

Workshop Discussion Note

A Tool for Conflict Sensitive Decision-Making

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This discussion note is intended to inform the first of a series of workshops regarding conflict sensitive decision-making being facilitated by Peaceful Change initiative (PCi).

This first note outlines a proposed new tool to be used to assess the conflict sensitivity of an action or policy choice before it has been implemented. Such a tool is desirable as an addition to existing conflict sensitivity approaches as it could allow decision makers at multiple levels a practical sense of whether they have sufficiently considered conflict sensitivity when making a decision.

The discussion note is divided into two parts. The first part identifies some of the challenges to the adoption of conflict sensitivity, in particular challenges that have emerged from experience as more organisations seek to systematically incorporate conflict sensitivity thinking into their activities. The second section outlines a draft tool developed a response to a number of these challenges, outlining the broad framework and approach.

The ideas in this paper are presented as a work in progress. Specifically, the discussion note is intended to stimulate discussion about two fundamental questions:

- Are the challenges to the adoption of conflict sensitivity identified here familiar to others trying to work on conflict sensitivity, and are they important enough to need attention?
- Does the draft tool for conflict sensitive decision-making present a viable, practical approach to addressing those challenges?

Based on the discussions during this first workshop, follow on workshops will be organised to further develop, and work through practical aspects of using, the tool.

Challenges to the adoption of conflict sensitivity

Conflict sensitivity in concept

Peace and conflict result from complex systems of political, economic, social and security factors interacting with various actors and relationships. Such complexity poses a particular challenge for actors offering humanitarian, development or peacebuilding assistance, and indeed other forms of international action such as military or diplomatic engagement.¹ Activities may affect actors or

¹ Conflict sensitivity is considered here from the perspective of international actors working in fragile and conflict-affected contexts. What conflict sensitivity means to national actors within a context, despite its obvious relevance, and how it differs for international actors remains unclear and needs further work (indeed, the international and national characterisation is problematic). As this discussion note is intended to inform practical conflict sensitivity guidance given by PCi and others, which is often focused on donors, international organisations and INGOs, the focus for the moment remains on those actors.

factors within a conflict system in unexpected ways and consequently may lead to unforeseen outcomes, including a potential worsening of conflict.

'Conflict sensitivity' is an approach to delivering international humanitarian, development and peacebuilding assistance ('assistance activities') in a way that recognises and responds to the potential of those activities to impact, and be impacted by, peace and conflict in a context. Specifically, a conflict sensitive approach seeks to: 1) manage the impact conflict has on the ability to deliver aid activities; 2) minimise the ways in which aid activities could worsen conflict; and 3) maximise the ways in which aid activities could contribute to sustainable peace. Conflict sensitivity promotes the efficiency, impact and sustainability of aid activities, by seeking to maximise the potential for positive results while reducing direct negative impacts, or the risk that assistance activities will be undermined as a result of conflict.

The predominant paradigm for practising conflict sensitivity comprises a three-step process:²

- 1) Develop a nuanced understanding of the peace and conflict context in which assistance activities are being implemented;
- 2) Identify the potential interactions, both negative and positive, between assistance activities and the peace and conflict context; and
- 3) Adapt assistance activities to minimise risks of contributing to conflict and maximise opportunities to contribute to sustainable peace.

These steps are intended to be generalisable to multiple levels of engagement, from policy formulation, to programme strategy design at a national level, to project design and implementation of activities. However, in practice, conflict sensitivity is most often explicitly considered at a project or operational level, despite the fact that many large conflict sensitivity concerns arise at the programme or policy level.

A significant amount of guidance is available regarding how to undertake each of these steps, with which most readers will be familiar.

Challenges to adopting conflict sensitivity

Conflict sensitivity as a concept for international assistance activities emerged in the early 2000s. A significant initial challenge was (and continues to be) to overcome resistance to the concept, sometimes due to a lack of understanding of its relevance, sometimes to a reluctance to acknowledge that assistance activities may have adverse consequences,³ and also due to legitimate concerns that adapting assistance to conflict dynamics may 'politicise' technical or humanitarian activities which seek to be unbiased, neutral and independent. These challenges persist and need to be addressed through ongoing advocacy, training and dialogue.

Nevertheless, over time, conflict sensitivity has received more and more acceptance as a concept. Particularly within the last few years, donors and implementers have been increasingly interested in incorporating conflict sensitive approaches into the activities they fund or deliver. With this, the task for conflict sensitivity advocates has moved from a question of promoting the concept to ensuring that the tools and approaches for conflict sensitivity are practical and realistic.

As more actors have moved from talking about conflict sensitivity to actually trying to systematically incorporate it into their work, PCi has identified a number of additional challenges that affect the

² 'How to guide to conflict sensitivity', Conflict Sensitivity Consortium, February 2012, available online at << <https://gsdrc.org/document-library/how-to-guide-to-conflict-sensitivity/>>>, accessed 04 December 2020.

³ Both in some cases due to a lack of understanding and in others to feared reputational risks associated with admitting that assistance activities may cause harm.

practical take-up of conflict sensitivity.⁴ These have the effect of, in practice, making conflict sensitivity unclear and burdensome for those making decisions about assistance activities.

Conflict sensitivity sits alongside, not within, the project management cycle

The first challenge identified is that the conflict sensitivity steps are framed in parallel to the programme management cycle rather than as part of them.

Conflict sensitivity is described as relevant to all stages of the programming process, and much excellent guidance is devoted to explaining what conflict sensitivity considerations may be relevant at different points. Fundamentally, however, as with other 'mainstreaming' concepts, conflict sensitivity becomes an extra thing to do on top of the normal process of decision-making.

The general response to this has been to identify process markers relating to conflict sensitivity, which look at whether an analysis has been conducted, whether there is a clear description of potential conflict sensitivity risks and so on. However, these risk the outcome that conflict sensitivity becomes a 'tick-the-box' exercise and, in a situation where time and money are limited, as in practically all assistance activities, there is an incentive to do the minimum necessary.

Conflict sensitivity steps can be seen to be open-ended and unclear

A follow-on challenge to the one above is that the way the three conflict sensitivity steps is framed, as a process to be followed, comes across as largely open-ended, without a natural point at which each feels like it has been completed.

Peace and conflict dynamics are complex, and the more one learns about them the more questions are often raised. Given the large number of unknowns, there is not necessarily an obvious threshold for when an analysis can be considered satisfactorily comprehensive for conflict sensitivity. Ultimately, then, a conflict analysis can be as brief or as detailed as time, money and expertise permits. Equally, the process of identifying conflict sensitivity interactions (risks and opportunities) and adaptations to these can vary from a token consideration of a few standard interactions (to meet a checklist target) to a critical self-reflection.

The practical consequence of this open-endedness is that it is unclear how much time, effort and resources to dedicate towards conflict sensitivity. Again, in a situation where time and money are limited, there is an incentive to do the bare minimum, which will likely mean inadequate resources dedicated to conflict sensitivity and token consideration of context and interactions.

Focus on consequences

The third challenge identified is the way in which conflict sensitivity, as generally understood, focuses on the impacts of activities (most often negative impacts) and not specifically on whether or not decision makers have acted appropriately.

As generally understood, a conflict insensitive action is one that does harm. In the best circumstances, these harms can only be assessed after the fact, though in practice it may also be hard to identify when they have happened at all if harms are indirect, hard to measure or operate over a longer time-scale (such as undermining governance norms or reducing trust between communities, for example).

⁴ PCi has identified these challenges through its extensive work providing conflict sensitivity support and advice to donors and implementers both directly and through initiatives such as the Conflict Sensitive Assistance in Libya Forum, a multi-stakeholder conflict sensitivity facility funded by the European Union and the Government of Switzerland which PCi has facilitated since 2013.

However, it is likely that any activity will always risk some harm while other harms may be unforeseen. In these circumstances, conflict sensitivity can come across as a damned-if-you-do-damned-if-you-don't situation. This is unsatisfactory for decision makers who will not be encouraged to prioritise the hard work of conflict analysis and critical reflection if they may be seen to be conflict insensitive regardless of those efforts.

In some ways this is due to a definitional misunderstanding. Conflict sensitivity ought not to mean simply an activity that has not caused harm, but rather: acting in a way that adequately considers interactions of activities with peace and conflict dynamics when decisions are made, and responding appropriately when interactions do occur. Such a definition would encourage the process of conflict sensitivity and acting responsibly.

Does not encourage questioning the appropriateness or intent of an action

As a mainstreaming concept, existing approaches to conflict sensitivity tend to look at changes to be made to activities that have already been envisaged. This tends to skip an important question about whether activities are appropriate or relevant in the first place.

Decision makers at every level relating to assistance activities have to manage different interests. Bilateral donors balance (often competing) national interests with those of beneficiaries and other stakeholders, as well as other institutional priorities such as spending allocated budgets. Implementing organisations balance beneficiary needs with the need to secure funding and the contractual need to deliver activities. Every organisation is affected by internal organisational concerns and dynamics which may lead to preferences for certain approaches or to prioritise certain problems. All of this can mean that assistance activities are not focused on what is most needed or appropriate or that they may be implemented in ways that are inappropriate.

This is of direct importance for conflict sensitivity where implementation of inappropriate activities can play into conflict dynamics or mean that other more pressing issues, such as priorities for conflict reduction or peacebuilding, are not being addressed.

It is unrealistic to expect that tensions between all these considerations will ever be completely resolved. However, it is important to explicitly consider them in order to evaluate the potential conflict sensitivity impacts that may arise.

Existing tools do not explicitly manage balance between positive impacts and harms

The final challenge is that existing conflict sensitivity tools tend to look at conflict sensitivity harms and opportunities on an individual basis. This is fine when harms or opportunities can be completely addressed with minor tweaks to activities. However, often the risk of conflict sensitivity harms cannot be completely eliminated. In some instances, no course of action, including inaction, may be harm free. Such situations pose conflict sensitivity dilemmas for decision makers. In these circumstances, it is necessary to consider the trade-offs between potential harms and the positive impacts both of the activity itself and of leveraging conflict sensitivity opportunities.

Managing trade-offs is a complicated question. For example, at what point do potential conflict sensitivity harms outweigh the need for urgent humanitarian assistance, for early recovery assistance or for access to basic services? As recent experiences of international assistance activities in highly politicised contexts like Syria have shown, a lack of clear guidance on such questions can be paralysing for decision makers who respond either by curtailing their activities completely or choosing not to look at conflict sensitivity concerns too closely.

Impact of these challenges

The result of these challenges is ultimately that the process of implementing conflict sensitivity can appear unclear and burdensome for decision makers, particularly those who have limited time and resources. Moreover, without clear frameworks for navigating questions such as balancing interests or trade-offs, conflict sensitivity can often raise more concerns than it resolves.

Consequently, there are significant disincentives for decision makers to meaningfully consider conflict sensitivity in their work. This is often seen when organisations decide to embrace conflict sensitivity. Initially, decision makers actively engage in conflict analysis and critical reflection. However, as activities continue, as conflict sensitivity reflection raises difficult questions and as conflict sensitivity tools are not directly linked into decision-making processes, the interest in engaging in the process wanes. This can lead to poorer quality analysis, token consideration of interactions or the reduction of conflict sensitivity to a number of paragraphs within project reporting.

A draft tool for conflict sensitive decision-making

Purpose and outline of the tool

PCi has developed a draft tool for conflict sensitive decision-making which it hopes may help address the challenges identified above (though it may not completely resolve them).

The objectives of the tool are to have an approach to conflict sensitivity that can:

- More directly fit into decision-making processes;
- Provide a sense for decision makers that they have done what needs to be done to be conflict sensitive before an action has occurred rather than just afterwards;
- Have more closed questions (which may still be hard to answer);
- Explicitly consider the appropriateness of an action; and
- Provide a framework to consider the cumulative impact of an intervention, not just individual risks.

The draft tool has been adapted from a well-established ethical decision-making framework called the Doctrine of Double Effect,⁵ which is used to help determine whether decisions are morally permissible when those decisions may cause harm.

It consists of five questions, or tests, (detailed below) which should be asked when undertaking any decision about assistance activities. If the decision passes each of these tests, then that decision could be considered to be suitably conflict sensitive. Conflict sensitivity harms may still occur as a result of the decision, or new opportunities to contribute to peace emerge; the decision maker has the responsibility to respond to these appropriately but in the meantime can act in the confidence that they have done their due diligence.

The tool is intended to be useful for decision makers at all levels, from those making policy decisions in donor capitals, to those working on country programme strategy, to those directly implementing assistance activities on the ground. It is also intended to be relevant for all types of decisions, from approval processes around projects to every-day decisions about engaging with stakeholders.⁶

⁵ See: 'Doctrine of Double Effect', Stanford Encyclopedia of Philosophy, 24 December 2018, available online at <<https://plato.stanford.edu/entries/double-effect/>>, accessed 04 December 2020.

⁶ The tool is intended to be universal in the way it is framed. However, obviously, the amount of effort used for the tool is different for each level. A decision about going ahead with a regional programme worth tens of millions would require

The tool is intended to be clearly understandable, with a clear purpose. However, it may not always be simple to complete given the complexities of working in fragile and conflict affected countries. For more complex contexts, or more complex decisions, significant time and effort may be needed to build the necessary understanding to be able to pass the tests.

Finally, the tool is not intended as a replacement for existing conflict sensitivity frameworks but as an augment to them. Answering each test will require an understanding of the context, identifying interactions and adapting to them – using many of the tools already widely used within conflict sensitivity such as a conflict analysis. Instead, this tool is intended as a way of focusing those existing frameworks and tools and ensuring that the questions asked through processes like conflict analysis have a clearer purpose and focus.

The five conflict sensitivity tests

The five conflict sensitivity tests are:

1. The objectives test: Are the objectives of the activity relevant, timely and appropriate within the peace and conflict environment?
2. The harm-minimisation test: Have all reasonable efforts been undertaken to identify and mitigate potential harms that may be caused by the activity?
3. The harms-means test: Do harms only result from the activity without being the means by which the action is achieved?
4. The benefit-maximisation test: Have all reasonable efforts been undertaken to identify and leverage opportunities to contribute to peace through the activity?
5. Proportionality test: Are the harms identified in test 2 proportionate to the benefits identified in tests 1 and 4?

Test 1: The objectives test – Are the objectives of the activity relevant, timely and appropriate within the peace and conflict environment?

The first test seeks to assess whether the intention of the action is relevant, timely and appropriate to the peace and conflict context.

One set of considerations for this test focuses on the explicit objectives of the assistance activities – specifically whether they are responding to a genuine need. This is not just a relevant question at the point of inception of activities, either. Peace and conflict dynamics are changeable and the way that assistance activities may affect different conflict factors or stakeholders will change along with the context. Assistance activities that may have responded to a genuine need at the start of a project may become less relevant due to a shift in peace and conflict dynamics.

For example, questions that may be asked include whether it is appropriate from a conflict sensitivity perspective to work on public-service institution building in a particular context where governance is disputed between authorities or whether it is timely to hold a dialogue meeting aimed at fostering social cohesion in a context of urgent humanitarian need.

Asking and answering these questions can be particularly challenging, especially when donor contracts, delivery targets and workplans, and institutional pressures push against it. However, activities that are not relevant, timely or appropriate risk, at best, wasting resources that could be used for other assistance activities and, worse, exacerbating conflict dynamics.

significantly more time and resources dedicated to working through the tool (some months and dedicated staff time, for example) than making a decision about a stakeholder meeting (perhaps a 30 minute team meeting).

A second set of considerations is about the upstream objectives of activities. Donors often seek to advance national interest through international assistance contributions. It is important for both donors themselves and for implementers who may receive donor funding to think through the implications of those other interests on peace and conflict and whether those implications are appropriate from a conflict sensitivity perspective.

In thinking through this, it is important to stress that other interests are not necessarily incompatible with a conflict sensitive approach (though some may be). However, by explicitly interrogating the different objectives behind activities, decision makers can better manage the various trade-offs that need to be made between different objectives and the conflict sensitivity implications of those.

Test 2: Harm-minimisation test – Have all reasonable efforts been undertaken to identify and mitigate potential harms that may be caused by the activity?

The second test asks whether the decision maker has tried to identify potential conflict sensitivity harms that may be caused by the activity and has adapted the activity to mitigate those (and planned appropriate responses should they occur anyway).

Answering test 2 uses tools and approaches familiar to anyone experienced with conflict sensitivity already. Conflict analysis is necessary to understand the context and to identify potential interactions between the activity and the context and various adaptations can be made depending on the sorts of interactions identified.

An important element in this test is the concept of what is 'reasonable'. What is reasonable in terms of identifying conflict sensitivity risks is dependent on the significance of the decision being considered. The design of a multi-million Euro project ought will require more analysis and consideration of risks than a single communication activity within a project.

Test 3: The harms-means test – Do harms only result from the activity without being the means by which the action is achieved?

This test is taken directly from the Doctrine of Double Effect. It relates to the idea that it is not morally permissible to intentionally cause a harm regardless of the intent, a principle which can be extended to conflict sensitivity.

The test rests on the question of whether the harms identified in test 2 are a side-effect of the activity or an essential component of the activity itself. As in, is it possible (even if unlikely) that the activity could be completed without the harm occurring?

An extreme example for illustrative purposes would be a decision about whether international actors should incite rebellion, that may not otherwise happen, against a repressive and abusive regime. Incitement would actively worsen conflict for an ostensibly positive purpose and would therefore not be conflict sensitive. On the other hand, a project that provides support to pro-democracy opposition in that country may pass this test and be conflict sensitive (subject to the other tests) even if it runs the risk of heightening political tensions.

Test 4: The benefit-maximisation test – Have all reasonable efforts been undertaken to identify and leverage opportunities to contribute to peace through the activity?

The fourth test is the mirror of the second test, looking at ways in which the activity could contribute to peace.

While leveraging opportunities for peace is an explicit part of existing conflict sensitivity frameworks, it is often given less attention than the conflict sensitivity harms. By including positive contributions as an explicit test, it ensures that decision makers do not ignore or deprioritise it.

As with the second test, this test uses familiar tools within existing conflict sensitivity approaches.

Test 5: Proportionality test

The final test tries to find the balance between potential harms identified in test 2 with the benefits of the activity identified in tests 1 and 4.

The recognition inherent in this test is that activities may cause harms no matter what mitigations are put in place. There may also be no alternative course of action, including deciding not to undertake the activity, that could be harm free. However, this test asserts in such circumstances, activities may still be conflict sensitive so long as those harms are proportional to the benefits.

The challenge with this test is being able to balance different types of harms and benefits. The benefits of some actions, such as the provision of life-saving humanitarian assistance, may be easily quantifiable. Some harms, such as the theft of assistance at checkpoints by armed groups, may be fairly easy to measure as well. However, how do you balance benefits or harms that may be indirect or play out over a much longer period, such as efforts to promote civil society or the harms arising from engaging with (thereby providing recognition to) certain conflict actors?

Implementation of the test requires an acceptable framework for balancing benefits and harms. Different institutions or decision makers may develop their own sense of where the balance lies relevant to their own activities. However, in the long run it would be important to develop a shared sense of how different harms and benefits balance each other, with different stakeholders and real-world examples.

Next steps

Ultimately, the draft tool for conflict sensitive decision-making presented in this discussion note requires significant further development. In particular, each test needs further consideration regarding what is practically involved in answering it and to be tested with real examples. Some of these practical considerations, particularly around tests 1, 3 and 5, can only be developed further in discussion with different actors within the international assistance community.

Given this, PCi has prepared a series of workshops over end 2020 and early 2021 to get feedback on the draft tool and further develop some of its practical aspects. The first workshop will consider the tool as a whole and get initial feedback. Subsequent workshops will focus on elaborating what is involved with each test. A final workshop will look at the practicalities of the tool within institutional decision-making contexts and identify what to do with it next.

Each workshop is also intended as a standalone session in its own right, presenting an opportunity to discuss or revisit important questions about conflict sensitivity that will be of relevance outside the specific context of the draft tool.

Based on feedback during discussions, the workshop series is expected to result in a brief, practical guide to the conflict sensitive decision-making tool to be shared with participants and with the conflict sensitivity community more widely.