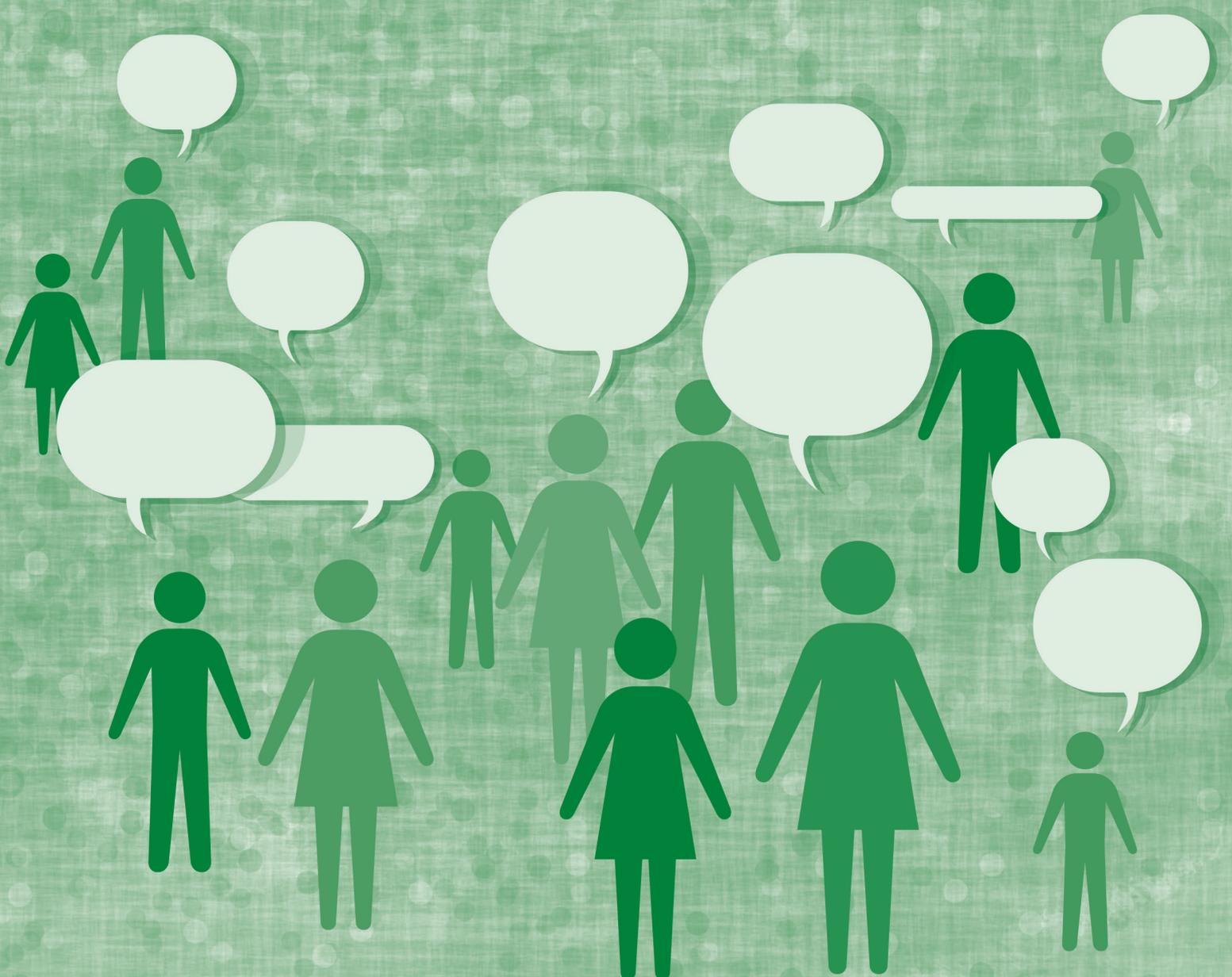


Implementing Peace Agreements: Supporting the Transition from the Negotiation Table to Reality



Participants at the MSN meeting in London: Irene Limo (The African Centre for the Constructive Resolution of Disputes ACCORD), Luxshi Vimalarajah (Berghof Foundation), Tom Crick (Carter Center), Rachana Thumala (Centre for Peace and Conflict Studies CPCS), Anne Kraus (Center for Peace Mediation CPM), Lars Kirchoff (CPM), Fernando Sarmiento Santander (Centro de Investigación Popular CINEP), Kat French (CINEP), Laura Henao Izquierdo (CINEP), Ron Ton (Clingendael Academy), Judith van den Boogert (Clingendael Academy), Felix Colchester (Conciliation Resources CR), Jonathan Cohen (CR), Kristian Herbolzheimer (CR), Sophia Close (CR), Teresa Dumasy (CR), Oskari Eronen (Crisis Management Initiative CMI), Roxana Cristescu (CMI), Anna Moller-Loswick (Folke Bernadotte Academy FBA), Tobias Petrelius (FBA), Sebastian Kratzer (Centre for Humanitarian Dialogue HD), Babatunde Afolabi (HD), David Lanz (Mediation Support Project MSP / swisspeace), Katrina Abatis (Mediation Support Project MSP / Center for Security Studies CSS at ETH Zurich, MSN Secretariat), Owen Frazer (MSP/CSS), Claudia Maffetone (Search for Common Ground SFCG), Miguel Álvarez Gándara (Servicios y Asesoría para la Paz SERAPAZ), Roxaneh Bazergan (United Nations Mediation Support Unit UN MSU), Rosarie Tucci (United States Institute of Peace USIP), Levinia Addae-Mensah (West Africa Network for Peacebuilding WANEP).

Participants at the MSN meeting in Bogota: Kwesi Mngqibisa (ACCORD), Barbara Unger (Berghof Foundation), Jennie Lincoln (Carter Center), Tom Crick (Carter Center), Julia von Dohne (CPM), Fernando Sarmiento Santander (CINEP), Laura Henao Izquierdo (CINEP), Jan-Willem Pot (Clingendael Academy), Felix Colchester (CR), Cecilia Bylesjo (FBA), Christian Altpeter (FBA), Judyta Wasowska (HD), Sebastian Kratzer (HD), Anna Hess Sargsyan (MSP/CSS), Katrina Abatis (MSP/CSS, MSN Secretariat), Philipp Lustenberger (MSP/swisspeace), Claudia Maffetone (SFCG), Miguel Álvarez Gándara (SERAPAZ), David Mueller (UN MSU), Juan Diaz-Prinz (USIP), Maria Antonia Montes (USIP).

Authors: Felix Colchester (CR), Laura Henao Izquierdo (CINEP) and Philipp Lustenberger (swisspeace)

Editor: Katrina Abatis (CSS)

Disclaimer: MSN Discussion Points summarize the authors' reflections and do not aim to provide a comprehensive or consensus MSN view.

Online version: www.mediationsupportnetwork.net

Printed version: Please email: info@mediationsupportnetwork.net

Copyright: © Mediation Support Network 2020

Series: Discussion Points of the Mediation Support Network (MSN)

Layout: Miriam Dahinden-Ganzoni (CSS)

Acknowledgements: Special thanks are given to Sebastian Kratzer, Anna Hess Sargsyan, Simon Mason, and Georg Stein for reviewing this publication, to Feargal Cochrane and Tom Crick for providing extra case examples and to the Mediation Support Project (a joint project of CSS ETH Zurich and swisspeace funded by the Swiss Federal Department of Foreign Affairs) for supporting the production of this paper.

ISSN: 2413-2020

MSN ANNUAL MEETINGS 2018 AND 2019

The Mediation Support Network (MSN) is a global network of primarily non-governmental organizations that support mediation in peace processes. Mediation support refers to activities that assist and improve mediation practices, for example, training activities, developing guidance, carrying out research, working on policy issues, offering consultation, backstopping ongoing mediation processes, networking and engaging with parties.

The MSN's mission is to promote and improve mediation practice, processes and standards to address political tensions and armed conflict. The MSN connects different mediation support units and organizations with the intention of promoting exchange about planned and ongoing activities to enable synergies and cumulative impact; providing opportunities for collaboration, initiating and encouraging joint activities; and sharing analysis of trends and ways to address emerging challenges in the field of peace mediation.

The MSN meetings are organized and hosted by member organizations on a rotating basis. Each meeting has a primary topical focus, which is jointly decided by all network members. In 2018 and 2019, the member organizations agreed to focus on the implementation of peace agreements. The 2018 meeting in London, organized by Conciliation Resources, marked the 14th annual meeting of the network and was attended by 30 participants representing 17 member organizations. The 15th annual meeting in 2019 in Bogota, organized by CINEP was attended by 21 participants representing 14 member organizations.

CONTENTS

1.	Introduction.....	5
2.	Dynamics of the Implementation of Peace Agreements	5
2.1	High expectations.....	6
2.2	Unresolved issues and ambiguity.....	6
2.3	Institution building.....	7
2.4	New forms of conflict	7
2.5	Changing nature of contestation.....	8
2.6	New political space	8
2.7	Social polarization.....	9
2.8	Waning international support.....	9
3.	Lessons for Mediation Support Actors and Other Third Parties	10
3.1	During the negotiations.....	11
	Promote quality peace agreements.....	11
	Support the preparations for the implementation.....	11
	Anticipate the shift to public engagement.....	11
	Encourage tangible improvements.....	11
3.2	During the implementation.....	12
	Dispute settlement regarding the implementation	12
	Promote positive change in relationships.....	12
	Strengthen local conflict resolution	12
4.	Conclusion.....	13

IMPLEMENTING PEACE AGREEMENTS: SUPPORTING THE TRANSITION FROM THE NEGOTIATION TABLE TO REALITY

“The quality of a peace agreement is only equal to the quality of its implementation. While the handshake symbolizes the conclusion of a process, it simultaneously opens a new one, the need to forge a quality implementation.”¹

1. INTRODUCTION

When the peace agreement between the Colombian government and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) was signed in 2016, many observers emphasized that the real challenge had only just begun. In the quote above, Jean Paul Lederach argues for the “need to forge a quality implementation” – a perspective that requires enhanced attention in peace-making. To date, conversations on best practice in mediation support and peace promotion have tended to focus primarily on efforts to bring about the signing of a peace agreement. This includes both advising mediators and negotiating parties in a structured negotiating process, as well as supporting other stakeholders, like civil society actors, to access, contribute to, and approve of the content and process of peace negotiations.

Yet the challenges in realizing the often ambitious provisions of a peace agreement are considerable: popular expectations of an immediate and tangible manifestation of peace are high; new power relations and unexpected conflict challenges emerge; and decisions made in structured and confined political negotiations are devolved to bodies and institutions to be carried out under significant public scrutiny.² Implementation begins at the negotiating table, when the parties discuss how to ensure the realization of their commitments, and remains a challenge years after the signing of a peace agreement.

This paper aims to make a modest contribution to the discussion on how mediation support actors and peacebuilders can contribute to quality implementation. Doing so, it draws from the discussions during the Mediation Support Network (MSN) meetings 2018 in London and 2019 in Bogota. During these meetings,

MSN participants and guests discussed the dynamics of implementation, identifying opportunities and challenges, and explored how third parties³ can play a constructive role in promoting effective implementation. In particular, they looked at how third parties can support good preparations for implementation during the negotiations phase, and how they can help further peaceful outcomes during implementation.

When choosing the topic for its discussions, the MSN considered the recent experience of Colombia, where a peace agreement had been reached in December 2016⁴, and where the nature of the process, and the support to it, had evolved with the shift from ‘agreeing a deal’ to ‘implementing a deal’. As a case where the bulk of the implementation only started after the peace agreement was signed, Colombia showed the challenges of transitioning from the negotiation table to reality and demonstrated the opportunities for dialogue and mediation in the post-agreement context. The annual meeting in London in March 2018 also marked the eve of the 20th anniversary of Northern Ireland’s landmark Belfast/Good Friday Agreement, signed on 10 April 1998. Northern Ireland provided a useful longer-term reference point in light of more recent developments in Colombia, offering important insights on the long-term nature and impact of implementing a peace agreement.

Part Two of this paper elaborates on some key dynamics observed during the implementation of peace agreements. These eight dynamics range from high expectations, unresolved issues, lack of institutional capacity, the emergence of new security threats, the changing nature of contestation, the opening of new political space, social polarization, and waning international support. For each dynamic, the paper provides a few examples in different contexts. In Part Three, the paper identifies lessons for mediation support actors and other third parties on how they can support the implementation of a peace agreement during its negotiation phase and after its signature. The paper ends with concluding remarks on the importance of the transition from the negotiating table to the implementation of an agreement.

2. DYNAMICS OF THE IMPLEMENTATION OF PEACE AGREEMENTS

While the signing of a peace agreement between conflict parties is an important step towards peace, the critical factor for peace is whether the agreement can

1 Jean-Paul Lederach, “After the Handshake: Forging Quality Implementation of Peace Agreements”. Humanity United (blog), 2 September 2016, www.humanityunited.org/after-the-handshake.

2 Canan Gündüz, “Mediating the implementation of peace agreements: is there a difference?”, mediatEUR, 2 April 2013, www.themediateur.eu/mediating-the-implementation-of-peace-agreements-is-there-a-difference.

3 The term “third parties” throughout this paper refers to mediators, mediation support actors, negotiation support actors, implementers and peacebuilders more generally.

4 Presidencia De La República, “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace” (English translation), 24 November 2016, <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>.

be successfully implemented. Too often, the signing of an agreement is mistaken for the arrival of peace. The transition from the negotiations to implementation is crucial, as the immediate post-agreement phase is prone to instability, with a disconnect between the high expectations raised by a peace agreement and the slow start to its implementation. This part of the paper explores some of the interrelated dynamics that surround the implementation of a peace agreement.

2.1 HIGH EXPECTATIONS

After the signing of a peace agreement, many people expect to see tangible improvements in their living conditions. However, the immediate benefits of peace often do not occur.⁵ Even when the security situation improves in the post-agreement period, the promises of socioeconomic reforms are slow to materialize. According to the Kroc Institute's Peace Accord Matrix, comparative experiences from different peace processes show that security and political provisions are implemented more robustly and faster than social and economic provisions, which are the most challenging to put into practice.⁶ Disillusionment is an all-too-familiar feature of many post-agreement contexts.

In Colombia, the peace agreement envisaged a comprehensive approach to improve the situation in conflict-affected regions. Yet provisions related to socioeconomic development have faced significant challenges since the signature of the peace agreement. The improvement of security conditions has had a positive impact on the living conditions in some rural communities, as people feel safer and can move more freely. However, there is also widespread disillusionment, as communities perceive that so far none of the socioeconomic provisions in the peace agreement have been implemented for their benefit.

In Northern Ireland, intransigent bipartisan politics has bred a deep cynicism among citizens as to the possibility of progress. A longer-term perspective is needed to break out from this impasse. A younger Northern Irish population need to disrupt the 'old rules of the game' in order to revitalize the peace process.

Significant changes in conflict-affected countries do not occur from one day to the next. While high expectations contribute to creating positive momentum, the perception of slow or absent progress can also lead to disillusionment. Combined with the crystallization of

a pessimistic narrative, this may render implementation even more challenging. This disenchantment is a shackle on momentum, working against the need to bridge divides, strike compromises, and find practical solutions in the post-agreement period.

2.2 UNRESOLVED ISSUES AND AMBIGUITY

Peace agreements often seek to manage rather than resolve the causes of conflict, ensuring stability while risking simultaneously entrenching political and social divisions. Contentious issues are left unaddressed or constructively ambiguous during the negotiations phase in order to find the compromise necessary to reach a deal. Subsequently, these issues need to be dealt with during implementation, in many instances during the early stages after signature.

In Colombia, the government and the FARC were unable to agree on the reincorporation scheme for ex-combatants, with the FARC insisting on a collective process and the government favoring individual reincorporation. Subsequently, overly ambiguous provisions on reincorporation required renewed negotiations in the immediate aftermath of the signing of the agreement. This moment was particularly tense, as combatants had already regrouped in cantonment sites and felt increasingly vulnerable.

The Belfast/Good Friday Agreement in Northern Ireland did not include much detail about implementation and monitoring. Although oversight mechanisms were created for certain elements of the agreement, no independent body was charged with the overall monitoring and verification of the agreement's implementation. Subsequently, during implementation, there were constant allegations on both sides that the other party had not fulfilled certain obligations. While some experts argue that if modalities and timelines had been less ambiguously specified in the Belfast/Good Friday Agreement, the implementation may have worked better and faster, others maintain that the ambiguities in the peace deal were necessary for the parties to sign the agreement.

The Sudan Comprehensive Peace Agreement (CPA) was reached without addressing the key issues of border demarcation, the status of three contested areas, or the role of religion in the state. In addition, the lengthy negotiations concluded against the backdrop of increased violence in Darfur, undermining trust between parties as they entered the implementation phase.

A peace agreement can never cover all eventualities and 'constructive ambiguity' is often used to overcome deadlocks at the negotiation table. This absence of a clearly defined solution or a lack of clarity may become problematic when it relates to elements that need swift implementation after the agreement is signed, for example, security arrangements.

5 Jean Arnault, "Good Agreement? Bad agreement? An Implementation Perspective", UN Peacemaker, 15 December 2019, www.peacemaker.un.org/sites/peacemaker.un.org/files/Good%20AgreementBad%20Agreement_Arnault.pdf.

6 Jean-Paul Lederach, "After the Handshake: Forging Quality Implementation of Peace Agreements". *Humanity United* (blog), 2 September 2016, www.humanityunited.org/after-the-handshake. For an overview of the literature on the implementation of different peace agreement provisions, see: Sean Kane, "Peace Agreement Provisions and the Durability of Peace", *CSS Mediation Resources*, Center for Security Studies, ETH Zurich, 2019, www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-security-studies/pdfs/MediationResources-PeaceAgreements.pdf.

2.3 INSTITUTION BUILDING

During the negotiations, parties regularly overestimate the capacity of state institutions, assigning to them a vast array of responsibilities for implementation. The lack of capacity in state institutions, access to conflict-affected regions, and coordination among institutions are important challenges for the implementation of peace agreements. Frequently, peace agreements foresee the reform or strengthening of existing institutions, or the establishment of new institutions. However, in many conflict-affected countries, existing state institutions are often built for war, and institution building is a time- and resource-consuming task, for technical and political reasons. Insufficient institutional capacity is often exacerbated by the lack of preparation in assuming the new responsibilities included in the peace agreement. This can have implications for the trust between the parties, since non-state armed groups may interpret the lack of institutional capacity as a lack of political will by the government.

In Colombia, the lack of institutional capacity and preparation became evident during the very early stages of implementation. As the Congress of Colombia finally adopted the peace agreement, FARC units had started moving towards designated cantonment sites in remote rural areas, called “Transitional Local Normalization Zones”. Despite the responsibility of the government to ensure adequate living conditions for FARC combatants in these zones, the establishment of camps and the supply of basic services were delayed significantly, causing suspicion among the FARC. Responses such as these are the result of a lack of capacity and preparation, rather than of missing political will. Although the government had a strong interest in the disarmament of the FARC, it jeopardized this process through the delays in building and equipping the cantonment sites. State institutions in Colombia have suffered from a lack of capacity and effectiveness, especially in the marginalized regions which were particularly affected by the armed conflict leading to ineffective implementation responses.

Quality implementation requires institutional capacity – something that conflict-affected countries often lack. While there are political issues related to the persistence of vested interests in existing institutions, the technical challenges involved in the complex process of strengthening, reforming, or establishing institutions should not be underestimated. Many peace agreements propose a multifaceted and ambitious system of interdependent change processes.⁷ In reality, however, the lack of institutional capacity and coordination means that the different provisions are implemented with separate logics, as various political or technocratic actors take responsibility for different processes, and governments often struggle to ensure some form of cohesion.

7 Jean-Paul Lederach, “After the Handshake: Forging Quality Implementation of Peace Agreements”. *Humanity United* (blog), 2 September 2016, www.humanityunited.org/after-the-handshake.

2.4 NEW FORMS OF CONFLICT

According to the Kroc Institute’s Peace Accord Matrix, 30% of peace agreements face renewed violence in the first two years after signing.⁸ The nature of violence and conflict in peace transitions mutates. New forms of violence are likely to emerge, as existing or emerging non-state armed groups or criminal gangs attempt to fill the power vacuum in conflict-affected regions. Previously hidden social conflicts might surface as political space opens and the overall intensity of violence decreases. The opening of the political and social space during this phase may empower new actors, particularly those who have so far been excluded or most affected by violence, to voice their grievances and advocate for their rights and needs. State institutions and security forces are often ill prepared to face these phenomena and struggle to adapt their way of working to the realities of the post-agreement phase.

In Colombia, the demobilization of FARC units has led to renewed violence taking hold in ‘security vacuums’, where vacated FARC presence in rural areas has yet to be replaced by state security forces and other state institutions. The competition among different armed groups over the control for these regions, often with valuable resources such as coca and gold, has had a significant impact on local communities. One of the most pressing concerns in this context is the surge in assassinations at the local level, endangering environmental activists, community leaders, smallholding peasants, as well as ex-combatants and their family members. Benefiting from the ‘security vacuum’ and the illegal income in the areas previously controlled by the FARC, different armed and criminal groups have increased their power, including the National Liberation Army (ELN), successor groups of the paramilitaries, and FARC dissidents. All these groups attempt to recruit ex-combatants, who might perceive that the peace process does not fulfill their expectations. Some regional elites and large landowners work with armed groups to prevent the reform efforts included in the peace agreement from taking hold in the conflict-affected territories. The power struggle between these groups leads to escalating violence in some regions, with social leaders at the local level being increasingly caught between two factions.

In Northern Ireland, a challenge has been to reverse a culture of violence as a vehicle for advancement and reward. While the acceptance of the Mitchell Principles⁹ by parties who had engaged in violence was crucial in moving them away from armed struggle towards peaceful negotiation, the leadership of these parties did not possess the power to completely turn off the tap of violence following the signing of the Belfast/ Good Friday Agreement. Paramilitarism brought prestige and substantial financial reward, and many paramilitary

8 Ibid.

9 “The Mitchell Principles.” *Irish Times*, 21 May 1996, www.irishtimes.com/news/the-mitchell-principles-1.50976.

actors who had not been accommodated within the new political settlement – in particular rank-and-file Ulster Volunteer Force and Ulster Defence Association personnel – continued to propagate violence to maintain the status they previously held. The lines between politically and financially motivated violence became increasingly blurred, complicating policing efforts and responses.

Different expressions of violence and conflict affect the confidence in a peace agreement and inhibit the implementation of its provision, causing dwindling peace benefits. Often the state institutions and security forces struggle to adapt to new realities and are overwhelmed in dealing with the challenges of implementation and mutating violence.

2.5 CHANGING NATURE OF CONTESTATION

The nature of a peace process – and the pressing discussions which define it – is subject to significant change as the process increasingly expands into the public sphere. A peace process becomes progressively shaped by popular opinion, perceptions, and demands during the later stages of negotiations and into implementation. In the immediate aftermath of the signing, parliaments often need to translate the peace agreement into constitutional, legal, or institutional reforms. As the peace agreement is no longer primarily in the hands of the negotiating parties, it becomes subject to contestation – and possibly renegotiation – by different political forces and public opinion. In certain cases, fear of change may lead to systematic resistance to reform by particular interest groups.

In Colombia, the views on implementation diverged significantly, even among the governmental officials who negotiated the peace agreement. Some saw the laying down of weapons by the FARC as the whole target of the process, while others considered this as only the starting point for structural changes. As the negotiations moved towards closure, the nature of the conversation broadened – from a negotiation between the government and one armed group, to a profound and fundamental debate between political and societal factions on the political, social, and economic future of the country. In August 2018, when a new government headed by the political party who were critical of the peace process came to power, the nature of political contestation evolved even further. Through parliamentary opposition, civil society action, and street protests, the supporters of the peace agreement mobilized to advocate for implementation.

In Northern Ireland, technical considerations, which dominated the peace process immediately following the Belfast/Good Friday Agreement – such as the decommissioning of paramilitary weaponry – have been replaced by vigorous debate regarding transformational facets of the peace process. Despite considerable resistance by the Democratic Unionist Party (DUP) and Sinn Féin,

Northern Irish society now grapples with how best to deal with the legacies of past violence.¹⁰

The 2015 Peace Accord between the Government of Mali, the Coordination of Azawad Movements (CMA), and the Platform of Armed Groups provides another example of the pressures facing agreements in the implementation phase.¹¹ Efforts by the UN Mediation Standby Team to support the process following agreement were complicated as parties' positions and attitudes towards the agreement altered rapidly in the face of resistance from their core constituents.

In the fast-changing landscape of post-agreement contexts, those working to realize a peace agreement risk failure if they do not respond to new areas of contestation – often not fully captured or considered in a peace agreement itself – or sufficiently engage emerging political factions with the power to discredit or derail a transition away from violence. There can be attempts at renegotiating parts of a peace agreement and some of them may be a genuine attempt to find better solutions. Other attempts at renegotiation, however, may lead to an unravelling of the agreement and a situation where nothing is implemented at all.

2.6 NEW POLITICAL SPACE

By enhancing the possibility of participation for new political and social forces, a peace agreement can increase the interest of the population in politics and redefine the political landscape. The post-agreement phase can herald the opening up of the political space, with the opportunities and threats that arise from this. This window for change feels time limited as established power holders aim to reassert control – albeit perhaps in new configurations – limiting opportunities for increased representation and visibility for historically marginalized groups.

There is an impact on competing forms of inclusion as different groups compete over the limited political and social capital that exists to help push forward their agenda. In Colombia for instance, despite many challenges, the significant impact of the Gender Subcommittee in the Havana peace negotiations¹² and the inclusion of the Ethnic Chapter in the peace agreement have allowed indigenous women's groups to build a level of visibility and promote their agenda. However, in many cases, ambitious commitments to gender equality and women's participation have been among the first

¹⁰ See Duncan Morrow, "From enemies to partners? Reconciliation in Northern Ireland", in Mark Salter [ed.] *Accord Insight 3 Transforming broken relationships: Making peace with the past*, Conciliation Resources, 2016, www.c-r.org/accord/reconciliation-and-peace-processes-insight/enemies-partners-reconciliation-northern-ireland.

¹¹ Gaudence Nyirabikali, "Mali Peace Accord: Actors, issues and their representation", SIRPI, 27 August 2015, www.sipri.org/hode/385.

¹² The Gender Subcommittee in the Havana peace negotiations is discussed in detail in the following: Conciliation Resources/NOREF, "Innovations in the Colombia Peace Process", Conciliation Resources, June 2016, www.c-r.org/resource/innovations-colombian-peace-process.

to be diluted or dispensed in the political trading that follows a peace agreement.

The post-agreement political scenario in Colombia has empowered new social forces to claim effective participation in political decision-making. The political agenda has opened to public debate and has led to an increased interest in politics among the population. While the new FARC party failed to obtain their envisioned number of votes during national elections in 2018, other social forces – from the left and center left – have gained visibility and influence in Colombian politics in regional elections and through social protests.

The opening of political space is positive in that it can foster a public debate about structural problems and promote political diversity in societies that have often been marked by exclusion. Such new political diversity can also cause fear and instability, as institutional and political culture only adapts slowly to new dynamics.

2.7 SOCIAL POLARIZATION

Years of violence shatter trust within conflict-affected societies. Rebuilding trust requires time and is not an automatic outcome of a peace agreement. The unstable post-agreement period is particularly prone to the risk of increasing social polarization. Uncertainty of ongoing changes and political contestation, for example in connection with referenda and elections, polarize opinions and have a destabilizing impact on society, offering fertile ground for political actors to consolidate their influence through reductionist zero-sum narratives. The advent and nature of social media facilitates efforts to discredit processes of change, as it becomes easier to spread rumors and false information.

Peace agreements often attempt to resolve highly contentious issues, negotiating delicate compromises. During implementation, previously only imagined solutions begin to take shape in reality, and stakeholders may experience this as a time of heightened risk to them.¹³ Societal transformation creates an insecurity of identity. This means a constituency may prefer to decide against a greater long-term common good if an agreement is perceived to delegitimize their past actions, or question their self-image. Progress may be hindered by this fear and the resulting polarization.

In Colombia, the political right has politicized the themes of justice and victimhood in order to discredit the peace process. Polarization, fostered to win the plebiscite on the peace agreement and subsequent presidential elections, has posed a significant challenge for the implementation. For example, the Truth Commission and the Special Jurisdiction for Peace, a key component of the Havana peace agreement, face sig-

nificant legitimacy issues, as they have been portrayed as favoring the FARC and have subsequently suffered budget cuts.

In Northern Ireland, outbreaks of ethno-nationalist tensions have at times overwhelmed political parties and devolved institutions, demonstrating the limits of the Belfast/Good Friday Agreement and the institutions it created in the face of powerful and resilient identity politics. The DUP in particular was resistant to many of the provisions of the Belfast/Good Friday Agreement, such as Sinn Féin's presence in government in the absence of Irish Republican Army (IRA) weapons decommissioning, and spent several years trying to disrupt and discredit the new Northern Irish political institutions established in 1999. The Belfast/Good Friday Agreement did not signal an end to political conflict in the region when the settlement was reached on 10 April 1998. The 2012/2013 Belfast City Hall flag protests offer a potent example of the strength of feeling generated by the insecurity of identity during times of transition. A decision by Belfast City Council to limit the flying of the Union Flag over City Hall from every day of the year to 18 days a year, in line with buildings in mainland Britain, triggered a wave of violent protests by loyalist communities and counter-recriminations from republican communities, heightening tensions and setting back ambitions for a more cooperative, shared future in Northern Ireland.

Polarization inhibits the creation of a broad consensus on building peace and works against much-needed efforts to promote reconciliation.¹⁴ A lack of attention in addressing the insecurity of identity, including neglecting to build spaces that promote reconciliation between different interest groups, is a key obstacle in achieving a successful peace transition. Those responsible for realizing the implementation of an agreement often find it difficult to consider the extent to which a profound sense of identity shapes the perceptions and decisions of those affected by conflict when an agreement 'starts to become real' to them.¹⁵

2.8 WANING INTERNATIONAL SUPPORT

International interest and support often wavers as time passes after the signature of a peace agreement. While the immediate post-agreement phase can herald a flood of international engagement and resources (which in itself causes challenges of coordination), donor fatigue often ensues shortly afterwards. Enthusiasm wanes as implementation confronts the reality of navigating messy and contentious political change. Interna-

¹³ Canan Gündüz, "Mediating the implementation of peace agreements: is there a difference?", *mediatEUR*, 2 April 2013, www.themediateur.eu/mediating-the-implementation-of-peace-agreements-is-there-a-difference.

¹⁴ Jean Arnault, "Good Agreement? Bad agreement? An Implementation Perspective", UN Peacemaker, 15 December 2019, www.peacemaker.un.org/sites/peacemaker.un.org/files/Good%20AgreementBad%20Agreement_Arnault.pdf.

¹⁵ Elizabeth Cousens (Centre for Humanitarian Dialogue), "It ain't over 'til it's over: what role for mediation in post-agreement contexts?", Oslo Forum 2008, 69, www.files.ethz.ch/isn/90795/Aint_Over_o6_o8.pdf.

tional attention shifts to newer conflict ‘hotspots’ or the next potential success story.¹⁶

In the case of the Nairobi Agreement of 1999 between Sudan and Uganda, negotiated by former U.S. President Jimmy Carter, the parties requested that the mediation team remain in place to accompany and assist the parties during the implementation phase. Since the initial agreement was broad in scope, bringing in other parties to work out the details in the implementation stage was envisaged. The added advantage of having the mediation team present was the shared memory of the meaning of certain provisions of the agreement.

In Northern Ireland, wavering international support has impacted vital funding streams, eroding peace gains at the local level; there has been a marked reduction in the number of community liaison police officers and community-based organizations, both of whom were key in building understanding and cooperation between loyalist and republican communities in contested neighborhoods. The shutdown of devolved political institutions of Northern Ireland from 2017 to 2020 might not have occurred if international political engagement had been as strong as during the period around the signing of the Belfast/Good Friday Agreement.

In Colombia, continuous international support has been an essential factor in upholding key elements of the peace agreement. The results of the plebiscite in October 2016, when voters narrowly rejected the original terms of the Havana peace agreement, surprised the international community. Recognizing its failure to comprehend the depths of skepticism and polarization in Colombia, the international community continued to support peacebuilding efforts and the implementation of the modified version of the peace agreement. In light of the current government’s general opposition to the peace agreement, the international community jointly advocates for the peace agreement to be implemented and provides essential support, for example to the work of the Trust Commission and the Special Jurisdiction for Peace.

In light of the challenging domestic dynamics in the post-agreement environment, the international community can play an important supportive role in promoting the implementation of an agreement. While the ownership for the implementation clearly needs to be national, international support can help tip the balance in favor of implementation during periods of continued political and social contestation. Its perceived withdrawal can also serve as impetus for some groups to increase their efforts against the implementation of an agreement.

3. LESSONS FOR MEDIATION SUPPORT ACTORS AND OTHER THIRD PARTIES

The implementation of a peace agreement should be conceived of as part of a longer, multi-generational effort to bring about social change and sustainable peace. The linear conception of a peace process as a negotiation process followed by agreement and then implementation is unhelpfully simplistic. In many peace processes, there might be several rounds of negotiations and iterations of agreements; elements of an agreement might already be implemented while the main negotiations continue, and the negotiations in different political formats can often continue even after a peace agreement is signed.

Agency and ownership for stewarding peace processes need to sit with domestic actors, who are best placed to assess how to approach, interpret, and realize the commitments contained in a peace agreement over the course of a long-term transition from war to peace.¹⁷ Yet, this paper has shown that sustained external mediation and mediation support can play an important role in maintaining the momentum of a peace process, bridging the transition from negotiation to implementation phase.¹⁸ The number and variety of individuals and groups involved enlarges as peace processes move towards the implementation of peace agreements. There are important roles for mediation support actors and peacebuilders to play in assisting the implementation of peace agreements, starting during the negotiation phase and continuing into the implementation phase. This includes promoting preparations for the implementation of peace agreements, strengthening local peace infrastructure, and facilitating broader social dialogue.

While there are occasions when the international endorsement of a peace agreement can help the process, there are also times when it can be more conducive for external actors to limit their visibility in order to avoid accusations of interference. Assessing one’s shelf life is a difficult but important judgment call for external mediation actors to undertake during a peace transition. In certain cases, external mediation actors can become scapegoats for conflict parties to deflect criticism from their support base for concessions they have made during negotiations. Therefore, it may be in the best interests of the peace process for those external actors heavily involved in the negotiation of the peace agreement to step aside for others who may be able to promote the agreement’s implementation without facing the same accusations of bias or coercion.

16 Matthias Siegfried, *Conflict Prevention: the Use of Mediation and Facilitation in the Post-Agreement Phase*. Mediation Support Project (swisspeace/CSS-ETH), 96, www.bundesheer.at/pdf_pool/publikationen/konfliktpraev_o8_conflict_prev_mediation_m_siegfried_10.pdf.

17 The relative benefits of insider and outsider mediation is discussed in UNDP, *Supporting Insider Mediation: Strengthening Resilience to Conflict and Turbulence* (New York: UNDP, 2014), 22.

18 The importance of continuity of personnel is also discussed in International Peace Institute, “Mediation and Peace Processes: Task Forces on Strengthening Multilateral Security Capacity”, *IPI Blue Paper*, no. 8 (2009): 22.

'Big peace'¹⁹ is increasingly elusive in many contexts. As many conflicts become more fragmented, third parties need to adapt their practice to backstop localized initiatives that hold the peace and to promote the linkages between processes at the local and national levels, with the hope that these can generate momentum towards the renewal (or emergence) of a more comprehensive peace process. Mediation support actors and other third parties should seek to assist those stewarding a longer-term transition – national, political, and civil society actors; civil society groups engaged at the local level; and civil servants in structures developed as part of a peace agreement – to work out how to navigate the application of an agreement as the political and social realities of a given context evolves. This is invariably a long-term endeavor with sustained but discrete external support.

The lessons that follow are structured according to the negotiation and the implementation phases.

3.1 DURING THE NEGOTIATIONS

Third parties can help lay the ground for successful implementation of a future peace agreement during the negotiation phase. This can be in reviewing the agreement text to strike a balance between ambiguity and detail, supporting the preparation of expertise and resources for implementation, providing an impartial channel to anticipate the shift from the private to public domain, and creating links with the development sector to include a wide section of society in the tangible benefits of peace.

PROMOTE QUALITY PEACE AGREEMENTS

Some of the problems experienced during the implementation phase relate to deliberate or unintentional omissions or lack of clarity in the agreement. While parties should draft the agreement with a view to its implementation, there is often a trade-off between on the one hand agreeing on all issues in detail, and obtaining signatures at the price of postponing specificity on the other. Mediators and mediation support actors can help the parties review the text with the intention of ensuring that vital issues are addressed, as well as resolving possible contradictions and instances of ambiguity. Experts may provide an informed outside view on the agreement. Conscious that an extremely rigid agreement might in fact be difficult to implement when unforeseen issues arise, mediation support actors may also suggest or help to develop mechanisms for review and adjustment as part of implementation.

During the negotiations, parties may underestimate the challenges of implementation and avoid addressing diverging expectations about their roles and the

roles of international partners. Mediators and mediation support actors can support the parties in practically thinking through how their commitments will translate into concrete activities, with a view of including a clear implementation perspective in the text of the agreement. They can provide experience from other contexts to help the parties understand the use of adopting an 'implementation perspective' and to develop plans and mechanisms to ensure successful implementation.

SUPPORT THE PREPARATIONS FOR THE IMPLEMENTATION

Conflict parties – as well as international support actors – are often insufficiently prepared to assume the responsibilities that arise after the signing of an agreement. Early planning enables the conflict parties and other key actors in implementation to prepare for their roles and to make the necessary expertise and resources available. Parties need to be mindful to establish implementation mechanisms that are manageable and effective, yet being absorbed by the negotiations often prevents them from doing so. Taking into account political constraints and real capacities, external advisors and mediation support actors can provide insights from other contexts on implementation preparation and even facilitate broader dialogue among domestic actors to promote preparation. They can also help to ensure the credibility of implementation mechanisms by supporting them ahead of time to include the needs of constituencies across the political and social spectrum.

ANTICIPATE THE SHIFT TO PUBLIC ENGAGEMENT

Some mediators and negotiating parties are more comfortable operating in the confined and often confidential working environment of a negotiation process, with parties committed to working constructively with one another in order to reach some form of settlement. The implementation phase does not offer such security. Increasingly, the parties will be accused of appeasement by their constituencies, and some political actors will seek to spoil the process to protect their interests. At the same time, parties to negotiations are often reluctant to reveal and explain the details of a peace agreement. Third parties can provide a useful impartial channel to begin this dialogue with different constituencies, while negotiations are ongoing, in order to limit misunderstandings and frustration, and can continue to play this role following settlement. Preparing the ground for the transition from negotiation to implementation, they can also work with political actors most likely to discredit the process to address their concerns and secure their buy-in. Third parties may have a role in preparing those involved in negotiations to navigate the transition from (relatively) closed negotiations to public implementation.

ENCOURAGE TANGIBLE IMPROVEMENTS

Peace agreements truly come into existence when people begin to see the positive effects of peace. The delivery of practical benefits, which bring small but

¹⁹ Oslo Forum, "The End of the Big Peace? Opportunities for Mediation", HD Centre, June 2018, www.hdcentre.org/wp-content/uploads/2018/12/Oslo-Forum-2018-Meeting-Report.pdf.

important improvements to people's everyday lives is a vital element to build and maintain the momentum for implementation. Hence, beyond public information campaigns, it is important to facilitate tangible peace benefits at the early stages of implementation, such as quick-impact projects, community infrastructure, or a change in behavior of security forces, or more regular security patrols. Such positive changes build trust among the broader population and constitute a disincentive to return to violence. The completion of the motorway between Belfast and Dublin was said to have been one of the more significant milestones for many people in the years following the Belfast/Good Friday Agreement – partly for its meaningful symbolism, but mainly for its impact on prospects for trade, connectivity, and employment in Northern Ireland.

Third parties can help create linkages between peacebuilding and development cooperation, ensuring that traditional development actors and the private sector appreciate the correlation between accompanying the political process with sustainable development gains, for example through the financing of quick-impact projects. Strengthening this link with the more visible and well-funded development sector may also help to make the case for continued international funding of mediation support efforts in post-agreement phases of peace processes. Mediation support actors and peacebuilders can also help ensure that material peace benefits are accompanied and supported by meaningful consultations and the inclusion of different population groups.

3.2 DURING THE IMPLEMENTATION

Third parties also have a necessary role after the signing of a peace agreement and this support may be provided at different levels. This involves providing expertise for dispute mechanisms, supporting dialogue processes which have an emphasis on relational change, and strengthening local conflict resolution capacities.

DISPUTE SETTLEMENT REGARDING THE IMPLEMENTATION

Disputes among the parties to a peace agreement may arise over responsibilities or the understanding of specific provisions. The viability of a peace process will depend on the ability of the parties and other stakeholders to deal with disputes that may relate to issues omitted in the peace talks, disagreements over the interpretation of the agreement, new issues that come up, or eruption of conflicts and crises generated by rising expectations. A clear dispute-settlement mechanism creates a space for solving disagreements and for reviewing and interpreting unclear aspects of the agreement. Mediation support actors can support such mechanisms formally or informally with expertise to ensure that disputes do not escalate. In Northern Ireland, for example, the Independent International Commission on Decommissioning interpreted the extent to which

illegal paramilitary groups were working to 'put weapons beyond use' in a process that was completed in 2005. The commission's work took place in partnership with civil society go-betweens, notably Catholic priest Fr Alec Reid, and Methodist minister Rev Harold Good, who facilitated and verified the final acts of weapons decommissioning, by republican and loyalist militants respectively. Periodic mediation with the assistance of different third parties continued with the DUP and Sinn Fein's relationship up to and beyond their decision to enter government together in 2007.

PROMOTE POSITIVE CHANGE IN RELATIONSHIPS

During implementation, there is a clear need not to lose sight of the importance of relational changes in society. Peace agreements cannot simply be unpacked and put to work – some difficult compromises and selected ambiguities may provoke anger, disappointment, and fear among certain groups, who are prepared to fight to ensure their interests are not compromised by the roadmap of a peace agreement. Social media's ability to amplify misinformation can have a negative impact on public support for the implementation. In a tense political atmosphere, the technical steps taken to bring an agreement to life must be matched by a vested commitment to foster meaningful social dialogue and to engage people directly in order to give them a sense of ownership and control of a process during a period of volatility and change.

Third parties can help to promote broad participation, including by advising on the design and facilitation of adequate consultation mechanisms and dialogue processes. Often some of the best spaces for these kinds of social dialogues are those that already exist and are integrated into everyday life, such as churches, youth clubs, and markets. In Northern Ireland, community hubs have offered a familiar environment for people to discuss everyday issues that affect them relating to peace (e.g. local safety and security, community relations) and a sense of prosperity (e.g. access to services and jobs). These spaces offer a good interface between local-level realities and the ambitions of a national-level process, and can be used as a way of reviewing and adapting existing implementation mechanisms in line with people's needs. Third parties could also consider how best, and at what time, government representation could be brought into these conversations.

STRENGTHEN LOCAL CONFLICT RESOLUTION

As the intensity of the armed conflict diminishes, social conflicts become more visible. Such conflicts can take place between different communities and social groups, or between communities and state institutions. Carefully constructed dialogues can be essential for the resolution of local-level conflicts, preventing them from being overshadowed by high-political events. Peacebuilders, working with domestic partners, can build and strengthen local peace infrastructures. For example,

the Centre for Humanitarian Dialogue has developed a Conflict Early Warning Response System in Nigeria's Middle Belt region, comprised of representatives from community groups (called Peace Monitors), tasked with observing the security situation and fostering communication between state, security, and community actors to diffuse escalating situations. The Centre for Peace and Conflict Studies has accompanied liaison offices in Myanmar following the 2015 ceasefire agreements to navigate interactions between armed groups and state militaries, as well as to feed in the perspectives of local populations to conflict parties and national political actors.²⁰ In Colombia, CINEP, with the support of swisspeace, facilitates strategic dialogue and mediation processes between different population groups in conflict-affected areas. These processes are essential in managing the social conflicts escalating in the post-agreement context, promoting positive change in the historically marginalized regions and sending a signal that it is possible to overcome conflicts.

4. CONCLUSION

Signing a peace agreement is a significant step in a peace process. However, a peace agreement is only as good as its implementation. It is far from given that the conclusion of a peace agreement will herald quality implementation. Often the optimism surrounding the signature of a peace agreement is followed by the frustrations over ineffective implementation. While implementation is never perfect, a negative balance constitutes a devastating precedent. If armed conflicts erupt again due to problems of implementation, it can become more difficult to renew negotiations. When implemented adequately, a peace agreement becomes a powerful door opener for building sustainable peace. What matters is the positive changes in the reality of those affected by conflict that ensue.

Successful implementation requires preparation, long-term commitment, and planning by the negotiation parties, as well as other national and international stakeholders. The foundations for successful implementation need to be established early, so that conflict parties and the broader public approach the implementation phase with confidence and in good faith. During the negotiations, mediation support actors and other third parties can help the parties to assess the challenges for implementation, to ensure clarity in the agreement and to prepare carefully for implementation. As part of the implementation, mediation support actors can contribute to dispute settlement, foster much needed social dialogue, strengthen mechanisms for local conflict resolution, and support the building of key peacebuilding capacities.

Broad public support for the implementation process is most likely when parties deliver on the key elements of their agreement, and citizens experience tangible improvements in their lives. To feel ownership of the peace process, the public must be well informed about the peace process and have the opportunity to participate genuinely in the implementation of a peace agreement. At every stage of the process, mediation support actors can help think through the linkages between the peace agreement, on the one hand, and the realities of the population and the mood of public opinion, on the other hand. They can contribute to facilitating dialogue, information sharing, and effective mechanisms for participation.

Peace agreements can offer the vision of a pathway towards a more peaceful and just society. Yet it is rarely possible to implement a peace agreement to the letter. Those responsible for supporting the implementation phase will need to work collaboratively and sensitively to ensure that any adaptations to an agreement's provisions in response to contextual developments respect the transformative spirit of the agreement.

²⁰ Centre for Peace and Conflict Studies, "Building Infrastructures for Peace: The Role of Liaison Offices in Myanmar's Peace Process", Centre for Peace & Conflict Studies, January 2016, www.centrepeaceconflictstudies.org/publications/building-infrastructures-for-peace-the-role-of-liaison-offices-in-myanmars-peace-process.

MEDIATION SUPPORT NETWORK

PROFILE

The Mediation Support Network (MSN) is a small, global network of primarily non-governmental organizations that support mediation in peace negotiations.

MISSION

The mission of the MSN is to promote and improve mediation practice, processes, and standards to address political tensions and armed conflict.

Furthermore, the MSN connects different mediation support units and organizations with the intention of:

- promoting exchange on planned and ongoing activities to enable synergies and cumulative impact;
- providing opportunities for collaboration, initiating, and encouraging joint activities;
- sharing analysis of trends and ways to address emerging challenges in the field of peace mediation.

ACTIVITIES

The MSN meets once a year in different locations. The organization of the meetings rotates, with each meeting hosted by a network partner. Each meeting has a primary topical focus that is jointly decided by all network members.

MSN MEMBERS IN APRIL 2019

- African Centre for the Constructive Resolution of Disputes (ACCORD) www.accord.org.za
- Berghof Foundation www.berghof-foundation.org
- The Carter Center www.cartercenter.org
- Centre for Peace and Conflict Studies (CPCS) www.centrepeaceconflictstudies.org
- Center for Peace Mediation (CPM) www.peacemediation.de
- Centro de Investigación y Educación Popular – Programa por la Paz (CINEP) www.cinep.org
- Clingendael Academy www.clingendael.nl
- Conciliation Resources (CR) www.c-r.org
- Crisis Management Initiative (CMI) www.cmi.fi

- Folke Bernadotte Academy (FBA) www.folkebernadotteacademy.se
- Foundation for Tolerance International (FTI) www.fti.org.kg
- Centre for Humanitarian Dialogue (HDC) www.hdcentre.org
- Initiative on Quiet Diplomacy (IQd) www.iqdiplomacy.org
- Mediation Support Project (MSP), swisspeace and Center for Security Studies (CSS) ETH Zurich www.swisspeace.ch and www.css.ethz.ch
- Search for Common Ground (SFCG) www.sfcg.org
- Servicios Y Asesoría Para La Paz (SERAPAZ) www.serapaz.org.mx
- Southeast Asian Conflict Studies Network (SEACSN) www.seacsn.usm.my
- UN Mediation Support Unit (PMD/MSU) www.peacemaker.un.org/mediation-support
- US Institute of Peace (USIP) www.usip.org
- West Africa Network for Peacebuilding (WANEP) www.wanep.org

PREVIOUS MSN DISCUSSION POINTS:

MSN Discussion Points no.9, *Translating Mediation Guidance into Practice: Commentary on the Guidance on Gender and Inclusive Mediation Strategies*, 2017

MSN Discussion Points no.8, *Encountering and Counter-ing Temporary Impasses in Peace Processes*, 2016

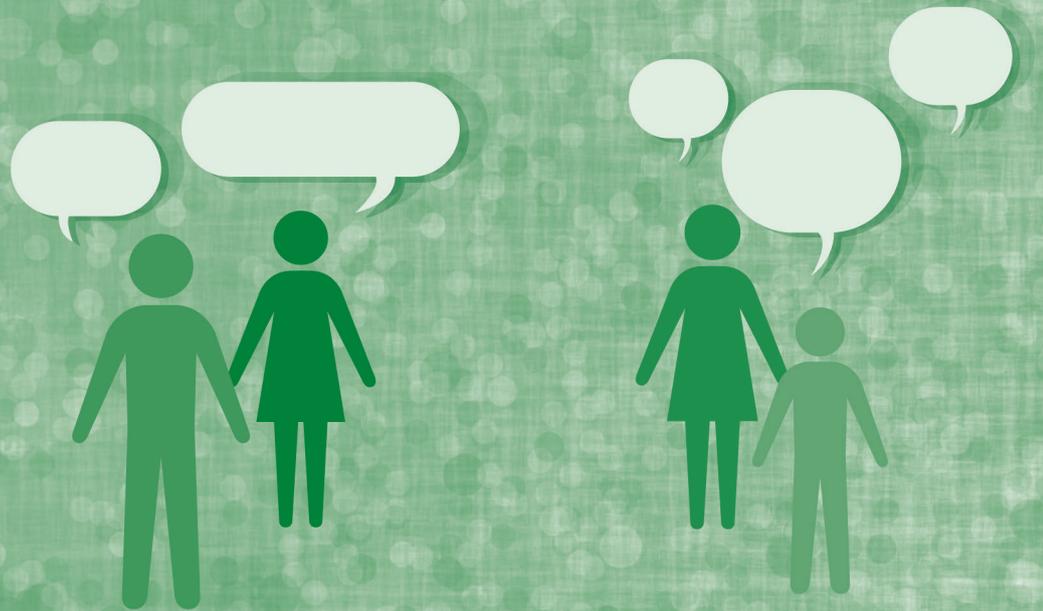
MSN Discussion Points no.7, *Challenges to Mediation Support in Hot Wars: Learnings from Syria and Ukraine*, 2015

MSN Discussion Points no.6, *Inclusivity in Mediation Processes: Lessons from Chiapas*, 2015

MSN Discussion Points no.5, *Mediation and Conflict Transformation*, 2014

MSN Discussion Points no.4, *Mind the Gap: How Mediation Support Can Better Respond to the Needs of Local Societies*, 2013

MSN Discussion Points no.3, *Regional Intergovernmental Organizations in Mediation Efforts: Lessons from West Africa*, 2013



Berghof Foundation



THE CARTER CENTER



Waging Peace. Fighting Disease. Building Hope.

