



# PLURALISM IN PEACE PROCESSES

## Refugees and Displacement

### EXECUTIVE SUMMARY

As noted in the foundational paper to this series, many conflicts stem from a breakdown in a society’s capacity to manage diversity: groups which long lived harmoniously side by side enter into cycles of violence and recrimination, resulting in civil wars and separatist conflicts. Other conflicts sharpen social divides, as individuals and groups struggle to make sense of violence and suffering by ascribing blame to particular groups and communities or banding together to provide security in the absence of state security provision. Such patterns of thought and behaviour may produce ethnic cleansing or even genocide. Often one of the first effects of this breakdown in the management of diversity is displacement, as minority groups are forced from their homes or flee to areas of perceived safety among other members of their community.

Peace agreements have long sought to address issues of displacement, particularly in providing for the return of refugees and displaced persons, reparations, and the restitution of lost property. However, we argue here that peace processes have historically failed to tackle significant variation within the displaced community, tended to ignore the agency of displaced persons, failed to address the root causes of displacement, and proposed ill-thought-out solutions to displacement which create potentially dangerous knock-on effects. We further suggest that the pluralism lens offers a mechanism to begin to address some of these challenges by a) advocating for a nuanced and data-driven analysis of historical inequalities *within* the displaced population as well as between the displaced population and the broader society; b) granting a representative voice to the full spectrum of displaced communities through multi-modal public consultations; c) devising programmes to address the root causes of displacement by promoting positive responses to diversity, contesting narratives of exclusion and building more inclusive definitions of belonging in a given society; d) analysing possible negative externalities of common solutions to displacement found in peace processes and recognizing that the optimal solution to displacement may vary from context to context or person to person.

The Global Centre for Pluralism defines pluralism as an ethic of respect for diversity rooted in two core principles: mutual recognition and belonging.

While diversity in a society is a demographic fact, pluralism refers to the actions taken to positively engage with diversity as a basis for successful and prosperous societies.

## WHO ARE REFUGEES AND DISPLACED PERSONS?

Conflict often creates refugees, defined in the 1951 Convention on the Status of Refugees as individuals who ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’ flee their country of origin and are unable to return home. Civilians who fled ethnic cleansing during the Bosnian War in the 1990s, or the Tigrayan Ethiopians seeking sanctuary in Sudan today are refugees. In long-running conflict, the scale of refugee exodus can be enormous: 6.6 million Syrians — 30% of the pre-conflict population — are now refugees, the vast majority of which reside in neighboring countries. In these types of mass exodus, refugees are normally granted humanitarian protection at the onset based on the principle of *prima facie* which assumes that individuals seeking refugee status have legitimate reason to do so, although later (as with Bosnians in Germany from 1995) individuals may be asked to provide evidence that they qualify for refugee status.

The term ‘refugee’ shall apply to any individual who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

*1951 Convention on the Status of Refugees*

But not all those displaced by conflict are refugees. In particular, some displaced people do not wish to or are unable to cross an international border, and so become internally displaced people (IDPs). Although in some instances protected by international law, e.g. the 2009 Kampala Convention covering IDPs in Africa, IDPs are often extremely marginalized. In long-running conflicts — like the Colombian guerrilla wars that saw 7 million displaced inside the country — IDPs may often build semi-permanent homes elsewhere, making it hard to easily distinguish between displaced people and other migrants.

In protracted conflicts, refugee and IDP identity can become still more complex. Children born to refugee and IDP families are effectively “displaced” from birth. For example, there are now 5th generation Palestinian refugees. In some cases, conflict refugees who are granted asylum or resettled may take up citizenship in their new country, but still consider themselves “exiles”. For instance, Ashraf Ghani, the former President of Afghanistan, became a US citizen in the 1970s. Such cases of protracted displacement created generational differences among displaced persons which must be considered when consulting displaced communities and devising solution to displacement.

## HOW HAVE REFUGEES AND DISPLACED PEOPLE BEEN INVOLVED IN CONFLICT AND PEACE PROCESSES IN THE PAST?

Pluralism seeks to recognize and understand intra-group variation, and multiplicity and complexity in individual identities. A single individual may be both a victim and perpetrator of violence; they may be both suffering from exclusion and discrimination, and be in a privileged position of domination. Displaced persons may be victims of conflict, but they may also fuel conflict by directly participating, financing or supporting the war.

In some cases, particular groups or populations are specifically targeted for expulsion and designated as “enemy populations”. As was evident in Bosnia in the 1992-1993 period or during the Iraqi Civil War 2006-2008, displacement can be a deliberate policy pursued by armed forces intent upon “ethnic cleansing” in a particular area. It may also be a preemptive reaction by civilians hoping to escape death. Displacement can also be deliberate economic policy, particularly when combatants are seeking to control resources like oil or rare earth minerals as has occurred during conflict in the Democratic Republic of the Congo. In other cases, the privations of conflict and insecurity make a population’s continued presence in a conflict zone untenable. It should be noted that — perhaps counterintuitively — displaced people are often least able to move away when conflict is most violent and must often make a decision to either leave before conflict erupts, or then wait for a lull in fighting. Wealthier citizens are often more easily able to leave than the poorest, and more easily able to cross an international border to claim asylum rather than become an IDP.

While refugees and displaced persons are always victims of conflict, they can also often be active participants in conflict. Diaspora populations from Sri Lanka, Ireland, Somalia, Croatia, and Cuba, having fled their countries, have frequently been known to finance insurgent groups in their home countries.<sup>1</sup> Political leaders have also been found among refugee populations; a period of exile is often a rite of passage for post-conflict leaders. As well as former Afghan President Ghani, President Hamid Karzai was also a refugee in Quetta, Pakistan, and three-quarters of the Afghan representatives at the Bonn Agreement were in exile. President Paul Kagame of Rwanda was a high-ranking official in the neighboring Ugandan government before leading a refugee army back to Rwanda in 1990.

Depending on the scope and scale of displacement, IDP/refugee designations can cut across pre-existing ethnic or political affiliations, creating new composite “refugee” identities. For example, previous rivalries between regions, towns, tribes or even nations may be subsumed under a general identity and solidarity among refugees: this occurred with many exiled populations including, for example, the Jewish populations fleeing Nazi-occupied lands where national identity often subsequently became less important than collective ethno-religious solidarity. However, this distinction can also harden lines or even create new ones, as was the case with “Francophone” and “Anglophone” groups within the Rwandan refugee populations in the 1970s and 1980s.

Refugee camps can also play an important role in conflict. Many camps are fertile recruitment grounds for rebel movements. Polisario Front actively recruits from the Sahrawi refugee camps in Algeria; Al-Shaabab recruit from Kenyan refugee camps like Dadaab; the Afghan Taliban grew out of refugee camps in Pakistan in the 1980s. Ain El-Hilwah refugee camp in Lebanon has been described as a “transnational Salafist laboratory”<sup>2</sup> due to the presence of Palestinian, Lebanese, Syrian and Saudi insurgents in the refugee camp. A particular dilemma for humanitarian organizations is how to ensure that aid being delivered in a camp does not become a source of power for armed insurgents, allowing them both to control the civilian population by directing distribution of e.g. food aid, and literally feeding combatants. Aid organizations in refugee camps in Goma, DRC in 1994 eventually chose to withdraw when it became clear that the assistance being provided was being used by Rwandan genocidaires to reassert control and plan for invasion. IDP camps and refugee camps can also become military targets, attacked both for their resources (e.g. food and cattle) and because such camps frequently house refugees who have fled violent ethnic cleansing: attacking the camps offers an opportunity for those pursuing them to “finish the job”, as well as making international monitoring

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1 Diasporas and conflict: Mariani, Mercier, and Verdier

2 “Between Radicalization and Mediation Processes: a Political Mapping of Palestinian Refugee Camps in Lebanon,” Civil Society Knowledge Center, Lebanon Support, October, 2015.

of such crimes more difficult. The Janjaweed in Darfur frequently attacked IDP camps in Sudan in the early 2000s. More recently, refugee camps in Tigray were attacked allegedly as part of the ongoing tensions between Prime Minister Abiy Ahmed's government and the Tigray People's Liberation Front (TPLF), although the perpetrator has not been categorically established.

Conversely, refugee camps may also function as important places of sanctuary and safety for the families of soldiers, reducing the likelihood that these spaces become military targets. For instance, during the height of the Somali conflict in the early 2010s, it has been suggested that Al Shabbab were known to avoid targeting Dadaab refugee camp because many of their families lived there.

Refugees and displaced persons can be both victims and active participants in conflict. However, there has historically been little attention paid to refugees and displaced persons as a specific group in conflict resolution processes. Moreover, potentially conflictual dynamics within conflict-affected communities, namely between displaced persons and "remainers", or those who remain through the conflict, have been glossed over in favor of attempts to view particular ethnic, social or political constituencies as a monolithic entities.

Elite refugees — those with money, university degrees, and often a second passport or residency in a Western country — have frequently been participants in peace talks, recognized as important political leaders in forging the peace and often framed as reliable allies by Western powers due to their time in exile. This was the case with the Bonn Agreement in 2002; similarly, the 2015 Addis Ababa agreement saw a number of exiled leaders return to South Sudan. During their exile, these figures are often able to build networks with members of the international community and increase their visibility. On the other hand, the involvement of general refugee populations in conflict resolution processes has been far rarer. Refugees are often expected to repatriate at the end of conflict, and their return is frequently heralded as a sign of early peace-building success, but it is sometimes questionable how much choice refugees have over the nature and timing of their return. One exception to this was the 1996 Guatemalan refugee return, negotiated directly by the refugee communities themselves with the government of Guatemala. However, as was evident in the Guatemalan case, the dynamics between those who left and those who stayed can also be difficult to negotiate. Sometimes those who remained in place feel they "sacrificed" more, or have not benefitted from the potential upside of exile, for example through resettlement to a wealthy developed state, education, professional and economic opportunities, dual passports etc.

Refugees and IDPs often play important roles in conflict and peace processes. Displaced populations are obviously victims of conflict, but they may also contribute to actively shaping the conflict landscape. This agency often includes prominent participation of elite refugees in peace processes.

## HOW HAVE ISSUES RELATED TO DISPLACEMENT BEEN TACKLED IN PEACE PROCESSES IN THE PAST?

Peace agreements have historically been highly anti-pluralist in their underlying logics and practical consequences. For example, historic power-sharing agreements have often ossified intra- and inter-group dynamics and neglected the complexity of individual identities – as is arguably the case with an earlier Somali peace process and the 4.5 formula for clan representation. Concerning the treatment of displacement, many peace agreements from the first half of the 20<sup>th</sup> century sought to resolve border disputes and prevent civil wars through the forced transfer of populations. Such accords are irreconcilable with the principles of pluralism and had highly anti-pluralist outcomes.

Modern refugee crises are generally seen as emerging alongside the division of Europe into nation-states in the early 20th century. The dissolution of three multi-ethnic European Empires (Austro-Hungary, Ottoman, and Romanov) resulted in attempts to complete the “unmixing” of people across Europe, so that each state was matched with a single “national” people. From this political philosophy it followed that the presence of ethnic and linguistic minorities was viewed as a potential cause of conflict, and attempts were made to remedy this through processes termed “population exchanges” or “population transfers”. Many of these exchanges codified forced displacement that had already taken place. Most notoriously, the 1923 Lausanne Treaty between Greece and Turkey, for instance, provided for the exchange of half a million Muslim inhabitants of Greece and 1.5 million Christian Orthodox inhabitants of Turkey but most of the prewar Greek population in Turkey had already fled during the war. “Balancing” displacements across ethnic lines was therefore a specific and desired objective in many early 20<sup>th</sup> century peace processes.

As late as 1945, 11 million ethnic Germans were forcibly displaced from their homes across central and eastern Europe as part of the post-WWII Potsdam Accords. Such transfers were always extremely controversial, and met with fierce opposition from the displaced persons themselves and activists who pointed to the traumatic effect on individuals who lost their homes and communities in the pursuit of “clean” nation-state boundaries. However, in response, adherents have pointed to the effectiveness of population exchange in securing long-lasting peace by removing causes of ethnic conflict, and preventing chaotic refugee flows as occurred during the 1947 India-Pakistan partition, when population exchanges were not planned. In this view, diversity is seen a destabilizing and a source of conflict, contrary to the pluralist perspective.

However Article 49 of the Fourth Geneva Convention, adopted in 1949, prohibited the forcible transfer of deportation of people under occupation ‘regardless of their motive’. From this date, forced displacement was recognised as a war crime, a crime against humanity and one of the component acts that can contribute to genocide. As a result, population transfers were no longer viewed as legitimate provisions to be included in peace agreements: instead forced displacement was an act of war, requiring reparations be made. Peace agreements after 1949 usually contain provisions relating to the return of refugees, and the restitution of their property. The Dayton Accord, signed in 1995 to end the Bosnian War, established a state of Bosnia consisting of the Federation of Bosnia-Herzegovina and the Republica Srpska, and aimed to promote decentralized power-sharing, providing a complex mechanism for restoring refugees’ property. Yet in practice, the Dayton Accords has functioned in a way not entirely dissimilar from older population transfer agreements which effectively ended conflict by entrenching ethnic segregation, with very few displaced ethnic minorities returning to their pre-war homes.

The wider question of how to address displacement can often prove to be a major obstacle to the settling of wider peace processes. Even the principle of a *right* of return for refugees has proven a significant obstacle to progress in peace talks in some cases, most notably Israel-Palestine. Seventy years of conflict in the region has created arguably the most protracted refugee crisis in the world. The idea of a “right to return” for Palestinian refugees was recognized by the UN General Assembly in Resolution 194, passed immediately after the 1948 War. Today, supporters of return assert that all Palestinian refugees (c.5.5 million) have the right to return and reclaim the property left when Palestinian families fled. Opponents, including the Israeli state, reject this view, arguing that a right of return for all Palestinian refugees is unworkable, would threaten any future two-state solution, and fail to recognize Palestinians and Arab armies as the “aggressors” who cause the exodus in 1948. The failure to come to agreement over what kind of return or compensation for refugees might offer a

“just settlement” acceptable to both Israeli and Palestinian peoples is a significant factor in the failure of regional peace efforts to date.

In recent years, as comprehensive peace agreements have become less common and more difficult to achieve, greater international and academic attention has been paid to local peace agreements (although such agreements have existed in one form or another since time immemorial).<sup>3</sup> Many local peace agreements contain provisions on the issues of displacement and return. Local peace agreements from Nigeria, South Sudan, Libya and the Central African Republic frequently include provisions allowing for the return of civilians to their homes and compensation for loss or damage of property. The UN-facilitated accord between the cities of Misrata and Tawerga in Libya is the most high-profile such accord in recent years, and was designed to allow the return of displaced Tawergans to their homes following their displacement during the 2011 civil war and its aftermath. Some local ceasefire agreements, particularly in Syria, have been criticized as legitimizing forced displacement as they often provide temporary windows of time for non-combatant members of a community to leave the area before warfare begins.<sup>4</sup>

## WHAT IS THE PLURALISM LENS AND HOW DOES IT APPLY TO PEACE PROCESSES?

As defined by the Global Centre for Pluralism, pluralism is an ethic of respect for diversity rooted in two core principles: mutual recognition and belonging. This section aims to firstly set conceptual grounds on pluralism lens and peace processes, before focusing on the connections between pluralist peace processes and issues of displacement.

Traditional peace processes have recently come under increasing criticism for failing to adequately represent the communities they affect and establishing and entrenching exclusionary practices. Attempts to address these issues so far have been cursory and ineffective, often

consisting of “tagging on” some consultations with ‘women’ and ‘youth’ to the traditional architecture of elite inter-party talks. We have elsewhere suggested this is insufficient for normative and pragmatic reasons, while advocating for a “pluralist” approach to peace.

Conceptually, compared to traditional peace approaches, the pluralist peace approach differs in four ways. First, pluralist peace processes aim to have a greater impact on how societies view diversity in the long term, through focusing on inclusion and supporting positive responses to diversity. Second, pluralism puts an emphasis on increasing the capacity of all constituencies to influence the outcome of talks through multi-modal public consultations. Third, it embeds the principle of positive response to diversity in decision-making process. Fourth, pluralist peace processes focus on the outcomes rather than being concerned only with the process. It seeks to ensure the outcomes of peace processes reinforce pluralism in the society.

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3 British Academy, (2021) *Local Peace Agreements* (British Academy, London); Bell, Pospisil, and Wise (2020) *Untangling Conflict: local peace agreements in Contemporary armed conflict*

4 Amnesty International (2017), ‘We leave or we die’: Forced displacement under Syria’s ‘reconciliation’ agreements <https://www.amnesty.org/en/documents/mde24/7309/2017/en/>; Fadi Adleh and Agnès Favier (2016), ‘Local Reconciliation Agreements in Syria: A non-starter for peacebuilding’, (European University Institute, Florence); Samer Araabi, and Leila Hilal (2016), *Reconciliation, Revenge, Reward: Analysing Syrian De-escalation Dynamics through through local ceasefire negotiations* (Berlin: Berghof Foundation)

## HOW TO ADOPT A PLURALIST APPROACH TO PROVISIONS RELATED TO REFUGEES AND DISPLACEMENT IN A PEACE PROCESS?

A pluralist peace process - which is explained in more detail in the GCP Foundational Paper found here -consists of six interconnected elements: Analysis, Guiding Principles, Representation, Consultation, Outcomes and Implementation. Addressing issues of displacement within a peace process will intersect in each of these elements. Adopting a pluralist approach can have a profound impact on how displaced populations, IDPs, and refugees are engaged in the process and how they will contribute in the post agreement period.

### 1. Analysis

Understanding the composition of refugees and displaced persons, as well as their positions on the conflict, is essential for a mediator and their team. Mediators are often lobbied by a specific category of refugees, namely those with access to political power. Many of these more powerful refugees may claim — with varying degrees of legitimacy — to represent mass refugee populations that are otherwise often treated by power brokers as amorphous groups with few distinguishing characteristics beyond total population size. However in efforts to resolve conflict it is critical to understand the often vast differences within displaced populations, conditioned by demographics, experiences of conflict and displacement, including access to resources and reception in the host country, as well as hopes and expectations for peace.

As discussed in section one, refugees and IDPs are legally distinct groups. This can have significant consequences in terms of how displacement evolves. In some cases, whether an individual becomes a refugee or an IDP may simply reflect how close a person lives to an international border and whether that border is open or hospitable to the refugee population. For example the Kurdish population who fled Saddam Hussein's attacks at the end of the first Gulf War in 1991 were unable to seek asylum because Turkey closed its border with Iraq. Especially when an international border is not easily reached on foot, the displaced people who become refugees are often those who have more access to the economic resources needed to cross an international border (e.g. to pay for long-distance bus or plane tickets, to hire smugglers).

Experiences of exile as an IDP and refugee are also likely to be quite distinct. It is often difficult for the international community to monitor IDP populations, especially during conflict, and harder to ensure access to humanitarian aid. IDP crises are often neglected crises. In contrast, refugees — especially large refugee exoduses — are by definition an international political problem, and this can encourage international actors to push for a swift resolution to conflict. For example, the NATO intervention in Kosovo in 1999 was in part motivated by concern about massive prospective Kosovan refugee flows into Europe, and Macedonia's decision to close its border to those looking to leave. Refugees also have very distinct protection under international law, including the right of *non-refoulement* — an absolute prohibition on forced return to a place where a refugee's life or freedoms may be threatened – which IDPs do not.

Refugee experiences may also vary wildly. Some host states — Uganda is one example — allow refugees to work and move relatively freely. In Western states, most recognized refugees are given permanent residency and an opportunity to eventually apply for citizenship, though recognition rates vary considerably between states, even within the European Union. Furthermore, not all states are signatories to the 1951 Convention. Turkey, for instance, does not recognize refugees from outside Europe, so is home to 3.5 million Syrian “guests” with limited access to aid or employment.

Other states who are signatories may still place onerous restrictions upon refugees. For instance in Kenya it is illegal for refugees to live outside a refugee camp. Additionally, many people displaced by conflict either never apply for formal status as a refugee or are denied asylum even when they cross an international border and rather than return to the country they fled, they elect to try and evade deportation by living as undocumented migrants. This is the case for a large number of Central American migrants in the US. All this has implications for considering what kinds of restitution or reparation is needed to resolve displacement as part of a peace-process and underlines how power within displaced communities can vary hugely, even in terms of identifying who should count as “displaced” for the purposes of representation in a pluralist peace process.

Another factor to consider when devising conflict resolution strategies is whether a particular displaced population is considered to be allied to a victorious faction or a losing one in the conflict, and therefore what assurances of protection and immunities may be needed to secure their engagement in a peace process. For instance, Zimbabwean independence in 1980 was accompanied by growing tension between the Zimbabwe African National Union (ZANU), primarily recruited from the Shona and the Zimbabwe African People’s Union (ZAPU), with its base among the Ndebele, and ZANU’s electoral victories were followed by the Gukurhundi massacres of Ndebele. Shona and Ndebele refugees therefore had very different requirements and expectations upon the resolution of the War of Independence.

It is also important to recognize how gender, age and education levels may all shape different displaced groups’ needs and expectations. In some cases — such as Eritrea, where young men are subject to forced recruitment into the army — a refugee caseload may be predominantly male. But 80% of the Rohingya refugees living in Cox’s Bazaar in Bangladesh are women and children. Refugee women are particularly likely to have suffered sexual and gender-based violence in conflict, and may have limited traditional political voice. Beyond trauma, refugee children often suffer a significant loss of education, and may be forced into early employment or marriage.

Yet displacement can be a period of transformational social change within refugee communities. For instance, refugee camps and humanitarian aid programs, such as microcredit or lending circles, can be spaces of empowerment for women. Similarly displacement may accelerate processes of urbanization, as populations move to the relative safety of cities. This too may bring education, professional and social opportunities to specific displaced sub-populations. Peace processes may overlook the extent to which reversing displacement and simply promising a return to the *ante status quo* threatens such empowerment. Conversely, this promise may suit men who have, in relative terms, lost economic and political power in exile while residing in refugee camps. In some cases, access to educational scholarships and opportunities can create a new generation of educated refugee leaders (e.g. Rwandans in the 1980s and 1990s) with differing expectations and approaches from their elders.

Experiences of displacement may also introduce new divides within a particular population, for example, new linguistic divisions may appear among a previously linguistically homogenous group. This occurred within the Rwandan refugee populations in the 1970s and 1980s where a hitherto absent “Francophone”/“Anglophone” distinction emerged. Whether such divisions create tensions or inequalities (for example, where one refugee group no longer speaks the official language of the state) will vary from case-to-case but should be understood and taken into account by those involved in the mediation process.

Similarly, it is important to recognize that, especially in the case of protracted crises, second and subsequent generations of refugees may have a very different understanding of “home” and different expectations of what a “return” or just settlement will look like. While return remains a key tenet of

many Palestinian refugees' beliefs, other diaspora may envisage a much looser relationship with their country of origin, and be more interested in securing rights of residency in a host country.

Arguably the most fundamental divide within displaced populations, however, is economic. Millionaire exiles have very different political interests to displaced peasants. An understanding of the property lost by refugees and IDPs, as well as the distribution of this property *within* the displaced population, can help to expose under-appreciated horizontal inequalities within the displaced population and between the displaced population and the society to which they may return. For instance, in Guatemala in the 1990s, refugees repatriated to Guatemala but did not return to their old lands, which had been redistributed to other peasants. Instead the state financed the purchase of new lands for these communities in compensation. However, the subsequent under-development of these communities only emphasized their continuing marginalization, as these new parcels were often isolated deep in the jungle.

It is also important that mediators in any peace agreement consider displaced populations' legal identity, paying special attention to any stateless displaced populations, particularly those who have lost or been stripped of citizenship as a result of the conflict. This is even more challenging in the absence of a formal peace agreement, when authorities may easily weaponize citizenship and questions of return to further their control of the population. Some refugees are able to *de facto* maintain citizenship throughout their exile, while others may have lost country of origin citizenship as a result of discriminatory provisions that require citizens to forfeit nationality if they acquire a second citizenship or marry a foreigner.

Mediators must begin with a thorough understanding of intra-group differences between IDP, refugee and “remainder” elements and the diversity *within* displaced populations, allowing them to devise better models of representation, consultation and ultimately solutions to conflict as outlined below.

## 2. Guiding Principles

We advocate that pluralism be agreed as a guiding principle at the beginning of peace talks and that this guiding principle be used to limit and delineate the potential grounds for compromise and agreement. So, for example, it would be impermissible for parties to a conflict to agree to a definition of nationhood and citizenship which explicitly excluded a third-party group. This guiding principle of pluralism, however, also has logical consequences pertaining to principles surrounding displacement, nationality and belonging. The guiding principles established at the beginning of any peace process in reference to displacement should include:

### a. Recognition of refugee and displaced populations as citizens

As a foundational principle, all first and second generation refugees and displaced populations should be recognized as having a right to citizenship, either of the country from which they fled or a successor state. IDPs — who have not crossed an international border — should be explicitly recognized as full citizens of their country. This recognition of belonging for people who have been forced to flee their homes, often because of their identity or characteristics, is key to building a pluralist society.

It should be noted that recognition of refugee and displaced populations as citizens is likely to prove politically more difficult to engage as a guiding principle in cases of protracted displacement in relation to third and subsequent generations of refugees' claims to citizenship.

Similarly, no refugee should be forced to take up the citizenship of a country from which they fled. This principle has been long-established — it was recognized after World War II that German Jews should not be expected to take up German citizenship for example— but often imperfectly applied. Refugees should also not be expected to renounce any dual citizenship they may have acquired through exile in order to take up citizenship of their home country, regardless of whether a state normally allows the holding of multiple citizenships.

### b. Right of Return

Once recognized as citizens, all refugees have — under international human right law — a right to return to their country. However, it should be noted that as a guiding principle, a citizen's right of return to a country does not automatically mean a right to return to a particular property. Restoring pre-existing property may also mean retrenching pre-existing horizontal inequalities, as discussed below.

Refugee returns should be voluntary, particularly while peace building processes are in an early stage and fragile. Countries of asylum should refrain from invoking cessation clauses and insisting upon mass return of displaced populations at too early a date, as premature return can often exacerbate insecurity and even reignite conflict. When peace is secure, any requirement for refugees to leave the country of asylum should offer opportunities for refugees to stay by securing other kind of legal status, e.g. as a migrant worker or a student with reciprocal residency rights, a naturalized citizen etc., particularly for those refugees who have spent their entire lives in their country of asylum. These types of programs have been generally held to be successful in Mexico (Guatemalans); Tanzania (Burundians) and Colombia (Venezuelans). This may have the secondary benefit of enriching and promoting pluralism in countries not directly in conflict.

## 3. Representation

Where possible, peace processes should seek to grant formal representation to all significant groups in a society or affected by a conflict, including displaced populations. Inclusion of representatives of displaced populations in peace talks is vital for both normative and pragmatic reasons. As outlined above, refugees are both deeply affected by conflict but also have agency to impact the outcomes of conflict resolution efforts. Such a push for greater representation of displaced populations in peace talks builds upon recent refugee-led efforts for greater representation and inclusion of refugees in global governance and refugee policy, previously the exclusive preserve of states and international organizations.<sup>5</sup>

However, formal representation is necessary but insufficient for a number of reasons: firstly, representatives cannot be expected to adequately represent diverse and amorphous constituencies and secondly representation does not address inter- and intra-group disparities in power which will distort the outcomes of formal talks. Consequently, mediators should identify, acknowledge, and attempt to address any intra-group variation between displaced and non-displaced populations through representation in peace talks. So, for example, there may be significant differences in the positions of a particular ethnic armed group inside and outside of the country. Experts on the Taliban, for example, have suggested that the Quetta Shura, composed of Taliban leaders in exile in Pakistan, maintain different positions than frontline Taliban leaders inside Afghanistan.<sup>6</sup>

5 Haqqi Bahram, "Between Tokenism and Self-Representation: Refugee-Led Advocacy and Inclusion in International Refugee Policy"; James Milner (2021) 'The Politics and Practice of Refugee Participation in the Governance of the Global Refugee Regime'

6 Watkins, Andrew (2020) *Taliban Fragmentation: Fact, Fiction and Future* (United States Institute for Peace)

Formal representation of displaced people should also consider the diversity of displaced populations and regard with suspicion any claims where individuals “represent” entire refugee populations, particularly when such claims are not backed up by any election or other consultative process.

Refugee representatives should be drawn from a wide geographical range, with constituencies reflecting the different populations at different refugee camps in a region, rather than as an umbrella panel of “exiles”. Where elections are held to determine representatives, these should be monitored to ensure the integrity of the process. Consideration should be given to including “special seats” for demographics who may otherwise be overlooked e.g. youth, women, ethnic or religious minorities, while stressing that any such representative’s voice carries equal weight. Care should be given to reflect the distribution of a displaced population, and avoid the monopoly of refugee representation being given to “elite” exiles or so-called “favoured refugees”. Care should also be given to considering whether refugees’ security can be guaranteed at public events, and whether refugees invited to attend may feel under particular pressure, such as pressure to back a host country or toe a UN line on return or indirect compensation as a *quid pro quo* for continued asylum. Some thought should be given to whether it may be possible to engage refugees at risk from such behaviors in other ways, e.g. through written submissions or alternative fora, as outlined below.

#### 4. Consultation

It may not be appropriate to represent all refugees directly in talks. Refugee leaders may be unwilling or too fearful to directly engage with military or political leaders responsible for their persecution. In some cases, grassroots refugee voices may be too easily dismissed by political leaders concerned with distributing power among elites who are party to the conflict. Historically, countries of asylum and the UN High Commissioner for Refugees (UNHCR) have also proven reluctant to facilitate direct refugee engagement in peace talks. This is not unlike issues of representation faced by other groups in the society in peace processes, which is why a pluralist peace process places equal emphasis on representation and on consultation to ensure that there are a range of mechanisms through which diverse voices are heard and their views absorbed into the talks.

In these cases, multi-modal consultations on the outcomes of the conflict should be conducted within displaced populations. It should be stressed to all parties that this model is not intended to minimize or marginalize refugee voices but to offer a safe space where ideas and concerns can be heard and addressed. Multi-modal consultations should seek to be as open as possible, and where possible allow for the raising of concerns or questions privately (e.g. as written questions) as well as public participation.

It is also important to note that the majority of displaced people — about 60% of refugees and 80% of urban IDPs — do not live in camps. Attempts should be made to identify and engage urban refugees, though it may be more difficult to accomplish this given that urban refugees are often a dispersed group with limited visibility and fewer community structures, who may be more at risk as they are often required to circumvent official government regulations intended to limit their presence in the host community.

Serious consideration should be given to including some form of ex-post validation mechanism for the return and displacement provisions of any peace agreement. This was the case with the Dayton Accord in 1995, and the Guatemalan Repatriation Agreements in 1996.

## 5. Outcomes

One of the key features of a pluralist peace process, as differentiated from an “inclusive” peace process, is that pluralism offers a metric through which to judge the *outcomes* of a peace process as well as judging the process itself. Pluralist peace processes seek to ensure that the outcomes of a peace process promote a pluralist society, rather than entrenching narrow exclusionary politics.

In terms of displaced populations, this may entail several specific aspects being included in any peace agreement. The list that follows is a cross-section of particularly relevant considerations when thinking about how to address displacement in a peace accord, it is not however, an exhaustive list and specific provisions must be contextualized:

### a. Post-conflict voting should allow displaced populations to vote

As the logical corollary of the guiding principle that displaced persons should be recognized as equal citizens, displaced populations should be allowed to cast votes out of country. Facilitating refugee voting may require Out of Country voting as was facilitated in both the Afghanistan (2009) and Iraqi (2010) national elections. This ensured that displaced citizens were not excluded from these national political processes that were intended to aid in reconciliation. By contrast in the 2012 Libyan elections, Out of Country voting was facilitated for the long-term opposition exile communities in Canada, Germany, Jordan, the United Arab Emirates (Dubai), the United Kingdom and the United States, but not for the huge displaced populations in Egypt and Tunisia, who were both less wealthy and more suspected of harbouring sympathies for the former regime. The reinforcement of such inequalities in political representation through the marginalization of certain displaced populations should be avoided.

Legislation concerning the electoral framework and districts must be carefully considered in order not to entrench horizontal inequalities and identity-based signifiers that drove the conflict. For example, if creating a “refugee” or “exile” electoral district is synonymous with creating an electoral district for a particular ethnic or religious group, this risks further entrenching divisions in the post-conflict legislature in certain cases. Similarly, if ethnic cleansing or similar forms of forced displacement serves as a successful electoral strategy (by creating a clear majority in each electoral district), this will create negative dynamics and undermine reconciliation. In general and where possible, refugees and displaced people should be allowed to vote in their “home” districts, recognizing their displacement as a temporary consequence of the war. This becomes more problematic in contexts of multi-generational displacement.

### b. Support to return for those who want to return.

Repatriation to a post-conflict state, especially after a long exile, is a process of precarious transition. Returns are more sustainable and more likely to contribute to peace building when they are supported by all parties and all components of a society. Support must include legal and bureaucratic support (acquiring papers and passports) and direct economic assistance to returnees (e.g. return grants; housing support; food aid; assistance finding work). However, we suggest that donors should provide additional resources for social institutions like schools and health clinics. Generalized support to the community will help firstly to ensure that returnees do not overwhelm existing support networks, but also to ensure that returns do not exacerbate any returnee/remainder divides or reignite conflict. The return of displaced persons should be seen as a net benefit to the community rather than benefits seen as accruing disproportionately to those returning from exile.

It should be recognized that returnees may still face particular challenges in re-establishing residency, necessitating support for human rights monitoring and security provisions, and calling for specific justice systems.

### c. Citizenship guarantees for those who do not want to return

The pluralism approach does not mean that refugees or displaced people should be forced to return to communities or countries if they do not want to, in order to restore the “plurality” and diversity of the community. This “PR stunt” approach, driven by political leaderships on both sides as well as mediators, has been witnessed following some peace processes but is a violation of individual rights. Separate from whether a refugee intended to physically return to live in the country from which they fled, their right to claim citizenship should be recognized.

Under international law, countries of asylum have no obligation to continue to offer asylum to any refugee population once there has been a “fundamental change of circumstances” in their country of origin. However, it is well-recognized that refugee returns are more sustainable when they are not premature, but occur voluntarily and gradually, allowing refugees to transition over months or years back to a country emerging from conflict. Countries of asylum should be encouraged to offer generous terms to refugees preparing for eventual repatriation, and to create possible pathways to legal migration or naturalization for those refugees who do not wish to return to their country of origin to live permanently. ECOWAS’ use of transnational citizenship during Liberian and Cote D’Ivoire conflicts, or Tanzania’s naturalization of 165,000 Burundians are two examples of how such an expansive approach can help to secure better prospects for peace.

### d. Property restitution:

The right to property restitution has emerged as a common provision in many peace processes, and has been considered by some as a general principle of international law as outlined in the Pinheiro principles – a UN endorsed guide detailing best practices related to housing, land and property restitution for refugees and displaced persons. The myopic focus on this right as a potential remedy to the dire material conditions of many refugees may be driven by the elite nature of many refugee representatives in peace talks. Where possible, refugees *should* be able to readily access a dispute mechanism allowing them to reclaim property, and where this is not possible, to be awarded compensation.

As property restitution seeks to re-establish the *status quo ante bellum* such programmes only advance the interests of pluralism, justice and sustainable peace insofar as the situation ante bellum was pluralist, just and conducive to sustainable peace. Where restitution is not preceded by reconciliation and reform, restitution may simply reopen old wounds and trigger violence. In many cases, horizontal inequalities, and particularly economic inequalities, are reflected in patterns of property ownership. If displaced populations possessed or were perceived as possessing materially or symbolically valuable property, which made them targets for violence, restoring this property to them, in the absence of a genuine process of reconciliation and transitional justice, will reignite violence. This underlines the importance of addressing root causes of conflict and displacement including issues of belonging and mutual recognition, as discussed below.

Moreover, it should be noted that in some cases, restoring refugees’ property rights may place an onerous burden on other poor and previously landless citizens who were not at fault in the original displacement. Seized property has historically often been used to house displaced persons from other parts of the country and in situations of protracted displacement, property may have

changed hands multiple times, the current owners having no knowledge of the legality of the previous occupants' title. As such property restitution may create new grievances, which will also be overlaid with identity-based signifiers. Consequently, property restitution clauses have proven exceptionally difficult to operate in practice in post-conflict settings — as evidenced by the problems in Bosnia after the Dayton accord, or Iraq, where informal house-swapping during the height of the civil war exacerbated neighborhood-level sectarian segregation.

Secondly, restitution of property may assist only a small subsection of the displaced population: those who enjoyed significant property holdings prior to the conflict. Support must also be provided for unpropertied displaced persons: property restitution should not be the only measure of support available for the displaced. Those without property should be provided with other forms of assistance, as detailed in above. Similarly, support should be targeted for the whole population to which the refugees are returning, rather than only benefitting a small subsection of the returning population. As noted above, gaps — real or perceived — between the support and assistance refugee and “remainder” populations receive, and even between refugee and IDP levels of support, can exacerbate or reignite tensions. Wherever possible, support should be provided at a community level. To avoid exacerbating inter-group tensions any dispute mechanism should also be open to all citizens.

Despite these concerns, in the interests of pluralism, in certain contexts it may be important to target culturally- or personally-significant property for restitution. For example, some indigenous communities have a strong attachment to areas of land which cannot simply be compensated for or exchanged for comparable acreage elsewhere. By contrast, some people displaced from urban areas may have only recently moved or would have regularly changed property, reducing the significance of restoring their original home to them. In such contexts, restoring significant communal property, such as a religious building or community facility, may be more symbolically important. As always context is key to devising appropriate provisions which reinforce pluralist outcomes.

#### **e. Transitional justice and reconciliation efforts incorporating displacement**

Truth-telling and other transitional justice mechanisms should be explicitly open to IDPs and refugees, and mechanisms should be put in place for displaced people to engage with these processes, on an equitable basis with others in society. Holding enquiries, information gathering and sharing exercises and public hearings among displaced populations may be necessary.

Justice systems should be supported in addressing very different experiences of conflict between those who remained and those who fled. As noted above, this is particularly important where continuing tensions or unresolved traumas may undermine attempts at return, property restitution or community development. In some settings - such as post-genocide Rwanda, justice systems may need to directly address a reality in which perpetrators and victims' families live side-by-side.

#### **f. SSR/DDR processes targeting displaced populations**

Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR) processes should not neglect the important role refugees and displaced people play as participants, sponsors and supporters of armed violence. Refugees, IDPs and, particularly returnees, should be potential targets and beneficiaries of SSR and DDR projects. DDR efforts, for example in Northern Ireland, have been undermined by continuing desire for conflict among diaspora communities, which prompted the US government to freeze the assets of several Irish-American NGOs in the

early 2000s accused of funding paramilitary efforts overseas. Engaging diaspora sponsors of violence would be a new and bold direction for DDR programmes which may yield effective results.

In a different vein, procedures for the protection of returning populations, trust-building between displaced populations and the security services (including affirmative action and targeted recruitment where appropriate) and training for security services in how to mediate disputes concerning the return of populations should be integrated into peace agreements and post-conflict SSR programming.

### **g. Changing perceptions around belonging, “enemy populations”, returnees etc:**

Pluralism requires us to accept that all components of the society contribute and are welcome. Efforts must be made therefore to redress the perceptions of belonging and exclusion which may have driven displacement in the first place. This requires education, reconciliation and other social programmes.

Building a pluralist post-conflict society also means, not only redressing pre-existing divisions, but avoiding creating new forms of exclusion. In many post-conflict societies this can be between the “remainder” and “returnee” populations. Peace processes should acknowledge and seek to address the stigma that can exist between returnees and remainers, as well as tensions between those citizens who chose to remain part of a diaspora outside a country of origin and those who chose to return (as occurred at the end of Sri Lanka’s civil war, for example). As noted above, this stigma and discrimination can take multiple contradictory forms: refugees stigmatizing remainers as “collaborators” and remainers stigmatizing refugees as “cowards who fled”. These mutual recriminations are injurious to building a pluralist society and should be addressed in the ways described above.

Parties should also be attentive to new divisions emerging: for instance, in post-1994 Rwanda, some Francophone returnees felt that they were viewed with suspicion by the Anglophone Rwandan Patriotic Front (RPF) elite. Thus, a linguistic distinction was introduced within the previously exclusively ethnic Tutsi criteria.

### **h. Building a culture of pluralism beyond national boundaries**

Conflict is a terrible thing which causes untold suffering and pain, however conflict also offers opportunities for growth. It must be recognized that refugees, migrants, dual citizens and exiles often enrich the societies in which they seek refuge in untold ways and can play an important role in the global economy, as well as linking and bridging between their countries of birth and asylum. Such positive consequences of conflict should be used and accentuated by peace processes rather than forgotten and undermined. National peace processes and the international support they often attract may offer us an opportunity to contribute to pluralism globally. Provisions and programmes supporting and recognizing dual residencies, dual citizenship, seasonal migration and mixed-nationality families will help to strengthen a global pluralistic outlook.

## **6. Implementation**

As highlighted above, many of the detailed issues around refugee and displaced persons’ recognition, return and/or restitution are best address in the post-agreement phase through dedication commissions and consultation mechanisms. Peace agreements may best focus on the principles of

addressing displacement, rather than attempting to outline the specific details of a return programme. However, important considerations for implementation include:

- The provision of consular support and support to returnees: There is often a need to build back confidence and trust between displaced populations and a government — or alternatively, if the displaced population has close links to those newly in power, to manage expectations regarding the likely rate of change. Encouraging gradual return, allowing exploratory visits, working with countries of asylum to facilitate continued cross-border travel and ensure that smooth transfer or any property or wealth accumulated during exile are all means by which to establish a smooth transition.
- Return processes should anticipate new and continue conflict: While thoughtful design of return programs (e.g. avoiding aid only being available to returnees, setting out clear justice mechanisms, not encouraging premature returns) can help to limit new tension, it is important to build in from the outset clear plans for how to respond to problems through continual mediation and the use of restorative justice. Development programmes and international aid may be directed in such a way as to incentivize voluntary, safe and dignified returns, rather than simply encouraging return in all cases.
- National narratives around the conflict, displacement etc. are often highly contested and can be used to foster particular understandings of “right” or “injustice” within particular communities. Thought should be given to how a conflict will be remembered and in particular how children will be taught about the events that shaped their county in a way which encourages a pluralistic outlook and does not foster division. Memorials and museum should be planned, with independent experts helping to develop exhibits that explain and educate.
- Thought the implementation process, it should always be recognized that engagement in the peace-process from a displacement perspective is not just about facilitating return (which historically it has often been reduced to), but instead about recognizing that the experience of displacement, especially if protracted, may often have created new ways of connecting to national citizenship.

## CONCLUSION

There can be no peace without a resolution to displacement - often of millions of citizens - that arises as a result of conflict. Resolving displacement, however, is not simply about facilitating or even promoting a “voluntary” return: permanently resolving displacement demands a shift in the narratives of belonging and exclusion that led to displacement in the first place; it requires a subtle vision of the characteristics and categories of the displaced; it demands that we are attentive to horizontal inequalities that may have been exposed, exacerbated or created by the conflict; it needs us to reconsider facile depictions of the displaced as victims and recognize that they are also potential actors who can make or break a peace process through their efforts to support or undermine the agreement. Adopting a pluralism lens helps us to do these things and more, and therefore helps contribute to sustainable responses to displacement. A pluralist lens helps facilitate recognition of the wide variation in displaced peoples’ experience of conflict, and helps to ensure that these diverse voices are represented at a moment when citizenship itself is being restored. It helps us devise solutions to displacement which reinforce, rather than undermine pluralism in the given society.

In this paper we have argued that greater attention should be paid to the inclusion of refugees and displacement persons in peace processes, through both direct representation and consultative processes. This inclusion is necessary for both normative and pragmatic reasons, as displaced populations often play a role in conflict and its resurgence.

However, we have also suggested that greater attention must be paid to variation within displaced populations: there is seldom a homogenous refugee identity as pre-conflict differences, particularly economic differences, shape experiences of displacement, while displacement itself creates new differences and lines of fracture within communities, whether between “remainders” and refugees, generational divides or linguistic differences. We advocate for breaking the monopoly of the “favoured refugee” to speak and represent their entire community.

Finally, we highlight that the optimal solution for displacement in situations of conflict will vary from context to context and person to person. Peace agreements should take this variation into account, while adhering to certain general principles: all displaced persons should be recognized as citizens; return programmes should provide a net benefit to whole communities; and transitional processes including SSR/DDR, transitional justice, and elections should be devised in ways which allow displaced populations to participate.

Peace processes have historically dealt with displacement in ways that have solidified divisions and undermined pluralism. Applying a pluralist lens to peace processes, whether local or national, will assist us in ensuring displaced people are no longer collateral damage in the pursuit of peace.

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