

Interim Report

IR-04-002

Negotiations Amidst Violence Explaining Violence-Induced Crisis in Peace Negotiation Processes

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Approved by

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Processes of International Negotiation Project

January 16, 2004

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Abstract

Why do some incidents of violence change the course of peace negotiations? How can peace negotiations be put back on track after a violence-induced crisis? In this report, I argue that dramatic high-profile violence can have a powerful impact on the dynamics of a negotiation process, since it affects two important aspects that decision makers take into consideration when making crucial choices whether and how the negotiations should proceed: the consequences of peace as well as the consequences of continued conflict. On the one hand, violence may increase the fears of settlement, by adding to the mistrust between the parties or by inducing internal political divisions within a party. On the other hand, violence may serve as a reminder of the consequences of continued conflict, thus making the belligerents more determined in their attempts to pursue peace. In addition, the fears of continued conflict can compel the parties to take measures, which will alleviate the fears of peace, by building trust in the wake of violence. The fears of peace can also be reduced if there is certainty of where the process is heading and by the presence of third parties. The argument concerning fears of peace as an explanation to a violence-induced crisis is substantiated in an analysis of six high-profile acts of violence, in three negotiation processes aimed at solving an armed conflict: Guatemala (1991–96), South Africa (1990–94), and Sri Lanka (1994–95). I find that the decision makers' considerations about the consequences of peace, provide part of an explanation to why a negotiation process experience a crisis following a high-profile incident of violence. In addition, the research indicates that a crisis can be prevented or managed if these fears can be reduced, through confidence-building strategies taken by the parties themselves and third party intervention.

Acknowledgments

I would like to thank all the members of the PIN committee, whose support made this research possible. In particular, I am grateful for I. William Zartman's intellectual encouragement and helpful comments during the research. Gunnar Sjöstedt and Victor Kremenyuk have also provided constructive comments. In addition, I wish to express my appreciation to my colleagues and friends at the IIASA-YSSP 2003 and the IIASA staff. Finally, I acknowledge the financial support from The Swedish Research Council for Environment, Agricultural Sciences and Spatial Planning (FORMAS), whose scholarship funded my participation at the IIASA-YSSP 2003.

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Negotiations Amidst Violence:

Explaining Violence-Induced Crisis in Peace Negotiation Processes

Kristine Höglund

1. Introduction

Why did the assassination of Israeli Prime Minister Yitzhak Rabin not cause a major crisis in the peace process in the Middle East, whereas violence today effectively blocks a political solution to the conflict? Why do some incidents of violence change the course of peace negotiations, whereas others do not? Can violence be managed as to promote sustainable peace?

In the post-Cold War period, peace agreements have become an increasingly common way of ending civil wars (Wallensteen 2002). A growing literature on intra-state conflict resolution has attempted to identify the dynamics of the negotiation processes leading up to settlement and the conditions under which they are more or less likely to succeed (Darby and Mac Ginty 2000; Darby and Mac Ginty 2003; Hampson 1996; Hartzell 1999; Hartzell, Hoddie, and Rothchild 2001; Licklider 1993; Licklider 1995; Licklider 2001; Ohlson 1998; Stedman 1991; Stedman 1996; Walter 2002; Zartman 1985/1989; Zartman 1995). Comparing peace efforts worldwide, an increasing number of studies have highlighted the continued existence of violence as one of the main obstacles to the successful conclusion of a negotiation process to solve armed conflict. Yet, little systematic work has addressed why some incidents of violence are followed by a crisis in the peace negotiations, while others are not.

There are three contending perspectives regarding the role of violence in negotiation processes. Conventionally, negotiations have been studied separate from the process of violence. From another standpoint, violence is seen as a policy instrument

and thus an integral part of the negotiation process (Pillar 1983). According to this perspective, the parties to the conflict are using two different instruments – the military and the diplomatic – to pursue the same set of objectives. The general inference from this work is that the activities on the battlefield serve as a complement to or extension of the activities which take place at the negotiation table. Finally, in a more recent strand of research, violence carried out during a peace process is perceived of as an obstacle to conflict resolution (Darby 2000; Kydd and Walter 2002; Sisk 2001; Stedman 1997). From this viewpoint, violence by spoilers and extremists can successfully hinder the signing and implementation of a peace agreement.

In this paper, the adopted view on the role of violence, by and large, relates to the two latter perspectives, since the interest lies with the conjunction between processes and events. It starts from the premise that violent incidents do not always end with the initiation of efforts to negotiate a peace agreement. Instead, events of violence are likely to influence the dynamics of a negotiation process: sometimes by bringing the process to a standstill or a breakdown, at other times by pushing the parties into negotiation.

While the origin of this violence is important, this study focuses on its consequences rather than its causes. The following research questions are addressed: Why do some incidents of violence change the course of peace negotiations? And, if a crisis occurs, how can the peace negotiations be put back on track? In this paper, I argue that dramatic high-profile incidents of violence can have a powerful impact on the dynamics of a negotiation process. It affects two important aspects that decision makers consider when making significant choices whether and how the negotiations should proceed: the consequences of peace as well as the consequences of continued conflict. On the one hand, violence may increase the fears of settlement, by adding to the mistrust between the parties or by inducing internal political divisions within a party. On the other hand, violence may serve as a reminder of the consequences of continued conflict, thus making the belligerents more determined in their attempts to pursue peace. In addition, the fears of continued conflict can compel the parties to take measures that will alleviate the fears of peace, by building trust in the wake of violence. The fears of peace can also be reduced if there is certainty of where the process is heading and by the presence of third parties. This paper will draw on findings from the study of six high-

profile incidents of violence¹ in three peace negotiation processes: Guatemala (1991–96), South Africa (1990-94), and Sri Lanka (1994–95).² The research design entails a comparative, qualitative approach, and involves the study of a range of different incidents of violence, such as political assassinations and massacres.³

The paper is divided into five sections. The first section explains the rationale for studying the impact of violence on the dynamics of peace negotiations. In the second section, I make the argument that violence has a two-fold influence on peace negotiation, by affecting the decision makers' concerns about both the consequences of a prospective settlement as well as the consequences of continued conflict. This section also specifies the argument for why a crisis sometimes occurs in the wake of violence and highlights two distinct explanations related to fear of peace on part of the decision makers. A first explanation focuses on the importance of trust in conflict resolution, by considering situations in which the parties involved want to engage in negotiations, but are unable to continue for reasons of mistrust following violence. The other explanation highlights challenges from within the party, as a reason not to remain engaged in negotiations following violence. In addition, the conditions under which the fears of peace may be alleviated are discussed. The third section includes a brief description of the negotiation processes and incidents under study: Guatemala (1991–96), South Africa (1990-94), and Sri Lanka (1994–95). The fourth section discusses the findings from a systematic analysis of the six incidents. I find that the decision makers' considerations about the consequences of peace, provide part of an explanation to why a negotiation process experiences a crisis following a high-profile incident of violence. In addition, the research indicates that a crisis can be prevented or managed if these fears can be reduced through confidence-building strategies taken by the parties themselves

¹ A high-profile incident of violence is defined either by the nature of the operation or of the target of the attack. In order to be considered a high-profile incident of violence, the incident has to be committed by one of the parties involved in the negotiations, either by actors directly taking part in the negotiations, factions of those actors, or by groups associated with those actors, and fulfill at least two of the four following criteria: 1) assassination of high-ranking person; 2) mass-casualty attack; 3) symbolic attack against the identity of a party to the conflict; and 4) symbolic attack against the peace process.

² This report is part of a dissertation project in which a systematic and qualitative analysis of 12 high-profile violent incidents in Guatemala, Northern Ireland, South Africa, and Sri Lanka, is carried out. As such, this report draws on extensive research on three of the four case studies included in the dissertation. The research includes interviews with negotiators and academics, and the consultation of primary and secondary sources.

³ For an overview of research on the different dimensions and effects of violence on peace negotiations, see Kristine Höglund (2001).

and through third party intervention. In the fifth and final section, the paper is concluded by suggestions for further research.

2. Why Study Violence?

There are at least three good reasons for this study. A first reason underlines the importance of more systematic research of the topic. Previous research indicates that violence is a significant obstacle to the resolution of armed conflict. Darby and Mac Ginty even singles out violence as one of the main influences on the dynamics of a peace process (Darby and Mac Ginty 2000). Their general conclusion is that the management of violence and violence-related issues are key determinants of success or failure of peace processes. Arguing along similar lines, Kydd and Walter state that extremists using violence are often successful in their attempts to bring down a peace process: a peace agreement is less likely to be implemented if acts of terrorist violence are carried out (Kydd and Walter 2002, 264).

A second reason calls for a focused approach to the study of violence and negotiation processes. Scholars have considered whether or not violence is important for the initiation of negotiations (Hampson 1996), and how spoilers using violence can be managed in a post-agreement context (Stedman 1997). Important case studies and comparative studies have highlighted the fact that violence in the context of a peace process often appear in new forms, among a wide variety of actors, with different motives, tactics, and goals (Darby 2000; Guelke 1999; Guelke 2000; Shikaki 1998; Sisk 1993). These studies have also shown that violence has influenced the dynamics of peace negotiations in various ways. The motives for violence ranges from those who are committed to peace, but use violence for tactical purposes, to those who are out to derail and end the negotiations. However, no studies have in a systematic manner considered why some incidents of violence are followed by a crisis in the negotiations and why others are not. Thus, the specific contribution of this research is its focus on the circumstances under which violence has a disruptive effect on the negotiation dynamics, and how these effects can be alleviated.

The third reason concerns the urgent need to understand this phenomenon in order to facilitate effective intervention by the international community and potential mediators. It is hard to make effective policy concerning the management of violence,

because we lack a good understanding of the role of violence in peace processes. By studying the effect of incidents of violence on the course of peace negotiations, we can get at the dynamics at work and to why some incidents are more damaging than others. As such, this research contributes to the understanding of how durable peace can be created and sustained.

3. Fear of Peace, Fear of Conflict

Negotiation to end armed conflict is a dynamic process. It includes bargaining between representatives of parties to the conflict and a complementary process of action and counter-action outside the negotiation table, designed to affect the adversary. Thus, negotiations refer to “a process based on exchange of concessions or compromise offers with the adversary” (Mitchell 1981, 198). Following scholars such as Zartman and Druckman, I suggest that negotiations to end conflict involve at least two parties, where both have power over each other (Druckman 1986; Zartman 1978). This implies that an agreement can only be achieved through a joint decision. Consequently, for a crisis to arise, it is sufficient that one of the parties withdraws from the negotiations. Thus, the way to approach the influence of violence on negotiations is to analyse its effect on the parties taking part in the negotiations and the way they respond – or not respond – to violence.

What factors do decision makers take into account when making choices concerning peace negotiations? And more specifically, why do some incidents of violence change the course of peace negotiations? Theorising about the role of violence in conflict resolution is still rare, although increasing scholarly attention is devoted to the topic. However, theories and research on closely related issues offer explanations – implicitly or explicitly – for why an incident of violence is followed by a crisis. Generally speaking, the literature on conflict resolution and war termination underlines two factors that parties to a conflict take into consideration when seeking a negotiated settlement: the consequences of continued armed conflict as well as the consequences of a negotiated peace agreement.

Compelling arguments have been presented, indicating that parties to a conflict seek a negotiated settlement “not out of desire for peace, but because military and political conditions compel them to stop fighting” (Stedman 1996, 351). This

situation has aptly been captured through the concept ‘mutually hurting stalemate’, which signifies a state in which the “parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them” (Zartman 2000, 228).⁴ Initially the concept was related to perceptions about military realities. However, a mutually hurting stalemate can also arise from changes in the political environment, such as alterations in the internal composition of the parties (Stedman 1991). Consequently, it has been suggested that belligerents can be encouraged or forced to seek a negotiated settlement, if the fears of continued conflict are increased through, for instance, the cut-off of military or financial resources, or the loss of political or moral support (external or internal).

Another strand of research points to the fact that parties will only remain engaged in negotiations as long as they perceive it as more beneficiary than not to engage in negotiations. Thus, equally important in the calculation about negotiation, at least theoretically, are concerns about the consequences of a prospective peace settlement. As put by Kelman: “[n]egotiation is only possible when both parties define the situation, at least at some level, as a win-win, mixed motive game. To engage in the process, each must be able to conceive of some outcome that would be better than the status quo” (Kelman 1997, 219). However, parties may fear alternative strategies to conflict, because they can threaten the survival and unity of the group or because they believe the other party is not sincere in its attempt to pursue peace.⁵ Thus, the decision makers’ concern for the consequences of settlement can constitute a considerable obstacle to conflict resolution.

Many scholars see these aspects as complementary in an explanation of the most favorable conditions for a negotiated settlement instance (Ohlson and Stedman 1994; Stedman 1996; Zartman 1985/1989). An important strategic rethink towards negotiation come about when the two factors point the decision makers in the same direction: the lesser the fears of the consequences of settlement and the greater the consequences of continued conflict, the greater the willingness to negotiate a settlement.

⁴ ‘Mutually hurting stalemate’ is closely associated with theories on ripeness (see Zartman 1985/1989; Zartman 1995). For a review of the development of the concept and its different meanings, see Mitchell (1995)

⁵ Several scholars have developed the problem of credible commitment on part of the belligerents as an obstacle to conflict resolution. See for instance the work by Barbara Walter (2002).

Fears of further negative experiences, combined with expectations of positive goals, provide the parties with the incentives to seek a negotiated settlement.

Extending and adapting these arguments to the dynamics of peace negotiations, I argue that violence has an indirect effect on negotiations, and that this effect depends on the actors' interpretation of the costs associated with negotiations when faced with acts of violence.⁶ Consequently, I suggest that violence can have two different effects on a negotiation process, with opposing results for its progression towards success. First, an incident of violence can serve as a reminder of the stalemate or deadlock that brought the parties into negotiations in the first place, thus making them more determined in their attempts to find a settlement to the conflict. Second, violence can increase the decision makers' fears of settlement, generating reluctance to continued negotiations.

But how do we identify situations in which dramatic political violence triggers fears of peace, which threaten to throw the negotiations into a crisis? How can these fears be alleviated? Since these questions pose a serious conundrum to both students of the topic and policy makers, I will elaborate further on these issues. It will be argued that violence influences the concerns and fears of continued negotiations through two mechanisms: it can add to the mistrust between the parties and it can challenge the unity of one or both of the parties. Hence, the first explanation concerns perceptions of the other side, while the second deals with perceptions of oneself.

Violence and Inter-Party Mistrust

To begin with, a violence-induced crisis in peace negotiations can be explained by reference to mistrust between belligerents. This explanation considers the perceptions one side has of the adversary. If a party to the negotiations believes the other side is neither truly willing nor completely capable of committing to peace, the result can be a crisis even if both parties want to engage in negotiations to solve the conflict. As a

⁶ Thus, I follow Paul Pillar's theorising on bargaining processes which suggests that the use of violence influence the decision makers through his/hers perceptions, interpretations and expectations. Pillar argues that the military force provides the parties to a conflict with a "powerful, direct and flexible means of manipulating the cost of disagreement" (Pillar 1983, 145). Violence, thus, influences the cost-benefit calculation for the parties to continue fighting versus agreeing to a settlement.

result, an incident of violence can influence negotiations since it increases the fears of remaining engaged in negotiations by adding to the mistrust between the belligerents.⁷

Central to this argument is the notion of trust. Trust has been studied by many different disciplines, such as sociology, political science and economy, and from various approaches, such as social-psychological approaches and rational choice approaches (see e.g. Coleman 1990; Hardin 1993; Kydd 2000; Mitchell 2000). In addition, trust is key to conflict resolution: whereas “perception about battlefield changes can change quickly, ... perceptions about the trustworthiness of an opponent change slowly” (Stedman 1996, 351). Trust is an elusive concept and lacks an established definition. But according to Hoffman, there are some common elements in the way scholars have defined trust:

First, scholars agree that *trust* refers to an attitude involving a willingness to place the fate of one’s interests under control of others. ... Second, scholars agree that *trusting relationships* are behavioural manifestations of trust. ... Third, the intensity and scope of trust and trusting relationships are capable of variation. ... Fourth, trusting others involves making predictions about their future actions. ... Finally, actors assess the risk in entrusting their interests to others using subjective estimates of the probability their trust will be honoured. (Hoffman 2002, 376-378)

Mitchell expresses two dimensions of the nature of trust which are particularly interesting for this study. The first dimension is related to predictability which “help reduce uncertainty about the future and about the level of risk in future action” (Mitchell 2000, 167-168). In other words, it involves an expectation that the other will not deliberately attempt to mislead and cheat, but is true in its willingness to solve the conflict. A second aspect involves a competence dimension, “in the sense that a person, group or organisation is being capable to carry out the assigned task, or promised action” (Mitchell 2000, 168). Consequently, this explanation points to two different problems: 1) a party wants to engage in negotiations, but does not trust that the other side is *willing* to negotiate, 2) a party wants to engage in negotiations, but does not trust that the other side is *capable* of enforcing an agreement. It can be assumed that an incident of violence can be perceived as signalling either lack of willingness or lack of capability, depending on the specific context in which the violence is carried out.

⁷ A similar argument is made by Kydd and Walter when considering why extremists are sometimes successful in destroying a peace settlement (Kydd and Walter 2002).

Violence and Intra-Party Challenges

Another explanation for why an incident of violence is sometimes followed by a crisis in the negotiation process, related to the decision makers' fears of peace, focuses on the intra-party concerns for remaining engaged in talks with the adversary when faced with violence. The argument which emanates is that the occurrence of an incident of violence, hampers the negotiations, because opposition within the party is too great for decision makers to pursue talks.

This argument points to the fact that it may not be feasible to uphold negotiations due to intra-party reasons. Much of the literature on conflict resolution has treated parties that come out of armed conflict as homogenous organisations. However, they are rarely 'monolith entities', but on each side, there is a plurality of organisations and factions, with a variety of functions and interests. An increasing number of studies acknowledge this fact and view divisions within parties and former allies as a potential obstacle to peace (Kelman 1993; Kelman 1997; Randle 1973; Zartman 1995). In particular, with the initiation of peace negotiations, the strains on an organisation are likely to be augmented, not least with regard to the role of violence. In the case of Hamas, for instance, the Israeli-Palestinian peace process triggered a debate on this issue, where the leadership in exile was more supportive of violence than the inside leadership on the occupied territories of the West Bank and Gaza (Shikaki 1998).

Opposition to the negotiations within each side to the conflict can emanate from at least two directions. A first division can occur between political groups and factions within a party. Kelman, for example, argues that progression towards negotiations may be held back by conflicts between the 'moderates' and 'extremists' within each community (Kelman 1993, 236). Elements within a party disgruntled with a turn to peace, can force leaders into rigid negotiation positions. Several studies point to the importance of a middle coalition committed to peace which is large enough to settle the substantive issues and make the remaining parties co-operate, while isolating the extremists (Sisk 1996; Zartman 1995).

Resistance to peace may also arise from the public. In a negotiation process and decision-making processes in general, public opinion can serve both as a resource and a constraint for political leaders. Collective moods may alter significantly in response to major events. Such shifts in opinion have a considerable effect on the political leaders' sense of "how far they can go in pursuit of peace, or what they must do

to demonstrate their continued commitment to pursue the conflict” (Kelman 1997, 213).⁸ Consequently, an incident of violence may arouse public outrage and set off feelings of revenge, making it impossible for the leaders to continue the negotiations with the adversary.

Alleviating the Fears of Peace

How can the fears of settlement be reduced, in order to prevent dramatic high-profile incidents of violence from causing a crisis in the negotiation process? Again, drawing on related research and modifying the arguments to the dynamics of negotiation processes, I have identified three ways in which the fears of settlement can be reduced.⁹

First, the decision makers’ concerns about peace can be lessened if there is certainty of where the negotiation process is heading. Several scholars have argued along these lines. Sisk observes that the more uncertainty of where the peace process is heading and of what will be the outcome of the talks, the more likely it is that violence will derail the talks (Sisk 2001, 82). Similarly, Darby indicates that the benefits the parties believe can be achieved by participation the peace process, is reliant on a sense of continued political momentum (Darby 2001, 117). Pillar, arguing from a rational actor perspective, states that “when an attractive outcome is available, changes in the cost of disagreement must be more drastic to push bargainers away from it, while bargaining problems which lack such a compromise also lack this kind of stability” (Pillar 1983, 169). These arguments indicate that a violence-induced crisis is less likely to occur the more momentum there is in the process. Momentum can be defined as a “sense of forward moving in a conflict, resulting from prior success at achieving agreement” (Rubin, Pruitt, and Kim 1994, 256).

Second, the presence of third parties or mediators may be important in reducing the fears of settlement and preventing a crisis in the wake of violence. A mediator is defined as an “individual or collective that is external to the dispute ... and that tries to help them reach agreement” (Rubin, Pruitt, and Kim 1994, 197). Mediation

⁸ As argued by Kelman, the relationship between leadership and public opinion is often circular. While politicians are important in forming public opinion about a conflict by setting the agenda and framing the issues, public opinion may change as the conflict proceeds and constrain the action of the policy makers (Kelman 1997, 212-213).

⁹ According to Stedman, the fears of settlement can be alleviated though the following measures: “first, through the creation of detailed agreements; second, through external involvement in supervising,

has been carried out by a wide variety of international, regional, and national bodies, but “[a]t some level the mediator often is an individual, and does fulfil the functions of a physical go-between, communicator, or provider of compromise schemes” (Mitchell 1981, 287). Mediators can have many functions, one of which is the role as communicator.¹⁰ By facilitating communication between the parties, mediators can reduce misperceptions, fear, and mistrust (Mitchell 2000, 265; Stedman 1996, 360-361; Zartman 1995, 22). Mediators in a monitoring function can also help reduce mistrust between the parties. In particular, mediators can build confidence by verifying compliance with agreements and by interpreting the intent behind possible violations (Stedman and Rothchild 1996, 29).¹¹

Finally, the parties themselves can build confidence and trust to alleviate the fears of peace. One measure the parties can take in the wake of violence is to condemn the incident. Condemning an act of violence committed by one’s own group is difficult, costly, and risky, since it involves the potential loss of credibility of stature within one’s own party.¹² Hence, condemnation is usually a sign of confidence, making it less likely that an incident of violence by the other party will be interpreted as lack of willingness to solve the conflict. In a similar manner, acceptance of responsibility for the incident can serve as a confidence-builder, thus preventing an incident of violence from causing a crisis in the negotiations.

Methodology: Key Concepts and Research Questions

This section presents the analytical framework employed in the study: the research questions which have guided the empirical analysis of the cases. To begin with, one of the key concepts – crisis in a negotiation process – is defined.

Previous research dealing with the effect of violence on peace making efforts does not provide much guidance with regard to how a crisis in the negotiation process

monitoring, verifying the agreement; and third, through the creation of trust and mutual interest between warring parties” (Stedman 1996, 354).

¹⁰ Touval and Zartman distinguish three different roles: the mediator as communicator; the mediator as formulator, and the mediator as manipulator (Touval and Zartman 1985). The argument has also been made that third parties has the potential to mask the intention behind the actions of parties, in particular when serving the function as manipulator.

¹¹ A strong argument has been made which implies that security guarantees by third parties are important in providing security for the parties in a conflict resolution process. This argument will not be examined further here, since it does not apply to the cases under study.

¹² Sometimes condemnation can be the result of external pressures (Darby 2001, 120).

can be determined.¹³ For the purposes of this study, a *crisis is defined as a move away from settlement by the parties to the negotiations.*¹⁴ This is indicated by for instance the cancellation of planned talks or meetings; the withdrawal of concessions made by one or both parties; or the withdrawal of support to negotiations.

Following the theoretical assumption that negotiation is a process consisting of decisions by representatives of the parties to the conflict, it is assumed that negotiations involve at least two adversaries or coalitions of adversaries. Thus, the effect of violence on a negotiation has been analysed by looking at how the representatives of the parties respond to each incident of violence and how the behaviour converge into crisis or no crisis. The following questions have guided the analysis:

What was the response of the primary parties to the negotiations, when faced with an incident of violence?

- Did one or both parties suspend or cancel negotiations/talks/meetings?
- Did one or both parties suspend or cancel concessions made during the negotiation process?
- Was the crisis resolved? Did the peace negotiations resume after being stalled for some time?

Thus, for Guatemala, South Africa and Sri Lanka, the response to each incident of violence under study was mapped out. In addition, the circumstances surrounding each incident were examined. These questions were designed to capture an understanding of the factors that can explain the turn of events after the incident happened:

What was the motive behind the course of action?

- Did the incident of violence add to the mistrust between the parties? Did it question the willingness or capability of one of the parties to negotiate and enforce a peace agreement?

¹³ Darby, for instance, uses a number of concepts to describe the effect of violence on peace processes: it can 'derail', 'delay', 'stall' or 'undermine' a peace process. In a separate chapter, Darby addresses the catalytic function violence can have on peace negotiations (Darby 2001). Similarly, Kydd and Walter do not define what they mean by 'sabotaging the peace process' (Kydd and Walter 2002).

¹⁴ This definition follows Druckman's work on crises and turning points in negotiation processes. According to Druckman's early work on these concepts, they are identifiable: "A crisis result in a deadlock: Both sides acknowledge it by calling for a recess or by refusing to proceed to the next item of business. A turning point is a recovery from a crisis or a break through: Both sides acknowledge the turning point by reconvening after a resolution, obtained during the recess, or by signing a framework agreement or other documents that indicates progress toward a final agreement. A period of stability is characterised by neither an identifiable crisis nor a turning point." (Druckman 1986, 349-350)

- Did the incident of violence raise internal opposition to continued negotiation? From opposition within the party? From the public?
- Did the incident of violence occur when there was momentum in the negotiation process? Had an agreement been made, or concessions agreed to been implemented, in the period prior to the incident of violence?
- Did the incident of violence occur when there was a mediator active in the negotiation process? Did the mediator function as a communicator, verifier, or both? Was the mediator able to reinstate trust between the parties?
- Did the parties themselves take measures to build confidence, after an incident of violence occurred? Did representatives (the leadership) of the side committing the violence condemn the act of violence or accept responsibility?

For this paper, six incidents of violence have been systematically analyzed; two in each negotiation process respectively. The following incidents were studied:

- The Xamán massacre (Guatemala)
- The de Novella kidnapping (Guatemala)
- The Boipatong massacre (South Africa)
- The Chris Hani assassination (South Africa)
- The assassination of Gamini Dissanayake (Sri Lanka)
- The Tricomalee harbour attack (Sri Lanka)

The conclusions drawn in this paper are based on extensive research on each case, including interviews with negotiators and academics carried out during fieldwork in Guatemala (April 2002, March 2003), Sri Lanka (November/December 2002), and South Africa (April/May 2003). In addition, a wealth of primary and secondary sources has been consulted, including news sources, policy papers and statements by the primary parties.

4. Three Processes, Six Incidents

This section provides a background to the analysis and empirical findings in this paper through a short description of each of the negotiation processes and violent incidents under study: Guatemala (1991–96), South Africa (1990–94), and Sri Lanka (1994–95).

Guatemala

In Guatemala, thirty-six years of guerrilla warfare was ended in 1996, when the *Guatemalan National Revolutionary Unity* (URNG) and the government signed a comprehensive peace accord. By the time direct talks between the government and the guerrillas came under way in 1991, the URNG had been severely weakened as a military force. Nonetheless, the final peace accord covered a vast number of issues, including indigenous rights, human rights, socio-economic and military issues. The international community played a central role in the peace process, with the United Nations being the formal moderator for the last two years of negotiations. Furthermore, in 1994 a UN mission, MINUGUA, was created to investigate and evaluate the human rights situation in Guatemala. Several high-profile killings took place during the course of the negotiations, although the overall level of violence had decreased significantly, especially in the cities. There was also a steady decline of violence in the rural areas. However, there was no formal ceasefire in place between the parties until the very end of the negotiation process.

In Guatemala the following events were examined: the army massacre of eleven people in the returnee community of Xamán in October 1995 and the high-profile kidnapping of Olga Alvarado de Novella in August 1996, by one of the guerrilla's constituting groups, ORPA. The Xamán massacre was the worst massacre in Guatemala since the initiation of talks, but did not significantly influence the negotiations. However, the incident provided a break through in terms of the handling of a human rights atrocity and strengthened the peace process over all. Towards the very end of the peace negotiations, ORPA's kidnapping of Olga Alvarado de Novella, a prominent and elderly business woman, set off a severe crisis in the peace negotiations in Guatemala. The talks were stalled and could only be put back on track following the involvement of the United Nations and the resignation of Rodrigo Asturias, the guerrilla's chief negotiator.

South Africa

In 1994, after a four year period of negotiations between the *National Party* (NP) government and the *African National Congress* (ANC), South Africa held its first democratic election. The event was heralded as a miracle, and indeed marked the formal end of South Africa's longstanding violent political conflict and the apartheid system.

The elections of 1994 did not only produce a new power-sharing government, they also created an assembly that would negotiate a new national constitution for the post-apartheid order. The transitional period in South Africa shows a pattern distinct from the other negotiation processes under study. Estimates of the number of people killed vary among the different monitoring agencies, but it is clear that there was a marked increase in deaths from political killings. For instance, figures from the South African Institute of Race Relations (SAIRR), indicate that from 1990 to the election in April 1994 there were close to 15.000 political killings. Thus, the negotiation process constituted the most violent period of the conflict.

In South Africa two incidents of violence are examined: the June 1992 massacre of ANC-supporters in Boipatong in southern Transvaal and the assassination of one of ANC's front figures, Chris Hani, in April 1993 by a right wing extremist. In response to the Boipatong massacre the ANC broke off negotiations with the government and talks could only be resumed months later, after more violence (such as the Bisho massacre) and international pressure. The assassination of Chris Hani, who at the time of the killing was the country's most popular leader after Nelson Mandela, sent a shock wave through South Africa, and fears of a civil uprising were widespread. Nonetheless, the parties pushed forward with the negotiations, paving the way for elections in 1994.

Sri Lanka

In *Sri Lanka*, direct talks between the *Liberation Tigers of Tamil* (LTTE) and the government were initiated in October 1994, following the regime change which brought Chandrika Kumaratunga and the *People's Alliance* (PA) to power. The hopes were high that the talks would result in a breakthrough, resolving the longstanding conflict between the predominantly Sinhalese state and the main Tamil militant group, the LTTE. On the military front, the government and the LTTE initially pursued the talks without attempting to halt the armed clashes. However, in January 1995, the parties agreed to a *Cessation of Hostilities Agreement*, which successfully stopped fighting for three months. However, in April 1995, the LTTE unilaterally resumed hostilities and the period since the negotiations ended came to be the bloodiest in the history of independent Sri Lanka. Hopes for peace have been revived after the signing of ceasefire

between the government and LTTE in February 2002, with talks to solve the conflict initiated in September the same year.¹⁵

For Sri Lanka, the analysis includes the assassination of the presidential candidate Gamini Dissanayake in the run up to the elections in October 1994 and the LTTE attack on the harbour in Trincomalee in April 1995. The assassination of Gamini Dissanayake and some 50 others in a suicide bomb attack during an election rally severely disrupted the peace talks in Sri Lanka. The negotiations with the LTTE were put on hold for some time due to the shock following the killing and due to severe internal criticism of the government. The Trincomalee harbour attack came to mark the end point of the Sri Lankan negotiations and followed a period of disagreements between the LTTE and the government on the issue of how the negotiations should proceed.

5. Explaining and Managing Violence-Induced Crises

The six incidents of violence examined in this study produced a wide variety of responses and had different implications for the negotiation processes in which they occurred. The Xáman massacre in Guatemala and the assassination of Chris Hani in South Africa, had little immediate impact on the process of negotiation, but rather appeared to strengthen the overall peace process. On the other hand, the four other incidents – the kidnapping of de Novella, the Boipatong massacre, the assassination of Dissanayake, and the Trincomalee harbour incident – resulted in a crisis: they broke off the talks for a period of time, and thus moved the parties away from settlement. The analysis of the cases indicates some tentative findings concerning fears of peace as a causal mechanism to explain why peace negotiations sometimes experience a crisis in the wake of high-profile incidents of violence.

Trust Between, Trust Within

The turn of events following the six high-profile incidents under study, substantiate the argument that concerns about the consequences of a peace settlement are important in explaining the dynamics of peace negotiations. While many things come into the

¹⁵ For an overview of the current peace process, see Kristine Höglund, & Isak Svensson (2003).

calculation of decision makers' decisions about peace negotiations, it is clear that peace making involve considerations both about the perception of one self, and perceptions of the other side. In addition to believing that the adversary is both willing and capable of pursuing peace negotiation, there must also be some level of trust and cohesion within a party to proceed with peace negotiations, in the wake of dramatic political violence.

The de Novella kidnapping seems to have caused a crisis because the incident seriously questioned both the capability and credibility of URNG to negotiate an agreement. Besides from considerably weakening the URNG's negotiation position, the incident dealt a serious blow to their moral credibility and cast doubts on their true willingness to pursue peace. An additional consequence was the resignation of Rodrigo Asturias, indicating an internal struggle for power within the URNG leadership. The Xamán massacre, although a provocative human rights violation and tragedy, did not cause a major upset in the peace negotiations. The incident could have been seen to indicate a lack of willingness on part of the government and as an expression of a general discontent within the army toward the peace process, since the defence minister attempted to blame the villagers of the incident immediately after the killings. However, the incident did not seem to significantly influence the URNG's perception of the government side. In part, this can be attributed to the general lack of progress due to the upcoming elections later that year, which made the URNG reluctant to take any critical decisions regarding the peace negotiations. On the other hand, and as will be discussed in more detail, these strands of dissent were sidelined by President de León's swift handling of the incident – travelling to the place of the massacre, accepting institutional responsibility and subsequently accepting the defence minister's resignation.

In Sri Lanka, the LTTE attack on the Trincomalee harbour took place during a period when the relationship and communication between the LTTE and the government was fraught with accusations and suspicion. The LTTE's withdrawal from the Cessation of Hostilities agreement, the attack and the government's response, did nothing to improve this situation, but rather added to the mistrust between the parties. In a similar manner, the assassination of Gamini Dissanayake questioned the intentions of the LTTE, but more importantly, the killing increased internal divisions within the Sinhalese community. In particular, following the assassination, the main opposition party, the UNP, conducted an inflammatory propaganda campaign against

Kumaratunga's peace initiative. In this context, it was not possible for the government to push forward the peace negotiation with the LTTE.

In South Africa, the Boipatong massacre both generated internal opposition towards continued negotiations within the ANC and added to the ANC mistrust towards the National Party government. Both these factors were already at a low point when the incident occurred. In fact, the Boipatong massacre happened at a time when the ANC had initiated a 'rolling mass action' to put pressure on the government side and the peace negotiations. While the Chris Hani killing also raised significant internal criticism towards the continuation of a settlement track, at that stage, as will be discussed below, the process had a strong political momentum. This resulted in actions by both the ANC and the government which seemed to alleviate any fears to continue the negotiation process.

While the relative importance of inter-party versus intra-party considerations remains to be substantiated, this research highlights both these factors as important for explaining the course of peace negotiations following incidents of violence. The stops and goes of peace negotiations cannot be explained by reference to merely one factor, but rather by a combination of factors and circumstances which interact in producing a certain outcome. As will be discussed below, the response of the parties themselves, third parties, and the process itself, are important in explaining the prevention and management of violence-induced crises.

Managing Violence-Induced Crises

An additional observation highlights the complex dynamics of negotiation processes. It illustrates the obvious point that a crisis does not necessarily imply the end of peace negotiations altogether. If the talks can be put back on track after a period of suspension, the negotiation process may even be strengthened.

For instance, after the assassination of Dissanayake had put the peace talks in Sri Lanka on hold for some time, the government came out of the presidential elections with a renewed mandate for negotiations with LTTE. This result of the election, thus, made Kumaratunga strong enough to refuse to play the game of her critics and end the negotiation process. The case of the de Novella kidnapping illustrates another dynamic. The Guatemalan government saw itself bound to break off talks with the URNG following the incident, but this actually forced the URNG to make concessions. Once

the negotiations started up again, modifications in the timetable for negotiations suggested by the URNG resulted in a permanent cease-fire agreement being signed earlier than what had been planned for.

Consequently, while it might often not be politically feasible for leaders to continue talks with the opponent directly after a high-profile killing, a pause in the peace negotiations is sometimes enough to get the negotiation process back on track again. Moreover, what at first constitute a crisis can provide a turning point at a later stage of the negotiation process, if the crisis can be resolved. For this reason, it is important not only to consider how to prevent a crisis following violence, but also to reflect on ways in which a crisis can be resolved once it occurs. Conclusions can be made with regard to approaches to alleviate the fears of peace through confidence-building strategies in three areas: by the parties, by third parties, and through strengthening the process.

What Can the Parties Themselves Do? A first conclusion with reference to how the fears of peace can be reduced and a crisis managed or prevented in the wake of violence, relates to measures to reinstate trust, taken by the parties to the conflict. The incidents under study support the idea that *acceptance of responsibility or condemnation of the incident of violence by the party that committed the incident of violence*, is important in building confidence.

The turn of events following the Xamán massacre is particularly illustrative in this regard. In the aftermath of the massacre, president de León took steps, which in the Guatemalan context were considered extraordinary. After the killings, defence minister General Mario René Enríques had blamed the villagers for the incident. However, the president dismissed this allegation and instead accepted institutional responsibility for the massacre. He also formed a special commission to investigate the case and travelled to Xamán to show support for the victims. A few days later, de León accepted the defence minister's resignation. President de León's handling of the incident appears to have provided enough assurance to prevent the negotiations from being disrupted. In addition, the crisis following the de Novella kidnapping could be resumed after ORPA's chief negotiator agreed to step down and the URNG leadership accepted collective 'political responsibility' for the incident.

In the crisis that followed after the assassination of Chris Hani, the ANC made strenuous efforts to control the anger of its supporters, by calls for calm while at the same time reinstating its commitment to the negotiation process. Many commentators have pointed to the authority of Nelson Mandela as a restraining force in the wake of the incident. For instance, in a live television broadcast, Mandela made appeals for racial reconciliation to 'every single South African'. In this way, Mandela tried both to calm the angry followers and to build trust towards the other side.

On the other hand, after the assassination of Gamini Dissanayake, the LTTE neither condemned the assassination, nor claimed responsibility for incident. Thus, it was difficult for Kumaratunga to convince the followers that LTTE was a trustworthy negotiation partner.

What Can Third Parties Do? This study confirms the conclusion drawn by other scholars, which indicate that third party intervention is important for verifying the parties' adherence to an agreement and for sustaining trust between the parties. The *presence and response by mediators or third parties* in the role of communicator and verifier, seems to be an important confidence-builder and can subsequently prevent a crisis in negotiations following violence.

Of course, one of the most striking differences between the peace processes in Guatemala on the one hand and Sri Lanka and South Africa on the other hand, is the role of the international community. Most importantly, MINUGUA's immediate arrival to Xamán after the massacre and their initial investigation was important in preventing the army from successfully blaming the victims for the incident. Although MINUGUA was not able to perform the investigation in complete freedom, they were able to secure enough evidence to establish that the military was responsibility for the incident. In addition, numerous journalists and human rights groups visited the site of the massacre in the in the aftermath of the killings. The work by the UN during the crisis following the de Novella kidnapping was also important in getting the negotiation process back on track. In contrast, no contact was established between the government and the LTTE in the wake of the Trincomalee attack. Arguably, a third party could have provided a channel for the LTTE and the government to clear out any misunderstandings concerning the motives behind their actions.

Third parties, thus, while maybe not able to create a bulletproof peace process, may be able to alleviate the destructive effects of violence on peace negotiations.

The Strength of the Negotiation Process. The research also suggests that specific features of the negotiation process is important in explaining the parties' reaction to a high-profile incident of violence and for the prospect of reinstating trust following a crisis. This conclusion points to the importance of *momentum*. Whether or not there is momentum in the negotiation process, when the incident occurs, appears important in explaining the initial response to the incident by the parties to the conflict. Dramatic political violence, can be used as an excuse not only for breaking off negotiations, but also as an excuse to withdraw concession made earlier in the peace process. When there is no momentum or certainty of where the process is heading, the response is often more severe.

A comparison between the response by the Sri Lankan government in the wake of the assassination of Dissanayake and the Trincomalee incident demonstrates this point. In the aftermath of the attack on Trincomalee, the government withdrew a number of concessions that had been made to the LTTE, for example by reintroducing part of the embargo on LTTE-held areas in the north. On the other hand, the government took no such measures after the assassination of Dissanayake, although the talks were suspended. The Guatemalan government responded in a similar manner following the de Novella kidnapping. Although the talks were suspended, and the demobilization of self-defence patrols and the return of refugees were put on hold, no concessions made previously during the peace process were withdrawn.

In addition, the initial response to the violence seems important for the fate of the negotiation process. It appears as if it is more difficult to recover from those crises where the parties withdrew previously made concessions, rather than only stopped talking to each other. Consequently, while it might often not be politically feasible for leaders to continue talks with the opponent directly after a high-profile killing, a pause in the peace negotiations is sometimes enough to rebuild trust and get the peace process back on track again. This suggests that it is important that the parties themselves and third parties, take measures which make it possible to sustain momentum in order to prevent a crisis, or if a crisis erupts, to reinstate the momentum.

6. Conclusions

Concerns about the consequences of continued conflict and concerns about the consequences of peace are two factors previously identified as important in explaining decision makers' choices regarding peacemaking. The research carried out in this paper corroborates these ideas, and contribute to the literature on conflict resolution and war termination by adapting these arguments to the relationship between violence and the dynamics of peace negotiations. The cases examined indicate that fears of peace on part of the decision makers are important in explaining violence-induced crises. Two explanations consistent with this argument were specified: violence can add both to 1) inter-party mistrust and 2) to intra-party challenges, increasing the decision makers' concerns for continued negotiation and a prospective settlement. The theory and findings of this research also point to the importance of confidence-building strategies and measures to strengthen the negotiation process carried out by the parties themselves and third parties, for preventing and managing a crisis in the negotiations. Two other comments seem warranted.

First, violence and mistrust are obviously not the only explanations to the existence of a crisis in peace negotiations. Negotiations may be frustrated for several reasons. Most important, the parties to a negotiation process may not agree on how to solve specific issues. The negotiations in Northern Ireland, for instance, have several times been stalled over the issue of decommissioning. In the Middle East, the negotiations between Israel and Palestine have been severely disrupted due to the incapacity of the parties to solve central issues such as the future status of Jerusalem and the return of Palestinian refugees.

Second, while this research focuses on the disruptive effects of violence on peacemaking by studying crises in negotiation processes, it has been recognised in several studies that violence under certain circumstances can serve as a catalyst for peace. For instance, in this analysis, the Xamán massacre appeared to strengthen the peace process and moving the process closer to a successful conclusion. As suggested in this paper, one potential explanation is that violence can serve as an injection to negotiations because it serves as a reminder of the cost of armed conflict. The point is,

in the context of conflict management, it is important that the disruptive effects of violence are understood, as well as its catalytic role for a sustainable negotiation process.

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