

TECHNICAL BRIEF

KEY CONSIDERATIONS WHEN SUPPORTING PEACE PROCESSES

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While each conflict has a unique regional, historical and cultural context, the characteristics of peace negotiations and the points of impasse between parties are often strikingly similar. For example, although the Sri Lanka, the former Yugoslavia and Darfur peace negotiations emphasized different conflict drivers—deprivation of human rights, the unequal allocation of or access to natural resources and political marginalization—they shared similar dynamics and contested issues.

Development professionals can play an important role in any peace process, providing the technical knowledge and practical, on-the-ground insights necessary to create a peace agreement that is durable.¹ Specifically, development practitioners can facilitate dialogue among the parties in conflict, provide funding to support peace processes, contribute technical expertise and deliver practical knowledge as to what is feasible during the implementation of the peace agreement based on existing dynamics on the ground.² Because development is a key component in any peace process, it is important to have development professionals present at the negotiation table, not just in the post-conflict implementation phase.³ Involving development professionals during peace negotiations can help address several challenges of the process, as well as ensure that necessary technical issues are appropriately reflected within the agreement to bring about successful implementation.

There are a number of lessons learned that are important for development practitioners to keep in mind when supporting peace processes. Much of the guidance offered in this brief has been distilled from multiple sources in academic literature, from background materials used in developing CMM's toolkit on supporting peace processes and from materials produced by numerous other research institutions.⁴ A listing of suggested further reading has been included at the end of this brief.



Bosnian Constitution Negotiations

1. Achim Wennmann, "Practice Note 5: Supporting the Economic Dimensions of Peace Processes", *Peacebuilding Essentials for Economic Development Practitioners 3* (2010), available at <http://www.international-alert.org/sites/default/files/publications/201009PracticeNote5EconomicDimensions.pdf>.
2. Ibid.
3. Chr. Michelsen Institute, *Peace Processes and State Building: Economic and Institutional Provisions of Peace Agreements* 58 (2007), available at www.undp.org/cpr/documents/.../Peace_agreements_Study_Final.pdf.
4. This document is a companion piece to USAID's Toolkit on Peace Processes which is designed to assist USAID staff and their implementing partners in understanding how to best support the various stages of a peace processes. The toolkit is based on a comprehensive survey conducted by the Office of Conflict Management and Mitigation evaluating USAID's programs to date on peace processes. The document details lessons learned, provides programmatic guidance and discusses key issues that need to be considered when development assistance is provided in the context of a current conflict or in the immediate post-conflict setting.

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Expect chaos

Some individuals will have difficulty shifting from the conflict to the negotiation mindset. Peace negotiations themselves may become unsafe and the participants vulnerable. These factors can cause participants to view the negotiations as an extension of the conflict.

During the Rambouillet peace negotiations, for example, the Kosovar delegation received death threats from the Kosovo Liberation Army (KLA) hard-liners who were opposed to any agreement that sought to disarm the KLA or did not provide for Kosovar independence. Receiving these threats during the negotiation process based on the provisions that were under discussion made it difficult for participants to distance themselves from the conflict which is necessary in order for constructive engagement and trust-building to take place. During the peace negotiations between the Sri Lankan government and the Tamil Tigers, the Sri Lankan government's deputy head of the negotiation team was assassinated. Such destabilizing events can mitigate the parties' sense that the conflict is ending, but rather, that it is still ongoing, and inevitably, whether parties see sustainable peace as a realistic outcome.

Development professionals can help parties bring order to this chaotic process. Although very little can be done to prevent death threats, development professionals can provide technical advice to the parties on how to make the negotiations more secure. Moreover, as neutral actors, development professionals can also help parties rethink their incentives. By reminding parties what can be gained from achieving peace—and lost from continued conflict—the parties' perception of and engagement in the negotiation process can change.

Expect wide variation in the capacity of the parties to effectively negotiate.

Parties often have minimal negotiation experience. In an optimal peace process, the parties will have trained negotiators on their teams. The reality, however, is that in most peace negotiations, at least one party will have limited experience negotiating, thereby resulting in a lack of parity. In the Sri Lanka peace process the Tamil Tigers, who had been through several rounds of negotiations in an attempt to end a thirty-year-old conflict, had more negotiation experience than the recently formed government whose officials had not previously participated in the peace process.

The international community is often reluctant to provide capacity to parties that are non-state actors because the parties are rebels or self-determination movements. There is a similar reluctance to provide capacity to a government delegation to the negotiations in order to mitigate the appearance of bias, even though they sometimes are in critical need of it, as the Sri Lanka example suggests.

Development professionals can help to mitigate this lack of capacity by convincing stakeholders to support the parties to

a negotiation through providing trainings. Development professionals are often in the position of having operated in the conflict area for a long period of time and may have fostered relationships with those involved in the peace negotiations. In certain conflicts, some development professionals are prohibited from engaging with a certain group or faction directly. However, development professionals can build upon their relationships to collaborate and partner with other stakeholder countries, such as Norway or Switzerland, who may not have similar restrictions. By doing so, development professionals can ensure that all parties to a negotiation have equal access to resources, training and assistance.



Preparing for Nagorno-Karabakh Peace Negotiations

Mediators matter

Mediators to peace processes are not necessarily objective and often can act as another party to the negotiation rather than an impartial facilitator. They come to the table with their own perception of what is driving the conflict, their own approach, and perhaps most importantly, their own biases. Sometimes, mediators will promote the interests of the party they perceive as the victim. Further, mediators are not always selected because of their experience but instead because of who they are. Therefore it is possible that the mediators may have minimal professional experience in mediation. Parties cannot always rely upon the mediators to effectively manage the negotiation process.

One way development professionals can help prevent mediators from adversely affecting peace negotiations is by building the parties' capacity. Parties that have strong negotiation skills will be well equipped to work with and define the role of the mediators. Development professionals can also work directly with the mediators to build their capacity to effectively navigate the complexity of any negotiation process. Building the capacity of the mediators may involve training them on the technical elements of topics central to the negotiations or key conflict drivers, such as natural resource allocation mechanisms or processes for devolving powers to regional or local governments. By supporting both the parties and the

mediators, development professionals can lend their technical expertise to support the peace process and strengthen the capacity of mediators to facilitate a sustainable agreement.

In addition, unlike mediation professionals, it is likely that development professionals involved in peace negotiations will be engaged with the parties to the conflict long after the signing of a formal peace agreement. This continued presence may enhance the legitimacy of the development professionals in the eyes of the negotiating parties and mediators, as well as affect how a development actor may choose to further engage through supporting implementation.

Expect multi-dimensional motives

Individuals and parties to peace negotiations are motivated by a number of different factors. Individuals may become involved in peace negotiations for a variety of reasons such as prestige, power and personal financial gain. Individuals are often jockeying for key leadership positions such as prime minister or foreign minister. Parties have motives too. They often seek to protect themselves by establishing security, positioning themselves for the next conflict or ensuring economic gain from subsequent development in particular regions post-agreement.

Development professionals are often in a position to provide technical assistance to the parties as they negotiate to manage such multi-dimensional motives and to ensure these motives do not derail the negotiation process.



Darfur Peace Negotiations

Expect spoilers

Some parties will inevitably see the peace process as a way for them to improve their position relative to other parties to a conflict. This strategic positioning can “spoil” the process by undermining the overall prospect of a successful negotiation. Sometimes this can take the form of dissenting factions working to utilize their power to influence the negotiations; in other cases, parties use the peace negotiation process to gain a tactical advantage without the intention of pursuing the peace negotiations in good faith.

Spoiling the negotiations can undermine any trust that has been built between the parties and cause the parties to lose faith in the process overall. During the negotiations of the 2006 Darfur Peace Agreement, for example, spoilers created dissent among their own negotiating party that frustrated internal consensus, leading to the fracturing of the rebel groups. Ultimately, not all of the rebel groups signed the agreement, and the Darfur Peace Agreement failed to bring a resolution to the conflict.

Development professionals can help mitigate spoilers by identifying behavior and developing workable strategies to counter those dynamics that can significantly destabilize the process. Strategies could include working with a party to build consensus among factions and supporting the involvement of “Track II” actors in the creation of a negotiation platform supported by all factions. Development professionals can also ensure that the parties to the negotiation understand the implications of various proposals that arise during the negotiation process, as well as ensure the parties are able to adequately explain these proposals to their supporters that may be engaging in spoiling behavior.

Agreements matter

While peace agreements may have many unique characteristics due to the nature of the conflict, they often contain many common elements. Surprisingly, peace agreements—like constitutions—can contain a significant amount of boilerplate language. Nonetheless, parties will usually characterize each peace agreement as unique given the issues that were under negotiation. Unfortunately, most parties do not have access to standardized language or template agreements. This, combined with a lack of negotiation experience, can cause parties to miss the opportunity to move forward with drafting and amending language to effectively address contested issues or points of impasse.

Drawing on their extensive experience from implementation of other peace agreements, development professionals can help to streamline this process, calling attention to well-established mechanisms that address governance issues, security sector reform, reconciliation and economic development. Likewise, development professionals can provide technical assistance regarding international standards, lessons learned and best practices from other post-conflict states, even as they acknowledge the unique nature of each peace agreement.

Nobody’s hands are clean

Expect that one or both parties will include individuals who played a violent—and sometimes criminal—role in the conflict. The co-chairs of the Serbian delegation are now serving time for committing crimes against humanity. Milutinović, the leader of the Yugoslavian government’s negotiation group in

Rambouillet, was later prosecuted by the International Criminal Tribunal for Yugoslavia (ICTY). Additionally, three of the four signatories to the Dayton accords were indicted for committing war crimes. The lesson here is that in most peace negotiations, the parties come to the process with unclean hands—a result of a protracted armed conflict.

These grim realities are an unavoidable aspect of peace negotiations. Nevertheless, development professionals must maintain their objectivity. An individual's role in a past conflict—and their risk of future prosecution—will influence their motivations and behavior during the negotiations. Development professionals should bring their experiences from past negotiations to bear to ensure that these realities, including potential prosecution by an international criminal tribunal, do not derail the peace process.



Preparing for Libyan Constitutional Negotiations

War crimes prosecutions are here to stay

While the International Criminal Court (ICC) can have a substantial impact on peace negotiations, these dynamics are poorly understood. Individuals facing indictment by an international tribunal can have a destabilizing influence on peace negotiations. In particular, the ICC can affect power dynamics and the parties' willingness to reach an agreement. For example, in Uganda, the ICC's indictment of key figures in the Lord's Resistance Army (LRA) adversely affected the ability of the mediators to reach an agreement between the LRA and the Ugandan government; the LRA refused to sign a peace agreement in the face of outstanding warrants.

The ICC is a new player in the traditionally realpolitik world of peace negotiations. The court has its own agenda and motives but, most notably, as an international institution, it is unaccountable to states. Although the decision to invoke ICC jurisdiction is a political one, the ICC itself operates independently from considerations of state interests. At the same time, the ICC's actions can shift the balance of power among parties to a conflict. Consequently, the ICC operates

outside of, yet has a significant impact on, peace negotiations as well as traditional conflict resolution and transitional justice processes.

While the ICC has the ability to help end conflicts by applying political pressure on parties to successfully negotiate a peace agreement and provide accountability for serious crimes, parties may lack a nuanced understanding of the consequences attached to the intervention of the ICC. Development professionals can stabilize the peace process by raising the parties' awareness of the ways in which the ICC might intervene and help provide possible solutions that anticipate this possibility. Development professionals can also play a role in helping the parties create domestic transitional justice mechanisms that satisfy the principle of complementarity, thereby providing an alternative to the ICC. Further, development professionals can provide the parties with information and lend their technical expertise to address issues of accountability, thereby eliminating the role of the ICC and the potential for indictments.

It is important to plan credible first steps for implementation

Trust between the parties is the backbone of any durable peace. When parties fail to consider how the peace agreement should be implemented in practical terms, trust can be quickly undermined.

For example, merely addressing security sector reform in abstract terms is not enough. Once a peace agreement is signed, a well-trained, impartial, and representative police force must be created—and it must be done quickly. An unprofessional or corrupt police force can undermine citizens' confidence in the state's ability to guarantee their safety. As a result, the population will seek security by procuring weapons themselves or rejoining non-state armed groups that existed before the peace agreement was signed. Once this rearmament process begins, it is very difficult for the parties to regain confidence in the peace process and can result in the parties reengaging in armed conflict.

To ensure that a peace agreement is properly implemented and trust between the parties is maintained, development professionals can help the parties create a roadmap for implementation of the agreement that features credible first steps and achievable goals. Specifically, they often have the ability to draw together experts in key technical aspects of the agreement, such as security sector reform, to ensure that best practices and realistic timelines are incorporated into an implementation plan. Combining their previous expertise with the knowledge of how these issues may influence peace negotiations allows development professionals to help parties proactively plan for implementation. Pre-planning while negotiations are underway can also assure that development professionals have ready solutions to both the substantive and logistical issues that can often complicate implementation. By helping the parties set goals,

development professionals can assist in stabilizing the transition from negotiations to implementation.

Development professionals have a vital role to play in peace negotiations.

Peace negotiations can appear unpredictable and chaotic, but as these lessons illustrate, development professionals add value to both the substance and process of peace negotiations, through their technical expertise and practical understanding of the conflict dynamics fueling violence.

Applying sound development expertise during all phases of peace processes is vital.⁵ Development professionals can act as a bridge between the diplomatic actors, negotiation teams and development organizations, which is highly valuable in the midst of a chaotic negotiation process. Training development professionals through activities, such as intensive negotiation simulations, allows them to become more familiar with the particular challenges of the negotiation process and may help development professionals be more effective during future negotiations.

By becoming a bridge between the diplomatic and development communities, understanding the complex characteristics that accompany any negotiation process and positioning resources early in the peace process, development professionals may become more closely integrated into peace negotiations and assist the parties in drafting a durable peace



South Sudan Border Negotiations

agreement. Development professionals can help parties rethink their incentives and nurture the parties' capacity to effectively negotiate, particularly their ability to address spoilers and multi-dimensional motives, which can often undermine the peace process. They can provide technical assistance to streamline the drafting process and raise parties' awareness of the consequences of intervention by international players and institutions that can derail the process. Development professionals' field-tested experience with these issues is critical to parties negotiating a durable peace.

5. *Leading Through Civilian Power: First Quadrennial Diplomacy and Development Review*, United States Department of State & United States Agency for International Development 128–130 (2010), available at <http://www.state.gov/documents/organization/153108.pdf>.

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