



RESEARCH NOTE

Lessons in Conflict Prevention: A Comparative Examination of the Content of Peace Accords

Fernand de Varennes, Murdoch University, Australia

Introduction

Most peace accords fail. More precisely if less dramatically, of the hundreds of agreements, ceasefires and declarations which have concluded between hostile parties since the Second World War, relatively few of them have led to durable settlements.¹ There are some notable successes: South Tyrol in Italy did succeed in completely avoiding an escalation of violence in the 1960s through an autonomy package, and Guatemala has succeeded in ending more recently a horrific period of widespread atrocities. The conflict involving Palestinians and Israel or the Muslim minority in the Philippines have endured for decades, despite the myriad of agreements. Nevertheless, there does appear to be a definite, observable and positive trend worldwide, as pointed out in the most recent report from the Center for International Development and Conflict Management. The number of conflicts and their intensity have lessened dramatically in the last decade, usually as a result of agreements offering greater autonomy and power-sharing to minorities.

This article proposes to examine this trend by considering the content of various peace agreements and offer suggestions as to available options in constitutional designs during peace processes. The approach will be on 'substance' rather than process, an approach which is perhaps contrary to prevailing views but which may offer more specific recommendations as to why some accords are successful, and why many others do not.

But in order to do that, it is necessary to first set the stage as to why conflicts occur and why they can be so difficult to control.

Why Minorities Kill

Most conflicts are no longer international. It is clear that armed conflicts which have plagued the world in the last two decades are within states rather than between states. While a number of conflicts involve revolutionary groups attempting to overthrow the central government, most are ethnonationalist in the sense that there is a minority group fighting for independence or at least some degree of autonomy. In a number of cases, minorities (Mohajirs of Pakistan; Albanians in Macedonia)² assert that they are simply struggling for their rights in a country where they are the victims of active discrimination by the government in areas such as employment, land use and property rights or language use.

A number of preliminary issues need to be clarified: Conflicts do not go hand in hand with the presence of minorities. Any systematic examination of the linkage between the presence of minorities and in Asia, Europe, Africa or the Americas

¹ There has never been an attempt to 'count' all peace agreements in ethnic or internal conflicts. In my own work I have collated over almost 300 documents, though this is by no means complete. Furthermore, there is a problem as to what constitutes a peace accord: ceasefires may be little more than a 'promise not to shoot first' and may have little substance beyond that commitment.

² While some Albanians are undoubtedly sympathetic to the dream of a 'Greater Albania', the demands of most Albanians, including the two Albanian political parties and the official statements emanating from the rebel side has consistently demanded an end to what they term as discriminatory treatment in employment and the right to use the Albanian language with national government officials.

makes it clear that there is none. To put that in a different way, it is not the presence of a religious, linguistic or ethnic minority in a state that is a natural source of conflict. What stands out in every continent is that despite the thousands of various 'minority combinations' worldwide, there are in fact so few conflicts.

Clearly, there must be a unique combination of factors under which some minority members are willing to resort to violence to advance their claims against the state, and willing to kill if necessary to achieve this aim.

Minorities such as Catholics in Northern Ireland, Basques in Spain, Corsicans in France, Chechens in Russia, Achenese in Indonesia, Albanians in Macedonia or Yugoslavia, Abkhazis in Georgia and Kurds in Turkey may be minorities, but they do not instinctively enjoy killing their neighbours. For even a small segment of the minority population to rise up in arms against the State there generally must be in place a relatively unique set of conditions given the actual absolute rarity of such conflicts in proportion to the number of minorities groups around the world.

The particular setting found in common in many of the conflicts which have arisen in different parts of the world almost always involve 'substantial minorities' who are a majority in a part of the state in which they live, or at least a very high percentage of the population on a given territory. This territory which they occupy is also generally 'their' traditional or historical territory. They are not new arrivals in the state. In fact, what tends to occur is that the longer a minority can trace its roots in a state, the more it feels it is entitled to the respect of its territory, culture, religion and language.

Very small minorities or recent immigrants almost never revert to violence in a conflict against the state and the majority in support of political demands. It is with larger, historically established minorities with some territorial identification that you find the setting under which have a potential for conflicts under certain conditions.

But why do minorities revert to the use of force against the state? This question is central since for most of us, to use violence against the state does not seem very logical when by definition you are not only outnumbered, but you are actually using force against the state which is almost always better equipped, with a standing army and vast or at least much greater resources at its disposal.

As the next sections will indicate, a dissection of various peace accords from around the world shows a fairly consistent pattern in terms of fundamental demands which are indicative of the underlying causes of tension and the structures and approaches that are most likely to be successful. This is critical to reaching a durable settlement, since no long term solution will be found unless one addresses the underlying source(s) of a conflict. To be blunt, the assertion that minority demands are simply 'ethnonational' is too facile and indeed unhelpful in trying to find specific, substantive measures on designing successful constitutional models.

From examining the couple of hundred peace accords concluded since the end of the Second World War one finds quite consistent, universal categories of demands. The accords which go beyond negotiating processes and immediate cessation of hostilities almost always tend to include one or more of the following, in order of prominence:



- independence/autonomy/power-sharing
- human rights guarantees
- 'fair' distribution of resources/employment

One could conclude of course that it is self-evidence that any struggle for political power would include some kind of power-sharing formula. However, that ignores a more subtle signal the almost universal prominence of autonomy and power-sharing demands by minorities actually indicates: the belief among some segments of the minority population that the state itself does not represent their interest properly, and therefore the minority must control its 'own affairs' via a devolved or autonomous political structure within the state - or outside it in the case of independence movements. In other words, it is a loss of trust in the ability of the state to accommodate their interests which often drives minorities into the path of violence. The incubating period during which these conflicts develop can be characterised as one during which states, including democracies, were unable or unwilling to properly respond the needs and interests of substantial minorities. Whether in Franco-era Spain, or post-World War II Northern Ireland or South Tyrol, post-independence Sri Lanka and Sudan, active and pronounced discriminatory practices by the state and even suppression of the culture or language of minorities were the original sources of what would lead to conflict.

Failure of Inclusive Governance

In most states, governments are seldom completely neutral in ethnic terms. In the distribution of power within their structures, states inevitably reflect the dominant groups within society. France is not an ethnically neutral state, since the French language and culture is very much part of its 'national personality', and in fact reflects the cultural attributes of the majority, but not the totality, of the French population. France still is the scene of armed groups (Corsicans and very sporadically Breton hardliners) using violence to uphold demands dealing with minority rights.

Even in countries like the United States with 'civic' forms of nationalism, the argument that all minorities, especially racial and linguistic ones, have been or still are treated neutrally is historically impossible to sustain. On the contrary, the United States had a number of extremely violent ethnic conflicts involving its only traditional minorities on its territory during the Nineteenth Century. These armed insurrections only came to an end when the various Indigenous Peoples were either almost exterminated or accepted a modicum of autonomy when they were no longer in a position to offer any resistance to the overwhelming power and numbers of the 'European/Americans'.

One characteristic of states where a conflict has erupted is that minorities are systematically under-represented or outvoted. This might not have very serious consequences if the fiction of a neutral or ethnically-, religiously- or linguistically-blind modern state were true, and all citizens were to be treated equally without any disadvantages because of these personal characteristics. This is however a fallacy: all states usually tend to reflect and protect to a greater extent the interests of the majority, including in some cases demonstrating definite cultural, linguistic or religious preferences. Persons who belong to minorities therefore find themselves in a double-dilemma: they have interests in a number of areas that may be different from those of the majority, while in the electoral process and the political sphere, persons who belong to minorities tend to be outvoted and under-

represented. Minorities tend therefore to suffer disproportionately from a 'deficit' in terms of numbers and influence in many if not most political systems, democratic or not.

It is in most cases the discriminatory distribution of power and resources and other violations of the rights of minorities which constitute the deep-rooted sources of tension that can be sparked into violent conflict. The prominence of power-sharing arrangements in peace accords suggest that minorities usually revert to violence in frustration at not being able to change their government's policies because they are outnumbered and outvoted. They usually react to defend their interests in a legal and political environment which they believe they cannot control or even simply influence significantly.

Autonomy and power-sharing as part of the solution to an ethnic conflict suggest that these minorities no longer trust the 'national' government. They do not trust the government because it is dominated by the ethnic majority. And the ethnic majority's domination and ethnic preferences in countries raked by conflicts can usually be linked to a series of violation of the rights of minorities in areas of language, religion or culture, and especially discrimination in terms of employment and land rights.

Among the most common deep-laid sources of ethnic tension are the following:

- Exclusion from employment opportunities because of language requirements or subtle 'ethnic' preferences, both in the civil service or in private activities (discrimination)
- Actual exclusion of members of a substantial minority from most state employment positions, especially in the higher echelons (discrimination)
- Denial of land ownership, or refusal to recognise traditional land ownership
- Refusal to allow minorities to hold elected office because of language or other discriminatory criterion
- Economic development projects in minority regions which benefit the majority instead of the minority (discrimination)
- Expropriation of traditional lands without proper compensation, and/or transmigration programme which results in arrival of vast numbers of migrants (discrimination)
- Refusal to use minority language in public schools and administration where warranted by substantial number of speakers of a minority language
- Denial of citizenship and corresponding rights on a discriminatory basis
- Prohibition of use of minority languages, symbols or of minority religious practices in private activities

Usually outnumbered, outvoted, discriminated or ignored in majoritarian, political systems, segments of the minority population come to believe that violence may be the only available tool to change the situation. It is in this setting that members of the minority no longer trust the majority, even in a democratic setting, and therefore seek a degree of political and legal autonomy so that they are no longer completely at their mercy.

What Works?

So what does a perusal of peace accords from around the world tell us about the types of structures or constitutional arrangements which work? The answer in part depends in what one judges as a success: is it merely the (more or less complete) cessation of widespread hostilities (Northern Ireland; Bosnia;



Palestine) which offers no guarantee of long-term settlement, or is it a more comprehensive arrangement which clearly seems to have brought permanent peace? In this article, the latter criteria is adopted in trying to identify successful approaches and models. However, this is not to say that de-escalation of the magnitude of armed conflicts is not in itself an important objective. Indeed, it may often be a necessary prerequisite before a 'final solution' can seriously be embarked upon.

Autonomy/Power-sharing

The structure of the state is usually the main demand that needs to be addressed. Countries where ethnic conflicts have been solved or have de-escalated greatly in the last 50 years are almost always those where autonomy or power-sharing has been implemented. In this category one could include, tentatively in some cases, Bosnia, Northern Ireland, Nicaragua (Miskitos), France (New Caledonia), Italy (South Tyrol), Mali (Tuaregs), Niger (Tuaregs), Mizos (India), Bangladesh (Chittagong Hill Tribes), Papua New Guinea (Bougainville). Some conflicts ended by outright independence, as with Bangladesh (1971), Slovenia (1991), Croatia (1991), Eritrea (1993) and East Timor (2000).

The clear, even undisputable, conclusion, also contained in the 2001 Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy, is that:

... the most common outcome of self-determination conflicts is a settlement between governments and group representatives that acknowledges collective rights and gives them institutional means for pursuing collective interests within states. Sometimes a group gains better access to decision-making in the central government, often it gains regional autonomy, and of course some settlements include both kinds of reforms. Thus the outcome of self-determination movements seldom is a redrawing of international boundaries, but rather devolution of central power and redrawing of boundaries within existing states.

Concerns sometimes are voiced that autonomy arrangements are a prelude to all-out war for independence. This is an unlikely scenario. The most common scenario is that most people accept and work within the framework for autonomy while a few spoilers continue to fight in hopes of greater concessions. The greatest risk in autonomy agreements is not the eventual breakup of the state, rather it is that spoilers may block full implementation, thereby dragging out the conflict and wasting resources that might otherwise be used to strengthen autonomous institutions.

In the case of minorities with a territorial basis, there is also a general pattern: regional autonomy is the basis for a peaceful settlement. In the case of non-territorial minorities, demands are met through a system of proportional representation in terms of government ministries and public service positions and legislative veto in certain areas (Northern Ireland).

Successful agreements involving indigenous peoples (Miskitos in Nicaragua, Kanaks in New Caledonia) usually provide, in addition to territorial autonomy, greater legal recognition and enforcement of their traditional or customary laws.

In other cases some symbolic gesture is made: either a more or less express apology, or inclusive language as to important symbols of a minority.

There also tends to be a surprising uniformity in the terminology and areas covered in many of the agreements. For example, the two provisions below from the 1999 Honiara Peace Accord referred to the recognition of a form of territorial autonomy as well as the need to ensure that there be some form of non-discriminatory allocation of employment between members of the main ethnic groups:

2. Observe that since 1978 the issues which repeatedly appeared in the demands of Guadalcanal and which has been at the root of the current crisis are:

(iii) The demand that a state government be established in Guadalcanal and other provinces in order to achieve in Guadalcanal; control over sale and use of land; control over distribution of wealth derived from Guadalcanal province and control over migration of people from other provinces to Guadalcanal.

8. In order to promote a sense of national unity and bridge the feeling of alienation by ethnic persons of Guadalcanal from the Central Government, there should be an equal and fair representation of all provinces in the national civil service and the police force with emphasis on quality. The police in particular should be encouraged to improve its image in Guadalcanal.

Greater Democracy and Economic Development

Contrary to prevailing views, lack of economic development does not in itself breed ethnic conflicts. Almost no peace accord contains, or even prioritises, stand-alone development over autonomy. What is more central is steps to ensure that economic development be done

Since the underlying roots of many, if not most internal conflicts, appear to be based on claims of discrimination and exclusion of minorities, it appears that the most successful attempts at solving these conflicts rely, in addition to structural guarantees in the form of an autonomous, usually territorial political unit, demands for constitutional provisions which offer to the minorities stronger guarantees for the protection of their rights. Thus, the 'distrust' that these ethnic minorities have towards central authorities is reflected in the demands for:

- Constitutional guarantees that autonomy arrangements cannot be weakened easily by central government;
- Constitutional guarantees in terms of a share of resources and taxation bases for the autonomous unit, whether it is a canton, province, region, etc.
- Constitutional guarantees that enshrine and strengthen the of legal provisions dealing with human and minority rights and ensure access to independent judicial authorities
- Constitutional provisions, laws and other mechanisms to address the under-representation of ethnic minorities in civil service employment and political institutions



Conclusion

While the present article does not pretend to offer an extensive examination of the hundreds of peace agreements which have been concluded since the end of the Second World War, examining these documents does seem to have provided a number of potentially important lessons for purposes of conflict prevention.

The 'consensus' among most of the agreements on the centrality of some form of territorial autonomy and protection for the rights of ethnic minorities suggest that it is when minority members feel threatened, such as when they are subjected to discrimination, denied freedom of expression, are unable to use their language, practice their religion or enjoy their culture, or cannot obtain their 'just desserts' from public authorities to the degree appropriate to the strength of their relative numbers and territorial concentration, that a situation of ethnic conflict may develop. Peace agreements almost always tend to incorporate specific provisions aimed at correcting these underlying root-causes.

The recognition of territorial autonomy also enjoys similar popularity in peace agreements because it implies that an ethnic minority has a territorial basis over which it can exercise legislative and political control. This in turn tempers the degree of control an ethnic majority will be able to exercise over matters such as official language use, culture and religion, thereby ensuring the protection of the rights of a minority through a structural political arrangement that may only be applicable to one region of the State.