

**Democracy and Deep-Rooted
Conflict: Options for Negotiators**

Democracy and Deep-Rooted Conflict: Options for Negotiators

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Preface




Most of today's violent conflicts are not the wars between contending states of former years, but take place within existing states. Many are inextricably bound up with concepts of identity, nation and nationalism, and many stem from the competition for resources, recognition and power. While these conflicts may appear very differently from place to place, they often have, at their base, similar issues of unmet needs, and of the necessity to accommodate the interests of majorities and minorities alike.

Despite the many excellent studies on how to build peace in divided societies, there remains a dearth of practical advice for policy-makers on how to design and implement democratic levers that can make peace endure. Conflict is a normal part of any healthy society, but a great deal of attention has been focused in recent years on how to prevent conflict, and less on finding peaceful methods of conflict management. In particular, there needs to be more attention given to the type of political choices that those negotiating an end to a period of violent conflict have to make to rebuild their country, and how they can build an enduring *democracy* – the only sustainable form of government – from the ashes of conflict.

This handbook attempts to meet this need by providing negotiators and policy-makers with detailed information on options for building democracy in post-conflict societies. We have brought together international experts, both academics and practitioners, in many fields – from negotiation techniques to power-sharing formulas, from questions of federalism and autonomy to electoral systems and parliaments – to provide practical, policy-relevant advice. The handbook draws on the experience of peace settlements and democracy building from places such as Bosnia, Fiji, Northern Ireland and South Africa to illustrate the many, often unrecognized, options that negotiators can draw upon when attempting to build a nascent democracy.

International IDEA was created in 1995 with precisely this objective – to make available practical instruments for building



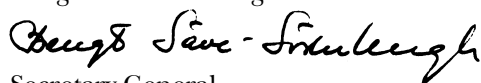
sustainable democracy so as to enhance the prospects for democracy's growth world-wide. We strongly believe that the way democratic procedures and institutions are developed and implemented can play a much more important role in post-conflict peace building than has been the case to date. This handbook has therefore been written and presented so as to ensure maximum accessibility for busy policy-makers.

Many good people have contributed to this handbook. We are grateful to all of them, but particularly to David Storey for his early conceptual input, to David Bloomfield, who was the lead writer on a number of chapters, to Tim Sisk for his many excellent suggestions for improving the text, and to Salma Hasan Ali and the publication team at IDEA, who turned the raw material into a usable publication.

My greatest thanks, however, must go to the two IDEA staff members, Mr Peter Harris and Dr Ben Reilly, who developed, and edited the handbook from its inception. Between them, they have produced a publication which we hope will be of great utility in the coming years, when the challenge of building sustainable democracy has never been more pressing.

We are very much aware of the huge scope of a subject like democracy and deep-rooted conflict, and would welcome your comments, ideas and suggestions on any aspects of the handbook.

Bengt Säve-Söderbergh



Secretary-General
International IDEA



Foreword




The United Nations exists, among other reasons, for the fundamental purpose of maintaining peace and security in the world. One of its main activities, therefore, is the resolution of conflicts – a task which has become more complex in recent times when many conflicts take the form of internal factional and civil strife, though often with very serious external repercussions.

This has obliged the international community to develop new instruments of conflict resolution, many of which relate to the electoral process and, more generally, to the entrenchment of a democratic culture in war-torn societies, with a view to making peace sustainable. This handbook lists an impressive range of such instruments, based on lessons learned from recent experience in the field.

The United Nations system as a whole is focusing on avoiding relapse into violence, especially in intra-state conflicts, by establishing the foundations of a lasting peace. That focus is admirably reflected in this handbook. It shows that building stable and solid internal political structures is not a separate task from crisis management, but needs to be part of it; and it proposes an array of practical resources for those of us engaged in the search for comprehensive and lasting settlements in specific conflicts. Competing forces have to be brought to discuss their differences within a legal and administrative framework, and to seek solutions based on systems of rules which derive their legitimacy from the will of the people, and from universal principles of human dignity. That in turn requires the creation of institutions built to last.

Happily, there is a growing trend throughout the world towards democratization and respect of human rights. Some 120 countries now hold generally free and fair elections, and a large number of internal conflicts end with a negotiated peace which includes an electoral process aimed at building political structures acceptable to all. The parties themselves agree to deliver a sustainable peaceful settlement through a democratic transition.

Democratic principles provide the essential starting point for implementation of such settlements, which usually involve not



only democratizing the state but also giving more power to civil society. Once political actors accept the need for peaceful management of deep-rooted conflicts, democratic systems of government can help them develop habits of compromise, co-operation and consensus building. These are not abstract statements, but practical conclusions drawn from UN experiences of conflict resolution in the field. This handbook, which presents systematically the lessons learned by the UN and other organizations, constitutes an invaluable addition to the literature on conflict prevention, management and resolution.

Kofi A. Annan

A handwritten signature in black ink, appearing to read 'K. Annan', written in a cursive style.

Secretary-General
United Nations

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Overview

The nature of violent conflict in the world has changed in recent decades, both in its actual subject-matter and in the form of its expression. One of the most dramatic changes has been the trend away from traditional *inter-state* conflict (that is, a war between sovereign states) and towards *intra-state* conflict (that is, one which takes place between factions within an existing state). Whereas most violent conflicts over the course of the twentieth century have been *between* states, in the 1990s almost all major conflicts around the world have taken place *within* states. Between 1989 and 1996, for example, 95 of the 101 armed conflicts identified around the world were such internal disputes. Most of these conflicts were propelled, at least in part, by quests for self-determination or adequate recognition of communal identity rather than by ideology or the conquest of territory. This represents a major shift in the manifestation of human conflict, especially compared to the world wars and major inter-state conflicts fought over the course of this century.

By comparison, our methods of managing such intra-state conflicts have evolved much more slowly. Peaceful management of domestic conflicts needs approaches which recognize the importance of building sustainable *internal* political structures, rather than those designed and implemented primarily by external actors. This means that issues about the internal political organization of a state are of much greater importance in managing conflicts today than in the past, and accordingly there is now a greater focus than ever on the role of domestic political actors engaged in a deep-rooted conflict. Traditional approaches all too often fail to address the needs and interests which fuel such conflicts, resulting in attempts to impose unsuitable solutions in ad hoc and inappropriate ways. There is a tremendous need for new and better tools that will more effectively address the new context of intra-state conflict.

This handbook contains practical resources for those involved in bringing intra-state conflict out of a prolonged phase of violence and designing a feasible and sustainable model for its peaceful management. Unlike many works on the subject, it is

The question that concerns us in this handbook is: how do we get an agreement at the negotiating table that will deliver a sustainable and peaceful outcome to a violent conflict? Our answer is: by structuring both the process of the negotiations and the agreed outcomes in such a way as to maximize the prospects of democracy taking root in the post-conflict period.

not primarily concerned with the role of the international community. Rather, its focus is on what happens at the negotiating table between the parties to the conflict themselves. It offers politicians, negotiators, mediators and other political actors a range of tools and materials needed for the construction of a settlement. These can assist both in the negotiation process itself – *how* one works towards an agreement; and in the building of a settlement – *what* one reaches agreement about. It is not concerned with preventive diplomacy, conflict early warning systems, conflict prevention in the narrow sense, and so on, important though those topics are. The question that concerns us in this handbook is: how do we get an agreement at the negotiating table that will deliver a sustainable and peaceful outcome to a violent conflict? Our answer is: by structuring both the *process* of the negotiations and the agreed *outcomes* in such a way as to maximize the prospects of democracy taking root in the post-conflict period.

The Need for this Handbook

The end-game of violent conflict is perhaps the most difficult phase of transformation in a hugely difficult process. In that phase, parties need two overall aids. They need to be able to avail themselves of the most effective and appropriate dialogue process to facilitate their negotiations; and they then need to successfully negotiate a sustainable settlement by putting in place effective and appropriate democratic structures and political institutions. Our aim is to assist the users of this handbook in the difficult task of creating comprehensive and durable solutions to long-term violent conflicts. In so doing, we draw on the experience of a number of recent peace settlements in Northern Ireland, South Africa, Bougainville, Guatemala and elsewhere.

However, this handbook does not provide any panacea. It would be ludicrous to prescribe one overall single design for use across a variety of situations, each in many ways unique. Rather than offer some universal recipe for success, or reinvent the wheel for every new situation, the handbook offers options for the construction of solutions, helping to focus attention on the core issues, providing many examples and lessons from other contexts, and in very practical ways assisting creativity in solution building. This is not an academic thesis. It is presented in readable, straightforward language, and is grounded in wide experience of real negotiation situations, the better to be of interest and practical use to the practitioner and the policy-maker.

Negotiators need practical, accessible options for building a sustainable democracy.

Anyone can suggest *ideal* solutions; but only those involved can, through negotiation, discover and create the shape of a *practical* solution.

Negotiation and mediation skills and processes have been the subject of a great deal of academic study in recent years. The practicalities of these processes have also been studied in depth at inter-group, institutional and international levels. In addition, the study of democratization and democracy building, both as a concept and in its varied applications in the world, has become a major field of academic interest. This project aims uniquely to bring together all three areas, adapting the best work from each, and constantly using each related area of knowledge to shed light on the other areas. Our aim here is to synthesize them into a unified approach in the form of a practical handbook. Above all, we want to bridge the gap between the worlds of theory and of policy, using the best of the former to strengthen the latter in a practical, policy-oriented approach.

The Aims of the Handbook

The handbook will be of primary use to negotiators and politicians representing conflicting parties, but also relevant to third-party intervenors, to civil servants and policy analysts, to scholars and specialists of deeply divided societies, to journalists and advisers, and so on. It is designed specifically for use with conflicts which are, in the terminology, in the *pre-negotiation* or *negotiation* phase: that is, situations which have reached a stage where negotiation has become at least a serious possibility, if not an imminent eventuality. Put simply, the handbook aims:

- To assist parties who are in, or about to enter, the process of negotiating a political settlement following a period of violent conflict, by helping them to generate creative scenarios for progress towards an acceptable outcome.
- To provide them with a wide range of practical options, both for designing the most appropriate negotiation process for them, and for choosing the democratic structures most suited to their situation and their future. Using the resources offered in the handbook in this construction process, they can thus engineer an appropriate sequence of events, a path to progress, which will co-ordinate the difficult but vital process of peace building through democracy building.
- To assist them in developing solutions which are not only feasible, acceptable and appropriate during the conflict

Among the aims of this handbook is to provide negotiators with a wide range of practical options, both for designing the most appropriate negotiation process for them, and for choosing the democratic structures most suited to their situation and their future.

management phase, but which are also viable and sustainable in the long term, via appropriately designed democratic institutions which protect and strengthen human rights within the new post-conflict society.

- More generally, to provide information on the range of varied approaches to building sustainable democracy that have been used in post-conflict situations around the world, for the benefit of domestic actors and the international community alike.

How to Use the Handbook

The layout of the handbook is practically orientated. It is accepted that building peace is an immense challenge, and our aim is simply to offer support and guidance, options and examples along the way to those involved in the task. In Chapter 1, we examine the changing nature of conflict in recent decades and discuss how democratic values and institutions provide the framework for building effective and lasting settlements. The handbook then consists of four consecutive stages: analysis, process design, outcome design, and sustainability. Each stage is given a chapter.

Analysis

First, we analyse the conflict in question and reach a descriptive understanding of its issues and elements. Chapter 2 initially provides some insights on the nature of deep-rooted conflict, on various typologies of conflict, and on the process of analysing conflict. It then offers a range of analytic tools, so that readers can be assisted in making a diagnosis of their specific conflict. This involves reaching a detailed understanding of its issues, themes, actors, dynamics, history, resources, phases, and so on. The result should provide a rich and informative “snapshot” of the conflict.

Process

Once diagnosis is complete, Chapter 3 guides readers through the design of the most appropriate negotiation process to suit their situation. It offers important general considerations about designing good process, and then some specific factors to be considered in building the process most suitable to the particular conflict. It assists readers to identify and design the basic building blocks of their process, such as choice of venue, participants, agenda design, the structure and ground-rules for talks, and so on. It offers specific tools for breaking deadlock, and a menu of negotiation/facilitation techniques from which readers

Building peace is an immense challenge. Our aim is simply to offer support and guidance, options and examples along the way to those involved in the task.

can choose the most appropriate options according to their previous diagnosis, the better to construct a solid talks process best suited to their specific needs.

Outcome

Once *process* has been agreed, the next phase is to address *outcome*. Here we consider, in particular, the forms and functions of the wide range of practical democratic institutions and structures which can make up the ingredients of a high-quality outcome negotiated by means of the process designed in Chapter 3. Chapter 4 reviews the value of such structures, and the issues involved in their design. Then it offers a detailed and wide-ranging menu of the possible democratic “levers” which those engineering an outcome can consider, use and adapt. The list of options ranges from key questions about the structure of the state such as the distribution of power, forms of executives and legislatures, federalism and autonomy, electoral systems, judiciaries, etc.; to mechanisms which address specific issues or interests such as truth and reconciliation commissions, language boards, gender commissions and so on.

Sustainability

Finally, Chapter 5 looks at how to sustain the outcome in the long term, and identifies the obstacles and pitfalls that may affect the implementation of the agreement as well as the specific mechanisms that will sustain and nourish the negotiated settlement. It also offers some underlying principles for supporting the implementation phase. The role of the international community in promoting and assisting democratic settlements in post-conflict situations is also discussed and analysed from a policy perspective.

Case Studies

The handbook includes a wide range of case studies from deep-rooted conflicts around the world. These case studies offer insights into both successes and failures in peace building and democracy. All of them, both successes and failures, contain important lessons for those attempting to build an enduring settlement to their own crisis. Most of these case studies – from places ranging from Bougainville to Bosnia, and from South Africa to Northern Ireland – are classic examples of “intra-state” conflicts discussed earlier, in which a focus on negotiated outcomes based on democratic principles were key to building a lasting peace. As the case studies illustrate, building democracy in such circumstances is extremely difficult, but the alternatives to it almost inevitably mean a return to bloodshed.

Tools

Our goal is to make this handbook as accessible and easy-to-read as possible – to make it a handy instrument that negotiators and policy-makers can turn to in order to understand the range of options available to them in negotiating deep-rooted conflicts. Therefore, we include throughout the book what we refer to as “A Menu of Options”, and factsheets. These are one- or two-page overviews that present the main options, issues, or lessons discussed in each section in a clear and concise manner. Also, we include at the top of each page the number and title of each main section heading so readers can situate themselves anywhere in the the book easily and quickly.

Sources and Acknowledgements

The two main sources of material for this handbook are practical examples of contemporary conflict and its management from around the world, and academic scholarship. At every point along the way, the handbook illustrates its procedures by extensive use of examples and case studies drawn from real events and situations. One reason for this is obviously to help illustrate the points the handbook is making. Perhaps more importantly, the examples offer readers the opportunity to learn from instances of past and present successes and failures, and to compare other diagnoses and designs with their own situations.

With the academic material, the handbook aims to synthesize the best in contemporary scholarship and offer it in an accessible and practical form to policy-makers. It bridges the gap between theory and policy by offering a composite of the best and most practically oriented work of theorists. The best theories are always those that inform, and are informed by, reality and practice. First and foremost, readers will bring their own expert knowledge of their conflict to the handbook; this is then complemented both by expert knowledge and analysis of other real situations, and by the best of the relevant theoretical work.

To make the handbook as immediately practical as possible to its readership we have listed all reference material at the end of each chapter. Readers can pursue their particular interests further through these many authors on whose work we have drawn. We are deeply indebted to all of them.

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