

Managing Constituencies and Political Opposition during a Peace Process

By Keith M. Fitzgerald¹

When we look at many of the world's ongoing peace processes in which elections have recently taken place; why do we see...

- *long-time spoilers HAMAS elected to lead the government in Palestine,*
- *long-time hard-liner Ariel Sharon (and now Ehud Olmert) pushing unilateral "solutions" after being elected in Israel,*
- *long-time demagogue, Ian Paisley (and his DUP), elected as leader of the Unionists in Northern Ireland, and*
- *an SLFP coalition government in Sri Lanka depending on the hardline JVP for its majority in parliament?*

All of the parties above currently oppose negotiation, constitutional changes, or outright recognition of their counterparties. In all of these cases, it was another party (traditionally their political rivals; the PLO, Labour, David Trimble's OUP, and the UNP) who were responsible for the most promising recent progress in each of these peace processes. Why, then, have they been "punished" at the polls, and can the current parties – often brought into office for their hard-line stances on negotiations – really do a better job negotiating? Are hardliners the only ones capable of making peace, as some would suggest? Are their *constituencies* really opposed to recognition, negotiation, or accommodation?

Do these election outcomes reflect genuine dissatisfaction with the incumbents' negotiation strategies, or have their constituencies simply decided it was time to bring in the "bad cop?" Have the opposition parties convinced people that they have answers, or simply that their more moderate opponents do not?

The Symptoms: Questions for Discussion

- *Why do most government negotiators in peace processes find themselves between a "rock and a hard place;" where their internal negotiations make it harder, rather than easier, to negotiate with an adversary across the table?*
- *Why do hardliners and seeming "opponents of peace" appear to get stronger as a peace process continues, while the negotiators seem under more and more pressure to "outsmart" or outflank them in a losing political battle?*
- *Why do we allow critics of peace processes to attack safely from the sidelines without holding them to account for the lack of constructive contributions? How can we do so more effectively? Should they be marginalized, or given a role in the process?*

¹ For more information on the author, please refer to Section III of this Briefing Pack.

- *Why do elections during peace processes almost always result in victories for opposition parties who are opposed (in whole, or in part) to the peace process at that time?*

Some Possible Diagnoses (and a Few Suggestions):

On Process:

Negotiation Process Design

The single biggest explanation for these phenomena is found in the process by which most peace processes are negotiated. As negotiations, most processes are *designed* to make life more difficult for the negotiators and to create opportunities for political opposition because they encourage positional behavior and place substantive issues ahead of improving relationships and communication between the parties. Most processes also leave constituents feeling bitter having raised their hopes early only to test their patience thereafter. Why?

Process Explanation: Positional Bargaining and the Pace of Negotiations

Internal differences place great pressure on negotiators to use positional bargaining. Internal differences incentivize rigid, greatest common denominator, positional approaches in negotiation. Positional bargaining feels “safe” internally, seemingly minimizing uncertainty by setting internal limits and restraining the side’s own negotiators (or on a mediator). Positional bargaining seems to be a conservative, risk-averse process – at least on the surface².

Perhaps the greatest negative impact of positional bargaining is that it is, by definition, heavily focused on resolving substantive differences. Because of the incremental incentives, by design, positional bargaining pits substantive progress against building better relationships.³ Yet, most negotiators choose to focus too heavily on substantive differences precisely because 1) the work of improving communication and relationships is emotional and unpredictable, and 2) such work requires a very different skill set than the technical skills and knowledge required to solve substantive problems.

In most peace processes, a new head of state (or government) comes into office with a mandate to negotiate a political settlement with a rebel group. Negotiations may get off to a promising start; a separatist group may agree to relinquish its claim for sovereign independence in exchange for significant autonomy, according to principles of self-determination. There is optimism, and the party in office wins support for gaining this concession. Then the parties begin the difficult negotiations over a cease-fire, what that autonomy would look like, and whether and how the rebels might eventually demobilize.

In the early going, the opposition might read the popular optimism and decide to offer muted support, or at least remain silent. However, as time passes and the hard work of the negotiations continues, “breakthroughs” are rare, and the opposition knows they will get their opening.

² For further explanation, see “Negotiating Inside Out: What are the Best Ways to Relate Internal Negotiations with External Ones?” by Roger Fisher, Harvard Negotiation Project (available upon request).

³ For example, at each step during positional bargaining, parties have incentive to be stubborn about making concessions while pressuring the other party to make them. Positional bargaining also incentivizes deception and threats to use alternatives.

The “Breakthrough Trap”: Empowering the Opposition

One of the most common mistakes – usually made on the government side of a peace process – is to get caught in the trap of relying on “breakthroughs” in order to continue outflanking political opposition. Former Israeli Prime Minister Ehud Barak and former Sri Lankan Prime Minister, Ranil Wickremesinghe, both made this mistake. The strategy involves keeping a step ahead of the political opposition by delivering progress in a peace process. Once a leader stakes his political survival on such breakthroughs, the adversary across the table (whose agreement is required in order to produce them) is then in a position to raise the price for such progress. The price paid for those breakthroughs is, of course, concessions on the part of the government. The government negotiator is then caught between the extortion of the adversary across the table (on whom he now depends for his political survival) and the political opposition whose ammunition is the very concessions with which the negotiator “purchases” the breakthroughs.

The Loss of Constituency Patience

One challenge to maintaining the support of constituencies throughout a peace process is that on one hand, governments typically negotiate in order to bring an end to violence, while on the other hand; rebels typically negotiate in order to realize their aspirations (or those of the constituency they claim to represent). Structurally, this means that as soon as the parties agree on a cease-fire, the government has already achieved its main aim and may be in no hurry to meet the aspirations of the rebel group as long as the rebels remain at the table. In fact, it is not uncommon for a government then to try and slow the pace of negotiations so that its constituents may enjoy their newfound tranquility (usually accompanied by an improved economy), without making any real concessions.

The rebels are then under intense pressure to deliver for their constituencies. And, rather than accept responsibility for that “failure,” they are for more likely to blame the government for dragging its feet. This is also one of the points at which splinter groups are most likely to break off and return to armed resistance. Thus, the initial optimism among the rebels’ constituents evaporates and is replaced by impatience. Suddenly, the goodwill and good start are both soon a distant memory.

As has been the case in the Middle East, Northern Ireland, and Sri Lanka, there has often been suspicion among the Palestinians, Republicans, and Tamils (respectively) that their opponents were simply using a strategy of *pacification*, rather than peace.

The Transition from War to Negotiation: Watch the Hardliners

In any transition from war to negotiation (especially under conditions of a cease-fire), the military — and militants — become less important, as the role of politicians and negotiators increases. Militants must often be “reigned-in,” and are often actively (even forcefully) marginalized. As this happens, militant groups and hawks within the military often push back and assert their influence on the process. One way they tend to do this is to appeal to nationalism, sowing fear and frustration among constituents. Another way they respond is by joining the opposition, often adding to the opposition’s credibility.

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Possible Strategies for Negotiators and Mediators:

- **Marginalize the opposition.** The PLO tried to marginalize HAMAS. The UNP government in Sri Lanka tried to keep Chandrika Bandaranaike Kumaratunga and her PA on the sidelines. Both strategies failed, and the then-opposition is now in charge. When on the sidelines, marginalized parties that, nonetheless, have significant support, tend to gain in strength. They have the far easier task of critic, rather than that of playwright. They are more dangerous politically at the margins than they would be at the table.
- **Compete with the opposition for constituency support.** This strategy also gives the opposition the advantage, as they have the easier communication task. They can choose to appeal to people's fears of an uncertain outcome in a peace process or their discontent at having to "give so much away" in order to achieve peace. The government, by contrast, must ask constituents to be patient, brave, or reasonable in the face of an uncertain outcome.
- **Co-opt the opposition.** One strategy that seems to work, at least for a time, is to co-opt the opposition into joining a coalition as a junior partner. Likud has done this effectively on a few occasions in Israel, and — for a time — Labour appeared either impotent or irrelevant. However, they still possess the threat to pull out of the coalition. A card they are most likely to play precisely when the stakes are highest.
- **Involve them in the process.** This seems to be the most politically difficult of all the strategies — but also the most likely to yield success (leaving open the critical question of success in a peace process, political success, or both?). If the opposition are involved in the process (either through significant consultation, or at the table), then the negotiation across the table is likely to be both more difficult and more realistic (and more sustainable). The threat that they will pull out still exists, but the government will be in a stronger position to challenge criticism if the opposition was also involved in the process up to the point of their pullout.

In Whose Name? : Peace Among Parties vs. Settlements for Stakeholders

Some issues in dispute (and some items on the agenda of peace negotiations) concern the *organizations* at war, while others are of direct and widespread concern to *stakeholders*. Cease-fires and negotiations over amnesty, demobilization, or force integration should involve any organizations that have been directly involved in armed conflict. By contrast, negotiations over power-sharing, constitutional arrangements, interim governance, human rights, autonomy, economic matters, reconstruction and repatriation/resettlement issues should be negotiated by — or on behalf of — stakeholders.

Several questions then arise:

- 1 *Which stakeholders should have what role in which negotiations?*
- 2 *To what extent, if any, must which stakeholders' interests be met, and by whom?*
- 3 *How can negotiators and mediators avoid unwieldy complexity or too many demands?*

Essentially, if any stakeholder group has the power to scuttle a negotiation or to make a negotiated agreement costly or impossible to implement, then their interests must be taken into account. This

may, or may not, mean giving them a seat at the table (or at *a* table). The art, then, is determining which parties' interests must be met *acceptably*, and which parties' interests must be met *tolerably* (the fine line between acceptance and non-opposition).

There are obvious problems when groups – particularly on the “rebel” side – are so powerful that they dominate the stakeholders they claim to represent, to the exclusion of other potentially-representative groups. The clearest case of this is likely to be the LTTE (Tamil Tigers), who have decimated virtually all other Tamil groups and claim to be the Tamil people’s “sole representative” (although the Eastern faction under Col. Karuna has recently cast some doubt on the LTTE’s sole-representative claim). Effectively, there is little alternative for the Sri Lankan government (and the international community) than to deal with them, and them alone. However, that status cuts both ways; the Tigers can, therefore, be held more accountable for their performance in representing the interests of their putative stakeholders.

Don't Let Stakeholders Become a Jury

If stakeholders simply become an audience, watching a negotiation, as a contest between their government and a rebel group, they will be in more of a position to *approve or disapprove* of any negotiated outcomes. Rather than feeling like participants with a stake in the outcome either way, they will act more like a jury, postponing their verdict until later in the process. But with such detachment, it is always easier to disapprove of parties' behavior in the face of an uncertain or sub-optimal outcome and to expect more later. Discontent is much more likely than satisfaction among stakeholders if they are acting more as an audience than as participants.

Beware Conflict Amnesia

Negotiators (and mediators) should be careful not simply to appease stakeholders. Populations tend to have short memories; they quickly forget the horrors of war and take for granted “post-conflict” stability. From mid-2002 until early-2006, most people in Colombo (and the rest of southern Sri Lanka) spoke of the war in the past tense, while many outside observers spoke of the “peace” in Sri Lanka until only a few months ago. Wishful thinking takes root faster than a weed.

Even when stakeholders are far removed from the negotiations, the parties must have effective *communication and public education strategies* in order to manage popular perceptions of their performance (see below).

The Political Process

Of course, in addition to the design of the peace process, the nature of the country's political process will, to a great extent, determine the course of the internal negotiation on that side. While this is stating the obvious, there are a few specific dimensions worth mentioning:

“Herding Cats?”

If normal political decision-making in a country is contentious, building consensus on a peace negotiation strategy may be far more difficult – or far less so...Some political partisans fight harder, the more important the issue. Some manage to put their differences aside when there is much at stake. Knowing the culture of political contention is important.

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The Presence of a Loyal Opposition

The United Kingdom sees spirited debates between Tories and Labour (and among other parties); as does any other parliamentary democracy. Yet, on matters of vital national security, those parties have a proven ability to put aside their differences, due to their long tradition of loyal opposition.

Sri Lanka, by contrast, lacks such a political tradition. In recent years, opposition parties in Sri Lanka (among other countries) have consistently undercut the government's peace strategy, regardless of the approach that government is taking. We have seen examples of an opposition bringing down an incumbent government only to adopt the same peace strategy it had lately criticized. In effect, short-term politics are placed ahead of longer-term policy, in the extreme.

Israel is somewhere in between the two. Israel's parties are notorious for forming occasional coalition governments or governments of national unity, but they are consistently uneasy — and always temporary.

Whichever the case, no government can negotiate a peace process successfully unless it can do one of two things:

- 1 Either build, and maintain, a consensus on strategy among all major political parties throughout the process, or
- 2 Institutionalize continuity of its fundamental peace negotiation strategy by establishing a professional cadre of non-partisan (or all-party) experts to manage the ongoing process, allowing for some changes in strategy as the political landscape changes.

The former (the consensus approach) usually requires a loyal opposition and may include seats at the table (or at least a significant consultative role) for important opposition parties. When done effectively, this also allows a government to employ tactics such as the “good cop, bad cop” routine and helps to insulate the government from divide-and-frustrate tactics by the other side.

The latter (professionalization approach), helps to mitigate the buffeting effect of seismic political changes (which may or may not be a result of the conflict or peace process) and allows partisan bickering to continue — but with a firewall between politics and policy. It has the added benefits of better preserving institutional memory and allowing negotiators across the table to build longer-term relationships with less turnover.

Media & Communication Strategies:

Trying to “balance” transparency of a peace process with disclosure to constituents will always have negotiators (and mediators) walking a tightrope. It may be easier to negotiate in secret, but *implementing* in secret just doesn't work. How high a profile should a peace process have, and how much information should negotiators disclose about what is happening?

The trend seems to be to achieve an early breakthrough with maximum media coverage (e.g., a cease-fire and a first round of talks), followed by a long period of quietly trying to work out the details. It is during this period that people *should* be enjoying their new stability and prosperity (this is the time

when most international donors will pledge a sizeable “peace dividend, in order to encourage the parties to continue making progress and to bolster their respective political positions). This honeymoon usually lasts until the parties finish negotiating all of the relatively easy issues (e.g., agenda items or procedures for future talks) and start addressing the *real* issues.

During this period, parties are usually so focused on the new peace process that they neglect their communication strategies. Instead of having an actual *strategy*, they tend to prepare for press conferences, react to journalists’ questions, and respond to any claims or comments made by the other side.

Avoid the Early Hype: High Profile = High Expectations

Tentative agreements are too often hyped by the media, before they actually mean anything. Ceasefires are constantly mistaken by laypeople for real peace (e.g., in Aceh, Sri Lanka, and the Oslo Accords between Israel and the PLO). The symbolic handshake on the Whitehouse Lawn should be seen for what it is; the beginning of years of very hard, uncertain work. Yet all those involved, parties and mediators alike, can’t seem to resist the temptation to milk all the political capital they can get out of such occasions. However understandable it may be politically, it will make their jobs harder later on.

Keeping a Low Profile Shouldn’t Mean Being Enigmatic

By contrast, in Sri Lanka, Ranil Wickremesinghe shared virtually no information with the public about what was happening in the peace process. The UNP government had no real communication strategy. Some of the negotiators spoke to the media occasionally, and they held the usual press conferences during their official talks, but there was no consistent official message in support of the government’s own strategy. This was eventually Wickremasinghe’s undoing. While the government was assuming that people were simply enjoying “peace” and an improved economy, the nationalist JVP was busy going door-to-door in the South and in suburban Colombo warning of major (unacceptable) concessions to the Tamil Tigers. The JVP strategy proved effective, and the SLFP coalition they joined then took office in subsequent elections.

Negotiating in a Glass House

Israelis and Palestinians probably have the most difficult challenge when it comes to communication. Their peace process is watched far more than any other. Almost everything that happens in this conflict takes place on the world’s 24-hour news channels. The greater the stage, the greater the temptation to use it to gain tactical (or political) advantage. That goes equally for the sides as for the internal parties on each side. There are very few ways in which Israeli and Palestinian officials can talk out of the glare of media spotlights. It’s little wonder that they seem to make most of their progress at Camp David.

When they do disappear to talk, fortunately the public response – even among their own constituencies – seems to be one of widespread, hopeful anticipation. Even militant groups are typically reserved in their hostility.

While there does not appear to be a single formula for effective communication strategies to maintain constituency support during a peace process, a few things seem clear:

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- 1 In the absence of accurate information, people will fill the gaps with their fears more than with their hopes. Hardliners and political opponents on all sides will seize the opportunity to exploit the lack of information.
- 2 The result of every meeting cannot be put to referendum. But skilled communicators will be able to judge the public mood at any time during a peace process and should be able to do more than simply defend their strategy.
- 3 A good communication strategy is not just explanatory, but educatory – and sometimes transformative. People respond to choices better than to appeals for forbearance. They tend to respond better to articulate challenges than to desperate pleas.
- 4 Parties engaged in peace processes should appear *together* when speaking publicly with some frequency, modeling their own progress.
- 5 Constituents should have fora in which they can ask questions and receive responses from those directly involved in talks. Personal engagement is more persuasive than impersonal statements.

Communication Strategies for Mediators: Less is More

There is a clear consensus throughout Sri Lanka today that the Norwegian mediation team (as well as the Nordic ceasefire monitors) has maintained far too high a profile and makes far too many public statements. They have lost a great deal of credibility among the Sri Lankan population, as well as among the parties.

The higher the profile of a mediator, the more publicly the mediator will be associated with success or failure of the effort – and, possibly, ownership of any outcome, the more people will question their motives, and the more they are likely to take on too much of the work in the negotiations. They also become more susceptible to being a lightning rod – particularly from criticism by an unhappy population (perhaps even more so than by the parties).