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Ceasefires as bargaining instruments in intrastate conflicts: ceasefire objectives and their effects on peace negotiations

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Chapter Four: The Problem of Costly Concessions³⁷

Bargaining theory and socio-psychological peace and conflict studies are often seen as representing competing logics, rendering contradicting expectations regarding the conditions that foster conflict settlement (see Greig and Diehl 2005, 624–29). This chapter proposes a way of merging insights from both bodies of work. It builds on two assumptions: that bargaining in violent, political intrastate conflicts is different from ordinary bargaining situations; and that popular support constrains leadership decisions.

Focus of chapter four

Figure 5 visualizes how chapter four is embedded in and feeds into the overall analytical framework.

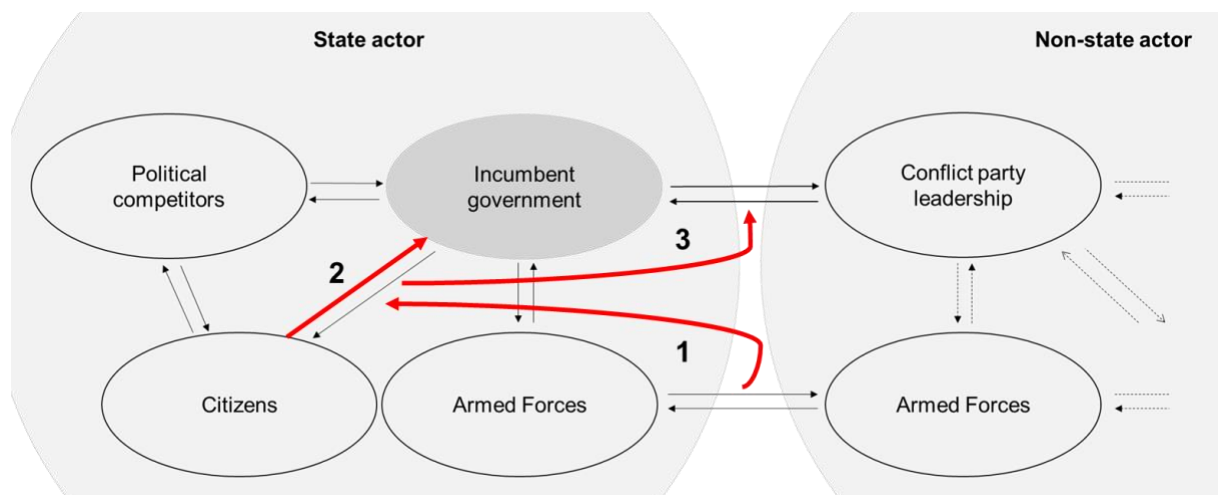


Figure 5: analytical framework applied to chapter four. Source: author's own visualization.

To recap, the analytical framework distinguishes between key actor sub-groups as a basis to analyzing how various interactions shape and constrain elite decision-making processes.

Figure 5 depicts key actor sub-groups and the relationships between them that directly or

³⁷ Chapter four of this thesis is an adapted version of the following single-authored article: Sticher, Valerie. 2021. "Negotiating Peace with Your Enemy: The Problem of Costly Concessions." *Journal of Global Security Studies*. Advance online publication: <https://doi.org/10.1093/jogss/ogaa054>. The author would like to thank Silvio Sticher for helpful advice on formal modelling; and Siniša Vuković, Katrina Abatis, Corinne Bara, Jonas Baumann, Elias Blum, Govinda Clayton, Myriam Dunn Cavelty, Allard Duursma, Owen Frazer, Daniel Finnbogason, Sara Hellmueller, Anna Hess, Madeleine Hosli, Julian T. Hottinger, Sascha Langenbach, Simon Mason, Enzo Nussio, Angela Ullmann, Andreas Wenger and Mathias Zeller for helpful comments and feedback on earlier versions of the manuscript.

indirectly shape the decision-making space of a democratic state actor. On the left side, key actor sub-groups of the state actor are depicted: the incumbent government, political competitors, citizens and the armed forces. On the right side, actor sub-groups of the non-state actor with direct exposure to state actor sub-groups are depicted: the conflict party leadership (which negotiates with the incumbent government) and the armed forces of the non-state actor (which engages with the armed forces of the government in the battlefield).

The red arrows in Figure 5 indicate the focus of this chapter in terms of the relationships described in the framework. After discussing how violent political conflicts are distinct from ordinary bargaining situations, the chapter theorizes how a history of violent conflict affects (arrow 1) public support for a government's decision to settle a conflict (arrow 2). Such support in turn shapes (arrow 3) the space for a mutually acceptable peace agreement. This chapter thus contributes to our understanding of how the space for a negotiated settlement is shaped and constrained by an interplay of relations between the armed forces, citizens and the incumbent government.

Structure

This chapter follows the logic of analytic narratives, combining the use of a formal choice model with a qualitative case study (see Bates et al. 2000). It proceeds as follows. The first section discusses how the established bargaining theory of war fails to account for social preferences, in particular the wish to punish a sworn enemy.³⁸ The second section integrates social preferences into a standard bargaining model and discusses the implications at an individual level and for policy support. The third section discusses implications of the revised model at the strategic decision-making level of conflict party leaders, introducing the problem of costly concessions. The fourth section illustrates these dynamics on the example of Colombia. The concluding section discusses how leaders may overcome the problem of costly concessions and provides an outlook to the next chapter.

³⁸ I use the term *established* bargaining theory of war to refer to a body of work that includes widely cited contributions discussing fundamental problems in war bargaining (e.g. Fearon 1995; 1998; Powell 1999; Reiter 2009; Schelling 1956; 1980; Slantchev 2003, Wagner 2000; Walter 1997; 2009).

1. Limitations of existing models

The literature review in chapter two discussed how we may distinguish between two types of bargaining problems: one that relates to a perceived lack of a range of mutually acceptable agreements (see e.g. Fearon 1995; Powell 1999; Schelling 1960; Wagner 2000) and one that relates to enforcement problems (see e.g. Fearon 1995; Walter 1997; 2009; Reiter 2003; 2009). Intrastate conflict bargaining literature tends to focus on the latter (Findley 2013, 907). Yet, enforceability issues arguably only become salient once a bargaining range exists, as parties with no *incentive* to settle are not primarily concerned with how to make an eventual settlement enforceable (see Walter 2009). This chapter therefore focuses on bargaining problems related to the bargaining range, setting enforcement problems temporarily aside. The concluding section discusses how the bargaining problem introduced in this chapter relates to, but is different from, the problem of credible commitment.

1.1. Intergroup competition

Formal models in the bargaining theory of war tend to represent conflict parties as abstract, rational entities with fixed preferences.³⁹ These entities care only about their own welfare. If they care about the opponent's gains, they essentially do so because relative gains by the opponent may affect their own welfare in the future (see Snidal 1991).⁴⁰ Such self-centered preferences imply that armed conflicts are just like ordinary bargaining situations and that – strategic considerations about future interactions aside – conflict parties evaluate an agreement irrespective of whom they are negotiating with.

Scholars studying the relationships between social identity, group dynamics and hatred would reject such a suggestion as non-sensical. A central question to these scholars is how social identity shapes conflict, and vice-versa. Even without conflict, humans tend to pursue a sense of belonging through the creation of social groups: in-group, to which we belong, and

³⁹ Examples of exceptions are Acharya and Grillo (2015) or Crisman-Cox (2020), who combine rational and behavioral actors; or Little and Zeitzoff (2017), who integrate evolutionary preferences into their bargaining model.

⁴⁰ An exception to this is Kydd (2019), who integrates other-regarding preferences into his formal bargaining analysis. He demonstrates that such preferences may impede the conclusion of a full agreement but, with certain utility functions, parties may find a partial agreement. In contrast to Kydd, this chapter unpacks unitary actors, assessing the impact of social preferences in the context of constituent constraints.

out-groups, from which we distinguish ourselves (see Kelman 2007; Kriesberg 2003; Tajfel and Turner 1979). Such categorizations provide us with a way of identifying ourselves in social terms, and defining our place in society (Tajfel and Turner 1979, 40). Because most of us strive to create or maintain a positive social identity, we tend to distinguish or differentiate our in-group from the out-group in favorable terms (Tajfel and Turner 1979, 40).

Intergroup competition expands the perceived distance between the in- and out-group: it increases the social identification of individuals with their own group and leads them to view and treat members of the other group as members of that group, rather than as individuals (Cikara, Botvinick, and Fiske 2011, 306; Rosenberg and Wolfsfeld 1977, 85; Tajfel and Turner 1979, 33–36). War is an extreme form of such competition, where individuals tend to have a strong social identification with their in-group and strong hatred for the out-group (Kelman 2007). While conflict party members may already perceive the opponent negatively before the onset of war, hatred will likely intensify when fighting breaks out (Galtung 2004; Glasl 1982). Individuals tend to see violent acts by their own groups as necessitated by the opponent's behavior, while viewing violent acts by the opponent as intentional and malicious (and thus necessitating counter-attacks) (Kelman 2007, 97; Rubin 1991, 222). This suggests that ongoing hostilities fuel hatred on both sides.⁴¹

Leaders who engage in war have an incentive for further polarization, as hatred for an out-group mobilizes political support, creates cohesion and unity, and helps legitimize a violent course of action (Hodges 2015; Kelman 2007, 66, 82–85; 2007; Kriesberg 2005). Hatred may thus exist before the onset of war, but it will likely intensify and become entrenched as war breaks out and fighting persists.

1.2. Social preferences

Such dynamics affect how individuals assess the benefits of conflict settlement. Individual members of a conflict party will likely assess the outcome of negotiations for their in-group and their out-group (Cikara, Botvinick, and Fiske 2011, 2; Mackie, Smith, and Ray 2008, 1871). Behavioral economists sometimes use the term *social preferences* to describe such

⁴¹ That is not to say that there is no moral right or wrong, or that the fault lies equally with both sides. It merely implies that both sides tend to see the other side in the wrong (see Kelman 2007, 93–94 for a more comprehensive discussion of qualifications).

other-regarding preferences (Fong 2001, 226). The underlying argument is that individuals “care deeply that other people get what they deserve” (Fong 2001, 226). This may go in either direction: individual choices may be based, among others, “on a positive or negative concern for the welfare of others” (Fehr and Camerer 2007, 419). Given their strong identification with the in-group and the strong hatred for an out-group, conflict party members will likely have positive concern for the welfare of their own group, and negative concern for the welfare of the other.

The assumption that social preferences shape the individual assessments of a preferred outcome has been confirmed in numerous experimental studies by behavior economists (e.g. Bearden 2001; Fehr and Schmidt 1999; Rabin 1993). It is also consistent with findings from neuroscience. Neuroimaging shows that both fair behavior and punishment of unfair behavior trigger reward centers of our brain (Quervain et al. 2004; Tabibnia and Lieberman 2007). Membership of a group that is responsible for such behavior seems sufficient to trigger such preferences: research has shown that neural responses of individuals with a strong social identification feel pleasure and pain when members of their own group make gains or losses, but feel pleasure when members of an enemy out-group suffer, or pain when they thrive (Cikara, Botvinick, and Fiske 2011). This offers support for the assumption that individuals evaluate gains positively for members of their own group, and negatively for members of a group that is perceived as the enemy (and vice-versa for losses).

Saliency of out-group preferences

Hatred and strong intergroup competition prevail in most intrastate conflicts. Social preferences in any such context will thus likely include negative concern for the welfare of the out-group (see e.g. Galtung 2004; 2009; Kriesberg 2003). However, how *strongly* individuals care about punishing (or hindering reward for) an out-group may vary from conflict to conflict and even between individuals in the same conflict context. Dispositional factors (such as a person’s values or beliefs) and situational factors (i.e. the external environment) shape how strongly an individual cares about the opponent’s versus their own group’s welfare. Of particular interest to this analysis are situational factors: they allow assessment or prediction of how shifts in dynamics that tend to increase or decrease the saliency of individual preferences for punishment will affect the overall support for or against a negotiated settlement.

Two important such factors are the types and levels of conflict violence and elite framing of the conflict. Ongoing hostilities entrench hatred and ensure that the saliency of out-group preferences remain high (see Galtung 2004; 2009; Kelman 2007; Kriesberg 2003; Zartman 2001). Positive changes in conflict behavior, such as continued compliance with a ceasefire, may incrementally decrease the saliency of out-group preferences over time. This does not suggest that ceasefires undo the hatred resulting from years or decades of fighting. Rather, it implies that in the absence of hostilities for a sufficient period of time, out-group preferences may become less salient in affecting an individual's overall assessment of a situation (Sticher 2021).

A major ceasefire violation, by contrast, will immediately increase the saliency of out-group preferences, particularly if such a violation is perceived as a sign of bad faith (Akebo 2013, 201–3). Elite cues may also decrease or increase the saliency of out-group preferences. Leaders may start using more reconciliatory narratives or purposefully use language that dehumanizes or demonizes the opponent (Sticher 2020b, see chapter five; see also Hodges 2015; Kelman 2007; Kriesberg 2005). Similarly, they may specifically highlight or de-emphasize concessions to an opponent (Sticher 2020b, see chapter five; see also Matanock and Garbiras-Díaz 2018; Matanock and García-Sánchez 2017), which will likely increase or decrease the saliency of out-group preferences. This is particularly important in contexts where the public has relatively little information about the actual content of an agreement (Matanock and Garbiras-Díaz 2018).

The next section shows how integrating the saliency of social preferences into a bargaining model allows to discuss individual support for or against the decision to negotiate.

2. Policy support

With the exception of those who profit from the instability that war brings, everyone wants peace – but not necessarily at all costs. Integrating the above insights about social preferences into bargaining theory allows us to discuss preferred policy options from the perspective of individual members of conflict parties, showing how hatred, ongoing hostilities and war narratives negate space for a negotiated settlement. This section starts by introducing a standard bargaining setup, before revising its assumptions to discuss policy support from the perspective of individual conflict party members.

2.1. The standard setup

A formal choice model, first proposed by Fearon (1995), has become a standard setup to analyze bargaining range problems in the bargaining theory of war (Lake 2011, 10). The setup has been criticized for some of its assumptions (see e.g. Wagner 2000) and is ill-suited to identify when and under what conditions conflict parties settle. It does, however, allow for a clear and concise analysis if the primary aim is to identify obstacles to a negotiated settlement, as is the case for this chapter.

The setup depicts a conflict between two unitary actors (in Fearon's example, two states) that fight over issues represented by a continuum from 0 to 1. Party A prefers an agreement close to 1, while party B prefers an outcome close to 0. For illustrative purposes, Fearon presents this as a territorial dispute, where 1 represents the border A claims and 0 represents the border B claims. However, the continuum can be thought of more abstractly as representing, at any specific moment in time, the issues over which the parties have competing positions. Before the onset of war, these are the contested issues that caused the conflict, such as opposing demands regarding territories, governance structures, economic policies, etc. Over time, the contested issues may change, and the range of issues may expand. In particular, conflict behavior (that results from unresolved issues) may lead to new contested issues, such as demands for justice for crimes committed during the conflict.

The standard setup works with probabilities to assess the expected outcome of war, i.e. how the contested issues are addressed, should the parties fight to the bitter end. The probability of party A winning the war is $p \in [0,1]$, and both parties have positive costs of war $c_i, i = A, B$. Fearon shows how under perfect information and positive costs of war, and as long as conflict parties are not risk-seeking, there is always a range of agreements that both parties would prefer over fighting. For risk-neutral actors, this bargaining range equals the combined costs of war, because the parties do not suffer these costs if they agree on a settlement rather than continuing to fight. It is located between the two parties' non-agreement options, i.e. between what they each expect to achieve through continued fighting (see Figure 6). These points are calculated for party A by subtracting its costs of war from its probability of winning ($p - c_A$), and for party B by adding its costs of war to the probability of it losing the war ($p + c_B$), because, as noted above, A wants to be as close as possible to 1, and B to 0.

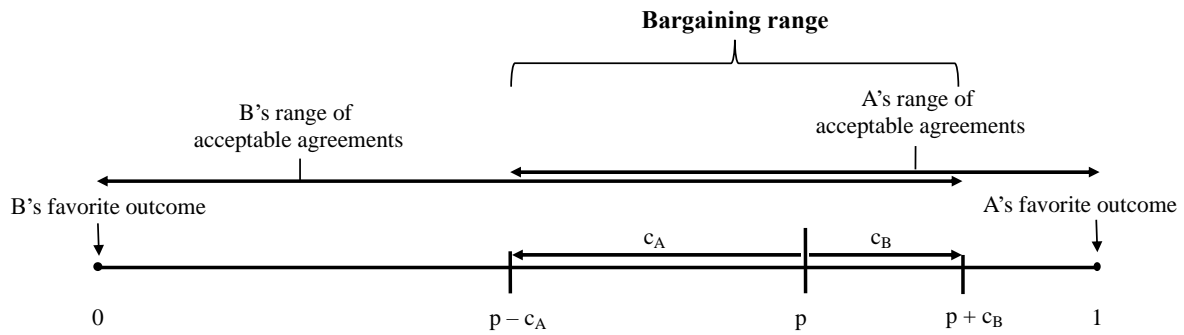


Figure 6: bargaining range under perfect information. Source: author's own visualization, based on Fearon (1995, 387).

In consideration of imperfect information, the two actors may have different assessments of the expected outcome of the war. Concretely, one or both sides may overestimate their strength relative to the other side's strength ($p^A > p^B$, with p^i standing for actor i 's assessment of the probability of A winning the war). As a result, their assessments of the non-agreement options diverge. Because A only prefers an agreement x if it is located to the right of what it believes is its non-agreement option ($x > p^A - c_A$), and B only if it is to the left ($x < p^B + c_B$), their ranges of acceptable agreement may no longer overlap and the bargaining range disappears.

2.2. Support for peace talks

This model is commonly used to explain why conflict parties may choose war over negotiated settlement (e.g. Fearon 1995; Powell 1999; Werner and Yuen 2005; Lake 2011). It depicts conflict parties as abstract, unitary actors that only care about their own side's benefits. Integrating social preferences allows one to unpack the unitary actors and discuss the expected benefits of conflict settlement from the perspective of individual conflict party members.

In line with the theoretical argument above, we may assume that individual members of a conflict party share the same outcome preference as their leader (1 in the case of party A and 0 for B). They will support a leader's decision to negotiate if the expected outcome of negotiations (x) lies inside their range of acceptable agreements, given their individual assessment of the relative strength (p) and the costs of continued armed conflict (c_i). As long as they only care about the welfare of their in-group, individual members of party A will disagree with peace talks if:

$$x < p - c_A \quad (1)$$

and members of conflict party B will disagree if

$$x > p + c_B \quad (2)$$

These conditions change once conflict party members have negative concerns for the opponent's welfare – which the theory above suggests is the case. Because of a history of violent conflict and high intergroup competition, individuals will likely attribute positive utility to punishment of, and negative utility to rewards for the opponent. In the context of negotiations, concessions towards an enemy may be seen as rewards, as they increase the opponent's welfare compared to continued armed conflict. This suggests that individual members of a conflict party will likely attribute negative utility to concessions made to the other side.

To integrate this into the bargaining model, the variable $\beta_i \in [0, \infty]$ is introduced to represent the *saliency of out-group preferences*. More technically speaking, β_i is the perceived 'exchange rate' at which an individual is willing to trade welfare of their own group for a reduction in the welfare of the out-group. If β_i equals 0, an individual only cares about in-group welfare; if β_i is between 0 and 1, they seek to avoid concessions but more strongly care about in-group gains; and at 1, they care equally about the two. Above 1, they care predominantly about avoiding concessions to the enemy.

Integrating such preferences into the bargaining setup changes expectations about the policy support for negotiations. The negative utility attributed to concessions is determined by both the scope of those concessions and the saliency of out-group preferences (β_i). Under perfect information, members of party A will now reject an agreement if

$$x < p + \frac{\beta_A c_B - c_A}{1 + \beta_A}, \quad (3)$$

and members of party B if

$$x > p + \frac{c_B - \beta_B c_A}{1 + \beta_B}. \quad (4)^{42}$$

⁴² See Appendix Chapter Four, equations (10) to (13).

Because any mutually acceptable agreement contains concessions, the minimally acceptable agreement shifts towards an actor's preferred outcome (see Figure 7).⁴³ Individuals who attribute negative utility to concessions need to be offered a better deal to prefer it over continued fighting than those who care only about the welfare of their own side.

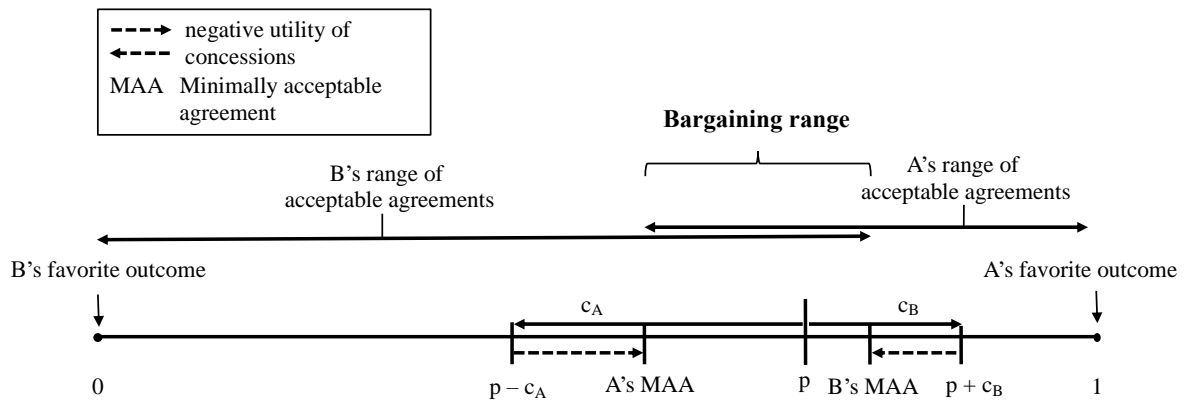


Figure 7: bargaining range under perfect information with negative utility attributed to concessions. Source: author's own visualization.

To render this shift more intuitive, let us look at the point slightly to the right of party A's non-agreement option ($p - c_A$) in Figure 6. In line with the standard model assumptions, individuals who only care about in-group welfare would prefer such an agreement over continued fighting, even if the gains were minimal.⁴⁴ But while such an agreement may provide minimal benefits to conflict party A, it entails massive concessions to party B: nearly all the surplus from the bargaining process would fall into the hands of the opponent. To members of conflict party A who attribute negative utility to concessions ($\beta_i > 0$), such a deal may seem far worse than continuing the war.

2.3. Impact on individual assessments and on policy support

Social preferences work in concert with other bargaining parameters to determine individual support for negotiations. In the modified standard setup, these parameters include individual assessments of the costs of war and the relative strengths of the conflict parties. Naturally,

⁴³ See Appendix Chapter Four, equations (10) to (13).

⁴⁴ This does not suggest that they would automatically accept such an agreement: they may (rightly) feel that their group could achieve a better deal through continued fighting.

individuals will not quantify these parameters and then calculate their support. Rather, the parameters shape their intuitive assessments, determining whether a conflict settlement seems a better option than continued fighting or the other way around.

Generally, individuals with a strong focus on avoiding concessions (high β_i) are less likely to prefer a negotiated agreement than individuals who care strongly about their own group's welfare and are less worried about an opponent's gains. This does not mean that individuals with highly salient out-group preferences want war to continue, but they may reject negotiations or an agreement because they feel that it contains too many concessions, even when such concessions are necessary to stop the war. All else being equal, individuals who feel strongly affected by war (high c_i) will more likely accept a negotiated agreement than those who are largely insulated from war (low c_i). But even under high costs of war, individuals may reject a negotiated agreement if their preferences for punishment are highly salient.

Individuals who strongly overestimate their own party's relative fighting capability and resolve ($p^A > p$) are also less likely to support negotiations and an eventual peace deal. In the modified setup, the negative effect of imperfect information gets amplified by the effect it has on the perception of concessions. By overestimating their non-agreement option, individuals also overestimate the scope of concessions a proposed deal entails. They may believe that a proposal by their leader contains considerable concessions, even when the offer lies below the other side's effective non-agreement option. Accordingly, they reject such a deal, while the opponent takes the offer as an insult.

Public support

At an aggregate level, individual assessments of a bargaining situation shape constituent support for negotiations or a settlement. We can expect that support to find a negotiated settlement will be higher when respondents are asked about peace talks in general, compared to when they are asked about a specific agreement that entails concrete concessions to an enemy. We may also expect support to be lower in the context of elite competition if political challengers seek to increase the saliency of out-group preferences to challenge or undermine the policy decision of a pro-settlement government.

Changes in situational factors that affect the saliency of out-group preferences – such as major ceasefire violations – may lead to shifts in constituent support. Figure 8 and Figure 9

visually illustrate the expected relationship between the saliency of out-group preferences and public support for peace talks. As a simplification, it is here assumed that all individuals share the same expectations about the outcome of talks (x). The dots represent individual assessments by members of conflict party A about a minimally acceptable agreement ($MMA = p + \frac{\beta_A c_B - c_A}{1 + \beta_A}$).⁴⁵ The location of these dots varies, because the saliency of out-group preferences may vary and individuals may have different expectations about the continued costs of war and the relative strength. For those individuals whose minimally acceptable agreement is lower than the expected outcome of talks ($MMA_I < x$), negotiations seem attractive.

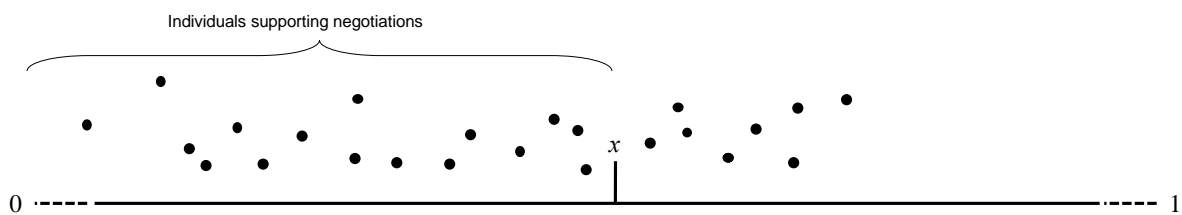


Figure 8: support for peace talks during a successful ceasefire. Source: author's own visualization.

Figure 8 depicts the situation during a successful ceasefire and Figure 9 in the aftermath of a major ceasefire violation. As the saliency of out-group preferences increases after a major ceasefire violation, individual assessments of the minimally acceptable agreement tend to shift to the right. Some individuals who have previously supported peace talks now no longer see the benefits of negotiated settlement, and support for talks drops.⁴⁶

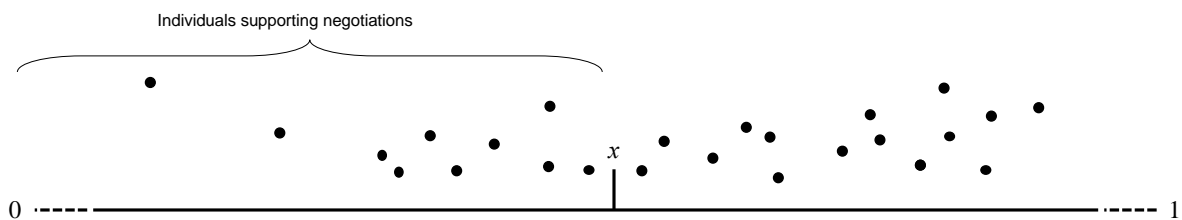


Figure 9: support for peace talks after a major ceasefire violation. Source: author's own visualization.

⁴⁵ See equation (3).

⁴⁶ This assumes that the effect of potentially new information about the relative strength and costs of continued conflict do not offset the effect of the saliency of out-group preferences. See Sticher (2020a) for a comprehensive discussion of the effects of ceasefires on the expected costs of conflict and information provision.

3. Implications for peace negotiations

How does public support affect a leader's decision to negotiate or pursue a military approach to a conflict?

3.1. Constituent constraints

Leaders are usually rewarded for victory and punished for losing a war. This influences their decision to go to war in the first place (see Chiozza and Goemans 2004; 2011). But once war is raging, leaders do not choose between winning or losing; instead, they continuously assess whether continued war is justified, or a negotiated conflict settlement would be more beneficial. Their own assessment of a bargaining situation shapes such a decision: leaders who do not see the benefit of a negotiated settlement may not enter into serious negotiations or accept a deal. But even if they personally prefer to pursue conflict settlement, leaders of conflict parties cannot decide in a political void. They need to ensure that their preferred course of action is acceptable to key constituents, as any peace deal that lacks such support is not politically feasible (Keller and Yang 2008; Mintz 2004).

Key constituents may differ for different types of actors and regimes. Democratic state actors are particularly constrained by constituent preferences, as they are directly or indirectly bound by future electoral outcomes (Fearon 2004; Tomz, Weeks, and Yarhi-Milo 2020). In anticipation of the voting process, democratic leaders take public opinion into account (Tomz, Weeks, and Yarhi-Milo 2020). The opinion of swing voters and members of a leader's own political party weigh more than the opinion of traditional opposition voters. Constitutional requirements for the ratification of a peace agreement can increase the influence of the electorate or of specific groups (e.g. legislators) (see Putnam 1988, 437–39).

Leaders in authoritarian regimes may not be voted out of office, but they risk being forcefully removed by the military leadership if the latter does not agree with key decisions. Such forcible removal from office has more serious consequences than regular end of tenure (Chiozza and Goemans 2011, 5), which makes authoritarian leaders particularly sensitive to military influence. Ordinary citizens may also have some limited and indirect influence, as a leader who is strongly unpopular risks being overthrown.

Leaders of armed non-state actors share some similarities with authoritarian regimes. Regional or branch commanders play a particularly influential role, but leaders may also consider the mood of rank and file soldiers (or even citizens living in rebel areas), as challengers within their own organization may seize on the unpopularity of a leader. If key constituent groups or influential commanders disagree with important policy decisions, such as negotiating a conflict settlement, this may result in the forceful removal of the leader, the formation of splinter groups or even political assassinations. Any of these events has grave consequences for the peace process. Accordingly, leaders will try to anticipate and avoid decisions that are unpopular with these groups (J. Smith 1995).

The level of support leaders need from key constituents depends on various factors:

- **Situational factors:** Generally, popular leaders are less sensitive to constituent support for a specific policy decision than leaders who already face criticism. Leaders also tend to be more sensitive in times of economic decline than when the economy prospers. Tenure – i.e. how much longer leaders expect to be in office – also affects their considerations (Chiozza and Goemans 2004).
- **Dispositional factors:** Personal characteristics that affect sensitivity towards constituent preferences include the risk leaders are willing to take and their underlying motivation (Keller and Yang 2008, 689–90). Some are motivated primarily by staying in power, while others may be “motivated by a task, a mission, or an ideology” (Keller and Yang 2008, 690). But even if leaders do not seek to retain their leadership position, those with a peace agenda have an interest in ensuring sufficient constituent buy-in to avoid that the next leader simply overturns the agreement and restarts the conflict.
- **Ratification mechanisms:** In some democratic states, a government may be required to submit a peace deal to a referendum or voluntarily choose to do so to seek a democratic mandate (Amaral 2018). In other cases, a peace deal may be ratified by the government itself or through an elected or appointed body of representatives.

If citizens are directly consulted about a peace deal and can decide about its ratification, leaders’ sensitivity towards voter preferences is particularly high, as they need popular backing of the deal. If there is no popular consultation, dispositional and situational factors play a stronger role.

3.2. Formalization for democratic state actors

This section formalizes, using a simplified example, how social preferences to punish an opponent affect expectations about when a conflict settlement is politically feasible. The fictitious example involves conflict party leaders who seek the support of specific constituent group, such as voters in a democratic state or delegates at a congress of an armed non-state actor. To integrate constituent constraints into the formal model introduced above, the parameters β_A and β_B represent the saliency of social preferences of the median constituent of party A and B, respectively. The median constituent, as here defined, is the individual whose minimally acceptable agreement lies at the middle of all key constituents' minimally acceptable agreements. The idea behind using the median constituent is that any agreement that lies inside the range of acceptable agreements of a median constituent enjoys popular backing by that group. To further simplify, it is assumed that concessions are more unpopular with the median constituent than with the conflict party leader.⁴⁷ For the modeling, perfect information is assumed, i.e. a situation in which the assessment of all actors around the costs of war and the relative strength converge. These simplifying assumptions allow isolation of the effect of unpopular concessions on elite decision-making processes.

Leader sensitivities towards the preferences of the median constituent are represented by the variable $s_i \in [0,1]$, with $s_i = 0$ representing no, and $s_i = 1$ representing full sensitivity towards the median constituent. The latter is the case if a leadership is required to submit a peace deal to a formal referendum. If there is no such formal requirement, but a leader is highly dependent on constituent support, s_i may still be close to 1. The less leaders feel constrained by constituent support, the lower s_i is. However, regardless of their own personal interests and their popularity, we can always assume some sensitivity towards constituent preferences for an issue as important as conflict settlement – not least to ensure its eventual implementation (see discussion above).

The higher a leader's sensitivity towards constituent preferences, the more costly it is to make concessions that are unpopular with this constituent group ($s_A\beta_A(p + c_B - x)$). As a

⁴⁷ To relax this assumption, one could use a two-step decision-making process, in which leaders first assess whether an agreement is inside their own range of acceptable agreements before assessing the support of the constituent group.

consequence, even when an agreement yields absolute gains, the agreement is only preferable to continued fighting if these gains outweigh the costs of concessions, i.e. for leader A if

$$x - p + c_A \geq s_A \beta_A (p + c_B - x), \quad (5)$$

and leader B if

$$p + c_B - x \geq s_B \beta_B (x - p + c_A). \quad (6)^{48}$$

Because of the assumptions of perfect information and of concessions being more unpopular with constituents than with their leaders, any agreement that fulfills these conditions will also lie inside the personal bargaining range of leader A and B, respectively.

In some situations, unpopular concessions can be a bargaining tool: if leaders can credibly demonstrate that they are constrained by their constituents, the other side may consider additional concessions to reach a deal. But there is an important trade-off: if concessions are unpopular on both sides, this will likely lead to a situation where no agreement is acceptable to the constituents of either side, and by extension not acceptable to the leaders themselves (see also Putnam 1988, 440; Schelling 1960). The analysis demonstrates that, even under perfect information, finding a negotiated agreement becomes impossible once leaders on both sides care more about avoiding costly concessions than about achieving absolute gains. The same is true if one leader cares mildly about and the other is obsessed with avoiding concessions. And even when a bargaining range exists, it may be much smaller than if social preferences are not accounted for. This *problem of costly concessions* renders the process of finding a peace deal that is acceptable to both the opponent and constituent groups a delicate balancing act.

4. Costly concessions in the Colombian peace talks

The 2012–2016 peace talks between the Government of Colombia and the FARC serve as an illustrative example of how the problem of costly concessions makes it challenging to negotiate a peace agreement with a sworn enemy. The case study focuses on the Colombian government perspective, as the problem of costly concessions is particularly salient for

⁴⁸ See Appendix Chapter Four, equations (14) and (15).

democratic state actors. President Santos promised to submit an eventual peace agreement to a popular referendum, rendering the need for public support particularly high. While not a necessary condition, this makes it a likely case to find evidence should the framework be valid. Because the parties eventually reached a peace agreement, the case serves to illustrate not only the problem of costly concessions, but also how leaders may overcome it.

4.1. How unpopular concessions affected the talks

After decades of armed conflict, an overwhelming majority of Colombian citizens had negative attitudes towards the FARC throughout the talks (GALLUP 2016, 99). Nevertheless, support for a peaceful approach to the conflict was high (GALLUP 2016, 103; Latin American Public Opinion Project 2016). But despite a general wish to settle the conflict peacefully, support for specific concessions was low (Latin American Public Opinion Project 2016; Matanock and Garbiras-Díaz 2018).

A survey experiment further showed that simply mentioning that the FARC had endorsed a specific provision – increased political representation of conflict-affected areas – significantly reduced the number of those willing to accept the provision (García-Sánchez, Montalvo, and Seligson 2015, 86; Matanock and Garbiras-Díaz 2018). This is despite the fact that the respondents of this survey had come from conflict-affected areas and would have profited from the provision (Matanock and Garbiras-Díaz 2018). This finding is in line with the argument that those opposed to specific provisions attributed negative utility to gains made by the FARC. The study also shows the importance of framing, particularly in a context like Colombia, where many citizens had little information with regard to what exactly was discussed in the negotiation process in Havana (Matanock and Garbiras-Díaz 2018, 638).

The findings at constituent level are thus in line with the theoretical expectations: most Colombians wished to settle the armed conflict, but the concessions that were necessary to reach a settlement were unpopular, arguably due to negative out-group preferences after decades of armed conflict. As a consequence of such unpopular concessions, the government struggled to maintain support for the talks while making the necessary concessions that would keep the FARC engaged in the process. Finding agreement in the areas of political participation and transitional justice were two major sticking points during the talks. The government recognized that, while justice without jail time was a hard sell to the public (Segura and Mechoulan 2017, 18), the FARC leadership was adamant that it would not

accept a deal that would send its members to jail (Semple and Casey 2016b). Similarly, granting the FARC political participation was highly unpopular, yet this was a key demand for it to accept disarmament and demobilization (ICG 2017). In other words, the government saw these concessions as highly undesirable yet necessary to reach a peace deal.

The Uribe camp rallied around the issue of concessions to challenge President Santos over his decision to negotiate with the FARC, as discussed in more detail in chapter five. In the critical phase of the 2014 re-election campaign, when Santos was particularly sensitive towards voter preferences, his main challenger mobilized votes primarily through his opposition to the peace talks. He continuously highlighted unpopular concessions to justify his stance on the talks, using “Peace without Impunity” as a campaign slogan. Santos was re-elected in the run-off round, but his defeat in the first round suggests that he, and by extension the peace negotiations, were vulnerable to mobilization around unpopular concessions.

Concessions also played a crucial role in the No campaign of the plebiscite. While the pro-settlement government focused on the benefits of peace, the Uribe camp specifically highlighted components of the talks that could be seen as concessions (Sticher 2020b, see chapter five; see also Matanock and Garbiras-Díaz 2018; Matanock and García-Sánchez 2017). Uribe and his supporters specifically emphasized concessions in the most controversial areas, highlighting that FARC members would not go to jail and would be allowed to participate in elections.

While unpopular concessions alone do not explain the outcome of the plebiscite,⁴⁹ they do explain why many casted a No vote. Many felt that the agreement was too generous towards the FARC and rewarded instead of punished them (see e.g., ICG 2016b; Segura and Mechoulan 2017, 2, 18; Semple and Casey 2016a). A BBC analysis listed the lack of jail time for FARC crimes committed during the conflict, financial stipends for demobilized FARC members, and guaranteed seats in the Colombian Congress for upcoming elections as key reasons mentioned by voters who rejected the referendum (BBC 2016). We would not expect

⁴⁹ Explanations for the narrow and unexpected result include a low voter turnout, particularly in regions that were supportive of the deal. While the No campaign managed to better mobilize turnout (ICG 2017, 7), turnout was also affected by a hurricane in coastal areas, which tended to support the peace deal (Casey 2016b). Some church leaders also mobilized against the peace deal, arguing that it contained unacceptable language about gender and sexual orientation (Casey 2016a; Segura and Mechoulan 2017, 30–31).

such arguments to play a decisive role on individual decision-making if voters only cared about in-group welfare. If they only cared about in-group welfare, their primary concern would be whether the deal, compared to no deal, would bring any benefits, considering the risk of a return to violent conflict in the absence of a deal. The No vote was particularly high in urban areas that were not strongly affected by the conflict (Arjona 2016), supporting the argument that unpopular concessions influence a decision more strongly for those who are largely isolated from the costs of war.

Change in the ratification mechanism

The Colombian case also demonstrates one way of overcoming the problem of costly concessions – through a change in the ratification mechanisms – and the potential risk of doing so. In the aftermath of the plebiscite, after a short period of uncertainty, the government moved to negotiate first with the Uribe camp and then with the FARC, against a backdrop of civil society mobilization and strong international encouragement for continued engagement. The revised peace deal included many amendments demanded by the opposition, but left some key issues unchanged (see ICG 2017, i). Santos changed the ratification process, and thus the constraints he faced by the electorate, submitting a modified deal to Congress instead of re-submitting it to a plebiscite. Despite continued rejection by the opposition, Congress ratified the revised deal, paving the way to end a more than half-century-old conflict.

A number of factors facilitated this move. The pro-peace movement quickly mobilized and there was strong international support to continue the peace process. Santos saw the peace deal as his main legacy (e.g. Weymouth 2014). He was in his second and final term and therefore less sensitive towards public opinion than when he was running for re-election. By changing the ratification mechanism rather than seeking to broaden public support before a renewed plebiscite, Santos overcame the problem of costly concessions. However, this left the challenge of securing full public support for the peace process to the post-agreement phase (Bouvier 2016; Segura and Mechoulan 2017, 1). It also meant that the implementation was left vulnerable to leadership changes, as the opposition continued to reject the legitimacy of the new deal (ICG 2017).

4.2. Battlefield dynamics and public support

In addition to the more general dynamics at play, the theory section offers concrete propositions with regard to how shifts in the battlefield are likely to affect popular support for an agreement.

A particularity of the Colombian peace negotiations was that, until the end of the process, parties negotiated in the absence of a bilateral ceasefire (see Cortés and Millán Hernández 2019; IFIT 2018). Nevertheless, there were important shifts in battlefield dynamics over the course of the negotiation process (see chapter three, *Introduction to the Colombian case*). In the early years of negotiations, hostilities continued unabated, except for a few temporary unilateral FARC ceasefires. In December 2014, following the short suspension of the talks in the aftermath of a kidnapping incident, the FARC declared an indefinite unilateral ceasefire. The government partly replicated the arrangement by announcing a cessation of air strikes in March 2015. The arrangements held until mid-April⁵⁰ when – under contested circumstances – the FARC killed eleven soldiers in an attack (see ICG 2015a). The government announced that it would immediately resume air strikes. The FARC initially maintained its ceasefire, but suspended it after 26 of its members were killed by government offensives in late May 2015. This led to a return of open hostilities on both sides (ICG 2015b, 3–4).

Figure 10 shows the development of public support for peace talks during the public phase of negotiations. Respondents were asked what they saw as the best option to solve the guerilla problem – to insist on dialogue until a peace agreement is reached or to try to defeat the guerilla militarily.⁵¹ The question referred to the guerilla in general, without singling out the FARC. Given that the FARC was the largest guerilla organization in Colombia, and that the peace talks with the FARC received high public attention, many will likely have

⁵⁰ The cessation of air strikes was originally announced for a month, but extended before the ceasefire violation that led to the resumption of air strikes.

⁵¹ The broad formulation of the question offers a (partial) explanation why, at the time of the plebiscite, the percentage of those reportedly supporting dialogue was much higher than the percentage of those who voted for the concrete peace agreement. In the No campaign, the Uribe camp argued that negotiations were the right approach, but that the agreement made too many concessions to the FARC.

responded with the FARC talks in mind.⁵² Responses to the survey are thus used here as a proxy for how public support for peace talks developed over time.

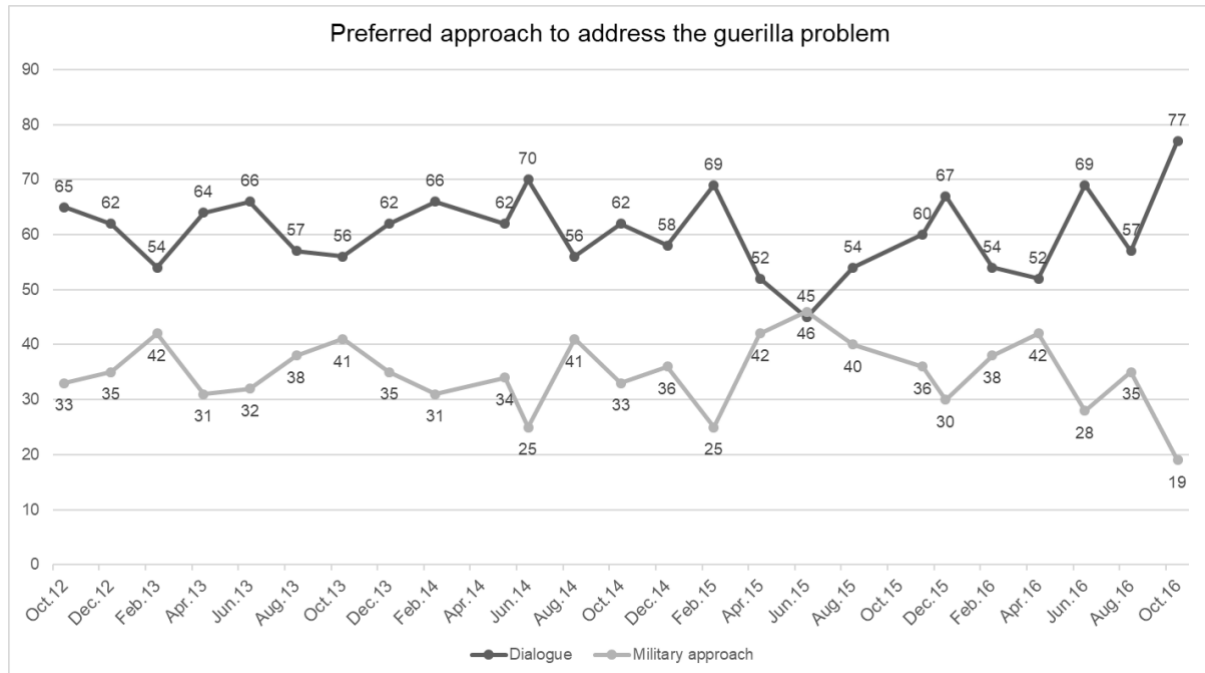


Figure 10: development of support for peace talks during the public phase of the talks. Source: author's own visualization, based on data from GALLUP (2016, 103).

Many factors have likely shaped public support for peace talks, and not all of these are related to events in the battlefield or at the negotiation table. With the available data, it is not possible to control for all of them to statistically assess the effect of battlefield dynamics on support for the talks.⁵³ Nevertheless, the trends in support for peace talks broadly align with the major shifts that took place in the battlefield, providing support for the theoretical argument. In February 2015, when there was solid compliance with the FARC unilateral ceasefire, support for peace talks was relatively high. Between February 2015 and April 2015, when the only major ceasefire violation by the FARC took place, support decreased from 69% to 52%, the largest drop in public support during the entire public phase of the

⁵² Developments related to talks with the smaller guerilla organization ELN may also have influenced the responses. The government and the ELN held exploratory talks in 2014. In March 2016, they announced formal peace talks for May 2016, but these were later postponed and only started in 2017.

⁵³ One feasible way to control for other factors would be through a quasi-experimental setup, in which individual level data immediately before and after an event are compared (see Nussio, Bove, and Steele 2019, for an example of such a study design). Unfortunately, the annual data collection of the LAPOP survey – which is available at individual level and measures support for the talks and concessions – was completed shortly before the 15 April 2015 ceasefire violation.

talks. The downwards trend continued to June 2015, as hostilities escalated and the FARC suspended the ceasefire. This was the only point in time where support for a military approach was higher than support for peace talks – though only by a percentage point.⁵⁴

The government and the FARC never suspended the talks during this crucial period, demonstrating a high commitment to finding a negotiated settlement. They even made important progress, reaching agreement on a truth commission after a year of negotiating without much concrete achievement. Yet despite this positive development at the negotiation table, the talks were at risk of collapse. With public support at a low and political patience running out, observers noted that “it would take only a spark to suspend the process or trigger its break-down” (ICG 2015b, 1). And even without a major incident, continued violence would have provided a very challenging environment for the government to rally support in a popular referendum (ICG 2015b, 18).

In this context, in early July 2015, the FARC announced a one-month unilateral ceasefire. Shortly after, the parties agreed on measures to de-escalate the conflict and speed up the talks (“Joint Communiqué #55: Expedite in Havana and De-Escalate in Colombia” 2015). The government resumed its suspension of air strikes and the FARC announced to maintain the unilateral ceasefire beyond the initially announced time period. The talks regained public support (from 45% in June to 54% in August 2015).

In short, trends in public support between February and August 2015 align with the largest shifts in conflict behavior during the public phase of the talks, with the saliency of out-group preferences offering a plausible explanation for the link between the two. Outrage about the FARC attack in the midst of a ceasefire will likely have increased the relative importance of the feeling that the FARC’s behavior should be punished, rather than awarded through a settlement that benefits them. From established bargaining theory, we would explain either no influence (if the ceasefire violation revealed no new information), or a shift in the opposite direction, if the violation revealed new information about the fighting capability or resolve of the FARC (see e.g. Fearon 1995; Powell 1999).⁵⁵

⁵⁴ Note that the reported error margin for the GALLUP polling is 4% (GALLUP 2016, 103).

⁵⁵ The problem of credible commitment could provide a possible alternative explanation: individuals may have lost trust in the FARC to implement an eventual peace agreement and thus no longer supported the peace talks. This is a relatively broad interpretation of the credible commitment problem: in its original formulation,

Events at the negotiation table do not offer a plausible alternative to explain the trends in development of support, in particular the large drop in support between February and April 2015. In this time period, the only notable agreement that was reached was to conduct a demining pilot project (Colombia Reports 2016), a confidence building measure that was not perceived as a concession to the FARC. A lack in progress at the negotiation table may have affected public opinion, but it seems more likely that this impasse would be reflected by a continuous decline in support, rather than the sharp drop we see between February and April. There are also other events not linked to the peace process that likely influenced the polling, but “national outrage and indignation” over the FARC attack appeared to be the most important factor (Bouvier 2015, 1).

5. Discussion

Integrating social preferences into a formal bargaining model shows the difficulties of negotiating a settlement amidst continued hatred. Scholars have long highlighted the challenges posed by those who thrive on the instability of armed conflict (see Collier et al. 2003). But armed conflict can be a preferred option even for those who see the benefits of peace, as they have to consider the political ramifications of making concessions to a sworn enemy. Negotiating peace is challenging if constituents blame the opponent for the painful experiences of the conflict. The problem is accentuated if key constituents are largely isolated from the costs of war and political competitors mobilize around unpopular concessions.

Ceasefires offer the possibility of decreasing the saliency of out-group preferences, if hostilities decrease over a long period of time. Ceasefire violations, however, immediately increase the saliency of out-group preferences, rendering the search for a mutually acceptable outcome difficult if not politically unfeasible.

The problems of credible commitment and costly concessions share some commonalities: both problems tend to become exacerbated when fighting intensifies, and both may result in a situation where a party refuses an agreement that promises absolute gains. But the two problems are distinct and can exist independently from each other.

the state actor is less vulnerable to possible defection by the non-state actor, as it can keep its weapons and may return to war if the non-state actor fails to implement an agreement (Walter 1997; 2009).

Concessions may be costly for leaders to make even if enforceability of an agreement or future competition are not a key concern. This is particularly relevant for state actors: in intrastate conflicts, state actors can usually keep their fighting capabilities as part of a negotiated settlement, rendering them less vulnerable to defection than a non-state actor. In contrast, they have to consider domestic audiences, who tend to strongly oppose concessions – not only because they detract from their in-group’s welfare, but because they are seen as unjustly rewarding the behavior of the opponent. This case study illustrates how the Colombian government struggled to make concessions to the FARC, including with regard to issues that are not linked to future warfare.

Overcoming costly concessions

Naturally, leaders do not calculate support through some elaborate calculation; instead, they use heuristics to gauge whether a policy decision to engage in, stay in or conclude negotiations enjoys a minimum of required support from key constituents. Leaders may actively communicate progress in talks or leak interim agreements to gauge the reaction of the public, the media or specific constituent groups. Opinion polls, consultations with key opinion makers, and editorial comments in mainstream media are other examples of ways to help leaders determine whether negotiations or an eventual agreement have sufficient constituent support. If they do not, leaders face one of three options: they may stall the negotiation process, return to fighting, or engage in initiatives to actively change the constraints posed by their constituents.

A possible way for leaders to overcome the problem of costly concessions is by decreasing their sensitivity towards constituent preferences (lowering s_i). If formal ratification is the main problem and the political system allows it, leaders may change the ratification mechanism, as President Santos did in the Colombian peace process. More generally, leaders may try to increase their general appeal to a constituent group or seek to secure a possible future outside the political arena. This may help them achieve conflict settlement, even if it is politically not opportune. However, a lack of support from key constituents may lead to problems in the implementation phase, or to successors rejecting the deal, with the risk of a return to violent conflict in the future (Paffenholz 2015; Putnam 1988, 436). Lowering constituent constraints does therefore not replace the need to create constituent support, but it can offer the opportunity to postpone this difficult task to the post-agreement phase.

The next chapter discusses a second – alternative or complementary – strategy for pro-settlement leaders to overcome the problem of costly concessions. It theorizes how leaders seek to deliberately shape the saliency of preferences and the perception of other bargaining parameters, such as the costs of war or the benefits of settlement, by highlighting or de-emphasizing aspects of conflict dynamics. It also theorizes how political competitors and the bargaining behavior of the opposing conflict party affect the effectiveness of such strategic framing.