

## Terrorism as a tactic of spoilers in peace processes

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While the notion of a “peace process” is rather vague, the term is generally used to define a process centred on the goal of achieving and implementing a workable peace agreement (as distinct from the more general terms of “conflict resolution” or “conflict management”). More specifically, the task of arranging, facilitating, and managing peace negotiations is commonly referred to as *peacemaking*. But while broadly used and generally accepted, the term is far from non-controversial, mainly due to the tendency to extend mechanically the positive understanding of “peace” to apply to the notion of a “peace process”. Thus a peace process is often seen as something benign by definition, inherently positive, and an end in itself to be backed at any price (consequently, anyone who opposes a peace process is automatically listed as an “enemy of peace”).

The downside of this approach is that it tends to create heightened expectations about the potential outcome of a peace process. Moreover, it runs against the record of the outcomes and general effectiveness of peace processes, which remains extremely mixed. While the end of the Cold War stimulated some very short-lived optimism about the global prospects for peace processes, the longer-term trends are much less encouraging. Over the last 50 years half of the peace processes in the world have collapsed,<sup>1</sup> leading to re-escalation of violence – often in more intensive and lethal forms than before the peace process started. Moreover, many conflicts in the world do not lead to *any* formal peace processes or *any* formal peace agreements (they either drag on or the solution is imposed or enforced, not negotiated). Out of 72 internal armed conflicts

that started between 1940 and 1992, only 51 per cent led to peace negotiations (peace processes); and of those, 43 per cent of peace agreements were never implemented and the combatants returned to fighting.<sup>2</sup> It is quite symbolic that, for much of the 1990s to the early 2000s, the state of the so-called Oslo peace process – the main follow-up to the first Arab-Israeli agreements of the 1970s that produced the term “peace process” – could be more accurately described in terms of continuing confrontation, failure, and deadlock than in terms of peace. The mixed and often disappointing outcome of many “peace processes” has even somewhat compromised the term itself, particularly in those parts of the world that have lived through the “peace processes” and seen them fail or produce little positive impact. It even led to some attempts to deconstruct the term – to divorce “peace” from “process”. As stated in one of the typical critiques of the notion, “a peace process can drag on endlessly. By definition, so long as there is a ‘peace process’, there is no peace.”<sup>3</sup>

Still, all the mixed outcomes of and complications related to “peace processes” hardly render the notion useless. The term is a useful one as long as it is defined in a more functional way: literally as nothing more and nothing less than “a road to peace”, and not given any inherent evaluative meaning.

After an agreement is reached, actors unwilling to accept it and undertaking policies and actions aimed at undermining its implementation are commonly characterized as “spoilers”. However, as a spoiler is primarily identified and defined on the basis of its position towards a peace agreement, in order to understand, explain, and effectively counter spoiling behaviour it is logical to start with the *substantive* nature of the peace process in general and of a concrete peace agreement. In other words, attention should be paid not just to the fact of negotiations, but to their substance. Do any negotiations amount to a peace process, and what are the criteria that make negotiations qualify as a peace process?

Unlike more technical negotiations, peace talks are meant to identify and address the basic incompatibilities between the parties: those fundamental issues about which the conflict has been fought in the first place. Certainly, no one expects all these issues to be resolved by a peace agreement, and the final decisions on the most contentious issues may be deferred until the peace process is consolidated (that is, until a cease-fire and confidence-building measures are firmly in place). However, if too many of the central issues are left over for the future renegotiation process – for an endless series of follow-up interim agreements, as in the case of the Oslo process – that in itself maybe a recipe for failure. In sum, a “peace process” that does not address most of the critical issues at dispute can hardly qualify as such, and those that postpone them indefinitely may qualify as such but have all the chances of failure. The same refers to

the inclusiveness of a process: in most contemporary conflicts there are more than two parties involved, and a process that does not involve the main armed opposition group, or the key militant actors in the area who have sufficient capability to destabilize a peace process if they are left out, may be doomed to failure from the beginning.

Do all negotiations referred to as “peace processes” stand up even to these two basic criteria – the need to address the key issues at dispute and the inclusiveness of the process? Should reaching a peace agreement always be seen as an end in itself, to be achieved at any price, or is it the nature and substance of a peace agreement, its inclusiveness, and its relevance to the central issues of the conflict that matter? What if a peace agreement ignores the critical issues at dispute, delays their solution, or excludes one of several main parties to the conflict? In that case, would it qualify as peace process at all or could it still be seen as such, albeit carrying the seeds of its own destruction and failure?

After a peace agreement has been reached, actors unwilling to accept it and undertaking overt or less-explicit policies and actions aimed at undermining its implementation are commonly characterized as “spoilers”. In the research literature, the so-called “spoiler problem” pretends to assume the focal role for discussions on why peace processes fail and on the role of violence in peace processes. The spoiler-centred approach has both its shortcomings and its advantages.

The main disadvantage of this approach is that it tends to reduce challenges posed by violence to peace implementation to the existence of the “spoilers”. The presence and activities of spoilers are not, however, the only explanations of why peace processes are disrupted: inability of the parties to agree on the main issues at dispute, a lack of progress towards political settlement, and a lack of trust between the parties may be more significant in the failure of a peace process than the “spoiler problem”. Also, the excessive focus on spoilers brings us back to the somewhat simplified vision of a peace process as being something inherently positive and of all those actors who, for various reasons, may oppose a particular peace process as being “spoilers”. Clearly, not much needs to be done to spoil something that is inherently flawed or perceived at least by one or several key parties to the conflict as inadequate, biased, unjust, and/or imposed entirely from the outside with little regard to realities on the ground and interests of the main protagonists. A peace agreement that does not reflect certain objective realities on the ground (such as the stalemate between the main parties to the conflict) and is driven solely by the urgency of the problem, the scale of violence, and/or by the strategic interests of the outside powers might be doomed to failure even with a lack of concrete and identifiable “spoilers”. In that case the presence of spoilers – the so-called “spoiler problem” – might

not necessarily be a problem in itself or the source of failure of a peace process, but an indication or manifestation of more fundamental, inherent flaws of the peace process and of unaddressed critical issues of the conflict.

Against this background, rather than referring to a “spoiler problem” it might be more accurate to use the term “spoiler behaviour”. Also, the formal identification and classification of “spoilers” on the grounds of their position on a certain peace agreement (as “pro-peace” or “anti-peace” actors) should always be preceded by and based on a detailed analysis of the nature and driving forces of the peace agreement itself and of the peace process in general. Finally, before dealing with the role of “spoilers” in peace processes, it might be useful first to qualify and evaluate local and regional players on the basis of their positions on the central issues at dispute.

A peace process may fail even if it *does address* the key issues of the armed conflict and represents a genuine attempt to move forward to resolve them. A peace process can both fall victim to factors external to the process itself (such as changes in international environment) and suffer from several “internal” design flaws, procedural defects, and other faults. One of the common flaws of peace processes is inadequate attention paid to the *subjective dynamics* of the conflict: characteristics that are more closely and directly related to the parties themselves than to the key issues of disagreement between them or to the underlying causes of violence. Effective resolution of the key issues of the violent conflict is an absolute essential, but not necessarily sufficient prerequisite for the peace process to succeed unless the subjective dynamics of the conflict are also adequately addressed. In this context, the main advantage of the focus on the role of “spoilers” in peace processes is that it draws attention to the “subjective dynamics” of the conflict and to the parties themselves. An additional advantage of the *spoiler-centred, actor-oriented approach* is that it emphasizes the dynamic nature of violent conflicts and peace processes rather than the more static “objective” causes of violence.

### The role of violence in peace processes

One of the main immediate goals of the peace process is to end armed fighting, but violence almost never stops with the start of negotiations and often continues during peace implementation. Still, there is the image that a halt of violence (say, in the form of a cease-fire) should precede any serious peace negotiations. In practice, declaring a cease-fire may help negotiations to get started, but cease-fires are neither necessary prerequisites for negotiations nor easily sustainable, particularly during

the earlier stages of negotiations. Violence is neither antithetical nor alien to peace processes – it accompanies peace processes.<sup>4</sup> In particular, violence tends to increase before, during, or immediately following such key turning points in a peace process as, for instance, the signing of a peace agreement. A period immediately after the signing of a peace agreement is one of the most risky stages of the peace process, when the scale and intensity of violent incidents can temporarily increase. After the signing of the Oslo Agreement, particularly in 1994–1996, Israeli civilians were killed by radical Palestinian groups at a higher rate than in the course of the previous *intifada*.<sup>5</sup> Thus acts of violence by parties and factions, including acts designed specifically to disrupt negotiations, should be expected and taken into account in the very design of the peace process.

How and to what extent do acts of violence affect the peace process? The effects of violence on negotiations and peace implementation are multiple and diverse. The most obvious impact is that of destabilizing (spoiling) negotiations or peace implementation, which may stall the peace process or even threaten re-escalation of the armed conflict. While this is certainly the most common scenario, it is not the only one. At times violence, on the contrary, appears to be counterproductive, in the sense that it seems to force the parties to start or restart negotiations, serving as a catalyst for the peace process. Also, while in some cases acts of violence can discourage external actors and mediators from getting involved, in other cases violence may actually raise the profile of a conflict and conflict management effort, raise the level of external interest in the conflict, and encourage external actors to intervene more actively in the process. In extreme cases it may result in external parties intervening militarily to enforce peace, but more often in them intervening politically to reactivate negotiations.

Even in a most basic two-party negotiation model, incidents of violence can affect one or both sides of negotiations, as well as local actors outside the negotiation process, and may influence the external/international custodians and intermediaries (by increasing or decreasing their interest in a peace process). It should also be noted that different actors may perceive the impact of violence differently – acts of violence do not influence their cost-benefit considerations in the same way, and the level of their determination to go on with the peace process despite acts of violence may vary.

Also, in the context of a peace process, violence often appears in modified forms and may involve a variety of motivations, tactics, and goals, different from those that had been put forward before negotiations started. Such new motivations may include attempts to block or reverse the peace process, to prevent one's own marginalization as a result of a

peace process, or to engage in intra-group violence as a result of violent splits over intra-party disagreements on whether or not to join the political process. These new motivations and tactics do not, however, fully replace the previous ones: some actors, particularly those excluded from or retaining reservations about the political process, may still use violence for the same purposes they had pursued before the process started (to destroy or seriously weaken an opponent by violent means). Thus an on-going peace process may be accompanied by a complex mix of various forms of violence, some of them modified by the peace process itself. Consequently, it is important to distinguish between different kinds of violence during a peace process, including the different tactics employed (in particular, between guerrilla warfare, terrorism, and other forms of political violence).

In sum, the dynamic interaction of force and talks not only serves as a background for a peace process, but can even be viewed as an almost essential characteristic common to most peace processes. Moreover, violence is one of the most objective indicators of the soundness and sustainability of a peace process. One of the main strengths of the peace process is not the absence of violence since negotiations started (few peace processes would not be accompanied by acts of violence) – it is whether the peace process can continue despite incidents of violence, whether violence is not allowed to spin out of control.

### Terrorism and its functions during and after conflict

Any peace process is directly related to violent conflict, as it is aimed at bringing the violence to an end and achieving lasting peace after conflict. In contrast, not everything called terrorism is related to an armed conflict. While the phenomenon of terrorism is a multifaceted one and can mean very different things to different people, the tendency, dramatically reinforced by the events of 11 September 2001, to use terrorism as a synonym for almost all existing forms of violence in the world (from criminal and punitive to all known forms of political violence) is a misleading and unhealthy one. While a more narrow, meaningful, and focused definition is certainly needed, there is always a risk of leaving aside some of the important features of elements of “terrorism in all its forms and manifestations”, as it is referred to within the UN system. This problem can be solved only by recognizing that there are different forms (types) of terrorism with quite disparate causes and foundations, and that any meaningful definition of terrorism at least partly depends on which type of terrorism it refers to.

As the focus here is on the process of managing violent conflict, of

primary interest are only those forms of terrorism that are directly related to or generated by armed conflict. Thus neither the recent phenomenon of the so-called “super-terrorism” (high-profile terrorist activities by groups and networks with a global outreach or vision, such as Al-Qaeda<sup>6</sup> or Aum Shinrikyo, that have non-negotiable and *unlimited* goals and may be ready to use *unlimited* means, such as weapons of mass destruction, to achieve them) nor the use of terrorist means by left-wing, right-wing, ecological, and other extremists at a time of peace will be covered by this chapter, as these forms of terrorism may manifest themselves regardless of and independently from concrete local or regional violent conflicts.<sup>7</sup>

Unlike these forms of terrorism, the so-called conflict-related, or conflict-generated, terrorism is used as a tactic (a mode of operation) by militant groups which tend to identify themselves openly with a certain political cause in a particular armed conflict, and are thus directly tied to the political agenda of that conflict. Their cause may be quite ambitious (to seize power, create a new state, fight against foreign occupation), but normally it does not go beyond a local or regional context. Thus, these groups’ goals and agendas, by and large, remain *localized*, even if some of their fund-raising, logistical, propaganda, or even planning activities may be internationalized – that is, conducted in and from the territory of several states beyond the conflict area (as in the case of the Tamil Tigers). In sum, terrorist activities are carried out by these groups for *limited political goals* and, not surprisingly, by *limited means* (weapons and materials used in terrorist activities of this type do not have to be very advanced, tend to be standard and relatively available, and are sometimes even quite primitive, such as the unstable bombs used by Palestinian suicide bombers).

As armed conflict involves various forms of violence, it is particularly important to distinguish conflict-related terrorism from other types of violence with which it is commonly confused. There are three main criteria distinguishing conflict-related terrorism from other forms of violence: if a certain act of violence fits all three criteria, it can with a great deal of certainty be characterized as a terrorist act.

The first criterion distinguishes terrorism from plain crime, including organized crime. While an act of terrorism is certainly a crime, it is always more than just a crime. What makes it something more than plain crime is its *political goal*<sup>8</sup> (interpreted very broadly, so that it can range from a very concrete to a more abstract one; while such a goal may include ideological or religious motivations or be formulated in ideological or religious categories, it always has a political dimension). Terrorism, however, is not the political goal itself, but a tactic to achieve that goal (thus it makes sense to refer to “terrorist means” rather than “terrorist goals”). For groups engaged in conflict-related terrorism, a political goal

is an end in itself and not just a secondary instrument or a “cover” for advancement of other interests (such as illegal accumulation of wealth, as in the case of organized criminal groups).

A second criterion that distinguishes terrorism from other forms of politically motivated violence employed in the course of asymmetric armed conflict (particularly from guerrilla warfare, with which it is most commonly confused in the context of an armed conflict<sup>9</sup>) is the primary *target of violence*. While guerrilla warfare implies the use of force primarily against governmental military and security forces, terrorism is directed *against civilian populations and objects* or *intentionally indiscriminate*. This does not mean that a certain armed group cannot use both guerrilla and terrorist tactics at the same time, or switch from one to the other and back. This makes the dilemma of “terrorists or freedom fighters” almost irrelevant, as it is possible for the same organization to use different modes of operation at once and to attack different targets to achieve its political goals – the same organization can *both* be a national liberation/insurgency/guerrilla movement *and* resort to terrorist means. In fact, many organizations active today in conflict and post-conflict settings engage in both guerrilla warfare *and* terrorist activities (be it Hamas or the Islamic Movement of Uzbekistan or Harakat ul-Mujahiddin in Kashmir or the Liberation Tigers of Tamil Eelam). It is this combination of these two different modes of operation used by the same organization that is the main conceptual and practical problem in dealing with conflict-related terrorism.

While this criterion is by no means a relative one, as in some cases it might be difficult to identify a target of violence or threat of violence as civilian and to distinguish between combatants and non-combatants in a conflict area, it is still useful to be kept in mind. Among other things, the choice of the target of violence has serious implications from the point of international humanitarian law: guerrilla attacks against government military and security targets are not internationally criminalized, while deliberate attacks against civilians (including terrorist attacks) are.<sup>10</sup>

While civilians remain the most immediate targets of terrorism – a specific tactic that always necessitates a victim – the victim is usually not the end recipient of the message. Terrorism is a deadly performance that involves the use of or threat to use violence against civilians, but is staged specifically for someone else to watch – most often the *state* (or a group/community of states) – and is meant to blackmail the state and make it to do or abstain from doing something. The state as the ultimate recipient of the terrorists’ message brings one to the third defining criterion: the *asymmetrical nature of terrorism*.

There may be various forms of politically motivated violence against civilians in an armed conflict (in addition to rebel attacks against civilians

or civilian objects, intercommunal sectarian violence or repressive actions by the state itself may meet the first two criteria mentioned above). What distinguishes terrorism from other forms of politically motivated violence against civilians is its *asymmetrical nature* – terrorism is used as a weapon of the weak against the strong, a weapon of the weaker side in an asymmetrical confrontation. It is the asymmetrical nature of terrorism that explains the specifics of this mode of operation – the need to attack civilians. Thus, terrorism serves as a force multiplier compensating for conventional military weakness: a militant group cannot hurt the state by conventional military means, so it tries to strike at the state “where it hurts most”, by non-conventional means (attacks against civilians and civilian infrastructure). Terrorism is a weapon of the weak to be employed against the strong – it is neither a weapon of the strong to be employed against the weak (repressive actions by states), nor a weapon of the weak to be employed against the weak (sectarian violence between followers of various Sunni *madrassas* in Pakistan, or local clashes between Muslims and Christians in various parts of Indonesia, or interethnic strife in many African states would hardly qualify as terrorism precisely because they are symmetrical).

It is important to note that the asymmetrical nature of terrorism implies not merely a gap in capabilities between the parties involved (which goes without saying), but first and foremost an asymmetry of level and status of the main protagonists. The simplest and most basic form of such *status asymmetry* is the use of terrorist means by a non-state (sub-state) actor as a mode of operation in an asymmetrical confrontation with a functional, established, or at least identifiable state to influence its actions or policy by committing or threatening violence against the civilian population. A more complex form of such status asymmetry would, for instance, be an asymmetrical confrontation between a non-state network(s) and a group of states (or a community of states, or an international organization representing states and nations).

As follows from the main characteristics of conflict-related terrorism listed above, terrorism is a specific tactic employed by “non-state” actors in an asymmetrical equation. Deliberate use of force by the state against its own or foreign civilians is not included in the definition of conflict-related terrorism used in this chapter, as *it is not applied by a weaker actor in an asymmetrical armed confrontation*. This, of course, does not make the use of indiscriminate force by the state against civilians less of an international crime from the point of view of international humanitarian law, which explicitly forbids such activities by the state and defines them, depending on the scale and the domestic or international context of atrocities, as either “war crimes” or “crimes against humanity”.<sup>11</sup>

This definition does not exclude the possibility of the state/government itself (particularly parts of the state security apparatus) acting as an “inside” spoiler to a particular peace agreement or sabotaging a peace process as a whole. Nor does it exclude state support for terrorist activities by non-state actors.

Certainly, the combination of criteria listed above is just the minimal common denominator for a certain incident of violence to qualify as a terrorist act. This list is not necessarily final or exhaustive in covering all and every manifestation of terrorism in an armed conflict. This can be demonstrated, for instance, by the problem of the so-called “loyalist violence” that may be directed both at anti-state militants and at the broader population seen as their “supporters”.

Among other things, the asymmetrical nature of terrorism means that it can be employed as a mode of operation not in any armed conflict, but only in one that at least has a clear asymmetrical aspect and involves a confrontation between actors of a different status, such as between a non-state militant group(s) and the government (the IRA versus the UK government in Northern Ireland) or between a foreign state(s) often viewed as an occupier and local armed groups (such as Israel for Palestinians or the USA and its coalition partners for Iraqi resistance). In some cases the asymmetrical use of terrorist tactics (against civilians, but ultimately directed against the state) provokes a “symmetrical” response in the form of paramilitary violence directed against groups employing terrorist means and their alleged popular base (“loyalist violence”). Against this background, where would the “symmetrical” use of violence by groups declaring their general loyalty to the state, but using uncontrolled violence against “the enemies of the state” (that may include civilians) fit? Clearly, there is an important distinction between guerrilla groups that operate in opposition to the state and paramilitary groups that operate to reinforce the state by conducting operations the state itself cannot (does not want to) perform. One of the possible ways to address this problem analytically is to view activities by those groups that act in close cooperation with the state in the context of “state support to terrorism” by non-state actors. The problem of loyalist violence is more complex, though: it can also be seen as a symmetrical way to confront “asymmetrical” threats posed by anti-state groups, whether sponsored by the government or existing in its own right – this is the way loyalist groups in Northern Ireland, some of the radical militant groups in Indonesia (Front Pembela International, Laskar Jihad), allegedly connected to the government and used by it against Christian separatists, and the AUC (self-defence forces) in Colombia have operated. In any case, the phenomenon of “loyalist violence” is not just fully compatible with but

entirely dependent on asymmetrical confrontation between a state and an anti-state group, as it in itself is a “symmetrical” reaction to anti-state violence.

Finally, to conclude the discussion of the asymmetrical nature of terrorism, it is interesting to note that the “asymmetric conditions” most favourable for conflict-related terrorism are not necessarily the most favourable circumstances for international peacemaking or externally driven peace processes to take place, and are even less typical for international peace operations to be carried out to implement peace accords or monitor a cease-fire.<sup>12</sup> In an asymmetrical conflict between a state (particularly a relatively powerful one) and a domestic or foreign non-state actor(s), as long as the state remains more or less in control of the situation (and as much part of the problem as part of the solution), it may not welcome any formal international peacemaking efforts. These constraints, coupled with a steadily growing number of *internally managed peace processes*,<sup>13</sup> mean that in addressing spoilers’ behaviour in peace processes it is no longer sufficient to focus on international peacemaking and externally managed peace processes only. More specifically, the link between conflict-related terrorism and the peace process is no less, if not more, relevant for national efforts to negotiate and ensure a lasting peace than for internationally managed peace processes.

Terrorist means can be used at all stages of armed conflict and for different purposes. There are three main functions of conflict-related terrorism that roughly correspond to different stages of the armed conflict itself.

At a pre-conflict stage or at the early stages of violent conflict, terrorism can be employed *as a means of escalation of violence* in order to provoke broader armed confrontation (as a catalyst for violence). In this case terrorism often takes the form of several “symbolic” attacks designed to serve as trigger events to spark a full-scale violence, rather than of a consistent mode of operation. More commonly, however, terrorist means are employed at more advanced stages of violent conflict.

At the stage of an ongoing armed confrontation (before the start of a peace process or after its collapse), terrorism is most typically employed by the main parties to the conflict *as a mode of operation*, as one of their violent tactics. As, in this case, terrorism is used in the context of a broader armed confrontation, it is likely to be practised by groups that might enjoy some level of local popular support in a conflict area, ranging from very limited to quite substantial. Also, terrorism is not likely to be the only violent tactics employed by these groups – they often combine it with guerrilla tactics (rebel attacks against security or military targets), and sometimes even with non-violent activities, including social, humanitarian, religious, and other functions. In sum, while groups employing ter-

rorist means as one of their main modes of operation in an armed conflict are commonly referred to as “terrorist organizations”, it would probably be more correct to refer to them as “groups involved in terrorist activities”. A classic case in point would be Hamas, which combines guerrilla and terrorist tactics with extensive social work and has enjoyed no less than 30–40 per cent public support among Palestinians in the course of the second (Al-Aqsa) *intifada*.

When used at an active stage of the armed conflict, terrorist means are likely to serve various operational purposes: while terrorist acts undertaken outside of the conflict area itself (e.g. by Lashkar-e-Tayiba and Jaish-e-Mohammad in New Delhi rather than in Kashmir proper, or by the IRA in London rather than in Ulster, or by Chechen groups in Moscow rather than in Chechnya) are generally meant to be of rather symbolic nature and importance and serve the purpose of blackmailing the state and terrorizing and shocking the society, terrorist activities carried out within a conflict area may also serve the purpose of causing as much direct damage to the “enemy” as possible in order to make the costs of governing an area untenable.

Finally, terrorist means can also be employed at the stage of an ongoing peace process (often at the end of the conflict, during the lull(s) in the fighting, or after a preliminary cease-fire or a formal peace agreement has already been reached). At this stage, terrorism appears to be a tactic best suited for spoilers and one of the easiest ways to disrupt ongoing peace negotiations and destabilize a peace process: while the use of terrorist means can hardly help achieve a lasting peace agreement,<sup>14</sup> it can be very effective in ruining a peace agreement.

In sum, terrorist means can be used both at the “peak” stage of an ongoing armed confrontation, when terrorism becomes one of the main modes of operation of violent groups, and at the concluding stages of conflict, when a group feels the growing need to resort to increasingly asymmetrical forms of violence as the range of other options for resistance becomes more limited, the peace process gains momentum, and more moderate groups become part of the peace process. While it is in the latter context that the link between terrorism and peace processes is most evident, a resort to terrorist means by spoilers with a goal of disrupting an ongoing peace process is not necessarily delinked from the way terrorist tactics had been applied for other purposes and at other stages of violent conflict. For example, if terrorism had already been used as a major mode of operation during the active stage of the armed confrontation (prior to the beginning of a peace process), potential spoilers may be more inclined to use it as spoilers’ technique after a formal agreement has been reached.

### “Spoilers that matter”: Countering terrorist activities by major parties to the conflict

Spoilers have usually been identified and categorized on the basis of their perceived or declared *goals and intentions vis-à-vis* a peace process (see, e.g. Stedman’s classification of spoilers as limited, greedy, and total).<sup>15</sup> While categorizing spoilers on the basis of their declared intentions *vis-à-vis* a peace process may help identify actual spoilers, it does not help to address the problem of so-called potential spoilers. It is also unclear who has the right to make the judgement about whether the spoiler’s demands are legitimate and should be accommodated as part of the peace process (particularly if spoiling behaviour indicates strong opposition of a major party to the conflict to the way a peace process has been managed or dissatisfaction with the contents of a process).

In fact, it is spoilers’ *capabilities* to disrupt a particular peace agreement or a peace process, if they so decide, that may be no less, if not more, important than the evidence about their intentions available at the time. A capabilities-centred approach may allow us to identify spoilers not just *post hoc*, but also *in advance*, and thus to address the problem of both actual and potential spoilers. In sum, spoilers can and should be classified not only on the basis of their goals or intentions but also with regard to a number of more specific prerequisites for conflict-related terrorist activities. It is on the basis of spoilers’ capabilities to disrupt a peace process by terrorist means that the spoilers could be categorized as follows.

- “Spoilers that matter”: major parties to a conflict that are not satisfied with the nature and/or handling of a peace process and do or may undertake terrorist acts to disrupt actual or potential peace negotiations (such as Hamas, Islamic Jihad, and some other radical Palestinian groups or Hizbullah in Lebanon).
- Smaller and more radical spoiler groups (that are often radicalized factions or offshoots of larger organizations that might have already signed or are likely to sign a peace accord or a cease-fire/confidence-building agreement). For these groups, terrorism is often the main or the sole violent tactic employed and they are likely to enjoy less (or no) popular support than their parent organizations. More radical splinter groups stand to gain little from the peace process themselves and might even become an embarrassment for the larger movements of which they used to be part and which have lost control over their more radical elements. These splinter groups normally become more active at the stage when some preliminary or more formal agreement with the main parties has already been achieved (the classic example is that of the Real IRA, Continuity IRA, and other offshoot groups in

Northern Ireland after adoption of the Mitchell principles on democracy and non-violence by the IRA in 1997).

These two types of spoilers that do or may use terrorist means to disrupt peace processes may require different, or at least significantly nuanced, strategies to deal with them. The first category of spoilers identified above are the parties that have already employed terrorism as a major mode of operation in the course of the armed confrontation, and continue to carry out terrorist activities as the most efficient and most immediately available means to disrupt peace negotiations which they view as harmful to their interests and/or security. For key parties to an armed conflict that choose to use terrorist means with a specific purpose of disrupting the ongoing negotiations involving other parties, a decision to employ terrorist means is not just a matter of choice. Whatever the purpose of the use of terrorist means by spoilers of this type, they tend to be effective only when employed by a sufficiently *capable* and highly *determined* opponent, using terrorism as a highly *rational* operational strategy.<sup>16</sup>

The capability and determination, essential for a major militant actor to employ terrorist means effectively, are characteristics more closely related to the type and character of violent non-state actors themselves. Even with an explosive combination of a feeling of injustice, violations, or lack of civil and political rights, the high degree of desperateness of the situation or the brutality of government repression does not necessarily provoke a reaction by a non-state actor in the form of terrorism unless the state is faced by a sufficiently *capable* and highly *determined* opponent.

In this context, “capability” cannot be reduced to or merely substituted by the so-called technical capabilities (such as access to arms, money, and the availability of trained professionals). Rather, it is more closely associated with the structural model employed by these groups and their organizational competence: their *structural/organizational capabilities* to mount terrorist attacks. The more flexible, diffuse, and fragmented is the organizational structure of groups involved in conflict-related terrorist activities, the closer it is to a horizontal/network model, particularly to its complex “matrix-type” version, the more informal are the ties between its various units, the greater its capacity to employ terrorist means effectively – both as a major mode of operation in an asymmetrical armed conflict with a state (as a classic hierarchy) and as a violent tactic specifically aimed at disrupting peace negotiations and implementation.

To justify the use of or threat to use violence against innocent civilians, for whatever purpose, a high level of determination, indoctrination, and justification of the use of terrorism is required. Such indoctrination and

justification are facilitated and provided by *extremist ideologies*. Structurally, shared ideological beliefs, goals, and values are also the key dominants that help bring together various informally interconnected elements of these groups and serve as their structural “glue”. In the post-Cold War era it is a combination of radical nationalism with religious extremism<sup>17</sup> that has proved to be most conducive for conflict-related terrorism.

In sum, it is the structural capabilities and extremist ideologies of major armed parties to a conflict – the two more specific prerequisites for effective use of terrorist means – which make terrorism a strategy of deliberate choice for armed actors and explain why it is not every asymmetrical armed conflict that generates terrorism and why, even in the same conflict or post-conflict area, some groups may resort to terrorism (whether as a major mode of operation or as a spoilers’ technique) while others refrain from terrorism. The armed actors’ structural capabilities and extremist ideologies are also their main comparative advantages in an asymmetrical confrontation. At the stage of a peace process, as long as spoilers of this type keep specific organizational/structural capabilities and extremist ideologies, they will retain the capability to disrupt seriously or even undermine negotiations and peace implementation by terrorist means, if and when they wish and decide to do so. Even if these armed actors have not yet acted like spoilers, they still remain potential spoilers that can put both peace negotiations and peace implementation at risk. Even partial accommodation of their concerns would not necessarily prevent them from acting as spoilers, unless their capabilities to mount terrorist attacks are also neutralized.

From the structural perspective, the most logical way to neutralize spoilers’ capabilities to mount terrorist attacks and to deprive them of their main structural advantage is both to introduce some elements of network organizational design into existing or emerging state structures (for instance, through more active interagency cooperation) and to find ways to *formalize the informal links within spoiler organizations and turn decentralized horizontal networks into hierarchies*. At the stage of ongoing peace negotiations and the search for political accommodation this imperative becomes all the more pressing, as the structural model typical for many of these groups complicates centralized strategic decision-making and coordination of actions by their different elements, putting under question their adherence to any formal or informal agreements that could be achieved.

The most logical and standard way to achieve this objective is to encourage both general demilitarization of politics and, more specifically, *political transformation* of the armed groups themselves, by stimulating them to get increasingly politicized and involved in non-militant activ-

ities, and to form distinctive and fully fledged political wings (rather than merely civilian “front organizations” for fund-raising/propaganda purposes), so that these political wings could gradually develop a stake in greater legitimization, develop into political parties, and eventually be incorporated into the political process.

That said, it has to be stressed that for spoilers of this type a peace process and the political transformation that it requires pose a major strategic dilemma. Moreover, a political transformation of these groups can itself pose a number of new security risks to the peace process and for an emerging or existing political system at large. An evolution of a violent non-state group into a legal political party could be extremely painful and may be preceded by or lead to violent splits within groups and intensification of internal and sectarian violence. In fact, in some cases such a split can drive more radical factions to resort more actively to terrorist means, in an increasingly irrational manner. Conflicts between moderates and extremists within an “inside spoiler” may even weaken its position and legitimacy at negotiations by revealing divisions within the group.<sup>18</sup>

Also, while the positive effects of a political transformation of militant groups, including those employing terrorist means, for peace negotiations and peace implementation to succeed can hardly be underestimated, this process may have other, less direct, often unexpected, and potentially destabilizing implications for the political system as a whole, particularly in those conflict and post-conflict areas where this system is still functioning or has been essentially recreated despite all the damage caused by protracted hostilities (as in war-torn Lebanon throughout the 1990s). Indeed, a problem of potentially adverse implications of a political transformation of key militant parties, at times acting as spoilers, and their integration into the post-war domestic political context, often fragile and based on a delicate balance of local political forces and interests (e.g. in the case of Hizbullah’s strategic decision fully to join the Lebanese political system), is rarely addressed or taken into account by managers or monitors of peace processes and deserves greater attention. Furthermore, it should be realized that, in some cases, it is the imperfect, unjust, sectarian, inefficient, and corrupt nature of the political system that remains dominant or re-emerges in a conflict or a post-conflict area which may serve as a strong disincentive for some key parties to a conflict to become fully politicized and integrated into this system, providing them with another reason to retain their armed capabilities and at times pushing them to act as spoilers.

Nevertheless, it is political transformation of militant actors that, however painful, is the most effective way to widen the gap between moderate elements within a spoiler organization that could evolve into a legal political entity and underground “hard-liners” (or more radical

“splinter”/offshoot units), making them easier to isolate, marginalize, and delegitimize and potentially even facilitating their ultimate “freeze”, relocation to other countries, dissolution, or destruction (as was the case for many PLO and PFLP offshoot groups). In sum, while the process of political transformation would not necessarily result in a group’s rejection of violence once and forever, it could facilitate and contribute to marginalization of its most radical elements.

Despite all the problems and risks potentially associated with the transformation of key armed actors into legal political entities, these are risks worth taking in order to undermine the capacity of spoilers of this type to disrupt the peace process. Unlike the more radical “splinter” groups, spoilers of the first category are the key armed players in the local context that are likely to enjoy support of parts of local population. These groups cannot be ignored and left out of the peace process without fundamentally damaging the process itself. A strategy of isolation and exclusion is badly suited for dealing with spoilers of this type, as it might radicalize the movement as a whole and strengthen hard-liners within the organization, rather than marginalize and weaken them, which is the ultimate way of countering spoilers of the second type – smaller and more radical offshoot or “splinter” groups.

### Countering terrorist activities by splinter groups: Marginalization and isolation

The following are some of the main characteristics of *spoilers of the second category*:

- more radical or “splinter” groups acting as spoilers may be more inclined to use terrorism irrationally (i.e. when the use of terrorism appears inefficient or even counterproductive for achieving their broader declared political/ideological aims)
- these groups are more likely to be personality-driven
- they tend to enjoy less public support than spoilers of the first category and some of them can even operate with a lack of significant local public support
- with a lack of broad popular support (popular legitimacy), spoilers of this type are more heavily dependent on the need to draw upon cultural/historical legitimacy as a means to legitimize their actions
- they are also more likely to depend more heavily on criminal activities as a means of self-financing and enjoy closer relationship with criminal groups; some of them may even degenerate into criminal organizations
- the gap between the group’s declared political/ideological goals and undeclared pragmatic objectives widens – some such groups might in fact

have lost their initial ideological goals and, unable to adjust to the post-war environment, depend on violence and terrorism to maintain themselves.

Against this background, the key issue is whether spoilers of this type have the capability to strike a decisive blow to undermine a peace process, rather than cause it limited damage. While there are few doubts that more radical or “splinter” spoilers can mount violent attacks (including acts of terrorism), even while acting without solid popular support and driven primarily by their own undeclared survival strategies rather than by declared political/ideological causes, it remains highly questionable if their violent activities are sufficient to disrupt fully a solid, properly managed, and widely popular peace process.

A classification of spoilers on the basis of their capabilities to disrupt a peace process is clearly one of the most complicated and controversial tasks: not every armed group easily lends itself to categorization as a spoiler of either of the two types mentioned above. In any case, all efforts should be made to “polarize” the “spoiler spectrum” to a maximum extent possible, so that actual or potential spoilers could fall into either of the two broad categories. While the problem of dealing with “*spoilers that matter*” (key armed actors on the ground acting or retaining a capacity to act as spoilers and use terrorist means) cannot be addressed, let alone solved, at the operational level only and requires a more fundamental, structural solution, terrorist activities by *more radical “splinter” groups* might be countered primarily at the operational level. Challenges posed by major parties to a conflict that have all the necessary capabilities to undermine a peace process if and when they decide to do so require at least partial accommodation of their concerns, preferably as part of a peace agreement itself, and a strong emphasis on political transformation of such organizations. In contrast, more radical “splinter” groups should be further marginalized and isolated to a point when they could be either effectively destroyed (preferably by their own local rivals) or forced to leave the area and seek refuge abroad. As far as the prospects for ultimately integrating a particular spoiler into the peace process are concerned, one of the potential strategies that may be relatively non-controversial from both anti-terrorism and peacemaking perspectives could be to target and leave out of the political process individual terrorists responsible for ordering, planning, and carrying out terrorist attacks, and those hard-line (often offshoot or “splinter”) units and groups in whose activities terrorist means consistently prevail over all other activities, rather than the broader movements or “parent organizations” that cannot and should not be simply isolated or marginalized.

Whether the smaller, more radical groups are able and will be allowed to ruin the peace process by resort to terrorist means depends, more

generally, on the nature and management of the peace process itself and, more specifically, on the link between peace process and anti-terrorism, which is the subject of the concluding section of this chapter.

### In lieu of conclusion: Anti-terrorism and peacemaking

Whether terrorism is used as a major mode of operation in an armed conflict and/or serves as an instrument of destabilization of the ongoing peace negotiations or peace implementation, a link between peacemaking and anti-terrorism is self-evident. The extent to which this link should be politically established and recognized is, however, less clear. Should reaction to terrorist attacks or anti-terrorism concerns in general be politically dissociated from the peace process for the practical purposes of effective war termination? Or, alternatively, should the two be interlinked to the point of one being fully dependent or conditional upon the other?

The strategy of separating anti-terrorism from ongoing political negotiations and from the peace process in general (by restraining reaction to terrorist attacks or keeping it low profile) might seem to offer the parties to a conflict a way out of the vicious circle of violence and the need to respond to it. This approach can certainly be used as a conflict resolution tool to create a short-term “window of opportunity” when politico-military conditions, for whatever reason (such as a change of leadership in one side in a conflict, or international developments), seem to be favourable for a decisive breakthrough in a peace process. But while not necessarily a one-time tool, this approach can only be applied for a limited number of times. Unless decisive progress is quickly achieved, delinking the political process from anti-terrorism concerns is not an effective long-term strategy, as most vividly demonstrated by the handling of the Oslo peace process by Israeli governments in the early and mid-1990s.<sup>19</sup> In fact, it can seriously undermine both anti-terrorist efforts and public support for the peacemaking efforts. However, the approach at the opposite extreme – that of tying the peace process and anti-terrorism too closely together, to the point of making one entirely conditional upon the other – can neither lead to a lasting peace settlement nor effectively address the security challenge posed by terrorism to peace negotiations and implementation.<sup>20</sup>

In sum, while anti-terrorism cannot be separated from the peace process because the two are inherently intertwined, linking the former directly to the latter can also create problems. Some standard political and diplomatic techniques (for instance, recognizing a certain group as a negotiating partner on condition that it puts a temporary moratorium on its terrorist activities) may be used to address this problem, but, as noted

above, not all spoiler groups might even be interested in joining the political process. In sum, there is a need to link anti-terrorism to peacemaking in a way that is sufficiently indirect not to make one entirely conditional upon the other.

The nature and management of the peace process itself might provide one of the potential solutions of this problem. Actions by groups and factions designed specifically to disrupt negotiations (including terrorist acts) should be taken into account in the design of the peace process, and the latter should be structured in such a way that it contains some in-built hedges against potential disruption by terrorist means.

First of all, a peace agreement should be a result of detailed and intensive negotiations on most critical issues of concern. In many cases a peace agreement itself (or a set of peace agreements at the regional level) is a necessary precondition for partial or complete political transformation of armed resistance groups. While resolution of some central issues at dispute may be deferred until procedural or confidence-building measures are agreed or implemented, most of the critical issues of the armed conflict should be included or at least mentioned in a peace agreement. While the discussion of some of these issues may be left as a subject for further negotiations and further interim agreements may be needed, the initial agreement should be of a fundamental, rather than of largely symbolic, nature. As demonstrated by the extended phased Oslo confidence-building process, postponing many or most of the critical solutions for a series of follow-on interim agreements can undermine the confidence-building process itself. The very process of attempting to settle a number of post-Oslo interim disputes frequently served to erode confidence on both sides, and each new round of the peace process recreated conditions that facilitated the disruption of the peace process by high-profile acts of terrorism or sustained terrorist campaigns.

Secondly, a peace agreement should contain some measures to end violence, such as *cease-fire and confidence-building provisions* that may also precede the conclusion of a formal peace agreement. Cease-fires alone, though, are unlikely to eliminate violence completely. It takes more consistent and long-term confidence-building efforts to achieve full demilitarization and political transformation of the key armed actors that are acting or have the potential to act as spoilers (as noted above, such a strategy might be less relevant for dealing with smaller and more radical offshoot groups and units).

While, ultimately, such a political transformation may be viewed as a long-term confidence-building strategy in itself, it can only evolve as a result of the combined impact of a full range of more specific confidence-building measures. In this context, the use of terrorist means (rather than other violent or non-violent disruption or obstruction techniques)

by spoilers is an additional complication, as, in this case, the main problem in building confidence often remains precisely whether and to what extent the integration and recognition of militant groups that are or have been involved in terrorist activities can be politically and publicly acceptable, particularly within the domestic context. It is at the stage of ongoing peace negotiations that a group's involvement in terrorist activities, even if it was limited to the use of terrorist means as one of the violent tactics at the stage of a full-scale armed confrontation, can become a major, often unsurpassable, stumbling block.

To ease such concerns on the part of the major armed groups and the population at large, a combination of military (security) and political, legal, and other "civil" confidence-building measures is required.

First of all, a cease-fire can include and be supplemented by security *measures of constraint*, such as the establishment of demilitarized zones, cessation of military flights, deactivation of weapons systems, and gradual reintegration or disbandment of irregular forces, reinforced by a range of other moves introduced primarily as confidence-building gestures for the armed parties themselves, including *measures of transparency* (extraordinary information exchange; notification of certain military activities; plans for acquisition/deployment of major weapons systems), measures for *monitoring compliance and evaluation* (inspections, observation of military activities), and other joint actions (liaison teams; establishment of direct lines of communication; joint expert crisis management teams etc.).<sup>21</sup> In areas re-emerging from asymmetric conflicts, a combination of such measures appears to be workable when unilateral actions by a stronger side (as a first step) are immediately followed by comparable confidence-building steps by the other side (a non-state actor). As demonstrated by recent research, a sub-area of particular relevance to political transformation of armed actors, effective war termination, and the success of the peace process is demobilization and reintegration of combatants,<sup>22</sup> whose impact goes far beyond the security implications. As pointed out earlier, a former party to a conflict may remain a potential, if not an actual, spoiler as long as it retains an armed capability to undermine a peace process (in terms of structure, personnel, arms etc.). While such security measures as monitoring and verification activities (whether internationally administered or jointly undertaken by the parties themselves) may help prevent a potential spoiler from taking military advantage of groups undergoing demobilization and from taking control over demilitarized areas, the task of reassuring a spoiler's concerns about its own security (that prompt it to keep some armed capability for self-defence purposes) may also be facilitated by a series of non-military confidence-building measures.

The scope of *non-military* (political, legal, civil society, and other)

*confidence-building tools* and strategies that can be undertaken at the operational level, with the goal of facilitating the transformation of major local armed actors (spoilers of the first type) into political parties, ranges from amnesties and prisoner releases (that could be made part of peace agreements) to introduction of new anti-terrorism legislation (with proper oversight and accountability provisions) or modification or review of the previous rigid and repressive legislation. The latter may itself pose a major challenge for a full political transformation of armed actors (as in the course of the Sri Lankan peace process, when the LTTE *de facto* operated openly in a political capacity while, in accordance with the Sri Lankan anti-terrorism law, individuals were still detained for their previous association with the LTTE).

In sum, demilitarization of politics and transformation of warring parties into political actors should be seen as priority tasks for both anti-terrorism and peace implementation. Only in so far as significant progress in demilitarization and political transformation of key local armed actors is achieved through a coordinated approach, combining military/security, political, legal, and other means and undertaken both at a shorter-term operational level and at a longer-term strategic level, can some of the more ambitious *normative tasks* be effectively addressed in a post-conflict environment, such as protection of human rights and democracy-building. It does not mean that all human-rights-related issues should be deferred until the peace is firmly implemented. Moreover, a peace agreement explicitly outlawing discrimination may serve as an anti-terrorist tool itself, as it is the lack of, or mass violations of, political and civil rights that appears to be one of the few factors that has a direct positive correlation with the resort to terrorism.<sup>23</sup> At the same time, formal human rights commitments are unlikely to be implemented unless the general demilitarization and basic political transformation of the key armed actors are achieved, and attempts to apply high standards of human rights to war-torn environments where there is no way to guarantee these rights may discredit democracy-building and further undermine confidence between the parties or between the parties and international custodians.

The same applies to the goal of rapid democratization, often pursued in parallel to a peace process. A need for caution here is even more pressing in those conflict and post-conflict areas where terrorism has been used, whether as a mode of armed resistance or as a spoiler's technique. The relationship between terrorism and democracy in general may be quite ambiguous: while democratic states may be more dramatically hit by attacks on their civilians (as they value the lives of their civilians more than other regimes), established democracies rarely give pretext for large-scale domestic, home-grown terrorism as a result of internal

conflict. The link between conflict-related terrorism and democracy can be even more problematic. Most of the existing research suggests that terrorist means used as a mode of operation in a violent conflict tend to be more effective (and the resort to them is most rational) when they are used against a certain type of a state – neither too weak, nor too strong (semi-democratic regimes and states in transition are more exposed to conflict-generated terrorism than either established democracies or rigid authoritarian regimes). In unstable war-torn environments in particular, attempts to implant democratic mechanisms and institutions prematurely can in fact facilitate uncontrolled mobilization of political frustration and violence.<sup>24</sup> This might be particularly relevant for areas that have long experienced authoritarianism or prolonged periods of state failure (state collapse) and are undergoing a painful political transformation and modernization. While democracy may be identified as a long-term goal to be achieved, in such an environment demands for fast democratic changes may be both premature and counterproductive for the success of the peace process. For instance, while human rights groups have widely criticized the predominance of armed groups and their patronage networks in civil administration in Tamil-populated areas of Sri Lanka, the full political transformation of the LTTE in Sri Lanka, essential for the success of the peace process, implies a leading role for the LTTE in civil administration in Tamil-populated areas.<sup>25</sup>

While measures aimed at facilitating political, structural, and, ultimately, ideological transformation of the key armed actors are best tailored for dealing with actual or potential spoilers of the first type, the most far-sighted political strategy for dealing with spoilers of the second type should be focused on their further marginalization. The latter may be achieved by engaging, integrating, and transforming the structure and ideology of the more moderate elements of broader movements and, above all, by depriving the radicals of whatever limited social support they might still enjoy by *making peace widely popular*. In this context it should be noted that, in some cases, the very excesses of such radical groups (including highly lethal and particularly horrific terrorist attacks) might help to reduce support for them further (and also indicate that terrorist means are used by them in an increasingly irrational manner).

In this context, the perceived *legitimacy of the peace process* in general and of a concrete peace agreement in particular accounts for much of their popularity (in contrast to negotiation outcomes based on pure calculation). Among other things, such legitimacy depends on whether all the key local actors and forces (including potential spoilers of the first type) are included in negotiations. As for international legitimacy of a peace process, it is critically important for internationally managed peace

negotiations and implementation, but can hardly be decisive for internal peace processes (while often sought and desirable). Similarly, external pressure and regional and international developments may play an important role in an organization's decision to refrain from the use of terrorist means, whether as a major mode of operation or as a spoiler's technique. External influences alone, however, are never sufficient to prevent a group from using terrorist means in the long term: in the constantly changing international environment, outside pressures on groups acting or retaining the capacity to act as spoilers may fade with time.

The link between armed conflict and terrorism cannot be reduced to a strictly causal dependence, when terrorism is generated by conflict and is used as a form of violent resistance in that conflict. When employed as a spoiler's technique to undermine an ongoing peace process, terrorism is aimed at re-escalation of violence and can itself regenerate armed conflict.

On the one hand, sustained or high-profile acts of terrorism should not be allowed to impede the peace process. On the other hand, rigid counterterrorist measures, if undertaken separately from the peace process and with little regard to war termination priorities, might almost as easily interfere with the peace process as terrorist acts by spoilers. Ironically, the so-called "collective impact" measures undertaken as part of counterterrorist campaigns, while not particularly successful as specific anti-terrorist tools,<sup>26</sup> can be very efficient in undermining whatever confidence-building efforts had been in place (as most vividly demonstrated in the course of the Israeli-Palestinian conflict).

One of the ways to address this dilemma is by trying to distinguish, to the extent possible, between mainstream paramilitary groups retaining the capabilities to undermine the peace process and smaller and more radical offshoot or splinter groups, and to polarize further the spectrum of spoilers and reinforce the distinctions between these two categories of armed actors. The optimal strategy for dealing with spoilers of the first type and undermining their capabilities to disrupt the peace process is to encourage the transformation of their more moderate leaders, members, bodies, and currents into political entities.

As for the spoiling behaviour of the more radical "splinter" groups (which often takes the form of terrorism), whether it would be allowed to disrupt a peace process depends primarily on the resilience, legitimacy, and popularity of the process itself, on whether it includes all the parties to a conflict that enjoy significant popular support and retain the capabilities to disrupt peace negotiations and implementation, and, ultimately, on whether the peace sought is perceived as a product of resolution of key issues of conflict rather than as a goal *per se*, to be achieved at all costs.

## Notes

1. Intervention by I. William Zartman at the conference on Pathways Out of Terrorism and Insurgency: Comparative Analysis of Peace Processes, Priverno, Italy, organized by the Center for Studies on Terrorism and Political Violence (Latina) and Gino Germano Center for the Study of Crisis, Conflict and Socio-Political Instability (Rome), April 2002.
2. Walter, Barbara F. 2002. *Committing to Peace: The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.
3. Whitbeck, John. 1999. "Peace, process or worse", *Al-Ahram Weekly*, No. 461, 23–29 December, available at <http://weekly.ahram.org.eg/1999/461/op1.htm>.
4. For general discussion of this point see, for instance, Darby, John and Roger Mac Ginty (eds). 2000. *The Management of Peace Processes*. New York: Macmillan Palgrave/St Martin's Press; Stedman, Stephen J. 1997. "Spoiler problems in peace processes", *International Security*, Vol. 22, No. 2.
5. *Intifada* means "uprising" in Arabic.
6. E.g. Al-Qaeda's super-terrorist network, strategy, and operations were truly global, reached out both to the developed world (the West) and to underdeveloped states, and were as extensive in areas of peace as in areas of conflict. It is important to stress that while Al-Qaeda's super-terrorist network has, for instance, served as one of the donors to several local groups engaged in conflict-related terrorism, these and other potential links between super-terrorism and conflict-related terrorism still do not make one a mere substitute or outgrowth of the other, or fully dependent or conditional upon the other – each of these two types of terrorism retains a great degree of autonomy and its own logic and dynamics.
7. For more detail on distinction between various types of terrorism, see Stepanova, Ekaterina. 2003. *Anti-terrorism and Peace-building During and After Conflict*, SIPRI Policy Paper No. 2. Stockholm: SIPRI, pp. 3–5, available at <http://editors.sipri.se/pubs/Stepanova.pdf>.
8. On political motivation as a key defining characteristic of terrorism, see e.g. Hoffman, B. 1998. *Inside Terrorism*. New York: Columbia University Press, pp. 13–44.
9. For more detail on distinctions between terrorism and guerrilla warfare as modes of operation in an armed conflict, see Ganor, Boaz. 1998. *Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?* Herzliyya: International Policy Institute for Counter-Terrorism.
10. According to Protocol I to the Geneva Conventions, "the Parties to the conflict shall at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and accordingly shall direct their operations only against military objectives". See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 48. Similarly, the international law regulating non-international armed conflict (Protocol II to the Geneva Conventions) does not prohibit members of rebel forces from using force against government soldiers or property provided that the basic tenets governing such use of force are respected.
11. The approach chosen by the author of this chapter is fully in line with the position of the UN High-level Panel on Threats, Challenges and Change and with the emerging consensus on this issue among experts working on the draft Comprehensive Convention Against Terrorism. Recognizing that the use of force by the state against civilians does not fall under the definition of terrorism as such, they called for recognition, in the preamble of the convention, that "State use of force against civilians is regulated by the Geneva conventions and other instruments, and, if of sufficient scale, constitutes a

- war crime by the persons concerned or a crime against humanity". See, for instance, United Nations. 2004. *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change. New York: United Nations, para. 164a, p. 52.
12. For more detail see Stepanova, Ekaterina. 2004. "Linking anti-terrorism and peace operations: Specifics and constraints", in *Peace Support Operations, Parliaments and Legislation*. Moscow: Geneva Center for Democratic Control of the Armed Forces; Center for Political and International Studies.
  13. Most of the 38 formal peace accords signed between 1988 and 1998 dealt with conflicts that may have involved some form of external influence and involvement but were concentrated within national boundaries, as distinct from wars between neighbouring states. For more detail see e.g. Darby, John and Roger Mac Ginty. 2000. "Introduction: Comparing peace processes", in John Darby and Roger Mac Ginty (eds) *The Management of Peace Processes*. New York: Macmillan Palgrave/St Martin's Press, pp. 2–3.
  14. See e.g. a reference to the Khasav-Yurt agreement in the concluding part of this chapter.
  15. Stedman, note 4 above.
  16. For more detail see Crenshaw, Martha. 1990. "The logic of terrorism: Terrorist behaviour as a product of strategic choice", in Walter Reich (ed.) *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*. Cambridge: Cambridge University Press.
  17. Particularly if supported, in some cases, by certain local socio-cultural norms and traditions, e.g. remnants of clan-based society, such as blood feuds or slavery.
  18. For a discussion on effects of intraparty tensions on negotiations see Hoglund, Kristine. 2001. "Violence: Catalyst or obstacle for conflict resolution?", paper prepared for research seminar, Department of Peace and Conflict Research, Uppsala University, Uppsala, 26 September, pp. 14–15.
  19. See e.g. Karsh, Efraim (ed.). 1997. *From Rabin to Netanyahu: Israel's Troubled Agenda*. Portland, OR: Frank Cass, pp. 117–262; Ganor, Boaz. 2002. *Israel's Counter-Terrorism Policy, 1983–1999: Efficacy Versus Liberal Democratic Values*. Herzliya: International Policy Institute for Counter-Terrorism.
  20. This was most dramatically demonstrated by the link between terrorism and the peace-making process in the context of the internal conflict between Russia's federal centre and Chechen radicals in the mid-1990s. It was the two high-profile terrorist attacks by Chechen militants (the raids on hospitals in Budennovsk in June 1995 and in Kizlyar in January 1996) that forced the federal government to sign the hasty and inherently problematic Khasav-Yurt agreement, which was backed by neither political will nor economic resources and did not lead to effective peace implementation.
  21. For a comprehensive and detailed list of security confidence-building measures see, for instance, OSCE Forum for Security Cooperation, 1992. *Stabilizing Measures for Localized Crisis Situations*. Vienna: OSCE.
  22. For more detail on the importance of demobilization for war termination see Stedman, Stephen J. 2001. *Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policy Makers*, International Peace Academy Policy Paper Series on Peace Implementation. New York: IPA, p. 16. On reintegration programmes as anti-terrorism tools in post-conflict environments see Stepanova, note 7 above, pp. 37–38.
  23. For more detail on this see, for instance, Kueger, Alan and Jitka Maleckova. 2002. "Education, poverty and terrorism: Is there a causal connection?", report for World Bank Annual Conference on Development Economics, Washington, DC, April.
  24. For more detail on the ambiguous relationship between democracy and terrorism see

- Rupeshinge, Kumar. 1992. *Internal Conflict and Governance*. New York: St Martin's Press, pp. 1–26.
25. See e.g. Human Rights Watch. 2002. *Sri Lanka: Human Rights and the Peace Process*, Human Rights Watch Background Briefing, July. New York: Human Rights Watch, pp. 2, 8.
26. For more detail on the negative impact of collective-impact counterterrorist measures for conflict and post-conflict areas see Stepanova, note 7 above, pp. 13, 32–33.