The Darker Side of Peace Agreements

REPORT











The Pearson Institute for the Study and Resolution of Global Conflicts promotes discussion, understanding, and resolution of global conflicts through research, education and engagement with the global policy community. The Pearson Institute fills a critical gap by identifying data-driven strategies to reduce or mitigate global conflicts and by informing policy in ways that ultimately help create a world more at peace.

Table of Contents

- 1 Case Studies: Northern Ireland and Colombia Richard English, Andrew Thomson, Maria Angélica Bautista
- 5 Radicalization and Rebuilding in the Middle East Nussaibah Younis, Richard English
- Z Legal Legacies of Conflict Tom Ginsburg, Conor Gearty, Susan Stokes
- Case Studies: Sierra Leone and Rwanda
 James Robinson, Timothy Longman, Emily Lynn Osborn
- 13 Event Schedule
- 15 Speaker Biographies

Written by: Elaine Li Lauren Manning Evan Trowbridge

Edited by: Alex Carr



Case Studies: Northern Ireland and Colombia

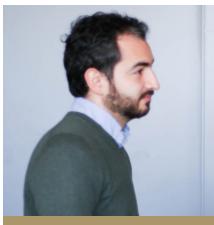
Speakers:

Richard English, Distinguished Professorial Fellow, the Senator George J. Mitchell Institute for Global Peace, Security and Justice at Queen's University Belfast; Faculty Affiliate, The Pearson Institute

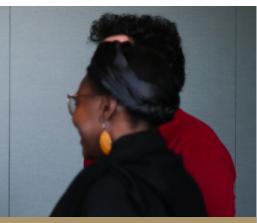
Andrew Thomson, Lecturer, Queen's University Belfast; Fellow, the Senator George J. Mitchell Institute for Global Peace, Security and Justice

Chair:

Maria Angélica Bautista, Assistant Professor, Harris School of Public Policy at the University of Chicago; Faculty Affiliate, The Pearson Institute







Northern Ireland and Colombia are frequently cited as examples of countries that have achieved relative peace after years of conflict. The successes of these two cases serve as both a source of encouragement and a source of caution on the pernicious consequences that can follow in the wake of peace agreements.

Richard English, Distinguished Professorial Fellow in the Senator George J. Mitchell Institute for Global Peace, Security and Justice at Queen's University Belfast, and Faculty Affiliate of The Pearson Institute joined Andrew Thomson, Lecturer at Queen's and Fellow at the Mitchell Institute for a comparative discussion on these countries' peace agreements. English and Thomson made clear that though the peace accords in Northern Ireland and Colombia were historic, admirable achievements, in each case society was also left with undesirable residual effects of the peace agreements.

English first focused on the negative political dynamics that have succeeded the Good Friday Agreement. The two main, non-violent parties that were on each side during the conflict are now effectively torn up and irrelevant. In their

place are more aggressive counterparts. "The political middle ground has been fundamentally eviscerated," he said. Each party now leans closer to the political margins, and the views on those margins have become more dominant. As a consequence of this polarization, parties that are inclined toward compromise are less relevant. The Brexit debate has further reinforced polarization.

English also pointed to a "degradation of normal democratic approaches" that has occurred since the peace agreement. In part, this means there is a deliberate historical amnesia about the controversial roles that some current politicians played during The Troubles, as the conflict in Northern Ireland is known. This degradation has also involved questionable government intelligence and surveillance activities.

Furthermore, there have been changes in the cultural dynamics of Northern Ireland. Paradoxically, Northern Ireland has been arguably more divided socially since the Good Friday Agreement than during The Troubles. One main reason is that there is a lower cost for expressing division. During the conflict, identifying with



one side could make an individual a target of violence by the other side. Now, post-conflict, there is little cost to airing an allegiance to one side. In addition, illicit drug use was relatively less common during the conflict, possibly due to higher social cohesion, paramilitary pressure, and stronger religious adherence.

When comparing the Northern Irish experience to the Colombian experience, Thomson contrasted how negotiations took place and the consequences of each approach. In Northern Ireland, the approach was to bring all actors to the table simultaneously for negotiations. In

contrast, negotiations in Colombia have occurred in a piecemeal fashion — with the government of Colombia negotiating with each actor in turn.

The two approaches to negotiations each present advantages and disadvantages. Bringing all parties to the table simultaneously increases the number of veto players in the equation, and it becomes more challenging to pin down an acceptable agreement. On the other hand, a piecemeal approach may lead to a partial peace, with particular actors waging acts of violence even after others have agreed to terms with the government. In Colombia, this has meant the



government achieving a deal with the primary violent actor — the Revolutionary Armed Forces of Colombia (FARC) — while smaller armed groups, for example, the National Liberation Army (ELN), continue to pose obstacles.

There have been direct threats to peace where warring parties excluded from the 2016 FARC-government peace agreement have targeted or threatened FARC members. In interviews with members of the FARC, many were afraid of being targeted by other armed groups. Disarming and disbanding requires that the FARC members trust that the Colombian government will provide them with adequate protection. Furthermore, in some contexts where a power or economic vacuum was created by FARC demobilization, some former FARC members have joined splinter groups or dissident organizations.

Continued violence more generally indirectly threatens peace by making it more difficult for the Colombian government to implement

the agreed terms of the peace deal. For example, many groups continue to expand territorial control making land reform and restitution more difficult, therefore making it harder to address some root causes of conflict. Armed groups target human rights defenders, union leaders, and leaders of social movements. Over 500 such activists have been targeted or killed since 2012 — many in territories formerly controlled by the FARC.

Thomson suggested that an area for further research is how different factions may compare deals amongst each other when negotiating with the government in a piecemeal approach.

One commonality between both Northern Ireland and Colombia is that in both cases, a peace agreement was far from inevitable. Both English and Thomson conveyed that despite the adverse complexities following each agreement, they represent laudable steps toward peace.





Radicalization and Rebuilding in the Middle East

Speaker:

Nussaibah Younis, Senior Adviser, European Institute of Peace

Chair:

Richard English, Distinguished Professorial Fellow, the Senator George J. Mitchell Institute for Global Peace, Security and Justice at Queen's University Belfast; Faculty Affiliate, The Pearson Institute



victor's peace describes a peace in which one side dominates another. While the annihilation of ISIS (Islamic State in Iraq and Syria) is worthy of celebration, Dr. Nussaibah Younis, Senior Adviser at the European Institute of Peace, points out that many questions remain either unresolved or have been hastily answered under the guise of convenience. Typically, following defeat, warring parties enter into negotiations to determine division of resources and reparations. Yet, when one party is eliminated and thus, unable to come to the table, how are questions regarding justice addressed? Who deserves punishment? How is punishment delivered? If the terms of such a peace are determined to be unfair and unjust by the communities affected, it is likely that the world will see an even more aggressive outbreak of violence in a generation's time. As the Middle East rebuilds, peace terms determined under the lure of expediency and convenience will jeopardize a long-term peace.

In Iraq, there is no prosecutorial strategy to determine how to deal with former ISIS members and to decide who ought to be held accountable and to what extent. The difficulty in demarcating

the role and motive of those who were involved has led to an approach in which everyone involved is convicted. There is no room in the legal structure to address actions committed under duress. Low level collaborators who were forced to work with ISIS are punished in similar ways as those who actively chose to join the militant group. The most dangerous architects of the conflict are not facing the responsibilities they should, whereas those coerced into joining ISIS continue to be victims. Detainee rights clearly delineated in the Iraqi Constitution are moot because to serve as the legal representative or to demand that these rights apply for former ISIS members means being a traitor, or worse, pro-ISIS

The families of those involved with ISIS also remain in limbo, held in camps because their own communities have shunned them. The Iraqi government lacks a plan to deal with the population of women and children who are considered guilty by association. Under the sense of collective punishment, some tribal communities have offered to reaccept tribes that had ISIS members provided that compensation or "blood money"



is offered. Yet, these internally displaced persons (IDPs) lack sufficient funds and advocates on the political stage. They are forced to live in tents in the camps guarded by armed men. Children are forced to grow up in extremely dangerous condi-

tions and are considered expendable. The rate of sexual assault on its own is high enough to threaten the next wave of violence.

The intent behind this approach is likely to raise the cost of violence and conflict in

the future. Although the current generation will likely not embroil themselves in conflict, their children will grow up with a massive sense of dissatisfaction and victimization that could threaten the tenuous peace that exists today.

Legal Legacies of Conflict

Speakers:

Tom Ginsburg, Leo Spitz Professor of International Law and Professor of Political Science, the University of Chicago; Faculty Affiliate, The Pearson Institute

Conor Gearty, Professor of Human Rights Law, The London School of Economics and Political Science

Chair:

Susan Stokes, Tiffany and Margaret Blake Distinguished Service Professor of Political Science, the University of Chicago; Director, Chicago Center on Democracy



The Legal Legacies of Conflict, a discussion between Tom Ginsburg, the Leo Spitz Professor of International Law and Professor of Political Science at the University of Chicago and Faculty Affiliate of The Pearson Institute and Conor Gearty, Professor of Human Rights Law at The London School of Economics emphasized the distinct interaction between policy and law. This interaction, both agreed, has often been overlooked or underappreciated.

Ginsburg and Gearty shared insight into the relationship between governance, constitutional reform and peacebuilding. They emphasized the challenges that come with the internationalization of peace processes, where more voices may be at the table but the right players are not always in the room.

Gearty's case study of Northern Ireland demonstrated how law exists as an enforcer and informer of policy, due to the fact that policy is driven by those with governmental authority, in and of itself derived from law. This has potential to cause challenges for peacemaking. For example, the United Kingdom's Prevention of Terrorism Acts, first passed in the 1970s, saw sub-

sequent revisions until it was made permanent in an expanded form in 2000. The act viewed membership of certain organizations, for instance in the Irish Republican Army (IRA), as illegal. Though such designations may have legitimate counterterrorism intent, the lack of transparency in the legal process that results in these designations may perpetuate existing cleavages and lead to the continuation of conflict and disagreement.

Gearty also emphasized the policy process that allowed the Good Friday Agreement to become "realizable fact." Law, in this case, informed policy commitments. It turned a preference for peace and desire for trust into a formal process. Despite current challenges (Gearty sees Brexit as potentially inadvertently unravelling the Good Friday Agreement), this stands as an example of a law generating its own policy story.

Ginsburg added that a key part of the story is the relationship between peace agreements and constitutions. In some cases, constitutions and peace agreements are one in the same. In others, the agreement precedes a constitution. Both, however, involve interest groups negotiating with each other, in an iterated manner, to try to find



arrangements that will be stable over time.

Increasingly, both processes involve international actors. For example, in the 1990s, the international community played an important role in peace agreement processes in places such as Namibia, Cambodia, and East Timor, and in producing constitutions for those countries. Today, in places like Libya, Syria, and Yemen, international players are again involved, and this has been a positive development to some degree. Yet the normative agenda of international peacemaking bodies has grown thicker over time. International actors tend to insist on public participation early in the process, but poorly timed elections or a referendum can sometimes destabilize peace processes. Another problem with international involvement is that it can put international concerns over local peace. For example, the International Criminal Court's inability to recognize the amnesty laws of member states can undermine the peace process of a state if amnesty is indeed necessary.

Equally, well-meaning or seemingly appropriate constitutional arrangements may become less effective as power evolves over time. For

example, in Bosnia, the Dayton Accords included a constitution that divided government representation perfectly among ethnic groups. This strategy, meant to promote an equal say for minority groups, could actually reinforce ethnic cleavages in a way difficult to evolve from over time. In Burundi, where constitutional reforms were designed to alleviate cross-ethnic group tensions, within-group disagreements became the norm. Another important issue is the role of local institutions. In Afghanistan, with relatively weak formal institutions traditional governance structures have been used to deliver local dispute resolution.

Each example highlighted by Ginsburg and Gearty suggests the need to acknowledge the precarious balance between legal capacity and conflict alleviation. The acceptance of "legal pluralism" may be necessary. Public participation is meaningful, a top-down approach to construction is not always salient, and self-enforcing legal structures are preferred, but the nuance and sensitivities of any peace process will always require the understanding that there will never be a one-size-fits-all solution.

Case Studies: Sierra Leone and Rwanda

Speakers:

James Robinson, the Reverend Dr. Richard L. Pearson Professor of Global Conflict Studies and University Professor, the University of Chicago; Institute Director, The Pearson Institute **Timothy Longman**, Associate Professor of Political Science and International Relations, Boston University; Director, Institute on Culture, Religion, and World Affairs

Chair:

Emily Lynn Osborn, Associate Professor of African History, African Studies, and the College, the University of Chicago



The Sierra Leone Civil War ended in 2002. To date, though the construction of main roads and the expansion of electricity hints at some form of economic development, it is hardly a miracle to boast about. Yet, Sierra Leone does represent a stability miracle. In fact, Sierra Leone's homicide rate is about the same as England and Finland, which is remarkably safe. There was a program to repurchase weapons following the war. Yet, James Robinson, Director of The Pearson Institute and the Reverend Dr. Richard L. Pearson Professor of Global Conflict Studies and University Professor at the University of Chicago, argues that what has contributed most to the level of stability in Sierra Leone today may be the fact that different groups involved

in the conflict were reintegrated back into local society. In fact, it is the "strength and legitimacy of local political institutions that has allowed an equilibrium to emerge."

Paul Richards proposed one of the dominant narratives about the Sierra Leone Civil War. He believed that it was the rebellion of young men against gerontocratic traditional authority. In other words, it was the tyranny of the elders that led to the Civil War. According to this school of thought, the legacy of colonialism created a cadre of unchecked and unbalanced illegitimate local chiefs. These chiefs were elected for life by an institution called the Tribal Authority. The Authority itself was composed of elites and was selected by elders and other chiefs. Hence, a per-



verse cycle of what Mahmood Mamdani termed "decentralized despotism" occurred.

Following the Civil War, armed with these ideas, the international community attempted to abolish the local chieftaincy system and replace the existing institutional set up with universal suffrage elections. This was widely resisted by the Sierra Leoneans, who remained largely supportive of the local chieftaincy. Many Sierra Leoneans, particularly those in rural villages, valued customary authority as a defense against centralized unaccountable power.

The notion that for peace to be maintained, the source of violence must be eradicated often accompanies international actors that are part of the peacebuilding process. The unintended consequence of embarking on this mission without adequately understanding the local context is the eradication of valued local institutions. Peacebuilding should focus on how to make the national state accountable, and should, rather than sidelining local institutions, build upon their strengths.

Timothy Longman, Director of CURA: Institute on Culture, Religion, and World Affairs and Associate Professor at Boston University,

suggests that in the context of the Rwandan Civil War, international actors over-inflated their own importance over local actors. The international community valued the task of arriving at a negotiated agreement over adequately taking into account the interests of the participating stakeholders. Further, not only did the international community choose to ignore the atrocities committed, it effectively approved of the genocidal violence by evacuating and not intervening.

Following the end of the Cold War, a wave of democracy swept across the African continent with movement in countries like Rwanda emphasizing the need for greater press freedom and the elimination of one-party rule. Spurred by Rwanda's domestic movement for human rights and political reform, in October 1990, the Rwandan Patriotic Front (RPF), a rebel group of refugees from the minority Tutsi ethnic group, invaded, seeking to topple the incumbent Hutu President. The Hutu government offered limited reforms but also worked to divide the country along ethnic and political lines.

In 1992, peace talks mediated first by the religious leaders and then by the international community moved towards drafting a peace accord.

"Peacebuilding should focus on how to make the national state accountable, and should, rather than sidelining local institutions, build upon their strengths."

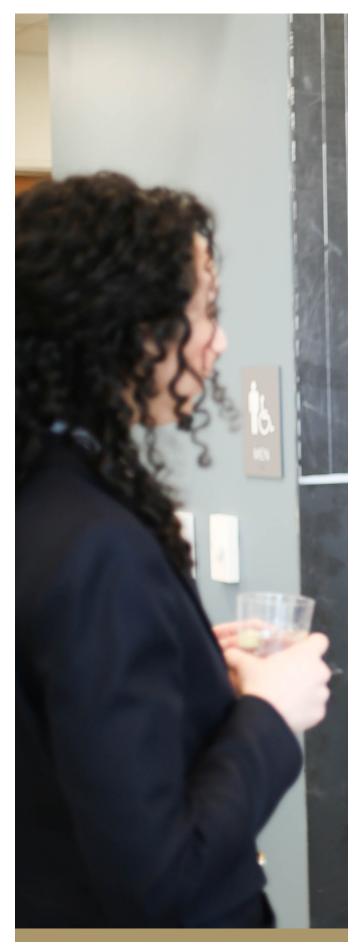
The Hutu government, fearing that the agreement would be disadvantageous to their hold on power, began inciting anti-Tutsi sentiments and blaming them for the country's problems. They encouraged attacks on Tutsi inside Rwanda to marginalize, which led to military retaliation by the RPF that further polarized the population. Nonetheless, negotiations continued through August 1993. These talks generated a peace accord that allocated a 50/50 split in the military officer corps. Though the Hutu deemed it unfair as the Tutsi only accounted for 15% of the Rwandan population, the country entered into an uneasy peace.

The ceasefire ended abruptly in April 1994, when the Hutu presidents of Rwanda and Burundi were killed when their plane was shot down. The Hutu government used the crash as an excuse to order the systematic killing of Rwanda's domestic Tutsi population. In light of the situation, the international community evacuated from Rwanda, further allowing the Hutu government to continue the violence. The UN also refused to change its mandate to allow for its troops to intervene and protect the people. In July 1994, the RPF eventually

occupied the capital and drove the Hutu government out, ending the genocide and the civil war.

The failed attempts in drafting a peace accord to end the civil war were largely due to the fact that though the Hutu government was present at the negotiation table, they did not buy into the process or what came out of the process. It is difficult to say that in the absence of the international community urging the two groups to agree upon a peace accord, the violence would not have escalated. But it is clear that the prospect of a peace accord threatened the Hutu government's status in power, prompting them to use ethnic hatred to stoke violence. The peace accords became one of the elements of an anti-Tutsi ideology that ultimately justified genocide. The international community's failure to recognize this reiterates how it was more focused on its own importance as a mediator than on a true and lasting peace.

In both of these case studies, the international community assumes a certain level of understanding of the situation. Yet, in reality, when it comes to peacebuilding, there is a lot that we do not know.







Morning Session

8:00 a.m. - 8:50 a.m.

Opening Breakfast

9:00 a.m. - 9:05 a.m.

Welcome Remarks

James Robinson; Institute Director, The Pearson Institute; Reverend Dr. Richard L. Pearson Professor of Global Conflict Studies and University Professor, Harris School of Public Policy at the University of Chicago

9:05 a.m. - 10:15 a.m.

Case Studies: Northern Ireland and Colombia

Richard English; Distinguished Professorial Fellow, Senator George J. Mitchell Institute for Global Peace, Security and Justice, Queen's University Belfast

Andrew Thomson; Lecturer in Politics and International Studies, Queen's University Belfast

Chair: Maria Angélica Bautista; Assistant Professor, Harris School of Public Policy at the University of Chicago

10:15 a.m. - 10:45 a.m.

Coffee/Tea Break

10:45 a.m. - 12:00 p.m.

Radicalization & Rebuilding the Middle East

Nussaibah Younis; Senior Advisor, European Institute of Peace

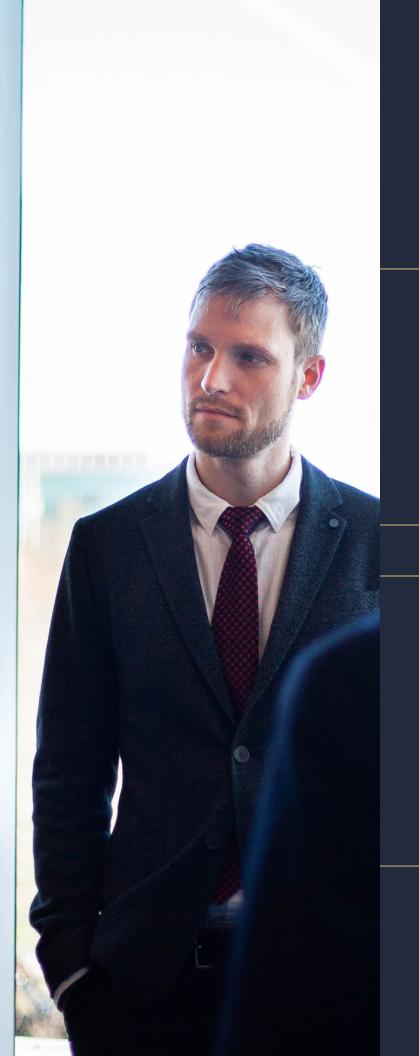
In Conversation with

Richard English; Distinguished Professorial Fellow, Senator George J. Mitchell Institute for Global Peace, Security and Justice, Queen's University Belfast

12:00 p.m. - 1:30 p.m.

Lunch





Afternoon Session

1:30 p.m. - 2:45 p.m.

Legal Legacies of Conflict

Conor Gearty; Professor of Human Rights Law, London School of Economics and Political Science

Tom Ginsburg; Leo Spitz Professor of International Law, Ludwig and Hilde Wolf Research Scholar; Professor of Political Science at the University of Chicago

Chair: Susan Stokes; Tiffany and Margaret Blake Distinguished Service Professor and Director of the Chicago Center on Democracy at the University of Chicago

2:45 p.m. - 3:15 p.m.

Coffee/Tea Break

3:15 p.m. - 4:30 p.m.

Case Studies: Sierra Leone and Rwanda

James Robinson; Institute Director, The Pearson Institute; Reverend Dr. Richard L. Pearson Professor of Global Conflict Studies and University Professor, Harris School of Public Policy at the University of Chicago

Timothy Longman; Director, CURA: Institute on Culture, Religion, and World Affairs, Pardee School of Global Studies; Associate Professor of Political Science and International Relations, Boston University

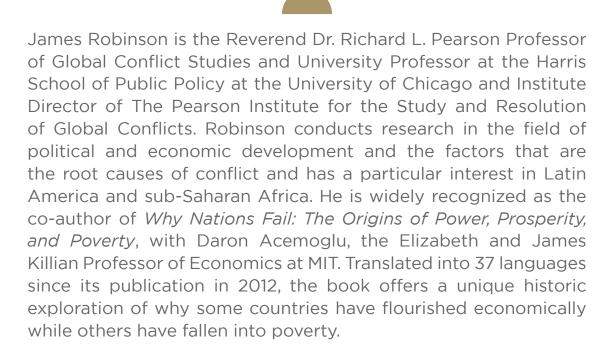
Chair: Emily Lynn Osborn; Associate Professor of African History, African Studies, and The College at the University of Chicago

4:30 p.m.

Closing Remarks & Reception

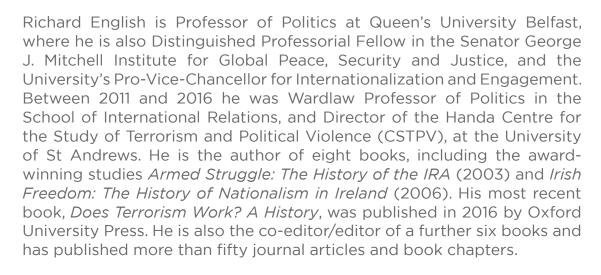


James Robinson





Richard English



He is a frequent media commentator on terrorism and political violence, and on Irish politics and history, including work for the BBC, CNN, ITN, SKY NEWS, NPR, RTE, the Irish Times, the Times Literary Supplement, Newsweek, the Guardian, and the Financial Times. He is a Fellow of the British Academy (FBA), a Member of the Royal Irish Academy (MRIA), a Fellow of the Royal Society of Edinburgh (FRSE), a Fellow of the Royal Historical Society (FRHistS), an Honorary Fellow of Keble College Oxford, and an Honorary Professor at the University of St Andrews. In 2018 he was awarded a CBE for services to the understanding of modern-day terrorism and political history. He has delivered invited lectures about his research in more than twenty countries.

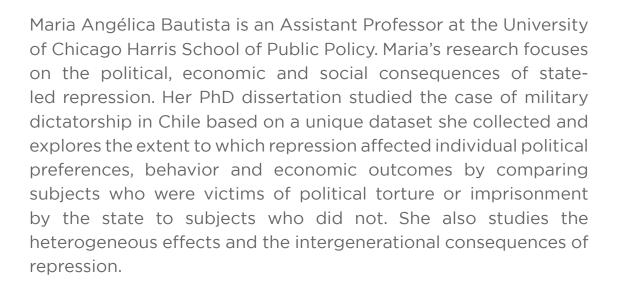


Andrew Thomson

Andrew Thomson is a lecturer at Queen's University Belfast and a Fellow at the Senator George J. Mitchell Institute for Global Peace, Security and Justice. His research interests reside primarily in the areas of pro-government militias and civilian defense forces, state violence, counterinsurgency, and multi-party peace processes. He is also on the governing council of the Conflict Research Society (CRS), and runs the CRS Book of the Year Prize.

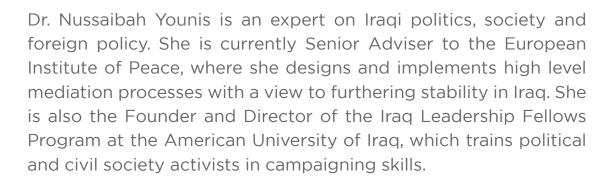


Maria Angélica Bautista





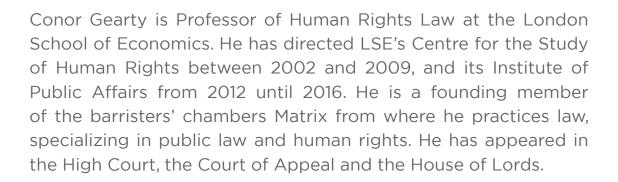
Nussaibah Younis



Dr. Younis was previously Director of the Task Force on the Future of Iraq at the Atlantic Council, which brought together experts and practitioners working on Iraq from all over the world in in order to design a long-term US-Iraq strategy. Dr. Younis has PhD in International Relations, and completed a Post-Doctoral Fellowship at the Harvard Kennedy School's Belfer Center.



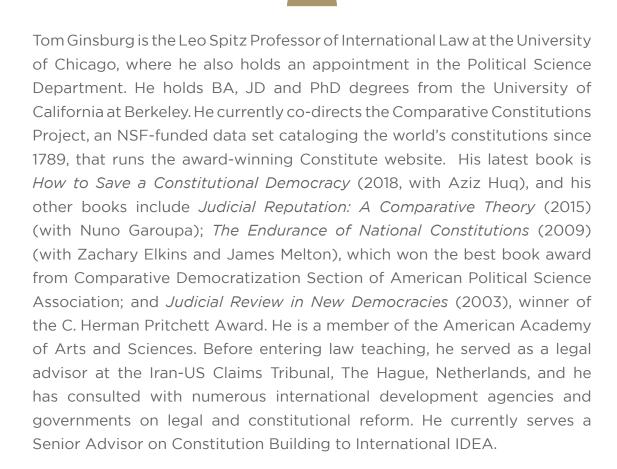
Conor Gearty



He is a fellow of the British Academy and a Bencher of Middle Temple. He is also an Honorary Bencher of the King's Inn in Dublin and an Honorary Member of the Royal Irish Academy. He has four honorary degrees, from the University of Roehampton, Brunel University, Sacred Heart University (USA) and University College Dublin. Conor Gearty's scholarship is mainly in the fields of human rights, terrorism and civil liberties. His most recent books include *On Fantasy Island. Britain, Strasbourg and Human Rights* (Oxford University Press, 2016) and *Liberty and Security* (Polity, 2013).

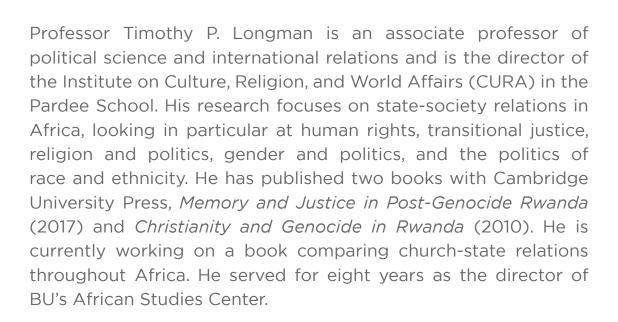


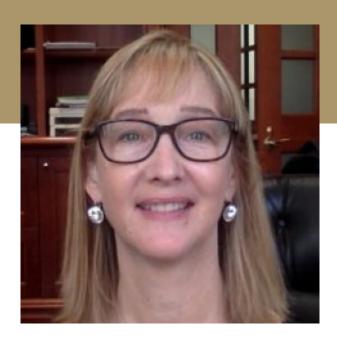
Tom Ginsburg





Timothy Longman





Susan Stokes

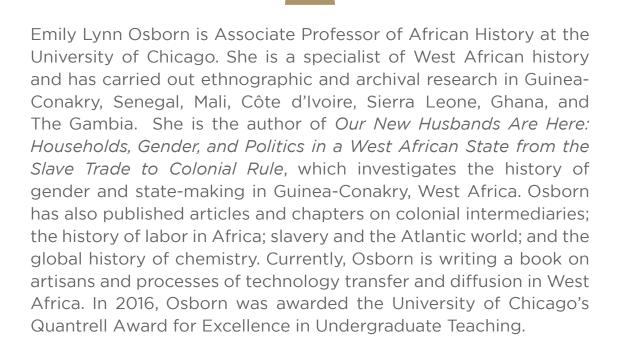


Susan Stokes is the Tiffany and Margaret Blake Distinguished Service Professor and Director of the Chicago Center on Democracy. Her research has been supported by the National Science Foundation, the Guggenheim Memorial Foundation, the MacArthur Foundation, Fulbright, the American Philosophical Society, and the Russell Sage Foundation. She is a member of the American Academy of Arts and Sciences. Her research interests include democratic theory and how democracy functions in developing societies; distributive politics; and comparative political behavior.

Her co-authored book, *Brokers, Voters, and Clientelism* (Cambridge, 2013) won best-book prizes from the Comparative Politics (Luebbert Prize) and Comparative Democratization sections of APSA. Among her earlier books, *Mandates and Democracy: Neoliberalism by Surprise in Latin America* (Cambridge, 2001), received prizes from the APSA Comparative Democratization section and from the Society for Comparative Research. Her articles have appeared in journals such as the *American Political Science Review, World Politics*, and the *Latin American Research Review*. She teaches courses on political development, political parties and democracy, comparative political behavior, and distributive politics.



Emily Lynn Osborn



thepearsoninstitute.org

The Pearson Institute Presents

The Darker Side of Peace Agreements

REPORT