

**THE STABILISATION AND
RECOVERY NETWORK**

The Day after Daesh

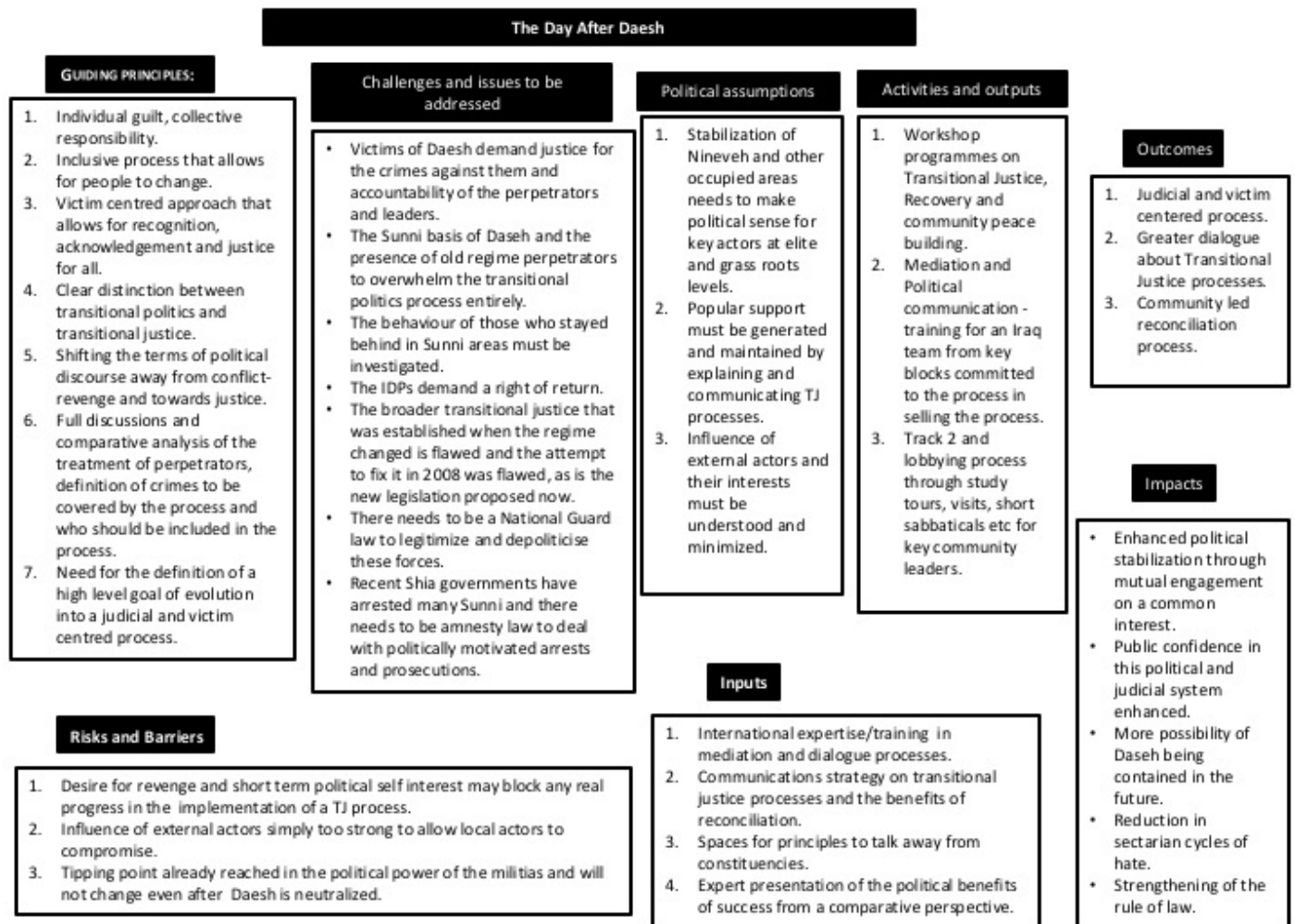
Community and National Peace Commissioners Proposals

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Index

Index	2
Theory of Change: The Day After Daesh.....	3
Context	3
Aims.....	4
Guiding principles.....	4
Challenges and issues to be addressed	7
Reconciliation Commissioners	8
Year One	9
Year Two	10

Theory of Change: The Day After Daesh



Context

The existing sectarian conflict in Iraq has been exacerbated since June 2014 by large numbers of IDPs from all communities, most especially minorities, and high levels of sexual and gender based violence. As the areas taken by Daesh are liberated these multi-level problems will require imaginative and rapid responses if they are not going to result in a renewal of full scale civil war and the breakup of the country.

Forums in which representatives of the different communities in Iraq can meet to discuss the development of reconciliation processes are not currently functioning in the National Parliament or Provincial Councils. As these forums are created there is need for a cadre of experts who can support their work and link local issues with central government and parliament.

Aims

This project will bring together key figures in a high level contact group who will work together to form a Decentralisation and Reconciliation Commission which would then be replicated in each of the Provincial Councils and Tribal Councils in the provinces liberated from Daesh. It will begin its work by training a team in Nineveh Province and then expand to the other three occupied provinces.

These Commissions will be staffed by Commissioners who can be trained immediately in the set of skills they need and linked directly to Iraqi and international experts to support their work. This team of 125 national and local commissioners will then be connected to international experts and work closely with each other in a structured programme of learning and in a managed network. Therefore, this project can begin to build capacity before areas are liberated and work with local and central government to create the team of people needed to make a difference on the ground once the Iraqi government regains control.

Guiding principles

The experience of transitional justice processes in Iraq and in other contexts, especially Northern Ireland and South Africa, suggest that the design of any process needs to be informed by certain key guiding principles. These will be difficult to establish and harder to maintain in the context of Mosul and the other areas to be liberated from Daesh. However, raising these issues, exploring them in workshops, discussions and making key players aware and engaged with them is important. These principles were initially developed through the first stage of the UN process of reforming the JAL laws which took place at the end of last year.

1. Individual guilt, collective responsibility – in order for Transitional Justice to take place, it is necessary that it is necessary for transitional justice to take place that perpetrators are subject to legal process. The individual must be held to account for their actions but wider entities are responsible for conflict and it is important to explore and communicate the wider context of daesh as part of any process.
2. Inclusive process that allows for people to change – members of communities linked to daesh need to be able to change from being supportive of them, or indeed of the old regime, and embracing the new. Low level support and fellow travelling to survive need to be separated from active perpetration of crimes. The mediation and

dialogue processes needed therefore have to embrace all communities and include all key actors if they are to have the confidence of all sides.

3. Victim centred approach that allows for recognition, acknowledgement and justice for all – which means that acts of injustice or crimes committed against the Sunni community have to play a role in the transitional justice process that is designed.
4. Clear distinction between transitional politics and transitional justice – as the political phase of transition can involve the language of revenge and is the final stage of armed conflict, it is important to shift the process away from politics and to the judiciary as quickly as possible. For a clear distinction to be in place there needs to be an institutional and legal basis for the justice system.
5. Shifting the terms of political discourse away from conflict/revenge and towards justice- running alongside the institutional distinction, as politics takes over, rhetoric can continue to play a role and the rewarding of the victims and the punishment of the vanquished can pollute the search for justice. Arguably, the JAL in Iraq is still in a transitional politics phase so it is going to be extremely challenging to move the Mosul process through the stages needed to get to justice very quickly. However, raising awareness of this early may help to move things forward.
6. Full discussions and comparative analysis of the treatment of perpetrators, definition of crimes to be covered by the process, and who should be included in the process – the perpetrators of crimes should not be defined by who wins the conflict and who loses, but by the nature of the crimes committed and by the law. Anyone who has committed a crime as part of this phase of the conflict in Iraq must be the subject of the judicial processes created to deal with transition.
7. Need for the definition of a high level goal of evolution into a judicial and victim centred process – effective transitional justice processes need to have a realistic and supported time line for evolving into the end state needed for justice to be done. It is vital to understand and to bring stakeholders along to the idea that transitional justice is a process of stages and not a single event.

The evidence base for the programme proposed here to implement change in line with these Guiding Principles, is derived from network theory and conflict transformation methodologies implemented over the last decade and the detailed expert local knowledge of the implementing team. Certain core principles have emerged that have proven necessary to underpin programmes of dialogue and transitional justice in complex conflict situations and in the attempts to shift the JAL process in Iraq onto the guiding principles outlined:

- National actors need to be engaged with local actors through mechanisms that mitigate the lack of local qualifications but maximise the use of local knowledge and connections; ideally programs should transfer knowledge and enhance capacity of local actors who are able to operate in conflict affected areas – this is the basis of the design of the different elements this project.

- Solutions come from national forums but only when they can be implemented through local leadership and ownership, therefore Provincial/Tribal Council level connections are essential elements of the project but over time the local knowledge and connections of the beneficiaries will be vital in linking national policy to local reality.
- A multi-tiered approach in which different components (Mediation and Dialogue training, Transitional Justice awareness raising, study tours and visits, strategic communications programme) serve to support one another and linkages evolve over time produce long term channels for communicating deals and ensuring that communities feel heard and engaged with by central Government and local offices exist through which issues can be communicated. This project therefore builds on existing local structures and networks to which Al Tahreer Association for Development and other implementing partners are connected.
- Though often weak, Civil Society, broadly defined and therefore also including religious groups, need to be integrated into peace building processes and used to spread messages and explain processes especially for compensation and justice. Conflict can often be used as an excuse for poor governance which in turn is linked back into the need for consultation and mechanisms of accountability, the beneficiaries will be encouraged to develop and deliver projects that address these issues.
- Strategy of inclusion – issues surrounding involvement of women in particular but also those marginalized groups such as ex-combatants, including ex-members of Daesh or local Sunni population who have lived in Daesh controlled areas, are central to the reconciliation process and can only be worked out on an inclusive basis over a long period, therefore the structure of the initial competition will emphasize projects that address marginalized groups and their inclusion in reconciliation processes will be favoured.

The aim is to move the process from conflict through transitional politics to transitional justice to the rule of law. A high level goal is to achieve the right to co-exist in a common space. The challenge is how to remove the conflict-revenge paradigm that is shaping present politics from the transitional politics process to allow a transitional justice system to come to a conclusion and shift onto a process of victim centered justice, truth, accountability and acknowledgment that would re-establish the rule of law in Nineveh. The reality is that revenge and present politics dominate the current situation and block the operation of any transitional justice systems. The security situation and external influence will also hamper progress while creating new problems. These two broad areas then breakdown into seven more specific problems:

Challenges and issues to be addressed

1. Victims of Daesh demand justice for the crimes against them and accountability of the perpetrators and leaders.
2. The Sunni basis of Daesh and the presence of old regime perpetrators to overwhelm the transitional politics process entirely.
3. The behaviour of those who stayed behind in Sunni areas must be investigated.
4. The IDPs demand a right of return.
5. The broader transitional justice that was established when the regime changed is flawed and the attempt to fix it in 2008 was flawed, as is the new legislation proposed now.
6. There needs to be a National Guard law to legitimize and depoliticise these forces.
7. Recent Shia governments have arrested many Sunni and there needs to be amnesty law to deal with politically motivated arrests and prosecutions.

Underpinning these challenges and issues there are obvious and powerful risks and barriers to achieving any progress. The desire for revenge and short term political self-interest may block any real progress in the implementation of a Transitional Justice process. There are powerful external actors who might be simply too strong to allow local actors to compromise. Iraq might have already reached a tipping point in the political power of the militias and this will not change even after Daesh is neutralized. To overcome these barriers the case for the stabilization of Nineveh and other occupied areas, through transitional justice processes needs to be made so that it makes political sense for key actors at elite and grass roots levels. In part this means building popular support by explaining and communicating TJ processes and their benefits and ensuring that the influence of external actors and their interests are understood and where possible minimized. Allowing for the main obstacles, the mitigation of these barriers can be supported through this project in three ways:

- Enhancing local understanding and perception of transitional justice
- Developing a strategic communications and public affairs programme to promote elite buy-in and build grass roots popular support
- Developing local capacity for mediation and dialogue processes

These would be delivered with:

- International expertise/training in mediation and dialogue processes.
- The design and implementation of a Communications strategy on transitional justice processes and the benefits of reconciliation with local Iraqi partners.
- The creation and facilitation of spaces for principles to talk away from their constituencies and an expert presentation of the political benefits of success from a comparative perspective.

In practice, in the first part of the project, an emergency and rapid response to the situation in Nineveh, this would come down to:

- A ten-day workshop programme on Transitional Justice, Recovery and community peace building for all key stakeholders that can be accessed – preferably a team taken out of Iraq to the UK or another secure location.
- A mediation and dialogue Fellowship for community level activists – two to three weeks in the UK
- A political communication consultancy and training programme for an Iraq team to partner with an international agency.
- Track 2 and lobbying process through study tours, visits, short sabbaticals etc for key community leaders – to run alongside these training programmes.

The impact of this project would be to:

- Enhance political stabilization through mutual engagement on a common interest.
- Public confidence in this political and judicial system enhanced.
- More possibility of Daesh being contained in the future.
- Reduction in sectarian cycles of hate.
- Strengthening of the rule of law.

The high level outcome, if sufficient stakeholder engagement is achieved and barriers are overcome would be:

- Judicial and victim centered process.
- Greater dialogue about Transitional Justice processes.
- Community led reconciliation process.

The teams trained would also then form part of the larger Reconciliation Commissioners project.

Reconciliation Commissioners

In parallel to the immediate local level initiative in Nineveh, there would be a broader intervention – The Political Reconciliation Commissioners. This project will strengthen the Iraqi political settlement by building teams at local level outside Nineveh and at national level able to design and implement an effective programme of political reconciliation. This programme would train a cadre of 125 Reconciliation Commissioners – 25 National and 25 in each of the three other provinces occupied by Daesh –who have the status and the expertise to contribute to all initiatives supporting political reconciliation.

It will do this by building on existing networks at tribal and provincial council level and linking these networks with key actors in central government through a series of four

Fellowship programmes designed to support the creation and work of Decentralisation and Reconciliation Commission. The team trained through these programmes will support and work with all existing stabilisation initiatives. The four Fellowships will be:

1. Decentralisation and Conflict Transformation
2. Strategic Communications and Legislative
3. Mediation and Dialogue
4. Security, Law Enforcement and Community engagement

These Fellowships will create teams to trained and empowered to propose and support the implementation of the necessary policy initiatives needed to deal with the key stabilisation challenges:

- Community dialogue with the security sector
- Re-establishment of rule of law
- Registration and tracing of missing persons
- Defence of the rights of IDPs and community level mediation
- The building of political confidence

This combination of political process development, mediation training and capacity building and strengthening the status of those managing reconciliation processes, will contribute to the delivery of more inclusive and representative government.

These Fellowships will bring all the key stakeholders together to produce a local Reconciliation Plan to be fed into and supported by national reconciliation efforts and all other related projects in this field. The aim is two-fold. In the short run to mitigate sectarian conflict in the period immediately after the removal of Daesh as the IDPs return and seek restitution. In the longer term to become part of a local architecture of community dialogue that is linked directly to national political figures and institutions. These problems and challenges are described in more detail above in the description of the Nineveh project.

Year One

1) Nineveh programme as outlined, followed by initial workshop in Erbil for central government officials and local representatives to map the design and focus of the Decentralisation and Reconciliation commission and map out the focus of action plans for the four Fellowship programmes. Participants to be recruited through the network of contacts of AKKAD, IILHR, the John Smith Trust Fellows, members of the IRI programmes at Tribal level and individuals proposed by the high level contact group.

2) The exact content and focus of the Fellowships will be designed through consultation with the contact group and other stakeholders but it is envisioned that the Joint Fellowship programmes for central and local government officials from key provinces will cover:

- Decentralisation and Conflict Transformation
- Strategic Communications and Legislative Processes
- Mediation and Dialogue
- Security, Law Enforcement and Community Engagement

Each would have 25 participants and be completed by end of March 2016.

A separate engagement programme for the 25 members of the National Commission will also take place. Membership of the four initial regional commissions to be drawn from the Fellows who complete the training programmes.

- 3) Foundation and meetings of the Decentralisation and Reconciliation Commission to produce the legislative programme and the community level meetings
- 4) Expert advice and support for the implementation of the Commission's plan

Year Two

- 1) Follow-up conferences and training programmes for each of the Fellowships in Iraq
- 2) Second set of meetings of the Decentralisation and Reconciliation Commission
- 3) Second phase of international expert support for Commission implementation
- 4) Depending on feedback and impact to date, a second set of fellowship programmes to bring new participants into the programmes for which alternative funding will be sought.

Year Three

- 1) Further follow-up and training for the Fellowships in Iraq and further meetings of the National and Local Commissions
- 2) Monitoring and evaluation of the impact of the Commission and recommendations for its future
- 3) If agreed at 2), then permanent establishment of the Fellowships funded by the Iraqi government or other donors

By the completion of this project there will be a trained team running the Commission at national and local level. This team will provide a mechanism for discussing local conciliation issues and directing these to the national reconciliation effort and to the local offices of the Ministry of Human Rights local offices which are still active, Ministry of Interior and other relevant Ministries. The team of local mediators, the Reconciliation Commissioners, will then be deployed where needed to help work on local issues knowing that these can be

communicated to local and national forums for action. This will contribute to building some confidence in the mechanism for hearing disputes and provide some means of mitigating community level confrontation by allowing a cross-party group a platform for discussion. In turn the Commissions will work on policy recommendations at local and national level based on UK experience of decentralisation. The project comes out of existing structures at Provincial/Tribal Council level that have been developed over the last decade. Therefore, the impact is to enhance and develop, in the form of the Commission, what already exists, and to focus and direct it to the specific purposes of national reconciliation. The Commissioners will be charged with working with and supporting all and any initiatives that strength reconciliation and to use their expertise across all communities. The Iraqi team involved have experience of running similar platforms. The training provided will also significantly increase local capacity for taking forward these forums on a permanent basis and deploying conflict transformation methodologies in the design, conduct and reporting of the meetings to build a consensus around political reconciliation. The Commissioners will also be a resource for all initiatives supporting political reconciliation.

Over three years this project will build a network of 25 National and 100 Local Commissioners. These Commissioners will have three years training invested in them. They will have the status afforded by their connections with national government figures and their position in their communities. The operation of the Commissions will be effective and that effectiveness will ensure that as UK funding ends after year three, Iraqi government funding or funding from other donors, Iraqi or international, will replace it. The idea is that these Commissions, combining as they will expertise in dialogue, communications and policy, will become established elements of community dialogue and the focus of the longer term negotiation of stability in these four provinces. If they are successful this success should be clear by the end of the second year of the project. A decision can then be made to continue the funding for a final year, and to focus in that final year on securing the long term funding for and political support for their work. The Commissioners will also be linked to the local offices of the Ministry of Human Rights so that the Ministerial responsibility for stabilisation will be reflected in their work. If it is decided by the Iraqi government that the Ministry is to become permanent then the Commissions may merge with the local offices to form Rule of Law Centres. However, in the initial phases of stabilisation their role will be much more concerned with dealing with disputes as they arise among the community, IDPs and the security forces. If successful in this phase, and if they are able to build up the necessary Trust amongst the stakeholders, they should become an established part of the architecture of stabilisation and the natural place for mediation of disputes to take place.