

THE BRENTHURST FOUNDATION

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STABILISING FRAGILE STATES

The Tswalu Protocol Revisited



Contents

I.	INTRODUCTION	3
II.	AIM	4
III.	DEFINITION	5
IV.	THE TSWALU PROTOCOL – REVISIONS	5
	<i>Strategic Conceptualisation, Information and Messaging</i>	<i>7</i>
	<i>Building Capacity</i>	<i>8</i>
	<i>The Private Sector, Aid Focus and Priorities</i>	<i>8</i>
	<i>Maintaining Momentum and Influence</i>	<i>10</i>
V.	WAY FORWARD	10
	ANNEXURES	12
	ENDNOTES	23

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The record of stability operations since the end of the Cold War is commendable

I. INTRODUCTION

When it puts its mind to it, the international community is rather good at intervening in fragile states.

No one could dispute that serious mistakes were made in Afghanistan, still bigger ones in Iraq, and progress in places like the Democratic Republic of Congo (DRC) and Somalia has been painfully slow.

Indeed as of the start of 2011, various states and international organisations have been trying to stabilise Somalia for almost 19 years; Afghanistan for almost a decade (with a revitalised insurgency from 2006 onwards); the UN and others in the DRC for just under ten years; and even on Europe's doorstep, the international presence in the former Yugoslavia entered a third decade. Alongside this is a new global context: an ongoing fiscal crisis in Europe and the US, which for some states is coupled with public 'stabilisation fatigue' from the Iraq and Afghanistan campaigns of the 2000s.

Yet considering the scale of the challenges, the record of stability operations since the end of the Cold War is commendable.

Bosnia, Kosovo, Sierra Leone, East Timor, Mozambique, Liberia, Cambodia – in all cases armed conflict ceased, elections were held and people's hopes for the future were restored. That is not to say that any one of these countries is out of the woods. Not by a long shot. But it is true to say that in each case foreign military and civilian deployments working together have provided a more stable and secure environment so that host governments can begin the process of recovery and reconciliation, albeit with varying degrees of assistance from the international community.

As articulated in the Tswalu Protocol published in 2008 (see the Annexure), the great long-term challenge for countries, organisations and individuals involved in stability operations is getting the formula right in the first place, and then making those gains stick. Nearly half of post-conflict states revert back to war within a decade. They fall prey to spoilers – be they local warlords or regional adversaries who seek conflict and instability to further their own aims – or corrupt governments. Success at stabilisation and rebuilding depends on the process being locally led and owned – peace operations can only support domestic leadership in this regard. Moreover, there is always a danger that foreign forces will be regarded as just another self-interested player – another warlord even – on the scene and thus engaged with along those lines by domestic actors. Consequently, there is a need to be inherently sceptical of 'heroic assumptions' – the belief that external actors'

Success is impossible without a proper grasp of local traditions and values

intentions will always be perceived as they would wish, and that things will somehow work out when all the initial, objective signs point to the contrary.

In some cases the nations which contribute forces to international missions are partly to blame. Most conflict-prone societies require long-term state-building projects, but the international appetite for long-term engagement is often lacking. Political will reduces over time and with it the money to pay for these missions.

For all the difficulties faced by the Afghanistan mission – currently the largest international effort of its kind in the world – money isn't one of them. The south of Afghanistan alone has 55 000 soldiers and received many tens of billions of dollars in development and security assistance. Compare that to Somalia, where just 8 500 lightly-armed African Union troops are attempting to provide security and do what state-building they can in the most war-torn country on earth.

As in Iraq and Afghanistan, the inability of successive international forces dating from the early 1990s to stabilise Somalia can be put down to myriad factors but one that stands out is the failure to appreciate the society in which they operated. Only now is it widely accepted that success is impossible without a proper grasp of local traditions and values – what the Tswalu Protocol termed 'cultural education and awareness'. It is not easy for foreigners to understand how tribal or clan allegiances function, or where the intersection of power, personality and money lies, but it is no less vital for it.

Over the longer-term, there is no better antidote to renewed conflict than jobs.

The Tswalu Protocol highlighted the importance of creating employment but three years on it remains the case that very little attention is paid to reinstating the traditional drivers of economic growth and linking aid with private sector needs. Although perhaps this is not so surprising after all: governments generally do not understand commercial needs and practices very well.

For all these evolving challenges, speak to a Liberian or a Cambodian today and they are more likely than not to say that their future prospects have been radically improved by stabilisation missions. We need therefore to be less reticent and more bullish about their chances for success: when the formula is right, they can work. If we fail to mount them when our conscience tells us we should, however, then as sure as night follows day we and our children will eventually pay a huge price and hang our heads in shame.

The complexity of the terrain on which stability operations are executed has increased significantly

II. AIM

With this in mind, in mid-January 2011 the Johannesburg-based Brenthurst Foundation hosted a three day-long international meeting of leading political and military officials with current first-hand experience of stability operations in fragile states to consider what could be learned from recent successes and failures. This Tswalu Dialogue, entitled ‘The Future of Stability Operations’, was held in partnership with the Rand Corporation and the British Peace Support Team (South Africa) at the Tswalu Kalahari Reserve in South Africa. (A full list of participants is contained in the Annexure.)

The Dialogue used as one of its starting points the Tswalu Protocol¹ (published in 2008), a set of principles, guidelines and choices derived from the experience of heads of state, governments, non-governmental organisations, military professionals, and academics who have been at the epicentre of peace support missions. One of the aims of the 2011 Dialogue was to assess and if necessary refine or devise new recommendations from the Protocol in order to better prepare nations, institutions and people for stabilising fragile states.

III. DEFINITION

The original Tswalu Protocol embraced a broad definition of ‘peace-building’ which encompassed political, economic, social and military measures designed to strengthen political settlements, in order to redress the causes of conflict. In this view, peace-building could occur while conflict was still ongoing, as in Afghanistan, and was thus synonymous with the term now more commonly used - ‘stabilisation’.

The aim of stability operations (as in peace-building) is to support countries emerging from conflict by preventing or reducing violence, protecting people and key institutions, promoting political processes which lead to greater stability, and preparing for longer-term, non-violent politics and development.

IV. THE TSWALU PROTOCOL – REVISIONS

Evident since the publication of the Tswalu Protocol in 2008 are a number of key realisations and developments which bear on the conduct and planning of stability operations.

Firstly, there is a greater appreciation (at least amongst practitioners) of past successes, current shortcomings and the requirements to effectively address future challenges.

The financial crisis exerts a significant influence on the resources and political will of contributing nations

TSWALU PROTOCOL – A STOCK TAKE

The Tswalu Protocol outlined ten measures to improve the effectiveness of international peace-building interventions. Three years on from their first articulation in 2008, an inventory of the recommended measures conducted at the 2011 Tswalu Dialogue indicated that all were *equally or more valid* on the evidence of recent stability operations – although in several cases little or no progress had been made. The original proposed steps are reproduced below:

1. *Campaign Plan*: A ‘campaign plan’ owned and led by the local government, to which the military and other international organisations contribute, should be devised in the earliest phases of the intervention to create a co-ordinated and sequenced focus of effort.
2. *Establishing Coherence*: A top-level, government-led committee – along the lines of the Policy Action Group (PAG) in Afghanistan – should be created at the outset of the mission to co-ordinate international and local programmes on governance, development and security.
3. *Lead Nations*: The host government is the lead nation. However, it is vulnerable to being overwhelmed both by local demands and external offers of assistance. Where this is threatened, external nations can be tasked in special security and development areas, but care must be taken to ensure they remain answerable to the host nation and do not operate independently.
4. *Building Capacity*: Local empowerment should begin as soon as possible. There needs to be clarity on what technocratic and managerial capacity is lacking to understand what improvements and assistance are required. The emphasis must be on institutions rather than individuals.
5. *Economic Assessment*: A detailed audit of the local economy is a priority for the early days of a peace-building mission and will help in programming donor support. Peace-building must be based on a clear understanding of the competitive strengths and weaknesses of the economy including the drivers of growth and key exports.
6. *Aid Focus and Priorities*: Aid must be focused and its aims prioritised. Some things are more important than others. Attempting to do everything at once is a guarantee of failure. External funds should be targeted at areas where some conditions for economic success already exist – in other words, the existing market should be reinforced rather than re-engineered.
7. *Create Employment*: Attention must focus on bolstering employment and reducing the costs of doing business – from better policy to improved physical infrastructure. Public works programmes can assist in managing the groundswell of high expectations that are always present when a conflict ends.

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8. *Codes of Conduct*: Private security companies are now an ever-present part of the peace-building environment. There needs to be a change of culture to accept, embrace and regulate their activities. Their legitimacy depends on their accountability. Both PSCs and international NGOs could be regulated through codes of conduct. International law needs to be reviewed to encompass this new security landscape.
9. *Information and Messaging*: A strategic messaging campaign, which aims to deliver carefully sequenced messages to local, regional, and international audiences is essential. It must deliver a convincing story of stability and transition which local citizens can understand and relate to.
10. *Maintaining Momentum*: The continuity of the external peace-building mission is crucial to maintaining momentum, which reassures the population. This requires longer rotations for senior military and non-military personnel.

Secondly, the complexity of the terrain on which stability operations are executed has increased significantly: Non-traditional threats are rising in a way, number and scope within states that not only threatens people within their borders and even their regions, but will impact on global security.

And thirdly, the global financial crisis which ignited in late 2008 exerts a significant influence on the resources and political will of contributing nations, both to sustain current operations and to mount new ones.

Mindful of these developments and the discussions at the 2011 Tswalu Dialogue, several revisions of the Tswalu Protocol were made. Most reflect the need for an adjustment in emphasis rather than a wholesale change.

There are four key areas of such adjustment:

Strategic Conceptualisation, Information and Messaging

Explaining the short- and longer-term reasoning behind international intervention and assistance is essential. If constituencies (domestic and local) are not actively informed and indeed educated on the mission's objectives and progress towards them, there is a much greater likelihood that skewed perceptions and tenuous interpretations of events on the ground will take hold. The end result is that we risk losing the 'war' without being defeated by the insurgents.

There is thus a need for clarity as to who does what – or should do what. Care must be taken to not set unrealistic goals and standards. International efforts and expectations have to align to local realities and the level of international support.

Care must be taken to not set unrealistic goals and standards

Such a clear, strategic narrative must link into a messaging campaign, which aims to deliver carefully sequenced messages to local, regional, and international audiences. It must deliver a convincing story of stability and transition which local citizens can understand and relate to. To host populations and donor constituencies, the rationale behind interventions must be described in detail. There is no substitute for explaining why we are there, what we hope to achieve, how we will do it, and what choices we will have to make along the way. If these are generational endeavours, there is nothing to be gained by skirting this fact.

Building Capacity

In many fragile situations, what is required is not peacekeeping or even peace-building but state-building. In extreme cases (Somalia) there is no host state, however, so leadership along with capacity has to be provided to a great extent from without.

This not only requires an honest assessment of the environment at the outset, no matter how politically unpalatable this might be, but also a 'whole of government' approach. Politics and development have largely followed where the military aspect of interventions has led. Military forces can only gain time, however; they cannot change a society. Getting the political aspect right has domestic, regional, and international dimensions.

If local empowerment is to begin as soon as possible, there needs to be clarity on *who* is in charge; is there a recognisable higher-level *active* political authority? In tandem, an audit of technocratic and managerial capacity is necessary to grasp what is lacking and what improvements and assistance are required. It is essential to expedite local decision-making around critical areas and invest heavily in law and order regimes and institutions.

The Private Sector, Aid Focus and Priorities

While a pressure-cooker security and development environment, Afghanistan is acutely representative of the problems of spending aid money wisely and measuring its effects. The scale of the failure and wastage is staggering, even among hardened aid-types. Many projects are antithetical to long-term development but still mounted anyway, in the cause of stability; others reflect the imperative to shove money out the door rather than spend it wisely.

Southern Sudan is another example of where much money (around \$1+ billion annually) has been expended by donors, much of it on humanitarian issues. Indeed that nascent country is the largest recipient of WFP food aid in the world, yet

If these are generational endeavours, there is nothing to be gained by skirting this fact

spends nearly half its government budget on its military. Yes, there are pressing concerns, at least for the moment. The question is whether that level of spending will change if there is a willing external safety net in place and an ongoing internal demand for Juba to provide welfare to otherwise potentially restive, armed groups? How to match aid expenditure better with private sector needs is essential in that country as in other circumstances. Otherwise, Southern Sudan, independent or not, threatens to follow the same path as many other African countries: of aid dependency and little development to show for it.

Aid must be focused and guided by a clear methodology, especially so in conflict-prone environments. A failure to do so could lead not only to squander, but reinforce bad and ultimately destructive practices.

Here the international development community has three tasks: The first of these is to support the basics that have, for time immemorial, enabled countries to develop – the drivers of productivity and growth. That is, support education, infrastructure, and helping people feed themselves. It is important not to lose sight in all of the debate around the process of aid that the basics of development – countries get rich by making and selling things (or services) that others want to buy – are not forgotten. Countries, in Africa as elsewhere, need to make products affordable and get them quickly and efficiently to market. To make things cheaply you need human capacity and infrastructure; to get them to market in good time you need to ensure borders and transportation corridors are kept open and maintained, and that they are free from onerous artificial barriers such as export tariffs.

The second task is to withhold support where necessary. In other words, do not give aid to those countries who are in conflict or who openly flout the rule of law. Or those where government corruption is rife, or where the macro-economic basics are ignored or subject to political whim. Donors must avoid giving money which would encourage a culture of dependency and, critically, impunity.

The third task is to ensure that there is a clear separation between business on the one hand and the government and ruling party on the other. Donors must take great care in preventing the institutionalisation of rule by one party, in so doing undermining the democratic gains made in recent years.

How might donors and NGOs be held accountable when both have proven remarkably elusive in this regard? Many have tried – and are trying – but it has proven difficult to create accurate and implementable metrics. It has also proven near impossible, apart from spending on infrastructure, to link aid better with private sector development needs. The problem with many of the current aid measurement tools is that they rely on principles and are very vague and subjective. And

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most are mainly focused on how money should be spent rather than on evaluating how well it is spent. As a result, they are not focused on measurement of impact but process.

Changing the way in which donor contracts are given is one key means of both demonstrating a different way of doing business, while ensuring that risk is averted as money is spent better. One mechanism to achieve this is by establishing a contractual 'scorecard' for donor contracts to ensure that not only are contractors seen to be complying with governance requirements but that they are made to think about the need to spread their wealth around.

There is a need also to move the measurement of aid beyond their adherence to principles only, or through subjective criteria (including interviews with leadership and anecdotal reporting) to more objective metrics, both in their pre- and post-implementation assessment phases. Thus it may be appropriate to investigate establishing a scorecard for aid and NGO effectiveness, including quantitative (and not just *qualitative*) metrics. This should go beyond the notion simply of 'doing no harm', too often the benchmark for efficacy of international assistance.

Finally, there is a need also to be aware of the potential fault-line between external spending on stability and development; though it is difficult to envision growth without stability. More effort must be made to link aid expenditure and government policy with private sector needs. Finding the means to get angry, disenchanted, dispossessed young men off the streets is critical to even medium-term stabilisation success.

Maintaining Momentum and Influence

The continuity of stability operations is crucial to maintaining momentum, which reassures the population. This requires longer rotations for senior military and non-military personnel. It also demands a greater devolution of power from the capitals of contributing nations to the theatre level, and better systems for integrated civilian and military effort. There is a need to get beyond labels and vested foreign institutional interests in expediting action, just as it is imperative to politically manage delivery in the absence of local capacity and systems, even though this potentially *disempowers* governments.

Continuity is essential to building and retaining *influence* among local populations and their leaders. Recent experience has demonstrated the enormous effort required over long periods by senior commanders and civilian officials to establish the trust and confidence of the key local actors. Often this is only achieved when the senior officials are at or near the end of their tour, at which point a new process

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begins, involving new actors, with the slate of hard-earned trust essentially wiped clean. Therefore, consideration ought to be given to training specialist personnel, perhaps especially military, who would serve much longer terms of 2-3 years or even the duration of a mission, who could develop a strong track record with local communities over time and smooth over the transition periods between different senior commanders and officials.

V. WAY FORWARD

There is a body of expert opinion that argues that stability operations of the kind currently being conducted in Afghanistan are unlikely to be repeated; that is, states will be much more reticent to take on complex, long-term operations of uncertain duration and cost in the future.

Yet given that no one can safely predict what impact climate change or the youth population explosion in Africa and the developing world – to take just two prominent ‘unknowns’ – will have on global security, it would be prudent to prepare ourselves for a future where the international community will be called upon to prepare for more rather than less stability operations. To help us think in generational terms and ensure that the lessons from stabilisation are inculcated and applied, requires not only re-examination of the syllabi of existing peace-support institutions but also perhaps the creation of an all-new ‘Stabilisation Academy’.

Stabilisation requires, at its heart, understanding local norms, mores and operating systems, how external actions might strengthen or weaken, for example, local solutions and actors. More than that, knowledge and the much cheaper business of prevention go hand-in-hand. And this requires fundamentally a long-term investment in people.

* * *

ANNEXURES

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The Tswalu Protocol

Principles and Guidelines for International Peace-Building Missions

1. AIM

This **Protocol** articulates a consensus derived from the experience of heads of state, governments, non-governmental organisations military professionals, and academics who have been at the epicentre of peace support missions. It is intended as a guide for the leaders of future international interventions.

The **Tswalu Protocol** recognises the *ad hoc* nature of international responses to armed conflict and state failure. Instead of simply calling for better execution, it offers a set of principles, guidelines and choices that future peace-builders can use to help offset the inherent limitations of any multilateral operation. From the outset it recognises that since intervention represents a failure of conflict prevention, a long view is required, and that violence along with modest and slow results should be expected. It acknowledges, too, that international actions may in some instances complicate the search for a long-term peace. Taking account of the complexities the **Protocol** identifies, the international community may reasonably choose not to intervene even where significant loss of life has occurred or is threatened.

2. DEFINITION

There are two contrasting views of ‘peace-building.’ The United Nations defines peace-building as efforts at capacity building, reconciliation and societal transformation. Peace-building, in this view, is a long-term process that occurs *after* violent conflict has slowed or stopped.

The United Kingdom Ministry of Defence describes peace-building as political, economic, social and military measures designed to strengthen political settlements, in order to redress the causes of conflict. In this view, peace-building may take place while the conflict is still ongoing, as in Afghanistan, the experience that provided the impetus for this **Protocol**.

The **Tswalu Protocol** embraces the broader definition of peace-building enshrined in the UK Ministry of Defence approach, understanding that peace-building efforts must sometimes be undertaken before conflict has ended. Peace-building is thus synonymous with ‘stabilisation’, the aim being to support countries emerging from conflict by preventing or reducing violence, protecting people and key institutions, promoting political processes which lead to greater stability, and preparing for longer-term, non-violent politics and development.

3. PAST SHORTCOMINGS

In the past 15 years, peace-building interventions have fallen short in part because they lack the following characteristics:

- **Security:** Some local forces oppose the peace-building process, the host government, and international actors. This is sometimes referred to as the ‘spoiler’ problem.
- **Strategic Aims and Planning:** External actors fail to identify an agreed end-state that provides a common purpose and action-plan for their joint intervention.
- **Directing Authority:** There is no recognised authority that can direct the various independent organisations that compose the international effort.
- **Cultural Education and Awareness:** Foreign personnel lack sufficient knowledge of the host culture.
- **Local Capacity:** Donors are constrained by the absence of national professionals capable of executing complex public-sector projects.
- **Tolerance of Risk:** The international intervention is too slow to *genuinely* empower local partners due to lack of trust and fear of failure. The presence of national caveats hinders effective multilateralism.
- **Funding:** External funding can undermine peace settlements when not used systematically and with due consideration of the political consequences. While the host government’s financial accountability procedures are often inadequate, donor funding mechanisms can be slow, unpredictable and temporary, and guided by reporting mechanisms, auditing and budgetary cycle requirements rather than host country needs.
- **Jobs and Basic Services:** Programmes for job-creation and basic services, both crucial to consolidate peace, do not receive high priority, and rarely generate adequate results.
- **Messaging:** There is a failure to convey a convincing, positive story to the local population with which they can identify culturally and in terms of their own history and personal experiences.

4. PRINCIPLES

The following principles should govern every sector of the international response. Failure to adhere to a key principle has jeopardised the success of previous missions:

- **Clear Aims and Objectives:** If the aim is stability, the objectives should be focused on this end, be limited, recognise the limits of military intervention and multilateral co-operation.

- **Local Legitimacy:** However peace is secured in the short-term, if the host government cannot win the people to its cause, the peace-building campaign ultimately will fail.
- **A Common Purpose:** The external actors and the local government require a common understanding of the host country's needs and the long-term purpose of the international initiative *before* prescriptions are devised.
- **Coherence of Effort:** Operational coherence in peace-building demands prioritisation and agreement at the strategic and operational level. Prioritisation across the different sectors of the operation requires structures for co-ordination, and the subsuming of national/organisational interests to the needs of the host state. Securing broad agreement on these structures before deployment is critical. In principle, strategic coherence and co-ordination is the purview of the host government, but in cases where transitional governments are weak, co-ordination will require external frameworks as well. Agreement on broad strategic objectives and co-ordination mechanisms must not over-reach and place unnecessary constraints on the autonomy of international aid agencies.
- **Accountability:** All actors involved in the peace-building process must submit to enforceable regulatory structures – preferably overseen by local authorities in partnership with international partners – to ensure transparency and accountability. This includes all international organisations and forces, private security companies, NGOs, as well as local agencies.
- **Pragmatism:** Success requires an understanding of what is *realistically* attainable. The factors which should inform a realistic assessment include the threats to the security of the process, local capacity, the cohesion of the response, the level of international political will and resources, and the local political culture and history.
- **Impartial Communications:** Trustworthy and impartial communication from the peace-building effort is essential to win the trust and support of the host populations.
- **Regionalism:** In that national conflicts often have a regional cause and effect, solutions have to address this dimension.

5. PRIORITIES

Successful peace-building requires the restoration of a functioning state by focusing on security, development, and governance. These three missions are essential to every peace-building effort and should usually be tackled in the following order of priority:

- **Security:** This is the primary goal of any peace-building strategy. Security includes general public safety, as well as national, regional and international security. The intervention force needs to seize the advantages afforded by the 'golden hour' – the period immediately following the end of major hostilities – to establish a secure environment. The peace-building actions that follow must be conducted within the context of a stabilisation plan, integrating foreign and local efforts. The joint military forces must operate according to an agreed common doctrine (ideally determined before the commencement of operations). These forces must have the training and resources to tackle post-conflict security challenges, such as refugee flows, and to carry-out quick-impact public works projects. Priority should be given to the rapid establishment of indigenous security and border control forces in order to deny 'spoilers' freedom of movement. This process must include early and adequate provision for the disarmament, demobilisation and social and economic reintegration of former combatants.
- **Development:** Security and development are mutually reinforcing. The urgency is this: More than half of post-civil war countries slide back to war within five years. The lessons of success and failure in post-conflict countries consistently point to the need to stimulate entrepreneurial activity and create employment, especially for demobilised soldiers. Higher rates of economic growth decisively improve the chances of success in peace-building. To achieve a virtuous cycle of growth, stability and development, the strategy must prioritise the conditions that make entrepreneurship possible, including reducing the costs of doing business, promoting the rule of law, protecting property rights, stabilising the currency and ensuring the predictability of tax and regulatory policy. The peace-building effort must ensure that key ministries function, if necessary by embedding technical and administrative support personnel. Development and aid benchmarks should be set and adhered to, ranging from published expenditure run-downs to targets for the ratio of aid to gross domestic product. The barriers to doing business should be identified and tackled. Public works programmes can both reduce unemployment and deny manpower to spoilers. Even where there is embedded expertise, foreign visibility should be kept as low as possible, and rules (conditionality) kept to a core, non-negotiable minimum so as not to overload already stressed local systems. Care should be taken not to shape policies according to the institutional prejudices and culture of external actors. Equally critical for development over the long-term will be the swift restoration of education services, which serve a vital peace-building function in developing a shared narrative and history or in some cases

re-building collective national identities shattered by war. Women, as a particularly vulnerable group which suffers disproportionately from conflict, are a key peace-building and conflict mitigation asset.

- **Governance:** External actions – co-ordinated by a single, in-country authority – should be aimed at improving the capabilities and legitimacy of local partners. Actions should be targeted at vital areas such as the civil service and the election commission. Such programmes should be supported by a robust communications strategy. It is essential to create mechanisms to capture local voices and assimilate what external actors learn from local coping strategies. Over time, donor support for local media must give way to private media, lest the support corrode the credibility of local outlets. Given the role of the international media in determining the success or failure of missions, there should be a determination of what external messages could best build public support in contributing countries. Information operations and messaging should be proactive, consistent and coordinated at the highest level. Internally, the promotion of inclusive political representation and government legitimacy should underpin all communications.

6. CHOICES

In most peace-building operations, certain issues will threaten the international consensus; in particular, tensions will arise between the prioritisation and implementation of tasks. Only some of these tensions will be reconcilable. No guide to peace-building can provide ready-made solutions to the full range of dilemmas that might arise on the ground. Certainly, UN Security Council Resolutions and related instructions seldom offer direction on these issues. As ever, actions must be informed by an accurate understanding of local culture, politics, and conflict dynamics. The international response must be agile and adaptable – but also ensure that its actions do not violate core principles or deviate from the agreed peace-building plan to an extent which jeopardises the mission.

The **Tswalu Protocol** serves as a guide drawn from recent peace-building experience for decision-makers when circumstances present ‘hard choices:’

- **State-building versus reconciliation:** The revival of the state is often thought to be synonymous with reconciliation, but in fact state-building by its nature often produces competition and conflict. The process of reconstituting the state raises the fundamental question of ‘who rules?’ and determines who controls the assets of the state. Circumstances will dictate whether, for instance, elections ought to be held early or postponed in the interest of maintaining

peace. Yet even in the latter case, it is important to recognise that the process of managing political conflict over key issues can be constructive and effect wider reconciliation.

- **Working with *versus* working around the state:** Peace-building operations almost always have a mandate to build state capacity. But sometimes state authorities are obstructionist or lacking competence. In the short-term, peace-builders may have to choose to work around rather than through state authorities, even at the cost of weakening the very institutions they are tasked with rebuilding. But if the necessity to ‘work around’ is due to government malfeasance, the continued viability of the peace-building mission should be exposed to rigorous internal scrutiny and, *in extremis*, abandoned if the government ceases to be a partner.
- **State *versus* non-state authorities:** There is often no government presence in remote regions of failed states. International actors are thus compelled to work with whoever constitutes ‘the authority’ (e.g., traditional elders, local militia leaders, self-declared mayors or governors, clerics, and so on). Although careful assessment and local knowledge are essential to decide among competing claims, even well-reasoned choices will sometimes provoke local conflict.
- **Constitutions/formal rule of law *versus* customary law:** Formal judiciary and police functions in many post-conflict states – especially poor ones – are usually weak. In these instances, local communities rely principally on customary or religious law (such as *sharia*) and a variety of extra-constitutional means of policing and maintaining public order. External actors face difficult choices about whether to recognise and work with these informal systems, or to insist on formal judicial and police systems. This is especially challenging for ‘rule of law’ projects. To work only with formal structures risks overlooking systems that actually work; to abandon formal security structures risks adversely affecting governance and development. That external peace-builders are increasingly seeking ways to forge partnerships between weak state structures and informal governance arrangements, such as through community policing projects, reflects the primacy of the core principle of *genuine* local empowerment.
- **Non-discriminatory awarding of contracts *versus* proportional allocation by social grouping.** Awarding of contracts by peace-builders – for employment, rent, procurement and construction – is a major source of revenue and can trigger conflict. External actors must often choose between contract systems based purely on merit *versus* local insistence on rotation of contracts by ethnic group or another criterion. Although the latter may help to keep peace by

giving each group its ‘turn’, it undercuts the principle of merit. It may also make peace-building missions more expensive. Nevertheless, the better of two poor options is to ameliorate the more pernicious effects of local systems, rather than impose unwanted foreign structures that are likely to be resented and ultimately rejected.

- **Peace *versus* justice.** Demands for the arrest of individuals suspected of war crimes – whether by local communities or international human rights groups – can collide with the need to prevent spoilers from inciting violence. Virtually every peace-building mission encounters the ‘peace *versus* justice’ trade-off. Insofar as international political will allows, decisions should be guided by the wishes of national authorities and their populations, not by external actors.
- **Civil society *versus* the state.** A vibrant civil society is an important element of a strong democracy, and local civic groups (NGOs) are often the most effective partners for development projects. Yet the need to channel funds through state institutions to strengthen their capacity and legitimacy is also important. Too much aid through local NGOs can undermine nascent state institutions, for example by luring away the best public servants. Peace-builders must make informed choices about balancing its partnerships with both sets of actors.

7. TEN STEPS TOWARDS OPERATIONAL COHERENCE

The aims and objectives of peace-building missions should focus on security, development and governance. Ten measures can improve the effectiveness of such interventions:

1. **Campaign Plan:** To manage the peace-building process, a ‘campaign plan’ owned and led by the local government, to which the military and other international organisations contribute, should be devised in the earliest phases of the intervention to create a co-ordinated and sequenced focus of effort.
2. **Establishing Coherence:** A top-level, government-led committee – a Stabilisation Action Team (SAT), along the lines of the Policy Action Group (PAG) established in Afghanistan (essentially a ‘development war cabinet’) – should be created at the outset of the mission to co-ordinate international and local programmes on governance, development and security.
3. **Lead Nations:** The host government is the lead nation. However, it is vulnerable to being overwhelmed both by local demands and external offers of assistance. Where this is threatened, external nations can be tasked in special

security and development areas, but care must be taken to ensure they remain answerable to the host nation and do not operate independently.

4. **Building Capacity:** Local empowerment should begin as soon as possible. There needs to be clarity on what technocratic and managerial capacity is lacking to understand what improvements and assistance are required. The emphasis must be on institutions rather than individuals.
5. **Economic Assessment:** A detailed audit of the local economy is a priority for the early days of a peace-building mission and will help in programming donor support. Peace-building must be based on a clear understanding of the competitive strengths and weaknesses of the economy including the drivers of growth and key exports.
6. **Aid Focus and Priorities:** Aid must be focused and its aims prioritised. Some things are more important than others. Attempting to do everything at once is a guarantee of failure. External funds should be targeted at areas where some conditions for economic success already exist – in other words, the existing market should be reinforced rather than re-engineered.
7. **Create Employment:** Attention must focus on bolstering employment and reducing the costs of doing business – from better policy to improved physical infrastructure. Public works programmes can assist in managing the groundswell of high expectations that are always present when a conflict ends. These expectations seldom subside, and indeed increase the more the government delivers.
8. **Codes of Conduct:** Private security companies are now an ever-present part of the peace-building environment. There needs to be a change of culture to accept, embrace and regulate their activities. Their legitimacy depends on their accountability. Both PSCs and international NGOs could be regulated through codes of conduct. International law needs to be reviewed to encompass this new security landscape.
9. **Information and Messaging:** A strategic messaging campaign, which aims to deliver carefully sequenced messages to local, regional, and international audiences is essential. It must aim to deliver a convincing story of stability and transition which local citizens can understand and relate to.
10. **Maintaining Momentum:** The continuity of the external peace-building mission is crucial to maintaining momentum, which reassures the population. This requires longer rotations for senior military and non-military personnel.

* * *

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Endnotes

- 1 The Tswalu Process generating the Tswalu Protocol comprised three formal meetings: on Lake Kivu in Rwanda, 21–22 July 2007; at Tswalu Kalahari Reserve, 29 November–1 December 2007; and at the Headquarters of the African Union in Addis Ababa, Ethiopia, 15–16 March 2008. A comprehensive ‘peace-building dialogue’ was also extended through a wide range of external consultations on the formal papers and this Protocol. The Process was convened by The Brenthurst Foundation (www.thebrenthurstfoundation.org) in collaboration with the Danish International Development Agency (Danida), while the 2008 meeting in Addis Ababa was hosted in conjunction with the Commission of the African Union and the Centre for Policy Research and Development (CPRD).
- 2 (* Tswalu event only); (** Kivu event only); (***) non-attending participation)