

conciliation  
resources

Incentives, sanctions and  
conditionality  
in peace processes

**Joint analysis workshop report**

*Accord*

an international review of peace initiatives



# Contents

<b>1. Executive summary</b>	<b>2</b>
<b>2. Conciliation Resources' Accord project on incentives, sanctions and conditionality in peace processes</b>	<b>3</b>
<b>3. Exploring a framework for understanding incentives and sanctions in peacemaking</b>	<b>4</b>
3.1 The tangled web of external responses to conflict	4
3.2 Incentives and sanctions in peacemaking	6
3.2 Purpose, suitability and timing	10
<b>4. Emerging lessons for external actors</b>	<b>12</b>
4.1 Conflict analysis and the development of effective instruments	12
4.2 Challenges in designing and deploying policy instruments	13
<b>Further reading</b>	<b>16</b>

# Incentives, sanctions and conditionality in peace processes

## Joint analysis workshop report

### 1. Executive summary

Different external actors are involved in attempts to address armed conflicts, including foreign governments, donor agencies, multilateral organizations, international NGOs in the development and humanitarian fields, multinational corporations and even the international media. 'Incentives' and 'sanctions' are the labels we use for sets of tools available to these external actors to influence conflicts and the belligerent parties' strategic choices. They can be conceived as being part of a wide spectrum of economic, diplomatic, political and legal policy instruments, ranging from the more coercive to the more facilitative. Both incentives and sanctions can be applied conditionally to induce change.

Too often, however, these instruments are not used coherently as part of a broader strategy aimed at resolving conflict, but figure as a confused mix of coercion and assistance, punishments and rewards, which do not push or pull the conflict parties towards a negotiated settlement. Problems are rooted in poor conflict analysis, motives that are unconnected to peacemaking, or simply the sheer multiplicity of external actors pursuing strategies with conflicting or counteracting effects.

External interveners are frequently unaware of the extent to which their actions feed into conflict dynamics or, conversely, they may overestimate their influence, as often occurs with aid conditionality. Sanctions may be intended to push the parties towards the table, but too often harden positions and discourage engagement and dialogue. Incentives too may be dysfunctional, allowing parties to milk a process without seriously engaging with their adversaries. When external actors compel or induce conflict parties to the table and to agreement in advance of the latter's

recognition of the need to negotiate, they risk creating an unsustainable process and an over-reliance on external action.

#### *Lessons for practice*

Drawing on workshop analyses of Sri Lanka, Cyprus, Sudan, Uganda, and Georgia-Abkhazia, the following report is a step towards establishing some clear principles on how external actors can underpin rather than undermine peacemaking.

It argues that mediators and other third parties need to structure peace processes in ways that create mutually reinforcing incentives, in which each side gives the other an incentive to compromise until the process gains momentum and becomes irreversible.

It must also be appreciated that conflict parties are not monolithic blocks: different factions, constituencies and other societal groups will experience incentives and sanctions in different ways. External actors should be aware of how the instruments they use may support or undermine broader public dialogue and reconciliation, and should seek to benefit those groups that are most able to advocate engagement and compromise.

#### *Conflict analysis and effective instruments*

The report argues that external actors should take a more considered approach to intervention, one rooted in solid, locally-informed conflict analysis. The opinions and interests of those directly affected by the conflict should guide their intervention strategy and they should attune their instruments to the motivation structures of the conflict parties. There must be proper impact assessment to avoid getting locked into policies that are not working. Consideration needs to be given to the full range of instruments, including more responsive informal tactics that can be adapted to changing circumstances in a peace process.



### *Challenges and dilemmas*

There are many challenges in designing and deploying instruments strategically. These include: legal and normative considerations, especially regarding how state actors deal with non-state armed groups; concerns about how enforcing international standards must be weighed against the requirements of specific conflicts; and the problem of facing up to the contradictory motives often underlying international responses.

The question of who should wield incentives and sanctions is central. Allocating appropriate and strategically complementary roles in use of incentives and sanctions is as important as the choice of instrument. The support of regional neighbours is especially important to the prospects for peace: their own incentives and disincentives for encouraging a peaceful resolution need to be factored in to the peace process and where possible they should be encouraged to play a prominent role in conflict resolution efforts. Coordination between external actors remains a real challenge. There must be enough international involvement to create sufficient incentives but not at the expense of coherent and responsive action.

Ultimately, external actors need to apply principles and judgement in their use of incentives and sanctions, giving priority to the interests of those most affected by the conflict.

## **2. Conciliation Resources' Accord project on incentives, sanctions and conditionality in peace processes**

The guiding assumption that underpins CR's Accord series is that people involved in peace processes – whether as conflict protagonists, internal or external intermediaries, policy-makers, or international development or human rights professionals – can benefit from learning from the successes and difficulties of other situations, as well as from reflecting on their own experience. Through collaboration with people directly involved in peacemaking, CR develops documentation and analysis of specific peace processes as well as exploring crosscutting themes.

Building on previous work, Accord's third thematic project addresses how external interventions in the form of incentives and sanctions, including negative or positive forms of conditionality, can achieve a positive influence on conflict parties' engagement in a peace process.

A number of recent studies have examined the use of international incentives and sanctions, the influence of aid in conflict situations, after civil wars or in supporting peacemaking and peacebuilding through 'peace conditionalities'. Our project will draw from this body of work while focusing more specifically on peacemaking: that is, on how a spectrum of instruments could be applied constructively to have a positive influence on conflict parties' engagement in a peace process. The role of the Accord publication will be to set out the issues clearly, provide a forum for relating and analysing experiences, and identify possible solutions for policy-makers.

The project consists of three main phases:

1. Consulting widely to refine the project focus and enhance its relevance (centred on a joint analysis workshop held in the UK in autumn 2006);
2. Commissioning and publishing a thematic edition of *Accord: an international review of peace initiatives* for publication in autumn 2007;
3. Promoting the publication's findings to inform policy and practice.

The joint analysis workshop brought together a diverse group of people with policy-making, mediation, academic or civil society backgrounds, as well as a number of participants associated with parties to conflicts. The goals of the workshop were to share and learn from each other's experiences, develop clearer thinking on key issues and assist in the framing of the Accord publication. The following report reviews the workshop discussions, supplementing them with lessons from published literature on the subject.

### 3. Exploring a framework for understanding incentives and sanctions in peacemaking

#### 3.1 The tangled web of external responses to conflict

Civil armed conflicts are rarely, if ever, strictly domestic affairs, and neither are the peace processes designed to end them. External actors – including states, multilateral organizations, regional organizations, international civil society organizations, multinational corporations and others – play diverse roles in feeding

## Sudan and the UN Security Council

The Sudan case study looked at the impact of UN Security Council sanctions in relation to the AU-mediated Darfur peace process:

- Security Council Resolution 1591 (29 March 2005) strengthened the UN's arms embargo in the Darfur region and created a Sanctions Committee and a Panel of Experts to monitor implementation. The Panel was charged with investigating acts that may constitute a violation of humanitarian and human rights law as well an impediment to the peace process. Two days later Resolution 1593 (2005) referred the situation in Darfur to the Prosecutor of the International Criminal Court (ICC).
- The question of how to coordinate UN sanctions and ICC investigations had not been given a great deal of attention. While Security Council sanctions looked forward from March 2005, the ICC looked back at the period since July 2002.
- Informants reported that the ICC investigation was more feared in Sudan than the UN sanctions: travel and financial restrictions were less foreboding than the prospect of prosecution in The Hague. The Government of Sudan reportedly offered to the ICC access to Southern Sudan (ie to investigate the LRA) in exchange for not investigating violations in Darfur.
- The UN sanctions also existed in some tension with the AU-led peace talks in Abuja, with some fear that UN investigations would jeopardize progress at the talks. However, the AU reportedly felt increasingly comfortable with this coexistence as it realized the extra level of protection to its members in the field that UN activity offered.
- Two members of the Sanctions Committee obstructed the panel in pursuing its mandate, using the requirement for committee unanimity to reject many expert panel recommendations.



**The UN Security Council considers the situation in Georgia-Abkhazia, July 2005.**

Source: UN Photo/Mark Garten

or challenging conflict systems and in underpinning or undermining the conditions for making peace.

In the post-Cold War era, the international impetus to actively respond to internal armed conflicts, where they are perceived as a threat to international stability, human security or human rights, has increased. External responses assume myriad forms, including military intervention, economic and diplomatic sanctions, and assistance for reconstruction and peacebuilding. Peacebuilding has become a recognized field, involving sustained and multidimensional efforts to address the structural causes of conflict, such as a lack of security, development or governance, and reconciling relationships affected by conflict.

At the same time, it is increasingly recognized that negotiated settlements are required to end armed conflicts and create frameworks conducive to longer-term peacebuilding. Peace processes consist of a range of initiatives intended to help reach a negotiated agreement ending an armed conflict. There has been a growing and diversifying trend toward direct

engagement of international actors in peace processes, including providing financial and technical support for mediation and facilitation, supporting local activists and processes, and providing mechanisms for the implementation of peace agreements.

International assistance and pressure may be offered in ways that support a peace process or in ways unconnected to it, amidst a range of competing aims, approaches and priorities. As the case studies demonstrate, responses to conflicts can be a confused mix of coercion and assistance, pressure and encouragement, carrots and sticks, which all too often do not have the desired effect of pushing or pulling conflict parties towards a negotiated settlement and arguably make the situation worse. It is this messy picture that provides the impetus for the Accord project and the joint analysis workshop: is it possible to establish some clear principles on how external actors can underpin rather than undermine peacemaking?

Table 1. Approaches and instruments (developed from project concept paper)

	<i>Approach to influencing parties to a conflict</i>	<i>Examples of instruments</i>
↑ More coercive	Force change	Use of military force (eg air strikes)
	Pressure for change through punishments and threats	Economic sanctions (eg trade embargoes, asset freezes, suspension of aid or preferential agreements)
		Diplomatic sanctions (eg travel restrictions, proscription of organizations, severance of diplomatic relations, sports and cultural boycotts)
		Critical statements, putting situations on intergovernmental agendas, internationalizing the issue
Encourage change through rewards for cooperation	Economic assistance (eg conditional aid, trade, debt relief)	
	Diplomatic recognition and legitimation (eg access to multilateral fora, receiving representatives, visits)	
Encourage change through incentives to negotiate	Material or technical support for negotiating and implementing agreements (eg hosting conferences, supporting demobilization, compensation schemes, elections etc.)	
	Security guarantees (eg transitional peacekeeping)	
	Confidence-building measures	
↓ Less coercive	Facilitate change	Facilitation of dialogue
		Building negotiating capacities (eg consultations, training)

### 3.2 Incentives and sanctions in peacemaking

While lessons from the field of conflict resolution suggest that the parties must ultimately resolve their differences between themselves, usually with third party assistance, many analysts have suggested that intermediaries can use their power to create negative or positive incentives for the parties to seek negotiated settlements. Zartman, Rubin and others have argued that external actors can seek to create the conditions of 'ripeness' for the resolution of a conflict. A key aim is to create 'hurting stalemates' by making impasses or deadlocks so costly that action is preferable to the status quo. They can try to persuade the parties to realistically assess the alternatives to a negotiated settlement. They may also try to increase the attractiveness of a negotiated settlement: in Rubin's terms, increasing the size of the 'pieces of the pie' being fought over, whether through tangible resources or in

the less tangible form of ideas and proposals, for example those that reframe the conflict in a way that allows one or both sides to relinquish highly-publicized, entrenched positions.

#### *Methods and instruments*

Workshop discussions were informed by an Accord concept paper describing different modes of deterring escalatory belligerence and encouraging cooperation and dialogue (see table 1 for a more detailed version of the spectrum developed after the workshop). At one end are the most coercive measures, from outright *force* to various forms of *punitive pressure*, aimed at changing behaviour. Lower down are less coercive measures, including a range of measures aimed at *rewarding* or *encouraging* changes in behaviour through offering positive incentives. Pressures and rewards applied at different stages of a conflict or peace process are

normally used conditionally<sup>1</sup> to make something happen, whereupon benefits or punishments are conditional upon certain actions taking place.

The least coercive or conditional measures are measures to *facilitate* changes in the parties' relationships and mindsets through the creation of forums, training or tools for negotiation for parties that are receptive to engaging in negotiations.

### *Sanctions and negative conditionality*

The 'hard end' of the spectrum comprises coercive measures – threatened or applied – to force or pressure one or all the parties to a conflict to modify their behaviour or position by making the costs of not doing so unbearable. Definitions and typologies of such coercive measures vary widely. They include targeted sanctions or 'restrictive measures,' which are often high on the agenda of international responses to conflict. The United Nations Secretary General has said: "While not a solution in themselves, sanctions can play an effective role among the panoply of measures to prevent and resolve conflict."<sup>2</sup> UN sanctions have commonly targeted war economy goods and sought to inhibit the ability of particular armed groups to wage war, including sanctions imposed on groups in Angola, Sierra Leone and Liberia.

Coercive measures appear to be more useful in *managing* rather than *resolving* conflict as they are not sufficient for (and generally not conditional upon) getting the parties to engage with each other in dialogue and problem-solving. They may help weaken their strategic military, economic or diplomatic position in such a way that they assess that they have more to gain by entering the process than by eschewing it. Generally, however, workshop participants found sanctions to be highly problematic in the context of peacemaking. Many sanctions applied in conflict situations in practice are punitive embargoes and proscriptions applied outside a strategic conflict resolution framework and have a number of problematic or unintended consequences. They often not only fail to make the costs of continued belligerence intolerable, but become part of the conflict dynamics themselves, hardening or entrenching attitudes and behaviour, strengthening hardliners or those benefiting from illegal activities, and sealing off avenues for engagement and dialogue.

In some cases, sanctions are associated with one side's efforts to isolate and weaken an adversary. The Commonwealth of Independent States (CIS) embargoes on Abkhazia, for example, initiated at the request of Georgia, have failed to force Abkhazia to relent in its quest for independence. Georgia wanted to generate leverage over Abkhazia in political negotiations, but sanctions have instead generated siege mentalities and antagonism. Economic and political isolation has reduced the propensity not only for compromise but for any form of contact, while making Abkhazia more reliant on Russia, which has in turn manipulated the situation to its advantage.

Many negative sanctions make engagement difficult or impossible, especially where they are designed without reference to specific conflicts. Terrorist listings are used by states and multilateral organizations to punish or isolate armed groups deemed to be international security threats. Armed groups perceiving themselves to be 'liberation movements' – such as the LTTE in Sri Lanka – have found themselves proscribed as terrorists, but this seems to have a limited effect in moderating their behaviour. Such lists express clear disapproval and may be interpreted as a kind of de-legitimization of their goals, and as such may be difficult to use as an incentive to change behaviour.

Like some other sanctions, the *threat* of listing may be effective, but listing is more complicated once applied, sitting heavily on a process and sealing off choices and avenues for dialogue. Once established, probably as the result of a long and difficult process, sanctions can bring unintended consequences, become bargaining chips in wider political games, and lifting them can become more complicated and difficult than establishing them.<sup>3</sup>

The removal of sanctions is seldom seen as that positive a move by those who have been targeted. Hence, conditional promises to lift sanctions rarely have the desired effect; positive conditionality tends to require more innovative and symbolically meaningful incentives than simply reversing familiar measures viewed as offensive.<sup>4</sup>

### *Incentives, rewards and peace processes*

Measures can be applied to encourage or persuade one or all the parties to a conflict to cooperate in some way

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1 For the purposes of this project, we treat 'conditionality' as a descriptive characteristic applied to forms of pressure or assistance, rather than a class of instrument in its own right.

2 Ban Ki-moon, April 2007, Symposium on enhancing the implementation of Security Council sanctions.

3 Others have made similar arguments, for example see Chantal de Jonge Oudraat (2007), who also cites Chesterman and Pouligny (2003): "the threat of sanctions may serve to focus the minds of local elites in the context of a bargaining model, with a clear economic choice. Once sanctions are imposed, the clarity of this choice becomes dissipated among the competing economic incentives that emerge."

4 See Chris Mitchell (2000).

## Cyprus and European Union accession

The Cyprus case study focused on the UN-led 'Annan plan' to settle the conflict between the Greek-Cypriot and Turkish-Cypriot portions of Cyprus:

- The peace process was reactivated in January 2002 with the aim of reaching agreement well before the EU Copenhagen Council in December that year, which would, it was hoped, invite the whole island to join the EU. However, no agreement on the Annan plan was reached and the EU Council decided that if there was no formal agreement on reunification, then the internationally-recognized Greek Cypriot part of Cyprus could join the EU on 1 May 2004.
- After a difficult process of stop-start talks between leaders, the revised Annan plan was put before the two communities in a simultaneous vote in the reunification referendum of April 2004. Against the expectations of many outsiders, the plan was endorsed by Turkish Cypriots but overwhelmingly rejected by Greek Cypriots.
- The EU was not the 'sweetener' for a settlement that many had hoped. Instead, Greek-Cypriot voters were given no disincentive to vote no in the referendum. Greek-Cypriot leader Papadopolous made a compelling argument that there was nothing to lose in voting no, and that there would be a 'next time' to vote yes.
- The EU accession process had opened the opportunity to resolve the conflict, but ultimately closed it again as there was no plan B. The UN plan sought to create incentives for cooperation, but the big incentive of EU accession was not conditional upon the plan being accepted: the two were not linked. UN drafters requested the Annan plan be written into the accession agreement but the EU was ultimately not prepared to do this, its priority being to keep the broader Eastern Enlargement process on track.
- The UN poured resources into the Annan Plan yet did not have the capacity to build political will in the way the EU did. The EU was not a key mediator in the process, did not have a policy towards the conflict and made lots of relevant decisions without reference to it.
- While EU membership could have been a catalyst, it was the parties' own responsibility to find a viable solution involving their respective societies and prepare them for what was in the UN plan, such as explaining the meanings of concepts like 'bicomunal' or 'bi-zonal'.

by introducing rewards for compliance. Less attention has generally been devoted to the role of positive inducements than to punitive pressures, although some academic research has posited that incentives can avoid some of the failings of sanctions, such as strengthening hard-line regimes.<sup>5</sup>

Incentives are applied to achieve many different ends at different stages in a conflict and peace process. They can be used to de-escalate conflict and foster favourable conditions for engagement by trying to reward less belligerent behaviour. For instance, they

can incentivize an agreement by offering material peace dividends or they can support conflict resolution efforts by encouraging participation and progress in a peace process, supporting implementation of agreements and generating wider support for peace.

Applying incentives in the context of peace processes in particular is fraught with risks and dilemmas. Conflict parties will pursue waging war and apparently making peace simultaneously or alternately. In an era of highly internationalized peacemaking, there are many benefits to signing on to a peace process in bad faith, to milk it

<sup>5</sup> See Cortright (1997) and Wallensteen & Staibano (2005) on these points.



**Sudan Liberation Army soldiers at a meeting between their leaders and with UN and AU Special Envoys, Darfur, February 2007.**

Source: UN Photo/Tim McKulka

or simply to meet international expectations. As one workshop participant put it, “While we are getting good at getting parties to the table, it is not so easy to get a lasting agreement. ... We need to learn what is politics and what is conflict resolution.” External actors sometimes compete to exert influence, vying for control or the prestige associated with playing the role of peacemaker. This allows belligerents to go ‘forum-shopping’, seeking the best deal for themselves and avoiding more challenging processes, such as those that oblige them to confront difficult issues. There is often a dysfunctional over-incentivization to attend peace talks, such as where the belligerents’ negotiators are offered excessive salaries. Even in less extreme cases, participation in peace process activities may become dependent on some form of recompense, such that main motivation for participation is financial.

As Rubin and many others have warned, the introduction of third parties may remove the initiative for resolution from the parties themselves. For a settlement to be lasting, the parties themselves must feel that they ‘own’ it. Parties are unlikely to feel a sense

of ownership for a settlement if they themselves were not the ones primarily responsible for creating it. This was the problem in the Abuja peace process for Darfur, where, in the absence of any real progress over an extended period of internationally-mediated talks – combined with international concern about the humanitarian situation on the ground – external actors hastened the talks towards a conclusion in early 2006. The imposition of deadlines and diplomatic pressure failed to secure sufficient progress, with many insurgents refusing to sign the agreement. In the peace process for southern Sudan, on the other hand, General Sumbeiywo and his mediation team invested a lot of time in building the conflict parties’ ownership of the agreement and making them negotiate directly with each other.

#### *Facilitation*

The facilitative end of the spectrum concerns measures to support the parties to a conflict to negotiate a solution to a conflict. Techniques may include confidence-building, facilitating dialogue at different levels or building the capacity to negotiate. Training

Figure 1.

**Examples of positive shifts, gestures or commitments that a party may agree to make:**

- Recognition of the adversary as a legitimate interlocutor
- Acknowledgement of the aspirations of opponents or identification of language that can accommodate differences of aspiration
- The presentation of a peace plan
- A unilaterally offered or bilaterally agreed confidence-building measure, such as a ceasefire or humanitarian agreement
- The call for external sanctions on an adversary to be lifted
- A modification of a particular demand in recognition of the position of the adversary
- The creation of joint teams / working groups to advance possible solutions to substantive issues or for monitoring aspects of an agreement.

and technical advice to the parties' negotiators can significantly help the effectiveness of the negotiations and the ability of the parties to craft durable compromises. This may entail negotiating simulations or exposure to the experience of other peace processes. These forms of intervention tend to be less based on explicit positive or negative conditionality, or in changing the incentive structure of the conflict, but in building relationships, changing mindsets and problem-solving, and are thus most closely connected with conflict resolution.

Facilitation is a crucial part of a more comprehensive peacemaking strategy that includes dialogue to deal with the fundamental issues in dispute, the nature of the relationship between the parties and the wider social dynamics of the conflict. If external facilitators are really going to change belligerents' mindsets so that a durable resolution becomes possible – as opposed to altering their behaviour by changing the environment in which they undertake cost calculations within the mindset that led to the violence in the first place – then they have an important place in the process of supplying ideas about options and alternatives.

Facilitative approaches require the cooperation of the parties and may not produce quick results, but they can be crucial for the success of peace processes. While incentives and sanctions can play roles in overall strategies, facilitators themselves have to avoid being associated with any kind of threat if their relationship with the adversaries is to survive.

### **3.2 Purpose, suitability and timing**

Several themes emerged from the workshop discussions about the means and ends of using incentives and sanctions that CR will develop in the Accord publication:

#### *Different tools at different times*

Different types of influence will clearly be most effectively used in different stages of the conflict and peace process. Certain strategies might be employed initially to get adversaries to consider the possibilities of pursuing a negotiating strategy as opposed to a military strategy – and at least to stop the violence, if only temporarily. Very different strategies from these might then be required towards the end of the peace process, when an agreement has been concluded and the costs of implementing it become apparent. One may well get different answers to the question of which incentives increase the likelihood that adversaries will agree to engage, stay engaged, come back if the process breaks down, sign an agreement, or to go through the painful process of implementation.

#### *Supporting the impetus for a negotiated settlement*

Incentives and sanctions need to respond conflict parties' own motivation structures. In any violent conflict, it is likely that the belligerents have at least a potential motivation to engage in peacemaking even when it is insufficient to counter the motivation to continue fighting. The decision about whether to engage is not a fixed or static choice: the party's motivations will feed into an ongoing strategic calculation, which will hinge on an analysis (whether realistic or not) of the alternatives. They will engage seriously if they believe that compromise and successful negotiation will be a quicker, more viable, less painful or more rewarding way to achieve goals than using violence.

The above analysis of sanctions and incentives posits that when external actors compel or induce conflict parties to the table and to agreement in advance of the latter's recognition of the need to negotiate, they risk tipping the balance towards an over-reliance on

## Sri Lanka: aid and proscription

The Sri Lankan case study concerned the peace process between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), with particular reference to aid-related incentives offered by donors and the terrorist listing of the LTTE:

- The peace process was highly internationalized, but deeply flawed. The weak ceasefire agreement of 2002 was not conducive to human rights and the parties did not take ownership of process. Locals often refer to it as the 'Norwegian peace process.'
- In 2003, the LTTE was prevented from attending the Washington donor meeting due to its 'terrorist' status and the group declined to attend the second donor meeting in Tokyo. The LTTE did not perceive proscription as an incentive to change behaviour in a positive way.
- The Tokyo Conference pledged US\$4.5bn in aid over four years, noting that assistance "must be closely linked to substantial and parallel progress in the peace process". Tokyo conditions were light and the Conference was generously funded.
- Aid appeared to give donors relatively little leverage over the parties. While most recognize this is because the key political problems of conflict, elections and so forth overshadow aid, many also argue that conditions were not implemented and aid was largely disbursed as usual.
- The Norwegians, who had been considered as neutral enough by both sides to be facilitators, fell between the two stools of monitor and mediator, between 'blaming and shaming' and building trust.

external action which may ultimately be unsustainable. Workshop participants argued that there is a possible corollary – which needs further empirical research – between the degree of reliance upon external coercion and/or inducement to reach an agreement and the ultimate unsustainability of the process and the outcomes. A further related hypothesis is that more externally driven wars may be more responsive to largely externally incentivized peace process (Mozambique, for example, where Renamo received many financial inducements to cooperate<sup>6</sup>), while more deeply internally-rooted conflicts may be less so.

### *Dynamics of peacemaking: process and momentum*

Several participants emphasized that incentives must be geared towards encouraging movement and momentum in a process until it reaches a 'tipping point' of irreversibility. As one participant put it, negotiations and transitional arrangements in a peace process constitute the "bridge to paradise". Too often incentives are geared towards paradise itself, not on "getting you there".

In a paper for the workshop, Anthony Regan argues that a factor that gets overlooked in focusing too heavily on international intervention is whether locally generated incentives for engaging in the process and reaching a peace agreement can be creatively utilized and even translated into mutually reinforcing incentives for the parties to honour and implement the peace agreement. In Bougainville, creative links were forged between agreed-upon steps for implementation of key arrangements, for example between the provisions for disposal of weapons by Bougainvillean factions and the constitutionalizing and implementation of the referendum, autonomy and other agreed-upon arrangements. Through a system of linkages and sequencing, one side would implement an agreed step that was to some extent against its interests, provided that the other side also implemented an agreed step that was against its interests (and in the interests of the first party).

External players can help encourage momentum in a process of internally-generated mutual incentive-

<sup>6</sup> See Alex Vines (1998).

## Georgia, Abkhazia and the CIS embargo

The Georgia-Abkhazia case study focused on the Commonwealth of Independent States (CIS) embargoes on Abkhazia.

- Abkhazia is de facto independent from Georgia but unrecognized by the international community. Negotiations have oscillated between dialogue and deadlock, punctuated by periods of heightened tension.
- In 1996, the CIS established embargoes on Abkhazia, establishing an economic, trade, educational, cultural and informational blockade. The United Nations Needs Assessment Mission to Abkhazia assessed the blockade negatively in 1998, claiming it solidified political positions without encouraging political compromise or facilitating economic integration.
- Russia agreed to sanctions but undermined their implementation. Abkhazia's isolation was reduced after Russia nullified border restrictions and allowed Abkhazians to gain Russian citizenship.

giving. In the best-case scenario, adversaries will move towards rewarding each other because they begin to understand their adversaries' problems are their own. A workshop participant described the South African experience as an unfolding process of mutual 'incentivizing': one side would support the lifting of sanctions, so the other would agree to a roadmap, so the other would call upon external partners to lift sanctions, and so on. External punishments and rewards can become less necessary as the parties become more motivated to resolve their differences.

### *Conflict parties and societies*

While it is convenient to think in terms of 'influencing the conflict parties', such language makes it is easy to overlook the broader risks and opportunities in trying to influence a peace process. A point made by many, but frequently forgotten, is that international relations is a game played by official actors with geopolitical interests, focusing on parties, leaders and regimes, but missing the extent that incentives or sanctions are obstructing or facilitating the reconciliation of peoples. How can international interventions encourage a common public sphere and societal reconciliation?

External actors need to understand that conflict parties are not monolithic and find ways to support the factions or constituencies which assess that negotiating a settlement is necessary and which may be able to advocate conciliation, negotiation or acceptance and implementation of an agreement, in spite of the

attendant costs or sacrifices. This needs to be done in a way that does not become discredited as 'interference' in 'internal affairs'.

## 4. Emerging lessons for external actors

Appropriate external involvement seems to be a question not just of the *degree* of external pressure but of the *skill* of its application, including whether the measures successfully activate the parties' own motivational structures, whether they are applied with good timing and sequencing, and whether they are flexible enough to respond to unfolding conditions.

### 4.1 Conflict analysis and the development of effective instruments

Much that is written about incentives and sanctions rests on a rational actor model that assumes that parties use cost-benefit analysis to decide action. But conflict parties are usually complex political entities that cannot always be understood in terms of an actor making rational choices.<sup>7</sup> There was a lot discomfort among workshop participants with the tendency to use the mechanical language of policy 'tools' and 'instruments' when the subjects of such instruments were groups of people, not machines.

Astute political analysis is needed to get to grips with the motivation structures and decision-making processes of conflict parties, their relationship with their

<sup>7</sup> See Ricigliano (2005) and forthcoming work on incentives by Ingrid Samset of the Chr. Michelsen Institute, Oslo.

constituencies and wider society, and how they may interpret external actors' signals. International instruments are often not adequately based in sound conflict analysis and a grasp of the internal dimensions of conflict. The following considerations should be made:

#### *Incentive structures*

Parties in a conflict are rarely unified entities and it is important for external actors to understand the various factions within each of the main parties and the main points of divergence and motivation that distinguish them. To what political bases are the conflict parties accountable? How will an incentive or sanction play into these motivational structures – and potentially strengthen or undermine those willing to explore a negotiated solution? As has been argued in the case of El Salvador, 'international incentives are more effective when they are perceived to strengthen particular views in an internal debate.'<sup>8</sup>

#### *Analysis and impact assessment*

What processes do external actors use to develop their analysis of the conflict dynamics and to assess the probable impacts of their policies on these dynamics? Drawing on local knowledge is essential. Processes of developing shared analysis between local and international strategy-makers can enable a more coherent link between the driving forces within the conflict dynamics and international policy. External actors rarely pay sufficient attention to the potential negative effects of their intervention on the conflict and may not understand fully the ways in which they become part of the conflict dynamics. These factors tend to be overridden when other issues on the international agenda create pressure for policymakers to act.

#### *The full range of instruments*

What is the full range of instruments that could be used to exert influence and who should deploy them? Has sufficient attention been given to identifying subtler but equally effective measures? If processes of influence are complex, instruments of influence need to respond to this complexity. Informal power structures close to the primary parties may be overlooked as sources of influence on the leadership. Shaming and blaming can be as powerful influences as proscribing and banning, and the threat to impose sanctions or remove benefits can be as effective as putting them into practice. For example, a workshop participant claimed that a major motivational factor for President Museveni was to ensure that Uganda was not placed on the agenda of the UN Security Council, as he does

not want it to be seen as "a basket case"; the mere threat of putting it on the agenda was a factor in encouraging him to participate in the Juba talks.

#### *Responsive instruments and momentum*

Does the analysis fully consider the way that motivational dynamics will change over time and the need to develop instruments capable of adapting and helping to drive the process forward? As one participant observed, "What helps to get parties to the table is not what gets them to reach agreement."

#### *Policy evaluation*

How can policy performance be evaluated? The mechanisms for evaluating what has worked, what has not and why are often very weak. Yet without regular evaluation of policy performance – linked directly with opportunities for policy change – it is very easy to get locked into commitment to policy instruments that may not be working, may be having very harmful unintended consequences or could be fine-tuned to be even more effective given changing circumstances in the conflict.

## **4.2 Challenges in designing and deploying policy instruments**

A number of issues were raised regarding the challenges in designing and deploying policy instruments for use within and between governments; these are set out below and will be explored further in the Accord project.

#### *Legal-normative considerations*

What are the issues around legal norms and the crafting of incentive instruments? What are the implications of the party's status as a state or a non-state actor? What is the legality of imposing sanctions on or offering incentives to a non-state armed group – particularly if challenged by the state it is in conflict with?

#### *Concerns about precedent-setting*

How can concerns about the need to set good precedents be weighed against the diverse requirements of specific conflict situations? Countries that strongly backed the creation of the International Criminal Court (ICC), for example, may place greater priority on seeing it operate than on the particular needs of local people affected by its actions. In northern Uganda, many people view the timing of the ICC indictment of Lords' Resistance Army (LRA) members as a grave threat to a possible peace agreement. A more general issue surrounding conflicts

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<sup>8</sup> See Geoff Thale on 'Incentives and the Salvadoran peace process' in Cortright (1997). Reformers in the Salvadoran government benefited from US financial assistance, while advocates of a negotiated solution in the armed opposition also received recognition and encouragement.

is the principle of territorial integrity used by the international community to insist, for example, that resolution of the conflict over Abkhazia must be found within the borders of a united Georgia.

#### *The geopolitics of international response*

Which governments tend to drive forward the international response to a conflict and what is their motivation for doing so? What happens when their response to a specific conflict is rooted more in their geopolitical manoeuvring than in the needs of those affected by the conflict? What happens when the response is led by 'the West' but ignores regional actors? What is and what should be the role of the UN Security Council?

#### *Conflicting strategies and paradigms*

Relatively new donors, sometimes known as 'emerging' donors and investors, notably the Chinese government, are offering large amounts of unconditional development assistance (that is, assistance provided without reference to improvements in governance or human rights standards in the country concerned). This potentially undermines the use of conditional sanctions and incentives by other external governments. What effect will the provision of large sums of unconditional aid to governments involved in conflicts have on peace processes? For instance, observers point out that the Sri Lankan government is becoming less concerned about external pressure from the 'international community' (ie 'Western' donors) because it is 'courting' Pakistan and China. This means that attempts to use development assistance to push forward peace processes are less likely to work if the government can choose among external benefactors (although it must be noted that attempts to use aid as leverage in Sri Lanka have failed before).

#### *The policy capacity of states*

Many governments do not have the capacity to develop an overall policy towards specific countries and how best to support a peace process aimed at resolving the conflict(s) taking place there, especially when their strategic interests are not affected. Lack of policy, however, means that they are very susceptible to supporting or blocking an incentive or sanction because of other alliances or general attitude towards the instrument, rather than because of a coherent strategy towards the peace process. As a workshop participant said, "If you do not have a policy toward the conflict, decisions about how to respond are taken at all sorts of points along the way in response to different developments without being clear on the implications these decisions will have for the conflict."

#### *Regional supporters and spoilers*

Participants in the workshop stressed the importance of regional neighbours, especially 'regional superpowers,' in creating incentives for resolving conflict. The support of the region was deemed crucial for peace. Burma (Myanmar) and Somalia were highlighted as negative examples, while southern Sudan, Tajikistan and the Central American accords were cited for more positive reasons. The peace process for southern Sudan was led by a government from the region that had both links with the non-state armed group and an institutional interest in the stability of the region. Kenya was often asked why it hosted the SPLM/A during the Sudanese conflict. A Kenyan mediator pointed out that had Kenya not allowed them a base, they would just have kept moving to other countries. Playing host allowed Kenya to apply conditions and exert pressure at crucial points in the Sudanese peace process. The Tajikistan peace process also owed much to a convergence of Russian and Iranian interests in promoting peace in Tajikistan, motivated by keeping the US at a distance from the peace process and minimizing Taliban, Pakistani and Saudi involvement. The active involvement of regional observers helped neutralize their potentially destructive influence: their leverage was instead used to help bring the Tajik parties to engage in direct negotiations and to make compromises.<sup>9</sup> In these cases and others, major powers have played an understated role with some success.

#### *Harmonization, strategic complementarity and contention*

There is a major challenge in ensuring that the key players are 'on the same page' in responding to the conflict. Yet international responses typically require individual states to develop their own internal policy coherence as well as orchestrating a coherent response between states, which will inevitably be pursuing a range of strategic interests that sometimes collide and often diverge. Therefore how realistic is it to expect a highly strategic and timely response through formally constituted channels, such as the UNSC? At the same time, how can international organizations get better at ensuring that they are not pursuing contradictory policies with potentially perverse consequences? Furthermore, there is a question of whether the sheer number of external actors risks over-complication. In the absence of solid international consensus on a shared strategy (which is most often the case), there seems to be a 'tipping point' when having sufficient involvement to create incentives becomes too much intervention, such that problems arise around competing incentives and 'shopping' for mediators.

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9 See Elena Rigacci Hay (2001) on Tajikistan.

## Uganda and the International Criminal Court

The case study from northern Uganda focused mainly on the 2006 Juba peace process between the Ugandan government and the LRA, mediated by the Government of Southern Sudan (GoSS):

- After a long period of inactivity, the risk that the situation in northern Uganda could come under the UN Security Council's scrutiny had prompted President Museveni and his government to take the idea of talks with the LRA more seriously.
- The ICC indicted five top leaders of the LRA, which threatened to hinder the peace talks. The LRA leadership voiced its "deep concern" and sought to get the ICC indictments lifted as a condition of signing an agreement. Under the terms of Rome Statute these indictments could only be removed "in the interest of justice".
- The UN and donors appeared caught between support to the talks and support to the ICC, unable to support either whole-heartedly.
- While some defend the ICC as a major step forward in prosecuting human rights abuses, for others the ICC's intervention seemingly failed to take into consideration the timing of the peace process, societal perspectives and interests, and threats to security on the ground. It had proceeded in the face of local communities' opposition and appeared to some to align itself with the interests of the Government of Uganda. Some participants reported that local communities tend to view justice as intimately connected with protection from a repeat of the abuses perpetrated by the LRA, on the one hand, and with compensation for suffering on the other. The ICC's model of justice as punitive and retributive differed significantly from this customary understanding.

Multiple external actors are frequently involved in peace processes, which may have benefits but can reduce flexibility and responsiveness and lead, in one workshop participant's words, to "more coordinating and less doing". Keeping actors out of the complicated web of peace processes is as important a consideration as inviting them in, especially from mediators' perspectives. In many cases different external interventions are not well coordinated, often undermining each other.

Coordination is notoriously difficult for both bureaucratic and political reasons. There are international development commitments that go beyond coordination to harmonization and alignment, but as previous studies have argued, a more immediately achievable goal in conflict policy may be 'strategic complementarity' between different types of actor, different countries, and conflict resolution 'tracks'.<sup>10</sup> As Jonathan Goodhand argues, "There is scope to think more creatively about the interfaces between diplomatic, development, humanitarian, and

human rights actors, so the distinctive approaches of each reinforce and complement (rather than undercut) one another. The same also applies to complementarity between countries."

A useful question for the project is when it might be helpful to have the source of the sanctions be the same as the source of mediation or when there is a case to be made for clearly separating the sanctioner from the mediator (and/or the other third-party roles that may be necessary for a potentially successful peace process).

<sup>10</sup> See Goodhand, Klem et al (2005).

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## About CR

**Conciliation Resources (CR)** works to prevent violence, promote justice and transform armed conflict into opportunities for development.

CR's goals are to:

- Support people working at local, national and international levels to develop effective solutions to social, economic and political problems related to violent conflicts.
- Provide opportunities for inclusive dialogue and improved relationships within communities and across conflict divides at all social and political levels.
- Influence governments and other decision-makers to employ conflict transformation policies that promote alternatives to violence.
- Improve peacemaking practice and policies by promoting learning from peace processes around the world.
- Challenge stereotypes and increase public awareness of human rights, conflict and peace issues in divided societies.

CR works mainly in the Caucasus, Fiji, Uganda and West Africa in partnership with local and international civil society organizations and governments, and publishes *Accord: an international review of peace initiatives*. Many Accord issues have been translated into other languages and all issues are available on CR's website, [www.c-r.org](http://www.c-r.org), where print copies can also be ordered.

## The Comparative Learning Project

CR aims to maximize the practical value of its Accord series through sharing the publications' findings with people directly involved in peace processes. In cooperation with partners in Colombia and the Philippines, CR translates and publishes relevant Accord articles and co-organizes a series of discussions on key issues in the peace processes. These activities enable the hard-won experiences of conflict transformation to be shared across the world, as well as ensuring that CR's work is informed by ongoing practical challenges. The insights emerging from this process are published in a series of 'reflections' papers for practitioners and policymakers, of which this document is one example.

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