After Agreement:
The Challenges of Implementing Peace

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Reaching agreement to end war and violent combat can plant the seeds from which peaceful relations can emerge. Implementation of a peace agreement initially focuses on stopping the same set of characters returning to war on the same set of issues; hence the question of how to sustain the agreement and implement what has been agreed becomes paramount. This consideration is immeasurable in terms of the potential for saving lives and preventing conflict amid future generations. In February 2012 the Northern Ireland Community Relations Council commissioned "Implementing Peace Agreements" and this article is a reflection on a series of findings to emerge from that desk based review of literature on peace agreements.[1] It reviews the considerable attempts at building peace internationally in Georgia-Russia, Aceh-Indonesia and in the Balkans and aims to draw some lessons from other post-conflict societies. Here we can consider what Northern Ireland can learn and what more it can share across these contexts.

In each of these cases considerable personal risk, diplomatic initiative and international support produced an opportunity for peaceful progress in societies plagued not only by division, but by tremendous grief, trauma and loss. The challenge in this short piece is to comment upon the reasons why these cases have avoided the fate of so many other attempts at stopping conflict and war: a return to widespread war and conflict. Given the history of missed opportunities and failed bids for peace in each of these cases, it is imperative to investigate where implementation of peace agreements has worked and is working but also consider what challenges endure.

At this point in time, the challenges of delivering on the agreed points and advancing the causes of peace remain delicate where in each case they are threatened by sporadic tensions and violence. Crucially, these societies are marked by continued deep division and segregation but still violence at the levels previously witnessed is very much resigned to memory. Is the threat of a return to violence enough to compel both elites and grassroots to pursue

peaceful interaction? Advocating an approach based on international support and the domestic balance of capabilities, I argue that it is at this nexus that peace can be won or perishes.

Framing the overarching argument that the nature of peace that has emerged has been profoundly shaped by the initial agreements and those challenged with implementing them. Firstly, the article progresses through a brief introduction to the comparative case studies. Secondly, this analysis is followed by an exploration of the experiences of implementing the agreed peace. Thirdly, the article considers how implementing peace in deeply divided societies is beset by challenges which destabilise the political process and inhibit societal reconciliation. In closing, the article maintains that these four cases are exceptionally revealing about the opportunities to nourish peaceful progress yet remind us that the spectre of the division, segregation and discord that caused death, injury, terror and trauma prevails and shapes the progress being forged.

Assessing the Cases of Implementation

The cases under investigation in this study each tell an interesting story about the accomplishments and pitfalls encountered by political elites, civic society and societies engaged in attempts at delivering the agreed peace. A gap between what is agreed and what is implemented reflects the dynamics of enactment as well as the opportunities afforded by the legacies of the past and the present particularly offered by the presence of external actors. Additionally, the intractability of the conflict remains a central consideration. Is peace always possible?

Bosnia-Serbia-Croatia

The 1990s was witness to an increase of intrastate conflict around the world, or at least the widespread perception of such an increase: the Balkans was host to much of this. Despite the prediction that economic and technological modernisation would quash the potency of nationalism, the conflicts in the 1990s in the Balkans positioned world-wide attention on ethnic- not ideological debates at the end of the Cold War. The legacies of this violent warfare in Bosnia, Croatia, Kosovo and Serbia continue to dominate the political agendas and discourses presently.[2]

The Dayton Agreement was signed in 1995 bringing an end to the wars between three constituent parts of the former Yugoslavia- Bosnia-Hercegovina, Croatia and Former Republic of Yugoslavia (now Serbia). It focused on the

following areas: military, regional stabilisation, boundaries, elections, constitution, arbitration, constitution, human rights, refugees and displaced persons, civilian implementation and the international police task force. Under the agreement, Bosnia remains a single state but is carved into a Muslim-Croat federation (51% of territory) and a Serb Republic (Republika Srpska) (49%). The agreement was signed by then Presidents, Croatian President Tudjman, Bosnian President Izetbegovic and Serbian President Milosevic who cast a prophetic eye on its implementation:

> "As to the implementation of the peace agreement and the role of the international peace force, the key of the success of its mission is even-handedness; just a partiality is the key of failure."

The international community played a significant role in the implementation of peace in Bosnia. With a shared concern about local capacity and political willingness, the international community's role was embedded in the Office of the High Representative limiting local ownership and denying a leadership role for local elites and civil society. For all the international effort, investment and presence, the implementation of the Dayton Agreement showed signs that "the ethnic cleansers have won: Bosnia is ethnically divided and significant portions of the treaty remain unimplemented."[4] The Dayton Agreement could be viewed as a 'ceasefire' rather than a peace accord as it plainly established a "tenuous compromise between partition and unity and between recognising the rights of refugees and displaced persons to return home and acknowledging the legitimacy of ethnically-pure territories".[5]

Northern Ireland

The Good Friday Agreement was one in a series of attempts at bringing an end to the conflict that polarised and devastated Northern Ireland. This agreement has required further negotiated agreements at St Andrew's (2006) on devolved government and Hillsborough Castle (2010) which dealt with policing and justice. These negotiated agreements shored up the stability of politics which now exists.

Conflict in Northern Ireland as in Georgia-Russia and Aceh-Indonesia is one which is born of a myriad of causes, cemented and redressed endlessly. As is the case in Aceh-Indonesia, the peace agreement was perceived and portrayed by the separatists as a 'stepping-stone agreement'. Martin McGuinness, now deputy First Minister, speaking in 1998, argued that "[We do not say] that this document is acceptable as a settlement … it clearly does not go as far as most nationalists and republicans would wish. But it is the basis for advancement".[6]

McGuinness was ascribing a 'peace by piece' approach shoring up a gradual progression and steady delivery on the implementation of the peace agreed.

As with the conflict, the period of implementation in Northern Ireland is longwinded: perhaps a success in its own right.[7] The period of implementation since 1998 has been characterised by false starts, a continued paradigm of ethnicities driving policy and lingering third party engagement. In 2001, the Northern Ireland Office published "Achievements in the Implementation of the Good Friday Agreement", which outlined progress made even with the "difficulties, delays and disputes" encountered.[8] This publication was motivating in purpose and intention, encouraging parties to reflect on the tangible outcomes of the Agreement in order to bolster resolve to continue. Hence, it provided a useful strategy and an important lesson about nurturing commitment.

Since 1998 the challenges of implementation have been faced with the tribulations of a society exorcising its demons within the parameters of a devolved assembly. Extraneous events such as 9/11 and internal events such as the Northern Bank robbery and the McCartney killing have impacted upon the high politics of implementation. Progress has been gradual with initial teething problems seemingly ironed out and by 12 years after the Agreement the big issues of policing and justice had been devolved. Implementation continues to be framed by an ethnic narrative reflecting the electoral spoils of the two largest parties, Sinn Fein and the DUP. Significantly, the division of power has created a potential and an incentive to widen the areas of contention.

The challenge of implementation of the Agreements in Northern Ireland remains firmly rooted in the question of how to deal with the past. In Northern Ireland, implementation has to a degree legitimised certain experiences centred on ethnically based narratives. The unwillingness to vocalise and discuss traumas sees victims silenced and unwelcome truths secreted. The challenge for the implementation of peace agreements is wedded to how the past is dealt with despite the unambiguous difficulties:

> Rescuing silenced victims and displaced historical narratives from that process is politically difficult since it involves rowing against dominant tides; however, it should be an ethical imperative, involving as it does questions of recovering forgotten truths and making those truths visible.[9]

In the 14 years since the Good Friday Agreement a mixed output for peace is clear: much remains to be done. Therefore, the implementation of a peace agreement requires time, space but also vitality and commitment to ensure that

what has gone before is not forgotten and that the imperfect peace established does not become the norm.

Georgia-Russia

The war in Georgia-Russia in August 2008 lasted 5 days and was a direct consequence of the historical dispute over the territories of Abkhazia and South Ossetia. According to the EU sponsored *Independent International Fact-Finding Mission on the Conflict in Georgia*, authored by the Swiss diplomat Tagliavini, 850 people were killed and 100,000 displaced (of whom 35,000 remain so) in the five days of the war in the Summer of 2008.[10] Brought to a cessation by an EU mediation team in the form of then French Prime Minister Sarkozy, Foreign Minister Kouchner and Finnish Diplomat Stubb, the agreement between Georgia and Russia initiated a new, more peaceful relationship. On 11 August 2008, French Foreign Minister Kouchner led a mission to Gori (a Georgian town which was heavily bombarded) then on to Moscow to secure a peace agreement. The following six points were agreed:

1. the non-use of force;
2. the definitive cessation of hostilities;
3. free access for humanitarian aid;
4. the withdrawal of the Georgian military forces to their usual bases;
5. the withdrawal of Russian military forces to the lines they held before hostilities broke out. While waiting for an international body, the Russian peacekeeping forces will implement additional security measures;
6. the opening of international discussions on the modalities of security and stability in Abkhazia and South Ossetia.

Charged with overseeing the implementation of the peace agreement of 2008 which ended the war, the EU Monitoring Mission (EUMM) initially deployed 200 monitors to the region in conjunction with a Special Representative and bolstered the number of staff in the local Commission Delegation Office. EU presence on the ground was significant, yet crucially remained only in the undisputed territory (excluded from South Ossetia and from Abkhazia) and not in Russia. Point 6 of the plan was top of the agenda and encompassed a range of international actors including the United Nations (UN), EU and Organisation for Security and Cooperation in Europe (OSCE) which instigated the discussions on security and stability arrangements within South Ossetia and Abkhazia which were launched in Geneva on 15 October 2008.

In this case, implementation of the agreement tends to focus on stabilisation, normalisation and confidence building in the region. These foci are addressed

through the Incident Prevention and Response Mechanism which serves as a forum to discuss and mediate security and conflict related issues mainly affecting those living along the administrative border lines. However, a key challenge of the EUMM is that its mandate extends over the whole territory of Georgia, but the de facto authorities of Abkhazia and South Ossetia have denied access to the territories under their control. Russia has sought to position itself as a unilateral partner in implementation and observation of the Six Point Plan, not a party to the conflict. They are on par with the EU. This manipulated presence has added to the difficulty of the EUMM implementing the agreed peace.

The tense political and security situation in this conflict remains and limits the full promise of the agreement as it is an enormous barrier to progressing good relations and reconciliation. All of the six points of the plan have been implemented yet the EU monitoring mission remains and reconciliation and inclusive multitrack processes are elusive. The peace agreement may have stopped the war but has not encouraged or facilitated a fuller implementation of a holistic peace.

Indonesia-Aceh

Since the establishment of the Republic of Indonesia in 1949, Aceh has maintained a struggle for independence pursuing an argument that its integration into this Republic was forced. Under the Suharto regime the repression of separatism and difference was blunt and bloody. With a population of 4.4 million, Aceh is located on the Northern tip of Indonesia. Its distinctiveness emerged from its strict adherence to Islamic law. The Free Aceh Movement (GAM) was established as the Aceh-Sumatra National Liberation Front (ASNLF) in 1976 by di Tiro, the father of GAM, and following a systematic clamp down on GAM activities in 1989 the conflict became increasingly violent for the ensuing years.

The pieces of the jigsaw for negotiating a mediated settlement were already being prepared, yet the momentum gathered pace following the tragic and deathly disaster visited upon South East Asia on 26 December 2004. The impetus for peace following the tsunami disaster wedded the rebuilding of Aceh to the possibility of reconciliation. The Memorandum of Understanding between the Government of the Republic of Indonesia and the GAM brought an end to a bloody and violent conflict.

According to Article 5.1 of the Memorandum of Understanding, the Aceh Monitoring Mission (AMM) was mandated with monitoring the implementation

of the points of the agreement; the mandate lasted from September 2005 to December 2006. This mandate included:

1. monitor the demobilisation of GAM and decommissioning of its armaments;
2. monitor the relocation of non-organic military forces and non-organic police troops;
3. monitor the reintegration of active GAM members;
4. monitor the human rights situation and provide assistance in this field;
5. monitor the process of legislation change;
6. rule on disputed amnesty cases;
7. investigate and rule on complaints and alleged violations of the Memorandum of Understanding;
8. and, establish and maintain liaison and good cooperation with the parties (Memorandum of Understanding 2005: Article 5.2).

The AMM personnel become involved in immediate action on policy, security and peace building initiatives; it played a role on the ground in negotiating with local actors any disputes through the Commission on Security Arrangements and in the field. The AMM were not simply monitoring implementation but progressing it. To set the scene more clearly, the meetings of the Commission on Security Arrangements were held weekly at the Banda Aceh headquarters, chaired by Peter Feith (fresh from his experiences in the Balkans) and attended by senior representatives of GAM and the Indonesian government, police and military. Challenges of the implementation of the Memorandum of Understanding were escalated by the emerging schism within the GAM as well as the continued mistrust and divergence between the GAM and the government of Indonesia. Another key challenge related to the question of human rights and transitional justice but the mandate of the AMM was to deal with human rights abuses that happened while the AMM was operational, not before. The AMM worked on the premise that transitional justice should be left to the Acehnese and Indonesians. Therefore, on this crucial aspect of transition the EU removed itself from a sensitive and long term political and psychological issue ascribing local ownership: local ownership failed to adequately progress this issue.

In Aceh, following the expiration of the AMM mandate on 15 December 2005, the completion of the Aceh Monitoring Mission was not welcomed by the GAM; the continued political instability in the region in 2012 has strengthened the GAM's claims for a renewed effort to sustain the Memorandum of Understanding. While the EU recognises that the peace in Aceh is not guaranteed, the plan is to continue to provide assistance through

Commission financing which is uncertain in the next budget (2013). Outstanding issues for implementation remain, comprising dealing with transitional justice, human rights, reform of police and reintegration of former combatants as well as a shift in personalities of leadership in government and governor.

Exploring the Experiences of Peace Implementation

The cases under exploration in this literature review have been witness to an enormous effort in terms of internal and international support to promote peace, stability and reconciliation. Drawing on the lessons from these successful cases of peace implementation can encourage reflection on how implementation works and can be progressed despite the challenges which naturally and certainly emerge.

Implementation of a peace agreement ultimately lies in the nexus between state capacity, third party actors and the ripeness of a conflict. While the literature focuses on these roles pragmatically, little attention is paid to the long-term impact of the behaviour of the implementers particularly on the historical, moral and ethical judgements being made. Careful self and secondary appraisal and review of the potential impacts of decisions and policies taken should be more critically evaluated.

In Northern Ireland, Aceh-Indonesia, the Balkans and Georgia-Russia the financial assistance levied from a variety of international donors including private philanthropies, governments and supranational organisations such as the EU and the UN sustained and gave credence to the increments of implementation. While the international community can make the otherwise impossible possible in regard to reforms, the long term view becomes distorted and irrevocably changed by this intervention.

Moving the conversation from one of agreement politics to the politics of reconciliation requires a full and frank appraisal of the violent past as well as a clear understanding of what has been implemented and what agenda the implementation serves. This is a necessary conversation and only through such a discourse can the overarching ambitions of peace be accomplished.

While they cannot be viewed as distinct start and stop phases the implementation period naturally flows and feeds the stages of building peace, at times going hand in hand. However, building peace requires reflection on what implementation of the agreement has been accomplished and consideration of the practical implications of the implementation. After all, the

issues being implemented carry the weight of future notions of identity, how people engage with their pasts and also how peace can be lived.

Challenges to Peace Implementation

Teething Troubles

While an agreement is being implemented, teething troubles emerge; such adversities are embedded in the conflict and therefore must be addressed in the constructed peace. Can a single issue be enough to terminate the agreement: Is disarmament, demobilisation, reintegration, elections, human rights, victims or refugee repatriation so significant a singular (yet associated) issue that they can destabilise the process and disenfranchise people from it? Is the peace bigger than the steps undertaken? In challenging situations the implementation of peace agreements is more difficult as "confidence building will prove inadequate, and implementers will need to compel and deter to insure compliance with a peace agreement".[11]

Symbolism matters as it takes hold of appreciable narrative being constructed which matters to the people affected most by implementation. During peace implementation the investment in the 'added-value' symbolic issues mean that historical, normative and ethical judgements are made on the nature and ownership of peace. The conversation moves from the immediate post-agreement discourse on integration of conflict parties into an inclusive peace process, to wider concerns that the peace being constructed is sufficiently and appreciably based on good practice within these sub-goals of peacebuilding and implementation.

The Vulnerabilities of Third Parties

How implementation is assisted by international organisations is telling not only about peace implementation but also how international organisations learn from their engagements and embed the lessons learned. In terms of lesson learning, policy making and innovative practice based on reflection could aid the design, delivery and engagement of international organisations' interventions in the implementation of agreements. Therefore, based on previous monitoring, funding and implementation engagements, international organisations could derive methodologies of best practice to ensure a stronger sense of appropriate and timely conduct.

Primary concerns of international organisations should focus on the following:

- making any ethical, moral or historical judgement that can impact on how the societies deal with their violent past;
- coordination of activities with other international organisations;
- evaluation and monitoring of their own engagements;
- and, what role lies beyond their exit.

Clearly, within the relatively small teams of people employed either as monitors or mediators the network of personnel overlaps from agreement to agreement so a degree of institutional memory exists within the international organisations. This has particularly been in evidence in the EU cast and crew moving from the Balkans to Aceh, to Georgia and back to the Balkans with a few stops in other conflicts in between. Institutionally, it remains unclear whether international organisations upscale and integrate lessons from their engagements and would be of interest for further study.

Implicit in any peacebuilding efforts are the self-interests and perceived self-interests of the key actors. In this case how the third party is perceived by actors to a conflict will impact on what kind of role it can play as a monitor. Can a third party be trusted? What are its motivations? Has it had a wider historical role? What can locals gain from third party involvement? The answers to such questions as perceived in the minds of the local implementers can determine the extent to which the third party can be active in monitoring, verifying and implementing the agreed peace.

An Impossible Peace?

Getting parties to the negotiating table let alone securing an agreement is challenged by a variety of threats and issues; so therefore achieving agreement and worrying about how it is implemented is open to similar challenges that can look certain to unhinge the agreements. At certain times and in certain contexts the implementation of peace is not possible. How can we know if it is working or not? Is it simply an absence of violence? How long does peace implementation take? Moreover, is it possible to discern different periods of peace implementation? Learning from the implementation of peace agreements is often something that is intuitive as opposed to evidence based, given the assessments of what has been implemented and what has yet to be done, and remains politicised at best and neglected at worst. This study has shown that agreements tend to rely on different forms of monitoring both to verify and actively assist implementation; and based on this it is possible to see that the structural legacies of conflict regarding the rule of law, policing, security,

demobilisation, decommissioning and reintegration tend to be confronted in a high profile and public way.

Issues of conflict that are insufficiently dealt with in the aftermath of an agreement lead to issues becoming trans-generational in nature. The fault of this can lie within the DNA of the agreement which may have failed to provide a design for how to mechanise certain aspects; but alternatively, as the case studies have shown, it can relate to the behaviour of those responsible for breathing life into the agreement and delivering on the word and spirit of the agreement. Therefore scripting implementation in an overly directed way as witnessed at Dayton in Bosnia and in Aceh-Indonesia can deny local capacity, creativity and ownership, thus denigrating prospects for long term peace and reconciliation. Yet at the same time, deadlines and timescales can suffer from disrespect and become meaningless rendering a timetable for reconciliation and peace implementation irrational and empty.

Summary

What is to be done? This research, commissioned by the NI Community Relations Council, has found that through the comparative appraisal of the lessons learned from international peace agreements opportunities for improving implementation and overcoming challenges encountered emerge. Dancing the steps of peace implementation can often command a knack for deftness and astuteness when the ground remains unsteady.

The research was tasked with considering what lessons we can draw for how peace is implemented in Northern Ireland and what lessons can be shared to other conflicts. Of course this needs to be underpinned with sensitivity and an appreciation of context. During this audit and review of existing academic and policy literature a number of conclusions have been reached. These can be summed up as follows:

1. In the decades which follow agreement, focus on the monitoring and verification of implementation often emerge as priorities. Reconciliation is entrenched in the agreement yet can become misplaced in the procedures of implementation.
2. As a significant stakeholder in implementation and peacebuilding, the situation of civilian and civic capacity is vital to sustaining the peace implemented. Empowering the local population is vital to successful implementation.

3. While deadlines and timetables matter, the extended process of implementation allows for the working and harmonious relationships to evolve and embed. Confidence is only possible over time.
4. A peace agreement must deal directly with the underlying causes of the conflict as this sets the clear parameters for what is to be implemented and speaks to wider concerns of reconciliation.
5. Public scrutiny and a concern regarding the implications of impunity can offset a malignant approach to dealing with the past.
6. Resources and funding are never assured, therefore a short-term focus and ad hoc culture must be replaced by an evidence based approach to implementation based on the evaluation of good practice.

Implementation is multidimensional and crosscutting in approach. Pronounced political leadership is required to foster an implementation culture which prevents recourse to conflict. Within any implementation a variety of trials and shortcomings materialise. Rigby proffers a strategy of sorts as to how to implement peace agreements and to deal with the "genuine dilemma of how to manage and cope with such tensions." Firstly, secure the peace however imperfect; secondly, "attempt to redefine the values, and invest new meanings in old terms"; thirdly, "realise that the only way forward is to pursue these values in sequential phases".[12] Following this design accepts that peace that may fall short of expectations.

Implementation of a peace agreement requires popular support and mobilisation. The parties to the conflict and the people affected by conflict are most likely to become the vehicles of implementation. Local populations are the primary stakeholders and guarantors of the agreement. As noted in Aceh-Indonesia (2005) the mediated agreement consulted local opinion prior to the final agreement. Tapping into local knowledge and resources can extend the opportunities for diversification and depth of impact of implementation. A key lesson from this study shows that wedding local participation to the mediation and agreement process fosters wider ownership of the agreement which in turn fortifies implementation. This was not necessarily the case in Northern Ireland where civil society engagement came afterwards.

The promise embodied in the peace agreements is a heavy responsibility for the implementers to realise. A precious and hard won agreement has the gravitas not to be cast aside or played with. What has gone before the agreement, as well as the acceptance of what has been achieved, must be ever present in the discourse of those implementing, so that they are mindful of the responsibility of their actions for future generations.

Notes

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