Peace Implementation in the Post-2005 Era: Lessons from Four Peace Agreements in Africa

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This Policy & Practice Brief focuses on four peace agreements, namely the 2005 Sudan Comprehensive Peace Agreement (CPA), the 2007 Ouagadougou Peace Agreement (OPA) in Côte d'Ivoire, the 2008 Kenya National Accord (KNA), and the 2008 Global Political Agreement (GPA) in Zimbabwe. These particular peace agreements ended serious levels of violence and ushered in conditions that could facilitate peace and democracy in the respective countries. Nonetheless, there have been mixed levels of success, especially regarding their implementation. This brief is written against the background of scholarly and practitioner interest in what makes peace agreements succeed or fail, and it undertakes a systematic analysis of purposely selected peace agreements in Africa, to make recommendations for effective peace implementation.

UN Photo/Evan Schneider

Sudanese leaders hold their hands in a symbolic gesture of unity during the inaugural ceremony of Sudan's Government of National Unity in Khartoum on 9 July 2005.

Introduction

Unlike other processes such as peacemaking, peacekeeping and peacebuilding, the concept of peace implementation has received scant scholarly attention. Most scholars of conflict studies have largely focused on the mediation of agreements, by analysing conditions that lead parties in conflict to sign agreements.[2] However, the failure of peace agreements often witnesses a resurgence of violence or recurrence of conflict. Hartzell, Hoddie and Rothchild's study of peace agreements[3] concludes that peace agreements, on average, last for less than five years, for various reasons including lack of follow-up, lack of a supportive environment and failure to address the root causes of conflict.[4] The period immediately after the signing of a

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peace agreement is the most uncertain and risky time, which poses challenges for sustainable peace – as this is the time when most peace agreements are likely to fail.[5] This reality informs the need for this brief to take stock of how peace agreements that were signed recently have been implemented thus far.

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The post-2005 era has witnessed the signature of a number of landmark peace agreements in Africa, courtesy of more sustained diplomatic efforts by mediators and regional organisations. The four peace agreements, namely the 2005 Sudan Comprehensive Peace Agreement (CPA), the 2007 Ouagadougou Peace Agreement (OPA) in Côte d'Ivoire, the 2008 Kenya National Accord (KNA), and the 2008 Global Political Agreement (GPA) in Zimbabwe,[6] have varied backgrounds. The CPA in Sudan ended Africa's longest-running war, while the KNA halted months of post-election violence in Kenya. The OPA in Côte d'Ivoire temporarily addressed the long-standing military and diplomatic stalemate between the Ivorian government and the rebels, offering an opportunity for peacemaking and peacebuilding. The GPA in Zimbabwe ended a decade of turbulence and political instability, and prevented the country's decent into abysmal chaos.

The unifying aspect about these agreements is that they all were signed after one or both parties in the conflict were suffering from what William Zartman[7] would call the 'hurting stalemate' – a situation where one or more actors in the conflict cannot continue with the direction of the conflict due to the high costs involved. In Kenya, both the Party of National Unity PNU and the Orange Democratic Movement ODM had become objects of international ridicule and neighbourly condemnation due to the effects of the conflict on the Kenyan population, business environment and foreign policy image.

Similarly, for the Zimbabwe African National Union, Patriotic Front (ZANU PF), the imploding economy and international isolation from the sanctions regime, as well as more vociferous condemnation of the violence by the Southern African Development Community (SADC), could have facilitated ripeness. In Sudan, the Omar al-Bashir regime could have been spurned to seek a peace agreement, mainly because the conflict had become unsustainable and physically costly to Khartoum, coupled with a nagging criticism of the international community. In Côte d'Ivoire, there was also pressure from

the international community on both belligerents to come up with an agreement that would address the political limbo.

All four peace agreements reflect the cardinal role of the mediator and regional organisations in bringing actors together for negotiation. This has become a cornerstone of the African peace and security architecture. In Sudan, the mediation efforts leading to the CPA were presided over by the Kenyan government under the leadership of the Intergovernmental Authority on Development (IGAD). The African Union (AU) later played a more prominent role after the CPA was signed, under the guidance of Thabo Mbeki, the designated AU mediator and former president of South Africa.

In Kenya, the AU took ownership of the mediation by appointing former United Nations Secretary General, Kofi Annan to lead the mediation process – with assistance from the AU Panel of Eminent Persons, comprising Graça Machel, the former UN Representative for Children in Armed Conflict, and former President of Tanzania Benjamin Mkapa. In Zimbabwe, former South African President Thabo Mbeki was mandated by the regional body SADC to mediate the interparty dialogue between ZANU PF and the Movement for Democratic Change (MDC). Following the signing of the GPA, the current South African President Jacob Zuma took over, and he continues to play a facilitatory role in the post-agreement phase.[8]

Power-sharing has become the most common model of resolving political or governance disputes, especially in instances of protracted violence and where there appears to be no clear winner

The four case studies differ significantly in terms of modalities, stages of peace implementation, issues and outcomes. With particular attention to the OPA in Côte d'Ivoire, which was foiled as a result of the post-2010 elections situation, it could be reasonable to suggest that lack of consistent mediator follow-up as well as huge ideological differences between the strong personalities involved, Gbagbo and Ouattara resulted in the post-election violence. Both Gbagbo and Ouattara would not shift from their positions. The stalemate only ended after forceful intervention and the ouster of Gbagbo by the French. Despite outstanding reforms in Zimbabwe and Kenya, spurts of violence in Sudan, and the post-2010 election violence in Côte d'Ivoire, these peace agreements could be cautiously labelled as having been relatively successful in

bringing prospects for peace, democracy and development in their respective countries.

Peace Agreement Implementation: Lessons From The Four Cases

The peace agreement mode has become one of the most common approaches towards resolving conflicts, particularly in Africa. Against this background, there has been increasing use of intensive diplomacy by eminent people, regional organisations, the AU and the international community in responding to conflicts in Africa. All four peace agreements were brokered by a third party, who received support from various quarters.

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In all four cases, a combination of both 'ripeness'[9] and 'readiness'[10] could have partly contributed to the peace agreements. Ripeness occurs when parties to the conflict are compelled to negotiate because the conflict would be too painful to continue. Readiness is a positive and optimistic state of mind that occurs when parties are more willing to negotiate. In some cases, parties were induced to sign the agreements through various threats and disincentives. For example, in the case of Zimbabwe, ripeness was induced by the imposing of targeted sanctions on President Robert Mugabe and ZANU PF elites. In Sudan, the ripe moment could be attributed to Khartoum's fatigue of fighting the South after decades of civil war; while in Côte d'Ivoire, a stalemate was apparently caused by pressure from the international community, as well as the ungovernable nature of parts of Côte d'Ivoire that were under rebel control.

In these peace agreements, power-sharing is a recurring method used to address intractable conflict, especially political disputes. Power-sharing has become the most common model of resolving political or governance disputes, especially in instances of protracted violence and where there appears to be no clear winner. However, notwithstanding the fact that peace agreements last when enough incentives are provided, power-sharing has also proved to be problematic in all four cases – especially since it is used to appease particular elite factions with political positions and economic benefits. In addition, the mathematical outcome of power-sharing has often been a bloated civil service and political machinery, as well as

a lethargic governance apparatus, as parties spend time disagreeing ideologically instead of delivering socio-economic and political goods. In Kenya and Zimbabwe, for example, the power-sharing arrangement has meant an increase in the number of ministerial positions, just to accommodate loyalists from both political divides.

Most mediators of peace agreements tend to focus their attention on the mediation of peace agreements and 'getting to yes'[11], which may seem pragmatic at that stage. Even though the desire for peacemakers is to see an immediate end to the violent conflict, there is more to peace than the absence of war and cessation of hostilities. Therefore, during negotiation processes, mediators and guarantors of peace agreements should mainstream long-term peacebuilding needs into the peace agreements.

Track I Diplomacy should continue to be used as a tool to foster peace agreement implementation and to ensure that parties continue to dialogue even after the signing of the agreements, in addition to Track II dialogues and initiatives. Track I Diplomacy refers to official diplomatic efforts in peacemaking. This is characterised by the government, the military and policymakers as actors, and is often expressed through formal aspects of the governmental process.

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Track II Diplomacy, on the other hand, refers to attempts by non-state actors – including civil society, research and academic institutes – to bring peace through various activities. In Sudan, the resurgence of violence in the country's contested regions such as Abyei could partly be attributed to the limited follow-up by Track I after the signing of the 2005 CPA.

Any governance structure emanating from a peace agreement should be transitional and temporary in nature to allow for more organic reforms. In essence, transitional governments are organs that are designed to halt violence and address grievances until post-conflict elections can be held. The longer the transitional structure remains in operation, the more elusive the means of sustaining the peace becomes.

Legalities over peace agreements and constitutions are some of the issues dissuading credible implementation of peace agreements, especially in the case of Zimbabwe. There has been vagueness about the relationship between

peace agreements and constitutional issues, especially given the reality that constitutions supersede all other documents in a country. Peace agreements are political agreements that are not necessarily legally binding. Such a perspective can lead parties to the conflict to violate the terms of peace agreements, as they would often be protected by the constitution. President Robert Mugabe has often been quick to cite the 1979 Lancaster House Constitution in cases where there has been non-compliance with the GPA – in particular, when it comes to the appointment of political figures and public servants such as ambassadors and governors, which is rightly a presidential prerogative that is enshrined in the Zimbabwean Constitution.[12]

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The Côte d'Ivoire case reflects how post-conflict elections that are held prematurely can be accompanied by the resurgence of violence and continuing chaos. The 2010 post-election conundrum – which led to heightened violence between Laurent Gbagbo's forces and the declared winner of the elections, Alassane Ouattara – highlights the dangers of holding elections before addressing structural and systemic political gaps. Post-agreement elections should only be held under optimal conditions, which include a conducive environment for media to operate, a reformed electoral system, a reviewed constitution and a reformed security sector. The realisation that the country is not ready for credible elections is what led SADC to defer Zimbabwe's post-agreement elections from the original date of 2011 to 2012.

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One of the reasons for the failure of peace agreements in Côte d'Ivoire is that civil society has been marginalised from peace processes in the country for a long time. Since the Ivorian crisis began, all of the brokered peace agreements have been signed between political and military elites. The top-heavy nature of these peace agreements and the tendency to focus on Track I

Diplomacy has often led to unsustainable peace agreements that lack effective follow-up mechanisms. In Kenya, the involvement of civil society, despite its peripheral nature, has helped to ensure that both the PNU and ODM are accountable for the reforms that they promised during the 2008 peace agreement – including the passing of the Land Reform Bill and the reform of the Kenyan Constitution. Despite allegations of politicking, both Kenyan and Zimbabwean civil society actors continue their watchdog role to ensure that outstanding reforms are implemented, to avoid relapse into violence.

While most conflicts present themselves in the manner of political grievances, in reality economics issues are important aspects of post-conflict reconstruction processes and consolidation of peace. In all four cases, the peace agreements are evidently threatened by what would be labelled as the 'economics of peace'. Essentially, parties and their constituencies are more concerned about retaining economic influence and improving their livelihoods following agreements. In Sudan, the oil-rich region of Abyei is colloquially the child about whose custody the divorced parents (North and South) are fighting over. Land in Kenya remains one of the most contested resources while, in Zimbabwe, the diamonds of Marange seem to have clouded governance issues in the government of national unity.

Recommendations

For Mediators

- Mediators and guarantors of peace agreements should sustain and support these peace agreements through a carefully planned and well-coordinated follow-up system after the conclusion of the agreement, to oversee gaps in implementation as well as resolve anticipated and unanticipated challenges.

- In crafting and facilitating peace agreements, mediators should include clauses that highlight action items for implementation, and specific measures that can be carried out when parties do not own up to certain aspects of the peace agreements.

- To encourage the wholesome implementation of peace agreements, mediators should sharpen their skills in identifying and crafting creative incentives and disincentives, including best alternatives to negotiated agreements (BATNAs) for the parties in conflict.

- One reason why some peace agreements collapse is the continuance of 'reservoirs of violence' through the existence or operation of small armed groups or militias. These groups are 'spoilers'[13] and they have the capacity to derail peace agreements, as all four cases demonstrate. Mediators should push for a complete ceasefire and holistic disarmament, demobilisation and reintegration (DDR)

and security sector reform (SSR) processes, to ensure no resurgence of violence during the fragile peace period.

- In the spirit of United Nations Security Council Resolution 1325, which calls for the involvement and participation of women in peace processes, mediators should insist on the participation of women in negotiation, peace implementation and follow-up. Gender-specific issues should be addressed in the peace agreements and in the follow-up mechanisms – not only because women are impacted more by conflict, but also because they have a greater stake in lasting peace and major roles to play in peace processes.

For the AU and Regional Economic Communities (RECs)

- To ensure the holistic and long-term implementation of the agreements, the AU Mediation Support Office should continue working with designated mediators and their teams, as well as local civil society organisations, well beyond the signing of peace agreements.

- Where the capacity for mediation support is limited by funding, expertise or other reasons, the AU and RECs should solicit the support of mediation training and research institutions to build the capacity of advisers, mediators, facilitators and their teams.

- The AU and RECs should consider the possibility of introducing peace implementation missions after hostilities have ended and agreements have been signed. Such missions will work alongside peacebuilding missions, but will focus more on ensuring that parties honour the tenets of the peace agreements.

- Often, the lack of consensus on what policy action to take in particular cases derails peace implementation. For regional bodies and the AU, it is important to have a regional consensus on the peace agreement and its implementation. Because of their political influence, regional organisations have a higher moral ground to push belligerents into implementing the agreement.

For Civil Society, Think Tanks and Research Institutes

- Civil society should be involved not only in the periphery, observer and advocacy circles. They should be accorded space during the signing of peace agreements so that they have an amplified voice when demanding the full implementation of peace agreements.

- Influential diasporas of conflict-affected countries should be involved across the continuum of the peace process. Studies have demonstrated the intricate connection between diasporas and homeland politics, especially diaspora populations' integral role in providing resources, expertise and initiatives for peacebuilding. Diaspora populations often constitute a wide array of skills and categories including intellectuals, business people and activists, among others, and as such, should be accorded the space and mechanisms to contribute towards peace in their homelands.

- There is a continuous need for research on peace agreement implementation at various levels. Think tanks, academic and research institutions should continue to generate databases of peace agreements and highlight peace agreement trends, both for intrinsic knowledge generation and educational purposes. Cumulatively, mediators, negotiators, parties to a conflict and civil society actors have a vested interest in understanding peace agreements and their implementation.

For the United Nations and the International Community

- Even in cases where peace agreements seem not to be fully implemented, the international community should stop ad hoc military interventions. Such initiatives often have a ripple effect of breeding a culture of violence and alienating locals from ownership of the peace process. However, incentives for compliance, are encouraged.

- The international community should involve locals in crafting policies for peace implementation. It must also avoid making uninformed recommendations on democracy and transitional processes – such as holding elections in countries that are not yet stable.

- The international community should craft smarter and less costly measures to facilitate the credible implementation of peace agreements. Sanctions, embargoes and other restrictive measures that have less collateral damage should remain available foreign policy tools for the enforcement of peace agreements. However, these restrictions should be carefully designed and guided with precision to avoid civilian suffering.

Conclusion

The four peace agreements discussed in this brief demonstrate both the possibilities and challenges of peace implementation. While Kenya and Zimbabwe can be highlighted as having favourably succeeded in consolidating peace and managing the transition, the future in Sudan following the CPA is uncertain despite the independence of the South. The OPA in Côte d'Ivoire can be said to have failed dismally, given the violence that followed the October 2010 elections (which culminated in former President Laurent Gbagbo's arrest). It is thus important to be wary of factors that could potentially derail peace, while also building on the incentives for peace.

While Track I diplomatic efforts by mediators and Track II initiatives by civil society are imperative for the onset of peace, paying greater attention towards the implementation phase will transform fragile peace into sustainable peace. This brief has hopefully enhanced the understanding of the conditions under which peace agreements succeed, as well as highlighting the gaps in implementing peace agreements. Subsequently, knowledge of the specific challenges of peace implementation might help improve the chances of success in future peace processes.

Endnotes

1   The author would like to thank colleagues in the Knowledge Production Department, Dr Grace Maina, Dr Kwesi Sansculotte-Greenidge, Christy McConnell and Sabrina Ensenbach for their useful feedback following review of this PPB.

2   Zartman, W. (2000) Ripeness: The Hurting Stalemate and Beyond. In Stern, P. and Druckman, D. (eds) *International Conflict Resolution after the Cold War.* Washington: National Academy Press.Zartman, William. (2001) The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments. *The Global Review of Ethnopolitics,* 1 (1), September 2001, pp. 8–18.

3   Hartzell, C. Hoddie, M. and Rothchild, D S. (2001) Stabilizing the Peace After Civil War: An Investigation of Some Key Variables. *International Organization,* 55 (1), pp. 183 – 208.

4   Hartzell, C. and Hoddie, M. (2003) Institutionalizing Peace: Power Sharing and Post-civil War Conflict Management. *American Journal of Political Science*, 47 (2), pp. 318–332.

5   Stedman, S J. (2001) Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policy Makers. International Peace Academy Policy Paper Series on Peace Agreements, May 2001, New York.

6   Sudan's 2005 Comprehensive Peace Agreement (CPA) was signed between the Sudanese People's Liberation Movement (SPLM) and the National Congress Party (NCP); Côte d'Ivoire's 2007 Ouagadougou Peace Agreement (OPA) was signed between former president Laurent Gbagbo and leader of the rebel group *Forces Nouvelles*, Guillaume Soro; the 2008 Kenya National Accord (KNA) was signed between the People's National Union (PNU), led by President Mwai Kibaki, and the Orange Democratic Movement (ODM), led by Raila Odinga who became Prime Minister following the peace agreement; and Zimbabwe's 2008 Global Political Agreement (GPA) was signed between the Movement for Democratic Change (MDC) and the Zimbabwe African National Union Patriotic Front (ZANU PF).

7   Zartman, W. (2001) op. cit.

8   President Jacob Zuma took over the facilitation and mediation role from former South African President Kgalema Motlanthe, who led the country for a few months. Motlanthe replaced Thabo Mbeki as president, after Mbeki had to resign following a leadership shake-up within the African National Congress.

9   Ripeness theory was developed and popularised by William Zartman (2000, 2001). It underscores the need for a hurting stalemate before conflicts can be effectively resolved.

10 Readiness theory is a response to Zartman's theory of ripeness by author Dean Pruitt, who emphasises the positive state of mind of belligerents in ending conflict. Readiness is characterised by the motivation to de-escalate the conflict, and the perception that the conflict can be resolved For details, see Pruitt, Dean (2005). Wither Ripeness Theory? Institute for Conflict Analysis and Resolution, Working Paper No. 25.

11 "Getting to yes" is a phrase borrowed from the renowned classical book on negotiation written by Fisher and Ury. For details, see Fisher, Roger and Ury, William. (1995) *Getting to Yes: Negotiating an Agreement without Giving in.* New York: Penguin Books.

12 Although the GPA was legalised by Constitutional Amendment 19 of 2009, which compels the President (Robert Mugabe) to consult with the Prime Minister (Morgan Tsvangirai) on serious political decisions, the Lancaster House Constitution still vests a lot of power in the president. For example, the Lancaster Constitution stipulates that the president has the mandate and prerogative to call for elections and make political and public appointments such as governors, ministers, ambassadors and judges, among other things. As a political document that was signed 20 years after the Lancaster House Constitution, the GPA does not supersede the constitution.

13 The term 'spoiler' was coined by Stedman (1997) who defines them as leaders and parties who use violence to undermine attempts to achieve peace. For details, see Stedman, J. (1997). Spoiler Problems in Peace Processes' in *International Security*, Vol. 22, No. 2 (1997) pp. 5–53.

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