

Civil Society and Confidence Building A Discussion Paper

Chairmanship Workshop on Economic and Environmental Activities of the OSCE as Confidence Building Measures

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Introduction

An astounding proportion of peace agreements fail within the first six months. Of a myriad of factors leading to this depressing verdict on official negotiation processes, one seems to be particularly evident: that societies enmeshed in protracted conflict were excluded from the processes leading to an agreement. Often political leaders of societies in conflict have built their legitimacy on hard line positions towards the other side, raising expectations within their societies and limiting willingness to address the other side's legitimate needs. Isolated from peace processes and presented with a peace package including unexpected compromises, societies often reject agreements reached over many months or years of painstaking negotiations. And while involvement of civil society in peacebuilding is necessary for agreements to succeed, experience shows that its role is equally important in reaching an agreement, by facilitating the public debate needed to stimulate the new ideas needed for meaningful compromise.

The OSCE was founded on the principle that security is more than a balance of power, calculated by the numbers of tanks and warheads available to states in a never-ending struggle to achieve security through military superiority. The OSCE's holistic approach to security, often now referred to as human security in other contexts, is based on the belief that by broadening the framework of security to include factors such as democratic governance, livelihoods, the environment and human rights, the zero-sum calculations fall aside. Unfortunately, the thinking dominant in societies impacted by conflict, among elites, society as a whole and governments, remains stuck in a hard security paradigm, preventing these societies from considering compromises that are perceived to undermining their basic security requirements. It is the role of civil society to address the need for this change of paradigm through a range of initiatives broadly labelled as Confidence Building Measures (CBMs).

Confidence Building Measures

CBMs are usually broken up into two categories – those undertaken by governments and their militaries and civil society initiatives. Governmental CBMs usually take place at specific points during the conflict cycle – to support ceasefires and to underpin peace agreements. There is a huge gap between the actual cessation of hostilities and a peace agreement where there is insufficient progress on the

governmental level for new CBMs to be implemented when civil society has an important role to play.

Building Confidence

The basic purpose of a CBM is to give the other side reason to believe that you will do what you say you will do. This is a basic prerequisite for compromise. But many CBMs fail to deliver on this basic function, undermining trust in their effectiveness and depriving the sides of an important tool for them to address their conflicts. This is for two reasons, first, many civil society initiatives intending to build confidence avoid difficult political issues in order to strengthen the personal relationships of those involved between the different sides. For many years, CBMs intended to build trust between Armenians and Azerbaijanis over their conflict around Nagorno-Karabakh were built around meetings in Tbilisi, usually involving Georgians, undertaking initiatives of relevance to all three societies and therefore ignoring the issues specific to the conflict around Nagorno-Karabakh. These CBMs seldom went beyond the individual meeting because the initiatives agreed on focused on safe issues that did not challenge participants to demonstrate their willingness to deliver when it counted to the other side.

Often CBMs will be designed to provide mutual benefit. It is paradoxical that mutual interest, the cornerstone of any long-term solution to conflict can undermine the impact of a CBM. In the context of extreme mistrust between the sides, a CBM based on (mutual) interests will be evaluated by the sides by the degree to which their side won or lost in the trade. Without conscious buy-in to the need to build the other side's confidence, the basic goal of a given CBM can be lost. It is this understanding that needs to be nurtured by third parties in a process of increasingly impactful CBMs. As Jonathan Cohen at Conciliation Resources has rephrased John Kennedy "Think not of what your opponent can do for you, but what you can do for your opponent".

When it is the gesture to the other side that motivates a CBM, the way the intentions of the action are perceived by the actors involved and by their societies becomes most important. The greatest gesture done in secret or covered up by bellicose rhetoric intended to pacify hawks at home will not have its desired effect.

Intentionality

The impact of a given CBM is ultimately reflected in how it is seen and understood by the societies, governments or other target audiences whose confidence in the other side is necessary for meaningful compromises to be made. In all cases, dialogue is an essential element of CBMs, as it provides a mechanism for initiatives to be conceived, planned and implemented intentionally and presented publicly to the greatest effect. One example of failed confidence building is in Georgia in 2004. Just after coming to power, President Saakashvili made a number of moves that could have fundamentally changed the context of Georgian-Abkhaz relations. He reorganised the Government of Abkhazia in Exile from being an instrument to demonstrate the illegitimacy of the Abkhaz *de facto* authorities to an institution aiming to address the needs of communities displaced from Abkhazia by the conflict. He cut support from partisan groups engaged in the Gali District of Abkhazia, where the Georgian returnees were often victimised by both Georgian and Abkhaz bandits and characterised as either enemies or traitors by the Abkhaz and Georgian authorities respectively. And perhaps most importantly, he avoided interfering during the politically divisive Abkhaz *de*

facto presidential elections in late 2004. All of these gestures were appreciated in Abkhazia, but did not result in increased trust from the Abkhaz authorities and society. This was because these gestures were not accompanied by back-channel or public instruments that could have communicated the intentions behind them to the other side and because they were accompanied by a number of symbolic but bellicose statements likely intended for an internal audience, but perceived threateningly in Abkhazia. The failure of these initiatives may have led to a loss of faith in engagement with the Abkhaz side and a rejection of CBMs by the Georgian Government that became evident in the summer of 2006. One wonders how 2008 might have looked differently if these gestures had had more impact.

Strategic Interventions

One challenge for any CBM to be effective is that it needs to be appropriate to two changing vectors that require specific attention simultaneously. The first vector is the place where individuals from the different sides involved in the CBM fit in a process of personal and collective transformation: the process. The second is where the specific CBM fits with the changing political context around the conflict. We know that peacebuilding is a long process, often interrupted by the breakdown of agreements and the recurrence of violence. Progress made on the individual or community level needs to withstand the strains of changing events. For a specific CBM to be effective it needs to fit strategically within these changing vectors. For example, in the South Caucasus, in 2000-2002, simply bringing individuals together across the conflict divide had a strategic impact not only on the individuals concerned but also on the context of the different conflicts themselves. It demonstrated to societies and governments that such contacts were possible. At that stage, it was not necessarily important what they talked about. However, bringing these same individuals together in 2007 would have had limited impact alone. In this case, the CBM would not be the meeting, but rather the initiatives agreed on at the meeting and implemented together or in parallel in the conflicting societies. Success navigating these vectors was demonstrated in the autumn of 2008, when civil society networks from across the South Caucasus reacted to the August war constructively, changing their focus to address the vastly changed situation on the ground, but withstanding the pressures on their mutual relationships.

Civil Society's Role

Civil society is uniquely placed to address some key problems that are usually ignored by governments. Civil society has the ability to **include the conflict's key stakeholders**, those communities most affected by it including displaced people, those who lost loved ones, who actively participated in the violence and those living among the ruins of war. Often governments use the plight of the most affected communities to justify demands at the negotiation table or to reject compromises because of affected communities' supposed intransigence. It is my experience in the South Caucasus that this is an inaccurate stereotype. While they may have lost more and have greater grievances than others in their societies, affected groups also have the most to gain by resolving outstanding issues. They often understand the nuances of the conflict, while others in their societies may see it in more ideological terms or in historical frameworks. In any case, they have the moral authority in their societies to veto an agreement they disagree with, or to demand one from governments more satisfied with the *status quo* than committed to achieving peace.

Civil society is also well placed to **address stereotypes and enemy imagery**, an essential step that any conflict affected society must take to reframe their relationship with the other side from one based on fear to one with the potential to understand the complexities of their relationship that led to the conflict. Isolated communities make assumptions about each other that prevent creative problem solving.

Perhaps most importantly, civil society has the **ability and willingness to take risks** that government lacks. Often governments become dependent on the *status quo* to stay in power. Civil society can move head of governments in engaging with the other side, advocate for internal policy change and bring new ideas to both the negotiating table and to contribute to social transformation needed for peace.

Key Components for Civil Society CBMs

In order to be effective, civil society CBMs must address a number of challenges.

CBMs must have legitimacy within their own communities: Civil society initiatives are often criticised internally because they are not perceived by their communities as having any right to engage on their behalf with the other side of conflict. This is a basic weakness of civil society initiatives. Governments have a mandate to act on behalf of constituents that elected them for this purpose. Civil society initiatives must build this legitimacy themselves. In the context of the former Soviet Union, NGOs are often mistrusted as either fronts for political interests or simply as grant eaters feeding off of donors that do not necessarily share the interests of the community. In the context of those working on conflict, the situation is even worse, as governments and donors generally steer away from politically divisive issues and discourage funding of civil society groups if they are involved in anything to do with the other side in conflict. Often participants in CBMs are denounced as engaging in “conflict tourism”, travelling to exotic places to meet with the enemy in nice hotels, eating good food and returning home with no results. For this reason, it is essential that any CBM include mechanisms to build linkages with the community. Activities can include holding public round tables soliciting input and ideas in planning an initiative, getting community buy-in for the participants selected to engage in a CBM and reporting back to the community on the results of the initiative.

Work in coalition: For CBMs to be effective they also need strong horizontal linkages within the different conflict affected societies. Too often NGOs working on conflict are isolated from the rest of the NGO sector, often due to bilateral agreements by donors with their host countries to either avoid conflict issues altogether, or to strictly segregate them from the rest of their assistance portfolios. In addition, the NGO sector in conflict affected societies and clearly in the former Soviet Union is divided by political, personal and professional rivalries hindering the sector’s ability to work collectively. When working on conflict issues, this becomes even more difficult and NGOs involved in this area of work often find themselves isolated both from their societies for collaborating with the enemy and from their potential allies in civil society. Often individuals would take real risks in engaging with counterparts on the other side only to face criticism at home. ***Peacebuilding needs mutual support networks.*** For this reason, it is essential that CBMs include mechanisms to involve civil society leaders reflecting the diversity of the sector as much as possible in the planning and implementation of an initiative.

Working in coalition is important for another equally important reason. It is essential that initiatives not be undertaken in isolation from one another. Only if they are understood together as a whole, can they hope to achieve the critical mass needed to make a real impact. It is the role of these coalitions to strengthen connections within their respective societies and of cross conflict networks, international third parties, INGOs and donors, to ensure that they are understood holistically as a part of the wider conflict context. ***CBMs need to be understood as a part of a larger process.***

What civil society cannot do

It is important to have appropriate expectations of civil society CBMs. First, it is essential not to underestimate the fragility of civil society in places affected by conflict. Civil society cannot be expected to deliver peace, nor can civil society participants be expected to stray much farther than their respective governments and societies in reaching out to the other side. Change is incremental, success gradual.

Civil society cannot make the basic social changes needed for conflict transformation. As mentioned above, societies in conflict must move from the zero-sum thinking of hard security to an understanding of the mutual benefit of addressing broader human security if they are going to make lasting compromises needed for peace. Civil society is likely to be at the forefront of this paradigm change. However, as they increasingly advocate cross border trade or environmental security, better governance and human rights protections through CBMs, governments must take these issues up for social change to happen. Interventions by outsiders in this arena, therefore, must not target as a change goal the human security indicator itself. Instead, donors need to measure the understanding of the need for these changes within the public or in government. Later, there will be a time for large-scale rehabilitation projects to take place as governmental CBMs to underpin a political settlement. ***Civil society CBMs need to be about understanding, perception and ideas about social change, not the social change itself.***

The Risk of Politicisation

As civil society CBMs become increasingly effective, greater numbers of people become involved with more to share with government and the negotiation processes. They often identify the peace process and their governments' policies to the conflict as key advocacy targets. However, the closer they get to the political processes, the harder it will be for them to avoid falling into the same traps that have blocked official negotiations for years. One example illustrating this problem involves an Armenian-Azerbaijani dialogue and confidence building initiative I was involved with at International Alert. Over a number of years a network of Armenian and Azerbaijani civil society leaders developed a Forum bringing together representatives of affected communities, political analysts and human rights activists from across the conflict divide to discuss increasingly sensitive issues impacting on the conflict around Nagorno-Karabakh. They set for themselves the goal of informing their respective authorities and the Minsk Group Co-Chairs about the issues coming out of their discussions. When the political climate seemed right from the perspective of the Minsk Group Co-Chairs to engage with civil society, they agreed to meet with the Forum at a number of events. And while the stated objectives were met, increased information given to and provided from the Minsk Group to a strong network of civil society from across the region, the engagement also had an undesirable outcome. Suddenly the engagement with one another that had been controversial but acceptable

for their societies in differing and nuanced ways over the previous years appeared to have greater significance. The slightest association with the political process politicised this civil society network in challenging ways. Format negotiations for their engagement, meticulously worked out over years, suddenly became unacceptable in the new context, and the participants retreated to the positions of their different governments (*de facto* and *de jure*), challenging the confidence built between the networks over years.

The Role of Intergovernmental Organizations

The OSCE and other Intergovernmental Organizations (IOs) have an important linking role to play to promote confidence building. In the Caucasus, CBMs are almost never implemented bilaterally, without some involvement of third parties trusted by both sides. Where International Nongovernmental Organizations (INGOs) can most affectively play this role in support of civil society CBMs, because they can disassociate themselves from the positions of any government and maintain an impartiality that diplomats and IOs cannot, INGOs rarely have the access to governments to enable them to play this role effectively for governmental CBMs (or more specifically CSBMs). This task necessarily falls to either bilateral diplomats or perhaps more effectively IOs. One challenge for IOs is the need to stay within their mandates negotiated with host governments, and in the case of the OSCE, to maintain the support of all participating States, while simultaneously attempting to support both sides' confidence building initiatives on a governmental level. In the case of Abkhazia and South Ossetia, this has proven impossible in recent years, while remaining viable in the Nagorno-Karabakh context. This is an essential function, as without the support and facilitated dialogue needed to for governmental CBMs to be mutually understood there is a greater likelihood for their impact to be lost, as was the case in Georgia illustrated above.

Intergovernmental Organizations' Role in Civil Society CBMs

IOs have an additional role facilitating local civil society confidence building initiatives within societies, especially as they become strong enough to reach out to government. This can either be focused on inter-communal issues such as initiatives facilitated by the HCNM between ethnic Kyrgyz and Uzbeks in Kyrgyzstan or the "Water conflict management" implemented by the OSCE Office in Bishkek launched in 2008. In both cases, the OSCE lends its political support to civil society to enable them to implement activities challenging to the community or government.

The political access and understanding that IOs are able to develop with host governments becomes particularly useful for internal dialogue. With the support of IOs, the policy recommendations resulting from internal dialogue can receive a more receptive response from governments unused to taking lessons from civil society. The OSCE has had mixed success promoting CBMs in the conflict zones. On the positive side, the OSCE Mission to Georgia was able to implement initiatives in Abkhazia and South Ossetia, especially in the Human and Economic and Environmental Dimensions without demanding political concessions. As the political context changed, it became increasingly difficult, until all activities had to stop in 2008. One lesson can be drawn from the OSCE Economic Rehabilitation Project in South Ossetia. The project was innovative in setting up a parallel decision-making board for the different projects, involving the different sides. For a while, it was hailed as a success, as this board was able to meet, even when the official Joint

Control Commission meetings would not take place. Ultimately, however, the individual rehabilitation projects became hostage to the political process. In retrospect, it might have been more effective to undertake a less high profile initiative, perhaps through civil society mechanisms.

Because Intergovernmental Organizations rarely have the capacity to stay intimately involved in the processes that surround effective CBMs, they tend to focus on one-off initiatives aimed at achieving a specific goal, often linked with an immediate need arising out of the official negotiations. If these activities were linked to and coordinated with existing processes, facilitated by INGOs or local civil society networks themselves their impact could be magnified tremendously. One example was the 2007 intellectuals' visits that took place with mixed Armenian and Azerbaijani cultural figures to Yerevan, Baku and Stepanakert/Khankendi arranged by the Armenian and Azerbaijani Ambassadors in Moscow and facilitated by the OSCE Minsk Group. Civil society networks across the conflict divide could have supported the event by facilitating discussions in their societies, sharing their experience with the participants and through follow-up activities. Instead, it raised a great deal of attention at the time, drawing significant media criticism. There was no mechanism available to enhance the impact and mitigate the fallout afterwards.

Beating the Mandate Trap

Currently, one of the biggest problems in both the Georgian/Abkhaz and Georgian/South Ossetian contexts is the increasing isolation of both territories following the closure of the OSCE Mission to Georgia, along with its office in Tskhinvali, followed soon thereafter by the closure of UNOMIG in Abkhazia. The basic problem is the inability of the sides to agree on some status-neutral approach that would allow a renewed international presence in the two regions. Simply solving this dilemma would have a significant impact on this isolation and would open up a range of possibilities to negotiate both civil society and governmental CBMs. The OSCE still has a range of instruments potentially available to it to address this problem:

- The Office of the High Commissioner on National Minorities has a mandate throughout the OSCE area. No new mandate would be necessary to engage with the two territories, limiting political constraints to negotiations with the Georgian and *de facto* authorities.
- Similarly, the ODIHR's mandate could enable status-neutral engagement in the entities.
- The OCEEA could explore the possibility of opening Aarhus Centres Abkhazia, where there is a significant cultural investment in environmental issues. Because there are Aarhus Centres in Georgia managed directly from Vienna, a similar arrangement with Abkhazia could remain neutral.

Conclusion

The potential for civil society to play a meaningful role in resolving conflict has been established in principle, but often forgotten in practice. Security has long been the arena of diplomats focused on the governments they represent. The Helsinki Final Act stimulated a new generation of thinking on security, broadening debates to include human rights, the environment, governance and poverty as legitimate security concerns, opening the door for civil society to play a greater role. With these

changing attitudes, new opportunities for confidence building have emerged. CBMs, be they civil society-based or military CSBMs, all work to build the confidence needed to trust the other side's intentions to fulfil their part of a peace agreement and to be effective they need to be accompanied by dialogue and other tools to ensure that their intentions are well understood by both sides. CBMs need to be a part of larger processes, targeting accurately the needs of a given point in time and the attitudes of those involved in them. They need to be strategic.

Civil society can play an important role in reaching out to the most affected communities, in challenging stereotypes and enemy images and in stimulating creative new thinking needed for compromise. Civil society has more freedom than government, such an important commodity in societies affected by conflict and stuck in narratives that demand conformity to zero-sum positions. Civil society also has its vulnerabilities, especially in conflict affected societies where civil society institutions are weak and funding limited. Civil society actors involved in confidence building need to be integrated in the community and to work in coalition. Both tasks are difficult and require time, funding and outside assistance.

Intergovernmental organizations have an equally important role to play. IO's main role is in working with governments in support of their confidence building initiatives, in conjunction with the official peace processes. They have an additional role to play in advocating with governments in support of civil society confidence building initiatives, and working within societies where they have field presences to implement internal confidence building measures. International organizations can often straddle the conflict divide, providing opportunities for societies divided by conflict to engage with one another. However, IOs cannot hope to always play a mediator role, as their member states all have clearly defined positions *vis à vis* the conflict. Often this can be mitigated through partnerships with INGOs. International organizations link conflict affected societies with the outside world, a fundamental need because these societies are often isolated from the world as a result of their conflicts.