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**OBSTACLES AND OPPORTUNITIES FOR DIALOGUE
AND COOPERATION IN PROTRACTED CONFLICTS**

**CORRIDORS**
DIALOGUE THROUGH COOPERATION

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# PROTRACTED PEACEBUILDING OF PROTRACTED CONFLICTS: DEVELOPING THE CONCEPT OF SPOILING (USING THE UKRAINIAN CASE)

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## PROTRACTED PEACEBUILDING OF PROTRACTED CONFLICTS: DEVELOPING THE CONCEPT OF SPOILING (USING THE UKRAINIAN CASE)

*The peacebuilding process tends to create spoilers. Traditional theory interprets spoilers as non-state actors. At the same time, this pattern has already been broken, as has been demonstrated in the area of the former Soviet Union in recent years, particularly in Ukraine. The existence of a powerful state actor opposed to a peace agreement, which can be proved using a rhetorical analysis of failed negotiations, creates a spectrum of new challenges. To interpret and overcome this tendency, the traditional theory of spoiling behaviour should be elaborated into a conception with three levels, which will address all parties either directly or indirectly involved in a given conflict.*

**KEY WORDS:** *spoiler, spoiling behaviour, Minsk agreements II, frozen conflict, Ukraine, Russia*

### INTRODUCTION

The peacebuilding process itself carries the tendency to create spoilers; dialogue and cooperation are impossible without addressing spoiling behaviour. At the same time, current definitions of the terms "spoiler" and "spoiling behaviour" carry unfortunate limitations, which can be seen particularly in the course of recent conflicts in post-Soviet countries (especially in those involving Ukraine).

### RELEVANCE OF THE TOPIC

The main reason to rethink the traditional concept of spoiling is that it focuses exclusively on domestic, non-state spoilers. Meanwhile, many conflicts world-wide feature international state spoilers. This is precisely what we see in recent conflicts in Eastern Partnership countries, especially conflicts involving the creation of "states" that currently lack widespread international recognition: the Republic of Moldova – Transnistria (the Pridnestrovian Moldavian Republic), the Republic of Azerbaijan – Nagorno-Karabakh Republic (the Republic of Artsakh), Georgia – Abkhazia (the Republic of Abkhazia) and South Ossetia (the Republic of South Ossetia – the State of Alania), Ukraine – Crimea (the Republic of Crimea) and Ukraine – Donetsk and Luhansk regions (the Donetsk and Luhansk People's Republics). In all of these conflicts, the same powerful international actor – the Russian Federation – was involved. Using the concepts of "protecting the Russian-speaking population' and status of the kin-state, Russia openly annexed Crimea and launched debates on whether to include South Ossetia into the Federation. These actions are creating a new paradigm. Traditionally, support of separatist groups by international actors has been covert. While patron states sometimes admitted to supplying resources and endorsed the legitimacy of the goals of rebel groups, they usually denied any direct intervention. Recent actions by Russia have raised serious issues about the principle of territorial integrity and have created precedents according to which international support for separatists may become less and less covert.

### RESEARCH OBJECTIVE

This project aims to find an instrument to theorise the actions of Russian actors in protracted conflicts within the post-Soviet zone, notably the recent conflicts in Ukraine.

### PRACTICAL IMPORTANCE OF THE TOPIC

In the Ukrainian Case, the paradigm of Protracted Peacebuilding was only applied after the failure of the Minsk Agreements. An important aspect to this problem is the inability to determine all parts of conflict:

- In Ukrainian official discourse, an "Anti-Terrorist Operation" is being conducted;

- The international community typically employs the term "Ukrainian-Russian hybrid warfare";

- The Russian Federation is manipulating the concept, "Responsibility to Protect" a civilian population, in its public discourse.

Addressing this problem of theoretical categorisation will contribute to empirical peacebuilding practice, offering the opportunity to develop more specific bargaining strategies regarding each party involved in the conflict.

## RESEARCH QUESTIONS

1. Is any theoretical concept able to assemble all parties involved in the Ukrainian conflict into one framework?

2. What kind of gaps must be filled to apply such theoretical concepts to the Ukrainian case?

3. How can other, invisible parties to the conflict be identified and theorised?

## THEORETICAL BACKGROUND

Stephen John Stedman (1997, 5) first raised the debates on spoiling. According to him, *"Peacebuilding is a risky business […] the greatest source of risk comes from spoilers – leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it"*. Though S.J. Stedman created this essential concept, his views can nevertheless be subject to criticism.

Critics observe the susceptibility of this definition to manipulation. As it was pointed in a study (Goren/Elman (eds) 2012, 170), *"S. J. Stedman's definition focuses on spoilers (as a noun), and not on spoiling actions (spoiling as a verb). Labelling groups or individuals as spoilers insert bias because it can be a means to exclude specific groups from the post-conflict reconstruction effort"*. Therefore, focusing on actions instead of actors will prevent unacceptable impacts this concept can have on propaganda narrative creation.

The second point critics make is that spoilers can exist only in the context of actual peace negotiations, when accord has been signed or at least after parties to the former conflict publicly proclaim their willingness to solve the dispute. This requirement emerges from Stedman's conceptual framework discussed above. At the same time, it makes sense to broaden the definition of spoiling to include the actions of third parties that prevent the initial preparations for peacebuilding negotiations – so-called pre-settlement spoiling.

The limitation noted is that this definition emphasises the violent means of spoiling the process. Information attacks, propaganda and some forms of cyber-attacks attempting to prevent the peacebuilding process are therefore excluded. In reality, however, the more developed a country is, the greater the extent of non-violent means that can be used by spoilers to achieve their goals.

Finally, Stedman's definition identifies spoilers as leaders or parties. Such approach does not reflect the reality in which more powerful states interfere in domestic conflicts of weaker countries to achieve their geopolitical, economic and military goals, and the same might be true for certain international or transnational organisations.

As Stedman's theory proposes (1997, 16), spoilers can be identified from different points of view. First of all, it can reflect the position these actors take, either inside or outside the peacebuilding process. In one case, they are party to the negotiations, while in the second they have been excluded from it, or have excluded themselves for their own reasons. The positionality of spoilers often determines the means they use. Insiders more often work with peaceful instruments to prevent a deal, while outsiders can use all types of violent, aggressive methods.

From a quantitative perspective, a spoiler might be one political actor or many. The latter case creates a much more complicated obstacle for peacebuilding, because different spoilers may aim at opposing objectives, so that a deal with one spoiler can result in more significant problems with another one.

Stedman (1997, 9) also identifies several different types of spoiling behaviour depending on the goals the actor aims to achieve, and the level of intransigence, or the degree of goal achievement that the spoiler insists on. Therefore, Stedman identifies a spectrum of spoiler types, with "limited" actors at one end of the spectrum whose goals are circumscribed, such as basic needs and security of their followers, recognition, a share of power, etc. While these goals are circumscribed, "limited" spoilers may nevertheless insist that their modest requirements be fully met: they can be non-negotiable.

Meanwhile, "total" spoilers represent the opposite end of the spectrum. Their goals may include aggressive demands, such as particular preferences or even total power. Negotiating on these goals is impossible, in extreme cases. Moreover, such spoilers often support radical ideologies, so that their goals may be instruments on the path to radical social transformation.

On the continuum between these two types, "greedy" spoilers are found. They try to achieve as much as possible within the context of the risks and costs they perceive. This type of spoiler can have restricted ("limited") goals that expand in a low-risk environment. Alternatively, they might begin with "total" goals but limit them when they face high costs.

Different types of spoilers raise different obstacles for peacebuilding. According to Paul C. Stern and Daniel Druckman (2000, 178–225), *"The 'total' spoilers by nature are against any compromises. Any commitment to peace by a total spoiler is a tactical move to gain an advantage in a struggle to the death. The 'limited' spoilers can conceivably be included in peace processes, if their limited nonnegotiable demands can be accommodated by other parties of the conflict. The 'greedy' spoilers can be accommodated in peace processes if their limited goals are met, and they are constrained from making added demands".* Consequently, different spoiling goals create contrasting challenges and shape divergent opportunities simultaneously.

Taking into consideration these observations, more recent research proposes that the complexities of violent conflict require a broader definition of spoiling behaviour. Current theorisations consider activities of any actors opposed to peaceful settlement, for whatever reason, as spoiling. These actors might be within or outside the "peace process", and use violent or non-violent means to disrupt the process and to achieve their goals. Parties that join a peace process but then withdraw and obstruct the process, or threaten to obstruct it, may also be termed spoilers. Similarly, groups that are a part of the peace process but are not seriously interested in making compromises or committing to a peaceful endgame are also included. They may use the peace process to obtain material benefits or to gain time, recognition or legitimacy or simply to avoid international sanctions. Finally, spoiling includes actors that are geographically external to the conflict but support internal spoilers and spoiling tactics (Newman/Richmond 2006, 1f.). Moreover, according to Nina Caspersen (2017, 55), *"Separatist conflicts are often fuelled by the involvement of external actors such as patron states, who may have an interest in ongoing conflict and contribute to its continuation, either directly (through military action) or indirectly (through support for leaders adopting maximalist positions)".* Such ideas tend to shift the focus of traditional understanding of spoiling from local to global level.

It is important to notice that some scholars, including Stedman, consider identity issues to be crucial for understanding the type of spoiler. Stedman uses goal-driven analysis to make these distinctions, and believes that analysts and mediators should study closely the characteristics of the actors themselves, which requires in-depth fieldwork. Critics of this understanding say that it is much more important to understand the general environment in which spoilers operate. From this perspective, analysts only need is to identify the military capabilities of possible spoilers. This interpretation does not allow for "total" spoilers at all; spoilers are always understood to be rational actors (Goren/Elman 2012, 11).

Meanwhile, other critics observe that spoiling behaviour is often designed to shape a peace process, rather than to end it (Newman/Richmond 2006, 6). Disputants recognise the potential assets the process may offer even as they attempt to pre-empt certain possible outcomes.

## METHODOLOGY

To develop a theorisation of different levels of spoiling, the Ukrainian case (conflict with DPR/ LPR) was analysed, relying primarily on secondary sources. To investigate the spoiling pattern of behaviour by Russia, the speeches made by leaders after the Cease-Fire Negotiations in Minsk about the Ukrainian crisis, on 12 February 2015, were transcribed and analysed using rhetorical analysis and media content analysis.

## FINDINGS

### ANALYSING THE MINSK NEGOTIATIONS II

Analysing the rhetoric of key leaders within the Minsk process, the fragile character of the negotiations themselves should be emphasised. Despite the fact that agreements had been signed, the Russian leader used phrases in his interview underlining the "guilt" of the Ukrainian leadership. This rhetoric did not smooth the peacebuilding process. Meanwhile, the Ukrainian leader referred to the "presence of pressure", while European representatives did not give a confident assessment, relying on the word "hope" (New York Times, 12/02/2015) (Table 1).

**Table 1**
Analysis of the speeches of leaders after the cease-fire negotiations regarding the Ukrainian crisis in Minsk on 12 February 2015

| Leader | Script of Speech | Key Words / Phrases |
|---|---|---|
| Vladimir Putin | It was not the best night of my life, but the morning in my view was kind, because, despite all the difficulties in the negotiation process, we managed to agree on the main issues. By the way, speaking of why the agreement took so long, I think it is connected to the fact that, unfortunately, the Kyiv authorities up until now refused direct contact with Donetsk and Luhansk People's Republics. | *difficulties, wasn't the best night of my life*<br><br>*unfortunately*<br><br>*Kyiv authorities refused contact* |
| Petro Poroshenko | (It includes) pulling out all foreign troops from the territory of Ukraine, all mercenaries from Ukrainian territory – they should be pulled out as soon as possible. It is very important that for the first time a detailed implementation of the Minsk agreement, of the Minsk memorandum, is spelled out regarding how to secure the national border. Despite the strong pressure, we did not agree to any autonomous status (for Donbas). We have noted that we will do so in the framework of constitutional changes aimed at decentralization that relates to the whole country. We did not agree to any mention of federalisation either. There will be no autonomy and no federalisation. | *despite all strong pressure*<br><br>*we did not agree* |
| Angela Merkel | Now we have a glimmer of hope. We agreed on a comprehensive implementation of the Minsk agreement, but concrete steps must of course be taken and big hurdles still lie ahead of us. But overall, I can say that what we have achieved gives us a lot more hope than if we had not achieved anything. That's why it can be said that this initiative was worth it. | *glimmer of hope*<br><br>*a lot more hope* |
| Francois Hollande | This afternoon we will go to the European Council. We will give a briefing about the work we've done. And with President Poroshenko we will work to ensure that Europe gives its support to this process. So I think there is real hope, even if we're not there yet, there is real hope for Ukraine. | *hope*<br><br>*we are not there yet* |

This finding is supported by the observations of Neil MacFarquhar, who paid additional attention to non-verbal communication during Minsk negotiations on 12 February 2015: *"Body language alone might prove a telling indicator. Mr Putin and Mr Poroshenko avoided eye contact as they shook hands at the outset of what proved to be more than 16 hours of difficult negotiations. In the end, each man stood wanly in a different room of the grandiose Independence Palace to announce that a deal had been reached. None of the leaders themselves signed the agreements – that was left to other representatives of the antagonists and the European truce observers – sending a discreet signal that they were not taking full responsibility for the outcome"* (New York Times 13.02.2015).

This clause makes it clear that the lack of proper non-verbal communication was observed during negotiations.

Not only the format of negotiations, but also agreements themselves, tended to lead the conflict to remain unresolved. Russian leaders insisted that control of borders by the Kyiv government should be allowed only after other issues had been settled. The Lithuanian leader stated that she felt threatened by Russia's treatment of Ukraine and called the agreement weak (MacFarquhar, New York Times 13.02.2015).

*"The practical, realistic expectation is a frozen conflict with no effective control by Kyiv over those areas, but no formal Russian responsibility"* said Fyodor Lukyanov, the editor of the journal Russia in Global Affairs. (New York Times, 13.02.2015). At the same time, Russia denied all accusations that it had supported the separatists (MacFarquhar, New York Times 13.02.2015). Therefore, we can observe the situation of "local" conflict, where an "international" actor not only plays one of the leading roles in negotiations, but also shapes the process itself while trying not to settle the conflict, but to freeze it.

**ESTABLISHING THE EXTENDED WORKING CONCEPT OF SPOILERS**

Taking into consideration all critical responses to Stedman's theory and the recent cases that have arisen in the area of the Eastern Partnership countries (notably in Ukraine), it is reasonable to complete the traditional concept of spoiling (Diagram 1).

**Diagram 1**
Types of spoilers in protracted conflicts
regarding their geopolitical level of influence
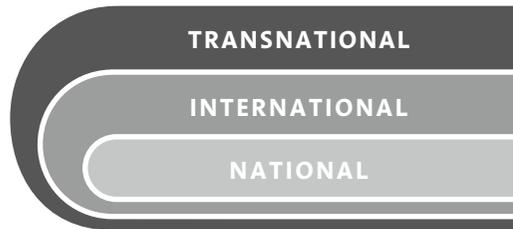


The classification given above is intended to enrich Stedman's concept of spoilers by incorporating the international and transnational levels. Spoiling at the national level remains the heart of the concept. This represents the lowest level at which actors employ spoiling behaviour to influence the process. Also, without these actors, internal spoiling would be replaced by direct external intervention. The international level is the second level at which spoilers can operate. Various more specific dynamics can be differentiated here. Depending on the situation, international spoilers may include non-state actors (such as diaspora communities, for example) as well as state actors (other national governments) as spoilers. Moreover, several types of spoiling behaviour are at stake, including covert support and military support. The former is much more traditional and may include various types of propaganda, financial support, etc. At the same time, the recent actions of Russia has brought attention to the growing weight of international support that uses military force to support the annexation of parts of other countries.

Moreover, the third — transnational — level of spoiling can potentially be the most dangerous because it includes representatives of different political actors (countries, political alliances, etc.). As a consequence, their ability to interfere is not limited by the ideology, capacity, and political will of a single power, even an important international player. Two sub-levels can be identified here: international organisations and transnational corporations. The actions of the former are based more on political goals, while the latter is more affected by economic objectives. It should be noted that economic motivations for spoiling are the most challenging for any peacebuilding process. Once such goals appear the objectives of peace-building will almost never be fulfilled. Weapon trafficking, smuggling, illegal extraction of minerals, etc., flourish in the context of protracted conflicts.

Therefore, while national-level spoilers can exist independently, international ones need domestic allies so as not to convert local conflict into open warfare. Transnational agents in urn should coordinate their efforts, with the political will of the countries they represent, not to promote war within their countries to achieve political objectives. However, the degree of danger in a particular conflict increases with the involvement of the powerful actors at higher levels. The more powerful the actors involved in spoiling, the more likely it is that the conflict will become a protracted one.

**RESULTS**

1. The concept of "spoiling" gives Ukraine the opportunity to build relations with the Russian Federation based on evidence, rather than perceptions.

2. To apply the concept of "spoiling" to the Ukrainian case, different levels of spoiling should be recognised, including international and transnational levels.

3. Implementation of the spoiling concept into peacebuilding practice can give the opportunity to develop instruments to address the different types of spoilers using different methods.

**CONCLUSION**

The concept of spoilers in a peacebuilding process is a powerful theoretical instrument that gives the opportunity to name and address all parties involved in the conflict. At the same time, the recent Ukrainian case shows that Stedman's theory cannot fulfil those requirements without additional development. The central theoretical gap is his exclusive focus on non-state actors, while frozen conflicts in the post-Soviet area show the existence of states as spoilers. Adding the transnational level to this theorisation would help to address other types of spoiling behaviour, which will become the subject of further studies.

Taking all these aspects into consideration, it can be stated that the theoretical concept of spoilers may be developed further, especially in light of specific features of protracted conflicts. In the post-Soviet area, it is apparent that traditional practices do not work. Protracted peacebuilding is observed in the context of protracted conflicts. To counter this terrible cycle, reworked theoretical approaches are needed, including the promising opportunity to redevelop the concept of spoilers.

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