# Implementing Peace Agreements: From inclusive processes to inclusive outcomes?

## The implementation/inclusion landscape

The failure to implement negotiated peace agreements and the frequent collapse of elite deals have drawn the attention of policy-makers, practitioners, and researchers to how to better facilitate the successful implementation of peace agreements and political transitions, and to greater societal inclusion in negotiations. International efforts to support peace processes and political transitions increasingly acknowledge the importance of inclusive arrangements, meaning that efforts to prevent or end armed violence and sustain peace now commonly involve a relatively broad range of actors including civil society. Furthermore, the international normative frameworks, comprising instruments such as the 2030 Agenda for Sustainable Development and the Sustainable Development Goals – in particular Goal 16; the Prevention and Sustaining Peace Agenda (S/RES/2282; A/RES/70/262, and the UN-World Bank Pathways for Peace study); the Women, Peace and Security Agenda (S/RES/1325); and the Youth Inclusion Agenda (S/RES/2250), all emphasize the merits of broad-based participation and the fact that inclusion in peace processes is both a means and an end to reach inclusive societies.

Research has begun to explore the modalities, conditions, and effects of the inclusion of a broader range of societal and political actors, alongside powerful military and political elites, in negotiations and political settlements. Yet, the role of inclusion during implementation has received little attention, particularly in terms of the transitional institutions required to enable broad-based participation in implementation processes; the conditions required for civil society and non-armed actors to effectively participate in transitions; and the implications this broader inclusion may have for the

implementation and even more so for the outcomes of transition processes, i.e. for the polities and societies they create.

## Reconceptualizing Peace Processes and Implementation

It is increasingly acknowledged that the classical way of thinking about peace processes is now obsolete. The idea of a quasi linear process, from armed conflict or non-violent rebellion to formal negotiations and a peace or political agreement, followed by implementation (where a constitution drafting or changing process is often key), and (free and fair) elections ending the process with the transfer of power to a post-conflict government, does not reflect reality.

On the contrary, peace processes are elements of political transitions that take place over decades, and formal track one peace negotiations and agreement implementation make up just part of the space where the transition takes place. There may not even be a formal agreement at all. However, there seems no straightforward singular alternative model to formal peace processes: focusing only on the local level (e.g. the local turn in peacebuilding), for example, has not brought countrywide changes, as the peace and transition has to be negotiated and implemented at all levels.

Implementation processes are also by no means linear but are complex and evolve over time. They are also impacted by (and impact upon) other political processes: implementation often occurs simultaneously with negotiation processes, or conflict, and in parallel with existing governance structures and processes. As such, implementation often entails an ongoing renegotiation of the agreement. Multiple dialogue processes

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occur at the same time, on different topics, at different political and societal levels, and with a variety of actors. It is therefore crucial to recognize the importance of other formal spaces beyond the formal negotiation space (e.g. parliaments; processes for SDGs implementation) as well as the informal spaces for ongoing negotiation of power distribution (e.g. informal elite deals; mass action). However, despite this complex reality, the international community often becomes tied to a linear 'script' of formal peace process implementation, which incorporates a binary notion of success and failure of implementation – and peace processes as a whole.

## Inclusion in Implementation: main findings

The implementation phase broadens the scope of opportunity for inclusion, because a variety of implementation mechanisms and fora are being created, in addition to the often central (track one) negotiation platform that exists during negotiations. During implementation, the focus thus shifts from representation in or around the central negotiation platform to inclusion in these spaces. Rationales for inclusion were mainly found to be to legitimize implementation – to make it credible and acceptable to the wider population – to access expertise, and to meet the demands of guarantors, donors, or civil society itself.

Greater inclusion is incorporated into implementation processes through provisions in agreements, and selection procedures and selection criteria of formal implementation bodies and mechanisms. For example, in Liberia, the Accra Peace Agreement contained provisions requiring the interim executive and assembly and other implementation bodies to include a range of political parties and CSOs, and to reflect a gender balance. Inclusion can also be incorporated into implementation processes through informal arrangements and mobilization. In Northern Ireland, publicity campaigns by civil society groups in the run-up to the 1998 referendum played a major role in the ratification of the Belfast (Good Friday) Agreement.

Ensuring there are provisions on inclusive implementation in agreements may not be a necessary condition for inclusion during implementation, but the cases studied indicate that provisions for inclusive implementation are highly conducive to ensuring inclusion during implementation. Precise wording of provisions is crucial, as a lack of clarity can enable key stakeholders – particularly elites – to evade them. In certain cases, such as Afghanistan, provisions for inclusion did not specify how inclusion would be achieved. Decision-making at the Emergency Loya Jirga did not prove inclusive, and criticisms of the Interim Administration as

not representative, especially of Pashtuns, were not addressed by the Emergency Loya Jirga in the Transitional Administration.

The research also examined *de jure* and *de facto* criteria and rules to determine the selection of additional included actors. The data suggest that besides official quotas and power-sharing formulas, formal political power-sharing provisions were an important component of six of the peace agreements of the cases studied (Afghanistan, Burundi, Kenya, Liberia, Northern Ireland, and South Africa). Quotas for key implementation bodies were also present in many cases.

The five cases of Truth and Reconciliation Commissions (Burundi, Guatemala, Kenya, Liberia, and South Africa) demonstrate the importance of a transparent and, ideally, consultative selection process. A range of unofficial sociodemographic criteria, including ethnicity, class, gender, and kinship, also come into play as well as political factors, such as political orientation and patronage networks. In the Philippines, the strength of family networks in politics meant that there were also some people outside of the two parties who could influence inclusion, based on their strong informal ties to the signatory parties. In many cases, however, technical expertise regarding reforms was decisive for civil society actors' inclusion in steering bodies and their impact. This is particularly true of more restricted sectors, such as Security Sector Reform, where only a handful of well-placed CSOs have the necessary technical expertise to meaningfully contribute to the development of security policies. Selection procedures and criteria can be manipulated by gatekeepers (particularly elites), as making their own appointments allows the main conflict parties to control both the agenda and representation in the process.

Common implementation mechanisms and sectors include constitutional and legislative reform mechanisms; interim and power-sharing governments; peacebuilding and reconciliation programmes; monitoring mechanisms; security sector reform; economic, land and social reforms; and electoral reforms and elections.

The level of inclusion varies according to sector and programmes. There are certain sectors where the inclusion of particular groups is highly constrained, such as women in the implementation of formal post-conflict reconstruction. Civil society traditionally tends to be included in programmes relating to peacebuilding, reconciliation, and human rights, and claims space in constitutional reform processes. The research also shows some avenues for civil society inclusion in security

sector reforms in Burundi, Kenya, Liberia, Northern Ireland and South Africa.

The Inclusive Peace & Transition Initiative (IPTI)'s research project Broadening Participation in Political Negotiations and Implementation (2011–2017) identified a typology of seven modalities through which actors can be included in peace processes: direct representation at the negotiation table; observer status; consultations; inclusive commissions; high-level problem-solving workshops; public decision-making; mass action.

All these modalities continue to exist during implementation, but their relevance and distribution changes. Inclusive commissions occur most frequently, followed by consultations. Public decision-making, mostly in the form of referenda, also featured prominently in many implementation processes, while problem-solving workshops and mass action appeared to be less common. Although formal negotiation tables are rarely apparent during implementation, direct representation at the negotiation table often occurs during this phase, given that complex reform plans and programs need to be elaborated within and adapted to a highly volatile political environment. The negotiation table itself also becomes more difficult to define, given the multitude of formal and informal set-ups that serve as negotiation spaces on multiple levels. It is therefore crucial to recognize the importance of other formal spaces beyond the formal negotiation space (e.g. parliaments; processes for SDGs implementation) as well as the informal spaces for ongoing negotiation of power distribution (e.g. informal elite deals; mass action). Actors are thus often involved in parallel processes, which in some cases impact on and interact with one another while in others they remain discrete, creating both opportunities and challenges.

More inclusion is not necessarily effective or meaningful in the sense that included actors can influence the implementation process and/or its outcomes. For instance, broad consultations give rise to a high level of inclusion, but this inclusion is not necessarily effective as mostly there is no binding formula to ensure the results of consultations are integrated into key processes and outcome documents. Civil society often puts significantly more effort into providing expertise and recommendations as compared to monitoring if recommendations are integrated into outcome documents, and even more so with regard to safeguarding the implementation of results. In more representative implementation modalities such as commissions, representation also does not necessarily equate to influence as powerful actors often control processes and outcomes.

## Inclusion in Implementation: from inclusive processes to inclusive outcomes?

The research found that inclusion is extremely important for implementation. Inclusion features in most implementation mechanisms and can provide the opportunity to overcome blockages and delays in the process and build and sustain momentum. The inclusion of civil society actors (including women's groups, indigenous groups, and religious and business actors) in the Bangsamoro process has helped to prevent the process from collapsing – particularly through their advocacy – and even pushed the process forward. Inclusive implementation processes can create the preconditions and set precedents for pathways to inclusive societies and polities. In both South Africa and Nepal, despite setbacks to the inclusion agenda, there has been a clear shift from an extremely exclusive to a more diverse society and polity.

However, inclusive processes do not automatically guarantee inclusive outcomes. Inclusion through representation does not necessarily translate into influence, especially if elite actors that are dissatisfied with the new status quo resist the implementation of an agreement. In Nepal, selection criteria for the first Constituent Assembly facilitated a high level of inclusion of women delegates, but their influence on decision-making was curtailed by the fact that political elites undermined inclusive decision-making procedures and made major decisions in informal spaces behind closed doors. Women also largely voted along party lines rather than to advance gender priorities or women's rights.

There is also a significant degree of resistance to inclusion. In particular inclusion is often regulated, co-opted, or restricted by gatekeepers, particularly key elites. A wide range of stakeholders can be gatekeepers of inclusion: political and military elites, armed groups, international mediators, guarantors and donors, international and national NGOs, business, traditional and religious leaders, and the media. Gatekeepers' strategies include controlling the selection of actors, ignoring the inputs of included actors, co-opting actors, targeting funding and other resources or support, denigrating, delegitimizing or legitimizing actors, and repression and violence against actors. In the Philippines, conflict parties' control over selection and decision-making constrained almost all aspects of inclusion. In Kenya, political and governing elites undermined the process by ignoring requirements and recommendations set by implementation committees.

## Conclusion

Overall, the findings of the *Inclusive Peace Agreement Implementation* research project underline that inclusion is a highly political subject and much more than a technical undertaking. Who is included, how, where, and when, are all decisions that impact on the power dynamics that will determine the shape of a country's economic, social, and political landscape. As implementation takes place over long periods of time and evolves over the course of the process, these functions of inclusion can be supported, manipulated, controlled, adjusted and are as such subject to ongoing (re)-negotiation. Although inclusion is subject to ongoing challenges, setbacks and manipulation, this also entails opportunities to repeatedly and continually re-negotiate inclusion processes and structures during all phases of the process.

The complex and protracted nature of implementation processes make the binary notion of success and failure of implementation – and peace processes as a whole – extremely problematic. Expectations need to be recalibrated to take account of the fact that political transition processes have ups and downs; and the notion of success needs to be nuanced to reflect the complexity of reality, where inclusive approaches are subject to multiple trade-offs between competing priorities. This can help to develop more adaptive approaches whereby inclusion can simultaneously serve goals relating to short-term stabilization – by overcoming blockages – and the long-term aim of leading countries on a pathway to peaceful, just, and inclusive societies.

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### The Research Project

This Briefing Note is based on IPTI's research project *Inclusive Peace Agreement Implementation*, supported by the UNDP Oslo Governance Centre. The project explores societal participation in formal peace agreement implementation processes, examining whether a set of parameters of implementation affect the ability of civil society and non-armed actors to participate and influence implementation processes, and investigating if inclusive processes are necessary to achieve inclusive outcomes. To this end, it undertakes a qualitative comparison of the post-agreement period in 11 cases from IPTI's qualitative database and additional new primary and secondary research using a joint analytical framework. This work builds on previous case study research conducted in the framework of the Graduate Institute's multi-year project, "Broadening Participation in Political Negotiations and Implementation."

### UNDP Oslo Governance Centre

The Oslo Governance Centre (OGC) is one of six UNDP Global Policy Centres, established in 2002. It works closely with its New York based Headquarters and other relevant UN and UNDP units strengthening the overall analytical and learning ability in the area of Governance and Peacebuilding. It supports policy development and applied research with an overarching focus on democratic governance and peacebuilding in crisis, conflict and transitional contexts.

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### Inclusive Peace & Transition Initiative

The Inclusive Peace & Transition Initiative (IPTI) is dedicated to evidence-based research and its transfer to policy and practice. The objective of the Initiative is to support sustainable peace by providing expertise and information on the inclusion of diverse actors in peace and transition processes. This expertise draws on the largest qualitative database of inclusive peace and political reform processes globally. The Initiative is part of the Graduate Institute of International and Development Studies in Geneva.

www.inclusivepeace.org