

Rethinking Conflict Resolution in Africa
Lessons from the Democratic Republic of
the Congo, Sierra Leone and Sudan

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Table of Contents

Executive Summary	5
Introduction	9
I. Problematizing Intractable Conflicts	13
1. The Nitty-Gritty of Intractable Conflicts	13
2. Questions of Degree	15
3. Conflicts of Government and Conflicts of Governance	17
II. Revisiting Conflict Resolution	19
1. All-inclusiveness Does Not Guarantee Success	19
2. Addressing the Parties' Concerns May Be More Pressing than the 'Root' Causes	21
3. Waiting for the Stalemate May Be Hurting	22
4. Making Peace May Require Taking Sides	23
5. Political Solutions Are Not Always Peaceful	25
6. Leadership May Be Preferable to Ownership	26
III. Strategizing Conflict Resolution	29
1. Prerequisites for Resolving Intractable Conflicts	29
2. Stating the Obvious or Wishful Thinking? Looking for Sources of Commitment	32
3. The Case for an Actor-Based Approach	33
4. Guidelines for Promoting Peace <i>With</i> Justice	35
IV. Operationalizing Conflict Resolution	41
1. Confronting Regional Spoilers	41
2. Exposing War Profiteers	44
3. Securing Political Negotiations	48
4. Sharing Power for Building Peace	51
Conclusion	57
Bibliography	59

Executive Summary

This report synthesizes the key findings of the research project ‘Resolving Intractable Conflicts in Africa’ that was designed and executed from March 2003 till July 2004 by the Conflict Research Unit of the Clingendael Institute on behalf of the Netherlands Ministry of Foreign Affairs. This project focused on conflict management and resolution strategies and in particular on the role of external actors in the coming about of peace agreements. Based on three seemingly ‘intractable’ conflicts that might nevertheless have been successfully brought to an end (Sierra Leone, the Democratic Republic of the Congo, and Sudan), it aimed at drawing policy lessons pertinent to the effectiveness of international mediation in African conflicts.

In brief, this report argues that the lack of international involvement contributes to making certain conflicts even more intractable than they are perceived to be. Yet, international (i.e. Western countries’) involvement can make a critical difference provided it is commensurate with the requirements of the situation. The report then elaborates what an effective conflict resolution strategy would entail at the conceptual, strategic and operational levels.

Problematising Intractable Conflicts

The first section poses the problem of ‘intractable conflicts’, as defined on the basis of five key indicators: *i*) the weakness or collapse of the state in conflict, *ii*) the proliferation of warring parties, *iii*) the development of a resource-based war economy, *iv*) the existence of regional linkages, *v*) and the apparent resistance to peacemaking efforts. This section explains the (changing) characteristics of these conflicts and the specific challenges they raise for peacemakers, but also underlines differences within the category.

In particular, it is argued that the single most important difference among the three conflicts studied relates to the political goals of the belligerents. On this basis, a chief typological distinction is made between ‘conflicts of government’ (i.e. driven by self-interest and fought over government *positions*) and ‘conflicts of governance’ (i.e. fuelled by contested *policies* and fought over conflicting collective interests). While neither of these two types of conflict may be said (even) more ‘intractable’ than the other, this distinction has important policy implications as will be illustrated throughout the report.

Revisiting Conflict Resolution

The second, ‘conceptual’, section discusses - on the basis of the three case studies - a number of recurrent assumptions in the field of conflict resolution related specifically to *i*) participation issues, *ii*) the problem of the root causes, *iii*) the question of timing, *iv*) the neutrality of third parties, *v*) the resort to coercive means and *vi*) the performance of regional organizations. On the basis of empirical evidence, it is concluded that although these widely-held assumptions do have their logic and

relevance, they may not serve as appropriate policy guidelines and in fact prove potentially misleading when dealing with intractable conflicts in particular.

By contrast, it is concluded that third parties should rather not: wait for the ripe moment but work to make it happen; focus on the causes of the conflict but primarily address the parties' concerns; seek an all-inclusive peace deal at any price but select on a case-by-case basis whom to make peace with (and against); confine themselves to strict neutrality but judge the parties with political awareness; exclude resorting to coercive action but prepare themselves to using all necessary means when needed; praise local/regional ownership of the process, but ensure leadership and compel compliance. These proposals provide the basis for a more hands-on, actor-focused and context-specific approach to peacemaking.

Strategizing Conflict Resolution

Embroidering on the previous section, the third, 'strategic', section emphasizes key requirements for effective peacemaking activities, with special reference to the role of Western/donor governments. On the basis of empirical evidence, it is argued that intractable conflicts are indeed more likely to be solved when the peace process is internationally driven rather than locally owned. Nonetheless the role of Western countries is optimized when meeting the three core conditions of: *coherence* (a minimum package agreement should be reached on the desired outcome and the way forward; differences should be transformed into comparative advantages); *consistency* (the means should match the ends and be resorted to at the right moment); and *commitment* (engagement should be graduated on the parties' unreliability and be sustainable).

Starting from these premises, the report proposes to base conflict-resolution strategies on actors rather than on causes or mechanisms. To that end, a matrix is developed that identifies typical actor profiles according to three major criteria - the party's: *i*) political agenda, *ii*) conduct of the war, *iii*) and domestic legitimacy. Taking further into account the belligerents' *spoiling capacity*, this matrix is intended to help third parties differentiating peacemaking strategies per actors and choosing in particular amongst three basic options: *i*) based on consent, the *cooperative* approach consists of winning a given party's cooperation by meeting its demands; *ii*) the *conditional* approach entails balancing carrots and sticks to entice the targeted party to negotiate and compel compliance; *iii*) the *coercive* approach aims to neutralize hardliners and potential spoilers by reducing their spoiling capacity through coercive measures.

The proposed guidelines are therefore intended to match actors with strategies, but also, importantly, to promote peace without sacrificing justice. These guidelines are indeed based on the principles that brutal war leaders/factions are no reliable negotiating partner or governing party, and that the resort to brutal war methods should not be rewarded at the negotiation table. To the extent possible, peacemaking efforts should conform to these principles in order to break with the vicious pattern of legitimizing violence as a normal means of reaching political objectives.

Operationalizing Conflict Resolution

The fourth, 'operational', section identifies practical implementation steps in support of this strategic framework. It presents a series of twelve recommendations related to the regional dimension, the war

economy aspects, the nexus security conditions/political negotiations as well as the use of power sharing as a conflict-resolution method.

Confronting Regional Spoilers

The first cluster of recommendations pertains to the regional dimension of so-called ‘civil wars’ and the potential role of donors in promoting good-neighbourly relations.

1. Considering the adverse consequences of state sponsoring of armed groups on the development of the Great Lakes Region and the Horn of Africa, multilateral and bilateral donors should clearly condemn such practices and pose ‘good-neighbourliness’ as a demand equal to ‘good governance’. As a matter of self-interest and as a means of pressure, they should further condition the disbursement of (part of) development aid to the recipient countries’ verifiable commitment to non-interference in their neighbours’ internal affairs.

2. In case of clear non-compliance, i.e. when external implication is established by impartial third parties or recognized by the state in question, targeted and coordinated sanctions (such as suspension of budget support) should be taken against the ‘bad neighbours’.

3. Finally, multilateral and bilateral donors should themselves systematically evaluate the political and financial conflict impact of the assistance they give to the countries of the region concerned. The results of these evaluations (which can be executed in-house or outsourced) should be made public.

Exposing War Profiteers

With regard to the political economy of conflicts, several options are examined in order of increased effectiveness to possibly curb the (resource-based) war-perpetuating mechanisms.

4. While legitimate grievances fuelled by socio-economic inequalities may have to be responded to in a conflict of governance, peacemakers should avoid accommodating greed to bring a conflict of government to a close. Such an appeasement tactic will most likely to enable war profiteers to entrench themselves in power positions from which they may further hinder state building and plunder the country’s riches at the expense of the wider population.

5. Given the negative record of commodity sanctions, it is rather recommended to further develop regulations of business activities in conflict areas and above all, to provide regulatory frameworks with adequate, i.e. compulsory, enforcement and verification mechanisms.

6. Considering that ‘naming and shaming’ has so far proven to be the most effective way of combating predatory economies, non-governmental watchdogs and (UN) fact-finding bodies that contribute to foster transparency should be strongly supported. In order to avoid raising undue expectations or fuelling controversy, UN expert panels should nonetheless be instructed to focus on the role of resource exploitation in the perpetuation of conflict, regardless of any other legal or ethical considerations.

Securing Political Negotiations

The third cluster of recommendations relates to three key negotiation issues: the timing (when), the mediation structure (who), and the procedural aspects (how).

7. For the peace process to lead to a just settlement and in order to resist blackmail with violence, negotiations should preferably be initiated at a ‘fair’ moment (i.e. when rogue actors find

themselves in a weak position) and a ceasefire (or at least an agreement to suspend hostilities) should be strictly enforced throughout their course.

8. A multilayered mediation structure should be set up involving i) at the top level, Western powers to provide international legitimacy, leadership and leverage, ii) at the medium level, a regional organization to provide insight, ownership and good-neighbourliness, and iii) at the local level, non-governmental organizations to provide field knowledge, grass-root reconciliation and good offices. Appointed by the United Nations, a regional organization or a regional power, a chief mediator in charge of conducting the negotiations should both ensure harmonization among co-facilitators and should benefit from their unconditional (political and financial) support.

9. The chief mediator's primary task should be to find the adequate balance between representation and substance so that the final agreement is both broadly-supported (although not necessarily 'all-inclusive') and far-reaching (although not necessarily 'comprehensive'). In a conflict of government, where the parties are likely to pay special attention to the composition of the delegations and the peace talks risk being reduced to a bargaining forum, it may be a valid option to open participation to civil society organizations (CSOs) and/or to political parties in order to reduce the weight of weapon-holders on the peace process and possibly improve the quality of the output. In a conflict of governance, where the likely focus on content may overlook representation issues, broad support for the peace process should be sought in order to anticipate possible spoiling behaviour by non-signatory parties.

Sharing Power for Building Peace

The ultimate considerations are given to approaches and modalities of power sharing as the likely subject matter of peace negotiations and a potential long-term conflict-regulating mechanism. In that respect, while the peace agreement should primarily address the parties' concerns, peacemakers should be vigilant that peace provisions do not hamper peace/state-building.

10. Given the risk of strengthening extremist/unreliable leaders in power positions, peace negotiators should carefully weigh the consequences of setting electoral deadlines in peace agreements. In the end, the question when to hold elections is essentially political and should be answered to in the light of two parameters: the electoral outcome preferred by international actors and the level of popular support enjoyed by the various protagonists.

11. When seeking to accommodate unity and diversity in a country torn by a conflict of governance, peace negotiators will likely have to conciliate the consociational vs. integrative approaches, which both have their comparative (dis)advantages and actually tend to reflect the parties' respective positions. Since choosing the right path towards unity is also a question of time, mediators should foresee, besides enforcement mechanisms, some room for interpretation and possible adjustments.

12. The international community's insistence on respect for the territorial integrity of states is justified in the face of a country carved up into fiefdoms by unscrupulous warlords; it might however be at times misplaced when the unity of the state is achieved at the expense of part of its population. Claims to self-determination should therefore be examined according to political criteria - pertaining to the substantive basis of the claim and the conduct of the war. Such an approach may better serve the interests of peace and justice by promoting inclusive governance and providing third-party actors with increased leverage.

Introduction

Some conflicts seem particularly difficult to solve. The proliferation of warring factions, their leaders' apparent stubbornness and lack of scruples, the extreme brutality with which war is prosecuted, the recurring failure of peace attempts and simultaneously the development of flourishing war economies are all but a few features raising doubts that these seemingly intractable wars, whether old or new, will ever end. And yet, they do end, sometimes. Particularly since 2002, the prospects for peace have (relatively) improved throughout Africa, such as in Angola, Burundi, the Democratic Republic of the Congo (DRC), Côte d'Ivoire, Liberia, Sierra Leone, Somalia, and Sudan. In all these countries, at least a 'peace process' has started to take shape, although still fragile and reversible. These developments have provided the stimulus for this research, which was based on the belief that some lessons pertinent to the resolution of 'intractable' conflicts in Africa could and should be learned from recent experience.

The Conflict Research Unit of the Clingendael Institute therefore designed and set up the research project 'Resolving Intractable Conflicts in Africa', which was executed from March 2003 to July 2004 on behalf of the Netherlands Ministry of Foreign Affairs. This Final Report provides a synopsis of the key research findings and offers lessons and recommendations for improved conflict-management and resolution policies.

Scope of the Project

Conflict resolution might be seen as a two-phase process: the peacemaking phase consists of brokering a comprehensive peace agreement that should terminate the war and offer the basis for a sustainable peace; the peace-building/peace implementation phase is about implementing the peace provisions with a view to actually resolving the conflict in accordance with the terms previously agreed upon by the parties. Given the recentness of the cases studied, this research deals mainly with the first phase although prospective considerations have also been granted to peace-building issues.

Specifically, this research has focused on the role of external actors in the coming about of peace agreements. Under the term 'peacemakers' used in this study are not only included negotiators/mediators tasked with facilitating a compromise solution, but also third-party actors such as regional and extra-regional governments and organizations involved in peace efforts. In other words, this research does not focus on negotiation aspects only, but examines broader conflict-management and resolution issues.

Furthermore, this research is devoted especially to 'hard cases'. With a view to framing the analysis, the concept of 'intractable conflict' has been developed. Five key indicators of intractability are proposed: *i*) the weakness or collapse of the state in conflict, *ii*) the proliferation of warring parties, *iii*) the development of a resource-based war economy, *iv*) the existence of regional linkages, *v*) the apparent resilience to peacemaking efforts.

Country Cases

The Democratic Republic of the Congo, Sierra Leone and Sudan were selected as country cases because they share key characteristics deemed typical of ‘intractable conflicts’, thereby providing the comparative basis required, but also feature substantial differences, which could help fine-tuning the overall analysis of conflict-resolution strategies.

Objectives and Methodology

The objectives of the research were to draw empirically-based policy lessons in the field of conflict management and resolution. For the sake of comparative analysis, each case was studied on the basis of a common methodological framework outlining a series of analytical steps and research objectives.

The basic idea was to relate the failures of the past to the more recent achievements and to analyze the contents of the ‘black box’, i.e. the conditions and policies that have allowed for progress to be eventually made. The objectives of each country study were therefore to analyze 1) how a way out of the conflict has eventually/possibly been found, i.e. what type of settlement has been reached and 2) how instrumental and effective outsiders have been in the process, i.e. what types of strategies were used and with which results. Emphasis was put in particular on the comparative merits and weaknesses, desirability and feasibility, of consent-based (confidence-building) approaches on the one hand, and coercive strategies on the other. Ultimately, the research aimed at comparing experiences and highlighting under which conditions which strategic options and concrete measures are more likely to be effective in resolving intractable conflicts.

In so doing, the research has led to challenging and rethinking conventional assumptions in conflict resolution. To be sure, it is not argued here that all findings are innovative. Certain key prerequisites for effective peacemaking strategies are well-known, but they still need to be reiterated as long as the policy practice does not correspond and the ‘too little, too late’ rule prevails. In addition, we have tried to provide renewed arguments to support the case for a pro-active conflict-resolution policy. It is further hoped that this research might usefully contribute to the debates on conflict resolution through questioning key notions like ‘ownership’, ‘ripeness’ or ‘peaceful means’ and no less importantly by proposing guidelines for conciliating peace and justice.

Main Features and Limitations of the Project

This research is best characterized by four features.

1. The research is based on recent cases, which enabled to produce relevant country studies on their own and to revisit key assumptions on conflict resolution in the light of the latest developments in this field.
2. The research provides a comprehensive analysis of peacemaking efforts, which integrates security, economic and political aspects and considers the contribution of all main third-party actors involved in a given conflict.
3. The research is action-oriented, not only as it focuses on conflict-management policies but also seeks to provide input at each step (conceptual, strategic, and operational) of the policy-planning process.

4. Last but not least, the research aims to promote peace and justice as mutually reinforcing rather than conflicting priorities.

The limitations encountered during the execution of this project directly derive from its features. First, working on recent and even on-going conflicts translated at times into a lack of hindsight when trying to assess the prospects for peace and the impact of conflict-related interventions. As an illustration, in spite (or because) of improved prospects in the DRC and Sudan, two major crises occurred during the research period, in Ituri and Darfur respectively. Secondly, the comprehensive approach that was followed made it somewhat difficult to reach the grass-root level of operationalization. The idea being to study how various conflict-related interventions might be integrated into an overall strategy, further research is required to figure out additional measures specific to each problem area.

Structure of the Report

The structure of the report reflects a multi-layered research aiming to provide policy-relevant insights at the conceptual, strategic and operational levels.

The first section poses the problem of intractable conflicts. It explains their characteristics, the specific challenges they raise for peacemakers, but also stresses differences within the category. In particular, a chief typological distinction is made between ‘conflict of government’ and ‘conflict of governance’ which has important policy implications.

The second ‘conceptual’ section discusses, on the basis of the three case studies, a number of recurrent assumptions in the field of conflict resolution related specifically to *i)* participation issues, *ii)* the problem of the root causes, *iii)* the question of timing, *iv)* the role of third parties, *v)* the resort to coercive means and *vi)* the performance of regional organizations. It is concluded that these widely-held assumptions do have their logic and relevance, but may not serve as appropriate policy guidelines and in fact prove potentially misleading when dealing specifically with intractable conflicts.

Building on these findings, the third ‘strategic’ section emphasizes key requirements for effective peacemaking activities, with special reference to the role of Western governments. Proposing to base conflict-resolution strategies on actors rather than on causes or mechanisms, it then outlines strategic options for dealing with potential spoilers and importantly for making peace without sacrificing justice.

Finally, the fourth ‘operational’ section identifies practical implementation steps in support of this strategic framework. A series of twelve recommendations is offered related to the regional dimension, the war-economy aspects, the nexus security conditions/political negotiations as well as the use of power sharing as a conflict-resolution method.

Products

In addition to the present Final Report, three country studies and two reports have been produced within the framework of this project¹:

- *Cluttered with Predators, Godfathers and Facilitators: The Labyrinth to Peace in the Democratic Republic of Congo*, Clingendael Working Paper 23, July 2003.
- *Resolving Intractable Conflicts in Africa: A Case Study of Sierra Leone*, Clingendael Institute, February 2004.
- *Resolving Intractable Conflicts in Africa: A Case Study of Sudan* Clingendael Institute, (forthcoming).
- *MONUC and the Challenges of peace implementation in the DRC*, Report on the expert workshop organized by the Institute for Security Studies, Pretoria, September 2003.²
- *Donors' Differences and Dilemmas on Sudan. Findings from fieldwork in Nairobi*, Kenya, Clingendael Institute, November 2003.

About the Author

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¹ The studies/reports on Sudan and the DRC were produced by Emeric Rogier, who also authored the final report and supervised the case study on Sierra Leone. The study on Sierra Leone was commissioned to Dr. Marianne I. Ducasse-Rogier, who also reviewed the Final Report.

² Report published in Mark Malan and João Gomes Porto, *Challenges of Peace Implementation. The UN Mission in the Democratic Republic of the Congo*, Institute for Security Studies, Pretoria, 2004, pp. 255-268.

I. Problematising Intractable Conflicts

It is a common belief that a wave of ‘new’, mostly internal, wars has exploded in the post-Cold War era and has affected in particular Africa. Yet, this belief seems much more shaped by perceptions than rooted in reality. First, the annual number of major armed conflicts has not increased but decreased regularly since the end of the Cold War, from 32 registered in 1990 to 21 in 2002.³ Although 58 conflicts have taken place over this period, the notion that the end of the Cold War has generated greater conflict is therefore not corroborated. Secondly, whereas the vast majority of these conflicts occurred in developing countries, in Africa their number *decreased* in the immediate aftermath of the Cold War (until 1996) and almost as many (17 against 19) took place in Asia. In 2002, there was in fact one more conflict on-going in Asia than in Africa – and this difference may well increase as a result of the peace progress made in Africa. Thirdly, while it is true that inter-state conflicts are the exception in the post-Cold War era, internal conflicts have always existed (for instance, Sudan’s civil wars erupted long before 1989) and furthermore involve usually more than one state (up to nine were militarily implicated in the conflict in the DRC). In short, the ‘explosion of new wars since 1989’ seems largely phantasmagoric. This misperception may be explained by the fact that, for the first time since the Second World War, armed conflicts have re-emerged in Europe simultaneously with the fall of communism, thereby causing a trauma that fuelled the Eurocentric sense of a global post-Cold War crisis phenomenon. Nevertheless, it is undeniable that the patterns of armed conflicts, particularly in Africa, have undergone significant changes in the 1990s, some of which relating indeed to the end of the Cold War.⁴ This first section therefore aims to distinguish the really new from the common old with a view to specifying the major characteristics of ‘intractable conflicts’. In order to avoid the pitfalls of generalization, important differences within this category of conflicts are subsequently underlined.

1. The Nitty-Gritty of Intractable Conflicts

To begin with, a number of African conflicts occurred against the background of the failure of the state within which they took place. A gradual process rooted, among other factors, in the economic crisis of the 1970s, the failure of African states accelerated at the turn of the 1990s when the financial and donor assistance – which was until then uncritically disbursed to and unscrupulously used by ruling autocrats to sustain their neo-patrimonial networks – experienced sharp decline. As a result, African regimes whose underperformance had already cost their popular legitimacy lost their last

³ All data drawn from the Uppsala Conflict Data Project, Department of Peace and Conflict Research, Uppsala University. See Mikael Eriksson, Margareta Sollenberg and Peter Wallensteen, ‘Patterns of major armed conflict, 1990-2002’, *SIPRI Yearbook* 2003, pp. 109-125. The Uppsala Conflict Data Project defines a major armed conflict as ‘a contested incompatibility that concerns government and/or territory over which the use of armed force between the military forces of two parties, of which at least one is the government of a state, has resulted in at least 1000 battle-related deaths in any single year’.

⁴ See Crawford Young, ‘Contextualizing Congo Conflicts: Order and Disorder in Post-colonial Africa’ in John F. Clark (ed.), *The African Stakes of the Congo War*, Fountain Publishers, Kampala, 2003, pp. 13-31.

supporters. Regime change, which used to come about through a military coup, became more often prompted from the periphery of the country or from insurgents based abroad – maybe because reflecting the poor state of the country the army could no longer serve as an instrument of power. Armed rebellions benefited from a huge increase in arms supply as well as mercenary services; while modern weapons had gradually become more easily available during the Cold War, black market weaponry reached unprecedented proportions after the East bloc dissolved. The exploitation of high value resources became common practice for many belligerents (not only rebel groups) which, following Charles Taylor's early example, found it a suitable means, if not a sufficient motive, for waging war. Correlatively, seeking popular support became superfluous for factions whose sustainability was commensurate with the riches they could secure access to. Consequently, whereas rebel leaders with political goals in mind had to create a popular base, responsibility for civilian populations in resource-endowed countries became seen as a 'needless burden'.⁵ Worse so, civilians are today more frequently targeted than ever before – as factions extort (rather than fight for) them and/or the security dilemma leads to kill before being killed. The apparent reduction of war aims from political endeavours to predation goals and survival imperatives should also be considered a new feature of the 1990s as the end of the Cold War sounded the knell of Marxism-Leninism and liberation ideologies. Simultaneously, a remarkable twist took place between external actors of African conflicts; whereas Western powers withdrew from the continent, African countries traditionally contained by the principle of non-interference showed much more disposed to intervene in their neighbours' territory – be it to protect their own security interests or for other purposes.

These features already suggest a number of key elements of intractability on the basis of which the three country cases of this study have been selected. Intractability may be assessed by symptoms such as the high intensity of violence (as measured quantitatively by the death toll and qualitatively by the conduct of the war) and a long duration (7 years in the DRC, 10 years in Sierra Leone, 20 years in Sudan). But intractability stems more fundamentally from more dynamic factors such as:

- i) the weakness or collapse of the state, which necessarily leads to the diffusion of violence;
- ii) the proliferation of warring parties, which entails shifting alliances and complicates the search for a comprehensive settlement;
- iii) the development of a resource-based war economy that raises the stakes while increasing the means to continue fighting;
- iv) the existence of regional linkages that add another dimension to the conflict and broaden the number of stakeholders;
- v) the resilience to peacemaking efforts as shown by a number of past failed agreements.⁶

Sierra Leone, Sudan and the Democratic Republic of the Congo were selected as case studies because these countries match all these five criteria and therefore provide the comparative basis required. However, these countries were also chosen for specific features which tend to make them typical cases

⁵ Young, *op. cit.*, p. 26.

⁶ Some of these determinants are also recognized as making a conflict environment less conducive to the successful implementation of a peace agreement. See George Downs and Stephen John Stedman, 'Evaluation Issues in Peace Implementation' in Stephen John Stedman, Donald Rotchchild and Elizabeth M. Cousens (eds.), *Ending Civil Wars. The Implementation of Peace Agreements*, Lynne Rienner Publishers, Boulder, 2002, pp. 55-57.

of certain patterns of conflict. Due to its lawless character, the highly publicised atrocities committed by the Revolutionary United Front (RUF), and the ‘blood diamonds’ issue, the Sierra Leonean conflict typified the so-called ‘new wars’ of the 1990s. In view of the multiplicity of its actors and dimensions, the conflict in the Democratic Republic of the Congo was deemed archetypical of the ‘regional conflict formations’ that emerge in parts of Africa and Eurasia.⁷ Lastly, the Sudanese conflict seemed a relevant case to study not only as (formerly) the ‘longest running conflict in Africa’ but also as an example of a conflict of self-determination. Beyond the above-mentioned five criteria, the three cases therefore featured subtle but substantial differences, which may eventually help fine-tuning the overall analysis of conflict-resolution strategies.

2. Questions of Degree

State failure is not only a matter of fact but also of degree. All three countries under study may be labelled as ‘failed states’ according to two major criteria: a) the central authority has largely failed in its duty of delivering crucial political goods (i.e. guaranteeing security, enforcing the rule of law, enabling political participation, and providing social services) and b) an armed conflict has broken out within the state borders.⁸ The causes of failure are also largely similar in the three cases, i.e. governance practices by which ‘the ruling cadres increasingly oppress, extort, and harass the majority of their own compatriots while privileging a more narrowly based party, clan, or sect’.⁹ Sierra Leone’s Siaka Stevens, the handful of ruling Arab Sudanese families and Mobutu Sese Seko have all had in common that they considered the state as their private property, whose resources extracted from ordinary citizens were used to sustain their respective – but gradually shrinking – power bases, be it a region, an ethnic group, a family or a network of clients and friends. This well-known ‘neo-patrimonial’ rule almost inevitably triggered the countervailing reaction of groups that feel exploited, marginalized and/or discriminated against. While ethnic differences certainly do not account for state failure per se – the archetype of the collapsed state, Somalia, is Africa’s most homogenous nation – ethnicity may become an issue when it is perceived as a basis for discrimination. The failing process reaches a nadir when as a result of the rulers’ bad governance the state no longer commands legitimacy in the eyes of most of its citizens.

This common pattern of state failure does not exclude differences in stage and degree though. As aptly suggested by Robert Rotberg, ‘the extent of state’s failure can be measured by how much of its geographical expanse is genuinely controlled (especially after dark) by the official government’.¹⁰ From this perspective, differences between our three cases are apparent. Sierra Leone should be termed a *collapsed state* because after 1997 the central government and the national army were no

⁷ On this concept, see Barnett R. Rubin *et al.* (eds.), *Regional Conflict Formation in the Great Lakes Region of Africa: Structure, Dynamics and Challenges for Policy*, Centre on International Cooperation, New York University and Africa Peace Forum, Nairobi, Kenya, 2001.

⁸ For the sake of clarity, we pose that an armed conflict ultimately qualifies failure (although not all armed conflicts stem from or result in state failure). Hence, a failed state necessarily ends up in conflict - if not (yet), it may be defined as a ‘failing’ or ‘weak state’. In a collapsed state, the central authority has completely disappeared. Conversely, states subject to internal conflict are not failed as long as they perform relatively well in peace areas. These criteria and definitions are adapted from Robert I. Rotberg, ‘Failed States, Collapsed States, Weak States: Causes and Indicators’ in Robert I. Rotberg (ed.), *State Failure and State Weakness in a Time of Terror*, World Peace Foundation, Cambridge MA, 2003, pp. 1-25.

⁹ Rotberg, *op. cit.*, p. 6.

¹⁰ *Ibid.*, pp. 5-6.

longer in control over even the capital but in effect disintegrated. The Democratic Republic of the Congo constitutes a *failed state* in as much that the crucial political goods are no longer delivered to most part of the Congolese territory (not limited to rebel-held areas) but a government and an army still formally survive. Finally, among the three cases, Sudan may be said to correspond least to the definition of a failed state as the Khartoum government provides some public services in the north (and shows fairly resistant to pressures) but fails to do so in an increasingly large part of the country (not limited to the South); it may therefore be labelled a *'partially failed state'* – an expression reflecting both the country's geographic divide and the regime's one-sided governance.¹¹

These differences in the degree of failure translated themselves on the battlefield. Sierra Leone's power and security vacuum meant that no army was available to restore security (hence ECOMOG and then the UN were mandated to); contestants proliferated and alternated (violently) at the central level; and short of state security civilians had to protect themselves from violence and predation. In the DRC, the dereliction of state (security) institutions induced opponents and opportunists of all kind to claim power and carve up fiefdoms, enabled foreign insurgencies to set up rear bases, and prompted neighbouring states to invade the country. Both in Sierra Leone and the Congo, the incapacity of the state to provide security prompted the civilians to defend themselves or seek the protection of a faction, and compelled the (acting) central authorities to resort to professional mercenaries (Executive Outcomes) or foreign fighters (*Forces démocratiques de libération du Rwanda*) respectively. The proliferation of factions in Sudan derived less from the disintegration of the monopoly of violence than from internal splits among southern rebels and Khartoum's strategy of waging war by proxy. In other words, it was less anarchical than tactical. Over time, however, the number of warring parties also increased in Sudan as a result of mounting pressures from various segments of the society. Hence, the conflict spiralled out in Sierra Leone, splintered in the DRC and spilled over in Sudan. Thus, breaking the conflict dynamic entailed stopping violence in the first case, reaching an inclusive agreement in the second, and finding a comprehensive settlement in the third.

Whilst resource exploitation fuelled each of these wars, differences are noticeable in that field too. The most obvious one relates to the type of resource extracted, i.e. all kinds of natural resource in the DRC, mainly diamonds in Sierra Leone, but only oil in Sudan. This is a qualitative difference that had critical implications on the conflict dynamic. Oil being not, contrary to diamond, an item easy to loot, its exploitation benefited to the sole Sudanese warring party that could carry it out, the Government. Thus, the vicious circle resource exploitation / arms trafficking / conflict was diagnosed in each of the three cases (resource exploitation enables to sustain the war; sustaining the war requires exploiting resources) but had not the same virtues for all protagonists. In Sierra Leone and the DRC, where every belligerent got involved in it, resource exploitation contributed to the military stalemate by levelling capacities, thereby underlining further the weakness of the government. In Sudan, oil exploitation initially reinforced the classical asymmetry between the government and the rebellion and provided the former with a strategic advantage; hence, Khartoum's confidence in its victory when oil exports began in 1999 and the SPLM/A's reorientation of its military strategy against oil installations. From a conflict-resolution perspective, analyzing the impact of resource exploitation on each belligerent's war capacity and the overall conflict dynamic may be more relevant than questioning whether resource exploitation is the cause or the consequence of war.

¹¹ For their part, Gérard Prunier and Rachel M. Gisselquist have created an oxymora that reflects the ambiguity of the case: 'The Sudan: A Successfully Failed State' in Rotberg, *op. cit.*, pp. 101-127.

Likewise, the extent of regional involvement needs further scrutiny as it may vary from case to case and therefore require a differentiated approach. First, the three situations demonstrate the inaccuracy of the idea that contemporary conflicts occur within rather than between states. Among other examples, the two Sudan's civil wars illustrate that: a) internal conflicts have always existed, and b) they have usually involved more than one state. This external dimension stems largely from the enduring 'tit-for-tat' attitude of governments, which mutually support each others' opposition groups as a defensive or retaliatory measure. Thus, while direct state-to-state confrontations might have reduced in number, inter-state conflicts have persisted through proxy wars. In the case of the DRC, external interferences went as far as dispatching foreign troops on the Congolese territory, thereby qualifying this conflict as genuinely regional. This may suggest that today's so-called 'internal wars' are even more likely to involve other state actors as the state on which territory the conflict takes place has failed. For all intent and purposes, qualitative differences as to the degree of external involvement should retain attention. Sudan's southern rebellions emerged for domestic reasons and were only later provided external support. By contrast, the Sierra Leonean RUF had early connections with Liberia (though Charles Taylor was not yet Head of State) while several Congolese rebel movements, in particular the RCD-Goma, were said to be mere creation and real puppets of neighbouring countries (in this case, Rwanda). The type and degree of external involvement (political support, material supply, strategic control, direct intervention) is of great consequence on the conflict configuration (domestic actors are not necessarily primary actors) and the conflict dynamics (rebel movements may compensate their lack of domestic constituency with external sponsorship – but prove strongly dependent on their patron). Such variations should therefore be identified when analyzing intractable conflicts and designing conflict-resolution strategies.

3. Conflicts of Government and Conflicts of Governance

The single most important difference among the three conflicts studied may not relate to the context, the patterns of escalation or the war-perpetuating mechanisms, but to the political goals of the belligerents. The multi-causal character of these conflicts makes it difficult to distinguish among the economic, security and political motives of contemporary war – i.e. greed, fear and grievances. Although on occasion either of these factors may seem to appear more clearly to the observer, experience has shown that identifying the parties' real motives for going to war may be an exercise as tricky as controversial (was Rwanda's involvement in the DRC triggered by security concerns or greedy prospects?). More significant are differences in the warring parties' stated political objectives, which may reflect the causes of the conflict while being relatively easier to appraise. Notwithstanding their respective sponsor's own agenda, the Congolese rebel groups seemed as a whole driven by thirst for economic benefits and power positions at the central level (in other words, self-interest) but appeared short of any other ambition for their country, region or group (Kabila's vision for the Congo was not dazzling either). The RUF's programme was hardly more sophisticated and the movement's brutal attacks on the Sierra Leonean civilians and trafficking of diamonds appeared anyhow soon in contradiction with its claim to 'liberate the people of Sierra Leone from a corrupt and oppressive government'. By contrast, the conflict in Sudan resulted from perceived discriminating policies and was fought over long-standing differing group interests and views on the country, the ones defending the Arabo-Islamic supremacy and the others advocating a secular and multicultural 'New Sudan'.

Even the southerners' infighting was driven, in part, by political disputes on self-determination. Put differently, the Sudan conflict was characterized by an excess, not a void, of political agenda.

The existence or absence of substantive issues at stake mirrors the changes in the patterns of conflict as recalled above: pre-dating the end of the Cold War, the Sudan conflict definitely belongs to another category than the more recent Sierra Leonean and Congolese wars.¹² Should the (lack of) substantial agenda be used as a determining criterion, the latter may therefore be termed 'conflicts of government' (i.e. driven by self-interest and fought over government *positions*) while the former may be labelled 'conflict of governance' (i.e. fuelled by contested *policies* and fought over conflicting collective interests).¹³ Again, this difference may relate to the degree and type of state failure since in a failed state, there are no longer policies to contest but only vacant positions to compete for. Surely, belligerents may claim positions in government structures with a view to change policies; but whether power is seen as a means or an end is precisely where the difference lies. It might also happen that a party to a conflict of governance is in fact essentially driven by self-interest or the other way around; but more important than such exceptions is the overall conflict dynamic.

As such, none of these two types of conflict may be said (even) more 'intractable' than the other. But intractability stemmed from a different logic. In Sierra Leone and the DRC, war seemed to be gradually seen a profitable business and an end in itself - just like the power belligerents were fighting for. By contrast, the intractability of the Sudan's conflicts was rooted in the diametrically opposed views of the protagonists, which left hardly any room for compromise (a 'zero-sum identity conflict',¹⁴). In the three cases, the prospect for a political settlement seemed therefore fairly remote, although for differing reasons. Arguably then, the criterion of substance should be borne in mind as this key parameter helps to understand the conflict dynamic and is likely to shape the process and (possible) outcome of peace efforts.

How to find a solution to these distinctively intractable conflicts? Common obstacles and key differences having been mapped out, the following sections will synthesize the main lessons and outline strategic options pertaining to the effectiveness of international mediation in such cases.

¹² Furthermore, the Sudan's conflict is one of the few cases of a self-determination dispute in Africa.

¹³ This proposal is an adapted version of William I. Zartman's distinction between 'centralist conflicts' (over the control of the central government) and 'regional conflicts' (over government control of or policies for a group or a region of the country) as proposed in Zartman (ed.), *Elusive Peace. Negotiating an End to Civil Wars*, The Brookings Institution, Washington D.C., 1995, p. 6. In our view, non-substantive conflicts of government have replaced former ideological confrontations - Angola is a typical example of this transformation - which may nonetheless persist in other parts of the world (e.g. Nepal). Conflicts of governance may be further sub-divided in secessionist and non-secessionist disputes, depending on whether self-determination is on certain protagonists' (hidden) agenda (Sudan, Western Sahara) or not an issue at all (Rwanda, Burundi). Hence, these three categories reflect the prominent, albeit not exclusive, role of one of the three key determinants, greed, grievances, and fear respectively. Yet, it is not argued that all conflicts in Africa, let alone in the world, should necessarily fall into either of these categories, which are only proposed to stress differences and for practical purposes.

¹⁴ Zartman, *op. cit.*, p. 6.

II. Revisiting Conflict Resolution

Analyzing the causes of success and failure of peace efforts in intractable conflicts has led us to put into question a number of recurrent assumptions in the field of conflict resolution. Specifically, for mediation efforts to bring about a durable settlement, it is generally believed that the peace agreement should: *i*) be ‘all-inclusive’, i.e. agreed upon by all relevant stakeholders; *ii*) address the ‘root causes of the conflict’ in its provisions; *iii*) come out at the ‘ripe moment’; *iv*) be promoted by a ‘neutral’ facilitator; *v*) provides a peaceful, i.e. consent-based, solution; *vi*) and be ‘locally owned’ by the parties and the region. Expressed in official state rhetoric, UN jargon, NGOs manifesto as well as part of the specialized literature, these principles seem to constitute the mainstream understanding in peacemaking and conflict resolution. The problem lies, however, with the precisely too general (and authoritative) character of these guidelines as a consequence of which they may not enable to differentiate among situations and to adjust conflict-resolution policies accordingly. In addition, research findings suggest that, when considered all together, these assumptions may not translate in a proactive peace diplomacy but generate rather a hands-off approach that gives more room to war-makers than peacemakers; by contrast, international mediation efforts proved eventually successful in the conflicts studied only when departing from these principles. The aim of this section is therefore to show the limits of these assumptions on the basis of empirical evidence and, without substituting a new series of general principles, to outline key conditions for effective peacemaking activities.

1. All-inclusiveness Does Not Guarantee Success

To prove sustainable a peace agreement should be all-inclusive. This assumption is based on the belief that a too narrowly-based agreement risks being spoiled/undermined by excluded parties, which may either oppose its terms or feel unfairly neglected. In support of this thesis one may recall the 1972 Addis Ababa Agreement for peace in Sudan which began to unravel after the return to power of northern political forces that were not party (but opposed) to it. More recently, the Darfur insurrection has been seen as a response from (other) marginalized people outside Southern Sudan to an IGAD process perceived as too restrictive in scope and participation. In the military field, the lack of inclusion may also prove critical if, for instance, the agreement foresees the disbanding of groups that have not explicitly agreed to (like Hutu extremists in the DRC or GoS-affiliated militias in South Sudan) or, on the contrary, fails to stipulate the disarming of groups that did not participate in the peace talks (e.g. the Sierra Leonean Civil Defence Forces omitted from the Abidjan agreement). Yet, all-inclusiveness also raises many problems.

First, the principle of all-inclusiveness has very little prescriptive value. It suggests rather that all stakeholders are equal; all have a seat at the negotiation table. Yet, far from being equal, parties to a conflict differ in their respective status (government or opposition), mode of action (armed or non-armed), military capacity, political agenda, length of engagement, manner of waging war, etc. In the absence of a policy for including (or not) participants in peace talks, the risk is to grant legitimacy to obscure and non-representative factions, whose only ‘merit’ will be to have successfully forced their

way to the negotiation table. The principle of all-inclusiveness may therefore further fuel the cycle of violence by inducing groups to take up arms with a view to bargaining a piece of the cake that is going to be shared. The phenomenon of 'process-born' factions, i.e. factions whose very creation is due to the launching of a negotiation process, was best illustrated in the Democratic Republic of the Congo: as compared to the composition initially agreed, the Inter-Congolese Dialogue (ICD) was enlarged to encompass additional armed groups that had emerged since the signing of the Lusaka ceasefire agreement. In the end, the search for inclusion may, with a very few exceptions, simply encourage and reward the resort to violent means.

Secondly, inclusiveness may complicate negotiations without necessarily improving the outcome. Over 350 delegates representing the Kinshasa government, various armed groups, non-armed political parties, and civil society organizations took part in the ICD; yet, the forty-month long process was finally reduced to a bargaining forum between warlords and predatory leaders (with which non-armed groups ultimately aligned themselves) and resulted in a power-sharing agreement of the narrowest type, far from outlining the foundations of a new Congo. By contrast, the Sudan process was restricted to the two main fighting forces, but produced a substantial document susceptible to meet (at least) the southerners' historical grievances. Because this qualitative difference also reflects the opposite nature of the two conflicts (of government and governance respectively), it would be inaccurate to conclude that the more inclusive the process, the poorer the outcome. Nevertheless, broadening participation may not necessarily help broadening the scope, and might even have contributed in the case of Sudan to losing focus.

Thirdly, participation and support are two different things, the former being not necessarily the condition for the latter. A peace accord may thus be signed for tactical reasons by many if not all warring parties among which only a few are genuinely committed (this was the case of all accords signed in Sierra Leone between 1996 and 1999 and might also apply to the Pretoria agreement of December 2002 whose Congolese signatories seem to consider politics as the continuation of war through other means). Furthermore, an agreement may be negotiated among a limited number of parties, yet be welcomed and supported by a greater number of actors. Despite discontent from inside (Darfur) and outside (Egypt), the Sudan peace process was by and large supported by a majority of stakeholders, counting 'excluded' political parties that perceived it as an opportunity for change. In the end, the important point is that the peace agreement should be broadly supported - not necessarily negotiated and signed by everyone - while potential spoilers should be neutralized. Support for a peace agreement may be secured through other means than all-inclusive participation. Ultimately, the level of support depends on the contents of the accord, in particular whether outsiders perceive that their concerns are addressed in the peace provisions. While broader participation may help to improve the output, it is neither necessary nor sufficient. In that respect, inclusion can also be conceived as a gradual process with negotiations being limited to primary actors, but the implementation of the agreed peace provisions fostering greater political participation (the phased concept inherent in the IGAD process).

To conclude, this report does not argue that peace negotiations should be limited to a few stakeholders (for instance the major warring parties), but warns against the illusions and potential downsides of an all-inclusive process. Negotiating a deal at any cost with any faction may not be the best way of promoting peace while the commitment of the signatories and the support of the non-signatories may be more important than the full participation of all in peace talks. Hence, how much

inclusive the negotiations should be may only be decided on a case-by-case basis. The third section of this report provides a few guidelines in that respect.

2. Addressing the Parties' Concerns May Be More Pressing than the 'Root' Causes

The requirement for inclusiveness is often paralleled with the recommendation that the peace agreement should be comprehensive as to the contents, i.e. should address the 'root causes' of the conflict. If the sources of violence are not tackled, it is argued, hostilities will inevitably resume. Whereas the argument seems rooted in an unassailable logic, such considerations need once again to be specified and examined in context.

First, the much-emphasized 'root causes' may be more difficult to identify than usually suggested. In certain cases, like Sierra Leone, the conflict seemed to originate from an overall context of delinquency, a set of inauspicious *conditions* from which it proves fairly tricky to disentangle specific 'root' *causes*. In addition, the causal question is usually highly controversial, not only among observers and academics, but most importantly between the parties themselves. While it is inherent to conflict situations that the parties' viewpoints on causes and responsibilities differ from one another, these differences may not help identifying the ultimate sources of violence but may justify focusing rather on the belligerents' concerns and demands.

Secondly, and more fundamentally, the need for addressing the causes of the conflict within the peace provisions depends on the nature of the conflict. In a conflict of governance like Sudan, where the causes (i.e. policies) are clearly identified and translate into specific demands, no sustainable peace may indeed be fostered without responding, explicitly and in a written form, to the southerners' grievances. In a conflict of government like in the DRC, where warring parties seem mainly interested in power positions and self-enrichment, the kind of elite-pact that might prove unavoidable to end the war may well fall short of tackling the sources of failure and conflict. The Pretoria/Sun City agreements for instance failed to address the contentious issues of citizenship and land rights in post-conflict Congo. Yet, it might be argued - and should be ensured - that the power-sharing agreement enabled at least to halt the fighting and opened a transition period during which such core issues will ultimately be dealt with. In this case, the peace agreement was meant less to tackle the 'root causes' than to create the conditions for doing so. In that respect, it is nonetheless important that the parties not be left completely free of setting the terms of a settlement in a way that may jeopardize peace-building efforts - for instance, by entrenching themselves in power or by disregarding accountability for war crimes.

To sum up, addressing the causes of the conflict may be less critical than responding to the parties' concerns, which have the gun and may otherwise resort again to violence.¹⁵ When the parties' demands mirror substantial issues at stake, these issues should be the core of the peace provisions. In the opposite case where causes and concerns hardly concur, the limited scope of the agreement may merely reflect the essence of the belligerents' agenda. In this event, it would still be needed to tackle the underlying conditions that generated violence, but just like inclusiveness may be phased, the curative action may rather be scheduled at a later stage, e.g. the peace implementation/transition

¹⁵ There is a real danger in conflict resolution analysis that consists of de-personalizing and abstracting conflict. Saying 'hostilities will resume' instead of 'factions will resort to violence' fails to suggest that such developments result from the decision of political leaders. Therefore, the emphasis is put on causes rather than actors as if war was not a man-made disaster.

period. In other words, dealing with causes and actors is also a matter of sequencing. By means of consequence, a peace agreement does not need to address the root causes to be ‘good’; it is a ‘good’ agreement only if it enables to start up a *process* towards a sustainable peace.

3. Waiting for the Stalemate May Be Hurting

Whether the peace agreement is sustainable also relates to a certain extent to the timing of its signing. This is at least what the popular concept of ‘ripeness’ suggests. In brief, this concept is based on the premise that ‘the parties resolve their conflict only when they are ready to do so’.¹⁶ The ‘ripe moment’ occurs in particular when each of the parties realizes that a military victory is out of reach and considers that the ensuing deadlock is more harmful than beneficial. This ‘mutually hurting stalemate’ opens a window of opportunity for peacemakers. From a general point of view, the weight of contextual factors on the fate of peace initiatives is actually hardly deniable. Both the conflicts in the DRC and in Sudan further corroborate the notion of ‘mutually hurting stalemate’ (the war in Sierra Leone is a different case as it was not ended through a purely negotiated settlement): the ICD participants concluded the Pretoria agreement (as earlier the Lusaka agreement) knowing a decisive victory was unlikely and fearing the potential costs of staying apart; in Sudan, twenty years of war had demonstrated the futility of military action (even fuelled with oil) while both sides anticipated tangible benefits from a peace agreement. However, although warring parties do resort to cost-benefit analyses, the notion of ripeness raises several problems.

First, despite its inherent logic, this concept should not be granted universal value. The Congolese and Sudanese cases show that years, if not decades, may pass before the ripe moment, a perceptual event, finally arises. Whereas the concept of ripeness suggests that a peace opportunity will necessarily open as part of the conflict cycle, one may wonder instead whether the long duration of a conflict does not play against this prospect and defer it further. It is a well-known fact, indeed, that the longer a conflict lasts, the more likely it is perceived to be part of the normal life, including in the eyes of those who suffer the most from it, the civilians. For their part, war leaders may remain persuaded of their ultimate victory and show infallible obstinacy. After years, if not a lifespan, in the bush, others may find it difficult to envisage returning to civilian life, or simply not lucrative enough. In that respect, the notion of ripeness may lose some relevance in resource-related conflicts: if war is a profitable business, will the belligerents ever perceive a ripe moment for resolution?

Secondly, the notion of ripeness has serious humanitarian implications. Whether the warring parties are driven by greed or ideology, their stubbornness is lethal, even more so when they show ample readiness to sacrificing... others. Francis Deng noticed that although no Sudanese party could reasonably expect winning on the battlefield nor impose its vision of the country, the stalemate was not hurting for the leaders who did not identify with the fate of the civilians.¹⁷ Similarly, the Congolese stalemate may have cost about three million lives, but appeared beneficial to most belligerents, particularly to the three ‘elite-networks’ involved in resource exploitation, as identified

¹⁶ The concept of ripeness was created by William I. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, Oxford University Press, New York, 1985, 260p. From the same author, see also ‘The Timing of Peace Initiatives: hurting stalemates and ripe moments’ in John Darby and Roger Mac Ginty (eds.), *Contemporary Peacemaking. Conflict, Violence and Peace Processes*, Palgrave Macmillan, Basingstoke, 2003, pp. 19-29.

¹⁷ See Francis Mading Deng, ‘Negotiating a Hidden Agenda: Sudan’s Conflict of Identities’ in *Elusive Peace*, *op. cit.*, p. 99.

by the Panel of Experts set up by the United Nations to investigate this issue. The longer a conflict lasts, the greater the humanitarian impact: should external actors limit themselves to attending a ‘ripe moment’ that the protracted nature of the conflict may in fact postpone further?

Thirdly, the notion of ripeness has critical policy implications. In Zartman’s views, this concept has ‘great prescriptive value to policy-makers seeking to know when and how to begin a peace process’. In other words, instead of wasting time and money, peacemakers may ‘optimize’ their limited resources by selecting only situations that seem ripe enough to offer a reasonable chance of success.¹⁸ Besides that the ripe moment might occur very late (if ever) and that people die (en masse) in the meantime, such a pragmatic approach may be criticized in two related respects: *i*) it amounts to allowing war leaders to continue fighting; *ii*) it downplays the critical role that third-party actors may perform in helping to end the war. Yet, external actors are not necessarily outsiders who may luckily reap the benefits of the warring parties’ sudden goodwill; on the contrary, experience shows that external interferences are made part and parcel of the belligerents’ cost-benefit analysis. Ripeness in Sudan is closely linked to the willingness of the Islamic regime to improve bilateral relations with the United States after September 11th 2001 and avoid potential retaliation. Likewise, international pressure made politically unsustainable the hitherto financially profitable presence of Rwandan and Ugandan troops in Congo, and drove the Congolese parties to negotiate and conclude a deal (if only to throw the outsiders off the scent).

Accordingly, this report argues that third parties should not be enticed to wait passively for the window of opportunity, but actively contribute to accelerating the ‘ripening process’ by influencing the parties’ perceptions, i.e. raising the costs of war and/or the benefits of peace. If priorities should be set among conflict situations, policy-makers seeking peacemaking opportunities may primarily consider the humanitarian impact (instead of the chances of success) and concentrate resources on the most difficult cases (instead of avoiding them) which are also the most destructive.

4. Making Peace May Require Taking Sides

As peacemakers, third-party actors are not only usually advised to carefully choose their place and moment in time, they are also generally recommended to stay apart from the dispute and to avoid taking sides. Such a wise attitude, it is argued, is the best way of gaining the parties’ confidence and accompanying them towards a compromise solution. There is little doubt indeed that aligning with either protagonist or backing systematically a single party may not prove very constructive. The one-sided approach of the ‘frontline states’ – a telling expression – in the case of Sudan was no more effective than Western countries’ respective bias towards either side of the Congo war.¹⁹ Making peace requires from third-party actors to take *all* sides’ concerns into account with a view to designing

¹⁸ ‘Not all conflicts are ‘ripe’ for action by the United Nations (or any other third party)... It therefore behoves the Secretary-General to be selective and to recommend action only in situations where he judges that the investment of scarce resources is likely to produce a good return (in terms of preventing, managing and resolving conflict)’. Marrack Goulding, Under-Secretary-General of the United Nations quoted by Zartman in *Contemporary Peacemaking*, *op. cit.*, p. 23.

¹⁹ It is true that IGAD mediation of the early 1990s produced the landmark Declaration of Principles (DoP). However, espousing the interests of the sole SPLM/A, the DoP was, despite its historical importance, was unlikely to outline the terms of a potential solution. Thus, the Machakos Protocole of 2002 appears a more balanced compromise.

middle-ground options and outlining necessary concessions. By extension, however, showing discernment is more important than, and not always compatible with, sticking to sacrosanct neutrality.

Third-party actors are rarely neutral. Mediators appointed by the United Nations (Masire, Niasse) or a regional organization (Sumbeiywo) are indeed requested to stay on the reserve, but the key players in peace diplomacy, the states, seldom apply the same restrictions to themselves. (South Africa's inclination towards the RCD-Goma and US administration's sympathy for the SPLM/A were for instance tangible and well-known realities). This lack of neutrality does not necessarily jeopardize peace efforts; it may even prove useful in that the favoured party might listen more carefully to its 'big' friend, while the other party might count on the latter's power of influence. Put differently, as long as it does not translate into full alignment but allows 'honest counselling', friendship may be less a hindrance than a help.

Third parties need therefore not show inflexible neutrality and actually should not. Too often, the apparent confusion of the conflict situation has been used as a pretext to draw moral equivalence among belligerents, instead of prompting careful examination. Such excessive neutrality has shown both ineffective and misleading. In Sierra Leone, third-party actors were long to recognize that the RUF was neither an acceptable nor a reliable partner, but a brutal peace spoiler which had to be dealt with accordingly. Faced with the Congolese quagmire (and their own differing views) external actors found it more comfortable to consider the belligerents as mutually responsible, regardless of the fact that some of them had invaded, occupied and plundered half of the territory of the DRC.

The point is not to say, of course, that third-party actors should always look for and designate a guilty. But this report argues that in certain instances *neutrality* may be inequitable and counter-productive if it amounts to voluntary blindness; by contrast *impartiality* does not preclude judgment, if enlightened, substantiated and reasonably objective. Actually, responsibilities in the genesis and escalation of violence are very seldom *equally* shared among the belligerents. Warring parties further differ in their motives, objectives and the way they conduct the war. Some have genuine grievances, others have not, and some others fight for a legitimate cause in an illegitimate manner. Instead of blaming (or exonerating) all parties collectively, third-party actors should consider these differences, assess individual responsibilities; in a word, they should judge each and every party. While this political judgment is likely to be tainted with subjectivity, the multilateral nature of peace diplomacy may enable to reach a more balanced assessment through confronting differing views. Such a differentiated approach (which is further elaborated in the next section) is necessary to calibrate pressure on the various parties as well as to outline the terms of a just settlement. In the case of Sudan, the US administration, through the voice of the former Assistant Secretary of State for African Affairs Walter H. Kansteiner III, therefore rejected the idea of any 'moral equivalency between the government in Khartoum and the SPLM. The people of the South are the aggrieved party. They have legitimate historic grievances which must be addressed as part of a comprehensive, just peace settlement'.²⁰ There are reasons to consider that this statement, as strong or even partial as it may sound, was both well-founded and well-inspired from a conflict-resolution perspective as it drew a link between causes and remedies, analysis and policy.

Finally, beyond taking *position* vis-à-vis the various parties, it might prove necessary at times to take *sides* in favour of a given party whose case seems legitimate and/or against a peace spoiler whose

²⁰ 'Peace, Conflict and Mediation in Africa: An Historic Opportunity in Sudan', Remarks by the Honorable Walter H. Kansteiner III to the Heritage Foundation, Washington D.C., November 22, 2002.

actions call for a robust (military) response. While the peace prospects became tangible in this country only when the RUF was sidelined, Sierra Leone is a clear example that making peace not only necessitates political awareness, but sometimes even requires taking sides.

5. Political Solutions Are Not Always Peaceful

Just like peacemakers should supposedly be neutral, they are expected (at least in theory) to resolve the conflict exclusively through peaceful means. War being defined by the resort to violent means to solve political disputes, the role of peacemakers is understood as demilitarizing the problem, i.e. bringing the parties to a solution through other, non-violent, methods. This ‘peaceful’ conception is consistent with the idea that third parties should best intervene once the lack of a military solution has been demonstrated (‘mutually-hurting stalemate’): since force does not work, it cannot be an option. Finally, it is further argued that a mutually-agreed and freely accepted solution is more likely to prove durable than an enforced settlement. These considerations are not senseless but a bit idealistic; they seem to assume that warring parties are prompted by good will and tend to neglect that war is a humanitarian emergency. On the contrary, empirical evidence as drawn from our three cases suggest that ‘intractable conflicts’ cannot be brought to an end without resorting to some form of coercive action.

The need for coercive action should come as no surprise in intractable conflicts. By definition, it is in this type of situations that peace appears the most elusive and that resistance to peace efforts may be the strongest. Making peace in a failed or collapsed state like the DRC and Sierra Leone entails restoring state authority over the entire territory, re-introducing the rule of law and setting up enforcement capacities – all tasks that can only be seen with wariness by those, inside and outside the country, to whom lawlessness has proven so profitable. Making peace in a partially failed state like Sudan entails sharing power, resources and a common vision of the country – all demands that may be perceived unacceptable to those used to exclusive views and benefits. All in all, the potential for strategic deceit is greater in intractable conflicts than in any other. Actually, in such cases, almost any party may prove to be a peace spoiler.²¹ That is why, in accordance with the notion of graduated responsiveness, peacemaking means should be commensurate with the difficulty of the task.

A distinction should be made between peaceful/non-violent means and consent-based measures. Between the use of military force and purely diplomatic methods, there exists a range of options (political pressures, sanctions, embargoes, threat of force) that may be said ‘peaceful’ as long as they are not violent, yet ‘coercive’ in as much they are not agreed upon by the parties. The fact that military confrontation does not bring about a settlement does not imply that the solution has to be purely negotiated or that external actors may not themselves resort to such coercive measures, e.g. to compel the belligerents to stop fighting and/or engage in negotiations. On the contrary, equating *political* solution with *peaceful* solution or limiting peacemakers’ options to consent-based measures may prove detrimental to the effectiveness of international mediation. In Sierra Leone, war was finally brought to an end outside the framework of a negotiated process through weakening the RUF (including by arresting its leader) and reducing its military capacity (including by sanctioning the group’s principal

²¹ According to the definition of Stephen John Stedman, spoilers are ‘leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it’ in ‘Spoiler Problems in Peace Processes’, *International Security*, 22:2, Fall 1997, p. 5.

external sponsor). Previous negotiation attempts had failed to bring peace (despite concessions amounting to appeasement in the Lomé agreement) and actually proved both futile (given the RUF's lack of reliability) and perverse (as the movement was granted legitimacy it had few grounds to be credited for). In Sudan, the sanctions instituted by President Clinton seemed ineffective at first but ultimately provided the Bush administration with significant leverage.

Third parties may therefore have to use coercive means to modify the balance of forces and parties' perceptions before a settlement as well as to compel compliance afterwards. To a large extent, the failures of the Addis-Ababa Agreement for Sudan (1972), the Abidjan Agreement for Sierra Leone (1996) and the Lusaka Agreement for the DRC (1999) were rooted in deficient enforcement mechanisms. In the last two cases, UN missions on the ground (UNAMSIL and MONUC respectively) could only make a show of their weakness and incapacity to deal with recalcitrant parties. By contrast, solutions began to take shape only after more robust action, without prior consent of the parties, was taken – in particular when sanctions and/or arms embargoes were imposed; Western countries dispatched peace enforcement missions; and UN missions were eventually granted the mandate and capacity to use 'all necessary means'. In fact, both in Sierra Leone and the DRC, limited force was made use of: the rationale was not to bring a military end to the war but to provide some security and, most importantly, to convey the message that spoiling behaviour would no longer be tolerated.

This report does not conclude that peace should be enforced or that coercion is *the* solution (in general, sticks should be used in combination with carrots). This report nonetheless emphasizes that in the case of intractable conflicts in particular peace may have to be made *against* the will of some and therefore may entail non-peaceful means – under the conditions set by Chapter VII of the UN Charter. It should be stressed that policymakers seldom have the choice between consent-based well-crafted solutions and quick-fix narrowly-supported ones. In most cases, they have to decide between a shaky process and no progress at all. Experience shows that given the parties' doubtful commitment, excluding coercive means from the peacemakers' toolbox is the best way of promoting the latter scenario.

6. Leadership May Be Preferable to Ownership

It is usually argued that peacemaking efforts are more likely to succeed when both the process and the outcome are 'owned', that is to say designed, controlled and agreed upon by the parties. This view is consistent with the idea that quick-fix solutions imposed from the outside are bound to fail while agreements broadly supported at the elite and mass levels have a better chance to last. However, the ideal case barely translates into reality. In intractable conflicts in particular, where the level of mistrust, bad faith and incompatibility of interests is higher than in any other case, parties simply show unable to drive the process and work out a viable settlement on their own. This is illustrated by our three cases in which no beginning of a solution would have taken shape without a strong international involvement. Hence, it might be argued, with a bit of exaggeration, that the greater the process is 'owned' by the parties, the more likely it is to derail.

In theory, mediators may perform three major functions (communication, formulation and manipulation) that render their role in a given peace process more or less prominent. As communicator, the mediator merely carries messages to overcome the lack of communication among the parties; as formulator, s/he contributes to narrowing substantial differences by proposing ideas and options; as manipulator, the mediator is even further involved in influencing the conflict dynamic and

working out the terms of a solution.²² The lesson to be drawn from the DRC, Sierra Leone and Sudan, is that mediation in intractable conflicts is unlikely to succeed if limited to performing the first two functions. More specifically, outstanding mediators are required to overcome the communication and substantive gaps, but whatever their diplomatic skills they need the support of other actors that may contribute to making the conflict environment more conducive to a peace deal. Notwithstanding his widely-praised qualities, it is undeniable that Lt General Sumbeiywo would not have led the Sudan peace process to its successful outcome without the US (and others') significant commitment. Likewise, when parties are left alone in charge of implementing peace/ceasefire provisions (like the Sudanese after the 2002 agreement on the cessation of hostilities) or given too big a room to manoeuvre (the Congolese after the Lusaka ceasefire agreement), experience shows that the conflict environment soon deteriorates and puts the negotiation process at risk. Whether failures are rooted in mistrust or bad will, international involvement has to compensate for the deficit of commitment. The 'manipulation role' is therefore essential to the resolution of intractable conflicts. As it may entail displaying carrots and sticks, undermining war capacities, or setting up on-site verification mechanisms, this role cannot be performed by individuals, but only by governments.

The role of regional security organizations is often emphasized as a way to provide the necessary external involvement (and incidentally alleviate the burden of the United Nations) while preserving the requirements of ownership (the conflict remains managed in its environment). This view is consistent with the proposal of finding African solutions to African problems. African organizations and mediators do indeed have comparative advantages in terms of insight, sensitivity and acquaintance with issues and actors. However, their main assets may also be their main weaknesses.

Often, African countries have even more knowledge of the conflict they offer to mediate since they are party to it; they are all the more familiar with their neighbours' problems because they contributed to creating them – and may therefore hardly be expected to bring about a solution, at least without external support. Acting on behalf of IGAD, Eritrea, Ethiopia and Uganda were the SPLM/A's closest backers in the mid 1990s. SADC involvement in the DRC was supported by Laurent-Désiré Kabila's Zimbabwean, Namibian and Angolan allies (whereas the Community does not include Rwanda and Uganda among its members). ECOWAS was divided as well on the course to follow in Sierra Leone, and its Committee of Four was eventually expanded to Liberia, the RUF's principal ally in the region. Thus, whether they include some or all protagonists of a conflict, regional organizations tend to be divided, or one-sided, and anyhow ineffective. Ultimately, they may make the grade only when a prominent member, perceived as more influential and impartial (that is, not militarily involved) takes the lead of the peace initiative on behalf (or not) of the organizations, e.g. Nigeria in Sierra Leone, Kenya in Sudan, South Africa in the DRC. But whatever their good will, these lead countries have limited leverage on their counterparts and restricted (peacekeeping) capacities, as a consequence of which they can hardly succeed on their own. In the end, regional leaders need the support of world leaders, i.e. Western countries, which often lack political will but do have greater power of influence and larger resources. It is a striking fact - and a key lesson - that, after years of standstill, each of the peace processes studied was rescued and brought to a conclusion only thanks to the late but decisive intervention of a Western power (respectively, the UK, the US, and to a lesser extent France) which was determined enough to take others along and to commit staff on the

²² Zartman, 'Dynamics and Constraints in Negotiations in Internal Conflicts', in *Elusive Peace, op. cit.*, pp. 20-21.

ground. The recurrence of this scenario seriously qualifies the requirement for ‘ownership’, be it local or regional.

To conclude, this report does not suggest that the responsibility for restoring peace in Africa should be fully shifted to the P5 (or P3) – although the UN Security Council is actually primarily responsible for the maintenance of international peace and security. But this report indeed argues that the role of third-party actors, and conversely the parties’ ownership of the process, should be graduated on the latter’s commitment to reach a settlement. When a peace process is owned by peace spoilers, the outcome is war. Hence, in intractable conflicts, third parties will have to play an exceptionally intrusive role, up to ‘manipulation’. While they should not be discharged, regional organizations might not be able to perform such functions, and should therefore be strongly supported by the Western powers. Until the parties prove able to run the process on their own, international involvement is the price of peace.

To sum up, our research concludes that the six principles discussed in this section do have their logic and relevance, but may not serve as appropriate policy guidelines for dealing with intractable conflicts specifically. These principles constitute the core of an ideal conflict-resolution model that fails to meet the requirements of such conflict situations. Translated into keywords, our findings would suggest rather prioritizing the notions of *selectivity* over all-inclusiveness, *actors’ concerns* over root causes, *early engagement* over ripe moment, *political awareness* over neutrality, *necessary means* over peaceful solution and *leadership* over ownership. These keywords may constitute the building blocks of a custom-made and more effective conflict-resolution strategy.

III. Strategizing Conflict Resolution

This section aims at consolidating in a strategic framework the conclusions discussed previously on the key tenets of an effective conflict-resolution policy. This framework is primarily intended to potential third-party actors whose role in coping with an intractable conflict should be as important as the parties' commitment is low. The proposals discussed above should indeed underpin a hands-on, actor-focused and context-specific approach to peacemaking. Before elaborating this strategy further, it is necessary to emphasize a few conditions without which it cannot materialize, let alone succeed. Needless to say, respect for these conditions may still not guarantee success, but will increase the likelihood that measures taken by third-party actors will prove effective.

1. Prerequisites for Resolving Intractable Conflicts

Intractable conflicts are more likely to be solved when the peace process is internationally driven rather than locally owned. This finding does not imply that problems are local and solutions are international, or that the latter should be imposed on the former. But experience shows that local solutions are actually easier to emerge with, rather than without, international involvement. Regional actors being included in the circle of 'local owners', Western countries specifically have a crucial peacemaking role to play. Of course, Western involvement is not a panacea in itself and may even, under certain circumstances, exacerbate rather than resolve local problems. Case studies therefore suggest that Westerners' role is best optimized when meeting the following three core conditions: coherence, consistency, and commitment.

C for Coherence

The lack of coherence among Western countries showed its detrimental effects in each of the three cases. In the DRC, the strong inclination of the United States, the United Kingdom and the Netherlands for their traditional partners in the Great Lakes region (Rwanda and Uganda) was equalled only by the French and Belgian support for the unity of the Congo and its Head of State. In Sierra Leone, the sanctions advocated by the United Kingdom against Liberia were long delayed and ultimately restricted in scope because of the French government's accommodating attitude towards Charles Taylor. And in Sudan, the poor record of Clinton's isolation policy made it difficult for the Bush administration to convince European partners engaged in a constructive dialogue with Khartoum of the soundness of its carrot-and-stick strategy.

These differences are rooted in each country's historic links with African states, in the linguistic fracture and subsequent rivalry between Francophones and Anglophones, but also in donors' unilateral agendas. Development aid is not disinterested but is granted in expectation of increased political influence and benefits; as a result, donors might be more 'tied' than aid sometimes is: linked by previous commitments to either party of a conflict, bilateral donors show subsequently reluctant to put into question a privileged relationship that required so much time and money, and to sever links with

a power base that finally provides political standing within and outside Africa. Rather than repudiating their constituency, they prefer cultivating their difference. In other words, it may be argued that donors find themselves prisoners of their own patrimonial system.²³

Whatever their sources, differences of view among Western countries need to be reduced and a common position be shared. To be clear, it is not argued nor expected here that differences may simply disappear with a bit of good will. However, if Western countries are not able to compromise on their perceptions of the conflict causes, they may at least look for a minimum package agreement on essential points related to the desired outcome and the way forward. Furthermore, they are not requested to relinquish their respective Africa policy, but rather to optimize their differences: for doing so, each country may use its entry point in the continent to exert leverage on its African friends – rather than to oppose its European/Western partners. Such a policy principle is even more important as leverage depends as much, if not more, on *who* institutes a given measure than on the nature of the measure itself. Peace is at this (fairly low) price. As a consequence of their diverging views, Western countries could indeed only decide on half-hearted measures and wasted a great deal of their leverage on the parties. By contrast, in each of the three cases, light began to show at the end of the tunnel only as a coordinated, multilateral response took shape and a single message was conveyed to the parties – specifically when a consensus was found to strengthen the UN mission and sideline the RUF; to demand the withdrawal of foreign troops from the DRC and support the one president/four vice-presidents formula; to condition the resumption of development aid to Sudan to the completion of a comprehensive peace accord along the lines of the Machakos Protocol.

C for Consistency

The most widely-supported policy will bring very little results, however, if it fails to meet the requirements of the situation on the ground. Hence, the policy response should not only be coordinated, but also fulfil the condition of consistency, i.e. the means should match the ends and be resorted to at the right moment. Although this may seem stating the obvious, case studies showed that the practice largely differs from these axioms.

While the notion of graduated response is supported on paper, governments prove much reluctant to apply it in reality. It is therefore broadly acknowledged that moving a peace process forward entails balancing incentives and pressures (carrots and sticks) but in practice, preference is usually given to carrots (particularly among European countries) while resorting to sticks is considered an ultimate option. This report argues that the context, not pre-conceptions, should be decisive. Hence, the notion of graduated response should be understood with respect to the situation on the ground - in particular the intensity of the conflict and the parties' commitment to peace - not to a pre-formatted range of increasingly tougher options. Where belligerents do not seem genuinely interested in a peace settlement, which is likely to be the rule in intractable conflicts, the use of compelling measures should be considered as a priority option, not a last resort.

²³ It may be noticed that multilateral donors experience the same dependency problem. As emphasized by William Reno, international financial institutions (IFIs) are reluctant to castigate Uganda, let alone question their support for Kampala precisely because they want to get the financial and political dividends of their heavy investment in this country. In particular, Uganda must serve as the successful case of debt relief and reform that the IFIs need to justify and apply similar policies elsewhere in the world. See William Reno, 'The Politics of War and Debt Relief in Uganda', *Conflict, Security and Development*, 1: 2, pp. 3-23.

Likewise, a consistent policy assumes taking appropriate measures when they are the most needed. Yet, reluctant to intervene or fearing to invest in vain, Western countries are inclined to drag decisions out, and hold resources back, until peace prospects appear tangibly better. Such a wait-and-see policy does not help finding a way out of tricky situations and ultimately borders on absurdity. Oddly enough, non-armed UN observers were sent to Sierra Leone and the DRC when violence reached its peak, and were granted an enforcement mandate as peace was about to be restored. Similarly, a weapon embargo was decided only years after hostilities had broken out in Sierra Leone (1998) and, even more weirdly, after the conflict ended in the DRC (2003). Measures to curb the Sierra Leonean war economy were finally applied in 2000, almost a decade after the conflict started, while the Security Council simply failed to implement the UN Panel of Experts' recommendations for the DRC (whose appointment it had nonetheless requested). The point is not to say that these decisions, when they were taken, were no longer appropriate, but that they would have been more relevant *earlier*, when the situation already demanded it. This raises a question of commitment.

C for Commitment

Last but not least, an effective conflict-resolution strategy requires from its promoters a genuine commitment. By commitment is not only meant the amount of resources Western governments are willing to provide, but more fundamentally the dedication to end the war whatever the means this may entail, and however gloomy the prospects may be. Actually, this report argues that third parties should be even more committed since the parties themselves fail to be.

Peacemaking efforts are usually conditioned to 'the demonstrated good will of the parties'. As such, gauging commitment is a legitimate concern and a useful exercise. However, the parties' lack of commitment should not be the pretext for postponing peacemaking efforts (until, for instance, the moment seems riper) or for reducing the means allotted to peacemakers (thereby making their situation even worse). In the case of Sudan, the US administration went as far as developing explicit 'tests' to probe the disposition of the parties before deciding the level of American involvement. The United States finally got engaged as the parties did not perform too badly but also because the humanitarian tests triggered a process it would have been then difficult and counter-productive to abort. In the DRC, however, concerns about adverse conditions in the field and the parties' unreliability led to designing a 'phased' concept of deployment as a consequence of which the size of the UN mission was determined by developments on the ground and peacekeepers were made fully dependent on the (bad) will of the belligerents.²⁴ On the contrary, real commitment would have entailed granting MONUC the funds, equipment and human resources needed to cope with a difficult situation. In sum, testing the parties' intentions should help to design a more effective peacemaking strategy, that is to say enhancing the means, not running away, when the assessment results are negative.

This is what commitment is all about: persisting against all odds, not resigning at the first failure; graduating engagement on the parties' unreliability, not conditioning resources to elusive good will; actively promoting the maintenance of international peace and security, not shifting responsibilities to regional organizations; and sustaining efforts in time, not turning away as soon as an agreement is signed. This view may appear an academic whim but reflects rather a sober cost-benefit analysis: investment will be lost if too limited in scope, but may be cost-effective if the means match the needs.

²⁴ Interestingly, this gradual approach also emanated from US planners at the UN secretariat.

2. Stating the Obvious or Wishful Thinking? Looking for Sources of Commitment

‘Speak strongly with a single voice’: such could read, in one sentence, a relevant recommendation to Western policymakers coping with African intractable conflicts.²⁵ Yet, however sound, substantiated, and far-reaching this recommendation may be, it is likely to raise criticism, if not sarcasm, suggesting that the prerequisites emphasized above are akin to stating the obvious or, rather contradictorily, to wishful thinking. These conventional objections require some discussion.

The problem of conflict-related interventions in Africa may be summarized as follows: the level of Western engagement needed to make these interventions effective is disproportionate with the interests Western countries perceive to have at stake and the risks they are ready to take. This report fully acknowledges this contradiction. Not committed, Western countries are divided on the way forward (lack of coherence) and unwilling to provide the required means (lack of consistency). Hence, their preference is to fully supporting an ‘African solution’. When they finally, and reluctantly, intervene, it is seldom with a strategy in mind, nor in application of a strategy; it is rather an *ad hoc*, fairly improvised intervention, often triggered by media pressure. In most cases, clarity of purpose and vision are conspicuously absent. Accordingly, the sustainability of such hasty interventions raises questions. Engagement in peace implementation is likely to decrease although it is no less needed than during the peacemaking phase. This well-known scenario suggests that the most sensible strategy on paper may indeed be the least realistic in practice. Yet, reality is not always that clear-cut and might be changing.

First, Western countries may have more interests in Africa today than usually assumed. At the strategic level, conflicts and crises on the African continent may generate migration flows further north; jeopardize the intended diversification of oil supply; and translate into the emergence of failed or rogue states, which, in both cases, might become safe havens for international terrorists. East Africa has therefore become a key target region of US anti-terrorism strategy. At the political level, African conflicts may provide opportunities for substantiating foreign policy, such as Tony Blair’s ‘new internationalism’ or Jacques Chirac’s ‘multilateralism’. Western countries, the United States included, are furthermore historically linked to a number of African states, as a consequence of which they may have a special relationship to preserve, economic interests to defend, and a number of expatriate nationals to protect. The ‘bloodalization’ of international trade, as developed through the political economy of intractable conflicts, also means that very few governments in the world, especially in the northern hemisphere, can claim not to be concerned by African ‘civil wars’. Finally, media and public pressure may push to ‘do something’ in the face of violence, plunder and despair. All these elements suggest that, particularly since 9/11, the post-Cold War crisis of neglect experienced by Africa might be coming to a close and that a number of political and strategic concerns may induce Western countries to intervene, directly or indirectly, in the continent’s crises. It is quite significant in that regard that US engagement in Sudan was driven by multiple motives (and as many lobby groups).

Secondly, our three cases illustrate (among others) that whatever their initial intent, Western countries ultimately get involved. In each of them, Westerners’ dominant attitude has shifted from a hands-off approach (which took the form of appeasement in Sierra Leone, abstention in the DRC, containment in Sudan) to a more activist policy (ranging from enforcement to resolute engagement). In so doing, Western countries have managed to reduce their differences (at least publicly), to organize

²⁵ This expression is borrowed from Aldo Ajello, EU Special Envoy for the Great Lakes.

leverage, and to provide adequate means. In each case, they have dispatched civilian and/or military staff on the ground. Therefore, the question is not to know whether the hands-on strategy advocated in this report is realistic or not; it is realistic. The real challenge is to have this strategy get implemented earlier than usual.

Thirdly, a recent example, for once taken outside our three cases, suggests that with a bit of leadership even this challenge might not be out of reach. Although the peace process is still shaky at the time of writing, the French intervention in Côte d'Ivoire proved both timely and effective to halt a conflict that in several respects was threatening to become intractable.²⁶ By and large, the French initiative was widely approved by extra-regional actors; involved a robust military operation (not a weak UN mission) and pre-emptive actions against potential spoilers; and reflected both an early and sustained commitment to restore peace in the country. This intervention therefore met the three criteria set above (coherence, consistency, commitment) and resulted in a political settlement on substantive issues brokered (also by the French government) only a few months after the break-up of hostilities.²⁷ The Ivorian case thus illustrates two important precepts in conflict management: a) conflicts do not arise intractable; they *become* intractable, which is the reason why the sooner third parties get involved the more chances of succeeding they stand; b) a coordinated and effective response is more likely to take shape if one country takes the lead. The latter lesson had earlier been drawn from our three cases where the US, the UK and France played that role alternatively. This report does not argue that former colonial (or tutelary) powers have a 'special responsibility' to intervene as this kind of automaticity is neither realistic, nor always desirable. However, these countries should indeed intervene if it appears they enjoy special leverage on the parties and that their status may therefore make a difference. Whatever the case, the need for a lead nation is indisputable for mobilizing support and coordinating response. This is the condition for an effective conflict-resolution strategy to become reality.

To sum up, this discussion started on the premises that the level of Western engagement is a function of two parameters: interests and risks. But interests are a matter of perception, and perceptions may be changing; and taking risks is a matter of political will, which is malleable as well. Consequently, a conflict-resolution strategy along the lines suggested in this report might actually take shape, as in Côte d'Ivoire, particularly if the case for early action and the way forward appear clearly to policymakers.

3. The Case for an Actor-Based Approach

As argued above, peacemaking is about choosing the right strategy at the right moment and therefore requires flexibility. Thus, our intention is not to propose any kind of recipe for resolving conflicts but to prolong the discussion on alternative options started in section II and to suggest differentiated responses to various scenarios. In line with the findings then presented, the conflict-resolution strategy, or rather strategies, proposed here will focus on actors, i.e. on the nature, role and capacities

²⁶ With neighbouring countries interfering, rebel movements starting to fragment, and mercenaries coming from abroad, all of this against the backdrop of a decade of politico-ethnic tensions, Côte d'Ivoire appeared on the brink of collapse. Although the peace process may still unravel, there are reasons to believe that, without the French intervention, the situation would have rapidly deteriorated further. Likewise, Macedonia may be considered a case of fairly effective early management (although a failure of prevention).

²⁷ Ironically, the peace agreement came so early that President Gbagbo and his supporters found it hard to accept it in full.

of each belligerent party. In contrast with the therapeutic ('structural') methodology linking causes and remedies, the present ('political') approach suggests linking actors and policies – and this, for three main reasons.

First, it is a widely accepted fact that the conflict phase is the least appropriate to promote reforms. Peacemaking efforts should therefore aim at bringing the warring parties at the negotiation table with a view to halting the fighting and providing the basis for a sustainable peace. While the causes of the conflict may be addressed in the peace agreement, corrective measures can be taken during the implementation phase only.

Secondly, this report builds on the belief that war is a man-made disaster that originates in political factors. Whether fought over positions (conflict of government) or over policies (conflict of governance), war is caused, decided, and led by political actors for political reasons. The same applies to the causes of state failure. As stressed by Robert Rotberg, 'state failure is largely man made, not accidental. Institutional fragilities and structural flaws contribute to failure, but those deficiencies usually hark back to decisions or actions of men (rarely women)'.²⁸ As a consequence, resolving a conflict is less about correcting 'structural flaws' or 'institutional deficiencies' but rather inducing political leaders to take on appropriate policies. This report further argues that the conventional distinction between 'structural action' aimed at addressing the 'long-term causes of instability' (through development assistance) and the operational approach focusing on the 'more immediate triggers of violence' (through political means) is both artificial and misleading.²⁹ In the end, preventing or resolving a conflict necessitates changes in governance (and possibly in government) that require in turn the involvement of the ultimate instrument of domestic change, political leaders. In short, peace requires from leaders to refrain from using violence and to implement reforms.

Thirdly, by focusing on measures the structural approach downplays the role of political leaders in implementation. To put it bluntly, this approach will identify problem areas and promote corrective measures (which usually are the mere opposite) but rarely spell out how to get from A to B, let alone question the political risks and opportunities. Yet, just like states, peace processes do not fail because of 'structural shortcomings' or 'deficient institutional capacities'; they fail because certain groups or stakeholders perceive the process as threatening their interests and therefore resort to any means in order to undermine it. In other words, the structural approach might trigger violence by prompting violent resistance to the very changes it promotes. Through political blindness, it might therefore cause the exact opposite of the intended results, and worse even. Recent history has shown that the road to sacrosanct 'inclusive governance' might also become the road to genocide should this direction be opposed by extremist leaders supporting an exclusive system and having both the will and the means to fulfil their objectives.³⁰ In order to avoid such a backlash, an actor-based political approach is needed to assess the potential for resistance to change, i.e. the role, intentions and capacities of conservative forces and other peace spoilers. In the next sub-section, guidelines are provided precisely with a view to increasing political awareness and matching actors and strategies in peace processes.

²⁸ Rotberg, *op. cit.*, p. 22.

²⁹ This is the well-known distinction of the Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final report*, Washington D.C., 1997, 257p.

³⁰ On the lethal risks of democratization, see Jack Snyder, 'Nationalism and Democracy in the Developing World' in Snyder, *From Voting to Violence*, Norton, New York, 2000, pp. 266-311.

4. Guidelines for Promoting Peace *With* Justice

The seminal article of Stephen J. Stedman on peace spoilers published in 1997 in *International Security* had the great merits of focusing on actors in peacemaking and peace implementation processes and of proposing possible options that emphasized, in return, the critical role of third parties as ‘custodians’ of peace agreements.³¹ Diagnosing properly the type of spoiler is however a crucial prerequisite for choosing the appropriate strategy. Bearing this in mind, it may be useful to elaborate further on Stedman’s proposals and to suggest identification criteria for recognizing potential spoilers. Among these may not only be the well-known existing parties to the conflict, but also process-born stakeholders that do not reject the peace process as such but rather feel rejected by it, and therefore want to be included or granted similar benefits. These newly-formed spoiler groups confront peacemakers with an acute dilemma in that meeting their demands may create a demonstration effect but ignoring them may cause the newcomers to further radicalize.

The following matrix aims therefore at helping policymakers to find out possible solutions to this kind of problems: Whom to make peace with (and against)? How to deal with whom? The proposed guidelines are not intended to identify peace spoilers *per se*, but rather to match strategies with the actors’ respective profiles. The actors referred to in this matrix are belligerent parties both from the government (if any) and the rebel side; non-armed civil society groups or political parties are not considered. Each party’s profile is defined according to three major criteria, i.e. the party’s: *i*) political agenda, *ii*) conduct of the war, *iii*) domestic legitimacy.

- *Political Agenda*: As suggested in the first section, the existence or absence of substantive issues at stake determines to a large extent the nature of the conflict. Accordingly, the existence or not of an elaborate political platform may indicate the motives for going to war and the seriousness of a given party. With a view to resolving the conflict on substance, the third party may further have to determine what the party’s political agenda is based on, i.e. to what extent the party’s demands are substantiated, justified and may be responded to.³²
- *Conduct of War*: While all warring parties commit war crimes, they usually do not do so on the same scale, in the same systematic manner, nor for the same reasons. In a conflict of government, warring parties may terrorize the civilian populations whose support they do not enjoy. In a conflict of governance, certain groups with a distinctive identity might be specifically targeted (and for instance become victims of ‘ethnic cleansing’). Third-party actors should examine the manner in which the conflict parties prosecute the war as the resort to particularly brutal methods (as opposed to ‘normal’, i.e. respectful of international

³¹ Stephen John Stedman, ‘Spoiler Problems in Peace Processes’, *op. cit.*, pp. 5-53. As Stedman stresses, ‘spoilers exist only when there is a peace process to undermine, that is, after at least two warring parties have committed themselves publicly to a pact or have signed a comprehensive peace agreement’. Accordingly, the concept applies in Sierra Leone, the DRC and Sudan at least since the 1996 Abidjan agreement, the 1999 Lusaka ceasefire agreement and the 2002 Machakos Protocol respectively.

³² Assessing the legitimacy of demands is a delicate task, given that legitimacy is a matter of perception and inevitably varies from one party to the other. From this perspective, it may seem more appropriate to restrict third party’s role to working out compromise solutions, not adjudicating. However, no conflict can be resolved if the grievances at its roots are not addressed, and no grievances can be addressed without prior recognition. Therefore, third parties can hardly avoid analyzing the sources of grievances, which does not imply that they should fully support the aggrieved party’s position nor take account of the gap that may exist between perceptions and realities.

humanitarian law) should not be rewarded and should be considered a sign of untrustworthiness.³³

- *Domestic Legitimacy*: Related to the previous two, this criterion refers to the popular support enjoyed by a given party. Whether a party is popular and/or represents an important constituency contributes to determining/undermining the legitimacy of its participation in peace talks. Although the government may have to be included anyhow in the negotiations, the manner in which the ruling party has seized and exerts power (through force or democratic means) may impinge on its domestic support and be indicative of its reliability as a negotiation partner.

The combination of these three criteria results in a typology of eight belligerent profiles presented in two series. The first (A) includes actors lacking a substantial agenda, which might therefore, but not inevitably, be found in the context of a conflict of government; likewise, the second (B) refers to actors whose political agenda is more substantial and might therefore, but again not inevitably, be party to a conflict of governance. Within each series, types then differ according to the other two criteria (types 1 and 2 use brutal war methods, unlike types 3 and 4; types 1 and 3 have a low legitimacy, unlike types 2 and 4).

	Type 1A	Type 2A	Type 3A	Type 4A
Criteria				
Political Agenda	Unsubstantial	Unsubstantial	Unsubstantial	Unsubstantial
Conduct of War	Brutal	Brutal	Normal	Normal
Domestic Legitimacy	Low	High	Low	High

	Type 1B	Type 2B	Type 3B	Type 4B
Criteria				
Political Agenda	Substantial	Substantial	Substantial	Substantial
Conduct of War	Brutal	Brutal	Normal	Normal
Domestic Legitimacy	Low	High	Low	High

The conflict-resolution strategy advocated in this report aims not only at managing actors and potential spoilers, but also, to the extent possible, at conciliating peace and justice. In that respect, the criteria of political agenda and conduct of war refer to the two defining elements of a ‘just war’: the grounds for going to war (*jus ad bellum*) and the manner of waging the war (*jus in bello*). By implication, a just peace requires responding to legitimate grievances (not rewarding brutality) and doing justice to the victims (not accepting impunity for perpetrators). Therefore, this conflict-resolution strategy is based on the principles that 1) brutal war leaders/factions are reliable neither as negotiating partner nor as governing party, and 2) the resort to brutal war methods should not be rewarded at the negotiation

³³ As remarked by Stephen Stedman, ‘when parties to a peace agreement have a particularly egregious past, such as the Revolutionary United Front (RUF) in Sierra Leone or the Khmer Rouge in Cambodia, then implementers should be particularly vigilant to greater likelihood of spoiler behaviour’. Stephen Stedman, ‘Introduction’ in Stedman *et al.*, *Ending Civil Wars. The Implementation of Peace Agreements*, Lynne Rienner Publishers, Boulder, 2002, p. 13.

table.³⁴ Respect for these principles should create the conditions for a sustainable peace and break with the vicious pattern of legitimizing violence as a normal means to reaching political objectives.

However, this report fully acknowledges that reality on the ground is likely to challenge these principles, be it only because the most brutal warriors may also be the most difficult to sideline. The criterion of domestic legitimacy accounts for this difficulty by indicating whether a given party should be seen as a minor or major actor. Beyond this, pragmatism commands taking into consideration every party's *spoiling capacity*, which derives from *i*) its military strength; *ii*) the extent of territorial control and access to spoils; *iii*) the level of external support benefited from a sponsor/allied state. Ultimately, this parameter may help determining whether and how a sidelining strategy may realistically be designed.

Taken altogether, these four criteria are intended to assist third-party actors in judging the actors (in accordance with the conception of impartiality exposed in the previous section), thereby deciding whom to negotiate with and upon which conditions, and whose concerns to address. In dealing with the warring parties, policymakers may then choose amongst three major approaches: *i*) the *cooperative* approach is based on consent and consists of winning a given party's cooperation by meeting its demands; *ii*) the *conditional* approach entails using conditionalities and balancing carrots and sticks to push the targeted party into negotiation and compel compliance; *iii*) the *coercive* approach aims to neutralize hardliners and potential spoilers by reducing their spoiling capacity through coercive measures.³⁵ It goes without saying that third parties may have to use these approaches concurrently and/or successively depending on the parties' evolving behaviour.

The challenge, of course, is to use the right strategy at the right moment with the right actor. For instance, cooperating with the RUF when this movement was in a dominant position proved akin to appeasement and showed highly ineffective. Rather, trying to match actors and strategies with respect for the principles of justice, the following guidelines may be elaborated ranging from the negative to the positive end of the spectrum of options.

- On the *negative side*, the coercive approach is recommended to deal with actors of type 1A and 1B, i.e. extremist groups resorting to brutal means while enjoying little popular support.³⁶ These groups should not be included in a negotiating process and measures should be instituted to reduce their spoiling capacity (dispatching a robust peacekeeping force, curbing resource exploitation, pressuring external sponsors, etc.). The possibility of arresting extremist leaders should also be considered. Sidelining such groups does not exempt, however, addressing in a later stage the underlying political issues that may have generated discontent and rebellion (e.g. socio-economic inequalities, regional neglect, ethnic discrimination, etc.).
- On the *positive side*, a cooperative approach is suggested with respect to actors of type 3B and 4B that refrain from using brutal tactics and have genuine grievances. This is further justified where the party commands high domestic support (4B) or might as 'moderate' contribute

³⁴ By brutal war methods is meant systematic violations of international humanitarian law, in particular the Common Article III of the 1949 Geneva Conventions prohibiting abuses against persons taking no active part in the hostilities.

³⁵ These options parallel Stedman's strategies of 'inducement', 'socialization' and 'coercion' as proposed in 'Spoiler problems', *op. cit.*, pp. 12-14.

³⁶ As explained above, it is not realistic to try to sideline a government party without the participation of which no conflict can be settled. However, coercive measures may still be used against a ruling party according to the needs.

usefully to the peace process (3B). While vigilance is always required, these actors might prove more forthcoming and reliable thereby making it less necessary to resort to forceful options.

The middle-ground *grey area* includes the four remaining cases for which a mixed strategy may be required. This category is further divided into two sub-groups.

- First, the relative restraint shown by actors of type 3A and 4A might be rewarded but the lack of any substantial political agenda should raise attention. These parties should be included in a peace process only if they enjoy sufficient legitimacy, while their behaviour and capacity should be closely monitored.
- Secondly, types 2A and 2B represent actors one wishes not having to deal with because of their human rights record, but nevertheless has to for other compelling reasons, notably strong domestic legitimacy. In these cases, a mix of positive and negative inducements may be used, and strong verification mechanisms put in place to monitor compliance. Concessions should be limited on substance so that extreme positions are not enshrined in the peace settlement. It might also be an option to negotiate with proxy/deputy leaders in order to avoid dealing directly with top leaders. Ultimately, the objective should be to have these unavoidable actors in the peacemaking phase getting marginalized during the post-conflict period as political extremism wanes. It may also be considered, in case 2A, to bring other non-armed stakeholders on board (civil society organizations, political parties) to reduce the weight of armed factions.

These guidelines should not be taken as a strict procedure but rather as principles of action. This report acknowledges that reality may differ from the typology, in particular that a given actor may not correspond to any of the eight profiles or that the recommended strategy may not be feasible or simply not work. Beyond the hazards of implementation, the value of these guidelines stems in our view from the core ideas they are based on: peacemaking strategies should be differentiated per actor, may include a wide range of means, and should seek to de-legitimize, not reward, violence.

Whom to Make Peace With, Against and How?

	Type 1A	Type 2A	Type 3A	Type 4A
Criteria Political Agenda Conduct of War Domestic Legitimacy	Unsubstantial Brutal Low	Unsubstantial Brutal High	Unsubstantial Normal Low	Unsubstantial Normal High
Comments & Examples	Type of actor essentially characterized by its brutality; may be called a 'total spoiler' (after Stedman). Examples include Sierra Leonean RUF, Ugandan LRA and a few obscure but violent Congolese factions (RCD-N, RCD-K-ML).	Despite using terror without a cause, some faction leaders manage to command support on the basis of patrimonial and/or regional affiliations (e.g. Mobutist-oriented MLC in northern DRC).	Warlords lacking both substantial agenda and support usually resort to brutal tactics. Although unlikely, this profile can be typical of 'one faction among others'.	Faction without substantial agenda might not command high support. However, profile typical of civilian militia set up for self-defence purposes and not more violent than any other faction (Sierra Leonean CDF, Mai-Mai).
Recommended Strategy	Strategy should be to coerce/sideline and make sure support remains low by delegitimizing and taking measures to reduce spoiling capacity, (including arresting leader if possible).	If faction enjoys high legitimacy/support, or is a major (military) player, may have to be included in peace process. Strict conditions must be set to stop violence. Post-conflict period should lead to marginalization of such actors.	Faction may be ignored if relatively marginal but vigilance is needed to ward off risks of radicalization. Conditions for participating in peace talks (e.g. respect for ceasefire) should be clearly set.	Faction may have to be included and demands met because the high popular support makes it a legitimate actor and its war methods are not disqualifying. In the case of self-defence militia, necessary to check human rights record.

	Type 1B	Type 2B	Type 3B	Type 4B
Criteria Political Agenda Conduct of War Domestic Legitimacy	Substantial Brutal Low	Substantial Brutal High	Substantial Normal Low	Substantial Normal High
Comments & Examples	Type refers to (ethnic) extremists/hardliners with few followers but strong ideology.	Type refers to government or rebel groups relying on strong ethnic constituency (e.g. GoS, RCD-G)	Level of domestic support not commensurate with substantial political agenda. Type may refer to 'minority moderates'	Profile of a marginalized and legitimately aggrieved party whose human rights record might be seen relatively higher (e.g. SPLM/A)
Recommended Strategy	Faction should be excluded from peace talks but vigilance needed. Reaching agreement on substance urgent to avoid population getting radicalized and faction commanding increased support.	A hard case to manage as peace deal should be negotiated with such party despite human rights record. Legitimacy of political demands should be analyzed. Strategy may entail dealing with proxy leaders; should include strong mechanisms to compel compliance.	Group may be supported with respect to war methods. Group's concerns may be addressed if sufficiently representative.	Grievances should be met and group supported upon condition of human rights record remaining acceptable.

IV. Operationalizing Conflict Resolution

This research has reached the conclusion that far from being bound to fail the role of third-party actors may be more instrumental in intractable conflicts than in any other as such an external involvement would add a new element, and create a new dynamic in a deadlocked situation. In order to make a difference, however, third-party intervention should be commensurate with the difficulty of the challenge. In the previous sections, key principles, conditions and guidelines of an effective conflict-resolution strategy have been outlined. Moving further down at the operational level, this section focuses on actions, measures and decisions that may be taken in support of this hands-on approach. These tactical steps address three key conflict-management areas – the regional dimension, the war economy and the nexus political negotiations/military conditions – with special reference to the (political) role of donor governments. Entry points are therefore suggested with a view to making the context more conducive to successful mediation efforts. In addition, considerations are given to approaches and modalities of power sharing as the likely subject matter of peace negotiations and a potential long-term conflict-regulating mechanism.

1. Confronting Regional Spoilers

As stressed in the case studies and above in this report, ‘civil wars’ are usually fueled from outside the country in conflict. Although this regional dimension is generally acknowledged, the policy implications are not always fully drawn. Neighbouring countries, even when they notoriously sponsor rebel groups, are indeed often considered as secondary actors. Yet, the experiences of Sierra Leone and the DRC have shown that no peace process can be seriously launched without addressing the regional dimension as a matter of priority. This does not mean that the search for an internal political accommodation should be subsequent to the restoration of good neighbourly relations; but in certain cases, where for instance rebel groups are mere creations or phagocytes of ‘sponsor’ states, regional actors have to be treated as direct parties to the conflict and their contribution to peace efforts be secured *nolens volens*.

In trying to obtain the support of regional actors for a given peace process, third-party actors have the choice between two basic options: the ‘soft’ one consists of mediating between governments on bad terms and promoting good neighbourly relations; the ‘hard’ one entails taking more forceful action against state sponsoring of foreign rebellions. In fact, these options are more complementary than contrasting as both aim at addressing the ‘tit-for-tat’ problem of states mutually supporting each other’s opponents in accordance with the principle that ‘the enemy of my enemy is my friend’.³⁷

³⁷ This problem was well exposed with respect to the Horn of Africa in *The Sudan IGAD Peace Process: Signposts for the Way Forward*, Institute for Security Studies, African Security Analysis Programme, Occasional Paper, February 2004, 21p.

Recommendation 1: Conditioning Aid to Good Neighbourliness

The first option may result in a bilateral agreement between state parties promising mutual restraint, and possibly even mutual cooperation in dealing with their respective opponents. Agreements of this kind were signed between the DRC and Rwanda, the DRC and Uganda, as well as Uganda and Sudan. Basically, the idea is to substitute proxy wars with an alliance of states against sub-state actors. Experience shows, however, that such initiatives require a great deal of trust among the signatories that is usually lacking at the time of signing, and may not be forthcoming during implementation. Accusations of duplicity are often the rule while evidence of state sponsoring (as of state restraint) is hard to provide. Furthermore, given the intricacy of alliances and connections, bilateral agreements may not suffice to resolve the tit-for-tat problem. Some kind of multilateral commitment is needed at the regional level compelling each state to refrain from supporting any rebel group. In that respect, and considering the adverse consequences of state sponsoring on the development of the Great Lakes and the Horn of Africa, multilateral and bilateral donors should clearly condemn such practices and pose 'good neighbourliness' as a demand equal to 'good governance'. Ironically though, Western institutions and governments now seem to attach more importance to a given country's internal 'stability' than to its foreign policy. This attitude not only reflects a complete reversal of priorities (as compared to the times when internal affairs were seen as falling under the exclusive state jurisdiction but regional issues could nonetheless be addressed in international forums); it also illustrates a short-sighted view as a given country's domestic stability largely depends on its neighbours' attitude. If donors are really concerned with the development of the countries they assist, they should not tolerate their efforts in effect being ruined by state sponsoring. Instead of vague objectives to eradicate poverty and strengthen institutional capacities, any regional strategy should first tackle the tit-for-tat problem. As a matter of self-interest and as a means of pressure, donors may therefore condition the disbursement of (part of) development aid to the recipient countries' commitment to good neighbourliness, that is to say non-interference in their neighbours' internal matters.³⁸ (Accordingly, states should neither supply armed groups across their borders nor provide sanctuary to rebel movements within their territory.)³⁹ Despite the fact that non-compliance is difficult to monitor and demonstrate, applying this principle would substantiate the notion of good neighbourly relations, might have a deterring effect and would convey the message that state sponsoring is no longer taken for granted in African politics, but regarded as a real scourge.

Recommendation 2: Sanctioning Bad Neighbours

The second 'hard' option may be resorted to precisely in cases of clear non-compliance, i.e. when external implication is established by impartial third parties or recognized by the state in question. States supporting armed groups in neighbouring countries might then be sanctioned, just like state sponsors of international terrorism are stigmatized and punished (which by no means suggests that

³⁸ The forthcoming international conference on the Great Lakes may offer an excellent opportunity for donors to promote this principle and have the governments of the region committing to it.

³⁹ One may object that such a position may disadvantage a party that has legitimate demands and refrains from resorting to brutal force. However, prohibiting neighbours' involvement does not preclude supporting this party through other means, for instance by targeting the opposing party and promoting a fair settlement. Simultaneously with good-neighbourliness, internal reforms should be promoted for addressing grievances.

rebels are terrorists). As the enforcement mechanism of a regional strategy, development aid may thus be at least partly suspended.

Yet, resort to sanctions of this kind is often discarded on several grounds. First, it is argued that all leverage on the targeted entity will be lost if sanctions do not immediately have the desired effect. However, this argument presupposes that sanctions are doomed to fail and misses that beyond imposition, the prospect of *lifting* the sanctions may be potentially attractive⁴⁰. Furthermore, alternatives to sanctions are seldom proposed by those who discard this option - apart from 'engaging in a constructive dialogue' and 'using persuasion'. However, disbursing aid may not be enough in itself to gain the recipient's listening; on the contrary, there are reasons to believe that the recipient will show more receptive if it is clearly notified that the aid will be suspended in case of misbehaviour. This supposes, of course, that donors are indeed ready to take that step. Alas, casting doubt on the efficacy of sanctions often seems a convenient pretext for doing nothing and giving priority to maintaining good relations with one's friends. Acting as a protective shield against proponents of sanctions may further be a convincing way of showing friendship. The trouble is that doing nothing hardly increases the 'leverage-that-will-be-lost'. At the very least, other means should be envisaged when persuasion obviously fails. Secondly, it is often argued that sanctions have a detrimental humanitarian impact. Usually, this impact is far less than the immensurable destructions and sufferings that war causes and are bound to continue in absence of any initiative to end the conflict. However, because humanitarian, social and development needs have indeed to be met during wartime, sanctions may have to be limited in scope.

Bearing these reservations in mind, the modalities of sanctions would have to be examined on a case-by-case basis, depending notably on the structure of aid (project support and/or budget support) and the recipients of aid (government and/or NGOs). It is argued therefore that sanctions should be targeted on individual leaders rather than affect the entire population and may be restricted to suspending budget support while allowing project support to continue. An alternative option of the same vein would be to channel aid through local NGOs while suspending direct disbursement to state authorities. The ultimate decision also depends on the timing of aid - whether the targeted entity is already receiving assistance (which might then have to be reduced) or is expecting disbursement (which should then be deferred until certain demands are fulfilled).

In any case, sanctioning bad neighbours would require certain conditions. A regional approach supposes that the same sanction policy applies to all countries of a given region (no double standard). Furthermore, it should be agreed upon by all donor governments concerned (no transatlantic gap for instance). This condition is necessary to avoid the targeted party playing donors against each other as well as to overcome donors' fear to be overtaken by donor fellows in applying conditionalities. This report acknowledges the difficulty of meeting such conditions but argues that the prospects for peace in Central and Eastern Africa (and the UN conference on the Great Lakes) provide the opportunity for laying the foundations of a new aid policy. This new approach would also translate into donor self-evaluation.

⁴⁰ In the case of Sudan, sanctions had been imposed against the Government long before peace efforts were re-launched. While their immediate effect was highly disputable, the prospect of their lifting most likely constituted an inducement for Khartoum.

Recommendation 3: Evaluating Aid Contribution to Conflict

The rationale for conditioning aid to good neighbourliness is to provide leverage and compel compliance; it is indeed believed that multilateral and bilateral donors accounting for about 50% of African countries' national budget, they must have some influence on the recipient governments. Conversely though, when the very same recipient countries are at war, it may be suspected that official development aid (ODA) directly or indirectly contributes to the war effort. In order to reduce that risk and to remove all suspicion, it would therefore be recommended for multilateral and bilateral donors to systematically evaluate the impact of aid on conflict.

The growing recognition that development aid can have both an adverse and positive impact on conflict has generated a no less growing literature on the need for donors and NGOs to be more 'sensitive' to the environment in which they operate and to be aware of the potentially unintended effects of their assistance on local dynamics. In general, however, the 'conflict-sensitive approaches' developed to reduce the negative (and increase the positive) impacts of external assistance are intended to be applied at the programme, project or sectoral level. This report suggests, after proposals initially made by the UN Panel of Experts on the illegal exploitation of natural resources in the DRC, to evaluate the political and financial impact of development aid at the macro level.⁴¹ Politically, donors should try to assess whether the continuous flow of aid to a country at war might not be perceived by the government concerned as a sign of support, encouragement or even as a reward. Financially, donors should examine whether their funds might not ultimately contribute to the war effort by enabling recipient governments to make savings used to finance military operations (fungibility).

Where donors are reluctant to use development aid as a tool to reduce conflict, they should at least make sure that aid does not help conflict to develop. Such an evaluation may therefore be done in-house or, better, commissioned to external consultants and the results should be made public. It might well happen, however, that some donors show unwilling to address the fungibility issue (which is too often denied or seen as inevitable); or prove reluctant to shed light on policy mischief; or that they simply prioritize the political benefits of supporting a given government over the negative impacts of aid. In this event, non-governmental watchdogs would have a useful role to play in advocating and contributing to increased transparency.

2. Exposing War Profiteers

The war economy offers the second entry point for peacemakers. In each of the conflicts studied, the exploitation of natural resources contributed so significantly to increasing peace spoilers' capacity and fuelling the war that this dimension cannot be overlooked. At the same time, three general lessons may be drawn from these cases that tend to qualify the role of these war-perpetuating mechanisms, and might indicate what can and should be done in this field. First, it has proven very difficult for both technical and political reasons to devise efficient measures against the illegal exploitation of natural resources. Fighting the war economy appears in fact largely an illusion; whatever the obstacles put on their way warlords are likely to continue drawing benefits from resource exploitation as long as they

⁴¹ See the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, S/2001/357 of 12 April 2001 (par. 185-190 and 226-226) and S/2001/1072 of 13 November 2001 (par. 155).

want to. Secondly, the failure to curb these resource-based war economies has nevertheless not prevented bringing the conflict to an end. This suggests that resource exploitation is a prolonging, but not a determining factor and that taking counter-measures may be useful, but not indispensable for peace efforts to succeed. In fact, a peace settlement might be reached anyhow if war profiteers estimate that peace is not incompatible with continuing benefits, or are provided with other substantial compensations, or are too weakened to oppose the new deal. Thirdly, it ensues that an effective peacemaking strategy should be actor-based, again, and target war profiteers rather than mechanisms. Bearing these lessons in mind, several options are examined below in order to increase effectiveness.

Recommendation 4: Do Not Accommodate Greed

Like any other human feeling, greed can hardly be reduced. But it can be satisfied. As a first option, peacemakers may therefore consider the possibility of bringing the conflict to an end by meeting the economic demands of the belligerents. In a conflict of governance partly driven by socio-economic inequalities like Sudan, the legitimate grievances of the Southerners have to be responded to for a just and sustainable peace to emerge. In a conflict of government, however, accommodating greed means enabling predators to continue benefit from peace and may therefore raise some difficulties. In the short run, such a strategy might help bringing the fighting to a halt by appeasing the warlords. However, it is an obvious way of rewarding violence at the expense of justice and may eventually lead to further fighting by enabling the belligerent(s) concerned to increase military capacity. Hence respite may prove short.⁴² Accommodating greed may prove even more detrimental in the long run by preventing the rebuilding of a failed state on a sound basis. As the UN Panel of Experts on resource exploitation in the DRC has emphasized, curbing illegal exploitation entails restoring central authority throughout the territory, reforming law-enforcement institutions and re-establishing a criminal justice capacity, integrating the armed forces, controlling the national borders, setting up an effective customs administration, strengthening the government auditing function, etc.⁴³ But these recommendations raise a problem of sequencing: curbing illegal exploitation should follow, not precede the restoration of peace; and still then, this objective would suppose a ‘strong, central and democratically elected Government that is in control of its territory’.⁴⁴ The question arises, however, whether such a government may actually be composed of warlords propelled in government positions, and whether they may be trusted for taking all the steps needed to put an end to their own profitable business. Accommodating greed is more likely to enable war profiteers to entrench themselves in power positions from which to plunder the country’s riches at the expense of the vast majority of the population.

Recommendation 5: Enforcing Regulations of Business in Conflict Areas

As an effect of globalization, resource-based war economies are world-wide. On the one hand, this makes it more difficult to discover and break up the supply chain through which conflicts are fuelled.

⁴² Granting Foday Sankoh political control over Sierra Leonean mineral wealth (Lomé Agreement) enabled the RUF to consolidate its military strength and therefore proved self-defeating, as recalled in *Transforming War Economies: Challenges for Peacemaking and Peacebuilding*, Report of the 725th Wilton Park Conference in association with the International Peace Academy, December 2003, p. 6.

⁴³ See the Final Report of the Panel of Experts, S/2003/1027, 23 October 2003, par. 50-52.

⁴⁴ *Ibid*, par. 48.

On the other hand, this means that Western governments can no longer turn a blind eye on predatory economies to which they contribute as home countries of corporate companies doing business in conflict areas.

It is true that resorting to commodity sanctions - prohibitions of trade in conflict goods like diamond, timber or coltan – somehow resembles an obstacle race and may pose greater problems than bringing solutions. First, such sanctions need to be mutually approved by all interested Western countries, particularly those seating at the UN Security Council. Secondly, they require establishing enforcement mechanisms on the ground, whose watertightness might not resist corruption (among other scourges). Thirdly, sanctions tend to fuel rather than curb illicit activities as they set a clear interdiction but do not deter traffickers from continuing business. Fourthly, although this is also a pretext for doing nothing or protecting a targeted entity, sanctions often have harmful humanitarian consequences.⁴⁵ Finally, their contribution to conflict resolution is generally fairly elusive. For instance, sanctions appear to have contributed indirectly at best to ending the war in Sierra Leone, i.e. by stigmatizing the targeted entities rather than reducing their spoiling capacity. In short, sanctions are more politically significant than technically efficient.

The drawbacks of commodity sanctions should not lead us to conclude that nothing can be done against war profiteers. If political stigmatization is the aim, other means are available that do not raise the same difficulties. As suggested by Francis Deng, a conflict is not ripe when a nation bleeds to death, but when leaders themselves feel ‘the personal threat of imminent demise’.⁴⁶ Targeted sanctions such as travel bans and freezing of assets might therefore be resorted to with the view to making the stalemate particularly hurting for political leaders.

The ‘bloodalization’ of trade anyhow requires regulatory frameworks to be developed to fill the current legal vacuum in which corporate companies usually operate. As explained below, however, this regulation effort should not aim at determining what is legal/illegal but at restricting business contribution to the conflict - whether legal or not. However, regulatory frameworks make sense provided only that they are strictly enforced, that is to say if they impose obligations on the signatory parties and foresee verification mechanisms. The OECD guidelines for multinational enterprises will remain good intentions on paper as long as corporate companies are only morally obliged to comply and Western governments are unwilling to investigate their alleged role in conflict zones like the Congo.⁴⁷ Likewise, the Kimberley diamond certification scheme was a step forward but the process was weakened since its inception by the failure to develop impartial monitoring measures. It remains to be seen whether the peer review mechanism adopted lately will remedy this shortcoming.⁴⁸ These initiatives nevertheless constitute steps towards increased transparency, which has proven until now the most effective way of fighting against predatory economies and predators of all kinds.

⁴⁵ The option of embargoing conflict goods originating from the DRC was therefore discarded owing to the harm that would be inflicted upon informal diggers. The argument tended to conceal the appalling conditions in which people extracted resources and would have had greater strength if alternative measures had been taken to put an end to civilians’ plight.

⁴⁶ Francis Mading Deng, ‘Sudan’s Conflict of Identities’ in Zartman, *Elusive Peace*, op. cit., p. 99.

⁴⁷ On the failure of OECD governments to investigate the role of corporate companies in the perpetuation of the conflict in the DRC, see the report by Rights & Accountability in Development (RAID), *Unanswered Questions. Companies, Conflict and the Democratic Republic of the Congo*, March 2004.

⁴⁸ IRIN: ‘Africa – Compromise reached over diamond control’, 31 October 2003.

Recommendation 6: Fostering Transparency

War economies are a world of darkness that most stakeholders want to maintain as such. Whether rebel groups seeking international support, governments acting under peer or donor review, or foreign companies afraid of NGO campaigning, most actors involved in the political economy of armed conflicts usually have some, albeit varying, reputational concerns. What more serious accusation for a rebel group than having predation as for unique cause? For a government than plundering its neighbour under the cover of protecting its security? For a corporate company than making money on civilians' despair? Thus, beyond sanctions they usually manage to circumvent, the greatest harm that can be done to war profiteers is to expose them: unveiling the real motives that drive their involvement in war and spoiling behaviour; disclosing the extent of the benefits drawn from conflict; revealing the commercial interests shared by supposed enemies.

The United Nations expert panels set up to investigate the resource-based war-perpetuating mechanisms and/or to monitor the implementation of sanctions have played a pioneering role in increasing transparency. As recognized by the International Peace Academy, they 'have proven to be innovative and effective policy mechanisms for sanctions monitoring, the generation of intelligence and for raising awareness of sanctions-busting'.⁴⁹ The point is that this effectiveness was inevitably troublesome to many. Because of the far-reaching political implications of its findings, the Panel of Experts for the DRC in particular has evoked many criticisms. For a large part the controversy stemmed from the mandate given to the Panel, which was instructed to investigate the *illegal* exploitation of natural resources in the DRC. Compared to the link between resource exploitation and the perpetuation of the conflict, the legal issue was of secondary importance. Yet, this focus had crucial political implications by generating never-ending discussions as to the legal character of plundering activities in government-controlled territory.⁵⁰ It further contributed to the Panel being perceived as a judicial body entitled to establish the criminal responsibility of parties doing business in the DRC, and expected to conduct legal-type investigations entailing a high level of evidence. However, the Panel of Experts was only an independent fact-finding body that did not have legal powers and could only gather information from voluntary sources. Consequently, the Panel applied a standard of proof based on 'reasonableness' or 'sufficient cause' and only sought to assess whether certain business activities had fuelled the conflict in the DRC and/or could appear at odds with the spirit of the OECD guidelines. 'In essence, for any particular party the Panel has acquired information indicating that, *prima facie*, a party has been engaged in conduct related to business dealings linked to the Democratic Republic of the Congo, either directly or indirectly, that do not meet generally accepted international standards of corporate behaviour or governance'.⁵¹ The trouble is that this misunderstanding over the Panel's mission was exploited to demand an unrealistic level of evidence from UN experts (instead of searching clarification from the accused) and to undermine their credibility by accusing them of launching unsubstantiated allegations.

The lesson for the future could be the following: to avoid raising expectations or fuelling controversy, fact-finding bodies of this kind should be mandated from a peacemaking perspective and instructed to focus on the role of resource exploitation in the perpetuation of conflict and the actors

⁴⁹ *Transforming War Economies: Challenges for Peacemaking and Peacebuilding*, *op. cit.*, pp. 14-15.

⁵⁰ See, *Cluttered with Predators, Godfathers and Facilitators: The Labyrinth to Peace in the Democratic Republic of Congo*, Clingendael Working Paper 23, August 2003, pp. 28-29.

⁵¹ Report of the Panel of Experts S/2003/1027, *op. cit.*, par.15.

and mechanisms involved, regardless of any other legal or even ethical considerations. As suggested by the Panel of Experts on the DRC, emphasis might be placed in particular on arms flows, the weakest element in the vicious circle linking resource exploitation and conflict. Monitoring mechanisms should therefore be set up to track the full scope of the arms supply chain, from manufacturer or supplier to the final beneficiary, including the financing of the process through the exploitation of natural resources. Making the case for increased transparency, the experts conclude that ‘the high risk of exposure that such a monitoring mechanism could create would contribute to deterring arms trafficking and curbing arms flows’.⁵²

Fact-finding bodies are obviously not a panacea. Ideally, they should be completed by on-site monitoring mechanisms, which are not always available or only at a late stage.⁵³ In addition, the impact of their findings varies according to the parties’ reputational concerns: certain rebel groups might be less sensitive to ‘naming and shaming’ than governments, just like non-Western companies do not fear northern NGO campaigning (like Asian oil firms in Sudan). Overall, however, shedding light on the bloody business of war deprives corporate companies of the argument of unawareness, may have a deterring effect, and above all induces the belligerent parties to reconsider their positioning. In a word, transparency precludes war business to continue as usual. Finally, as an activity tailored for watchdogs, ‘naming and shaming’ enables non-governmental actors to play a part in peacemaking processes sometimes too much restricted to state actors.

3. Securing Political Negotiations

Assuming necessary measures have been taken to confront regional spoilers and war profiteers, thereby rendering the conflict environment more conducive to a negotiated outcome, this sub-section focuses on a few hints to conduct political negotiations until their conclusive end. Although this report acknowledges that the doable might differ from the desirable, it is deemed useful to emphasize what should *ideally* (not) be done for peace negotiations to lead to a sustainable political settlement. Deriving from the key principles and guidelines identified previously (notably for making peace *with* justice) these recommendations relate to three key negotiation issues: the timing (when), the mediation structure (who), and the procedural aspects (how).

Recommendation 7: Choosing the Fair Moment, Posing Strict Conditions

The question of timing is not limited to identifying a window of opportunity as created for example by a hurting stalemate or, on the contrary, by increasing imbalance on the ground. As explained above, such an approach would lead to waiting for the ‘ripe moment’ at the expense of the victims and/or would carry the risk of allowing rogue actors to reap the benefits of brutal force. It is doubtful that a just, hence sustainable, peace may emerge from these ashes. By contrast, this report supports the view that peacemakers should be determined to promote a just settlement (not an agreement at any price) and to refuse being blackmailed with violence. Choosing the ‘fair’, instead of ‘right’, moment and enforcing strict ceasefire conditions are two important prerequisites in that respect.

⁵² *Ibid.*, par. 60-61.

⁵³ As recalled above, MONUC was tasked with monitoring an arms embargo only after the official end of the conflict in the DRC.

The outcome of peace negotiations depends to some extent on the balance of forces at the particular moment when negotiations are started. Rogue actors (as defined by their human rights record and extreme positions) are inherently not inclined to compromise but prone to seek total military victory. Whenever they engage in peace negotiations, this may be for two main reasons: because they find themselves under strong external pressure or in a temporary weak military position; or because they want to reap the benefits of their military superiority at the negotiation table. In the latter case, however, they are unlikely to make significant concessions. Such a negotiation context may badly impact on the sustainability of peace if rogue actors manage to secure power and/or if grievances at the root of the conflict are not addressed.⁵⁴ Put differently, promoting a settlement when the aggrieved party is cornered may not result in a just peace agreement.

Accordingly, this report argues that, should negotiations be held with rogue actors owing to their spoiling capacity, they should rather be initiated at a fair moment, i.e. when rogue actors find themselves in a weak position.⁵⁵ By implication, making peace may entail correcting beforehand the strategic balance at the expense of the strong and to the benefit of the weak. (It is true that the weakest actors often claim to fight to the bitter end but, knowing their limits, they may seize an opportunity to negotiate a favourable deal). Such a strategy would be consistent with the requirement of justice to the extent that the aggrieved party is also the weakest one. It may be easier to envisage in a conflict of governance in which grievances are usually more clearly articulated than in a conflict of government where most parties seem equally craving for power. In any case, the important lesson is that, whatever the nature of the conflict, rogue actors should not be rewarded but resolute action should be taken against the most prominent obstacle(s) to peace - whichever side they represent. In that respect, it is worth noting that although internal conflicts are characterized by asymmetry, the government component is not necessarily the rogue/strongest actor. In the context of a failed state, the weakest party in favour of which the military balance might have to be changed is, on the contrary, likely to be the central government (in Sierra Leone, the government led by President Kabbah even had to be restored after a military coup supported by the RUF).

By the same token, experience shows that negotiations should ideally not be held before hostilities have stopped on the ground. Continued fighting may indeed have a detrimental impact on the negotiation process by precluding confidence-building between the parties and compelling mediators to compromise with peace spoilers – for instance, by granting them a seat at the negotiation table or accepting substantive demands. Peacemakers should not be held hostages of the belligerents, but rather the other way round. In order to avoid blackmail with violence, a ceasefire should be signed beforehand and strictly enforced throughout the negotiations (with the assistance, if possible, of a robust international peacekeeping force). Depending on the type of conflict, this essential step raises difficulties of a different nature.

In a conflict of governance, the rebel side usually shows reluctance to put down weapons - their bargaining power - before political issues are satisfactorily addressed. Instead of a comprehensive ceasefire, an agreement for the (temporary) suspension of hostilities may nonetheless be brokered in

⁵⁴ For instance, in 1992 the Sudanese government was too convinced of its military superiority to make any substantial concessions to the (divided) Southerners. In 1997, however, under pressure from the ‘frontline states’, the same government accepted the IGAD Declaration of Principles on self-determination for the South it had rejected three years earlier.

⁵⁵ In certain cases (identified under types 1A and 1B above), negotiations do not seem a wise option at all (unless aimed at endorsing surrender). It is then recommended to promote the resolution of the conflict by weakening the rogue actor’s spoiling capacity while addressing some of the broader causes of the conflict.

order to create a more conducive climate and to avoid military incidents to derail the process (as in Sudan from 1992-93 onwards). In a conflict of government, the problem may be complicated by the emergence of new armed groups trying to force their way to the negotiation table. For that reason, a ceasefire agreement should be signed beforehand and participation to peace talks should be strictly limited to the signatories. Instead of being incorporating new factions, those who violate the ceasefire should not be allowed at the negotiation table (and should possibly be excluded from the negotiations if they had been involved beforehand). While peace spoilers usually come from splinter groups, such a policy may induce would-be spoilers to stay within the mainstream, even more so if disturbing actions are met with adequate military response.

Recommendation 8: Building a Multilayered Mediation Structure

Even in case the rules of the game are defined as above, no single country, let alone an individual can end a conflict on its own. That is why the notion of ownership, which suggests that local or regional actors can ‘do it alone’, is basically flawed. But this is also the reason why international or Western leadership may not be sufficient either. In fact, a peace process is more likely to bring results when it is *co-facilitated* by third parties of various kind and responsibilities.

Co-facilitation may ideally take the form of a three-tier model involving *i)* at the top level, Western powers (no matter which ones) to provide international legitimacy, leadership and leverage, *ii)* at the medium level, a regional organization to provide insight, ownership and good neighbourliness, *iii)* at the local level, non-governmental organizations to provide field knowledge, grass-root reconciliation and good offices.⁵⁶ Co-facilitation therefore builds on third-party actors’ comparative advantages and demonstrates seriousness and commitment to the warring parties.⁵⁷

In this framework, carrots and sticks should be judiciously used, that is to say skilfully balanced. Pressure equally applied on all sides is unlikely to create a positive dynamic. Yet, the most targeted party should still perceive benefits from the peace process (otherwise, it may simply hump its back and wait for better times); conversely, the least targeted party should not be induced to feel overconfident and to radicalize its demands. In other words, push and pull factors should be used to move the parties forward.

Appointed by the United Nations, a regional organization or a regional power, a chief mediator in charge of conducting the negotiations should both ensure harmonization among co-facilitators and benefit from their unconditional (political and financial) support. Proceeding with the negotiations then requires careful preparation.

Recommendation 9: Linking Substance and Representation

At this stage, the mediator’s two major tasks are to reach agreement on participation (ideally, the composition of the delegations should be determined well in advance) and to outline the structure of

⁵⁶ While NGOs have a mixed record in brokering peace accords, they may usefully complement nation-wide efforts by mediating between breakaway groups (as the New Sudan Council of Churches has tried to reconcile southern factions) and by promoting implementation in the field of peace agreements often signed in remote capitals.

⁵⁷ The best example of co-facilitation is given by the Sudan Peace Process with the US, UK, Norway and Italy (actively) involved as ‘observer countries’, IGAD providing regional auspices to the talks, and Kenyan Lieutenant-General Lazarus Sumbeiywo acting as chief mediator. A greater effort might have nonetheless been made to link this mediation structure to reconciliation initiatives by the Sudanese Churches at the local level.

the discussion (in the best case, preliminary views would have been exchanged on the most sensitive issues before the official opening of the talks). Representation and substantive issues are in fact more closely linked than it may appear; but solving them may require a differentiated response.

In a conflict of government, the parties are likely to pay special attention to the composition of the delegations among which power positions will be distributed. Similarly, the peace talks are likely to be reduced to a bargaining forum. However, they should also herald the beginning of a new era and mark the launch of the rebuilding process of the failed state. Since a national conference restricted to obscure and non-representative armed groups would make little sense, and since warlords seldom have the vision required to lay the foundations of the new state, it may be a valid option to open participation to non-armed groups – be they civil society organizations (CSOs) or political parties. Such a move would increase representativeness, reduce the weight of weapon-holders on the peace process and possibly – provided CSOs would prioritize policies over positions – improve the quality of the output. However, support and guidance may have to be granted to these non-armed groups so that they may actually play a constructive role and do not, for instance, ultimately align themselves with warring factions (as finally happened during the Inter-Congolese Dialogue).

In a conflict of governance, the parties are likely to focus on the set-up of the agenda: the topics selected, the way they relate to each other, and the schedule according to which issues will be discussed. Equally important from this perspective is the format of the negotiations, which may be held alternatively in plenary sessions or in dedicated sub-groups. How these organizational questions are solved may undoubtedly contribute to shaping the final outcome. However, the focus on content should not overlook issues of representation. Here too, the state may have to be rebuilt or re-thought and this will eventually require broad support. In addition, the fate of certain groups may be decided without their explicit consent at the negotiation table – think for instance of militias used as supply forces during the war and called to be disarmed and disbanded in peacetime (the GoS-affiliated South Sudan Defence Forces). In order to anticipate possible spoiling behaviour, ways should be found to associate to the peace efforts, if not officially at least informally, potentially disgruntled groups of this kind. This applies as well to interested neighbouring states, whose support for the peace process might be decisive and which may therefore be associated to the peace efforts by granting them an observer status.

In the end the challenge in both cases is to adequately balance representation and substance so that the final agreement is both broadly-supported (though not necessarily ‘all-inclusive’) and far-reaching (though not necessarily ‘comprehensive’). In the latter respect, a further difficulty is to find a compromise between short-term demands and long-term requirements, i.e. ending the war without jeopardizing peace-building.

4. Sharing Power for Building Peace

Ultimately, the negotiated settlement is likely to focus on modalities of sharing power among the main contestants. Depending on the context, however, the notion of power sharing may greatly differ in meaning and scope. In the narrow sense, it refers to a political deal by which the main conflict protagonists agree to join a post-conflict ‘national unity’ government. This ‘elite pact’ is expected to mark the end of the violent contest for power and to allow normal politics to resume. In a broader sense, power sharing refers to various arrangements, institutions and practices agreed upon in a (ethnically) divided society to ensure each group’s protection, welfare and participation in public life.

These two meanings reflect the magnitude of the warring parties' political agenda, mirroring thereby the genesis of the war and the distinction as explained above between conflicts of government and conflicts of governance.

While power sharing may serve as a possible solution, it entails potential perils in both cases. First is the peril of democratization: the very idea of sharing power may be vigorously rejected by ruling/extremist leaders who may therefore resort to any means to disrupt the process. Strategic options were outlined in section III of this report with the aim of managing this spoiler problem throughout the peacemaking phase. Then is the peril of consolidation: the warring parties no longer pit against each other but have found a *modus vivendi* that appears to preclude progress; satisfied with or afraid to loose what they have acquired, they hang on to their (power) positions whereas the wider interests of peace and the nation would require moving beyond the letter of the peace accord. Thus, while the peace agreement should primarily address the parties' concerns, peacemakers should also be vigilant that peace provisions do not hamper peace/state-building. This dilemma and possible solutions are further examined per conflict-type thereafter.

Recommendation 10: Managing Electoral Deadlines

The formation of a 'national unity government' composed primarily of warlords may be the price to pay to end the war. Yet, in the long run, it may prove a disservice to peace if non-qualified/non-reliable leaders are given the opportunity to entrench themselves in power positions and to impede the rebuilding of strong and democratic institutions. In order to avoid such a scenario, a transition period should be foreseen, with a view to facilitating the required political changes and adjustments. In that respect, the timing of the first post-conflict elections may be of the utmost importance. When should elections best be held in order to avoid that the peace-building process is kept hostage by the warlords? There are two main views in competition, which differ less on the desired outcome (sidelining non-reliable leaders) than on the method.⁵⁸

Proponents of early elections regard them as an instrument for change. Current appointees being untrustworthy partners, they should be replaced as soon as possible, not given the time and opportunity to benefit from the transition, e.g. by using donor assistance to secure their positions and re-create patronage networks. The electoral process, it is further argued, will anyhow compel leaders essentially driven by self-interest to greater accountability. Hence, elections should be held at an early stage in order to renew the elite and/or make leaders more responsible.

Proponents of late elections argue, on the contrary, that key conditions should be met beforehand, e.g. the disarmament process of all armed groups should be completed; government authority should be re-established throughout the territory; transparent and consensual electoral legislation should be adopted; civil rights and political liberties should be guaranteed again. If these conditions are not created, there is a considerable risk that former war leaders/profiteers grab hold of the electoral process and/or that some factions dissatisfied with the election results re-start hostilities.

This dilemma demonstrates that peace negotiators should carefully weigh the consequences of setting electoral deadlines in peace agreements. In the end, the question when to hold elections is essentially political. Assuming the international community aims at reunifying the country and moving

⁵⁸ See the author's contribution on 'MONUC and the Challenges of Peace Implementation in the DRC' in Mark Malan and João Gomes Porto (eds.), *Challenges of Peace Implementation. The UN Mission in the Democratic Republic of the Congo*, Institute for Security Studies, Pretoria, 2004, pp. 255-268.

the process forward, the best timing is a function of two parameters: the electoral outcome preferred by international actors and the level of popular support enjoyed by the various protagonists. Elections should rather be held at an early stage if it appears that obstructionist leaders in power have little support and (should the voters' will not be constrained) might therefore be marginalized through the ballot box.⁵⁹ In the opposite case, elections should rather be postponed until the political environment has improved, i.e. obstructionist leaders' grip on power and the voters has diminished, and the voters are less prone to extremes owing to better security and socio-economic conditions. This is a challenging situation that requires strong commitment from international actors in order to improve the overall context and begin building democratic institutions despite the ruling parties' lack of cooperation. In any case, managing the transition period involves making political decisions based on a political-needs assessment.

Recommendation 11: Conciliating Unity and Diversity

The election dilemma as exposed above is not limited to countries that have experienced a conflict of government but may arise in any post-conflict state ruled (temporarily) by peace spoilers or obstructionist leaders. In a country torn by a conflict of governance, however, the most acute question is to find out how to share power among groups (rather than warlords) without endangering state-building or, to put it differently, how to accommodate diversity within unity. Peace negotiations are likely to centre on this problematique. Here again, two main theoretical approaches should be referred to.⁶⁰

On the one hand, the 'consociational' approach (Arend Lijphart) poses that making peace in divided societies entails granting (minority) groups guarantees and safeguards to protect their interests (e.g. the right to veto pieces of legislation). It relies on accommodation among leaders to organize group coexistence. On the other hand, the 'integrative' approach (Donald Horowitz) assumes that groups may actually live together (rather than side-by-side) provided minorities can weigh on decision-making and leaders are induced to moderation. Therefore, it focuses on creating incentives for inter-group co-operation, building common institutions and enhancing joint decision-making processes.

Needless to say, there is no best approach to promote peace and unity. Both have their downsides, which appear more or less clearly according to the context. The consociational approach might create more problems than bring solutions if it leads to reifying or reinforcing divisions along ethnic/identity lines. Since it relies on elite accommodation, it might generate gridlock in decision making (if elites are not cooperative enough) or lead to acceding to extreme positions (in order to secure hardliners' support). On the other hand, the integrative approach may simply not work in a country where identity fault lines are deep-seated and minorities demand stronger guarantees.

Furthermore, it often appears that in the same conflict the parties' positions reflect each of these two schools of thought respectively.⁶¹ Usually, the minority/rebel demands are consistent with the consociational model while the government's position is in line with the integrative approach. Each

⁵⁹ It should be noted that the conflict-resolution strategy outlined above aimed at avoiding this scenario of obscure/illegitimate leaders being propelled to power positions through peace negotiations.

⁶⁰ For more on these two approaches and their relevance to peacemaking, see Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*, United States Institute of Peace, Washington D.C., 1996, 143p.

⁶¹ This is striking in the case of Sudan. See the author's back-to-office report on *Donors' Differences and Dilemmas on Sudan. Findings from Fieldwork in Nairobi, Kenya*, Clingendael Institute, November 2003.

following their own logic, both sides further claim to promote unity. The rebels contend that unity will best be served if it is made attractive to marginalized groups, i.e. if the latter are guaranteed that they will never again be subjugated but be empowered to govern at the local and national level and be offered equal socio-economic opportunities. For the Government, making unity attractive to one group should not be done at the expense of any other nor of the country at large; unity cannot be fostered by creating two (or more) separate systems within one country, let alone by encouraging secessionist tendencies, but should be promoted by strengthening nation-wide institutions, which are by their very nature susceptible of bridging gaps and linking people. These conflicting approaches being reflected in the parties' respective rhetoric, none can be said more advisable than the other, neither in general terms nor in context. In fact, the academic debate on integrative *vs.* consociational theories helps to understand the parties' viewpoint, but does not provide indication as to the way forward. Mediators will most likely have to conciliate them in order to meet particular demands while enabling the state to continue functioning as one entity.

Finally, it should be stressed that, especially given the impact of war on group perceptions, choosing the 'right' approach is also a question of time. The consociational model may thus be relevant at an early stage given the confidence gap between the parties, the need to find a compromise between radically opposed views, and minority groups' demand for guarantees. But the integrative blueprint may prove more appropriate and feasible at a later stage when a minimum of confidence has been built, constituents' pressure on the parties has diminished, and the potential benefits of increased co-operation appear more clearly. In that respect, while the peace agreement will have to be fully implemented and should include enforcement mechanisms, peace negotiators should keep in mind that some room for interpretation and adjustment may prove useful in the future.

Recommendation 12: Rethinking Self-Determination and State Sovereignty

Most peace processes are promoted with the objective of rebuilding the state that has fallen apart. However, if post-conflict reconstruction merely consists of re-creating what existed prior to the state's collapse, this may ultimately lead to the very same result: another failure. Therefore, post-conflict state-building should aim, first and foremost, at building a new, different state, a state at least devoid of the patterns of bad governance that caused the previous one to fail. Otherwise, the unity of the state may be restored at the expense of justice, and may not foster peace in the long run.

This report does not support the view that certain states - especially the 'big' ones, such as the DRC, that have seemingly never properly functioned - are bound (or born) to fail and that therefore the international community's perseverance to re-build them would be irrelevant. On the contrary, it is argued here that, particularly in the case of states that have experienced a conflict of government, it would be a disservice to peace and to the wider population to show any form of reluctance towards reunifying a country carved up into fiefdoms by unscrupulous warlords and war profiteers. External actors should rather focus on establishing an effective (and different) system of governance - which may have to include a high level of decentralization to cope with geographical constraints - and should avoid casting doubt on issues like the unity of the state or its borders that were not even raised by the conflict parties themselves.

This being said, this report does argue that the international community's insistence on respect for the territorial integrity of states may at times be misplaced, notably when the unity of the state is achieved to the detriment of part of its population. And yet, the case against partition (or secession) is

a classical one: partition is said to challenge international norms pertinent to the status of international borders (although international law prohibits *forceful* but not mutually agreed border changes); partition is seen as endorsing the idea that multi-ethnic states are prone to conflict or failure, whereas violence is rooted in exclusive governance, not in multi-ethnicity; partition would reward absolute territorial ambitions of extremist leaders and ‘ethnic cleaners’ and forever deprive expelled populations from the right to return home; finally, by creating almost inevitably new minorities, partition does not provide a durable solution, while conflicts may actually be solved within existing borders through adequate power-sharing arrangements. As compelling these arguments may be, does it mean that minority or marginalized groups should always remain under the jurisdiction of the state they belong to, even when this ‘belonging’ amounts to subjugation? Does it mean that the state has unlimited powers, including the right to life and death, over every group among its population? Does it mean that state sovereignty is absolute, exclusive, and unconditional? At present, the prevailing conception of the right to self-determination - which restricts its application to (colonized) ‘people’ as opposed to ‘groups’ or ‘minorities’ - leads to answering these questions affirmatively.

This report argues that claims to self-determination should not be discarded on the ground of fairly elusive semantic distinctions but, consistently with the guidelines outlined above, should be examined according to political criteria pertaining on the one hand to the substantive basis of the claim, and on the other hand to the conduct of the war. First, a group of population claiming the right to self-determination should be supported if it appears indisputable that, on the basis of its distinctive identity, this group is subject to systematic discrimination, oppression and exclusionary policies by the central government.⁶² In other words, the sovereignty of the state should no longer be considered as unconditional, but should entail an obligation for the government to respect and integrate all groups constituting the society; otherwise, discriminated groups would be justified to seek self-determination, including secession from the state concerned.⁶³ This political conception of self-determination would therefore be consistent with the emerging notion that the state has a primary responsibility to protect its population, but should it fail, the international community would be entitled to take over and intervene. Secondly, examining the admissibility of claims to self-determination should include considering the ways and means resorted to by the belligerent parties to promote or oppose this potential outcome on the battlefield. Thus, employing deliberate and brutal force against civilian populations may substantiate the right to self-determination when the claimant group is targeted, but should be seen as disqualifying when the claimants are themselves responsible for these crimes. There is a risk of manipulation that justifies making thorough political assessment and undertaking field investigations.

These political criteria would be relevant in two main respects. First, they would clarify the rules pertaining to self-determination (and by implication the debate over partition) in a manner consistent with justice. As an illustration, the partition of Bosnia and Herzegovina was not acceptable because it would have amounted to granting the right to self-determination to the Serbian population, which was not discriminated against nor oppressed by the Bosnian State at the time the claim was put forward,

⁶² This contention was developed in the author’s Ph.D. dissertation on multilateral conflict prevention in the Balkans (1991-2001), accessible on line at: http://www.unige.ch/cyberdocuments/theses2001/RogierE/these_body.html

⁶³ This logic was inherent in the IGAD Declaration of Principles of 1994 which posed that unless the Sudan was transformed in a secular and democratic state guaranteeing complete political and social equalities of all peoples and appropriate and fair sharing of wealth, the people of South Sudan should have the option to determine their future, including independence, through a referendum.

and whose political and military leaders themselves subjugated and assaulted other non-Serb communities of the country. By contrast, the Sudanese southerners would be entitled to self-determination, up to partitioning the country, because they have historically been excluded and oppressed by the Arab-dominated elite, and because brutal war tactics have been disproportionately (albeit not exclusively) employed by the Government of Sudan against southern populations. Hence, these guidelines would lead to condemning, not rewarding the deliberate killings of civilians, and supporting the oppressed rather than satisfying the oppressor.⁶⁴

Furthermore, these political criteria are believed to serve the interests of peace by promoting inclusive governance and providing third-party actors with the required leverage to do so. The idea is actually *not* to encourage separatism and foster further state fragmentation. Far from it, it is to build viable states by inducing governments to establish representative institutions, promote participatory politics, and adopt fair redistribution policies in order to prevent, respond to, and ultimately reduce separatist tendencies. Governments may be further induced to do so, if they are made aware of the potential consequences of failure and reminded of emerging conceptions of state sovereignty and self-determination. This requires in turn from third parties and donor governments to show themselves both clear-minded and determined to promote peace with justice. This report was intended to contribute to creating such a mindset.

⁶⁴ Bearing in mind the roles might alternate over time, the groups claiming or being granted the right to self-determination should be committed themselves to the same criteria.

Conclusion

This report has argued that Western countries do have a role to play in resolving seemingly intractable conflicts in Africa and can actually make a difference. In fact, experience has shown that international involvement is not only desirable but often provides the only way of getting some countries out of the logic of war in which they sink. Assuming that devising the way might further help mobilizing the will, this report has outlined ways and means for improved conflict-management and resolution policies. In particular, the need for greater coherence, consistency and commitment from the part of Western states has been emphasized.

However, past failures were not solely rooted in insufficient international dedication. This research has also found out that a number of (re)current assumptions in the field of conflict resolution may not serve as appropriate policy guidelines and may even prove potentially misleading when dealing specifically with intractable conflicts. By implication, new ‘rules of engagement’ have been proposed - pertaining to participation issues, the problem of the root causes, the question of timing, the notion of impartiality, the resort to coercive means and the role of regional organizations – which altogether may set the stage for a more ‘hands-on’ policy.

Out of the belief that armed conflicts are primarily political, this report has then tried to consolidate these principles into a strategic framework linking actors and policies. A matrix has been developed on the basis of four key criteria (political agenda, conduct of war, domestic legitimacy, and spoiling capacity) to help outsiders diagnose and manage warring parties and potential spoilers. This matrix was also intended to demonstrate how peace and justice should and could actually be conciliated in an effective conflict-resolution strategy. Finally, with a view to foster implementation of these strategic guidelines, four clusters of policy recommendations have been designed to improve the context, process and outcome of peace negotiations. These recommendations focus successively on the regional linkages, the political economy of conflicts, the negotiation requirements, and the peace provisions.

Expectedly, the ‘hands-on’ approach advocated in this report will be criticized for being unrealistic, if not idealistic. Most likely, it will be argued that peacemakers will always be prone to prioritize the immediate goal of brokering a deal at any price over the requirements for creating the conditions of a just peace. However, less than a decade ago, the establishment of a permanent international criminal court to punish the gravest international crimes was also seen as an academic’s dream. Three important lessons may therefore be drawn from the creation of the ICC: first, never say never - fundamental changes sometimes occur more quickly than expected; secondly, the fight against impunity has become an internationally-recognized priority; thirdly, whether they like it or nor, peacemakers will have to take account of this pressing demand for justice and learn to live with the ICC. Rather than setting unrealistic goals, this report was therefore merely intended to anticipate emerging realities.

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