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Negotiating peace agreements in internal conflicts: What Perspectives ?

Doudou Sidibé¹

ESIEE Paris/Gustave Eiffel University

This article aims to discuss mediation and negotiation in internal conflicts that are difficult to resolve and can even become intractable. Military victory, although difficult in such types of conflicts, seems to be one of the solutions recommended even if the bitterness left by war constitutes a risk of resurgence of the conflict. Other solutions are instead in favor of mediation and negotiation. These types of solutions sometimes take longer to implement because of the nature of these identity-based conflicts. Nevertheless, they have the merit of being built on an agreement accepted by the various protagonists. In this theoretical article, my objective is to make initial suggestions for early mediation at the premises of the conflict instead of repression. The latter, often put forward by some governments to stifle the causes of the conflict, only work to worsen the disputes to the point of becoming a political conflict.

Key words: Negotiation, Mediation, Pre-negotiation, Peace process, internal conflicts.

Introduction

This theoretical paper deals with early mediation and negotiation in internal conflicts that afterwards can be very hard to resolve if they spread. Until now, considerable evolving progress has been made to lighten the causes and manifestations of violent internal conflicts but how to terminate them is less well understood according to David Carment (2002:1). For some authors like Patrick Reagan (1996), military victory is more suitable to end internal conflicts while others like William Zartman (1995) think that it is better to give way to negotiation.

So, the initial aim of this article is to outline first the general principles governing peace processes in their various phases and to define the terms pre-negotiation, mediation and negotiation. Then, it will be interesting to examine whether negotiation between various protagonists is the best option for ending internal conflicts or whether the military victory of one side over the other can be envisaged as a viable solution. Along with the issues mentioned

¹ doudou.sidibe@esiee.fr. Associate professor, MSc MoTIS Course Director, Management Dept., ESIEE Paris/Gustave Eiffel University. Tel: 00 33 (1) 45 92 60 76

above, I will propose initial suggestions about early mediation to give way to dialogue beforehand and nurture opportunities to reduce tensions within states that can indulge in violent and longstanding political conflicts. Therefore, to illustrate our initial suggestions, we will study some cases of conflicts where military repression of peaceful demonstrations indulged in political conflicts (Northern Ireland in 1972, Casamance (Senegal) in 1982, Syria in 2011) and a case where conflict is avoided because of early mediation (Algeria in 2019).

1. Literature review on general principles of a peace process

Three stages in the establishment of a peace process could be proposed: pre-negotiation or pre-dialogue, mediation and negotiation. According to Ho-Won Jeong “*the life span of negotiation, broadly defined, could be described as different phases involving informal pre-negotiation discussion, the process of reaching an agreement and its implementation*” (Jeong, 2017:12). William Zartman defines pre-negotiation as follows: “*Pre-negotiation begins when one or more parties considers negotiation as a policy option and communicate this intention to other parties. It ends when the parties agree to formal negotiation.*”(Zartman, 1989:4). Pre-negotiation prepares the way for negotiation proper by making it possible to gauge how willing the protagonists of the conflict are to come to a rapprochement. Mediation is provided by a party external to the conflict who is accepted by the protagonists because of his or her presumed neutrality and credibility. The role of the mediator is to serve as a bridge between the conflicting parties and encourage them to reconsider their positions in order to make negotiation possible. Negotiation brings the conflicting parties to the table to find out whether they are capable of resolving their differences and bringing the conflict to an end. Negotiation often produces a partial or total, perfect or imperfect settlement. However, it can also end in failure.

The three stages of the peace process are interlinked. There are no partitions, no constraining precedents. The process is governed by the need to seize the opportunity to achieve a peace settlement. In this section of the article, we will examine the implications of the three activities – pre-negotiation, negotiation, and mediation – within the framework of the peace process.

1.1. The pre-negotiation phase

It is in the pre-negotiation phase – at the outset of the peace process – that the conflicting parties choose an acceptable mediator. This is why proposing a sequence for the three phases (pre-negotiation, mediation and negotiation) is of limited value. For example, in violent political conflicts, the mediator is chosen before the pre-negotiation phase. However, the real work of the mediator will be carried out in the heart of the negotiation process. Thus, here, we will dispense with the rigorous hierarchy or partitioning of these three activities, which, in any case, is less than convincing.

Once a mediator has been chosen, one of his or her first tasks is to contact the conflicting parties in order to find ways of convincing them of the advantages of negotiating. Without focusing on the role of the mediator, which will be examined at greater length in a discussion of the mediation, it is important to understand the pre-negotiation process and its impact on upcoming negotiations.

It would be no exaggeration to say that future negotiations are largely dependent on the pre-negotiation phase. It is vital to set up the pre-conditions for fruitful dialogue. According to John Darby and Roger Mac Ginty *“The aim of the initial phase of a peace process is to create the environment in which serious interparty negotiations can start”* (Darby & Mac Ginty, 2003:7). This clearly means that the parties involved in negotiation should have the guarantee that the negotiation process is reliable, informed by a sense of trust and has the potential to produce an outcome, which considers their interests. If these challenges missed in the pre-negotiation phase, the possibility of bringing the conflicting parties to the table will not be achieved. Indeed, if they do come to the table in such circumstances, it is likely that it will serve no purpose. The danger is that, if the process of rapprochement fails, violence may break out once more. This is why it is vital in this phase to examine the goodwill of the parties in terms of their willingness to take part in negotiations.

As William Zartman has observed, it is also important to know whether it is a good time to make peace. The term applied by the author to express this concept is *“ripeness”*. Zartman thinks that the time for negotiation must be ripe before a peace process could be initiated. The parties must arrive at the negotiating table at a time when negotiation seems to offer a good opportunity to escape the impasse of the conflict. According to the author: *“At that ripe moment, they grab onto proposals that usually have been in the air for a long time but that only now appear attractive”* (Zartman, 2003:19). To back up his argument on the concept of *“ripeness”*, with which diplomats have long been familiar, Zartman quotes John Campbell, who states that: *“Ripeness of time is the absolute essence of diplomacy”* (Zartman, 2003:73).

Nevertheless, while the concept of “ripeness” is important in terms of providing the pre-conditions for successful negotiations, it is not sufficient. *“Ripeness is only a condition, necessary but not sufficient for the initiation of negotiations”*. However, waiting for a conflict to be ripe for resolution has other implications. It involves knowing more or less precisely the right time to act. This is a difficult exercise since sometimes at the time when a conflict seems ripe for resolution the situation on the ground can degenerate, compromising all possibilities of negotiation.

At any event, there are times when attempts must be made to trigger a peace dynamic in spite of the lack of will of the conflicting parties to negotiate ; for example, outbreaks of serious violence causing loss of human life and material damage. In such situations, it becomes urgent to act, but preparation is nevertheless vital. It is thus that Chester Crocker (1992: 363), faced with the same problems in terms of defining the right time to negotiate, declares, *“The correct time is a matter of feeling and instinct”*. Of course, it is sometimes good to trust one’s feelings and instinct, but one should also recognize that they could be misleading. In my opinion, peacemakers should always try at least to start the peace process; readjustments can be made later depending on the behavior and attitude of the conflicting parties.

In this phase, a number of separate and confidential interviews should be set up with the conflicting parties to define the agenda for the negotiations, including the schedule, the place, the internal regulations governing proceedings, and the number of representatives present. All other equivocal aspects should also be dealt with at this stage.

Pre-negotiation can initially be informal before taking on the more organized form of a meeting involving all the parties. Such a meeting provides the parties with an opportunity to reach an agreement concerning how negotiations should be framed. At this stage, the most important issues are identified. They will then become the object of a protocol agreement constituting the working basis of the negotiations.

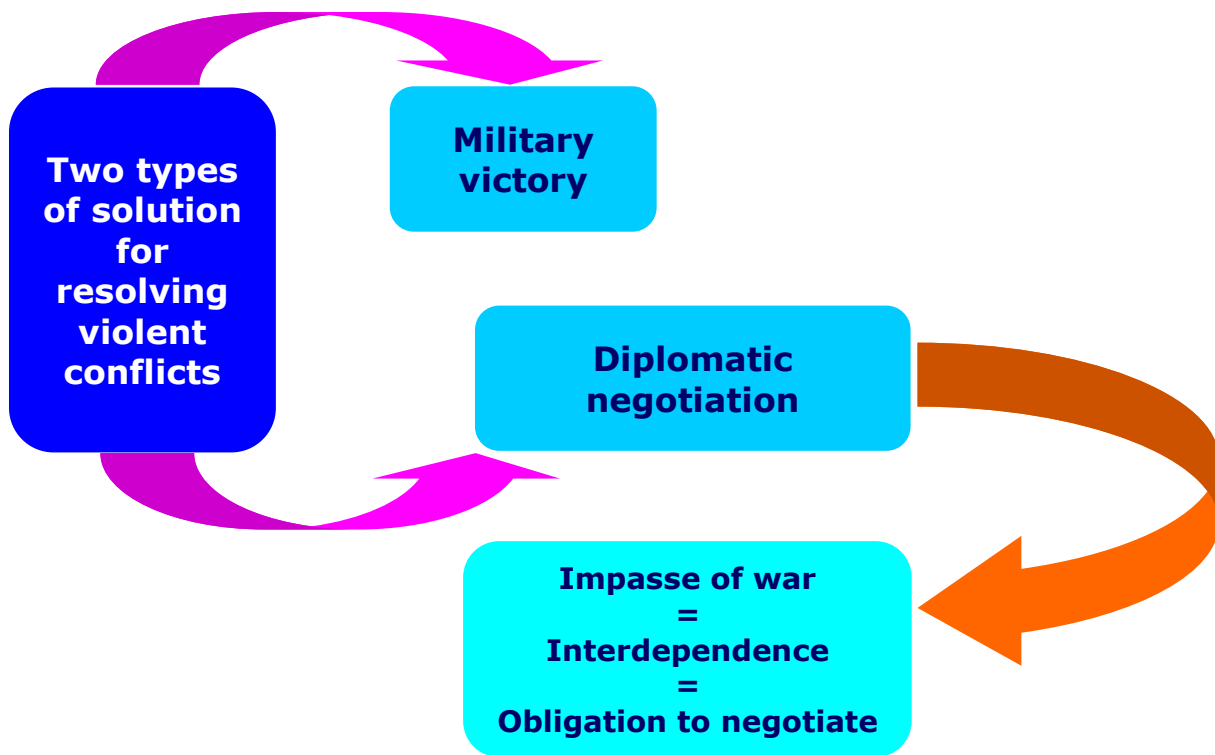


Figure 1: Conflict termination: military victory or negotiation?

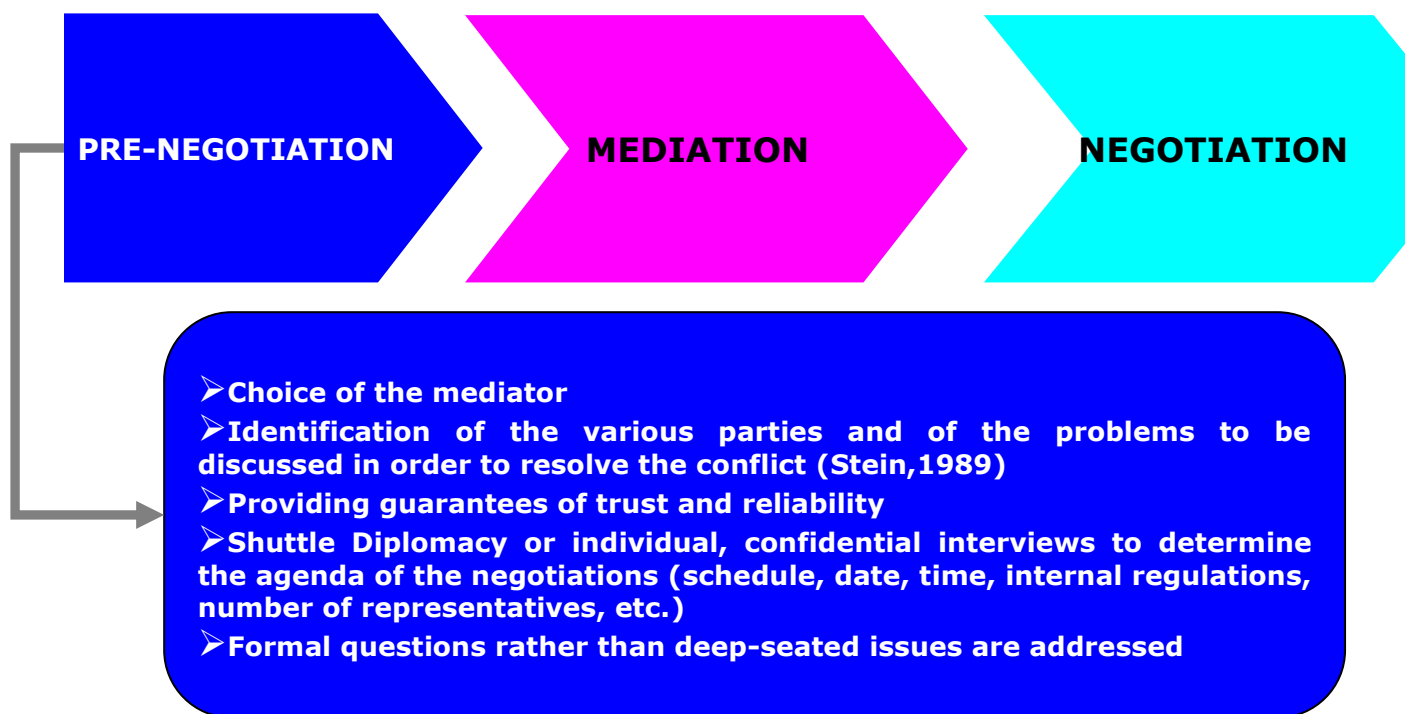


Figure 2: Pre-negotiation

1.2. Single and Multiparty Mediation

Several definitions of mediation are offered. Charles Moore defines it as follows: “*an extension and elaboration of the negotiation process that involves the intervention of an acceptable, impartial, and neutral third party who has no authoritative decision making power to assist contending parties in voluntarily reaching their own mutually acceptable settlement*” (Moore,1986 :6). As for Jacob Bercovitch: “*a process of conflict management, related to but distinct from the parties ‘own negotiations, in which those in conflict seek the assistance of, an organization, a group, or a state) to change their perception or behavior, and to do so without resorting to physical force or invoking the authority of law* (Bercovitch, 2005 :107)

Mediation is not compulsory in all conflicts. There are situations in which the protagonists can dispense with mediation and set up a joint commission with a view to resolving their issues directly.

Usually, recourse is taken to mediation when conflicting parties are unable to come to an agreement. It is also applied in internal political conflicts where it is indispensable since rebel movements contest the sovereignty of the government, positioning themselves as a kind of alter egos, while the government considers them illegitimate. This can make direct dialogue difficult. In such cases, mediation becomes a necessary, even indispensable pre-condition for negotiation. Thus, the protagonists will call upon a neutral external party to help them iron out their differences.

According to Saadia Touval and William Zartman (1985: 70), mediation is characterized by three major strategies: “*communication, formulation and manipulation*”. They offer the following explanations for each:

-“*Communication strategy consists of developing contacts between the parties, encouraging transparency, and ensuring that the mediator and the parties are able to trust one another*”.

-“*Formulation strategy consists of choosing the place in which negotiations are to take place, monitoring the agenda and the physical environment, elaborating negotiation protocols, guaranteeing confidentiality, suggesting procedures, highlighting common ground, reducing tension, ensuring that time is used efficiently, focusing on straightforward issues prior to negotiations proper, helping the parties to save face, making sure that the process is oriented towards achieving pre-defined goals, making suggestions and proposals, and suggesting concessions that can be made by the parties.*”

-“Manipulation strategy is used to *“bring the parties to the negotiating table, modify the parties’ expectations, persuade them to accept concessions, insist on the costs of failure to reach an agreement, supply and filter information, help negotiators define a settlement, formulate concessions, encourage flexibility, promise to provide or withdraw resources, and offer to monitor whether the agreement is being respected”*.

Touval and Zartman’s analysis demonstrates that, initially, mediation is at the heart of the peace process. However, it is important to distinguish mediated negotiation, and direct negotiation, in which the parties concerned confront each other to defend their own interests.

To sum up, mediation starts at the pre-negotiation stage and ends with the conclusion of negotiations culminating in success (an agreement) or failure (a lack of agreement). Consequently, mediators play a central role in the success of the peace process. That is why it is worthwhile examining the role and profile of the mediator.

The mediator can be a person, a group, an NGO, or a state. According to Leonard W. Doob (1981), the mediator must, at least, have the following qualities: *“Motivation, theoretical knowledge of negotiation and mediation techniques, as well as of the terrain; a good attitude, or, in other words, an impartial outlook and trust in his methods, talents which imply flexibility, patience, sympathy, empathy, intelligence, tact, administrative expertise, a gift for analysis, and a sense of relevance.”* This description of the qualities of the mediator is far from exhaustive; indeed, mediation is carried out on a number of levels. It also pursues a number of objectives involving several different actors. It is thus clear that a mediator can have other qualities in relation to the conflict, which he or she is managing. For example, credibility and experience are important qualities in terms of the success of the mission. However, mediation is by no means a universal panacea. Even if it is necessary, it does not always succeed in resolving all disputes. Mediation poses problems such as neutrality and impartiality. Many mediators are rejected, either partially or totally because one of the parties believes them to be biased. However, it should be noted that the role of the mediator is not to act like a judge by deciding that one side is right and the other wrong. His role is to help the conflicting parties effect a rapprochement and negotiate their own interests, something that, without him, they would not be able to do. In a word, the mediator helps the conflicting parties to sit around a table and negotiate. In internal conflicts, negotiation and mediation are intimately linked in that negotiation is a process supervised by a mediator or several mediators called multiparty mediation. *“Multiparty mediation, (...), refers to attempts by many third parties to assist peace negotiations in any given conflict”* (Crocker, 1999:9).

The difference between mediating in interstate and intra-state conflict lies in the possibility to involve in the second case more mediators. In inter-state conflicts, one often has two key players who manage somehow to find consensus around a single mediator. The rapprochement between Egyptian President Anouar el Sadate and Israelian Prime minister Menahem Begin through The Camp David Accords of September 17 1978 mediated by President Jimmy Carter is an illustration of this type of mediation. As for internal conflicts, the fragmentation of actors is at the basis of the proliferation of mediators because each actor seeks to provide a mediator who shares his or her beliefs.

Thus, the phenomenon of proliferation of mediators called Multiparty Mediation and which deserves special attention is sometimes the source of the problem. Because the lack of coordination and the divergent interests of different mediators complicate the resolution of internal conflicts such as in Casamance (Senegal). In this conflict, which opposes The Movement of Democratic Forces of Casamance (MFDC), a separatist movement and Government of Senegal since 1982, the division prevents conducting inclusive negotiations. This, consequently, favors the proliferation of official and unofficial mediators. In addition, their lack of cooperation is a major source of obstacles. This often leads to a situation close to impasse. By cons, a good co-ordination would be more efficient. (Sinisa, 2012) cites as evidence the Tajikistan conflict, which opposed in 1992 the United Tadjik Opposition, an Islamic-Democratic Coalition, composed of liberal reformers and Islamists, and The Tadjikistan government. Iran supported the United Tadjik Opposition (UTO) while Russia sided with the Tadjikistan government. Iran and Russia had finally cooperated to lead a joint mediation. This is what has allowed in part the signing of a peace agreement between UTO and the Tadjikistan government.

In the mediation phase, one of the most important challenges to terminate internal conflicts remains the plethora of mediators due to potential competition between them. Another challenge that may appear, during negotiation phase, is the difficulty to deal with abstracts factors such as race, culture, values, and beliefs.

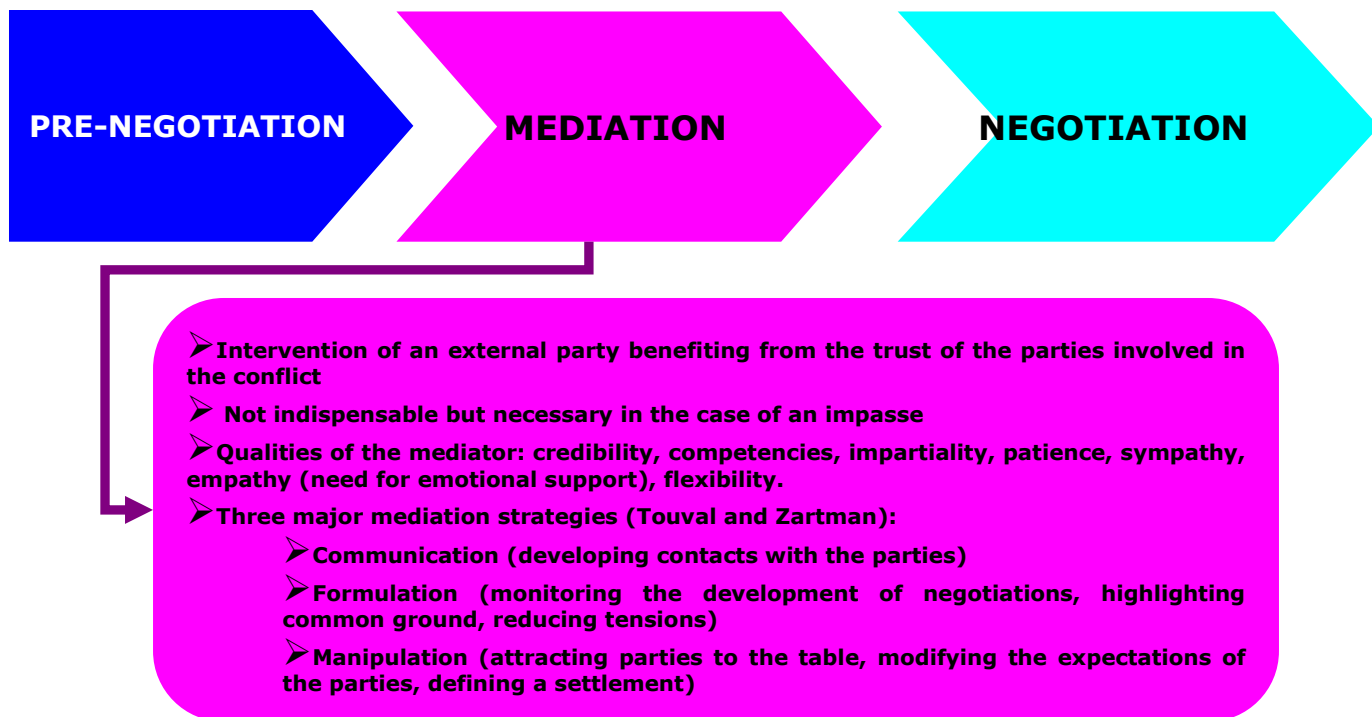


Figure 3: Mediation

1.3-Negotiation phase

1.3. a. Approaches and paradigms

Negotiation is a daily act, a permanent feature of our relationships with other people. It is a vast field, traversing a number of disciplines. This is why any definition of negotiation runs the risk of being reductive. Nevertheless, I will attempt, based on the literature, to describe negotiation and the various approaches taken to it.

According to Issa Yacine Diallo, four disciplines have contributed to the development of negotiation: “*Politics, multilateral diplomacy, industrialization and the new relationships between social partners (unions and employers’ associations), and the study of negotiation as a sales and purchase technique*” (Diallo, 1998). The author makes a distinction between two schools of theorists with two different approaches, one descriptive, the other prescriptive. The first school seeks to identify the behaviors and choices, which have proved successful, and to use them as models in other negotiations. The second school of thought emphasizes a rational approach and applies game theory and simulation exercises.

According to William Zartman, there are four major approaches to the study of negotiation: “*the psychological and psycho-sociological approach; the economic approach, encompassing game theory; the strategic approach; and an approach emphasizing the observation of the behaviors of the actors*” (Zartman, 1976). Whatever the number of approaches and their

contradictions, it should always be borne in mind that two major paradigms govern negotiation theory: the bargaining paradigm and the problem-solving paradigm. The bargaining paradigm has been championed by researchers including Thomas Schelling (1960), Anatol Rapoport (1960) & Fred Charles Iklé (1964). In the 1960s, research was based on non-zero sum and mixed motive game theory, in which the parties are able to choose between cooperation and competition. Such an approach placed bargaining at the heart of the negotiation process and focused on maximizing gains without taking into account the needs of the adversary. Ruse, manipulation, total destabilization or any other approach could be used by the actors to achieve their goals without taking into account the legitimacy of the other party in terms of the dispute opposing them.

This paradigm was applied to the international negotiations of classical diplomacy, where it was the dominant model in international relations, specifically in *realpolitik*. Those of a more liberal approach adopted the problem-solving paradigm based on cooperation. Even now, the bargaining paradigm retains a certain currency in international negotiations. However, in spite of its dominance, the paradigm does not always succeed and sometimes leads to impasses. Consequently, researchers—Rapoport (1960) foremost amongst them, have concluded that the bargaining paradigm – which does not take into account future relations between negotiators – must be replaced by the problem-solving paradigm. Problem solving targets mutual gains making it possible to resolve major issues. It is not used to ensure victory for one side and defeat for the other but, rather, to solve specific problems. It takes into account the other party in the negotiation process. The objective is to reach a mutual agreement about the parties' stakes.

The two paradigms are discussed by Richard Walton and Robert McKersie in their book on managing conflicts in the workplace in which the authors use the terms “*distributive bargaining*” and “*integrative negotiations*” (Walton & McKersie, 1965). In the first, the aim of individual parties is to maximize their own gains without considering future relations with their counterparts. However, the drawback of this approach is that the party, which has lost most, may choose not to take part in any future negotiations. In “*integrative negotiations*”, it is in the interest of both parties to share the gains rather than to try to neutralize each other. Thanks to contributions from Roger Fisher, William Ury and Bruce Patton, “*integrative bargaining*” has led to the development of “*interest based negotiation*” (Fisher, Ury & Patton, 1991) which, in our view, is more appropriate to the resolution of internal conflicts.

Fisher, Ury and Patton suggest foregoing positional or traditional negotiation in favor of interest-based negotiation, which takes into account the future of human relations.

1.3. b. Negotiation in internal conflicts

After having described the various approaches and paradigms developed by theorists, I will now sketch a definition of negotiation as a general term before examining how it can be applied to the resolution of internal conflicts. According to Adrian Guelke: *“Negotiations are seen as a learning process and their success depends on a maturing of the views of the protagonists during the conflict that opens the way firstly to mediation, then to direct engagement with their enemies and finally to a settlement”* (Guelke, 2003). Teklewold Gebrehana describes negotiation as *“a means of peaceful intercourse between sovereign States, a method of avoiding conflicts arising from the clashing of political or economic outcomes, which is to the reasonable satisfaction of all parties concerned”* (Gebrehana, 1978).

Marcel Merle frames his definition of negotiation within the problematic of war: *“Due to the very nature of international relations, which is characterized by the absence of a supranational authority competent to govern relations between states, negotiation offers the only means available, apart from war, of resolving inter-state disputes”* (Merle, 1980).

Former Secretary-General of the United Nations, Perez de Cuellar bases his views of the role of negotiation in conflict resolution on his experience of historical events: *“History teaches us that most conflicts, whatever their size, scope, duration or level of violence, end in negotiations culminating in an agreement or a treaty”*.^[1]

None of these definitions, however pertinent, are entirely satisfactory, in that they are either general or vague or focused on conflicts between states. The object of my study is, however, internal conflicts. The development of literature on the role of negotiation in the resolution of internal conflicts is at an embryonic stage, perhaps due to a staggering number of internal conflicts developed as recently as the 1990s, which, however, quickly attracted the attention of researchers. Nevertheless, in spite of the interest of the latter, just how effective negotiation is in terms of ending internal conflicts remains unclear. A number of questions are posed in this article. Why internal conflicts are more difficult to negotiate than inter-state conflicts? How to end internal conflicts? Why violence sometimes breaks out anew after ceasefire

agreements have been signed? I will review some of the answers to these questions in the literature.

In his article, *“Dynamics and Constraints in Negotiations in Internal Conflicts”*, William Zartman emphasizes the limits of negotiation: *“Internal conflicts – civil wars – are the most difficult of conflicts to negotiate. Only a quarter to a third of modern civil wars (including anti-colonial wars) have found their way to negotiation”* (Zartman, 1995).

According to Licklider, inter-state conflicts are more likely to culminate in a peace settlement than are internal conflicts. He adds: *“Civil wars are very difficult to end through negotiations because the stakes are so high and because (as in interstate wars) no institution can be trusted to enforce agreements”* (Licklider, 1995). Paul Pillar finds that almost two-thirds of inter-state wars are resolved through negotiation, while only a third of civil wars end in the same way (Pillar, 1983). Similarly, High Miall has found that 68% of internal conflicts fail to find resolution through negotiation (Miall, 1992). Thus, these two authors agree that internal conflicts are more difficult to end than inter-state conflicts, due to the former involve subjective and sensitive aspects, which are often non-negotiable, while the latter are based on politico-economic issues, which can be resolved on a rational basis. This view is largely shared by Smith (1986); Wedge (1986); and Gurr (1990), who believe that behaviors are easier to change than identities (race, ethnicity, nationalism, religion).

John Burton (1987) disagrees with those who maintain that conflicts based on identity are particularly hard to negotiate. Such conflicts are, in fact, relatively easy to terminate in that they are often based on symbolic problems, which can be resolved effectively and inexpensively. For example, flying two flags instead of one is not expensive (and, in the long-term, the security of one group will lead to the security of others (Burton, 1987). Licklider, in spite of his awareness of the difficulties inherent in internal conflicts, used a statistical approach to study this issue. Based on a sample of 91 civil wars, he reached the following conclusion: *“it is not more difficult to negotiate in an identity-based conflict than in a politico-economic conflict”* (Licklider, 1995).

Additionally, the fact that several internal conflicts involve both state and non-state actors further complicates conflict resolution negotiations. Non-state actors, such as ethnic groups, have an ambiguous legal status, which can cause real difficulties in terms of the application of norms and methods designed exclusively for states. Thus, traditional state-based diplomacy cannot be successfully applied to the resolution of such conflicts. Consequently, new and

specific mechanisms must be developed. Researchers in the field have, using an empirical approach, found this task extremely challenging.

Michael Brecher and Jonathan Wilkenfield (1997) have examined the issue of the number of actors involved in internal conflicts. For these authors, internal conflicts are more difficult to negotiate than their inter-state equivalents and degenerate into violence when there are more than three actors involved. In effect, the more actors there are, the greater the number of – often contradictory – motives and grievances are at play. In effect, there will be more problems to solve not only between the government and dissident movements, but also between individual dissident movements.

No matter how difficult internal conflicts may be, a way to resolve them has to be found since, for humanitarian reasons. Letting innocent people die in what are often vicious wars is unthinkable. While many researchers maintain that internal conflicts are difficult to resolve for the reasons mentioned above (and that list of reasons is by no means exhaustive), few agree about effective methods for ending them. Nevertheless, most are in favor of a negotiated solution. However, rather than asking whether negotiation is effective, one should be asking when and how the approach should be applied.

This is an important point in that some – for example Patrick Regan (1996) - think that the best way of bringing an end to a conflict is to opt for a military solution favoring the stronger of the two parties. For Roy Licklider: *“The data suggest that most civil wars are ended by military victory but that negotiated settlements are regular phenomena. Of the 57 civil wars which have ended, one quarter (14) ended by negotiation, while the remaining 43 ended in military victory”* (Licklider, 1995). Jane E. Holl restates Licklider’s argument in the following terms: *“Negotiated settlements of civil wars are more likely to break down than settlements based on military victories.”* (Holl, 1993). The military solution makes it possible to annihilate the opposing party, thus ending the conflict forever.

One problem with this method is that even if a rebellion is defeated by military means, others may take up the claims and ambitions by which it was fueled. In other words, the problem is sometimes merely deferred. It may be better in general to seek a negotiated settlement. In Sri Lanka, the war ended with the government's victory over the LTTE (Liberation Tigers of Tamil Eelam). Nearly 40,000 ethnic Tamil (Farcis, 2015) were killed in the fighting in 2009, bringing the Council of the Northern Province, in a resolution dated to February 10, 2015, to declare this a genocide of the Tamil people. In addition, there are the problems of the Tamil land and property confiscated by the army and the difficulty of reintegrating 100,000 refugees

(Farcis, 2015). If the government does not find a suitable solution to all these problems, the Tamil youth who consider that their parents were victims of an injustice can take up arms. All this is to say that military victory leaves permanent injuries that may be the cause of another war.

That is why scholars such as William Zartman think that negotiation is always preferable to other approaches: “(...) *In principle, negotiation is the best policy for both parties in an internal conflict*”(Zartman, 1995). Unlike Regan and Licklider, Zartman is in favour of negotiation. He suggests waiting until the parties in conflict are at an impasse, or, in other words, until they realize that neither one is strong enough to conquer the other (“*mutually hurting stalemate*”). At that point, they will be obliged to negotiate a durable settlement. Zartman (2001) also thinks that the concept of “*mutually hurting stalemates*” must be accompanied by incentives that can constitute an important lever leading to solutions. Nevertheless, it is legitimate to ask what, in the event of a negotiated solution (which seems more likely these days than a military solution), needs to be done to prevent violence from breaking out again.

In order to end to a conflict by means of negotiation, a number of points must be clear: the identity of the parties, the underlying reasons for the conflict, the objectives of the protagonists, and the points of convergence and divergence between them. Then a mediator can attempt to bring the various parties closer together in order to achieve a settlement. However, having signed an agreement, the parties can and often do question one or more points at issue if their expectations have not been met, thus ending the ceasefire.

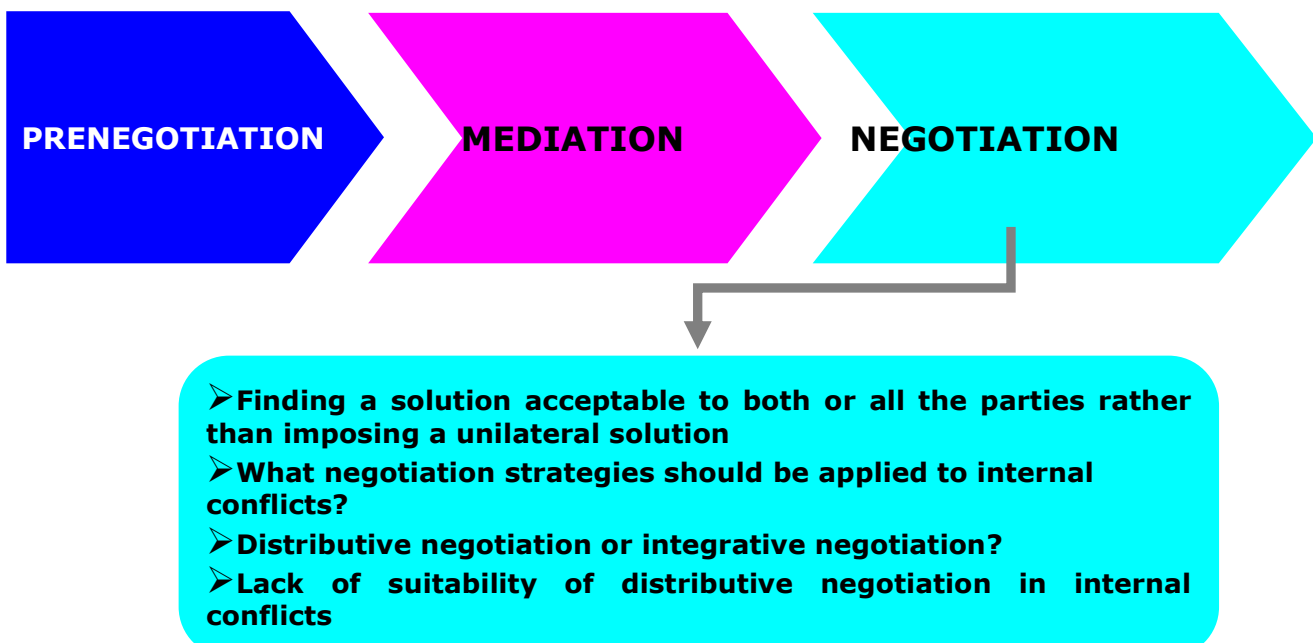


Figure 4: Negotiation

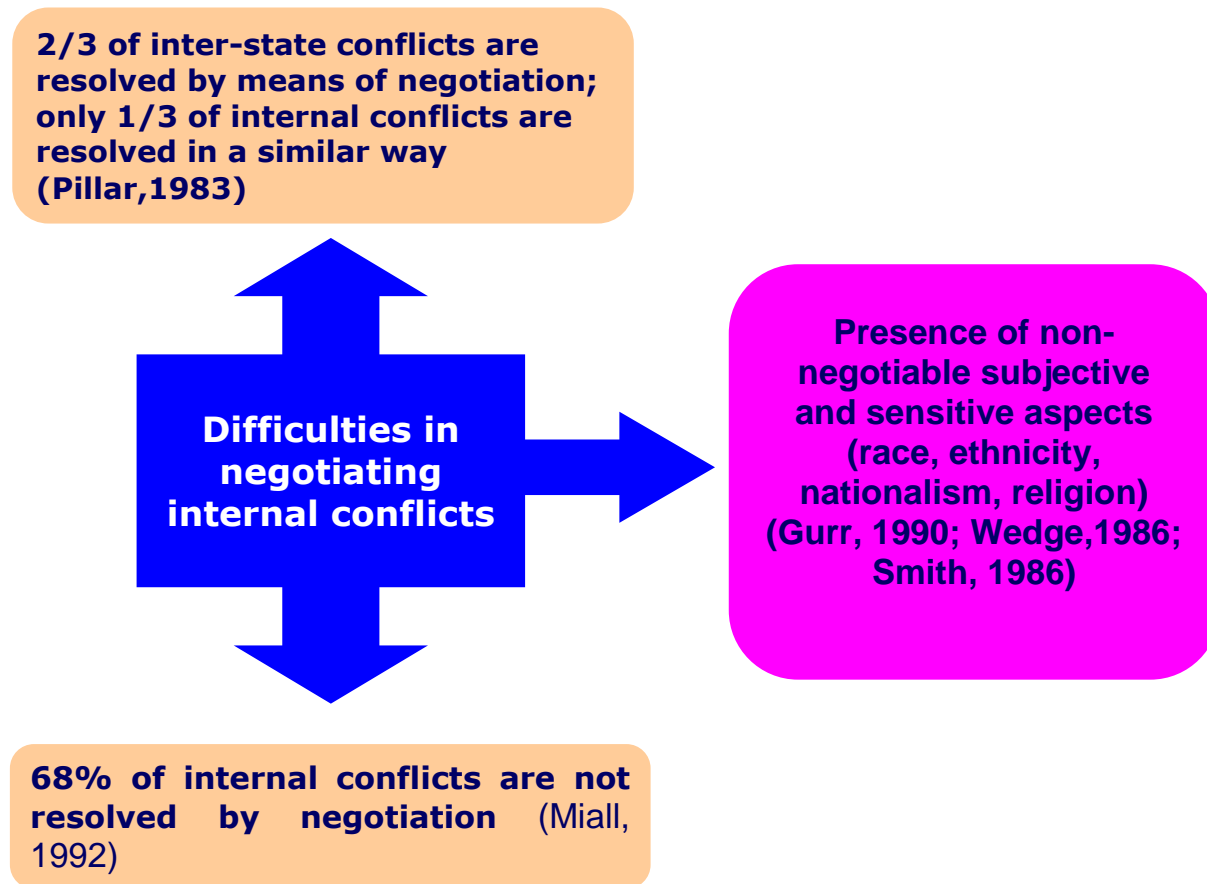


Figure 5: Difficulties to negotiate internal conflicts

2. Prospects to Conflict Management

Even if we accept the idea that war is a solution to end a conflict, it is certainly not the best. In the case of Northern Ireland, militarization of the province and curfews have shown their limits. The war made matters worse because the more there were deaths or arrests orchestrated by the British army, the stronger the aftershock of attacks. The same observation can be made for the ongoing conflict in Casamance (Senegal). From the beginning in 1982, the Casamance region was under the administration of a military governor who gave a very hard time to separatists. The latter responded by killing civilians in the villages or laying deadly traps for the Senegalese military. These examples suggest that mediation and negotiation must be favored to bring lasting peace in internal conflicts. In light of this conclusion for mediation and negotiation in internal conflicts, we propose to develop early mediation and preventive diplomacy initiatives. The concept of preventive diplomacy that is envisaged in Article 99 of the UN Charter, authorized the Secretary-General to draw the attention of the security Council on elements that could be a threat against peace and security. However, this was more suitable for international conflicts. As for internal conflicts, Peter Wallensteen (2001) stated that it is difficult to identify and take action to prevent these types of conflicts, which the international community only discovers when they have escalated into violence. Similarly, Alexander George (2000) said that governments often ignore an emerging crisis until it turns

into armed conflict. In some cases, the problem is not only ignoring them but also responding vigorously by bloody repression, which leads to armed conflict. I will quote three examples as illustrations: Ireland, Casamance and more recently Syria. As a reminder, on January 30, 1972, in Londonderry, Northern Ireland, during a demonstration involving 20,000 civil rights activists, the British soldiers killed 14 unarmed citizens, especially young people, shooting most of them in the back. In Casamance, security forces in Ziguinchor killed 25 people on December 26, 1982 when a crowd was peacefully demonstrating in front of the governor's office in the region. In Syria, on 18 March 2011 in Deraa, 3,000 to 4,000 demonstrators demanded political reforms. In response, the government forces killed four people. This amplified the revolt leading to the current war.

Each of these three cases began with a peaceful demonstration that was violently repressed. Yet, avoiding such conflicts would have required that these governments ask the demonstrators to send representatives in order to discuss their claims. If, however, the protesters believe the government is a party to the conflict and that they need to employ the services of a mediator, the Ombudsman established in some countries like France and Senegal may play a role. This mediator is appointed by the president for a non-renewable period of 6 years and cannot be removed from office before the expiration of his/her term. This guarantees his/her impartiality. The mediator's role is to help the citizens to deal with the dysfunction of the administration. This role could be expanded so that they also deal with abuse of citizens' rights.

This is the reason why, since 2011, France calls this intervener a Rights Advocate (*Défenseur des Droits*). Regardless of the name, it is important to give the intervener the opportunity to take the first steps of the mediation in administrative as well as social, political and economic conflicts. This might help prevent certain conflicts from escalating.

If, as a matter of sovereignty, states do not want the UN or other states meddling in their internal affairs, they had better find ways to prevent conflicts through early mediation. In Algeria, instead of repression of the Hirak Movement that organized demonstrations every Friday since February 22, 2019, President Abdel Aziz Bouteflika resigned. Abdel Kader Bensalah tentatively replaced him. This latter set a panel composed of six persons (a politician, two specialists of constitutional law, a CEO, a trade union leader and a faculty). This commission led by Karim Younès, former minister and president of the National Assembly, acted as mediator between the government and demonstrators. The panel was criticized because of the profile of the mediator considered as member the system denounced by the demonstrators. Nevertheless, the creation a panel for early mediation served to initiate talks between government and demonstrators in order to avoid repression and armed conflict as responses.

This example of Algeria should be an opportunity for researchers on negotiation and mediation in internal conflicts to explore the route of early mediation. It consists in anticipating conflict by starting mediation or negotiation right from the first signs of discontent.

Conclusion

Although mediation and negotiation can be used to end internal conflicts, it is not a guaranteed solution. William Zartman (1995) provides the following recommendations: “*To understand internal conflict, the normal purview of negotiation theory must be expanded. Negotiation theory must be further developed, tested against situations of internal conflict and refined accordingly, so that deductive guides to the potentialities for negotiation can be established.*” Negotiation theorists have not sufficiently focused on negotiation in internal conflicts or on the drawbacks of a technique, which fails to produce lasting settlements. By concentrating on specific cases involving recent internal conflicts, specialists in negotiation can make a significant contribution to reducing uncertainties in order to render peace agreements stable.

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