Violence and peacemaking in the political marketplace

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In this article I reflect on experiences of peacemaking in Sudan, suggesting that existing models for peace negotiations are not well suited to many of the armed conflicts that have occurred in Sudan and similar countries. I propose a distinction between two types of conflict: one of which is characterised by a high-level political contest between two opposing forces, and another kind which is a more complex conflict involving multiple armed actors, diverse forms of violence, and a breakdown in central political authority.

Existing datasets for armed conflicts do not capture this latter kind of conflict, and indeed the fact that the armed actors often change in identity and number means that they are intrinsically hard to monitor.

More importantly, conventional models of peacemaking are poorly suited to resolving the latter type of conflict, and can even make matters worse. In such complicated conflicts, I suggest that it is important to enable the people affected to define the nature of that conflict and the kinds of processes needed to resolve it.

**Conventional negotiations: a square solution to a round problem**

The conventional model of a peace process is drawn from international negotiations in which there are two sides with equal legal standing and roughly commensurate capabilities.

The format of the talks is a square table, with the parties facing one another, and the mediator at the head of the table. This framework has been adapted for civil wars, even though one party is typically the sovereign government and the other is a non-sovereign challenger that has managed to get sufficient political recognition to sit with the government as an equal, at least for the purposes of the peace talks; and these parties may be highly unequal in strength. The agreement that ends a civil war possesses an odd legal status: a sovereign government is bypassing its constitutional law-making processes to sign a document with an unlawful party. Indeed, the signing of the peace agreement in itself confers a degree of legitimacy on the insurgent, but the agreement becomes a legal document only when it is adopted into law, for example by a constitutional amendment that is passed by parliament.

Drawing on the writings of the political philosopher Carl Schmitt, we might call a conflict over political matters between two well-matched parties a “Schmittian” conflict – as discussed by Sidney Tarrow 2011. Such a conflict reflects Schmitt’s philosophy in two senses. First, politics is defined as a contest between “friends” and “enemies”; and second, the object of the politics is the sovereign state, with sovereignty defined as the power to make an exception from the general rule of law.
Conflicts of this nature have another important feature, which is that they can also be resolved by military victory, by one side or the other. A party that can sign a peace agreement and adhere to it also has the capability to surrender or accept the surrender of the other, and to adhere to the terms of the capitulation, confident that the citizens, including the former supporters of the other, will accept the military-political fait accompli.

In reality, many conflicts – particularly internal conflicts in large, poor and ill-governed countries – do not fit this model. There has been an extensive debate over the concept of “new wars”, coined by Mary Kaldor in the 1990s in the wake of the wars in Yugoslavia. The best definition of the distinction between “old” and “new” wars emerges in the preface to the 2012 edition of her book, in which she defines “old wars” as those that follow the Clausewitzean “ideal type” of being a contest of wills, with each party trying to compel the other to submit, and “new wars” as following variant “ideal types,” such as organised violence for profit or as a means of governing an unruly periphery. In such conflicts, there may be many parties responsible for violence, with varying degrees of organisation and political coherence, and shifting patterns of violence. The shifting may take the form of armed groups switching sides, coalescing or fragmenting, or the organisation of violence moving from the local to the national and back again.

In the last ten years, political scientists interested in armed conflict have turned from analysing datasets that have wars as their unit of analysis, to much more detailed datasets compiled from reports of individual violent incidents. This turn to the micro has yielded important insights. Stathis Kalyvas’s seminal 2006 study of violence in the Greek civil war has shown how individuals’ provision of information [real or fabricated] to a government or insurgent is based upon calculations of the risks and rewards of providing such information, which in turn reflects the relative power of the parties in that location.

Another case is the data that constitute the reports of the Global Burden of Armed Violence; the 2011 Geneva Declaration 2011 shows that the highest rates of homicide are found not in countries at war such as Afghanistan, Mali or the Democratic Republic of Congo, but in Latin American cities that are wracked by criminal and vigilante gangs and their confrontations with the police. This raises the question of whether, for example, Rio de Janeiro should be considered an internal armed conflict.

A third instance is the data that are gathered by international peacekeeping operations and similar missions. The incident data compiled by the African Union–United Nations Mission in Darfur (UNAMID), for example, show a highly turbulent conflict in which, over a period of several years, almost every kind of armed group had armed confrontations with almost every other kind, including security units fighting their supposed allies in the militia, militia groups fighting one another, and even violent conflicts between different branches of the national forces.

**Violence and the political marketplace**

In the framework of the “political marketplace”, I suggest that it can be useful to understand the political calculations of armed groups and government institutions – including the army and security services – as bargaining over the
price of allegiance – as discussed for example in my 2009 publication Mission without end.

This is akin to the West African “warlord politics” described by William Reno in 2011, in which armed actors are primarily fighting for position in a patronage hierarchy. A non-state actor uses violence to try to extract a higher price from the government, for example by attacking a police station or hijacking commercial trucks. The government may use violence to push down the price that the local armed actor is ready to accept, by burning the villages from where the armed group obtains its support, killing men and raping women. Or the government may license one group to attack another, a cheap means of divide-and-rule counterinsurgency. The armed actors may also use violence against one another for multiple reasons, including seizing land or other assets such as livestock, or taking control of trade or smuggling routes. The state may itself be characterised by multiple centres of authority, with different army, security and police units following different agendas, and even fighting one another.

In such a conflict, it is hard to envisage what military victory would entail. It is extraordinarily hard for a government to defeat an insurgency that is so deeply embedded in the misgovernment of a periphery, and even if it did destroy the recognised rebels on the battlefield, it would not end violent contestation. Similarly, even if one of the rebel groups, or a coalition of them, were to overrun the government and install one of their leaders as head of state, this would not spell an end to the war; to the contrary, it would probably just spark another round of fighting. Examples such as the Central African Republic and Democratic Republic of Congo spring to mind.

Another feature of these conflicts is that the parties are usually talking and fighting at the same time. They are bargaining over payments for their services and local security pacts. Formal negotiations, convened or recognised by third parties such as international mediators, are only one channel for such bargaining, and can be incorporated into the parties’ overall strategies for positioning themselves in the patronage hierarchy.

We might call this a “Hobbesian” conflict in the sense that it is a state of generalised insecurity in which all may fight all. Note that Hobbes defined “warre” as a state of no authority, not as constant fighting, and he compared it to inclement weather in which there is always a chance of rain.

To complicate matters, many conflicts are either a mixture of Schmittian and Hobbesian, or can morph from one into the other. Protracted civil conflicts may be intermittently Schmittian and occasionally the parties organise themselves into highly polarised confrontations. The war in Darfur is an example: during 2003–04 it was a high-intensity conflict between two relatively coherent belligerent parties. By 2005, both parties were exhausted, and the pattern shifted. The rebels fragmented, and the government found itself unable to control the many proxy militia forces it had armed during the intensive phase, leading to the lower-level multi-sided conflict evident during UNAMID’s deployment.

Formal peace agreements are almost invariably designed for Schmittian conflicts. Even though multi-party agreements are becoming more common, the documents follow a standard tripartite format of [a] power sharing and constitutional reform, [b] wealth sharing, including provisions for development assistance, and [c] security arrangements, beginning with a ceasefire and concluding with disarmament, demobilisation and reintegration, and security sector reform. Lawyers are involved in drafting these documents, and even in determining what is acceptable for a third party mediator to accept. The less formal model of an amnesty and pay-off for insurgents has almost disappeared. The validity of a formal agreement depends on the parties’ acceptance of it as final and binding. In turn this requires a political order with a high level of institutionalisation, which of course is not always the case, and is especially rare in countries prone to protracted and complicated insurgencies.

If a formal agreement is imposed on a complicated conflict in a poorly institutionalised system, what may happen is that the agreement is only good for as long as the political conditions remain as they were when the deal was signed. Typically this gives the agreement a short lifespan, as those who are disaffected may turn to violence, or the signatories may use violence to suppress or disarm their rivals who did not sign or who were not even recognised in the process.

Sudan is a laboratory for complex conflicts and conflict resolution efforts. Sudanese agreements tend to be partial agreements, involving a subset of the national armed actors, and, as such, do not end the fighting. Insofar as they work, it is because of two factors.

One is that they are supported by a major exercise in distributing patronage. The 2005 Comprehensive Peace Agreement (CPA) was underwritten by a vast expansion in the government budget because of oil production. Government spending increased six-fold between 1999 and 2006, and this made possible an enormous expansion in the public sector, including the payroll of the security services, both north and south. This enormous payoff was the single most important factor in the peace.
The other is that a secondary agreement follows, which brings in some of those excluded by the main agreement. The CPA was followed one year later by the Juba Agreement whereby the Sudan People’s Liberation Army brought its principal military rival, the militia formerly aligned with Khartoum, into the government of southern Sudan and on to the military payroll. The national government in Khartoum meanwhile sought agreements in Darfur (which failed) and Eastern Sudan (which ended the conflict but did not resolve the grievances).

The constitutions of Sudan and South Sudan are basically an accretion of these partial agreements. Regardless of the on-paper provisions for democracy and human rights, these constitutions are contested by those groups excluded from the process of negotiating them.

**Local solutions in Sudan: the negotiating roundtable**

When the participants and issues in a Sudanese peace negotiation failed to match the real nature of the conflict, failure invariably followed. This was the case for the Darfur peace talks of 2005–06, which adopted a simplified government–rebels dichotomy, ignoring the Arab militia, and which were rushed to completion to expedite a planned UN peacekeeping force. The mismatch was even greater for the negotiations in Qatar that led to the Doha Document for Peace in Darfur in 2011, which tried to impose a conventional two-party format on a multi-sided conflict, and which transferred the formula of the 2006 Darfur Peace Agreement – which had been designed as a buttress to the central pillar of the CPA – to a situation in which the CPA had lapsed following the secession of South Sudan.

There was, however, an illuminating exercise that showed what a viable peace process in Darfur might look like. Key, here, was the involvement of Darfurians to identify the nature of the conflict “problem”, and to guide the response. In 2009, the African Union High-Level Panel for Darfur (AUPD), chaired by the former South African president Thabo Mbeki, spent forty days in consultations with a wide range of Darfurians – political parties, traditional leaders, civil society, business people, women, youths, nomads, displaced people and refugees – and asked them to contribute their ideas on the issues of peace, justice, reconciliation, and Darfur’s position within Sudan. The outcome was fascinating, as outlined in the AUPD report of 2009.

The Darfurians defined the conflict very precisely and with a high level of consensus on the nature of the violence, albeit with considerable disagreement on who was ultimately responsible. The nature of the conflict was identified as local violence, which could be resolved by an internal Darfurian process, arising as a result of the “Sudanese conflict in Darfur” – that is, a history of marginalisation and misgovernment, culminating in the government abandoning its basic responsibility for maintaining law and order.

What the Darfurians wanted was not a square table in which the government faced the rebels, but a round table in which all stakeholders, armed and unarmed, could represent themselves. Even those who expressed support for the rebels, such as the displaced people, demanded that they themselves should be represented at the talks. Darfurians wanted all of the issues to be addressed in a holistic manner, but emphasised that peace was a prerequisite for all others.

This exercise showed the importance of allowing the actors to define the nature of the conflict. All conflicts can be defined in many ways and there is not necessarily a “correct” way of doing so. But there is a definition that reflects the consensus of the affected people. In turn, that definition implies who should be represented in the process of reaching an agreement, and what the content of such an agreement should be.

The implication is the starting point for a legitimate process, leading to a legitimate agreement, is enabling the affected people to decide on the priority issues. There is no a priori formula for legitimacy outside such a consultative process.

This does not necessarily work for other kinds of conflict, or conflicts in other kinds of state. For example, there are conflicts in which strong leadership is required to make compromises that might not readily be supported by the wider population, especially if communities are deeply divided.

Therefore, as a tentative conclusion, we may be able to distinguish between institutionalised political orders, in which the rule of law and sovereignty are the source of legitimacy, and contexts without institutional and rule-bound government, in which the painstaking process of building a consensus among the population is the best means of generating legitimacy. And there is one simple lesson for peacemakers: take the time to consult the affected people. Ending a conflict can be a matter of urgency, but the shortcut of imposing an *a priori* peacemaking framework is a false acceleration.

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