CSG PAPERS

Security and Human Rights in Peace Processes:
Advising Armed Insurgencies

Mark Knight

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ABOUT THE AUTHOR

Mark Knight is an expert consultant on security and human rights in complex environments. He has over 20 years of experience delivering conflict and post-conflict programming in Africa, Asia and the Balkans, including directly engaging with belligerent parties during armed conflict to facilitate dialogue, and advising belligerents on the process and content of the war-to-peace transition. He has worked with many of the key bilateral donors and multilateral organisations focused on conflict prevention, and consolidating and sustaining peace. Mark has served on the Board of the International Code of Conduct for Private Security Providers Association (ICoCA), a multi-stakeholder initiative for the private security industry. He has worked with the private sector to undertake human rights due diligence and develop security and human rights risk management policies and processes, in particular for the extractive industries, as well as advising on international humanitarian law.

Mark has previously published on DDR, SSR, stabilisation interventions, rebel/military integration, and negotiating security issues in peace agreements. He holds a Master's degree in Post-War Recovery Studies from the University of York. He has operational military experience having been commissioned in the British Army.

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EXECUTIVE SUMMARY

This paper focuses on the way in which transitional security processes are applied during internationally supported peace processes. It describes the existing security transition process and outlines how its application undermines the agency of armed insurgents. An alternative approach is presented in the form of advice to armed insurgents, whereby armed insurgents are advised to integrate human rights within their peace and security strategy from the outset, to ensure that their transition strategy is cohesive, and that it supports a genuine and sustainable democratic post-agreement environment. An alternative security transition process is outlined from within the human rights framework, and a definition and understanding of ceasefires is proposed that provides armed insurgents the flexibility to define, manage and effectively utilize ceasefires within an internationally supported peace process. The sequential and unbalanced approach to post-conflict disarmament, demobilization and reintegration (DDR) and security sector reform (SSR) is reformulated into a balanced, concurrent and reciprocal focus on "transition of the security state," "organization," "weapons" and "individuals." The cumulative impact being that armed insurgent organizations can survive the peace, and retain their capacity to pursue their goals in a democratic post-agreement environment, whilst simultaneously enhancing the legitimacy of the post-agreement state.

ACRONYMS & ABBREVIATIONS

DDR	disarmament demobilisation reintegration
FDLR	Forces Démocratiques de Libération du Rwanda
FMLN	Frente Farabundo Martí para la Liberación Nacional
MONUSCO	The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (acronym based on its French name)
OECD-DAC	Organisation of Economic Cooperation Development – Development Assistance Committee
PILPG	Public International Law & Policy Group
RLM	resistance liberation movement
SSR	security sector reform
UDHR	Universal Declaration of Human Rights
UNIDDRS	United Nations Integrated Disarmament Demobilisation Reintegration Standards

INTRODUCTION

The purpose of this paper is to present a critical assessment of the transitional security processes applied during internationally supported peace processes, and to advise armed insurgents on an alternative approach to ensure a more resilient, democratically sustainable and just peace. The paper is also intended as a guide to practitioners advising armed insurgents during peace processes, by offering an alternate security transition process to be incorporated within written peace agreements. The paper outlines the prevailing security doctrine of international support to peace processes, highlighting limitations and adverse impacts for armed insurgents by focusing on the three key security provisions: ceasefires, DDR and SSR.

These three elements of the security transition are examined and assessed before providing advice to armed insurgents on how to adapt the existing elements to successfully manage their transition, in support of a democratic post-settlement environment.

METHODOLOGY AND DEFINITIONS

The author first presented a version of the "asymmetry embedded in security transitions" thesis in a 2008 report — "Negotiating Security Issues" — for the Berghof Research Centre's project Resistance/Liberation Movements and Transitions to Politics. The report was presented to leaders of resistance/liberation movements (RLMs) invited by the project, who engaged in internal self-reflection and analysis on their respective organizations' transformations during internationally supported peace processes. The project found that the most sensitive transitional challenges, from the point of view of the RLMs, were in the security arena (Dudouet, 2009). The validity of the thesis presented was confirmed by the RLMs, who came to a clear conclusion that there existed "the need to reframe and define a more acceptable overarching framework to designate security-related mechanisms" (ibid.: 43).

In this paper, the author presents a solution to the need identified by the RLMs for a more balanced security framework and process. The solution is based on the author's experiences of directly engaging with, and advising, armed groups on their security transition processes in Indonesia, Sierra Leone, the Philippines, Nepal, Thailand, Libya, Uganda and Myanmar (Burma). The author's primary experiential knowledge is supplemented by secondary research including the collation, synthesis and analysis of existing articles and reports.

Acknowledging the importance of definitions, the author adopts the terminology of armed insurgents in order to identify the particular type of armed group the paper focuses on. The Berghof Foundation's RLM participants, for example, noted the inadequacy of the terminology around notions of "non-state armed groups" when electing to adopt the tag of "RLMs" to reflect their organizations' primary objectives. Muggah and O'Donnell (2015), however, note that the evolution of armed violence has impacted the nature, composition and behaviour of contemporary armed groups, resulting in groups that "harbour poorly defined political goals, erratic command and control, and a high susceptibility to fragmentation." Staniland (2014), summarizing Reno's (2011) view of "a new form of political violence in Africa that is characterized by state patronage, manipulation by politicians, and inability to mount an armed challenge to the status quo from beyond the system," supports Muggah and O'Donnell's view that contemporary armed violence has spawned armed groups devoid of political motives or objectives, and that operate beyond historical human rights norms. Reno asserts that in Africa, "despite the many grounds for possible rebellion, insurgency has become diverted and diffused into patronage-laden, illiberal, and often violent democracy" (cited in Staniland, 2014). Despite the consensus around the atomization of contemporary conflict and the groups involved, Jo, Dvir and Isidori (2016) propose a definition of "rebel" when considering the typology of rebel groups in the contemporary Middle East region. In this view, a rebel group is an "armed organization that engaged in actual battle against national government forces, generating at least 25 battle deaths in a civil conflict." This understanding is intended to include some terrorist groups and liberation movements and exclude government militias and criminal gangs, whilst establishing a requirement for military capacity.

This paper sets out to provide advice to practitioners and is intended to have future utility for engaging armed groups in peace processes; therefore, it does not attempt to comprehensively define, nor categorize, the types of groups relevant to contemporary conflicts. The author adopts the terminology of armed insurgents on the understanding that it encapsulates the requisite elements for legitimacy of:

- a political objective;
- the capacity to engage in and maintain an armed insurgency; and
- having been "compelled to have recourse, as a last resort, to rebellion against tyranny and oppression" (United Nations, 1948).

The terminology and understanding of armed insurgents requires the practitioner to evaluate the armed group with whom they are engaging against these three accumulative criteria, to assess the group's eligibility for receiving advice in its security transition, as detailed in this paper. The author also acknowledges that international support to conflict resolution is often measured in decades and is delivered through a multitude of disparate

actors, which can sometimes, but not always, culminate in a formal dialogue process and a peace agreement. The advice for armed insurgents presented in this paper is conceived as being delivered in preparation for formal dialogue, with the specific concepts and mechanisms intended to be incorporated into written peace agreements and implemented in a post-agreement environment.

THE SECURITY TRANSTION PROCESS

Brickhill (2007) and Berghof Foundation (2012) describe the prevailing security transition framework as consisting of three sequential phases: (1) ceasefire process; (2) transitional security management; (3) final status of forces. This framework enables the integration of all three phases "whereby each phase establishes the foundations and framework for the next phase." (Berghof Foundation, 2012: 4). In the existing framework, the first phase includes the preparations for a ceasefire, the second phase sees the implementation of the ceasefire and initiation of DDR, and the third phase includes the completion of DDR and the initiation of SSR. Armed insurgents must grapple with the limitations and adverse impacts of the prevailing international approach to security transition processes that comprise ceasefires, DDR and SSR. In the following sections, each of these provisions is described and the adverse impacts on armed insurgents are highlighted, before an alternative approach is outlined that takes the form of direct advice to armed insurgents engaging in an internationally supported peace process.

CEASEFIRES

The terms "ceasefire," "truce," and "cessations of hostilities" have long been used interchangeably both on paper and in practice, and the distinction between them remains at best unclear and at worst contested (Barsa, Holt-Ivry and Muehlenbeck, 2016). That there exists no common definition of a ceasefire is the result of the various attempts to define ceasefires in the literature, and in the inconsistent application during peace processes. Nonetheless, some consensus on ceasefires is evident in the literature with the Public International Law & Policy Group (PILPG) summarizing the commonly held view of ceasefires as consisting of several core elements, including provisions for a cessation of hostilities, the separation of forces, and the verification, supervision and monitoring of the agreement (PILPG, 2013). This expansive understanding is supported by a review of the literature that finds common underpinnings of the various ceasefire approaches that coalesce into a discernible "international" approach to ceasefires.

Barsa, Holt-Ivry and Muehlenbeck's (2016) definition of ceasefires as "negotiated agreements between parties that define the rules and modalities for conflict parties to stop fighting" highlights an underlying assumption of a permanent cessation, whilst Smit's (2003) understanding of a ceasefire as being one of the first and necessary steps in a peace process aimed at transforming or settling a violent conflict, also reflects the prevailing assumption of an irreversible cessation as a necessary element of the security transition process. The Berghof Foundation (2012: 3) also subscribes to the idea that ceasefires impact the conflict dynamics and lead, inevitably, to further negotiations, stating, "ceasefires are formal agreements that establish a verifiable halt in hostilities, disengaging forces and aim at creating conditions for formal negotiations." Chounet-Cambas (2011) supports Smit's view that a ceasefire is one of the first and necessary steps in a peace process, paving the way for the negotiation of issues that cannot be addressed during times of hostility.

A key understanding of international actors supporting peace processes is that "ceasefires signal the parties formal commitment to resolve their dispute peacefully" (ibid.: 9). Fortna's (2003) econometric model is a significant support to the prevailing view that formal written agreements prove more durable than unwritten ones, and that more specific terms are more effective than general ones. Fortna's findings are regularly utilized to support the consensus view that ceasefires should outline additional rules and modalities to de-escalate tensions between the warring parties, such as lines of disengagement and withdrawal of forces, demilitarized zones, cantonment of forces, monitoring and verification, dispute resolution, and disarmament. Barsa, Holt-Ivry and Muehlenbeck's (2016) states that these additional mechanisms are designed to support a more durable cessation of violence.

Key elements within the existing concepts, practices and dialogues surrounding ceasefires make up the established international approach. Primarily, international actors view a ceasefire as being a permanent end to hostilities. This is a perspective that is rarely shared by belligerent parties, which seldom view a cessation as permanent at the outset. Second, the international approach also assumes that the purpose of a ceasefire is to allow dialogue to begin, again a view that is rarely shared by belligerent parties, which often have multiple interrelated and sometimes contradictory motives and objectives for engaging in ceasefires. The third, and most specious element of the established understanding of ceasefires, is the assumption that they clearly signal the parties' willingness to resolve issues through non-violent means.

These disparities between the prevailing international understanding and belligerents' motives, methods and approaches to ceasefires have significant adverse impacts for armed insurgents when ceasefires are the initial requirement within the existing security transition process. This process envisages and supports a rapid progression from ceasefire to DDR and eventual SSR, "whereby each phase establishes the foundations and framework

for the next phase" (Berghof Foundation, 2012: 4). The impact on armed insurgents of this existing approach is that a temporary "pause" in operations can be leveraged into a permanent cessation to allow for substantive dialogue to begin, often resulting in a loss of capacity and internal cohesion within armed insurgents' organizations as they are inveigled into a dialogue process both unwillingly and unprepared.

DDR

Within the existing security transition process a ceasefire is followed by DDR, which in turn is followed by SSR. These recognized security transition mechanisms implemented during post-conflict security transition processes are directed at the parties' capacities to employ force. In a post-agreement environment, the purpose of DDR is to "voluntarily" remove from armed insurgents their capacity to engage in military actions, whilst the purpose of SSR is to engage in a process to build the state's legitimacy, accountability, efficiency and effectiveness over its recently established monopoly on the use of force. Von Dyck (2016) supports this understanding of the relationship and mutually supportive state-building objectives of DDR and SSR, arguing that DDR is an inherently political process that aims to ensure the consolidation of power within the state through the establishment of a monopoly on force. Subsequent SSR seeks to support this consolidation of state power by legitimizing the application of coercion through seeking the inclusive, responsive provision of security, and the democratic civilian oversight of the state's security apparatus. Von Dyck (2016: 5) concludes that: "From this perspective...DDR and SSR can be characterized as distinct processes with overlapping objectives on a war-peace transition spectrum seeking to restore a central state authority and reduce the power of irregular armed factions."

The most comprehensive definition and description of DDR is the United Nations Integrated DDR Standards (UNIDDRS) published in 2006. Within the UNIDDRS, the objective of DDR is outlined as a process that contributes to security and stability in post-conflict environments, so that recovery and development can begin (United Nations, 2006). The cumulative impact of the established DDR model on armed insurgents is that weapons are collected and destroyed, the command structures are disbanded and individual combatants acquire civilian status. There is an understanding that during demobilization, not only are the individual combatants "released" or "returned" to civilian status, but also that the structures of the organization from which they are released are disbanded and dissolved (Knight, 2008). Von Dyck (2016: 17) describes the impact: "Demobilization is closely tied to the process of determining winners and losers in reaching a peace settlement because it can contribute to reducing further the political and

military influence of irregular factions."

Within the existing approach to DDR there is little understanding, or application, of the possibility of utilizing an armed insurgent's organizational networks and individual bonds for positive democratic or peace-building objectives. This is reflected in the absence of international assistance for an armed insurgent's military structures to transform or evolve into an organization that safeguards the aims of their "struggle" through non-violent means or, alternatively, into welfare support networks for veterans (Knight, 2008).

SSR

The concept of SSR was developed in line with a shift within international support from state-centric security toward concepts of human security. SSR explicitly emphasizes the linkages between security and development, while also highlighting the importance of security in the establishment of sustainable peace and development (International Security Sector Advisory Team, 2012). SSR can best be understood in a post-conflict environment as a state's equivalent to armed insurgents undergoing a DDR process, and it is often specified as such in written peace agreements (Hutchful, 2009). However, there are several important differences in approaches, timelines, actors involved and funding mechanisms available to support SSR processes, which result in its impact being far less tangible on the state's security actors than the immediate impacts that DDR has on an armed insurgent's military capabilities.

The practice of sequencing DDR before SSR in post-agreement environments is a key factor in the embedded asymmetry and is made explicit in the security transition process that foresees DDR being completed before SSR is fully initiated (Brickhill, 2007; Berghof, 2012; United Nations, 2006). To some extent, this sequencing is an inevitable consequence of the operational programmatic requirements of DDR compared to the highly political, inclusive and consensus-building process requirements of SSR. The OECD-DAC handbook on SSR (2007) recognizes the assumption that SSR will follow a DDR program to facilitate integration with security forces and suggests that "the two issues are often best considered together as part of a comprehensive security and justice development programme" (OECD, 2007: 105). Von Dyck (2016: 16) implies that this represents an insufficient understanding of the complex social and political local contexts and highlights that in post-agreement environments, "the removal and subsequent disarmament of rival local armed actors can be considered as a facilitator for implementing SSR in such contexts."

The practical sequencing of DDR prior to SSR is confirmed by Bryden and Scherrer's (2012: 9) examination of the United Nations' experience in Afghanistan, Burundi, the Central

African Republic and the Democratic Republic of the Congo, with the observation that: "Whether intended or not, DDR has immediate consequences for SSR in most conflict-affected environments. This is because disarmament and demobilization – the initial stages of DDR – are routinely undertaken before wider security sector interventions lift off."

IMPACTS OF DDR AND SSR

Within a post-conflict environment, DDR has the practical impact of removing an armed insurgency's military capabilities within a wider framework of re-establishing the state's monopoly on force. Observation and experience of SSR in post-agreement environments supports the view that it is undertaken as a follow-on activity to DDR, with the purpose of re-establishing or enhancing a state's legitimacy over its monopoly of force. Dudouet, Giessmann and Planta (2012) highlight that these prevailing transitional security frameworks are viewed with suspicion by armed insurgents: "Rebel movements tend to be strongly sceptical about security management models focusing primarily (or solely) on disarming, demobilising and reintegrating their combatants, since they perceive such models as biased, state-centred and unbalanced."

Lamb's (2008) examination of DDR finds that the majority of DDR initiatives neglect to plan for the incorporation of wider SSR activities, resulting in unreformed security apparatus continuing the human rights abuses that created the conditions for the armed conflict. The imbalance in approaches to DDR and SSR favours the state over armed insurgents and leads to the risk that SSR is not attempted, or not completed: "In extreme cases, failure to undertake SSR may lead to the unravelling of the entire peace process and reversion to war" (Hutchful, 2009: 11).

Of more immediate concern for armed insurgents than the disparity in application of DDR and SSR is the potential for "voluntary" DDR to become "compulsory" DDR. This potential was made explicit in the UNIDDRS which state: "Targeted Military Operations: If mandated by the Security Council, UN Peacekeeping forces can pressurize armed forces and groups into disarming voluntarily through military operations aimed at achieving specific results. Such operations aim to break the hold of armed forces and groups and weaken their structures" (United Nations 2006 2.10, 6).

The application of what has been termed "next generation DDR" has taken a far more robust approach to that of the original concept of voluntary DDR. This has been most clearly exemplified by the Force Intervention Brigade of the United Nations' Stabilization Mission in the Democratic Republic of the Congo (DRC), or MONUSCO, which adopted

"forceful DDR" and engaged in "targeted operations to neutralise and disarm" the FDLR (Forces Démocratiques de Libération du Rwanda) (Knight, 2016). Muggah and O'Donnell (2015: 4) summarize the situation: "After ten years of being offered an option to voluntarily join a DDR program, it became clear that an alternative solution was warranted to manage the FDLR...a new kind of forceful DDR was initiated in the context of 'robust peacekeeping' operations in 2012 to neutralize the remaining, approximately 2,000 hard-core FDLR fighters."

The existing security transition process is designed to deal with the fact that armed insurgents have wrestled the monopoly of force from a state, and it is the state's overriding priority to re-establish itself as the sole entity within its borders that can employ force and coercion. Von Dyck (2016: 5) argues that this is a priority that is supported by international actors, where "DDR and SSR programmes have been largely shaped by external actors seeking agreement between powerful factions at the negotiation table." In his study of DDR and SSR in war-to-peace transition, von Dyck (2016: 20) also identifies that during a transition process, a centralizing state begins to fill some of the "space" formerly occupied by armed insurgents, observing that: "The centralizing state is normally required to weaken other armed groups progressively to attain (and maintain) the balance of power. These statebuilding tasks include neutralizing irregular/organized non-state armed actors and deliberate policy action to reduce their authority in the political arena."

To achieve this, the weapons and structures of the armed insurgents must be removed from the environment, achieved through prioritizing an expeditious completion of DDR before SSR is initiated. Whilst SSR aims to re-establish the state's legitimacy over its re-claimed monopoly of force, this is often only initiated once DDR has completely removed an armed insurgent's capacity to engage in military operations.

IMPACT OF THE SECURITY TRANSITION

"The requirement for a more level playing field in negotiating security provisions" is recognized as being in everyone's interest, including the peace process as a whole (Hutchful, 2009). Hutchful's analysis of SSR provision in peace agreements from eight countries in Africa, two from Central America and one from Asia, supports the view that the existing international approach to the security transition is unbalanced. He concludes that: "[S]uch negotiations, particularly over security, may still embed deep asymmetries, with the result that the security concerns of the various parties may be addressed unequally, both in the peace agreement and its subsequent implementation" (ibid.: 15)

This finding is supported by Dudouet, Giessmann and Planta's (2012) conclusion that

the existing security transition process is "perceived as biased, state-centred and unbalanced" by the RLMs that have navigated the transition. A driving element of this embedded asymmetry is the misaligned motives and objectives of the international actors supporting a peace process, compared to the parties engaging in these processes. Chounet-Cambas (2011) summarized this misalignment, stating that the international community is motivated by a humanitarian imperative to prevent further loss of life, with their overarching requirement being to stop the conflict as soon as possible. He suggests that this humanitarian imperative is:

"felt more acutely by the mediator and other members of the international community than the conflict parties" (Chounet-Cambas, 2011: 19).

The result of the international community's drive to achieve a permanent ceasefire and the expeditious disarmament of armed insurgents is that they are cajoled along an inevitable progression from ceasefire to disarmament and disbanding, at which point the state initiates a process of consultation on reforming the state's security sector. This embedded imbalance between armed insurgents and states is a result of the existing security transition process, which can form the basis for wider imbalances within the peace settlement. Von Dyck (2016: 18) asserts that quantitative studies on civil war resolution confirm that roughly one-quarter of intrastate conflicts end through negotiated settlements, warning that: "In many conflicts, third-party (international) actors intervene to 'stop the fighting' but end up contributing to a more fragile peace."

The cumulative impact of "embedded asymmetries," "unacceptable security frameworks" and misaligned motives is a rigid doctrinal approach being adopted by international actors supporting peace processes, the application of which can be detrimental to the legitimate democratic post-agreement aspirations of armed insurgents. Within this security transition process, ceasefires can be understood as a first step in a progression that leads, inevitably, to a definable and quantifiable disarming and disbanding of armed insurgents, through DDR, and an indefinable and nebulous reform of the state's security sector, through SSR (Knight, 2004; 2009b). From this perspective, Muggah and O'Donnell's (2015) assertion quoted above that many contemporary armed groups "harbour poorly defined political goals, erratic command and control, and a high susceptibility to fragmentation," should be viewed through the lens of the existing security transition process that prohibits the development of political goals, seeks to extinguish command and control, and is aimed at achieving the groups' complete fragmentation.

Due to the application of the existing security transition process, armed insurgents that have not developed the capacity to engage in political activities at the time of entering a formal peace process are at a heightened risk of being de-capacitated during the security transition process. The alternative approach outlined in this paper is aimed at armed insurgents exposed to this heightened risk and is intended to support their ability to

construct a just, resilient and democratically sustainable settlement, a proposition termed "surviving the peace."

SURVIVING THE PEACE

The primary requirement for surviving the peace is that armed insurgents establish a framework in which to conceive and implement their multiple transition tracks, including political transition, cultural transition, economic transition, justice transition, discipline transition and membership transition, as well as the security transition processes. Although the focus of this paper is on security issues, the framework presented is also an effective enabler of the multiple transition tracks required during a peace process and, as such, supports armed insurgents to develop a cohesive strategy toward peace and security in preparation for formal dialogue and post-agreement implementation.

Establishing a Human Rights Framework

It has been noted that the goal of international support to peace processes is predominantly driven by humanitarian concerns, meaning one that meets a humanitarian imperative to prevent further loss of life by stopping the conflict as soon as possible (von Dyck, 2016; Chounet-Cambas, 2011): "There is a tendency for the international community to support hasty 'quick-fix' resolutions that will immediately stop the fighting" (Englebert, 2008, 106)

The route to a humanitarian peace is to apply the existing security transition process, which facilitates a rapid progression from ceasefire, to disarmament, to SSR. If international support to peace processes continues to be based on a predominantly humanitarian template, then the imperative will remain for a "hasty quick-fix resolution" that will invariably favour states over armed insurgents. Armed insurgents engaging in internationally supported peace processes therefore require a legal and ethical framework on which to base their peace and security strategy. Embedding human rights as the central premise of an armed insurgent's security transition ensures a cohesive strategy toward peace and security, and forms the basis of a unified and integrated approach to the wider peace process, whilst ensuring that the existing humanitarian objectives are integrated within a more holistic perspective and the structural requirements of a human rights framework.

The Theory

The foundation for embedding human rights within an armed insurgent's peace and security strategy is the inferred "right to rebellion" in the preamble of the Universal Declaration of Human Rights (UDHR): "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law" (United Nations, 1948).

Armed insurgents that articulate an element of the legitimacy of their armed rebellion as a "last resort" against "tyranny and oppression," by implication also establish the resolution as the protection of human rights "by the rule of law." Parlevliet (2010, 20) views human rights and human needs as opposite sides of the same coin, highlighting identity, welfare, freedom, and security as intrinsic needs to "human survival, subsistence, and development." The elemental necessity of these needs is recognized in their designation as human rights. Parlevliet echoes the right to self-defence inferred from the UDHR when these rights are denied: "Rights are a means to satisfy needs; they are an instrument of individual and collective struggle to protect core interests. If rights are denied, needs are frustrated, which creates a potential for violent conflict as people seek to find ways to address their basic needs, since these are non-negotiable" (ibid.).

Parlevliet's (2010) iceberg metaphor distinguishes between manifest direct violence as the visible tip of the iceberg, and the causal structural and cultural violence as the submerged invisible majority mass of the iceberg. The prevailing response from the international community is focused on the tip of the iceberg, consisting of the visible human rights violations, and involves "negotiation of ceasefires, peacekeeping, humanitarian relief and human rights monitoring" (ibid.: 24). This is a response that is understood within this paper as the existing security transition process. By embedding human rights within their peace and security strategy, armed insurgents can ensure that the wider peace process focuses on the causal human rights impacts of structural and cultural violence, and hence ensure that the post-agreement environment is genuinely and sustainably democratic: "The focus here is thus on structural violence and on working towards positive peace, through, for example, institution-building, accommodation of diversity by protecting minorities, development and reconstruction and strengthening the rule of law" (ibid.).

The Practice

The theoretic approach to embedding human rights within an armed insurgent's peace and security strategy is shown to have practical application in Julio's (2015) evaluation of peace processes in Latin America. The evaluation concludes: "In sum, the Guatemalan and El Salvadorian experience highlights how human rights protections can begin to address deep-rooted causes of conflicts such as equality, social inclusiveness, and state capacity

building" (Julio, 2015: 9).

In El Salvador, the 1990 San José Agreement on Human Rights was the first agreement signed between the Salvadorian government and the FMLN. It established human rights as the framework for the peace process and the resolution of the armed conflict. The normative value of international human rights commitments was acknowledged through provisions for the protection of life, and the integrity, freedom and security of the individual. Julio (2015: 10) describes how subsequent agreements focused on the structural and institutional reforms required to implement the human rights frameworks established in the initial agreement: "The later Salvadorian agreements are striking for the detailed attention they paid to institutional reform aimed at human rights protection in the long-term, by aiming to bring the armed forces, civilian police and judiciary under civilian control. The agreements also established human rights as the key principle of specific oversight mechanisms for the army and police, with the goal of ensuring their accountability."

Embedding human rights as the central premise of an armed insurgent's security transition ensures a cohesive strategy toward peace and security and forms the basis of a unified and integrated approach to the wider peace process and beyond. In Parlevliet's (2010) terms, the human rights impacts of the violent conflict are caused by the structural and cultural denial of rights, suggesting the solution described by Julio (2015) that requires tracing the causes of adverse human rights impacts back through the relevant state functions, and hence determining the structural and cultural causes. The resulting peace agreement stipulates the agreed actions to 1) achieve the state and societal reforms that are necessary to eradicate the abuses, and 2) to ensure the protection and enjoyment of human rights, the denial of which drove the armed conflict.

CEASEFIRES FOR ARMED INSURGENTS

As detailed, the prevailing international consensus on ceasefires contains misconceptions that are detrimental to armed insurgents. International actors view a ceasefire as signalling a permanent end to hostilities, and that the purpose of a ceasefire is to allow dialogue to begin, compounded by an assumption that ceasefires clearly signal the parties' willingness to resolve issues through non-violent means. The impact on armed insurgents of this existing approach is that a temporary "pause" in operations can be leveraged into a permanent cessation to allow for substantive dialogue to begin, often resulting in a loss of capacity and internal cohesion within armed insurgents' organizations.

Furthermore, the atomization of contemporary armed conflicts can result in armed insurgent organizations that do not possess a traditional hierarchical military structure and have not evolved to allow a central authority to stop and start operations at will. In these circumstances, the understanding of ceasefires presented in this paper allows for the incremental development of the knowledge, experience, and capacities within armed insurgents' organizations that are necessary to establish and manage a permanent cessation in military operations. For armed insurgents to avoid the negative impacts of ceasefires highlighted above, it is necessary to view ceasefires as a political tool that can achieve defined objectives, an understanding that allows armed insurgents to conceive, manage and effectively utilize ceasefires during the security transition in a manner that supports their objectives and internal cohesion, whilst maintaining the peace and dialogue trajectory. Armed insurgents should therefore adopt an understanding of ceasefires defined as:

Definition of Ceasefire

A ceasefire is when parties agree to STOP:

- defined ACTIONS, in a

- defined SPACE, for a

- defined TIME, with

- defined MODALITIES

In order that something can happen, which is the **PURPOSE**.

This understanding is presented below in Figure 1, where the actions to be stopped interact with the geographic space and the time period of cessation, requiring defined modalities in order to manage and coordinate a ceasefire, between the parties to the ceasefire. The diagram indicates that as the geographic space increases, the length of time expands and the more actions there are to be ceased, there is a subsequent increase in the defined modalities required to coordinate and verify compliance. As the extent of the ceasefire increases, so does the complexity of the modalities required, resulting in a point when the capacities required to coordinate and verify are beyond those of the parties implementing the ceasefire. At this "modalities tipping point," it becomes necessary to involve a third-party actor with additional capacities, that is mandated by the parties to monitor, report, coordinate and verify the actions, space and time elements that comprise the ceasefire.

Figure 1: Ceasefires
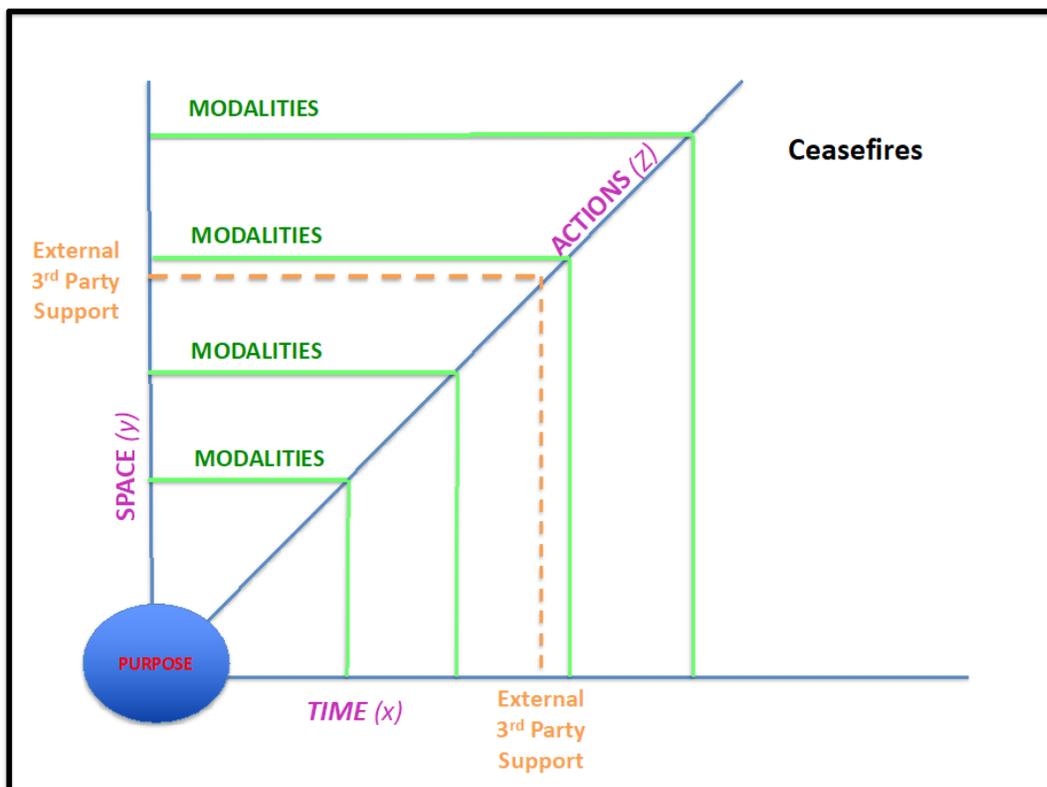
As represented in Figure 1, the zero-point for the x, y and z axes is the purpose, indicating that the actions to be stopped (z), within the space (y) and time (x), will be defined by the purpose of the ceasefire. The purpose should be understood as something that holds benefits for the armed insurgent, but that cannot happen whilst the fighting continues. To understand, manage and effectively utilize ceasefires during the security transition, armed insurgents should construct a ceasefire by first understanding, agreeing and defining the purpose of the ceasefire, which will subsequently inform the actions, space and time parameters.

Defining the purpose at the outset is the first step in constructing a ceasefire that delivers the intended impact and benefits for the armed insurgent and is essential for constructing a ceasefire that is manageable and supports armed insurgents security transition processes. The model for ceasefires presented has relevance regardless of the scale of the ceasefire and therefore supports the incremental development of the knowledge, experience and capacity within armed insurgents' organizations necessary to establish and manage a permanent cessation of hostilities. This incremental development can be

reflected in the scaling-up of ceasefires, for example, from an initial small-scale tactical ceasefire, with the purpose of recovering wounded from the battle space, to an operational ceasefire pausing all operations, with the purpose of demonstrating command and control, and eventually a strategic ceasefire as an open-ended cessation, with the purpose of pursuing substantive dialogue.

Three additional characteristics of ceasefires that are not inherent within the prevailing international approach, render them manageable and effective tools for armed insurgents. First, a ceasefire can be unilateral or bilateral, with unilateral ceasefires being understood as a political tool that can deliver defined political impacts. Unilateral ceasefires can be constructed to either support a friendly party or, conversely, to frustrate the political objectives of an opponent. Second, ceasefires do not have to be made public. If the purpose can be achieved without publicly communicating the details and there is no advantage to publicity, then a "silent ceasefire" may be more effective. Finally, ceasefires can be constructed with multiple purposes, both public and non-public in nature; for example, the public purpose of a ceasefire may be to honour a religious event, whilst the secondary non-public purpose may be to allow back-channel dialogue to take place. The model of ceasefires presented provides armed insurgents with the knowledge and tools to define, manage and utilize ceasefires within a peace process, resulting in greater confidence in their ability to establish a ceasefire, whilst retaining control over the direction and destiny of the organization's capacities and cohesion through their transition process.

A NEW SECURITY TRANSITION

Within the existing security transition process a ceasefire is followed by DDR that, in turn, is followed by SSR. These established security mechanisms implemented during post-conflict security transition processes are directed at the parties' capacities to employ force. In a post-agreement environment, the purpose of DDR is to "voluntarily" remove from armed insurgents their capacity to engage in military actions, whilst the purpose of SSR is to engage in a process to build the state's legitimacy, accountability, efficiency and effectiveness over its use of force. Armed insurgents have been shown to be strongly sceptical about security management models focusing primarily (or solely) on disarming and demobilizing their combatants, since they perceive such models as biased, state-centred and unbalanced.

A reformulated security framework is proposed below, consisting of four separate, reciprocal, interrelated and concurrent activities, each requiring a specific provision in a peace agreement. Within this revised framework, the sequential DDR of armed insurgents' fighters and structures is replaced with separate, concurrent and interrelated focus on (1)

weapons, (2) individuals and (3) structures. Initiated simultaneously and implemented concurrently is the focus on reforming the state's security provision, termed (4) transition of the security state. The core concepts of these four activities are presented, with each requiring a separate provision within a peace agreement, acknowledging that the specific construct and implementation of each provision will require tailoring to specific contexts and actors. However, the necessity to achieve reciprocal, interrelated and concurrent implementation is immutable regardless of context.

Weapons

The focus area of weapons is based on an initial agreement in principle between the parties, that the end-state is the state's legitimate monopoly on force. The armed insurgents will gradually relinquish control over their weapons, proportional to the increase in the state's legitimacy as detailed in the peace agreement. Based on this shared understanding, a trajectory of weapons management can be agreed that is reciprocally tied to the process of (re)establishing the state's legitimacy (through the implementation of "transition of the security state") and tied to the transition of the armed insurgent's structures (the "organization" activities), and defined impacts within the individual focus.

Individuals

The focus area of "individuals" is understood as the process of re-establishing a social contract between the state and individual ex-fighters, for whom the contract was abrogated to such a degree that they were "compelled" to armed rebellion. In the individual focus, support to ex-fighters is a political undertaking that utilizes humanitarian and developmental program concepts of delivery, but remains a core state responsibility that cannot be subcontracted to international actors in the form of reintegration programs. Specific provisions in the peace agreement will define the reciprocity between the weapons focus and the defined activities and impacts of the individual focus.

Organization

The focus area of "organization" aims to build on the existing armed insurgent's structures by transforming them into a political organization capable of engaging in democratic politics. The premise of this focus is that armed insurgent organizations will continue to exist due to psychological, welfare and survival needs and loyalties, regardless of programs aimed at dissolving, disbanding or demobilizing them. The organization focus will instead harness the inevitable continued existence of the armed insurgent's military

organizational structures, by transitioning them for legitimate democratic purposes. The transition of an armed insurgent's structures from a military entity to a political entity is a core requirement in supporting an armed insurgent's ability to retain agency and relevance in the democratic post-agreement environment.

Transition of the Security State

The purpose of this focus is to initiate the reform of the state's security provision by undertaking a national security review process, culminating in a national security strategy (NSS). This national security review requires an inclusive process of iterative consultation to reach agreement on the core characteristics of the security state's role, form, function, funding and accountability. The documented NSS will determine the key parameters in which the post-agreement security state will be re-constructed or reformed, including:

- legal framework;
- strategic threat assessment;
- resources and affordability;
- citizens' security and justice needs; and
- human rights accountability.

Articulating an NSS within the parameters identified allows for any insurgent-military integration process to be defined, agreed and implemented. The implementation of these activities should be concurrent to the three separate, but related, foci on organization, weapons and individuals, with their respective activities, outputs and impacts being reciprocally bound and conditional. Reciprocity is central to achieving a balanced security transition between the armed insurgents and the state, and the element that is conspicuously missing from the existing sequential approach to the security transition. Hence, the conditionality reciprocity would be detailed in specific provisions within the peace agreement, and would remain a key challenge during the post-agreement implementation of the transition.

Reciprocal, Interrelated and Concurrent

Armed insurgents that have not developed the capacity to engage in political activities at the time of entering a formal peace process have been shown to be at a heightened risk of being de-capacitated by the existing security transition process. The alternative approach outlined is aimed at armed insurgents exposed to this heightened risk and is intended to support their ability to retain agency and construct a just, resilient and democratically

sustainable settlement. The reformulated security transition process is constructed to replace the sequential and unbalanced DDR and SSR, with a balanced, concurrent and reciprocal focus on transition of the security state, organization, weapons and individuals, with each activity requiring a separate provision in the peace agreement. Key to the revised security transition process presented is the necessity to achieve reciprocal, interrelated and concurrent implementation.

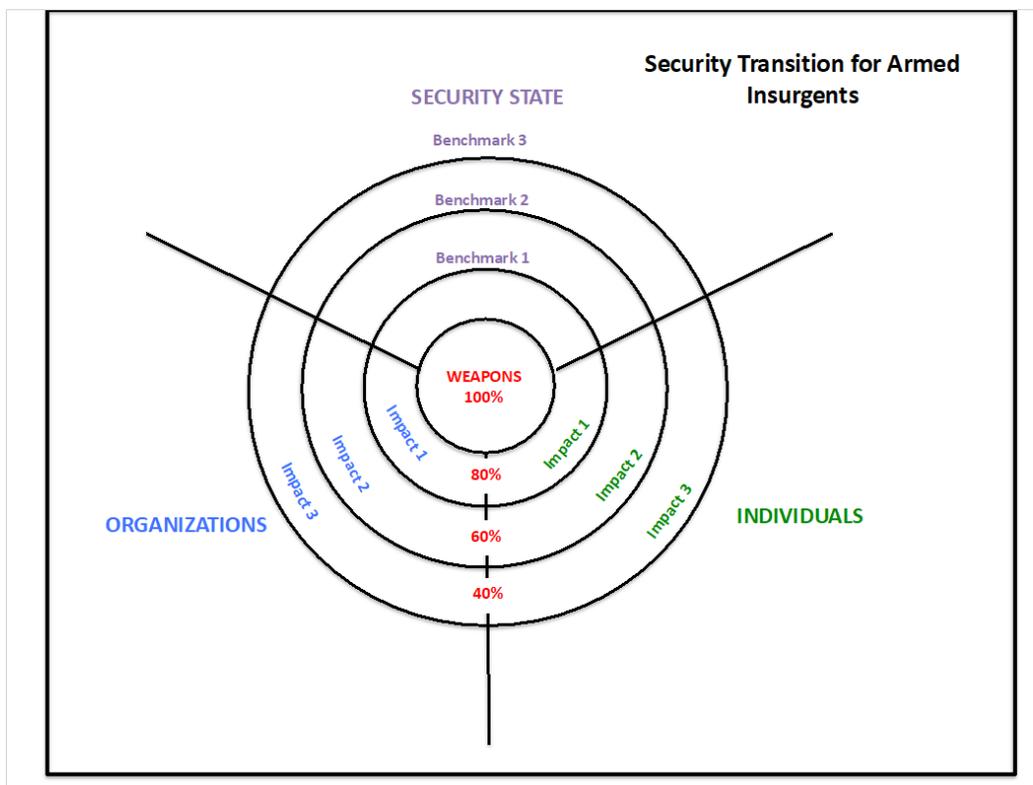**Figure 2: Security Transition Process for Armed Insurgents**

Figure 2 represents a conceptual approach to achieving reciprocal, interrelated and concurrent implementation of the revised security transition process. Central to this requirement is the armed insurgents' control of weapons and the phased relinquishing of those weapons, based on a trajectory to establish the state's legitimate monopoly of force. Figure 2 presents the phased relinquishing of the armed insurgents weapons from 100 percent, with the reduction being tied to reciprocal impacts within the individual and organization foci, and measurable benchmarks within the transition of the security state focus. The specifics of the defined impacts and measurable benchmarks will be unique to each context and organization engaged in the security transition process,

and will be detailed in separate provisions with a peace agreement. The strength in the approach for armed insurgents lies in both the revised concepts of weapons, individuals, organization and the security state replacing the existing DDR and SSR templates, and also the requirement to achieve a reciprocal, interrelated and concurrent implementation in the post-agreement environment. The impact of the new security framework is that an armed insurgent organization enhances its ability to survive the peace by retaining its organizational integrity and its capacity and relevance in a democratic post-agreement environment, whilst simultaneously enhancing the legitimacy of the centralizing state.

CONCLUSION

This paper has described the existing security transition process and outlined how its application undermines the agency of armed insurgents engaged in an internationally supported peace process. An alternative approach was presented in the form of advice to armed insurgents. Armed insurgents are advised to integrate human rights within their peace and security strategy from the outset, to ensure that their transition strategy is cohesive, and supports a genuine and sustainable democratic post-agreement environment. Within the human rights framework, an alternative security transition process is outlined. A definition and understanding of ceasefires is proposed that provides armed insurgents the flexibility to define, manage and effectively utilize ceasefires within an internationally supported peace-process. The sequential and unbalanced approach to post-conflict DDR and SSR has been re-formulated into a balanced, concurrent and reciprocal focus on transition of the security state, organization, weapons and individuals. The cumulative impact is that armed insurgent organizations can survive the peace by retaining their capacity to pursue their goals in a democratic post-agreement environment, whilst simultaneously enhancing the legitimacy of the post-agreement state.

NOTES

1. The RLMs were: the African National Congress (ANC) in South Africa; Movimiento 19 de Abril (M-19) in Colombia; Communist Party of Nepal – Maoist (CPN-M) in Nepal; Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka; Gerakan Acheh Merdeka (GAM) in Aceh, Indonesia; and Sinn Féin in Ireland.

2. Mozambique, Zimbabwe, South Africa, Sudan, Burundi, DRC, Sierra Leone and Liberia, El Salvador and Guatemala, and East Timor.

3. Frente Farabundo Martí para la Liberación Nacional.

4. For case studies and lessons identified in post-conflict military integration, see Knight (2009a).

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