legislatures across Indonesia. "As part of this endeavour, we provided support to 333 number of female candidates in the 2014 parliamentary national and provincial elections. The number of female politicians in the provincial legislature has increased to 12 from 4, and the current mayor of Banda Aceh is a woman," says Trankmann.²⁸

In conclusion, Indonesia's democratisation and reform process since 1998 has increased its stability and security. Sambuaga recognises that while their party lost power, we have "from the bullet come to the ballot... which is much better for us."²⁹

Colombia: A Nation in Continual Negotiations

Colombia emerged from Spanish colonisation in the 1800's as part of the revolutionary Bolivarian Republic of Gran Colombia, called Great Colombia, comprising modern day Colombia, Ecuador, Panama and Venezuela, with Bogota as its capitol. Throughout the 19th and early 20th centuries, Colombia's history has been characterised by two opposing forces of civilian government with commitment to democracy, and widespread, violent conflict and insurgencies. The military has seized power three times in Colombia's history: in 1830, after the dissolution of Great Colombia; in 1854; and again from 1953 to 1957. The military and its paramilitaries have also engaged in harsh suppression of the rebel movements.³⁰

Since 1974, different presidential administrations have tried to end persistent leftist movements that initially represented the poor and indigenous against the elite classes of the country, and demanded the completion of real land and political reform. These movements mutated over time into violent insurgencies with the Colombian people having to contend with leftist guerrillas, right-wing paramilitaries, narcotics

traffickers, violence, and corruption. Three presidential candidates were assassinated. The current peace negotiations are the 35th round of a peace process to end the longest conflict in the world, which has claimed more than 220,000 lives. Ecuador is the main receiving country of about 120,000 Colombian refugees.³¹

Counting the human costs of the internal war, the independent National Centre for Historical Memory presented the findings of a six-year study to President Juan Manuel Santos recently in a ceremony attended by survivors of the atrocities.³²

From the launch of “Plan Colombia” (2000) and the re-launch of talks with the Revolutionary Armed Forces of Colombia (FARC) guerrillas (2012), the largest insurgent group, Colombia expanded a long military offensive which has decreased the FARC’s size, reducing its ability to take power by force. However, even if the past 12 years’ rate of reduction continues, Colombia faces years of continued conflict.³³

Negotiations as a Nation-Wide Catharsis

Following months of secret contacts spearheaded by the brother of President Santos, Enrique Santos Calderón, former member of the Commission for Negotiation and Dialogue, a framework accord was signed in Havana, Cuba in August 2014. The framework agreement sets out negotiations agenda centred on agrarian reform, development, political participation, and issues of ceasefire, demobilisation, and reintegration.³⁴

Formal talks opened in Norway in October 2014, and began in earnest in Cuba in November 2014. International guarantors and observers of the process are Cuba, Norway, Venezuela, and Chile. In an extraordinarily open process, the draft accord’s summary text is on the Ministry of Foreign Affairs website and citizens can send suggestions to their delegation in Havana. Colombia’s Minister of Foreign Affairs is leading her country’s delegation as these talks are “the single most important priority in the country” according to Martin Gottwald, United Nations High Commission for Refugees, Bogota.³⁵

The negotiations are ongoing amid frequently intense combat. This is the firm position of the Colombian government. President Santos insists that a bilateral cease-fire will only happen at the end of the process.³⁶ FARC leaders are resistant to turning in weapons to end up in jail. But Colombia, as a party to the International Criminal Court, cannot amnesty war crimes or crimes against humanity, as most past peace processes have done.³⁷

Negotiators may reach an arrangement that requires the worst human rights' violators on all sides to spend a reduced number of years in some type of community or home-based confinement. FARC leaders have insisted that they will not spend a day in jail for having rebelled against "prevailing" policies.³⁸

Venezuela's government, a former supporter of the FARC, which still maintains good relations with them, has urged the FARC to give up violence, citing the election successes by leftist leaders in Venezuela. Today, Venezuela plays an important logistical role in transporting guerrilla negotiators to the table.³⁹

According to latest reports, the sticking points in these negotiations remain the issues of transitional justice, victims' compensation, rights and the details of disarmament, demobilization, and reintegration [DDR]. On transitional justice, one item has been agreed with the government accepting the setting up of a Truth Commission on 9 June 2015.⁴⁰

The issue of impunity is thornier. According to the latest Human Rights Watch report, senior members of the Colombian military may also be implicated. Applying regular justice criteria could mean large numbers of both government personnel and FARC facing criminal charges.⁴¹

Regarding rights of victims, in 2011 a very sophisticated framework for monetary reparations, rehabilitation, and restitution of land was agreed upon. With 20 per cent of the population as potential victims to compensate, the Colombian government cannot afford it. Sixty representatives of victims are also participating in the talks in Havana, among them sixteen women as gender experts.⁴²

As of now, this is the last conflict left in the Americas, so there is regional and international pressure on the government to resolve it. There is also internal political pressure. The civilian government is negotiating with the military and FARC. FARC continues to attack the infrastructure, with latest attacks on oil pipelines; the military too continues its attacks on FARC leadership strongholds.⁴³

Any peace agreement once signed will be put to a referendum. Former President Uribe, who does not support these negotiations, still has large numbers of deputies in the Congress, which will vote on the final agreement. In November 2010, the Colombian Congress created the Peace Commission declaring that “whereas the achievement of peace in Colombia and the establishment of a national pedagogy for that purpose is a priority and a felt need of all citizens, and is established as a right and duty in our Constitution...The functions of the Congress’ Peace Commission are to study, analyse and propose initiatives to overcome [obstacles] inherent to the Colombian conflict situation and disturbing the peace and [promote] reconciliation among Colombians.”⁴⁴

Among Colombia’s politicians are several women legislators who over the years put their own lives at risk to negotiate for peace. The most famous case is that of former presidential candidate Ingrid Betancourt, who was held hostage by the FARC when she went to negotiate with them. However, a more relevant case to the peace process is Dip. Clara Rojas, who was also kidnapped by the FARC along with Betancourt. Rojas had a child in captivity, fathered by one of the guerrillas, and the former was separated for years from her son. After her freedom and being reunited with her son, Dip. Rojas has chosen to go back into politics with the Liberal party on the commission dealing with penal reforms. Interviewed for this article, days after the latest attacks by FARC, she was despondent. “It is very difficult to think of success, just today. It is a historical regret, because the FARC instead of sending peace gestures have insisted on all these attacks, with the imminent risk of derailing the peace process.”⁴⁵

However, taking the long view in a previous article, she had reiterated that her role in Congress has “been aimed at supporting the process, including representation of victims in the negotiations.... I personally

think that not having any more victims due to the conflict in Colombia is the best legacy that we can leave for future generations.”⁴⁶

Conclusions

Both Aceh and Colombia peace processes have regional and international relevance for Pakistan. After almost three decades of war, Afghanistan is entering a combination of peace process and conflict drawdown. Ambassador Masood Khan, Pakistan’s former ambassador to the United Nations in Geneva and New York posits: “Pakistan is an important actor in peace and reconciliation in Afghanistan. This process has not taken off yet, but there is hope. Most talks start at the height of the conflicts, bind interlocutors...the key is that you have to consolidate peace.”⁴⁷

Taliban extremist groups operate across the borders of and within both countries. Pakistan facilitated the first round of peace talks in Murree between the Government of Afghanistan and the Afghan Taliban with China and the United States as observers. The resumption of the dialogue remains in limbo after the announcement of Mullah Omar’s death on the eve of the second round of talks in July.⁴⁸ Pakistan is also engaged in its own military operations against terrorists and extremists along its northwestern regions. Post-conflict rehabilitation and reconciliation across this restive border will eventually involve an intra-state peace process.

Pakistan and China are about to initiate an ambitious economic corridor project across the country. The success of that project will depend on peace and stability across its North-South routes across all provinces.⁴⁹

In addition to national and regional relevance, there is also an international relevance of Track 1 ½ peace-making for Pakistan. This year, the UN is negotiating the Sustainable Development Goals post-2015 to replace the Millennium Development Goals, which will expire at the end of this year. One of the key goals, no.16, is the commitment by governments for peaceful, inclusive societies.⁵⁰

Considering that Pakistan is one of the largest and longest-standing contributors of peacekeeping troops to the UN, and a member of its Peace-Building Commission, Ambassador Khan explains: “Pakistan has played a key role in other countries’ peace-processes via UN Peace-keeping.”⁵¹ Building on that experience to bring peace and stability to our own region would also, in the author’s conclusion, be advantageous to Pakistan’s national and international goals.

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Institute of Strategic Studies Islamabad (ISSI)
Sector F-5/2, Islamabad, Pakistan
Tel: 0092-51-9204423-24, 9205882, 9205886, Fax: 0092-51-9204658
Email: strategy@issi.org.pk Website: www.issi.org.pk

