

# Lessons from Peace Processes

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## Question

What are the general lessons from peace agreements that illustrate why peace agreements may or may not work? What are the favourable conditions for a successful power sharing agreement? Issues of interest include 'do no harm' principles, secondary benefits, how to incentivise elite actors.

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# 1. Overview

Lesson learning has played an important role in advancing peace processes across the globe.<sup>1</sup> Although no two conflicts are alike there are a number of wider lessons and practices that can be transferred to other peace processes. However, it is important to understand the differences and similarities in order to develop the lessons within the dynamics of the particular case study (McGarry, 1998). This rapid review synthesises findings from rigorous academic, practitioner, and policy references.

Lessons can be learnt from both successful and failed peace processes, as both increase one's knowledge and understanding of the process and help in the context-driven development of a new peace process (Rose, 1991). This report includes lessons from both successes and failures and will borrow from the case studies of **Northern Ireland, South Africa, Sudan, Bosnia and Herzegovina, Colombia, and Iraq**. These case studies have been chosen for the range of lessons they offer on a number of processes. Rather than dividing the analysis into case studies, this review examines the stages of the peace process as this allows for a better conceptualisation of lessons. Dividing the report into the three stages (negotiations, agreements and implementation) enables an examination of quantitative literature that utilises a number of case studies, thus providing a more thorough overview of the lessons available.

Key findings are as follows:

- **Exogenous actors** are instrumental in peace processes and play a range of roles from facilitating negotiations, providing guarantees so that the process does not break down, to building trust between the actors.
- Inclusive processes are more likely to succeed and lead to lasting peace; however they
  can take longer as they often require extensive preparatory negotiations and involve
  external pressure to ensure the acceptance of all parties.
- It is important to have a **timeline** for negotiations and for the implementation of an agreement as this helps to keep all the parties on track and enables them to set a target to work towards.
- Gender receives limited attention in most peace processes and is often left out of the key literature, however the limited literature that does take a gendered-approach points to the key role a gender inclusive peace process can have in transforming the society and highlights the negative impact of omitting women from peace processes (O'Reilly et al., 2015).
- Dealing with the Security issues, such as police and security sector reform, is extremely
  important for power sharing arrangements, as failure to do so is likely to lead to tensions
  and the breakdown of the agreement.
- **Cabinet positions** in a power sharing agreement should not be left for negotiation, they should be chosen through sequential proportionality rules (a mathematic equation based on votes won), thus preventing any political impasse or breakdown of the agreement.

<sup>&</sup>lt;sup>1</sup> For example: actors from the peace process in South Africa were involved in passing on their lessons to Northern Ireland (See: Brocklehurst, Stott & Hamber, 2000); Actors from Northern Ireland have passed on lessons to Iraq (See: UN News Centre, 2009) amongst others.

- Built-in Safeguards, such as transitional power sharing arrangements (involving negotiation parties, before elections can be held), dispute resolution mechanisms, and verification mechanisms help to stabilise the initial period following an agreement and prevent the agreement from breaking down.
- Ex-combatants can make or break a process and therefore it is important that they are incorporated into an agreement. Methods to engage them once fighting has ceased must be developed.
- Elites can be incentivised through placing cross pressures on them by making them more accountable to the population and the institutions within the government.

# 2. Negotiations

### **Process**

Much of the literature highlights the important role that exogenous actors play in peace processes; however, this ranges from encouragement to cohesion, to coercion and can play both a negative and a positive role. This review aims to give a better understanding of the role exogenous actors can play. According to Fisas' quantitative study of peace processes, 75% of all the armed conflicts that have come to a peaceful end since the mid-1980s have done so through a negotiated settlement. Additionally, 80% of all negotiations seek the facilitation of third parties in order to reach an agreement (Fisas, 2015: 1).

Mediation by exogenous actors can be divided into 'fostering' and 'forcing'. Wallensteen & Svensson's (2014) synthesis on mediation to end conflicts highlights that most of the literature favours fostering, but there are examples of forced processes working (i.e. Bosnia and Herzegovina and Lebanon) and it is argued that this is necessary when there is a risk of severe loss of lives. However, analyses demonstrate that peace processes that are fostered are less likely to revert to conflict and that trust towards the mediator by both parties is important (Wallensteen & Svensson, 2014). Partly for this reason it is important that mediators are present over a long period of time, rather than coming in and out of the process. A successful example of this is the appointment of Senator George Mitchell as the United States Special Envoy for Northern Ireland (1995–2001). Mitchell's impartiality was praised by both sides and he was instrumental in bringing the stakeholders to the negotiation table (Clancy, 2011). The US also supported the less powerful group (nationalists) helping to bring a power balance to the process, which is an important lesson for processes with a clear disparity in power. This point is further highlighted by the failure of the process in the Israel/Palestine case, where the US has routinely backed the stronger party, thus further enhancing the imbalance of power (Maney et al., 2006).

Northern Ireland is also a good example of the important role that exogenous actors can play in the negotiation process and in reaching an agreement. Both the Irish and British governments were heavily involved in creating all-inclusive negotiations (which are seen as instrumental for success in peace processes) and managed to get Sinn Fein to the table by making decommissioning of the IRA necessary alongside negotiations rather than before (Ingraham, 1998). On multiple occasions both governments (as well as the US) gave assurances to the main actors and helped to overcome obstacles. They also set a timetable for negotiations, which has been viewed as intrinsic to reaching an agreement (Dixon, 2015). There are a whole host of other occasions where exogenous interventions played an instrumental role in the success of the

process, therefore it must be highlighted that they helped to pave the way towards successful negotiation, resulting in an agreement.<sup>2</sup>

The important role of exogenous actors in negotiations is further highlighted through Walter's seminal study on negotiations to end civil wars (spanning from 1940-1992), which concludes that guarantees given by third parties are the most important factor in successfully implementing a negotiated settlement (Walters, 1997, 2002). With regards to the negotiations themselves, it is important that no actors feel they are losing too much, therefore gains and losses in negotiations need to be closely connected. Zero-sum games should be avoided and instead all actors need to be given the opportunity to achieve their key objectives through cooperation (Ross, 2000).

Due to the important role of exogenous actors, there is a body of literature that addresses the role of the mediator (Moore, 2014; Sisk, 1996). The mediator needs to build credibility with the conflict parties and steer them towards negotiation through confidence-building exercises, ensuring they understand their opponent's needs as well. Early on the mediator needs to negotiate the process that lies ahead, however, the mediator has to ensure that the parties have ownership and even management of the process. As the process unfolds it is possible to achieve greater levels of collaboration and joint decision-making in regard to the management of the process. Failure to achieve a sense of ownership makes it easier for a party to walk away from the table (Hayson, 2005).

#### Inclusiveness

Much of the literature argues that peace processes should include all the main actors and therefore need to be inclusive (Dixon, 2015; Maney et al., 2006; Wallensteen & Svensson, 2014). As demonstrated above with the case of Northern Ireland, this may involve exogenous actors offering guarantees to ensure all actors are accepted. It can often be a struggle to get all parties to accept militant nationalists, however through empowering participants and increasing certainty, peace processes are strengthened (Maney et al., 2006). Having negotiations with minor players can often be counterproductive as they do not have the authority to negotiate. It is therefore necessary to start by using an inclusive approach that gives a voice to actors whom the other party may not want to talk to but who are key to resolving the conflict (Fisas, 2015).

The example of Colombia, however, demonstrates that including combatants is not always enough and under certain dynamics you also have to offer them protection. Negotiations in Colombia in 1982 failed as although the government gave amnesty to ex-combatants they could not offer security to these demobilised Fuerzas Armadas Revolucionarias de Colombia (FARC) members who formed the political wing and around 3000 were assassinated by paramilitaries (Theidon, 2009; UCL Institute of the Americas, 2012).

Although political elites are the ones that negotiate and reach agreements, for these to work they need to 'sell' them to their constituents. It is therefore important that there is grassroots involvement in the process. Moreover, more localised issues of conflict also need to be addressed, as these can often act as flares for later conflict, again making the involvement of grassroots significant (Maney et al., 2006).

<sup>&</sup>lt;sup>2</sup> For instance, it is said that Sathyandranath Maharaj, a former commander of the ANC's military wing in South Africa helped to persuade the IRA's army council to give up arms (Guelke, 2000). Additionally, Tony Blair, Bill Clinton and Bertie Ahern all helped to overcome obstacles and were instrumental in an agreement being reached.

Civil society organisations must be strengthened in order to sustain peace processes. Grassroots peace campaigns can provide policy recommendations for elites to draw upon. They can also lead to elites being pressurised by the population to make concessions in order to achieve peace (Chazan, 2005; Guelke, 2003). Additionally, civil society organisations give voice to groups that are often excluded from the process. When women's rights organisations get involved, this might give rise to a more gender sensitive process. This is important as women's rights organisations bring in another perspective, that often highlight human rights, interdependence, and the insecurity that comes with the denial of basic needs in the everyday lives. However, it is not enough for women's rights groups to merely be involved, they also need to have a say in the outcome of the negotiations (Maney et al., 2006; O'Reily et al., 2015).

## **Do No Harm Principles**

Although exogenous actors play an important role in negotiations and facilitating agreements it is important that steps are taken to ensure that their involvement doesn't exacerbate conflict. Exogenous actors should thoroughly understand the conflict and then analyse the dividers, tensions and connectors within the society. Only then are they in the position to develop their programme of support based on the local dynamics of conflict (The Conflict Sensitivity Consortium, 2012). An expert contacted in relation to this report commented that the Mitchell Principles developed by Senator Mitchell in Northern Ireland are a successful example of these principles at work and had a real impact on the reaching of an agreement. Senator Mitchell gained a thorough understanding of the conflict from the relevant parties and analysed underlying issues so that he could help overcome them in a manner satisfactory to all the parties. The principles developed by Mitchel were instrumental in getting all parties to the negotiation table (Deane, 2009). The principles, which the parties agreed to, were as follows (Deane, 2009: 75):

- 1. To democratic and exclusively peaceful means of resolving political issues;
- 2. To the total disarmament of all paramilitary organisations;
- 3. To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
- 4. To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
- 5. To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
- 6. To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.

### Timeline

Certain guarantees must be sought with regards to fulfilling the commitments made, which includes agreeing the timetable and methodology to be followed, establishing a pre-agenda or initial agenda and clarifying the conflictive aspects around which there is basic disagreement or fundamental incompatibilities (Fisas, 2015). These guarantees result in each party recognising their adversary and granting them the necessary legitimacy to negotiate.

Once the exploratory work has been completed, a road map is formed, which is essentially an agreement on what needs to be agreed upon. This includes what needs to be done to bring the process to its successful conclusion and should have a timeline of its own. Usually informal direct or indirect talks start off the process and lead to formal dialogue or negotiations. The main purpose of the negotiation is for opposing parties to sit down and talk with a view to achieving something of mutual benefit in a scenario where both parties make gains and avoiding zero-sum approaches where there are winners and losers (Fisas, 2015).

Negotiations take time though and generally involve multiple rounds and can often also involve a number of failed agreements. In Fisas' (2015) comparative analysis of 13 completed negotiations he demonstrates negotiations lasting from 4 years (Nepal) to 21 years (Northern Ireland). A number of factors can arise to breakdown the negotiations and any third party must be aware of these and try to address them early on. See Annex 1 for a list of crises that arose in Sudan in 2014 that demonstrate the precariousness of negotiations.

# 3. Agreements

It is important that the language used in agreements is clear and easy to understand by all parties. Ambiguous language should be avoided at all costs, as this can lead to later confusion and deals falling apart (Maney et al., 2006). An example is Article 112 of the Iraqi Constitution where ambiguity in the language over who controls new oil finds has led to conflict between Baghdad and the Kurdistan Region of Iraq (Romano, 2014). Broad based agreements with intentionally ambiguous language are easier to gain support for, however in the long term they are likely to lead to issues. Whereas, narrow agreements with precise language are harder to gain initial support for, but are less likely to breakdown due to issues arising down the road (Maney et al., 2006).

Many peace agreements fail to address grassroots issues and are overly focused on top-down initiatives. Although these are important to end armed conflict, grassroots initiatives are necessary in order to bridge the divide within the society over time. The peace process in Northern Ireland is a good example of ending conflict through elite agreement, but involving very few grassroots initiatives to rebuild the society (Knobel, 2011). On the other hand, agreements are predominantly made by elites who are privy to what goes on in negotiations. The recent failure in Colombia is an example of a misunderstanding of the impact the conflict had on society and although an agreement was reached by the main actors it failed in a referendum with the population who were not privy to the same information (Quintana, 2016).

#### **Power Sharing**

According to the literature consociational power sharing is the most often used form of power sharing in governing divided societies. The reason being that it does not try to weaken the divides but rather encourages the elites to represent their subgroups (Taylor, 2009; Sisk, 1996). Lijphart (1997: 25-52, 2008: 28-30), identified four consociational principles:

- 1. Executive power sharing (with a grand coalition being preferred) where each of the main segments of society is represented.
- 2. Mutual veto, giving minorities political protection from decisions that affect their vital interests.

- 3. Proportionality in political representation, expenditure and public sector employment.
- 4. Segmental autonomy in the internal affairs of each group.

The fact that consociational theory is quite broad – in that each of these principles can be implemented to varying degrees – allows for a great deal of institutional forms to be developed within its framework. Lijphart (2008) labels the sharing of executive power and group autonomy as primary characteristics and proportionality and minority veto as secondary characteristics. Therefore, it can be said that the role of the secondary characteristics is to strengthen the primary characteristics. It should be stated, however, that these principles are important in developing an agreement that has the best possibility of stability, therefore any settlement created should try to include all four, but it is not imperative that all four principles are included in order for it to be called a consociational settlement.

For power sharing to work or be implemented, elite cooperation is imperative and thus Liphart (1977: 53-103) identifies the following elements as favourable for this cooperation:

- **Proportionality of segments**: There should be a balance between the segments, with no segment having a large majority to dominate the rest.
- **Multiparty systems**: There should be a multiparty system, where each segment is represented by a party; this way leaders can be distinguished to represent each segment in a coalition.
- Size of the entities: The size of the entity has an effect on the success of consociation; as the smaller they are the more likely the elites are to meet, which in turn enhances the chances of cooperation and accommodation.
- Structure of cleavages: If there are numerous cleavages and they are equal in size, this can result in a further fragmentation of society; as people no longer classify themselves under a larger segment, but rather a smaller specific cleavage. This can only be viewed as positive if it transfers the society from having a specific majority group, to an all minority society. If the cleavages are unequal, they are more prone to cross-cutting and therefore, cross-pressures. This can result in more moderate attitudes.
- Segmental isolation: In a plural society it is beneficial to have clear boundaries between the segments. This limits the contacts between the segments at grassroots level, which in turn limits the chances of conflict.
- History of elite accommodation: Consociation relies on elite cooperation; one of the reasons elites cooperate is because a failure to do so could have vast consequences for all the segments of the society. If there is a past tradition of elite cooperation, these elites are then more likely to cooperate again and the process of cooperation is easier to promote to their grassroots support.

There have been a number of criticisms of Lijphart's work (Horowitz, 2002; Reilly, 2011) and these have mainly been addressed by McGarry and O'Leary (2006). What Lijphart fails to highlight in his favourable conditions for elite cooperation, is that exogenous actors play an extremely important role in facilitating, implementing and consolidating power sharing agreements (McGarry and O'Leary, 2006).

There are also a number of developments to Lijphart's work by McGarry and O'Leary (2006), which are addressed below. Current conflict mainly involves self-determination disputes, thus, to address these issues territorial autonomy is needed, as cultural autonomy is not enough. In

cases that involve trans-state self-determination, new issues arise. In Northern Ireland crossborder institutions were set up, giving both Unionists and Nationalists links to their favoured entity. A future chance for self-determination was also tied into the peace agreement.

Traditional power sharing tends to focus on the design of political institutions, and forming an agreement on these. It therefore ignores numerous other factors that need agreement on, such as: the design of the police, demilitarisation, return of exiles, educational reform, economic policy, promotion of language and group rights, etc. Without designing an agreement that takes these factors into consideration, the settlement will be under pressure once these factors arise (McGarry & O'Leary, 2006). Security reform is extremely important in divided societies and is often paired with power sharing agreements. In Kenya and Northern Ireland security sector reform formed a key part of the power sharing agreement and previous failures to address it in Northern Ireland had prevented agreements from being reached. Unless the security concerns of the communities involved are addressed a power sharing agreement cannot be reached, or if they are reached they are likely to be short lived (McGarry, 2017).

McGarry and O'Leary (2009) see Lijphart's grand coalition or universal participation (Lijphart, 2008) as too high a demand for a power sharing agreement. Instead they seek joint consent across significant communities, deeming this as a necessary factor to create a working consociational settlement. They distinguish three types of consociation: (1) unanimous consociation – grand coalition; (2) concurrent consociation – majority support of each segment; (3) and lastly weak consociation – plurality in one or more segments, but not all. They opine that there is no theoretical or empirical evidence that consociations are undemocratic when elites govern with factional or lower levels of support within their segments, as they are elected democratically and are involved in democratic governance (McGarry & O'Leary, 2009).

Traditional power sharing relies on the formation of a government through negotiations over coalitions and government positions. This can result in political impasse over the formation of the government (an example of this is the 2010 Iraqi elections, where it took nine months to form the government) or the instability of a government that can easily be dissolved if a large bloc chooses to withdraw. McGarry and O'Leary (2009) favour allocating ministerial portfolios through sequential proportionality rules. Therefore, forming coalitions and allocating the positions without having to negotiate and preventing blocs from withdrawing, as their positions will merely be allocated to those next in line. The Good Friday Agreement uses the d'Hondt system for this allocation.<sup>3</sup>

It is also important that power sharing does not follow an ascriptive criteria (predetermining the percentage each ascriptive group has in the cabinet and reserving certain positions for specific groups) where group identities are fixed, as this obliges segments to vote within their own group. This excludes other groups that do not fall within this criterion, as well as those who wish to be classified as having no group. It also does not address the ever-changing population and can therefore give groups privileges above that of which their numbers warrant. There should be no provisions for groups within the government. Rather democratic political parties should be elected to the government based on their strength through a proportionate representation voting system. It is then preferable that the cabinet is decided through sequential proportionate rules (O'Leary, 2005). However, it should not be a short-term solution; power sharing that is

<sup>&</sup>lt;sup>3</sup> For an explanation on d'Hondt, see: http://news.bbc.co.uk/1/hi/northern\_ireland/91150.stm

institutionalised and permanent provides more incentives for elites to accommodate one another, which short-term solutions do not provide (McGarry, 2017). Box 1 below draws on the experience of an expert contacted for this report who has been heavily involved in negotiations for power sharing agreements and clearly demonstrates what is needed for success.

	Box 1: Expert Comment - What is needed for successful power sharing?
•	Any successful political power-sharing pact should take place in a context where security issues have also been successfully dealt with;
•	The durability of a power-sharing pact will be enhanced if the settlement that
•	establishes it does not leave 'unfinished' and divisive business for the parties to the
	power-sharing deal to resolve. This puts too much pressure on the power-sharing
	institutions, particularly when they are fresh;
•	Ideally, the power-sharing agreement should include details on exactly which party gets which ministries (number and portfolio-type). An agreement on power-sharing that does not include these details will lead to immediate disagreements over executive formation;
•	Thought should be given to decision making rules, including deadlock breaking mechanisms;
•	Effective power-sharing means balance. For example, core security ministries (police, army etc.) should not all be controlled by one party;
•	Power-sharing settlements should have effective monitoring/oversight and implementation mechanisms (acceptable to all relevant parties) to help ensure that what is agreed to is delivered. It is useful to have some mutually acceptable body that can be appealed to (such as a court) if one side thinks the other is reneging on what

- has been agreed;The power-sharing settlement should be roughly proportionate.
- Power-sharing agreements that also have autonomy provisions mean that there is less to disagree on within power-sharing institutions.
- Any division of responsibilities, e.g. between a president and a prime minister, should be clear.

# 4. Implementation

### **Built-in Safeguards**

In their quantitative analysis of peace agreements between 1989 and 2012, Joshi, Lee, and Mac Ginty (2016) argue that built-in safeguards facilitate the implementation of peace agreements and work to protect them. Built-in safeguards offer institutional support for dealing with immediate implementation challenges as well as for developing more effective working relationships over the longer term. These safeguards include transitional power sharing arrangements (involving negotiation parties, before elections can be held), dispute resolution mechanisms, and verification mechanisms. They go on to argue that these safeguards have the capacity to deal with commitment problems or urgent implementation challenges due to mutual mistrust, as well as allowing parties to look beyond immediate deals and focus on long-term processes. The article finds that the use of the three built-in safeguards increases the peace implementation rate by over 47% (Joshi et al., 2016: 2).

Transitional power sharing arrangements allow for those who made the agreement to participate in governance, thus giving all parties a stake in the process. Dispute resolution mechanisms can offer parties to an agreement ways of dealing with problems without disrupting the entire agreement. When a difficult challenge emerges during the implementation period, the parties may be able to try a problem-solving mechanism rather than break the agreement or even return to armed conflict (i.e. parade commission in Northern Ireland, Joint Military Commission in Bosnia and Herzegovina, etc.). Verification mechanisms aim to establish transparent means and institutions for collecting and distributing information regarding the implementation process. In most cases, verification arrangements are conducted in the form of joint commissions where all key parties to the peace agreements participate (Joshi et al., 2016: 2).

Safeguards address immediate and urgent challenges facing the implementation of peace agreements. Common problems involve questions of legitimacy, contrasting views/interests between key political actors, and suspicions of fake/half-hearted commitment. The purpose of the safeguards is to allow for these issues to be addressed without the whole agreement falling apart and reverting to conflict (Joshi et al., 2016: 2).

It is important that agreements have a clear timeline for the implementation of the various processes. However, the safeguards discussed above are also important in order to prevent difficult tasks that need to be completed from leading to the whole agreement falling apart. Here again, exogenous actors have a role to play in facilitating, pressuring and encouraging all the parties to stay on track and this can also often involve giving the parties guarantees in order for the process to continue (Maney et al., 2006).

### Combatants

It is important that there are processes put in place to deal with combatants. In many peace processes ex-combatants are not retrained and therefore find themselves in new dynamics where their unique set of skills is no longer necessary. In Northern Ireland and Bosnia and Herzegovina many ex-combatants moved on to organised crime and in Iraq many joined radical entities where they once more received a salary (Benraad, 2011; Brady, 2012). In other cases in Iraq combatants were not expected to disarm and have gone on to continuously disrupt the political process and hold politicians hostage to their demands (Mowle, 2006; Ucko, 2008).

# **Incentivising Elites**

Incentivising elites to implement an agreement can often prove difficult, as elites can benefit from maintaining the status quo. Elites therefore have to be encouraged to follow through on the agreement and there are multiple methods to engage in this process. Firstly, it is important to understand what the interests of the elites are so that they can be aligned with those of the citizens, if they are not already. Where there is a clear case of the conflict having placed a strain on the population it is easier to make the elites answerable to them. Valters, Van Veen and Denney (2015: 22-28) propose four methods to incentivise elites:

- Introducing tax measures (which are usually weak in post-conflict states), thus increasing the populations' expectations of the elites.
- Stimulating citizen engagement; cautious civil engagement (so as to not provoke a negative response from the elites) can put pressure on elites to deliver.

- Rebuilding the institutions so that they hold the elites accountable; for instance security sector reform, so that the security sector becomes the guardians of peace rather than the instigators of conflict.
- Improving socioeconomic development so that citizens also have an incentive for the elite pact to continue, thus in turn pressurising the elites to maintain it.

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#### Key websites

Political Settlements Programme (http://www.politicalsettlements.org/)

- Inclusive Peace and Transition Initiative (http://www.inclusivepeace.org/)
- Peace Accords Matrix (https://peaceaccords.nd.edu/)
- Conflict and Politics in Northern Ireland (http://cain.ulst.ac.uk/)

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