

Foreword

A comparative perspective on peace agreements

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The 1990s have been both the decade of ethnic conflict and the decade of the peace process. A number of high profile peace agreements such as those in South Africa, the Middle East and Northern Ireland ended what had seemed to be intractable conflicts and symbolized the possibility of historic compromise on the road towards a just and lasting peace. The reality is that agreements wax and wane, are negotiated and are implemented, or collapse, stall and are renegotiated. The Accord series therefore provides a vital service to those in conflict situations who seek to look beyond their own process and to understand its patterns and rhythms, hopes and failures, in a comparative context. While narrative accounts of a conflict can be useful, too often the documentary record of its agreements can be difficult to track down. Yet it is in the detail of such agreements that devices for compromise, which are capable of being transferred from one process to another, can be found. In Northern Ireland, for example, the device of 'sufficient consensus' – that any proposal needs the agreement of a majority of each side to be accepted – was borrowed from South Africa's peace negotiations and incorporated into the structure agreed for devolved government, providing a crucial safeguard for both Irish Nationalist (Catholic) and British Unionist (Protestant) communities.

While a few agreements have grabbed world headlines, a wider comparison indicates that such agreements often mark a breakthrough in a process rather than a definitive solution. They are inevitably preceded and succeeded by other agreements. Most peace processes leave a complex documentary trail as different issues are dealt with at different stages, as political actors come and go, as agreements are accepted and rejected, and as agreements themselves begin to shape the conflict.



A classification of peace agreements

Peace agreements can loosely be categorized in three stages. In the first stage, pre-negotiation agreements deal with how to get everyone to the negotiating table. Issues that typically need to be dealt with include: the return of negotiators from exile or their release from prison; the safeguarding of future physical integrity and freedom from imprisonment; and the limitations on the conduct of the war while negotiations take place. These matters can be addressed by amnesties for negotiators, ceasefire agreements, human rights protections and monitoring violations of both ceasefires and human rights. Such agreements often set the agenda for talks as parties begin to sound out the other side's positions. Often pre-negotiation agreements are not inclusive but form bilateral agreements between some of the players.

The second stage involves what may be called framework or substantive agreements which tend to include the main groups involved in waging the war by military means. They begin to set out a framework for resolving the substantive issues of the dispute. The agreement usually reaffirms a commitment to non-violent means for resolving the conflict, begins to address some of the consequences of the conflict (such as prisoners, refugees, emergency legislation and human rights violations) and provides for interim arrangements on the exercise of power. It sets an agenda, and possibly a timetable, for reaching a more permanent resolution of substantive issues such as self-determination, democratization and elections, policing and security, armed forces, demobilization and disarmament, rights protection and reconstruction. These framework agreements may or may not hold. Even when signed up to by all parties they may come to an abrupt standstill due to the death or assassination of one of the parties, as happened in Rwanda and Israel, or to a change in those in power, or to a lull that often accompanies an election campaign. Thus agreements are often renegotiated to alter the timing or sequencing of the framework or even substantive issues. Peace processes may have a number of framework agreements and the

distinction between pre-negotiation agreements and framework agreements may be unclear and to some extent artificial.

The final stage is the implementation of agreements which develops aspects of the framework, fleshing out the detail. By their nature implementation agreements involve new negotiations and often in practice see a measure of renegotiation as parties test whether they can claw back concessions made at an earlier stage. Implementation agreements typically include all of the parties to the framework agreement.

Agreements do not, of course, fit neatly into the above classification. Pre-negotiation agreements often do include an agenda-setting element that begins to create the framework for how the process will be continued. Agreements which are intended to be substantive, but where a key party is excluded, reneges after signing, or signs and is then ousted from power, may better be thought of as pre-negotiation agreements.

Human rights – a central issue

In many of the more successful agreements, human rights protections have formed a central part of the peace blueprint. These protections play different roles at different stages of the process. At the pre-negotiation stage humanitarian standards and human rights monitoring can play a part in limiting the conflict and creating the minimal level of trust needed for the parties to engage in dialogue. At the framework stage, human rights standards can change a zero-sum game where the sides fight over political power, to one that contains 'win-win' elements. For example, a robust individual rights framework can create a society where neither side is penalized on the basis of ethnicity or national identity, no matter who is in power or where borders are drawn. Accord's next issue will focus on Northern Ireland. The Belfast Agreement aimed not only to provide for equality of individuals, but equality of national groupings, affirming both the aspiration of

Union with Britain and of Union with Ireland as equally legitimate. It set up a framework which implicitly acknowledged that absolute sovereignty is a thing of the past and pure majoritarianism is recognized as an impoverished form of representation. When this is recognized a whole set of options open up which can simultaneously be accepted by both sides as consistent with their (opposing) demands or, better still, as beginning to transcend the national dispute in its traditional form.

At some point, most societies face crises in the implementation of peace agreements. In their different ways Georgia–Abkhazia and Northern Ireland highlight this. These crises may be inherent in prevailing approaches to negotiating peace agreements which focus on political elites and outside pressures. This often results in an agreement rooted in word formulations that mean different things to different people. Not enough attention is given to how the agreement will be implemented and who will be involved. Failure to implement agreements can generate a political vacuum and lead to further violence. Unofficial initiatives can provide outlets for creative thinking to overcome obstacles and generate support for agreements on the ground. These ideas can filter through processes to agreements and can even earn civic society a place at the negotiating table or representation in new structures. It may be helpful to approach peace agreements in terms of formulation and evaluation, not as one-off settlements which succeed or fail, but as documents which can begin to provide a common language for the conflict and as structures through which it can be continually negotiated in a non-violent way.