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Obstacles, Options, and Opportunities

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In the past decade, many more armed conflicts than before ended at the negotiating table instead of on the battlefield. Over the course of the entire 20th century, very few conflicts, about one-in-five, were settled in peace talks; one side or the other eventually emerged victorious and imposed a peace on the vanquished. However, in the period 1990-2000, as much as half of the armed conflicts that ended were silenced as a result of a negotiated agreement, nearly a three-fold increase over the previous era. The more assertive role taken by the international community in peacemaking is at least one reason for this trend change in war termination. Greater consensus among the great powers enabled more vigorous United Nations and regional peacemaking (or mediation), leading to a higher proportion of negotiated settlements. This paper analyzes three sets of findings emanating from peacemaking in the civil wars of the 1990s.

First, the paper underscores the *obstacles* to war termination in today's armed conflicts and the myriad reasons why protagonists often prefer to fight than talk. These obstacles explain why many civil wars today are intractable, in terms of barriers to entering into and sustaining negotiations and to effective mediation by the international community. The stakes of today's wars, the players involved, their global networks, and

¹ The author acknowledges the support of the John D. and Catherine T. MacArthur Foundation and the Norwegian Nobel Institute for their support of the research on which this paper is based. The views expressed in this chapter reflect those of the author alone.

the lack of a powerful guarantor of the peace are all serious impediments to a creating and managing a viable peace process. Moreover, external efforts to broker a settlement are inherently weak. Multiple barriers confront international mediators, such as international norms of non-interference that prevent “entry,” a lack of leverage, ethical dilemmas, and coordination problems.

These obstacles are acute, but not insurmountable. Among the most celebrated negotiated settlements in civil wars are the pacts that ended fighting in Namibia, Cambodia, El Salvador, Nicaragua, Mozambique, and South Africa. From these and other experiences, the paper explores an expansive understanding of the *options* on the table to overcome barriers to settlement. These options relate to both the process of negotiation – getting the parties to the table and progressing in talks and the outcome scenarios (or political solutions) for reconciling the claims of the parties to the war. Process options include efforts to arrange the talks by manipulating sequencing, timing, and strategy of negotiation, and at times employing coercive diplomacy to induce reluctant parties to settle. Debates over the sovereign status are about outcomes to armed conflict, such as independence and the creation of new states (or partition), autonomy, power sharing, and democracy by majority rule.

The peacemaking experience of the 1990s reveals that there substantial new *opportunities* for innovation in peace process design to promote sustainable settlements in civil wars. Among these innovative opportunities are the promising role of new actors on the international stage, rapidly developing international norms and organizations that help promote peace, ways to enhance the capacities of official international mediators

through strategic planning, and “integrated sovereignty,” which obfuscates the importance of state boundaries. The most important opportunity to improve peacemaking is the possibility of a stronger international role in guaranteeing the terms of settlement through multilateral peacekeeping operations.

Clearly the obstacles to peace are many, the options are constrained by political and military realities, international influence on warring parties is usually very limited, and international guarantees for peace agreements remain weak and inconsistent. With a clearer appreciation of innovative options, and a systematic expansion of the international mechanisms for peacemaking and peacekeeping, it is conceivable to envision a day when the international community’s ability to ameliorate civil wars is greatly strengthened. In the long run, of course, “all wars must end,” as Fred Ilké wrote some forty years ago.² Is it possible to orchestrate the end of today’s civil wars sooner than if they are simply left to run their course?

I. TRENDS IN WAR TERMINATION

In recent years, the nature of war and patterns of war termination changed dramatically. First, most conflicts today are internal rather than international, meaning that the war takes place among parties essentially within the boundaries of sovereign states; the bloody competition is over territory, ethnic group security, political power, or natural resources. But today’s internal wars are not isolated. Every one of today’s armed conflicts features some degree of intervention by neighbors, and the impact of war often

² See Fred C. Ilké, *Every War Must End*. (New York: Columbia University Press, 1971).

spills across borders through refugee flows. Modern civil wars are global evils that require a multilateral response.³ Such regionalized internal conflicts may be less amenable to peacemaking by the international community because trans-border linkages provide support and encouragement to the combatants. Isolation or containment is an inherently limited strategy to manage the consequences of contemporary armed conflicts.

There is both good news and bad news in an analysis of war termination since the end of the Cold War. The bad news is that between 1989 and 1998 (the last year for which firm data has been reported), there were 108 significant armed conflicts around the globe, of which 92 were essentially internal.⁴ In 1998, there were 36 active armed conflicts around the world in which more than 25 battle-related deaths were recorded. Although there was a drop in the number of truly nasty "wars" (defined as more than 1,000 battle-field deaths in a year) between 1992 and 1998, new wars erupted in 1998 and 1999 -- such as the Kosovo conflict and tortuous battle over desert real estate between Eritrea and Ethiopia -- that temper any nascent enthusiasm that war is becoming obsolete.⁵ Widespread violence in Indonesia (Timor, West Papua, Aceh) or Russia

³ See Timothy Sisk, "Civil Wars: International Responses to Internal Conflicts," in P.W. Simmons and Chantal de Jonge Oudraat, *Managing a Globalized World: Lessons Learned Across Sectors*, (Washington, D.C.: Carnegie Endowment for International Peace, forthcoming). See also the Managing Global Issues website at <http://www.ceip.org/mgi>.

⁴ Peter Wallensteen and Margareta Sollenberg, "Armed Conflict 1989-1998," *Journal of Peace Research* 36 (5): 593-606. While these scholars differentiate civil "war" from less intensive forms of internal armed conflict, for the purpose of this chapter we will refer freely to all internal armed conflicts as civil wars.

⁵ The trends also show that earlier hope that "international wars" (wars between the armies of opposing countries) was misplaced. The battles between Pakistan and India high in the Himalayas in the summer of 1999 shattered that myth, as has the eruption of the broad-based war in the Democratic Republic of Congo, which has been dubbed Africa's first "World War."

(Chechnya), for example, suggests that new conflicts are emerging as fast as old ones wind down.

Unfortunately, there is even more bad news. Increasingly, in today's wars, civilians are targeted directly; the historically sharp line between military combatants and civilians has been distinctly blurred. While reliable data on the total number of civilian deaths in today's armed conflicts doesn't exist, the toll on civilians lives is reflected in the exponential increase in refugees today's war generate. In early 2000, there were and estimated 21.5 million refugees around the world and an additional 30 million internally displaced persons; the vast number of these refugees and displaced were homeless from armed conflicts.⁶ Not all is bad news, however. The number of "wars" that meet researcher guidelines of the most devastating conflicts (1,000 battle-related deaths in a year) has clearly dropped from 1992, the peak year for violent conflict after the Cold War. This is good news because it may portend a gradual decline in warfare overall; indeed, all wars must end sometime.

It is especially important to assess how recent civil wars ended. Historically, we know that by far most civil wars end in victory of one side over the other. Stephen Stedman concluded that only about 15% of civil wars between 1900-1980 ended at the peace table.⁷ Barbara Walter has similarly analyzed war termination through

⁶ See the website of the United Nations High Commissioner for Refugees, <http://www.unhcr.ch/>.

⁷ Stephen John Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980*. (Boulder: Lynne Rienner, 1991).

comprehensive analysis and she reports that between 1940 and 1990, only 20% of civil wars ended in negotiations.⁸

These broad historical trends may be misleading. Recent evidence suggests that today's wars are much more likely to end at the peace table than on the battlefield. Wallensteen and Sollenberg report that of the 108 conflicts since 1989, 75 have ended by 1998. "Of these," they write, "21 were ended by peace agreements, whereas 24 ended in victory for one of the sides and 30 had other outcomes (cease-fire agreements or activity below the level for inclusion). Many new peace agreements were signed in the middle and late parts of the period, particularly 1995-96."⁹ In sum, today some 50% of wars end at the peace table, a dramatic increase over the broad historical average.

Why are wars today more likely to end in negotiated settlements? One answer is more extensive international intervention. The greater willingness of international actors to intervene in today's conflicts has the effect of putting all parties to the conflict on a more level playing field. Although some scholars suggest that military victories are more *durable* than peace agreements, the prevailing consensus today is that negotiated solutions are more *desirable* because definitive defeat of an opponent in ethnic conflict may well lead to genocide or ethnic cleansing (forced migration).¹⁰ International intervention through peacemaking (mediation) or peacekeeping (military intervention)

⁸ Barbara Walter, "The Critical Barrier to Civil War Settlement," *International Organization* 51 (3) (Summer 1997): 335-64.

⁹ Wallensteen and Sollenberg, "Armed Conflict 1989-1998," op. cit., p. 597.

¹⁰ Military victories are arguable more unstable than negotiated settlements because they leave grievances among the vanquished unresolved, only to re-erupt at the first opportunity when strength has been re-gathered. For the argument that military victories are more durable than peace agreements, see R. Harrison

may induce more of a balance of power among competing forces, thereby making negotiation more attractive – because the war is really not winnable – and the pursuit of military victory more costly and perhaps futile.¹¹

The international community's track record on peacemaking in recent years is decidedly mixed. Either the cup is half empty or half full; the truth is in the eye of the beholder. Clearly there have been peacemaking failures. Some wars grind on despite repeated attempts by the international community to arrange talks and encourage a settlement, such as in Sri Lanka or Sudan. And apparent successes can be illusory. Even when a peace accord is clinched, horrific tragedy can still occur. The August 1993 Arusha Accords for Rwanda were meant to end a bloody civil war; instead, the agreements collapsed in the 100-day genocide that left 800,000 dead and many more deeply scarred survivors.

Other peace processes have produced an unsatisfactory, frustrating, and often violent, or "cold," peace. The September 1993 Oslo Accords between Israel and the Palestinian Authority and the bumpy peace process that followed has few starry-eyed champions; yet, even with the upturn in violence in late 2000 – the so-call Al- Aqsa *Intifada* – the parties have returned to talks for another attempt at final-status settlement.

Wagner, "The Causes of Peace" in *Stopping the Killing: How Civil Wars End*, Roy Licklider, ed. (New York: New York University Press, 1993).

¹¹ A good example is the suspension of Russian voting rights in the Council of Europe in April 2000 over its prosecution of the war in Chechnya. The EU countries pressured Russia to suspend its military campaign in the war-torn, and now devastated region, and negotiation with the Chechen insurgents. Surely Chechen rebels are emboldened by such actions, and military victory by Moscow seems just as remote in this war than it did in the 1996 Chechnya debacle. On the 1996 war, see Valery Tishkov, "Ambition and the Arrogance of Power: the Chechen War" (pp.183-227), in his book *Ethnicity, Nationalism and Conflict In and After the Soviet Union: The Mind Aflame* (Oslo: Peace Research Institute Oslo, 1997).

Similarly, a foundation for peace in post-war Bosnia was laid in the 1995 Dayton Accords, yet reconciliation is halting and ethnic nationalist forces that eschew reconciliation still dominate the post-war landscape.

Some peace agreements have produced profound inspiration and a heartwarming national elation; negotiated settlements have ended wars and laid the basis for post-war reconciliation. The pacts that ended apartheid in South Africa in 1994, averting a cataclysmic race war there, are seen as a model of step by step measures to promote a just peace in a society deeply divided during the course of an profoundly unjust history.¹²

In sum, we see that tragedy, stalemate, and elation are all possible consequences of efforts to end today's bloody wars at the peace table. In today's wars, even after a putative military victory (as in Kosovo), a negotiation process is required for a sustainable peace. If a peace settlement is to succeed, both in ending the carnage and in promoting reconciliation, the terms of a new, just, and mutually beneficial post-war order must be established through collaboration and dialogue. Most practitioners and scholars agree that civil wars today need a peace *process*, or step-by-step reciprocal moves to build confidence, resolve gnarly issues such as disarmament, and carefully define the future. In other terms, a peace process intricate dance of steps – often choreographed by third-party mediators -- among parties in conflict to gradually exchange war for peace.

The negotiation imperative demands an understanding of how peace processes unfold, the principal common phases through which all settlement talks seem to pass, and

a careful analysis of the barriers to their beginning or being sustained. We especially need to know how the parties in conflict surmount dilemmas inherent in civil wars, such as the trade off of group security with disarmament and demobilization of combatants. Just how difficult it is to begin and sustain such as process needs to be underscored; the obstacles to peace are high.

II. OBSTACLES

The meaning and logic of war often overtakes takes the desirability and logic of peace. That is because war itself generates a powerful set of incentives that prevent parties taking the usually very risky steps toward a negotiated end to their struggle. That is, wars today are often seen as "intractable" because of the dynamics that fuel the war itself and the inherent uncertainty of a newfound peace.¹³ As Charles King has observed, "Uncovering the incentives for violence should be the first step for third parties to take when considering their role of potential mediators in internal disputes."¹⁴

A useful concept of analyzing the obstacles today's wars is the notion of *entrapment*, a term that emanates from the general literature on conflict escalation. Parties who have made investments in fomenting violence, or in defending the state from violence by challengers, incur certain "sunk costs" or irretrievable expenses. In order to justify previous commitment to a course of action, parties find avenues of exit from

¹² See Timothy Sisk, *Democratization in South Africa: The Elusive Social Contract* (Princeton: Princeton University Press, 1995).

¹³ On the definition and management of intractable conflicts (those seen as resistant to resolution), see the University of Colorado's Conflict Resolution Consortium website, <http://www.colorado.edu/conflict/>.

¹⁴ Charles King, *Ending Civil Wars* (London: Aldephi Paper 308, International Institute for Strategic Studies, 1997), p. 29.

escalating conflict to be closed. James Brockner and Jeffrey Rubin define entrapment as a special kind of escalation, in which there are competing pressures for withdrawal and for remaining in a situation over time. "Entrapment is a decision making process whereby individuals escalate their commitment to previously chosen, though failing, course of action in order to 'make good' on prior investments," they write.¹⁵ Retreat from violence would cause parties to "lose face," or jeopardize their reputation. The concept of entrapment, or of social traps in general, explain why parties may continue to escalate violent conflict even though it may be apparent, even to the disputants, that this course of action is self-defeating. Certainly, the most violent of contemporary internal conflicts – Algeria and Afghanistan – poignantly demonstrate entrapment at work. What are the elements of entrapment in contemporary wars?

Stakes. Parties' perception of the stakes of laying down arms to make peace with bitter foes is an essential element of entrapment. Parties in civil wars view the risks of peacemaking through the lens of worst possible scenarios. Sometimes risking peace in a negotiated settlement that requires disarmament involves stakes that are simply too high for some. The perceptions of the Bosniac faction (Muslims) in Bosnia during 1992-1995 are illustrative. To agree to an uncertain peace such as that offered during the course of talks through the International Conference on the Former Yugoslavia would have potentially risked survival of the community; is disarmed, the Bosniacs may well have

¹⁵ See J. Brockner and Jeffrey Z. Rubin, *Entrapment in Escalating Conflicts*. New York: Springer Verlag, 1985).

been subjected to renewed ethnic cleansing and potentially genocide if the peace had broken down.

Players. The nature of the players in today's conflict make peace talks difficult to begin and especially difficult to successfully conclude. Many of the parties to today's wars are loose militias with ambiguous organizational structures and weakly developed interests and capacities beyond the gun. One of the reasons why it has been so difficult to broker peace in Somalia since the country's collapse in 1991 is the sheer number of armed factions and their incoherent nature. Peacemaking requires relatively coherent parties with clear and effective leaders. Even when the principal parties are relatively cohesive, as in Northern Ireland, factions within these parties may not yet be willing to trade the gun for the ballot box and "normal politics." Clearly the calculations and views of the "hard men" within the Provisional Irish Republican Army have been at times an obstacle to peace in Northern Ireland. Many peace processes have a readily identifiable "spoiler."¹⁶

Issues. With so many conflicts today fought under ethnic or religious banner, the underlying grievances over which the war is fought may well be a significant barrier to peace. If the conflict is over identity, the positions at the table are not easily divisible or reconcilable. Sudan is an example. While it may be possible to conjure up any number of political or constitutional scenarios for a more peaceful Sudan, unless the parties can agree on the core identity of the Sudanese state – Islamic, in many Northern views, or

¹⁶ See Stephen John Stedman, "Spoiler Problems in Peace Processes." *International Security* 22 (2) (1997): 5-53.

multiethnic, as many moderates seek, or bi-national, as some Southerners seek – peace will remain elusive.¹⁷ In many other places, such as the separatist struggles now plaguing Indonesia, the claims of the parties appear irreconcilable. When unyielding claims for self-determination and independence by rebel groups clash with inflexible positions on territorial integrity by states, there is little room for compromise on basic principles of coexistence. These issues feature strongly in the secessionist wars in Russia (Chechnya), Indonesia (Aceh, West Papua [erstwhile Irian Jaya], East Timor), and in Sri Lanka.

Transborder linkages. Many of today's conflicts are wrapped up in the domestic politics of the region, so that they are part of a broader neighborhood mosaic. Managing a peace process in a complex regional dispute is akin to seeking an alignment of the stars. Conflicts over territory in places such as Kashmir and Cyprus are often propelled more by the domestic politics of related countries than in the sentiments of the people who live in the conflict zone. Over the years, the cause of Kashmir has become such an integral part of the rhetoric in both India and Pakistan that now it is virtually impossible for Indian, Kashmiri or Pakistani leaders to make the needed concessions to end the decade-long struggle over one of the world's most beautiful pieces of real estate. Similarly, in Cyprus, the ability to make progress on this seemingly intractable dispute ebbs and flows with the state of relations between de facto parent countries Greece and Turkey. Patron-client networks between divided Nicosia and Athens and Ankara make the internal dispute of Cypriot identity a complex regional conflict rather than a purely internal one.

¹⁷ See Francis Deng, *War of Visions: Conflict of Identities in Sudan* (Washington: Brookings Institution Press, 1995).

The regional linkages among parties in conflict that helps fuel the fighting are also readily seen in the multifaceted war in the Democratic Republic of Congo. Uganda and Rwanda have militarily intervened in the Congo's multi-sided civil war on rebel sides, and have Zimbabwe, Namibia and Angola have committed troops in support of the badgered regime of Laurent Kabila. In the Congo, cross-border linkages have led to so conflict diffusion (violence in one area sparks similar violence near-by) and to horizontal escalation (the spread of violence across frontiers).¹⁸

War is lucrative. War can be very profitable for many combatants, even as it ruins economies and shatters lives. When parties to civil wars have the opportunity to steal national wealth and fund their own war machines, the terror of the battlefield is simply much more lucrative than cooperation, peace, and the restoration of a fully functional central government.¹⁹ The examples of civil wars fueled by exploitation of national resources to fund the enormous actual monetary costs of waging war are numerous indeed. In Cambodia, the Khmer Rouge guerrillas bartered tropical hardwoods to pay for their insurgency. In Colombia and Afghanistan, illegal drug exports fund the fight. In Angola and Sierra Leone, the illicit diamond trade keeps the rebels afloat. With big-money valuables like these under their control, many rebel movements today have very little economic incentive to settle the war.

¹⁸ David Lake and Donald Rothchild, eds. *The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation*. (Princeton: Princeton University Press, 1998).

¹⁹ David Malone and Mars Berdal, *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner, 2000).

There is another important level of analysis when exploring the economic incentives that prevent parties from risking peace. That level is the mindset of the individual soldier or especially the mid-level rank and file of any militarized party to the conflict (i.e., government forces or rebel movements). Those mid-level combatants – soldiers and NCOs, or non-commissioned officers – who have committed their lives to the struggle for change or for stability are the ones most likely to find coping in a post-war situation the most difficult. Particularly child soldiers, who joined or were conscripted at a very early age, know no other livelihood than that earned by the gun. When young soldiers in civil wars have never known anything other than how to wage war, how can they be expected to survive economically in the highly competitive global economy? Many soldiers would rather continue to fight than to face unemployment, homelessness, loss of social status, and a highly uncertain political future in an uncertain post-war era.

Passions. Finally, for some people in some conflicts, a pathological hatred of the enemy is difficult and often impossible to overcome.²⁰ While all the other factors that seek to explain obstacles to peace processes assume in some way that the barriers are based on “rational” considerations by the warring parties, this dimension acknowledges that the struggle, fight, and bloody carnage of war are borne by deep-seated pathological hatreds that defy any explanation in terms of purely rational motives. Bloody ethnic enmity of the kind seen in the 20th century, in both the world wars and in the new ethnic

²⁰ For an elucidation of this argument, see Donald Rothchild and Alexander Groth, “Pathological Dimensions of Domestic and International Ethnicity,” *Political Science Quarterly* (Vol. 110, No. 1, Spring 1995), pp. 69-82).

civil wars in the early 1990s, is at some level a total commitment to war that is a psychological drive unlikely to be satiated at the negotiating table.

Insanity. Some civil wars are clearly driven by maniacal leaders. Some have identified the late Pol Pot as a pathological, mass murderer posing as an ideologue. Similarly, others have accused Angola's rebel leader (of UNITA, the Union for the Total Independence of Angola) of massive war crimes – creating “hell on earth” with no regard for the logic of peace for the sake his now ruined country.²¹ But pathological leadership is only part of the picture. Mass murder such as Cambodia's or Rwanda's genocides are simply too widespread to have been the work of a madman at the helm; social pathological illnesses, which afflict societies such as these, must also be part of any explanation that describes why some conflicts today never reach the bargaining table.

The inside game. One of the key lessons learned from experience and research is that it is as important to look inside groups in conflict. What happens inside organizations like governments and rebel groups explains when moderates who seek peace might rise to the level of leadership and “deliver” their constituencies. In Northern Ireland, the most important point in the teetering balance between war and peace lies not with the relationship between the political leaders of contending communities, but the “hard” armed men of the IRA and the Unionist militias – the political arena *within* groups. The relative balance of power between moderates and hard-liners -- those who will fight to the bitter end – is the most important factor in explaining why some countries move to

²¹ John Prendergast, “Dealing with Savimbi's Hell on Earth,” A United States Institute of Peace *Special Report*, October 12, 1999.

peace and others stayed trapped in seemingly incessant war. While looking at the relationship between parties is critical – for example, in resolving the “security dilemma” – much of our ability to expect when a country is likely to begin the turn from war to peace, we must look within the warring factions themselves. Is there a moderate core of political leaders, able to carry their military backers, with sufficient clout to make the concessions necessary to move the peace process forward?

External Barriers

Even when the protagonists in the war are ready to explore peace, the absence of well-endowed, effective mediation by third parties is sometimes the last obstacle to a dynamic peace process. In every major peace agreement reached since the end of the Cold War, and especially those that have been successful, there has been extensive and active external mediation. Mediators have skillfully brokered agreements in quick-starting ethnic wars such as Bosnia and in long, protracted struggles such as in the Middle East between Israel and its Arab neighbors. Although there are many variables involved in successful mediation in getting the parties to the table through pre-negotiation, providing the parties with credible commitment is at the top.²² Credible commitment refers to a basic belief by the groups in conflict that the terms of a peace agreement will be lived up to by their foes, and – to the extent possible – guaranteed by a third party (such as the UN). If a third party can provide guarantees that the enemy will abide by the terms of a peace agreement, the warriors can be less fearful of the uncertain peace.

²² See Barbara Walter, “The Critical Barrier to Civil War Settlement,” 1997.

When mediation is weak and external guarantees for good faith by enemies is elusive, a viable peace process is unlikely. A lack of true commitment, and an inability to solve the credible commitment puzzle, mean that in many conflicts – such as Burundi in the past few years – negotiations drag on but so does the war. Today, former South Africa president Nelson Mandela is seeking to mediate an end to the war, a slow but promising process that may ultimately yield a new peace agreement there.²³ There remain high barriers to effective mediation in today's civil wars, and these too must be considerable impediments to a successful war-termination process. These obstacles include the still-strong bias in the international system against interference and violation of state sovereignty; Algeria's government has used this shield against mediation to great effect.

When consent to mediation is forthcoming, as was the case in East Timor, the basis for effective peacemaking is much firmer. Unfortunately, in that process, mediators weren't strong enough to convince hard-line generals in Indonesia's military to rein in wayward Timorese militias sympathetic to continued rule from Jakarta; these factions opposed the peace agreement and defected from the peace process. Ultimately, the resolution of East Timor's status through negotiation broke down, requiring a United Nations-endorsed "peace enforcement" mission.²⁴ Following the military intervention, the UN civilian administrators of East Timor must continue the mediation as they seek to guide the country through elections, constitution making, providing order, and economic

²³ On Burundi, see Stephen Weissman, "Preventing Genocide in Burundi: Lessons from International Diplomacy." A United States Institute of Peace *Peaceworks*, 1998.

development. At least today, the UN enjoys the consent of the fledging East Timorese government, proving the international mediation legitimacy among the majority who favored independence from Indonesia.

East Timor may well be an anomaly. Lack of leverage remains a serious problem for today's peacemakers. In wars such as Angola's – with its gruesome toll of civilian casualties – the international community has an especially strong responsibility to leverage the parties into settlement. Each time that has occurred, unfortunately, the peace collapses and the war resumes. Ethical dilemmas for mediators seeking to choreograph a peace process also abound. Should peace be made with war criminals? The July, 1999 peace agreement in Sierra Leone, brokered by Togo, drew widespread criticism for its provisions to give amnesty to the rebel forces, whose trail of widespread, grotesque human rights abuses is well documented.

Both the internal dynamics of today's conflicts and external barriers to effective mediation ensure that many of today's wars will grind on without victory or a peace process for some time. The obstacles to peace are many and much too serious. Highlighting these the obstacles to moving peace through negotiation sheds some light on a metaphorical concept often used to analyze when the conditions for peace exist: "ripeness."²⁵ While ripeness is usually described as a condition that can only be sensed intuitively – those closest to the situation can recognize a ripe moment – more systematic

²⁴ INTERFET (Intervention Force in East Timor), which has since ceded authority to the United Nations Assistance Mission in East Timor (UNAMET)

assessments of a range of variables such as the ones described above can yield better predictions on when the timing is right for talks, or when the logic and passion of war will continue to overrule prospects of peace.

III. OPTIONS

If the obstacles to launching sustainable peace processes could not be overcome, there would not have been the rather extensive number of relatively successful negotiated settlements in recent years.²⁶ Some lessons have been learned from the peace processes of the 1990s that help explain how the options for effective peacemaking have expanded in recent years. The most important conclusion is that sustainable termination of a civil war requires an intricate step-by-step process of confidence building, disarmament and security, transitional justice, and a forum through which the political, economic, and social terms of the post-war order can be defined. The conflict needs to be transformed. As scholar and practitioner John Paul Lederach has suggested, sustainable peace requires transformation of the basic forces of the conflict toward reconciliation.²⁷ Negotiations at the elite level must be accompanied by conciliation between mid-level leaders and in the broader population as well. Institutions designed to allow for structured, long-term bargaining and negotiation need to be accepted and well developed. And a peace process

²⁵ See I. William Zartman, Zartman, "Common Elements in the Analysis of a Negotiation Process." In *Negotiation Theory and Practice*, J. William Breslin and Jeffrey Z. Rubin, eds. (Cambridge, Massachusetts: Program on Negotiation, Harvard Law School., 1991).

²⁶ Successful in that they have stopped the fighting. Defining success in negotiated settlements is an inherent fraught issue. For a consideration of this debate, see Fen Hampson, *Nurturing Peace: Why Peace Settlements Succeed for Fail*, (Washington, D.C.: United States Institute of Peace Press, 1996): pp. 8-11.

²⁷ See John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997).

must be sustained over time, with different tasks of assuring security, punishing war criminals, and fostering reconciliation each at its own moment.

Most peace processes really make progress when the parties are utterly exhausted with the war. For all sides simultaneously, there must exist an expectation that future escalation of the conflict will not decisively defeat the opponent nor will further commitment of resources fundamentally affect the eventual outcome should a negotiated settlement be reached. I. William Zartman writes that a mutually hurting stalemate must be perceived "not as a momentary pause, but a flat terrain stretching out into the future, providing no later possibilities for decisive escalation".²⁸

Process Options

While the scope of experience and practices is widespread, these lessons – which shed light on some of the most successful options – have emerged as important for learning the options for structuring the *process* of negotiation.

Formulas. Most peace processes go through somewhat similar phases, namely pre-negotiation, or “talks about talks,” interim talks that address critical first-order security issues, substantive negotiations that address constitutional issues, and the various phases of implementation. An important finding is that pre-negotiation phases are critical. It is during this time that the basic “formula” for war termination is being decided. Formulas are broad principles that define the parameters of a conflict's outcome and lays out a process for talks to unfold. In economist's terms, it defines the "contract

²⁸ I. William Zartman, *The Negotiation Process*. (Beverly Hills: Sage Publications, p. 352).

zone." In order for parties to accept a formula, it must be seen as just and satisfactory, cover all major issues, incorporate all sides' demands, and contain a basic vision of post-conflict arrangements. For example, the 1993 Oslo agreement in the Israeli-Palestinian conflict was premised on the formula reached at earlier talks: the 1973 Camp David Agreement that provided for a period of interim Palestinian self-rule, but leaving the "final status" of the disputed territory – especially thorny issues such as borders, refugees, and Jerusalem – unresolved.²⁹

Multiple track negotiations. Players emerging from a civil war need many different opportunities, or “tracks” (arenas of interaction) to discover confidence and build cooperation. Multiple tracks at which top and mid-level leaders negotiate are essential to success. Peace processes set up bargaining institutions that allow problems such as stakes, issues, sovereignty, identity, and economics to be negotiated in a participatory way. A proliferation of opportunities for facilitated interaction was an essential component of South Africa’s transition from war to peace. At the same time, opportunities for interaction don’t guarantee that talks will progress. In Cyprus, peace is not yet at hand despite many opportunities in the last decade to establish multiple arenas for bargaining.

The need for multiple tracks also suggests that elite-level negotiations need to be accompanied by local-level process for conflict mitigation. A multi-tiered approach is called for in which top-level bargaining bolsters the work of community-level mediators,

²⁹ On the Oslo negotiations, see the essays in *International Negotiation*, Vol. 2 No. 2, 1997.

and local level confidence reinforces the pressures for peace at the top.³⁰ This also raises the notion of “complimentarity” in peace processes, in which efforts at different levels of society reinforce each other.³¹ While multi-tiered negotiation may introduce coordination problems among peacemakers, both elite-level and bottom-up approaches are inadequate alone.³²

Secret, elite pacts, followed by participatory bargaining. A third lesson is that sometimes it is desirable to negotiate in secret, announcing a “done deal” to a surprised world. While of course transparency is desirable when leaders are negotiating peace, sometimes parties participating in talks must quickly cooperate in keeping the very existence of negotiation secret. Once the nature and extent of risky concessions has been determined, and the trade-offs identified, are the precise terms announced to the world. Both the Oslo Middle East agreement in 1993, and the 1995 Dayton Accord that ended the war in Bosnia, were negotiated mostly in secret. Especially in the Middle East talks, it was believed that if the details of talks were leaked while they were being negotiated, the opponents of the peace process would be better able to act to scuttle negotiations. On the other hand, for long-term peace, open participatory peacemaking may arguably build stronger support for the settlement. In South Africa, many initial agreements in 1991 and 1992 were made in secret among top political leaders such as Nelson Mandela and F.W. de Klerk, but later in the process, 1996, the final constitution was adopted only after

³⁰ See Gennady I. Chufrin and Harold H. Saunders, “A Public Peace Process,” *Negotiation Journal* (April 1993: 155-177).

³¹ See David Bloomfield, *Peacemaking Strategies in Northern Ireland : Building Complementarity in Conflict Management Theory* (New York: St. Martin’s, 1997).

³² Chester Crocker, Fen Osler Hampson, and Pamela Aall, eds. *Herding Cats: Multiparty Mediation in a Complex World*, (Washington: United States Institute of Peace Press, 2000).

unprecedented public participation in the drafting process. In sum, secret agreements make sense early, but in the long run if the search for peace doesn't broaden the agreement may not be sustainable over time.

Overcoming the security dilemma. Although broadening the public support for a peace process is often a critical role, it is secondary to security. An essential feature point in any peace process is an explicit disavowal by moderates of the use of violence as a tool to influence others. The agreement on a cease-fire, or suspension of armed hostilities, in an internal conflict is as important as agreeing on principles or procedures for talks in pre-negotiation.³³ Cease-fires signal that parties have passed a major turning point in the de-escalation of conflict because they signal that the parties have solved a critical dilemma found in most peace processes. This could be called the process-outcome dilemma: *one side or sides may demand an agreement on a conflict's outcome prior to a cease-fire, whereas other parties demand a cessation of violence before talking about outcomes.*

For example, in Northern Ireland, the British government and its allies in the Unionist communities refused IRA-linked Sinn Fein's presence at the talks to a stable cease fire and the decommissioning (destruction) of weapons, whereas Sinn Fein and the IRA wanted talks to proceed as a prerequisite to a cease-fire. Ultimately, the IRA agreed to a prolonged cease-fire, but the British and Unionists had to acquiesce to the Republican (IRA and Sinn Fein) position that their paramilitary units be allowed to retain

³³ On cease-fires, see James D.D. Smith, *Stopping Wars: Defining the Obstacles to Cease-fire* (1995).

their arms until the April 1998 peace settlement is fully implemented. This concession has proven costly, as the IRA refused to disarm.

Coercive peacemaking. There has been a tendency in several recent cases for international mediators, especially the United States, to engage in coercive peacemaking. This refers to the threat of coercive action, for example sanctions or force, if the protagonists in the civil war fail to make peace. Western powers seeking to broker peace in Kosovo in 1999 at the Rambouillet negotiations put together an integrated package of sanctions and incentives to coax the reticent Albanians and the dug-in Serbs to sign a peace agreement. Failure to sign for the Albanians meant ostracism and a withdrawal of support for their cause; for Yugoslavia's government, it meant a NATO bombing campaign. As the Rambouillet experience shows, coercive peacemaking entails certain risks. If the talks fail, the mediator must then become one of the parties to the armed conflict itself.

Inclusion and exclusion. The experiences of Northern Ireland, South Africa and Bosnia help clarify some of the essential questions to be asked in structuring peace processes. Does the structure of talks (bilateral or multilateral) lend itself to the eventual inclusion of some rejectionist parties, either in formal or informal (i.e., NGO-sponsored) negotiations? Do negotiations proceed secretly or in public, or a mix of both? Do the parties reach agreement at the highest levels first, or do negotiators bicker until impasse and then request intervention by higher authorities? To what extent, and in what manner, should military commanders be included in talks, both disputants and would-be verifiers of the agreement such as peacekeepers? How visible or public is the role of the mediator,

and to what extent and in what manner do mediators intervene to help move the parties beyond impasses? Although there are no universally applicable lessons learned with regard to inclusion and exclusion, it is clear that sometimes the table needs to be enlarged to incorporate more negotiators, while at other times chairs need to be taken away.

Momentum. A final lesson on process options is that the momentum of peace must be maintained. When peace processes lag, when progress is not readily visible, when talks collapse or drag on incessantly, frustration builds. Supporters of the peace begin to lose faith in the process, moderate political leaders become vulnerable to charges that the risks they have taken have not borne fruit, and fatigue sets in. On the other hand, opponents of peace see the vulnerability and interpret lack of progress as a sign that the peace process is weak and faltering.

Lack of progress in negotiations produces a situation in which both parties at the table and rejectionists (those opposed to the peace process) begin to contemplate the use of violence to affect the talks. Laggard peace processes generate powerful incentives for those at the table to use violence to enhance their bargaining position, and for opponents of talks to scuttle them altogether. This pattern has been seen in South Africa, the Middle East, and in Northern Ireland. When violence does occur, enthusiasm for the peace process sours rapidly. For both moderate political leaders suing for peace, and for third-party mediators seeking to broker settlements, maintaining momentum in the talks and demonstrating progress is an ever-present imperative.

Political Solutions

Recent experience also informs of the essential set of options on the table for addressing the substantive, or *outcome*, dimensions of recent peace agreements. The core issue of sovereignty is the key to agreements in most of today's civil wars. Although it is primarily the interests and power of the disputants that frames the terms of a settlement in an internal conflict, international mediators clearly influence (either on the basis of principle or interests) not only the process of internal conflict resolution, but also the outcome or the political solutions.

By insisting on the territorial integrity of a state, such as in Bosnia or Chechnya, powers in the international community tilt toward power sharing, like the Good Friday Agreement, over partition. As the international community tends to induce parties in the direction of sharing, it may even seek to affect the terms under which groups live together. The September 1995 Agreed Basic Principles for Bosnia (that formed the basis of Dayton) is a case in point: the mediator formulated the terms of the agreement. International intervention limits the options on the table to power sharing in most instances.³⁴ But recent events, such as East Timor's successful bid for independence, some argue that partition remains not just a desirable outcome to some wars, but feasible as well.

³⁴ For an overview of power-sharing options, see Timothy Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (1995), and Peter Harris and Ben Reilly, eds. *Democracy and Deep-Rooted Conflict: Options for Negotiators* (1998).

Partition. Partition refers to the creation of an entirely new state that enjoys full sovereignty and international recognition. Few of the civil wars of the 1990s ended in partition, with the exception perhaps of the break-up of the former Yugoslavia and the independence of Eritrea. Some question the policies of the international community that keeps states together. Scholar Chaim Kaufman writes

Stable resolutions of ethnic civil wars are possible, but only when the opposing groups are demographically separated into defensible enclaves. Separation reduces both incentives and opportunity for further combat, and largely eliminates both reasons and chances for ethnic cleansing of civilians. While ethnic fighting can be stopped by other means, such as peace enforcers by international forces or by a conquering empire, such peaces last only as long as the enforcers remain. This means to save lives threatened by genocide, the international community must abandon attempts to save war-torn multiethnic states.³⁵

Others disagree with the conclusion, citing the need to defend the principle of tolerant, multiethnic diversity and the importance of not rewarding disputants with territorial ambitions who may have committed war crimes; these are the principal reasons why the international community insisted upon the maintenance of Bosnia's territorial integrity at the Dayton talks, for example. The lesson on partition is clear: while undesirable, it should be left on the list of options in particularly intractable disputes. Some particularly intractable disputes may be best settled through partition of existing states and creation of new ones.

Autonomy. According to international law scholar Yash Ghai, "Autonomy is a device to allow an ethnic group or other groups claiming a distinct identity to exercise direct control over important affairs of concern to them while allowing the larger entity to

exercise those powers which are the common interests of both sections".³⁵ Among the forms of autonomy include symmetrical federalism in which all units enjoy similar powers, and asymmetrical federalism that might provide enhanced powers to a particular region. U.S. proposals for the solution of the Kosovo problem are an example of potential autonomy solutions in ethnic conflicts in which territory and ethnicity largely overlap; a U.S. Institute of Peace Special Report "*Kosovo Dialogue: Too Little, Too Late*" (June 1998) summed up the Clinton administration's position:

The U.S. preference for "enhanced status" for Kosovo and meaningful self-administration, combined with Milosevic's reluctance to oversee independence, makes autonomy for Kosovo an option. Autonomy, however, is rejected by all Albanians... Belgrade is though to be willing to accept a large measure of autonomy. The key issue will be police and security, functions that Belgrade will not want to yield and that the Albanians will insist upon.

The Kosovo problem underscores autonomy's desirability as a compromise between self-determination and territorial integrity; however, as a compromise, it is inherently limited because autonomy requires both sides in territorial disputes to jeopardize their primary aims in waging the war. The government must cede authority, fearing a slippery slope toward loss of territory and status; the rebels may fear a later revocation of autonomy and tyrannical rule from the center. Today, following the the election of Vojislav Kosunica, and the ouster of the Milosevic regime, autonomy remains the most likely long-term scenario, for Kosovo.

³⁵ Chaim Kaufman, "Possible and Impossible Solutions to Ethnic Civil Wars," (1996:137).

³⁶ See also Ruth Lapidot, *Autonomy: Flexible Solutions to Ethnic Conflicts* (Washington, D.C.: United States Institute of Peace, 1997) and Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (1990).

Power Sharing: Group Security. Power sharing, or consensus democracy, refers to collaborative decision-making by all major mobilized factions in society; it is widely viewed as a viable alternative to “winner-take” all democracy in which the winner at the ballot box controls alone the reins of authority. Power sharing is a broad term, of which there are two principal variants. The *consociational* relies on accommodation by ethnic group leaders at the political center and guarantees for group autonomy and minority rights. The key institutions are: federalism and the devolution of power to ethnic groups in territory that they control; minority vetoes on issues of particular importance to them; grand coalition cabinets in a parliamentary framework, and proportionality in all spheres of public life (e.g., budgeting and civil service appointments).

Like Bosnia, Lebanon (the 1990 Ta’if Agreement) has a consociational political system in which representation and autonomy for the country's main religious groups is guaranteed in the constitution. Systems of communal representation have been attempted in many settings over the years, as described by scholar Arend Lijphart, an advocate of this approach, in his seminal book *Democracy in Plural Societies*.³⁷ Some criticize an approach that structures the political system around ethnic identities, arguing that mechanisms such as communal representation “reify” and help harden ethnic differences, and the use of the mutual veto will lead to gridlock in decision making.

Power Sharing: Integrative. Some suggest that rather than providing guarantees of group security power sharing peace settlements should feature incentives

³⁷ Arend Lijphart, *Democracy in Plural Societies* (New Haven, CT: Yale University Press, 1977).

for multiethnic cooperation.³⁸ The integrative approach eschews ethnic groups as the building blocks of a common society. In South Africa's 1993 interim constitution, for example, ethnic group representation was explicitly rejected in favor of institutions and policies that deliberately promote social integration across group lines.³⁹ Election laws (in combination with the delimitation of provincial boundaries) have had the effect of encouraging political parties to put up candidate slates — if they want to maximize the votes they get — that reflect South Africa's highly diverse society. And the federal provinces were created so as not to overlap with ethnic group boundaries (South Africa's groups are more widely dispersed in any event).

Thus, the integrative approach seeks to build multiethnic political coalitions (again, usually political parties), to create incentives for political leaders to be moderate on divisive ethnic themes, and to enhance minority influence in majority decision-making. The elements of an integrative approach include electoral systems that encourage pre-election pacts across ethnic lines, non-ethnic federalism that diffuses points of power, and public policies that promote political allegiances that transcend groups. On the one hand, integrative power sharing is superior in theory, in that it seeks to foster ethnic accommodation by promoting crosscutting interests. However, the use of incentives to promote conciliation will run aground when faced with deep-seated enmities that harden during the course of a brutal civil war.

³⁸ See Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley and Los Angeles: University of California Press, 1985).

³⁹ Timothy Sisk, "Electoral System Choice in South Africa: Implications for Intergroup Moderation," *Nationalism and Ethnic Politics* 1 (2) (July 1995): 178-204. See also Ben Reilly

Majority-rule democracy. Several peace settlements in recent years have featured majority rule democracy as the principal settlement solution, despite a wide body of scholarship that suggests that post-war societies cannot contain the fissiparous tendencies that winner-take-all electoral competition generates. The real possibility of losing power through an election that was not lost on the battlefield arguably limits the desirability of majority rule democracy as a political solution. Yet curiously post-war settlements in Mozambique, El Salvador, and Nicaragua have proven durable so far even though there they feature democracy by majority rule as a principal component of the political solution. A potential answer to the riddle seems to lie with the nature of these particular disputes. When wars are peasant rebellions or class-based struggles, as opposed to those fought primarily on the basis of well-formed identity groups, majority rule democracy may be better suited to managing these types of social divisions. When coupled with other measures such as land reform and basic protection of individual human rights, liberal or majority rule democracy may be a more desirable solution than those that are primarily designed to reconcile identity-based social differences.

Would-be conciliators in contemporary civil wars need to carefully link process options and outcome options into a carefully considered strategic idea that reinforces the domestic dynamics of peace with the most appropriate outcome. The strategic idea that informs a peace process must clarify the way out of a war's quagmire and the overall direction of the journey. However clever and strategic mediators may be, peace processes are primarily about the disputants. Whether after a civil war the country will

and Andrew Reynolds, *Electoral Systems and Conflict in Divided Societies* (Washington:

stay together has less to do with the preferences of external mediators than in the perceptions and positions of the parties at the table. Whether they can live together is really a consequence of the war itself: the depth of enmity that developed, the intensity of the fighting, the extent of civilian atrocities, the division of spoils and territory, and the realities of personality and politics. The ability to live together after a war depends on the nature of the war itself, the viability of the peace process, and the coherence of institutions that emerge as the political settlement.

IV. CONCLUSION: OPPORTUNITIES

In looking back at the track record of peace processes in the 1990s, it is much easier to argue that the obstacles outweigh the opportunities. Many peace processes have, like a troubled birth, “failed to progress.” Efforts to broker talks in Colombia, Sudan or Congo have been a litany of frustration, failure, and disaster. In Rwanda, it was the peace settlement itself that laid the basis for the most gruesome mass killing since the Second World War. Yet there continues to be successful peacemaking. Many deep-rooted wars of the 1990s were brought to an end by peacemakers in Cambodia, El Salvador, Mozambique, South Africa, and in many other less intense disputes. Indeed, the opportunities for more viable peace processes today are numerous, and, on balance, help ballast against the obstacles to peace. These innovations in peacemaking arise out of the more successful experience with peacemaking in the 1990s.

National Academy Press, 1999).

First, there is a new space for creativity for addressing some of the underlying causes of internal conflicts and the dynamics that fuel them. If the war is waged over sovereignty and territory, then rapid changes in the international system may render these putative values more elusive in any event. Economic globalization, expanding trade and investment, and regional economic and political integration have made the notion of sovereign states increasingly obsolete. As global governance emerges, control over national sovereignty becomes less important for all states. With the emergence of new global norms on democracy and fair treatment of minorities, independence, autonomy, and borders may mean very different things in the years ahead than they have during the so-called “Westphalian” (or state-centered) international system. If sovereignty today means much different things in the past than it does today, is it still worth fighting for?

The continued erosion of national-level sovereignty in today’s interdependent world means that opportunities for creatively resolving self-determination disputes will grow commensurately. For example, in terms of the 1998 Good Friday Agreement in Northern Ireland, it is altogether impossible – especially within the European Union context – to determine precisely who is “sovereign” in the disputed territories. Similar arrangements may offer pathways for fruitful talks on other complicated disputes, such as Cyprus or Kashmir.

Opportunities also exist to introduce a more expansive notion of peacemaking and to develop new capacities for managing complex exits to civil wars. Recent innovative proposals include the creation of regional conflict amelioration centers where comparative learning, trained mediators, and institutionalized forums for bargaining can

directly address regional problems and offer immediate solutions.⁴⁰ The regionalization of international responses to civil wars may also provide opportunities for quickly and effectively providing the external military forces – through regional peacekeeping operations – necessary to provide credible commitments to negotiated settlements.

Until the international community's ability to serve as a guarantor of peace agreements is bolstered, these opportunities will be inherently limited. Ongoing limitations emanate from the disjuncture of diplomatic and civilian responses to conflict through mediation and humanitarian aid, and the military imperatives of providing the all-important security elements of successful settlements.

Recent experience reveals a confused international community on the necessity of quickly reinforcing peace through external military intervention. In Kosovo, a strong, resolute, well-armed NATO (North Atlantic Treaty Organization) force was envisioned to back up the failed Rambouillet agreement, a force that was eventually deployed without the government of Yugoslavia's consent. A similarly strong military force was deployed in East Timor, although in that case the government of Indonesia had reluctantly agreed to its deployment. With these forces deployed, the process of peacemaking is moving forward with the clear understanding that external powers will in fact provide the types of military commitments required to help the warring protagonists overcome their deep-seated insecurities. Resolving security and credible commitment dilemmas remains *the* essential ingredient of effective peacemaking.

⁴⁰ For an elaboration of these proposals, see Connie Peck, *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict* (London: Rowman & Littlefield, 1998).

Unfortunately, the United Nations is not well placed to step up to the task anywhere, anytime it is needed. For mediators, long-term, credible guarantees of the security terms of settlement are the exception rather than the norm. Despite shaky peace agreements in the Democratic Republic of Congo and Sierra Leone, the international community – through the UN – has been much more reluctant to provide the extensive external backing required to bolster the domestic impetus for peace. This mixed record of recent responses to peacemaking in civil wars suggests that the international community must more quickly seize the opportunities and further develop institutions and normative principles for assisting peace processes – with global reach – and be willing to back them with strong, security-enhancing peacekeeping capabilities.