

Challenges to peacebuilding

Challenges to peacebuilding: Managing spoilers during conflict resolution

Edited by Edward Newman and Oliver Richmond



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List of acronyms

AKEL	Progressive Party of the Working People (Cyprus)
AKP	Justice and Development Party (Turkey)
ANIA	Americans for a New Irish Agenda
ASALA	Armenian Secret Army for the Liberation of Armenia
AUC	Autodefensas Unidas de Colombia
BiH	Bosnia and Herzegovina
CHP	Republican People's Party (Turkey)
CIRA	Continuity IRA (Northern Ireland)
CIS	Commonwealth of Independent States
CRS	Socialist Renovation Movement (Colombia)
CSO	civil society organization
CTP	Republican Turkish Party (Cyprus)
DA	demilitarized area
DIKO	Democratic Party (Cyprus)
DISY	Democratic Rally (Cyprus)
DP	Democratic Party (Cyprus)
DPA	Dayton Peace Agreement
DRC	Democratic Republic of the Congo
DUP	Democratic Unionist Party (Northern Ireland)
ECHR	European Court of Human Rights
EDEK/KISOS	Social Democrats Movement/United Democratic Union of Cyprus
EDI	United Democrats Movement (Cyprus)
EE	Euskadiko Ezkerra – Basque Left (Spain)
ELN	National Liberation Army (Colombia)
EOKA	National Organization of Cypriot Fighters

EPL	Popular Liberation Army (Colombia)
ERC	Esquerra Republicana de Catalunya (Spain)
ETA	Euskadi Ta Askatasuna – Basque Homeland and Freedom (Spain)
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
FSB	Federal Security Service (Russia)
GO	governmental organization
HB	Herri Batasuna – Popular Unity (Spain)
HDZ BiH	Democratic Union of Bosnia-Herzegovina
HRHB	Croatian Republic of Herzeg Bosna
HVIDRA	Association of Croatian Military Invalids of the Homeland War (Bosnia and Herzegovina)
HVO	Croatian Defence Council (Bosnia and Herzegovina)
HZHB	Croatian Community of Herzeg-Bosna
ICTY	International Criminal Tribunal for Former Yugoslavia
IDF	Israeli Defence Forces
IDP	internally displaced people
IGO	intergovernmental organization
INGO	international non-governmental organization
IO	international organization
IP	Initiative for the Peace (Colombia)
IR	international relations
IRA	Irish Republican Army
ISI	Inter Services Intelligence (Pakistan)
IU	Izquierda Unida (Spain)
JCAG	Justice Commando for the Armenian Genocide
JKLF	Jammu and Kashmir Liberation Front
KAS	Koordinadora Abertzale Sozialista – Patriotic Socialist Coordinating Council (Spain)
LoC	line-of-control
LTTE	Liberation Tigers of Tamil Eelam (Sri Lanka)
LVF	Loyalist Volunteer Force (Northern Ireland)
M-19	Movimiento 19 de Abril (Colombia)
MAQL	Armed Movement Quintín Lame (Colombia)
MPLA	Popular Movement for the Liberation of Angola
NATO	North Atlantic Treaty Organization
NCA	National Constituent Assembly (Colombia)
NF	National Front (Colombia)
NGO	non-governmental organization
NIS	newly independent state
OECD	Organization for Economic Cooperation and Development
OHR	Office of the High Representative (Bosnia and Herzegovina)
OSCE	Organization for Security and Cooperation in Europe
PA	Palestinian Authority
PA	People’s Alliance (Sri Lanka)

PASOK	Panhellenic Socialist Movement
PC	Plan Colombia
PFLP	Popular Front for the Liberation of Palestine
PLO	Palestine Liberation Organization
PNV	Partido Nacionalista Vasco – Basque Nationalist Party (Spain)
PP	Partido Popular – Popular Party (Spain)
PRT	Workers’ Revolutionary Party (Colombia)
PSOE	Socialist Party (Spain)
RCD-Goma	Rassemblement Congolais pour la Démocratie-Goma
RIRA	Real IRA (Northern Ireland)
RoC	Republic of Cyprus
RS	Republika Srpska
RUC	Royal Ulster Constabulary
RUF	Revolutionary United Front (Sierra Leone)
SDA	Party of Democratic Action (Bosnia and Herzegovina)
SDS	Serb Democratic Party (Bosnia and Herzegovina)
SFOR	Stabilization Force (Bosnia and Herzegovina)
SFRY	Socialist Federal Republic of Yugoslavia
TKP	Communal Liberation Party (Cyprus)
TRNC	Turkish Republic of Northern Cyprus
UBP	National Unity Party (Cyprus)
UÇK	Kosovo Liberation Front
UDA	Ulster Defence Association
UDI	unilateral declaration of independence
UDIVIDRA	Association of Volunteers and Veterans of Homeland War (Bosnia and Herzegovina)
UDR	Ulster Defence Regiment
UNHCHR	UN High Commissioner on Human Rights
UNHCR	UN High Commissioner for Refugees
UNITA	National Union for Total Independence of Angola
UNMIK	UN Mission in Kosovo
UNOMIG	UN Observer Mission in Georgia
UNP	United National Party (Sri Lanka)
UNPROFOR	UN Protection Force (Bosnia and Herzegovina)
UP	Unión Patriótica (Colombia)
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

Introduction

Obstacles to peace processes: Understanding spoiling

Edward Newman and Oliver Richmond

Our record of success in mediating and implementing peace agreements is sadly blemished by some devastating failures. Indeed, several of the most violent and tragic episodes of the 1990s occurred after the negotiation of peace agreements . . . Roughly half of all countries that emerge from war lapse back into violence within five years. These two points drive home the message: if we are going to prevent conflict we must ensure that peace agreements are implemented in a sustained and sustainable manner.¹

Many cease-fires and peace agreements in civil wars are initially unsuccessful and give way to renewed, and often escalated, violence. Progress is often incremental, in some cases spanning decades. Many peace processes become interminably protracted: lengthy and circular negotiations in which concessions are rare, and even if fragile agreements are reached they stumble at the implementation phase. Given the huge material and human costs of a failed peace process, the consolidation of peace processes and dealing with threats to implementation are crucial areas of scholarship and policy analysis. This volume explores the factors that obstruct conflict settlement by focusing on the phenomena of “spoilers” and “spoiling”: groups and tactics that actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for a variety of motives. The context within which such groups are examined in this volume is one of “civil armed conflict” where some form of peace process is under way and where at least one of the parties to the conflict is either engaged in or committed to a peace process.

Notions of the success and failure of conflict management and resolution

have shifted in recent years in order to account for lengthy peace processes in which there emerges a negotiating culture but little indication of the final disembarkation point of an overall solution. Though there have been some remarkable successes in peacemaking since the end of the Cold War, it has become apparent that traditional thinking about the conduct and outcomes of peace processes may be in question. Indeed, there have been some notable failures, and even where peace processes seem to have come to fruition – in the Middle East and Northern Ireland, for example – it soon becomes evident that reaching an agreement is far from enough if implementation proves to be problematic. At the same time, we increasingly understand the complex underlying causes of conflict and its perpetuation, and this has brought with it a pervasive understanding – at least in the West – about what a peace process should “look like”. Indeed, a liberal peace and its different incarnations are now generally agreed to be the objective of peace processes.² This means that any outcome should ostensibly be democratic, incorporate free and globalized markets, and aspire to human rights protection and the rule of law, justice, and economic development. It is in this context that the normative judgement contained in the terms “spoilers” and “spoiling” is often constructed. If disputants attempt to prevent a peace process attaining these objectives then they are, according to the prevailing mindset of the liberal peace, spoilers.

This volume examines this phenomenon both from a theoretical perspective and via a series of topical case studies. It builds upon important work which has been carried out on spoiling in peace processes and on so-called “devious objectives” on the part of disputants. The idea of devious objectives suggests that, contrary to standard analyses, an examination from the vantage point of the disputants provides significant insights into why peace processes may become protracted. From this perspective, we cannot assume that a compromise solution is the objective of the disputants involved in a conflict settlement process. Indeed, disputants may become involved in a settlement process in order to improve upon their prospects, but not necessarily by means of a compromise with their adversary. A settlement process carries with it a series of assets that the disputants may value. The disputants may therefore harbour devious objectives, unrelated to the attainment of a compromise solution, which might include motives such as achieving time to regroup and reorganize; internationalizing the conflict; profiting materially from ongoing conflict; legitimization of their negotiation positions and current status; face-saving; and avoiding costly concessions by prolonging the process itself. A starting point is therefore to identify what views, perceptions, or misperceptions the disputants have formed from their understanding of the conflict and all the actors involved.

This study builds upon the notable work which has already been carried out on spoilers in peace processes by looking at the spoiling of peace processes from a broader perspective; this includes actors not only within the conflict zone, and actions which are not necessarily expressed only as violence. Perhaps most importantly, it considers the normative context in which spoiling behaviour is identified and then conceptualized as the liberal peace, in which a mixture of coercion and persuasion is used to create “democratic” entities in which the rule of law, human rights, free markets, and development are evident. As we will see, the ideal of peace processes as a function of the liberal peace does not always converge with the reality on the ground. Moreover, the different components of the liberal peace are not necessarily co-terminal.

This is a relatively unexplored area. In the light of protracted and sometimes flawed peace processes which sometimes regress into renewed violence in a variety of cases spanning many years, and the ability of (often relatively small) groups to disrupt conflict settlement, it demands greater attention. This volume endeavours to achieve this through theoretical analysis and contributions from regional experts on specific peace processes.

The phenomenon of spoiling and its implications for peace processes

The definitions of spoilers and spoiling in this volume, and the types of groups and tactics considered in this context, are notably broader than those employed in most existing literature. Indeed, it is an express intention herein to problematize the concept of spoiling and relate spoiling to specific conflicts and environments, rather than view it as an abstract concept that can be applied in a generalized manner. This is not to suggest that it is impossible to generate propositions regarding spoiling which have general explanatory value. Indeed, this volume attempts to deepen understanding of the types and impact of spoiling, and strategies for addressing actors who obstruct peace processes. But the volume has an open mind in terms of which actors might be considered “spoilers” and what activities might be considered “spoiling”. As such, the volume argues that our approach to spoiling and spoilers cannot be delinked from normative considerations of conflicts or peace processes. In particular, we cannot necessarily assume that all peace processes are equitable or fair to all parties. Thus, the act of labelling a particular group as a “spoiler” may reflect a political agenda which is an extension of the conflict itself, or the interests of third parties. In addition, the volume acknowledges that

contemporary conflicts are complex, diverse in nature, and involve an array of actors, motives, and processes both within the conflict area and from outside. From such a perspective, traditional conceptualizations of peacebuilding, conflict settlement processes, and the role of disputants and third parties can seem rather limited.

This volume adopts a broad definition of spoiling behaviour. At the core of this are the activities of any actors who are opposed to peaceful settlement for whatever reason, from within or (usually) outside the peace process, and who use violence or other means to disrupt the process in pursuit of their aims. Parties that join a peace process but then withdraw and obstruct, or threaten to obstruct, the process may also be termed spoilers. Similarly, there are parties that are a part of the peace process but which are not seriously interested in making compromises or committing to a peaceful endgame. They may be using the peace process as a means of gaining recognition and legitimacy, gaining time, gaining material benefit, or avoiding sanctions, and thus can be described as having “devious objectives”. Finally, spoiling includes actors who are geographically external to the conflict but who support internal spoilers and spoiling tactics: ethnic or national diaspora groups, states, political allies, multinational corporations, or any others who might benefit from violent conflict or holding out. So-called civil or domestic conflicts are, in reality, often influenced or characterized by international processes, causes, and consequences. There is therefore no reason to confine this analysis of spoiling to a zone of armed conflict.

Starting propositions

The very notion of “spoilers” suggests a binary between those “for” and “against” conflict settlement, but most evidence shows that peace processes are not so simple. There is a capacity for spoiling in most actors at different phases of the process. Indeed, in some ways spoiling is part of peace processes, as much as conflict is a function of social and political change. What became very apparent during this research project, and in particular during a number of workshops held by the participants, was that there exists a major disagreement on the normative implications of the terms “spoilers” and “spoiling”, in particular when used as a noun rather than a verb. Some argued that spoilers are easily identifiable by their stance against a peace process, subtle or not. Others argued that the terms are subjective, depending to a large degree on the bias of third parties in particular, and therefore indicative of hegemony and power. This relates to the context of contemporary peace processes. Internation-

ally sponsored peace settlements in the contemporary international system generally tend to follow similar lines. They are all envisaged within the so-called liberal peace framework noted above, where settlements include constitutional agreements, demobilization, demilitarization, resettlement and return of refugees, democratization processes, human rights safeguards, the rule of law, and the free market. The emphasis on these different components may vary from settlement to settlement, but the overall liberal peace package underpins all international perspectives on settlement in conflict zones in which international organizations, regional organizations, donors, NGOs, and diplomats become involved. Many observers would argue that if we take this as a starting point it becomes relatively easy to identify spoiling behaviour when it is in opposition to the components of the liberal peace. Thus, any actor who obstructs this is seen as a “spoiler”.

However, the liberal peace is sometimes problematic. Democracy (at least polyarchy), human rights (especially in terms of civil and political rights), market values, globalization, self-determination, and the idea of the state are not necessarily universal values, nor appropriate in conflicted or divided societies. Moreover, the manner in which they are being promoted is, arguably, not even-handed and certainly loaded in favour of the market and the *status quo* rather than social justice. Therefore, peace processes themselves are not always equitable or “fair”. By labelling as spoilers every group which does not conform to such a peace process, we may be making a value judgement about the nature of that society and trying to apply “universal” values. Thus the concept of “spoiling” can be subjective, and alludes to broader normative debates about the “best” way to organize (post-conflict) societies.

What is clear is that all parties have the potential to be spoilers; the phenomenon is more an issue of tactics, not actors. The labelling of actors and activities as “spoilers” and “spoiling” may reflect subjective criteria of evaluation and “external” rationality and power. The concept of “spoilers” has negative connotations, but in asymmetrical disputes the basis of negotiations may sometimes be perceived as inequitable or unfair. In such situations, actions which may be construed as “spoiling” may appear legitimate (at least the objective, if not the tactics) according to an alternative rationality.

It is essential to approach the subject from an “inside-out” perspective. This requires a significant change in the analysis of peace processes and spoilers, which tends to assume that there is a commitment to a compromise, based on a rational calculation that a compromise peace is attainable and desirable. However, taking an inside-out view – trying to understand the dynamics of the conflict from the point of view of disputants

– might suggest that what an outsider sees as spoiling may be viewed by insiders as a legitimate attempt to shape a peace process or end it if it does not offer the potential for a satisfactory outcome in their eyes.

An important proviso is that it is wrong to assume that all – or even most – conflict situations can be resolved by accommodation or that a peace process is about finding consensus amongst parties that basically all seek peace. Some groups have clear incentives for the continuation of violent conflict, or for prolonging a negotiation process while they continue to manoeuvre to gain more military resources and more support, allies, and recognition.

This volume has as a core element the idea that “spoiling” is in many ways a subjective and potentially broad concept. This introduction gives a clear starting point for the definition of spoilers, but we still observe that the concept is inherently political and perhaps in certain circumstances even problematic. The authors have been given some freedom to interpret “spoiling” in this broad, subjective, and “critical” manner. Indeed, there was no desire to impose a uniform definition of “spoiling” or “spoilers”, because a component of the volume is to problematize the concepts. Inevitably, therefore, the use of the concept is not uniform in all cases. Some of the authors have taken a narrow and more conventional approach: for example, a recalcitrant militant group splits away from a political movement because the latter has signed on to a peace process which the splinter group does not support; the splinter group then uses violence in an attempt to undermine the peace process. Others have taken a broader and more controversial approach to the concept, including non-violent “spoiling” and “spoiling” by external actors. This, it is hoped, is part of the added value of the volume.

Key research questions

This volume aims to deepen understanding of the difficulties faced in establishing and consolidating peace processes by focusing upon those groups that seek to “spoil” efforts to resolve conflict. The early chapters in this volume take a thematic or theoretical approach in trying to extend the ideas of this introduction, whilst later chapters apply the framework to various case studies. All of the chapters share an interest in approaching contemporary conflict and conflict resolution from a “critical” perspective.

There are a number of research questions and themes that provide overarching guidance to the chapters in this volume. These include the following.

It is important to gain a clear understanding of the tactics, motivations, and funding of “spoilers” in order to understand what causes, motivates, and escalates spoiling. Considering spoiling across a variety of cases provides the possibility of demonstrating patterns in the dynamics of spoiling, which is important for furthering our understanding of impediments to peace processes, but also in providing policy-makers with a clearer understanding of how to respond to these impediments.

It is also important to have an operational understanding of what the difference is between “politics” in a peace process – such as, for example, the rational objection to terms and conditions that are perceived to be unduly detrimental to one’s cause or unfair – and “spoiling”. What is acceptable within a peace process, and what is unacceptable? How much “spoiling” (including violence) can a peace process absorb? The thematic and case study chapters offer several perspectives on this. Some analysts would argue that from within the broadly accepted liberal peace framework it becomes fairly easy to identify spoiling behaviour, while others would challenge the very nature of the liberal peace concept.

The recent events in Cyprus and in other cases indicate that spoiling may actually work in certain circumstances, and produce tangible gains. This raises the question as to whether spoiling is a normal part of a peace process. It is also necessary to ask whether it is possible to identify patterns in environmental variables (such as the nature of peace settlements, the role of external actors, the political economy of the conflict, disputes over natural resources, or the influence of significant diaspora groups) that give rise to the ability of spoilers to exert leverage. For example, in the context of diaspora support for the Tamil Tigers or for the IRA, or US support for Israel, it is obvious that this not only empowered actors to resist a peace settlement but also allowed them to adopt more ambitious goals than might otherwise be expected.

Clearly, there is a relationship between the nature of the conflict and the spoiler phenomenon. How far-reaching this is, and how the intensity of the conflict may affect the tendency towards spoiling, needs to be further examined. How do the nature and dynamics of the war have a bearing on the impact/nature of spoilers and spoiling? For example, if the conflict is characterized by a struggle over natural resources or illegal commercial activities, or a conflict over territorial secession or recognition, does this have a bearing upon the nature/dynamics of spoiling? In turn, if the motives of the protagonists are basically “greed” or basically “grievance”, does this have major implications for the nature and impact of spoiling, and the chances of defeating spoilers or bringing them into the process? This raises the question of which actors may have an interest

in the continuation of violent conflict – warlords and criminals, international commercial actors, private military services, or military bureaucracies, for example.

What is the relationship between the nature of third-party mediation in a peace process and the nature of spoiling? For example, what impact might the presence of multiple external parties and donors have in a peace process? Furthermore, do the tactics of spoiling demonstrate the exercise of asymmetry and asymmetrical power? This has at least two dimensions. Firstly, when a group with relatively weak power can exert a disproportionate amount of leverage or disruption (e.g. through the use of atrocities and terror), can peace processes “absorb” such tactics without failing? If so, how, and to what extent? How much violence can a peace process tolerate whilst still remaining viable? Secondly, asymmetry can be applied in terms of sovereignty, representation, and resources. Control of legal and political representation and resources – and reluctance to relinquish them – may be a key variable.

This also raises the question of how the presence of external “third-party” peace facilitators may condition the tactics and motives of spoiling. In what circumstances can third-party involvement both encourage and discourage spoiling? Does the number of external initiatives (i.e. multiple as opposed to one single initiative), and the level of coordination amongst external initiatives, have a bearing on the dynamics of spoilers and spoiling? Local actors/protagonists may have relationships with external actors, which can result in attempts to gain leverage. The momentum of major peace processes can play into the hands of “spoilers” or even encourage spoiling, as external third-party facilitators do not want their efforts to result in “failure”. Can this encourage concessions (and thus encouragement) to spoilers? Connected with this, does the internationalization of conflicts through the involvement of the United Nations and international tribunals condition the dynamics of “spoiling”?

Much of the above locates the spoiler phenomena in the context of conflicts with specific characteristics. Spoilers and spoiling tactics may be symptomatic of “contemporary conflict” and so-called “new wars”. The new wars thesis argues that contemporary civil wars are generally characterized by state failure and competition over resources and illegal gains, criminal warlords, and ethnic (but not necessarily ideological) rivalry; that civilian casualties and displacement have been dramatically increasing as a proportion of all casualties in conflict, and especially since the end of the Cold War; that civilians are increasingly targeted as an object of new wars; and that atrocities and ethnic homogenization are key hallmarks of contemporary conflict. Within these “new wars” it is quite possible that some actors have a vested interest in the continuation of armed

conflict. Added to these dynamics, it is also germane to consider what impact the terrorist attacks of 11 September 2001 and the “war on terror” have had upon the dynamics and functioning of “spoiling”, especially on the part of insurgents and other non-government protagonists. For example, we have seen many states clamping down upon funding and external support for “spoilors”, often through the coordination of multilateral agreements. External countries may now place greater pressure upon “spoilors” to fall into line, and governments may be tempted to label “spoilors” as “terrorists”, with all the implications which would follow from this.

Outline of the volume

The first part of this volume explores a range of issues relating to spoiling from a thematic perspective. Karin Aggestam’s chapter, “Internal and external dynamics of spoiling: A negotiation approach”, addresses the dynamics of spoiling as well as the wider notion of devious objects in peace negotiations. Her analysis, from a negotiation theory approach, confirms the ambiguous and sometimes problematic use of the concept of spoiling in peace processes. She suggests that spoiling should be viewed as “situated action” – that is, actors behaving according to situational rationality – and that it should be considered not only in relation to violent action, but also from an inside perspective of negotiation. “Spoiling” depends on the specific context of conflict as well as on the interplay between inside and outside actors of the peace process. It is also a value-laden concept. Actors tend to be diagnosed as either for or against a peace process. However, it is difficult to distinguish spoiling strategies from competitive negotiation strategies, and it is hard to draw a decisive line between intentional and consequential spoiling. Finally, the notion of spoiling tends to be viewed as a rather static phenomenon, whereas in practice it is highly dynamic as the actors’ goals may alter during a peace process. Aggestam suggests in closing that leadership and mobilization for a peace process, and the perception by the public that this process is just and inclusive, are critical prerequisites to limit the power of spoiling and extremist violence.

Marie-Joëlle Zahar’s contribution, “Understanding the violence of insiders: Loyalty, custodians of peace, and the sustainability of conflict settlement”, focuses on actors who are “inside” peace processes. It considers when and under what conditions insiders resort to violence, and how foreign custodians of peace can respond to this. She argues that insiders will only resort to violence if and when the reasons that drove them to accept peace are no more. While some of these reasons are

context-specific (availability of resources to restart the war, such as a regional war economy and external patrons), others are process-specific. In other words, the course of peace implementation can generate dissatisfaction among insiders. In order to secure the sustainability of peace, custodians must not only “neutralize” the environment in such a way as to prevent actors from accessing resources that could reignite war, they must also steer peace in such a way as to consolidate insider loyalty to the process. Thus, Zahar suggests that, contrary to common wisdom, peace implementation is not a technical matter. It is a highly political act that may, under some conditions, contribute to the promotion of devious objectives that jeopardize the sustainability of peace.

Traditional approaches to peace processes have tended towards an omniscient, impartial, external perspective of a specific conflict, and have tended to assume that a compromise solution is the objective of all parties concerned. They assume that the introduction of a peace process and a third party into a conflict automatically modifies the negotiating positions of the disputants. No longer are they aiming for victory on the battlefield or through various other forms of violence, but for a compromise around a negotiating table. Oliver Richmond challenges this thinking in his chapter, “The linkage between devious objectives and spoiling behaviour in peace processes”. His starting point is that compromise solutions to conflicts and wars are not necessarily viewed by disputants as the optimum rational outcome of a peace process. Consequently, spoiling behaviour towards a peace process represents a form of rejection of some aspect of that process by some groups and their constituencies. Yet paradoxically, disputants often realize that a peace process is still valuable to them, even if they do not agree with the sort of compromise agreement being suggested by third parties. Disputants therefore hold “devious objectives” not necessarily related to a liberal peace compromise, which is assumed to be the most desirable outcome of a peace process. Richmond’s chapter argues that spoiling behaviour and devious objectives indicate that disputants may not have accepted aspects of the liberal peace as the basis for their desired solution. Devious objectives may indicate that they value a peace process for certain resources it may provide, but do not envisage the sort of outcome the international community or third parties desire. Richmond’s conclusions describe how understanding the phenomenon of devious objectives indicates the likelihood of spoiling behaviour of all types emerging in a peace process.

When spoiling involves the use of violence against civilians for political purposes – for example to influence or disrupt a peace process – the debate turns to terrorism. Ekaterina Stepanova’s chapter explores “Terrorism as a tactic of spoilers in peace processes”. She notes that one of the objectives of the peace process is to end fighting, but violence almost

never comes to a halt with the initiation of negotiations and often continues during peace implementation. In practice, declaring a cease-fire may help negotiations to get started, but cease-fires are neither necessary prerequisites for negotiations nor are they easily sustainable, particularly during the earlier stages of negotiations. Violence is not antithetical or alien to peace processes – it accompanies peace processes. Indeed, violence tends to increase either before or immediately following the key events in negotiations, such as the signing of a peace agreement. A period immediately after the signing of a peace agreement is one of the most risky stages of the peace process, when the scale and intensity of violent incidents can temporarily increase.

The effects of this on negotiations and peace implementation are multiple and diverse. The most obvious impact of violence is that of destabilizing (spoiling) negotiations or peace implementation that may threaten a relapse into war or at least stall the peace process. While this is certainly the most common scenario, it is not the only one. At times violence, on the contrary, seems to push the parties into negotiation, bringing the peace process forward and serving as a catalyst for it. Also, while in some cases acts of violence can discourage external actors and mediators from getting involved, in other cases violence may actually raise the profile of a conflict and the conflict management effort, raise the level of external interest in the conflict, and encourage external actors to intervene more actively in the process. Sustained or high-profile acts of terrorism should not be allowed to impede the peace process. At the same time, according to Stepanova, rigid counterterrorist measures, if undertaken separately from the peace process, are almost as likely to obstruct the peace process as terrorist acts by spoilers. Ironically, counterterrorist campaigns, while not particularly successful as specific anti-terrorist tools, can be very efficient in undermining whatever confidence-building efforts had been in place (as most vividly demonstrated in the course of the Israeli-Palestinian conflict). Thus, counterterrorism in the context of peace processes must be approached in terms of its wider implications and effects.

Yossi Shain and Ravinatha P. Aryasinha's chapter, "Spoilers or catalysts? The role of diasporas in peace processes", examines the role and significance of diaspora groups as potential and actual spoilers. Their chapter considers which types of conflicts/peace processes are vulnerable to spoiling due to diaspora influence; what is at stake for diasporas in such conflicts/peace processes; what determines a diaspora's capacity to influence conflicts/peace processes; what modalities are used by diasporas in influencing conflicts/peace processes; and what is the nature of the relationship between diasporas and conflict.

The relationship between the nature and sources of armed conflict and

spoiling is a challenging topic. Do the nature and dynamics of a particular conflict have a bearing upon the impact and nature of spoiling? Edward Newman's chapter, "New wars' and spoilers", considers if certain types of contemporary conflict – especially types of civil wars – give rise to spoiling by actors who have little interest in peace because they find incentives in the continuation of violence, public disorder, and the political economy of war. The protagonists in such conflicts – sometimes described as "new wars" – exploit the political economy of conflict for material gain, and only a peace process which holds significant material gains would be acceptable. The chapter thus considers the relevance of "new wars" literature for the spoiling phenomenon in contemporary civil wars, and whether prevailing types of conflict may defy conventional conflict resolution approaches.

The second part of this volume explores these issues and propositions with reference to a number of case studies. To give authenticity to these accounts the case studies are mostly presented by analysts from the regions in question, providing insights which can only come from local perspectives. Roger Mac Ginty begins with "Northern Ireland: A peace process thwarted by accidental spoiling". He argues that the Northern Ireland peace process was constructed with spoilers in mind after political peace initiatives ended in failure between 1972 and 1993. Various factors accounted for these failures, but the initiatives all shared the common trait of excluding powerful veto holders. Rather than excluding groups and constituencies prepared to make and capable of making any new political solution unworkable, the peace process of the 1990s deliberately sought to include veto holders. As a result, opportunities for spoilers were drastically reduced. Mac Ginty suggests that this makes the case particularly interesting, as Northern Ireland may be in a position to offer lessons to other peacemaking processes on structural and procedural factors that limited spoiling. In addition, spoiling behaviour in Northern Ireland often adopted subtle forms, thus raising questions on the conceptual boundaries of spoilers and spoiling behaviour.

Mac Ginty argues that spoilers, in the sense of violent actors deliberately seeking to thwart a peacemaking process, have had a limited impact on the Northern Ireland peace process. Spoilers failed to mount and sustain large-scale violent campaigns, failed to attract widespread community support, and ultimately failed to prevent the reaching of a major peace accord. Post-accord problems owed little to the deliberate strategies of violent spoilers. Three spoiler-limiting factors were at work to account for this. First, the inclusive peace process strategy adopted by the British and Irish governments meant that the main actors capable of using political violence were involved in the peace process, at least in the crucial phase of negotiations. Second was the development of penalties

for the use of violence. The third factor limiting spoiling in the Northern Ireland peace process was environmental. Many of the elements present in other conflict societies that facilitated spoiling – such as natural resources – were absent in Northern Ireland. Crucial here was the absence of external spoilers (or sponsors of spoilers), and the absence of portable marketable goods such as diamonds. Finally, Mac Ginty elaborates on a number of conclusions: spoiling can be both violent and non-violent; spoiling can be intentional and unintentional; spoiling will vary in nature at different stages of a peace process; intentional spoiling is often sophisticated in its choice of targets; attention given to violent veto holders can have a negative impact on the quality of any peace resulting from a peace process; and finally, the greed thesis is unlikely to offer a stand-alone explanation of spoiling.

The second case is also from Europe. Daniele Conversi's chapter is on "Why do peace processes collapse? The Basque conflict and the three-spoilers perspective". He considers the rise and fall of peace initiatives in the Basque country, identifying a "culture of violence" that has materialized over years of conflict. He also explores the effects (which he argues are overwhelmingly negative) of the external context. The US-led "war on terror" since 2001 has disrupted the Basque peace process and radicalized nationalist politics throughout Spain. Conversi develops a "three-spoilers perspective" with reference to the Basque conflict. In this he argues that the emergence of potential spoilers should be identified at three interconnected levels: at the local level, with the persistence of a "culture of violence"; at the state level, with the central government officially adopting a non-negotiating, no-compromising posture; and, since 9/11, at the international level, with the intrusion of US foreign policy. At the local level, Conversi emphasizes a culture of violence from which grassroots spoilers tend naturally to emerge. However, he argues that the international context inspired by the war on terror is fundamentally important to understanding spoiling.

This volume expressly takes a broad view of spoiling in terms of actors and activities. Vesna Bojicic-Dzelilovic's chapter, "Peace on whose terms? War veterans' associations in Bosnia and Herzegovina", takes such a view. Her chapter focuses on war veterans' associations as one particular type of non-state actor engaged in undermining a peace settlement in the specific context of Bosnia. For a number of reasons this case provides different insights into the issue of spoiling in contemporary conflicts, and the complex strategies needed to pacify them. Her chapter starts with a brief analysis of the political and economic goals behind the 1992–1995 war, focusing on Bosnian Croat self-rule as a political project and goal of the spoiling pursued by Bosnian Croat war veterans' associations. She then reflects on the terms of the peace agreement, indicating

some of the main areas in which implementation was obstructed by this group. The analysis of the war veterans' associations deals with their origins and position in the Bosnian Croat post-war power structures, the sources of their funding, and their official and hidden agendas. The probe into spoiling tactics focuses on three important aspects of the peace agreement: refugee return, war crimes' prosecution, and institution-building. This is followed by a brief analysis of the impact of various strategies that the international community, as a custodian of peace, has used to sustain its implementation.

Carlo Nasi's chapter on "Spoilers in Colombia: Actors and strategies" describes how spoilers threatened to derail every single peace process in that country, and how the identity of spoilers changed throughout the various peace negotiations. Depending on the peace process in question, spoiling activities were carried out by rebel groups (or their splinter factions), the armed forces, the Colombian Congress, drug-traffickers, entrepreneurs, right-wing paramilitary groups, and even the US government. This chapter introduces the nature and evolution of the Colombian armed conflict and then explores the specific peace negotiations of a number of the governments since the early 1980s, analysing the role, tactics, and relative success of spoiling in each case.

Nasi's chapter suggests that a wide variety of actors have attempted to spoil the various peace negotiations in the past two decades, and they have increasingly resorted to violence in order to achieve their goals. Like other chapters in this volume he concludes that spoiling actions neglect the context in which a peace process takes place. In the case of Colombia, there were clearly problems with the framework of the peace processes at important junctures.

In his chapter, "The Israeli-Palestinian peace process: The strategic art of deception", Magnus Ranstorp examines the mistrust and lack of understanding on both sides which characterize this difficult case. He argues that the role of culture and competing narrative "myths" drive the underlying conflict dynamics between the parties. These images of the other are widely reflected within respective communities across the divide, and fundamentally shape and drive the Machiavellian strategic behaviour of both the Israelis and the Palestinians. In this sense, understanding the cultural aspects and dynamics of conflict and negotiation dynamics becomes imperative and raises the question as to the viability of Western-oriented peace processes, especially as competing cultural traits are deeply embedded within social interactions on both sides. Moreover, it questions the effectiveness of third-party intervention that does not take into account these cultural factors.

Ranstorp suggests that spoiling exists across the Israeli-Palestinian conflict spectrum, with varying degrees of ability to shape, redirect, and sab-

otage the peace processes. The asymmetry of power is a driving force behind the adoption of “devious objectives” by disputants in relation to how far to impose and resist the peace process itself. Both sides believe inherently in the justness of their cause and that time is on their side.

In her chapter on “Spoiling peace in Cyprus”, Nathalie Tocci similarly argues that “spoiling characterizes the very nature of the persisting conflict in Cyprus” and the failure of numerous peace processes on the island. She suggests that spoiling has taken the form of actions undertaken by parties normally involved in the long-lasting peace process under the aegis of the United Nations, and aimed at bolstering specific (spoiling) bargaining positions. This has taken place both within the context of negotiations and outside it through unilateral measures. As a result, it has been difficult to distinguish spoiling from “legitimate” political actions aimed at bolstering an actor’s bargaining position. Indeed, what has constituted spoiling to one party has represented legally and morally legitimate action to another. In line with other cases in this volume, Tocci suggests that the distinction between spoiling and “normal politics” has thus been a question of degree rather than one of clear-cut categories.

George Khutsishvili’s chapter on “The Abkhazia and South Ossetia cases: Spoilers in a nearly collapsed peace process” considers the situation in the newly independent states of the former Soviet Union. The conflicts in Abkhazia and South Ossetia have passed through armed hostilities and large-scale humanitarian crisis, and are now in a protracted, frozen, “no peace – no war” stage. Yet the corresponding peacebuilding process has never moved beyond an inadequate and undeveloped stage. The final case by Jaideep Saikia, “Spoilers and devious objectives in Kashmir”, similarly applies the concept of spoiling to a conflict which seems to defy resolution. Saikia considers how a range of actors could be considered in the context of spoiling: Indian intelligence, the Indian army, Indian bureaucracy, the Pakistani army, Pakistani intelligence, and the *jihadi*. Both of these final chapters demonstrate that spoiling can be applied to a range of actors both inside and outside a peace process, and indeed when there is not even a solid process.

Conclusions

Some propositions relating to the findings now follow. The nature of the peace process – and the nature of the peace to be implemented – is critically important to its chances of success. It is important that the terms of reference of the peace process itself do not sow the seeds of spoiling. To the highest extent possible, it should be non-zero-sum, consensual, locally

owned, and internationally and regionally supported. The peace process should not be imposed upon an unwilling or disengaged public; it must as far as possible be able to accommodate the legitimate concerns of all parties; it must seek to secure not only immediate goals such as peace and stability but also human rights and the rule of law. Peace processes and agreements which reflect asymmetrical relationships are especially vulnerable to spoiling when they are not sensitive to the concerns of weaker groups who feel the peace process is “rigged” against them. In peace processes it is essential that the leaders of the protagonists are credible and legitimate representatives, and thus can “deliver” their constituents.

Spoiling and the obstruction of peace processes tend to be associated only with the attitudes and intentions of actors who are direct participants in the conflict. However, it is essential to consider a broader range of actors and factors.

- Third parties themselves may bring incentives for spoiling in terms of resources, recognition, and favouritism to one or the other party. At other times third parties may play into the hands of spoiling by projecting the idea that any form of settlement is a priority, and thus raising opportunities for getting aid from international donors – which spoilers may come to see as an end in itself.
- Similarly, when multiple international actors are involved in promoting or funding a peace process a lack of coordination can complicate the picture and result in behaviour that effectively constitutes spoiling. Parallel mediation provides opportunities for manipulation by spoilers.
- Do not underestimate the influence – both positive and negative – of actors far removed from the conflict zone. Diaspora groups can wield significant influence (in terms of creating or hindering international pressure, and in terms of support and funding) for consolidating or opposing a peace process.

Spoiling in peacebuilding (not only during conflict settlement) is also crucially important. Extremism in post-conflict societies has often been overlooked as donors and international actors have concentrated on achieving “peace” and stability (and their own exit). When extremism of violence is transferred into extremism in politics – even “democratic politics” – spoiling can continue by other means.

Democracy – together with justice, human rights, and free-market economics – is something that should be introduced carefully and sensitively in “post”-conflict societies.

It is wrong to assume that all – or even most – conflict situations can be resolved by an accommodation of conflicting interests, or that a peace process is a process of finding consensus amongst parties that basically all seek peace. Some groups have clear incentives for the continuation

of violent conflict or contesting the nature of peace. There is evidence that certain environmental variables (such as the nature of peace settlements, the role of external actors, the political economy of conflict, disputes over natural resources, and the influence of significant diaspora groups) give rise to certain types of spoiling activity. Amongst these factors, powerful groups whose primary intent is economic gain may not respond positively to conventional conflict resolution methods based upon the concept of compromise.

It is clear that the terms “spoilers” and “spoiling” can represent normative judgements that prescribe a great deal of agency for third-party custodians of a peace process. The former term indicates incorrigible actors unable to support a peace process. The second, perhaps more realistically, implies a tendency for any actor to consider spoiling at certain stages of a process for political reasons, as a strategy rather than as a behavioural pattern.

This provides us with an operational understanding of what the difference is between “politics” in a peace process and “spoiling”, and therefore what type of behaviour is unacceptable. What are acceptable are strategies that do not call into question the integrity of the peace framework as a final outcome. How much “spoiling” (including violence) a peace process can absorb is related to this question. Obviously, as disputants and third parties require as a bare minimum the survival of the process, even if the end is not in sight, one should not expect high and sustained levels of violence. Where this does occur, it is clear that we are dealing with actors who cannot be reconciled to a liberal peace compromise.

Opposition and recalcitrance should always be anticipated during a peace process – even one which appears to enjoy broad support from the principal protagonists and communities. There will often be factions which are marginalized, which seek objectives outside the peace process, and which have the capacity to inflict violence in an attempt to undermine a process they do not support. This should not necessarily be taken as a sign that the peace process is under fundamental threat or in crisis. Indeed, sometimes it is a sign that the process has potential and is progressing, and that marginalized groups are desperate as they see a process taking root which will undermine their position and further their marginalization. Therefore, spoiler violence must be taken in context. It must not be allowed to derail the peace processes, and the public and the media must be encouraged to put this into perspective in order to maintain public confidence.

In cease-fire situations or peace processes in which UN peacekeepers are deployed, UN peacekeepers must be robustly equipped and man-

dated in order to be able to resist militant spoilers, with force when necessary, within their capacity.

Groups which seek to “spoil” efforts to resolve conflict often do so because they see the peace process as undermining their rights, privileges, or access to resources – physical, strategic, or political. They may also have rejected the liberal peace model, and often are open to the use or threat of violence. While they need not necessarily be non-state groups, they often are. This does not mean that states and officials do not spoil, as in the recent example of Greek Cypriot policy towards the Annan Plan of 2004. This means that third parties need to have a very clear idea about what aspect of their proposals, or desired outcome, is likely to conflict with that of the disputants, and of the interlinkages between moderates, hard-liners, and radicals, between disputants and their constituencies. It is in such interlinkages that the dynamics of spoiling lie, and they are used both to disguise and to propagate spoiling behaviour. It is important to note the difference between the use of spoiling, violent or non-violent, to *shape* a negotiating process and its use to destroy it. Spoiling behaviour – at least from those within a peace process – is normally designed to shape a process rather than to end it, because disputants recognize the potential assets the process may offer. This is one of the key patterns of spoiling, and one which theorists and policy-makers need to consider.

It is clear from the assessments made in the cases presented in this volume that spoiling activities do often work, in a number of ways. They may raise new questions within a peace process, attract or divert attention to or from certain issues or actors, provide marginalized actors with a voice, delay or postpone progress in a process or future rounds of talks, prevent implementation of agreements, elevate the interests of one particular party, or illustrate the need to include other actors in discussions. Spoiling behaviour, at its most successful, seems to lead not to the end of a peace process, but to the inclusion of new sets of interests, the recognition of proto-political actors, and sometimes further concessions and the commitment of more international resources. By not ending the process, everything remains on the table, and disputants still have access to all of the indirect resources a peace process provides, including recognition, legitimacy, and resources, both financial and political. Thus spoiling behaviour balances the threat of the end of the process and a reversion to violence with the desire of most parties to retain the inherent assets of any such process. In this sense, spoiling is a normal part of a peace process.

The above seem to represent the key dynamics of spoiling as an inherent part of contemporary peacemaking, where recognition, legitimacy, resources, territory, and sovereignty constitute key sites of contestation.

Within this complex realm, disputants operate in a transnational context, are capable of multiple alliances, and often harbour ambiguous or devious objectives based upon conflicting norms and interests. In the interstices of such norms, spoilers find fertile ground upon which to manipulate peace processes.

Notes

1. UN Secretary-General. 2005. *In Larger Freedom: Towards Development, Security and Human Rights for All*, 21 March. New York: United Nations, para. 114.
2. See, among others, Richmond, Oliver P. 2005. *The Transformation of Peace*. London: Palgrave; Paris, Roland. 2004. *At War's End*. Cambridge: Cambridge University Press; Rasmussen, Mikkel Vedby. 2003. *The West, Civil Society, and the Construction of Peace*. London: Palgrave; Duffield, Mark. 2001. *Global Governance and the New Wars*. London: Zed Books.