

# The Tswalu Protocol\*

## Principles and Guidelines for International Peace-Building Missions

### 1. AIM

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

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

### 2. DEFINITION

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

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

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

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The **Tswalu Process** generating this **Protocol** comprised three formal meetings: on Lake Kivu in Rwanda, 21–22 July 2007; at Tswalu Kalahari Reserve in South Africa, 29 November–1 December 2007; and at the Headquarters of the African Union in Addis Ababa, Ethiopia, 15-16 March 2008. A comprehensive 'peace-building dialogue' was also extended through a wide range of external consultations on the formal papers and this **Protocol**. The **Process** was convened by The Brenthurst Foundation ([www.thebrenthurstfoundation.org](http://www.thebrenthurstfoundation.org)) in collaboration with the Danish International Development Agency (Danida), while the 2008 meeting in Addis Ababa was hosted in conjunction with the Commission of the African Union and the Centre for Policy Research and Development (CPRD). The **Tswalu Protocol** was drafted by Jeffrey Herbst, John Mackinlay, Terence McNamee, Ken Menkaus and Greg Mills.

### 3. PAST SHORTCOMINGS

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

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

high priority, and rarely generate adequate results.

- **Messaging:** There is a failure to convey a convincing, positive story to the local population with which they can identify culturally and in terms of their own history and personal experiences.

### 4. PRINCIPLES

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

- **Clear Aims and Objectives:** If the aim is stability, the objectives should be focused on this end, be limited, and recognise the limits of military intervention and multi-lateral co-operation.
- **Local Legitimacy:** However peace is secured in the short-term, if the host government cannot win the people to its cause, the peace-building campaign ultimately will fail.
- **A Common Purpose:** The external actors and the local government require a common understanding of the host country’s needs and the long-term purpose of the international initiative *before* prescriptions are devised.
- **Coherence of Effort:** Operational coherence in peace-building demands prioritisation and agreement at the strategic and operational level. Prioritisation across the different sectors of the operation requires structures for co-ordination, and the subsuming of national/organisational interests to the needs of the host state. Securing broad agreement on these structures before deployment is critical. In principle, strategic coherence and co-ordination is the purview of the host government, but in cases where transitional governments are weak, co-ordination will require external frameworks as well.

Agreement on broad strategic objectives and co-ordination mechanisms must not over-reach and place unnecessary constraints on the autonomy of international aid agencies.

- **Accountability:** All actors involved in the peace-building process must submit to enforceable regulatory structures – preferably overseen by local authorities in partnership with international partners – to ensure transparency and accountability. This includes all international organisations and forces, private security companies, NGOs, as well as local agencies.
- **Pragmatism:** Success requires an understanding of what is *realistically* attainable. The factors which should inform a realistic assessment include the threats to the security of the process, local capacity, the cohesion of the response, the level of international political will and resources, and the local political culture and history.
- **Impartial Communications:** Trustworthy and impartial communication from the peace-building effort is essential to win the trust and support of the host populations.
- **Regionalism:** In that national conflicts often have a regional cause and effect, solutions have to address this dimension.

## 5. PRIORITIES

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

- **SECURITY:** This is the primary goal of any peace-building strategy. Security includes general public safety, as well as national, regional and international security. The intervention force needs to seize the advantages afforded by the ‘golden hour’ – the peri-

od immediately following the end of major hostilities – to establish a secure environment. The peace-building actions that follow must be conducted within the context of a stabilisation plan, integrating foreign and local efforts. The joint military forces must operate according to an agreed common doctrine (ideally determined before the commencement of operations). These forces must have the training and resources to tackle post-conflict security challenges, such as refugee flows, and to carry-out quick-impact public works projects. Priority should be given to the rapid establishment of indigenous security and border control forces in order to deny ‘spoilers’ freedom of movement. This process must include early and adequate provision for the disarmament, demobilisation and social and economic reintegration of former combatants.

- **DEVELOPMENT:** Security and development are mutually reinforcing. The urgency is this: More than half of post-civil war countries slide back to war within ten years. The lessons of success and failure in post-conflict countries consistently point to the need to stimulate entrepreneurial activity and create employment, especially for demobilised soldiers. Higher rates of economic growth decisively improve the chances of success in peace-building. To achieve a virtuous cycle of growth, stability and development, the strategy must prioritize the conditions that make entrepreneurship possible, including reducing the costs of doing business, promoting the rule of law, protecting property rights, stabilising the currency and ensuring the predictability of tax and regulatory policy. The peace-building effort must ensure that key ministries function, if necessary by embedding technical and administrative support personnel. Development and aid benchmarks should be set and adhered to, ranging from published expenditure run-downs to targets for the ratio of aid to gross domestic product. The barriers to doing business should be identified and tackled. Public

works programmes can both reduce unemployment and deny manpower to spoilers. Even where there is embedded expertise, foreign visibility should be kept as low as possible, and rules (conditionality) kept to a core, non-negotiable minimum so as not to overload already stressed local systems. Care should be taken not to shape policies according to the institutional prejudices and culture of external actors. Equally critical for development over the long-term will be the swift restoration of education services, which serve a vital peace-building function in developing a shared narrative and history or in some cases re-building collective national identities shattered by war. Women, as a particularly vulnerable group which suffers disproportionately from conflict, are a key peace-building and conflict mitigation asset.

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

## 6. CHOICES

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

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

- **State-building versus reconciliation.** The revival of the state is often thought to be synonymous with reconciliation, but in fact state-building by its nature often produces competition and conflict. The process of reconstituting the state raises the fundamental question of ‘who rules?’ and determines who controls the assets of the state. Circumstances will dictate whether, for instance, elections ought to be held early or postponed in the interest of maintaining peace. Yet even in the latter case, it is important to recognise that the process of managing political conflict over key issues can be constructive and effect wider reconciliation.
- **Working with versus working around the state.** Peace-building operations almost always have a mandate to build state capacity. But sometimes state authorities are obstructionist or lacking competence. In the short-term, peace-builders may have to choose to work around rather

than through state authorities, even at the cost of weakening the very institutions they are tasked with rebuilding. But if the necessity to ‘work around’ is due to government malfeasance, the continued viability of the peace-building mission should be exposed to rigorous internal scrutiny and, *in extremis*, abandoned if the government ceases to be a partner.

- **State versus non-state authorities.** There is often no government presence in remote regions of failed states. International actors are thus compelled to work with whoever constitutes ‘the authority’ (e.g., traditional elders, local militia leaders, self-declared mayors or governors, clerics, and so on). Although careful assessment and local knowledge are essential to decide among competing claims, even well-reasoned choices will sometimes provoke local conflict.
- **Constitutions/formal rule of law versus customary law.** Formal judiciary and police functions in many post-conflict states – especially poor ones – are usually weak. In these instances, local communities rely principally on customary or religious law (such as *sharia*) and a variety of extra-constitutional means of policing and maintaining public order. External actors face difficult choices about whether to recognise and work with these informal systems, or to insist on formal judicial and police systems. This is especially challenging for ‘rule of law’ projects. To work only with formal structures risks overlooking systems that actually work; to abandon formal security structures risks adversely affecting governance and development. That external peace-builders are increasingly seeking ways to forge partnerships between weak state structures and informal governance arrangements, such as through community policing projects, reflects the primacy of the core principle of *genuine* local empowerment.
- **Non-discriminatory awarding of contracts versus proportional allocation by social grouping.** Awarding of contracts by peace-builders – for employment, rent, procurement and construction – is a major source of revenue and can trigger conflict. External actors must often choose between contract systems based purely on merit *versus* local insistence on rotation of contracts by ethnic group or another criterion. Although the latter may help to keep peace by giving each group its ‘turn’, it undercuts the principle of merit. It may also make peace-building missions more expensive. Nevertheless, the better of two poor options is to ameliorate the more pernicious effects of local systems, rather than impose unwanted foreign structures that are likely to be resented and ultimately rejected.
- **Peace versus justice.** Demands for the arrest of individuals suspected of war crimes – whether by local communities or international human rights groups – can collide with the need to prevent spoilers from inciting violence. Virtually every peace-building mission encounters the ‘peace *versus* justice’ trade-off. Insofar as international political will allows, decisions should be guided by the wishes of national authorities and their populations, not by external actors.
- **Civil society versus the state.** A vibrant civil society is an important element of a strong democracy, and local civic groups (NGOs) are often the most effective partners for development projects. Yet the need to channel funds through state institutions to strengthen their capacity and legitimacy is also important. Too much aid through local NGOs can undermine nascent state institutions, for example by luring away the best public servants. Peace-builders must make informed choices about balancing its partnerships with both sets of actors.

## 7. TEN STEPS TOWARDS OPERATIONAL COHERENCE

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

1. *Campaign Plan:* To manage the peace-building process, a ‘campaign plan’ owned and led by the local government, to which the military and other international organisations contribute, should be devised in the earliest phases of the intervention to create a co-ordinated and sequenced focus of effort.

2. *Establishing Coherence:* A top-level, government-led committee – a Stabilisation Action Team (SAT), along the lines of the Policy Action Group (PAG) established in Afghanistan (essentially a ‘development war cabinet’) – should be created at the outset of the mission to co-ordinate international and local programmes on governance, development and security.

3. *Lead Nations:* The host government is the lead nation. However, it is vulnerable to being overwhelmed both by local demands and external offers of assistance. Where this is threatened, external nations can be tasked in special security and development areas, but care must be taken to ensure they remain answerable to the host nation and do not operate independently.

4. *Building Capacity:* Local empowerment should begin as soon as possible. There needs to be clarity on what technocratic and managerial capacity is lacking to understand what improvements and assistance are required. The emphasis must be on institutions rather than individuals.

5. *Economic Assessment:* A detailed audit of the local economy is a priority for the early days of a peace-building mission and will help in programming donor support. Peace-building must be based on a clear understanding of

the competitive strengths and weaknesses of the economy including the drivers of growth and key exports.

6. *Aid Focus and Priorities:* Aid must be focused and its aims prioritised. Some things are more important than others. Attempting to do everything at once is a guarantee of failure. External funds should be targeted at areas where some conditions for economic success already exist – in other words, the existing market should be reinforced rather than re-engineered.

7. *Creating Employment:* Attention must focus on bolstering employment and reducing the costs of doing business – from better policy to improved physical infrastructure. Public works programmes can assist in managing the groundswell of high expectations that are always present when a conflict ends. These expectations seldom subside, and indeed increase the more the government delivers.

8. *Codes of Conduct:* Private security companies are now an ever-present part of the peace-building environment. There needs to be a change of culture to accept, embrace and regulate their activities. Their legitimacy depends on their accountability. Both PSCs and international NGOs could be regulated through codes of conduct. International law needs to be reviewed to encompass this new security landscape.

9. *Information and Messaging:* A strategic messaging campaign, which aims to deliver carefully sequenced messages to local, regional, and international audiences is essential. It must aim to deliver a convincing story of stability and transition which local citizens can understand and relate to.

10. *Maintaining Momentum:* The continuity of the external peace-building mission is crucial to maintaining momentum, which reassures the population. This requires longer rotations for senior military and non-military personnel.