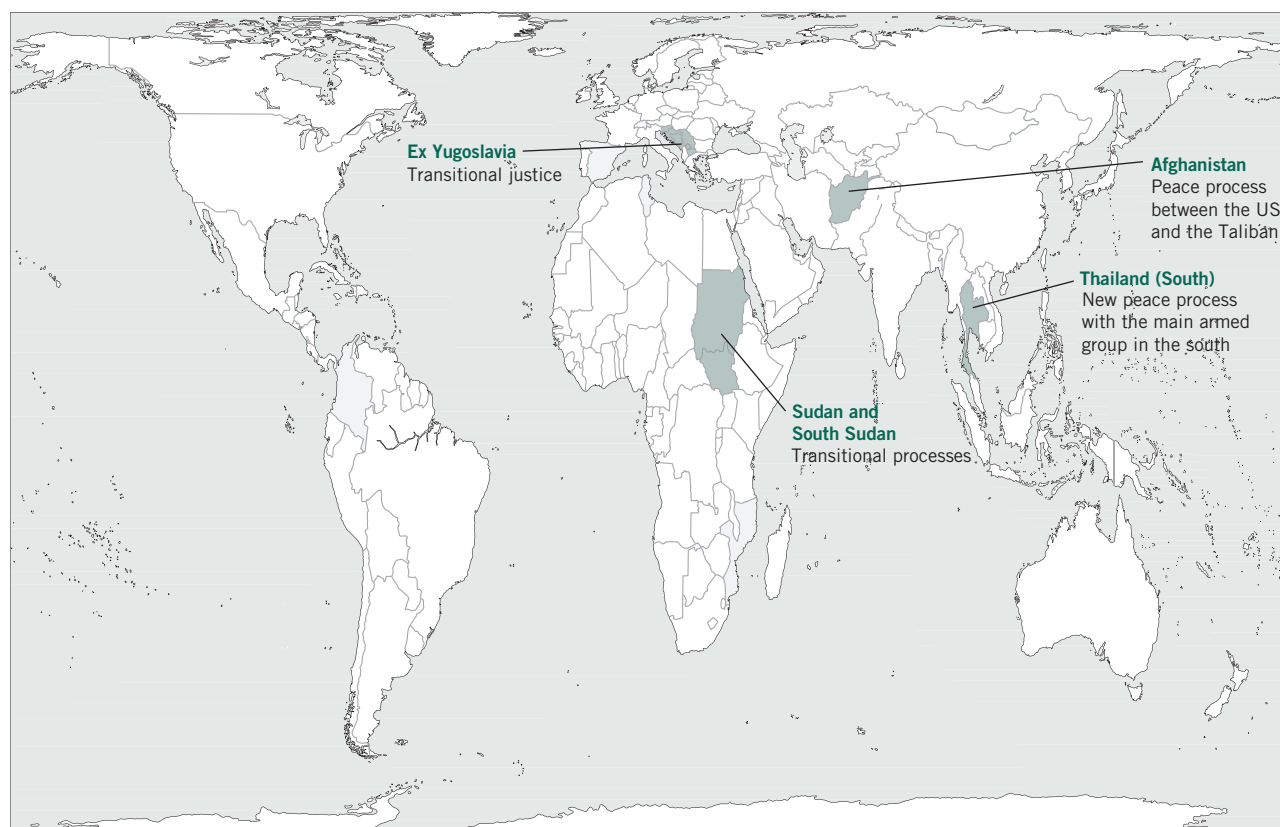


4. Opportunities for peace in 2020

After analysing the year 2019 from the perspective of conflicts and peacebuilding, the UAB's School for a Culture of Peace highlights in this chapter five areas that are opportunities for peace in 2020. They are contexts where there is, or has been, an armed conflict or socio-political crisis in the past where a series of factors converge that could lead to a positive turn in the situation and/or issues of the international agenda that may, in the short to mid-term, contribute to building peace. The opportunities identified for 2020 refer to the negotiations between the Taliban and the United States in the case of Afghanistan; the prospects for transition in Sudan and South Sudan; the new negotiation process between the Thai Government and the BRN, the main armed group in the south of the country; and the civil society's drive for transitional justice in the former Yugoslavia against political blockades through a regional registry of victims.

All these opportunities for peace will require a real commitment and huge efforts from the parties involved and, whenever required, the support of international actors for the existing synergies and positive factors to lead to the building of peace. In this regard, the analysis by the School for a Culture of Peace aims at offering a realistic view of these scenarios and issues, identifying the positive elements that feed the hope for changes, but without neglecting the difficulties that exist and could be an obstacle for the realisation of these peace opportunities to come true.

Map 4.1. Opportunities for peace in 2020



4.1. Taliban-US negotiations, an opportunity for peace in Afghanistan?

The armed conflict in Afghanistan is undoubtedly one of the most serious war scenarios in recent times. Decades of war have left a devastating legacy in terms of deaths, wounded populations, destroyed basic infrastructure, humanitarian emergencies, serious human rights violations and profound gender inequalities, among many other aspects. Since the United Nations mission in the country, UNAMA, began collecting data on civilian deaths in 2009, over 35,000 civilians have died as a direct consequence of armed violence and a considerably higher number have been injured. To this figure are added the tens of thousands of deaths of insurgents and Afghan and foreign soldiers deployed in the country. The rights of women and girls have been seriously violated at all stages of the armed conflict, alongside multiple human rights violations against the entire civilian population, including war crimes. Amidst the intensification of violence, in January 2019 the Taliban and the US government announced the start of a negotiating process based on a framework agreement that should have been detailed throughout the negotiations, by which the US promised to withdraw its troops deployed in the country and the Taliban pledged to guarantee that Afghanistan would not be used by terrorist groups to carry out attacks again. After several months of direct negotiations between a Taliban delegation led by Mullah Baradar Akhund and a US delegation led by Afghan diplomat Zalmay Khalilzad, the planned signing of an agreement was announced in August in the US, but US President Donald Trump surprisingly called it off. However, the negotiations subsequently continued, making the signing of an agreement likely in 2020.

Since the US invasion of the country in 2001, there have been many unsuccessful attempts to conduct peace negotiations to end the conflict. These negotiations have always had a double dimension. On the one hand, the Afghan government had tried to lead a peace process with all the Afghan actors involved in the armed conflict, generally known as an intra-Afghan dialogue or process. For example, the High Peace Council was created in 2010 under the government of Hamid Karzai, whose first president, Burhanuddin Rabbani, was assassinated in an attack in 2011. However, the Taliban always refused to conduct direct negotiations with the Afghan government and demanded direct talks with the US government on the grounds that the Afghan government was still a US “puppet”. Regional actors such as Qatar, Saudi Arabia, Pakistan, Russia and others have also played an important role at different times, either by promoting rapprochement between actors, hindering

dialogue or transferring geopolitical interests to the negotiating arena.

However, the negotiating process reached a turning point in 2019. An agreement between the Taliban insurgency and the United States could allow for a considerable reduction in violence in the country and open the door to broader and possibly more inclusive negotiations. The talks between the US and the Taliban are a process involving elites and are totally exclusive to Afghan society and closely linked to the US government's political need to reduce its presence or withdraw its troops from the country. Therefore, they are not a process aimed at building a sustainable and transformative peace in the country that considers the very serious impacts that violence has had on the population or the human rights violations that have been committed in recent decades. However, this agreement could produce a way out of the impasse, opening opportunities for

An agreement between the Taliban insurgency and the United States could allow for a considerable reduction in violence in the country and open the door to broader and possibly more inclusive negotiations

both high-level processes between the Taliban and the Afghan government and broader ones of national dialogue that are more inclusive of civil society and crucial actors such as women's organisations. Thus, the challenge is to take advantage of the opportunity afforded by a possible reduction in armed confrontations to undertake deeper transformations and give impetus to transformative peace initiatives that do include inclusivity and human rights as central aspects of the agenda.

Under the leadership of the United Nations, the international community can play an important role in supporting a process that must obey local dynamics and logic and not external impositions that distort it. Furthermore, the Afghan government must be able to cope with inevitable challenges such as the significant participation of Afghan women in the process and accountability for the serious human rights violations that the different actors involved in the armed conflict have committed and continue to commit in the country. These are basic and concrete demands of important parts of Afghan civil society.

A future scenario for building peace in the country will face significant obstacles, since a potential peace agreement between the United States and the Taliban will not mean the full end of the armed conflict in the country, although it will undoubtedly mean reducing the main focus of violence. Thus, the question remains as to what the relationship between the Taliban and Afghan security forces will be and what will happen to other armed actors, mainly ISIS, since it is not clear if the Taliban can control their actions. Furthermore, as part of a process with the Afghan government,

the political fit of the Taliban and their acceptance or rejection of the current Afghan constitutional and institutional framework will have to be addressed. Thus, there is the possibility of a transitional process that strengthens the situation of impunity and power of armed actors, with exclusive institutions or, on the contrary, a transitional process that presents an opportunity to consolidate a human rights agenda and

opens broader spaces for social participation. This opportunity should not be a parenthesis in a conflict that has left such a deep legacy of destruction in Afghan society, but should serve to initiate a truly sustainable and inclusive peace process in which to tackle the challenges and pending reforms to achieve substantial improvement in the living conditions of the Afghan population.

4.2. Prospects for transition in Sudan and South Sudan

After years of instability and armed conflict in Sudan and South Sudan, both countries experienced various political scenarios in 2019 that have opened the door to two transitional processes that can achieve peace and stability. If the transitions are successful, the next step will be to hold elections so that the citizens of each country can once again choose their respective governments, thereby turning the page on the previous regimes. Each country faces a complex process with difficulties and challenges that will have to be addressed in each context, but this is also the best possible scenario after years of instability that have pummelled the populations of both neighbouring states.

In Sudan, 2019 was a year of change after the ouster of President Omar al-Bashir and the ruling National Congress Party (NCP) after 30 years in power under an autocratic regime erected from the militarisation of the state. The last wave of popular protests that started in December 2018, but went back to 2012, led to the fall of the government in April and the creation of a Transitional Military Council (TMC) that announced that it would be in power for two years. After months of major tension in the country due to the military's refusal to hand over power to civilians and following significant internal and international pressure, especially from the African Union, a hybrid transitional government was formed. This new government was made up of civilians and the military and was ratified in mid-August, chaired by economist Abdalla Hamdok as prime minister and by Abdel-Fattah Burhan, the chief general of the TMC, as president of the Sovereign Council. The established agreements stipulated that a transitional process would begin that would last 39 months before holding elections and returning power to the people, during which time the transitional government would work on legal and economic reforms and outlining a balanced foreign policy.

The new Sudanese government has been taking different measures aimed at a new process of democratic openness. These include the implementation of legal reforms to increase the protection of civil liberties and the initiation of judicial processes on crimes and human rights violations produced in the country to try to end impunity. Pressured by the demands of Sudanese civil society, it has also taken steps against the old regime, dissolving the old ruling party (NCP). The Sudanese women's movement, which played a key role in the popular protests that led to al-Bashir's ouster, remains very active in the country. For example, it demands that

The formation of transitional unity governments in Sudan and South Sudan opens a new scenario for achieving peace and stability in the region

the new transitional government adhere to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which had not been ratified by the country due to the previous government's refusal. Another scenario that the new government is influencing is related to the de-escalation of violence in the war-torn regions of Darfur and South Kordofan and Blue Nile (the last two of which are also called "the Two Areas"), resuming the peace talks currently taking place in Juba, the capital of South Sudan.¹ Resolving these armed conflicts is a priority on the government's new agenda, having established a period of six months since its creation to bring peace to the war-torn regions through the signing of a road map for peace on 11 September called the Juba Declaration of Confidence-Building Measures and the Preparation for Negotiation. In this regard, some positive steps have been taken to reduce armed violence in Darfur and the Two Areas through different measures, such as ceasefire decrees, releases of political prisoners, facilitation of the arrival of humanitarian aid, etc. Although the Juba peace negotiations have not been able to achieve the objective of reaching a peace agreement in the territories within the six months stipulated, they remain open with positive prospects for producing a stable agreement.

In South Sudan violence fell significantly in 2019, in a context characterised by the parties' ratification in 2018 of the peace agreement signed in 2015, under the new Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS). This scenario has led to the signing of the longest-running ceasefire between the two main groups that started the armed conflict in December 2013. The reduction in military hostilities has improved the security situation, facilitated the free movement of people and helped to provide humanitarian aid. This last aspect is essential in a country that reported around 4.3 million people forcibly displaced by violence in late 2019, according to UNHCR data. These figures ranked South Sudan as the largest refugee crisis in Africa and the third largest in the world, behind Syria and Afghanistan.² Similarly, as part of the R-ARCSS, the parties agreed to establish an eight-month pre-transition period, at which time a transitional coalition government was to be set up. Although the anticipated initial deadlines were not met, the formation of the long-awaited unity government in early 2020 opened a new scenario of transition and hope in the country. It is still too early to judge the parties' ability to maintain unity in the country, as there are different challenges to resolve (territorial decentralisation, reform of the security

1. See the summary on Sudan in chapter 1 (Peace negotiations in Africa) in Escola de Cultura de Pau, *Peace Talks in Focus: Report on Trends and Scenarios*. Barcelona: Icaria, 2020.
2. UNHCR, "South Sudan Refugee Crisis", viewed on 14 January 2020.

system, etc.), but the formation of the new government is undoubtedly an important step in de-escalating the conflict at the national level and provides an opportunity to establish peace.

To this new scenario of opportunity in both countries, we must also add the important diplomatic progress made between the governments of Sudan and South Sudan in 2019. These improved relations can be observed in the signing of a historic border delimitation agreement between both governments and in each country's greater commitment to resolving its neighbour's armed conflicts. In the first case, the two countries have reopened border crossings to improve bilateral trade and freedom of movement, signing an agreement delimiting the shared border in August 2019, leaving only five areas subject to new negotiations: Dabba al-Fukhar, Jabal al-Muqainis, Kaka, Kefi Kenji and Hofrat Al-Nehass. In the second case, the government of South Sudan has offered to mediate in peace talks between the government of Sudan and the rebel forces of Darfur, South Kordofan and Blue Nile, which are taking place in Juba, the South Sudanese capital. Similarly, the Sudanese government has done the same in relation to the armed conflict in South Sudan,

influencing Salva Kiir's government and the main opposition group, the SPLA-IO, led by Riek Machar.

The main challenges facing the transitional processes in both countries include the governments' ability to maintain unity, introduce measures that curb the havoc that the socioeconomic crisis is producing among the most vulnerable populations, resolve tensions and put an end to ongoing scenarios of violence. Indeed, episodes of violence continue in both countries due to the existence of armed groups that have not signed the corresponding peace agreements, such as the Darfuri SLA rebel forces led by Abdel Wahid (SLA-AW) in Sudan and the different armed groups still active in South Sudan, like the National Salvation Front (NAS) led by Thomas Cirillo in the state Central Equatoria. Therefore, the ability to include these forces in peace negotiations to achieve a total commitment to end the violence will be decisive.

In both transitional scenarios, organised civil society in both countries and the international community, especially the African Union and regional organisations, are expected to continue to apply pressure to try to guarantee that the path towards peace, stability and democracy becomes irreversible.

4.3. The new negotiating process between the Thai government and the BRN, the main armed group in the south of the country

Alongside the collapse of the peace process initiated in 2015 by the government of Thailand and MARA Patani, an umbrella organisation representing various armed groups, several exploratory contacts took place in 2019 between the new government and the main armed group active in the southern part of the country, the BRN. In January 2020, the government and the BRN formalised the start of a new peace process at a joint press conference in Kuala Lumpur (Malaysia) in which they acknowledged having carried out the first round of negotiations, set a date for an upcoming meeting in March and expressed their intention to negotiate bilaterally before including other insurgent groups in the process. Despite the high levels of violence on the ground, resistance from parts of the government and the insurgency to resolve the conflict through dialogue, the state's reservations about any decentralisation or regional autonomy and the difficulties observed in the previous negotiating processes, there are some factors supporting optimism for resolving one of the deadliest armed conflicts in Southeast Asia in recent years.

First, direct peace talks with the BRN, which it is agreed is the group with the greatest operational capacity in the south of the country, should be able to overcome one of the main weaknesses and sources of frustration of the previous peace: Bangkok's misgivings about the relationship between the BRN and MARA Patani and about the latter's real influence and control over combatants on the ground and levels of violence in southern Thailand. Although there were formally three BRN representatives participating in MARA Patani, on several occasions the BRN expressed scepticism and distanced itself from the peace process. Given the lack of substantive progress in the negotiations between the government and MARA Patani and the discovery that MARA Patani did not exercise direct control over the operational armed cells in the three provinces of Yala, Pattani and Narathiwat, the government tried to establish contact with the BRN in 2017.³ Bangkok's desire to engage in direct talks with the BRN was made much more explicit after the talks with MARA Patani collapsed in February 2019 and after the elections in March, the first since the 2014 coup, and the formation of the new government in June. In August, in fact, the BRN acknowledged having had contacts with the government both within and outside the country and even declared that it had raised its conditions for dialogue. At the end of the year, the government's new chief negotiator since October, General Wanlop Rugsanoah, openly

acknowledged his intention to start direct bilateral talks with the BRN. A few days later, a meeting in Berlin between both parties came to light, although without the participation of Malaysia, which has facilitated the talks in recent years.

Even though the process was still in a very early stage of development in late 2019 and early 2020, some analysts have indicated that both parties seem to have shown a greater commitment to the negotiating process. For example, the government stated that it allows people who are experts in peace processes to observe the negotiations (individually, and not on behalf of any organisation), which could be interpreted as a gesture towards the BRN and an indirect response to

its demand to expand and internationalise intermediation efforts. In addition to the demands raised by the BRN in August 2019, such as the release of all those accused of having links to the insurgent movement and the opening of an investigation into alleged human rights violations by state security forces and agencies, in April 2017 the group had issued a statement expressing its conditions for any dialogue with the state: the international community's participation as an observer, an impartial third party's mediation of the process and

an agreement between the negotiating parties on how to design it. Similarly, the fact that the meeting that took place in Berlin in late 2019 was sponsored by an international organisation, coupled with the fact that Malaysia claimed that it did not know what transpired there, seems to point in the same direction. However, the fact that in October 2019 the Thai government appointed General Wanlop, who had been Secretary-General of the National Security Council, could indicate the government's intention to attract the most reluctant parts of the state security apparatus towards a strategic commitment to resolve the conflict through negotiation. According to the International Crisis Group research centre,⁴ the fact that a Secretariat for the Peace Dialogue was established within the National Security Council in December 2018 could be welcomed by the insurgency in the south of the country. Until then, the Internal Security Operations Command had been responsible for overseeing the process, a unit within the Thai Armed Forces that had played an important role in suppressing internal dissent in previous decade.

Media outlets reported that the BRN's decision to start bilateral talks with the government had been

*Following the
paralysis of the peace
process with MARA
Patani, the Thai
government began
direct peace talks
with the most active
armed group in the
southern part of the
country*

3. For an analysis of the peace process between the Thai government and MARA Patani, see International Crisis Group, *Southern Thailand: Dialogue in Doubt*, Asia Report no. 270, 8 July 2015 and *Southern Thailand's Peace Dialogue: No Traction*, no. 148, 21 September 2016. For a study of the previous stages of the peace process, see Duncan McCargo, *Southern Thailand: From conflict to negotiations?*, Lowy Institute for International Policy, April 2014.

4. International Crisis Group, *Southern Thailand's Peace Dialogue: Giving Substance to Form*, Asia Report no. 304, 21 January 2020.

taken at the group's highest decision-making body, the Dewan Pimpinam Parti. In the previous negotiations, the BRN had questioned whether its representatives in MARA Patani had any kind of authority or position within the armed organisation. The BRN's decision to start talks with the state may have even more strategic importance because it came after the BRN replaced its leader Abdullah Wan Mat Noor, also known as Dulloh Waemanor⁵, with Kho Zari in early 2019, who according to some media reports represents parts of the group that are most sceptical with dialogue with the state. Be that as it may, during its first meeting in January 2020, the government recognised the authority and representativeness within the BRN of the chief negotiator appointed by the group, Anas Abdulrahman, something that had not happened in the previous process with MARA Patani.

Another aspect that may be relevant to the new negotiating process is that it will take place in a formal democratic setting and not under the supervision of the military junta (formally the National Council for Peace and Order, NCPO) that governed the country from the coup in May 2014 to the March 2019 elections. While these elections, which had been postponed several times in recent years, did not signal a major break with the military junta (in fact, Prime Minister Prayuth Chan-o-cha is the leader of the NCPO)⁶ they did suggest the possibility that the concepts of administrative decentralisation, or regional autonomy, be raised and discussed more openly and freely. According to various analysts, since the option of independence for southern Thailand is not feasible and has not even been openly raised in the negotiations, one of the fundamental aspects of a possible resolution of the conflict involves the government's willingness to explore some formula of territorial organisation that can accommodate the aspirations to self-government of most of the population of the Muslim-majority southern provinces. Historically, the government has never shown any public willingness to even discuss the issue, but in early 2019, the government's chief negotiator at the

time, General Udomchai Thammasarorat, declared for the first time that he was studying formulas such as a special administrative zone or others compatible with the Constitution. In the elections last March, half of the 13 seats chosen in the provinces affected by the armed conflict were won by Prachachart, a party that openly calls for a negotiated end to the conflict and a political decentralisation model for the southern provinces bordering Malaysia. In the same vein, Abhisit Vejjajiva, the former Prime Minister and leader of the Democratic Party (the historically dominant party in southern Thailand and one of the most important in the country's recent history), also openly advocated decentralisation of power as a mechanism for conflict resolution.

Although levels of violence have gradually dropped over the past three years to reach record lows since the armed conflict resumed in 2004, on several occasions the government has publicly acknowledged that the military counterinsurgency strategy is insufficient to resolve the armed conflict. In fact, the insurgency in southern Thailand has shown that it has significant operational capacity on the ground, as evidenced by the attack that it carried out in November 2019 in which 15 people died. In addition, some have warned that the chronic nature of the armed conflict could lead to the eruption of jihadist organisations with objectives distant from the political agenda of the insurgent organisations in southern Thailand. Meanwhile, the insurgency has verified how high levels of violence in the south of the country have not only not led to any significant political concessions from the government, but have also given way to an unprecedented militarisation of the area and the imposition of an emergency decree since 2005 that some have compared to martial law and that has been widely criticised for sponsoring the impunity with which the state's security forces and bodies operate in the region. Thus, the start of a negotiating process between the government and the largest armed group in southern Thailand amidst increasing democratic normalisation of the country seems to be a step in the right direction towards resolving the conflict.

5. Dulloh Waemanor had replaced Sapaeng Basor after his death in Malaysia in early 2017.

6. According to the Constitution approved by the military junta in 2017, the prime minister is elected in a joint session between the House of Representatives and the Senate, whose 250 members are appointed entirely by the NCPO.

4.4. Civil society's drive for transitional justice in the former Yugoslavia in the face of political deadlock: towards a regional registry of victims

The wars of the 1990s in the former Yugoslavia resulted in serious impacts on the civilian population in all the affected territories, including in terms of people killed, wounded, disappeared and forcibly displaced, as well as victims of sexual violence and torture. In the decade since, various international and local transitional justice processes and initiatives have addressed issues related to serious human rights violations committed during these conflicts. These include the work of the International Criminal Tribunal for the former Yugoslavia (ICTY), established in 1993 and dissolved in 2017, and the Specialist Chambers and the Specialised Prosecutor's Office, a court established in 2017 and based in The Hague with international judges, but integrated into the Kosovo judicial system with a mandate and jurisdiction related to alleged serious violations of international law by members of the Kosovar Albanian armed group ELK, as documented in a 2011 Council of Europe report. Transitional justice efforts have run up against multiple obstacles largely linked to regional authorities' lack of political will to promote effective transitional justice processes. Nevertheless, regional civil society actors continue to promote new transitional justice initiatives. These initiatives include the civil society network of the former Yugoslavia known as the Coalition for a Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia (RECOM), which in 2019 announced its commitment to create a complete regional list of victims of the wars of the 1990s in the former Yugoslavia.

The Coalition for RECOM, which currently brings together over 2,000 civil society organisations from the former Yugoslavia and represents all the ethnic communities in the region, was created in 2008 to promote the establishment of an official regional commission by successor governments of the former Yugoslavia that was independent of the founding governments and assumed the mandate to establish the facts related to war crimes and human rights violations, establish a registry of all victims of wars, collect data on places of detention and victims of torture and mistreatment in the context of conflicts and data on missing persons and hold public hearings of victims' testimonies. The creation of RECOM was seen by civil society activists as a way to move forward on reparations and reconciliation, as well as to avoid the respective elites' political manipulation and exploitation of the impacts of armed conflicts, including the death toll. In 2014, progress was made on a RECOM

statute that included government proposals such as clarifications that RECOM would not be a judicial body or that it would be funded with state budgets. The involvement of the envoys of the region's presidents at that time showed some degree of political commitment.

However, in recent years the governments' refusal to make the regional commission a reality has become clear. New efforts by the Coalition for RECOM in 2017 (the year the ICTY came to an end), including new collections of signatures, proved unsuccessful. The 2018 Western Balkans Summit, which had generated hopes for a possible impetus for the creation of RECOM as a signed declaration of its establishment, revealed the lack of political will, as it did not come to pass. Finally, in late 2019, the RECOM Coalition, once again confirming the lack of political will of the respective governments, agreed to withdraw the RECOM statute and assume the challenge of drawing up a regional list of victims as a civil society initiative.

The decision of the more than 2,000 organisations of the Coalition for RECOM to go ahead and try to complete a list of victims presents an opportunity for building regional memory

Although the governments' abandonment of RECOM is an institutional failure, the decision of the more than 2,000 organisations of the Coalition for RECOM to go ahead and try to complete a list of victims presents an opportunity for building regional memory and thereby making headway on reparations and reconciliation. It also demonstrates that the social fabric is key for peacebuilding and essential for moving ahead in the face of institutional and political resistance, despite the limited resources and scope. As part of its endeavour, in 2019 the civil society coalition presented a map documenting 130,000 deceased or missing victims that it will continue to expand. As part of this, it plans to intensify the process to document war crimes, increasing the number of investigators in the coalition analysis teams and involving academic centres. The coalition also plans to strengthen the transitional justice and reconciliation network in the region between 2020 and 2023 and provide expert support to youth groups in their work to report attempts at politically misrepresenting facts clarified by international courts.

Organised civil society in the former Yugoslavia faces obstacles to its transitional justice efforts, including the prevalence of political and social narratives that have tended to minimise or shirk the responsibilities of the political and military predecessors of the respective territories and communities for serious human rights violations during the conflicts, the limited political desire to cooperate effectively with international and hybrid transitional justice processes, the limited

resources allocated to local judicial processes and the continuation of difficulties therein, such as insufficient witness protection, and attacks and abuses against human rights advocates in the region. However, the opportunity is also supported by factors such as civil society's accumulated documenting and reporting experience, its structure in a regional network and its many varied actors (human rights organisations, youth

organisations, victims' associations, research centres). It must also receive decisive support from stakeholders in the international community at multiple levels, including political support for civil society transitional justice efforts as part of bilateral and multilateral dialogues between international actors and governments in the region and international financial support for local civil society actors.

