



Cultures of Governance
and Conflict Resolution
in Europe and India



This Project is funded by the European Union under the 7th Framework Programme

D.6.5: Comparative report on empirical basis for global governance, Europe and India

Deliverable submitted June 2013 (M30) in fulfillment of requirements of the FP7 project, CORE - The role of Governance in the Resolution of Socioeconomic and Political Conflict in India and Europe (Theme SSH-2010-4.2-1: Cultures of governance and conflict resolution in Europe and India)

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**D.6.5: Comparative report on empirical basis for global governance,
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“Peacebuilding in Europe and India: Theory and Practice”

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Peacebuilding in Europe and India: Theory and Practice

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1. Introduction

Both the European Union and India feature a number of unresolved conflicts within and beyond their borders. Within the European Union, conflicts such as Cyprus, Northern Ireland and the Basque Country stand out. At the EU's borders and in the remit of the Union's enlargement and neighbourhood policies several violent and frozen conflicts fester, including Israel-Palestine, Western Sahara, Georgia, Nagorno-Karabakh, Transnistria and Bosnia. In India too, internal conflicts abound, from Bihar and the Northeast to the thorny question of Kashmir, the latter having also a key inter-state dimension pitting India against Pakistan. The attempt at managing, resolving or transforming conflicts has thus been, and will continue to be, an inescapable dimension of the EU and India's internal and external policies.

The very natures of the EU and India point to a number of similarities in their respective approaches to conflict and conflict resolution. Both are large democracies featuring multi-lingual, multicultural and multi-religious societies. Both are free market economies. And both are and aspire to be global players with a mission to promote peace, stability and prosperity beyond their borders. Broadly speaking and variations between the two notwithstanding, both the EU and India have ascribed to the doctrine of liberal peacebuilding, which crystallized at the global level in the aftermath of the Cold War.

It is precisely these broad similarities that have pushed the EU and India to deepen their cooperation through a Strategic Partnership since 2004, including cooperation on security matters like counterterrorism, counter-piracy and cyber-security, on migration and mobility, and on economic issues by pursuing a free trade agreement. Surprisingly, peacebuilding has not featured in the bilateral EU-India relationship. Despite the conspicuous presence of unresolved conflicts on European and Indian soil and the broad similarities in European and Indian approaches to conflict resolution, neither have the EU and India been involved in one another's peace efforts, nor have they shared lessons from their respective experiences.

In view of this, this paper explores the theoretical and practical approaches of the EU and India to conflict resolution. It analyses the specific European and Indian interpretations of peacebuilding, including its objectives and policy instruments, and then turns to the application of peacebuilding practices in a number of European – Cyprus, Bosnia and Georgia – and Indian – Bihar, Northeast and Kashmir – cases. Having examined these respective approaches to conflict resolution in theory and practice, the paper concludes by delineating several avenues that the EU and India could consider in order to learn from one another's experiences in conflict resolution.

2. The EU and India: interpretations of peace as governance

As key international actors dealing with ethno-political conflicts within and beyond their borders, both the European Union and India have, broadly speaking, ascribed to peacebuilding doctrine that seeks multifaceted ways to govern – manage, resolve and ultimately transform – violent conflict. How exactly have they interpreted peacebuilding? What have been their policy goals and instruments in conflict contexts?

a. *European Interpretations of the Goals and Means of Peacebuilding*

In view of its nature and self-perception as a peace project, from the outset, the EU's foreign policy has prioritized conflict resolution. In the 1993 Maastricht Treaty, when the EU specified for the first time its foreign policy aims, conflict resolution stood out amongst them, alongside promoting international security, regional cooperation, democracy, the rule of law and human rights (Article J.1). In 2009, the Lisbon Treaty stated that the Union's external action would aim at 'preserving peace, preventing conflicts and strengthening international security' (Art III-193(2c)). The EU's approach to conflict resolution is broad, encapsulated in the notion of liberal peacebuilding. As such, the EU's understanding of peace includes not only brokering agreements between warring parties, but also a wide array of measures aimed at protecting the rights and security of groups and individuals. These measures span from short-to-medium-term efforts aimed at securing ceasefires, demobilization, disarmament, peacekeeping and reconstruction, to long-term efforts aimed at promoting good governance, security sector reform, judicial reform and transitional justice, democracy, civil society development, human rights protection and socio-economic development.¹

Inherent in the EU's approach to conflict resolution is thus the connection drawn between principles such as human rights, democracy, the rule of law and regional cooperation on the one hand, and the prevention and resolution of conflicts on the other. The former, while being viewed as ends in themselves, are also considered as instrumental to achieving the latter, as demonstrated by Europe's own history.²

Both because of its understanding of peace and of its difficulty of acting as a united foreign policy player, the EU's involvement in conflicts has typically not taken the form of mediation. On few and far between cases – Macedonia in 2001, Montenegro in 2002, Serbia-Kosovo in 2012 – the EU engaged as a single actor in mediation. On other occasions – the Middle East Quartet – it has participated in multilateral mediation efforts.³ Yet in the vast majority of cases, the EU's engagement in conflict resolution has dealt with broader and deeper conflict issues than the pursuit of a settlement between political leaders. By interacting with conflict parties at multiple levels – state, sub-state, private and civil society – and across a variety of policy areas – economic, social, political, cultural, environmental, infrastructural – the EU's role in conflicts has been both more indirect and more pervasive. Simply put, the EU's engagement in conflict countries has been articulated through its *external governance agenda*, there where governance is taken to mean the formal and informal decision-making structures in processes that steer, control and manage society.⁴

¹ Commission of the EC (2001a) *Communication from the Commission on Conflict Prevention*, COM(2001) 211.

² Commission of the EC (2001a) *Communication from the Commission on Conflict Prevention*, COM(2001) 211; Commission of the EC (2001b) *The EU's Role in Promoting Human Rights and Democratization in Third Countries*, COM(2001) 252; Kronenberger, V. and Wouters, J. (eds) (2005) *The EU and Conflict Prevention: Policy and Legal Aspects*, The Hague, Asser Press.

³ Tocci, N. (2012) 'The Middle East Quartet and (In)effective Multilateralism', *The Middle East Journal*, forth.

⁴ Jan Kooiman (1993) *Modern Governance: New government-society interactions*, London, Sage, p. 2

The EU has adopted a broad understanding of governance. Indeed in EU parlance, governance has been used interchangeably with other terms including democratization, good governance, deep democracy, pluralist democracy, democracy building, and democratic governance.⁵ The breadth of the EU's understanding of governance has led the Union to appreciate the need to mainstream its governance activities across a variety of policy fields.⁶ As argued by the European Commission: 'democratic governance is to be approached holistically, taking into account all its dimensions (political, economic, social, cultural, environmental, etc... Accordingly, the concept of democratic governance has to be integrated into each and every sectoral programme'.⁷

Included in the EU's governance agenda are a number of elements spanning across policy fields. In particular, they cover political, security, developmental and international aspects. First, are political, institutional and polity related issues considered as the elements (or partial regimes) of democracy.⁸ These include elections and electoral systems, civil and political rights and freedoms, rule of law, an independent judiciary and the fight against corruption, an active civil society,⁹ and effective accountable and transparent institutions featuring checks and balances, decentralization, and the effective power to govern. Second, are security issues, including human security, internal security and the management of migration.¹⁰ The security dimension of governance is prioritized particularly when the EU considers states to be fragile or failing,¹¹ and thus unable to perform basic government functions.¹² In particular, durable statebuilding is believed to require a functioning security sector, calling for capacity building within defence, police, intelligence and judicial structures, as well as promoting a normative commitment to democracy and human rights within these structures.¹³ Third, are developmental issues, including social, economic and technical questions. Here, the EU governance agenda comprises sustainable growth, basic social services, the sustainable management of natural resources, social cohesion and a climate conducive to private investment, all viewed as necessary conditions for the development of market economies.¹⁴ Finally, embedded in the notion of European governance are international norms and practices such as regionalism, supranational integration and multilateralism.¹⁵ Insofar as the EU's governance agenda follows 'domestic analogy',¹⁶ the Union seeks to reconstruct an international environment similar to its own. This includes not only democratic constitutionalism, market economies and the regulatory state, but also the principle of regional cooperation and integration.

⁵ IDEA (2009) *Democracy in Development: Global Consultations on the EU's Role in Democracy Building*, Stockholm

⁶ Commission (2001a) op.cit.; European Union (2006) 'The European Consensus on Development', Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the Commission, Official Journal of the European Union, 24 February 2006, C46/01; Schimmelfennig, Frank (2010) 'Europeanization beyond the member states', ETH, Zurich, http://www.eup.ethz.ch/people/schimmelfennig/publications/10_ZSE_Europeanization_manuscript_.pdf

⁷ European Union (2006) op. cit.

⁸ Anne Wetzels and Jan Orbie (2011) 'Promoting Embedded Democracy? Researching the Substance of EU Democracy Promotion', *European Foreign Affairs Review*, Vol. 16, No. 4, pp568-588.

⁹ European Commission, 'European Governance, a White Paper'. COM(2001) 428 final, Brussels, http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf

¹⁰ European Union (2006) op. cit.

¹¹ Wil Hout (2010a) 'Between Development and Security: The EU, Governance and Fragile States', *Third World Quarterly*, Vol. 31, No. 1, pp. 141-157.

¹² European Commission, Increasing the Impact of EU Aid: A Common Framework for Drafting Country Strategy Papers and Joint Multiannual Programming, Communication from the Commission to the Council and the European Parliament, COM(2006)88 final, 2 March 2006, p 12-14

¹³ Heiner Hänggi and Fred Tanner (2005) 'Promoting security governance reform in the EU's neighbourhood' Chaillot paper for the European Union Institute for Security Studies (ISS), 1 July 2005, Paris.

¹⁴ Richard Youngs (2005) 'Europe's uncertain pursuit of Middle East reform', in T. Carothers and M. Ottaway (eds) *Uncharted Journey: Promoting Democracy in the Middle East*, Carnegie Endowment, Washington.

¹⁵ Schimmelfennig, Frank (2010) op. cit.

¹⁶ Schimmelfennig, Frank (2010) op. cit.

Turning instead to the EU's policy instruments and mechanisms in promoting liberal peacebuilding, we put forth three broad modes of action through which the EU promotes its governance agenda in conflict areas.¹⁷

First, the EU can follow a top-down approach encapsulated in the policy of conditionality. Here the EU sets the conditions to be fulfilled in order for a conflict country to receive predetermined material or symbolic benefits by the EU.¹⁸ Indeed, rather than *governance*, suggesting a horizontal and systemic mode of action, the EU's mode of action here is more in line with the notion of *government*, meaning a hierarchical process of rule selection, adoption and implementation between the EU and the conflict actor. Conditions typically regard macro-level changes in the politics, polities, institutions and economies of third countries such as human rights, constitutional, institutional, power-sharing, and market-oriented reforms and elections. In order to be effective, rewards need to be tangible and significant, be perceived as such by the third country, and must be credibly offered and denied on the basis of compliance.¹⁹ In addition, the more precise, binding, and enforceable EU rules are, the more likely they will be selected, adopted, and implemented. Typically these elements are found in the context of the accession process, where the ultimate reward of EU membership is sufficiently valuable and the countries are sufficiently democratic to accept the wholesale governance agenda promoted by the EU. Governance conditionality is also applied in the context of development, where a 'governance incentive tranche' links aid allocations to the governance situation and reform commitments of recipient countries. By contrast, in the neighbourhood, conditionality, while highlighted in theory, is generally side-lined in practice.²⁰

Second, the EU can engage in a bottom-up approach to governance by interacting with civil society.²¹ Here the EU adopts a micro-level view of governance, promoting democratization, social cohesion, sustainable development, and human security by empowering civil society actors to pursue these very ends and creating the broader socio-economic and political foundations for its governance agenda to take root. EU support can take a variety of forms, including dialogue, training and funding, all of which are aimed at enhancing the capacities of civil society actors to pursue active roles in the political, social and economic development of their respective countries. Engagement with civil society takes place in a variety of geographical regions, including not only candidate countries for EU membership but also in neighbourhood countries where apposite financial instruments – the Civil Society Facility, the Endowment for Democracy – have been created precisely for this end.

Third, the EU can pursue its governance agenda through its transgovernmental functional cooperation with third countries.²² Functional cooperation can be situated at the meso level, in between the macro level changes induced by conditionality and the micro-level changes pursued through civil society. At the meso level, the EU governance agenda is promoted within sectoral areas of cooperation through technical and financial assistance as well as regular interaction between public administration officials, private sector representatives and civil society actors and experts. The sectoral areas range from the purely technical and economic – e.g., competition policy, transport, water management, environment,

¹⁷ Freyburg, Tina, Lavenex, Sandra and Schimmelfennig, Frank, Skripka, Tatiana, Wetzels, Anne (2011) 'Democracy Promotion through functional cooperation', *Democratization*, Vol. 18, pp. 1026-1054.

¹⁸ Grabbe, H. (2001) 'How does Europeanisation affect CEE governance? Conditionality, diffusion and diversity' *Journal of European Public Policy*, 8: 6, 1013-1031; Smith, K.E. (1999) *The Making of EU Foreign Policy, The Case of Eastern Europe*, London: Macmillan.

¹⁹ Tocci, N. (2007) *The EU and Conflict Resolution. Promoting Peace in the Backyard*, London: Routledge.

²⁰ Bosse, Giselle (2007) 'Values in the ENP', *European Political Economy Review*, Vol. 7, 2007, pp. 38-62.

²¹ Tocci, N. (ed.) (2011) *The EU Civil Society and Conflict*, Routledge, London; Marchetti, R. and Tocci, N. (2011) R. Marchetti and N. Tocci (eds) (2011) *Civil Society, Conflict and the Politicisation of Human Rights*, UN University Press, Tokyo.

²² Lavenex, Sandra and Schimmelfennig, Frank (2011) 'EU democracy promotion in the neighbourhood: from leverage to governance', *Democratization*, Vol. 18, No. 4, pp. 885-909; Freyburg, Tina, Lavenex, Sandra and Schimmelfennig, Frank, Skripka, Tatiana, Wetzels, Anne (2009) 'EU promotion of democratic governance in the neighbourhood', *Journal of European Public Policy*, Vol. 16, No.6, pp. 916-934.

information society and trade – to the more overtly political – e.g. immigration and border management. In all cases, the governance agenda is pursued by promoting principles such as participation, accountability and transparency within the day-to-day modus operandi of these sectors. Such promotion does not take place through coercion or civil society support. It rather takes place through the technical and financial assistance as well as through regular dialogue, interaction and socialization between EU and third country public and private actors.²³ Naturally, it would be naïve to assume that power relations between EU and third country actors are entirely absent in these interactions. Indeed, much like conditionality, functional cooperation also can and does often result in the transposition of elements of the EU *acquis communautaire* within the domestic norms and rules of third countries.²⁴ However, the primary mode of interaction is not between the EU subject and the third country object through the transfer of non-negotiable and often legally enshrined conditions. Rule transfer takes place diagonally, flexibly, and – more or less – voluntarily across overlapping EU and third country informal policy networks. The elements of the *acquis* which are transposed to third countries are not imposed as legal obligations, but are rather selected, negotiated, adapted and flexibly adopted. They are typically based on mutual agreement and often prescribe procedural modes of interaction rather than final policy solutions. The promotion of governance through transgovernmental functional cooperation is most relevant in the EU neighbourhood – through the European Neighbourhood Policy – where the EU lacks the necessary leverage to engage in macro-level changes through conditionality.

b. Indian Interpretations of the Goals and Means of Peacebuilding

To seek a coherent Indian interpretation of liberal peacebuilding is a daunting task. For one, the long and prolix lineage of Indian discourses on peacebuilding, full of disjunctures and ambiguities, defy an easy categorization. The substantive and interpretive variations that marked Indian praxis are constantly mediated amid global transformations as also the shifting interests of dominant identities and groups. It is further complicated by the conceptual variance around the term itself.²⁵

Notwithstanding these challenges, it is possible to identify a set of convergent values and parameters that have continually permeated India's normative template on peacebuilding and conflict resolution.²⁶ Many of these traits provide the standards of governance and influence the agenda of public policy, constitutional provisions, legislation and judicial pronouncements as well as everyday governance. Specifically, the legacy of non-violence, a commitment to development and social justice, and an accommodation of diversity through autonomy and decentralization have represented three principal avenues of Indian peacebuilding.

In the modern era, Mahatma Gandhi contributed significantly to India's peacebuilding perspectives by conceptualizing the norms of Ahimsa (non-violence) and Satyagraha (truth force). He not only abhorred wars and killings under any guise, but also addressed the insidious ramifications of indirect violence embedded in governing structures and cultures. He included untouchability, racialism, communalism and gender-based discrimination as acts of violence against humanity. Conceptualized subsequently as 'structural violence', this indirect form of violence finds quintessential expressions in

²³ Lavenex, Sandra (2009), 'A governance perspective on the European Neighbourhood Policy: integration beyond conditionality', *Journal of European Public Policy*, Vol. 16, No. 6, pp. 938-55

²⁴ Lavenex, S. (2004), 'EU External Governance in Wider Europe', *Journal of European Public Policy*, Vol. 11, No. 4, pp. 680-700, p. 683.

²⁵ Its 'elastic or even amorphous character' resulting from varied discourses necessitates the shifting of 'our analytical gaze from peacebuilding to peacebuildings'. John Heathershaw. 2008. 'Unpacking the Liberal Peace: The Dividing and Merging of Peacebuilding Discourses.' *Millennium - Journal of International Studies* 36: 603.

²⁶ There are contrary opinions though, which discover a hoard of violence-prone streaks in ancient Indian politico-military thinking. For claims and counter claims on the peacefulness in India's ethos see Priyankar Upadhyaya. 2009. 'Peace and Conflict, Reflections on Indian Thinking.' *Strategic Analysis*, 33(1).

Gandhi's thought.²⁷ He had no doubts that the modern state based on coercion is unlikely to resolve disorder, whether external or internal.²⁸ However Gandhi couldn't forestall the establishment of a centralized state as the pivotal agency in his own country. Jawaharlal Nehru, who followed Gandhi's dictum of non-violence, through the freedom struggle, 'when on his own, [he] soon insisted upon, and deployed, the instruments of violence as a practical necessity once India achieved its independence'.²⁹ Like his counterparts in the newly independent world, he too adopted the apparatus of the modern nation-state to meet the imperatives of security and order. At the global level, Gandhi's hopes and prayers also remained unheeded amid the growing salience of nuclear weapons and Cold War alignments.

However, Gandhi's foresights and convictions continue to have a global influence amid the current global crises marked by the rising scale of structural violence, worsening ecological crisis, terrorism and the discriminatory displays of globalization. The evident inadequacy of top-down liberal peacebuilding to deal with culture-sensitive requirements of local peacebuilding has opened up possibilities of working out innovative trajectories of peacebuilding around Gandhian visions of non-violent activism. Gene Sharp, for instance, has produced a remarkable array of conceptual and practical trajectories to cope with social injustice and external aggression. He reiterates the formidable strength of non-violent protests based on Gandhi's belief in people's power, disobeying which would deprive leaders of power, which ultimately draws on the subjects of the state.³⁰

This in turn shifts the emphasis from state-centric conflict resolution to non-state actors. Foremost of these is the role of civil society in peacebuilding. Studies demonstrate that the existence of social networks of civic engagement across communal lines has been the key to prevent violence.³¹ Similarly, the cultural dimensions and multi-religious synergy may also imperceptibly contribute to peace building in urban centers where episodes of communal and ethnic violence occur with greater frequency.³²

Alongside non-violence, Indian peacebuilding has been marked by a commitment to dialogue and the accommodation of diversity. Amartya Sen attributes the Indian democratic ethos to its distinctive dialogical traditions, heterodoxy and public reasoning.³³ He reveals how the political councils in ancient India (sabhas, samitis, ganasanghas, etc.) provided a negotiating space for people with divergent opinions on matters of law and governance. Given this background it was not surprising that the quest for self-rule (swaraj) became the rallying point of the Indian freedom movement and the framers of the Indian Constitution (1949) accorded highest priority to the participation of all sections of the population in governance. The universal franchise to all citizens was guaranteed in India much earlier than in many developed countries.

While the traditional values of nonviolence, dialogue, and respect for diversity infused the foundation of modern India, Jawaharlal Nehru along with other visionaries brought in the ethos of Enlightenment and experiences of western liberal democracies. The Indian constitution readily absorbed these values to institutionalize a governance model based on power sharing and inclusion. Expectedly, many provisions of the Indian Constitution were inspired by the spirit of Enlightenment i.e. respect for

²⁷ As Thomas Weber puts in 'In a sense, Gandhi was Galtung's entree into the world of peace research.' Thomas Weber. 1999. 'Gandhi, Deep Ecology, Peace Research and Buddhist Economics.' *Journal of Peace Research*, 36(3):349–361.

²⁸ In fact his vision of a non-violent civilization is essentially a critique of the modern state and its paradigm of violence.

²⁹ Richard Falk. 1980. 'Mahatma Gandhi and the Revival of Nonviolent Politics in the Late 20th Century,' *The Transnational Foundation for Peace and Future Research*, 1980. Available at http://www.transnational.org/SAJT/forum/meet/r_falk_gandhi.html

³⁰ Gene Sharp Interview. <http://progressive.org/mag/intv0307>, accessed on 31 May 2013

³¹ See Ashutosh Varshney. 2002. *Ethnic Conflict and Civic Life: Hindus and Muslims in India*. New Delhi: Oxford University Press.

³² Priyankar Upadhyaya. 2010. 'Communal Peace in India: Lessons from Multicultural Banaras.' in *Religion and Security in South and Central Asia*, edited by K. Warikoo. Routledge: London: 2010.

³³ Amartya Sen. 2005. *The Argumentative Indian: Writings on Indian History, Culture and Identity*. London: Penguin.

human rights, democracy, constitutional government, progressive liberation from the tyranny of tradition, and government by public reason.³⁴

Nehru famously spelled out the concepts of ‘composite culture’ and ‘unity in diversity’ to deal with India’s astonishing heterogeneity. Decentralization, federalism and autonomy were conceived as the lead tracks of resolving conflict arising out of communalism, provincialism, separatism, and casteism. Democratic measures like universal suffrage, free and fair elections, and special constitutional provisions for minorities and weaker sections of society were to ensure a peaceful process of nation building. While the reorganization of states in India along linguistic lines aimed to deal with the autonomy quest, all religious and ethnic groups were accorded equal footing by the Indian Constitution (arts. 26-30) and the scheduled castes and tribes were covered through the provisions of “protective discrimination,”(arts. 30, 46, 244, 244A, and 335).

In Indian democratic parlance, the federal devolution of power along with decentralization has been a time-tested trajectory to resolve, or at least contain, conflictual assertions of autonomy. While the British Raj introduced the concept of local self-government way back in 1882,³⁵ it was Gandhi’s vision of ‘Gram Swaraj’ (village self-rule) which provided a leitmotiv for good governance in independent India. The concept of village councils (Panchayats) enshrined in Part IV ‘Directive Principles of State Policy’ (Article 40) of the Constitution was remarkably supplemented through the 73rd amendment in 1992, which introduced a three-tier Panchayati Raj Institutions (PRIs). It contains provisions for the devolution of powers and responsibilities to panchayats to facilitate development and social justice.³⁶

The reorganization of states along linguistic lines during the fifties was a major step to incorporate cultural diversity into political and administrative units. The Constitutional provisions and subsequent amendments ensured self-government under special administrative provisions for Jammu and Kashmir (Schedule IV, article 370) and to the tribal areas of the North-East (Nagas, Mizos, Manipuri, Tripura, under articles 371 and 371A-I).

Finally, Indian peacebuilding has accorded prime value as a principal goal and means of conflict resolution. The founding visionaries of the Indian constitution and democracy were deeply conscious of the conflict portents in independent India. The socio-economic disparities, the extraordinary heterogeneity of ethnic and religious groups, the historic disaffection between communities and the divisive colonial policies all created a specter of conflict and violence. Unlike Gandhi who looked at the civil society-based *satyagrah* for the non-violent resolution of conflict, Nehru and his colleagues at the helms of the Indian governance looked at the modern nation-state and its democratic institutions and processes to take the call. The Indian recipe for peacebuilding and conflict resolution is thus based on the norms of power sharing, inclusion and autonomy to be effected through federal and other constitutional arrangements, as well as economic development.

³⁴Pratap Bhanu Mehta. 2011. ‘Do New Democracies Support Democracy? Reluctant India.’ *Journal of Democracy*, 22(4):201. October.

³⁵Institutions of local self-government introduced initially through the Ripon Resolution of 1882 were augmented through the Montague-Chelmsford reforms of 1919 and the Government of India Act of 1935.

³⁶The 3-tier system of Panchayati Raj Institutions (PRI) consist of Panchayat at village, block and district level and ensure 50% reservation for women since 2009.

3. The link between governance and conflict in practice: European and Indian experiences

a. EU Peacebuilding in Practice: Cyprus, Bosnia and Georgia

While the broad cultural script of the EU's peacebuilding agenda is the same across the spectrum of its external action,³⁷ the precise mix deployed has varied from one conflict to another. The specific focus and intensity of the EU's involvement has changed according to its proximity to the conflict, the nature of power relations between the EU and the conflict parties, the domestic structures and inclinations of the conflict country, the EU and its member states' particularistic interests, the involvement of other external actors, and the EU's diagnosis of the conflict in question.³⁸ Let us now turn to examining the implementation of the EU's peacebuilding goals and means by drawing on the EU's role in three cases: Cyprus, Bosnia and Georgia.

The EU's peacebuilding governance has generally covered the political-constitutional, economic and security realms. How has the EU operationalized these goals in practice in Bosnia, Cyprus and Georgia?

In all three cases, the EU has supported the sovereignty and territorial integrity of the metropolitan states, while viewing federalism as an appropriate route to accommodate the ethnopolitical claims and grievances of minority communities. However, whereas in the cases of Georgia and Cyprus, the failure of the international community to broker constitutional settlements has meant that the EU's support for federalism has remained on paper, in the case of Bosnia, the implementation of the Dayton accords allowed the EU to pursue concrete policies to support federalism in practice, highlighting important inconsistencies. In Bosnia, the Dayton accords federalized the country into a tripartite state, which essentially formalized the ethnic divisions produced by the war, establishing Bosniac, a Croat and a Serb constituent states within the federal state of Bosnia and Herzegovina (BiH), while also establishing strict ethnic quotas and veto rights at the federal level. The federal level was kept "thin", with most competences being devolved to the entities. This has mitigated the scope of conflict at the central level, but only avoided generating conflict at the local level in ethnically homogenous territories. In territories that remained mixed, the Dayton set-up has led to forms of discrimination, highlighted in the European Court of Human Rights judgement on *Sejdic and Finci vs BiH*. Hereby lies the paradox in the articulation of the EU's goals. On the one hand, the EU has supported the Dayton set-up, with its rigid compartmentalization of the three principal communities. On the other hand, it has backed efforts at combating the very distortions that Dayton created as evidenced by the EU's support for the implementation of the *Sejdic and Finci vs BiH* judgement through constitutional reform or its attempts at fostering the reform of the police forces.

A second set of EU objectives in the three conflict areas relates to development. In practice, the EU's governance emphasis in all three cases has lied more on the technical and regulatory features of market economies than on pursuing the political and socio-economic prerequisites of democratic welfare states.³⁹ Indeed, the economic dimensions of the EU governance agenda point towards a broadly neoliberal approach to governance, embedded in the post-Washington consensus approach to development adopted by international donors. Views on the effects of this approach differ. Some point to the danger of consolidating and strengthening non-democratic forms of governance.⁴⁰ Rather than

³⁷ Börzel, Tanja and Risse, Thomas (2005) 'Venus approaching Mars? The EU's Approaches to Democracy Promotion in Comparative Perspective', in A. Magen, T. Risse and M. McFaul (eds) *Promoting Democracy and the Rule of Law: American and European Strategies*, Palgrave: Basingstoke, p. 48.

³⁸ Lavenex, Sandra and Schimmelfennig, F. (2009) 'EU Rules Beyond Borders: theorizing external governance in European politics', *Journal of European Public Policy*, Vol. 16, n. 6, pp. 791-812.

³⁹ Anne Wetzel and Jan Orbie (2011) op. cit.; Wil Hout (2010b) 'Governance and Development: Changing EU Policies', *Third World Quarterly*, Vol. 31, No. 1, pp. 1-12.

⁴⁰ Anne Wetzel and Jan Orbie (2011)op. cit.

combating state capture, political violence, socio-economic inequalities, ethnic divisions and political marginalization, the neoliberal economic EU governance agenda risks consolidating the control apparatus of autocratic states which endorse neoliberal economic policies.⁴¹ Others respond that by promoting sectoral governance in technical and economic areas the EU instils democratic principles of transparency, accountability and participation within undemocratic contexts.⁴² The case of Cyprus highlights most starkly the way in which the EU has conceptualized economic governance as a means of concomitantly inducing economic development and reconciliation. The results have been wanting. In Cyprus, financial assistance has been largely targeted towards reforming economic governance structures and policies in the northern (Turkish) side of the island. The European Commission's financial aid package to the Turkish Cypriots agreed after the 2004 accession of the divided island – originally foreseeing €259m in 2005-2009 – was largely spent on infrastructure projects and on supporting the harmonization of Turkish Cypriot norms and rules with the EU's *acquis communautaire*. Overcoming its reluctance to engage in direct contact with the Turkish Cypriot community out of fear this could constitute an act of recognition, the Commission has also opened a programme support office in northern Nicosia in order to disburse and oversee the implementation of EU funded projects. Alongside aid, the EU has also attempted to support reconciliation and the development of free markets in Cyprus through the so-called Green line regulation that came into effect in 2004. The objective of the regulation was twofold: by allowing free trade across the conflict divide, the EU hoped to induce reconciliation through economic interdependence and mitigate the inequalities between the two communities. Neither objective has been reached. Although the list of products that can be traded across the Green line is consistently lengthened, actual trade between Greek and Turkish Cypriots has actually declined, as social norms, fears and prejudices de facto hinder economic ties between the two. Furthermore, the direct trade regulation that was originally intended to complement the green line regulation by allowing for free trade between northern Cyprus and the EU and boost Turkish Cypriot economic development was never approved, being blocked by the Greek Cypriot Republic of Cyprus upon its entry into the EU.

Finally, the EU has supported security governance in conflict cases through its civilian and military missions that have targeted sectors such as judicial and security sector reform as well as border monitoring and assistance. In the case of Georgia, both types of missions have been implemented. In July 2004, the EU deployed a seven-month rule of law mission (EUJUST-THEMIS) recommending reforms in Georgia's judiciary. It also disbursed a complementary €5m aimed at promoting legal, electoral and administrative reform. When the OSCE border monitoring mission was not renewed in 2005, the EU Special Representative for the Caucasus' mission was extended to include a locally-based support team to follow-up the work of EUJUST-THEMIS and to provide assistance to Georgian border guards. This was well below Georgian expectations however, which hoped to see the EU replace the OSCE monitoring mission. Fearing to be seen in Moscow as 'defending Georgia against Russia', the EU refused this invitation. It did however offer technical assistance to Georgian border guards. Following instead the 2008 war between Georgia and Russia, the EU was mandated to monitor the ceasefire line via a monitoring mission (EUMM). EUMM is intended to report on the grievances of the local population with respect to gender, human rights, and security issues, including the behaviour of security and police forces. However, EUMM is largely constrained by the fact that it only operates in the Georgian controlled side of the ceasefire line, having no access to the Ossetian and Abkhazian sides. Its efforts to negotiate access to Abkhazia and South Ossetia remain, to date, unsuccessful, rendering the mission by definition unable to contribute to security governance across the conflict divide.

Turning to the EU's policy means and mechanisms pursued in peacebuilding, we have identified three principal channels: conditionality, civil society engagement and sectoral governance support.

⁴¹ Wil Hout (2010b) op. cit.

⁴² F. Schimmelfennig (2011) 'How substantial is substance? Concluding reflections on the study of substance in EU democracy promotion', *EFAR*, Vol. 16, No. 4, pp.727-734.

Conditionality has de facto been pursued selectively in the three cases. In Cyprus, when the EU launched Cyprus' accession process in the early 1990s, the understanding was that a settlement would be a precondition of membership, despite an understanding that if inter-communal negotiations were to fail due to Turkish Cypriot intransigence, accession negotiations without a settlement could take place. The balance struck in 1993 was then progressively abandoned over the course of the decade. Largely because of the mainstream view in Europe that the absence of a solution in Cyprus was to blame on the Turkish Cypriot side, the Greek Cypriot side was first allowed unconditionally to open accession negotiations in 1997 and then to enter the European Union without a settlement in 2004. Paradoxically, Cyprus formally entered the EU on 1 May 2004, one week after the Greek Cypriot side voted down the UN-sponsored Annan Plan, which was instead accepted by the Turkish Cypriot side. By contrast, conditionality on Turkey was strengthened after the launch of Turkey's accession process. Already before Cyprus' accession, the EU warned that the Cyprus conflict posed a 'serious obstacle' to Turkey's accession path (Commission 2003d: 16). Since Cyprus' membership, the festering conflict has de facto stalled Turkey's accession negotiations. To date, out of the 35 *acquis* chapters in the accession negotiations no less than 13 have been blocked either by Cyprus or by the European Council as a whole for issues pertaining to the Cyprus conflict. The EU's asymmetric use of conditionality in Cyprus has had a visibly negative effect. On the one hand, by lifting conditionality on the Greek Cypriots, the EU eliminated all constraints on the Greek Cypriot leadership to bluntly turn down the Annan Plan by the time the referendum was held and to exert precious little effort to reach a compromise with the Turkish Cypriots since then. On the other hand, the increasingly tight conditionality on Turkey and the resulting stalling of Turkey's accession process appears to have merely distanced Turkey from the EU consequently reducing Turkish incentives to reach a solution in Cyprus.

In the case of Georgia, conditionality has been largely abandoned, particularly after the 2008 war with Russia. As and when the EU entered the realm of mediation, brokering the six-point ceasefire plan between Russia and Georgia, its efforts at exerting conditionality on Georgia visibly declined. Despite continuing to point out the serious (and in some cases aggravating) deficiencies in Georgia's democracy in its reports on Georgia, the EU has granted carrots unconditionally to the government in Tbilisi. Notably the Union is currently negotiating a "Deep and Comprehensive Free Trade Agreement" with Georgia as well as a visa dialogue with the ultimate aim of lifting visa requirements for Georgian citizens travelling to the EU's Schengen area. According to Mikhelidze,⁴³ given the EU's manifest inability to exert pressure on Russia on the implementation of the six point plan, it has opted to turn a blind eye to Georgia's democratic deficiencies in return. By contrast, the EU has been far more successful in engaging and promoting peacebuilding through civil society in Georgia. Particularly interesting is the case of the Confidence Building Early Response Mechanism (COBERM), funded by the EU and implemented by UNDP. COBERM's objective is to foster people-to-people contact, a culture of tolerance, and to strengthen local peacebuilding initiatives. The projects financed so far – close to 70 to date – have been a valuable channel to engage young professionals from different walks of life across the conflict divide, coming together to discuss issues related to their day-to-day political and professional life. The public impact of these projects should not be overemphasized given the limited information disseminated about these initiatives largely to safeguard the participants given the broader public sensitivities about reconciliation initiatives. Nonetheless, what is noteworthy is the conscious effort made to ensure a rotation of the participants involved, thus avoiding that the "usual suspects" are invited time and time again failing to branch out to the wider public.

Finally, in the case of Bosnia, the EU has relied heavily on functional cooperation as a means to influence the emerging governance structures and mechanisms in the new-born country. Since the end

⁴³ Mikhelidze, Nona (2012) 'Georgian and international state and non-state governance premises and initiatives in conflict resolution', in J. Galvanek, H. Geishmann and M. Mubashir (eds) *Norms and Premises of peace Governance*, Berghoff Occasional papers, Berghoff Foundation, pp. 44-60.

of the war, but more intensely since the beginning of the Stabilization and Association process, there have been regular civil servants and expert meetings between EU and BiH in various areas. At their core, these meetings have aimed at bringing the Bosnian legal and institutional framework closer to the EU's standards.⁴⁴ In addition, there has been a strong focus on capacity building, with training sessions provided for BiH civil servants and experts, not only in the legal harmonization process, but also in the transfer of soft skills regarding communication and cooperation with the European Commission.⁴⁵ Cooperation has been facilitated through EU financial instruments. In 2000-2006, the Community Assistance for Reconstruction, Development and Stabilization (CARDS) focused on reconstruction and refugee aid, the development of a market economy, as well as democracy, rule of law, human rights, civil society, and media.⁴⁶ CARDS was replaced by the Instrument for Pre-Accession Assistance (IPA) in 2007,⁴⁷ which provides transition assistance and support for institution building, as well as cross-border cooperation.⁴⁸ Aside from knowledge and skills transfer in particular fields, these programmes have also led to transfer of skills related to project design and management. The EU has encouraged regional cooperation among the South-East European (SEE) countries, which has been an integral part of both CARDS and the IPA. This has allowed public and private actors from the region to cooperate with both EU and neighbouring countries' counterparts, and has facilitated skill transfer. The SEE programme under the IPA Component II, for instance, has brought together people and organizations working in areas such as innovation and entrepreneurship, sustainable growth, and environmental protection.⁴⁹ In addition, knowledge and skill transfer between BiH and the EU has taken place through a 'proxy'. Namely, the countries from the region that are more advanced in the accession process, such as Croatia, have made their experts available to BiH to organize workshops in project design and grant application writing.⁵⁰

b. Indian Peacebuilding in Practice: Kashmir, Bihar and the Northeast

The practical experience of Indian governance vis-à-vis conflict situations in Kashmir, Bihar and Northeast presents a multifaceted picture. In a way it corroborates our earlier submission about the mixed record of Indian governance in handling democratic churning and conflicts.

On the face of it, all three conflicts have different histories and markers. While cross border ramifications have affected the Indian approach towards Kashmir and also to an extent the Northeast, up until recently the endemic conflicts in Bihar presented the specter of a failed state. However, the role of governance in all these conflicts has been critical both in aggravating as well as in mitigating the conflict.

Against this backdrop, there is the image of good governance, which as a non-partisan and yet empowering concept could be harnessed to bring about peace and social development. The coercive-persuasive mix of constituents within governance has an immense peacebuilding potential, if only there is sufficient political will to mobilize it. This key question will be examined through three case studies in India: Kashmir, Bihar and Northeast.

⁴⁴ Field notes, Sarajevo, October 2010.

⁴⁵ Directorate with European Integration, 'Obrazovanje', accessed on May 15, 2013, http://www.dei.gov.ba/dei/direkcija/sluzba_za_promociju/obrazovanje/?id=10580.

⁴⁶ European Commission, 'The CARDS programme (2000-2006)', accessed on May 18, 2013, http://europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm.

⁴⁷ *ibid.*

⁴⁸ Directorate with European Integration, 'Uvođenje novog instrumenta pretpristupne pomoći IPA II (2014-2020)', accessed on May 18, 2013, http://www.dei.gov.ba/dei/direkcija/sektor_koordinacija/ipa_2/?id=11610.

⁴⁹ Directorate with European Integration, 'South-East Europe (SEE)', accessed on May 18, http://www.dei.gov.ba/dei/direkcija/sektor_koordinacija/IPA_programi/ipa2/see/Default.aspx?id=10065.

⁵⁰ CBC, 'Workshop for the preparation of cross-border project proposals in Doboj, Bosnia and Herzegovina', accessed on May 19, 2013, <http://www.cbc-cro-bih.net/en/vijesti-i-info/vijesti/item/219-radionica-za-pripremu-prekograničnih-projektnih-prijedloga-u-doboju.html>.

In the long course of conflict in Jammu & Kashmir (J&K), the Indian state has adopted several tracks to defuse, manage and resolve the conflict. Ranging from a dominant militarist response to dialogue on autonomy, aid and development policies, Indian official policy has undergone deep transformation during the six decades of violent conflict. However, one of the consistent features of the Indian approach has been the denial of third party involvement in the conflict. The bitter polarization over the issue of a plebiscite in Kashmir at the UN Security Council during the Cold War era and increasing domestic pressure hardened India's position over the issue. The initial idealism reflected in the pro-plebiscite stands of Nehru-Gandhi soon gave way to realism. India in course realized the difficulties as well as the futility of pursuing its commitment to self-determination. However, it has not been averse to the granting of maximum autonomy to J&K.

The armed insurgency of 1989 further securitized India's approach towards the issue. The domestic upheaval was seen as a national security threat and, as such, the army along with other paramilitary forces dealt with it rather sternly. The suppression of human rights amid the invocation of the Armed Forces Special Powers Act and the Public Safety Act led to further suppression, mitigating the prospects of any peace negotiation. Persuasive steps that consisted of special economic packages and assurances of employment opportunities invariably accompanied the coercive strand of state policy. This duality has been a constant factor of governance in Kashmir ever since.

On many occasions, the Indian government tried to explore an autonomy based solution through electoral means. The creation of the Autonomous Hill Council in Ladakh through elections was one such instance. Decentralization through local self-governance has also been implemented. Yet another step in this direction was the holding of village council elections (*halqa panchayats*) throughout J&K in 2011. In 2011 these elections were held in phases, and were successful in mobilizing a large majority of voters who found these councils an effective means to local development.

The complicated legacy of the Kashmir conflict involving cross border territorial issues between India and Pakistan presupposes a larger canvas of peace process instruments, involving all parties in question. Indian governance has tried this channel as well though with limited success. Cross-border trade and travel has also opened fresh avenues for peacebuilding, as have the recurrent episodes of people-to-people contact between the two countries.

The case of Bihar shows how even small changes in the culture of governance can yield remarkable peacebuilding impact in one of India's most impoverished regions. The Indian state of Bihar entered the 21st century struggling to cope with a range of seemingly intractable conflicts arising out of social and economic disparities and the failure of governance to carry out its basic responsibilities. The armed struggle by backward and scheduled caste landless peasants began in the late 1980s under the influence of the Marxist-Leninist Communist Party.⁵¹ Its roots lay in the failure of governance to implement land reforms, which allowed the high caste landlords to carry on their illegal occupation of surplus land. The rise of armed militancy then led the upper caste landlords to organize their own militias.⁵² The violent polarization along caste lines took a huge toll of innocent people amidst inert and corrupt government machinery.

⁵¹The main militant Left groups are the Marxist Communist Centre (MCC), the CPI-ML-Liberation Group and the CPI-ML Party Unity, now re-designated as the Peoples War Group (PWG) after its merger with the Andhra Pradesh based PWG. For details see Mammen Matthew, *Bihar: Caste, Politics & the Cycle of Strife*, available at <http://www.satp.org/satporgtp/publication/faultlines/volume2/Fault2-MatthewF.htm>

⁵²The Rajputs formed the Kuer Sena in 1969, the Kunwar Sena in 1979, the Sunlight Sena in 1988; The Brahmins set up Ganga Sena; and the Bhumihars formed the Brahmarshi Sena in 1981 and the Savarna Liberation; the Kurmis launched the Bhoomi Sena and the Yadavs set up the Lorik Sena. The Ranveer Sena was born in 1994 with the support of all upper caste landowners.

For a long time, the culture of governance in Bihar had remained captive of corrupt politicians and bureaucrats that were incapable of managing and resolving the violent caste conflict. Most of their initiatives were half-hearted and ill meaning. For instance, Operation Rakshak launched by the Bihar government, which meant to quell the Naxalites, colluded with the high caste militias against lower caste groups.⁵³ The elections of local councils (Panchayat), the main dispute mitigating mechanism, were unduly delayed and were organized only in 2001, when the Patna High Court intervened.

However, the culture of democratic governance underwent a transformation in 2005 with the rise of Janata Dal Unite (JDU) as the ruling party. Led by Nitish Kumar, the incumbent government symbolizing the resurgence of politics as social justice and development. In just over a decade, the Nitish government overhauled the image of Bihar from a wasteland of jungle Raj (Hobbesian state of nature)⁵⁴ to a successful example of rule of law and institutional reforms. This improvement in law and order in reality as well as in perception has served as the foundation of unprecedented development in Bihar after 2005.⁵⁵

Similarly the passing of the Bihar Panchayat Raj Act in 2006, soon after the Nitish government assumed power, ensured the long overdue implementation of the three tier Panchayat Institutions in the state. The reserved quotas for women, extreme backward and secluded castes and tribes empowered the neglected sections of society weaning them away from the sway of militancy. Bihar now excels in the areas of human development, boasting the highest growth in the elementary education enrollment ratio, the highest percentage of per capita savings, 50% reserved quotas for women in the Panchayati Raj Institutions, and the second highest growth in the country between 2004 and 2010 (CSO, 2010).⁵⁶ Empowerment and entitlements have been strengthened through new governance measures like the Janta ke Darbaar me Mukhyamantri⁵⁷ (Chief Minister in the Court of People), the Sarkar Aapke Dwar (government at the doorstep of the citizen for on-spot grievance redressal and social policing for tackling the Naxalite insurgency).

These governance initiatives have also created an almost communal violence free environment since the last major riots of Bhagalpur in 1989. By delivering justice and compensation quickly to the victims of the Bhagalpur riots, these governance measures have built trust with the large Muslim population living in Bihar.⁵⁸ The constitution of fast track courts for speedy trials and a criminal justice system along with a zero-tolerance policy towards caste-based violence has spread the image of rule of law and good governance.⁵⁹

India's northeast region⁶⁰ is famous for its heterogeneity and scenic beauty, yet it is a major conflict zone with several protracted conflicts. It has witnessed ethnic assertions that have assumed violent manifestations and armed separatist insurrections well over six decades. The region is also afflicted with

⁵³Kaushikee. 2006. Caste Conflict in Bihar: Identity, Perspective and Conflict Transformation.' *Conflict Management and Development* 2(2): 23

⁵⁴ The title was famously suggested by the Patna High Court in 1997 in the wake of a kidnapping spree in the state.

⁵⁵Rajesh Chakrabarti. 2013. *Bihar Breakthrough: The turnaround of a beleaguered State*. Delhi: Rupa, p.26

⁵⁶ Quoted in Chirashree Das Gupta. 2010. 'Unraveling Bihar's 'Growth Miracle.' *Economic & Political Weekly*, xlv(52):50, December 25.

⁵⁷ This is a hugely successful initiative undertaken by the government just after coming of the NDA government to power in 2005.

⁵⁸By constituting a one-person judicial commission to re-examine the twenty-seven cases, Nitish sent a strong secularist message with this move that helped reassure minorities.

⁵⁹ Quoted in *Hindustan*, 12 October 2011, Patna edition.

⁶⁰India's Northeast refers to the easternmost region of India consisting of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. This area is ethnically distinct from other parts of India. The region is distinguished by a preponderance of the Tibeto-Burman languages.

other types of conflicts including conflict over natural resources, native-migrant conflicts and border conflicts between the regional states.

As in other cases, Indian governance has adopted a multipronged approach in dealing with the conflict in Northeast. Autonomy demands are dealt with the enactment of federal structures and processes and other institutional mechanisms like the autonomous councils proposed in the Sixth Schedule of the Constitution of India. The Indian government and the state governments have sought to mitigate conflict by promoting rapid growth and development through heavy doses of public investment.⁷ The North Eastern Council (NEC) was constituted in the 1970s as the nodal agency for the economic and social development of these states. It was followed up by the establishment of the Department of Development of the North Eastern Region in September, 2001, upgraded into a Ministry in May 2004. The Ministry of Development of the North Eastern Region (or DONER, as it is commonly known), is a unique Ministry in the Union Government insofar as its activities are regional and, more importantly, advocate the special needs of the region to other Ministries/Departments and policy makers.

However following the colonial ethos, the Indian government has often resorted to coercive methods to manage recalcitrant groups. Simultaneously, it has taken development initiatives to assuage the hurt aspirations of tribal peoples. Such schematized 'carrot and stick' policy of governance has done no good to trust and confidence building in the region. The nonchalant and negligent attitude of the government towards the cultural differences among the tribes added to their estrangement. The enactment of extraordinary legislations (like the Armed Forces Special Power Act of 1958) and the counter insurgency operations coupled with the absence of economic opportunity has further alienated the youth from the mainstream and encouraged them to join insurgent groups.

There have been long tracks of ongoing peace talks between the Government of India with insurgent groups like NSCN (I-M) and ULFA. The Union along with the state government has signed over 15 pacts with various Northeast ethnic groups to meet their exclusivist territorial space-centric homeland demand. The Assam accord (1985), which for a while managed the conflict arising over the influx of migrants became contentious in the wake of the violence prone assertion of the Bodos and ULFA (United Liberation Front of Assam). There still exist many festering conflicts in Manipur, Tripura, and Mizoram, waiting for a healing touch. In fact, till now, the only pact that has brought about sustained peace is the Mizoram accord (1986).⁶¹ Indeed the accords create a fragile peace that could be broken anytime by splinter and other smaller groups.

However it is imperative to have of multi-layered, multiple-level dialogue between the different segments of society and the issues of justice and human security must be included as the intrinsic core of conflict resolution and sustainable peace. Peace in the Northeast is still fragile and may not endure in the long run. If generic issues of governance and development – such as providing basic facilities for the day-to-day life of the population – are not addressed in time, the seeming peace may give way to violent upheavals and new conflicts.

4. The EU and India: governance and conflict in comparative

Drawing together the threads of European and Indian approaches to peacebuilding, what can be learnt? What are the similarities and the differences in the two's peacebuilding goals and means and the manner in which these have been deployed in European and Indian conflict cases?

Before engaging in such comparative analysis a caveat is of order. Conflicts exist and persist within the European Union. While active violence in areas such as Cyprus, Northern Ireland or the Basque Country has subsided, the conflict transformation process is still underway, and, in cases such as Cyprus, it has not even yielded a settlement between the principal parties. Notwithstanding, the EU has

⁶¹Ajai Sahni as quoted in *Hindustan Times*, 4 December 2011

taken a backseat on conflicts within its borders. With the partial exception of Cyprus, whose straddling across EU boundaries (Greek/Greek Cypriot – Turkish/Turkish Cypriot) has led to a degree of involvement by EU institutions, on other “internal” conflicts, the EU has been by and large passive. The principle of not meddling within the national security affairs of its member states has prevailed. By contrast, the EU has been fairly active, through its external governance agenda, in conflict areas within the remit of the enlargement and neighbourhood policy. Drawing upon the assets of its *sui generis* supranational/intergovernmental nature, the EU has projected its governance initiatives beyond its borders, attempting to induce conflict resolution. In the case of India, this has not been the case. While Indian foreign policy in principle seeks to promote peace beyond its borders, in practice the bulk of Indian peacebuilding efforts has been exerted within Indian boundaries. True, the Indian state has increasingly devoted itself to peacebuilding in areas such as Afghanistan or Sri Lanka, but its efforts have been incomparably deeper and more long-lasting on Indian soil. As a state, albeit federal, and thus lacking the external governance dimension that a *sui generis* actor such as the EU may have, India’s “peace as governance” has been conceptualized and implemented essentially within India itself.

Caveats aside, what are the principal similarities between the European and Indian approaches to peacebuilding? Two striking similarities emerge from the analysis, both relate to the peacebuilding goals pursued by the EU and India. First, both the EU and India favour constitutional and institutional governance measures that discourage secession, while seeking to accommodate diversity through federalism, autonomy and decentralization. In the case of India, after the initial openness displayed by Gandhi and Nehru towards a plebiscite in Kashmir, ensuing administrations hardened their stance. Likewise, with few and far between exceptions – Kosovo – the EU has generally rejected secession. Specifically, it has done so in the cases of Georgia, Bosnia and Cyprus. While shunning secession, the EU has openly embraced federal solutions or proposals to conflicts along its borders. The EU’s support for the Dayton constitutional architecture in Bosnia or the Annan Plan in Cyprus are testimony to this fact. India too has been firmly committed to negotiate peace within its Constitutional provisions, pursuing autonomy based solutions as the constitutional panacea for conflict resolution. The three-tier Panchayati Raj Institutions, the autonomous councils established in the Northeast or the Autonomy Hill Council established in Ladakh highlight India’s instinctive embrace of decentralization as a means to cater for the demands for internal self-determination.

A second meeting of minds between the EU and India regards the promotion of law and order. Within the realm of the EU’s Common Security and Defence Policy, initiatives aimed at border monitoring and security sector and judicial reform have been prominent, with civilian missions such as EUJUST-Themis or EUMM in Georgia being two examples. Likewise in India, peacebuilding through rule of law promotion has been key. Notable in this respect is the case of Bihar, where the Janata Dal United government instituted a Chief Minister in the Court of People, a government at the doorstep of the citizen for on-spot grievance redressal, and a zero-tolerance policy towards caste-based violence. The slant in India’s peace efforts in this respect has been more towards the promotion of social justice as opposed to the EU’s initiatives being more “neutrally” tailored to rule of law promotion.

Beyond these similarities lie several important differences. These differences have regarded the means rather than the goals of peacebuilding. First, India’s coercive approach to conflicts has invested the direct use of security/military instruments. Through extraordinary legislation such as the Armed Forces Special Powers Act, the Public Safety Act and counterinsurgency operations the Indian state has attempted to coercively suppress violent rebellion. EU coercion has generally not taken the direct military route, not least in view of the absence of a strong EU military instrument – and the internal consensus to utilize it. Coercive EU policies have thus taken “softer” forms: policies of conditionality in which the EU has influenced the cost-benefit analysis of conflict actors through the conditional promise of carrots or the waging of (mainly economic) sticks. This has been particularly striking in the case of EU policies towards the Turkish Cypriot community and Turkey as regards the Cyprus conflict, albeit not delivering the intended results.

Second, when engaging in bottom-up peacebuilding efforts, the EU has put prime emphasis on civil society. Civil society, and most notably NGO engagement, has become a principal leg of EU peacebuilding policies. In the case of Georgia and Abkhazia, engagement with local civil society through initiatives such as COBERM have been amongst the most successful means for the EU both to engage directly actors from the non-recognized Abkhaz de facto state, as well as to induce regular contact and cooperation between the civil societies from the two sides. Shunning official contact with secessionist state officials, the EU has viewed the civil society channel as a means to influence non-recognized entities. In India instead, bottom-up initiatives have tended to prioritize direct dialogue with insurgent groups. On most occasions, the government has insisted that armed groups surrender their arms before any negotiation is held. But it has also made exceptions, such as the negotiation with Naga insurgents. The ongoing peace talks between the Government of India with insurgent groups like NSCN (I-M) and ULFA is a case in point, alongside the agreements reached with various Northeast ethnic groups such as the 1985 Assam accord or the 1986 Mizoram accord.

Finally, at mid-level, the EU has engaged in functional cooperation which has broadly pursued a developmental-technical agenda. In Bosnia, for instance, the EU has engaged in wide-ranging capacity building efforts aimed at bringing the Bosnian legal and institutional framework closer to EU standards, as well as train Bosnian officials in a variety of soft skills, from communication to management and administration. In India instead, the developmental effort has been more explicitly political. For the Northeast, a Ministry of Development of the North Eastern Region has been established to advocate the special needs of the region to other Ministries/Departments. In Bihar, the Panchayat Institutions have reserved quotas for women, extreme backward and secluded castes, contributing to a significant improvement in human development standards.

On the whole, neither the EU nor India have a spotless record in peacebuilding through governance. The Indian democracy's record in handling internal conflicts is rather mixed. Some ethnic conflicts were resolved and managed, but some reemerged. The untamed challenge of Naxalite violence for one diminishes the Indian governance's quest to bring about sustainable peace with development. The deficit of governance, especially at local level, provides a ready-made context to undermine the peaceful avenues of Indian democracy. It is hard to convince suffering tribal people that real power flows from the ballot box and not from the bullets.⁶² In Europe too, unbalanced policies of conditionality, selectively narrow engagement with civil society and an over technical approach to development have marked clear limits to the conflict transformation potential of its peacebuilding initiatives.

Yet in both cases, there are important successes too, as well as lessons to be learnt from one another. The Indian democratic governance that reflects indigenous values of peacefulness and traits of liberal peacebuilding has been relatively successful in handling upheavals and conflicts peacefully. It has evolved and improvised many conflict mitigating remedies around the norms of power sharing and inclusion, notwithstanding downsides and deficiencies in their implementation. Likewise, the European Union, being based upon the quest of cementing peace on the European continent, has attempted to export its governance models beyond its borders, seeking to reconcile conflict groups in the broader European space and beyond.

Much could be learnt from one another's experience: India's greater social-political slant to development could complement the EU's technical approach, while its openness to engage directly insurgent groups could be heeded by the EU, which is still reluctant to engage directly with non-state actors for the fear of conferring upon them legal recognition. On the other side, the EU's engagement

⁶²Upadhyaya, Priyankar. 2007. 'Naxalite Violence: Security Anxieties in India.' *Journal of Security Studies* 3(1)

with civil society could complement India's approach to local governance, while its policies of conditionality could represent a softer means of inducing (or coercing) change than blunt military instruments. This process of mutual exchange and learning would call for a deep and institutionalized dialogue between the two sides, which could constitute a welcome addition to the agenda of the EU-India Strategic partnership, on which peacebuilding has been woefully absent to date.