



SECURING STABILITY THROUGH PEACE AGREEMENTS

The Institute for State Effectiveness

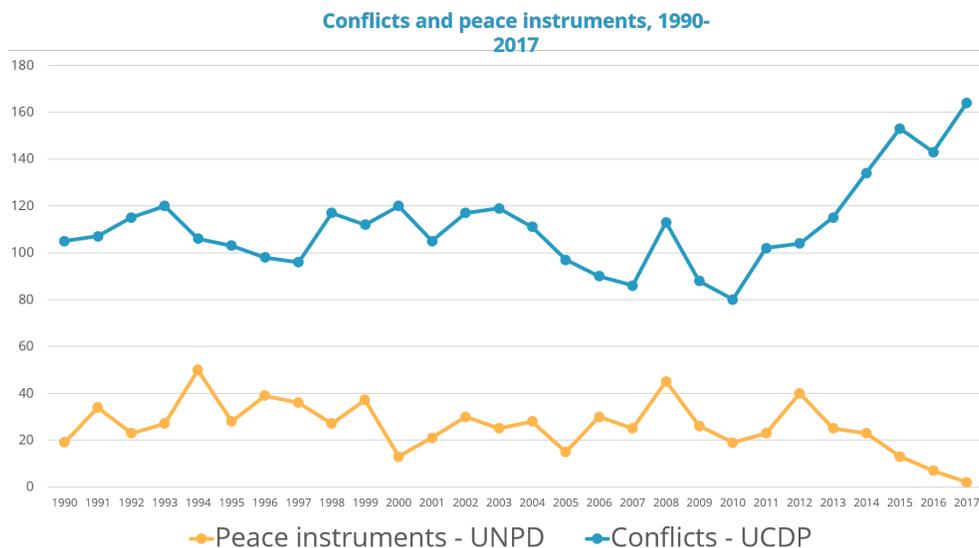
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Securing Stability through Peace Agreements¹

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Part 1: Introduction

Over the three decades following the end of the Cold War, expectations of a global peace dividend have not been borne out. From the disintegration of Yugoslavia to the Rwandan genocide in the 1990s to the civil war in Somalia and the breakup of Sudan in the 2000s to the continued instability in Central African Republic and Democratic Republic of the Congo in the 2010s, conflict and violence have continued to hamper development and threaten stability. The past decade has seen a rapid expansion of intra-state conflict, concentrated predominantly in the Middle East and North Africa, prompted by longstanding grievances and broken social compacts.¹ The number of major violent conflicts since 2010 has increased three-fold, and there has been an alarming expansion in the number of low-intensity conflicts.²



The challenge of moving from conflict to sustained peace remains central for leaders and policy-makers today. Much effort has been expended to formulate peace agreements. Their historical success is mixed, at best, with half of negotiated settlements resulting in a reversion to conflict within five years.³ However, the potential for peace agreements to set the institutional and structural foundations for enduring, inclusive peace should not be understated. What is needed is a close examination of peace agreements themselves to understand why, in some cases, these foundations are set, but in other cases agreements do not lead to sustained peace.

Durable peace must rely on governance institutions that are legitimate, inclusive, effective, and deliver on the expectations of citizens. *How* peace agreements set strategies for the consolidation of governance and state institutions over time is a critical factor in whether a peace agreement will indeed result in peace.⁴ In this paper, we update our prior analysis in *Writing the History of the*

¹ This paper is an updated version of “Writing the History of the Future: Securing Stability through Peace Agreements” by Ashraf Ghani and Clare Lockhart. This new version incorporates a comprehensive analysis of all major peace agreements signed since the paper’s original publication in 2008.

Future: Securing Stability through Peace Agreements. That paper examined 17 years of peace agreements since the end of the Cold War and set out a typology of peace agreements based on their strategies to consolidate governance after conflict.

The peace agreement typology identifies seven embedded strategies of state-building – four dominant strategies that are examined in detail, and three other strategies. The dominant strategies are: the quest for an inclusive state, new rules of the game, decentralization, and constituting a legitimate center. The remaining three strategies are: imposed peace, imposed pluralism, and accommodation and neglect. The focus, as previously, is on the four dominant strategies, though the remaining three are briefly summarized. Importantly, while there can be a temptation to look to power-sharing as a remedial strategy or to focus on power-sharing aspects of peace agreements, successful agreements hinge on strategies to establish tailored governance arrangements and mechanisms that address the root causes and grievances driving the conflict in the first place.

The remainder of this paper proceeds as follows. **Part 2** sets out a typology of seven state-building strategies in peace agreements. **Part 3** summarizes the key themes and necessary building blocks of a successful peace-building process. **Part 4** argues that approaching the state in terms of functions, actors' tasks, and assets can provide a strategic map for building better synergy and dividing labor among actors and stakeholders. Such a map enables more attention to be given to implementation in strategy formation and to monitoring strategic goals during implementation. The concluding sections offer lessons for the future.

Part 2: Peace agreement typology: state-building strategies

Peace agreements constitute a universe of political thought and practice. Covering countries that have endured conflict, their common characteristic is the search for sustainable peace. Words in these agreements carry enormous weight, as they are used to bind antagonists to a common purpose, and to provide a direction for the future. Our aim in this section is to offer a classification of the key characteristics of peace agreements, on the basis of a detailed textual analysis of those agreements concluded in the last 25 years. Categorizing either the key goal or mechanism deployed acts as a litmus test for understanding the underlying contours of an agreement.

The peace agreements analyzed fall into the following categories: (i) the quest for the inclusive state; (ii) decentralization; (iii) new rules of the game; (iv) constituting a legitimate center; (v) imposed peace; (vi) imposed pluralism; and (vii) accommodation and neglect.

(i) The quest for the inclusive state

Making the state inclusive is the dominant theme of the peace agreements in Central and Latin America. These agreements highlight both the root causes of conflict in the failure of the state, and the pivotal importance of the state for establishing and maintaining peace. They call for a radical restructuring of institutions of state and market, changing the relation of different state institutions to each other, and transforming the relation between state and citizens through consolidation of the rule of law. Power is to be reconfigured from a repressive force against a

section of the citizens to become an instrument of realization of rights of all the citizens

The most comprehensive peace agreement in the past 25 years, the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace* between the Government of Colombia and FARC-EP, places considerable emphasis on strengthening the Government's various institutional capacities; from providing security and implementing widespread socioeconomic reforms, to bolstering the independent judiciary's ability to administer and adjudicate the applications of laws. It sets a clear objective for achieving enduring, inclusive peace, with a transition that focuses on "greater territorial integration, greater social inclusion – especially of those who have existed on the fringes of development and have suffered from the conflict – and to strengthening [its] democracy, bringing it to all corners of the country and ensuring that social conflicts can be resolved through institutional channels."⁵ At its core, is a recognition that addressing the challenges of conflict and its drivers requires inclusive, legitimate, stable state institutions capable of implementing the vision and goals of its people.

The same sentiment pervades the agreements on Honduras, Mali, Guatemala, and El Salvador. The Honduras agreement has a clear focus on building an inclusive state through the formation of a unity government (tasked with fostering reconciliation and unity among the people) and through the restoration of pre-conflict powers to the state. It refers in its preamble to "the power of our union and the force of our consensual will, under the protection of our constitution, the laws of our republic and the full force of the rule of law and to an "unbreakable commitment to the reconciliation of our people, which must be one and indivisible."⁶ The Mali agreement sets out a series of institutional reforms at both the national and local levels of government, collectively designed to "promote a durable peace and stability...and to make real the rules of good governance, transparent management, respect for human rights, justice and the fight against impunity."⁷ It also delineates and, where necessary, transfers governance functions between the national government and territorial collectives, as well as setting out a broader development strategy for the northern regions of the country.

The Guatemala agreement locates the issue as building a democratic state. "In order to deepen the democratic and participatory process in such a way as to strengthen civilian power, it is of crucial importance to enhance, modernize and reinforce the State and its republican, democratic and representative system of government... the three branches must coordinate their efforts to fulfill their responsibilities arising out of the duty of the State to ensure, for all the inhabitants of Guatemala, life, freedom, justice, security, peace and the full development of the individual. Public authority, in the service of the common good, must be exercised by all the institutions of the State in such a way that no person, social sector, military force or political movement can usurp its exercise."⁸ This agreement aspires to rethink the relationship between the three branches of government, with the judiciary receiving special attention to underline the importance of a state that is constituted through rule of law.

The historical legacy of military rule is dealt with through the concept of differentiation between defense and security. The El Salvador peace agreement makes this important, but unusual distinction:

...As established in the Constitution, the armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative. Their institutional regime and op-

erations shall also be consistent with the principles deriving from the rule of law, the primacy of the dignity of the human person and respect for human rights... the concept of the armed forces as an institution free from all considerations of politics, ideology or social position or any other discrimination; and the subordination of the armed forces to the constitutional authorities...The doctrine of the armed forces is based on a distinction between the concepts of security and defence. National defence, the responsibility of the armed forces, is intended to safeguard sovereignty and territorial integrity against outside military threat. Security, even when it includes this notion, is a broader concept based on unrestricted respect for the individual and social rights of the person. It includes, in addition to national defence, economic, political and social aspects which go beyond the constitutional sphere of competence of armed forces and are the responsibility of other sectors of society and of the State. ...The maintenance of internal peace, tranquility, order and public security lies outside the normal functions of the armed forces as an institution responsible for national defence. The armed forces play a role in this sphere only in very exceptional circumstances, where the normal means have been exhausted, on the terms established in the constitutional reform approved in April 1991.⁹

Ensuring the rights of the excluded, particularly indigenous people and the poor, are central motifs in the peace agreements. The Chiapas agreement is premised on the argument that “history confirms that indigenous people have been the object of forms of subordination, inequality and discrimination which have determined a structural situation of poverty, exploitation and political exclusion. It also confirms that they have persisted in the presence of a legal order whose ideal has been cultural standardization and assimilation. It confirms, finally, that overcoming that reality requires new, profound, participatory and converging actions on the part of the government and society, including, above all, the indigenous peoples themselves.”¹⁰ To overcome this legacy of exclusion and subordination the parties proposed that in “the framework of the new relationship between the State and the indigenous peoples, their rights need to be recognized, assured, and guaranteed.”¹¹ The document then spells out a series of principles and mechanisms for achieving the agreed-upon goal of the parties.

Agreements that attempted to adopt an inclusive state pathway to peace though, failed in respect of their implementation include Uganda in 2008, Sudan (Doha) in 2011, and South Sudan in 2015. These agreements identified the need for expectations to be matched with capabilities, capacity, and political will to implement the reforms necessary to build an inclusive state apparatus. For example, the 72-page, comprehensive South Sudan agreement established a broad transitional state apparatus across all three branches of government, however, the ceasefire failed to hold rendering the agreement entirely ineffective. The gap between desired ends and available means, coupled with the lack of political will and regional support (including from Sudan), prevented the goals and objectives of that agreement from coming into fruition.

(ii) Decentralization

Making the state inclusive is premised on the belief in the desirability and feasibility of democratic reform and equality of all the citizens under the rule of law. In a number of countries across the world conflicting parties in a civil war have hit upon decentralization as the mechanism for bringing peace. The common thread binding cases from Darjeeling in India, Aceh in Indonesia, Bougainville in Papua New Guinea, Mindanao in the Philippines, Croatia, Georgia, Macedonia, Serbia and Montenegro in Central Europe, and the Former Soviet Union, is that guaranteeing the rights of a significant segment of the population requires transfer of a series of decision-rights from the central government to the regional or local governments. Whether the area in question is a site of proven natural resources or is considered to contain such natural

resources is a variable that has significant bearing both on framing the issue of decision-rights and the degree to which decentralization may work in practice. Issues of identity and the search for expression of cultural rights loom large in all of these cases.

Within the model of decentralization, three variants can be differentiated:

- Model I: where the territorial unity of the state is recognized;
- Model II: where a transitional period is followed by a decision on unity or separation; and
- Model III: where a cease-fire brings about an end to the war and the parties make a commitment to find a political solution in the future.

The principles in the Framework Agreement in Macedonia capture the spirit of Model I:

The use of violence in pursuit of political aims is rejected completely and unconditionally. Only peaceful political solutions can assure a stable and democratic future for Macedonia. ...Macedonia's sovereignty and territorial integrity, and the unitary character of the State are inviolable and must be preserved. There are no territorial solutions to ethnic issues. ...The multi-ethnic character of Macedonia's society must be preserved and reflected in public life. ...A modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens and comports with the highest international standards, which themselves continue to evolve. ...The development of self-government is essential for encouraging the participation of citizens in democratic life, and promoting respect for identity of communities.¹²

A similar set of principles can be discerned in the agreement between the Government of the Philippines and the Moro Islamic Liberation Front, although the agreement is silent on the issue of whether Mindanao is or is not in the Philippines.¹³

The agreement concerning Darjeeling district (and certain of its surrounds) in India, while still in the realm of a Model I-type of decentralization, places less textual emphasis on the territorial unity of India or the Indian state of West Bengal. Adherence to territorial unity is apparent, however, in the absence of a transfer of legislative functions to the new autonomous administrative body established in Darjeeling. While administrative, financial, and executive powers are transferred to the administrative body, a transfer of legislative functions would violate India's Constitution and its territorial unity.

The brief framework agreement defining relations in Serbia and Montenegro illustrates Model II. It explicitly recognizes the right of each of the states at the end of a three year period to institute proceedings for "withdrawal from the state union."¹⁴ The agreement on Bougainville not only provides for an "autonomous Bougainville Government operating under a home-grown Bougainville Constitution with a right to assume increasing control over a wide range of powers, functions, personnel and resources" but also choices available in a referendum that "will include a separate independence for Bougainville."¹⁵

Agreements on the Aceh region in Indonesia and the Abkhazia region in Georgia fall within Model III. The Erdut agreement on the Region of Eastern Slavonia, Baranja, and Western Sirmium¹⁶ⁱ could fall either within Model III or I, as its 14 points of principle include the establishment of a Transitional Administration, elections for local government bodies, and deployment of international forces to be authorized by the United Nations Security Council. In the cases of Georgia and Indonesia, commitments to the end of hostilities are to be followed by political processes for finding solutions to the underlying causes of the conflict.

The key issues, however, fall within two categories: gaining representation in the central government and gaining autonomy at the local level. Reservation of offices through explicit or implicit quotas in various branches of the central government, adoption of principles of affirmative action for gaining positions for the members of the group in the professional ranks employed by the government, and adoption of special measures for recruitment of former combatants into the ranks of the armed forces and the police, are among mechanisms agreed to for achieving the first objective. The issues figuring prominently are the reserved subjects, decisions over which are vested at the local level, and the subjects vested at the central level. This neat distinction, however, can be problematic in practice, for a significant number of issues may fall in a gray area of concurrent decision-rights. Furthermore, when the local government depends on the central government for financial or other resources, the formal process of decentralization can in practice either become or mask a process of centralized decision-making.

Clarification of decision-rights between different levels of government is the most important cross-cutting issue in the use of decentralization as a mechanism for securing lasting peace. Decentralization as a concept only roughly captures a complex reality that revolves around balancing rights and obligations at different levels of government and across different functions of the state. When a state is not governed by rule of law, decision rights can be captured at various levels by narrow groups. Centralization itself was a reaction against the repressive local elites of the feudal period, while the quest for decentralization as a reaction to excessive power wielded by central bureaucracies located in capitals remote to the realities of people.

(iii) New rules of the game

The quest for the inclusive state or agreeing on decentralization as a mechanism for ending conflict presume a legal framework that requires modification rather than complete overhaul. Libya, Sudan (2004), South Africa, and Nepal, by contrast, illustrate conditions of conflict whose resolution is sought in formulation and implementation of new rules of the game for state-craft. In each of these of these cases, the state was experienced by the majority of the population as repressive. Major social and military movements arose to challenge the exercise of power and eventually succeed in negotiating new rules.

South Africa not only had to promulgate a new Constitution that enabled the participation of the hitherto excluded majority as citizens with rights but had to face the challenges of dismantling the legacy of apartheid across the domains of the economy, society and polity. It shifted to majority rule through a process of democratic voting, while acknowledging the rights of the previous dominant majority as participants in the system. The Truth and Reconciliation Commission was an imaginative way of dealing with the bitter taste of the previous regime, but the

weight of history cannot be quickly dismissed as the immense challenge of reconstituting the fabric of society is still felt.

In Nepal, a political movement composed of seven parties and a Maoist movement confronted an absolutist monarchy that constitutionally defined itself as a Hindu polity. As the Constitution had no mechanisms for modifying the nature of the monarchy, or changing the religion of the state, the convening of a constituent assembly to define new rules became the driving idea of the twelve-point agreement. Currently, the politicians and the people are facing the concurrent challenges of defining the system, restructuring the state, making development inclusive, providing security, constituting a market, and mobilizing resources.

Burundi illustrates the difficulty of moving from design of new rules of the game to their implementation. In response to external pressure in the 1980s, a minority-led regime was forced to open up the political space to new political parties and movements.¹⁷ But when the elected President moved to challenge the dominant elite, he was killed, and the country was plunged into civil war and ethnocide. A new political process has begun that seems to have momentum, but the challenges of institutional transformation in one of the most heavily populated countries in Africa with a history of misrule, should by no means be underestimated.¹⁸

The Comprehensive Peace Agreement in Sudan (2004) illustrates the level of complexity in negotiating new rules of the game. The agreement between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), covers both a series of temporal periods – pre-interim, and interim to be followed by elections within three years in the South and a referendum within six years on unity or separation – as well as a comprehensive set of agreements covering all aspects of relations governance.¹⁹ The agreement is premised on an acceptance of one country, two systems, which meant an entire reversal of the history of a Muslim expansionist state against an African “animist” and Christian south. It includes the writing of a new constitution for the country, the writing of a constitution for Southern Sudan, with its own branches of government, and the writing of ten state constitutions in the south and a series of agreements on power-sharing, wealth-sharing, land, and security. Finally, it provides for a referendum as the mechanism of separation or continued unity.

The 2015 peace agreement in Libya intended to facilitate a transition from autocracy to democracy. The agreement contains mechanisms for forming a new constitution and reforming all branches of government, with a view to “build[ing] a democratic civil state through national consensus.” The agreement acknowledges the need for “a consensual government based on the principle of the separation of powers, oversight and balance between them, as well as the need to empower state institutions...so that they can address the serious challenges ahead.”²⁰

(iv) Constituting a legitimate center

The foundational importance of legitimacy to statecraft is highlighted by the cases of protracted conflicts where, after experiencing genocidal, despotic, destructive regimes that saw the loss of millions of lives, parties could not reach agreement on the mechanisms and processes of constituting a legitimate center. These forgotten conflicts became loci of sustained attention when global and regional circumstances changed so as to remove the veto power of some

stakeholders, thereby opening up the possibility of sustained attention from the United Nations (UN). Afghanistan, Cambodia, and East Timor represent cases where the UN has been cast in the critical role of facilitator, co-producer, or administrator of a process of state-building through constituting a legitimate center for a government that would have legitimacy at home and abroad. Since in East Timor there was little doubt about the nature or identity of the leaders that would assume power at the end of the transitional period, we shall focus on Cambodia and Afghanistan.



The Loya Jirga held in Kabul in 2002 which resulted in the formation of the Afghan Transitional Administration.

In both Cambodia and Afghanistan, the processes were initiated by an internationally convened conference composed of representatives of some of the contenders or stakeholders. For Cambodia, the conference took place in Jakarta, resulting on September 10, 1990, in the Supreme National Council of Cambodia (SNC) as the “unique legitimate body and source of authority in Cambodia.” This body in turn elected Prince Norodom Sihanouk as the President of SNC.²¹ For Afghanistan, the conference took place in Bonn in late November and early December, concluding on December 5, 2001 when the Taliban had abandoned the capital city of Kabul but were still in occupation of some of the provinces of Afghanistan. The Bonn agreement created an interim administration, to which power was to be transferred on December 22, 2001 and “upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect.”²² In both cases, the agreements became effective upon approval through adoption of resolutions by the United Nations Security Council. In each case, deployment of international forces was provided for and took place.

In Cambodia, the agreement provided for “the establishment of a United Nations Transitional Authority in Cambodia (UNTAC) with civilian and military components, which will act with full respect for the national sovereignty of Cambodia.” It added, however, that “the SNC hereby delegates to the United Nations all powers necessary to ensure the implementation of this agreement.” Annex 1 to the agreement on UNTAC mandate makes clear that “all administrative agencies, bodies and offices acting in the field of foreign affairs, national defence, finance, public security and information will be placed under the direct control of UNTAC, which will exercise it as necessary to ensure strict neutrality... the Secretary-General’s Special Representative, in

consultation with the SNC, will identify which administrative agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in Cambodia, if necessary, under such supervision by UNTAC as it considers necessary." In addition, the SRSG authority "will include the power to: ...Install in administrative agencies, bodies and offices of all the Cambodian Parties United Nations personnel, who will have unrestricted access to all administrative operations and information. [and]...Require the reassignment or removal of any personnel of such administrative agencies, bodies and offices."²³ The UN was thus given categorical power to preside over the process of creation of a legitimate center in Cambodia.

In Afghanistan, "the participants in the UN talks on Afghanistan hereby:

1. Request that the United Nations and the international community take the necessary measures to guarantee the national sovereignty, territorial integrity and unity of Afghanistan as well as the non-interference by foreign countries in Afghanistan's internal affairs;
2. Urge the United Nations, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority;
3. Request the United Nations to conduct as soon as possible (i) a registration of voters in advance of the general elections that will be held upon the adoption of the new constitution by the constitutional Loya Jirga and (ii) a census of the population of Afghanistan;
4. Urge the United Nations and the international community, in recognition of the heroic role played by the mujahidin in protecting the independence of Afghanistan and the dignity of its people. To take the necessary measures, in coordination with the Interim Authority, to assist in the reintegration of the mujahidin into the new Afghan security and armed forces;
5. Invite the United Nations and the international community to create a fund to assist the families and other dependents of martyrs and victims of the war, as well as the war disabled;
6. Strongly urge that the United Nations, the international community and regional organizations cooperate with the Interim Authority to combat international terrorism, cultivation and trafficking of illicit drugs and provide Afghan farmers with financial, material and technical resources for alternative crop production."²⁴

As neighbors in both countries could play the role of spoilers,²⁵ their support to the peace process was considered critical. In Cambodia, this took a formal commitment of Cambodia to neutrality, to be enshrined in its future constitution, and a commitment of the signatories to international guarantees. The mutual commitment stated that "Cambodia undertakes to maintain, preserve and defend, and other Signatories undertake to recognize and respect the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia, as set forth in a separate Agreement."²⁶ An entire Annex is devoted to withdrawal, ceasefire, and related measures, specifying the responsibilities of the UN in verification of

withdrawal of foreign forces. As the military involvement of neighbors in Afghanistan was never overtly acknowledged and the reality on the ground was defined by the military deployment of the Coalition against terrorism and the ISAF for peace-building in the capital city of Kabul, the clause seeking the UN and the international community to guarantee “non-interference by foreign countries in Afghanistan’s internal affairs” covered the issue.²⁷

The question of transition was handled differently in the two countries. In Cambodia, the UNTAC was invested with formal power until “the constitutional assembly elected through free and fair elections, organized and certified by the United Nations, has approved the constitution and transformed itself into a legislative assembly, and thereafter a new government has been elected.”²⁸ In Afghanistan, the transitional period was divided into phases consisting of transfer of power to the interim administration, election of a transitional administration within six months by an emergency Loya Jirga (Grand Council), the holding of a Constitutional Loya Jirga to adopt a new constitution for the country, and the election of a fully representative government through free and fair elections to be held no later than two years from the date of the convening of the emergency Loya Jirga. The UN was assigned a major role in organizing the Loya Jirgas and the presidential and parliamentary elections. Loya Jirga was an established Afghan institution convened by the rulers to seek a mandate on issues of national significance. The innovation in the UN-sponsored talks was to infuse the institution with a popular mandate by having its members elected through indirectly contested elections. In contrast to the Cambodian agreement, the agreement in Afghanistan has a tightly delineated calendar for the political process, marking a path of increasing legitimation of the central government through ever increasing popular mandate.²⁹

An Annex was devoted to the articulation of principles for a new constitution for Cambodia. “The Constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process.” For Afghanistan, the agreement simply stated that “in order to assist the Constitutional Loya Jirga prepare the proposed Constitution, the Transitional Administration shall, within two months of its commencement and with the assistance of the United Nations, establish a Constitutional Commission.” The UN was thus squarely cast in the role not only of state-builder but also promoter of liberal democracy in conditions of post-conflict.

The UN was assigned a central role in organizing elections in both countries. Carrying out this critical task was to involve solving major logistical challenges and to require expenditure of hundreds of millions of dollars in each country. Whether the expenditures on the technical processes of registration and voting through paper ballots have laid the foundation for a sustainable and transparent system of voting in these countries requires a thorough review.

Both agreements highlight a series of cross-cutting themes, prominent among which are issues of human rights, concern with the rights and need for assistance to refugees and internally displaced people, rights of women, and calls for assistance to the poor and groups made vulnerable because of their location or social position. The leitmotif of the agreements is to create broad-based governments that would enjoy sufficient legitimacy to confront the formidable task of rebuilding the economic, social, and cultural fabric of their societies. As far as rehabilita-

tion and reconstruction are concerned, the declaration in Cambodia succinctly captures the challenge in both countries.³⁰

For over a decade, Liberia was a case of external and internal accommodation between warlords, most notable amongst whom was Charles Taylor. The then elected government under Ellen Sirleaf Johnson faced the task of translating a mandate for good governance into institutional legitimacy. The challenge, therefore, was similar to the one faced in Afghanistan and Cambodia.

In all of these cases, the UN system was made a significant player in all aspects of a state-building strategy. Practice, therefore, seems to have been ahead of analysis and reflection, as the UN system has yet to frame its considerable involvement in promoting peace in terms of an agenda of state-building. But any strategy of peace-building, other than neglect or accommodation of criminality, is inherently about state-building. This assertion also holds for strategies that we will only examine briefly in this paper.

(v) Imposed peace



President Clinton, French President Jacques Chirac and German Chancellor Helmut Kohl sign the Balkan Peace Agreement in Paris, France

Imposed peace takes place when regional or global public opinion finds the incidence of ethnic violence unacceptable and a mechanism is found to force other governments to intervene. Bosnia and Herzegovina and Kosovo illustrate the cases of imposed peace as a mechanism of peace-building in conflicts where other mechanisms proved ineffective or were not tried early enough to be effective. This has, however, only happened in the case of the breakup of Yugoslavia, where genocide sat uneasily with the European conception of their civilization. One of the reasons is the expense; vast resources are required to maintain the peace even years after the intervention.

In these cases, external actors retain the right to use force to maintain the peace. The issue is

stated with striking clarity in the Annex on the military aspects of the peace agreement in Bosnia. "The parties understand and agree that violators of subparagraphs (1), (2) and (3) above [delineating withdrawal of forces from Sarajevo] shall be subject to military action by the IFOR, including the use of necessary force."³¹ Not only has the international community assumed direct responsibility for use of force in these cases but it has also dealt with minutia of constitutional provisions and arrangements on ethnic balance and representation at all levels of government.

After a decision to use force, actual deployment has taken place rapidly and a political framework for the deployment arrived at under intense pressure of time. Perhaps because of this pressure of time, the architecture of transitions were not clearly formulated and articulated and what were intended as temporary accommodations have become precedents for medium to long term claims. No time-bound mechanism for handing over authority to local actors was articulated in the peace agreements or in practice after a decade in Bosnia and Herzegovina and six years in Kosovo. This stands in marked contrast to the process of accession, which provides a goal of membership, a clear process of certification, a set of rules and standards to be adopted, mechanisms of support to ensure transfer of competence to the national administrators, and a political process for generation of domestic support.

Parallel structures were established to exercise functions of the state, in effect constituting a form of trusteeship. As a legal framework for allocation of decision rights was not tailored to the requirements of the process, the Bonn Powers were subsequently formulated to provide the High Representative with the necessary authority to be able to establish mechanisms of authority by local leaders. Where the international community has directly assumed the coercive function of the state and after years has still not found a mechanism of exit that would prove sustainable, costs run extremely high. However expensive the investment in a political process, these costs are overshadowed by the security bill in such cases.

(vi) Imposed pluralism

If the Balkans represent the use of a strategy of imposed peace, the cases of Angola and Mozambique represent the imposition of pluralism on what were one-party states. Here, the conflicts were made part of the Cold War rivalry between the United States and the Soviet Union, with Cuba and South Africa playing direct parts in the conflicts. To bring the armed opposition, not particularly known for their democratic credentials, into the political mainstream, the peace agreements envisaged a process of forced pluralism. The impetus for forced pluralism was externally imposed, but the party in power in each case accepted the price to be borne for ending regional and international support for hostilities. Without such external impetus and the assistance of the UN, it is unlikely that the external and internal parties to the conflict would have come to an agreement.

In each case the central challenges were to transform an armed group into a political party, a one-party state into a multi-party democracy, and to create citizen-oriented state institutions. Of particular interest is the contribution of the legal framework to providing mechanisms to meet these challenges. How the design of the rules contributed to the orderly succession to the office of presidency in Mozambique or the creation of political parties in both countries warrants further examination.

(vii) Accommodation and neglect

If imposed peace represents one pole of the engagement of the international community in promoting peace, accommodation and neglect represent the other pole. Lack of sustained interest and engagement of the international community creates a situation where both internal parties and neighboring states can serve as spoilers to any peace agreement.³²

Two types of situation can be differentiated. Accommodation involves turning over the government to the very people with severe records of human rights violations in the hope that they will transform themselves in power, and that this will be the price of peace. Sierra Leone and Liberia under Charles Taylor represent the two extreme cases of this. Neglect characterizes forgotten crises, and while these may periodically receive attention, the judgment remains that the time is not right for resolution of the crisis, because an international coalition cannot be put together to turn it into a priority. Afghanistan and Sudan in the 1990s, and Somalia, fall into this category. It was 9/11 that moved Afghanistan to the forefront of the agenda, and equally the engagement in Sudan took place in the post-9/11 context. Somalia, on the other hand, still continues to remain in this category. Haiti represents a case of intense periodic engagement followed by withdrawals, as the proposed solutions seem to fail to address the root causes of instability.

In the 1999 peace agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF) of Sierra Leone, the leader of RUF was made Vice-President and Chairman of the Commission for the Management of Strategic Resources, National Reconstruction and Development. As Corporal Foday Sankoh had been using the blood diamonds to finance the civil war, putting him in charge of the Commission was the ultimate act of accommodation to misrule in the name of peace. Predictably enough, the agreement did not endure, and Sierra Leone is still searching for peace.

Part 3: Common themes

The above typology aimed to identify the key contextual issue in each of the peace agreements. Our reading, however, also revealed a series of key themes that constitute the necessary building blocks of the peace-building process, either through their centrality to the architecture of the peace process, or their marked absence. Nearly all the peace agreements analyzed cover some or all of the following seven major topics: political processes; legal frameworks; internal reorganization of the state; provision of security; inclusive economic and social development; partnerships with the international community; and implementation.

(i) Political processes

First, there is the issue of the political processes. Bullets yield to ballots when parties to the conflict realize that politics provide a better alternative to for achieving their goals. While the exploratory phases of the discussion to enter into negotiation are not described in the peace agreements, it is clear that the preliminary phases of some of the discussions took years, and thus contain a wealth of material that lies behind the peace agreements as expressed in the formal text. Many

agreements do, however, reveal that there are a number of critical components to the transition from conflict to the political process, including agreements on: a framework and timetable for negotiations, a ceasefire and the modalities of its enforcement and verification, transformation of armed movements into political parties under a clear legal framework, a process of transition and timetable for holding of free and fair elections, the role of third parties to facilitate, monitor, verify and enforce agreement terms, and the resumption or establishment of political participation and electoral competition.

Three particular points stand out. First, the rush to equate democracy with elections may risk confusing the goal and process with the mechanism. If democracy aims at the enfranchisement of citizens in decision making, it is not clear that a rush to elections – in contexts where institutions are not stable, criminal groups control the security forces, and mature parties do not exist – advances the goal of empowering citizens. Clarity over the criteria which must be met, particularly in terms of the institutional capability of the police, administration, judiciary and media, for elections to be held is needed. Innovation regarding mechanisms of participation and consultation is required, building on experience with mechanisms such as national consultative processes (PRSPs, the use of the Loya Jirga in Afghanistan, Truth and Reconciliation in South Africa, Commissions in Guatemala). Elections and censuses, particularly given the sensitivity of the latter issue and the careful management that these processes require to reduce or eliminate fraud, require a time for realization that may be technically unfeasible; by contrast, other types of village-based elections or national assemblies may provide a less expensive but more familiar mechanism rooted in tradition. Many agreements call for censuses, databases, and information systems to be carried out; the agreement on Guatemala stands out for its emphasis on creation of identity cards for all the citizens of the country. Enormous scope exists to examine the possibilities for rethinking electoral processes, voter registration, census preparation and citizen database preparation, in light of modern technology, to enable more frequent but transparent elections at a fraction of the cost at the same time as building an information base for governance.

Ensuring the credibility of the path of transformation is critical to the success of the political process. Setting benchmarks of transition and providing mechanisms to broaden the process of transformation are both critical to creating momentum and gaining the trust and rallying the support of the population. Benchmarks provide a common calendar so that energies can be marshaled to achieve the same goals, remove uncertainty, and provide stakeholders with a focus on events that serve as a goal and evaluation of movement. Mechanisms for broadening the process ensure that necessary adjustments can be made over time, allow for the increasing establishment of cross-cutting ties, and remove the sense that there are not permanent winners and losers.

Any political process is often heavily dominated by notions of culture, in turn reflecting either deep-rooted historical processes or the inventions of traditions that are held as beliefs by a significant section of the population. Ethnicity, religion, or spatial identities – ranging from a locality to an area the size of many countries, in the case of Southern Sudan – infuse the political process with symbolic minefields that require very careful understanding of language and framing of history. Perceptions of the past can haunt the present and the future, as perceived records of past betrayals can undermine trust in the promises of the present and the prospects of the future. The issue of language can sometimes reach the basic level of the alphabet, as in the case of Macedonia or the use of Arabic in the Philippines, or the display of signs and symbols defining ethnic or religious identity.

(ii) Legal frameworks

For politics to prevail over violence, there must be agreement on legal frameworks. Law is thus the critical link between peace and an inclusive stable order. There is a strong emphasis in many agreements on the need for the state institutions to be bound by the rule of the law; in cases of neglect, by contrast, the absence of such attention is noticeable. The need to strengthen the judiciary, increase its autonomy from the executive branch and the politicians is also strongly reflected in some agreements. The 'nestedness' of a legal regime is illustrated with particular clarity in a majority of peace agreements. The constitution is the fountain of a series of nested laws, rules, and regulations. When the existing constitution provides an agreed legal framework, the issue becomes either amendments of specific provisions or change of subsidiary legislation. In Latin America, for instance, where parties have found acceptance in their existing constitutions, energies have focused on striking the right balance between branches of government or addressing specific issues of rights such as those of the indigenous people or the landless. In the case of new rules of the game or creation of a legitimate center, writing of new constitutions was an important benchmark of the process.³³

Imposed peace highlights the need for a legal framework in its most striking form, as an entire legal framework has had to be put together very rapidly, in particular to govern the use of force but also to administer the country. Resolutions of the United Nations Security Council have been critical as providing expressions of international community consensus, deployment of international forces, and in some cases assigning either direct administrative responsibility to international personnel and in others requiring strong oversight and administrative responsibilities. During the transitional period, the boundaries between the powers of transitional authorities, national authorities, and international organizations have not always been clearly specified and require considerable thinking for the future.

While in the political arena, limits of the authority of transitional governments are either implicitly or explicitly understood, the exercise of legal authority in areas such as signing of contracts, disposal of public land, entering into agreements with extractive industry have not been clearly articulated. As predictability of law is based on precedent, ensuring accountability and transparency in management of public assets during transition periods is particularly important. Few agreements contain provisions requiring officials or politicians to disclose their assets.

The locus of authority for initiation, approval, and adjudication of laws is not always clearly thought through; there are both advantages and disadvantages of locating these rights within an unchecked executive, temporary international administration, or a newly formed Parliament. Instead a process of legislative design, consultation, and approval that ensures laws are tailored to context and have a realistic prospect of implementation is required. It is clear that importing laws off the shelf from other countries has little chance of success unless such a process exists. In some cases, a process of review of the previous legislation of a despotic regime will be necessary, with a view to providing legal certainty as quickly as possible regarding previous transactions. Further, even where transitional arrangements for the administration and/or adjudication of laws are included in peace agreements, there is a notable lacuna across peace agreements, being the absence of strategies to develop independent, impartial judiciaries. Setting the foundations for legal and justice sector reform, including developing judiciaries that are independent of executive and political functions of the state (including transitional administrations) is critical for building

sustainable peace.

Finally, it is worth noting that nearly all agreements invoke human rights and a desire to end genocide, ethnocide, exclusion, and/or rights violations. Some contain specific provisions on transitional justice. Few, however, spell out the mechanisms for dealing with past abuses on the one hand and preventing abuse of rights during transitional periods on the other. Like other aspects of the legal framework, this important issue requires systematic thinking and drawing of a menu of options and mechanisms that can be effective.

(iii) Internal reorganization of the state

Reorganization of the institutions of the state is the third dominant theme in these agreements. The leitmotif running through this topic is the clear articulation of the need for a state apparatus that is professionally staffed, capable, honest, and infused with the value of public service to citizens who enjoy equality before the law. Given the stated need in many cases to recruit, train, and retain thousands of professional staff, and adjust mental models from those complicit in a repressive regime to one of public service, the silence in peace agreements on the issue of investment in human capital is marked. The mechanisms to help former fighters and victims of war transform themselves into administrators are also not clearly specified.

In contrast to the dominant focus of the developmental institutions on the executive, only some peace agreements show a strong concern with the need for separation and coordination among the three branches of the government as well as the need for staffing of the state apparatus by professionals imbued with values of public service and adherence to the rule of law.

The part of the state apparatus that receives the most detailed attention is the armed forces, underlining the concern that the instrument for guaranteeing legitimate monopoly of violence had been changed into an instrument of violence pure and simple. For politics to prevail, there must be political and social consensus that the armed forces will not have the right to veto the procedures and the outcomes of the political processes. Hence, in certain cases, the meticulously detailed provisions regarding doctrine, mission, accountabilities, budgetary allocations, size, recruitment, and/or definition of conditions and decision-rights on deployment. Provisions around intelligence services, when included, focus on their subordination to civilian authorities but the nature of the treatment is much less detailed than that of the armed forces. The police, on the other hand, are projected as the key instrument of internal security and receive strong attention.

(iv) Provision of security

In conditions of prolonged conflict, the state uses both its claim to a legitimate monopoly, and its actual monopoly on the means of violence. When there is a peace agreement, the population judges the process by their own degree of security of persons, movement, and property. Certain agreements request the use of the good offices of the United Nations or regional parties to deploy peacekeeping forces to accomplish a number of specific tasks, ranging from prevention of the outbreak of conflict, and stabilization of conflict situations after a ceasefire, to guaranteeing

the implementation of peace agreements and facilitating the transition to a stable government, where they can also play a prominent role in demobilization and creation of new security forces.

The level of detail contained in the peace agreements regarding ceasefires, verification, and engagement of international forces is reflective of systematic thinking and experience in managing the initial phases of peacekeeping operations. From a medium to long term perspective, security and stability will need to be differentiated. Security can be established through use of repression, but stability can only result from legitimate political processes and inclusive order where the citizens become stakeholders in the system.³⁴ Achievement of stability, in turn, depends on the creation of institutions of security that are devoted to upholding the rule of law and obeying legitimate civilian authority. While some peace agreements highlight this critical issue, others are vaguer about it. The nexus between the army, police, administrative authorities, and the judiciary again needs to be clearly understood; fair dispensation of justice by the judiciary needs to receive a lot more attention. As organizational culture is a critical component of effectiveness, attention to finding an institutional locus for training of officers, leaders, and managers of the security sector in post-conflict countries will be a pre-requisite for successful building of security institutions.

Readiness of the international community to commit forces is critical to the ability of the UN, NATO, or other multi-national or regional organizations to deploy the forces to mitigate and enforce peace. The tragic events in Rwanda, Burundi, Darfur, and the former Yugoslavia indicate the consequences in both loss of life and subsequent expenses for failure to engage early enough. Where peace agreements are agreed, there is a need for credible and legitimate forces to enforce agreement terms and prevent reversion to conflict during the transition phase. At the same time, there is also a need to develop appropriate, conditions-based exit strategies for international forces. The case of both Kosovo and Bosnia should make clear that unless there is a clear state-building strategy, deployment of forces that initially were considered to be needed for short intervals can assume semi-permanent characteristics.

(v) Inclusive economic and social development

Treatment of economic and social issues emerges as another clear theme. In contrast to the detailed approach to the organization of state security apparatus, agreement provisions on economic and social developments tend to be more in the nature of aspirations than worked-out plans of action. There are, however, exceptions to this, including the Colombian agreement which sets out a comprehensive strategy for socioeconomic reforms. In fact, that agreement begins not with ceasefire terms, but a comprehensive plan for rural reform. Exceptions aside, generally the agreements infused with a rights-based approach to economic and social development, containing detailed lists of rights for citizens in general, as well as minority groups including indigenous people, internally displaced people, refugees, former combatants, and women in particular. Education is an issue that largely dominates the social agenda, as it is both tied to the question of language and particular form of cultural identity that has been a driving force in defining the conflict. Where social aspirations are detailed, little attention, if any, is given to the corresponding obligations of citizenship, or the internal processes of generation and management of public resources that will lead to economic prosperity and social inclusion.

Often there is a call for external resources to be mobilized to prepare and fund ambitious programs in short periods of time, without corresponding attention either to the realism of these

requests, proper understanding of the constraints of the aid system, or an understanding of the need for accountability and transparency mechanisms to act as effective conditions for use of aid. Very few peace agreements adequately address the responsibility of the authorities to raise revenues to finance state expenditure.

There is either a marked silence on the need to bring accountability and transparency to the management of state assets, or an outright transfer of these assets to management by groups previously involved in fighting. Few agreements place any controls over the process of disposal of state assets, including mineral resources, land, licenses, and public corporations. While the agrarian question in zones of conflict and the desire to legalize land tenure relations developed during conflict through compensation to landowners is a distinctive trend in a number of agreements, few place any actual controls over the land reform process. In general, a scant number of peace agreements demonstrate understanding of the relative roles of the state and the market in fostering economic development or preventing a criminal economy from emerging.³⁵

(vi) Partnering with the international community

Seeking a renewal or enhancement of the interest of the international community constitutes the sixth major theme across the agreements. Beyond the government of the country concerned and the armed groups with whom they negotiate, the prominent role here is often that of the UN, usually represented in the person of the special representative of the Secretary General, supplemented by heads of neighboring states and regional powers. Besides serving as a catalyst to the forging of political consensus on ending conflict, the United Nations is cast in the role of the midwife for delivery of the transitional phases of the agreements through functions ranging from monitoring the ceasefire to direct assistance and verification and reporting on general progress. The moral authority of the UN is sought to bind the participants to the agreement and to act as credible referee during its implementation.

Other actors are often sought to play a supplementary role. Groups of friends, both among neighboring and OECD countries, play an important role. When an OECD country member lends its offices, the process has often been endowed with more vigor.³⁶ Regional groupings of Presidents in Latin America, and increasingly in Africa, through the African Union, have played a catalytic role for peace. Where neighboring countries have implicitly or explicitly had veto power of veto because of their support to a party or armed group, agreements have either contained explicit provisions such as the withdrawal of troops from Angola by South Africa and Cuba, or have committed themselves to non-interference: in the case of South Africa, in both Angola and Mozambique; in the case of Cambodia, Vietnam and China; or in the case of all Afghanistan's neighbors, through the Good Neighbourly Relations Declaration that followed the Bonn Agreement.

While governments of the country concerned are almost always the leading participant in negotiations and are assumed to represent the people, especially in a democratic context, creative ways have often been found to include segments of society in prominent ways, especially youth, women and minority groups, whether through parallel processes or through direct participation. An examination of the participants in and signatories to peace agreements has shown creativity in distinguishing those elites that may be part of criminal networks and impediments to enduring peace and pathways to legitimacy from those elites that have authority and legitimacy with

the public because they represent legitimate interests and have a commitment to a sustainable peace, and do not view the peace agreement as a means of access to division of spoils.

The absence of the International Financial Institutions from the process is notable; the political and economic processes are clearly not integrated or aligned. Quite a number of the agreements contain clauses for seeking financial resources from the international community as well as mobilizing domestic resources. However, as pointed out earlier, most of the time these calls lack specificity. Others seek commitments from troop-contributing countries or large-scale deployment of UN personnel, such as in the case of UNMIK and UNTAET. In some, a role for civil society organizations is envisaged, as in the cases of Guatemala and El Salvador. Maintaining the commitment of the international community over the medium-to-long-term is the real challenge, as all the attention tends to be in the first years, while empirical research has shown that 50% of conflicts with negotiated settlements relapse into violence within five years.³⁷



A military observer with the United Nations Transitional Authority in Cambodia (UNTAET).

(vii) Implementation

Were the agreements to be prepared through a discipline of implementation and working backwards to modalities of transition and timelines, they would gain greater realism and coherence. It is differences in the degree of attention to the implementation of peace agreements that may account both for the gains achieved in restoring competitive electoral politics and the slow momentum in achieving the goal of building inclusive states. As leaders of war and mobilized constituencies, the interlocutors in these peace agreements have paid meticulous attention to implementation arrangements for issues that they are familiar with, ranging from organization and monitoring of elections, monitoring and enforcement of ceasefires, and decommissioning of armed groups. But these issues, though absolutely vital to replacing conflict with peace, are of short-term focus when viewed from the perspective of building inclusive states. Gaining and maintaining momentum towards this lofty goal requires the discipline of a marathon runner, not the concentrated energy of a sprinter. It is in relation to this state-building process that the international community could have been of immense service

to the antagonists turned partners but the international community itself lacked the knowledge and organizational culture to mobilize for marathons.

In the peace agreements where implementation arrangements are spelled out in great detail, such as the 2004 Comprehensive Peace Agreement in the Sudan, there seems to be a disconnect between the desirability of an objective as framed in a legal agreement and the feasibility of its implementation, as measured by the capacity of the government and the international community either to mobilize or hire people with the necessary skills and will to implement the agreements in practice. More attention to issues of implementation might contribute significantly to designing more realistic agreements and setting expectations of the stakeholders at a more pragmatic level which, in turn, can serve to increase trust between stakeholders during the transition from conflict to peace. In agreements where little or no attention is given to the process of implementation, peace specialists have tended to work in isolation from each other and the various aspects of a peace agreement. Peacemaking has not become a coherent discipline, attention to trade-offs and sequencing is, by and large, absent.

Part 4: State functions

Peace agreements are a reflection of a world systemic phenomenon: the breakdown of repressive states which were propped up by one of the superpowers during the Cold War. As foreign policy – being with or against one of the superpowers – was the key to receiving assistance and support during the height of Cold War, unrepresentative regimes undermined or obstructed rule of law and dismantled or subverted state institutions to stay in power. State power became a vehicle of oppression and abuse rather than a vehicle of enfranchisement and consolidation of rights. Gradually, but systematically, the loss of authority was marked by weakening of judicial and administrative functions and then by the rise of armed groups that ended the state's monopoly on the means of violence, giving rise to an institutional syndrome of long-term conflict and eventual challenge to the legitimacy of authority.³⁸

Stated or implicit in almost all peace agreements is an acknowledgement that a dysfunctional state is a major root cause of conflict. There is a premise across agreements that functioning state institutions are the key to long-term peace, security and stability. International actors in general have in practice been engaged in a project of state-building in these countries. In all these agreements, their very engagement shows that establishing legitimacy requires certification by international actors. Given the emphasis placed on elections as a central mechanism of legitimacy, the premise has been not only on state-building but on the building of democratic states. This was made particularly explicit in the case of Cambodia. While this task is framed as central to the objectives of the peace agreements, it is not clear that the tasks set out in peace agreements are aligned to this goal, and that the necessary issues receive attention in an appropriate sequence. Therefore, it is not surprising that the literature on implementing peace agreements shows that the even more modest goals of ending violence are not achieved.

Functioning states are now seen as imperative to global stability and prosperity. At the same time, it is clear that non-state actors use the territories of dysfunctional states as breeding grounds for both terrorism and criminality. There is clear recognition that states have both rights and obligations to both their citizens and the international community.³⁹ Both prevention

of conflict and assisting in the establishment of security after conflict requires a clear grasp of the functions of the state. A clear understanding of the condition of state functions would give actors both a tool for predicting crisis and, in the context of preparing peace agreements, an understanding of the magnitude of the tasks involved and therefore the type of resources, sequencing, and time horizon required. While international actors may be called upon to substitute for state functions, it should be clear that the capability for performing these functions is low and expensive and does not lead to real transfer of knowledge and skills to national actors.

Max Weber's definition of the state in terms of the legitimate monopoly of means of violence has become the standard in both the policy and academic literature. Our examination of peace agreements across different continents and countries, however, reveals that both local actors and their international actors have in practice had to define the state in a multi-functional manner. When actors distinguish between security and defense and insist that the role of the armed forces of the country should be limited to defense of the country against external threats only, there is time to return to the original question of the political, social, and cultural processes that render the monopoly of the means of violence legitimate by the state. The historical analysis is clear that coercion preceded legitimacy in state formation in Europe. However, given the proliferation of nodes of control of force in a condition of post-conflict, the corrosive effect of the use of force on institutions, and the failure of either side to win militarily, state-craft must change its focus towards building the institutional foundation for legitimate use of force through close attention to other state functions. Defining the modalities of use and limits of force through rule of law is clearly an important part of the answer. Even more significant is the degree of the success in restructuring the state apparatus to make it inclusive.

The state, from an operational perspective, can be defined in terms of core functions, actors' tasks, and assets. We have argued elsewhere that the state performs 10 core functions in the modern world: maintaining a legitimate monopoly on the use of force; administrative control; management of public finances; defining citizenship rights and obligations; provision of infrastructure services; human capital investment; market regulation and promotion; international relations and borrowing; state asset management; and promotion of rule of law.⁴⁰

These functions have been accumulated historically, but the state today is judged by the extent to which it performs these functions in an integrated manner. The 10 functions fall into the three components essential to a stable order that makes citizens assume their security as a given: functions 1, 2, 3 and 9 are components of political order; functions 4 and 5 are components of social order; functions 6, 7, and 8 are components of economic order; and rule of law provides the glue that transforms an order into binding ties and obligations of citizenship in an inclusive state.

Each function can be divided into a series of critical tasks to be performed by specific actors. The assets that each actor has or needs to mobilize in relation to the timeline and sequence for the critical needs to be performed can serve as a realistic tool for the credibility of a program. As each of the key components of the peace-agreements falls within one of the 10 delineated functions, a balanced score-card or other tools of management can be used to map the functions and task and find the best points of synergy among them. A functional perspective makes no prior assumption as to the level at which a particular function should be performed. The benefits and costs associated with the performance of a function by different actors can then be

analyzed and mechanisms for exit of international actors built into the strategies of state-building from the very beginning. The concepts of synergy and mapping are not metaphorical. A sustained analysis by NATO of the best means of achieving security, mapped through a careful focus on interdependencies, for instance, showed that credible institutions and public finance would contribute more to securing peace in the medium and long-terms than would the deployment of troops.

Lessons for securing stability through peace agreements

If peace cannot be secured without a long term, carefully sequenced strategy of state-building, then the first lesson for the future is to understand the nature of the challenges and the tasks that follow from the need to face this challenge. The division of labor between international institutions on politics and peace, security, and development that was arrived at seventy years ago has become an obstacle to an agenda of global security in the new environment of networks of violence and criminality operating in fragile states. Operation of the international institutions as silos is not only expensive in terms of blurring of lines and unnecessary competition over turf but counter-productive to relations with the national actors, whose own divisions are reinforced by divisions among international actors.

Focus on state-building requires a clear grasp of the cross-cutting issues by all international institutions as a prerequisite for arriving at a new division of labor among them and for promoting synergy and more effective use of resources. Each of the themes delineated above requires a set of specialized skills and practices, based on a detailed examination of lessons learned, to enable staff to delineate options within the context of coherent overall strategies so that inter-linkages between functions are fully understood. The UN, IFIs, and NATO may explore the possibility of designing special leadership programs for their staff, who then participate in forging peace agreements and assume responsibility for implementing or facilitating the implementation of these agreements. Given the critical role of developmental issues in sustaining peace, it is essential that international and regional developmental organizations are brought into the peace agreements early to both grasp the nature of the challenge and contribute to realistic solutions. There is a striking absence of use of modern technology for dealing with tasks ranging from payroll to electoral systems.⁴¹

The longer a conflict has persisted, the more it assumes the character of an institution, with its own distinctive set of relationships, entailing the emergence of armed groups, regionalization of national territories and identities, private networks of support, ungovernable flows of people and aid across border, trans-national crime and narcotics, opaque decision-making and dominance by a small elite, and erosion and loss of trust in state institutions. Moving from such a situation to the establishment of a functioning state is a challenging task that requires clear understanding of tasks, sequencing, resources, and people. Far from being a tabula rasa, post-conflict conditions are one of the most difficult environments for institutional reform.

Such periods provide open moments for a peace agreement to provide a framework for “writing the history of the future.” As a projection of a desirable future, the story must not only be compelling in terms of desirability but must also be feasible and credible. Feasibility is about sequencing tasks, and credibility is gained through momentum towards the goal, so

that the expectations of a population can be realistically managed, and trust of citizens can be consolidated. Peace must be seen as an outcome of a process, achieved through steady movement towards to a goal, providing hope of upward social mobility and routinization of politics which provides sufficient agreement to produce new groupings and move to new discussions.

The IFIs, UN agencies and regional developmental organizations still face a number of hurdles for dealing with the critical tasks of reform of justice institutions, provision of infrastructure and establishment or expansion of basic services, following the conclusion of a peace agreement. Cost estimates have often proven unrealistic and little innovation has taken place regarding modalities of implementation, including challenges in working to restore service delivery with and through government, community and traditional organizations. Insistence on rules and procedures made for stable governance conditions has resulted in formal compliance which may serve to disguise, rather than resolve or contain, worsening corruption and collusion.

Persistent conflicts result in destruction of human capital. This is particularly clear in terms of skills for leadership and management that are required for the establishment of credible institutions. While investment in primary education has rightly received attention, the neglect of tertiary education by development agencies has been shortsighted. Good governance depends on a credible path of upward social mobility for young people; this path cannot be created without in-country investment in institutions of higher learning that generate the next generation of leaders and managers that would constitute the key constituency for change and make the state, market, and civil society function.

An area that has hitherto received little attention is the threat to peace posed by criminal, illegal, and informal economic activities. As attention to the constitution of a legitimate economy is conspicuous by its absence in the peace agreements, it should not come as a surprise that criminal global networks find fertile fields of opportunities in fragile states and countries in conflict.⁴² Dealing with this challenge requires sustained attention to public finance, for unless domestic revenue mobilization strategies become a focus of sustained attention by the national political elite and the international actors, the enabling environment for the domestic and international private sector that is critical to creation of jobs and opportunities for upward social mobility will not come into being.

In the wake of World War II, both Europe and Japan were destroyed and had a legacy of immense violence and distrust to overcome. World leaders had the imagination and the staying power to devise novel approaches - such as shared sovereignty in Europe and the generation of massive economic growth in Japan - to overcome both the legacy of the Great Depression and the destructive effect of the war. The challenge is now to find ways to break out of the cycle of peace being an episode in between periods of conflict. For peace agreements to become catalysts for enduring peace and stability, transformation between relations between states and their citizens is key. Given the immense global resources, knowledge and technology that are currently available, it is to be hoped that the necessary willpower and imagination can be marshaled to accomplish this task.

Annex 1: Typology of peace agreements

Category	Key Problem Identified in Peace Agreement	Strategic Solution	Country Examples						
The Quest for the Inclusive State	Exclusivist State using repression against a segment of its population.	Change relations between state institutions and between citizen and state through consolidating rule of law. Ensure rights of excluded.	Colombia, Guatemala, El Salvador, Honduras, Mali, South Sudan (2018), South Sudan (Doha),						
Decentralization	In a context of state repression, a significant minority population is capable of violently challenging state sovereignty over a portion of its recognized territory.	<p>Guarantee rights of significant segments of population via one of three models for transferring a series of decision rights from central to regional/local governments.</p> <table border="1"> <tr> <td>MODEL 1</td> <td>Recognize territorial unity of state.</td> </tr> <tr> <td>MODEL 2</td> <td>Transitional period followed by decision on unity or separation.</td> </tr> <tr> <td>MODEL 3</td> <td>Ceasefire plus commitment to political settlement in future.</td> </tr> </table>	MODEL 1	Recognize territorial unity of state.	MODEL 2	Transitional period followed by decision on unity or separation.	MODEL 3	Ceasefire plus commitment to political settlement in future.	<p>Model 1: India (Darjeeling)</p> <p>Model 2: Serbia and Montenegro, Bougainville</p> <p>Model 3: Georgia (Abkhazia), Indonesia (Aceh)</p>
MODEL 1	Recognize territorial unity of state.								
MODEL 2	Transitional period followed by decision on unity or separation.								
MODEL 3	Ceasefire plus commitment to political settlement in future.								
New Rules of the Game	State experienced by majority as oppressive. Major social and military movements challenge state and renegotiate rules.	Rewrite rules of the game, including constitutions for country and effective regions created during conflict, accepting political realities.	Sudan, South Africa, Burundi, Nepal, Libya						
Constituting a Legitimate Center	Post-Cold War, UN now able to mediate where parties unable to constitute a new legitimate center in wake of despotic or genocidal regime.	UN acts as facilitator, co-producer, or administrator, international conference to produce a transitional/interim authority tasked to prepare a constitutional assembly where sovereignty will reside.	(East Timor), Cambodia, Afghanistan, Madagascar						

Imposed Peace	International will is mobilized to forcibly end ethnoidal violence within a state.	Rapid deployment to end violence, international community assumes responsibility for use of force and constitutional minutia.	Bosnia and Herzegovina, Kosovo
Imposed Pluralism	One party states (with international support) attacked by rebels (with international support).	Externally imposed pluralism, in which armed opposition are brought into political mainstream.	Angola, Mozambique
Accommodation and Neglect	Severe violence between state and rebel groups involving widespread violence against civilian populace, but lack of sustained interest from international community.	Government accommodates armed groups hoping for better behavior once in government (unlikely basis for peace), or without international involvement, conflict rolls on until geo-political change revives interest in region.	Sierra Leone (accommodation), Afghanistan, Somalia, Sudan (Neglect), Central African Republic, Democratic Republic of Congo (Ihussi)

Annex 2: Building blocks of the peace process

Building Block	Significance	Key Issues to Confront
The Political Process	Moves conflict from violence to discussion and negotiation	<ul style="list-style-type: none"> • Political process can work only when it becomes more attractive than violence. • Need framework for discussion and Timetable • Agree terms of ceasefire including monitoring and verification. • Strategy for transforming armed groups into political parties. • Agree process of transition and timetable for elections – but don't rush them. • Build upon local tradition but beware framings of history and culture. • Process must seem – and be- credible.
The Legal Framework	Binds protagonists and defines limits and competencies of state institutions, ensures peace is consolidated into an inclusive stable order.	<ul style="list-style-type: none"> • Constitution – retain, revise, replace? • Balance branches of government • In transition, beware blurred boundaries between transitional and national authorities. • Where will locus for initiation, approval and adjudication of laws sit? • Tailor Laws to context • How will law deal with past abuses (especially genocide, etc)

Internal Reorganization of the State	Need for a state apparatus that is professionally staffed, capable, honest, and infused with the value of public service to citizens who enjoy equality before the law.	<ul style="list-style-type: none"> • How will this be resourced, trained, rolled out, paid for? • Emphasis on judiciary to entrench rule of law. • Check on the military's involvement in political processes.
Provision of Security	Need to create security for population and restore monopoly of violence to a legitimate (and appropriately constrained) state.	<ul style="list-style-type: none"> • Who and how will peace be kept, ceasefire monitored, and transition to government ownership of means of violence be carried through?
Inclusive Economic and Social Development	Development is an end in its own right that may ease tensions and build social cohesion in future. Reinforced state building and peace building.	<ul style="list-style-type: none"> • There has been a striking lack of concrete planning to translate ambitious aspirations for social and economic development into real life, realistic programmes. • How will accountability and transparency be brought to management of state assets? • There has been a severe lack of actual controls over land tenure reform, despite the fact land ownership is frequently a key driver of conflict.
Partnership with the International Community	Catalyzes forging of political consensus, brings material and political resources, fulfils a range of functions, acts as credible referee.	<ul style="list-style-type: none"> • Specify what resources, financial and otherwise, are needed and for what purpose. • Bring the IFIs into the Peace Process to facilitate early engagement as well as integration and alignment of political and economic processes.
Implementation	Is the key to translating aspirations and momentum into realities.	<ul style="list-style-type: none"> • Match government and International capacity to the political and legal specifications. • Pay attention to trade-offs between priorities. • Prepare agreements through a discipline of implementation and work backwards to modalities and timelines, to create realism and coherence.

Endnotes

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- 32 For the concept of spoiler, see the work of Stedman.
- 33 Sudan offers the example of the need for a complete overhaul of the legal framework in the country as a prerequisite for making the peace agreements work. A new federal Constitution, a constitution for the states composing South Sudan, and state constitutions for each of the states are just the most prominent examples of the type of legal work required to make the agreements achieve their intentions. Additionally, there are a large number of agreements (such as review of existing oil contracts or granting of new contracts and revenue sharing arrangements), that require considerable mastery of the content as well as legal acumen to provide the needed clarity in implementation to build trust.

- 34 A study carried by General Hillier, Commander of ISAF V, showed that credible institutions and a public finance system were the key drivers of stability in Afghanistan in 2004.
- 35 Some peace agreements contain specific provisions relating to economic issues including revenue transfers, rights of taxation, creation of special economic zones, programs for attraction of private sector through special incentives, and seeking support from the international community for programs ranging from assistance to ex-combatants to reconstruction and development. See, e.g., the agreement between the Government of Colombia and FARC-EP in November 2016.
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- 38 Ashraf Ghani, Clare Lockhart, and Michael Carnahan, "An Agenda for State-building in the Twenty-First Century," *The Fletcher Forum of World Affairs*, Winter 2006:101-123.
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- 41 In Afghanistan for example, despite expenditure of several hundred millions of dollars there is no central reliable database that prevents fraud.
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