



Renegotiating the political settlement in war-to-peace transitions

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Executive Summary

Where societies are attempting to move through a war-to-peace transition, the tasks of statebuilding and peacebuilding are interlinked and typically coincide. The focus of statebuilding is enhancing governance, state capacity and state-society relationships. The core concern of peacebuilding is putting in place processes that help end violence, address conflict and repair relationships. A potentially crucial though little understood element linking the two is what DFID terms the 'political settlement'. When the state is in crisis, there is an opportunity to alter the terms of the political settlement and / or shift how it functions. Out of the chaos of conflict can emerge a pivotal opportunity to create a new framework for the political settlement that potentially sets a trajectory for a more responsive state. Too often, however, this opportunity is lost and the settlement that emerges out of the crisis falls far short of this potential. This suggests:

- (a) The need for those involved in statebuilding and governance to give greater priority to understanding and influencing the processes of renegotiating the political settlements, including peace negotiations; and
- (b) To challenge those involved in supporting peace processes to put a greater premium on longer term statebuilding objectives, including by fostering processes and substantive agreements that can help to underpin the development of capable, accountable and responsive (CAR) states.

Understanding statebuilding and the political settlement. Statebuilding involves two main policy goals: (a) enhancing the functional capacity of the state and (b) enabling effective political processes. The first is manifest in the effectiveness of institutions, structures and systems, leading to greater 'performance legitimacy'. The second is concerned with the less tangible dynamics of the origins and exercise of power, state-society negotiation and accountability and is strengthened through greater 'process legitimacy'. The political settlement shapes the framework of these political processes. It is revealed in the formal laws, implicit understandings, specific mechanisms and ways political power is exercised in a state. DFID considers inclusive settlements to be key to CAR states. The political settlement is usually a result of longer-term historical developments rather than through a more explicit negotiation process. Yet settlements occasionally undergo a step-change, often following on from a period of intense political conflict, which may have become violent. The process of resolving the conflict has profound implications for the settlement and for the quality of the state's governance.

Conflict and state transformation. There is a dialectical relationship between conflict, governance and the political settlement. Unresponsive states and exclusionary political settlements provide a fertile environment for conflict. At the same time, conflict serves as a driver of change to the existing political settlement, which may either adapt to the challenge or disintegrate. When the balance of power between different forces is fluid, it creates a moment of flux when it may be more possible to make fundamental changes to the state. Where the transition is negotiated (eg, through a peace process or other types of state reform negotiations), new political forces may emerge and long-ignored issues may surface as legitimate concerns to be addressed. Thus the process itself is important and is likely to shape outcomes, including the legitimacy of state institutions that emerge from the transition. This typically involves a complex inter-play of inter-elite bargaining and elite-society engagement. A key challenge is developing processes that combine to address the whole conflict system, including very localized manifestations, cross-border / sub-regional dynamics, and global systemic factors. Sustainability may be enhanced if the transition emerges through bottom-up and 'middle out' processes that are integrated with top-level negotiations.

Peace processes and statebuilding. The negotiations at the center of most war-to-peace transitions have profound implications for the political settlement and even the state itself. Substantive agreements offer opportunities to address underlying issues generating conflict and develop new 'rules of the game'. A process design that includes formerly excluded groups can lead to a more inclusive and therefore resilient settlement in the future. Furthermore, the very process

of engaging in talks can have the effect of building sufficient trust and working relationships between former antagonists and help to forge the habits of political dialogue to address difference.

‘Ownership’ and the limits of external imposition. Attempts to railroad parties into an agreement in advance of their recognition that it addresses their interests risks backfiring in weak commitment to implementation. If external actors largely determine the terms of peace without the buy-in of the principal parties to conflict, the settlement may be heavily dependent on external enforcement. Ultimately, the most durable inducements to peace are the 'intrinsic incentives' inherent in the settlement; if it provides a credible solution that satisfies the parties' interests, they are likely to prefer it to the current state of play. Agreements of this kind are more likely to be developed through an inclusive, problem-solving process that encourages the parties' to frame contested issues as shared problems that can be creatively addressed to obtain a 'good enough' benefit for everyone. This is inevitably a protracted and difficult process. Yet it can pay dividends in forging a settlement that is 'owned' by the parties and addresses their main concerns.

More inclusive peace negotiations. Conventional peacemaking is geared towards ending the fighting. The prevalent strategy is to bring together the representatives of the belligerent groups (governments and armed insurgencies) – typically with the assistance of an international mediator and often behind closed doors in a foreign location – to reach an agreement that satisfies at least the minimum demands of the negotiators. Wars have ended through this approach and it has resulted in some sustainable agreements. Yet the failure rate of such processes is high and too often entails opportunity costs with agreements that consolidate weakly legitimate regimes and fail to address the underlying conflict system. Part of the problem may lie in how the process itself is conceived. Such elite pact-making does not provide opportunities for those who did not take up arms, including other political groupings, organized civil society or the wider public, to have a voice in shaping the agreements or endorsing them. This can be problematic if the parties are not seen as legitimate representatives of public interests. It also tends to weaken the center-ground of moderate political forces. Especially when the peace agreement is seen as being mostly about dividing the spoils of war, it sends the powerful if implicit message that violence pays. Alternately, negotiations involving a wider array of groups tend to broaden the negotiation agenda to address underlying issues, improve the quality of agreements, and enhance public support for the process and the legitimacy of the agreements.

Fostering effective peacemaking. There are numerous challenges in supporting peace processes that increase the likelihood of developing CAR states. In many cases, it is necessary to encourage elite power brokers to see their interests as best served through negotiating agreement. This is likely to mean proactive efforts to engage appropriately with armed groups and efforts to encourage them choose a political strategy based on negotiating their objectives. At the same time, it can be valuable to support a wider range of public constituencies to articulate their agenda and priorities for change. It can be useful to consider:

- Even if the process begins with fairly limited objectives (such as reaching a ceasefire), does it envision a process that widens out to become more inclusive and more comprehensive in addressing issues related to governance and statebuilding?
- Are there efforts to increase public confidence in the process, in the parties and in the negotiated agreements? Are there strategies for supporting local capacities to engage constructively and skilfully with the process?
- Are there mechanisms that enable constructive public debate and public participation to feed into the agreements that involve fundamental changes to the state structure, constitutional arrangements and other core substantive issues?
- Will the substantive agreements require some form of public endorsement, such as a referendum, that encourages the negotiators to develop public support?

Policy implications

General issues in DFID's support to statebuilding.

- At a conceptual level, it could be helpful to focus further on understanding the state-society negotiations needed to underpin a more responsive state and to better integrate DFID's earlier work on governance with its current work on statebuilding.
- At a strategic and programmatic level, it is important to integrate process-sensitivity into initiatives undertaken in fragile and conflict-affected states. Attention to fostering good processes is key to conflict sensitivity more generally and is foundational to conflict resolution and peacebuilding. This means prioritizing both performance and process, recognizing that the 'how' can matter as much as the 'what' in initiatives to address conflict and foster legitimate and responsive statebuilding.
- Further explore the tensions and complementarities between statebuilding and other interlinking DFID workstreams, such as peacebuilding, counter-radicalisation, and mainstream development assistance. This may benefit from further engagement with the work of other relevant HMG departments to help ensure a common strategic approach to these challenges.
- It would be valuable to ensure that key analytical tools, such as the Strategic Conflict Assessment and Country Governance Assessments, adequately incorporate assessment of the political settlement and existing or potential processes that can help to promote reforms.

Encourage 'ripeness'. In the midst of conflict, external actors can aim to support the creation of a conducive context for peace negotiations. Strategies can focus on:

- Policies that reduce or eliminate the parties' unilateral options to achieve their goals. These can occur through changes in the context, the withdrawal of support from important external allies / patrons, effective arms embargos or blocking trade in 'conflict commodities', or international peace enforcement missions.
- Enable the development of trusted communication channels between parties and spaces for informal and constructive dialogue. This can be encouraged through confidence building measures and support for track two dialogue processes. Successful engagement tends to strengthen the pro-dialogue elements within armed groups, while political isolation tends to strengthen hardliners. This suggests that minimal levels of engagement need to be the norm, not a concession.
- Efforts to increase confidence in the potential for a negotiated solution through generating broadly acceptable sets of new ideas, principles and concepts for addressing the conflict and, eventually, craft viable formulas and resources peace agreements.
- Building the capacities of the parties to pursue a political strategy and negotiate effectively. When leaders are more confident in the prospects of attaining their interests through political – rather than military – means and feel themselves able to skillfully negotiate to achieve their objectives, then a negotiated process become a more attractive option.

Use influence effectively. External actors can use their influence and resources to directly support the process of peacemaking as well as to generate positive incentives or negative pressure to encourage the parties to seek a negotiated settlement and increase the viability of a durable outcome. Policies are more likely to constructively influence the parties' behaviour if they are:

- Crafted and exercised as components of an overarching peace process support strategy.
- Calibrated to the parties' motives and responsive to societal forces supporting peacemaking.
- Designed and implemented in ways that help build momentum in a peace process.
- Supported by a degree of strategic coherence among external actors and appropriate mechanisms for coordination.

Depending on the UK's unique relations, reputation and access, this may require HMG to avoid playing a visible role and yet to proactively encourage other parties with effective influence to take a leading role.

Encourage broader public participation in negotiations that reform the state

- Help to create the space for wider participation, both literally (by encouraging and / or funding an acceptable convenor of dialogue) and politically (by encouraging governments and armed groups to open out the process to other groups). In some cases, security guarantees are crucial to enabling broader participation.
- Offer training and capacity building in negotiation and policy formulation to political groups and other civil society actors to prepare them for effective participation. This is an investment in the peace process and for later participation in policy processes and 'good governance' post-conflict.
- Use their influence and resources to help ensure that the format does not disadvantage certain participants, including women and youth, particularly those who have been excluded previously from political processes. Training and strategic advice can help; as can ensuring that the design and format of the process do not mirror exclusionary social structures.

1 Introduction

This paper aims to explore issues around renegotiation of the political settlement within war-to-peace transitions as a pivotal issue for the wider projects of statebuilding and peacebuilding. It starts from the understanding that changing the political settlement involves reconfiguring power within the state – and can sometimes mean renegotiating the state itself. During periods of crisis, there is a change dynamic that creates opportunities to shift the implicit or explicit terms of the political settlement. To engage with these challenges in ways that ultimately benefit the poor and marginalized, we need to better understand the political processes involved and how this is intrinsically intertwined with conflict. This gives rise to key questions about:

- What is the ‘political settlement’ and what are some of the issues and dynamics around fostering a more inclusive and responsive settlement reflecting the ‘social contract’ between the state and citizens?
- What is the relationship between conflict, the political settlement and state transformation? How do peace processes and peacebuilding potentially shape the dynamics of change processes?
- To what extent does the process of forging a new political settlement shape the outcomes of state development?
- What is the relationship between inter-elite bargaining with elite-constituency relations? Is inter-elite agreement a necessary but insufficient pre-requisite for developing an inclusive settlement and responsive state? Can processes that are more transparent and give voice to wider constituencies as well as to dominant elites increase the likelihood of a more sustainable settlement and more responsive state?
- What roles can constructively be played by external actors, notably donors, in supporting a negotiated transition?

This paper explores the issues, dilemmas and options raised by these questions alongside an understanding of conflict dynamics and the processes of addressing them through conflict resolution-oriented peacemaking and peacebuilding.

This paper was commissioned by DFID to (a) contribute to the process of developing greater conceptual clarity on the interface between statebuilding and peacebuilding and (b) contribute to developing an understanding of how the political settlement can be renegotiated in conflict contexts. As such, this is a paper in two parts. The first section focuses on the relationship between a number of interrelated concepts: political settlements, social contract, governance, peace agreements, peacemaking and peacebuilding. It sets the stage for the second section of the paper, which looks in greater depth at issues, opportunities and challenges for supporting effective processes of negotiating settlements that end fighting and pave the way towards more inclusive, capable, accountable and responsive states.

Part I: Political settlements, peace agreements and peacebuilding: clarifying concepts in state transformation processes

There is growing awareness of the inter-linkages between the statebuilding and peacebuilding agendas in response to the challenges posed by violent conflict in fragile states. Each has emerged through different avenues, leading to conceptual (and sometimes programmatic) confusion. One difficulty for policymakers seeking to respond constructively to situations of conflict and fragility is to develop greater conceptual clarity about these interlinked challenges. Issues surrounding the political settlement and how to change it are one of the areas of overlap that are poorly understood. Insights into these dynamics can be gained through exploring how these issues connect to wider challenges of governance, conflict and the process of building peace.

2 Statebuilding, conflict and the search for peace

Statebuilding is an ongoing, never complete process; yet its major developmental crises tend to occur during times of intense socio-political and armed conflict. How these conflicts are resolved is likely to shape the framework of the political settlement and profoundly influence the trajectory of state development. This section begins to unpack the concept of 'political settlement' as both a goal of peacemaking and for developing the underpinnings of more responsive states, examining how these issues are currently conceived in predominant concepts of statebuilding, peacemaking and peacebuilding.

2.1 Statebuilding, the political settlement and social contract

While there are numerous definitions of statebuilding in the academic literature, two of the most salient are in recent work developed by DFID and by the OECD/DAC. DFID's *States in Development* Information Note defines statebuilding as an essentially endogenous "process through which states enhance their ability to function" determined primarily through the interaction between elites, state structures and other non-elite groups. (2008:1) While DFID stresses that the state is underpinned by a political settlement, it focuses most on the functions performed by the state and the institutions and capacities needed to develop and perform them. The OECD's *Concepts and Dilemmas* paper stresses the centrality of the political processes underpinning statebuilding, which is conceived as "purposeful action to develop the capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating the mutual demands between state and societal groups." (2008:14)

Taken together, these definitions frame an understanding of statebuilding that involves two main policy goals: (a) enhancing the functional capacity of the state and (b) enabling effective political processes. The first is manifest in the effectiveness of institutions, structures and systems while the second is concerned with the less tangible dynamics of the origins and exercise of power, state-society negotiation, legitimacy and accountability.¹

The 'political processes' dimension is central to understanding what DFID terms the political settlement – a value neutral concept – as well as to reaching the goal of what the OECD/DAC paper terms the 'social contract'. DFID conceives of the **political settlement** as "the forging of a common understanding, usually between elites, that their best interests or beliefs are served through acquiescence to a framework for administering political power. ...[They] are the deep, sometimes unarticulated, understandings between elites about how the division of power will work." (2008:2)

¹ While both may be necessary for capable states and resilient societies, there are policy implications as to which dimension is stressed. As the OECD/DAC's Richard Carey observes: "The idea of state-society bargaining as the basis for building more effective, legitimate and resilient states... helps to shift thinking from a focus on transferring institutional models towards a focus on the local political processes which create public institutions and generate their legitimacy in the eyes of a state's population." (OECD 2008:3)

As such, the political settlement shapes the field on which politics is played: setting out the nature and rules of the 'game' and setting conditions that determine which players are 'in' and playing what role. The political settlement is revealed in the formal terms, implicit understandings, specific mechanisms and the ways political power is exercised in a state. In contexts where the rule of law is very weak, the formal legal framework of the state (its constitution and legislative framework) may only tangentially correspond to the true operation of the political settlement in practice.

Dynamics of the political settlement are entwined with wider questions of **governance**. According to DFID's governance policy: "*Governance is about people and their relationships with the state; that improving governance requires changing both the formal and the informal rules that determine the way things are done – what we call institutional change; and that this requires changing the way power is held and used through politics. Politics determines how a society makes choices about the way in which people live together.*" (2007:para2.3) DFID recognizes that this is a challenging process of negotiating how power is shared and resources allocated. These are intrinsically conflictual dynamics that require effective systems to manage change through nonviolent processes.²

Conflict and changes to the political settlement

DFID observes that political settlements need to "*absorb social change.*" Whaites notes that settlements can take many forms³ but they occasionally undergo a step-change or renegotiation "*as actors transform the nature of political power and with it the established structures of the state.*" (2008:7) The formal terms can, at least in theory, be renegotiated through processes such as constitutional and other structural reform. Yet to the extent the settlement retains its hegemonic influence, it may be difficult to meaningfully shift the implicit understandings and the actual ways in which power operates through existing political processes and prevailing political culture. It is precisely the inability to manage adaptation through existing or newly agreed political processes that give rise to a state in crisis, which may turn into violent conflict.

Most of the categories of political settlement outlined in the DFID paper are the result of longer-term historical developments rather than through a more explicit negotiation process. Yet there is a category labelled 'engineered settlements' that are "*explicitly negotiated sometimes with external mediation, often as part of a formal 'peace process' or following external intervention.*" (Whaites, 2008:15) Leaving aside problems with this term⁴, this category highlights the fact that some settlements are the product of an intensive period of negotiated change, often following on from a period of intense conflict. This raises the possibility of taking action to steer this change in a direction more conducive to the development of better governance and a more effective state.

DFID is explicit in its commitment to encourage statebuilding that ultimately brings benefit to the poor.⁵ DFID considers some settlements to be more responsive to the needs of the wider society, while in the 'unresponsive' state the settlement may be based on patronage and clientalism, with the state apparatus geared predominantly towards maintaining regime security and rent seeking.⁶ The DFID papers are relatively silent on the significant number of cases where the state may be relatively

² "Changes in governance can take decades to achieve, because different groups in society must first negotiate decisions on how things are done, and work out new compromises for the way in which power is shared and resources are allocated. All of this can create disputes and tensions, which must be resolved peacefully." (DFID 2007:para2.8)

³ Whaites posits that political settlements can be classified in five ways: engineered settlements, political sedimentation, imposed settlements, entrenched settlements and stagnant settlements (2008:15)

⁴ The term 'engineered settlement' is misleading as it implies that such a high stakes and inherently political outcome can be achieved through application of mechanical principles. The term thus continues the apparently value-neutral and technocratic language apparent in much of the statebuilding discourse. It also is silent on the question of who is the 'engineer'. To cover the situations included in this category, it might be more accurate to talk about 'externally imposed settlements' and about 'formally negotiated settlements'.

⁵ "The UK is not neutral on questions of state-building, the UK has explicit commitments to encourage state-building that ultimately brings benefit to the poor." Whaites (2008:6)

⁶ Whaites "settlements rely heavily on satisfying the self interest or core beliefs of key elites and the cause of unresponsive state-building often lies in this need to keep powerful constituencies on board. For example, where the balance of power among elites is uneasy there is a premium on placating those who are potential threats."

responsive to some segments of the population while systematically excluding others. South Africa under apartheid is a key example. Yet there are numerous divided states characterized by systematic exclusion and horizontal inequalities between culturally-formed groups that are likely to experience protracted social-political conflict and are at risk of developing into persistent armed conflict. (Gurr 1993, Stewart 2008) Peacebuilding and statebuilding strategies need to be sensitive to these faultlines and ideally seek to address them.

Responsiveness, social contract and elite pacts

The OECD/DAC *Concepts and Dilemmas* paper emphasises an approach to state fragility that stresses the process of articulating and mediating state-society expectations in ways that enable the **social contract**. They see it as “*emerging from the interaction between (a) expectations that a given society has of a given state; (b) state capacity to provide services, including security, and to secure revenue from its population and territory to provide these services; and (c) elite will to direct state resources and capacity to fulfil social expectations.*” (2008:17) It is key to the wider desired goal of resilience. Embedded in the concept of the ‘social contract’ is a normative ideal that is expressed in DFID’s concept of the responsive state. This is a key component of the policy goal of supporting the development of **capable, accountable, responsive (CAR) states**.⁷ DFID considers responsive statebuilding to emerge from greater contact with society and the attempt to meet public expectations.⁸

It is notable that the OECD/DAC paper gives little reference to the concept of political settlement and the DFID papers give only passing mention to the concept of social contract.⁹ This may be indicative of a difference in emphasis between theories of statebuilding revolving around the forging of elite pacts¹⁰ versus an emphasis on state-society negotiations that are at the heart of the development of the social contract. Yet DFID’s statebuilding papers do stress that social constituencies have a role and that elites “*must maintain the ability to organize, persuade, command or inspire to maintain their power base.*” (2008:3) Furthermore, DFID’s governance policy gives central importance to “*people and their relationships with the state... [which] requires changing the way power is held and used through politics.*” (2007:2) Taken together, these ideas highlight the critical and complex interplay between inter-elite negotiation and elite-constituency relations that occurs in the routine operations of an existing settlements and are heightened during political crises and violent conflict, as is explored below.

State legitimacy

These points have important implications for the popular legitimacy of the state institutions and governing authority generated through the statebuilding process. The OECD/DAC paper makes a

⁷ According to DFID’s 2006 White Paper: “Good governance requires three things: State capability – the extent to which leaders and governments are able to get things done. Responsiveness – whether public policies and institutions respond to the needs of citizens and uphold their rights. Accountability – the ability of citizens, civil society and the private sector to scrutinise public institutions and governments and hold them to account. This includes, ultimately, the opportunity to change leaders by democratic means.” (2006:20)

⁸ According to DFID: “Responsive state-building brings the state into greater contact with society fuelling pressure for the state to respond to public expectations. Initially this may take the form of reducing dissent, or even nurturing a healthier more educated population rather than processes of consultation or certain types of citizen engagement. Nevertheless willingness to engage and respond to demands will mean that the state reflects the voices of some – if not all -- citizens and may prompt change in the political settlement. ... Hence responsive state-building tends to foster the evolution of political settlements, and adaptable settlements are the bedrock of resilient states.” (2008:5) According to Whaites: “In responsive states it is the negotiating process surrounding expectations that helps to drive the dynamic of statebuilding ... responsive statebuilding suggests a dynamic in which efforts to build capacity bring the state into greater contact with society, fuelling pressure for it to respond to expectations.” (2008:10)

⁹ “State-building dynamics arise from the tension between groups within a country. ... While this creative tension can be idealised into a reciprocal social contract, it is more often a result of the struggles for domination that takes place between various groups in society and between different elites.” (DFID 2008: 2-3)

¹⁰ See, for example: “Political settlements underpin the creation or re-establishment of state institutions and structures that serve the interests or beliefs of elites in power.” (DFID 2008:4) and “Statebuilding dynamics arise from the tension between groups within a country. ... While this creative tension can be idealised into a reciprocal social contract, it is more often a result of the struggles for domination that takes place between various groups in society and between different elites.” (DFID 2009: 2-3)

useful distinction between different sources of legitimacy: “*embedded or residual legitimacy, deriving from prior state formation or other historical dynamics; performance legitimacy, which derives from effective and equitable service delivery; and process legitimacy.*” (2008:17) Process legitimacy interacts with performance legitimacy in complex ways. For example, particularly in highly polarized conflict situations, groups may reject an initiative aimed at enhancing performance if they mistrust those who initiate or deliver it or consider it to compromise their wider political aspirations. At the same time, agreements reached through even highly legitimate processes that fail to deliver improved performance (in terms of effective implementation) can lead to cynicism or worse. Thus there needs to be prioritization both of performance and of process, with recognition that the ‘how’ can matter as much as the ‘what’ in initiatives to support responsive statebuilding.

External factors

Furthermore, while statebuilding is largely an endogenous project, it is not always controlled by internal stakeholders and is rooted in a wider system of influence. While the significance of external influence can be located along a spectrum, it tends to be greater for countries in violent conflict. These external factors are key both to the causes of conflict and fragility and to the internationalization of responses to these dynamics. Increased attention has been given to analysing the economic causal drivers of conflict in the global system, many of which originate in the rich countries. Yet there are still inadequate efforts to addressing them systemically – despite the fact that they are key to enabling much violent protracted conflict and tend to create powerful material incentives for predatory behaviour and may increase the risks of entrenching elites with little interests in building CAR states.

Within the response factors, there are variants between those driven largely by internal dynamics with local parties retaining significant control over the process of addressing it – South Africa, Nepal – to those where the conflict itself is internationalized and the statebuilding project is under heavy control of external actors – Afghanistan, Iraq – to the point where there is an international transitional administration – Bosnia-Herzegovina, East Timor, Kosovo (Chesterman 2004). The degree of external involvement will shape the politics of the peacebuilding and statebuilding project, which can never be treated as a primarily technocratic exercise.¹¹ Indeed the greater the reliance on external actors to manage and implement the transition, the more undermining the potential contradictions between ends and means. (Paris and Sisk, 2007)

Several key points emerge from this discussion on the political settlement in statebuilding, especially in fragile and conflict affected contexts.

- At a conceptual level, it could be helpful to focus further on understanding the state-society negotiations needed to underpin a more responsive state and to better integrate DFID’s earlier work on governance with its current work on statebuilding.
- At a strategic and programmatic level, it is important to integrate process-sensitivity into initiatives undertaken in fragile and conflict-affected states. This may involve revising key analytical tools to ensure the analysis used by DFID and other actors is sensitive to these dynamics and proactively works to support opportunities for reforming the political settlement in ways that underpin CAR states.

Attention to fostering good processes are key to conflict sensitivity more generally and is foundational to conflict resolution and peacebuilding, as is explored below.

2.2 Conflict and state transformation

DFID conceives of conflict at all levels of human social life as rooted in “*the pursuit of contrary or seemingly incompatible interests... which can be a major force for positive social change.*”¹² Additionally,

¹¹ The OECD paper argues: “the overarching priority of statebuilding must be political governance; the articulation of a set of political processes and accountability mechanisms through which the state and society reconcile their expectations of one another.” (2008:23)

¹² The full concept can be found in the following: “Conflict exists in all societies at all times and need not necessarily be negative or destructive. Conflict is the pursuit of contrary or seemingly incompatible interests – whether between

conflict profoundly affects the relationship between those contesting it. Conflict can thus be understood as operating both through (a) the contested issues, interests and goals of the parties and (b) in their relationship, attitudes and behaviours – including whether they use violence in an attempt to achieve their goals. The latter is rooted in the social-psychological outlook of the individuals and wider communities in conflict. While the focus of political conflict is typically on the issues and interests, the relational dimension of conflict is manifest in the political behaviour of the parties to a conflict and, as such, is central to the statebuilding project.

There is a dialectical relationship between conflict, governance and the political settlement. Unresponsive states and exclusionary political settlements provide a fertile environment for conflict. At the same time, conflict serves as a driver of change to the existing political settlement, which may either adapt to the challenges or disintegrate.¹³ Through mobilizing to contest a conflict – with or without the use of arms – conflict actors seek to gain sufficient leverage to impose or negotiate a settlement beneficial to their interests and achieve their political goals. They may aim to: (a) wrest control of the state from the existing regime; (b) cooperate with other groups to reform the state to offer protection and services; or (c) create a new state / political-territorial entity.¹⁴ A typology of these situations is outlined in Table I.

Table I: Typology of crises leading to reconfiguration of the political settlement¹⁵

Type of conflict	Examples	Implications
Contested state – while the unity of the state is uncontested, there is conflict over the guiding principles and institutional arrangements of the state and / or who controls it		
(a) Conflict between elites for control of the state without fundamentally contesting the basic ideological / institutional framework	Zimbabwe; Sierra Leone; Kenya 2006; Kyrgyzstan 2005	Situation may or may not be a catalyst for renegotiation of the political settlement; yet potential for more responsive state may be greater if the crisis leads to a more inclusive settlement.
(b) Conflict between groups over the structure, guiding principles and / or institutional arrangement of the state	South Africa, Fiji, Bolivia 2008-09	Conflict typically resolved through renegotiation of the constitution, forming basis for new political settlement
(c) Revolutionary struggle to remake the state in line with ideological vision	Iran 1979, Cuba, Nicaragua, Afghanistan 1996-2001	New political settlement imposed by victorious revolutionary movement
(d) Un-integrated state characterized by multiple and protracted conflict with significant territory not controlled by the central state	DRC, Afghanistan 2001-?, Lebanon, Colombia, Burma, Pakistan	Needs a systematic approach to address sub-regional and global dynamics while supporting locally negotiated settlements (including on the interface with parastatal

individuals, groups or countries. It can be a major force for positive social change. In states with good governance, strong civil society and robust political and social systems where human rights are protected, conflicting interests are managed and ways found for groups to pursue their goals peacefully. Where there is poor governance, however, grievances, disillusionment, competition for resources and disputes are more likely to become violent.” DFID, *Preventing Violent Conflict*, 2006:para 8

¹³ Prolonged, violent conflict typically indicates that the existing social and governance systems have not been able to satisfy the basic interests and needs of a significant segment of those who inhabit the state. The public is fractured, often dividing along persistent social, economic, and/or political cleavages. Therefore the capacity of those inhabiting a state to act as a functional polity (so as to put pressure on those who control the state be responsive and accountable to all its inhabitants) is undermined.

¹⁴ Conflict often elides with the emergence and consolidation of the ‘national project’. Where states are divided along identity group cleavages, this national project may not coincide smoothly with the statebuilding project – as many contemporary conflicts from the Caucasus to Sri Lanka reveal.

¹⁵ In specific cases, the categories may overlap - with many cases experiencing multiple crises, concurrent and / or consecutive. Some cannot be neatly categorized because of these complex dynamics.

			institutions and arrangements that developed during conflict). May be helpful to support new civil-political agendas and processes to feed them into state negotiations
Divided state – groups challenge existing arrangements between territorial / ethnationally defined entities currently composing an internationally recognized state			
(e) Conflict between existing state & ethno-national group aspiring for control of own political-territorial entity – whether independent state or autonomous entity within existing state	Kosovo, Cyprus, Northern Ireland, Abkhazia, Nagorny-Karabakh, Sri Lanka, Basque Country, Aceh, Bougainville, Mindanao		If the state is unable to successfully impose its control over the contested territory, a protracted stalemate is likely (eg Cyprus or Abkhazia) or a negotiated settlement is preferable (eg Aceh, Bougainville, Northern Ireland)
(f) Contested control of territory from incomplete decolonization process	East Timor, Western Sahara, Palestine		Settlement is likely to be framed through international involvement, often with contested interpretations of international law
Systemic collapse of the ancien regime leading to new political settlement			
(g) Wider global / regional forces lead to underlying change that ushers in new order for state	decolonization 1950s-1960s; democratic transition in Latin America; communist collapse in Eastern Europe / Soviet Union; Indonesia 1998		Political settlement often linked to electoral processes and development of new / greatly reformed constitution.
(h) Creation of newly independent states after disintegration of a regime that had bound together disparate entities.	Newly independent states emerging from former USSR and former Yugoslavia		Process of state formation, often based on a titular ethnonational identity group; challenge of forming inclusive and stable political settlement that accommodates other constituent nations and identity groups.

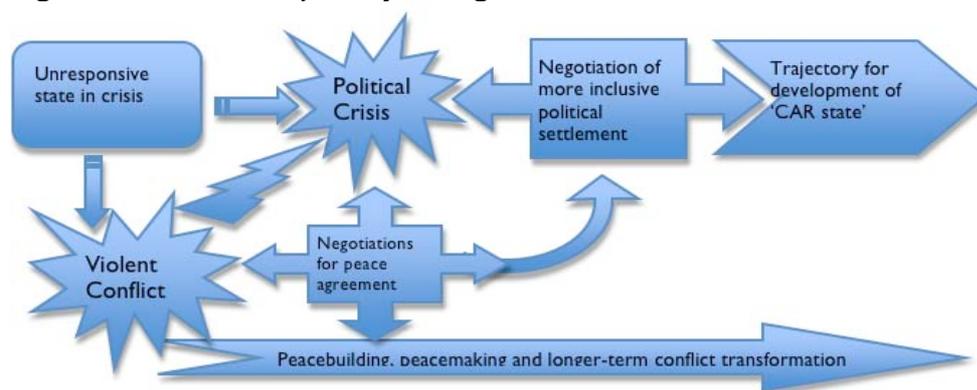
Not all state crises are expressed in violent conflict. Where these do occur, the experience of widespread violence may make it even more difficult to develop inclusive CAR states through whatever order eventually emerges. Violent conflict tends to profoundly alter the structure of power relations between and within communities. It typically consolidates the position of existing and emerging elites who are best able to exercise control through coercion and violence.¹⁶ Those who do not take up arms are often marginalised. This can include social and political groups peripheral to the dominant conflict dynamic, as well as marginalised elements within conflicting communities – such as women, children or those who opt for nonviolent change to pursue rights / achieve justice. Furthermore, it may be difficult to convince those who consolidate control through the use of violence of the benefits of negotiating a more inclusive settlement with adversaries and marginalized groups. As such, armed conflict is not only an outcome linked to pre-existing exclusion; it also tends to further entrench it, albeit in a new configurations. This is a profound challenge for transforming the political settlement into a more inclusive social contract underpinning CAR states.

Nevertheless, the war-to-peace transition has the potential to be a defining period in the development of a state. When the state is in crisis, there is an opportunity to alter the terms of the

¹⁶ Coser (1956) observed that conflict mobilization has the function of integrating one's own group and consolidating group identity. This has important implications for the power dynamics inherent in elite-constituency relations, with some theorists (Gellner 1988, Connor 1993) proposing the utility of conflict mobilization for elites who deliberately escalate conflict in order to stir-up a group's hostility - often drawing on the legacies of unreconciled conflict relationships - in order to gain their active support and win a mass base from which to consolidate their control.

political settlement and / or shift how it functions. The moment of flux created when the balance of power between different forces is fluid can create opportunities to make fundamental changes to the state and governance. Particularly where the transition is negotiated (eg, through a peace process or another type of state reform process), new political forces and ideologies may emerge and long-ignored issues may potentially surface as legitimate concerns to be addressed. For these and other reasons, the actual process for negotiating agreements matters. Substantive agreements offer opportunities to address underlying issues generating conflict, develop new 'rules of the game' and – through the process of successful engagement – transform relationships among antagonists. Furthermore, the very process of engaging in talks sometimes has the effect of helping to forge the habits of political dialogue for making tough choices and to address difference. This potential can be envisioned along the lines outlined in Figure 1

Figure 1 Idealized trajectory of negotiated transition from state in crisis to CAR state¹⁷



2.3 Peacemaking and peace agreements

Peace processes are often a central feature of the war-to-peace transition. In general, a **‘peace process’** refers to all the initiatives intended to help reach and implement negotiated agreements ending armed conflict and to create the basis of a political settlement. **‘Peacemaking’**¹⁸ is the effort to help assist that process. In addition to formal negotiations, peace processes go beyond the ‘top table’ of formal negotiations to include many other initiatives with belligerents and non-combatants to reduce animosities, increase understanding and improve relationships. The concept of **‘peacebuilding’** is more comprehensive, involving sustained and multidimensional efforts to address the structural causes of conflict – including security, governance, development and justice – and to reconcile relationships affected by conflict. (A longer exploration of the definition of these concepts is in Appendix A) Peace processes can create a framework conducive for longer-term peacebuilding, economic recovery and statebuilding; they are in turn underpinned by peacebuilding efforts throughout the conflict. Peacemaking initiatives are likely to begin early in a conflict. They typically continue through the entire period of hostilities and through the early implementation of any peace agreements to the point when it is assessed that the new arrangements are sufficiently consolidated. Issues around what we can learn from peacemaking for the process of renegotiating the political settlement are the focus of Part II of this paper.

The peace process can potentially set the trajectory of statebuilding – both through the dynamics of the process itself as well as through the substantive contents of agreements reached. For example, a process design that includes a diverse array of formerly excluded groups indicates the potential of a more inclusive settlement in the future.

¹⁷ This ‘ideal’ needs to be assessed against the ‘real’, which is often characterised by concurrent military and other security operations, crises and breakdowns, and a variety of interim agreements that may or may not lead to a comprehensive reconfiguration of the settlement or toward a more responsive state.

¹⁸ According to *An Agenda for Peace*, the landmark 1992 report of UN Secretary-General Boutros Boutros-Ghali, “peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.”

2.3.1 Substantive peace agreements

Processes leading to a peace agreement are potentially much more than the search for a glorified ceasefire. If the protagonists remain committed to the pursuit of armed struggle until their most important political goals are achieved, they are unlikely to come to terms without changes to the political settlement. This can be seen in the types of issues that have been addressed in peace agreements, as outlined in Table 2.

Table 2 Issues potentially addressed in peace agreements

Issue categories	Examples
Military & security	ceasefires; decommissioning, demobilisation, reintegration; security sector reform
Humanitarian	humanitarian access and emergency relief, technical aspects of return of refugees / IDPs
Legal-judicial	amnesties, prisoner releases; human rights protection and monitoring; judicial reform
Constitutional / territorial status	shape and structure of the state; autonomy arrangements; characteristics of the state, such as status of identity groups, including those made refugees/IDPs
Governing arrangements	power-sharing; transitional governments; elections; democratisation; effective participation / political pluralism
Socio-cultural	policies & programs to support distinctive identity groups; non-discrimination; effective participation
Structural / socio-economic	land reform; natural resource management; revenue sharing; special measures to promote equality; reconstruction
Transitional justice	tribunals, reparations, reconciliation, memorials
Gender sensitivity & gender justice	mainstreaming gender sensitivity; special measures for equality & effective participation

Agreements that address core conflict issues typically provide for reforms that revise the political settlement and often to the state itself in ways that are legally ambiguous. (Bell 2008) As Figure 2 suggests, there is a significant overlap between the types of issues potentially addressed in peace agreements and other kinds of state reform processes.

Figure 2 Examples of overlapping issues in peace agreements and political settlements



It is important to grapple with the dilemmas that often stem from this 'overlap' between peace processes / the substantive contents of peace agreements with the longer-term statebuilding project and contents of the political settlement. Some of these are:

- Especially when a peace process is conducted under the auspices of the international community, to what degree should a premium be given to developing agreements that lay the foundation for an inclusive settlement and institutions conducive to CAR states – even if it makes a process more complex? (This issue is explored further in Section 3.2.1)
- To what degree should peace negotiations address political governance issues? Are they the proper forum for deciding core state principles?
- When do outcomes become 'agreements of state' versus 'agreements of government'? What is the relationship between the negotiation process with parliamentary and other constitutional authorities?
- How can the contradictions resulting from trade-offs in a peace agreement best be managed? For example, what are the potential costs of power-sharing provisions that guarantee

representation of non-state armed groups in government in ways that potentially undermine the subsequent government's potential democratic legitimacy or of consociational arrangements that potentially constrict the longer-term project of national integration and building a civic polity?

2.3.2 Levels of negotiating resolution

Protracted armed conflict within states generally penetrates all levels of society. Regional and / or national-level conflict dynamics interconnect with self-sustaining conflict dynamics at the local community level. In some cases, continued violent conflict at the community level generates centrifugal pressure towards greater chaos, undermining efforts at macro-level peacemaking and statebuilding. Conversely, effective local peacebuilding can underpin macro-level peace processes and pave the way towards sustainable reconciliation by addressing specific grievances, repairing relationships and creating sufficient stability so that wider political processes towards peace can take hold, as occurred in Mali during 1994-96. This is particularly true when people in other communities see what is being achieved and are inspired to launch their own initiatives. It is therefore crucial for external actors to find ways to constructively enable rather than undermine/override authentic local initiatives, which sometimes may require staying out of the way.

Furthermore, sustainability may depend on addressing the wider conflict system, which is typically embedded in dynamics at the global and regional as well as the national and local levels. This requires working strategically to create synergy and foster coherence between peacemaking efforts at multiple levels especially the cross-border and global dynamics that contribute to instability and fragility. For example, the Central American peace process of the mid-1980s created a constructive framework for addressing specific conflicts – notably in El Salvador and Guatemala.¹⁹

Therefore while the locus of negotiation is likely to be in one arena at a particular point of time, it may be beneficial to infuse it through other levels of the system (such as by bringing a national level process into localities or by connecting negotiations for the status of a specific territory to wider national processes). Even when a situation appears completely stuck or is in high crisis at the national level, it is often possible to work productively at another level and thus help to lay foundations for constructive engagement at a later point.

2.4 Peacebuilding and statebuilding

Where societies are attempting to move through a war-to-peace transition, the tasks of statebuilding and peacebuilding are interlinked and typically coincide. The inter-relationship between these concepts can be depicted in the ways outlined in Figure 3. The focus of statebuilding is enhancing governance, state capacities, and state-society relationships. The core concern of peacebuilding is putting in place structures that help end violence, address conflict and repair relationships. As many of these structures pertain to state reform, there is an (often confusing) overlap with statebuilding.²⁰ While governance and state institutions are central to both the process and outcomes of peacebuilding; peacebuilding also engages spheres outside the state. It also operates through the personal/community sphere to repair relationships and transform the hostile attitudes and aggressive behaviours developed through conflict. However, because peacebuilding methods are often focused around promoting dialogue between those divided by conflict –

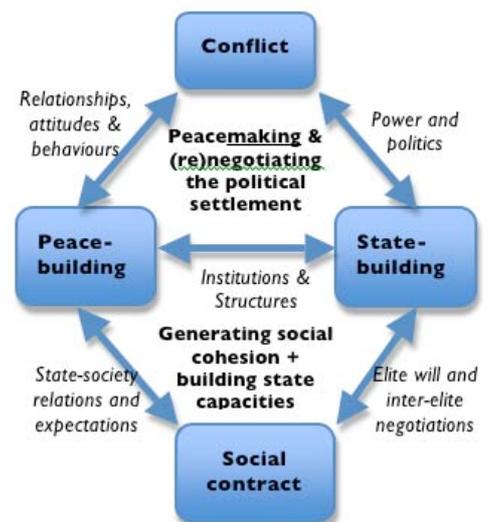


Figure 3 Concept map of statebuilding & peacebuilding

¹⁹ This included initiatives by the 'Contadora Group' from 1983 and 'Esquipulas I' (1986) and 'Esquipulas II' (1987).

²⁰ This raises the question of whether, to promote greater clarity, activities with a clear focus on reforming state institutions, structures and functions that are often put in the peacebuilding 'basket' (such as justice sector reform or security sector reform) should be reclassified as 'statebuilding'.

including in many cases populations and state authorities – it has the potential to make significant contributions to the process of state-society negotiations important for statebuilding.

Most practitioners consider peacebuilding as intrinsically value-based and bound-up with the interlinked goals of promoting justice, human rights and sustainable development. Yet peacebuilding is often silent on the dynamics of power in the pursuit of these goals. Peacebuilding typically engages the range of conflict actors and communities across conflict divides. In situations of violent conflict, effective peacebuilding requires direct or indirect engagement with all groups, including armed groups; this may not be central to a statebuilding agenda and in some cases may be perceived by some as undermining it.

Ultimately, peacebuilding aims to support the transition from what Diamond (1997) calls a ‘conflict habituated system’ to a system that sustains a culture of peace characterised by the qualities of resilience often noted in the statebuilding discourse. Transforming deep-rooted socio-political conflicts is not only about resolving the main issues that are contested by those involved in the conflict (which is the core concern of peacemaking and peace agreements). Systems cannot be ‘resolved’ but there is a possibility for transforming them.²¹ The development of inclusive CAR states is in most cases integral to the process of such transformation.

This peacebuilding ‘ideal type’ is challenged by the messy and brutal dynamics of contemporary warfare. These are partially enabled if not driven by criminal-economic interests and networks. (Collier 1998, Duffield 2001) Belligerents may have little real interest in negotiating a socio-political agenda on behalf of a wider group if their primary interest is in ongoing instability and violence so as to maintain the benefits they extract from a ‘war economy’. Negotiations to end wars that only involve these groups may well be an exercise in ‘dividing the spoils’ rather than in forging an inclusive settlement underpinning the social contract, as is discussed further in Section 3.2. In these cases, it may be more effective to develop policies and systems that alter the feasibility of predation (such as through boycotting or regulating conflict commodities) or the incentives for engaging in it (such as through better natural resource management or reducing opportunities for money laundering). If successful, these policies might also influence the strategic calculations of these parties in favour of a negotiated settlement.

Furthermore, the challenge of addressing contemporary conflict constructively is made all the more complex as peacebuilding intersects with statebuilding that is conceived within the framework of counter-terrorism operations.²² (Duffield 2007) In these and other cases, external actors – foreign governments or international organizations – engage in the conflict in order to strengthen the position of one of the parties to the conflict and assist their efforts to defeat their enemies. (Such ‘preferential partnerships’ are often with the government of the day but not always, as intervention in Kosovo, Afghanistan and Iraq demonstrate). These operations profoundly challenge the peacebuilding agenda outlined above and may ultimately undermine the prospects for peaceful statebuilding by miring it in conflict.

²¹ According to Lederach: “...a process-structure for peacebuilding transforms a war-system characterised by deeply divided, hostile and violent relationships into a peace-system characterised by just and interdependent relationships with the capacity to find non-violent mechanisms for expressing and handling conflict. The goal is not stasis but rather the generation of continuous, dynamic, self-regenerating processes... Such an infrastructure is made up of a web of people, their relationships and activities, and the social mechanisms necessary to sustain the changes sought. This takes place at all levels in the society. An infrastructure for peacebuilding is oriented toward supporting processes of social change generated by the need to move from stagnant cycles of violence toward a desired and shared vision of increased interdependence.” (1997:84)

²² A crucial question – though one not explored in this paper – is whether and how counter-radicalization initiatives can be crafted and implemented in ways more conducive to sustainable peacebuilding and statebuilding.

Part II: Fostering processes for negotiating the political settlement in war-to-peace transitions

The first part of this paper explored the interface between statebuilding and peacebuilding with a particular focus on the political settlement. It stressed the importance of fostering constructive state-society negotiations for strengthening the 'process legitimacy' of statebuilding and in developing momentum for an enhanced social contract. In conflict contexts, peace negotiations present a pivotal opportunity to create a new framework for the political settlement and have the potential to set a trajectory for a more responsive state. Too often, however, they fall far short of this potential. This suggests:

- (a) the need for those involved in statebuilding and governance support to give greater priority to the processes of renegotiating the political settlements, including peace negotiations; and
- (b) to challenge those involved in supporting a peace process (international mediators, peace operations, and appropriate inter-governmental bodies such as the UN Security Council) to put a greater premium on fostering processes and substantive agreements that can help to underpin the development of inclusive CAR states.

The conventional peacemaking paradigm is geared towards getting the parties to agree to end the fighting. The prevalent strategy is to bring together the representatives of the belligerent groups (governments and armed insurgencies) – typically with the assistance of an international mediator and often behind closed doors in a foreign location – to reach an agreement that satisfies at least the minimum demands of the negotiators. Wars have ended through this approach and it has resulted in some sustainable agreements. Overall, however, the 'failure rate' of negotiated settlements has been unacceptably high.²³ Many of those that have held have required extensive international intervention for protracted periods of time. Furthermore, too often these processes have failed to pave the way towards a more 'positive peace': i.e., states where democratic governance is established, where human rights are protected, and where sustained progress can be made towards development.

Part of the problem may lie in how the process itself is conceived. Such elite pact-making does not provide opportunities for those who did not take up arms, including other political groupings, organized civil society or the wider public, to have a voice in shaping the agreements or endorsing them. There could be serious opportunity costs if, in the name of restoring stability, broad participation is deferred until after a new regime is consolidated. This is a particular concern in situations where the government and the armed groups lack a strong social support base and are not seen as legitimate representatives of public interests. All too often it sends the powerful if implicit message that violence pays.

Although the end of hostilities is likely to be met with widespread feelings of relief, some may feel alienated from an agreement that is not 'theirs'. This may be the case if 'enlightened leaders' reach a deal that goes beyond the realm of what is acceptable to more conservative public opinion – as many argue was the case in the Key West negotiations over Nagorny-Karabakh. Alienation may be intensified if key groups and/or social constituencies were excluded. They may subsequently work actively against the process – as happened to the Oslo Accords in the Israeli-Palestinian conflict. If the agreement functions primarily to 'divide the spoils' between the parties to the agreement, it may result in a recycling of power within the same basic structures that give rise to conflict initially – as happened in the Lomé Agreement for Sierra Leone. At the very least, there are considerable opportunity costs in diminished prospects in the development of a more inclusive political settlement and responsive state – as happened in the 1997 Tajikistan peace agreement.

²³ According to the Human Security Centre (2006) 43% of peace agreements in the 1990s failed, with return to armed conflict in 5 years – though trends do seem to be improving.

At the same time, there is a concomitant risk inherent in strategies based on excluding ‘unpalatable’ armed groups from negotiations – such as Hamas or the Taliban – or in only working with those who are willing to negotiate, as has happened in negotiations over Darfur. As is explored further below, sustainability is likely to be enhanced by including those who might want to sabotage the process or ensuring they are kept so far outside they cannot damage the process.

There are efficacy arguments for ‘simplifying’ a process into a bi-polar negotiation model amidst the wreckage of war, when obtaining a sufficient degree of physical security may be paramount. A more narrowly conceived process in terms of the number of parties at the table and the range of issues addressed may be easier to manage and the parties might find it easier to reach agreement between themselves. Such processes can be effective in making the transition out of war. They may also pave the way for longer-term responsive statebuilding if the parties themselves are widely viewed as legitimate representatives of the societal constituencies in conflict and leaders are willing and able to negotiate an agreement – or envision a follow-on process – that addresses the underlying conflict system and leads to substantive reforms. Yet conflicts organized around two strong and representative belligerent parties are comparatively rare. This gives rise to sustainability arguments in favour of a more inclusive and comprehensive process. As Fink Haysom has observed: “The text of an agreement cannot itself substitute for political will ... the process elements in negotiations are vital in creating the will, the trust and joint responsibility” needed to implement agreements.²⁴ These arguments are explored in this section of the paper.

The second part of this paper explores these issues in greater depth, focusing first on lessons that can be learned from peace processes to assess the ways they may be applicable to the development of new political settlements and then on identifying types of process modalities for renegotiating the political settlement.

3 Negotiating the state in war-to-peace transitions: learning from peacemaking

A number of patterns have emerged from the multiple experiences of facilitating negotiated settlements to armed conflict in recent decades. There are a number of common challenges and lessons to be drawn from comparative experience on how they might be addressed. This section focuses on exploring two interlinked challenges especially relevant for statebuilding: (a) finding ways of engaging with all the belligerent parties; and (b) creating mechanisms for public participation in the negotiations, so as to involve all the constituent elements of society who will be crucial for building peace and activating the state-society negotiations crucial for effective statebuilding. In particular:

- When and why do negotiations become the preferred strategy of belligerents?
- Why might it be important to move beyond an exclusive focus on an ‘elite pact making model’ to end wars towards a model that strives for greater public participation in the processes.
- How can external actors usefully support conditions conducive to negotiated settlements and greater public participation?

3.1 *Choosing to negotiate, agreeing to settle: understanding the strategic calculus*

There is a central paradox that must be grappled in negotiated processes to make a transition from war to sustainable peace. Parties in conflict mobilize in a quest for leverage to achieve their goals by shifting the balance of power vis-à-vis their opponents. They are unlikely to relinquish this leverage voluntarily before securing their minimum requirements. Yet effective peacemaking and inclusive statebuilding ultimately requires cooperative problem-solving so as to reconcile seemingly incompatible goals. Thus a major challenge for peacemaking is facilitating the parties’ movement from contesting to cooperating and from a ‘winning mentality’ towards a ‘conciliating mentality’, while working toward solutions that address core interests and needs.

²⁴ Interview with Fink Haysom available on <http://www.c-r.org/our-work/accord/sudan/igad-process.php>

Sustainable peace processes are driven by the realization of the unsustainability of continued armed conflict. (Pruitt and Rubin 1986; Zartman 1991; Kriesberg & Thorson 1991) Early in a conflict, belligerents tend to believe that they can prevail in their demands either by using force or by threatening to use force. They do not generally consider the interests or needs of their opponents or others. Yet as the costs of conflict become painful, at least some elements within the leadership and their constituencies may increasingly realize that they are unlikely to get what they want through unilateral action. As they understand that their future is inter-dependent with their opponents, they are more likely to recognize the need to make some sort of a deal with them – even if this means that some goals will need to be abandoned. This creates an incentive for cooperation, even as competition continues. This combined awareness of inter-dependence and unsustainable struggle helps to commit leaders of conflict groups to the process for reaching a negotiated settlement and then to fulfil their commitments under the agreements.

This calculation is highly context specific. It is as likely to be reached at the point when there is a general balance of power as when one party clearly prevails over the other(s). The decision to shift into a primarily political strategy may be influenced by decision-makers' assessment of alternatives and, specifically, whether there is a potentially viable negotiation process through which they can pursue their goals. Factors important in creating 'ripe opportunities' for conflict resolution are:²⁵

- reducing or eliminating the parties' unilateral options;
- developing trusted communication channels between parties and spaces for informal and constructive dialogue; and
- the availability and increasing acceptability of new sets of basic ideas, principles and concepts for addressing the conflict and, eventually, craft viable formulas and resources peace agreements.

Key milestones in the conflict resolution process²⁶

Effective influence within an overall peacemaking strategy needs to be based on an appreciation of the core process challenges in most war-to-peace transitions. Common milestones tend to occur when:

- a) Parties begin to recognize they cannot achieve their goals unilaterally and that simply continuing with the status quo entails risks of unacceptable costs. Therefore they are willing to risk exploring engagement with their opponents, leading to 'talks about talks' in a pre-negotiation phase.
- b) Parties begin to have sufficient confidence in their counterparts that the risks of engaging are outweighed by the potential benefits of achieving their goals. Therefore the choice to engage in a process towards a negotiated agreement becomes the preferred strategy.
- c) The negotiations produce agreements that seem to deliver enough of their goals without entailing unacceptable costs and negotiators have sufficient confidence that the agreements will be implemented, either because of confidence in the good faith of their counterparts or because of external guarantees. Therefore the risks of decisively ending the military campaign are worth the benefits they anticipate.

Different methods and measures may be required to increase the likelihood first that adversaries will agree to engage, then to stay engaged or come back if the process breaks down, then to sign an agreement, or to go through the often painful process of implementation. This is rarely a smooth, linear process.

Yet there are many barriers to pursuing this path. Governments typically resist negotiating with what they see as illegitimate (to put it mildly) forces except to negotiate the terms of their surrender. Non-state armed groups typically meet the challenge presented by the asymmetry of their power vis-à-vis the government – which can mobilize all the resources available to the state –

²⁵ For an overview of the literature, see Mitchell, 1995.

²⁶ Extracted from Barnes, Catherine and Aaron Griffiths, 2008, "Influencing resolution: external roles in changing the strategic calculus of conflict" in *Powers of persuasion: incentives, sanctions and conditionality in peacemaking*. Accord 19. London: Conciliation Resources.

through their sheer commitment to their goals. (Mitchell 1991, Zartman 1995) Militarily, this can mean willingness to make great sacrifices and, all too often, a willingness to achieve their goals 'by whatever means necessary' even if this violates the Geneva Conventions. In peace negotiations, the dynamics of asymmetry can translate into intransigence in holding on to cherished positions. Fearful that they may be outmanoeuvred by government negotiators – who are generally backed by a plethora of advisors and the advantage of international recognition – the armed group may well choose to return to the familiarity of interminable war rather than give up at the negotiating table.

This analysis pertains primarily to armed groups with the following characteristics: they are organizationally coherent; they have a developed socio-political agenda; they have at least some public support base / constituency. Groups or networks lacking coherent organization may be unable to develop a cogent political strategy necessary for effective negotiations. Groups that function primarily to extract wealth from the war economy may have little interest in negotiating its settlement. Situations characterised primarily by incoherent and / or primarily predatory armed groups may require different sorts of strategies to manage the interface between the processes of ending armed conflict and creating a process framework for negotiating the structural causes within the state – possibly through inclusive constitutional reform processes. Recent developments in conflicts as diverse as those in Colombia, Philippines, Sri Lanka and Uganda suggest the need to re-conceptualize the peacemaking / state reform negotiations process.

Nevertheless, the following observations provide insight into principles that can help to strengthen the effectiveness of negotiations involving parties that have taken up arms to pursue their goals.

3.1.1 Limits of coercion: unsustainability of externally imposed settlements?

It can be assumed that belligerents are more committed to attaining their goals than to the maintenance of peace (defined as the absence of war); otherwise they would not have taken up arms. External coercion aimed only at weakening their strategic position is rarely successful over the longer-term without a viable process through which they can make peace. Attempts to railroad parties into an agreement in advance of their recognition that it meets their basic needs and interests runs the risk of backfiring in weak commitment to implementation. If external actors largely determine the terms of peace without the buy-in of the principals, the settlement may be heavily dependent on external involvement to enforce the agreement – as, for example, has occurred with the Dayton Agreement for Bosnia Herzegovina.²⁷

3.1.2 Engaging with armed groups

Consequently, engagement with armed groups is crucial in paving the way towards a negotiated settlement of violent conflict. (Ricigliano 2005) Successful engagement tends to strengthen the pro-dialogue elements within armed groups, while political isolation tends to strengthen hardliners. This suggests that minimal levels of engagement need to be the norm, not a concession. Engagement can take many forms, from simple contact to substantive negotiations, potentially with the assistance of a variety of possible third parties. Practitioners and policymakers should focus on identifying appropriate tactics and effective strategies that are context specific – considering who should engage and how, rather than whether to engage or not. While there can be valid concerns that engagement could confer legitimacy on an armed group's struggle or tactics, the range of available options means that support for low-key engagement strategies led by local community groups, NGOs or other unofficial intermediaries can keep the option of dialogue alive without appearing to legitimize a group – as in Northern Ireland, where contact laid the basis for future negotiations. (Ancram 2008)

²⁷ The Dayton Agreement for Bosnia-Herzegovina is an example, where 13 years and billions of dollars later, the French Defence Minister Herve Morin admits that the real challenge of improving the political climate in Bosnia still lies ahead "Everyone agrees that the military missions, for the most part, have been fulfilled but that the political situation in Bosnia forces us to take some more time." (AFP, 11/10/08).

3.1.3 Parity of esteem and problematic conditionality

Parties to a conflict – especially armed groups – are less likely to choose to negotiate if they consider the process strongly biased against their interests. They are likely to reject pre-conditions that require them to give up core goals advance or their existing strategic advantages gained during conflict (eg relinquishing territory they hold or going through a full disarmament process in advance of talks). Instead they are likely to demand to enter talks on the basis of ‘parity of esteem’ within the process and demand equal power in decision-making. This is likely to be problematic for government parties to the conflict, who may in turn negotiate conditions around such parity.

The delicate process of negotiating the terms of engagement may be unhelpfully distorted – if not fatally undermined – by external governments or international organizations that either refuse to recognize the legitimacy of such engagement or impose conditions that would be almost impossible to accept if the leadership of a group wants to maintain credibility with its supporters. Recent examples include the pre-conditions set for Hamas to enter talks on the future of Israel and Palestine and the UN Security Council’s insistence that any solution to the conflict over Abkhazia is found within the territorial integrity of Georgia. While the principles guiding these pre-conditions are consistent with international standards, they have contributed to gridlock in the prospects for conflict resolution. These points indicate the need to delicately balance the need to uphold general principles with the process requirements of enabling the primary parties to develop mutually acceptable political arrangements.

3.1.4 Problem solving, reframing and the search for integrative solutions

While it is extremely difficult to shift the core interests of parties to a conflict, it may be possible to reframe them in ways that reduce incompatibility and increase the common ground of shared values and interests. Ultimately, the most durable inducements to finalize agreement are the ‘intrinsic incentives’ inherent in the contents of the political settlement; if it provides a credible solution that satisfies the parties’ basic needs and interests, then they are likely to prefer it to the current state of play. Such intrinsic incentives can be enhanced through external incentives – such as ending isolation, providing resources to implement agreements – or specific security guarantees to reduce the risk in ending a military campaign.

Yet traditional power-diplomacy approaches to negotiation may not be conducive to these outcomes. Power diplomacy relies on increasing the costs and decreasing the rewards of continued intransigence by maximizing and applying leverage. This approach tends to be based on a zero-sum bargaining strategy, in which parties aim to increase their own share of seemingly limited resources and devote little energy to developing outcomes that meet everyone’s core needs. An alternative approach is to view conflict resolution as centrally about problem-solving. This occurs when the parties frame the contested issues as shared problems that might be creatively addressed through an ‘integrative solution’ that allows all the parties to satisfy their core needs. Examples of such innovative formulas in peace agreements include the ‘land-for-peace’ formula for Israel / Egypt; overlapping citizenship in Northern Ireland; and within South Africa’s National Party leadership from emphasizing minority group rights to focusing on protecting individual rights.

3.1.5 Understand and address those who could wreck the process

Leaders and factions who view a particular process or agreement as undermining their interests and who are willing to use violence to sabotage it are often termed ‘spoilers.’ This term can be misleading, as it detracts attention from why the group wants to block the process. It is helpful to assess the intent, motives and capability of groups hostile to the process.²⁸ Effective strategies to

²⁸ Drawing on Stedman (2003) and Zahar (2003), there are a number of reasons why factions not brought into peace negotiations may see peace as a threat: (1) Some *ideologically* motivated groups’ political survival is premised on the continuation of strife. They therefore resist any constructive engagement in a peace process. This can occur when the most militant factions within a belligerent group, like the ‘Real IRA’, break away from the mainstream. It may also be the case of certain revolutionary movements, like Al Quada militants. Sometimes a major factor is a specific leader steadfastly resistant to any form of compromise; after a leadership change, the group may become more amenable to engagement. (2)

address the threat they pose may be rooted in ensuring that the majority of those with influence and a strong social base consider themselves to be 'inside' the process. Violence sometimes destroys incipient coalitions for peace whereas in others violence pushes hesitant elites to full settlement. This poses the question: when and why does violence sometimes act as a catalyst for peacemaking and when and why does violence destroy potentially promising peace processes? There are no clear-cut answers to this question. The use of violence by those who refuse to participate in an inclusive process tends to deepen the commitment of those inside and bind them to the negotiation process, as has been seen in South Africa to Northern Ireland. It also tends to de-legitimize violence in the eyes of the wider public. When the implementation of agreements proceeds as planned, those inside tend to become the strongest supporters as most of their goals are addressed through the institutions created by the agreement. Thus the longer the peace lasts, the less the likelihood of parties renege on promises. Conversely, settlements that exclude significant groups are often very difficult to implement successfully, such as the Bonn Agreement for Afghanistan that excluded Afghani Taliban. There is reason to conclude that inclusive processes may generally be more robust.

3.2 Public participation in peacemaking and forging political settlements²⁹

The earlier discussion on the risks of exclusive pact-making peace negotiations underscores the potential value of constructing a negotiation process viewed as inclusive and legitimate. Such processes are perhaps best achieved through mechanisms that provide an opportunity for interest groups and the public to be more involved at appropriate points in the process. This may increase the legitimacy of the subsequent agreement therefore be a political bridge to a more inclusive settlement. This goes far beyond holding elections – although elections and referenda can be an important component of this effort. There are some peace processes where there are structures that enable the wider public to engage directly with the formal negotiations process. Such mechanisms are usually aimed at reaching comprehensive agreements on new state structures and other key issues at the heart of conflict. There tend to be three principle modalities (Barnes 2002):

- *representative participation* through political parties;
- *consultative mechanisms* where civil society has an opportunity to voice views and formulate recommendations; and
- *direct participation*, where all interested individuals engage in a process of developing and implementing agreements to address the conflict.

These are incorporated into such negotiation modalities as broad-based multiparty negotiations, national dialogues and constitutional conventions.

There are indications that the sustainability of the overall war-to-peace transition may be increased by greater public involvement. (Barnes 2002; Wanis St John and Kew 2008³⁰) This may be due to a

Financially, those who benefit materially from war may have no interest in a peace that unravels the war economy – especially if they are not able to negotiate agreements that allow them to benefit from peacetime economic conditions. In some cases, this can be addressed through criminal prosecutions. In others it might involve a deal that allows them some economic stake in the new dispensation (although this can lead to new problems in the future). Typically, however, the medium to longer-term solution necessitates the challenging process of transforming war economies. (3) Those who have been excluded from the process for strategic reasons. Sometimes the preferred strategy amongst more moderate elements is to exclude the more extreme parties, either because engaging them seems politically unpalatable or because of concerns that they may disrupt the process or obstruct the talks. They may assume that the others' hard-line stance will make negotiations more difficult and progress can be made faster without their involvement. While pragmatic moderates may negotiate more easily, strategies based on completely excluding more hard-line groups may leave the process more vulnerable to their sabotage. (4) Those who were inside a process but may renege on their agreements. A significant factor for leaders who depend on popular support (or on preventing a putsch by an internal faction) is how their supporters view the process and any agreements reached. If supporters perceive the terms of peace to be a net benefit, leaders will be reluctant to spoil the process; if they believe they have been unjustly wronged, the leader's political survival may depend on responding effectively to their grievances even if this means wrecking the process.

²⁹ Points made in this section are drawn from Conciliation Resources' Accord project on experiences of public participation in Colombia, Guatemala, South Africa, Mali, Northern Ireland, and Philippines. (Barnes 2002) These issues were further investigated by Wanis-St John and Kew (2008)

³⁰ Wanis-St John and Kew (2008) found that: "Surveying a wide variety of different peace processes, a strong correlation was found between active civil society participation in peace negotiations and the durability of peace during the peacebuilding phase. Cases in which civil society groups actively engaged in peace negotiations seemed to enjoy more

difference both in the quality of agreements reached, characterized by a more comprehensive negotiating agenda and consequent agreement on provisions to address the underlying causes of conflict. It may also increase the legitimacy with which the public viewed these agreements. Furthermore, processes can help to strengthen relationships impaired by conflict; through striving towards a consensus on how contested issues should be addressed, enemies can slowly be transformed into political counter-parts. Yet it is also likely that the reasons for greater success are partly inherent in the dynamics of the conflict itself, characterised by a commitment amongst key groups to link the peace process with moves toward democratization and leaders viewing participatory processes as a way to strengthen their democratic credentials.

Yet the space for public participation in official peacemaking is rarely offered and reluctantly given. War-torn societies are typically fragmented, with deep divisions that become the fault lines along which conflict is organized. In these circumstances, any political participation may be risky and public debate highly polarized by anger and fear. Attempts to open processes to wider involvement are challenging and pose many dilemmas.

Dilemmas of public participation in peacemaking

- **Security first.** Does public participation slow down the process of reaching agreements on ending the violence? How can tensions between short-term security and long-term solutions be managed?
- **'Integrity of the mediation'.** Does public participation put at risk the confidentiality and coordination that many mediators believe to be crucial to building trust and effective negotiations between protagonists? Can sequencing inclusion in the talks at different phases of the process help address this dilemma?
- **Divergent voices.** How can process mechanisms deal with the heterogeneous nature of 'the public' so as to address diverse and contradictory aspirations?
- **Managing inclusion.** How can the process be designed to enable the effective participation of traditionally marginalized social groups and not just the 'civil society elite'? Can and should exceptional support be given to pro-peace, pro-human rights and pro-democracy groups within civil society?
- **Superficial participation.** Given inevitable imbalances of power, how can one ensure that public participation is meaningful rather than a superficial public relations exercise?

3.2.1 Power diplomacy, mediation and public participation in peacemaking

Governments have traditionally viewed peacemaking as a quintessentially governmental activity, an assumption that has carried over to inter-governmental organizations. International mediators have tended to see their role as that of directing the negotiation process. Most require a high degree of confidentiality to be effective in their role, which tends to focus on brokering deals between the belligerent parties. Some international mediators view the idea of opening the process to a wider array of groups as a risky and unnecessary complication to their central task of ending the war.

There is clearly a time and a place where private dialogue is necessary to move the process forward and external intermediaries can play an invaluable role in assisting it. Yet the challenge nevertheless remains: if the leaders of the combatant parties do not promote inclusion (possibly because of their interest in consolidating their own position), do the international sponsors of a process have an obligation to create opportunities for broader participation, at least on decisions that could restructure the state and governance systems and the policy priorities? To the extent that negotiations become a form of political decision-making, are international norms around the right to

sustained peace in the peacebuilding phase. This holds true also for cases in which civil society groups did not have a direct seat at the table, but did exercise significant influence with the negotiators because they were democratic actors. War resumed in many cases not characterized by direct or indirect civil society involvement in the peace negotiations. No claim of causality is made; the sustainability of peace surely rests on causes as complex and dynamic as the initiation of war does. However, these findings do call attention to the need for further research to understand the special impact that civil society inclusion at the peace table may have."

participation an obligation on governments and inter-governmental organizations to promote opportunities for effective participation in peace processes? These are issues in need of further debate in international peacemaking circles. Such debate should be tempered by awareness that it is the people of conflict-affected societies that must themselves ultimately own the process of political change if it is to be responsive to their needs. It can be useful to consider:

- Even if the process begins with fairly limited objectives (such as reaching a ceasefire), does it envision a process that widens out to become more inclusive and more comprehensive in addressing issues related to governance and statebuilding?
- Are there efforts to increase public confidence in the process, in the parties and in the negotiated agreements?
- Are there mechanisms that enable constructive public debate and public participation to feed into the agreements that involve fundamental changes to the state structure, constitutional arrangements and other core substantive issues?
- Will the substantive agreements require some form of public endorsement, such as through a referendum or other measure that encourages the negotiators to develop public support?

3.2.2 Legitimate process; legitimate outcomes?

Processes that aim to engage large numbers of the public may sometimes be seen as a kind of 'window dressing' to give an acceptable public face to deals that would otherwise be made in private between elites. This is especially the case when there is no real prospect of influencing the contents of the agreement or if the process itself has little momentum behind it.³¹ Yet there are also a number of experiences where such mechanisms have elicited a range of views, some of which influenced decision-makers, and also took the political debate out of the capital and into spaces accessible to ordinary people.³² In addition to the instrumental dimension of influencing decisions, this can have an important symbolic value if people feel they are being included and are able to take part in shaping their country's future.³³ Opening the process can provide opportunities to shape the negotiating agenda so as to prevent those who led the armed conflict from imposing the terms of peace on the population as a whole. This can widen the range of issues addressed to reflect the scope of public concerns and generally contribute a greater depth to the debate.

Such processes do not take place outside of *real politik* considerations; they typically result from an awareness that reaching consensual solutions offers the best hope for a durable peace – in part because no party can dominate unilaterally. Smaller political groupings may be able to influence outcomes by organizing effectively and articulating coherent and persuasive analysis and proposals. Thus by including them at the table, negotiations became a *de facto* forum for some degree of power-sharing. Nevertheless there typically remain in-built constraints on the issues that negotiations meaningfully address – especially in places where the power of those who control the state remains strong during the course of the conflict or the negotiated transition.

3.2.3 Representation, accountability and inclusion

The problem of scale means that it is inconceivable for every member of a society to meaningfully participate directly in negotiations at the national level, although there may be more scope at the community level. Thus there are a number of potential dilemmas concerning the accountability and

³¹ As seems to have been the case for the 'Darfur-Darfur Dialogue' envisioned as part of the Darfur Peace Agreement.

³² Such as South Africa's public consultations on the constitution, the Philippines National Unification Commission, or Mali's regional 'concertations'

³³ The public participation programme that accompanied the negotiation of South Africa's new constitution elicited nearly 1.7 million submissions and engaged approximately 95,000 people through more than a thousand events. The negotiations lasting several years were open to the press and reported daily in the media. Subsequent surveys and analysis revealed that a quarter of all adults had discussed the Constitutional Assembly and related issues with friends or family. CASE's survey also indicated that the public participation initiatives helped to create a strong sense of ownership of the Constitution among the public, the majority of whom felt they had an opportunity to contribute its creation - despite lingering skepticism amongst those who perceived they had the most to lose in the new system. Many analysts believe the constitutional debate and the previous negotiations helped to legitimize and underscore the importance of democratic processes as the way to address political conflict. (Gloppen, 1997)

representativeness of the participants. In some processes parties or delegates to talks are chosen through public elections, as in the Northern Ireland Belfast peace talks or to the constituent assemblies in South Africa or Nepal. Sometimes the agreement itself is subject to a referendum to ensure public consent to the agreements reached (which may provide an incentive to the parties to be mindful of public concerns and take efforts to bring the public along with them in the agreement). In consultation processes, such formal measures are rarely included. However while consultations are potentially influential, participants are not charged with the responsibility of making agreements about their country's future. More salient criteria might be whether they truly reflect the diversity of public interest and opinion and whether they are able to generate a broad social consensus in support of the process and the agreements reached.

Such processes have the potential to create opportunities for previously subordinated groups to have a voice in shaping arrangements that will allow them to participate effectively in the future. This opportunity may be lost, however, if they are marginalized and excluded because they have not entered into armed struggle. Yet even where processes are more inclusive, it is likely that marginalized groups may have to demand a role in the process. For example, Mayan communities in Guatemala organized to have a major role in the Civil Society Assembly, which consequently led to a landmark agreement recognizing their identity and rights. Similarly, long before Security Council Resolution 1325, women have organized to claim a voice at the table. In South Africa, an early intervention by a female delegate in the CODESA negotiations shamed the mostly male party representatives into introducing systems promoting gender representation. In Northern Ireland, a cross-communal group women activists formed a non-sectarian political party to contest elections to participate in the Belfast talks after the conventional political parties refused to give assurances that they would include women in their delegations to the talks.

3.2.4 External support for participatory negotiations

Although the most important factor for effective participation is the activation of those involved, most processes need a variety of financial, technical and practical resources. There can be a constructive partnership between local groups and external partners in financing, staffing and administering processes – particularly if the external partners offer support in ways that enable initiatives already envisioned by the principals. External actors, whether governmental, inter-governmental or non-governmental can help to create the space for the mechanisms, both literally (by sponsoring or hosting meetings) and politically (by encouraging governments and armed groups to open out the process to other groups). In some cases, there is a crucially important role in helping to guarantee the personal safety of participants. This is a task that state security forces may be unable to perform – especially if they have been complicit in violations – and international monitors or even peacekeepers may be necessary to create an environment secure for participation. External actors can also use their influence and resources to help ensure that the format does not disadvantage certain participants, particularly those who have been excluded previously from political processes. Training and strategic advice can help; as can ensuring that the design and format of the process do not mirror exclusionary social structures.

3.3 External roles in creating conducive conditions for negotiations

External actors can use their influence and resources to directly support the process of peacemaking as well as to generate positive incentives or negative pressure to encourage the parties to seek a negotiated settlement and increase the viability of a durable outcome. Yet a key issue for external involvement is to use their influence and resources in ways that help to tip the balance in favour of processes that can lead to a more inclusive settlement and CAR states without overriding the very forces that might enable such a transformation. This is sometimes akin to avoiding the 'Midas touch'³⁴ of distorting the endogenous dynamics of progressive social change.

³⁴ Paris and Sisk identify tensions and contradictions that have emerged from recent policies and practice on externally-assisted statebuilding: "...outside intervention occurs in order to create self-government; international control is required to affect local ownership; universal values clash with local particularities; long term goals may contravene short term imperatives; and peace may require both a break with the past and a reaffirmation of local history." (2007: 3)

In the midst of conflict, external actors can aim to support the creation of a ‘ripe opportunity’ for a peace negotiations process. Some of the factors that seem to be important are:

- Policies that reduce or eliminate the parties’ unilateral options to achieve their goals. These can occur through changes in the context, the withdrawal of support from important external allies / patrons, effective arms embargos or blocking trade in ‘conflict commodities’, or international peace enforcement missions.
- Enable the development of trusted communication channels between parties and spaces for informal and constructive dialogue. This can be encouraged through confidence building measures and support for track two dialogue processes.
- Efforts to increase confidence in the potential for a negotiated solution through generating broadly acceptable sets of new ideas, principles and concepts for addressing the conflict and, eventually, craft viable formulas and resources peace agreements.

3.3.1 Constructive use of incentives, sanctions and conditionality.³⁵

Incentives, sanctions and conditionality have impacts on parties’ engagement in conflict and peace processes, whether or not they are intended to do so. Yet they are seldom designed with the explicit goal of encouraging conflict resolution – and they often have unintended negative consequences for a peace process. These measures can be deployed to further multiple and occasionally contending objectives, ranging from enforcement of international humanitarian law to counter-terrorism to promoting geopolitical alliances. These competing priorities and approaches within and among external actors make conflict resolution more difficult. Parties may seek to manipulate external involvement to their benefit and undermine their adversaries’ confidence in the process. Sanctions and incentives may be used as bargaining chips in a wider political game that has little to do with moving parties towards agreements to resolve their differences.

While coercion or incentives can tilt the balance towards constructive engagement, they are unlikely to shift parties into the problem-solving mode that characterizes the most successful peace processes. Moreover, the process may never become sustainable when external actors compel or induce parties to the table or to an agreement in advance of their own recognition of the need to negotiate with their adversaries. Measures that are not attuned to the specific motivations of the parties often do little more than add to the symbolic dimensions of conflict and increase the sense of persecution that often intensifies conflict.

Yet external actors can use their influence and resources to directly support the process of peacemaking as well as to generate positive incentives or negative pressure to encourage the parties to seek a negotiated settlement and increase the viability of a durable outcome. The effectiveness of external policies intended to influence the parties’ behaviour is likely to be enhanced if they are:

- Crafted and exercised as components of an overarching peace process support strategy.
- Calibrated to the conflict parties’ motives and responsive to societal forces in favour of conflict resolution.
- Designed and implemented in ways that help build momentum in a peace process.
- Supported by a degree of strategic coherence among external actors and appropriate mechanisms for coordination.

3.3.2 Confidence and capacity building to develop political strategies & negotiate effectively

Armed groups make strategic choices about whether to pursue political dialogue or military tactics to advance their objectives. Their decisions are likely to be determined by their analysis of the respective rewards or weaknesses of either strategy, as well as the relative strength of groups within the movement proposing different strategies. Yet peace negotiations are more likely to be successful

³⁵ Points from Barnes, McKeon and Griffiths. 2008. Introduction. *Powers of Persuasion: Incentives, Sanctions and Conditionality in peacemaking*. Accord 19. London: Conciliation Resources..

when the parties are confident and skilled negotiators, capable of attaining their interests through political – rather than military – means. Good negotiation process design involves ensuring that resources for negotiation are distributed equitably. External actors can make important contributions by helping to build negotiation capacity and address asymmetries between the parties. This can involve allowing adequate time for preparation, education, and developing negotiation skills. Ideally, all those involved should have an opportunity to benefit from capacity building initiatives. In general, government – with their administrative capacities, advisors and other resources – have a significant advantage over insurgency movements that may be more familiar with military tactics than the arts of political negotiation. Therefore political and technical education may be necessary to increase their confidence in the potential of negotiations to address their concerns.³⁶ This is in everyone's interests in the long run. If one side is at a serious disadvantage in terms of skill and experience, the likelihood of anyone coming away from the table satisfied is decreased.

Even prior to the emergence of sustained political negotiations, external actors can provide support to civil society actors and political groups to prepare them for effective participation through training and capacity building in participation, negotiation, and policy formulation. This is an investment not only for the peace process but for later democratic participation in policy processes and 'good politics' post-settlement.

3.3.3 Sustainability: build strong foundations to generate momentum.

Processes capable of fostering comprehensive and durable agreements are rarely based on a single event and typically take years to conclude.³⁷ Peace negotiations often break down when external actors attempt to 'rush' them for their own political reasons. In response to crises, organisers are sometimes tempted to take 'short cuts' by excluding those who are too difficult; by imposing a format even if it is not seen as legitimate; or by avoiding issues that are close to the hearts of key protagonists because they seem too difficult to address. This then creates deep frustration and increased mistrust. Alternately, the seemingly 'easy' issues are addressed first and difficult ones put on hold; yet unless they are addressed, the conflict is likely to resurface – as seemingly occurred following the Oslo process for Israel/Palestine. Once the momentum is lost, it is often even more difficult to address the most difficult issues.

This discussion suggests that all involved need to focus on developing processes that work towards a longer-time horizon, engage the main stakeholders, build consensus and forge working relationships between the parties, seek to address the underlying causes of conflict, and create sound mechanisms for overseeing implementation of agreements reached, as well as resources and support for consolidating peace.³⁸ This can require the patience to lay solid foundations for a durable process as well as skilfully helping to build momentum and being sufficiently attuned to the dynamics to 'seize the moment' and push for breakthroughs once the parties are ready.

³⁶ External intermediaries can also serve as advisors during the negotiation process. For example, Australia funded two constitutional negotiation experts with each assigned to advise the Papua New Guinea government and the Bougainvillian factions in their negotiations.

³⁷ In South Africa, for example, negotiations continued for five years – with numerous interim agreements along the way that reinforced a sense that progress was being made (in addition to several breakdowns when parties asserted their 'bottom lines', which in turn led to new breakthroughs). The South African negotiators realised that it would take time to think through all the issues needed to create the foundations for a new constitution and new governing system.

³⁸ These issues are well described by Nathan in reference to attempts to address various conflicts in Sudan: "First, these wars are not conducive to a viable quick accord. They have multiple historical, structural, political, social and economic causes that are complex, deep-rooted and intractable. The difficulty of resolution is compounded greatly by the protagonists' mutual hatred and suspicion. However grave the situation, mediators have no option but to be patient. Second, an enduring peace agreement cannot be forced on the parties. It has to be shaped and owned by them since it cannot be implemented without their consent and cooperation and its sustainability requires their adherence to its provisions in the long term. These lessons are frequently ignored by states and multinational organizations that seek to end civil wars through power-based diplomacy rather than confidence-building mediation." (2006:3)

4 Typologies of processes for (re)negotiating settlements

In some cases, one group is able to unilaterally impose a profound change to the political settlement, such as a victorious revolutionary movement. Most of the time, however, a 'step change' in the political settlement is at least partly negotiated. These negotiations are undertaken in both formally established processes for codifying the terms of a new settlement and in informal / irregular processes for reaching implicit agreements (typically amongst elites). These processes may be about reaching agreements on the state as a whole and involve primarily central-state level actors. Alternately, negotiations may play out at different levels of the system. This includes negotiations at a local or provincial level to address specific challenges at that level. It also includes negotiations at the regional or global level to address interlocking conflicts that cross state borders but have implications for the statebuilding process within a specific country or set of countries. Such processes can be especially important in cases where the state itself is divided and the negotiations concern relations between recognized and unrecognized state-like entities (such as the conflicts over Abkhazia, Kosovo, Nagorny-Karabakh or Western Sahara).

Most change processes are complex and a new political settlement may emerge only after an array of initiatives and events. As such, an overall transition to a new political settlement may involve negotiations both through formally constituted processes as well as by agreements between key people (through more 'irregular' channels of reaching an understanding) as well as at different levels in a conflict system. The interface between these types of processes is depicted in Table 3.

Table 3 Negotiated modalities for generating new / reformed political settlement

	Central state-level processes	Processes involving actors at other levels
Legal / formal process to codify agreement/settlement	<ul style="list-style-type: none"> • Constitution-making or reform process • Negotiations leading to a (peace) agreement reforming the state and relations between constituent elements of society • Elections contested on platform of major reform • Legislative reform process on significant elements of the political settlement 	<ul style="list-style-type: none"> • Negotiations lead to agreement on specific governance arrangements for a defined territory within a larger state. • Regional process results in framework agreement on principles to address myriad specific conflicts in the regional 'neighbourhood' • International conference / negotiations between key external actors sets principles for recognition of new sovereign state.
Informal process resulting in unofficial / implicit settlement	<ul style="list-style-type: none"> • Secret pact between elites / powerbrokers dividing power • Regime change by external actors who then impose or maintain a new settlement • State captured by new regime able to impose hegemonic control → <i>note: this would be a non-negotiated process</i> • 'Political sedimentation' (Chabal in Whaites 2008:15) – the product of prolonged crisis, the uneasy arrangement among elites becomes semi-solidified as a basis for state institutions 	<ul style="list-style-type: none"> • Localised peacemaking leads to an understanding amongst groups in conflict that is institutionalised in local/provincial governance arrangements • Initiatives reforming relations between communities and state authorities • Preventive diplomacy / 'good offices' by external actors to manage crises in when the political settlement is in transition

A number of process modalities have emerged in recent decades to facilitate the process of reaching a negotiated settlement, both to end armed conflict and to reconfigure the state. While these typically centre on official talks between the principals of the main parties reaching a formally codified agreement, these may be accompanied by a variety of non-official processes including that enable greater civil society and/or public engagement as well as by informal engagement between the principal decision-makers. A sample of these modalities is outlined in Table 4.

Table 4 Process methods for supporting renegotiation of the political settlement

Type	Examples	Description
Informal processes to promote engagement, increase understanding / analysis and generate potential solutions → creating a conducive context or preventing crisis escalation		
Back channel communication	Most cases: often undertaken by senior diplomats and former political leaders; yet can be through a trusted civil society intermediary	This can be an essential function when relations between parties are highly polarized and direct engagement difficult. Often assisted by an intermediary, these channels enable leaders to convey messages secretly and propose options
Track 1.5 /Track 2 dialogue processes	Inter-Tajik Dialogue, Schlaining Process Georgia - Abkhazia	Typically involves key people with access to senior decision-makers or opinion formers who are acting in their personal capacity. Unofficial dialogue meetings potentially enable parties to open communication, address misperceptions, jointly analyse key issues, generate/test options, and build relations. Typically precedes and accompanies official negotiations process.
Peace commissions / committees	South Africa National Peace Accord structures; Guyana Ethnic Relations Commission	Convene people from a diverse range of stakeholders (political parties, ethnic associations, sectoral groups, etc) in dialogue on contentious issues and situations. Specific tasks and functions may include: investigations; issuing findings and/or recommendations; monitoring; dispute resolution
Public hearings / inquiries	Northern Ireland's Opshal Commission; Guatemala's Grand National Dialogue for; Philippines' National Unification Commission	Processes that can enable public dialogue on overall conflict / key challenges facing the state, typically leading to a report that sets the agenda for peacemaking and political reform.
Peace negotiations to reach agreements ending potential or actual armed conflict, addressing the consequences and – potentially – the causes		
Preventive diplomacy	OAS/Carter Center role in Venezuela; OSCE High Commissioner on National Minorities role in Baltic countries	Efforts to reach a negotiated settlement of disputed issues and / or resolve a political crisis before it has turned into armed conflict.
Facilitated negotiation to enabling mediation	George Mitchell in Northern Ireland; New Zealand in Bougainville; San't Egidio in Mozambique; Marti Ahtissari in Aceh.	When intermediaries play a role in facilitating and structuring a negotiation process, possibly helping with mediating differences and developing proposals and sometimes identifying resources to make agreements viable. The proactiveness of the mediation is contextually dependent but does not rely on external leverage
'Power mediation'	US role in Dayton talks for Bosnia-Herzegovina; AU+ mediation of Abuja process for Darfur; regional governments in Lomé process for Sierra Leone	Relies heavily on external leverage (sanctions and incentives) to get belligerent parties to the table and to secure their agreement. Often the contents of the agreement are developed by the mediator rather than emerge from joint problem-solving and negotiation by the parties.
Regional peace process	Central American peace process; IGAD roles in Horn of Africa	Negotiations addressing interlinking issues in region characterized by wide-spread conflict that crosses country borders. Can result in principles and strategies to address conflict but also risk of domination by regional power.

Negotiation amongst external 'powers' (particularly on future status of territories)	UN-sponsored agreement between Indonesia, Portugal and USA on East Timor; OSCE process for Nagorny-Karabakh	The negotiations are conducted amongst states with interests in a specific contested territory without the direct involvement of representatives of this territory.
<i>Other negotiated state reform processes – that lead to a step-change in the political settlement and, in conflict contexts, are typically interlinked with peace negotiations</i>		
Constituent Assembly / Constitutional Convention	South Africa, Nepal	Process leading to constitutional reform provides opportunities for negotiation between (typically elected) representatives to design legal framework for the state that often addresses conflict issues. May be held subsequent to a negotiation agreeing terms for ending a war.
National Conference	Mali's regional 'concertations' in; Guyana social forum; various national conferences between 1990-93 in Benin, Chad, Comoros, Congo, Gabon, Niger, Togo and Zaire.	Public forums where representatives of key political and civic groups discuss and develop a plan for the country's future, often on a consensus basis and usually during a period of major transition. Can sometimes be used in response to a political crisis and, as such, is an important process for preventing armed conflict

This table indicates a non-exhaustive range of process modalities used to support negotiated war-to-peace transitions with considerable implications for statebuilding. Each requires a range of inputs. While perhaps the most important ingredient to the 'success' of these processes is the constructive engagement of the local actors involved, external actors can stimulate enabling conditions and provide invaluable inputs. These can range from getting the geopolitical conditions right so as to underpin rather than undermine the constructive behaviour of the primary parties, to proactively facilitating and mediating the process, to capacity building and funding processes. While getting such support 'right' is usually a complex undertaking, devoting the political will, attention and resources to such undertakings has the potential to pay dividends in the long term in terms of sustainable peace and, potentially, the development of more capable, accountable and responsive states.

5 Appendix A: Definitions of peacebuilding and related terms

Peacebuilding involves a sustained and multi-dimensional process to address these wider social and political sources of conflict and reforming and reconciling relationships that have been affected by the conflict. This is based on recognition of the need to transform the sources and dynamics of the conflict and the contextual factors that gave rise to it. Johan Galtung, picking up on Martin Luther King Jr³⁹, famously made the distinction between **'negative peace'** defined simply as the absence of war and **'positive peace'** defined as the societal condition in which the structures of domination and exploitation, that underlie war, have been eliminated. Peacebuilding processes and those who aim to promote conflict resolution are, essentially, working toward creating positive peace.

The term **peacebuilding** came into widespread use after 1992 when Boutros Boutros-Ghali, then United Nations Secretary-General, issued *An Agenda for Peace* and referred to the importance of what he termed 'post-conflict peacebuilding' as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict." Soon after, it was widely recognised that peacebuilding did not begin only after the guns were silenced and / or a peace agreement signed. Instead, actions can be taken even in the midst of war to support the development of structures needed for peace. Conflict scholars and practitioners also identified the need to think of peacebuilding as being about both formal structures to address conflict issues and the relationships affected by conflict. As Lederach put it:

"...a process-structure for peacebuilding transforms a war-system characterised by deeply divided, hostile and violent relationships into a peace-system characterised by just and interdependent relationships with the capacity to find non-violent mechanisms for expressing and handling conflict. The goal is not stasis but rather the generation of continuous, dynamic, self-regenerating processes... Such an infrastructure is made up of a web of people, their relationships and activities, and the social mechanisms necessary to sustain the changes sought. This takes place at all levels in the society. An infrastructure for peacebuilding is oriented toward supporting processes of social change generated by the need to move from stagnant cycles of violence toward a desired and shared vision of increased interdependence." (1997:84)

As peacebuilding was incorporated into the mandates of international institutions and development actors, the focus shifted onto activities and structural reform.⁴⁰ This trend can also be found in the OECD *Concepts and Dilemmas* paper uses a descriptive rather than an analytic definition developed by Call and Cousens as: "Actions undertaken by international or national actors to institutionalise peace, understood as the absence of armed conflict and at least a modicum of political process. Post-conflict peacebuilding is the subset of such actions undertaken after the termination of armed hostilities." (2008:13)

³⁹ King's words are worth remembering. As he wrote in a Letter from Birmingham Jail on 16 April 1963: "First, I must confess that over the last few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in the stride toward freedom is not the White Citizen's Council-er or the Ku Klux Klanner, but the white moderate who is more devoted to 'order' than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says 'I agree with you in the goal you seek, but I can't agree with your methods of direct action'; who paternalistically feels he can set the timetable for another man's freedom; who lives by the myth of time and who constantly advises the Negro to wait until a 'more convenient season'. Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection."

⁴⁰ For example, the World Bank definition is: "Activities that can be undertaken or financed consistently with the Bank's mandate and legal and policy framework that include the broad spectrum of reconstruction and institution-building efforts necessary for a country to recover from conflict and that support the formulation of integrated strategies in order to lay the foundation for sustainable development including social and economic reintegration of conflict-affected populations, financing labor-intensive employment initiatives, financial support and technical assistance for economic reconstruction, and rebuilding legal and judicial systems." (World Bank, 2008)

DFID has proposed a working definition of peacebuilding based on SAIS that reincorporates some of the analytic and normative elements: "A process that facilitates the establishment of durable peace and tries to prevent the recurrence of violence by addressing the root causes and effects of conflict through reconciliation, institution building and political and economic transformation." This can be complemented by a recent definition by Docherty that conceives of peacebuilding as "activities designed to (re)construct social institutions, reconcile conflicting parties, and increase the capacity of a society to sustain just and peaceful institutions and relationships."

Another framework that has gained prominence internationally over the past decade is **conflict prevention**. From a comprehensive perspective, it shares many of the same aims as peacebuilding, except that it aims to act before the situation has become violent and destructive – or to prevent it from becoming more violent and destructive or from reoccurring again. Yet because there is a tendency to think of conflict as something that is 'bad' (usually because we associate conflict with its destructive potential), 'conflict prevention' is often as an effort to stop something we do not want to happen. While stopping something from happening may be necessary in some cases, this is essentially a reactive idea. Another approach is to conceive of conflict prevention as a proactive initiative to create the kind of society that meets basic human needs and the social infrastructure for managing competing interests and mediating different values constructively.

At its most comprehensive, conflict prevention aims to prevent or impede violence / armed conflict and to build a just and sustainable peace by transforming underlying 'latent' causes of conflict. The Carnegie Commission on Preventing Deadly Conflict developed this idea into the distinction between **structural prevention** (strategies to address root causes) and the **operational prevention** (strategies to impede the emergence, escalation and spread of violence). The UN Secretary-General, in his 2001 Report on the Prevention of Armed Conflict, adopted these concepts and they have become cornerstones of the framework for thinking about conflict prevention in the international system.

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