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### WHO SHOULD BE AT THE TABLE?: VETO PLAYERS AND PEACE PROCESSES IN CIVIL WAR

*David E. Cunningham\**

#### INTRODUCTION

Civil war often is conceptualized as a conflict between a state and a rebel group. In reality, many civil wars, including those currently ongoing in Somalia, Darfur, Afghanistan, Iraq, Columbia, and Kashmir, contain multiple rebel groups fighting against the state at the same time. Within civil wars, there is a sub-set of these groups (which could include all of them) that have the ability to block an end to the war. These groups can be labeled “veto players” because they have the capacity to veto peace and continue the war on their own even if the other groups involved sign a peace agreement and stop fighting.<sup>1</sup>

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<sup>1</sup> See, e.g., GEORGE TSEBELIS, *VETO PLAYERS: HOW POLITICAL INSTITUTIONS WORK* (2002) (analyzing veto players in governmental bargaining). See generally Gary W. Cox & Mathew D. McCubbins, *The Institutional Determinants of Economic Policy Outcomes*, in *PRESIDENTS, PARLIAMENTS, AND POLICY* 21-63 (Stephan Haggard & Mathew D. McCubbins eds., 2001). Scholars have examined how governmental veto players affect conflict. See Michael J. Ireland & Scott Sigmund Gartner, *Time to Fight: Government Type and Conflict Initiation in Parliamentary Systems*, 45 J. CONFLICT RESOL. 547 (2001); George Tsebelis & Seung-Whan Choi, *The Democratic Peace Revisited: It Is Veto Players*, APSA Meeting Paper (2009),

Civil wars containing more than two veto players have fundamentally different bargaining dynamics. The incentives that combatants have to enter negotiations and negotiate in good faith, as well as their ability to reach agreements that all parties find acceptable, are substantially different when there are more actors involved that can block settlement. These barriers to bargaining mean that conflicts with more veto players last substantially longer than those with fewer.<sup>2</sup>

Because these conflicts are so difficult to resolve, international efforts are much less successful in conflicts that contain more than two combatants. Several years ago, a prominent study evaluated the success of all United Nations led peacebuilding missions and found that the U.N. was “successful” in 13 out of 27 of these missions, slightly under 50%.<sup>3</sup> Dividing these cases into two-party and multi-party wars shows that peacebuilding was successful in 10 out of 16 two-party wars (63%) and only 3 out of 11 multi-party civil wars (27%).<sup>4</sup>

This article explores how peacemakers can design peace processes in multi-party civil wars with the greatest likelihood of resolution. It focuses on the question of participation in peace processes and argues that negotiations are most likely to lead to a comprehensive settlement if they include all of the veto players in the war and exclude everyone else.

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[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1450519](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1450519). See also generally David E. Cunningham, *Veto Players and Civil War Duration*, 50 AM. J. POL. SCI. 875 (2006); DAVID E. CUNNINGHAM, BARRIERS TO PEACE IN CIVIL WAR (2011) (examining civil war bargaining through a veto player logic).

<sup>2</sup> See Cunningham, *Veto Players and Civil War Duration*, *supra* note 1 at 876, 881-87 (arguing that civil wars with more veto players last longer and citing empirical evidence of this relationship). See also J. Michael Greig, *Intractable Syria? Insights from the Scholarly Literature on the Failure of Mediation*, 2 PENN ST. J.L. & INT'L AFF. 48 (discussing some of the difficulties for mediation presented by a large number of combatants and applying this discussion to the civil war in Syria).

<sup>3</sup> MICHAEL W. DOYLE & NICHOLAS SAMBANIS, MAKING WAR & BUILDING PEACE: UNITED NATIONS PEACE OPERATIONS 204 (2006).

<sup>4</sup> See CUNNINGHAM, BARRIERS TO PEACE IN CIVIL WAR, *supra* note 1 at 204.

Section I defines what it means to be a veto player in civil war. Section II examines why peace processes are prone to fail if they do not include all veto players or include actors that are not veto players. Section III explores two potential caveats to these rules, and the article concludes by illustrating the applicability of the main argument in a few cases.

### I. VETO PLAYERS IN CIVIL WAR

Veto players have the capability to unilaterally block settlement of a civil war. The concept of veto players is different from that of spoilers. Spoilers, as defined by Stephen John Stedman, are “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it.”<sup>5</sup> Spoilers, then, are those actors who have blocked a negotiated settlement to war. Veto players are those actors who have the capability to be spoilers, whether or not they actually spoil a settlement. At a minimum, all civil wars contain two veto players—the government and one rebel group—because if either of these actors could not unilaterally continue the war it would end. Many civil wars contain more than two of these actors, and additional veto players come in a variety of types.

Many civil wars contain multiple rebel group veto players. In the 1991-2008 civil war in Burundi, an agreement signed by 19 groups in Arusha, Tanzania in 2000 failed to end the war because the two main rebel groups—the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) and Palipehutu-National Liberation Forces (Palipehutu-FNL)—did not sign and continued fighting. In 2003, CNDD-FDD signed the Pretoria Accords and exited the conflict. The war still did not end because Palipehutu-FNL was a veto player and continued fighting. The Burundian war only ended when Palipehutu-FNL signed a peace agreement in 2008 and stopped fighting, meaning that all of the rebel group veto players had exited the conflict.

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<sup>5</sup> Stephen John Stedman, *Spoiler Problems in Peace Processes*, 22 INT’L SEC. 5, 5 (1997).

Civil wars can also contain multiple veto players when external states are heavily involved in the conflict. During the Apartheid era, South Africa used its military to destabilize hostile governments such as those in Angola and Mozambique by intervening in their civil wars. South Africa was a veto player in these wars because it was an actor with independent preferences and an ability to prevent full settlement of the conflicts.<sup>6</sup> In the Cold War, the United States and Soviet Union were veto players in many civil wars because they were involved and capable of prolonging the war if they did not get the outcome they wanted.

In general, civil wars contain a set of veto players including the government, one or more rebel groups and, potentially, external states. Not all of the participants to a civil war, however, are necessarily veto players, as some combatants may be so weak that they cannot block an end to the war. Identifying veto players is more challenging than identifying spoilers. Spoilers are those groups who have spoiled an agreement; veto players are those groups who could potentially spoil an agreement. In general, the factors that make parties veto players are those that make them more of a threat to the government, or more able to resist being defeated. So, combatants that have greater numbers of troops, more popular support, operate in terrain that provides protection from government attacks, have more advanced military technology and better trained and equipped troops, and have access to funding sources are more likely to be veto players.

## II. TWO RULES FOR PARTICIPATION IN PEACE PROCESSES

Negotiations in civil war can be long processes, often dragging on for months or even years. Mediators can affect the likelihood for a peaceful resolution to a war by deciding who to invite to participate in peace processes. There are two general rules.

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<sup>6</sup> See David E. Cunningham, *Blocking Resolution: How External States Can Prolong Civil Wars*, J. PEACE RES. 115, 116-17 (2010) (analyzing the effect of external state veto players on the duration of civil wars).

### Rule # 1: Include All Veto Players

The first rule is that peace processes are more likely to succeed that include the entire array of relevant veto players.<sup>7</sup> Because veto players can continue the war unilaterally, if one or more of these actors are not included in a peace process then the war will continue even if the other veto players sign an agreement and stop fighting.<sup>8</sup>

This argument may seem obvious, but there are clear cases in which mediators proceed with negotiations not involving all veto players and expect these processes to succeed. In the 1998-2000 Arusha negotiations in Burundi, CNDD-FDD and Palipehutu-FNL did not participate because the facilitator, former Tanzanian President Julius Nyerere, barred them from doing so. As those two groups were the main anti-government combatants, without their inclusion the Arusha process was doomed to fail before it began. Another example is the negotiations between Israel and the Palestinian group Fatah in the late 1990s. Those negotiations failed to lead to a comprehensive settlement of that long-running dispute for a number of reasons. One important reason was that Fatah was not the only Palestinian veto player, it did not control Hamas, and so an accord between the Israeli government and only one of the Palestinian veto players could not possibly have ended the violence.

One reason that peace processes often proceed without all veto players is that it is difficult to get them to come to the table. In ongoing civil wars, many of these actors have incentives to hold out from negotiating in hopes of obtaining a better deal later on.

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<sup>7</sup> See UNITED NATIONS, GUIDANCE FOR EFFECTIVE MEDIATION 11-12 (2012), <http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf> (recognizing the importance of inclusivity in peace processes, although this source refers to “stakeholders”: a broader range of actors than veto players).

<sup>8</sup> Lakhdar Brahimi & Salman Ahmed, *In Pursuit of Sustainable Peace: The Seven Deadly Sins of Mediation*, N.Y. UNIV. CTR. ON INT’L COOPERATION 5 (2008) (stating that the failure to incorporate all veto players can be the result of ignorance—one of the “seven deadly sins of mediation” —and arguing that it is important for mediators to identify both the national actors with the power to stop or re-start the war, and the source of those actors’ external support).

Additionally, some of these groups may be opposed to negotiation as a matter of principle.

In cases where not all veto players will agree to negotiate, mediators often try one of two strategies. They may declare that negotiations will begin with the parties who are willing to participate and that everyone else will be excluded from the peace that follows. This strategy was tried in Darfur in 2007 when the main rebel groups refused to attend a peace conference in Sirte, Libya. Jan Eliasson, the mediator for the conference, stated emphatically: “The train has left on the road to peace . . . the question is how many passengers will come on.”<sup>9</sup> The problem with this strategy is that, if the main combatants are not participating, there is no credible threat to exclude them from the benefits of peace because no peace is possible. Despite Eliasson’s statement, the conference was postponed and the conflict continued.

Alternatively, mediators often try piecemeal negotiations, in which governments negotiate with rebel groups individually in sequence. This strategy was used in Chad in the 1990s where the government signed a series of bilateral agreements with rebel groups.

While sequenced bilateral negotiations may work in some cases, it is a problematic strategy. Every agreement that results in one rebel group exiting the conflict also results in a shift in the balance of power between the government and the remaining groups. One of the difficulties with finding a bargained solution to civil war is that it is difficult for actors to tell how strong they are, relative to the government. In Burundi, it was clear after the Pretoria Accord that Palipehutu-FNL was weaker relative to the combined Burundian army/CNDD-FDD forces but it took years to determine how much weaker.

Additionally, every new peace agreement reduces the government’s flexibility with the remaining groups. Peace agreements often commit specific cabinet ministries and percentages of the

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<sup>9</sup> Alfred De Montesquiou, *Darfur Talks Postponed as Rebels Boycott*, USA TODAY (Oct. 28, 2007), [http://usatoday30.usatoday.com/news/world/2007-10-28-2864852227\\_x.htm](http://usatoday30.usatoday.com/news/world/2007-10-28-2864852227_x.htm).

military and government to former rebels. As these positions are filled, it becomes harder for the government to use incentives to convince the remaining veto players that an agreement is better than fighting. Because of these problems, piecemeal negotiations should be a last resort for mediators.

#### Rule #2: Exclude Non-Veto Players

The second rule is that peace processes are more likely to succeed that exclude actors that are not veto players. Because negotiations with more parties are more prone to fail, incorporating actors that are not veto players in peace processes make it less likely that agreement will be reached by the veto players. Barring this agreement, wars continue.

A number of peace processes in recent years have included non-veto players. The 19 parties at the Arusha negotiations in the Burundian war included some armed groups but primarily unarmed political parties. Negotiations in Paris in January 2003 to resolve the Cote D'Ivoire civil war included the government, the three main insurgent groups, and delegations from six other political parties.<sup>10</sup>

Mediators may include non-veto players in peace processes because these processes often play a large role in determining the post-conflict political environment, including the design of political institutions and timetable for transition to elections. Limiting participation to armed groups has the potential to send the dangerous signal that the only way to get one's voice heard is through violence. Additionally, civil wars often occur because of deep divisions in society, and incorporating civil society and political parties may be attempts to overcome these divisions.<sup>11</sup>

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<sup>10</sup> UNITED STATES INSTITUTE OF PEACE, LINAS-MARCOUSSIS AGREEMENT (2003), [http://www.usip.org/files/file/resources/collections/peace\\_agreements/cote\\_divoire\\_01242003en.pdf](http://www.usip.org/files/file/resources/collections/peace_agreements/cote_divoire_01242003en.pdf).

<sup>11</sup> See generally Desirée Nilsson, *Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace*, 38 INT'L INTERACTIONS 243 (2012) (arguing that incorporating civil society actors into peace agreements increases the durability of peace).



Each of these justifications has merit. However, including non-veto players in peace processes makes them more prone to fail for two reasons. First, incorporating these groups may actually create additional veto players in the negotiation. Conflicts with many veto players are longer and harder to resolve in part because it is hard to convince all of the participants that they are better off through peace than through continuing to fight. If unarmed groups are brought into a peace process and can veto any potential agreement, that increases the number of actors that can prevent a settlement that might end the war.

Second, even if non-veto players incorporated into peace processes are not allowed to veto potential agreements, their participation virtually guarantees that they will be given something in a settlement. Any concessions given to these groups, however minimal, means there are less concessions available to induce the veto players to stop fighting. In a power-sharing government, for example, the number of important ministries is finite. Ministries given to non-veto players mean less are available to convince veto players that peace is more beneficial than war.

Combining these two rules, peace processes will be most likely to succeed in ending civil wars when they include all of the veto players involved and no one else. Mediators are most likely to design successful peace processes when they analyze conflicts and determine who the veto players are and think critically about the effect of including and excluding different actors on those processes.

### III. EXCEPTIONS TO THE RULES

The above discussion presumed that each veto player was capable of continuing a war if a peace process did not include them. However, mediators could proceed with peace processes excluding veto players if international actors were willing to forcibly disarm groups that blocked the peace. This may be necessary when veto players are completely opposed to negotiation. In Rwanda, for example, the Coalition for the Defense of the Republic (CDR) was a clear spoiler that worked to prevent the implementation of the Arusha Accords. Had the international community intervened to nullify CDR, it is possible that the Arusha Accords would have

worked and the genocide would have been prevented.<sup>12</sup> In general, however, international actors are unwilling to intervene to the degree necessary to forcibly disarm veto players.

The above discussion also assumed that the goal of peace processes is to end wars. If that is the goal, then these processes are most likely to succeed if they include all, and only, the veto players. However, in many cases mediators and others may have interests beyond just ending the fighting, such as promoting democratization or social justice. To pursue those goals, it is possible that some veto players should be excluded or some non-veto players included.<sup>13</sup>

Mediators should be cautious about this, however. In many cases, goals such as democratization or social justice can only be pursued once civil war ends. Prioritizing other important goals can be dangerous if it leads to the design of peace processes that are less likely to actually end the war.

#### IV. CONCLUSION—THE RULES IN ACTION

The peace process around the 1999 Lusaka Accords in the Democratic Republic of the Congo (DRC) is one in which mediators included all veto players and excluded non-veto players from direct negotiation.<sup>14</sup> Early rounds of negotiations in the conflict had been derailed because they only included the DRC government and external state participants (such as Rwanda and Uganda). However, Congolese rebel groups were clearly veto players, and the Lusaka Peace Process incorporated them. At the same time, the Lusaka process left out non-veto players such as political parties and civil society organizations. These groups were not completely excluded

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<sup>12</sup> See CUNNINGHAM, BARRIERS TO PEACE IN CIVIL WAR, *supra* note 1 at 184, 211, 214. For a more extensive discussion of the Rwandan peace process, *see id.* at ch. 4.

<sup>13</sup> Beardsley discusses how the best strategies for mediators may differ depending on whether they aspire to a cessation of hostilities or to build long-term peace. *See generally* Kyle Beardsley, *Using the Right Tool for the Job: Mediator Leverage and Conflict Resolution*, 2 PENN. ST. J.L. & INT'L AFF. 57 (2013).

<sup>14</sup> See CUNNINGHAM, BARRIERS TO PEACE IN CIVIL WAR, *supra* note 1 at ch. 6 (describing the peace process in the Democratic Republic of the Congo).

from political discussion, rather, they were incorporated into an “Inter-Congolese Dialogue” which was designed to decide the political future of the country.

The DRC civil war ended in 2002, largely along the lines laid out by the Lusaka Accords. For the last ten years the DRC has certainly not been a peaceful, stable, or democratic place. However, the level of violence in Congo is much lower than it was during the civil war, at least in part as a result of the Lusaka process.

Despite this example, mediators often make decisions about participation in peace processes that hamper, rather than augment, the chances of peace. In Burundi and Darfur, negotiations excluded veto players and included non-veto players and failed to produce peace. Peace is possible in multi-party conflicts, but only if peacemakers understand their unique dynamics and design and implement processes responsive to these dynamics.