UNITED NATIONS UNIVERSITY

Policy Brief

NUMBER 2, 2006

Overview

With preparations underway for the new UN Peacebuilding Commission, it is important to consider how to deal with spoilers as a threat to peace and security. This policy brief considers the sources and impact of 'spoilers' and 'spoiling': groups and tactics that actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for various reasons. The authors take a broad approach to the concept of spoiling and consider a wide range of actors as potential spoilers: not only rebel groups and insurgents, but also Diasporas, governments, and other entities. The authors demonstrate that imposed or ill-conceived peace processes can themselves sow the seeds of spoiling, but that spoiler violence does not necessarily indicate that a peace process is doomed to failure.

Policy Brief written by
Edward Newman and
Oliver Richmond

ISBN 92-808-3013-9
ISSN 1814-8026

The Impact of Spoilers on Peace Processes and Peacebuilding

Many ceasefires and peace agreements in civil wars are initially unsuccessful and give way to renewed violence. In other cases, peace processes have become interminably protracted: lengthy and circular negotiations in which concessions are rare and even if agreements are reached they falter at the implementation phase. State-building and peacebuilding processes are also often subject to outbreaks of violence, as recent experience in Afghanistan, Haiti, Iraq, Kosovo and East Timor illustrate. Given the huge material and human costs of a failed peace process, the consolidation of conflict settlement and dealing with threats to peacebuilding are critical challenges for the international community. After a history of painful experience in cases such as Angola and Bosnia, the importance of this was finally addressed in December 2005 by the UN Security Council in Resolution 1645 which calls for the creation of a UN Peacebuilding Commission. This new organ is expected to improve coordination amongst, and effectiveness of, all agencies involved in peacebuilding, peacekeeping, disarmament and demobilization, development, human rights issues, and the administration of former conflict zones.

Addressing spoilers

As a part of this challenge, there is a particular need for a better understanding of 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. This brief makes some observations on spoilers and their activities in post-conflict or conflict-prone environments, where some form of peace process is underway and where at least one of the parties to the conflict is either engaged in, or committed to, a peace process. Understanding the sources, impact and nature of 'spoiling' is essential for peacebuilding and for the success of the new UN Peacebuilding Commission.

The generally accepted narrow definition of spoiling is violent obstruction of a peaceful settlement by actors directly involved in a conflict (see Stephen John Stedman, 'Spoiler Problems in Peace Processes', International Security, vol. 22 no. 2 1997). However, the complexities of violent conflict require a broader definition of spoiling behaviour. At the core of this broad definition are the activities of any actors that are opposed to peaceful settlement for whatever reason. These

actors are either within or (usually) outside the 'peace process', and 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 groups 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 to gain recognition and legitimacy, time or material benefits, or simply to avoid international sanctions. These are collectively known as 'devious objectives'. Finally, spoiling includes actors which are geographically external to the conflict but which support internal spoilers and spoiling tactics: ethnic or national Diasporas, states, political allies, business interests 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 our analysis of spoiling to a zone of armed conflict.

Key questions

What is the difference between 'politics' in a peace process—including the rational objection to terms and conditions that are perceived to be 'unfair' or unduly detrimental to one's cause—and 'spoiling'? What is acceptable within a peace process, and what is unacceptable? How much 'spoiling' (including violence) can a peace process absorb? It is often difficult to draw the line, when spoiling appears to have an inherently subjective component: one side's "reasonable demands" may be nothing more than spoiling from the other side's perspective. In both the Cyprus and Sri Lanka cases, for example, one disputant is not recognized in the conflict as a state despite making this claim. This asymmetry creates dynamics conducive to spoiling behaviour. Both the unrecognised Turkish Republic of Northern Cyprus and the Tamil Tigers would argue that they are not spoilers, they are simply pursuing just and legitimate claims to statehood. Indeed, they would argue that their "opposite numbers"—the Sri Lankan and Cypriot governments—are the real spoilers by refusing to countenance the issue of statehood as an agenda item.

Is it possible to identify patterns in environmental variables that give rise to the ability of spoilers to exert leverage, such as the nature of peace settlements, the role of external actors, the political economy of the conflict, disputes over natural resources, the influence of Diasporas? For example, Diaspora support for the Tamil Tigers or for the IRA, or US support for Israel, not only empowered these actors to resist a peace settlement, but also allowed them to adopt more ambitious goals than might otherwise be expected once they did negotiate. In the case of Cyprus, UN Security Council Resolutions form the basis for Greek Cypriot resistance to concessions in the most recent phase of the peace process and Turkish support for the Turkish Cypriots forms the basis of their resistance to concessions. In Kosovo, US support forms the basis for Kosovan manoeuvres designed to lead to separate sovereignty for Kosovo.

What is the relationship between the nature of the conflict and the spoiler phenomenon? It is increasingly apparent that the nature of a conflict—such as a struggle over natural resources or illegal commercial activities, or a conflict over territorial secession or recognition—influences the nature and dynamics of spoiling. Some actors—warlords and war crimi-

About the Authors

Edward Newman is the Director of Studies on Conflict and Security, Peace and Governance Programme, United Nations University, Japan.

Oliver Richmond is Reader at the School of International Relations, and Director of the Centre for Peace and Conflict Studies, University of St. Andrews, UK.

nals, private military services, military bureaucracies—can have a vested economic interest in the continuation of violent conflict as can currently be seen in parts of Afghanistan, the Democratic Republic of the Congo, Indonesia and Kosovo.

The tactics of spoiling may also demonstrate the exercise of asymmetrical power relations. This has at least two dimensions: firstly, can a group with relatively weak power exert a disproportionate amount of leverage or disruption, for example, through the use of atrocities and terror? Can peace processes 'absorb' such tactics without failing? 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 in the existence of spoiling or devious objectives.

How much violence can a peace process tolerate whilst still remaining viable?

How does the presence of external 'third party' peace facilitators 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 (multiple as opposed to one single initiative), and the degree of coordination amongst external initiatives, have a bearing on the dynamics of spoilers and spoiling? Parties in a conflict 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 encourage spoiling, as external third party facilitators do not want their efforts to result in 'failure'. This can, in some circumstances, encourage concessions (and thus provide encouragement) to spoilers. Connected with this, does the internationalisation of conflicts through the involvement of the UN and international tribunals condition the dynamics of 'spoiling'?

Conclusions and 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 certainly are examples of armed groups that are outside a peace process and use violence to disrupt a process. But there is a capacity for spoiling, in the broader sense, in all 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. This relates to the context of contemporary peace processes. Internationally sponsored peace settlements generally tend to follow similar lines. They are all envisaged within the so-called liberal peace framework, where settlements include constitutional agreements, democratization, human rights safeguards, the rule of law, and the free market. Many observers would argue that if we take this as a starting point it becomes relatively easy to identify spoiling behaviour. Any actor that obstructs this liberal peace is seen as a spoiler.

However, the liberal-peace thesis is sometimes problematic in practice. Democracy (in the form of liberal democracy or 'polyarchy'), human rights (especially civil and political

rights), market values, and the idea of the state and citizenship are not necessarily universal values, or appropriate in conflicted or divided societies. Moreover, the manner in which they are being promoted is, arguably, not evenhanded and is certainly loaded in favour of the market and the status quo rather than social justice. Therefore, peace processes are not always equitable or 'fair'. Thus, by labeling as spoilers every group that does not conform to such a peace process, we may be making a value judgment 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.

Spoiling is not always aimed at destroying the peace process. Disputants may become involved in a settlement process in order to improve upon their prospects, but not necessarily to 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; legitimizing their negotiating positions and current status; 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.

An important proviso is that it is wrong to assume that all 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.

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 furthest extent possible, it should not be zero sum, but rather consensual, locally-owned, and supported by both international and regional organizations. The peace process should not be imposed upon an unwilling or disengaged public. Instead, it must accommodate the legitimate concerns of all parties to the greatest extent possible; it must seek not only to secure immediate goals such as peace and stability but also human rights and the rule of law. Peace processes and agreements that 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—both in the sense that they represent their constituents' goals, and can meaningfully exert control over their constituents' behavior.

Peace processes are not always equitable or fair. The nature of the peace process is critically important to its chances of success

Spoiling and the obstruction of peace processes tend to be associated only with the attitudes and intentions of actors which 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 favoritism to one or the other party. 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 aid from international donors that 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 behavior that effectively constitutes spoiling. Multiple and uncoordinated mediation efforts can provide opportunities for manipulation by spoilers.
- Actors far removed from the conflict zone can exert tremendous influence, of both a positive and negative nature. For instance, Diasporas potentially play a pivotal role in creating and funding international pressure in the consolidation of a peace process. Yet they can also exert influence to hinder that 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 favored achieving peace (and thus their own exit) over the maintenance of long-term stability. When the extremism of violence is transferred into extremism in politics—even 'democratic politics'—spoiling can continue by other means.

Democracy—together with development, justice, human rights, and free market economics—should be promoted carefully and sensitively in conflict-prone societies.

It is wrong to assume that all armed conflict can be resolved by an accommodation of conflicting interests or to assume that a peace process is a process of finding consensus amongst parties willing to compromise in order to obtain peace. Some groups have clear incentives for the continuation of violent conflict or in contesting the nature of peace. The existence of powerful groups whose primary intent is economic gain must be addressed by tactics that may be different from conventional conflict resolution methods. It may be unrealistic to bring every armed group into a peace process but this should not be allowed to obstruct or disrupt the process.

Material 'rewards' for compliance with a peace process may be inevitable, but it is essential to be aware that some armed groups see this as their primary goal, and there is a danger that their demands may not be appeased for long. Similarly, donors must be conscious, in bringing material resources to the conflict, that there is a danger of becoming a part of the problem rather than the solution. In addition, spoilers that exploit war economies usually rely upon some form of trans-border exchange. It is therefore essential that in regions of violent conflict, illicit cross-border commercial exchanges are scrutinized and targeted for interdiction, and that certain commodities—such as diamonds or oil—are promptly subject to international legal sanctions to prevent their exploitation by spoilers.

The terms 'spoilers' and 'spoiling' can represent normative judgements that give a great deal of agency to third party custodians of a peace process.

> *"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."*
>
> UN Secretary General Kofi Annan, "In Larger Freedom: Towards Development, Security and Human Rights for All" March 2005

Greater consideration should be given to the difference between 'politics' in a peace process and 'spoiling', and therefore what type of behaviour is unacceptable. Strategies that do not call into question the integrity of the peace framework as a final outcome or use violence may be regarded as acceptable. How much 'spoiling' (including violence) a peace process can absorb is related to this question. Obviously, disputants and third parties require as a bare minimum the survival of the process, even if the end is not in sight, and 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 compromise.

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, whether 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 means that third parties need to have a very clear idea about the interlinkages between moderates, hardliners and radicals, and between disputants and their constituencies, and what aspects of their proposals or desired outcomes are likely to conflict with those of the disputants. It is in such interlinkages that the dynamics of spoiling lie, and which 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 the use of spoiling to destroy it. Spoiling behaviour is often designed to shape a peace process, rather than to end it, because disputants recognise the potential assets a process may offer. This is one of the key patterns of spoiling which theorists and policymakers need to consider, because it offers a potential means of exerting leverage upon recalcitrant groups.

Spoiling activities often succeed in a number ways. They may raise new questions within a peace process, divert attention, provide marginalized actors with a voice, delay or postpone progress in a process or future rounds of talks, prevent implementation of agreements, or illustrate the need to include other actors in discussions. Spoiling behaviour, at its most productive, leads 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 attenuating the process, everything remains on the table, and disputants still have access to all of the indirect resources a peace process pro-

This Policy Brief is based upon the findings of a United Nations University research project co-directed by the authors. The other participants in the project were:

Karin Aggestam
Ravinatha P. Aryasinha
Vesna Bojicic-Dzelilovic
Daniele Conversi
George Khutsishvili
Roger Mac Ginty
Carlo Nasi
Magnus Ranstorp
Jaideep Saikia
Yossi Shain
Ekaterina Stepanova
Nathalie Tocci
Marie-Joëlle Zahar

Their findings will be further elaborated in the book "Challenges to Peacebuilding: Managing Spoilers During Conflict Resolution" edited by Edward Newman and Oliver Richmond and published by UNU Press, Tokyo in 2006 (ISBN 9280811266).

vides: recognition, financial resources, and political legitimacy. Thus spoiling behaviour balances the threat of the end of the process and a reversion to large-scale violence with the desire to retain the inherent assets of any such process. In this sense, spoiling is a normal part of a peace process.

Opposition and recalcitrance should always be anticipated during a peace process, even one that appears to enjoy broad support from the principle 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, it may very well be a sign that the process has potential and is progressing, and that marginalized groups are desperate as they see a processes taking root that 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 process, and the public and the media must be encouraged to put this into perspective in order to maintain public confidence.

In ceasefire situations or peace processes in which UN peacekeepers are deployed, UN peacekeepers must be robustly equipped and mandated in order to be able to resist militant spoilers with force if necessary, within their capacity.

The UN Security Council Resolution of December 2005, which laid the groundwork for the new UN Peacebuilding Commission, represented a milestone in UN institutional mechanisms for supporting peace and security. It observed the need for a "coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation" and prepared the way for a UN organ that will bring together relevant actors to marshal resources and to advise on integrated strategies for peacebuilding. The remit of the Commission is progressive, based upon the idea that development, peace and security and human rights are interlinked and mutually reinforcing, and the importance of women and civil society in peacebuilding. However, whilst social and economic factors are fundamentally important for peacebuilding, we must also keep in mind that in many conflicts groups of people are actively opposed to peace and will use a variety of methods to spoil progress.

An increase in violence whilst never acceptable can sometimes be a sign that conflict resolution is succeeding and that marginalized groups see the processes undermining their position

www.unu.edu

UNITED NATIONS UNIVERSITY

"Advancing Knowledge for Human Security and Development"

The United Nations University is an organ of the United Nations established by the General Assembly in 1972 to be an international community of scholars engaged in research, advanced training, and the dissemination of knowledge related to the pressing global problems of human survival, development, and welfare. Its activities focus mainly on the areas of peace and governance, environment and sustainable development, and science and technology in relation to human welfare. The University operates through a worldwide network of research and postgraduate training centres, with its planning and coordinating headquarters in Tokyo.

INSIDE:

Policy Brief

The Impact of Spoilers on Peace Processes

How can peacebuilders avoid being delayed or derailed by groups with conflicting agendas?

United Nations University Press
The United Nations University
53-70, Jingumae 5-chome
Shibuya-ku, Tokyo 150-8925
Japan

UNITED NATIONS UNIVERSITY