

## Chapter 2

# Local Ownership and the Settlement of Civil Wars: External Intervention in Internal Armed Conflicts—Arguments for a Conceptual Framework of ‘Political Ownership’

Peter Schumann

**Abstract** Local ownership as currently pursued by external actors may facilitate early recovery and reconstruction in the aftermath of war, but it has little relevance for the durable settlement of civil war. Ownership assumes a different quality and substance when the objective is to achieve a lasting political settlement of civil war, ownership should therefore be operationalized as part of the political process of conflict transformation, and it should be approached as *political ownership*. Political ownership determines not only the quality of the relationship between the conflict parties; it also governs external relations, in particular with those external forces playing a direct role in the peace process. This applies in particular when sovereignty is challenged through externally driven policies, such as the protection of civilians from internal threats or the objection to non-democratic regime change. An externally supported peace process takes place in the context of a tripartite asymmetric relationship. This leads to a very distinct and also uneven division of roles and responsibilities. However, it is argued that a framework conceptualizing political ownership and the lasting settlement of civil war must be part of a comprehensive model to explain the failure of political processes to end civil war.

**Keywords** Development and ownership • Intra-state conflict and external intervention • Political ownership and durable settlement of civil war • UN Peacekeeping

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P. Schumann (✉)  
Berlin, Germany  
e-mail: schumannp@t-online.de

## 2.1 Introduction<sup>1</sup>

Local ownership refers to an approach advocated in the framework of development cooperation. The assumption is that socio-economic change supported by external aid should not be imposed, it is more sustainable when those affected accept and internalize ‘ownership’ of the process of innovation as well as the outcome achieved. Ownership is based on principles of partnership, respect, trust and the motivation to achieve common goals.

Any form of external intervention in an intra-state armed conflict is based on different policies and operational procedures and addresses different issues. Civil wars are either settled through military victory of one of the conflict parties or through a negotiated settlement to stop war activities and an agreed political transformation of the conflict. The other option is the open-ended unsettled civil war, which has during recent decades been the most prevalent situation.

In the case of a military victory a regime change or regime consolidation is the likely outcome, with winners and losers as well as victims exposed to atrocities and persecution. The likelihood that armed struggle will resume within a few years is very high. At the core of a negotiated political settlement is a power-sharing arrangement, in addition to other protocols, such as security and wealth sharing arrangements. The situation is totally different when conflict is prolonged. Low intensity internal strife and sudden eruption of deadly fighting take place more or less at random and governments remain in power as a result of the ongoing crisis. External intervention takes place as a parallel event with marginal effects on the deadly crisis.

The issue under review is the role of ‘ownership’ in the process to transform a violent armed conflict into a process of non-violent political change, a peace process. Looking in detail at the role of an external intervention in the process to influence or resolve internal armed struggle and civil war, be it through UN peacekeeping operations (UNPKO) or hybrid arrangements, the results achieved are so far not convincing, neither from a security or protection point of view nor from a political perspective of conflict transformation. There is evidence which suggests that the failure of external intervention seems to be related to ‘ownership’ or the simple question ‘whose peace is it?’.

External actors operating within the framework of a UNPKO perform functions as observers and monitors, they report on compliance and facilitate processes through ‘good office functions’, in addition, they perform logistics and operational support functions. Principles of partnership and sustainability as core elements of ‘local ownership’ may play a role in the case of activities supported by external actors outside the political dimension of a peace process, by far the largest part of a PKO, but at the same time the least important for resolving conflict. Activities

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<sup>1</sup> This chapter was presented at the swisspeace annual conference 2012. I am grateful to the organizers for the opportunity to present and debate issues discussed in this chapter, in particular to Sara Hellmüller.

directly related to the peace process take place in a complex political and fragile security environment. External participation in these core activities is limited, often rejected as a result of lack of trust, fundamental disagreement with external advice and outright rejection of demands to conform with standards set by representatives of the international community. This chapter argues that local ownership as currently pursued by external actors may facilitate early recovery and reconstruction, but it has little relevance for the durable settlement of civil war and civil strife. It draws attention to the political dimension of the peace process and argues that ‘political ownership’ needs to be given a prominent role, in particular when external actors intend to play a role in making peace. This implies a need to accept that the conflict parties are in the driver’s seat, not the external actors.

## 2.2 Background

The issue under review appears to be rather straightforward. When political systems collapse and governments are under imminent threat, when armed uprisings and rebel movements gain international attention, when large scale displacement affects major parts of the population and humanitarian operations are launched to save people’s lives and when the overall political situation is considered a threat to international peace and stability, an external intervention is considered the only option. Under these conditions the UN Security Council will authorize a PKO. Based on the consent of the government and the officially recognized rebel movement an international intervention is organized, mandated to support the parties of the conflict to reach a negotiated settlement and to provide assistance to rebuild a war torn society, establish systems of rule of law and build state institutions in line with UN policy principles and standards of governance.

Peacekeeping tasks authorized by the UN Security Council are funded through assessed contributions of member states to the UN peacekeeping budget. Any additional activities are initiated through bilateral assistance, funded by voluntary contributions from donor governments. Irrespective of the source of funding, the principle applies that all activities and programmes are planned and implemented first of all in cooperation with, and with the consent of, the government, including under certain conditions ‘rebel movements’ and institutions established as a result of a peace agreement.<sup>2</sup>

‘Local ownership’, in the context of development cooperation has become a normative element governing external intervention, put into practice through different means such as ‘consent’, ‘participation’ or ‘joint partnerships’. This chapter argues that a negotiated cessation of armed hostilities and an

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<sup>2</sup> This is in particular the case when a ‘comprehensive peace agreement’ was signed and interim arrangements are put in place until a final government is formed, for example through elections. See Sudan Comprehensive Peace Agreement, at: <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf> (5 June 2013).

understanding on political principles signed by the conflict parties in the form of post-war power-security-and wealth sharing protocols has more to do with undemocratic re-arranging of internal power structures, including the option of forced ‘regime change’, than the achievement of socio-economic, governance and environmental development goals. The process of advancing from a formalized negotiated agreement to a political settlement of an armed conflict normally takes years. At the end, a new compact will have emerged between the political elite of military leaders and the elected representatives on the one hand and civil society, including the tolerated political opposition, on the other hand. The political dimension of ‘local ownership’ has a different quality and substance when the objective is to achieve a ‘durable political settlement of civil war’ which always includes the option to apply military and other enforcement action (Duffy Toft 2010).

However, there is yet another dimension of ‘local ownership’, viewed from the perspective of the conflict parties and, as the process advances, the new government. ‘Local ownership’ has first of all a lot to do with the quality of the relationship between conflict parties. In addition, it defines the policy principles and operational arrangements of external relationship with UN member state governments in general and donor governments in particular. ‘Local ownership’ in the context of a fragile state or a civil war affected nation has during the past decade become an element of international relations, i.e. the targeted intervention in an internal conflict has become an element of foreign policy.

The Government of the Republic of South Sudan has perceived the mandate of the UN Mission in the Republic of South Sudan (UNMISS), approved by the UN Security Council under Chapter VII of the UN Charter, as an interference in the internal affairs of the newly independent sovereign nation state, resulting in rather constrained relations with UNMISS leadership and the UN Secretary General. The political dimension of ‘local ownership’ has become a key element describing the relationship between the UN and member states. The UN Secretary General points out that “no ... reform imposed from outside can hope to be successful or sustainable” and continues that the UN “must learn better how to respect and support local ownership, local leadership and local constituency of reform, while at the same time remaining faithful to UN norms and standards”.<sup>3</sup> As von Carlowitz (2011: 6) concludes, “while policy-makers, academics and practitioners generally agree with these statements in theory, local ownership proves difficult to operationalize in post-conflict assistance and governance, and remains mere rhetoric in many international reform programmes”.

The underlying issue is the following: under UN peacekeeping policies and rules the international community intervening in the framework of a UN Security Council authorized peacekeeping operation, implemented in cooperation with regional organizations and further supported through bilateral programmes of

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<sup>3</sup> UN Report of the Secretary General, The rule of law and transitional justice in conflict and post-conflict societies, UN Doc. S/2004/616, 3 August 2004, para 17.

interested governments, accepts cooperation with the conflict parties, comprising of the member state government, rebels and others, and to support policies and operational activities in the context of conflict resolution and ending civil war. These programmes are, as a matter of principle, to be formulated jointly with those who have come to power through armed struggle or retained some form of residual government authority, which in any case implies violation of human rights and large scale atrocities committed against the civilian population. These programmes may in the end pursue policies not in the immediate interest of individual member states. The principle of cooperation aims to achieve ‘ownership’ and implies that external actors and local leadership share common objectives and cooperate in the implementation of programmes and projects.<sup>4</sup> The principle of cooperation, however, seems to be a moving target. The Peacebuilding Commission, for instance, “shall work in cooperation with national or transitional authorities, where possible, in the country under consideration with a view to ensuring national ownership of the peacebuilding process”.<sup>5</sup> The resolution does not prevent the Commission from initiating activities where cooperation on the part of the government or transitional authority is not forthcoming.

In view of the frequent break-down of agreements followed by the resumption of armed confrontation and the systemic failure of UN peace operations to ensure that agreements are honoured, the principle of ‘local ownership’ as an underlying principle of cooperation needs careful analysis and review. It seems that most of the debates to explain failure of peace agreements and the resumption of war activities focus on operational activities and the implications of ‘lack of ownership’. These explanations are very similar to those given to explain the failure of development cooperation programmes to reduce poverty or enhance public health or other dimensions of the millennium development goals. This seems to be in particular the case when negotiated agreements are of a tactical nature and not the result of a comprehensive political process or in situations where external pressure was the main driver for the parties of the conflict to negotiate an initial agreement.

The process to end civil war and to implement post-war nation building programmes and foster regime change is part of complex political arrangements, which include elements such as constitutional reform, sharing of power, elections and universal application of rights ensuring that all groups of society, irrespective of religion, ethnic origin or other criteria of discrimination, are protected and enjoy safety and security.

External interventions are part and parcel of this process and principles of cooperation and best practices should be applied, including ‘local ownership’. Security Council decisions mandating a peace operation make explicit reference to the role of member state governments; they describe in detail the responsibilities of the peacekeeping operation and demand cooperation from the government as

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<sup>4</sup> UN General Assembly, Peacebuilding in the aftermath of conflict, A/67/499, 8 October 2012.

<sup>5</sup> UN Security Council, Resolution on the establishment of the Peacebuilding Commission, S/RES/1645, 12 December 2005, para 10.

well as rebel movements concerned.<sup>6</sup> With the role political institutions such as the UN Security Council as well as regional organizations (AU) play in the process to authorize, plan and implement external interventions to end civil war, ‘local ownership’ as understood in the context of development cooperation as ‘joint’ and ‘participatory’ would be intentionally misleading, in particular when Chapter VII of the UN Charter is invoked.

The underlying principles of external intervention, ranging from ‘sustaining war’ to ‘achieving durable peace’ and addressing the causes of political dissent and armed opposition as well as the ‘intended failure’ of state institutions to protect civilian population under imminent threat, go beyond ‘local ownership’ as described earlier. In addition to the expansion of ‘operational activities’ there is a proliferation of global policy goals which may have little to do with the causes of the conflict but which derive from international norm setting processes, for example as the outcome of UN global conferences and which are, as a matter of principle, included in the mandate of peace operations.<sup>7</sup> UN peace operations have become instruments for achieving compliance with these norms, the extent of ‘local ownership’ is used to determine the level of compliance, measured through the incorporation of these norms, for example in national legislation. Peacekeeping is used as a means of broadening the political agenda of the external intervention, often losing sight of those issues central to the transformation of a violent conflict.

Local ownership in the development cooperation domain remains focused on issues of aid effectiveness and to what extent development assistance should align itself with local systems and practices. Donor practices are adapting and policy and political conditionality are re-emerging. However, at the same time attention is drawn to the need to respect national sovereignty. It is acknowledged that there are non-aid issues in development and that a different concept of what development cooperation is about may be required (Booth 2011: 4).

In view of the conceptual and operational limitations described so far, it is argued that local ownership and external intervention as currently advocated and applied has limited relevance in the political process to settle civil war through a negotiated agreement.<sup>8</sup> However, there is also another very important observation, drawing attention to the exclusive responsibility of local politics to end armed conflict. The responsibility to launch armed struggle is predominantly a domestic affair and is based on a range of often very complex decisions. The same principle applies to end the armed struggle, it is a process which must be politically owned by local leadership and find broad based acceptance.

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<sup>6</sup> Security Council Resolution, S/RES/1590, 24 March 2005; Security Council Resolution, S/RES/1996, 8 July 2011; Security Council Resolution, S/RES/2046, 2 May 2012 “decides that Sudan and South Sudan shall take the following actions with immediate effect” following the resumption of armed conflict between the Republics of South Sudan and Sudan.

<sup>7</sup> The opening paragraphs of Security Council decisions authorizing Peacekeeping Operations refer to all relevant UN General Assembly and UN Security Council decisions without establishing a specific relevance with the country concerned.

<sup>8</sup> Local ownership in the case of military victory to end civil war needs to be explored separately.

The prolonged political crisis in Somalia is a case in point. The reconciliation and peace conferences as well as the establishment of the Transitional Federal Government (TFG) are externally initiated, donor financed processes, politically controlled by regional and international actors, and so far without tangible results. On the other hand, the establishment of the government and public administration in Somaliland are locally driven and have so far neither received international recognition nor political support. They are exclusively accountable to local actors, represented by clan elders, organizations of youth, women, and professionals, such as lawyers, medical doctors and businessmen. Political processes are first of all locally driven events, where the acknowledgement of locally dictated conditions defines what is possible (Hirsi 2011). Therefore, ‘ownership’ seems to be first of all a function of political representation and organization, accountability and legitimacy based on cultural norms and practices and external relations based on respect for sovereignty, international norms and standards, for example of governance and nation-building which are accepted as distant goals.

### **2.3 Assumptions and Myths: Towards a Political Approach to ‘Local Ownership’ in an Asymmetric Tripartite Relationship**

As argued above, policies and operational procedures of external interventions to end armed conflict and civil war have little in common with development cooperation programmes. Still, the assumption persists that instruments, procedures and experiences from development cooperation are applicable to situations of ‘war and peace’. The application of development based needs assessment and programme formulation processes leads to the interpretation of the causes of conflict and the dynamics of conflict conversion as deep rooted development deficits. These similarities at first sight result in confusion about cause and effect and exclude a deeper look at the political causes of dissent, armed opposition and war.<sup>9</sup>

The underlying causes which lead people to take up arms may result in political demands which relate to underdevelopment and deprivation, in particular when targeted deprivation and intended underdevelopment are part of government policies to deal with specific population groups or regions in opposition to the central government. However, the process of moving from political opposition to dissent and armed struggle is a complex one and may differ from case to case. The struggle for independence against a colonial power follows a different political and military pattern than the fight of a particular ethnic or religious community against the central government’s policies resulting in marginalization and oppression. The

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<sup>9</sup> The correlation between underdevelopment and internal armed struggle lacks empirical evidence. Still, it is frequently used as argument to justify the submission of reconstruction and development appeals at donor pledging conferences, justified as part of the peace process.

likelihood of reaching a durable negotiated settlement of a conflict depends therefore to a large extent on the political demands and the military evolution of the struggle. Negotiated settlements fail because they neither address these demands nor do they acknowledge during the implementation process the difference between a negotiated peace agreement and the lasting settlement of a conflict. “Providing external support to a political settlement is therefore a deeply political undertaking. Yet, so are the challenges facing outside actors with regards to peacebuilding and statebuilding in the first place. Addressing these challenges with concepts that help grasp the full complexity of the task at hand is necessary for any sustainable success” (OECD 2011: 13).

The limited knowledge and empirical analysis about the specific causes of an armed conflict, the principles of war fighting and methods of destabilization and the political options of conflict transformation are factors which have resulted in a template approach of external intervention through UNPKOs.

The UN Security Council mandates PKOs to perform functions which provide support; only in exceptional cases do PKOs perform executive functions, which require specific authorization under Chapter VII of the UN Charter. Government, rebel movements and others covered under the mandate retain full responsibility, for example for the implementation of jointly signed agreements. This is an officially acknowledged recognition of ‘ownership’, it assigns political responsibility. One would therefore expect that UNPKOs have over time developed a variety of methods to operationalize support and local ownership, based on best practices derived from different peacekeeping scenarios.

However, reality seems to be different when it comes to clarity about operational roles and responsibilities. The regular reports of the UN Secretary General to the UN Security Council about the implementation of the mandate record progress made, describe the status of affairs to address highly complex issues, such as the protection of civilians from attacks of regular and rebel forces, support of democratization and rule of law at different levels of government, providing good offices in case of complex political negotiations and offering technical solutions to reform post war security apparatus, to mention the most common functions.

These reports are prepared by the mission leadership and the office of the Secretary General; they do not include inputs from the conflict parties as they are reviews of their performance and compliance with the provisions of the mandate. In particular governments but also ‘transitional administrations’ or others referred to in the mandate object to any form of criticism and seek their own ways and means to demonstrate that they have the option to act independently from the PKO and the Security Council. They may simply try to take advantage of the logistical support capacities of PKOs or request the performance of specific tasks, also in pursuit of their own political goals. The relationship between the conflict parties and the UNPKO can best be characterized as an asymmetric tripartite constellation; neither based on equal partnership nor jointly agreed rules. This discrepancy about the expected and de facto role of a UNPKO leads to the notion of interference in internal affairs, where ownership becomes a matter of competition and contradiction, in particular when it is used to attribute responsibility for the failure



of local actors to comply with the mandate of the mission. Ownership is therefore a function of political power of each actor in a tripartite relationship and the political goals and objectives pursued by each of these actors.

## **2.4 Ownership in the Context of Norms and Practices of the International Community: The Clash of Policy Intentions and Organizational Realities in the Context of UN Peacekeeping Operations**

Interventions of external actors in a country considered a threat to international security due to internal armed struggle are politically controversial, operationally complex and subject to intensive media scrutiny. UN member states participating in these operations have to provide their own 'home audience' with plausible explanations to justify both possible positions of intervention and abstention. Intended outcomes of the operation and questions of legitimacy, legality and global responsibilities are asked, in particular in settings of liberal democracies and active civil society organizations raising their voices on behalf of war affected civilian populations under imminent threat.<sup>10</sup>

'Ownership' in the context of an intervention in an internal violent conflict seems to be more of an illusion than a reality, in particular when sovereignty is understood as a political responsibility to continue the 'liberation struggle'. This is an emerging reality in South Sudan, where the leadership has left no doubt over its perception of sovereignty and ownership when external actors lost control over the political process in May 2012 and the breakdown of mediation efforts of the African Union (AU) High Implementation Panel and a resumption of armed hostilities between South Sudan and Sudan.

Mandates authorizing peace operations are the result of complex political negotiations between members of the UN Security Council reflecting their own security policy concerns and other interests, in addition to those of the conflict parties. In order to achieve a majority vote in particular of the P-5, mandates may lack policy clarity, provide room for operational ambiguities and prescribe measures unrelated to the conflict (Seibel 2011: 271–287).

The reform of peacekeeping<sup>11</sup> and the development of international norms and policies of external intervention have strengthened the institutional framework of peacekeeping (Deng 1996; Annan 2005). However, the stated goals of UN

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<sup>10</sup> The moral dilemma that each intervention which did not take place is as problematic as the one which has taken place is of much debate in particular in the context of "The Responsibility to Protect" (ICISS Report; at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf> (5 June 2013)).

<sup>11</sup> Brahimi Report 2000; at: [www.un.org/peace/reports/peace\\_operations](http://www.un.org/peace/reports/peace_operations) (5 June 2013), in particular Chapter VI. The Brahimi Report does not address the issue of 'local ownership'.

peacekeeping reform programmes and the progress reported regularly by the UN Secretary General to the UN General Assembly and the UN Security Council have only limited impact on the durable political settlement of conflict in particular in the most notorious conflict zones, such as the wider region of the Horn of Africa.

The failure of these reform programmes to trickle down to the war affected countries and to strengthen peace operations seems to depend on the role of local institutions and the responsibilities of the new post-war political leadership.

#### ***2.4.1 The First Paradox: The Making of a PKO—Planned Absence of Ownership***

UNPKOs are planned according to a well-defined and established integrated planning process, with the intention to bring all relevant UN and other external actors together. Operational realities on the ground are assessed through visits to the conflict zone, at least to those areas considered safe and for which the government grants access.

Local actors are neither included in the decision making part of the planning process, nor do they have an active role in the implementation. The Special Representative of the Secretary General (SRSG) reports as mandated in the resolution on the implementation of the peace operation, this report is a UN document. Therefore, the formulation takes place without inputs from the conflict parties. The UN peacekeeping planning bureaucracy is in the lead, guided by processes to keep the peace within the UN system and in line with UN global policy goals. The final political decision to approve the operation remains with the UN Security Council while budgetary decisions are approved by the UN General Assembly on recommendation of the Budgetary Committee of the UN. Peacekeeping principles such as ‘consent of the conflict parties’ to the external intervention are adhered to during the initial planning and approval process, but the approval of subsequent periodic renewal of the operation neither requires consent nor is it subject to an independent evaluation of the results achieved. The making of a PKO assumes ‘local ownership’, but it does not provide for it.

#### ***2.4.2 The Second Paradox: The Implementation of Operational Activities—Intended Neglect of Ownership***

Following the approval of a UN peacekeeping operation, implementation at the country level takes place under the overall leadership of the SRSG. At the operational level the PKO needs the cooperation and, in a number of instances, the formal approval of the government to establish the mission and to ensure that

activities can be implemented. Practical experience, for example in the case of the UN Mission in Sudan (UNMIS) but also the UN Mission in Darfur (UNAMID) has demonstrated that operational activities of both missions were severely affected by the lack of administrative, security and logistics approvals by the Government of Sudan.

While the planning of peacekeeping operations takes place under the nearly exclusive authority of the UN and selected member states (groups of friends), the implementation depends to a large extent on political decisions governing administrative support of the host government as well as rebel movements or transitional authorities in areas under their control.

External actors, such as donor governments supporting specific elements of a PKO with their own resources, require host government approval to implement programmes, even in instances of humanitarian assistance in support of a war affected civilian population.

The implementation of operational activities mandated in a UN Security Council Resolution may take place successfully, however this does not imply that conflict origins are addressed or that threat levels affecting a civilian population are reduced or effectively controlled.

#### ***2.4.3 The Third Paradox: UN Peacekeeping Principles— Sovereign Ownership***

UN peacekeeping principles are directly related to the principle adherence to and protection of the sovereignty of UN member states (Bellamy et al. 2004). Any interference in the internal affairs of a UN member state requires the consent of the government concerned. The implementation of the UN policy on the protection of civilians under imminent threat or the adherence to the UN approved policy on the ‘Responsibility to Protect’ requires as a matter of principle host government approval. ‘Local ownership’ as a policy can only be implemented within the overall principle of sovereignty.

Local ownership as an operational principle to implement activities in support of peace operations is faced with a dilemma. While operations are planned and approved outside the authority of the government affected, implementation is governed by principles under the control of the sovereign member state or rebel movements exercising territorial control. Member states even affected by conflict exercise in fact ‘political ownership’ and therefore determine to a large extent the outcome of the external intervention.

Peacekeeping principles strengthen the political capacity of governments under imminent threat, they facilitate the application of peacekeeping operations for the achievement of their own political goals, including military objectives against

rebel forces.<sup>12</sup> However, there are exceptions, such as the multi-dimensional PKO in Kosovo (UNMIK) when the Government of Serbia was denied the authority to continue to govern the province under the executive mandate of UNMIK, authorized by the UN Security Council to operate under Chapter VII of the UN Charter. ‘Local ownership’ became a synonym for ‘interim transitional administration’ with the local self-government authorized to perform ‘transferred functions of government’ under international supervision and control.

## **2.5 Towards a Conceptual Framework of ‘Political Ownership’ and the Lasting Settlement of Civil War**

This paper has argued that political ownership is a major element of an overall conceptual framework for a lasting settlement of civil war. The case was made that local ownership has a justification as a normative requirement in a sustainable development cooperation programme and that external intervention in civil war and civil strife do require a different approach in order to address the complex political situation of war and peace. Political ownership was defined in the context of an asymmetric tripartite relationship between conflict parties, normally the government and rebel movements, and a peacekeeping operation authorized by the UN Security Council.

Political ownership as part of a tripartite arrangement will be determined by the following issues:

1. The origins and dynamics of the armed struggle and intended as well as already realized political demands will define the overall framework of conflict transformation.

External interventions may promote solutions which often ignore the findings of a substantive conflict analysis and do not evaluate options to end the conflict. External interveners perceive conflicts from a different perspective than that of local actors and tend to prescribe short term solutions. The implications of this approach are substantial. At the political level they may lead to the resumption of war while at the operational level activities are implemented which are unrelated to the conflict.

Conflict resolution activities should be based on conflict parameters and the political ownership of the process of conflict transformation must remain with the conflict parties. External actors must limit their intervention to operational

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<sup>12</sup> The acceptance of the demand of the Government of Sudan that the character of UNAMID must be “African” limited the options of the UN Secretary General to staff the mission, in particular at the senior level. The bargaining power of the Government of Sudan was further strengthened when DPKO and the Secretary General accepted without protest the dismissal of the SRSG Jan Pronk in October 2006.

activities of conflict transformation. This includes mediation and other negotiation support activities on request by the conflict parties.

2. There is more than one option to end political rebellion and armed conflict, all must be considered, irrespective of political and other priorities external actors may pursue. This includes military victory of either party to the conflict, negotiated agreements in response to political demands to end all or partial war activities as well as reaching a new social and political contract to rebuild society.

External interventions play very different roles and perform a range of functions during the different phases of an internal armed conflict, depending primarily on the options pursued by the conflict parties. The objective of the conflict parties is to make use of the external intervention in pursuit of their own political and military goals. This includes humanitarian assistance. Historical data shows that the durable settlement of civil war depends only marginally on external intervention. The more promising option is an internally negotiated solution guaranteed by external powers. However, external powers only rarely provide credible guarantees, and only in very few instances have these guarantees been invoked following the breach of an agreement (Duffy Toft 2010: 30–32).<sup>13</sup> The lack of empirical data limits the formulation of a theoretical model explaining the options to end civil war and the probability of success.

3. Agreements are negotiated to first and foremost end ongoing armed struggle and civil war, followed by political negotiations to reach an understanding on political principles for a political settlement. As agreements are implemented, political negotiations must continue to address unresolved issues. The role of external actors is primarily to guarantee the implementation of agreements and be prepared to sanction non-compliance in line with agreed mechanisms and activities. Opportunities for intended failure and launching of new armed struggle when political arrangements fail must be considered at all times.

The civil war in Sudan is characterized by “dishonoured agreements” (Alier 1990), external failure to sanction the systematic breach of agreements and international actors primarily guided by a variety of interests more in line with their own foreign policy goals (Schumann 2010: 102–14). Instead external actors have demonstrated nearly unlimited support for never ending negotiation processes. Local leadership has taken advantage of this situation and used negotiations as an opportunity to overcome military disadvantages or to strengthen negotiation positions. The failure to implement strategic elements of the Comprehensive Peace Agreement (2005) and the endorsement of this selective approach by the international community can be considered as a key element in

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<sup>13</sup> She draws attention to the role external actors should play to stabilize peace agreements and political settlements.

explaining the resumption of armed aggression between the two newly created Republics.

In addition to these political process issues, a conceptual framework for the lasting settlement of civil war must be framed under consideration of the following realities emerging as a result of ongoing and past peace processes and to a large extent independent of the actual conflict scenario.

Peace agreements negotiated with external mediation assistance have resulted in increasingly complex legal documents with detailed implementation arrangements. These so called ‘comprehensive peace agreements’ follow a standard pattern, with security arrangements, power and wealth sharing agreements as well as special protocols. They also include a mechanism to assess and evaluate the implementation of the agreement.

While the government has the option of involving any entity of the government administration in the negotiation as well as the implementation process, rebel movements are at a disadvantage and must rely on their own capacity or enter into arrangements with external actors offering support. External actors, including UN officials, traditionally maintain the political relationship they had with government representatives before and during the war, and the government continues to represent the country in all official functions and entities of the UN and its member states. The UN depends on the consent of the government for all actions it decides to take, for example the ‘status of forces agreement’ with the UN. Therefore political ownership remains primarily with the government. This unequal relationship results in an asymmetric peace process.

Little empirical data and analysis are available on the implementation of peace agreements. The only systematic reporting which has been undertaken is part of the framework of reports of the UN Secretary General to the Security Council as per the mandate of a peace operation.

Information about the need to either re-negotiate parts of the agreement or to find an agreement on issues which emerged as a result of the peace agreement is very limited. Early warning about the need to find solutions to unresolved issues is therefore marginal. Still, the implementation of a peace agreement is a dynamic process, with the inherent threat of failure. This situation is further aggravated when there is only limited political ownership of the negotiated solution, for example when the initial assumptions of the peace agreement are no longer valid.<sup>14</sup>

Negotiations taking place under conditions briefly described above tend not to be successful. Unresolved issues emerging as a result of changed assumptions may be re-negotiated outside the peace agreement or form the basis for a new agreement altogether.

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<sup>14</sup> This applies to the Comprehensive Peace Agreement (CPA) signed between the Government of the Sudan and the Sudan Peoples Liberation Movement (SPLM). The objective of the CPA was to create conditions for a reformed and “New Sudan”, separation was considered then a remote option only.

The most obvious is not the most valid: the role of external interventions in internal armed conflict as an element of conflict transformation and driver of durable peace may be obvious but, there is limited empirical evidence to suggest that current practices of external intervention are in fact strategic drivers of peace.

It should be remembered that processes and instruments applied in UN peace operations in internal armed conflicts originate from situations of inter-state wars. Intra-state wars, normally referred to as civil wars or internal armed strife and rebellion, are relatively new for the UN. The rapid growth of UN peacekeeping in internal conflicts should not detract from realities of institutional shortcomings and limitations.

## 2.6 Conclusions and Observations

Peacekeeping is fraught with examples of frequent policy failures, institutionalized delays, breakdowns of political processes and the breach of agreements reached. Having said that, there is limited empirical investigation and systematic research to explain how civil wars end or why they continue. So far we have little verified knowledge about the ending of civil wars, despite high levels of investment in the particular approach of a negotiated agreement supported by external intervention through a UN Security Council mandated peacekeeping operation. A framework conceptualizing political ownership and the lasting settlement of civil war must be part of a comprehensive theoretical model which should have the capacity to explain the failure of political processes to end civil wars.

Intergovernmental bodies such as the UN and its Department of Peacekeeping Operations (DPKO) have demonstrated that organizational learning takes place. A range of operational policies were improved to make operations more effective, there is field based knowledge about what works and how to avoid failure, and capacity development during the past years has shown results and systems to support operations have improved. However, while the bureaucracy has demonstrated the ability to learn, the political leadership of the UN, in particular of the Security Council and related political organs, does not learn (Seibel 2011). The Security Council continues to authorize peacekeeping operations which do not respond to the causes of the crisis and it continues not to anticipate risks while at the same time encouraging the exploration of political opportunities (Schumann 2012).<sup>15</sup>

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<sup>15</sup> The initial recommendations for a peace operation in South Sudan made by UNMIS are in total contrast to the mission approved by the UN Security Council under resolution S/RES/1996 UN Security Council 2011 of 8 July 2011. Neither the Government of the newly independent Republic of South Sudan nor UN Staff with long standing experience in Sudan and South Sudan do agree with the approved mission mandate and concept (Discussions held by the author with the Government of South Sudan and UNMISS officials in March 2011).

The assumed relationship between political ownership and the effectiveness of the external intervention is so far more of a myth than a reflection of reality on the ground. The introduction of ‘political ownership’ is an attempt to motivate thinking ‘outside the box’ and to indicate through an overall conceptual framework the complexities of the approach. It is an appeal against yet another simplification of an issue determining the survival of civilian populations under imminent threat and a warning about the limitations of an external intervention to achieve durable and lasting peace. There is a need to draw a red, or in the context of the UN, a blue line and define the limitations of external interventions to end civil war.

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UN airplanes in Entebbe, Uganda. *Source* Sara Hellmüller/swisspeace. Permission to use this photo was granted.

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