Powers of persuasion

Incentives, sanctions and conditionality in peacemaking

Issue Editors | Aaron Griffiths with
Catherine Barnes

Accord

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Acknowledgements

At the UN talks on Afghanistan in Koenigswinter, Germany, November 2001, a member of the Peshawar group listens to a speech by the delegation of the Civil Society Conference for Peace and Reconstruction in Afghanistan.

Source: Reuters/Wolfgang Rattay

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Introduction

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Representatives of Darfurian rebel movements address a news conference at peace talks in Sirte, Libya, October 2007.

Source: Reuters/Fred Noy

In response to the vexing issue of how best to address the challenge of armed conflict, international policymakers frequently rely upon the use of sanctions, incentives and conditionality. They hope that these policy instruments can alter the parties' strategic calculus in a way that results in changes to their behaviour and to the dynamics of the conflict. This third thematic edition of Accord casts its net over a wide range of case studies to assess whether and how these instruments can constructively influence conflict parties' engagement in peacemaking initiatives.

This question is located in a context of sensitive and shifting debates about the ethics and appropriateness of external interventions in response to intra-state conflicts. It touches on the wider issues of external actors' search for effective influence over conflict parties in a complex environment of multiple and often contending interests. The range of actors includes multiple states, intergovernmental and regional organizations, and non-state actors such as civil society networks and businesses – each having potentially distinctive roles to play and relationships of influence with the primary parties. Unsurprisingly, it can be extremely challenging to exercise influence coherently within a common strategy. Furthermore, supporting conflict resolution is rarely the primary goal of all concerned.

This project analyses the use of sanctions, incentives and conditionality from the standpoint of whether they underpin or undermine peace processes (ie the formal and informal processes of dialogue and negotiation between the parties that aim to address their conflict). Used effectively, it seems that these policy tools can tip the balance towards settlement by increasing the costs of fighting and the rewards for making peace. As such they have the potential to induce parties to participate in negotiations and encourage them to reach and implement peace agreements. Yet many of the case studies reveal how these policy tools have been ineffective or even 'done harm' in exacerbating tensions and fuelling conflict dynamics.

Four overriding conclusions can be drawn from this study for how to enhance the effectiveness of external influence in support of peacemaking. (1) External actors need to prioritize support for sustainable peace as their primary goal in a conflict situation and craft their strategy to help achieve it – recognizing that this may, in turn, create the enabling conditions for achieving other foreign policy goals. (2) Sanctions, incentives and conditionality are most likely to be effective when they are responsive to the parties' own motivational structures and support a pre-existing societal dynamic for conflict resolution. (3) They need to be designed and implemented in ways that help to create momentum in the resolution process, which (4) typically requires a

degree of strategic coherence amongst external actors, necessitating mechanisms for coordination.

Multiple agendas, contending paradigms

Incentives, sanctions and conditionality are used as policy tools to achieve various objectives. External actors, especially governments, determine their responses to any specific conflict situation within the wider context of their interests and values. Responses may rest upon strategic interests, security and counterterrorism concerns, various domestic political motivations or upholding international norms (especially humanitarian protection, human rights or international law). The desire to avoid setting precedents that threaten strategic interests frequently translates into the aspiration of seeing armed insurgencies defeated or, less often, coercive intervention made against governments. In some cases, there may also be deep divides amongst key governments in their approach to a specific conflict situation, which is then subsumed in a wider contest between external powers. All these competing goals and agendas often swamp the peace process space and send mixed signals to the conflict parties.

Few multilateral sanctions and other coercive measures are crafted with the explicit goal of persuading the conflict parties that they will benefit from reaching a negotiated settlement. Instead most are aimed at containing security threats and enforcing international law. This poses dilemmas for peace processes.

Many of the case studies illustrate how competing priorities and approaches have made conflict resolution more difficult. It also reveals potential dilemmas of fostering strategic complementarities between desirable goals (such as promoting peace *and* justice). Counter-terrorism and proscription policies have tended to constrain opportunities to engage with some of the significant belligerent parties to conflicts, as observable in the Israel-Palestine and Sri Lanka case studies. Mareike Schomerus also describes how peace negotiations in Uganda (as in other contexts) have needed to grapple with how to enforce international humanitarian law through the International Criminal Court without jeopardizing the quest for peace.

Ironically, even the focus on reducing the humanitarian impact of the fighting has seemingly detracted from a strategic focus on resolving the conflict, as Alex de Waal

argues in the case study on Darfur. He suggests the overriding priority of international engagement was the dispatch of UN troops with a mandate to protect civilians, which largely subordinated the goal of making peace. This focus on peacekeepers, in the absence of a clear and consistent strategy for peace, meant that sanctions, incentives, conditionalities and guarantees were all used "unsparingly but ineffectively" and generated expectations in the Sudanese government and armed groups that made it more difficult to reach and implement agreement. He concludes that the political context in which these instruments are applied, and the objectives to which they are applied, are crucial to whether they yield the desired outcome.

Prioritizing peacemaking

A key conclusion of this study is the need to develop – and give priority to – a coherent yet flexible and responsive peacemaking strategy. Such a strategy should harness the potential for external influence and resources to facilitate engagement between the parties and momentum towards sustainable conflict resolution. For example, in El Salvador externally-generated incentives supported parties' willingness to negotiate through economic incentives and ending isolation, as well as political and security guarantees. Yet, as the UN mediator Alvaro de Soto makes clear, these were deployed in the service of an overarching strategy based on recognition that the war would not end without fundamental reforms.

As is explored in the next article, an effective peacemaking strategy also needs to take into account the many types of potential influence that can be exercised by external actors with an interest in the conflict (enemies, allies, and affected parties alike) as well as more disinterested others who could potentially make a positive contribution. The failure to harness this potential through carefully orchestrated and sequenced conditionality can lead to missed opportunities – as occurred in Cyprus, where the process for EU accession was not conditional on reunification. Greek Cypriot voters had no disincentive against voting 'no' in the April 2004 reunification plan referendum as they would imminently join the EU regardless of the result.

Ultimately, a process can work towards creating what could be considered 'intrinsic incentives': when the solution envisioned in the contents of an agreement is preferable to continued conflict so that parties are motivated to resolve their differences. This motivation can be enhanced by external incentives, such as a promise to end isolation, offers of additional aid or development assistance, and security guarantees to reduce the risks inherent in ending a military campaign.

As is developed in the 'Influencing resolution' article, effective influence within an overall peacemaking strategy needs to be based on an appreciation of the challenges inherent in most war-to-peace transitions. At the core is the need to help parties 'de-commit' from their current conflict strategy and begin to embrace the potential for an integrative solution to the disputed issues. Strategies need to change as parties get to different phases in their engagement. They should aim to help the process gain momentum, underpinning the conditions that encourage parties to come to the table, stay at the table, reach agreement and implement those agreements.

As the Bougainville, South Africa and Northern Ireland cases reveal, external coercion or incentives are unlikely – on their own – to be a catalyst to shift parties into the constructive problem-solving mode that tends to characterize the most successful peace processes. Yet they can help to tilt the balance towards constructive engagement as a component of an overall strategy. For example, UN Special Envoy to Sudan Jan Eliasson points to the usefulness of threatened sanctions like 'drums beating in the background' while the mediator navigates the political process.

Responding to the dynamics of conflict

Effective peacemaking strategies need to be based on sound analysis of the motivational structure and decision-making processes of the parties to conflict. Michael Ancram reveals the importance of developing a profound understanding of the key parties' aspirations and bottom lines. Based on his experience of the conflict over Northern Ireland, Ancram illustrates the value of 'exploratory dialogue without commitment' in order to identify 'the lines in the sand' beyond which the parties will not go and to identify the areas of common ground. This analysis is necessary to craft a broad framework of possible solutions to the main conflict issues as well as a strategy to reach a durable settlement, which might rely partly on external action.

Crucially, external actors need to continually remind themselves that the conflict parties are not monolithic. There will be a range of factions even within the belligerent groupings, some of whom are more amenable to pursuing a primarily political strategy and / or recognize the need for compromise. As can be seen in the cases of Hamas (Palestine) and the LTTE (Sri Lanka), engagement provides opportunities for pro-dialogue elements within belligerent groups to argue for the value of pursuing political negotiations to achieve goals, whereas punitive measures tend to strengthen hardliners and punish moderates.

External actors need to be careful to find ways to strengthen the position of those who assess that a negotiated settlement is necessary. At the same time, they should encourage processes that either constructively engage the more hard-line elements or are sufficiently robust to withstand their 'spoiling' tactics. Yet not all decision-making within parties will be based on value-maximizing, cost-benefit analysis. Some groups are likely to continue their behaviour in pursuit of their goals/ideological vision regardless of the costs.

Another key dimension is to ensure strategies are based on sound understanding of wider societal dynamics. This requires anticipating how policy sanctions and incentives will be interpreted by various societal constituencies, with the aim of shoring up public support in favour of constructive engagement and eventual resolution. Nathalie Tocci discusses the gravitational pull of the European Union as influencing the aspirations of societies in the wider European space and its 'neighbourhood'. As the contributions on South Africa by Catherine Barnes and former chief National Party negotiator Roelf Meyer illustrate, the desire to end decades of international cultural isolation appears to have generated the support amongst white voters needed to underpin the decision of President De Klerk to negotiate the end of apartheid. Conversely, there is an equal potential for external action to harden conflict, as Cohen, Gegeshidze and Kvarchelia demonstrate in their studies on the conflict over Abkhazia, where sanctions helped to consolidate Abkhaz mistrust of Georgia and entrenched pro-secessionist sentiment and reliance on Russia.

Building momentum towards peace

Incentives, sanctions and conditionality seem to be most effective if they help to shift the underlying conflict dynamic and build momentum toward resolution. It is possible to use the instruments of influence to help parties disentangle from their entrapment in a military or political strategy that is not working or has been unacceptably costly, yet in which they have invested too much to back down. It is also possible to use conditionality and incentives to help create momentum in a negotiating process – as de Soto puts it, "to have an idea of how to get to the desired goal in terms of marshalling forces and building a network of incentives and disincentives" – or to make possible practical solutions to seemingly intractable problems by contributing the necessary resources.

It can often be extremely difficult for the parties to decide to engage with each other. Sometimes external influence is key to getting them to this point, as Sudan and Côte d'Ivoire demonstrate. Once they have decided to engage with each other, the next process challenge is to

work towards viable agreements and, eventually, implementation of those agreements. In the best case scenario, as the examples of South Africa and Bougainville reveal, adversaries will move towards rewarding each other as they begin to understand that their adversaries' problems are their own. External punishment and reward became less important as the parties became more motivated to resolve their differences.

Facilitating parties' own motivations appears to be more durable than over-reliance on external coercion or incentives – especially after parties have entered into a talks process. Anthony Regan describes how the parties to the conflict over Bougainville generated mutually reinforcing incentives for engaging in a negotiation process as well as reaching and implementing their agreements. They crafted creative links between key issues and sequenced reciprocal steps for implementing the measures. The parties in Bougainville would implement an agreed step that was difficult for them (eg disposing of weapons), provided that the Papua New Guinea government also implemented an agreed step that was difficult for it but beneficial to the Bougainvillians (eg amending the constitution). External actors helped to facilitate the process, used their influence as de facto guarantors and provided resources to help implement these agreements.

Sometimes external actors have only very limited influence on their targets' strategies. Côte d'Ivoire has attracted an unusually high level of attention, including an extensive array of sanctions, threats of prosecution, coercive UN Security Council resolutions and peace agreements. However, Mike McGovern argues it is far from clear that these efforts have succeeded in addressing its root causes, as opposed to managing the violence: 'while Ivorian political actors succeeded in imposing their 'sovereign' right to pillage national wealth, international actors successfully placed limits on the types and extent of violence used in the pursuit of that wealth.'

Strategic coherence: an elusive ambition?

Incentives, sanctions and conditionality are more likely to be effective if exercised with a degree of coherence. Yet the proliferation of decision-making bodies in the international system and the multiplication of policy objectives and policy tools often combine to generate strategy gridlock – sometimes with the unintended consequence of intensified conflict.

Teresa Whitfield notes that only rarely does a peace process develop under the guidance of a lead mediator who is able to assume the role of 'conductor' of a coherent peacemaking strategy that is then supported

by the range of external actors. She argues that barriers to effective coordination are rooted in four broad areas: the interests of external actors do not align; widely divergent institutional cultures and funding streams inhibit the potential for the flexible and responsive measures a peace process requires; external actors are unfamiliar with the requirements of effective peacemaking; and they use a mix of tools that together amount "not to a coordinated peacemaking strategy but a confusing or even contradictory basket of actions with unpredictable consequences." The belligerents, understandably seeking to maximize their advantage, can exploit this lack of unity.

These dangers point to the need for more effective coordination mechanisms, as were developed in Central America, East Timor and South Sudan for example. As Whitfield discusses, mechanisms such as 'group of friends' mechanisms can bring leverage, information and practical assistance to the lead mediator. They can also help to address unhelpful levels of asymmetry between the parties, which often impedes resolution.

Nevertheless, the call for a coordinated peacemaking strategy raises questions as to who assumes the role of the strategizer and where and how the strategies are crafted. While strategic coherence can be valuable to assist the parties in a process to resolve their differences, such mechanisms rarely transcend the interests of their members and their relative levels of influence. As the Israel-Palestinian case reveals, while the Middle East Quartet (US, Russia, EU and UN) has a coherent and coordinated strategy, thus far it has not been able to underpin an inclusive process capable of engaging the range of stakeholders to reach a sustainable solution. Instead some of their interventions appear to have exacerbated tensions on the ground.

The costs of failure

Failure to apply incentives, sanctions and conditionality effectively can result in, at best, minimal influence and, at worst, exacerbation of conflict dynamics. The lesson is that, unless developed as part of a coherent and strategic approach to peacemaking between the significant external actors, these tools of leverage are blunt. Sanctions intended to push the parties toward the table may instead harden their positions and inhibit dialogue. Incentives too may be dysfunctional, allowing parties to milk a process without seriously engaging their adversaries to find a solution to their differences. Parties may also manipulate external actions to their benefit and undermine their adversaries' confidence in international involvement. 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.

There is also the risk that external action can distort the conflict dynamics in ways that make them even more intractable, as Bastian, Nadarajah, Peiris and Smith illustrate in different ways in the Sri Lanka case study. External intervention is intensely value-loaded, with interveners seeking to guide the process to a solution they deem appropriate. If they miscalculate, their actions can add to tensions, alter the prevailing balance of power between the parties and ultimately undermine the peace process. In Sri Lanka initial bilateral agreement between the parties on the principle of political parity in the process could not be sustained alongside a counter-terrorism paradigm. Meanwhile, international donor efforts to encourage progress through 'peace conditionality' essentially 'economized' peacebuilding in the mistaken assumption that economic incentives could override political imperatives.

Rex Brynen similarly argues that lack of a consistent peacemaking strategy in the Israeli-Palestinian conflict has undermined the potentially constructive influence of sanctions, incentives and conditionality, which have instead been directed toward objectives ranging from counter-terrorism to democratic institution-building without much success. He contends that the primary donor focus on facilitating the peace process by investing in Palestinian development or withholding aid often seemed "an easy way out for an international community reluctant to pressure Israel" so that "aid was thus a dysfunctional substitute for the necessary political engagement."

Towards improved practice and policy?

In conclusion, incentives, sanctions and conditionality have the potential for constructive influence on parties' engagement in conflict resolution. Yet this potential is seldom fulfilled – in large part because the requirements of conflict resolution and peace processes are poorly understood and rarely the priority of those with influence.

Yet the political, economic and human costs of ineffective intervention suggest that it is imperative to improve them. This is likely to require not just a technocratic approach to making the instruments better targeted and more effectively enforced, as important as this can be. Instead it may require a deeper paradigm shift from an approach based largely on securing leverage over the parties to one based on enabling a process capable of helping the parties generate the shared basis for a more desirable future.

Incentives and sanctions in peace processes

Aaron Griffiths and Catherine Barnes

While lessons from the field of conflict resolution suggest that the parties must ultimately resolve their differences between themselves (often with third party assistance), external actors can use their influence and resources to generate positive incentives or negative pressure to seek a negotiated settlement and to increase the viability of a durable outcome. The purpose of this article is to examine and analyse the policy instruments that can be harnessed as sanctions and incentives to support peacemaking.

A spectrum of influence

External actors' policy instruments can be conceived within a spectrum of different modes of influence, each reflecting a different logic of how change can be achieved and what degree of 'leverage' is required to achieve it *(see figure on page 13)*. At one end of the spectrum are the most coercive measures, from outright force to various forms of restriction or punitive pressure. Lower down are measures that are less coercive but based on a similar logic of reward and punishment, aimed at encouraging changes in behaviour through offering positive incentives. Towards the bottom of the spectrum are non-coercive and non-conditional measures to facilitate changes in the parties' relationships and mindsets, such as the creation of forums, training or tools for negotiation for parties that are receptive to engaging in negotiations.

Clearly, the boundaries between different modes of influence are not always distinct. Furthermore a policy instrument may straddle different modes of influence. Security guarantees, police missions or border assistance, for example, may be seen as an incentive or enabler, yet are also underpinned by a capacity for force.

Unlike facilitation and force, many of the incentives and pressures in the middle of the spectrum are wielded according to a logic of conditionality. They are linked with their target's actions: "if you do x, then we will do y" or "we will (continue to) provide x, unless you do y – in which case, we will take x away." Thomas Schelling observes that their aim may be 'compellence' (do x), 'negative compellence' (stop doing x) or deterrence (don't start doing x). In using conditionality, external actors seek to alter their target's cost-benefit calculus by supplying benefits conditionally upon changes in behaviour or policy.

In theory, conditionality is successful if the value of the benefit exceeds the costs of compliance with attached conditions or expectations. Yet these are seldom straightforward calculations. Armed conflicts pose special difficulties for any assumption of rational choices about costs and benefits. First, the parties may be

motivated by deeply held ideological or value-based goals not easily amenable to change from external pressure or incentives. Second, the dynamics of entrapment – when parties remain committed to apparently failing strategies because of the scale of resources and commitment they have already invested in them – can create barriers to altering strategic direction.

Furthermore, the success of all these policy instruments for peacemaking is dependent on how they interface with the wider conflict dynamics. There is a complex interplay between conflict parties' pursuit of their own goals through external actors and the actual actions of external actors. A persistent challenge that must constantly be managed is the parties' attempt to manipulate external intervention to their advantage. The leaders of state parties to a conflict may have a considerable advantage in this effort, as is revealed in the case studies on Sri Lanka, Israel, Georgia, Uganda and Sudan. Yet non-state actors can also play the game. While sanctions and incentives may be intended to change the cost/benefits equation of the parties to a conflict and thus influence their decision-making calculus in favour of ending their armed conflict, very often the principal outcome is to add to the symbolic politics of conflict.

Force

International organizations or foreign governments sometimes intervene militarily in a conflict situation, usually under the banner of protecting populations and/or removing the leaders who threaten them. Consensually deployed multilateral peacekeeping missions to supervise truces (or non-consensually in cases where there is a void of effective authority) are not generally used as an instrument of coercion. Yet the direct or implied threat of a non-consensual deployment of force is occasionally used in a coercive diplomatic approach to imposing a settlement. They may, however, be problematic for negotiations. For example, the US's credible threat of a military invasion of Haiti in 1994 helped to secure a last-minute agreement but it was almost scuppered when it became apparent the invasion was already underway.

Sanctions and other pressures

Next along the spectrum are measures – threatened or applied – to pressure one or all of the conflict parties to modify their behaviour or position. They work by raising the costs of intransigence, comprising an array of formal sanctions as well as other forms of condemnation and pressure, including legal and diplomatic sanctions as well as other largely symbolic protests or penalties.

Formal sanctions are one of the principal instruments available to the international community to enforce international law, norms and standards. Imposing such measures is typically high on the agenda of international responses to conflict, often with the goal of getting their targets to cease unacceptable behaviour, rather than to encourage them to negotiate a settlement *per se*. Usually enacted by the body of an international organization (such as the UN Security Council), they are occasionally undertaken by a group of states or unilaterally by one influential state or group (such as the US or EU). Some sanctions may originate in international civil society activism, such as sports or cultural boycotts like those enacted against apartheid South Africa and threatened against China more recently.

Usage has evolved quickly since the 'sanctions boom' of the 1990s. UN sanctions targeting war economy commodities (such as diamonds, oil or timber) have aimed at inhibiting war-making capabilities. Targeted or 'smart' sanctions aim to minimize the harmful effects on civilian populations, which were typical of comprehensive economic sanctions. Measures such as travel bans and asset freezes enable the UN and others to target individuals and non-state entities. However, sanctions – even targeted ones – are not precision tools and their impact varies widely. They are sometimes perceived (and used) as symbolic sanctions and their main impact is stigmatization: 'naming and shaming' targets rather than impeding their activities or extracting direct concessions. Even if mainly symbolic, the imposition of sanctions can have a powerful effect in signalling international disapproval of those violating international norms.

While sanctions are never sufficient as a conflict resolution tool (not themselves addressing the root causes of a conflict or the need for dialogue and problem-solving), they may play a role in a conflict resolution process, as explored in the next chapter. The threat of sanctions may be influential in deterring egregious and escalatory behaviour. In some cases they sufficiently weaken parties' strategic military, economic or diplomatic position so that they recognize they have more to gain by entering the process than by eschewing it, as seen in Sudan and Côte d'Ivoire.

As Risse, Ropp and Sikkink have argued, sanctions, especially those originating in civil society, may have a 'socializing' effect. They send the message that if particular behaviour persists then the target may be excluded from its chosen 'reference group' (such as the 'West' or the 'international community'). Even if the parties enter into talks simply to simulate compliance with international pressure, engaging in 'talking the talk' of compromise, human rights and peace may ultimately have a deeper-rooted impact upon conflict-affected societies than initially assumed, as the South Africa case reveals.

Yet sanctions are rarely crafted as an element of a strategic conflict resolution framework. As such, they often have a number of unintended consequences on the conflict – in part due to their bluntness and inflexibility on one hand and the perception of bias and inconsistency on the other. They are often perceived as bargaining chips in wider political games. Many of the cases reveal that sanctions fail to achieve specific behavioural change and inadvertently escalate conflict dynamics. They can harden or entrench conflict attitudes and behaviour, as in the 'rally-around-the-flag' effect identified by Johan Galtung. These negative effects tend to be especially strong where sanctions are popularly associated with one side's efforts to isolate and weaken an adversary, such as the Commonwealth of Independent States' sanctions on Abkhazia.

Once established, usually through a long and difficult process, lifting sanctions can be complicated. Sometimes those targeted with sanctions do not believe that they will be lifted even if they comply (as happened at certain points in Iraq and Sudan). Furthermore, while the threat of sanctions may be effective for encouraging leaders to change their approach, once applied they tend to sit heavily on a process. Often there is little reason for the parties to change tack, as they are already paying the price of isolation.

Many negative sanctions make engagement difficult or impossible, especially where they are designed without reference to specific conflicts. For example, terrorist listings, used to punish or isolate armed groups deemed to be international security threats, are also applied to many groups associated with domestic armed conflicts. While such lists express clear disapproval, they are typically perceived by the proscribed group as an attempt to de-legitimize their goals rather than their methods. This can sometimes entrench militant positions and weaken factions willing to explore a political strategy leading to conflict settlement by sealing off choices and avenues for dialogue.

The effectiveness of sanctions as a tool of persuasion seems to depend on: (a) how the leaders of the belligerent groups respond and whether they are concerned about the consequences of the sanctions on the public or themselves; (b) the credibility of the threatened sanctions and whether they will be implemented and enforced; (c) the credibility of the sanctioners and particularly whether important allies will cut off their support; and (d) the wider political context and how it has shaped the expectations of the parties.

Incentives and rewards for cooperation

Measures can be applied to encourage or persuade one or all of the parties to a conflict to cooperate by introducing rewards for compliance. Incentive-based measures can be used to foster favourable conditions for engagement, encourage progress in a peace process, support implementation of agreements and generate wider support for peace.

The three principal sets of rewards are: (a) those that respond to economic needs, (b) those that respond to political needs for legitimacy and recognition, and (c) those that respond to needs for assurances and security guarantees.

Economic benefits like development aid can be deployed to support the resolution of conflicts. The conditional use of donor assistance in peacemaking or peacebuilding has been termed 'peace conditionalities.' As well as supporting conflict prevention efforts or post-settlement peacebuilding, they may be wielded in the midst of a peace process to offer the prospect of a 'peace dividend' (economic benefits linked to peace and stability). Yet, as Jonathan Goodhand has observed, efforts to 'buy peace' rarely succeed because aid is seldom a pre-eminent factor in the transition from war to peace, operating at the margins of the political economy of war. The measures on offer may not be as attractive to the targets as anticipated. Incentives such as reconstruction and development assistance rarely trump political aspirations. The request to give up long-held values in exchange for an economic benefit can risk being interpreted as a bribe. Furthermore, peace conditionalities are embedded in the wider context of donor conditionality and are subject to the same debates over appropriateness and sovereignty.

The parties' political aspirations often lead them to value external relationships, making diplomatic relationships a useful resource in peace processes. Valued for legitimacy, prestige and recognition, they can be utilized to encourage or reward positive change (as well as the reverse). On the micro-scale, non-state actors as well as governments benefit from symbolic acts, such as when former US President Clinton allowed representatives of Sinn Féin (widely viewed as linked to the Irish Republican Army) to visit Washington, opening new channels for pro-agreement Irish Americans to exercise influence with them. On the macro-scale, the opportunity to be recognized as a full member in good standing of international institutions or multilateral groups can be a powerful incentive (if partly because of associated economic benefits). This has been notable in the European space, for example, where the potential to join the EU has been a powerful catalyst for change (if not harnessed to maximum effect in Cyprus, *see page 35*).

Another important tool that is both incentive and enabler is the externally-given guarantee deployed to reduce threats, enhance security, and build confidence. One of the significant obstacles to reaching and implementing peace agreements is that parties lack sufficient trust in their opponents to believe that they will follow through on their promises. External actors – whether international organizations, groups of states, or influential third parties – can offer various forms of guarantees aimed at encouraging the parties to settle their differences. 'Political guarantees' are often an integral aspect of peace agreements and involve political and practical support to assist implementation and assurances that external parties will use their influence to foster parties' compliance with the terms

agreed. 'Security guarantees' typically involve external assistance in demilitarization of the conflict, ranging from ceasefire monitors to implementing disarmament, demobilization and reintegration (DDR) processes.

As with sanctions and pressure, applying incentives in the context of peace processes is fraught with risks and dilemmas. In an era of highly internationalized peacemaking, there are many benefits to signing on to a peace process in bad faith, to extract rewards or simply to meet international expectations. There is sometimes a dysfunctional over-incentivization to participate in peace talks, for example when excessive per diems are offered to the negotiators or when agreements build in opportunities for securing personal financial interests. The introduction of external incentives can distort the motivations for serious engagement with an adversary, placing the emphasis on bargaining for concessions from third parties. A further problem, as Nathalie Tocci explains in her article, is that different actors within a target group value benefits differently – thus incentives and conditionalities can trigger internal fissures within a group and the resulting decisions may not be the expected outcome.

The success of external incentives seems to depend on their capacity to encourage and amplify the parties' own incentives for offering concessions to their adversaries, as Anthony Regan explores in the Bougainville study.

Facilitation

The facilitative end of the spectrum concerns measures to support the parties to a conflict to negotiate a solution. Techniques may include confidence-building, building the capacity to negotiate, and facilitating dialogue and reconciliation at different social and political levels.

While incentives and disincentives can lead to change by altering the protagonists' decision-making calculations, in the short term they do not change the mindsets that led to the violence in the first place. This transformation can typically only happen through a process of engagement between the parties. Such engagement can generate changes in their relationship and the wider social dynamics of the conflict, recognition that the old assumptions are no longer applicable, and new ideas about options and alternatives that help to reframe the conflict. Training and technical advice to the parties' negotiators can significantly help the effectiveness of the negotiations and the parties' ability to craft durable compromises. Because facilitative tools depend upon the parties' own readiness to change, they may not produce quick results. Yet they are typically crucial for the success of the peace processes, as is explored in greater depth in the following chapter.

A spectrum of influence

		Examples of instruments
Most coercive ↑	Force change	**Military intervention** • Unilateral military intervention • Non-consensual deployment of peacekeeping forces
	Pressure for change through punishments and threats against non-cooperation	**Formal sanctions** • Economic sanctions: eg comprehensive trade embargoes, selective trade embargoes (especially on the commodities essential to war economies such as diamonds or timber) • Arms embargoes (on arms supply, training, military cooperation etc) • Targeted financial or diplomatic sanctions such as asset freezes, travel and visa bans • Proscription (ie outlawing and blacklisting) of individuals and organizations **Other forms of pressure** • Non-centralized diplomatic and political sanctions, such as suspending diplomatic relationships (eg recalling / expelling diplomats or representatives), withdrawing recognition • Cutting off valued support and resources, suspension of trade preferences or development aid • Sports or cultural boycotts • Referral to international criminal courts on war crimes investigations[1] • Condemnatory statements or 'internationalizing' issues (eg by putting situations on intergovernmental agendas)
	Encourage change through rewards for cooperation and progress	**Economic and institutional benefits** • Reconstruction or development aid • Debt relief • Favourable trade-related or financial measures (tariff reductions, direct purchases, most-favoured-nation status, extending subsidies to exports or imports, providing export or import licenses, guaranteeing investments, encouraging capital imports or exports, etc) • Support for institutional, political and judicial reforms (eg training of public officials, decentralization of power, political party-building) • Election reform, support and monitoring (often part of a package of political guarantees) • Human rights promotion, monitoring and institution-building • Security sector reform **Engagement, legitimization and recognition benefits** • Diplomatic recognition, official visits or receiving representatives (including normalizing relations / ending isolation) • Access to international organizations (membership, association, favourable status)
	Encourage change through resources and guarantees to support engagement	**Resources for enabling dialogue** • Material or technical assistance for confidence-building and for dialogue and negotiation processes (eg hosting conferences and dialogue processes) • Material or technical assistance to help settle key issues (eg support for land reform, reforms of armed forces) **Assurances and guarantees** • Security guarantees (eg monitoring and peacekeeping) • Assistance with demilitarization and security sector reform (eg demobilization and reintegration of armed forces, professionalization of armed and other security forces, compensation schemes) • Political guarantees (commitments to support implementation of substantive agreements)
Least coercive ↓	Enable change through facilitation	**Facilitation of dialogue** • Ideas to settle key conflict issues or reframe the means of concessions • Capacity building for parties to engage in negotiations • Mediation / facilitation / problem-solving workshops

1. Not a sanction *per se* as indictment or effective monitoring is often the goal rather than a means of pressure, but increasingly these are included as part of a package of punitive measures.

Influencing resolution

External roles in changing the strategic calculus of conflict

Catherine Barnes and Aaron Griffiths

As discussed in the previous articles, external leverage is rarely, if ever, sufficient to make peace between adversaries locked in protracted hostilities. This article focuses on how external actors can best support a constructive process leading to a mutually acceptable peace agreement – potentially by going beyond hard bargaining strategies to much broader problem-solving approaches. It suggests how external actors should base their strategies on a careful understanding of the decision-making processes of the principal leaders as well as how to influence the wider socio-political context. It identifies measures that external actors can take at different phases in the transition from war to peace to enhance the effective use of their influence.

Shift to a problem-solving paradigm?

In many ways, the traditional approach to negotiation is not well suited to resolving deep-rooted conflicts between inter-dependent peoples who face the challenge of repairing relationships and coexisting peacefully in the future. Traditional negotiation rests on a zero-sum approach to bargaining. Parties typically focus on increasing their own share of seemingly limited resources, devoting little energy to developing outcomes that meet everyone's core needs. Third parties often aim to increase the costs and decrease the rewards of continued intransigence, often relying on externally derived leverage.

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 – as illustrated by the innovative formulas of overlapping citizenship in Northern Ireland and the deferred referendum for independence for Bougainville. It can take a while for parties to embrace the magnitude of change needed, as Roelf Meyer makes clear in his interview on the paradigm shift within South Africa's National Party leadership from emphasizing minority group rights to focusing on protecting individual rights.

External actors can assist by facilitating problem-solving processes. They can contribute fresh ideas and encourage movement from animosity and mistrust towards a shared focus on options for a mutually desirable future: from 'increasing the size of the pie' to possible improvements in the kitchen. Such an approach is likely to require both adversaries and interveners to abandon the 'sanctions mindset' because a shift to constructive problem-solving is unlikely to be achieved through coercion. This suggests the need to reduce reliance on leverage and to increase the parties' own motivation in making peace.

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 and guarantees – such as ending isolation, providing resources to implement agreements, or specific security guarantees to reduce the risk in ending a military campaign.

Changing the strategic calculus

Incentives and sanctions need to respond to conflict parties' own motivation structures. In any violent conflict, it is likely that the belligerents have at least a potential motivation to engage in peacemaking even when it is insufficient to counter their motivation to continue fighting. Their decision about whether to engage in peacemaking is not a fixed or static choice but is central to an ongoing strategic calculation, hinging on their analysis (whether realistic or not) of the alternatives. They are more likely to engage seriously if they believe that talks will result in a quicker, more viable, less painful or more rewarding way to achieve their goals. External actors can attempt to influence this strategic calculus.

Encouraging 'de-commitment'

A common obstacle to conflict resolution occurs when the parties become entrapped; they become increasingly committed to pursuing the course they have chosen – even though it does not seem to be working – because they have already made such enormous investments and sacrifices that it becomes almost impossible to admit failure. External actors can assist adversaries to get out of the trap and help them to 'de-commit', both mentally and practically, from their existing strategy. This can sometimes be achieved by convincing leaders that pursuing negotiations represents a better, more beneficial alternative than continued engagement in costly struggle.

External actors can aim to reduce the feasibility of continued military struggle by cutting off the means of waging conflict (through arms embargos or boycotts of conflict commodities) or otherwise increasing the costs of continued belligerence. They can enhance the attractiveness of a negotiation process by helping to create viable and enticing alternatives (ending isolation, extending recognition and, more practically, signalling international assistance to achieve a tangible 'peace dividend'). Yet ultimately the decision to enter into and stay with a negotiation process and then to follow through with implementing agreements will be determined by how leaders and their constituencies interpret these changed conditions.

Risks of isolation

External coercion aimed only at weakening the strategic position of belligerent parties is rarely successful in the absence of a viable political strategy. In general, strategies aimed at isolating parties least acceptable to the majority of external actors can be high risk. Many of the case studies reveal that international isolation risks strengthening the position

of hardliners inside the belligerent group who argue that they have little to lose and much to gain through pursuing a more militant strategy. Furthermore, many leaders – in an effort to appear strong in the eyes of their constituents – will want to demonstrate that they are not susceptible to external pressure.

In the face of widespread isolation, it is often those who remain 'friends' or who continue to pursue policies based on the strategy of 'constructive engagement' that retain the most decisive influence over their recalcitrant allies – as demonstrated clearly in South Africa. This suggests the strategic importance of involving these allies in an overall process aimed at orchestrating influence.

External credibility and counterproductive manoeuvres

External actors need to be sensitive to the risk that their actions will contribute to further entrenching the conflict and undermine their capacity for constructive influence in the future. It is crucially important to avoid empty promises and empty threats. As the Sudan case amply demonstrates, failure to deliver expected rewards can trigger a hardline response, undermining the credibly of moderates who argued in favour of making compromises. Failure to follow through on threats of coercive action – such as sanctions or non-consensual peace enforcement – severely undermines the credibility of the most robust instruments and tempts belligerents to test whether the threat of coercive action is a bluff.

The importance of subtle gestures

Subtlety is often key to the success of external interventions. Sanctions intended to promote progress in peacemaking are often more effective at the point when they are threatened ('drumbeats in the background'), generally in ways that do not make the leader appear to be caving in to outside pressure. Equally, the offer of conditional incentives should not appear to be bribes so blatant that no leader could accept them and survive. External actors can often be helpful in fostering 'face saving' strategies so that the parties can end their struggle without admitting defeat.

Key milestones in the conflict resolution process

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. Furthermore, sustainability can be enhanced by simultaneous efforts to engage the wider public in the process and promote long-term peacebuilding initiatives to address the effects of protracted conflict.

Getting to the table: the pre-negotiations phase

Changes in the wider context or in the specific conflict dynamics are typically crucial to the effectiveness of external influence in helping parties begin a sustained negotiation process. For example, change in South Africa owed much more to changes in the wider context (especially the collapse of the Soviet Union) and the conflict dynamic (the effectiveness of the opposition in making the country ungovernable) than the myriad sanctions that had been applied to the apartheid government. When a new leader came to power, the skillful deployment of sanctions and incentives helped to provide the necessary traction for a profound change in strategy that led to the negotiated transition.

External actors can also seek to make it easier for leaders to 'come to the table' to discuss the future without losing crucial internal support. Specific measures – typically offered conditionally – to remove proscriptions that complicate engagement or other travel/visa bans could increase the prospects of engagement. They can reduce the viability of military campaigns by cutting off the means of waging conflict through arms embargos, boycotts of conflict commodities and targeted financial sanctions. These may be complemented by 'sweeteners' to gradually extend recognition or end isolation. External intermediaries can also use quiet communications to

explore, determine and communicate adversaries' readiness for contacts. Leaders of parties, particularly non-state actors, often need to overcome fear of being out-manoeuvred at the table. External actors can provide training to build negotiating capacities and consultations to assist in articulating aspirations or developing a political agenda.

Before entering talks, parties will typically seek to impose preconditions. In contrast to externally imposed conditionality, 'agreed conditionality' can be established by the parties through jointly identifying and agreeing principles that would form the 'terms of engagement' to underpin a negotiation process. Violations of these terms could then be the basis for imposing sanctions while adherence to these principles could trigger rewards.

External actors can also seek to use their influence to encourage a process that is more likely to result in sustainable peace. They can use their influence to foster a process that is inclusive of all the main stakeholders – including women, youth, marginalized groups, and political constituencies who chose not to take up arms. They can also encourage the parties to include key substantive issues (such as gender, human rights, land reform, transitional justice) on the agenda of peace talks and in the final agreement.

Staying at the table and working towards agreement: the negotiations phase

In general, this is the point when external efforts need to focus on encouraging the leaders and their representatives to conclude agreements that address both the immediate surface problems that dominate their relationship (such as security), as well as the underlying issues that initially led to an adversarial relationship (such as abuse of a 'winner takes all' political system). They can try to foster a problem-solving approach to the talks and devise ways of encouraging the parties to stay at the table, especially when progress seems slow and impasses develop.

External actors can seek to exercise 'process conditionality.' They essentially reward good faith participation in a peace process – often through implied recognition that ends isolation or through assistance needed to achieve a desired objective – while withholding desirable engagement from those who refuse to participate or obstruct the process. For example, in 1990 US legislators used warning of variable levels of cuts in its military aid to El Salvador to encourage the parties to negotiate in good faith.

The primary parties, especially armed opposition groups, need to gain trust in the process – and be reassured that any external intermediaries are not biased against them and that the 'real issues' will be addressed. As talks get underway, an important role is helping the parties themselves to build momentum in the process, in part because of their increased confidence that their counterparts are serious and acting in good faith. Everyone can aim towards establishing a rhythm of reciprocity. External actors can work to assure adversaries that the other is not wholly bent on victory, helping them recognize when positive actions have been taken or that shifts in the adversary's mindset have taken place – and what might be an effective and appropriate response. They can reframe the issues and sketch a range of possible solutions, as well as encourage gestures of conciliation and confidence-building measures. They can also support the parties to take small, constructive and irreversible steps leading towards their becoming deeply invested in reaching a mutually agreeable outcome. They can offer flexible and timely assistance to implement the measures, based on agreed benchmarks.

Reaching and implementing agreements

While useful at many points in the process, external political and security guarantees are often key to securing parties' final agreement to and implementation of peace accords.

External actors can help parties overcome distrust in their adversary's intentions to implement agreements by instituting third-party verification mechanisms to ensure compliance. They can support joint forums and political processes to oversee agreed reforms and help iron out the inevitable disputes between the parties. They can provide symbolic and material incentives to help make the agreement more acceptable both to the rank-and-file of belligerent groups and the wider public, as well as sanctioning those who seek to wreck the agreement.

They can help increase the viability of implementation by providing resources to support reforms as well as reconstruction, reintegration and reconciliation processes. Measures to promote transitional justice or to implement demobilization are just some of the many specific and inter-related challenges where external assistance may be invaluable.

Perhaps most important is for external actors to sustain their constructive involvement in the process for the long-haul of the transition towards consolidating peace – while simultaneously recognizing that attempts to impose overly prescriptive approaches can backfire and undermine the ownership essential to the long-term sustainability of change.

Orchestrating international action

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In most situations of armed conflict, external actors influence the course of the peacemaking efforts. These external actors may or may not have been involved in fuelling the conflict in the first place, or support one or more of the conflict parties. They are likely to include some combination of a wide variety of would-be peacemakers, including neighbouring and regional states, more distant powers or 'helpful fixer' donor states, multilateral, regional and non-governmental organizations, and private peacemakers and individuals. The various incentives and forms of pressure at their disposal can be called upon to reinforce the usually limited powers of influence and resources brought to the table by a mediator. However, that the incentives and pressure may themselves have policy ends somewhat distinct from peacemaking brings with it a new set of problems. It also helps explain why, while coordination of the various external interventions involving incentives, sanctions and conditionalities in peace processes would seem an obvious and uncontroversial goal, in practice it has proven surprisingly difficult.

This article will explore the ways in which coordination or complementarity between external actors can result in a coherent application of policy instruments. Its focus is on the obstacles to and potential for informal mechanisms employed to obtain coordination of diplomatic activity in support of peacemaking. Such mechanisms have flourished in the years since the end of the Cold War, in large part as a consequence of two inter-related factors: the marked upsurge in international conflict management, spearheaded by the United Nations (UN); and the nonetheless significant preclusion of the UN from many peace processes that has encouraged the emergence of other peacemakers (for reasons ranging from suspicion of the influence wielded by powerful members of the Security Council, to a lack of credibility in its ability to implement its own resolutions, or fears that the Council would either be too beholden to government interests, or

promote an overly interventionist agenda). Sanctions offer other challenges, as in most cases (the imposition of unilateral sanctions by the United States in circumstances such as Sudan being the exception) they are the direct result of decisions taken by the Security Council or a regional organization. As is explored elsewhere in this volume, whether their application is successfully coordinated with other actions is a different story.

Coordination: why so difficult?

Individual states and other actors engage in peace processes with widely differing interests, capacity and resources. Motives for engagement include a complicated mix of classic strategic and economic interests deriving from colonial or other ties; concerns regarding regional security and governance; 'softer' interests related to human rights and humanitarian issues; and, particularly in the period since September 11 2001, preoccupation with terrorism and its propensity to flourish in context of conflict or weak and failing states. This broad array of drivers contributed to the emergence of 'peace' as a foreign policy goal for many states and a global surge in conflict resolution activity by multilateral institutions, regional and non-governmental organizations. However, it provides slim grounds for optimism that harmonious 'orchestration' can easily emerge.

Outside a few exceptional cases, the conditions that allow a process to develop under the guidance of a lead mediator able to assume the role of 'conductor' of a coherent peacemaking strategy that includes the support of a group of states are generally lacking. Groups of 'Friends of the Secretary-General' formed to support UN-led peace processes in Central America and elsewhere gained currency in the early 1990s, but such clarity within the peacemaking architecture quickly eroded. Indeed in 1995 Secretary-General Boutros Boutros-Ghali warned in his *Supplement to the Agenda for Peace* that while the establishment of groups had become a "new trend" in recent years, it was not a panacea. It was necessary, he argued, to maintain "a clear understanding of who is responsible for what", as, if friends took initiatives on their own account, rather than in support of the Secretary-General's lead, there was "a risk of duplication or overlapping of efforts which can be exploited by recalcitrant parties."

The warning carried little weight. Processes in which the UN retained a clear lead were few and far between and, as more peacemakers pressed for involvement, the structures and purposes of the mechanisms formed inevitably grew more diffuse. Moreover, as the cases addressed within this volume illustrate, the conflicts with which the international community grappled in the post-Cold War era were complex, often involving multiple armed actors, each with their own

relationships to a fragmented civil society and with supporters and detractors outside the immediate conflict theatre. Multilevel, and multiparty, mediations have become the norm and competition abounds, even amongst those who formally espouse the same ends.

Such situations are rife for exploitation by conflict parties who will understandably seek to extract the maximum advantage from any lack of unity amongst third parties. Except in a very few cases – those blessed with clear leadership, a benign regional environment, conflict parties with identifiable authority and an articulated strategy, the absence of spoilers, and an international community willing and able to bring sustained resources to the table – the development of conditions for the coherent application of sanctions, incentives, guarantees and conditionalities is remarkably difficult.

Coordination problems can be rooted in four broad areas:

- The interests of the external actors may not align, as some international actors may favour the stability of one or more of the conflict parties, their own influence over them, or access to their trade or resources, more highly than the goal of a just and sustainable resolution to the conflict.
- International actors approach a given conflict with widely divergent institutional cultures and funding streams that inhibit the potential for the flexible and responsive measures that a peace process will require. That competing agendas can commonly be found within individual states and organizations as well as between only exemplifies the seriousness of the challenges involved.
- State, multilateral or other international agencies engage in peace processes on the basis of varying experience of the requirements of peacemaking, particularly with regard to knowledge of the conflict parties, a familiarity with peace process design, the patience required for a successful process, and readiness to engage with non-state armed actors whose practices they may abhor.

They consequently may favour policies that embrace both coercive measures, such as sanctions, and incentive-based approaches, promising peacekeepers, humanitarian, technical and other assistance, that together amount not to a coordinated strategy in favour of a peace effort, but a confusing, and perhaps even contradictory basket of actions with unpredictable consequences for the peace effort as a whole.

The stakes involved in the messy situations that develop are high. Incoherence in a mediation effort generally dooms it to failure, while incoherence between the mediation of an agreement and its subsequent implementation, or within implementation itself (when the distinct priorities, competition or flagging attention of donors may supersede a more needs-driven approach) will reduce effectiveness, increase costs and sap the credibility of international actors. In a worst-case scenario, it may also undermine the peace process more directly.

The 'when' and 'what for' of coordination mechanisms

It is a peculiarity of the various informal structures and coordination mechanisms created to further conflict resolution that they are self-selecting. Their existence is, in the first instance, the product of external interest in a conflict. Yet how that interest manifests within a group structure – whose formation involves no hard commitment to the provision of human or financial resources, or a particular set of policy actions – varies greatly. By the mid-2000s, more than thirty 'friend,' 'contact' and 'core' groups – and monitoring or other structures to further implementation of a peace agreement or peacebuilding more broadly – could be identified. The differences between them with respect to their goals, functions and impacts on individual peace processes are marked. It is, nevertheless, possible to distinguish five broad kinds of structure, several of which may be involved in a given process:

- *Contact groups* have represented vehicles for the direct diplomacy of major powers in a variety of different peace processes. A Contact Group first appeared in Namibia, crafting the plan that became the basis for the Namibian settlement. The Contact Group on the former Yugoslavia was created in 1994, in part to circumvent the UN, and since then has allowed for differences between the states with the most obvious interests in regional stability to be hammered out away from the glare of Security Council attention. A related mechanism is the ad hoc Quartet of the European Union, Russia, the UN and the United States, formed to coordinate international action on the Middle East, but increasingly perceived as a vehicle for the projection of the leadership of the United States.
- *Groups of friends*, whether of the UN Secretary-General (as in El Salvador, Georgia or Haiti) or a specific peace process, are more informal structures, generally formed to provide support to peacemaking in contexts that elicit a middle level of international

attention. Groups of friends may be engaged throughout a peace process, although will fulfil different functions during peacemaking and in helping to implement any subsequent agreement. As with contact groups, friends' engagement with non-state conflict parties has varied in accordance with the level of international acceptability of the latters' demands (ideological, decolonialist, or secessionist), practices (more or less abusive of human rights or identified as 'terrorist'), and the degree of international engagement they have pursued in the conflict and efforts to end it. Related mechanisms include the Core Group formed to support the UN's role in the transition of East Timor, as well as the Troika (Norway, the United Kingdom and the United States) that provided reinforcement to the regionally-led mediation of the north-south conflict in Sudan.

- *Friends of a country* have also proliferated, particularly within the UN, although often without direct articulation with a specific peace process. They tend to be larger than the groups of friends more operationally articulated with peacemaking, and concentrate their activity in New York. Their purposes have ranged from the sharing of information to attempts to mobilize attention and resources on conflicts further removed from 'high politics.' The impact has often been less than hoped, such as in the cases of the Friends of Angola, the Central African Republic and Guinea-Bissau.

- *Implementation and monitoring groups* are distinguished by a mandate establishing their responsibilities in a peace agreement, but have varied greatly in the extent to which they are directly engaged in monitoring activities. In most circumstances, mechanisms have followed a model established in Namibia, where a Joint Monitoring Commission was chaired by the representative of the UN Secretary-General and included representatives of the parties to the conflict as well as key external actors.

- *Coordination mechanisms for assistance* beyond the parameters of the monitoring of an agreement have also proliferated. The Ad Hoc Liaison Committee for Assistance to the Palestinian People was created to support the Oslo Peace Accords, while the Peace Implementation Council in Bosnia brought together a large number of actors to oversee assistance and decision-making after the Dayton agreements. The Co-Chair group of donors for Sri Lanka (European Union, Japan, Norway and the United States) was more modest in scope, established at a moment at which – over-optimistically as it turned out – coordination of assistance for an advancing peace process seemed the priority.

In numerous instances no such group has been formed: efforts to create a friends mechanism for Somalia foundered until an International Contact Group was established in 2006; discussion of a Group of Friends of Darfur to support the talks in Abuja in 2005-2006 came to naught. In other cases a decision was made *not* to create a group to provide direct support to peace-making, as in Sri Lanka. The explanatory factors range from a lack of strategic interest on the part of major powers in traditionally 'orphaned' conflicts (Somalia or Burundi), to differences in engagement and understanding of the problem at hand (Darfur), or the presence of a regional power, such as India, averse to diluting its influence within a group structure.

Moreover, even in cases when coherent groups have been present, they rarely embrace the totality of the peacemaking effort. As primarily state-centric bodies, their engagement with non-governmental actors or private sector groups pursuing different avenues for peacemaking has been sporadic at best, with opportunities for track two linkage to track one efforts rarely fully explored. This is despite some well known examples of private peacemaking – by the Community of San'Egidio in Mozambique, or the Centre for Humanitarian Dialogue and then the Crisis Management Initiative in Aceh – nurturing agreements whose implementation was subsequently monitored by more formal bodies.

Pros and cons of strategic coordination

The potential benefits to be gained from the engagement of a small group of states in an ongoing peace process are considerable. In a best case scenario – as seen, for example, in the negotiation of peace agreements in Central America, the role played by the Core Group in East Timor, or the engagement of the Troika in southern Sudan – they bring: leverage, information and practical help to the lead mediator (including through coordination of action in the Security Council as appropriate); legitimacy and influence to the states in the groups; a level of equilibrium, as well as technical and other assistance, to parties to the conflict that may otherwise be characterized by their asymmetry; and attention, resources, and the potential for coherence in the international intervention as a whole.

The circumstances within which this potential has been achieved have, of course, differed widely in accordance with the unique characteristics of each peace process. However, some common elements can be identified.

These include:

- Clear and accepted leadership of the peacemaking initiative;
- A favourable regional environment, represented by significant regional participation with the group mechanism – as was seen, for example, by the role played by Mexico within the Central American groups, or that of Australia and New Zealand in the Core Group on East Timor;
- Conflict parties with a history of engagement with the international community, with the non-state actors in possession of effective leadership, control of territory and/or a defined political agenda;
- A select (four to six states) membership, like-minded in holding the settlement of the conflict as their highest goal; and
- An acute sense of the timing of a mechanism's involvement in a peace process, derived from an understanding that this will determine what a friends or related group may be able to contribute.

Complementarity within a group is critical to its utility. Differing relations with the conflict parties in the successful cases, for example, allowed members of the respective Friend, Core and Troika mechanisms to divide incentives and points of pressure upon the parties between them behind a common vision of what the peaceful settlement of the conflict might look like. Moreover, that vision was one rooted in the demands of the conflict parties themselves, as they had evolved within negotiations: it was encouraged, but not arbitrarily imposed, by outside actors. Late in the day on the negotiations on El Salvador, for example, the Friends worked hard to encourage both parties to accept the recruitment of a significant number of former guerrillas into a new national police force. This was a clear compromise between the guerrillas' original demands for the merging of the two armies and the government's rejection of any such outcome, but also a solution that neither the Friends themselves, nor the UN mediator they supported, would have foreseen or believed possible when the negotiations began a year and half earlier.

Distinction in the roles pursued by different friends was evident in Central America and East Timor, as well as in southern Sudan. In El Salvador and Guatemala, for example, the privileged relationship enjoyed by Mexico with the insurgents, and the United States with the governments, allowed each to exert pressure at key moments of the negotiations. Meanwhile, the Core Group on East Timor was composed of states with specific and quite distinct roles to play. Regional actors (Australia and New Zealand, especially, but also Japan) had legitimate interests in security of their

neighbourhood and contributed significant resources to ensure that it be preserved. More distant members of the UN Security Council (the United States and the United Kingdom) welcomed the regional lead and provided diplomatic and other support as appropriate. In Sudan, Troika states were able to work together to calibrate their various interventions and leverage upon conflict parties with whom they had deeply rooted but distinct relationships: the United Kingdom for historic reasons drew on greater knowledge of the north, the sympathies and clout of the United States gave it more leverage in the south, while Norway fell somewhere in between.

Positive results from the involvement of a group structure are not guaranteed. Internal differences or other factors related to a group's membership, most of them deriving from incompatibility in members' interests in a given conflict, can limit its utility in a process, creating sensitivities to be managed and negotiated in addition to those of the conflict parties. In the Georgian/Abkhaz case, differences between the group's European members (France, Germany and the United Kingdom), the United States and Russia have plagued the group of Friends throughout its fifteen-year existence. In other cases groups assume an identity of their own that can sustain the status quo – such as for Western Sahara, where a group of Friends manages action within the Security Council in accordance with priorities distinct from the settlement endorsed by the Council itself. Dynamics beyond the immediate context of a particular conflict (ranging from preoccupations with terrorism to an issue such as accession to the European Union) can also take their toll on a mechanism's efficacy.

Sensitivities regarding composition – reflecting a perennial balancing act between the efficiency of a small group and the legitimacy offered by a broad representation of states – are an ongoing problem. Members of a group will stress the flexibility, trust and cohesion that can be developed among a small number of states. Yet the influence that such groups can amass – usurping the authority of the UN Security Council, and/or excluding regional actors – bears a cost. In some cases the creation of a two-tier structure has helped address these issues: in East Timor, for example, a larger 'Support Group' complemented the small Core Group. In others, pressure for inclusion has led to large groups that cannot play an effective role. Unsurprisingly, experienced peacemakers have at times eschewed a group altogether (Cyprus in 1999, Afghanistan after 2001), preferring to pursue the coordination of and complementarity among the multiple external actors involved in each case by different means.

In their interactions with non-state conflict parties groups of states face a series of challenges rooted in the state-centric biases of international peacemaking. A state that is also a conflict party engages with external actors with obvious advantages: the legitimacy afforded by membership of regional and multilateral organizations, familiarity with diplomatic norms and the rules of the system, and greater access to international resources than non-state counterparts. Such a state may not always welcome a coordination structure. However, it will be able to resist its pressures through invocation of the threats to sovereignty those pressures may appear to constitute, as well as the threat it faces from non-state actors it holds as illegitimate, criminal and, most likely, terrorist as well. Except in circumstances (such as southern Sudan or East Timor) where the non-state party enjoys the sympathy of international actors, the relations of group structures to non-state actors are inevitably more complex. Coordination mechanisms can appear as a means by which the international community has united against them, and attempts to introduce conditionalities, as in the case of Sri Lanka, may go awry.

Conclusion

It comes as no surprise that there is no easy answer to the orchestration of international action in peace processes. Best practice involves the recognition that, however attractive the prospect of a group may be, it may not always be the answer. Moreover, as form should follow function, flexibility will be key: strategies and mechanisms employed during peacemaking may not be adequate either to the demands of implementation and peacebuilding or to a process that has suffered a violent reversal.

Developing effective complementarity among state actors involved in a peacemaking effort, between state and non-state peacemakers, and, more ambitiously, in order to try to channel or rationalize the incentives and sanctions being applied by other actors and structures, is likely to remain an ongoing struggle. Yet not to try is not an option. Critical in any such endeavour will be the recognition that a group structure or mechanism, however effective, must remain at the service of, and not a substitute for, strategies for international engagement in a peace process.

Alvaro de Soto (right, centre) consulting with UN Secretary-General Kofi Annan (left, front) during a Security Council meeting on the situation in the Middle East, July 2006.

Source: UN Photo/Paulo Filgueiras

Harnessing incentives for peace

An interview with Alvaro de Soto

During a 25-year career with the UN, Alvaro de Soto acquired vast experience in peacemaking. His appointments included Secretary-General's Personal Representative for the Central American Peace Process, Secretary-General's Special Adviser on Cyprus, and Special Coordinator for the Middle East Peace Process.

Accord: This project discusses the roles of incentives and sanctions (as broad categories of policy tool) in peace processes. Let's start with incentives. In your mediation experiences, how were incentives important within an overall peacemaking strategy?

Alvaro de Soto: The whole business of a peacemaker's task is about trying to persuade parties that they will benefit from reaching a negotiated peace agreement. In order to do that you need to be able to show them in what way they would do well: in what way reaching a peace agreement, as opposed to not reaching one, would be to their benefit. To that extent, incentives can be fundamental.

The kind of incentives that were important in my experiences vary greatly case by case. In El Salvador, the government basically wanted to end the war, to end the onslaught on the state and its resources, and to do so by placating or accommodating the desires of the main supporters of the insurgency. The insurgents, on the other hand, wanted very far-reaching reforms. What I could do was try to present proposals that would ensure that a negotiated solution was ultimately more desirable than the existing situation in which they were at each other's throats and lives were being lost on a daily basis.

It became clear to me very early in the negotiations that the war would not end unless there were fundamental reforms carried out. And so the incentive to the Farabundo Martí National Liberation Front (FMLN) was to tell them that I could obtain a portion of the demands they were seeking, the kind of reforms that would overcome the reasons they took up arms in the first place. And to the government I said, 'yes, I can help you end the war – and durably – if you accommodate the reforms that are needed.'

In terms of *outside* incentives, what I hoped to obtain also was an improvement in the economic situation of

the country, opening up things for them, and I argued to the Salvadoran government that ending the war would remove them from the doghouse in which they found themselves because they were viewed as a major human rights violator – and that would open up opportunities for them in places where those kind of concerns are taken extremely seriously, like Europe. In the case of the FMLN what you could do is make sure there would be an opportunity for their fighters to safely reinsert and reintegrate into society through either farming or joining the new national civilian police or political activity, and so forth.

So it's a matter of understanding and harnessing the incentives the conflict parties have for making peace. Outside incentives need to respond to the motives of the conflict parties.

Right. In Cyprus, ensuring security and ending isolation was the fundamental thing for the Turkish Cypriots. For the Greek Cypriots, we had to bring about re-unification in such a way that those property owners who had left behind their property in the north of Cyprus when Turkey intervened in 1974 would have, at best, the right to recover the property through transfer of territory, *or* to exercise their right to recover their property under

Turkish Cypriot administration, *or* at the very least be compensated for it. And the same applied to the Turkish Cypriots who had left behind property themselves.

Compensation was very important. The federal solution was conceived in such a way as not to encourage people having property in the other federal component state, and for that we provided a system of incentives. In other words, a property owner would see it in his interest to take compensation when the property was in the other component state, rather than to actually recover the property.

In addition to all this, there was one element that was like a magnet that can be summarized in one word: Europe. It was a magnet for Turkey because the persistence of the Cyprus problem is – and is likely to remain so long as it's not solved – an obstacle to Turkey one day being a member of the EU. Also, between the Cypriot parties, it was part of my toolbox of arguments in trying to persuade the leadership of the Turkish Cypriots that any worries about Greek Cypriot oppression and domination were outdated in the sense that being in Europe was in itself a form of guarantee because Europe does not take kindly to mistreatment of minorities.

Since I was working very closely with the Europeans in order to make sure that any settlement that emerged was compatible and consistent with the European *Aquis Communautaire*, I would ask the European leaders – and particularly the European Enlargement Commissioner at the time, Gunther Verheugen – to make the case with Denktash that even while we understood their concerns, those concerns in Europe would largely be assuaged. Verheugen was able to do this regularly, and didn't need any persuasion because we had perfectly compatible goals. I was able to suggest to the Europeans that what they should do was precisely to emphasize the acutely sensitive points that I knew were of concern to the Turkish Cypriots.

But wasn't this major incentive, the magnet of Europe, ultimately lost to the peace process? By that I mean accession being conditioned on progress on the peace process – Cyprus acceded to the EU without a peace agreement.

Well, obviously we did not get the grand prize – or *they* did not get the grand prize – of a comprehensive settlement in advance of joining the EU. That's quite clear. But the whole Cyprus effort is not without its achievements. For instance, until the first version of the plan was put forward in late 2002, Turkish Cypriot public opinion was in thrall to the argument that had been made by the Turkish Cypriot leadership that it was not possible to accommodate their needs and to assuage their fears in any way other than through having a separate state. I believe that we played a role in turning this around in the way that we shaped the comprehensive settlement (which we largely wrote because there was simply no one else to do it). When the Turkish Cypriots had before them the plan for a comprehensive settlement they were able to see that they could actually feel comfortable within a comprehensive settlement. There were revisions in the event and it was only the fifth version that went to referendum, but you see the results in the fact that the Turkish Cypriots voted 2-to-1 in favour of the settlement plan.

The problem is it all happened rather late: Turkey and the Turkish Cypriots turned around, but they turned around too late and by the time the negotiation had been going for a couple of years the Greek Cypriots had got the impression the Turkish Cypriots, particularly their leader Rauf Denktash, were being their usual obdurate selves. By then Greek Cypriot public opinion had pretty much given up on it and when the presidential election came they elected someone they knew to be much more of a hardliner and much less committed to a settlement than the person who had been leading them until then.

So, the EU decided to enlarge the Union with ten states, and the Greek Cypriot leader made a speech a few weeks before the referendum on the settlement plan in which he said something like, 'why should I agree to a compromise that I don't particularly like when I will be able – once we are in the EU in a few weeks – to exert pressure on Turkey in order to get a better deal.' And that proved to be a killer argument.

In other words we ran out of time. The incentive was there, which for the Greek Cypriots was entering Europe reunified, but after a certain point, whether it was late 2002 or early 2003, we had probably missed the boat because they were already in a position where they could get the reward contained in the incentive without having to pay anything for it. Also, it turned out that the Greek Cypriot property owners voted the same as the rest, without regard to missing the chance to recover the property or receive compensation for it. But of course it's one of these 'what if' questions. You can certainly debate at what point the grand prize was lost, but it certainly helped with the Turkish Cypriots and you have that base to start from if ever one wants to start again.

Moving away from positive incentives, can we talk about how more coercive measures – sanctions and pressures – can play into a mediation initiative?

I have not worked in a framework where there were measures taken officially by the Security Council in order to try to modify behaviour – that is, what are commonly if not formally called sanctions. But using a looser definition, in the case of Cyprus, you could argue that the fact that the Turkish Cypriots were being by and large shut out by the international community (with the exception of Turkey) was a form of sanction. Getting an agreement that would end the sanctions was obviously a potential tool. And in the case of the Middle East I suppose you could argue there was a form of sanction on the Palestinian government that took power as a result of the election in the Occupied Territories in January 2006, after which many donors suspended direct aid to the Palestinian Authority.

But as Madeleine Albright famously put it, sanctions are a blunt instrument. She was referring of course to the kind of long-term sanctions that ended up hurting the people of Yugoslavia or of Iraq without really shaking the regime. The whole concept of starving people in order to get them to rise up against evil dictators has many faults, but sanctions are blunt even in situations where you have an evil dictator because it appears like external pressure. And people don't take well to external pressure.

The pressure exerted on the Palestinian government that emerged from the January 2006 elections is a case in point. According to reliable opinion surveyors, the government for a long time held public support, which did not erode because the people were sophisticated enough to realize that the reason that the government was not performing or providing the services it was responsible for delivering was not because of its incompetence or venality but because it was being cut off from outside.

Also, Israel interpreted the attitude taken by the Quartet as license for it to cut off the transfer of payments of incomes due to the Palestinians as a result of value added taxes and customs duties which Israel collected from Palestinian importers and exporters. So people realized they were smarting not because they had a bad government but because there was pressure from the outside. And they also saw it as pretty humiliating to be punished for the way they had voted in elections that had been urged upon them by precisely the same parties who cut off assistance to them.

I'm saying this merely to illustrate the psychological aspects, the psychological *bluntness* of such kinds of pressure. It has to be handled very, very delicately. Today we see a certain amount of sabre-rattling which makes it difficult to persuade people to respond to what should be a behaviour modification device. It provides hardliners in the countries being targeted with such measures with an easy argument to wield in order to remain entrenched in their position of rejection of whatever changes are being urged on them.

According to some of our authors, sanctions that restrict contact and communication are especially problematic. Is this something you would view as problematic in cases such as the Middle East?

No question about it – that makes things extremely difficult. In some cases, there is a legal element involved. The EU doesn't have any ban *as the Union* on contact with members of groups that are on their list of terror organizations, but some individual members do. In the case of the US, it's not totally clear to me whether there's a legal ban on having contact with people who are on their list, but it is certainly the *policy* to avoid contact – and US officials have to be very skittish on the subject.

There is a new generation of problems that have arisen particularly since 9/11 as a result of these difficulties in having contact. Because of this polarization and demonization opportunities are being lost of working with certain groups that are not necessarily of the al-Qaeda nihilist variety but who have nevertheless

committed acts that are considered to be of a terrorist nature. And that has made things a lot more difficult for other diplomatic actors who previously – in the normal course of events – would have no hesitation whatsoever in dealing with such people or groups in the interests of bringing about a peace agreement.

In the case of Hamas, here was a group that was basically an affiliate of the Muslim Brotherhood, a welfare organization that took care of the needs of the people untended by the government, but they also became a resistance movement and they had carried out some horrendous acts against civilians, which they attempted to justify by the fact that the Palestinians remained under occupation. However, as part of an arrangement with Mahmoud Abbas (the leader of the PLO and president of the Palestinian Authority), they had agreed to do certain things that were a move away from violence and toward something closer to the Palestinian mainstream. First of all they accepted a lull – a *hudna* – which everyone, including Israeli Defence Forces people, have told me they largely respected. They also agreed to participate in elections, which they had rejected doing earlier because those elections were being held in the framework of the Oslo Accords, which they felt had been a sell-out.

So they were moving in that direction, and Abbas himself very much wanted them to participate and to go into the system so as to gradually co-opt them through legislation – and that is a very useful element for a would-be third party because it provides you with something to work with. But in order to work with them and persuade them, first of all, to stick to the steps that they had taken, then to take them further down that path and reach some sort of accommodation, there's no other way than to engage with them. If it was a problem for the Europeans and the US, the UN could have fulfilled that role, but I guess because of the whole atmosphere that had been created over the last few years, the UN was hesitant to do that.

We have talked about forms of sanction that may impact upon peacemaking, but did you find it useful as a mediator to find ways to exert pressure on parties in peace processes to cooperate?

I certainly don't like to use the word pressure, as a concept, too much. Let me try to explain why. I have always tried to bring about not just quick fixes but durable solutions, and in order for solutions to be durable you need the parties to agree to them as willingly as possible. There's the whole concept of 'ownership' of these final agreements. If a party reaches the signature table with its arm twisted out of its socket – quite apart from the difficulty of actually signing – it

will be much more difficult to implement it and stick to it down the road. So what I like to do is *persuade* – and of course to alert parties to the dangers they might face, including because of the unhappiness of others if they don't see the light, as it were. That was the attitude in which I tried to approach problems.

Having said that, this is admittedly not of much use in cases where a party or a leader is not thinking about the best interests of his people, or has a conception of the interests of his people that is totally at odds with the one that is universally held. That's a problem because they always say they are acting in accordance with the interests of their people.

Let me mention one example: the long-time Turkish Cypriot leader, Rauf Denktash, was a reluctant participant in talks – which is putting it mildly and I don't think he would disagree. He sincerely believed that the only way to protect the interests of the Turkish Cypriots was by having a sovereign state in the north of Cyprus separate from the Greek Cypriots, and that the only relationship with the Turkish Cypriots that the Greek Cypriots could live with was a relationship of domination. Naturally I tried – unsuccessfully I think – to persuade him that he could actually, in a federal solution, obtain the kind of protection that he felt his people needed (though his people became persuaded). But, as a result of his deeply felt conviction, he was a not very constructive negotiating partner.

Now, I don't know the details but others, particularly the US, exerted considerable effort with tools they had at their disposal – which I certainly didn't have at my disposal – in order to make sure that at the very least he remained at the negotiating table. But I remember the Turks telling them that ultimately Denktash had to agree before things changed fundamentally. They would say, 'we could urge him to be at the table – and we can be pretty certain he will stay at the table – but we need his agreement to whatever is going to emerge from this. And you need it too.'

But was it useful to have other external parties applying pressure? Or were there situations where that posed a problem for you?

It all depends what you perceive as pressure, but there are governments who are in a position to say, 'if you don't cooperate on this we will punish you in such a way. So cooperate, so we don't have to do that.' As an envoy of the UN Secretary-General, I couldn't do that kind of thing, nor would I find it useful for the reasons I've explained.

What I used to do was to say to country governments who were in a position to help and had some influence with one or more of the parties, 'this is what I need to obtain from them and here are the arguments I am using – could you please reinforce them?' I wouldn't ask questions about how they go about it. Every diplomacy has a style of its own.

It's a technique I developed during the El Salvador negotiations. In those times, Mexico was a zealous upholder of the principle of non-intervention and would be very careful about trying to exert anything that looked like pressure on the government of El Salvador, simply because they didn't want anyone trying to treat them in the same way. On the other hand, the President of Venezuela at the time, Carlos Andrés Pérez, loved the international stage and enjoyed dabbling in these things. He used terms that were considerably more forceful, as I understand it, than I would have dared use to both sides in the Salvadoran conflict. So, I told them what I wanted and asked them to use diplomatic efforts to help me obtain it. I left it up to them how they would go about it.

There are roles for many different external actors with different diplomatic styles in a peace process, but they are not always cooperative with a lead mediator. How can the chaos and forum-shopping that make it hard to construct a useful mediation strategy be avoided?

There's a wide variety of mechanisms for harmonization of policy and diplomatic action, such as groups of friends and contact groups. In terms of the forum-shopping question, ideally one should codify a loose norm that would make it bad form for a would-be mediator or institution aspiring for 'business' to try to get involved if there was a serious effort already under way. There is a forum that was created by Boutros-Ghali that consisted of periodic meetings with the heads of regional organizations, which can be occasions for comparing notes, though that doesn't encompass either states such as Norway or Switzerland or mediating NGOs. In my view, the UN shouldn't aspire to having the monopoly over all peace efforts, but it could certainly act as a kind of clearing house where understandings can be reached as to who would have the comparative advantage to deal with it, or on how to pool resources, and all with the goal of making sure they do not fall prey to the parties to a conflict playing would-be mediators off against each other, which they are always very good at. We ought to avoid wildcat diplomacy, which doesn't do any good.

El Salvador

War-time negotiations and the coordination of external influence

In the early 1980s, violence in El Salvador escalated into armed insurgency waged by a coalition of groups called the Farabundo Martí National Liberation Front (FMLN). The resulting war killed at least 75,000 people before it was ended by a series of UN-mediated and verified agreements in 1992. The agreements addressed the war's root causes and introduced many constitutional reforms.

A few years before, such an outcome was unthinkable. Intervention by the UN or Organization of American States (OAS) was discouraged as the US opposed any meddling in its 'backyard.' Conditions for a resolution improved markedly, however, at the end of the decade. Internally, the military conflict was at a stalemate and a new administration was in power. Externally, Cold War antagonisms were diffusing and regional diplomatic initiatives had established a framework for promoting peace in the region.

Following some abortive bilateral discussions, each of the conflict parties formally approached the UN Secretary-General Javier Pérez de Cuéllar for help in resolving the conflict in early 1990. After weeks of shuttle diplomacy by de Cuéllar's Special Advisor Alvaro de Soto, the parties met in Geneva in April and agreed the purpose and basic rules of further negotiations. Rounds of talks in Venezuela, Mexico and Costa Rica followed. A two-stage approach was agreed, in which political agreements on seven agenda items would be reached before a ceasefire was negotiated. A second stage would focus on establishing the conditions for effectively demobilizing the FMLN.

The negotiations process proved difficult and featured little face-to-face 'give and take' between the still militarily engaged parties. De Soto generally utilized a single negotiating text technique, shuttling between the parties to narrow their differences, even as they sat under one roof. The armed forces agenda item was particularly difficult and the September target date for a ceasefire was missed. Negotiations were sustained but came under increasing criticism in the US about a perceived lack of direction and failure to secure a ceasefire.

Despite the signing of important agreements on constitutional reforms in April 1991, the terms of a ceasefire remained elusive, with the FMLN insisting on retaining full military capability during any ceasefire. It became necessary for the mediators to cut the 'Gordian knot' by rethinking the two-stage negotiating process, a shift achieved in talks in New York in September. The New York Accords established the National Commission for the Consolidation of Peace (COPAZ), guarantees to ensure implementation of previous agreements, and a compressed agenda for political agreements. A ceasefire agreement was reached in December and a final peace agreement signed at Chapultepec Castle in Mexico City on 16 January 1992.

The ceasefire was not violated, lending much needed stability in a year when major problems remained, with both sides blaming each other for delays in implementation. In October 1992 de Soto and UN Under-Secretary-General Marrack Goulding conducted extensive discussions with each of the parties, resulting in adjustments to the Chapultepec timetable and an exchange of letters stipulating that compliance with specific undertakings by one side would be contingent upon compliance with specific undertakings by the other side. On 15 December the war formally ended. In March 1994 the FMLN participated in democratic elections.

The proactive UN mediation benefited from the support of the Friends of the Secretary-General for El Salvador, comprising Colombia, Mexico, Spain, and Venezuela. This proved helpful in supplying ideas and influence and marshalling diplomatic efforts, not least by inhibiting would-be rival mediators and spoilers. Another key UN contribution was the establishment of an observer mission (ONUSAL) to verify the peace accords, which both sides agreed could deploy a preliminary mission of human rights verification experts before the ceasefire – an unprecedented move that had a major impact in curbing violence and building confidence in the peace process.

A shift in the US government's position was an important external factor. The Bush administration had come under pressure to stop supporting the Salvadoran military from the Democrat-controlled Congress, especially after the murder of six Jesuit priests by the armed forces in November 1989. The Dodd-Leahy bill in October 1990 halved US military aid to El Salvador, threatening to cut it to zero if the government did not negotiate in good faith or to restore it entirely if the guerrillas launched another offensive. Aid was restored in 1991 in response to the shooting down of a US helicopter, but the US administration ultimately opted to create incentives for a negotiated resolution by holding out the prospect of substantial aid for implementation. Also, it made direct contact with the FMLN during talks, signalling that it would live with the FMLN as a legitimate political party.

EU incentives for promoting peace

Nathalie Tocci

Conceptualizing itself as a peace endeavour, the European Union has identified conflict resolution beyond its borders as one of its top foreign policy priorities. Particularly when it comes to conflict resolution in areas straddling or bordering the Union, the EU can and has used integration incentives and conditionalities embedded in its contractual relationships with third countries. Integration incentives are specific to the EU, which itself is an integration project. Most clearly, they relate to the accession process, which includes the incentive of membership to be mobilized at the service of conflict resolution, as was the case of the 1995 Stability Pact to diffuse minority and border tensions in Eastern Europe for example. Yet integration incentives can also fall short of membership, including the offer (or withdrawal) of preferential trade relationships with the EU, participation in Community programmes and agencies and harmonization with EU legislation. These alternative forms of integration incentives are deployed through a variety of contractual relations, such as the Association Agreements, the Partnership and Cooperation Agreements, the Stabilization and Association Agreements and the European Neighbourhood Policy (ENP). The third countries to whom these relationships are offered and thus towards whom the Union can develop conflict resolution policies that differ from those of traditional mediators are those in its neighbourhood. The European neighbourhood includes North Africa, the Middle East, the East Mediterranean, the South Caucasus, the Western Balkans, and Eastern Europe (Ukraine, Moldova, Belarus and Russia). The declared aims of these contractual relations are both to achieve varying degrees of cooperation and integration in the EU, as well as to foster long-run structural change, such as conflict resolution, within and between third countries. But through which mechanisms can EU contractual relations incentivize conflict resolution? And what determines their effectiveness?

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EU mechanisms for conflict resolution

Conditionality

A first mechanism through which the EU can spur conflict resolution beyond its borders is conditionality. Positive conditionality entails the promise of a benefit in return for the fulfilment of a predetermined condition, and is most frequently used in the delivery of economic assistance, as well as in the context of EU accession. Negative conditionality involves the infliction of a punishment in the event of the violation of a specified obligation, and the most evident cases in point are diplomatic and economic sanctions.

The fulfilment of obligations can also be ex ante or ex post: ie, either conditions are fulfilled before the contract is signed, or conditions specified in an agreement must be respected otherwise the contract may be suspended. In between these two extremes, conditionality can be exerted over time, and not exclusively at the time or after the delivery of specified benefits. The case of the 1993 Copenhagen criteria for EU membership is an example of ex ante conditionality, while the 'human rights clause' in EU Association Agreements is an example of ex post conditionality. Aid instead lends itself to a constant exercise of conditionality over time, given the divisible nature of the benefit on offer.

While these types of conditionality are all available to the EU in principle, in practice the Union has declared and demonstrated its preference for ex ante and positive conditionality and its reluctance to engage in negative and ex post conditionality. Sanctions are used rarely and often target weak and far-away countries (eg African, Caribbean and Pacific countries). They are deployed in the neighbourhood only when the EU perceives grave security threats and no strong contrasting interests pressing in favour of cooperation (eg Syria for state-sponsored terrorism, former Yugoslavia for war crimes and regional instability, Belarus for the treatment of EU and OSCE diplomats). The only example of EU sanctions in response to a lack of cooperation in conflict resolution was the 2003 visa ban on the Transnistrian leadership. Furthermore, when the EU does opt for sanctions, it also attempts to deploy positive measures towards the affected populations (eg the parallel track of sanctions towards Belarus accompanied by financial support for Belarusian civil society).

The Union developed its policies of positive conditionality particularly in the process of the eastern enlargement through the use of gate-keeping, benchmarking and monitoring techniques. The bench-marked and monitored conditions to be fulfilled to proceed along the successive stages of the accession process related to reforms in the fields of democracy, human rights, as well as market reforms and

harmonization with the EU's *acquis communautaire* (or body of law). Yet conditionality is also applied to other types of contractual relations, as well as to other objectives such as conflict resolution. The delivery of EU benefits could be made directly conditional on peace efforts, such as the case of the 1995 Stability Pact for Eastern Europe. Conditionality could also have an indirect effect on conflicts by affecting policy fields linked to the conflict resolution agenda, which can affect the bargaining positions of the conflict parties. For example, the European Commission requirements on the abolition of the death penalty in Turkey had an indirect impact on the Kurdish question.

Learning

A second mechanism through which the Union can promote peace is that of social learning and persuasion, which takes place through the institutional, political, economic and wider societal contact between the EU and conflict parties. As opposed to conditionality, which alters decision-makers' cost-benefit calculus, domestic change through learning occurs with a transformation of perceived interests, as conflict parties voluntarily internalize the norms and logic underpinning the EU. Through participation in or close contact with the EU institutional framework, conflict parties may thus alter their substantive beliefs, visions and purposes, as well as their preferred strategies in the conflict in a manner conducive to peace.

The potential for learning depends first and foremost on the scope and intensity of contact between the EU and the conflict parties. It also depends on the degree of pre-existing overlap between EU and domestic norms within the conflict party, as well as the identification of the conflict party with the EU and its proclaimed values. Another determinant of the scope for learning is the degree of popular dissatisfaction with the status quo. To the extent that the public in a conflict party is dissatisfied with its leadership, it is more likely to be receptive to the ideas and proposals emanating from the EU. For example, the receptiveness of the Turkish Cypriot public to EU ideas and incentives in 2002-04 was caused largely by its dissatisfaction with Rauf Denktash's rule, exacerbated by the grave economic crisis that hit Turkey and northern Cyprus in 2000-01.

The Cyprus example raises the question of whether change induced by conditionality is complementary to that inspired by learning or not. Whereas change through conditionality tends to take place over the short and medium terms, more deep-rooted change through learning can only occur over the longer term. However, one mechanism can give way to the other. In the case of Cyprus, EU conditionality on Turkey and north Cyprus coupled with the economic downturn at the turn of the century made the Turkish Cypriots keener to 'learn' and receive the ideas and messages emanating from Brussels. This led to a deeper process of change in the north, which has largely persisted irrespective of the dampened expectations of reunification and EU accession in the post-Annan Plan period.

Passive enforcement

A final mechanism of EU impact on conflict resolution is that of passive enforcement. Rather than highlighting the logic of punishment, which sets in when rules are violated, this mode of foreign policy-making hinges on a system of rule-bound cooperation, which is expected to work through its inbuilt incentives. Unlike conditionality, passive enforcement does not attempt to alter the incentives of a conflict party by altering its cost-benefit calculus. The EU's delivery of benefits does not come as a recompense to a conflict party's compliance with a given condition. Obligations constitute the necessary rules which make mutually beneficial cooperation with the EU possible. For passive enforcement to work there must be a clear set of legally defined and definable rules embedded in EU contracts rather than a series of conditions the EU simply considers politically desirable. Furthermore, this system of rules must be considered as a necessary price that comes with EU engagement. In the case of conflict parties whose policies oppose EU objectives, these rules will initially be viewed as high costs (ie, the infringement on a state's sovereign capacity to pursue unconditionally its perceived interests). In these situations, the process of change embedded in passive enforcement requires that costs are viewed as obligatory and that the conflict party accepts to undertake these obligatory costs. In doing so and thus by experiencing the respect of the rule, over time its attributed costs could passively change and the respect of the rule could come to be seen as a benefit.

Passive enforcement relates to the EU's legal obligation of 'non-recognition.' Non-recognition relates to the duty of a state or international organization not to recognize or offer assistance to a third state's violations of the general norms of international law. A notable case in point has been the dispute between the EU and Israel over the preferential treatment of products originating in Israeli settlements and exported to the EU under the Association Agreement. After years of dispute, in 2005 the EU fulfilled its legal obligation to deny preferences to settlement-based products, arguing that failing to act would entail acquiescing and lending assistance to Israel's violations of international humanitarian law. The EU did not present its position as a policy of conditionality, let alone sanctions; ultimately Israel accepted it as a necessary 'rule of the game' for the smooth functioning of cooperative trade relations.

The determinants of EU effectiveness

EU contractual relations can influence ethno-political conflicts through three inter-related mechanisms. But which factors affect the extent and manner in which conditionality, learning and passive enforcement can influence ethno-political conflicts in the European neighbourhood?

Value

The effectiveness of each of the mechanisms depends first on the value of the benefits the EU holds on offer mapped against the costs of compliance with EU obligations. Only if the potential gains relative to the costs are sufficiently high, could the Union meaningfully exert influence on its neighbourhood conflicts. Value is determined by the objective nature of the contract. Naturally, when full membership is an option, the EU's potential leverage on a conflict is higher than in cases where relations are based on association, partnership or financial assistance. This begs the question of whether the EU can significantly influence third states that it cannot or does not wish to fully integrate. Indeed this is the core dilemma underlying the ENP, which was born precisely to find an alternative to full membership for aspirant EU members such as Ukraine and Moldova (and only later extended to the Southern Mediterranean and the South Caucasus countries).

Yet equally important is the subjective value of EU benefits: the perceived value by the recipients within a conflict party. Whereas membership may be the most valuable offer the Union can make, it may be of little interest to a nationalist jealously guarding his/her country's sovereignty and seeking international alliances elsewhere. By contrast, the more a conflict party identifies with 'Europe' or the more dependent it is upon it, the greater the EU's potential influence. However, different actors within a third country may value EU benefits differently. Domestic actors have different aims, strategies and tactics, which are driven by different historical, economic and political interests. As such their assessment of the EU differs. Hence, depending on the internal balance of different domestic actors and their interaction within a conflict party, the overall effect of EU conditionality can be positive, negative or nil.

Another determinant of value is timing. In the case of ex ante conditionality, expected reforms are demanded in the short and medium terms but the actual delivery of the benefit (eg membership) occurs in the long run. This generates several problems. Long-term benefits are valued less than short-term ones. The unpredictability of the long-term reduces the value of the benefit and therefore the potential incentives for conflict resolution. The time lag between the demanded conditions and the subsequent delivery of the benefit may also induce policy-makers in conflicts to delay policy changes or negotiating positions until the delivery of the benefit is closer and surer. This may be particularly true in conflict situations in which taking steps towards a settlement is often viewed as taking a risky step into the unknown. As such, principal parties may be reluctant to reach an agreement until the prospects of membership are closer. This dilemma characterizes the Turkish position on Cyprus and the Kurdish question for example. In other situations however the opposite problem may apply. At times, benefits delivered before the fulfilment of their accompanying obligations may also have disincentive effects on conflict resolution, as for example has been the case of Greek Cyprus and EU membership. When the benefit is delivered in the short-term based on an understanding that the respect of its accompanying obligations will follow suit, its value is absorbed by the recipient party. This may induce the conflict party to avoid or postpone the respect of the conflict-related obligations, counting on the EU's unwillingness to withdraw the carrot.

The credibility of the obligations

Beyond valuable carrots, the effectiveness of the three mechanisms also hinges on the credibility of the EU and its demanded conditions or obligations. Credibility depends on the conflict party's perception of the EU's capacity and willingness to carry out its declared commitments. In the case of ex ante conditionality, credibility is related to the Union's track record in delivering its promised gains, when and only when the specified conditions are fulfilled; whereas in the case of ex post conditionality, credibility is related to the EU's track record in withdrawing benefits in cases of consistent violations of specified obligations. Credibility in passive enforcement instead entails cooperating when and only when the rules governing engagement are respected by all parties. Credibility also impinges on the potential for learning, given that a particular norm is more likely to be assimilated when all parties engaged in contractual relations are steadfast in their respect of it.

In conflict countries, the EU's credibility is seriously damaged if the principal parties observe that the Union itself does not respect a condition demanded of it, such as minority rights in member states like France or Greece. Likewise, if EU policies are perceived as displaying double standards, favouring one side of a conflict, an inverse social learning effect may set in. This problem is particularly acute in secessionist conflicts from Cyprus to the former Soviet space, where the EU,

fearing indirect recognition, refuses to have any official contact with the de facto authorities of a secessionist entity. Official ties with the metropolitan state and the snubbing of the unrecognized entity creates resentment within the latter, which may lead to its distancing from the goal of European integration and the values that allegedly underpin the EU project.

EU credibility also requires clarity in the specification of conditions and obligations. In addition to its informational value, the clarity of a condition is key to credibility because it reduces the scope for the political distortion of a contractual relationship, and also raises the likelihood of learning and passive enforcement given the clear nature of the rule to be experienced and assimilated. Yet often, when it comes to conflicts, clarity is hard to obtain. When are human rights respected? When is justice obtained? What constitutes a compromise? Human rights violations and features of undemocratic practice, racism and xenophobia exist within the EU as well as outside it. The meeting of a criterion is rarely clear-cut and often a question of degree. In addition, the Union does not have ready-made benchmarks to monitor precisely the implementation of political reforms and policy shifts, and often does not have specific models that provide a clear format for an expected change within a third country.

Political management

Rather than representing a determinant of EU effectiveness in its own right, political management frequently provides the underlying explanation of why the EU's potential in conflict resolution is not met. Conflict parties' awareness of the EU's political management of contractual relations on the one hand reduces the value of an offered incentive, while on the other hand diminishes the credibility of the EU's conditions or obligations. It is often due to political imperatives, operating beyond the blueprint of a contract, that problems arise relating to the value and credibility of the EU's incentives and conditionalities in conflict resolution.

An effective EU contractual relationship would necessitate the automatic entitlement to rights when obligations are fulfilled and the automatic withdrawal or non-entitlement of benefits when they are not. Yet such automaticity is never present in practice. Both the granting and the withdrawal of a benefit require a consensus within the Union. For an association agreement or an accession treaty to come into force, there must be unanimity of the member governments, and the ratification of national parliaments and the European Parliament. Such a consensus depends on

the fulfilment of the contractual obligations of the third state. But it also depends on other factors, which are motivated by underlying political or economic imperatives. Some degree of political management in determining when and whether conditions are met and when and whether benefits should be granted is inevitable. However, when blatant violations persist without consequences or when benefits are not granted despite the general fulfilment of contractual obligations, then the EU's own credibility is harmed. In other words, when other conditions unspecified in the contract govern the Union's relations with third states, then EU policy loses its effectiveness in foreign policy.

In conclusion, the value of EU contractual relationships often grants the Union considerable potential to promote its peacemaking objectives in the neighbourhood. However, this potential is frequently marred by the wavering credibility of EU contractual obligations, which hinders the prospects for effective conditionality, learning and passive enforcement. Political management in turn diminishes both the value of EU relations and the credibility of EU conditions in the eyes of conflict parties. By contaminating contractual relations with political precepts that fall beyond the blueprint of contractual ties, the EU frequently punches beneath its weight in conflict resolution.

Cyprus

The Annan Plan and EU accession

Long a source of tension between Greece and Turkey, the newly-independent state of Cyprus experienced political violence between Greek and Turkish communities in the 1960s which culminated with the exit of Turkish Cypriot representatives from Republic of Cyprus institutions in 1963. In 1974 Turkey invaded the north in response to a military coup backed by the Greek government, and the island was effectively partitioned along a 'Green Line' patrolled by UN troops, with the northern third inhabited by Turkish Cypriots and the southern two-thirds by Greek Cypriots. In 1983 the Turkish-held area declared itself the Turkish Republic of Northern Cyprus, but has been recognized only by Turkey.

UN-mediated talks between the sides collapsed on several occasions before the prospect of European Union enlargement provided a new incentive to resolve the conflict. Talks between the Greek Cypriot leader Glafcos Clerides and Turkish Cypriot leader Rauf Denktash under the auspices of UN Secretary-General Kofi Annan were reactivated in January 2002 with the aim of reaching agreement before the European Union (EU) Copenhagen Council in December that year, which would, it was hoped, invite the whole island to join the EU. The 'Annan plan,' tabled in November to break the deadlock, proposed the creation of the United Cyprus Republic, a loose federation of the two constituent states joined together by a minimal federal government apparatus. But in the continued absence of agreement on the plan the EU Council decided that if there was still no formal agreement on reunification, then the internationally-recognized Greek Cypriot part of Cyprus could join the EU on 1 May 2004. UN drafters had requested the Annan plan be written into the accession agreement but the EU was ultimately not prepared to do this, its priority being to keep the broader Eastern Enlargement process on track.

Despite the Council's decision, the UN, backed by the US and UK in particular, continued the mediation effort. Special Representative Alvaro de Soto mediated talks in The Hague in March 2003 between Denktash and Tassos Papadopoulos (who had recently defeated Clerides in the Greek Cypriot presidential elections). Denktash's sustained resistance to the idea of putting the plan to a referendum seemed to put an end to the process. But with Denktash's position severely weakened by the election of new pro-European Turkish and Turkish Cypriot prime ministers, a final mediation attempt was made in early 2004. Exposed by a more realistic prospect of the referendum, Papadopoulos had become as much the reluctant partner as Denktash had been, apparently happy to accede to the EU without a united island. But under intense diplomatic pressure both sides eventually allowed the UN to 'fill in the gaps' in the plan (the parts the sides could not agree on), which would then go to a simultaneous referendum in each of the two communities in April. The referendum went ahead but confounded the expectations of many when the plan was endorsed by Turkish Cypriots (64 per cent) but overwhelmingly rejected by Greek Cypriots (76 per cent). A divided Cyprus acceded to the EU, with its laws and benefits applying only to the Greek Cypriot community.

Whilst it had originally been hoped the EU would be the 'sweetener' for the negotiations process, the potential for the accession process to make a decisive contribution was lost. Papadopoulos and the Greek Cypriot 'no' campaign made a compelling argument that there was nothing to lose in voting no: accession had already been assured and a better a agreement for the Greek Cypriots could be secured from a position of strength within EU institutions. Moreover, the complicated plan was not widely understood by the public and distrust of the Turkish side prevailed. Last-minute efforts by the US and UK to address voters' security concerns by bolstering the role of UN peacekeepers was blocked by Russia at the Security Council, probably because of concerns about the US and UK's regional agenda and European expansion.

International isolation and pressure for change in South Africa

Catherine Barnes

In the 30 years between 1960 and 1990, South Africa was subject to a complex and evolving set of sanctions aimed at influencing the South African government to dismantle the apartheid system. In the process, numerous innovative strategies were forged that have been a subsequent inspiration for other solidarity movements in support of oppressed peoples around the world. The resulting diplomatic, cultural and economic isolation confirmed the apartheid government's pariah status.

These international initiatives were not intended to pressure the main parties in South Africa to engage in a process of negotiations but rather aimed to end apartheid. Later the proponents of 'constructive engagement' – and most notably the British government under Margaret Thatcher – were able to draw on their credibility as 'friends' to encourage South African President F.W. De Klerk to engage with the African National Congress (ANC). At the same time, by the late 1980s the Soviet Union and many African governments encouraged the ANC to negotiate a political resolution to the conflict.

In retrospect, it seems that the various punitive measures were only indirectly influential in influencing the government's decision on whether and when to negotiate a transition. Yet while other external and internal factors were decisive, it seems that sanctions had the effect of strengthening the position of those in the white community – and crucially, in the business sector – who recognized the need for reform. They were also likely to have been an important factor in building support for negotiations amongst a white electorate tired of international isolation and being treated as a pariah in the global community. Finally, they were undoubtedly a source of support for the opposition and the ANC continued to value their influence during the negotiations process.

International isolation

Efforts to isolate apartheid South Africa were initiated on three fronts: individuals and groups leading anti-apartheid campaigns in their own countries; governments acting individually or in concert through organizations such as the Commonwealth; and the UN.

International efforts to abolish the apartheid system of discrimination date from the early 1960s, in response to the ANC's 1958 appeal for international solidarity. In 1962 the UN General Assembly passed a resolution that deemed apartheid to be a violation of South Africa's obligations under the UN Charter and a threat to international peace and security. The resolution paved the way for voluntary boycotts by requesting Member States to break off diplomatic relations and to cease

trading with South Africa (arms exports in particular), and to deny passage to South African ships and aircraft. It also established the UN Special Committee against Apartheid, which was to coordinate many of the efforts to impose punitive sanctions in the coming decades. Most Western governments rejected the resolution's call for sanctions and ignored the new committee. Yet the resolution lent moral and political support to the growing civil society-based international solidarity campaign – most notably the London-based Anti-Apartheid Movement – which pressed ahead with calls for economic and other sanctions.

Cultural isolation

Perhaps most innovative were the efforts to isolate South Africa socially and culturally that were instigated by civil society activists and then incorporated into the policies of sympathetic governments.

An 'academic boycott' was instigated in 1965 by a group of British university staff. It isolated scholars in South Africa by constraining their access to research and their opportunities to publish internationally and engage with counterparts abroad. The boycott was more of an irritation than a true impediment because it was easily circumvented. Furthermore, it was not a strategic lever to influence the government. It was also controversial, with many troubled by its undermining academic freedom and arguing that knowledge should be treated differently from material commodities. Yet supporters, including Archbishop Desmond Tutu, claimed that it triggered awareness in white liberal institutions that they were not exempt from a role in undermining the apartheid system.

Cultural sanctions during the 1980s were endorsed by a UN resolution indicating foreign artists should not work with South Africa. These sanctions were, however, a voluntary code enforced through public pressure and championed by celebrities and some cultural institutions. White South African artists were effectively banned from touring the world and non-South Africans were ostracized for performing in South Africa.

Perhaps the most influential initiative was the 'sports boycott', imposed initially because of the government's rigid adherence to apartheid in sport. Beginning with its 1961 expulsion by FIFA from international football, South Africa was then excluded from the 1964 Tokyo Olympics before being decisively and humiliatingly expelled from the Olympic Games movement in 1970, after almost 50 countries threatened to boycott the games if South Africa was included. It was also selectively banned from much of test match cricket. Campaigners continued to pressure sports bodies to exclude South Africans in tennis and rugby. The high point of protest occurred at the 1981 Springbok tour (rugby) of New Zealand in which thousands protested, invaded pitches and ended the tour. Efforts by campaigners were endorsed by the Commonwealth in 1977 and further codified in the 1985 UN International Convention Against Apartheid in Sports.

Sports are a key interest in much of South Africa's white communities so their exclusion from the international arena was more widely felt than the other academic, cultural and economic sanctions. The initial goal was to de-racialize South African sport but by the early 1980s it was aimed at forcing the government to abandon apartheid. While there is little evidence that it directly contributed to the De Klerk government's decision to negotiate, the sports boycott was perhaps the most obvious sign to the public that the world did not approve of their country's policies.

Economic sanctions

In addition to trying to isolate South Africa, campaigners sought to hurt its economy. A number of initiatives were tried, from imposing an oil embargo to trade sanctions and finally a series of disinvestment initiatives. The oil embargo was first proposed by the UN in 1963 but made little progress until Arab governments acted to impose an embargo in 1973 – a move that was counteracted when the government successfully obtained assistance from multinational oil companies to continue supply. Despite General Assembly resolutions in 1979 and 1980 and support from many oil-producing countries, including OPEC, opposition from key European and North American governments constrained the comprehensive implementation of that instrument.

The economic sanctions strategy was renewed in the mid-1980s, spurred on by the mass resistance to the attempted reforms introduced in the 1983 constitution and the government's subsequent violent crackdown and imposition of a state of emergency in 1985. The European Community and Commonwealth countries imposed limited trade and financial sanctions. The US administration of President Reagan opposed sanctions but imposed a limited export ban to head off stronger action in the US Congress. This move was trumped, however, when the US legislature forced through the 1986 Comprehensive Anti-Apartheid Act banning new US investment and new bank loans, sales to the police and military, and specific prohibitions against a range of goods – although strategic minerals, diamonds and gold, South Africa's largest export, were not included.

Innovative private sector initiatives complemented these governmental actions. Especially in the US, campaigners lobbied businesses to end their activities and investments with the South African state and businesses. Concerned shareholders introduced resolutions at company AGMs aimed at getting them to adopt the 'Sullivan Principles,' which required that businesses operating in South Africa ensure that all employees were treated equally in an integrated environment, both inside and outside the workplace, as a condition of doing business (which essentially made it impossible to operate given apartheid laws).

Campaigners also lobbied institutional investors, such as pension and endowment funds, to withdraw direct investments from South African-based companies and for US companies to divest from their South African interests. This 'divestment' strategy became a key focus of campaigning at American universities. By 1990 more than 26 US states and 90 cities had taken some form of binding economic action against companies doing business in South Africa. By the late 1980s, most of the world's largest companies had withdrawn from South

Africa – motivated by a combination of the reputational risk of continued operations and because the climate for investment in South African had deteriorated badly.

In retrospect, analysts suggest that the direct impact of these economic sanctions was limited. South Africa circumvented trade sanctions through transshipment via countries not participating in the embargoes. The divestment campaigns were costly to the foreign firms that withdrew – often selling assets cheaply to local white businesses but keeping non-equity links that permitted them to continue operating – but did not significantly dent the economy.

Financial crisis

Far more painful economically than the trade sanctions was the financial crisis that gripped the country from the mid-1980s, due to the deteriorating investment climate. From 1983 a series of urban uprisings, strikes and consumer boycotts combined with the ANC's strategy of economic warfare, industrial sabotage and attacks on government targets to bring the country to a standstill. The government responded by repealing some apartheid laws and imposing a national state of emergency in 1985. Against this context of increasing ungovernability, many expected the government to announce significant reforms to address the escalating tension. But Botha responded by informing the world that his government would not be susceptible to any pressure – whether from within or from without – and was prepared to go it alone if necessary.

Shortly thereafter, Chase Manhattan Bank declared it would not renew its short-term loans, triggering a liquidity crisis as other lenders similarly withdrew credit. South Africa's economy was highly dependent upon the willingness of foreign lenders to refinance its heavy external debt and these actions precipitated a 50 per cent drop in the currency's value and created severe capital scarcity. This financial crisis was brought on by the decisions of private lenders, who judged that South Africa's faltering economy, market uncertainties and political turmoil combined to make it unattractive for investment. Their motive was to mitigate their own financial risk rather than to trigger changes to apartheid and their decisions to withdraw preceded the imposition of governments' sanction policies. Yet it was the most economically damaging act of external actors.

Constructive engagement

In the global context of decolonization and expanding civil rights, apartheid South Africa was an international pariah for decades. Yet Cold War confrontation had combined with South Africa's profitable investment environment to encourage many Western governments

to support the NP government as an ally. As the communist governments in Eastern Europe collapsed, this polarization eased and Western allies began to pressure the government to reform.

Yet several governments refused to participate in imposing sanctions or other punitive behaviour, expressing doubts that they would be economically effective and concern that they would make Afrikaners more intransigent while being most harmful to the economically vulnerable black population. The chief opponents of sanctions were Margaret Thatcher and Ronald Reagan. Analysts debated the effectiveness of their 'constructive engagement' policies. According to Sanford Ungar and Peter Vale:

> "Having been offered many carrots by the United States over a period of four-and-a-half years as incentives to institute meaningful reforms, the South African authorities had simply made a carrot stew and eaten it. Under the combined pressures of the seemingly cataclysmic events in South Africa since September 1984 and the dramatic surge of anti-apartheid protest and political activism in the United States, the Reagan Administration was finally embarrassed into brandishing some small sticks as an element of American policy. The Reagan sanctions, however limited, are an important symbol: a demonstration to the ruling white South African nationalists that even an American president whom they had come to regard as their virtual saviour could turn against them."

On the other hand, continued closeness with the Pretoria government may have allowed the UK to influence the South African government's decision to reform. Herman Nickel, US ambassador to South Africa 1982-86, argued that the then British ambassador to South Africa, Sir Robin Renwick, was able to play an important role in encouraging De Klerk to release Mandela and facilitate negotiations precisely because he represented a government that had resisted pressure to impose sanctions. He therefore retained the access and influence that the US lost when Congress overrode Regan's veto on sanctions because, "once Congress had shot its arrow, the American quiver was empty" (*New York Times*, 15 May 1994).

Sanctions and the decision to negotiate

Despite the array of initiatives designed to pressure or encourage the South African government to abandon apartheid, they were not decisive. Instead, a combination of internal and external factors created conditions that led both the NP and the ANC towards the realization that their aims might be best met through political negotiations.

The apartheid system was riddled with economic inefficiencies and intrinsically unsustainable. This structural problem was exacerbated by the financial crisis of the 1980s and compounded by the increasingly widespread economic sanctions and embargoes on South African companies and goods – which also had significant symbolic impact. These factors convinced many in South Africa's influential business community that it was necessary to seek a more dramatic solution.

These economic challenges surfaced alongside other geopolitical developments. Key was the collapse of the Soviet Union and the discrediting of communism throughout Eastern Europe and in much of Africa. The ANC had received considerable backing and been associated with advocating state socialism. Apartheid leaders used fear of communism as a central justification for their policies. Thus the collapse of communism helped to increase their confidence when ANC leaders indicated they had relinquished their socialist aspirations. De Klerk later acknowledged that it would not have been possible for him to pursue political negotiations if the 'communist threat' had remained strong. Furthermore, the peace processes in neighbouring states and their rapprochement with the South African government meant the ANC was cut off from some of its previous bases.

Perhaps most significant of all, however, was the strength of the opposition in the democracy movement. As the country became increasingly ungovernable, many NP leaders began to realize that incremental reform would be unlikely to contain the conflict over the longer term. Yet while international isolation and the sanctions regimes may not have decisively forced the government to change its policies, it seems that they were influential in strengthening the case of those who argued for reform. They also offered considerable moral, political and practical support to various elements in South Africa's anti-apartheid democracy movement. Black leaders at the time and subsequently emphasized the effectiveness of the sanctions, and on his release from prison Nelson Mandela argued that lifting sanctions then would have risked aborting the process towards ending apartheid.

Crucially, international sanctions may have also helped to create a climate within South Africa's white communities that was more supportive of reform and endorsed De Klerk's strategy. This support became critical in 1992 when, responding to intense criticism from conservatives, he called a risky referendum to gauge the support of the white electorate. His overwhelming victory confirmed that the majority of whites supported a negotiated settlement. Ultimately, however, it seems that it was the leadership shown by pro-negotiation elements in all the parties that was responsible for South Africa's successful transition.

Internal and external pressure to negotiate in South Africa

An interview with Roelf Meyer

Roelf Meyer was the National Party government's chief negotiator during the transition from apartheid. After 1994 he continued in the portfolio of Constitutional Affairs in the Cabinet of President Nelson Mandela. He is now a businessperson and a consultant on peace processes.

In what ways did sanctions and pressure on the South African government contribute towards the negotiations process that began in 1990?

The decision to embark on a process of a negotiated settlement by the leaders on both sides of the divide resulted from various pressures and incentives that happened over time.

Pressure began to build up in the 1980s. In the early part of the decade the National Party (NP) government sent some signals that it was ready to offer concessions, but there was no serious intention to dismantle apartheid or even tamper with the central tenets of apartheid ideology. Policies to pacify 'moderate' coloured, Indian and black communities and leaders were introduced, but President P. W. Botha steadfastly refused to talk with any of the genuine black leaders such as the African National Congress (ANC).

Externally, the United Nations decided on punitive measures towards the country. International sanctions were activated in the fields of finance, trade, industry, sport, media and communications, not only by the UN but also bilaterally by South Africa's main trading and economic partners. By the mid-1980s many of the world's largest companies had divested from South Africa.

Internally, unrest was increasing and grassroots resistance organizations began to emerge in the black townships, while increasingly militant student protests triggered new waves of turmoil and violence. By 1985 the situation inside the country had reached crisis point with uprisings, strikes, boycotts and armed resistance reaching unprecedented levels. Reform-orientated groups and the media started to call for a new approach to solve the escalating tension.

How did Botha's government respond to this combination of pressures?

In response to what he called the "total onslaught" against the apartheid regime, Botha followed a "total

strategy," which sought to remove the reasons for unrest by providing social relief in order to pacify the anger of the black majority while overlooking their political aspirations and rights. The army was mobilized to help put down the protests in the townships and Botha declared a state of emergency in certain parts of the country. He had a great belief in the primacy of the military ahead of other government institutions and he deployed it to provide the social "back-up" where other government departments failed to deliver services in the black areas.

In August 1985 he made a speech in Durban in which many expected he would announce major reforms in apartheid policies, but in fact he used it to tell the world that his government would not submit to any pressure from inside or outside the country, and would go it alone if necessary. He was still not prepared to open negotiations with those representing the majority of the black community. To Nelson Mandela and others who were still imprisoned his condition was simple: they had to renounce violence before negotiations could begin.

However, around this period the government started very secret meetings with Mandela, who had nearly 50 encounters with government representatives by 1990. For Mandela, the process of talking secretly with the government could have drawn condemnation from the rest of the ANC leadership, but it seems he wanted to convince Botha that the ANC was not a wild-eyed terrorist movement.

Meanwhile, violence continued to spread and Botha declared a nation-wide state of emergency in June 1986 with more draconian powers than the one before. In response the United Democratic Front (UDF) was formed to mobilize all ANC supporters who were not imprisoned or in exile. Their strategy to make the country ungovernable was very effective and the government's security forces were stretched in their

capacity to contain the unrest. This became the worst period of the apartheid years through escalated violence by and against the state, but there was also active engagement by prominent South Africans like Archbishop Desmond Tutu who fought apartheid from a moral basis. They did so not only inside the country but also in the international arena.

What kind of an impact did external pressure make on the country?

In the latter half of the 1980s the pressure was really felt. Even South Africa's closest economic partners were abandoning it. The USA, for instance, instituted a wide-ranging sanctions bill during 1986 which had a major effect on all US companies who remained in South Africa. Their forced withdrawal from the South African economy, together with new pressures from multilateral institutions, had a significant negative impact on the economy, which was more dependent on international trade and investment then than now.

The sports sanctions can't be underestimated either – South Africans are mad about sport and sanctions had a major impact on the psyche of the whites in South Africa.

How did this build up of pressure influence key decision-makers?

South Africa was ostracized, and as a result the business community started to mobilize to influence the government to engage in a process of change. Public discussions and debates in business circles were now focusing on how the country could be changed. One such exercise was a scenario-planning model called the 'high road / low road scenario' (ie negotiation leading to a political settlement versus confrontation leading to civil war) that was publicly promoted and sponsored by Anglo American through Clem Sunter. From personal experience I can say it had a major impact when it was

presented to government representatives, including F.W. De Klerk.

Academics, religious leaders and civil society who were part of the 'establishment' also began to question apartheid policies and some became very active in pressuring for change. The Institute for a Democratic Alternative for South Africa, formed by then ex-opposition political leader Frederik van Zyl Slabbert, engaged in talks with ANC leaders in exile outside the country. This led to huge consternation.

Closer allies of the government started to raise their voices too. The *Afrikaner Broederbond* (Afrikaner brotherhood), which was for decades believed to be one of the most influential instruments behind apartheid, started to advocate change openly through their leader, Pieter de Lange. The same happened with some church leaders like Johan Heyns, moderator of the Dutch Reformed Church which was by many seen as 'the church behind apartheid.'

Whilst the vast majority of the government saw the need for change, Botha resisted. But in February 1989 he suffered a stroke and stepped down as NP leader. F.W. De Klerk, who was never part of Botha's inner circle, was elected in his place as party leader and started to prepare himself to take over as president. Despite being viewed as conservative he immediately engaged in talks with reformists in the country and abroad to seek advice and plan his leadership. Any of the candidates to succeed Botha would have done the same.

De Klerk was a civilian, a democrat and a pragmatist who understood the need for change. On 2 February 1990 he made a speech in parliament to announce the unbanning of all political organizations and the release of Nelson Mandela and other political prisoners. This surprise announcement had the required dramatic impact to force all concerned to accept that there was a new way forward. There were no conditions attached, which forced everybody to accept that the way forward was through negotiations.

Was the potential lifting of sanctions and isolation an incentive to change?

Yes, De Klerk expected South Africa to reap the rewards of this change, and in the build-up to the decision he engaged with world leaders who promised him success if South Africa would go that route. One of those who influenced the decision of De Klerk very positively was the UK prime minister Margaret Thatcher who had pursued a controversial policy of constructive engagement with South Africa, and her encouragement was undoubtedly a major incentive to act. De Klerk met

at least twice with her during the period he was party leader before he became President. She basically told him he better get his act together – you could call it pressure of a constructive and positive nature. The role the then British Ambassador, Robin Renwick, played was enormously significant in conveying messages to the South African government on behalf of the British government.

Was pressure on South Africa sustained after Mandela's release? The ANC called for the continuation of sanctions until there was proof that the process of change was 'irreversible.'

From my experience, the moment Mandela was released we started to feel the relief, and from this point international actors largely left us to carry on the process by ourselves. Some sanctions continued, but not to the same extent in terms of their effect. There was a gradual lifting of sanctions through the early 1990s as it became clear to the ANC that the longer South Africa suffered, there would be more longer-term implications.

I can't say what the ANC's assessment of sanctions was, but from our perspective it was more important to ensure there was progress towards a negotiated settlement. In reality the process became irreversible the day Mandela was let out of prison. There was no way he could go back into prison. The question was *how* we could succeed reaching a negotiated settlement.

What you must understand is that the South African government felt much greater pressure on the subject of controlling the political violence inside the country than from pressure from outside. The main concern right from the beginning was whole question of the armed struggle and how to get the negotiations process started, which took a long time. The first meeting between us was in May 1990 and we only started the multi-party process at the end of 1991. So there was a long process of 'talks about talks' and pre-negotiations.

Did international actors play roles in supporting the unfolding peace process?

Of course there were interventions from time to time, but none of those had a further, specific impact on the negotiations process that we started to follow. The influence was through diplomatic channels, in a friendly way, rather than pressure. Of course, at the time everyone wanted to see Mandela and he wanted to establish relations. But De Klerk was also a popular guest internationally as the man who started to dismantle apartheid, which helped bring some relief. It was all part of the diplomatic process of getting the

parties to come to agreement. For example, when the negotiations broke down in 1992, when I was Minister of Constitutional Affairs, my ANC counterpart Cyril Ramaphosa and I tried to move the process forward and we engaged with some international figures to try to get them to make a telephone call to get the process moving. Pik Botha and I went to see the UN Secretary-General Boutros Boutros-Ghali, and we spoke to him about our frustrations with developments, so that he could make some phone calls and help get the process on track. That was the kind of diplomatic influence that played a role periodically. The same year a delegation led by Cyrus Vance came to South Africa, which reflected international concern about the political violence and the lack of progress with the constitutional negotiations process.

Another example of the type of interaction we had is from much later, a few weeks before the elections of 1994, when a group of international individuals led by Henry Kissinger and Lord Carrington came to South Africa in the hope that they could use their influence and create space for the Inkatha Freedom Party (IFP) to come on board – the IFP hadn't participated in negotiations for almost a year and now everything was in place, the negotiations completed and the interim constitution passed through parliament. When this group arrived they immediately had a series of meetings, including with me, and I made it very clear there was no chance that we were going to create space by postponing the electoral process, which would only lead to mass mobilization and bloodshed. They were taken aback but phoned me the next day and admitted our assessment was perfectly correct, and they were packing their bags and leaving. The Kenyan representative stayed behind and met the IFP leadership and told them the only option was to participate in the election, and ultimately the ballot paper was amended and they did.

During the actual negotiating processes, though, was international influence useful in breaking impasses?

To some extent, but in reality we reached the main breakthroughs ourselves. The critical moment in the whole transition was the breakdown of negotiations in 1992. The constitutional negotiation process got going at the end of 1991 – what became known as the Codesa process – and went on for a number of months in specific working groups on specific subjects, but it became clear during that era that the government and the ANC did not have reconcilable objectives. I realized later on – I certainly didn't have the insight at that point in time – that in that whole period to June 1992, the NP was very much in the mindset of the old paradigm, which was about protection of the white minority

through holding governmental power, whereas for the ANC the constitutional talks were about securing as much power as possible.

Then came the collapse in the negotiations: first the multilateral negotiations came to a halt in May 1992, then a month later the ANC called off bilateral negotiations because of the Boipatong massacre, for which they held the government responsible. Obviously that was a way of putting pressure on us publicly, but I have no doubt that the underlying factor was that they knew that the NP were not on the same page as them with regard to the objective of negotiations.

We were all very concerned about the breakdown, but Cyril and I started to engage in a bilateral dialogue process, commonly called the 'channel bilateral,' and we very quickly hit upon the problem. What we talked about in the following few months led to the Record of Understanding signed between Mandela and De Klerk at the end of September, the essence of which was the establishment of the new South Africa. It *was* the settlement, from there onwards it was filling in the detail, despite the fact that it took us another three years.

Crucially, it was in that three months that we succeeded in changing the old paradigm. We started to ask what it was that we wanted for the future – in terms of a new constitution for the country – instead of what we wanted to protect from the past. The major shift in that period in thinking was to respect individual rights instead of minority protection: how do we safeguard the individual instead of how do we safeguard minorities? Once we had agreed on that, we could talk about a democracy with equal individual rights for all. That was the essence of that breakthrough.

Of course we didn't call it a 'paradigm shift' at the time, and I'm not suggesting this shift took place in the minds of everyone concerned, but there was sufficient understanding in the NP leadership to suddenly start looking at the bigger picture, the wider framework, instead of dealing with specific aspects. The ANC had their own paradigm shift too. Their decisions were still informed by the Harare Declaration of August 1989, which essentially called for an immediate dismantling of the apartheid government and a new interim government, without sufficient opportunity to balance the requirements of the South African people. Instead we ended up with long negotiations to 1994 followed by another two years of negotiations. So both sides made shifts to reach a sustainable settlement – the security forces would not have accepted the transition if this hadn't happened.

External versus internal incentives in peace processes

The Bougainville experience

Anthony Regan

Anthony Regan, a constitutional lawyer and Fellow at the Australian National University, has been an adviser in several peace processes or post-conflict constitution-making processes, including Uganda, Bougainville, East Timor and Nagaland.

The 'international community' is increasingly focused on peacebuilding as a significant priority, yet it often has a narrow focus, giving primary attention to roles of international actors. The peace process for Bougainville, Papua New Guinea (PNG), offers a case of a peace process that might well be regarded as an extreme example of an intervention supporting a locally initiated process, largely in accordance with agendas set by local actors, one where the international intervention has combined a lightness of touch with some sensitivity and creativity on the part of those involved in coordinating the intervention.

International intervention originated, under New Zealand leadership, as one intended to support the parties rather than an imposed intervention. Australia increasingly took a leadership role, but initially continued in the mode established by New Zealand, in part because of Australian sensitivity to the suspicion with which the Bougainvillean parties regarded it, given their history of supporting the PNG government economically and militarily.

This article focuses on two aspects of international support to the peace process. Firstly, the major external actors have sought to utilize funding to create incentives for parties to support the peace process or particular aspects of it. Their use of development funds, in particular, illuminates opportunities around the creative use of development funding, as well as some unintended consequences of deploying development funds as 'peace dividends.' The existence of a range of problems with the use of incentives even in a 'light touch' intervention highlights the difficulties involved in the use of such measures in interventions generally.

The second significant aspect described in this article relates to the internally generated incentives that have had a major impact in the Bougainville peace process. Major difficulties often arise with implementation of two key aspects of peace agreements – namely, disarming

combatants and implementing agreed constitutional changes. In Bougainville, the parties found creative ways of sequencing and linking stages of implementation of each of these aspects to provide incentives to each side to implement what they had agreed.

The Bougainville conflict and peace process

Bougainville (population approx. 200,000) is an island east of mainland PNG, and was the site of a violent secessionist conflict that took place from 1988 to 1997, before a peace process led to the Bougainville Peace Agreement in August 2001. The secessionist Bougainville Revolutionary Army (BRA) engaged the PNG Police and Defence Force (PNGDF) in a guerrilla struggle. The conflict was precipitated largely by disagreements over distribution of revenues from a giant open cut copper and gold mine that operated from 1972 until its indefinite closure in 1989, which caused major fiscal problems for PNG.

When PNG forces withdrew from Bougainville in 1990, the leader of the BRA, Francis Ona, made a unilateral declaration of independence (never recognized by any other country). Local differences amongst Bougainvilleans contributed to the development of armed opposition to the BRA by groups later known

as the Bougainville Resistance Forces (BRF). PNG forces soon began returning to various parts of Bougainville, usually at the request of groups threatened by localized conflict. The two main dimensions of conflict (PNGDF versus BRA, and intra-Bougainvillean) caused or contributed to several thousand deaths and massive levels of destruction of infrastructure and economic activity.

A peace process began in mid-1997 on the initiative of the opposing Bougainville factions. Although the BRA was in the military ascendancy, a majority of its leadership recognized that complete victory would probably take some years and be so divisive as to render it nugatory. There was strong pressure from the Bougainville parties, in particular, for substantial roles for the international community to facilitate and support the peace process. Parts of the PNG government were initially reluctant, seeing this as 'internationalization' of the conflict, giving encouragement to secessionist aspirations and challenging PNG sovereignty. But a combination of strong support on all sides for doing whatever was needed to end the conflict, pressure from the BRA, and the election of a new PNG national government in mid-1997 contributed to agreement between the parties by early 1998 on the main elements of international intervention.

Phases of peacemaking and external roles

The peace process involved three main phases, each requiring different forms of support.

First phase

In the first phase, from mid-1997, the focus was on establishing the process and its institutional architecture, and building trust and confidence amongst the parties to a point where they could negotiate a settlement. The main forms of external support were facilitation, mediating divisive issues, providing security to enable negotiations, providing technical support to assist the parties to prepare for negotiations, and continuing the humanitarian and reconstruction assistance begun during the conflict period.

The first negotiations in New Zealand involved just the Bougainville factions with facilitation and some mediation from the hosts and some support from Australia. The Bougainville factions agreed to seek peaceful resolution of the conflict and called for a neutral peacekeeping force under UN auspices. Talks between PNG and the Bougainville factions began in New Zealand in October 1997 and produced the Burnham Truce, which would be monitored by the unarmed New Zealand-led regional Truce Monitoring Group (TMG). A key feature established with the first negotiations and continued thereafter was inclusion in BRA/BRF representation in the negotiations of local leadership of the community-based fighting units. This meant large numbers of people attending – almost 100 Bougainvilleans went to the first Burnham talks. New Zealand and Australia at times attempted to limit numbers to reduce costs and logistical pressures, but were persuaded by the Bougainville leaders that in Bougainville's political and cultural context inclusivity was vital.

A 'road map' for steps towards a negotiated process was set out in the Lincoln Agreement, signed in New Zealand in January 1998. The main steps included: negotiating an 'irrevocable' ceasefire agreement; transforming the TMG into the Peace Monitoring Group (PMG), reporting to the parties through the Peace Process Consultative Committee (PPCC) chaired by a small UN observer mission and involving the PMG; establishing a 'reconciliation government' to unify the Bougainvillean factions in advance of negotiating a political settlement; and establishing the UN Political Office in Bougainville (UNPOB) with a mandate to monitor the peace process. In general the 'road map' was adhered to, although difficulties in establishing the reconciliation government contributed to splits in Bougainvillean groups and to a 12-month delay in beginning political negotiations.

Second phase

The second phase – negotiating a political settlement – began in June 1999 and continued until the signing of the Bougainville Peace Agreement (BPA) on 30 August 2001. Most aspects of the agreement were the result of two stages of negotiation: first between the opposing Bougainville factions that needed to reach compromise positions; then between the combined Bougainvillean groups and PNG. The agreement comprised three main elements: a constitutionally guaranteed referendum on Bougainville's independence, deferred for 10 to 15 years; a constitutionally guaranteed high level of autonomy for Bougainville; and the withdrawal of the PNGDF and police 'riot squads' and a multi-stage process for disarming of Bougainvillean combatants (referred to as the disposal of weapons).

During this second phase, the need for a buffer between parties and for creation of a secure environment reduced. Facilitation of talks now involved mainly negotiations occurring in Bougainville or elsewhere in PNG. There continued to be a focus on inclusion in such talks of numerous locally based BRA and BRF representatives. A number of extended negotiating sessions were held in the PNG capital, Port Moresby, entailing considerable expense. The only talks held outside PNG involved a major meeting on weapons disposal held in Townsville, Australia, in February 2001. Some mediation continued, by the UNPOB and Australia in relation to critical issues arising in negotiating the peace agreement. Funding continued in support of provision of technical advisers to the parties. Humanitarian assistance reduced as a donor priority as conditions slowly returned towards 'normality,' with aid increasingly directed to reconstruction and to restoration of economic activity, notably cocoa production.

Third phase

The third phase – implementing the political settlement – has proceeded more slowly than expected, but has involved a high level of cooperation between Bougainville groups and the PNG government. Constitutional laws to implement the agreement were developed jointly and then passed by the PNG parliament early in 2002. PNG forces withdrew from Bougainville from 2001 and the weapons disposal process was implemented in Bougainville with a reasonably high level of success, ending in 2005. The agreed autonomy arrangements were set in place through, first, a participatory process for the making of a constitution for an Autonomous Bougainville Government (ABG), and then the conduct of elections for the ABG, which began operating in June 2005.

The third phase has seen reduced concern about a secure environment in Bougainville, enabling first reduction in size of the PMG and its eventual withdrawal in July 2003, with a small Bougainville Transitional Team then provided by Australia for six months to help manage consequential uncertainty of some Bougainville parties. Assistance with implementation included technical advice on the constitutional laws and elections, support for the weapons disposal through UNPOB and PMG contributions to secure containment of weapons, and funding to provide incentives for disposing of weapons through 'projects' for communities where disposal occurred. Development aid continued, and from about 2003, building government capacity in Bougainville became a focus for the Australian Agency for International Development (AusAID).

While there has been considerable progress, there has not been a simple transition from conflict to absolute peace. Various tensions, divisions and difficulties have deepened or emerged during the peace process. There have sometimes been tensions between the main parties to the peace process and significant divisions also developed at various points amongst some of the Bougainvillean groups supporting the peace process. With difficulty, these differences were for the most part managed, and compromise positions emerged on most issues. There have also been significant dissident groups refusing to support the peace process, notably former BRA elements that followed original BRA leader Francis Ona, who until his death in July 2005 opposed but did not actively undermine the peace process.

Funds and incentives to support the peace process: mixed results

In general, the diverse aspects of the intervention developed at the request of the parties to the process. Requests initiating various aspects of the intervention, or giving extended mandates to, say, the PMG or the UNPOB, were generally made by the parties through the negotiation process. Others involved direct requests by one party, as with those for technical support to the Bougainville Administration. At the same time, the ambassadors of Australia and New Zealand and the Director of UNPOB played significant roles in encouraging progress in the peace process. At times they applied considerable pressure to the parties to move in particular directions.

Whilst the best known roles of the Australian and New Zealand governments in support of the peace process include facilitation, monitoring and mediating divisive issues, they have also used funding to not only support the peace process, but to influence the way the process developed and create incentives for Bougainvilleans, in particular, to support the peace process.

Both AusAID and New Zealand Aid (NZAID) have funded a wide range of activities in Bougainville. AusAID's initial focus on humanitarian assistance and small-scale reconstruction gradually shifted to support for larger infrastructure projects, income generation, and building capacity in the Bougainville Administration, especially in the law and justice sector. The UNDP has also had significant roles in funding aspects of facilitation of the peace process, and the European Union has funded some significant development projects.

Some funding in support of the peace process was quite specifically targeted to encourage communities to support the process, or to encourage progress with particular aspects of the process (such as weapons disposal). It did not always achieve the solely positive impacts intended. Well-intentioned funding inputs have contributed to broader problems in Bougainville, notably the payments of allowances to take part in aspects of the process, 'peace dividends' projects, and the funds intended to encourage weapons disposal. These inputs have encouraged perceptions both of availability of an unlimited pot of funds for peace process activities and that involvement in the peace process was about money.

Facilitation interpreted as incentives

While the donors probably always made clear distinctions between, on the one hand, funding intended to facilitate the process (eg for transport to meetings, allowances for participants in meetings, paying costs of accommodation and venue hire) and on the other hand funding intended to provide incentives to participate in the peace process, that distinction was perhaps not always as clear to participants.

Significant funding for facilitation of negotiation sessions and meetings of the PPCC, for providing technical advisers to the parties in the negotiations, and for implementation of the 2001 peace agreement undoubtedly made significant contributions to progress in the process. But some facilitation funds had mixed impacts, in part because recipients interpreted the provision of funding as incentives for participation in the peace process.

Australia, New Zealand and UNPOB (through the UNDP) at various points offered allowances and other financial benefits to Bougainvilleans (and even PNG officials) attending peace process meetings and taking part in awareness activities, and also met some categories of costs associated with reconciliation ceremonies (eg awareness-raising and transport, but not for

compensation payments made as part of reconciliation ceremonies). The funds were offered in good faith, largely in response to widespread lack of income. But in doing so, it quickly became the norm for many people to show reluctance to take part in peace process related activities without some form of recompense.

Incentive payments and peace dividends

Early in 2001, with little progress made towards agreement on a weapons disposal process, Australia offered incentives in the form of a AUD$5 million fund to provide small income-generating projects to former combatants groups from communities in which weapons disposal was proceeding. The process of allocation and distribution of the funds proved divisive and disruptive, and there has been very little evidence of any sustainable contribution to income-earning activity.

Australian and other donor funding was also directed to provision of humanitarian assistance and development aid, usually allocated with a view to encouraging support for the peace process. In the late 1990s, donors offered what were termed 'peace dividends' – mainly small-scale projects (eg classrooms, health centre buildings and small commercial projects) to communities supporting the peace process. While most projects made important contributions to improved services, the term 'peace dividends' was an unfortunate one in the circumstances, suggesting that peace was not necessarily something to be supported because of its inherent value, but rather on the basis of receipt of financial incentives. Even as late as 2005-06, the provision of funding for such small projects as classrooms and health facilities in areas where dissidents were well-supported have been perceived to be an enticement for opponents of the peace process to join it.

Development aid for reintegration

There has been some creative use of development aid to encourage economic development, with priority for projects that create economic opportunities for former combatants. Even major infrastructure projects are directed towards such peacebuilding goals. For example a major Australian-funded road project rehabilitating over 600 kilometres of the coastal trunk road has required the international contractor to develop numerous small construction businesses along the road route, each involving former combatants as much as possible, with a view to both their reintegration into communities and the spread of economic benefits more generally, as well as maximizing community support for the project.

Attempting to build state capacity

Both AusAID and NZAID have long recognized the importance of building the capacity of the weak Bougainville Administration (the administrative arm of the old provincial government and more recently the ABG). Administrative capacity had been largely destroyed during the 1990s, so by the time the peace agreement was being implemented, a key concern was that the implementation of autonomy arrangements would be limited by administrative capacity, possibly undermining support for the peace process.

There were often complaints by Bougainville leaders about insufficient consultation by AusAID and NZAID on humanitarian assistance and development funding, though this often reflected the weak capacity of the Bougainville Administration. Australia has been proactive in initiatives to build the BA's capacity, but implementation problems have sometimes contributed to tensions between AusAID, in particular, and the Bougainville government and administration.

Capacity-building support has included: providing advisers to the Bougainville Administration – particularly to 'strategically' important parts of it like the police; a project to train and fund part-time community-based police officers; funding a study and strategic plan for restructuring the administration; and AusAID's innovative effort to provide incentives for improving the administration's weak capacity, with funding directed to implementation of the agreed autonomy arrangements and encouragement of good government. Under this Governance and Implementation Fund (GIF), PGK 6 million per year goes to the Bougainville government (with some also to the PNG government) for projects and programmes selected jointly by Bougainville, AusAID and PNG. The GIF envisages increased funding and its transfer to full Bougainville control, but only if ABG financial management, planning and budgeting capacity improves.

Internally generated incentives: linkages and sequencing

A focus on the roles of the international intervention and the way it influenced the peace process through incentives and (to a lesser degree) conditionalities can result in a tendency to lose sight of two important and closely related factors that can be vital contributors to the success or failure of a process. The first is whether or not the parties to a peace process have what we might call *locally generated incentives* for engaging in the process and reaching a peace agreement. The second is whether such incentives can be *creatively utilized* in the peace process, and even translated into mutually

reinforcing incentives that operate to improve the prospects of the peace agreement being honoured and implemented.

In the Bougainville case, there were incentives for the parties to engage in the peace process and reach a peace agreement. For PNG, they included such factors as the contribution of the conflict to internal divisions that were destabilizing the country, severely adverse economic impacts, loss of morale in the security forces, and loss of international reputation in relation to human rights. For Bougainville they included fears of the long-term impacts of growing internal divisions, the deaths, injuries and trauma being suffered by so many, destruction of the economic base, and so on. Throughout the peace process, such considerations encouraged parties to support the process, even at times of extreme difficulty.

It was in large part because of the continued awareness of such considerations that the parties were able to agree to embed in the BPA their own system of incentives for its implementation. These incentives were provided through creative linkages between agreed-upon steps for implementation of key arrangements that in many other peace processes have been stumbling blocks to implementation of peace agreements. Sometimes implementation failures contribute to breakdowns in peace processes, and even to renewed conflict.

In this case the main linkages were between the provisions, on the one hand, for disposal of weapons by Bougainvillean factions and, on the other hand, the constitutionalizing and implementation of the referendum, autonomy and other agreed-upon arrangements. In particular, the obligation on Bougainville's ex-combatant groups to move weapons to secure storage arose only on PNG both making the constitutional amendments implementing the agreement and withdrawing its forces from Bougainville. However, once passed by Parliament, the constitutional amendments did not come into operation until the UN mission verified completion of stage 2 of weapons disposal (secure containment). Subsequently, lack of substantial compliance with the agreed-upon weapons disposal process could have resulted in the UN mission delaying elections for the ABG (any party to the Agreement could call on the UNOMB to verify and certify substantial compliance in weapons disposal, and whether the level of security for the weapons was conducive to the holding of elections). All factions were thereby given incentives to honour obligations with which they might otherwise have been reluctant to comply.

While weapons disposal has removed a large proportion of weapons from the hands of the BRA and the BRF, the process has by no means removed all weapons from the community, and at the end of 2007 the ABG is attempting to develop a new weapons disposal process. Nevertheless, the linkages just outlined worked well in practice, and undoubtedly contributed to the reasonable degree of success achieved in weapons disposal.

There is an additional linkage yet to come into operation, but which is intended to operate to provide ongoing incentives for continued efforts in relation to weapons disposal. It involves setting the date on which the referendum is held within the period of 10 to 15 years after the ABG is established. Amongst the conditions to be taken into account when setting that date is the progress in relation to weapons disposal.

In essence, through this system of linkages and sequencing, each side agreed to implement an agreed step that was to some degree against its own interests, provided that the other side also implemented an agreed step that the first party regarded as being in its own interests. Similar links between decommissioning weapons and constitutional or electoral steps could perhaps have been helpful in the Northern Ireland peace process. But such arrangements could also be adapted to meet quite distinct goals. For example, a national government concerned that a new autonomous regime may be dominated by, say, an anti-democratic group, or may ignore human rights norms, could negotiate for specific benchmarks for implementation of democratization or for human rights protections that must be achieved by the autonomous regime in order to trigger obligations on the national government to implement agreed steps which the autonomous regime sees as vital to its interests.

Conclusion

The various problems and dilemmas around international interventions described elsewhere in this publication are clearly more intense in situations where the intervention has been made largely at the initiative of international actors, and where the intervention is seeking to create the space for a peace process rather than supporting a locally-initiated process. By contrast, the Bougainville experience suggests that the focus of attention on externally developed and delivered incentives, sanctions and conditionality should not be at the expense of attention to internally generated incentives in peace processes, and the possible ways in which the latter might be integrated with the former.

Room for accommodation

Incentives, sanctions and conditionality in Northern Ireland

David Mitchell

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The partition of Ireland in 1920 replaced one embattled minority with another. Unionists, descendents of settlers from Britain, became a majority in the newly formed Northern Ireland which remained part of the United Kingdom, while a new minority of Irish nationalists was left on the 'wrong' side of the border. Misrule on the part of the one-party unionist government eventually spawned both a non-violent civil rights campaign that sought equality for nationalists within Northern Ireland and an armed campaign utilizing terrorist tactics that sought to force the reunification of the island. Through the bitter 'Troubles' that ensued, British security forces contained, but could not defeat, the Irish Republican Army (IRA). Towards the end of the 1980s, a 'peace process' crystallized under the sponsorship of the British and Irish governments. This was a dual project of both ending the violence and attaining the widest possible consensus on a new mode of governance for Northern Ireland. Multi-party negotiations produced the Belfast Agreement, finalized on the appropriately redemptive date of Belfast, 10 April 1998. However, in the years that followed, a number of outstanding issues, principally the decommissioning of paramilitary weapons, perpetually destabilized the fledgling institutions and poisoned relationships, until stable power-sharing was at last established in May 2007.

What role did incentives, sanctions and conditionality play in the Northern Ireland peace process? Former Ulster Unionist Party (UUP) leader David Trimble recently offered conditionality as Northern Ireland's major lesson for other peace processes, most notably Israel-Palestine (*The Guardian*, 25 October 2007). He argues (in contrast to Michael Ancram's contribution to this publication on exploratory dialogue without conditions) that the international community must set clear preconditions of recognition and non-violence before negotiating with groups using terrorist tactics. Critical words are tucked away at the end of Trimble's article, however: 'some flexibility is required.' Crucially, while the

Northern Ireland case is replete with examples of conditions and sanctions, *consistent* and *unambiguous* conditions and sanctions are few and far between.

At the outset, three important contextual points must be made. The first is that the defining feature of the 1990s peace process was its attempt to include the paramilitary groups. The British and Irish governments had come to the realization that a durable accommodation in Northern Ireland was impossible without the participation of the violent extremes. Other peace efforts in the 1970s and 1980s had sought to marginalize them and had failed. The second point to note is the peculiar status of the managers of the peace process, the British and Irish governments, vis-à-vis the conflict – not quite external actors, not quite participants. Both Britain and Ireland had territorial claims on Northern Ireland, yet the Anglo-Irish Agreement of 1985 formally expressed their desire to collaborate unselfishly for peace and stability. The third point is that this short article will focus primarily on how the republican movement – the IRA and its political wing Sinn Féin – was dealt with, rather than loyalist (pro-British) paramilitaries. Very similar efforts to include loyalist paramilitaries were made (a place in negotiations, prisoner releases) but the key difference from the IRA was that their allied political parties enjoyed very little public support.

Early years

In the late 1980s and early 1990s, the British and Irish governments and the non-violent nationalist Social Democratic and Labour Party (SDLP), were each engaged in separate and clandestine contacts with the republican movement aimed at making a case for bringing the IRA campaign to an end. That case included moral arguments, electoral considerations (Sinn Féin's militant associations had put a cap on its level of support) and, most importantly, the British conveyed that there would be a place for Sinn Féin at the negotiating table in the event of a permanent ceasefire. The 'Downing Street Declaration' issued jointly by London and Dublin in December 1993 was addressed mainly to republicans, setting parameters for future talks but holding out the opportunity to participate in them under certain conditions. The key parameter was the principle of consent: that the status of Northern Ireland would continue to be determined by the wishes of a majority there was not up for negotiation. The key condition was that parties seeking entry to the talks must 'establish a commitment to exclusively peaceful methods' and must have shown 'that they abide by the democratic process.' While Sinn Féin formally rejected the declaration, the IRA ceasefire on 31 August 1994 suggested that republicans were interested in the opportunities it might open up.

There were both 'push' and 'pull' factors in why republicans were amenable to British overtures. The 'push' factor was the corrosive stalemate. As the British knew, republicans were war-weary and there were those within the leadership fully aware of the limits of militarism and eager to explore the potential of peaceful politics. The 'pull' factor was the alluring prospect of building a powerful 'pan-nationalist front' to pursue republican objectives, something impossible as long as terrorism continued. Such an alliance would comprise Sinn Féin, the SDLP, the Irish government and an increasingly nationalist-inclined United States. In the early days of the Clinton administration, powerful Irish-Americans from the political, media and corporate worlds lobbied the White House to take an interest in Ireland, arguing that the US could play a role in encouraging republicans towards peace. Hence the granting of a visa to Sinn Féin leader Gerry Adams to visit New York briefly in January 1994.

This affair neatly exemplifies incentives in peace processes in all their opportunity, risk and moral ambiguity. The granting of the visa showcased the benefits of halting violence: the potential to cultivate powerful alliances, an enlarged audience for republican concerns, prestige, and even simply freedom of movement. At the same time, the action antagonized the unionists and the British government who were outraged at what they interpreted as a conferral of legitimacy on terrorism. Certainly, the visa episode is now regarded by many as a catalyst in republicanism's move away from militarism. If this is the case, its success was in its relatively modest, symbolic nature. Apart from a temporary dip in relations with Britain, it cost little of substance to anyone. And, like similar instances during the peace process, the visa was an important 'self-esteem' boost for republicanism that compensated to some extent for the loss of morale entailed in winding up the armed struggle.

Subsequently, US involvement in the peace process became more even-handed, remaining low-key but important. The US contributed personnel (most notably talks chairman George Mitchell), opportunities for politicians to meet outside of Northern Ireland, and a platform for key speeches and events. Clinton was a constant encouragement, visiting three times and intervening by phone at crunch moments. Investment by US companies helped encourage a sense of the economic boons of peace.

Towards the Belfast Agreement

A prolonged impasse followed the IRA ceasefire. The British government and unionists doubted that it was permanent. They accordingly demanded the decommissioning of weapons as a confidence-building measure. To republicans this was a new precondition, an artificial stumbling block thrown up to prevaricate on addressing the iniquities of the status quo. The issue was referred to an international commission, which recommended that some decommissioning occur voluntarily during talks, rather than prior to them as the British government desired. In the meantime, parties should sign up to six principles of non-violence (the 'Mitchell Principles') to gain entry to negotiations. But IRA patience had been exhausted and the ceasefire ended in February 1996 with a massive bomb attack in London. All-party talks went ahead without Sinn Féin in June 1996 but the governments continued to assure republicans that they could participate if violence stopped once again.

The governments had reached out to loyalists by deliberately using the proportional representation system in elections to determine the composition of talks delegations in order to ensure the inclusion of the small loyalist paramilitary-linked parties. When the ceasefire was renewed in July 1997, Sinn Féin promptly espoused the Mitchell principles and was at the talks table within weeks. While hopes for decommissioning during the negotiations remained, all sides knew this was a remote possibility. Sinn Féin was expelled from the talks in February 1998 after a number of IRA-linked murders, but it was clearly a token gesture and they returned after missing only six days of talks.

To many unionists, the softening of the British position on disarmament was pandering to the threat of violence: peace at any price. Yet the flexibility was predicated on two calculations. The first was the very real danger, evident in the breakdown of the ceasefire, of pushing republicans too hard and causing them to lose faith in their non-violent strategy. The second judgement was that republicans were locked into a process that made decommissioning inevitable in any case. Sinn Féin, rather than the IRA, was increasingly the vital organ of republicanism. Its electoral mandate was growing and it had given tacit acceptance to the consent principle and explicit acceptance to the Mitchell Principles. Sinn Féin was thought to have set a course of which the full and final removal of its violent associations was the inescapable destination.

After the agreement

The UUP had grudgingly accepted the shifts in the British position on disarmament. But once agreement was reached and it had gained an important means of leverage over republicans – the power to prevent the establishment of the new power-sharing Executive and Assembly – the UUP was determined to force the issue. Under the slogan 'no guns, no government,' the UUP argued that the agreement's non-violence principles

required IRA disarmament prior to Sinn Féin entering government. In fact, the agreement fudged the issue of decommissioning and appeared to leave it as voluntary. Sinn Féin responded to the UUP by saying that, if it was going to happen at all, decommissioning would be on condition of substantial progress on the republican agenda – equality and police reform, demilitarization and the setting up of the institutions. The deadlock lasted for eighteen months.

In general, in their dealings with republicans, unionists opted for strict conditions and sanctions while the British government favoured enticement. The British proceeded with prisoner releases, demilitarization and police reform without any weapons having been given up. This was intended to prove to republicans the advantages of the democratic process, but profoundly demoralized unionists who felt that to persuade rather than compel terrorists to disarm was morally repugnant. To shore up unionist support, the British handed them a couple of significant victories, limiting police reform and decreeing, against nationalist wishes, that the UK flag should continue to be flown from public buildings.

However, UUP leader Trimble did believe that those at the helm of Sinn Féin were genuine in their commitment to steering republicanism away from violence and that it was just a matter of time before decommissioning materialized. He was also wary of how excessive compulsion tactics and preconditions could have an adverse effect on Sinn Féin's ability to manage its grassroots. Accordingly, to the disquiet of much of his party, Trimble moderated his stance by participating in a number of sequencing experiments in which the UUP agreed to share power on condition that decommissioning follow soon after. On the first two occasions, there was no movement on weapons and power-sharing collapsed. The British government supported Trimble by suspending the institutions, at once encouraging unionists and sanctioning republicans. Another penalty employed by Trimble was to block Sinn Féin ministers from attending meetings of the all-Irel and ministerial council, one of republicans' favourite aspects of the agreement. Eventually, limited acts of decommissioning did happen, which Trimble, at least, put down to his measured applications of pressure aimed at showing the IRA that unionists meant business, but carefully calibrated not to destroy the process altogether.

In November 2003, to the dismay of many peace process supporters, the UUP was eclipsed electorally by the harder-line Democratic Unionist Party (DUP), which had opposed the agreement. But the DUP's approach proved to be very similar to that of the UUP – an imperious appearance was created but the door to accommodation left slightly ajar. Just as Sinn Féin had

realized in the 1990s that it had no other option than to work within the parameters of the British-Irish sponsored peace process, the DUP was aware that to continue to reject the agreement, much of which had been implemented irreversibly anyway, would not be in unionism's long-term interest. The DUP preached its conditions to Sinn Féin, yet right up virtually until the party agreed to share power with Sinn Féin in May 2007, the DUP was vague about the exact extent of change in republicanism it was demanding. When what was billed as full and final decommissioning occurred in September 2005, and Sinn Féin gave its support to the police service in early 2007, the DUP was publicly sceptical, adding more demands, but quietly accepted the actions.

Conclusion

It is of course difficult or even impossible to prove a causal link between an incentive or sanction and a subsequent action, especially when dealing with highly secretive organizations. For instance, the first act of IRA decommissioning in October 2001 was credited by many to the new global anti-terror climate in the wake of 9/11 rather than unionist conditionality. Nonetheless, the Northern Ireland case does seem to demonstrate the utility of such measures. Three main conclusions can be drawn. Firstly, this case study underlines the importance of understanding what motivates a party. What incentives might prove tempting? What degree of sanctioning will it take before buckling? Secret dialogue between the parties prior to public engagement helped build this knowledge. Secondly, balance must be reached between tough sanctions and conditions on the one hand and flexibility – room to back off from or modify those conditions – on the other. This is the classic conundrum of how to deal with enemies while maintaining supporters. A hard-line appearance must be created to steady the nerves of supporters and pressure opponents, but room for accommodation must be maintained. To this end, in Northern Ireland, policies and statements frequently contained heavy doses of constructive ambiguity. Thirdly, the case displays how incentives, sanctions and conditions work best when the peace process is well-managed, stable and coherent. The British and Irish governments provided these qualities, as did other expert personnel whom the governments appointed, most notably George Mitchell and Canadian General John De Chastelain who headed the international decommissioning commission after the agreement. They had a monopoly on peacemaking efforts; as the cliché went, the peace process was 'the only show in town.' When a sanction or an incentive annoyed one or other of the sides, they knew that to resist the governments' agenda outright would be futile and that their goals could only be advanced through adapting to the parameters set.

Dilemmas of multiple priorities and multiple instruments

The Darfur crisis

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Violent conflict in Darfur, Sudan, escalated to outright civil war in February 2003 and the following fifteen months saw a scorched earth counterinsurgency conducted by the Sudanese army and its proxy militias. The war is estimated to have cost 200,000 civilian lives, mostly from hunger and disease. The war and associated atrocities gained a high level of international attention around the tenth anniversary of the genocide in Rwanda alongside an international chorus of 'never again.' Subsequently the US government determined that genocide had been committed, and Darfur became the focus of an immense activist movement in the US calling for military humanitarian intervention and other tough measures against the Sudanese government.

This article assesses the international efforts to address the Darfur crisis. It notes the multiplicity of goals and profusion of mechanisms, especially instruments of pressure, and argues that these impeded the search for a practical solution. In particular, the prioritization of peacekeeping over peacemaking, driven in part by public advocacy campaigns to 'save' Darfur, complicated and obstructed the prospects for peace. The international community's use of sanctions, conditionalities, guarantees and incentives in the peace process must be seen in this context. The focus on peacekeepers and more broadly an absence of a clear and consistent strategy for peace, meant that these instruments were used unsparingly but ineffectively. Even when they did have an immediate impact, as with the case of US targeted sanctions in 2007, the lack of a political strategy meant that the outcome was modest.

Darfur's war and peace process

Darfur's war is complicated, the product of local conflicts worsened by misgovernment and neglect, the spillover of Chad's civil war and the readiness of diverse political opponents of Khartoum to support armed rebels. The same political turmoil in Khartoum that

enabled President Omer al-Bashir to eject the most radical Islamists from government, and therefore to move towards an accommodation with the US that enabled the government to cooperate in the 'war on terror' and open serious peace talks with the southern Sudan People's Liberation Army (SPLA), also created the context for Darfurian Islamists to begin armed resistance. The Darfur crisis erupted just as Sudan's long-running north-south war was approaching a negotiated settlement, and the first efforts to tackle it treated it as a sideshow to the war in the south.

The government of Chad and the African Union (AU) mediated a ceasefire agreement in April 2004 and the AU deployed ceasefire monitors shortly thereafter and continued to take the lead in mediation efforts over the following two years. The UN Security Council took up the Darfur conflict in June 2004 and subsequently adopted a range of priorities for international action, including negotiations for a peace agreement (with the AU as mediator), humanitarian assistance, the dispatch of a UN force authorized by a Chapter VII mandate to undertake coercive protection, the sanctioning (travel bans and asset freezes) of individuals deemed to be obstructing the peace process or in violation of the arms embargo, and the prosecution of individuals alleged to be responsible for grave human rights violations by the International Criminal Court (ICC). By inviting the Sudanese government to consent to the dispatch of a UN force to Darfur, without any such consent having been secured, UN Security Council Resolution 1706 (August 2006) opened the option of a non-consensual deployment. The UN has also sought

to prevent the war from spreading to Chad and provide protection for local civilians and refugees there. In addition, the US government has imposed targeted travel and financial sanctions on individuals and corporations involved in the Darfur war, while American politicians have urged direct military intervention in the form of a no-fly zone or a ground offensive. In parallel to this, an immense programme of international assistance to Darfur, especially the 2.5 million displaced people, has been undertaken.

The multiplicity of international initiatives on Darfur gives the impression of considerable and concerted effort. Rarely can so many instruments of diplomatic and political coercion and suasion have been brought to bear on an African conflict. Yet there is little evidence that these efforts have influenced the course of the war in a measurable way. The Darfur conflict has followed the familiar pattern of Sudanese wars, namely that in response to a rebellion the government has launched an immense and brutal counterinsurgency using locally-recruited militia as proxy forces, resulting in massacre, mass displacement and famine. In Darfur, this period of the war lasted from approximately April 2003 to June 2004, with a tail-end offensive continuing for a further seven months in eastern Darfur. Thereafter the war has resembled a complex, low-level counterinsurgency combined with local inter-ethnic strife and rampant banditry, in which the rebellion has fractured and the militias have run out of control and in some cases turned either on their erstwhile sponsors or on one another.

While the humanitarian effort succeeded in helping restore pre-war levels of nutrition and health among most of the population, the impact of both peacekeeping and peacemaking on the trajectory of the violence has not been appreciable. Most notably, the AU-led mediation to achieve a political settlement culminated in the completion of the Darfur Peace Agreement (DPA) in May 2006, but did not lead to peace, and the African Mission in Sudan (AMIS), after chalking up some important successes in its first year, did not subsequently succeed in either monitoring the ceasefire or protecting civilians. In late 2007, a hybrid UN-African Union Mission in Darfur (UNAMID) is in the early stages of deployment, more than two years after the dispatch of UN peacekeepers became a priority for the US and European countries. While the routinely repeated mantra 'things are getting worse' has not corresponded to the major indicators of ill-being such as violence and mortality since 2004, it does accurately reflect the frustration of foreign policymakers that their instruments have consistently not worked (except in the case of humanitarian assistance).

Two questions are posed here: what were the incentives, sanctions, conditionalities and guarantees utilized by the international community to encourage the parties to the conflict in Darfur to reach a solution to the crisis? And why have those instruments had such limited impact on the war to date?

New and traditional instruments for responding to crisis

The range of instruments utilized over Darfur can be compared to a hypothetical 'standard' case of international efforts for peacemaking and peacekeeping. In such a standard case, incentives, conditionalities and sanctions were focused in two principal areas. One was good faith participation in a peace process: those who refused to participate, or obstructed the process, were subjected to various forms of pressure, while those who did engage received recognition and possibly material reward. The second area was key substantive subjects for negotiation, such as human rights, inclusivity and democracy. The inclusion of provisions for these in the agenda of the peace talks and final agreement was rewarded.

In such a 'traditional' case, guarantees were provided primarily by the structure of the agreement itself, which (in the case of security arrangements) typically provided for joint monitoring of reciprocal measures by the belligerents, including disengagement, redeployment and arms control, followed by staged integration of belligerent forces. Mechanisms such as a ceasefire commission with a neutral monitor, perhaps

backed by military observers or peacekeepers, provided another layer of guarantee. These mechanisms were often augmented by political counterparts including political monitoring mechanisms such as a special representative of the UN Secretary-General or an assessment and evaluation commission comprised of international representatives. This 'standard' case was underpinned by two basic principles: that the parties to the agreement were the implementers of the agreement, and peacemaking preceded peacekeeping.

Since the late 1990s, occasional practices of coercive protection by international forces have added new tools to the international armoury for engagement in conflicts, while the doctrine of the 'Responsibility to Protect' has formalized interventionist measures. Notable instances include Kosovo, East Timor, Sierra Leone and the Democratic Republic of Congo, while the Ugandan government invited the ICC to investigate human rights violations in the conflict in northern Uganda before any peace was achieved. In none of these cases has the international engagement been so ambitious and wide-ranging as Darfur. Each of these cases has sparked debates about how best to create incentives for human rights and democracy, and how to minimize the risk that threats of prosecuting political leaders for human rights violations would create entrenched spoilers. The case of Darfur raises these debates in particularly complex ways.

International engagement in Darfur had one overriding priority, which was the dispatch of UN troops with a mandate to protect civilians. From the moment at which the crisis seized high-level international attention until the time of writing, this has preoccupied advocacy groups, the highest level of the US and European governments and the UN Security Council. This prioritization caused much frustration among senior professional staff in the US and UN, who, speaking to this writer, estimated that they spend five-to-ten times as much effort on peacekeeping issues as on peacemaking. The principal reason why this happened was that a vast American advocacy campaign to 'save' Darfur made the dispatch of troops its priority, which in turn was adopted by the US government as a policy. Furthermore, the UN, having made the Department of Peacekeeping Operations senior to Political Affairs, and having endorsed the 'Responsibility to Protect,' was susceptible to such an approach.

Peace efforts and their political context

Incentives, sanctions, and conditionalities were used by the international community primarily to achieve peacekeeping and protection objectives. During 2005-07, the UN Security Council was overwhelmingly

preoccupied with this issue. Unilateral financial sanctions were announced by the US government in April 2007 on account of the Sudanese government's foot-dragging and opposition to UN troops. The negotiations between the international community (primarily the US, with the UNSC as a major instrument) and the Government of Sudan over peacekeepers relegated the parallel AU-led peace negotiations into a political sideshow. Perhaps most importantly, the timetable of the AU-led negotiations for a peace agreement in Darfur was determined by the progress of the diplomatic efforts to secure African, international and Sudanese governmental agreement to the dispatch of UN troops.

The US-Sudanese negotiations must be seen in the light of the Comprehensive Peace Agreement (CPA) signed in January 2005 to end the war between the Sudanese government and the SPLA, which is based primarily in southern Sudan. The US government strongly backed the CPA negotiations, indicating that once the deal had been signed, the US would move rapidly towards normalizing relations with Sudan, including lifting long-standing bilateral sanctions, providing development assistance, and probably also bringing a US major oil company to Sudan and facilitating debt relief. However, the US did not deliver on these promises because of the enormous public outrage in America caused by the Darfur war.

Khartoum felt betrayed but understood that they needed to resolve the Darfur crisis before the US could deliver. It was this incentive, alongside the pressure of existing sanctions and ostracism, which made them agree to the AU ceasefire monitors and later to an expanded AU mission, to participate in the Abuja talks and to sign the DPA. Initially, the US focus was on how to achieve a peace agreement that did not contradict or undermine the CPA, but peace talks became increasingly ancillary to the US emphasis on introducing UN troops. Neither Khartoum nor the UN were happy for a UN troop deployment without a peace agreement.

Incentives, pressure and guarantees in Abuja

Some sanctions and conditionalities were exercised on the substance of the DPA negotiations. These included UNSC threats of sanctioning individuals seen to be obstructing the peace process (an exercise that did not go beyond drawing up lists of names because there was neither agreement nor energy among the international community for enforcement), insisting on compatibility with the CPA, and in the latter stages pressing for mechanisms for disarming the Janjaweed militias and integrating rebel combatants into the army. The principal incentive was the US promise of belatedly

moving towards normalization of relations when Darfur was settled. For this reason, Khartoum's delegation to the Abuja talks did very little serious negotiation with the rebels, but a considerable amount with the Americans – sometimes directly, sometimes using the AU mediation team as an intermediary. The US also pressured the leaders of the movements to sign the DPA, both by offering them political support during the implementation of the agreement and by threatening them with international ostracism should they fail to sign. The promised support included help to transform the Sudan Liberation Movement (SLM) into a political party, assistance with training and regularizing the rebel forces, and monitoring the peace agreement. None of these promises were ultimately fulfilled, but in Abuja the approach worked on Minni Minawi (commander of one faction of the SLM) but not on Abdelwahid al-Nur (Chairman of the larger faction) or Khalil Ibrahim (President of the Justice and Equality Movement).

The issue of guarantees came to take on an important role in the Darfur peace process. Because of the international commitment to operationalizing the 'Responsibility to Protect' through international forces, the Darfur armed movements came to use the term 'guarantee' to refer to direct security guarantees for the civilian population and the rebel forces, rather than to political guarantees embedded in the peace agreement and its monitoring. While the Sudan government distrusted any such direct security guarantees as an escalation of international demands, the armed movements took such guarantees as a precondition for signing an agreement – or in some cases, as a precondition for entering negotiations. Thus, Abdelwahid al-Nur refused to sign the DPA because it did not contain the cast-iron security guarantees he demanded, "like Bosnia." He wanted international forces to protect the people, protect his forces and enforce the agreement. When the US and other governments could not provide such guarantees, he walked away. Abdelwahid has subsequently demanded guaranteed security for Darfurian civilians before participating in a new round of peace talks.

Having directly negotiated with Khartoum, the US government also negotiated directly with the leaders of the movements, especially during the final days of the Abuja talks. The actual incentives provided to the armed movements for peace comprised the benefits of the agreement itself, namely power-sharing, wealth-sharing and arrangements for security. Most elements of the deal offered in the negotiating hall were accepted by the rebel movements. In the days following his refusal to sign, Abdelwahid articulated a narrow agenda of increasing compensation, taking a few more seats in state and local government, and

ensuring that his troops were more closely integrated into local security measures. But the kinds of compromise positions on the table in Abuja were never commensurate with the rhetoric of western political leaders who had publicly pronounced on 'genocide' and the 'Responsibility to Protect'. Nor did they match the demands made by vocal Darfur activists in north America, who had succeeded in wringing a series of political concessions out of the US administration and who were in constant touch with many Darfurian rebel leaders.

Promises, pressure and personal relations

The signing of the DPA – with a number of provisions to which Khartoum strongly objected – did not bring the anticipated rewards. AU and US promises to move rapidly to implement the security arrangements (for example through expedited verification of the positions of the forces on the ground) were not fulfilled. To the contrary, the agreement was followed by an escalation of American threats against the Sudanese government on the basis of Khartoum's foot-dragging over UN troops. Pressure was sustained by keeping in place existing sanctions and raising the prospect of new

ones, as well as threatening to deploy international troops without Khartoum's consent. UNSC Resolution 1706 of 31 August 2006 invited the consent of the Sudanese government to a UN mission, whereupon President al-Bashir promptly called the bluff of the international community by rejecting it. The UN did not make good on its implicit threat of a non-consensual deployment. In November, a compromise was agreed in the form of the consensual deployment of a hybrid UN-AU force, with two intermediate stages during which the UN would assist the existing AU force. Quibbling over details, Khartoum delayed the dispatch of the support packages, agreeing only on 16 April 2007. Two days later, President George W. Bush announced a long-prepared package of targeted economic sanctions against Sudan on account of this non-cooperation. Khartoum's interpretation of this was that the US had once again reacted to a concession by further raising the bar.

For most of 2004-05, there had been relatively good relations between Khartoum and Washington, but these relied heavily on a channel of communication between Vice President Ali Osman Taha and US Deputy Secretary of State Robert Zoellick. Taha had championed

peace in the south and Darfur partly as a means of restoring normal diplomatic relations with the US. But when his star waned in late 2005, he could deliver on few of his promises. He remained in his post as vice president but several rivals within the ruling NCP showed they had comparable political muscle, and a year later Assistant President Nafie Ali Nafie was clearly in the ascendant. Nafie had always argued against making concessions, on the grounds that the US would simply snap these up and then ask for more.

Meanwhile, in August 2006 Zoellick left his post, whereupon communication between the two governments was reduced to reciprocal public posturing and second-guessing the other's real calculations. Gradually public rhetoric became real policy on both sides. The main US action was a range of financial sanctions targeted at specific corporations with close links to the NCP and security agencies, beginning in June 2007. Confounding many sceptics, by August these sanctions were having an appreciable impact on Sudanese government finances. Coming on top of a drop in oil production and a crisis in the banking sector, the inability of Khartoum to transact its oil sales through any international banks that used dollars (virtually all banks) led to a financial squeeze on the government budget. However, this financial pain has not yet resulted in a measurable impact on the government's conduct of the war. It is likely that the US will sustain this pressure, until UNAMID is fully deployed, and until whatever additional policy objectives introduced in the meantime have been achieved. At the time of writing, those objectives have not included specific political concessions towards a peace agreement – an effective tool has been used to narrow ends.

Conclusion

In conclusion, the effectiveness of the regime of sanctions imposed on Khartoum, and the conditionalities, incentives and guarantees provided by the US, other western governments and the UN was mitigated by three factors. The first was the subordination of the goal of achieving peace to the objective of dispatching a UN peacekeeping and protection force, an unprecedented approach adopted against the advice of senior officials in most governments as well as the UN and AU. This considered advice was ignored because the top leadership of the two organizations was under intense pressure, mainly from the US, to deliver a quick agreement. It is likely that this prioritization of peacekeeping over peacemaking contributed to the failure at achieving either. The second factor was the breakdown of trust between Khartoum and Washington DC, whereby

reciprocal public condemnation for perfidy shifted from being largely rhetoric to becoming real policy on both sides. President al-Bashir is unlikely to respond to sanctions and threats if he believes that the US intends that he share the fate of Saddam Hussein. The third factor was that the leaders of the Darfurian armed movements came to have inflated expectations of what guarantees should be on offer from the international community, because of the aspirational language of the 'Responsibility to Protect.' The lesson to be drawn from this is that the political context in which sanctions, incentives, conditionalities and guarantees are applied, and the objectives to which they are applied, are crucial to whether they yield the desired outcome.

A military metaphor is helpful. A General accustomed to commanding an infantry division will find that the availability of mechanized forces and air support poses as great a danger to his own troops as to the enemy, until such time as he is trained and experienced in coordinating complex operations. The multiplication of instruments for seeking peace and protection in complex conflicts such as Darfur poses challenges of defining and prioritizing objectives and coordinating the available instruments. Until these challenges are met, the danger of friendly fire casualties will be high. At the end of 2007, it appears that Darfur's peace process may have been such a casualty.

It is not just Darfur that suffers the consequences. The centre of political gravity in Sudan remains the CPA and its provisions for electoral democracy and self-determination for south Sudan – elections are due in 2009 and a referendum on self-determination in southern Sudan in 2011. When the CPA was signed in 2005, diplomats recognized that the agreement would need much international attention and leverage if it were to be faithfully implemented. In the subsequent three years, not only has Darfur consumed the greater part of international attention, but the most potent instruments of diplomacy have been used there, to scant effect. Should the CPA face a crisis requiring robust international action, the levers may have little purchase.

Sanctions and the political process for Darfur

An interview with Jan Eliasson

Jan Eliasson (right) with Salim Ahmed Salim, AU Special Envoy for Darfur, October 2007.

Source: UN Photo/Fred Noy

Ambassador Jan Eliasson, Special Envoy of the UN Secretary-General for Darfur since December 2006 and formerly President of the UN General Assembly, was interviewed for Accord by Mikael Eriksson (European University Institute) in August 2007.

[Mikael Eriksson]: What are the main forms of strategic pressure the international community have been exerting on the Sudanese government and non-signatory armed groups in Darfur?

[Jan Eliasson]: The main form of pressure on the Sudanese stakeholders is political, channelled through the UN Security Council and the Africa Union (AU). Obviously some key member states of these organizations play an extra important role outside these institutions, especially through bilateral means, as is the case with the US and China. Both organizations though are very important for us as mediators in Darfur as they form the backbone of international influence. Besides the institutional pressures exercised, I believe that moral pressure expressed in global public opinion is pivotal.

Do you believe that clear and concrete conditions applicable to positive and punitive measures have been clearly communicated to the Sudanese parties?

I do not believe that all conditions have been fully communicated. For a long time, particularly the years following the 2003-04 security agreements between north and south, the UN Security Council was not unified on how to handle the situation in Darfur. Disunity has also been visible among many African countries. The many different opinions on how to handle the situation have sent mixed signals to the stakeholders. The ambiguous attitude from several countries, I believe, reflects states' own concerns on sovereignty issues – another example is Zimbabwe, where regional leaders are reluctant to pressure the Mugabe regime. In recent months the position vis-à-vis Sudan has become more united.

What principles – if any – should be applied in the timing of punitive and positive measures in relation to an ongoing political process?

My general belief is that measures should be implemented as early as possible. But one needs a carrot-and-stick approach or these measures are not likely to work. The minimum requirement for any type of measure is that there has to be a credible threat in place. The government of Sudan has never experienced this credibility. With a changing Chinese approach to Darfur, the international pressure is becoming more credible.

What role do the UN's targeted sanctions play in the current conflict?

I am a strong believer in targeted sanctions: they effect those in responsible positions rather than hurt innocent people. However, sanctions are seldom implemented properly, which means they are not respected in the long run. Sanctions cannot be implemented half-heartedly. For instance, the ban on arms and other

military material is not working properly, which undermines the efforts to achieve peace. Effective implementation is needed.

Have UN targeted sanctions had any immediate effect on those targeted, or have these sanctions only been used for symbolic value?

The UN targeted sanctions on Darfur have, I must admit, been mostly symbolic. But what is important is that they seem to have had a stigmatizing effect. Being sanctioned in person is not something that any political or military actor welcomes. Being placed on a sanctions list means that you become an international pariah. Moreover, when the International Criminal Court (ICC) mentions names in public, it creates waves of concern among those engaged in obstructing the peace, which hopefully affects the behaviour of listed targets and presumed future targets. Even the most stubborn political actors are sensitive to being identified as possible war criminals.

One could, however, discuss whether sanctions could make peace negotiations more difficult. If a person is put on a list and his name is mentioned by the ICC, what incentive does this person have to sign an agreement? Why should he sign a deal when he risks being extradited to a war crimes tribunal? This is a dilemma. But an important aspect, which should not be underestimated or forgotten, is that one intention of targeted sanctions is to reduce the targets' abilities to move around and spoil conditions for peace.

Speaking of sanctions in relation to your mission to revive the political process on Darfur, you have been quoted as saying 'it's not bad to have the drums in the background,' while emphasizing the primacy of working hard to open up diplomatic space.

The ideal situation is when there is drumbeating in the background. For instance, the Tripoli Declaration of July 2006 increased pressure on the parties, which was good from a negotiating point of view. But the drums should not make so much noise that they overwhelm my voice. Another strategy is that certain conditions or sanctions could be introduced during the process, but not implemented until one has evaluated if the concerned parties' behaviour has changed. At the moment though we do not want to impose more sanctions as it risks deadlocking the dialogue.

Since the UN is the main source of targeted sanctions on Sudanese actors, does this impact on your own role as a negotiator in Sudan?

Not so much. Actors know that I report directly to the UN Secretary-General, Ban-Ki Moon, and the UN

Security Council. They know that while we are relevant and recognized actors, it is primarily the UN Security Council which will determine further actions.

In terms of positive sanctions, what principles should guide the international community when dealing with rebels and the government?

Sanctions and conditionality should be based on the principle of rewards for moderation and cooperation. For instance if a final Darfur accord is signed, the donor community needs to be involved in the following development work. But carrots cannot be the only principle. A price has to be paid as well if cooperation does not take place. But too many times I have seen cooperation without reward, in which case the situation may get worse. For instance in Iran, President Khatami started a dialogue with the West, but his actions were not fully recognized. He was followed by President Ahmadinejad and his hawkish policies. If targets or concerned actors do not receive proper rewards they lose confidence and internal standing and the sender loses credibility. I am in favour of a system based on rewards. Going back to the issue of listing targets, it signals to those that are not on the list that they have not been included for a particular reason – a kind of reward on the basis of their behaviour.

Is it possible to measure the efficacy of sanctions? And can this be done during the heat of diplomacy or only over a longer time span?

This is a difficult question. Such evaluations are not necessarily made, but rather efficacy is something that a mediator has to judge.

Given the ongoing violence Darfur, do you think the international community was too hasty in trying to force a Darfur Peace Agreement (DPA) in May 2006? What lessons can be learnt?

It is possible that there was too much haste in putting that agreement in place. The agreement lacked popular support. Without support from local leaders and civil society, the conditions for sustainable peace are not in place. I guess one went into the negotiations with too much speed, just for the sake of stopping the violence. The negotiations were far away from Darfur, which may have contributed to the fact that little attention was paid to anchoring the decisions. But these lessons have been learnt. Now, prior to another negotiation round, we are putting a lot of effort into visiting various towns, villages and camps all over Darfur to seek as much support as possible.

International interventions in Côte d'Ivoire

In search of a point of leverage

Mike McGovern

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The Ivorian conflict may have attracted more international attention than any other African conflict of recent decades. At least this is the conclusion one would reach by calculating the ratio of the number of international peacekeepers to war casualties. One reason for this is that in the wake of the Rwandan genocide and the perception that large-scale killings were possible in Côte d'Ivoire, international actors wanted to be seen to be doing as much as possible to prevent another such human catastrophe. A second factor is the robust involvement of a combination of international actors, including former colonial power France, the Economic Community of West African States (ECOWAS), the African Union (AU) and the United Nations (UN). The Ivorian crisis emerged and worsened at exactly the same time that the United States was following a unilateral path towards its invasion of Iraq. In the shadow of that rejection of consensus-seeking, actors such as France and the AU sought significant multilateral cover for their actions in Côte d'Ivoire, and thus a high level of diplomatic activity ensued.

Yet the results of that interest have been mitigated at best. The threat of international prosecution or the use of sanctions such as the UN Security Council's travel ban and assets freeze list have achieved a certain success in limiting the damage of the war. However, attempts by ECOWAS, France, the AU and the Security Council to engineer a political solution to the crisis via a series of peace accords and coercive Security Council resolutions have clearly failed. One explanation for this is that the conflict in Côte d'Ivoire is not a civil war, but a structured situation of 'neither war nor peace.' In such a context, the state of exception presented by the war-like situation has acted as justification by actors in both the north and south of the country to utilize and enlarge illicit economic networks ranging from the proceeds of ubiquitous security checkpoints to taxes levied on cocoa, coffee and cotton exports. This article gives a brief overview of the conflict and an inventory of the different international interventions so far utilized, and ends by reviewing what has worked or not, and why.

Background

Côte d'Ivoire was ruled as a one-party state from independence in 1960 until its first multiparty elections in 1990, when President Félix Houphouët-Boigny won re-election, continuing in power until his death in 1993. Côte d'Ivoire had established itself as the world's biggest cocoa producer and a showcase for successful neocolonial economic and political cooperation between France and its former colonies. The unravelling of this Ivorian 'model' began long before a coup d'état unseated Houphouët-Boigny's successor Henri Konan Bédié in 1999, which shocked a country that had always prided itself on its political civility, and solidified a sense of crisis. Long-term opposition figure Laurent Gbagbo was brought to power through a popular revolt following the flawed elections of October 2000, in which major candidates had been excluded and the head of the military junta, General Robert Gueï, fraudulently declared himself winner. An unsuccessful coup attempt against the Gbagbo government in September 2002 devolved into several weeks of intense fighting, and quickly froze into a de facto partition of the country. Insurgent groups, coalescing under the title of *Les Forces Nouvelles* (FN), gained control of the northern 60 per cent of the country. Their legitimacy in the north derived largely from the way that both the Bédié and Gbagbo governments had treated northerners as second-class citizens, whether they were immigrants from neighbouring countries, descendants of immigrants or native to the territory that became Côte d'Ivoire. The government controlled the more economically viable southern portion, where nearly all cash crops, the country's ports and international airport, and offshore gas and oil reserves are located.

Peacekeepers, including approximately 4,000 from France and as many as 7,000 UN troops, patrolled a buffer zone called the *zone de confiance* (zone of confidence, first established in late 2002) and tried to quell periodic outbursts of intense violence followed by long periods of relative calm.

International interventions

The international interventions that ensued fall into a number of categories: the mediation of peace accords; UN Security Council resolutions; arms embargo, travel ban and assets freeze sanctions; investigations of alleged war crimes and crimes against humanity; and the threat of further investigations, including by the International Criminal Court (ICC). Each has been used or threatened at different points in the conflict to bring the conflict protagonists into line with international humanitarian norms or to seek a political resolution to the conflict. As far as the design interventions were strategic or complementary, they formed part of an improvised strategy, but one built on the close attention paid to developments by, in particular, France, the Security Council and ECOWAS.

Negotiation and coercion

There have been four major sets of peace accords that aimed at disarming the rebels and redeploying the apparatus of the state in the north, while settling the political grievances said to be behind the conflict, such as the feeling of political exclusion of 'northern' Muslims at both the popular and elite levels. Starting with the French-mediated Linas-Marcoussis Accords of January 2003 (signed just four months after the outbreak of the war), these issues and several others were ostensibly settled by all parties, and their implementation was to be overseen by a government of national unity incorporating representatives of the rebels as well as those political parties that had been excluded from the 2000 elections.

Linas-Marcoussis was received with an immediate and violent reaction in Abidjan, where pro-Gbagbo *Jeunes Patriotes* (Young Patriots) destroyed such symbols of French presence as the French Cultural Centre. A virulent nationalist discourse that denounced France and Burkina Faso as supporting the rebels against the legitimate government fostered this violence and operated symbiotically with violent demonstrations, attacks on foreigners (both Africans and Europeans), and the development of a polarized public sphere, in which newspapers, human rights organizations, youth groups, and women's groups sprang up on both sides of the north-south divide, often contributing to rather than diminishing the spread of violence.

Subsequent accords mediated under the auspices of the AU and ECOWAS in Accra, Pretoria, and Ouagadougou have each been hailed as the possible solution to the country's underlying problems, though the solutions proposed in each case have been roughly the same: disarmament, demobilization and reintegration of rebel forces; reunification of the national territory; and identification of those without papers or whose identity had otherwise been called into question. As the existence of armed pro-Gbagbo militias became widely reported, then acknowledged by the government, their dismantling became a further condition of the accords, and after president Gbagbo's constitutional mandate ended in October 2005, transparent elections became the proposed endpoint of this process. While the Ouagadougou Peace Agreement of March 2007 between Gbagbo and FN leader Guillaume Soro is still in the process of being applied, all prior accords have fallen by the wayside.

There are several explanations for the failure of these accords, underpinned by the fact that major political actors agreed to them in bad faith in order to give themselves political room for manoeuvre and time to regroup and re-arm themselves. At the insistence of France and in consultation with ECOWAS and the AU,

the Security Council has addressed this perception of bad faith in a number of ways. Resolutions 1633 and 1721 attempted to settle questions surrounding Gbagbo's constitutional mandate, whose term ended on 30 October 2005, which the opposition claimed rendered him illegitimate. Gbagbo's supporters claimed that he was entitled to serve indefinitely because of the exceptional circumstances of war and de facto partition of the country. The Security Council attempted to grant a one-time-only extension of one year, simultaneously diminishing the president's powers and transferring them to a new, more powerful Prime Minister. When elections still had not taken place by October 2006, the Security Council granted another (ostensibly one-off) extension. This expired in October 2007 with no elections, whereupon it became clear that the UN lacked either the will or the ability to back such threats with anything more than further threats. This was partly due to a lack of consensus among the mediators and Security Council members, with France, Britain and West African nations backing more coercive measures, and China and South Africa in particular opposing sanctions or other breaches of state sovereignty.

With the UN effectively losing credibility, influence and political leverage, Gbagbo did not wait for October 2007 to make this fact clear, but unceremoniously downgraded the UN mission's role from that of orchestrating the peace process to that of 'certifying' the steps in the process, and fired Charles Konan Banny, the international actors' chosen Prime Minister, replacing him with Soro, the erstwhile rebel leader. In this way, all prior Security Council resolutions were effectively rendered null and void. There was no reaction from the main external actors: France was keen to disengage from a politically and financially costly intervention; the Security Council was fatigued and prodded by the US, which wanted to know what the mission had to show for the billions of dollars already spent; while the new UN Secretary-General did not appear to have any particular engagement with the Ivorian dossier at that early point in his tenure.

Judicial interventions

A second and probably more effective form of international intervention specifically targeted the perception that war crimes and other human rights abuses had taken place on a large scale in Côte d'Ivoire. There were three UN Commissions of Inquiry which conducted research and put together reports on major atrocities first in December 2002-January 2003, next in April 2004, and finally in the period June-October 2004. None of these three reports was ever officially released, but all three were leaked. None of the leaked versions mentioned the names of those the commissions considered responsible for war crimes or human rights abuses, but in the case of the third report, diplomats

close to the dossier have described a lengthy secret list that had been compiled for the sake of future action.

One of these commissions specifically investigated the massacres that took place in March 2004, when security forces allegedly killed large numbers of anti-Gbagbo protesters preparing to demonstrate by firing into crowds. Later, mixed groups of security forces and what the government described as 'parallel forces' hunted down 'northerners' presumed to be among the anti-Gbagbo demonstrators. The Commission's report stated that this had been a 'carefully planned and executed operation by the security forces…as well as special units and the so-called parallel forces, under the direction and responsibility of the highest authorities of the state.'

The three commissions effectively built the foundation for exerting political leverage over individuals through the implicit threat of prosecution for crimes they had committed. The possibility that prosecution might take place outside Côte d'Ivoire gave the threat more credibility still. An extension of this UN-sponsored process was the 2006 targeted sanction process represented by the UN Security Council's naming three Ivorian citizens to a travel ban and assets freeze list. The three individuals named were Charles Blé Goudé and Eujène Djué of the 'Patriotic Galaxy,' and Col. Fofié of the FN. This action was belatedly taken in reaction to the anti-UN attacks that took place in January 2006, in reaction to the strong line taken by the International Working Group and UN Special Representative of the Secretary-General, Pierre Schori, when they recommended that the National Assembly, whose mandate had run out without elections, should be dissolved. Blé Goudé and Djué had been identified for their inflammatory rhetoric, including on national television, and the role it had played in inciting violence from January 2003 onward. Col. Fofié had been accused of overseeing an internal FN purge in June 2004. Prior Security Council resolutions had threatened targeted sanctions against those guilty of human rights abuses as well as against those who were obstacles to the peace process, and the naming of these three combined the two rationales.

A third site of judicial intervention was that of the ICC's opening a preliminary dossier on Ivorian war crimes and crimes against humanity. Côte d'Ivoire had signed but not ratified the Treaty of Rome, so the only way the ICC could assert jurisdiction over crimes committed in the country was by a Security Council referral. As President Gbagbo requested such a referral in an act of spectacular brinkmanship, the way was at least potentially open. Even the possibility of an ICC investigation called up visions of a Milosevic-like end for actors like Soro or Gbagbo himself, and the later extradition of Charles Taylor only made such a threat more credible.

A further legal institution that acted indirectly on the way various actors saw themselves in relation to the law was the tribunal system set up to try those who allegedly bore greatest responsibility for war crimes and crimes against humanity in the wars and/or genocides that took place in former Yugoslavia, in Rwanda and in Sierra Leone. Most relevant to the Ivorian case was the Special Court for Sierra Leone (SCSL), a hybrid national-international tribunal, established in January 2002 under the auspices of both the Security Council and the Sierra Leonean government. The SCSL operated alongside a Truth and Reconciliation Commission, which aimed (without prosecutorial powers) to unearth testimony regarding the abuses committed during the war.

Conclusion

In March 2007, President Gbagbo and Soro entered into a new compact as a result of the Ouagadougou Peace Agreement, which has been hailed as bringing together the two protagonists in the conflict, and thus having a better chance of success. Of course, the prior Pretoria Accords were hailed for finding an African solution to the problem, just as the original Linas-Marcoussis accords were said to have broached the political root causes of the conflict. If Ouagadougou goes the way of all the prior attempts to engineer peace in Côte d'Ivoire, it will have largely been due to the fact that the sanctions used have had little relation to the incentives existing for the conflict's protagonists to maintain the situation of 'neither peace nor war.' What has changed since January 2003, when France pressured all parties into signing the Linas-Marcoussis Accords, is that the Ivorian actors have waited out the international actors most committed to impose a peaceful resolution on the country: France's Jacques Chirac, the UN's Kofi Annan and Nigeria's Olusegun Obasanjo, among others. If the Ouagadougou agreement's requirement for identification for those without any papers, disarmament of the FN, dismantling of the pro-government militias, and elections are enacted in a largely symbolic manner, the root problems of the country that led to the war will not have been addressed, and it is likely that the country will return to violent conflict in the near to medium term.

Still, the international actors seem likely to approve of these superficial steps, which will allow them to draw down costly peacekeeping and diplomatic missions which have in any case been largely rendered redundant by the terms of the Ouagadougou agreement. If there is a positive side to this story, it is the fact that while Ivorian political actors succeeded in imposing their 'sovereign' right to pillage national wealth, international actors successfully placed limits on the types and extent of violence used in the pursuit of that wealth.

Introduction to the Georgia-Abkhazia case study

Jonathan Cohen

The bridge over the Inguri river.

Source: Zora Pauliniova/www.pauliniova.blog.sme.sk

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The Georgian-Abkhaz conflict has proved to be among the most intractable of the conflicts that flared at the demise of the Soviet Union. Throughout the twentieth century Abkhazia's status in relation to Georgia generated conflict, though rarely violent. Differing interpretations of Abkhazia's incorporation into Georgia, disputes over the exercise of power regarding demography, language, access to resources and political representation generated grievances that have shaped contemporary attitudes.

Tensions escalated into violence and erupted into war in August 1992 when the Georgian government sent troops into Abkhazia. Thirteen months of fighting ended in September 1993 when Abkhaz forces retook Sukhum/i, with significant support from North Caucasian irregulars as well as from elements within the Russian army. Georgian paramilitary forces and a substantial Georgian population fled the territory. The fighting lead to Georgian accusations of ethnic cleansing, matched by Abkhaz accusations of human rights violations during the war. Abkhazia was left physically devastated with extensive damage to infrastructure, much of which has not been repaired. As the articles by Archil Gegeshidze and Liana Kvarchelia show, the parties to the conflict have different perceptions of the role of sanctions – both in sustaining the isolation and underdevelopment of Abkhazia and as a tool in shaping negotiations – yet both authors recognize that sanctions have not contributed to the resolution of the conflict. This introduction provides some context and highlights key aspects of the sanctions issue as experienced by the respective parties.

A frozen peace process

Since a Russian-mediated ceasefire agreement formally ended hostilities in May 1994, substantial efforts to produce a sustainable resolution have failed. Negotiations have been deadlocked, punctuated by periods of heightened tension when hostilities threatened to resume. Little common ground has been found for a resolution of Abkhazia's status. The de facto but unrecognized authorities demand sovereignty and recognition of Abkhazia's independence (unilaterally declared following a 1999 referendum). Georgia seeks to re-establish its territorial integrity, offering wide-scale autonomy to Abkhazia without detailing what this would mean, and at times using threats of force to assert its position. Georgia requires the safe return of internally displaced persons (IDPs), variously estimated at 180,000-300,000, before the issue of status can be resolved. The Abkhaz authorities have countenanced a limited return and demand the prior determination of the political and legal status of Abkhazia, fearing that a return to the pre-war demography would leave the ethnic Abkhaz vulnerable.

The UN facilitates the 'Geneva' negotiations process and deploys a mission to monitor the nominally Commonwealth of Independent States (but in fact Russian) peacekeeping force that maintains the separation of forces line. A Group of Friends (France, Germany, Russia, UK and US) assists the UN Secretary General's Special Representative in facilitating the process. Russia plays a complex role mediating, exerting pressure (often very crudely) on Georgia and providing a lifeline (though not without costs) to Abkhazia. The parties have increasingly sought outside support rather than engaging directly with one another. This often crystallizes into Georgian reliance on Western allies (in particular the US but also articulating clear European aspirations) and Abkhaz dependence on Russia. The UN has struggled to sustain momentum in direct negotiations, balancing incompatible approaches to status with emphasis on confidence-building related to security, economic cooperation and IDP return, but frequently operating in crisis prevention mode as the parties spar with each other and avoid discussion of fundamentals. A change of Georgian and Abkhaz Presidents (in 2004 and 2005 respectively) led to new energy in negotiations but there was insufficient substance to sustain the parties' confidence that negotiations could produce the outcomes they desired. Instead, in the summer of 2006, a Georgian government operation to take control of the Kodori Gorge – administratively part of Abkhazia but not under their control – derailed the process. This operation reflected Georgian frustration with a process that they considered to be meandering nowhere. Although talks were resumed after several months, the formal negotiations process remains blocked.

Psychological legacy

Despite senior-level negotiations and civil society engagement in initiatives that have promoted frank and at times creative dialogue for more than a decade, there has been little constructive debate about the deleterious impact of sanctions on the preparedness of the parties to engage with one another. In 2005 the parties commenced negotiations about opening the railway through Abkhazia. Yet neither this measure nor the occasional references to opening sea traffic or promoting trade have progressed.

In many ways the existence of the regime of restrictions has become a comfortable excuse for the parties not to engage. The Abkhaz view it as a means to sustain alienation from Georgia and thereby bolster their aspiration of separateness. The Georgians see the failure of sanctions as exemplifying Russian perfidy and Abkhaz intransigence. Georgia has veered between exerting pressure and making attempts to convince the Abkhaz that Georgia could be an attractive and secure option

for them. Sanctions continue to serve as a mirage of applying pressure for change. The Abkhaz doubt that they can achieve their goals in a negotiations process that they see as operating along a Georgian agenda. Neither party has offered or identified meaningful incentives to recalibrate strategies and positions and address deeper interests. International actors have provided modest support for initiatives designed to overcome isolation, build confidence or promote development without adequately addressing underlining concerns regarding identity and security. Indeed far more significant support has gone into the state-building projects of the respective parties – openly on the part of the US and EU in regard to Georgia and covertly on the part of Russia in regard to Abkhazia.

As a result, the conflict is often seen as 'frozen'. The people most affected – the inhabitants of Abkhazia and those displaced from there by war – are left in limbo. It is the peace process rather than the conflict itself that is frozen. Isolation has enabled the Abkhaz to consolidate their political identity and the sanctions have perversely provided a security blanket against Georgian influence. In 2006-07 Georgian frustrations with the process and concerns about external engagement in Abkhazia reduced the space for international development and civil society initiatives. A February 2008 interview by the newly appointed Georgian Minister for Reintegration for the first time articulated a view that there should be no "taboo issues" on the negotiating table and a "full or partial" lifting of the economic embargo could become part of negotiations. It remains to be seen if this soft rhetoric can herald a substantive change.

Despite many technical complexities, addressing the embargo could open new avenues. Yet the decade-long existence of sanctions has left a psychological legacy of Abkhaz alienation and self-reliance that few in Georgia understand. Policy changes in the restrictions regime are unlikely on their own to win confidence. When Georgian-Russian relations plummeted to new depths in 2006 and a severe embargo was imposed on staple Georgian products, there was little recognition in Georgia of parallels with the Abkhaz experience of sanctions – or of the ways in which embargos have not just an economic but a psychological and symbolic impact.

In the face of much evidence that sanctions have hemmed the parties into a mutually destructive relationship, neither they nor the international players have been able to shift the debate. Incentives that do exist either focus on potential futures ('Europeanization') or compromises that could put at risk security and identity and hence appear far from attractive. The most damaging legacy of sanctions is thus a mentality that undermines respect and patience, seeks to impose solutions and entrenches the separation of communities.

The isolation of Abkhazia

A failed policy or an opportunity?

Archil Gegeshidze

Gali residents cross the Inguri River.

Source: Julia Wishnewetz

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In the wake of the military confrontation over Abkhazia, the Government of Georgia considered a coercive approach appropriate and feasible and sought to isolate Abkhazia, specifically the *de facto* administration in Sukhumi. The aim was simple: to compel the Abkhaz side to abandon its pro-independence policy. The Government of Georgia reckoned on a close relationship with Russia, whose coercive capacity was enormous. Supporters of this approach counted on a swift effect: Abkhazia's economy could not survive provided that the embargo was enforced with sufficient vigour, and the ensuing social discontent would force the *de facto* administration to change policy.

It has become almost a conventional wisdom throughout the expert community that Georgia's strategy of isolating Abkhazia was not well founded. This view, however, overlooks a number of factors that led up to it.

It became clear soon after the 4 April 1994 quadripartite agreement (between the conflict parties, Russia and the UNHCR) on the voluntary return of refugees and displaced persons that the Abkhaz side was unwilling to fulfil its obligations and would hinder the return process by any means, despite appeals from international organizations. UN Security Council Resolution 1036 (12 January 1996) is one of many third-party documents demanding compliance from the Abkhaz side. The *de facto* Abkhaz authorities opted for hostile policies towards the predominantly ethnic Georgian population of the Gali region, who had returned spontaneously to their homes. With a view to continuing the policy of forcible expulsions, Abkhaz militia made regular incursions into the area, allowing torture and killings to take place. Resolution 1036 and the UN Secretary-General's report of 2 January 1996 reflect the international community's deep concern about the matter.

In 1995 the *de facto* authorities initially agreed upon defining the status of Abkhazia within the united Georgian federal state and had signed the Russia-brokered protocol on 24 July. Subsequently, however, they disavowed the document and refused to accept it as a basis for negotiations.

Throughout the conflict, Russia had covertly provided the Abkhaz separatists with arms, ammunition and intelligence and the Russian military participated directly in hostilities on the Abkhaz side. Apparently trying to redeem its fault, Russia feigned impartiality in mediation activities and was even exigent towards the Abkhaz (only later did Russian ambiguity and guile begin to prevail). This was reflected in the content and tone of the overwhelming majority of official documents adopted in that period by the UN, the Organization for Security and Cooperation in Europe (OSCE) and the Commonwealth of Independent States (CIS).

However, external political support for Georgia and the instruments available within the UN and OSCE proved inadequate for prevailing upon the Abkhaz side. Thus, a need for major changes in the whole process increasingly became apparent. At the same time, the majority of the CIS member states felt sympathy for Georgia's struggle for the restoration of its territorial integrity and also feared centrifugal tendencies within their own borders. This offered an opportunity and the 1995 CIS Summit adopted a memorandum at Kazakhstan's initiative that provided a legal basis for subsequent steps towards imposing CIS sanctions on Abkhazia.

Fresh memories of the grief and grievances of defeat, as well as the mounting political and social instability that the presence of a sizeable community of displaced persons introduced into Georgian society, fuelled a revanchist public mood. The party of war gained strength and a coercive strategy of isolating Abkhazia increasingly came to be considered as the most relevant policy option.

Structure of Abkhazia's isolation

The isolation of Abkhazia is often incorrectly reduced to the coercive measures adopted by the CIS Summit in 1996. Apart from the CIS sanctions there are five other elements comprising Abkhazia's isolation:

- UN Security Council condemnation. Resolution 876 (1993) strongly condemns the actions of the Abkhaz side in violation of international humanitarian law and "calls on all States to prevent the provision from their territories or by persons under their jurisdiction of all assistance, other than humanitarian assistance, to the Abkhaz side and, in particular, to prevent the supply of any weapons and munitions."

- The Georgian government's rulings (under successive administrations) on closing the port of Sukhumi and the maritime boundary in the Abkhaz offshore waters.
- Georgia's decision not to apply to the International Civil Aviation Organization for a location indicator for Sukhumi airport, which thus cannot be used for international flights.
- The blocked Trans-Caucasian railway through Abkhazia.
- The almost complete absence of economic cooperation between the conflicting sides. The exceptions are the joint operation of the Inguri power station and the alleged illegal cross-border trade between criminal groupings across the region.

These regulations been referred to as a 'blockade,' a term that is inappropriate for several reasons: blockades refer to restrictive measures employed during *inter-state* conflicts and during conditions of belligerency. In this case, belligerency formally ended with the 1994 agreement and restrictions on access were a struggle to assert the sovereignty that neither side was willing to give up. Furthermore, the CIS sanctions are just a set of mutually agreed commitments or obligations of the member states to be implemented mostly by non-military state institutions. Rather than targeting civilians, the CIS sanctions restrict co-operation with the '*de facto* authorities' and admit humanitarian and commercial links provided that the Georgian government is preliminarily notified. Finally, the term is rendered meaningless as Russia has in fact withdrawn from the CIS sanctions and has even granted citizenship to most Abkhazians.

Effects of the isolation

The expediency of sustaining Abkhazia's isolation is now becoming a topical issue in Georgian political discourse. In the absence of the anticipated quick results, the isolation policies stagnated. Nobody argues that they have contributed to reconciling the conflicting agendas in Tbilisi and Sukhumi. Mutual alienation has increased and the already minuscule resources of trust and motivations for seeking a compromise solution have been squandered. Isolation solidifies Abkhaz society's image of Georgia as the enemy, while dramatically reducing the Abkhaz nation's options and leaving it to the mercy of Russia. Mutual distrust sustains support for the party of war, while the reinforcement of Georgia's jurisdiction in Upper Abkhazia (a new toponym for what was known as Kodori Gorge) in 2006 has given birth to a party of war in Abkhaz-controlled territory. Against this backdrop, the prospects for co-operation and compromise are diminished and the resources for engagement and reconciliation seem marginal.

The primary reason for the failure of isolation to cause policy change within the Abkhaz side has been poor implementation of their central element, the CIS-imposed regime of sanctions. Russia's undeclared and gradual withdrawal has seriously invalidated it. At the same time, as the events around the 2004 presidential elections in Abkhazia have demonstrated, Russia possesses significant resources for coercion. The closure of the border-crossing point at Psou River and the ban on admitting Abkhaz citrus plants to the Russian market, coupled with other reprisals, sufficed to allow Russia manipulation of the elections.

When they were first introduced, the Georgian government's initial expectations regarding the impact of these sanctions were well grounded. The miscalculation in this strategy was the erroneous assumption that Russia would adhere to and fully implement the agreed policies. The other reason for failure has been the fact that these sanctions were inappropriately perceived as a blockade by international public opinion and the Abkhaz side had been perceived as a victim of unjust coercion. As a result, the isolation policies have become a losing strategy for Georgia in the battle of ideas.

Is there a way forward?

Whilst the ineffectiveness of the CIS-imposed sanctions in achieving their goals is indisputable, Abkhazia's development remains constrained by its isolation. Notwithstanding the increasing number of seasonal tourists from Russia and the revitalization of certain economic sectors, Abkhazia remains largely underdeveloped. *De facto* 'independence' does not provide a basis for the real economic growth or cultural development that, among other things, would ensure long-term demographic security. Abkhazia remains ineligible for appropriate investment or institutional capacity building assistance. Georgian-sanctioned de-isolation is a must, which gives Tbilisi leverage at the bargaining table.

Although it is unanimously acknowledged that sooner or later the policies of isolation will have to be changed, no one in Georgia holds that this change should be instant and unconditional. Moreover, it is argued that current trends in Russia's policy – as well as the obedience the Abkhaz *de facto* leadership shows to Russia – suggest that de-isolation would draw Russia and Abkhazia closer together, rather than motivate the Abkhaz side to reconcile with Tbilisi. Only gradual and conditional lifting of sanctions, therefore, could avoid damage to Georgia's national interests. In the absence of a clear grand strategy, however, no specific plans for lifting the sanctions have hitherto been discussed in the

Georgian policy community. Georgia's planned withdrawal from the CIS, the necessity of renewed dialogue with the Abkhaz side, and the possible implications of the 2014 Winter Olympics in the Russian city Sochi, less than 50 km from the conflict zone, each establish contexts in which different strategies for lifting sanctions ought to be applied. While the costs and benefits of each policy alternative remain unexplored, this general school of thought is now widespread in Georgia's decision-making elite.

The best way out of the current limbo would be direct and constructive dialogue in relation to the gradual elimination of the elements of Abkhazia's isolation combined with counter-proposals of equal weight. These proposals could range from the return of IDPs, to IDP property rights, to changing existing peacekeeping arrangements. Potentially, agreement upon issues of such magnitude could encourage the conflicting sides to truly engage in peaceful dialogue, thereby broadening prospects for a compromise solution.

However, given existing levels of mutual mistrust and resentment, additional reciprocal incentives might be needed in order to promote and sustain the mentioned dialogue. In this respect, the Government of Georgia, on its part, should first of all abandon the zero-sum approach to the conflict resolution process which implies as an ultimate goal the restoration of the country's territorial integrity by any means. Whilst this approach is seen as legitimate by its advocates, it contributes little to the dialogue between the sides and/or the overall efficiency of the mediating efforts of third parties. Also, the policies of coercion must give way to policies of attraction through Georgia becoming a truly democratic country with sustained economic growth and a good record of protecting basic human rights. Within this new paradigm, guarantees around the non-resumption of hostilities should also be discussed.

In the meantime, third-party facilitation must also change. European institutions, whose credibility and resources have not been fully exploited so far, must become more actively engaged. As a benchmark of this engagement, Abkhazia should be offered an alternative vision for development, establishing European political, legal and administrative institutions. This could provide a basis for convergence of the development agendas of Tbilisi and Sukhumi, thus contributing to building much needed trust and confidence.

Sanctions and the path away from peace

Liana Kvarchelia

A Russian merchant sells mandarins at the border at Psou.

Source: A.Kilroy/Travel-Images.com

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In the aftermath of their military defeat, and seeking to win back what had been lost through war, Georgian negotiators took an uncompromising position on a number of issues, especially the political status of Abkhazia. They attempted to use various levers to make Abkhazia pliable in negotiations, including calling for regional sanctions by the Commonwealth of Independent States (CIS).

Restrictions on Abkhazia

Once it was persuaded to join the CIS in 1993, Tbilisi tried to use its membership to regain Abkhazia. Above all, this meant bargaining with Moscow. In 1994 the Georgian leader Eduard Shevardnadze succeeded in using 'the Chechen factor' – allegations that Chechens had been trained in Abkhazia – as a pretext to persuade Russia to introduce trade restrictions across the Russian-Abkhaz border. In 1995 he negotiated a deal that allowed Russia to retain its five military bases in Georgia. Finally, in January 1996 a formal decision was taken at the CIS summit to impose sanctions on Abkhazia. The heads of the ex-Soviet republics (with the exception of Belarus) followed Russia's lead in condemning what they called "Abkhazia's destructive position, hindering the achievement of a mutually acceptable solution of the conflict," which implied satisfying Georgia's territorial claims.

As a result of the CIS decision, restrictions were put on trade and financial relations with Abkhazia, as well as on transport and telephone communications. The airport was closed for external flights and the railway functioned only within Abkhazia's borders. The seaports were closed for passenger boats, and Abkhaz boats could not leave port to bring goods from Turkey. Special regulations were introduced on the Abkhaz-Russian border that heavily restricted the cross-border movement of Abkhaz citizens as well as transport, goods and medicines. With many dependent on petty trade across the border, this cut the population off from their main source of economic survival.

Though officially sanctions were introduced by the CIS and in effect implemented by Russia, official Western mediators in the negotiation process supported sanctions by refusing to respond to Abkhaz appeals. They ignored the findings and recommendations of the UN Needs Assessment Mission of 1998, which suggested that restrictions on Abkhazia be "eased in the interest of promoting reconciliation and of creating a better negotiating climate." The mission also linked the lifting of sanctions with steps by Abkhaz authorities to "liberalize controls which tend to hinder normal commercial relations between Georgians and Abkhazians." However, international mediators backed only Georgia's demand that any economic development be channelled to Abkhazia through Tbilisi. Moreover, they linked any significant investment in the destroyed economy to unilateral political concessions on the part of Abkhazia. Under sanctions, donor funds for even small-scale rehabilitation were restricted, leaving many schools, enterprises and residential houses in ruins and the level of unemployment extraordinarily high.

Russia and the relaxation of restrictions

Georgia's expectation of isolating Abkhazia from the rest of the world has been only partially satisfied. From 2000, Russia eased its regulations on the Abkhaz border and gradually eased other sanctions – although this did not lead to a general lifting of sanctions, such as the re-opening of the airport or to changes in regulations concerning seaports. However, there is now active cooperation between Abkhaz and Russian business communities and high-level contacts are maintained between Abkhaz and Russian officials.

Georgia did not anticipate how the isolation policy and sanctions would increase Abkhazia's reliance on Russia. From 1996, Abkhaz passports were no longer recognized by Russia as documents valid for travel outside the Russian Federation. This not only restricted Abkhaz citizens' right to free movement, but also made Russia the only 'outside world' with which Abkhazia could communicate. Requests by Abkhaz officials and civil society activists to the UN to issue temporary international travel documents for Abkhaz citizens until the conflict was resolved were rejected. In recent years, thousands of Abkhaz citizens have adopted Russian citizenship, allowing them to travel in and beyond Russia. Russian passports also provided old people with pensions incomparable to the token Abkhaz pensions.

From the perspective of ordinary Abkhazians, Russia is their only ally, while the image of Georgia as an enemy grows stronger. This does not mean they are prepared to give up their sovereignty and allow Russia to interfere in their internal affairs: during the presidential elections in Abkhazia in 2004, the majority of the population voted against Moscow's preferred candidate, thus jeopardizing relations with their only strategic partner. Accordingly, political relations between Abkhazia and Russia are not absolutely straightforward. Moscow and Tbilisi have concerns over Abkhazia's contacts with other countries for differing reasons. Russia wants to be the major player in the region and is trying to monopolize contacts with Abkhazia. Ironically, this tears Georgia between two incompatible desires: the desire to completely isolate Abkhazia from the outside world; but also to decrease Russia's influence in Abkhazia, which, for example, sometimes requires it to turn a blind eye to Abkhazia's trade with Turkish businesses.

Sanctions, peace negotiations and democratization

By the time sanctions were imposed, Abkhazia had already been actively involved in the negotiation process and several important agreements had been signed both on the principles of dividing competences between Sukhum and Tbilisi, as well as on the return of Georgian refugees to Abkhazia. Clearly the aim of sanctions was not to bring Abkhazia to the negotiating table, but rather to force it to accept a political resolution on Georgia's terms. As is probably often the case, sanctions did not have a normative focus on reaching peace, unless peace is equated with the resolution of the conflict according to Georgia's territorial claims. Georgia has succeeded in making the contested issue of 'territorial integrity' itself a framework for the internationally facilitated negotiation process. With unconditional international support for Georgia's 'territorial integrity' (to a degree comparable to Western countries' backing of Kosovo's right to self-determination), peace has not been approached from the perspective of a process in which the parties seek mutually acceptable political arrangements. Neither the confederal nor even federal principles for a political resolution that were discussed at Russia's initiative by Abkhazians in the mid- to late-1990s could satisfy Georgia's desire for maximum control over Abkhazia. Although 'the highest possible autonomy' has since been discussed by Georgia, there is still little flesh on the bones of the idea.

Not surprisingly, Abkhazians perceived sanctions as a means to punish them for their stance. Consequently they have added to the mistrust that characterizes Georgian-Abkhaz relations, including the mistrust of the majority of the population of Abkhazia towards ethnic Georgians in Abkhazia (who live mainly in the Gal district on the Abkhaz side of the border with Georgia). In recent years the Abkhaz authorities as well as NGOs

have made serious efforts to overcome this mutual mistrust and create conditions for the reintegration of Georgian returnees in Abkhaz society, although this is undermined by Georgian disparagement and persecution of returnees who cooperate with Abkhaz authorities. In addition to isolation policy, sources of Abkhaz mistrust include Georgia's threats "to get back lost territories at any cost," its attempts to take control over the Gal region, its disproportionate military budget, and its military campaign in the Kodor Gorge in summer 2006 in violation of prior agreements.

Sanctions and the subsequent perception of Georgia as the main source of Abkhaz troubles have been instrumentalized by opponents of democratic change in internal political debates within Abkhazia. They argued that Abkhazia could not allow any internal division in the face of a common enemy. In reality, there was and is a full Abkhaz consensus on the issue of Abkhazia's independence from Georgia and any divisions concern the democratization process itself. But the siege mentality that developed as a result of isolation and the neglect of the rights of Abkhaz people by the international community became a convenient instrument for those opposing the development of a democratic, pluralistic society, which was framed as a Western construct.

Fortunately, in recent years Abkhaz society has largely managed to overcome the siege mentality and the fear that democratization will weaken Abkhazia in the face of the external threat. Yet international resistance to the idea of recognition of Abkhazia, particularly in view of the anticipated recognition of Kosovo, has considerably affected Abkhaz society's trust in the international community. Some groups in Abkhazia identify democratic principles with international Realpolitik and its double standards, rather than as values to underpin their society. They tend to see a hidden agenda even behind the activities of international NGOs, working in Abkhazia, suspecting that international aid is given in the hope that democratization will make the Abkhaz society and its elite more flexible on the issue of independence.

The international community is careful not to take steps that would be regarded as any form of legitimization of the Abkhaz state. In line with this policy, not only is peace interpreted as respect for Georgia's 'territorial integrity,' but there are no explicit efforts to create incentives and conditionalities to promote democratization, human rights, free elections and good governance (as there are in Kosovo). Nevertheless, it is expected implicitly that Abkhazia honours international norms in all these spheres. Although international institutions regularly declare

that elections in Abkhazia are not recognized, they nevertheless take note of the progress in the democratization process. For instance, Security Council resolutions report on the achievements of Abkhaz civil society. Some Western governments support the development of democratic institutions in Abkhazia through international NGOs and the European Commission is currently funding a series of projects in the country aimed at the decentralization of power.

Conclusion

Georgia and other international actors have misjudged the political, economic and social consequences of the policy of isolating Abkhazia. A lack of international political will and flexibility with regard to Georgian-Abkhaz relations constrains new approaches to the conflict. It is not possible to make progress towards a resolution without addressing the causes of the existing lack of confidence – not least the isolation policy that has deepened mistrust towards Georgia. The current drive to present the deep-rooted Georgian-Abkhaz conflict exclusively from the perspective of Russian-Georgian confrontation (in the hope of recruiting even more Western support for Georgia) further alienates Abkhazians.

There is a need for a more balanced international approach based on the interests of both parties. In this respect, the need for the international community to ensure that parties to the conflict honour previous agreements is of paramount importance. Moreover, the conclusion of the UN Needs Assessment Mission – that addressing the needs of Abkhazia in economic, educational, social and other spheres will create a more favourable climate for negotiations – is still valid.

Aid as carrot, aid as stick

The politics of aid conditionality in the Palestinian Territories

Rex Brynen

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In January 2006, the Palestinian Islamist movement Hamas won a historic majority in elections for the Palestinian Legislative Council. In doing so, and especially with the formation of a Hamas-appointed government under Prime Minister Ismail Haniyah the following month, it wrested partial control over the Palestinian Authority (PA) away from the mainstream nationalist Fateh movement. Fateh had dominated the Palestinian nationalist movements since the late 1960s, had controlled the PA since it was first established in the West Bank and Gaza in 1994 and still controlled the PA Presidency.

Some (notably in Europe and the UN) argued that Hamas' victory, however undesirable, was an opportunity to lessen its hard-line views by integrating it into the political mainstream. Certainly, its electoral victory reflected popular dissatisfaction with Fateh far more than it did any Palestinian rejection of a two-state solution to the conflict with Israel. Yet it was equally clear that Hamas hardliners are bitterly opposed to the existence of Israel, and that the group is formally considered a terrorist organization by both the United States and European Union. This made it politically and, in some cases, legally difficult for donors to continue aid to the PA. For the US administration of President George W. Bush, any response to the Hamas victory was heavily coloured by the 'global war on terror' and the perceived need – despite Washington's rhetorical support for Arab democratization – to discredit, weaken, and marginalize militant Islamism.

In a statement immediately after the Hamas victory, the diplomatic Quartet consisting of the United States, the European Union, Russia and the United Nations warned that, "it was inevitable that future assistance to any new government would be reviewed by donors against that government's commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap." Canada and the United States announced that they were suspending all aid to the West Bank and

Gaza that flowed through, or was implemented in conjunction with, PA agencies. They also banned any contact with senior PA officials. In April, the European Commission announced that the EU too would be suspending direct budgetary transfers to the PA.

Meanwhile, independently of the Quartet's actions, Israel halted the transfers of all tax revenues that it collected on the PA's behalf. The Palestinian's heavy dependence on these transfers meant this had critical fiscal consequences for the PA far graver than any donors' actions. Together, the two sets of actions dramatically heightened the economic pressure on both the PA and the Palestinian economy.

In his leaked confidential end-of-mission report a year later, outgoing UN Special Coordinator for the Middle East Peace Process Alvaro de Soto lamented that the Quartet had been, "effectively transformed…from a negotiation-promoting foursome guided by a common document (the Roadmap) into a body that was all but imposing sanctions on a freely-elected government under occupation as well as setting unattainable preconditions for dialogue." The experienced UN envoy went on to argue that such aid restrictions had "devastating consequences" not only for immediate living conditions, but also for the very prospects for achieving peace through the eventual establishment of a Palestinian state alongside Israel.

His warning proved to be prophetic. Only a month later, simmering violence boiled over into bitter fighting between Hamas and Fateh, culminating in a full Hamas takeover of Gaza in June 2007 and the appointment of a new, rival cabinet in the West Bank by President Mahmud Abbas. This was not exactly the outcome the Quartet had sought when it sought to use international aid as an instrument of diplomatic policy: Hamas had been made more vulnerable, perhaps, but at the cost of losing Gaza to its control. What went wrong?

'Peace conditionality': a decade of failure

Outside economic incentives have figured prominently in international efforts to promote conflict resolution. The 'carrot' of present or future aid has sometimes been used to entice parties into an agreement, or to cement elite or popular support for an agreement once it is signed. Conversely, the 'stick' of withdrawing or withholding aid has been used (less frequently) in an effort to punish, and ultimately change, behaviour.

At first glance, the Palestinian-Israeli conflict might be a prime candidate for such 'peace conditionality.' Not only is the conflict of considerable global strategic importance, but it also involves unparalleled flows of external aid. Since the 1979 Egyptian-Israeli peace treaty, Israel has received approximately US$90 billion in aid from the United States – the world's largest recipient of external assistance over this period. Since its establishment in 1994 the Palestinian Authority has received approximately US$8 billion in donor assistance – the world's largest per capita recipient of donor assistance (see *figure 1*). Surely these levels of assistance provide the international community with considerable leverage for encouraging peace?

In practice, there have been few efforts to use these levers, and when they have been used the outcome has been far from successful. In the case of Israel, the US has been profoundly unwilling to exert any sort of pressure. This reluctance has been rooted both in the close political relationship between the two, and the considerable efficacy of the pro-Israeli lobby in the United States. The Bush administration, whose foreign policy views have usually coincided with Israel's and whose discontent has usually been overwhelmingly focused on Palestinian actions, has given no consideration whatsoever to withholding aid to bring about Israeli adherence to its commitments under the Oslo and various interim agreements, the US-sponsored Quartet Roadmap (released in April 2003), or even the November 2005 Agreement on Movement and Access (an agreement personally brokered by US Secretary of State Condoleezza Rice). Similarly, illegal Israeli settlement activity in the occupied West Bank has continued unabated.

With regard to the Palestinians, the primary use of donor aid during the 'Oslo era' (1993-2000) was to support Palestinian institution-building and development efforts in the hopes that this would create (in the oft-heard phrase) 'tangible benefits associated with peace' as well as lay the foundations of a Palestinian state-in-waiting. In practice, there was little connection between economic growth and public support for the peace process, with the latter determined far more by the state of the peace process than by material incentives. Moreover, Israeli trade and mobility restrictions hampered development efforts. Indeed, the World Bank – in a comprehensive assessment on *Aid Effectiveness in the West Bank and Gaza* published in June 2000 – argued that such restrictions offset the positive economic effects of billions of dollars worth of donor investments.

Rarely during this period did donors threaten to slow or withhold aid in order to influence the Palestinians. This reflected differences among major donors as to who

Figure 1. Donor Assistance to the WBG, 1994-2006
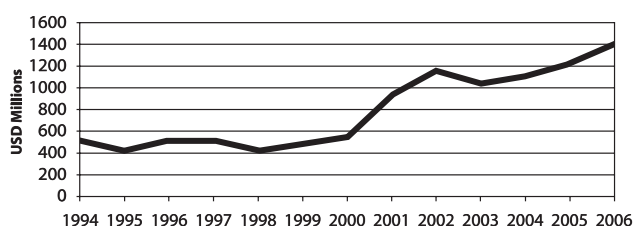
Source: World Bank, *Two Years After London: Restarting Palestinian Economic Recovery*, 24 September 2007.

was responsible for what, what ought to be done to advance peace, and a consequent lack of a united position that would have sustained any efforts at conditionality. Donors were also reluctant to withhold aid for fear of weakening the pro-negotiation, Fateh-dominated PA, or contributing to political instability in the territories. Thus, despite periodic efforts to set fiscal and institutional benchmarks for the PA, donors had difficulty inducing Palestinian President Yasser Arafat to undertake governance reform. While some reforms did take place under donor pressure, Arafat's preference for using widespread patronage to maintain his position distorted both fiscal accounts and institutional development.

Perhaps most serious of all, the primary donor focus on facilitating the peace process by investing in Palestinian development often seemed to provide an easy way out for an international community reluctant to pressure Israel. Aid was thus a dysfunctional substitute for the necessary political engagement.

End of the Oslo era

The question of aid conditionality changed dramatically in 2000-01. The failure of the July 2000 Camp David Summit, the eruption of the Palestinian *intifada* (uprising) in September, unsuccessful last-ditch efforts at Palestinian-Israeli negotiation at Taba the following January, and the election of Israeli Prime Minister Ariel Sharon the following month, all marked the end of the Oslo era.

During this new era, Arafat became a primary target for Israel and the US. While Israel physically isolated him in his Ramallah headquarters, the US pressed hard for the PA to undertake reforms that would weaken Arafat's constitutional powers and strengthen governance capacity and fiscal transparency. Other donors, notably the EU, were less convinced about isolating the PA leader, but shared Washington's interest in reform. Following President Bush's 'Rose Garden' speech in June 2002, in which he made progress towards Palestinian statehood contingent on such reforms, new donor coordination mechanisms (the Task Force on Palestinian Reform) and other initiatives were undertaken.

In April 2003, the Quartet released its 'Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict,' which laid out a series of immediate specific steps to be undertaken by both Israel and the PA, including measures to prevent terrorism, further governance reform and halt settlement expansion. These were to be followed by the establishment of a transitional 'independent Palestinian state with provisional borders and attributes of sovereignty' by December 2003, with subsequent permanent status negotiations leading to a final agreement and full statehood by the end of 2005.

Donor pressures achieved some successes in fostering reform, notably in matters of fiscal transparency and accountability. These took place, however, against a backdrop of increasing violence and even harsher Israeli restrictions, resulting in a severe recession in the Palestinian territories. Donor funding actually increased during this period (from almost half a billion dollars a year in the Oslo era to twice that), but was diverted away from development activities and into urgent humanitarian assistance programs. Thus, even as the rhetoric of the international community stressed establishing a firm foundation for eventual Palestinian statehood, the PA and Palestinian territories were faltering, sustained only by emergency life-support.

Moreover, there was no real progress at all on the most important immediate components of the Roadmap, nor on the central task of moving towards Palestinian statehood (itself only vaguely defined). In the absence of a clear political horizon, the PA was unable to halt highly dysfunctional Palestinian violence against Israel. In Israel there was no political enthusiasm for a clash with West Bank settlers over settlement expansion, and no confidence that the PA could deliver on much of anything. In turn, Israel's unilateral security measures, such as construction of the separation barrier and the proliferation of checkpoints, only fuelled Palestinian grievances further.

The political context shifted once again with the death of Arafat in November 2004, the subsequent election of Mahmud Abbas as PA President in January 2005, and the decision by Prime Minister Sharon to evacuate Israeli settlements in Gaza (completed in August-September 2005). These changes spurred considerable enthusiasm in the donor community, and at the July 2005 G8 summit meeting the assembled leaders announced yet another effort to use aid as a carrot, calling for a staggering US$3 billion per year in assistance for the West Bank and Gaza over the next several years.

In practice, this level of aid was never reached. It also ran contrary to repeated warnings from Quartet Special Envoy James Wolfensohn and the World Bank that aid could not offset Palestinian economic decline unless it was combined with a substantial reduction in Israeli restrictions on Palestinian trade and movement. While there were some efforts to address this (notably the November 2005 Agreement on Movement and Access), they had little practical effect on the ground.

More importantly, the focus on aid came at the expense of a focus on the real political issues at the core of the Palestinian-Israeli conflict – a repeat of past donor mistakes that can be explained only in that, in a very real sense, donors have found this the easy way out, with fewer political liabilities than might be involved with more robust diplomacy. This was most evident in the increasing irrelevance of the supposed centrepiece of Quartet diplomacy, the Roadmap: the parties met few of their obligations and the target dates it established were soon passed and forgotten.

It was in this context that, in January 2006, Hamas won its electoral victory.

Handling Hamas?

Despite the seeming unity of the Quartet's response to the Hamas victory, it embodied potentially contradictory policy objectives. For the US, the primary purpose of sanctions was to fatally undermine the Hamas-led government, so as to delegitimize it and ultimately end it. To this end, Washington also favoured direct aid to the remaining Fateh-controlled institutions, notably Abbas' presidency and the PA security forces. Many in the EU, by contrast, held out some hope that Hamas might moderate their behaviour given the right mix of incentives and disincentives. Concerned the PA's fiscal crisis would result in both an escalating humanitarian crisis and the accelerated decay of public institutions, it provided emergency payments to PA health and education workers through a 'Temporary International Mechanism' that would obviate the need to work through the Hamas-controlled Ministry of Finance. While the US sought complete political isolation of Hamas, many European countries maintained some low level contacts, and the Russians maintained full diplomatic relations. The UN was uncomfortably caught in the middle, needing to engage the new PA government for both practical and mediatory reasons, yet facing substantial US pressure not to do so.

The resulting policy was ineffectual. Polls showed that most Palestinians blamed the international community, and not the policies of the Hamas cabinet, for dire

economic conditions. High levels of aid continued to flow to the West Bank and Gaza, especially in the form of humanitarian assistance. The Hamas-controlled ministries were also able to obtain some budget support from Arab countries, an unknown amount of funding from Iran, and to smuggle funds across the border into Gaza. Ironically, such irregular transfers, coupled with the circumventing of the PA Ministry of Finance by Western donors, undid the fiscal reforms that donors had pressed for a few years earlier.

Hamas entered into a power-sharing arrangement with Fateh with the formation of a national unity government in March 2007. Within the Quartet, there were again differences over the significance of this move, with the Russians and the UN generally welcoming it, the Europeans adopting a wait-and-see position, and the US very unhappy at anything that might give Hamas a lifeline. In the meantime, the US continued to both provide and facilitate support for the Fateh-controlled security services through the offices of the US United States Security Coordinator, Lt. General Keith Dayton. On the ground, despite the formation of a joint cabinet, Hamas-Fateh tensions and clashes escalated.

For Hamas, US goals were clear: to strangle Hamas and strengthen Fateh until the latter could regain power. Ignoring the concerns of others in the movement, hardliners decided to strike first, and after a few days of fighting defeated Fateh and seized complete control of Gaza. President Abbas responded by condemning the Hamas action as an illegal coup and establishing a new and rival Fateh-supported government in the West Bank under the leadership of Salam Fayyad, a reformer and independent.

Looking ahead

In late 2007, the donor community maintains its sanctions against the Hamas-controlled Palestinian administration in Gaza, while now embracing the Fateh-controlled government in the West Bank. Hamas' popularity has been dented somewhat for the first time since the 2006 elections (see *figure 2*), but this is more to do with the mis-step of the Gaza takeover than with anything donor conditionality has achieved.

The US also hopes that Abbas – freed from the constraints of Hamas – will feel more able to negotiate with Israel, just as Israel will find him a much more palatable negotiating partner. Abbas certainly hopes that progress on permanent status positions would strengthen Fateh and weaken his rivals. However, Israeli Prime Minister Ehud Olmert – himself politically weak – clearly doubts whether Abbas is in a position to deliver anything, and is unlikely to be forthcoming at any negotiating table.

Given the dramatic shifts that have taken place since the failure of the National Unity government, there is currently little hope of engaging Hamas and its marginalized moderates. Until the international community is prepared to articulate a clear vision of final status arrangements and actually use its leverage to encourage and push both parties towards it, the revival of political hope seems unlikely. Donor assistance to the Palestinian territories cannot, in the end, obscure the failures of Middle Eastern peacemaking during the past decade or more, nor can aid substitute for focused political engagement that addresses the key issues in dispute.

Figure 2 Palestinian public opinion

According to a September 2007 poll by the Palestinian Center of Policy and Survey Research:

- 73% of Palestinians disapproved of the Hamas takeover of Gaza

- 30% view the Haniyah (Hamas) cabinet as legitimate, whereas 38% view the Fayyad cabinet as legitimate, and 22% view neither as legitimate

- Were both to run for the office of president, 59% of Palestinians would support Abbas (Fateh) and 36% would support Haniyah (Hamas).

- 71% of Palestinians support the peace process

- 80% of both West Bankers and Gazans rate the current situation as "bad" or "very bad."

- 51% of West Bankers believe economic conditions in the West Bank will improve, while only 25% of Gazans believe economic conditions will improve there.

The Middle East Peace Process

The case for jaw-jaw not war-war

Michael Ancram

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When I opened talks with Sinn Féin/Irish Republican Army (IRA), such was the anger of the Ulster Unionists that they declared me 'contaminated' and withdrew from talks with me. Yet as a direct result of those initial communications in the early 1990s we now have the makings of a peaceful and prosperous future for that historically troubled province. In Churchill's terms, after thirty years jaw-jaw has proved better than war-war.

Let me be clear: I do not like terrorists and I despise their activities. However, while you do not have to like your enemy, it helps to respect him and dialogue is part of that respect. The Northern Ireland experience holds some lessons for the Middle East, particularly as the process we developed in pursuit of peace had largely to be constructed as I went along. No conflict is the same as another, but there are similarities from which it is instructive to learn.

Lessons from Northern Ireland

When I joined the Northern Ireland Office, violence was at a new peak; mass bombings, assassinations, sectarian violence, gun-running and outside interference. No one was talking to anyone and I was frequently advised that the problem was intractable.

We made a different analysis. Firstly, that the war could not be won. Secondly, that there could be no long-term solution to the problem we were confronting without the eventual involvement of those we were fighting. Thirdly, that even as the fighting continued we needed to find a means of engaging them. And fourthly, that this could only be done by opening dialogue.

The first challenge was how to open dialogue with the Provisional IRA, a proscribed terrorist organization with whom we had no formal means of communication. The first step was using language designed to resonate with them. Eventually tentative contact was made – even as

the bombings and assassinations continued, along with our commensurate military responses.

What followed was vicarious dialogue seeking to identify language that might build some confidence with the insurgents, without driving other necessary participants away. The outcome was the Downing Street Declaration of December 1993 which encompassed in general terms the aspirations and grievances of the participants sufficiently to give them a degree of confidence without requiring them to sign up to each other's positions.

This was not preceded by or dependent on a prior cessation of violence, nor any undertakings of recognition. It was a signal – ratified by two interested sovereign governments – aimed at persuading participants that there was sufficient basis for moving to dialogue. It was an invitation to engage. It was designed to encourage the participation of those we needed to bring in. Thus the stage was set for the ceasefire by the insurgents.

Then the framework for dialogue began to be put in place. Any formal requirement for a permanent renunciation of violence and the decommissioning of illegally held weapons prior to formal negotiations was bypassed by informal discussions. More pertinently there was never a requirement made of Sinn Féin/IRA for *de jure* recognition of Northern Ireland as part of the United Kingdom. Such a precondition would have been a game-breaker. It was enough that they were tentatively seeking to talk with us.

We established 'exploratory dialogue' – hard and often uncompromising talks without conditions or commitment. Precisely because it is not part of formal delicate negotiations the participants can be much more robust with one another. The early conversations I had with Sinn Féin/IRA members were most certainly not the language of negotiation, but provided an important part of the exploration. Instead of negotiating commitments, we were exploring boundaries, establishing lines in the sand beyond which they would not go. Narrow horizons suddenly began to broaden. The hitherto impossible suddenly became remotely possible.

And there was a vital spin-off. If Sinn Féin/IRA could be persuaded to explore their lines in the sand, why not the democratic parties in the middle and indeed the paramilitaries at the other extreme as well? Thus exploratory dialogue spread organically until it encompassed all participants, each individually without commitment exploring the lines in the sand. When many of these lines overlapped, we had a launch pad for progress. These overlaps led to the Framework Document – notorious for being disowned by all the participants – but which because of the robustness of all the gathered lines in the sand eventually became the basis of the 1998 Belfast Agreement.

Lessons for the Middle East

The lessons from Northern Ireland are relatively simple. Dialogue can be entered into even during conflict. Exploratory dialogue can overcome the need for

preconditions and can grindingly begin to reconcile the apparently irreconcilable, to seek out the eventual compromises upon which any long-term settlement must inevitably be built. Furthermore:

- Conflict and insurgency can be contained by military action, but it cannot be defeated by it;
- Negotiation towards a settlement of conflict nearly always needs to be preceded by informal dialogue;
- Exploratory, non-committal dialogue can often make more progress than seeking commitments;
- Undeliverable preconditions or deadlines are an end rather than beginning to dialogue;
- Exploratory dialogue should be as multilateral as possible to seek out potential areas of common ground;
- Low profile dialogue is more likely to succeed than that carried on in the spotlight of international publicity;
- It is a better use of your time to talk to your enemies than your friends.

These principles might be addressed to conflicts in the Middle East and Afghanistan. They might apply to the standoff with Iran, a country that – without altering our position on Iran's nuclear ambitions or on its sponsorship of violence – needs to be treated as a senior and serious regional player with a key role in long-term regional stability. The same principles also might apply to Syria, whose isolation is counterproductive given that it in many ways holds the key to the whole region.

They might apply to a number of armed groups. While there is no case for exploratory dialogue with al-Qaeda and associated Jihadist or Sulafist fundamentalists who have little to do with any putative settlement, it is crassly short-sighted to exclude Hamas in Gaza and the West Bank, Hezbollah in Lebanon, and even the Taliban in Afghanistan, on the basis that they have not renounced violence.

Engaging Hamas

Here I concentrate on Hamas, without whom there can be no viable autonomous Palestinian state within a two-state solution. Hamas has been involved in terrorist activity, including acts that caused the death of Israeli civilians, and it has proclaimed the eradication of the state of Israel as part of its purpose.

Speaking as a firm but frank friend of Israel, I say this is an ideal background for exploratory dialogue. It will not be easy for Israel to engage with those who have wrought such destruction upon them. But then it was not easy for me as a government minister to sit in private conversation, let alone formal negotiation, with

the man who sanctioned the assassination of my best friend in politics. The purpose, as was ours in Northern Ireland, would be to test out whether there is the possibility of progress. It may need a document endorsed by all the nations involved which sets out the grievances and concerns of all sides, not for agreement but for acknowledgment 'without expostulation' and as a basis from which exploratory dialogue can then be taken forward.

However, western countries have made this more difficult. When Hamas won the free democratic elections in January 2006, many countries reacted by refusing to deal with the Hamas-led Palestinian government. A popular mandate should have provided an opening for exploratory dialogue. It should have at the very least been the occasion for a peace dividend. Instead it was counterproductively an excuse for economic sanctions.

The failure of the West to react positively to that election contributed to pressures that led to civil war between Fatah and Hamas. At a time when all efforts should have been directed at building confidence between the various participants in the peace process, this perceived betrayal of the principles of democratic mandate has only served further to undermine it.

If Hamas agreed to the West's demands and accepted the legal right of Israel to exist prior to talks, it would lose all credibility with its own supporters. The IRA would have had the equivalent problem in the Northern Ireland context. From what Hamas representatives have told me before the collapse of the unity government – and I hear them with a healthily sceptical mind – the fact of their engagement with Israel on issues such as water and electricity supplies and other cross-boundary matters was in itself a *de facto* recognition of Israel. Khalid Meshaal's recognition of the existence of Israel 'and that it will continue to exist' took this recognition further. Hamas went as far as to say that if the concept of a Palestinian state became a reality they would hold a referendum on the full *de jure* recognition of Israel. They know that all of this has to be accompanied by a cessation of violence, for which they envisage a long term *Hudna* (pause).

Despite the present difficulties, there are those of us who can initiate exploratory dialogue. What we must ask of the Israelis is that they do not seek to derail it, and that if it shows potential for progress they will – in the peaceful interests of their people – be prepared to engage. Israel, somewhat like the Ulster Unionists, has too often been reluctant in terms of exploratory dialogue. Their current leadership must be brought to understand the importance of talking to their enemies.

Introduction to the Sri Lanka case study

T he struggles over political identity, ethnicity and power that marked Sri Lanka's post-independence political history erupted in violence between the Sinhalese-majority government and the Liberation Tigers of Tamil Eelam (LTTE) in the 1980s. In its armed campaign for a separate Tamil state in the north-east, the LTTE established control over a substantial part of the island. The civil war has resulted in large-scale conflict-related deaths and displacement. Peace initiatives (in 1985, 1987, 1989-90 and 1994-95) failed to make decisive breakthroughs (see Accord issue 4, *Demanding sacrifice: war and negotiation in Sri Lanka*, 1998) but a negotiations process beginning in 2001 raised new hopes of a settlement.

With Norwegian facilitation, Prime Minister Ranil Wickremasinghe's new United National Front (UNF) government signed a Ceasefire Agreement (CFA) with the LTTE in February 2002. In September the first round of talks began in Thailand. Further talks got under way in Berlin in February 2003, continuing in Japan in March. Any trust slowly evaporated, however, as the search for a mutually acceptable interim administration floundered, agreements remained unimplemented and violations of the CFA occurred.

The LTTE felt its demand to be an equal partner was being frustrated by the international dimension of the process, highlighted when its 'terrorist' designation by the US prevented it from attending a donor meeting in Washington in April 2003. International actors' reluctance to deliver funds for the joint government-LTTE mechanisms they had encouraged further fuelled these frustrations. Soon afterwards, the LTTE suspended its participation in peace talks, complaining of its marginalization. A donors' conference in Tokyo in June pledged USD$4.5bn in aid over four years, noting that assistance 'must be closely linked to substantial and parallel progress in the peace process,' to be monitored on the basis of ten benchmarks. However, the peace process was already in dire straits and few benchmarks have ever been met.

The ceasefire held in name for nearly six years, but steadily the planks of the peace process fell by the wayside. The struggle between the Sinhalese parties 'cohabiting' in government saw the defeat of the Wickremasinghe government, succeeded by a more nationalist administration. International actors were disappointed by the lack of political transformation in Sri Lanka, while the LTTE's isolation was deepened by its killing of Foreign Minister Lakshman Kadirgamar and many Tamil opponents, as well as its position on child soldiers. In June 2006, the EU declared the LTTE a banned organization. After a series of marked escalations in violence the CFA was finally abrogated by the government in January 2008, resulting in the closure of the Sri Lanka Monitoring Mission. Nationalist voices now call for an end to all foreign involvement in conflict matters. A heavily internationalized peace process, which promised major constitutional reforms, seems ultimately to have only delayed the eventual return to war.

Western countries have been expressing their concern over developments for some time, but the Sri Lankan government has sought to build new relationships with emerging economic powers in Asia, free from political conditionalities. Thus the events of the years following the CFA already seem to belong to a different era.

A number of important studies have already been published on international involvement in this period (see the *further reading* pages). The approach of this short case study is to add to these by juxtaposing critical reflections on this period from four authors with very different perspectives. Their conclusions regarding the influence on the negotiations process of external incentives, sanctions and conditionality differ, but perhaps all share in common the frustrations of the interface between two arenas. On the one hand, there are the delicate and painstaking processes of negotiation and trust-building that require strategic international support and encouragement. These processes are both between the main adversaries (each with their own ambivalences towards the supposed greater goal of a mutually acceptable settlement) and the broader community of parties with a stake in the conflict. And on the other, there are the pushes and pulls emanating from the broader international arena, with its cacophony of relationships, procedures and priorities that influence a peace process in unintended ways. Future attempts to support dynamics for peace must closely analyse how different constituencies, especially those of a more nationalist bent, might receive and respond to the signals sent by international involvement.

Negotiations in a globalized world

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The most recent cycle of negotiations between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) in 2002-03 has since been labelled an 'experiment in liberal peacemaking' and an 'over-internationalized' peace process. It is important to understand these events both within the context of the internationalization and liberalization of Sri Lankan political economy in the preceding decades, and in relation to the government's strategic response to the economic crisis it had found itself in. This, rather than identifying these events as a 'peace process' (and making the assumption that what happened can be evaluated in relation to an ideal model of peace process) better allows us to understand the politics of what went on and the results that followed.

From the late 1970s, Sri Lankan political elites sought to refashion society, redesigning the political institutions and moving towards market-oriented liberal economic policies. With material and ideological support from the developed west and Japan, Sri Lanka became integrated into processes of globalization. But by 2000 the liberalized model of the Sri Lankan society was in crisis. The years 2000 and 2001 were characterized by a serious economic crisis attributable to the impacts of global recession, severe drought and the government's 'war for peace' military strategy. There was also an external perception of crisis: the ongoing war was problematic for the post-Cold War security architecture, in which a state partially controlled by an armed group constituted a source of global insecurity.

Internationalization and negotiation

It is in the context of this crisis that the People's Alliance (PA) government turned for help to external actors, who had become an integral part of the Sri Lankan political economy. In February 2000 the Norwegian government was invited to be a facilitator of negotiations between the government and the LTTE. The International Monetary Fund (IMF) agreed a stand-by arrangement

of US\$530 million announced in April 2001, for which the government was to carry out various reforms in return.

However the full flowering of a strategy to stabilize Sri Lanka and continue with the liberal economic reforms came after the defeat of the PA government in the December 2001 parliamentary elections by the United National Front (UNF) led by Ranil Wickremasinghe. The UNF government strategy – formulated jointly with external actors and strongly supported by externally funded civil society organizations – consisted of three elements:

- An extensive liberal economic reform agenda, including many elements that agencies like the World Bank, IMF, Asian Development Bank (ADB) and other donors had long been demanding, allowing the government to secure significant funding from these agencies;
- Signing a ceasefire agreement (CFA) that recognized there were two armies in the country controlling different parts of the territory, and opening negotiations with the LTTE;
- A framework to institutionalize the role of external actors in the negotiation process, which brought in Norway, the US, EU and Japan as co-chairs and included a mission to monitor the ceasefire.

The direct negotiations between the UNF regime and the LTTE comprised six meetings between September 2002 and March 2003, the most feted achievement of which was the December 2002 statement that the two parties had agreed to find a solution to the conflict within a federal framework. However, the LTTE walked out of direct negotiations in April 2003 because they were not invited to a meeting in Washington (the LTTE was a banned organization in the USA) in order to prepare for a much larger meeting of donors that was to be held in Tokyo in June.

From this point onwards there were indirect negotiations. One of the major outcomes of the latter process was the proposal put forward by the LTTE to set up an Interim Self Governing Authority. This had elements going far beyond the federal framework mentioned in the communiqué of December 2002 and raised doubts about the LTTE's commitment to a federal framework. Some of the other mechanisms set up during direct negotiations to take care of aspects such as rehabilitation and managing security issues did not achieve much.

Defeat in the April 2004 parliamentary elections marked the end of the UNF strategy. In December 2005, Wickremasinghe was defeated by a narrow margin in the presidential elections. The LTTE – which by then

believed the revival of the UNF strategy with international support would put it in a difficult position – assisted this outcome by directly and indirectly pressuring people in the north not to vote. The victor, Mahinda Rajapakse, went into a coalition arrangement with political parties representing more extreme currents of Sinhala nationalism. As many expected, these political developments were a signal for another round of war.

Explaining the collapse of the strategy

Four factors can be highlighted to explain the collapse of the UNF strategy, although there is insufficient space to analyse them fully here.

Firstly, the strategy did not take into account the political battles within the Sinhala community, represented by the two main parties. Managing these is integral to dealing with the relationship between Sri Lankan Tamils and the state. The UNF strategy was implemented in a context where the two main parties controlled different parts of the political machinery, institutionalizing their rivalry within the state structure. The failure to manage the relationship between the Sinhalese parties was a contradiction that ultimately led to the dismissal of the UNF government by the PA president. In a way, the CFA simplified a complex conflict by privileging the relationship between the LTTE and Wickremasinghe regime. This left no room to take into account any of the complexities that a conflict of this nature demands.

Secondly, the UNF government suffered the political fallout from its economic reforms. It did not give the impression that it was conscious of the social issues facing a country reeling in economic crisis, but rather that it was largely concerned with stabilizing the country through concessions to the LTTE so that private sector oriented economic reforms could continue – an impression that contributed to electoral defeat.

Thirdly, the LTTE found it could not manage the international dimension of the strategy. It had initially welcomed the opportunity for greater international recognition that international involvement brought. Moreover, the CFA gave it the opportunity to engage in political activities, even in government controlled areas, while continuing to bear arms, to expand into new areas (especially in the Eastern Province) and to increase its arms supply. It also made use of the privileged position that the CFA conferred to continue to get rid of any opposition within the Tamil community. But the LTTE viewed the international support that the government was receiving with suspicion, dubbing it the

government's 'international safety net.' On the economic front this was increasing the capacity of the Sri Lankan state, while the institutionalization of the role of external actors in the negotiation process was viewed as an attempt to corner them into a position where they would have very little room for manoeuvre. The refusal of the US government to invite them to Washington confirmed these fears.

Finally, there has been no one coherent approach amongst external actors towards the conflict parties. Among their diverse policies and foreign policy positions, two broad policy perspectives can be identified. The first is reflected in the CFA: it accepts the presence of two armies in the country and control of territory by these armies and the need to treat these two parties on a par with each other and promote negotiations. A basic underlying assumption of this position privileges the relationship between the LTTE and government as the central issue to focus on in conflict resolution. The starting position of the second perspective is stability and security of the Sri Lankan state, which in the post Cold War security architecture is part and parcel of the security of the entire South Asian region. This position implicitly accepts the possibility of negotiations with the LTTE that would lead ultimately to their disarmament, but does not conceive of treating an armed group on a par with a government. The fact that the Sri Lanka government broadly follows the liberal economic model and is not antagonistic to Western interests is taken into account in formulating this position. Hence the strategy is to put pressure on, encourage, as well as support (not unconditionally) the Sri Lankan state to resolve the conflict. If the civil war deteriorates to such an extent that Sri Lanka become a major source of instability or its foreign or economic policies change significantly this attitude can change.

The period of negotiations between the LTTE and government of Sri Lanka was characterized by the presence of both these tendencies. This led to diverse and shifting positions among the international actors. Sometimes within the same country the emphasis changed as events unfolded. For example, Norway adhered to the position of treating LTTE and GoSL on a par with each other all along. Japan had a similar position early on, but once the negotiations unravelled it moved to its usual position, offering the Sri Lankan state 'soft support' through aid. From the beginning the concern of the US was security of the Sri Lankan state, which for US policy is part of the security of the South Asian region. Within this framework the US supported the negotiations, but did not hesitate to support the Sri Lankan government strongly when the LTTE crossed over a line.

The limits of external influence

Harim Peiris

Ranil Wickremasinghe (right) formalizing the ceasefire with the LTTE with the Norwegian Ambassador Jon Westbourg, February 2002.

Source: Reuters/Anuruddha Lokuhapuarachchi

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Policy tools based on incentives, sanctions and conditionality are used in any aspect of foreign policy, and their effective application can probably extend to processes of transforming conflict. Third party involvement in a peace process is often required to address a mutual absence of trust between the parties and inability to make progress toward a negotiated settlement on their own. However, as Sri Lanka's experience shows, it does not follow that foreign policy tools of inducement and pressure will have more than a limited influence in addressing these problems. Incentives may be used to help build confidence and encourage a process based on certain values, and a coherent international consensus (including regional powers) on how to support the parties make steps towards reaching a settlement is vital. But external pressure and condition-setting are difficult to bring to fruition, and will not necessarily support the essential development of trust and confidence between the conflict parties, who must ultimately take responsibility for their own transformations.

This article briefly deals with three areas of international involvement in the Sri Lankan peace process that have been the subject of much debate: the impact of terrorist designations on the Liberation Tigers of Tamil Eelam (LTTE), the use of aid as a lever, and the orchestration of international support.

Peace processes and terrorism

The LTTE claims not to have been treated equally during the peace process, but there have been diverse approaches among international actors to the issue of equal treatment. As facilitator and head of the monitoring mission, Norway has always striven to be accepted as neutral and to maintain equal treatment of the parties in the context of the peace process, seeking to influence each to make the compromises required for progress, even if they have attracted criticism from the Tamil and Sinhala nationalists alike. But many other countries have designated the LTTE as a banned terrorist organization and in the course of foreign policy simply do not deal with the government of a sovereign democratic state and a terrorist organization as equals.

While some policy instruments are focused on peace process outcomes, terrorist designations also reflect internationally accepted norms of civilized behaviour such as democracy, non-recruitment of children, humanitarian and human rights norms. When considering the impact of terrorist designation on the peace process, we must recognize the actions that contribute to the designation. The democratic transformation of the LTTE has occurred at a slower pace than expected or anticipated by many countries. The

Irish Republican Army and Palestinian Liberation Organization each underwent a transformation from being perceived as terrorists to political actors prior to a settlement and as a part of an ongoing political peace process. The LTTE, on the other hand, has opted to remain primarily a military organization, and absence of progress in the peace process has hampered wider recognition of the LTTE as a legitimate actor and peace process partner by the international community.

What is ultimately of prime importance in the peace process is the engagement and relationship between the parties to the conflict, not necessarily the relationship between the parties and foreign governments or organizations. To build the trust levels required to negotiate a durable political solution, the peace process must focus on creating small measurable steps of mutual agreement between parties that create confidence to move on the bigger issues.

Aid as carrot and stick

Experiments in aid conditionality – linking aid to progress in the peace process – have not been seen as entirely credible in Sri Lanka and have consequently been ineffective. The Tokyo Donors Conference in June 2003 had little effect. While the Government of Sri Lanka was keen to proclaim a large peace dividend and instrumentalize aid as both carrot as a stick, the attempt to use economic conditionality to achieve political concessions in the peace process was not thought out. The pledged US$4.5 billion spread over four years was no more than the approximate annual average of US$1 billion Sri Lanka receives as development assistance (almost entirely in the forms of repayable loans as opposed to aid indicating grants). The donor pledges largely reiterated existing or pipeline commitments, mostly from the multilateral lending agencies that would have and did disburse the funds in conformity with the specific project loan covenants, irrespective of progress in the peace process (only relatively small sums of money were held up – perhaps USD$50 million by the EU). Furthermore, only a part of this was designated for the conflict affected areas.

With the disintegration of the peace process since 2005, many western countries have sought to reduce or withhold aid and disengage with Sri Lanka. The current administration and Sinhala nationalist forces are unlikely to view disengagement by Western countries as causing sufficient discomfort to prompt a course correction. Meanwhile disengagement by sections of the international community committed to a negotiated settlement reduces their scope for influence. A disengaged Europe weakens Norwegian influence. Decreasing development assistance budgets and lack of robust economic or trade involvement in Sri Lanka gives Europe relatively few levers for influence. Critical statements have little weight except for signalling policy shifts. With Sri Lanka not on the radar screen of the EU's high-level political leadership, its policy on Sri Lankan conflict is less coordinated and more reactive.

Economic policy is more effective as a carrot rather than as a stick. In practice, the two uses are mutually exclusive. In a peace process, where political progress is slow and where flexibility and the creation of a sufficient consensus in the southern polity are required, an alternative course of action would be to use generous reconstruction and normalization of civilian life as a confidence-building, goodwill measure.

Orchestrated and coherent support

The Co-Chairs (Norway, the USA, Japan, and the EU) are in a position to play open and broadly complementary roles, although the absence of real international consensus on Sri Lanka has sometimes led to a lack of coordination between them. The reluctance of India to move from an informal 'behind the scenes' role to a more involved role has been the real weakness in the attempt to orchestrate international support to the peace process. India's strategic and vested interests in Sri Lanka, including the impact of Sri Lankan politics on the politics of Tamil Nadu, give it a crucial role to play. An increasing number of Sri Lankan actors recognize the value of a more active Indian role. Given Indian sensitivities, they would avoid a direct role and the Norwegian facilitators could explore using India's considerable authority behind the scenes to create a sufficient and tactically valid consensus that could focus firstly on ensuring the creation of an international consensus on the contours of a settlement, then on a possible road map – working out the means of arriving at the desired solution.

Conclusion

International actors can support conflict resolution and encourage the parties back to the table while legitimately criticizing human rights violations and assassinations. A peace process based on a commitment to values of democracy, pluralism, human rights and dignity are crucial for the viability of the process, the sustainability of the settlement and the political legitimacy of the compromises required along the way. A commitment by external actors to such a value-based process would perhaps provide important parameters outside which the parties risk serious isolation. Rather than try to force or induce certain outcomes, they should encourage a process-oriented approach to transforming Sri Lanka's conflict, not solely focused on the end solution but what political dynamics are required to get there and what is required to get those political dynamics.

Prejudice, asymmetry and insecurity

Suthaharan Nadarajah

A Norwegian delegation meet LTTE officials in Kilinochchi, northern Sri Lanka, April 2006.

Source: Reuters/Anuruddha Lokuhapuarachchi

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The inescapable logic of intervening in a peace process through sanctions, conditionalities and, perhaps to a lesser extent, incentives, is that one or more of the conflict parties is a reluctant participant needing to be kept 'on track.' By extension, this entails interveners making value judgments as to the underlying causes of the conflict, the commitment of each of the parties to peace and the legitimacy of their reasons for slowing or quitting the process. In short, external intervention is intensely value loaded, with senders also seeking to guide the process to a solution *they* deem appropriate. If senders miscalculate, their actions could easily add to tensions and alter prevailing balances – perhaps decisively – and thereby undermine the peace process.

Given these analytical beginnings, intervention in Sri Lanka in the form of the 2002 peace process by leading state and intergovernmental actors (including the United States, European Union, Japan and Norway) was problematic. From the outset the LTTE was posited as a reluctant participant while the commitment of the state was taken as given. These assumptions profoundly shaped the assemblage of external pressures and incentives deployed. Moreover, the Norwegian 'facilitation' role, firmly backed by the international community, was strongly interventionist. Contrary to popular criticisms of weakness, Norwegian officials were muscular in setting both the agenda and pace of talks in pursuit of a solution that would maintain Sri Lanka's unity and lead to the LTTE's disarmament.

After seven years of intense fighting the parties signed a Ceasefire Agreement (CFA) in February 2002 and began negotiations in September. Initially they agreed to a phase-by-phase approach in which political ('core') issues would only be taken up once the prevailing humanitarian crisis had been eased (ie 'normalization' had been effected). However, even as serious disputes emerged over the state's refusal to implement key 'normalization' clauses of the CFA, Norwegian officials pressed on, tabling discussions on core issues.

The LTTE, conscious of its intransigent and militarist image abroad, sought for some time to avoid disrupting the process, despite its rising disquiet at the asymmetry of concessions and the state's lack of implementation. The LTTE 'temporarily' withdrew from talks in April 2003, protesting the state's refusal to honour commitments on normalization, as well as the 'over-internationalization' of the peace process.

Asymmetric tools

The tools of international intervention included threats of further proscriptions of the LTTE (the Norwegian initiative coincided with the global 'war on terror'),

making international aid for Tamil areas conditional on 'progress towards peace' as well as support for joint initiatives (eg reconstruction efforts) by the parties. Crucially, moreover, there was also robust international support for rearming and reconstituting the Sri Lankan military and revival of the country's economy – in effect reversing key factors of the stalemate that some argue led to the peace process.

Without international coordination or consensus on 'making peace' in Sri Lanka, save keeping the LTTE at the table, these tools formed an ad hoc bundle rather than a tight package. The bundle, moreover, broadly sought to deter the LTTE from 'returning to war' and compelling it to make specific concessions, such as giving up its demand for independence and ultimately disarming. This coercive approach underpinned the Sri Lankan government's often asserted confidence in what it termed an 'international safety net.'

This inherent asymmetry in the bundle can be illustrated, for example, by examining the use of conditionalities on aid for the northeast, the relative seriousness with which the parties' breaches of the CFA were taken and the preference for sanctions over incentives when applied to the LTTE. In June 2003 donors pledged US$4.5bn in reconstruction aid for the 'entire' country, but only the (unspecified) amount destined for the war-shattered northeast was made conditional on 'progress' in the peace process. Outside these pledges, bilateral and multilateral aid to the state continued. The state also benefited from economic assistance such as the EU's favorable import terms. Thus the primary impact of the aid conditionality was to block most humanitarian aid to the Tamil-dominated northeast while enabling the recovery of the south (at least until the catastrophic tsunami of December 2004, by which time the peace process was moribund).

With its military strengthened and economy recovering, there was little incentive for the state to make the concessions required for 'progress' at the table. LTTE concessions, meanwhile, did not result in tangible shifts in international attitudes. The LTTE's agreement to 'explore' federalism as a solution was met with cynicism, rather than support. Its agreement to drop its primary demand coming into the talks – an interim administration – was barely acknowledged. After the tsunami, amidst international encouragement, even insistence, the LTTE made several concessions to ensure agreement was reached with the state on an aid-sharing mechanism (PTOMS). However, after it was signed, donors turned away (the US cited its own ban on the LTTE).

Ceasefire breaches blamed on the LTTE drew significantly greater international scrutiny and criticism than those blamed on the government. For example, accusations of underage recruitment by the LTTE were meticulously recorded whilst the military's standing occupation of up to 30,000 Tamil civilian homes was ignored. The international community did not see the military's sinking of two LTTE merchant ships in international waters during the talks as unduly problematic.

By not recognizing that rising violence was a *cycle* of retaliation between army-backed paramilitaries and the LTTE, international actors denounced the latter's 'intransigence' and saw the state as tolerant and applied sanctions and incentives accordingly. Indeed, LTTE protests that violence was sustained by ongoing state support for paramilitaries in contravention of the CFA was not taken seriously by the international community until late 2006, long after the shadow war had become open (if undeclared) war.

In general, there were few credible incentives offered to the LTTE, apart from a vague prospect of legitimacy. Despite rhetorical support for joint mechanisms, donors disbursed aid for LTTE-controlled areas (once it was approved by the state) through NGOs and state agencies, rather than the LTTE's civil administrative structures. On the other hand, the listing of the LTTE as a terrorist organization by the EU and Canada in 2006 was supposed to 'encourage' the LTTE to return to the table (even though the new government was by then refusing to commit to the CFA). But there are no criteria for deproscription (the US and UK have always insisted, implausibly, that the LTTE must disarm first), obscuring any incentive for the LTTE to do so.

Conclusions

Ultimately international action served to tilt the strategic balance on which the peace process began in favour of the state. This was inevitable as the tools deployed were predicated on the LTTE being the reluctant party to the peace process and one that had to be actively prevented from returning to war. International tools did not cater for the newly re-armed state resuming the war – as eventually happened in 2006.

International support for a successful peace process in Sri Lanka must be predicated on maintaining conditions which will allow both protagonists to remain secure vis-à-vis the other whilst pursuing political goals through compromise. In particular, the use of tools such as (de)proscription and aid needs to be flexible if transformative steps towards a lasting peace are not just encouraged but enabled. Most importantly, international efforts and tools must be directed at ensuring parties address the underlying causes of conflict. The strategic goals of the state – preserving its unity and disarming its non-state challenger – cannot be taken up as the primary objective of international peace intervention.

International support for peace

Too much to ask?

Brian Smith

The EU, Japanese, Norwegian and US Co-chairs, May 2006.

Source: Reuters/Kiyoshi Ota

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Debate on how international conditionalities or incentives have supported – or undermined – peacebuilding in Sri Lanka often focuses on whether those measures have been too harsh or too lax, or on whether they have been appropriate given that a sustainable peace process must ultimately belong to the domestic protagonists. Not enough attention has been given to whether conditionalities or incentives have even been seriously tried.

The failure of aid conditionality

The declaration following the 2003 Tokyo Conference on Reconstruction and Development in Sri Lanka is a good example. Donors officially pledged US$4.5 billion – although there was plenty of ambiguity about how much was additional to assistance already planned and about where it would be used – and outlined ten 'linkages' between their pledged support and the peace process. The linkages included such indicators as full compliance with the ceasefire agreement, participation of a Muslim delegation in peace talks, as well as promotion and protection of human rights. A multi-donor group based in Colombo was initiated to monitor compliance.

However, it soon became evident that, with each donor limited by their own political and/or organizational constraints, a coordinated position on how the linkages should be interpreted – or even on their fundamental advisability – was impossible. At the conference, there had been enormous variations between donors in their support for the notion of peace conditionality and whether conditionalities should be negative, positive or simply defined as milestones to help monitor progress. The declaration represented a compromise aimed at keeping all participants on board. Not surprisingly these differences persisted after the conference, with a few organizations restricting funding as the context deteriorated, but with most donors citing the linkages only when they coincided with their interests. With a few honourable exceptions, major donors chose to pay lip service to the conditions while continuing with their aid programmes on a 'business as usual' basis.

Sri Lankan critics criticized the government for failing to execute a viable strategy to reinvigorate the peace process, thus 'foregoing' billions of dollars in funds. A government minister responded by commenting – disarmingly correctly – that the vast majority of Tokyo pledges were indeed being implemented, despite the lack of progress towards peace.

Several years later and with a different administration in power, a growing number of international actors have been expressing increasing discomfort in pursuing aid programs. The government's strategy of pronouncing stock phrases about wanting a negotiated settlement

while simultaneously focusing on a military solution to the conflict has become too obvious to ignore. But beyond critiques of the government's approach and the LTTE's chronic recourse to violence, plus periodic encouragement for the protagonists to 'return to the negotiating table', international actors have appeared powerless to nudge the peace process back onto the rails.

Explaining international inefficacy

There are several factors behind this weak, confused and sometime contradictory international response. First is the wide variety of political and organizational agendas and the pressure aid organizations feel to disburse committed funds regardless of conflict trends – in some western countries' cases buttressed by domestic political demand from immigrant Sri Lankan constituencies in support of reconstruction. Diplomatically, many actors are reluctant to further involve themselves in a country of modest strategic importance: despite their verbal support for a renewed peace process in Sri Lanka, they are distracted by numerous other concerns much higher on their priority lists.

Secondly, most international actors have not sufficiently analysed the factors driving the conflict and have generally neglected to ask themselves how their carrots or sticks would impact on the political interests of the main protagonists. As a result, the incentives or disincentives they have proposed are often of little relevance to those concerned. For example, the assumption that offering considerable sums to reconstruct the north-east would be sufficient to lure the LTTE back to the table has failed to take into account that the civil conflict in Sri Lanka has always been, above all, a *political* beast, where economic incentives matter only insofar as they impact on core political interests. The 2002 ceasefire agreement was only signed because of both sides' perception of the relative probability of medium-term gains with regard to their political aims. The promise of pledges in Tokyo was largely irrelevant to the LTTE, which saw itself being relegated to second tier political status by the April 2003 Washington conference that excluded them.

In practice the perverse impact of the incentives has often been not to cause protagonists to re-evaluate their position but to reinforce it. For example, the reconstruction funds intended as an incentive to bring the north-east (and the LTTE) back into the mainstream were brandished by Sinhalese nationalist groups as proof that 'outsiders' were attempting to reinforce the LTTE and split the country. Simultaneously, the gap between the funds that were believed to have been promised and what actually arrived in the north-east was used by LTTE hardliners to justify their scepticism about any negotiated settlement.

Thirdly, given the conflicting international agendas referred to above, most aid and diplomatic actors (albeit not all) have been unwilling to seriously engage in a discussion of how their own interests could be reframed within a wider, more concerted approach, in which the carrots and sticks might be complementary and thus mutually reinforcing. The notion of strategic complementarity has occupied a marginal place in discussions about the role of international actors.

Fourthly, many international actors have until recently failed to fully appreciate – and incorporate in their positions – the idea that responsibility for the current state of the conflict lies with *both* the LTTE and a succession of Sri Lankan governments. This has resulted in a clear lack of even-handedness in defining incentives and a lack of seriousness in holding the government accountable. Given widespread condemnation of the LTTE's responsibility for numerous appalling actions, ranging from assassinations to the recruitment of child soldiers to the suppression of democracy in the north-east, and donor organizations' frequent inherent bias towards governments, the general tendency was to publicly condemn the LTTE as the 'bad guys' and treat the government as the (comparatively) 'good guys.' This bias has driven the LTTE even further to the margins of a debate where they consider that they will never be treated fairly.

Conclusions

If international actors can potentially play a positive role in an essentially domestically-driven conflict such as Sri Lanka's, it is subject to several conditions:

- Helping move the peace process forward must be at the core of their strategy, not accessory to other political or organizational objectives;
- Incentives and disincentives must be based on a clear understanding of what is driving the conflict and thus what is likely to modify its course;
- Even the best ideas get drowned when they are part of a cacophony – the international community needs to be more serious about formulating peace support strategies that ensure each entity plays a complementary role;
- Greater efforts need to be made to identify explicit or implicit biases in the support being offered, in order to assess if they might be unhelpful in advancing a sustainable peace process.

Finally, international and domestic peace constituencies need to be more realistic in recognizing the limits of what the international community can and cannot contribute. For there to be a peace process, the key domestic protagonists must first want one. The international community can support a peace process, but they cannot on their own create one.

International involvement and incentives for peacemaking in northern Uganda

Mareike Schomerus

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Peace talks in Juba, southern Sudan, between the Lord's Resistance Army (LRA) and the Government of Uganda (GoU) began in 2006. Mediated by the Government of Southern Sudan (GoSS) and supported by African states, international donors and the UN, talks on the northern Ugandan conflict have never seen such extensive international involvement.

The conflict has caused a humanitarian crisis, economic devastation and the political isolation of northern Uganda. The LRA's insurgency, led by Joseph Kony, initially drew on local resentment among several ethnic groups, especially the Acholi, against the southern-dominated government of Yoweri Museveni, but the LRA's abuses and recruitment through kidnapping saw its support dwindle. The war has destroyed the lives of civilians in Uganda and Sudan who suffered from attacks and abuse by both LRA and the Uganda Peoples Defence Force (UPDF). It is impossible to establish how many people have been abducted by the LRA (estimates range from 20,000 to over 70,000) or killed by either side. Most deaths in this conflict are war-related, rather than combat deaths. For some years, more than 1.5 million people lived in squalid displacement camps.

For many years there seemed little hope of a negotiated resolution to the conflict and little international interest in promoting negotiation efforts. The LRA was never an existential threat to the GoU, although it has been used to justify an immense military budget to donors. Furthermore, the GoU and media have portrayed the LRA solely as a religious cult with no political agenda. The extent to which this is true can be debated, but it has enabled the GoU to depoliticize the wider problem of northern Uganda's alienation from the state and further undermine the case for negotiations.

The first initiative of real promise came in 1994, when government minister Betty Bigombe initiated direct

contact with the LRA. She subsequently managed to secure some government endorsement of her initiative, but the talks suffered from a lack of clear commitment from either side or clear demands from the LRA and both sides eventually withdrew. Bigombe was involved in further talks in 2004 but these too collapsed. Peace initiatives have generally run into the same problem of the credibility of both sides' commitment to negotiations, with each failing to signal that they perceive the other as a serious interlocutor. The abandonment of high-profile initiatives only reinforced the widespread impression that the conflict would not be resolved politically but militarily – an option that received external support. In 2001, for example, the LRA was included in the Terrorist Exclusion List of the USA Patriot Act, bringing US military support for the UPDF and leading to a concerted military campaign against the LRA in 2002 (Operation Iron Fist).

An international problem

With inconclusive results from another military campaign, accompanied by intensified suffering on the ground and the prospect of a resolution of Sudan's north-south conflict, international donors began to seek ways to pressure the GoU to end the conflict. Some key donors, like the UK, were already taking a more critical stance towards Museveni over other

issues, suspending aid in response to delays in Uganda's return to multi-party politics and its embroilment in conflict in the Democratic Republic of the Congo (DRC). In November 2003, the war in northern Uganda garnered international attention when Jan Egeland, the UN Under-Secretary-General for Humanitarian Affairs, visited Uganda. More generally, world leaders were in the midst of discussing the international community's 'Responsibility to Protect' vulnerable populations whose governments failed to do so. With Egeland's account of the humanitarian crisis in Uganda, it seemed like a situation in which the international community was in danger of failing to follow their own agenda. Egeland's influence helped put Uganda on the agenda of the UN Security Council (UNSC) from April 2004. The GoU reacted swiftly to the UNSC interest, sending ministers to meet with UN representatives in New York to lobby against peacekeeping forces in Uganda. While the feared UNSC resolution was not forthcoming, diplomatic pressure from several donor countries heightened on the Ugandan government.

Another process was unfolding simultaneously: in December 2003 Museveni had sought to use the newly-established International Criminal Court (ICC) to his advantage by referring the situation in Uganda for investigation. There was much international interest as the ICC was under close scrutiny as a new organization

with much to prove. The ICC involvement sparked an international debate about the contradictions or synergies between international justice and conflict settlement, heightened when the ICC unsealed five arrest warrants for LRA commanders (including Kony) in October 2005. Critics argued that the ICC had made further talks impossible because there would be no location in which to safely hold them: any signatory to the Rome Statute is obliged to extradite anyone wanted by the court. But it soon became clear that the ICC could not bring the quick or neat solution the government sought: it had no mandate or executive partner to act on its arrest warrants and seize the LRA's elusive leaders.

In late 2005, however, the persistence of those pursuing peace provided the opportunity for new talks, while the specific circumstances of the Government of Southern Sudan (GoSS) as a new and semi-autonomous government created a geographical space for them. Tackling the LRA problem was a priority for the GoSS as the LRA had been fighting as a proxy force for the Khartoum government for years. Even after the Sudanese north-south peace deal was signed, the LRA's main area of operation in Eastern Equatoria was still extremely insecure. Representatives of civil society and the Uganda Amnesty Commission working on a negotiated solution have long maintained low-key contact with the LRA, and the Juba talks are rooted in those connections. The talks that began in 2006 mediated by Riek Machar, the Vice President of the GoSS, are the culmination of years of efforts to start negotiations by the Sudanese Equatoria Civic Fund, supported by IKV Pax Christi and the Uganda Amnesty Commission.

Motivations for negotiations

There has been much speculation about what brought the conflict parties to the table. The most common explanation is mounting international pressure. Certainly, evolving international interests – justice, a human rights agenda or military threats – have influenced the parties to the conflict. The GoU's motivations can be read as Museveni's concern to prevent a UNSC resolution on Uganda and to not be seen as a cause of regional instability. Yet domestic political factors are also important: Museveni still has little backing in the north as the presidential elections of February 2006 confirmed. The GoU perceived that the continued marginalization of the north, with failed attempts to defeat the LRA or have its leaders arrested, could not continue indefinitely.

The motivations of the LRA are unsurprisingly harder to pin down. The LRA's stated motivation for a negotiated solution is to end suffering in Uganda and to be able to leave the bush, but a number of factors underlying their readiness to engage can be analysed.

There has been much debate over whether the ICC involvement motivated the LRA to engage in talks in order to try to negotiate away the arrest warrants, but given the difficulty in executing the warrants, a more persuasive form of pressure behind the LRA's decision to engage may be its weakened numbers. Uganda's Amnesty Act, enacted in 2000 to guarantee amnesty to all rebels, has had a significant impact. Evidence suggests that it has been an incentive for foot soldiers to go home and that the LRA force is less than half of what it used to be before the amnesty.

Proponents of a military solution to the conflict have argued that military offensives have weakened the LRA enough to make them want to negotiate, but the evidence is unclear. Even with the destruction of its Sudanese base camps, the LRA has managed to continue its attacks and the LRA remains a significant fighting force despite its reduced size.

The broader regional political and security environment has clearly reduced the LRA's room for manoeuvre. Southern Sudan's leaders have sought to end its activities in Sudan, while its backers in the Khartoum government have apparently responded to pressure to end their support. But perhaps the key incentive for the LRA is the opportunity to portray itself as a legitimate political interlocutor at a time of renewed international interest in bringing security and development to the region, thus saving face. Past peace attempts have seen the LRA seek acknowledgment of the legitimacy of their fight: the Juba talks created a credible setting for pursuing this and negotiating 'comprehensive solutions.'

The Juba talks and international roles

The Juba talks have produced a ceasefire and agreements on accountability and on a comprehensive solution, but are struggling to conclude a significant agreement on implementation mechanisms. Much of this can be attributed to the parties, particularly the LRA delegation's internal issues over leadership and direction, with individuals taking decisions without informing the entire delegation, which is drawn from the 'diaspora' rather than fighters from 'the bush,' who were withdrawn from the negotiations early on. From October 2007, a major crisis in LRA leadership emerged, echoing peace attempts of the past when chief negotiators defected, renewing discussions about the ability of the delegation to take decisions without Kony at the table. The GoU, meanwhile, continues to send mixed signals about its intentions regarding the ICC problem and renewed military options.

International support has been problematic too, and has not been conducive to incentivizing a sustainable agreement in several ways: initial reluctance to offer support to talks with wanted individuals and 'terrorists' has given way to an unwieldy array of international roles, which – combined with threats of renewed military action if an agreement is not reached soon – has conveyed an undermining sense of ambivalence about the international community's support for a negotiated solution. The question of ICC warrants has not been resolved, while arguments over funding for participating in talks and carrying out wider 'consultations' continued until late 2007.

Ambivalent support

International interest in the fledgling process came initially solely from African countries. Many in the wider international community were sceptical about the intentions of the LRA and the capacity and agenda of the mediator. The GoSS was in its infancy, while many suspected Machar wanted to recruit the LRA for his own local power struggles. Furthermore, the UN was reluctant to engage due to internal debates over whether it could support the talks while also supporting the ICC, which maintained that the priority was extraditing wanted commanders.

However, after Switzerland officially offered support, UNICEF joined the negotiation process in an advisory role. GoSS shouldered fast-growing costs and criticisms until an agreement on cessation of hostilities was signed in August 2006, after which the US, UK, Norway and the Netherlands joined the fundraising and support effort, while the UN Office for the Coordination of Humanitarian Affairs (OCHA) started providing administrative and logistical support.

Other parts of the UN got involved too, leading to some confusion over the division of responsibilities. However, the problem underlying UN engagement has been an inability to take a clear stance on how the organization would engage with the LRA, especially when the LRA failed to meet UNICEF and OCHA demands for the release of all women and children. UN staff supporting a closer engagement and direct contact with the LRA came under much internal criticism. OCHA was criticized as supporting impunity through its direct engagement with an armed group and individuals under ICC arrest warrants.

OCHA withdrew from its administrative and logistical tasks in 2007 and UN involvement has increasingly focused on the political level. In late 2006, former Mozambican president Joaquim Chissano was appointed as the UN Special Envoy for LRA-Affected Areas with a mandate to facilitate the search for a comprehensive political solution. The appointment made clear that his role was to acknowledge both the legitimate grievances at the root of the insurgency and the impact of LRA activities, assisting in the search for a comprehensive political solution and liaising with external actors, including the ICC. Chissano's most important intervention was to reignite the negotiations after the breakdown in early 2007 and provide a communication channel with the GoU. He has been a steady point of contact for the conflict parties and the mediator.

The varied record of UN engagement has sent mixed messages to the LRA, whose distrust in the international machinery is striking. In December 2006 Kony complained about the UN role, portraying it as coercive and biased:

> "What I want us to understand clearly is what is the business of the UN. …What is the UN? Me, you, and everybody is the UN. You go to Uganda, there are people working for the UN. The same in Sudan. The UN is the people. The UN should not be become a force and be used out of context like a dragon."

The ICC issue

The starkest manifestation of this problem for the LRA is the ICC, which has complicated and stalled the talks. The ICC insists that there will be no reconsideration of its stance until the LRA has fully demobilized. The LRA has called for the warrants to be lifted or for a 12-month deferral by the UNSC, while Kony has repeatedly cited the example of Charles Taylor, who was extradited from his Nigerian exile to stand trial in The Hague. In December 2006, Kony said (translated from Luo into English):

> "We seem to have built our own deathbed by committing to this peace process. …The international justice system is that if you are weak, the justice is on you. For the time being, they think me, I am weak. …Same with Taylor, when he was in power nobody thought of justice. If you want to remain safe from ICC, you must fight and be strong. If that is the rule of the game, it is not going to help anybody at all."

The GoU has also come to see the warrants as a stumbling block to a quick agreement, while fear of driving the LRA away from peace talks has provoked strong resistance to the ICC warrants among many in northern Uganda. The LRA along with locals adopted the stance that the ICC's concept of punitive justice threatened Acholi identity, traditions of justice, accountability and reconciliation. On the other hand,

the ICC warrants have worked as an instrument of pressure to address accountability issues. The LRA and the GoU have acknowledged that justice and accountability procedures are necessary and will have to go beyond traditional justice, signing an agreement on reconciliation and accountability in June 2007 to that effect. It established that both formal justice procedures (within the national legal and institutional framework) and the traditional Acholi Mato Oput ceremony of reconciliation would play a role, implying that arrests under ICC auspices would not be necessary. The ICC warrants cannot officially be withdrawn, and it remains to be seen whether the ICC would be willing to put them to one side once local justice procedures have been established.

Funds and incentives

Both the LRA and the GoSS have made use of financial backing for the peace process, while international organizations and NGOs working in Uganda and Sudan base their fundraising efforts on the peace process. All of this risks the talks becoming a self-serving industry, although without the benefit of hindsight it is difficult to distinguish between self-interested involvement and the kind of involvement that will encourage progress towards peace. Some accuse both the LRA delegation and the LRA in the bush of using the talks to cream off as many funds as possible. The LRA has received numerous small-scale material incentives, such as satellite phones and airtime, but disputes have arisen over more substantial support. In 2007 the LRA bitterly protested not being granted USD $2 million for consultations in northern Uganda, which were eventually held with a much smaller budget. Other actors, such as the Cessation of Hostilities Monitoring Team, have been criticized for submitting inflated budgets for field trips. The money provided for talks has been an incentive to keep the process going and a disincentive to streamline it.

Conclusion: mixed messages

Alongside talks, efforts to pressure the LRA have continued, which may not be conducive to building the necessary trust for an agreement. The signing of a military deal between Uganda and the DRC, openly supported by the US, led to a crisis of trust in the talks in the autumn of 2007. The announcement that the US was creating an 'Africa Command' to coordinate its security interests in the continent fuelled speculation that the base was going to be moved from Germany to Uganda. The appointment of a US representative to the Juba talks after much pressure on the US to push for a military solution has ignited sabre-rattling in a peace process that has often suffered from hostile

rhetoric on both sides. The deadline for another significant achievement in the peace process seems to be early 2008, after which military options become a real possibility.

Even if the Juba talks have a chance of succeeding, the signed agreements are little more than outlines. The actual implementation modalities will require both parties to make difficult concessions. Whether the LRA high command will eventually stick to agreements signed in their absence is the big question still overshadowing the talks.

International financial support is crucial and so is international diplomacy to navigate legal and military interests to maintain the space that makes the Juba talks possible. However, criticism is mounting against the overpowering international presence in the negotiations. Some actors see scaling down and streamlining international involvement as the best option for reaching a comprehensive settlement, reducing the opportunities for using the peace process as a self-serving instrument and allaying the LRA's suspicions of international involvement.

In response to the perception that the current process is not conducive to concluding the negotiations, some have called for a parallel process under such independent leadership. Direct negotiations in a smaller setting, possibly facilitated by Chissano, have been considered. Elements of a parallel process are already in place: separate discussions have been held between the conflict parties, while civil society activists and local politicians from both Uganda and Sudan have held separate consultations with the LRA delegation and the leadership. But any parallel process would face controversies over issues of mandate, legitimacy and diluting incentives. Any initiative that involves bypassing some of the major players and renewing emphasis on local and civil society input will meet resistance, and will need to be credible and sustainable for international interests to be fulfilled.

Acronyms

ABG	Autonomous Bougainville Government
ADB	Asian Development Bank
AGM	Annual General Meeting
AMIS	African Mission in Sudan
ANC	African National Congress
AU	African Union
BPA	Bougainville Peace Agreement
BRA	Bougainville Revolutionary Army
BFR	Bougainville Resistance Forces
CFA	Ceasefire Agreement
CIS	Commonwealth of Independent States
COPAZ	National Commission for the Consolidation of Peace
CPA	Comprehensive Peace Agreement
DDR	Disarmament, demobilization and reintegration
DPA	Darfur Peace Agreement
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
ENP	European Neighbourhood Policy
EU	European Union
FIFA	International Federation of International Football
FMLN	Farabundo Martí National Liberation Front
FN	New Forces
GIF	Governance and Implementation Fund
GoSL	Government of Sri Lanka
GoSS	Government of Southern Sudan
GoU	Government of Uganda
ICC	International Criminal Court
IFP	Inkatha Freedom Party

IMF	International Monetary Fund
IRA	Irish Republican Army
ISGA	Interim Self-Governing Authority
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
NP	National Party
OCHA	UN Office for the Coordination of Humanitarian Affairs
ONUSAL	United Nations Observer Mission in El Salvador
OSCE	Organization for Security and Cooperation in Europe
PA	Palestinian Authority [Palestine] People's Alliance [Sri Lanka]
PLO	Palestinian Liberation Organization
PMG	Peace Monitoring Group
PNGDF	Papua New Guinea Defence Forces
PPPC	Peace Process Consultative Committee
SCSL	Special Court for Sierra Leone
SLM	Sudan Liberation Movement
SPLA	Sudan People's Liberation Army
TMG	Truce Monitoring Group
UDF	United Democratic Front
UNAMID	United Nations – African Union Mission in Darfur
UNF	United National Front
UNHCR	United Nations High Commissioner for Refugees
UNPOB	United Nations Political Office in Bougainville
UNSC	United Nations Security Council
UPDF	Uganda Peoples Defence Force

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Weaving consensus: The Papua New Guinea – Bougainville peace process
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Accord 12 documents efforts leading to the Bougainville Peace Agreement of 2001. The issue describes an indigenous process that drew on the strengths of Melanesian traditions, as well as innovative roles played by international third parties.

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The Mozambican Peace Process
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The Mozambique issue documents the diverse initiatives which drove the parties to a negotiated settlement of the conflict as well as illustrating the impact of changing regional and international dynamics on Mozambique.

Negotiating Rights:
The Guatemalan Peace Process
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The signing of the peace agreement in 1996 brought an end to 36 years of civil war in Guatemala. The publication analyses issues of impunity, indigenous rights, political participation and land reform.

The Liberian Peace Process 1990–1996
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The Liberia issue documents the lengthy and fractious Liberian peace process and provides insight into why thirteen individual peace accords collapsed in half as many years.

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Powers of persuasion: incentives, sanctions and conditionality in peacemaking

Faced with the problem of how to respond to the challenges of intra-state armed conflict, international policymakers frequently turn to incentives, sanctions and conditionality in the hope that these tools can alter the dynamics of the conflict and influence the behaviour of its protagonists.

But do such policy instruments tend to underpin or undermine peace processes? How can they constructively influence conflict parties' engagement in peacemaking initiatives? This thematic issue of Accord draws on case studies from across the globe, including Sudan, Northern Ireland, Sri Lanka, Israel/Palestine and South Africa. The studies suggest that while these instruments have in some cases helped to tip the balance towards settlement, in many others they been ineffective, incoherent or subsumed into the dynamics of the conflict.

The editors of this thematic issue of Accord conclude that for such instruments to be effective, support for sustainable peace must be prioritized and strategies crafted to help achieve it. This in turn requires a degree of strategic coherence amongst external actors. Moreover, rather than externalizing the focus of the negotiation process, policy instruments must be responsive to the conflict parties' motivations, support pre-existing dynamics for conflict resolution, and help to create momentum in the resolution process.

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