Introduction

Mapping the Nettle Field

Chester A. Crocker, Fen Osler Hampson, and Pamela R. Aall

IN THE MINDS OF MANY the end of the Cold War was supposed to halt the torrent of conflict that characterized the twentieth century, the bloodiest century in history. Instead, it unleashed or unmasked a dozen conflicts in Africa, Asia, Europe, and Latin America. Although a number of these conflicts—Cambodia, El Salvador, Guatemala, Mozambique, and Namibia—were settled during the late 1980s and 1990s, others proved resistant to resolution. In the Middle East, in spite of almost five decades of peacemaking by the United States and other third parties, the conflict between Israelis and Palestinians continued, with recurring outbreaks of violence and terrorism hardening public opinion on both sides and threatening regional stability.

In Sri Lanka a civil war marked by ongoing violence and terrorism eluded efforts to negotiate a durable cease-fire between the Sinhalesedominated government in the south and the insurgent Tamil guerrilla movement in the north. The territories of Jammu and Kashmir, which sit on the northern border between India and Pakistan, have also experienced an ongoing war of attrition since the mid-1960s, because of a seemingly irreconcilable border dispute between the two countries. Africa has seen ongoing conflict in Burundi, Côte d'Ivoire, the Democratic Republic of



Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

Congo, Rwanda, Sierra Leone, Somalia, Sudan, Uganda, and—until recently—Liberia. In Latin America, which did reap a peace dividend with the end of authoritarian rule and the transition to democracy in the 1980s, some countries continue to experience major social and political upheaval and violence, most notably Colombia, where, since the 1960s, various guerrilla groups have waged war against the government. And Europe, too, has seen long-enduring conflicts, most notably in the Balkans and Northern Ireland.¹

These and other long conflicts have been called intractable, protracted, self-sustaining, deep-rooted, the product of ancient hatreds. Much intellectual effort has been devoted to studying their origins, causes, and consequences. Many of these conflicts—though obviously not all—have also been the subject of prolonged and sustained international efforts to end them, including diplomacy, mediation, military intervention, peacekeeping, and humanitarian and development assistance. However, they continue to resist any kind of settlement or resolution.

The events of September 11, 2001, demonstrate that there are real risks in allowing these intractable conflicts to fester. Many of these hot zones are home to insurgent groups and other political movements that have powerful incentives and growing capacity to build global networks to project their power and influence. Some of these groups have purely local targets for their violence. Others, as evidenced by Osama bin Laden's activities, intend to cause global chaos in pursuit of their objectives. The combination of a struggle for power, disputed governance, a need for revenue, a demand for arms, and war-hardened ruthlessness creates fetid breeding grounds for all sorts of illicit phenomena: terrorism, illegal weapons proliferation, drug smuggling, forced labor, money laundering-a long list of hard-to-control activities that affect the world far beyond the boundaries of the conflict. To state this another way, it is not very helpful to rank conflicts in an A, B, and C list according to the importance of the countries in which they occur. As we have seen in the past few years, C-list countries can produce an A list of trouble.²

The Meaning of Intractability

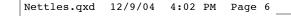
Many scholars, analysts, and practitioners have tried to define the complex nature of intractability.³ The experts group of academics and practitioners brought together by the United States Institute of Peace for periodic dis-

cussions between October 2001 and April 2003 recognized that the term "intractable" is often understood to refer to a conflict that is unresolvable rather than one that resists resolution. There was some concern among the group that even calling a conflict intractable introduced an element of inevitability, thereby affecting the attitudes and perceptions of the parties to the conflict and the third-party peacemakers. In the end, the group—and this book, which emerged from the group's meetings—settled on a very broad definition: intractable conflicts are conflicts that have persisted over time and refused to yield to efforts—through either direct negotiations by the parties or mediation with third-party assistance—to arrive at a political settlement.

Their resistance to a settlement may appear to derive from a single cause or principal ingredient, but closer examination usually points to multiple causes and many contributing factors. Whatever their source, intractable conflicts share a common characteristic: they defy settlement because leaders believe their objectives are fundamentally irreconcilable and parties have more interest in the hot war or cold stalemate than in any known alternative state of being. In other words, these local decision makers seek to resist or prevent the emergence of politics as the arena for settling their differences because they see their battle as a zero-sum game: what their opponent gains, they lose. In intractable conflicts armed parties enjoy relative autonomy to pursue their unilateral objectives. They are not accountable to anyone. Although intractable conflicts may share these characteristics, the actual level of violence and the potential for an escalation of military hostilities may vary from one setting to another. During its conflict, Angola experienced a high level of violence, while Northern Ireland had relatively few casualties in the long history of its sectarian strife. And the Middle East shows that levels of violence can escalate, deescalate, and re-escalate over the lifetime of a conflict.

What Causes Intractability?

Understanding intractable conflicts starts with recognizing that sources of intractability are not the same as the original causes of the conflict, a point that Roy Licklider emphasizes in his chapter in this volume. No matter what issues formed the foundation for the initial conflict, a number of other elements will come into the mix to augment or even supplant the original disputes. Wars over time create new issues and agendas that were



Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

not present at the outset, including the way each side treats the other. For instance, the conflict in Kashmir is part of a larger set of bilateral conflict issues that have divided India and Pakistan since their joint emergence from the British Empire in the 1940s. Now, that agenda includes nuclear risk reduction and targeting/weaponization programs, trade/travel issues, other border issues, regional rivalries, and above all the identity dispute between Muslim homeland Pakistan and secular India. The bilateral issue agenda has ballooned with the passage of time, so that today Kashmir is much more deeply embedded in polarized issues than it was in the late 1940s.

Geography and geopolitics may also promote intractability, an observation that I. William Zartman makes in his chapter. Some states lie on the borderline between larger civilizations—Sudan between black and Arab Africa, and Kashmir between large Islamic and Hindu states. In other cases, neighboring wars may engulf a conflict, holding it captive to a resolution of the larger war, as Burundi's conflict was engulfed by the war in neighboring Congo. And many so-called internal patterns of enmity and amity are shaped by regional power distributions and specific factors such as border disputes, ethnic diasporas, ideological alignments, and neighboring states whose interests are served by continuing conflict.⁴

There are several schools of thought about the many causes of contemporary civil wars.⁵ Intractable conflicts that take place within the borders of one country may be particularly resistant to settlement because of the nature of the conflict itself. These conflicts, manipulated as they may be by political agency entrepreneurs—or what Michael Brown calls "bad leaders" —often involve deep-seated identity and grievance issues as well as a considerable amount of war profiteering by representatives of one group or another.⁶ Some analysts stress the role of poverty and the denial of basic human needs as key sources of conflict. The extent to which certain groups in society are systematically discriminated against and/or have their basic needs denied by those in power can lay the seeds for conflict, especially if there is no legitimate way to channel those grievances through the political process.⁷

In other cases, however, it is not internal instability that feeds intractability but rather a kind of stasis that develops around the fighting. For instance, a stable and tolerable stalemate makes it easy for sides to settle into comfortable accommodation with persistent warfare that sustains power bases. Continued war is a comfort zone that does not jeopardize either

side's core constituency, even though those who suffer and pay the price for continued fighting—especially the civilian targets—are disenfranchised in every sense. For example, the fact that officials on both sides of the Eurasian cases—examined in Charles King's chapter—benefit from the conflict raises the question of whether there is such a thing as "happy" intractability, an untidy but possibly acceptable status quo. If there is, does this status quo provide a form of de facto conflict management that keeps the conflict at a low level? A variation on this theme occurs in some situations, illustrated well by the North Korean leadership regime. In North Korea, a culture of intractability has emerged in which elites seem comfortable only if they are in a steady state of conflict with a long-standing adversary, be it South Korea or the United States.

Intractability can also be the product of polarized, zero-sum notions of identity. Conflicts that continue over long periods lead to the accumulation of grievances incorporated into each party's version of history. Each side sees itself as a victim and creates or reinterprets key cultural and religious symbols that perpetuate both the sense of resentment and the conflict. In intractable conflicts, violence enters the everyday world of thousands of people and becomes a way of life. Conflict becomes institutionalized as vested interests rise in keeping the conflict going. Violence becomes the norm as parties become wedded to a logic and culture of violence and revenge. Young people who grow up in a conflict know no other way of life. As a population becomes inured to conflict, the hope that it will end recedes.

Domestic politics can also promote intractability. Lack of internal coherence in the parties can augment intractability, especially in democracies, as the conflict becomes part of campaign promises and political considerations create difficulties in making concessions. In his chapter on the Israeli-Palestinian conflict, Shibley Telhami suggests that violent reciprocity becomes normalized but cooperation does not because domestic politics blocks any move to cooperate. Among the general public, "there is an insidious belief on each side that not acting is worse than acting: that if one does not respond, the other side will interpret the lack of action as weakness and that the nonacting side will therefore be the target of more violence." In these situations, politicians often credibly claim that violence pays.

Another important factor in intractable conflict settings is the avarice of predatory warlords who profit from the political economy of violence through arms sales, smuggling, and other illicit commercial practices and

Nettles.qxd 12/9/04 4:02 PM Page 8

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

transactions. As Paul Collier and others argue, it is clear that "conflict pays" in monetary as well as political terms.⁸ And the dividends are such that those who are the chief beneficiaries of the war economy may have strong economic incentives to keep the conflict boiling. Nowhere is this more evident than in Angola and Sierra Leone, where civil wars have literally been paid for by the illicit sale of smuggled "blood" diamonds that have eventually found their way into regular commercial markets.

The failure of previous efforts can have a negative impact on possibilities for peacemaking. The discrediting of an "acceptable" agreement in an earlier phase of negotiation can force a solution off the table despite the fact that it may be the only "salient solution," as William Zartman argues in his chapter. A literature of accord becomes a weapon of political warfare, and agreements that are never implemented can lead to cynicism and resistance to peace initiatives. Several case studies in this book, including Angola, Colombia, and Sudan, give all-too-vivid illustrations of the deleterious result of missing opportunities and the price of failed peace agreements.

Changes in the way the parties to the conflict pursue their objectives through political channels can also serve to promote intractability. As parties gain experience in negotiation and in dealing with third parties, they develop a tendency to manipulate talks. A single party may simultaneously pursue very contradictory policies, sowing confusion among adversaries and third parties. Intentional misunderstandings between the parties may serve the purpose of papering over internal discord and factionalism. For this reason, parties may resist any outsider effort to make them clarify their goals. In some cases conflict parties become more purposeful and strategic in their behavior than the intervening third parties. In Bosnia the conflict parties viewed third-party mediation as an opportunity for a double game, seeking alliances with mediators to pursue their version of the mediator's stated norms and principles. In other cases negotiations become another means of conducting the conflict rather than a means for settling it.

Long exposure to the pressure to reach a settlement may paradoxically create increasing resistance to mediation by one side. The very question of whether to accept mediation becomes another point of real contention between the two parties. In the Kashmir conflict, Pakistan has actively sought international intervention as the key to upsetting an un-

satisfactory status quo, while India has tended to assume that outside involvement would damage its interests. The Kashmir conflict illustrates the point that some conflicts become intractable because the stronger party is a status quo power that naturally resists or refuses external mediation and intervention.

9

Failures in earlier peacemaking efforts can also result in the promotion by the parties of mutually exclusive basic requirements and preconditions for negotiations. These basic requirements may mask a fundamental unwillingness to negotiate, as both parties know that you cannot satisfy the requirements of one side without contradicting the basic requirements of the other side. For instance, in many internal conflicts, the underdog insurgents keep the ability to continue the struggle as a primary card, while curbing insurgent violence and terrorism is a primary precondition or negotiating card in the hands of the government. This naturally leads to a procedural and substantive standoff as one side says that it needs a signed agreement in order to stop fighting, and the other refuses to talk until violence ceases. In fact, both sides may be posturing, because they view any movement to the negotiating table as a dangerously risky zero-sum game.

In most long-enduring conflicts, overlapping sources of intractability converge to build up a massive wall of resistance to settlement. The conflict in Cyprus, for instance, has at various points featured many sources of intractability: personalities, leadership factors, domestic politics in the Cypriot communities, the island's dependence on and linkage to two metropoles, the complexities of Cyprus's and Turkey's evolving relationships with the European Union, and the U.S. view that Cyprus is less important than other interests in the eastern Mediterranean. A similar pattern of multiple, overlapping layers of intractability can be seen in Colombia and Kashmir. In both cases even the basic conflict structure and identity of the parties are unclear. Who should sit at the table and who-if anyone-should mediate are still unsolved issues. It is also somewhat unclear in both cases what the issues are. In Kashmir they include borders, sovereignty, identity and self-determination, broader bilateral relationships, and terrorism. In Colombia the issues include ending guerrilla violence, getting paramilitaries under control, rural self-government, political reform, and socioeconomic change. As these cases show, even basic questions of defining the parties and defining the issues can contribute to a conflict's intractability.

Nettles.qxd 12/9/04 4:02 PM Page 10

10

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

Types of Intractable Conflicts

Interstate and Intrastate Conflicts

There are as many types of intractable conflicts as there are individual conflicts, as each arises out of a specific set of circumstances and involves specific actors and issues. But it is possible to establish some categories that can help to further our understanding of intractable conflicts. A basic structural difference exists between interstate wars and civil wars. Although most intractable conflicts do occur within states, it is important to recognize that some of the most durable intractables-Kashmir and Korea, for instance-are interstate conflicts with potentially devastating consequences for their immediate regions and the wider world if the conflicts were to erupt into full-fledged warfare. However, we also recognize that the distinction between interstate and intrastate conflicts starts to break down when contested sovereignty, or the refusal of one or more parties to recognize the sovereign claims of the other side, lies at the heart of the dispute. Further, many so-called intrastate, or civil, conflicts—Cyprus, for instance -will engage external actors, including regional neighbors, which not only try to manipulate the conflict for their own ends but also may be actively involved in the fighting itself. In examining long-standing wars, we see that the actual line between "civil" and "interstate" disputes is a blurry one.

Active Intractable Conflicts

Another distinction revolves around the level of violence and the persistence of fighting. Some intractable conflicts are hot conflict zones, such as Israel-Palestine and Sudan. Violence is a more or less permanent feature of these conflicts, even though the actual level of violence may be intermittent, sporadic, or even seasonal (dry seasons, for example, are good for launching conventional military offensives against insurgents). Such conflicts may be stalemated because they have not reached that plateau where the costs of a political settlement are appreciably lower (and recognized to be so) than the military and political costs of continued fighting.⁹ They therefore elude the moment of "ripeness," that is, the moment when all of the parties are seriously interested in exploring their political options and finally commit themselves to resolving their differences through negotiation rather than force of arms.

In active intractable conflicts, parties also see themselves as fighting a war of attrition, or a "stamina war," in which the goal is not just to score points against the opponent but also to score points with one's own domestic constituents without alienating key allies and sources of international support. Active intractable conflicts are durable and usually recognized as such by the parties to the conflict themselves, even though they may underestimate the potential for escalation in violent acts of retribution.

The Israeli-Palestinian conflict is a classic example of an active intractable conflict: it has persisted—sometimes as an autonomous bilateral contest, sometimes linked to regional, interstate struggles involving Egypt, Jordan, Lebanon, and Syria—for almost five decades. Violence is episodic but recurrent, and the conflict has refused to yield to the persistent efforts of various third parties, including small countries such as Norway and a superpower such as the United States, to mediate a peaceful settlement to the conflict. Most important, though, the conflict falls into the active intractable category because the parties are not prepared to renounce completely the use of force and violence to achieve their political objectives. Conflicts in Colombia, Kashmir, Sri Lanka, and Sudan also fall into the active intractable category because the parties to these disputes have not completely renounced violence.

Abeyant Intractable Conflicts

Abeyant intractable conflicts share a common characteristic with active intractable conflicts: they are not ripe because the parties themselves have not experienced the full and direct costs of a mutually hurting stalemate. They differ, however, in crucial ways. In abeyant intractable conflicts violence is suspended, or "frozen" (i.e., they have gone into remission), usually because a third party is willing and able to guarantee the terms of a negotiated cease-fire—a cease-fire that may also include the broad outlines of a political settlement. When outsiders freeze a conflict by providing the means to check violence and keep peace, they save lives and manage the problem, preventing it from spreading and limiting damage, but they may also, perversely, sustain the underlying polarity and delay political solutions. In this situation outsiders become indispensable, and their eventual departure presents a security dilemma for local parties as there is real potential for escalation if those third-party security guarantees are withdrawn.

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

Abeyant intractable conflicts are characterized by an equilibrium that is relatively stable, because any attempt to escalate the conflict would inflict higher costs than does the existing cease-fire. At the same time, the political and security costs of moving to a new set of political arrangements, in which the third-party security guarantees could be withdrawn, are also higher than the costs of the status quo. A lasting peace therefore remains elusive.

Cyprus is a classic example of an intractable conflict that was frozen for decades. Here, the long-term inability (before the major progress achieved in 2003–4) of the United Nations, as well as other third parties, to bring about a negotiated settlement and a withdrawal of UN forces was testimony to the intractable nature of the dispute—a dispute involving not just competing communal interests on the island but also conflicting regional interests, namely, those of Greece and Turkey.

In table 1 we have categorized a number of intractable conflicts along four dimensions—interstate and intrastate, active and abeyant.

Categorizing by Principal Factors

In looking at the cases included in this book, however, we see that categorizing active and abeyant conflicts only starts the process of defining types of intractable conflicts. Table 1 presents a spectrum of intractability that ranges in prospect for resolution from hard to really hard, but some general clusters of different types of conflicts also start to appear. These clusters are defined by the principal agents or factors behind the intractability and may be characterized as follows:

□ Conflicts in which there is a lack of accountability for the leadership, whether that leadership represents the ruling party and rebel elites in an intrastate conflict or the governments and other influentials in an interstate conflict. In these conflicts individuals or groups develop strong vested interests in the conflict as a means to gain or keep power, status, or wealth (whatever their public platforms may say about rights, grievances, and victimhood). In some of these conflicts there may be straightforward grabs for gain; in others the initial "cause" involved a fight over rights and needs that descended into a struggle for control of political power, goods, rents, and exports. This creates a winner-take-all pattern of behavior and presents

13

Table 1. Different Types of Intractable Conflicts

| | Nature of] | Dispute |
|-----------------------------|------------------------------|-----------------------------|
| Level of Violence | Intrastate conflict | Interstate conflict |
| Active intractable conflict | Abkhazia-Georgia | Israel-Palestine |
| | Aceh-Indonesia | Kashmir |
| | Afghanistan | Nagorno-Karabakh |
| | Angola (pre-2002) | Western Sahara |
| | Burma | |
| | Burundi | |
| | Colombia | |
| | Democratic Republic of Congo | |
| | East Timor (pre-1999) | |
| | Georgia | |
| | Liberia (pre-2003) | |
| | Nepal | |
| | Northern Ireland (pre-1998) | |
| | Sierra Leone (pre-2000) | |
| | Somalia | |
| | South Ossetia–Georgia | |
| | Sri Lanka | |
| | Sudan | |
| Abeyant intractable | Bosnia | Israel-Syria |
| conflict | Chechnya | North and South Korea |
| - | Cyprus | People's Republic of China- |
| | Kosovo | Taiwan |

specific obstacles to settlement that severely challenge the peacemakers. These conflicts may also be essentially rooted in a comfortable stasis for elites for years. In some conflicts the absence of continued violence may make the conflict tolerable for all sides, Cyprus again providing an example. In others the problem may be low levels of violence that are tolerable, as in Northern Ireland. In still others high levels of violence that do not adversely affect the interests of elites make the conflicts tolerable—here we look to Angola, Colombia, and Sudan.

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

- □ Conflicts that occur in societies where there are weak or divided decision-making structures. A principal factor behind intractability may be party fragility or fragmentation that makes it difficult to build (or sustain) durable coalitions for peace as negotiations move forward. Leaders whose basis for political support is weak and whose domestic coalitions are shaky have less freedom to maneuver and can make fewer concessions at the negotiating table than leaders who are in a strong political position with their own constituents. The corresponding bargaining "win-win" set—the negotiating range, or "zone of potential agreement" represented by the overlapping preferences of the parties—will shrink. Intractable conflicts in democracies—the Philippines, Sri Lanka—are particularly vulnerable to these problems, as the conflict becomes fodder for political debate and electioneering.
- □ Conflicts that are characterized by deep-rooted communal or ethnic cleavages. These conflicts are driven by ever-expanding and -deepening definitions of identity: (1) the parties refuse to recognize each other's identity, which essentially makes it difficult to lay the groundwork for negotiations, and (2) the parties (especially elites) have come to define themselves and the very core of their existence in terms of the conflict itself. This intermingling of identity and conflict severely limits the possibility of any peace process except one imposed from the outside to transform relationships and society.
- □ Conflicts that occur in "bad neighborhoods," becoming embedded in a wider set of issues and interests. These conflicts become impacted in surrounding regional geopolitics and stall for decades until a major shift of tectonic plates occurs, opening the way for real movement in the peace process. Conflicts can also be impacted because the third parties involved in the peacemaking think that solving the conflict is less important than maintaining good links with the neighboring states. And there are conflicts, such as in the former Yugoslavia and parts of Africa and the Caucasus, in which it is hard to know if an actor is internal or external to the conflict. Actors wear multiple hats, and their views of a neighboring conflict are defined by its potential impact as a precedent for their own.

□ Conflicts that fail to generate serious, sustained, high-quality thirdparty intervention by key international actors. Some of these intractable conflicts involve parties that want to keep third parties out, as has happened in Kashmir. Some are intractable in large part because no high-quality external intervention is likely to happen—and these conflicts don't settle themselves. They are intractable, in a sense, because they do not matter enough for concerted international reaction.

Table 2 divides conflict into two major categories. The left-hand column shows primary factors affecting intractability—lack of accountability, weak decision-making structures, deep-rooted cleavages, bad neighborhoods, and the lack of outside help. The four right-hand columns divide conflicts according to whether they are active or abeyant, interstate or intrastate. The cells suggest where the conflicts discussed in this book, as well as some other conflicts, might fall in terms of classification. The fact that several conflicts appear in several cells serves only to reinforce the point that intractable conflicts spring from many sources and may move from one category to another over their lifetimes.

Negotiation Challenges in Intractable Conflicts

Since intractable conflicts typically have many causes, they require multifaceted responses and management strategies that address social problems as well as political ones. However, the political problems may present the most immediate challenge. Those doing the intervening must recognize that in long-enduring conflict settings, not only have positions hardened, but divisions run deep. This is because the parties have not given up on their hopes for victory or their fear of defeat. The third-party challenge, therefore, is not just to level the playing field but also to change the costbenefit calculations so the parties themselves become not only more interested in pursuing their political options but also firmly committed to a political process for resolving their differences. The challenges that third parties face in establishing a political dialogue and getting parties to the table include the following.

Two-Level Games. The relationship between elites and their constituents and the depth of political support they may (or may not) enjoy once they

| | | Different Types of Intractable Conflicts | tractable Conflicts | |
|---|--|--|-----------------------|--------------------|
| Primary Factors Affecting Intractability | Active interstate | Active intrastate | Abeyant interstate | Abeyant intrastate |
| Lack of accountability of warring parties (bad leaders, warlordism, greed, fringe spoilers) | Balkans (pre-Dayton) Nagorno-Karabakh | Abkhazia Afghanistan Angola Burma Colombia Croatia Liberia Sierra Leone Somalia South Ossetia | North and South Korea | Cyprus Moldova |
| Weak or divided decision-making structures | Uganda- Sudan Western Sahara | Abkhazia Colombia Croatia Nepal Northern Ireland Philippines (Mindanao) South Ossetia | Kashmir | Kosovo |

¢

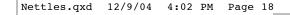
 ϕ

Table 2. Typology of Conflicts

Œ

| | Cyprus | | Chechnya |
|--------------------|--|--|---|
| | Israel-Palestine | Indochina (Cold War) Israel-Syria | Kashmir |
| Sri Lanka Sudan | Afghanistan Balkans (post-Dayton) Sri Lanka Sudan | Afghanistan Burundi Cambodia Georgia Sierra Leone Sudan | Colombia |
| | Kashmir | Kashmir Nagorno-Karabakh Western Sahara | Aceh-Indonesia Western Sahara Zaire/Democratic Republic of Congo Rwanda-Burundi |
| | Deep-rooted communal or ethnic cleavages contributing to "winner- take-all" psychology | Bad neigbborboods that embed conflict in wider set of issues and interests | Lack of access to the conflict or lack of sustained third-party interest |

 \oplus



Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

decide to commit themselves to talking to the enemy are critical to the prospect of establishing negotiations. There is a two-level game aspect to most international negotiations, as Robert Putnam and others have convincingly argued.¹⁰ Mediators in intractable conflict settings all too often run into the perverse and frustrating dynamics of this two-level game, not only in launching negotiations, but also when negotiations come down to the wire and the endgame is in sight. In intractable conflict settings the elite-constituency problem has special meaning and poses its own unique obstacles to any kind of *negotiated* attempt to bring about an end to conflict. Although two-level game considerations are not "causes" of intractability per se, they do influence the political environment and the strategic calculus of elites who may be interested in considering their political alternatives to a continuation of conflict.

Faction-Traction Problems. One result of the two-level games is that movements toward peace have difficulty gaining traction and the number of factions and shifting alliances increases. The large number of factions in any given conflict may, in turn, be a function of the large number of ethnic or communal groups that reside within the borders of a given country. As different groups vie for power and influence and seek to expand their political base, different coalitions and alliances will form. However, as the constellation of forces shifts in the jockeying for power, some coalitions will crumble while new ones rise to take their place. This is not to say that some factions may not want to pursue a negotiated solution to the conflict with the passage of time. However, their own basis of political support may be tenuous at best, and the balance of power may turn against them as the war unfolds, making it difficult for peace-oriented coalitions (or at the very least coalitions that are interested in pursuing negotiated political options) to form.

Nowhere are the problems of shifting coalitions of interest and power more readily apparent than in the twenty-year conflict in Sudan. Although the conflict has been portrayed as a religious war between Arabs governed by the highly repressive "fundamentalist" Islamic regime in the north and the largely Christian or animist African peoples who inhabit the south, this description captures only a partial picture of reality. Sudan comprises some five hundred ethnic groups, who speak more than a hundred different languages and profess adherence not just to Christianity and Islam but

also to traditional African religions. The country's problems have been compounded by unequal socioeconomic development in different regions of the country and an economy that is highly dependent on exploitation of Sudan's natural resources, especially oil. Although Khartoum's intransigence presented a fundamental challenge to any kind of negotiated settlement, the shifting constellation of power among rival warring factions in the south also posed its own special obstacles. The highly factionalized nature of the Sudanese conflict made it difficult for third parties not only to gain entry into the conflict but also to gain any sufficient traction to move negotiations forward, a situation that changed only with the concerted effort of several determined intermediaries working together.

Delivery Dilemmas. A related problem in many intractable situations is the prevalence of weak or trapped leaders who are unable to deliver their own political constituency to the negotiating table as negotiating positions converge and a peace agreement appears to be within sight. Parties with a weak or eroding power base are more likely to be forced into strategies that treat successive bargaining encounters as conflictual rather than cooperative exercises.¹¹ Such pressures may well intensify the longer the parties are seated at the negotiating table. We refer to this negotiating conundrum in intractable conflict settings as the delivery dilemma.

The delivery dilemma of intractable conflicts is evident in efforts to negotiate an end to the Israeli-Palestinian conflict. After secret talks in Oslo, the Israelis and Palestinians signed a peace treaty at the White House in Washington in September 1993. Prime Minister Yitzhak Rabin, the leader of the Israeli Labor Party, was in a strong position domestically and was able to sell the terms of the Oslo settlement to Labor's coalition partners in the Knesset. Following Rabin's assassination at the hands of a political extremist and the subsequent defeat of Labor by the nationalist Likud party, U.S.-sponsored negotiations continued. However, as a result of electoral reforms that enhanced the power and influence of minority parties in the Knesset, the new prime minister, Benjamin Netanyahu, was in a relatively weak position politically within his own parliamentary coalition. Netanyahu (although himself no fan of the Oslo process) found that his own freedom of maneuver at the negotiating table was limited, and relations between Israel and its Arab neighbors worsened.

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

Netanyahu's defeat at the hands of Ehud Barak, leader of a Laborled coalition, ushered in a new era of peacemaking and a series of intensive negotiations with PLO leader Yasir Arafat that culminated in a series of summit meetings, mediated by U.S. president Bill Clinton in 2000. Although Prime Minister Barak offered a series of dramatic and unprecedented concessions, negotiations collapsed over differences on the future of Palestinian refugees, the extent of territorial concessions, and the status of East Jerusalem. There are many reasons and differing interpretations as to why these talks collapsed. Even so, there is more or less general agreement that Arafat's intransigence and refusal to make concessions in the negotiations were linked to the shaky basis of his domestic political support, the growing challenge he faced from the extremist Hamas faction—which was (and is) carrying out its own terrorist attacks against Israel—and the fact that his own "divide-and-rule" approach to power had left his own people increasingly discontented and divided.

Discredited or Worn–Out Salient Solutions. Another negotiating dilemma in intractable conflict settings is the absence of a clearly identifiable resolving formula or, as William Zartman's chapter points out, the presence of a resolving formula that is already discredited or rejected by the parties. One school of thought argues that the negotiating challenge in intractable conflicts is to keep old ideas alive or on life support on the grounds that "[y]esterday's rejected or ignored proposal, document, or procedure may become tomorrow's accepted agreement, new adopted position, or process."¹² Another school of thought says that some negotiating formulas may simply be too worn out because they have already been tried and failed. As Paul Hare argues, one of the reasons for the demise of the Lusaka peace process in Angola in 1998 was that it failed to handle demobilization and reintegration issues before elections—a formula that had plagued the implementation of the Bicesse Accords in 1991–92 (see Hare's chapter in this book).

Insurmountable Risks. A further negotiating dilemma involves the inherent risks of settlement in an intractable conflict. In some intractable conflicts the risks of default in a negotiated settlement may seem to be insurmountable. That is, the risks associated with the possibility that a

negotiating partner will not live up to his or her contractual obligations at the time that they fall due (or any time thereafter) are deemed to be unacceptably high because there is no judicial or political remedy for recovering the losses arising from a default.

These default risks may well have domestic as well as international consequences. A failed agreement may mean the fall of a coalition government, an irredeemable loss of confidence in the leader who negotiated the agreement, and/or a major escalation in violence if military action is required to restore the security situation and the political or territorial status quo ante. These risks also tend to affect parties' perceptions about the desirability of an accord. In those cases of high moral hazard—the risk that once an agreement is signed, one party to a contract will change its behavior to the detriment of the other party—a party may shy away from entering into negotiated commitments or look to third parties to underwrite its losses. If a party to an agreement defaults, third parties may also be called upon to restructure or reconceive the agreement. At various points in their tortured histories, the conflicts between Israelis and Palestinians; between Angolans, Cubans, and South Africans; between Turkish and Greek Cypriots; and within Angola, Mozambique, Sri Lanka, and Sudan have all demonstrated aspects of this existential dilemma.

Third Parties and the Intractable Conflict Phenomenon: Motives, Strategic Priorities, Tradecraft, and Geopolitics

Since 1990, third-party intervention in conflicts has increased significantly. This increase has come about for many reasons: the explosion of vicious civil and regional wars at the end of the Cold War; the willingness of a number of official institutions to intervene; the growing appreciation for the complexity and multidimensional nature of peacemaking; the evolution of nonofficial approaches to conflict resolution; and at times the interest in political settlements by the warring parties. It is now generally accepted that third parties can play widely differing roles in conflict resolution processes and that they have been helpful—if not vital—in resolving some conflicts. But in many intractable conflicts, the track record of third parties is not good. The question is why.

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

Bad Tradecraft

In some instances the answer lies with inappropriate ripening agents whose interventions end up making the problem worse. In other instances the absence of strategic and operational readiness by third parties means that negotiated interventions are needlessly delayed and take place well after the conflict has escalated and passed the all-too-elusive "ripe moment." Poor diplomatic tradecraft, inept policies, and a faulty settlement can also be blamed for making a conflict worse by polarizing positions and scuttling chances for future negotiations. The 1990s, for example, witnessed a remarkable flurry of mediated interventions by a large number of third parties in the Great Lakes crisis in Central Africa. In addition to the United Nations, the Organization of African Unity, the European Union, the Arusha Group, and the United States, a large number of nongovernmental organizations also jumped into the fray. Although the international community wanted peace, as each envoy crisscrossed the region promoting his or her own agenda, the level of confusion grew.¹³ Many of these initiatives contributed to communications gridlock and endless "forum shopping" by the parties to the conflict. Because many of the negotiators focused on too narrow an agenda and failed to grasp the bigger humanitarian, development, and human rights picture, they also compounded the difficulty of reaching any kind of broader political settlement.

Orphaned Conflicts

The absence of third parties may also be a problem. Some conflicts fail to get the attention of powerful or effective peacemakers that could help the conflict parties through a peace process. They may be neglected or orphaned by the international community or suffer from sporadic attention.¹⁴ Third parties seeking a peaceful resolution to a dispute may not be able to gain entry when faced with "denial" by a relatively powerful state, as illustrated in the Indian-Pakistani conflict over Jammu and Kashmir. In these cases international inattention may spring from a judgment that these conflicts are not important enough to matter, but it also springs from the respect for national sovereignty that has characterized the post-Westphalia international system. Until recently, both Afghanistan and Sri Lanka suffered from a lack of strategic attention and interest by great powers that could create leverage, offer guidance and strategic direction, and perhaps even change the calculus of the warring parties themselves.

Subsidiarity

Another factor may be a subsidiarity problem—the unwillingness of third parties to elevate a conflict to the number one priority in their relations with conflicting parties. Although the third party does not neglect a conflict, it sees resolution of the conflict as subsidiary to its principal interests in relationships with the conflict parties. A classic example of this is Cyprus. Although the absence of a hurting stalemate is one possible impediment to resolution for the reasons mentioned above, the United Nations' problems in reaching a negotiated settlement historically have been compounded by the "hands-off" attitude of the United States and other permanent members of the Security Council toward the self-determination and territorial claims of the parties.¹⁵

In addition, third parties with clout and capacity may have no interest in grasping the nettle, that is, getting involved in conflicts where the costs and risks of potential engagement are high and where others are willing or can be pressured to try their skill at conflict management. But delegation of authority can easily slide into buck-passing in risky ventures. Some of these problems are reflected in the hands-off position taken by the United States in the early years of the Balkan crisis. After it failed to prevent the breakup of Yugoslavia, the United States essentially left the crisis to its European allies. This pattern of disengagement was to continue for almost four years, with adverse consequences for the peace process.¹⁶

Strategic Impaction

In a more extreme case, conflicts may become impacted in the third party's strong geopolitical or strategic interests in the conflict region. A mediated settlement that entails engagement and negotiation with the enemy of a regional ally involves real risks—not least in terms of relations with the affected ally and other allies who could see a precedent in the attempt. In these cases the conflict may be set off-limits for mediation until the third party's interests shift. Third parties may perceive a higher interest—as well as lower risk—in managing the conflict than in attempts to resolve it. That is, they may prefer to freeze or suppress the conflict in order to contain its spread, deter an adversary or rogue power, and limit the potential regional damage of continued conflict. For instance, for many years the United States has stationed its troops in South Korea because deterrence is seen as the best conflict management strategy for the Korean

Nettles.qxd 12/9/04 4:02 PM Page 24

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

peninsula. Other cases include Cuba's role in southern Africa until the late 1980s and the roles that Vietnam and China played in Cambodia until the early 1990s.¹⁷

Admittedly, there is a strong counterfactual element to our assessment of what would have happened had the mediator not gone "missing," had third-party strategic priorities been different, had third parties with clout and capacity become involved, or had third parties behaved differently. We suppose that in some instances the right kind of third party, operating under a different or clearer mandate and possessing the right kind of backup (including resources and leverage), could have altered the path of these seemingly intractable conflicts. In rendering this assessment --summarized in table 3-we are aware of not only the importance of third-party interventions in alleviating or managing conflict but also the many things that can (and do) go wrong even when third parties acting with the best of intentions and enjoying strong political and institutional support intervene in intractable conflicts. And we would underscore the point that third parties will make mediated solutions their top priority only when they perceive that such settlements are both available and preferable to other forms of conflict management.

Examining Intractability

Most lessons about mediation are drawn from cases of successful intervention. In contrast, this project draws lessons from mediation in unyielding conflicts. It examines the sources—internal and external—of intractability; the consequences for mediation of deep-rooted, long-term violence; the tools that mediators have developed and deployed in these circumstances; and the strategic options for staying engaged and disengaging in the most difficult circumstances. In examining intractable conflict, this book focuses on three themes: (1) What are the central characteristics of intractable conflicts? (2) Under what conditions do intractable conflicts become tractable? And (3) what is the relationship between intractability and mediator involvement—that is, when does third-party peacemaking reduce conflict and increase the prospects of a negotiated settlement, and when does it aggravate conflict, thereby adding to its "intractability"?

The book is divided into two principal parts. The first part examines general characteristics of intractability and the challenges of mediation in

intractable conflicts. Some authors in this section—especially Roy Licklider and Jacob Bercovitch—look at evidence provided by quantitative studies of intractable conflicts and discuss the conclusions that these largenumber studies draw about the nature of prolonged conflicts and general prospects for third-party intervention. Louis Kriesberg and William Zartman look closely at the qualitative characteristics of intractable conflicts, including those that arise as a result of the sheer duration of the intense disputes, and offer specific suggestions for identifying moments when third-party intervention may be effective. Following suit, Diana Chigas reviews the special role that nonofficial institutions can play in encouraging peace in situations of deeply rooted social conflict.

In the second part of the book, twelve experts examine eight cases of intractable conflict—Sudan, the Balkans, Angola, Colombia, Eurasia, Kashmir, North and South Korea, and the Middle East. Each chapter focuses on a specific conflict, but in writing their chapters all authors addressed a common set of questions:

- □ What are the causes (internal and external) of the conflict and of its intractability?
- U What are the main obstacles (internal and external) to settlement?
- □ What are the third parties' interests and objectives, and have they changed over time?
- □ How have these objectives been pursued? What tools have the third parties used? How serious have the intervention efforts been, and has this changed over time? Have they been the right third parties?
- □ In those cases in which there has been no consistent third-party involvement, why has this been so? Is it due to the conflict's inaccessibility, to third-party indifference, or to a lack of unified understanding of what the problems are?
- □ What lessons can be drawn from this case?

We felt that the Israeli-Palestinian conflict, an intractable conflict in a class of its own, deserved two chapters. These two chapters do not reflect the two parties' points of view; rather, they reflect a common understanding that any third-party attempt to help end the conflict will have to address intractability on many levels.

| | | Third-Party Contribu | Third-Party Contributions to Intractability | |
|---|--|--|---|--|
| Primary Factors Affecting Intractability | Poor tradecraft problems | Orphan problem | Subsidiarity problems | Strategically impacted |
| Lack of accountability of warring parties (bad leaders, warlordism, greed, fringe spoilers) | Angola (1991–92) Balkans (pre-Dayton) | Afghanistan Burma Georgia Liberia Nagorno-Karabakh Sierra Leone Somalia South Ossetia | Chechnya East Timor Nagorno-Karabakh | Abkhazia Israel-Palestine Nagorno-Karabakh North Korea South Ossetia |
| Weak or divided decision-making structures | Northern Ireland | Abkhazia Colombia Nepal Sri Lanka Sudan | Uganda-Sudan Western Sahara | Kashmir |

¢

Table 3. Sources and Cases of Intractability

Œ

 ϕ

| Deep-rooted communal, ethnic cleavages contributing to "winner- take-all" psychology | Israel-Palestine Sudan | Afghanistan Kashmir Sri Lanka Sudan | Cyprus (pre-2003) Kashmir | Balkans (post-Dayton) Cyprus Israel-Palestine Kashmir |
|--|--|---|-------------------------------|--|
| Bad neighborhoods that embed conflict in wider set of issues and interests | Western Sahara | Afghanistan Georgia Nagorno-Karabakh Sudan | Burundi Sierra Leone | Israel-Syria Kashmir |
| Noto: The evamples wiren in this tab | in this table are illuctrative of the multiple causes of intractability and are not intended to be definitive characterizations of | and and and and and | not intended to be definitive | characterizations of |

Note: The examples given in this table are illustrative of the multiple causes of intractability and are not intended to be definitive characterizations of each conflict.

 ϕ

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

The last chapter of the book reflects the insights provided both by the chapters in this book and by the discussion in the experts group meeting about specific recommendations for third-party intervention in intractable conflicts. Like nettles, intractable conflicts promise to inflict pain on anyone who tries to deal with them. However, the more that scholars and practitioners understand about why and where they grow, and what we can do about them, the greater the chances for successful peacemaking in these seemingly endless conflicts. The purpose of this book, and its companion volume, *Taming Intractable Conflicts: Mediation in the Hardest Cases*, is to provide potential peacemakers, be they government officials, UN special representatives, NGO workers, faculty, or students, with a better grasp of intractable conflicts and how third parties can help to make them tractable.

Notes

1. John de Chastelain, "The Good Friday Agreement in Northern Ireland," in *Herding Cats: Multiparty Mediation in a Complex World*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 1999), 431–468; and Richard Holbrooke, "The Road to Sarajevo," in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 2001), 325–343.

2. Joseph S. Nye Jr., "Redefining the National Interest," *Foreign Affairs* 78, no. 4 (1999): 22–35; Chester A. Crocker, "A Poor Case for Quitting: Mistaking Incompetence for Interventionism," *Foreign Affairs* 79, no. 1 (2000): 183–186; and Chester A. Crocker, "Engaging Failing States," *Foreign Affairs* 82, no. 5 (2003): 32–45.

3. See, for example, Edward E. Azar, "Protracted International Conflicts: Ten Propositions," in International Conflict Resolution: Theory and Practice, ed. Edward E. Azar and John W. Burton (Brighton, U.K.: Wheatsheaf Books, 1986), 28–39; John Burton, Resolving Deep-Rooted Conflict: A Handbook (Lanham, Md.: University Press of America, 1987); Peter Coleman, "Intractable Conflict," in The Handbook of Conflict Resolution: Theory and Practice, ed. Morton Deutsch and Peter T. Coleman (San Francisco: Jossey-Bass, 2000), 428–450; Louis Kriesberg, Constructive Conflicts: From Escalation to Resolution, 2d ed. (Lanham, Md.: Rowman and Littlefield, 2003); Dean G. Pruitt and P. Olczak, "Beyond Hope: Approaches to Resolving Seemingly Intractable Conflict," in Cooperation, Conflict, and Justice: Essays Inspired by the Work of Morton Deutsch, ed. B. B. Bunker and Jeffrey Z. Rubin (New York: Sage, 1995), 59–62; and Jeffrey Z. Rubin, Dean G. Pruitt, and Sung Hee Kim, Social Conflict: Escalation, Stalemate, Settlement (New York: McGraw-Hill, 1994).

4. Although there are certain obvious structural differences, which have been much discussed in the expert literature, there are also important common features of intractability shared by interstate and intrastate conflicts. These include leadership variables, characteristics of domestic structure (such as the absence of accountability), potential contributions to the conflict of the surrounding region and the availability of security mechanisms, and the character of third-party interventions. In certain circumstances the identity and avarice dimensions of intractability can readily occur at the interstate level-one thinks of Kashmir and the Middle East cases as well as the internationalized African ones, such as the current conflict in the Democratic Republic of Congo or the conflict in Angola when Cuban troops were deployed in the region. See, for example, Stephen John Stedman, "Negotiation and Mediation in Internal Conflict," in The International Dimensions of Internal Conflict, ed. Michael Brown (Cambridge, Mass.: MIT Press, 1996), 341-376; and Jack Snyder and Robert Jervis, "Civil War and the Security Dilemma," in Civil Wars, Insecurity, and Intervention, ed. Barbara F. Walter and Jack Snyder (New York: Columbia University Press, 1999), 15 - 37.

5. Jack S. Levy, "Theories of Interstate and Intrastate War: A Levels-of-Analysis Approach," in *Turbulent Peace*, 3–28; and I. William Zartman, "Ethnic Conflicts: Mediating Conflicts of Need, Greed, and Creed," *Orbis 42*, no. 2 (2000): 255–266.

6. Michael E. Brown, "Ethnic and Internal Conflicts: Causes and Implications," in *Turbulent Peace*, 209–226.

7. An important strand in the literature suggests that there is a direct causal link between group-based, socioeconomic inequalities and political disorder. According to this view, "horizontal inequalities" in a society increase the potential for violent conflict. As Frances Stewart argues, poverty and civil conflict have a tendency to feed on each other: eight of the ten countries that scored lowest on the United Nations' Development Programme's human development index rating and eight out of ten countries with the lowest GNP per capita have experienced civil wars in recent decades. About half of low-income countries have also been subject to major political violence. Frances Stewart, "Crisis Prevention: Tackling Horizontal Inequalities," in *From Reaction to Conflict Prevention: Opportunities for the UN in the New Millennium* (Boulder, Colo.: Lynne Rienner, 2001), also published in *Oxford Development Studies* 28, no. 3 (October 2000); and Frances Stewart and E. K. V. FitzGerald, *War and Underdevelopment: The Economic and Social Consequences of Conflict* (Oxford: Oxford University Press, 2001).

8. Paul Collier, "Doing Well Out of War: An Economic Perspective," in *Greed and Grievance: Economic Agendas in Civil Wars*, ed. Mats Berdal and David M. Malone (Boulder, Colo.: Lynne Rienner, 2000), 91–113; Paul Collier, "Economic Causes of Civil Conflict and Their Implications for Policy," in *Turbulent Peace*, 143–162; and Paul Collier, *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, D.C.: World Bank and Oxford University Press, 2003). See also the

Nettles.qxd 12/9/04 4:02 PM Page 30

30

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall

thoughtful critiques of this approach in Karen Ballentine and Jake Sherman, eds., *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder, Colo.: Lynne Rienner, 2003).

9. I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford University Press, 1985).

10. Robert Putnam, "Diplomacy and Domestic Politics," *International Organization* 42, no. 3 (1988): 427–460; Fred Charles Ikle, *Every War Must End* (New York: Columbia University Press, 1971); Howard Lehman and Jennifer McCoy, "The Dynamics of the Two-Level Bargaining Game," *World Politics* 44, no. 4 (1992): 600–644; and Frederick Mayer, "Managing Domestic Differences in International Negotiation," *International Negotiation* 46, no. 4 (1992): 793–818.

11. P. Terrence Hopmann, "Two Paradigms of Negotiation Bargaining and Problem Solving," *Annals of the American Academy of Political and Social Science* 542 (November 1995): 24–47.

12. Kenneth W. Stein and Samuel W. Lewis, *Mediation in the Middle East*, Occasional Paper (Washington, D.C.: United States Institute of Peace Press, 1991).

13. Fabienne Hara, "Burundi: A Case Study of Parallel Diplomacy," in *Herding Cats*, 135–158.

14. See "Out of Sight, Out of Mind: The Fate of Forgotten Conflicts," in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, *Taming Intractable Con-flict: Mediation in the Hardest Cases* (Washington, D.C. United States Institute of Peace Press, 2004), 45–72.

15. Karl Th. Birgisson, "United Nations Peacekeeping Force in Cyprus," in *The Evolution of United Nations Peacekeeping: Case Studies and Comparative Analysis*, ed. William J. Durch (New York: St. Martin's Press, 1993), 219–236; and Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington, D.C.: United States Institute of Peace Press, 1996), 27–52.

16. William J. Durch, "The UN Operation in the Congo," in *The Evolution of United Nations Peacekeeping*, 285–298. See also Steven Burg's chapter in this book.

17. Chester A. Crocker, "Peacemaking in Southern Africa: The Namibia-Angola Settlement of 1988," in *Herding Cats*, 207–244; and Richard H. Solomon, "Bringing Peace to Cambodia," in *Herding Cats*, 275–324.