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Conflict analysis : the foundation for effective action

Dilemmas & options for mediators

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The Mediation Practice Series is a project of the Centre for Humanitarian Dialogue (the HD Centre). We value the feedback of mediation practitioners and researchers on the format and content of this publication. Please write to mediationsupport@hdcentre.org for suggestions and feedback.

Foreword

The Mediation Practice Series' overview

The Mediation Practice Series (MPS) was initiated in 2008 as part of the HD Centre's efforts to support the broader mediation community. The series draws on feedback from mediators, including HD Centre practitioners, who tell us they and their teams often lack adequate insight into other peace processes. In the past few years, the international community has significantly strengthened the support available to mediators and their teams. The HD Centre is committed to contributing to this effort and to the improvement of mediation practice.

Based on the shared view that mediators often confront similar dilemmas, although mediation differs widely across peace processes, the HD Centre is producing a series of decision-making tools that draw upon the comparative experience of mediation processes. Each publication in the series will give readers a concise overview of relevant challenges and options, and help them prepare for the potential demands of mediation processes. Although these publications cannot replace practical experience, it is our hope that they can contribute to a more systematic learning process.

The forthcoming publications in this series will be made freely available on the HD Centre's website and will be disseminated through our network and that of our partners. *Conflict analysis* is the fifth publication in this series. It builds on the author's previous work on the topic as well as consultations with HD Centre practitioners.

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Essential points for practitioners

Purpose

The key determinant of any conflict analysis is its purpose. Defining the purpose will shape the methodology used and the key analytical categories to be examined.

- The first question to answer is: 'What is the underlying objective of a conflict analysis?'
    - Is it purely an internal analytical effort undertaken within an organisation to understand its potential role and inform its own strategy regarding conflict parties and any third-party mediation effort? If so, perhaps it will be linked to an internal programme strategy review through which key decisions about programme direction will be taken.
    - Alternatively, will the process or any resulting product be shared with external parties as part of an effort to establish credibility with them and/or allow analytical insights to drive a changed peacemaking strategy? Or is the conflict analysis being done for an identifiable 'client' such as a formally mandated mediator who is initiating talks or struggling with specific obstacles in an existing process?

Methodology

Depending on the purpose and intended audience or users of a conflict analysis, a specific methodology can be devised.

- The methodological choices include a broad spectrum of potential analytical approaches: reviewing available documentation produced by others, commissioning expert input(s), conducting confidential interviews with belligerents through field visits or via Skype, organising small-scale workshops or brainstorming sessions with trustworthy informants and generating broader-based, more participatory conflict analytical processes.

- Mapping key actors and their inter-relationships can involve specialised visualisation software. 'Following the money' is an indispensable strategy for understanding where belligerents' financial resources come from – and how potentially to cut those flows.
- Conflict-analytical approaches developed by academics, NGOs and/or donor agencies can serve as useful 'food for thought' during the elaboration of a methodology.
- Again, depending on the purpose of the analysis, the results can be kept in-house for confidential strategising, shared selectively with a mediator and his/her staff, and/or disseminated more broadly. Such decisions will have a direct bearing on how information is presented within the analysis and how sources are protected.

Key questions

Examining key elements can serve as the basis for a robust conflict analysis. Additional questions (or a different sequence or weighting of these topics) might be appropriate, depending on the purpose and nature of the analysis. Each conflict is unique, in terms of the specific dynamics it generates, and the particular underlying issues that belligerents are contesting. While the following questions can guide the analytical approach, each conflict analysis requires a customised effort.

- There are seven essential elements: context, actors, process design and sequencing, issues for negotiation, previous negotiation processes, comparative practice, and implementation roadblocks. The precise order, content and importance of these elements within a conflict analysis can vary tremendously, based on process-specific requirements.
- For example, analysis of the shortcomings of an earlier negotiation might reveal that it excluded influential actors such as an external sponsor of a belligerent, a little-understood faction or an important cross-cutting constituency such as women. The analysis of actors may then elucidate how, where and when their incorporation into a new process (directly or indirectly) can be more effective.

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1 | Introduction

The resolution of deadly conflicts such as civil wars or large-scale communal strife is a highly uncertain and complex undertaking. Given the inherent challenges, the role of an effective third party can be decisive in helping belligerents achieve an agreement. The premise of this short guide is that trenchant, on-going conflict analysis can greatly increase a third party's chances of success. A formal mediator's capacity for robust analysis might be quite constrained, however, for a variety of reasons, including staff limitations and the lack of a set methodology. Consequently, developing and maintaining this analytical capacity becomes all the more important for peacemaking organisations seeking to support recognised third parties in mediation processes, and to inform effective interventions towards conflict resolution.

This guide aims, first, to explain why and how conflict analysis can be instrumental in supporting third parties. Second, it identifies and explains seven key elements of a practical approach to conflict analysis. These elements are intended as potential building blocks, since each mediation effort will need to construct its own approach and adjust it over time. The seven elements

which can be examined as part of any conflict analysis are: context, actors, process design and sequencing, issues for negotiation, previous negotiations, comparative practice, and implementation roadblocks. These are presented in Section II below.

Adjusting an approach for conflict analysis is an iterative process. This guide does not argue for a one-size-fits-all approach. Rather, it seeks to identify key components that can helpfully inform any rigorous conflict-analytical approach while positing that the most important element is the reflective process itself. Effective interventions by a third party are in fact impossible without thoughtful reflection on the conflict's context, the likely impact of potential actions, and the capacity to adjust further actions in light of a critical appraisal of events.

2 | Rationale: the case for conflict analysis

The best rationale for the usefulness of conflict analysis is, quite simply, that it works. Incisive analysis can help with the design of a process as well as with management of the intense, often confusing dynamics during talks. Two cases from the last decade are illustrative here (Boxes 1 and 2).

The role of conflict analysis in process design
From the perspective of a conflict-resolution organisation, a conflict analysis might serve a variety of purposes, depending on context. This range includes conducting a conflict analysis primarily or even exclusively for internal purposes, perhaps as a desktop exercise designed to map what other third parties are doing and to inform the organisation's own strategising, before its strategy is defined and made known to others. Other more 'outward-facing' options might involve sharing information externally during a conflict analysis and even engaging the parties openly in a form of action research around the process. Recent

efforts in 'participatory' conflict analysis indicate that it is possible to develop inclusive approaches to understanding a conflict through the involvement of a wide-ranging set of stakeholders in the analysis itself. [1] However, this process is highly time- and labour-intensive, with sensitivities concerning who is to participate and how to handle confidential information. But, done well, such a participatory analysis may help to energise and inform conflict resolution efforts themselves.

Box 1

Aceh, 2005

Peace negotiations in Helsinki yielded the August 2005 agreement ending Aceh's quarter-century-long conflict with the Indonesian government. Preparation and support for the mediator, former Finnish President Martti Ahtisaari, relied heavily on prior analytical work by his team, including analyses of the failings of previous peace processes. [2] In Aceh's case, a step-by-step progression from ceasefire to full agreement used by HD Centre mediators during earlier negotiations (1999–2003) failed to come to fruition. This failure led Ahtisaari to choose a different approach for the Helsinki 2005 talks. His process embraced the principle that 'nothing is agreed until everything is agreed'. In addition to this key design decision, Ahtisaari used his understanding of problematic dynamics during the previous HD-mediated talks to inform his mediation strategy. For example, he employed his authority as mediator to push the Indonesian government to remove military officers accused of human rights violations. This was a test of Jakarta's willingness to take hard decisions against the army, one of the likeliest spoilers of a new deal, based on an analysis of the armed forces' past behaviour as an obstacle to peace.

Conflict analysis can help with two key dimensions of the mediation team's role. By initiating such an analysis, the mediation team begins to accrue intimate knowledge of the context, actors and potential options for resolution. It can also develop credibility as a trustworthy outsider, especially if its analytical efforts are seen by parties as balanced and objective. These two elements can be indispensable for a conflict-resolution organisation to secure a formal mandate to become involved in the conflict, or at least to create sufficient space for the organisation to play a constructive role. Finally, where a conflict-resolution organisation is supporting a third party with a recognised role in resolving the conflict, conflict analysis can be used to inform the process designed by the official third party.

The role of conflict analysis during mediation
As indicated below in Section II, conflict analysis can be instrumental in maintaining (or rebuilding) momentum in a troubled negotiation process. From a mediator's perspective, sometimes taking a 'fresh look' at the context through an analytical and reflective process can generate new insights and/or new strategies to employ with the parties, especially if they are at an impasse. This can involve commissioning analyses by trusted outside experts to feed into the analytical process, including on the parties, on specific issues that have become sticking points or on the design or sequencing of negotiations. Retreats or similar opportunities to step back from the day-to-day tensions of a peace process can create space for in-depth reflection and/or allow a mediator to bring together a broader team of advisors. The mediator might also bring together other high-level officials or formally mandated external actors from relevant international bodies to seek greater alignment among third-party efforts.

These moments can help to measure progress and strategise on next steps concerning factors in the external environment such as upcoming elections in the conflict country, changing regional dynamics or the imposition of targeted sanctions against cer-

tain players. Conflict dynamics – and particularly the perceived leverage of the belligerents and even that of the mediator and other outside parties – are ever-changing and require continual review. Mediators consequently need to adjust their goals over time and ensure that their own key backers (financial sponsors, or an influential country or countries pushing for peace) support updated mediation objectives. [3]

3 | Key elements of a conflict analysis

Rarely does a mediation team have the luxury of a true 'pre-negotiation' phase, before any mediation efforts have begun. Instead, many conflicts, particularly internal ones, have been long-running; while earlier peace efforts should not constrain those to come, they do powerfully shape parties' expectations of a new process. A given mediation team is therefore well served by understanding this influential legacy. Regardless of whether a mediation initiative is inaugural or the latest in a long series, a mediator usually also grapples with the question of process design, including which parties to include, how to structure and order the issues, and other factors like timeframe and the role of external actors.

These are paramount issues requiring prior, solid conflict analysis. This section therefore aims to summarise ways in which a mediator can gain insights on seven key aspects of a conflict, from context to potential obstacles to implementation. The sequence used in this section is not prescriptive, and may best be varied in some cases. Nor is the sequence here intended to imply that each factor should be considered in isolation. For example, studying earlier peace efforts might be inextricably linked to understanding the context.

Box 2

The current process in Colombia

At the time of writing (early 2014), it is too soon to tell whether this process will be successful, but the current Havana talks have come much further than most thought possible. The present process began as secret talks and progressed to publicly acknowledged but still confidential negotiations between the government and the 50-year-old Fuerzas Armadas Revolucionarias de Colombia (FARC). In advance of the talks, the government team that designed the process studied the shortcomings of the last dialogue efforts, which took place in a demilitarised zone within Colombia during 1999–2002, to identify key ways to ensure that the Havana process would avoid earlier mistakes.[4] The current process differs considerably from the previous effort, often known by the name of the main town in the then-demilitarised zone, San Vicente del Caguán.

For example, the current talks are being held outside Colombia, with media coverage channelled so that the talks do not become a publicity 'circus'. However, these decisions create the need to bridge the gap between closed-door talks among a small group of government and FARC negotiators in faraway Havana and the hopes, fears and thinking of average Colombians, particularly those most directly affected by the conflict or by a potential deal. Together with the UN and the National University, a series of 'national forums' with 1,200 participants from key constituencies have convened in Bogotá to discuss publicly each of the agenda points being negotiated in Havana. Similarly, subnational forums have been held, with relatively broad-based participation. The results of these events – in the form of final reports or summaries from rapporteurs – have been delivered to the negotiating teams in Havana, maintaining a sense of momentum, ensuring some degree of participation and potentially even generating some concrete policy suggestions to enrich the peace process. This approach, which attempts to balance the restricted composition of the remote Havana teams with the need for popular input into the process, emerged directly from an analysis of the failed Caguán process.

Similarly, thinking ahead about potential implementation challenges might influence the issues discussed during negotiations. This is especially important if special resolution mechanisms are envisioned for handling tough issues during post-signature implementation, as opposed to during the negotiations themselves. For example, the major sticking points of Sudan's Comprehensive Peace Agreement (CPA) were implemented with varying success after the CPA was signed. 'Kicking the can down the lane' on these tough issues was a deliberate design choice by negotiators and mediators in Naivasha. With hindsight, this strategy was not fully successful for the resolution of these issues, but an overall deal was achieved. Prior analysis of implementation roadblocks and the functioning of post-signature resolution mechanisms would therefore be indispensable for other peace processes considering this approach.

Finally, the inter-relationships between elements of conflict analysis might also change over time and require updating. 'Moves' by the parties or other events 'away from the table' often have enormous impact on negotiations: power dynamics shift, parties' perceptions change of the relative attractiveness of war versus peace, and outside actors exert changing influence. Parties' leverage, or their relative situational advantage, ebbs and flows over time. This requires revisiting a conflict analysis at regular intervals, and/or at times of significant change.

Context: what game are we in?
A mediator's first challenge is to understand the overall context in which the conflict is taking place. This process often starts before the mediator is formally appointed or becomes actively involved. Invariably, the mediator's own understanding of the conflict will stem initially from media reports, professional activities and personal contacts. This study is often self-styled and not systematic, but can lay a foundation for more in-depth analysis. Once a mediator is appointed, a mediation team can help structure briefings, including from outside experts who might bring deep understanding and/or a fresh perspective.

Each conflict will require in-depth analysis of the issues at the heart of the conflict, although these will vary with each context and over time. They can range from political exclusion and questions of governance to economic issues such as lack of inclusive development or the equitable sharing of benefits from a country's natural wealth. In one context, a specific issue such as access to land might need to be analysed; in another, political structures, electoral systems and/or recruitment of personnel into public administration might be paramount issues. Generally, the longer a conflict remains violent, the more problematic the question of accountability for past abuses and the greater the need for truth and reconciliation processes. This could highlight the issue of reform and restructuring of security forces. Often, a conflict has an overlay (or even multiple overlays) of other forms of differentiation and contention between parties, such as different social, regional or ethnic identities or strongly divergent ideologies, which would also need to be analysed. [5]

Beyond this examination of social, political, economic and/or institutional issues that shape a context, a conflict analysis needs to lay out the key dynamics among parties. This can include factors that might favour or impede the (re)launching of peace efforts. Critical to understanding inter-party dynamics is the fluid concept of 'leverage', which is not the simple demonstration or exercise of power by one disputant over another. Rather, parties are often able to strengthen their relative leverage, diminish an opponent's and/or use normative standards to gain additional advantage. [6] Events outside the conflict often shape parties' perception of relative advantage

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and open up new negotiation opportunities (or close existing ones). For example, in the wake of the September 2001 terrorist attacks on the USA, the Sudanese government perceived greater value in establishing more cooperative relations with Washington and other Western capitals, and agreed to negotiations with long-time rebels in an effort to lessen its international isolation.

A successful mediation team will not only help a mediator understand this context, but also bring other key third-party actors around a common understanding of it. Rarely are mediators operating alone; interested countries, whether regional players or world powers, will often have senior diplomats or special envoys engaged in supporting a peace process. Inter-governmental organisations will frequently have senior personnel or formally appointed Special Representatives supporting talks. In the case of Sudan, the African Union simultaneously fielded multiple initiatives related to Darfur (UNAMID, Joint Mediation Support and the High-Level Panel) that were often not all pulling in the same direction. Convening a broad-based, but focused group of senior diplomats and envoys to assist a mediator in understanding the context can serve not only the mediator's own analytical purposes and develop a shared analytical framework, but also generate a more solid common strategy on the conflict. This can be done regularly, to strengthen external support for a mediator's recommended course of action.

And finally, the most important element for a mediation team to analyse as part of the context is the mediator's own authority

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– whether formal or informal – to influence conflict parties and channel the efforts of other outside parties into a single, effective process. This is particularly important when a plethora of outside actors is seeking to influence a conflict. Such an analysis can then inform steps that the mediator might take to bolster his or her authority as the key (if not sole) third party in the process.

Actors: identifying who's who
An indispensable function of conflict analysis is to gain understanding of the actors involved and where their support (including financing) comes from. This is especially important if a mediator is newly appointed, and also to assist new advisers or short-term consultants to get 'up to speed'. Over time, detailed profiles of

key leaders or other significant constituencies within the parties to a conflict can be compiled and updated in written form, and relationship-mapping tools (see below under 'Resources') can help to depict inter-relationships among the actors in visual form. Obviously, decisions will have to be made as to how to handle such information, especially more sensitive elements.

Given the importance of key individuals, advisers to a mediator and experts on a given conflict can be brought together to develop, in a discreet setting, a profile of the most influential players, their interests and ability to influence the conflict (positively or negatively). Sources of material support, such as financing from trade in resources or from an external patron, should also be examined. This is essential for understanding :
• who currently benefits from the flows of such resources;
• what leverage might be exerted 'away from the table' (for example, by states prepared to use sanctions to help resolve the conflict) to limit or stop these flows;
• what issues of economic recovery or wealth-sharing (if appropriate) should be included in negotiations.

In some cases, mediation teams have used visual depictions of the inter-relationships between parties. For example, in the run-up to the Doha process on Darfur, staff assembled descriptions of key players within the parties and developed draft diagrams showing connections among them. [7] To cross-check information and verify these inter-relationships, staff circulated draft versions within the secretariat and even discreetly shared them with key, carefully selected interlocutors among the parties. This tactic was used not just to enrich and refine the underlying conflict analysis, but also to try to develop trust with parties. [8]

Related to questions of process design (discussed in the following subsection), the mediation team for the Doha process used three relatively straightforward criteria for recommending to the mediator which of the armed groups to invite : political weight, military strength and control of territory. Initiated in 2008, these analytical reports on the armed groups were updated periodical-

ly and were informed by field research commissioned by the mediation team. By 2009, they also attempted to analyse a group's ability to generate horizontal linkages (e.g. with other groups) and to connect vertically with both political strata and grassroots constituencies. The aim was to identify those armed groups that could create a political-organisational centre of gravity and not just participate in a peace process through self-interest. [9]

In addition to this basic background research and mapping of key actors, a peace process must also understand whether the mediator is talking to the right parties about the right issues – and often whether the right person (or people) within a party are engaged as interlocutors. The ostensible leader of a group or top official in a government delegation may have a formal role that is more representational, while the real influence within a party is wielded by someone in a more junior-sounding position or even without an official title.

Beyond the largely internal, desk-based process described above, the Joint Mediation Support Team for the AU/UN effort in Darfur also endeavoured to 'ground-truth' popular support, perceptions of battlefield strength of armed groups and internal rifts within parties by relying on fieldwork by consultants. [10] This requires additional resources for the mediation effort, but it can both generate an independent stream of data about the conflict and key actors and identify lower-profile or emerging voices in the conflict that can be instrumental for its resolution. This sort of deeper analysis of key sub-actors can also reveal subtle but often important divergences in interests and negotiation goals that a party's publicly stated position might mask. It is essential to understand such internal differences – both for successful reframing and mediation, and also to prevent or manage potential spoilers.

Process design and sequencing
Despite often considerable limitations, a mediator is expected to make the most of his or her role and bring the parties together in an effective process. Fundamental to this challenge is the question of process design, over which the mediator may have rela-

tively narrow influence, due to the lingering effects of previous negotiations, the current preferences of the parties, the views of any external patrons and other factors. Nonetheless, the mediator faces crucial choices about the overall design of a process and the sequencing of steps or phases therein.

One often under-estimated consideration is the difference between an 'incremental' and a more comprehensive approach to negotiating issues. This is a key design consideration that insightful analysis can help to elucidate. Some negotiations have succeeded by starting with 'easier' issues that the parties already largely agree on and building momentum that will carry the talks through the more difficult points. Based on this logic, one might try to negotiate a ceasefire or the establishment of humanitarian corridors and then move on to the 'tougher' core issues of the negotiations. Alternatively, other peace processes have eschewed the implementation and monitoring challenges of an incremental approach (and the potential for cheating by parties and subsequent erosion of confidence, including of the mediator). Rather they have sought to initiate a more complex set of negotiations on a broader if not full array of issues and keep them open until agreements can be found for all of them. [11] (See Boxes 1 and 2 above, on Aceh and Colombia, for examples of both approaches.)

Regardless of the approach adopted, questions of process design remain in constant interplay with other elements of conflict analysis, including continuous scanning for key actors. Indeed, a rigorous inventory of the actors and sub-actors, including those outside a formal process, is needed periodically to avoid unconscious bias creeping into a mediation team's role. New actors can emerge, or new leaders within an existing party can appear, forcing changes in positions or threatening group cohesion. The need to scan the environment continuously for new actors becomes more challenging to manage once a process has started,

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and new or previously absent parties seek to join a process. Set on a certain course, a process can develop 'path dependency', making it more difficult to alter given new circumstances. Periodic updating of a conflict analysis can help to offset this tendency.

Identifying and analysing the issues for negotiation

An essential contribution of conflict analysis to mediation efforts is the identification and examination of key issues to be negotiated. This analytical category is intimately related to reflecting on design options, including how talks should be structured, how issues should be sequenced and how provisional agreements should be sought.

Beyond these 'architectural' considerations, an analysis of key issues for negotiations is also deeply intertwined with the above-mentioned process of understanding the parties' interests and goals. First, in-depth analysis of key issues can reveal a hierarchy of concerns that each of the parties will hold with varying levels of intensity, conviction or openness to compromise. In light of such a ranking of issues and an intimate understanding of a party's likely preferences in terms of outcomes, a mediator can think through how different potential solutions will probably be received or objected to by negotiators before such options are presented. Interestingly, such an analysis can also pinpoint one or two issues that might serve as 'litmus tests' to see whether parties are genuinely interested in negotiating.[12] This process can also begin flushing out likely spoilers who might oppose specific elements in a deal or the emergence of an overall agreement. Such spoilers will generally need to be managed through a combination of dialogue to better understand and potentially accommodate their objections or concerns and moves away from the table to reduce the leverage that their spoiling behaviour may begin to exert.

Second, a mediation team's own analysis of the issues can also shape how the parties look at them and approach them during negotiations. Indeed, an essential mediation function is to help parties reframe issues on which they have come to a deadlock.

Reframing helps to generate new options for resolution and/or identify elements suitable for trade-offs. Due to cognitive biases or internal political considerations, parties themselves might be unable to identify these opportunities for reaching common ground, or face serious criticism from within their own party for having suggested alternatives that deviate from established negotiating positions. A mediator can therefore offer creative and/or face-saving solutions that might elude the parties themselves. In the case of Cyprus, the UN Good Offices Mission used its own detailed analysis of issues, including the parties' stated positions versus underlying interests, to craft 'bridging options' to help reach agreement on provisions in a draft deal that emerged from what was otherwise very much a Cypriot-owned process. [13]

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In other instances, mediation efforts have found it useful to commission outside experts to provide one-time (or sometimes recurrent) background analyses on key issues. One example comes from negotiations on the so-called Transition Areas (including Abyei, Southern Kordofan/Nuba Mountains, and southern Blue Nile State) during the peace process that led to Sudan's 2005 Comprehensive Peace Agreement. Following an earlier breakdown of talks on the Transition Areas, a particularly insightful background paper written by an outside expert helped to open space for renewed dialogue. Prepared by the expert from 'information collected during informal discussions with several leaders on both sides', the paper indicated that 'a number of options could be explored by the mediators with regard to the eventual status of the contested areas, to reach a workable solution acceptable to the Parties'. The document was shared with the secretariat of the mediator (Inter-Governmental Authority on Development) as well as with the parties, and the expert then discussed it at length with the SPLM and more briefly with the Sudanese government. This paper was able to re-engage the parties (especially the SPLM) in a dialogue when the process appeared to have broken down. [14]

Other processes have had some success in tapping into creative thinking on options for solving a conflict generated by Track 2 talks (between influential opinion-leaders for parties, or key interest groups in a conflict, but not formal representatives in official talks). This was the case in Darfur, when Darfuri political elites and intellectuals from various tribes were brought together in a process hosted by the Max Planck Institute in Heidelberg, Germany, starting in 2008. The so-called Heidelberg Darfur Dialogue produced a 75-page 'Outcome Document Containing Draft Proposals for Consideration in a Future Darfur Peace Agreement' in May 2010, which many objective observers regarded as largely workable 'bridging options' for many of the contentious issues from the war. [15]

The final purpose of analysing issues is to begin to identify authoritative standards that will help bind parties' acceptance of a deal and bolster their commitment to implement an agreement. Such standards play on universal norms of fairness, equity and consistency, and specific standards might arise from previous negotiations and/or international practice. It is more likely that parties will agree to a complex formula for sharing revenues from natural resources if some of the key principles underlying the formula have been agreed previously, and/or stem from standard practice elsewhere.

Role of previous negotiations
Peace processes are rarely written on a blank slate. Rather, the parties (or an earlier constellation of parties, sometimes represented by different people) have usually entered into talks or even agreements in the past, frequently with the help of outside mediation. These prior accords – even (or perhaps especially) when they were not successfully implemented – deeply influence the parties' perceptions of both their maximalist and their bottom-line positions. Therefore, they shape the so-called 'zone of possible agreement' for any new deal. Further, if an international body or key regional state had engaged as mediator or backer of an earlier peace effort, they themselves will often be

loath to abandon or radically modify core elements. This creates an additional factor to manage in the mediation process – the legacy of prior agreements. It is therefore essential for a conflict analysis to examine this legacy and identify how it might affect a new mediation effort (Box 3).

Box 3

Assessing previous negotiations in Mali

The HD Centre's experience in Mali provides a compelling example of how a conflict analysis can examine past peace processes. In summer 2012, an earlier analytical effort by the HD Centre was revisited, to pinpoint what was missing from current third-party intervention efforts. This was done by understanding what other dialogue actors were already doing and why, and therefore where added value from the HD Centre could potentially be focused. To feed into this assessment process, the HD Centre commissioned inputs from long-standing Mali experts and produced a written analysis of past peace processes, which it then shared selectively. In addition to informing the HD Centre's own approach, this helped it to establish greater credibility and to overcome perceptions of competition among third-party players.

Comparative practice

Mediation teams can benefit from a deeper understanding of how similar problems in other peace processes have been resolved. Except when an adviser to one process happens to have worked on other processes, there are currently few systems for sharing comparative practice across a given region or around the world. As a result, some peace processes have commissioned studies or analytical pieces by outside consultants such as noted academics or regional specialists.

- In the case of the UN's involvement in trying to resolve internal boundary disputes within Iraq, expert advice based on worldwide comparative practice informed a key report submitted to the parties by the Secretary-General's Special Representative.

- A significant non-governmental effort to promote learning from comparative practice in peace processes has been launched by the Public International Law and Policy Group. The Group prepared a 'Darfur Peace Agreement Drafting Guide', a comprehensive document analysing the impediments to peaceful resolution of the Darfur conflict. [16]

Looking at comparative practice is therefore an additional avenue for a conflict analysis to follow in support of a mediation process. [17] This is particularly important where international standards are relatively clear and/or where they can help to undercut the intransigence of extreme positions held by parties.

Potential implementation roadblocks

One major weakness in peace processes has been the lack of attention to challenges of implementation. Again, it is useful to subject these challenges to deeper analysis long before a deal is signed and implementation proceeds. As noted above, peace processes have often looked to implementation mechanisms – a cross-party commission or a high-level panel – to resolve outstanding sticking points that negotiators were not able to agree during talks. This tendency is more marked in an 'incremental' approach, when a mediator seeks to use smaller agreements on 'easier' issues to build up to a larger accord on tougher issues, but more 'comprehensive' approaches also sometimes leave key sticking points to be resolved during implementation.

Due to political pressures by regional powers and/or countries funding or hosting a peace process, there may be little, ultimately, that a mediation team can do to change the course of a peace process once an accord nears completion. Nonetheless, in-depth analysis can help identify potential pitfalls and areas for special focus during implementation, including the design, leadership, financing and launching of a third-party presence (such as a UN peacekeeping mission) during implementation. Close attention to implementation challenges during the negotiation

phase can greatly increase the chances of an accord's success. A mediation team, parties and/or key post-conflict donors will sometimes devise a 'roadmap' or other guiding documents for implementation, but rarely if ever are they truly candid about the real post-signature vulnerabilities. Often, analysis by outside specialists or even a bespoke gathering of such analysts during the negotiation process can look critically at potential roadblocks or dangers in implementation and put forward possible alternatives that might be easier for parties to implement or for a third party to monitor. In the end, a peace process – even if successful in producing a signed agreement – is only a discrete step on the much longer path to peace.

4 | Conclusion

This guide posits that analytical preparation is indispensable for any successful mediation effort. Whether a formally appointed UN official such as a Special Representative of the Secretary-General, or an informal mediator such as a group of tribal elders, a third party generally has little if any leverage over the parties. Knowledge, consequently, is a key source of power and authority for a mediator, and an on-going analytical process will help him or her to generate and maintain the basis for a fruitful role in the process. To this end, this guide identifies seven highly inter-related elements that should be analysed at the outset of a mediation effort and periodically throughout, particularly in light of changes in the context and the parties' relative leverage. The seven elements are: context, actors, process design and sequencing, issues for negotiation, previous negotiations, comparative practice, and implementation roadblocks. Continuous analysis of these provides no guarantee for a mediator's success, but does increase a third party's chances of directing an effective mediation effort. Perhaps the most important outcome of this process is reflection itself – and consciously setting a goal toward peace.

Endnotes

1. See the 'Resources' section at the end of this guide for more on People's Peacemaking Perspectives, pioneered by Conciliation Resources and Saferworld in 2010–12.
2. See Konrad Huber, 'Aceh's Arduous Path to Peace', in the 2008 *Accord* issue, *Reconfiguring Politics: The Indonesia–Aceh Peace Process*, available at http://www.c-r.org/accord-article/acehs-arduous-journey-peace (accessed on 27 October 2013).
3. For more on the importance of goal-setting by parties engaged in a negotiation – which also applies to a third party presuming to facilitate conflict resolution – see G. Richard Shell, *Bargaining for Advantage*, New York: Penguin Books, 2006.
4. Confidential author interviews, July 2013.
5. At the same time, there are usually cross-cutting ties or 'connectors' such as family histories, education at the same schools or time together in the armed forces or government service that belligerents might share, particularly at the elite or leadership levels, even in the most divisive conflicts. These should also be highlighted, ideally through the analysis of actors (see element 2, below).
6. For more on leverage, see G. Richard Shell, *Bargaining for Advantage*, New York: Penguin Books, 2006.
7. See the 'Resources' section for software that might aid this process.
8. Confidential telephone interview, peace process expert, 9 May 2012.
9. Confidential telephone interview, peace process expert, 3 June 2012.
10. Surprisingly, however, UNAMID (the African Union/United Nations Hybrid operation in Darfur) proved not to be a systematic source of reporting into the Doha process, despite its field presence. Confidential telephone interviews, peace process experts, May 2012.
11. Rarely does a process adopt a 'pure' version of either approach. While it sought to address an enormous range of deep-seated issues, Sudan's 'Comprehensive' Peace Agreement excluded issues related to regions other than the South and the then-Transition Areas, and the resolution of truly vexing challenges such as the status of Abyei and the North–South border were deferred until implementation.
12. By focusing on tough issues early on, former President Ahtisaari used this technique to great effect in the 2005 Aceh negotiations to determine whether GAM and the Indonesian government were serious about the renewed talks.
13. Confidential telephone interview, peace process expert, 16 May 2012. The Mission's website even includes transcript and audio recordings from key meetings over the last four years. See http://www.uncyprustalks.org/nqcontent.cfm?a_id=3046&tt=graphic&lang=l1 for more information.
14. Email correspondence with a peace process expert, May–June 2012, including a copy of the paper outlining possible solutions for the Three Areas (on file with the author).
15. See http://www.mpil.de/ww/en/pub/research/details/know_transfer/africa_projects/heidelberg_darfur_dialogue.cfm for more information.
16. See the PILPG website (http://publicinternationallawandpolicygroup.org/practice-areas/peace-negotiations/) for more information.

17. One typical method for bringing comparative practice into discussions with the parties is to organise joint trainings or similar events with outside experts on specific themes (e.g., transitional justice or constitutional reform), often as a means of 'confidence-building' between them. The track record is inconclusive as to whether the confidence-building value of such efforts is real. In any event, a mediation team should be clear first with itself and then with the parties about the purpose of such trainings, and should screen experts carefully for their ability to convey technical information and to engage with parties constructively.

Further reading

This is a brief overview of useful concepts and resources for practitioners constructing a conflict analysis. The summaries and links to resources may help to inform an approach, although not all of them may be required for any single analysis. Over the last 10–15 years, non-governmental organisations (NGOs) and donor agencies have developed formal frameworks to diagnose conflict contexts, identify key actors and their relationships, and reflect critically on the impact of outside interventions before or during such interventions. These approaches are included here because they may contribute to the development and application of a new conflict-analytical approach under consideration by a mediation team. Also, these frameworks and methodologies (and subsequent revisions and adaptations) continue to guide the approaches that other actors might use. For both of these reasons, a mediation team might find it useful to be conversant with the concepts.

Concepts and resources from academia
The establishment of the fields of negotiation and conflict resolution – in connection with disciplines including economics, law, international relations, and psychology – has introduced many influential concepts. While this guide cannot do justice to the breadth and details of these conceptual contributions, one of particular relevance is **interest-based negotiation**. This can be useful in conflict analysis, in identifying and addressing the 'interests' underlying a party's stated 'positions'. Other key concepts from this field are the ideas of an **integrative agreement** (as opposed to a distributive agreement, that only 'divides the pie') to reach so-called 'win–win solutions' that assist parties to meet their underlying interests. This highlights the idea that parties can pursue alternatives to a negotiated agreement (including

the continuation of conflict), often referred to as a **BATNA (best alternative to a negotiated agreement)**. Others have since introduced the idea of a **WATNA (worst alternative to a negotiated agreement)**, which can also be helpful in understanding changes in relative leverage between parties.

The idea that parties are largely rational actors, making deliberate choices and seeking to satisfy concrete interests, also underpins the scholarship around **spoilers** and **ripeness** in conflict resolution. Understanding belligerents as rational actors (which is sometimes a debatable premise) has also led to examination of their recruitment and financing methods, and the role of extractive resources in fuelling conflicts. In addition to having policy implications for mediators and states involved in conflict-resolution efforts, **'following the money'** should itself be a key dimension of conflict analysis.

Further scholarship has sought to understand the types, roles and specific functions of **third parties involved in conflict-resolution efforts** (also called **conflict management** or **conflict transformation**), ranging from 'facilitation' focused on problem-solving through consensual means to more robust, formal 'mediation' or even fully empowered 'arbitration'. Different 'tracks' of negotiations and supporting conflict-management efforts have been conceptualised, most notably **Tracks 1 and 2** (and sometimes an intermediate **Track 1.5**). Given the role of power in international relations and the practices of international organisations like the UN, different forms of intervention spanning **peacemaking, peacekeeping and peacebuilding** have been scrutinised. With so many peace agreements failing within months or a few years of signature, the role of third parties such as a Special Representative of the Secretary-General and/or a peacekeeping operation during **peace implementation** has also received further scholarly and policy-oriented attention.

- Myriad online resources are available on these topics, such as http://www.beyondintractability.org

Concepts and resources from NGO practitioners

In tandem with developments in academia, inquiry and critical reflection on peacebuilding by NGO practitioners have greatly informed the study of conflict and conflict resolution over the last 20 years. Depending on the specific needs of a conflict analysis, some of these contributions can help enrich the analytical process. Often, these contributions have focused on understanding and strengthening the **role and participation of civil society actors** in relation to peacebuilding, including mediation efforts and formal peace processes.

With the massive humanitarian responses to wars and mass violence in the Balkans and the Great Lakes region in the mid-to-late 1990s, international aid and development workers began to examine more trenchantly the role of assistance as part of broader systems that could support peace or inadvertently help drive conflict. What became known as the **Do No Harm framework** focused on the fact that any intervention by an 'outside' actor becomes part of the conflict system, and can strengthen or weaken both 'dividers' and 'connectors' in a process. Analogous to the Hippocratic Oath taken by physicians, the first responsibility of the external party is to not worsen the conflict. Further work on these concepts led to a focus on strengthening **local capacities for peace** through more reflective, intentional efforts to use aid and development programmes to seek positive impacts on underlying dynamics.

• The Do No Harm framework is available at http://www.cda-collaborative.org/programs/do-no-harm/dnh-program-highlights/the-relationship-framework

Conflict-sensitive development was a further attempt by international aid and development agencies to be reflective and self-critical about their operational contexts, analysing the interactions between interventions and that context, and avoiding negative impacts on the conflict setting while maximising positive ones.

Another consequence of this work was an effort to think more penetratingly about the relationship between local-level peace-building efforts (at 'program level') and those initiatives more directly focused on 'peace writ large' (such as a peace process). This latter effort, known as the project on **Reflecting on Peace Practice**, also attempts to posit a framework for evaluating the effectiveness of such initiatives, whether at 'program' or 'peace writ large' level.

- Conflict-sensitive development: see for example Saferworld, 'Conflict-sensitive development', May 2008 or Svenja Korth, 'Conflict Sensitive Approaches to Development, Humanitarian Assistance and Peace-Building – Tools for Peace and Conflict Impact Assessment', Volume 1, Issue 4, November 2003.
- Reflecting on Peace Practice: see http://www.cdacollaborative.org/programs/reflecting-on-peace-practice, and Mary B. Anderson and Lara Olson (with assistance from Kristin Doughty), *Confronting War: Critical Lessons for Peace Practitioners*, Cambridge, MA, 2003.

Another recent NGO contribution to peacebuilding practice is the premise that peacebuilding efforts should articulate an explicit **theory of change**. This is an explanation of how and why a set of activities will cause the changes that a peacebuilding effort assumes to be necessary and effective for bringing about peace. By making connections between specific activities and expected outcomes more explicit, the practitioner can build up a verifiable theory of change that can be useful for reflection, evaluation and learning. Work pioneered in the NGO sector on this issue also influenced the development of evaluation frameworks used by bilateral and multilateral donors, particularly OECD's Development Assistance Committee's guidance on evaluating peacebuilding activities (called an 'intervention logic' by OECD).

- Theories of change: John Paul Lederach, Reina Neufeldt and Hal Culbertson, *Reflective Peacebuilding: A Planning, Monitoring and Learning Toolkit*, Joan B. Kroc Institute for International Peace Studies, University of Notre Dame and Catholic Relief Services Southeast, East Asia Regional Office, 2007.
- OECD's Development Assistance Committee's Guidance on Evaluating Peacebuilding Activities in Settings of Conflict and Fragility.

Focus on **popular participation** is one of the most important strengths of NGO-based approaches to conflict analysis. Going beyond merely participatory information-gathering as part of a conflict analysis compiled by NGO staff, a recent initiative called **People's Peacemaking Perspectives (PPP)** seeks to extend participation to the analytical process itself. Led by Saferworld and Conciliation Resources, the PPP process was carried out in 18 countries and regions over some 18 months. The focus was on a 'bottom-up' process that privileged the perspectives of ordinary people in conflict zones, gave them a voice in the analytical process and sought to tie analysis to the development of responses.

- People's Peacemaking Perspectives: see http://www.c-r.org/resources/PPP-lessons

Donor-based conflict assessment frameworks
Given their role as donors and in some cases belligerents (e.g. in Afghanistan and Iraq), certain governments have begun devoting more critical attention to the dynamics that shape and drive conflict at local level. This has come from the military, diplomatic and aid personnel of such governments – concerned about local insurgency and violent extremism affecting national pacification and state-building efforts – as much as from donor agencies. One consequence was was the proliferation of **conflict assessment frameworks** and similar methodologies in the mid-2000s for assisting military and civilian personnel to understand and

navigate local conflict dynamics. In some cases, there was an explicit intention to transform local conflicts through strengthening 'legitimate' local authorities and undermining insurgent opponents of central state authority.

One such framework (explicitly supporting 'stabilisation operations' led by the US military in countries like Afghanistan and Iraq) emerged initially from an approach developed by USAID. Though not positioned to support a mediation effort as such, some of the steps involved in these methodologies could be relevant to conflict analysis by a mediator. For more information, see :

• Inter-Agency Conflict Assessment Framework (ICAF): http://www.state.gov/documents/organization/187786.pdf
• USAID Conflict Assessment Framework (2005 and 2012 versions and accompanying guide for the 2012 version) : http://www.usaid.gov/what-we-do/working-crises-and-conflict/technical-publications

Relationship-mapping software
Relationship-mapping software can assist with visualisation of relationships among various actors, sometimes also depicting the nature or intensity of the relationship. Different programs exist, from those developed for visualising relationships in general (e.g. diagramming) to those depicting social relations. More specialised programs have been designed for analytical work similar to conflict analysis and could be readily adapted for this purpose. Some are available online at no charge or for inexpensive subscriptions, while others are more commercial in nature.

• Commercial, subscription-based software most readily usable for conflict analysis : Analyst's Notebook (see http://www-03.ibm.com/software/products/us/en/analysts-notebook/ for more information).

- Standard relationship-mapping software available inexpensively online: Kumu (see http://vimeo.com/48470019) or NodeXL (see http://nodexl.codeplex.com, which uses Excel for its backend and therefore could be readily adaptable for data available in that format).
- Diagramming software: Lucidchart (see https://www.lucidchart.com) and Graphviz (see http://www.graphviz.org/Home.php).

About the author
Konrad Huber is a seasoned analyst specialising in evaluations, political analysis, consensus-building and community engagement, particularly in conflict-affected countries. He has more than 20 years of experience in conflict analysis, democracy promotion and peacebuilding, including long-term residence in and/or frequent travel to Africa, Asia, Eastern Europe and Latin America through his work with the OSCE, UN agencies, the US Department of State, USAID and other organisations. He is currently a social development specialist with the International Finance Corporation (World Bank Group), advising on stakeholder engagement strategies for private-sector investments in high-risk environments.

Previously, Konrad worked as an independent consultant evaluating programmes related to peacebuilding, stabilisation and/or democracy promotion in Colombia, Côte d'Ivoire, Guinea-Bissau, Haiti, Honduras, Lebanon, Libya, Mali, Timor-Leste, Venezuela and Zimbabwe. Until 2008, he served as Africa Team Leader for USAID's Office of Transition Initiatives, where he directed some 15 staff members in multiple country programmes and managed $ 40–50 million annually in US foreign aid. In 2003–04, he was an International Affairs Fellow at the Council on Foreign Relations.

Konrad has published on various topics related to peace and security, including peace processes in Indonesia, regional insecurity, weak governance and transnational terrorism in the Horn of Africa, and the role of conflict analysis and peace processes in Africa (for a mediator's guide produced by the African Union and the Centre for Humanitarian Dialogue). Originally from the USA, and a graduate of Brown and Harvard Universities, he is a permanent resident of Brazil.