

The Limits of the Liberal Peace – A Mediator’s View

Since the end of the Cold War, there has been a progressive definition of the “ideal” building blocks for a viable mediation effort and for enduring peace. These are: elections and democratic institutions; significant human rights measures; and, a free market economy. All major donors, the UN, the EU, the IFI’s and most of the peace-intelligentsia promote this recipe for conflict resolution and peace building. In sum this vision might be called the “Liberal Peace”.

This approach proved largely successful in several peace processes, such as El Salvador, Guatemala, Namibia and others in the first wave of post-Cold War mediation efforts between 1990 and 2000. Also, the most stable and successful societies appear to be democracies with market economies and respect for human rights. It is therefore thought that peace accords that promote these practices should produce, and at times have produced, healthier post-war societies and more sustainable peace.

But even in the 1990 to 2000 period, there were important exceptions to the full prescriptions of the Liberal Peace. Human rights demands, in particular, were skirted by Angola, Cambodia and Mozambique among others. Since 2000 this exceptionality has grown. The more easily resolved post Cold War conflicts have been settled, leaving deeper-rooted, nastier and less malleable ones still to be dealt with. These latter conflicts have proved less welcoming to the Liberal Peace, particularly resisting human rights demands and the deepening of democracy. This can be seen in processes in Sri Lanka, Aceh, Colombia and Southern Sudan, among others. The Liberal Peace has been seen as too idealistic and too sweeping in its demands—and as such a limit on mediation efforts rather than facilitating those efforts.

In making the Liberal Peace its ideal, mediation has become an increasingly prescriptive practice that seeks to “transform” conflict societies by treating the “root causes” of their ills. In doing this, mediation has risked losing sight of its other, more basic objective, which is to end wars— even if the means required are ugly and the peace is not “liberal.” This type of mediation might be said to seek a Practical Peace, rather than necessarily a Liberal Peace.

The claims and practices of the two approaches are quite different. Liberal Peace mediators are reformers and redeemers whose accords lead to the long-term “peace building” of a new society. Practical mediators are fixers whose aim is to reduce violence as quickly as possible by whatever means available. They do not promote broad social, political and moral change. Their methods may be questionable.

This difference in approach raises deeper issues. Should the Hippocratic oath of mediators be: “Negotiate only if the armed actors are willing to have elections, create democracy, respect all human rights and open a free market. And, do not talk to any particularly nasty ones who are terrorists”?

Or should the Hippocratic oath of mediators be: “Do all that is possible to end the war, stop the killing, reduce the suffering. After that, you can pursue other valued goals, but only if in doing so, you do not re-start the war or increase suffering”?

Some argue that ending a war is the single most important step in promoting human rights, as well as building democracy or a viable market economy.

Current Practice

Perhaps in part because of the above, a more practical and limited approach to mediation is increasingly being practiced. Formal adherence to the ideals of the Liberal Peace is being amended or abandoned by mediators as they descend into the hurly burly of mass blood-letting and the homicidal demands of ruthless armed actors and non-idealistic states. Peace agreements and/or mediation efforts in southern Sudan, Northern Ireland, Aceh, Iraq, Afghanistan, Palestine/Israel and Colombia among others, amend or ignore key elements of the Liberal Peace, especially its demand for significant human rights measures.

At the same time, it is evident that cynical and clever political actors can formally apply the claims of the Liberal Peace—elections, free market and human rights prescriptions—in order to create effective authoritarianism, a crony capitalism of corruption and gross inequality, as well as limited human rights. Many, if not most, Liberal Peace-created governments and societies reflect these weaknesses in democracy, markets and human rights.

For its part, the international community practices notable double standards in its assertion of the Liberal Peace. a) It does not usually make the same demands in Africa, the Middle East, Asia and Latin America. For example, the international community makes major demands for human rights in El Salvador and Colombia, but not in Palestine/Israel, Afghanistan or Iraq. b) While at times demanding far-reaching peace accords, the international community often does little to enforce them or assure their implementation. c) The UN is tasked with major mandates and standards for mediation by member states that themselves do not apply or observe them. In practice, this is making it increasingly difficult for the UN to mediate conflicts, as member states and non-state armed actors resist the demands the UN is mandated to make. As a consequence, the UN is mediating fewer and fewer conflicts. d) If warlords, dictators and generals offer even a pro forma acceptance of peace, they may play an accepted role in a post-peace government, no matter their past crimes. It is only the unlucky, exceptionally hideous, or utterly diplomatically-handicapped, who find themselves facing war tribunals or armed peace keepers. If Charles Taylor and Slobodan Milosevic had shut up and enjoyed their diamonds and other loot, they could still be running Liberia and Serbia.

In a more recent development, the Liberal Peace can be used in the debate over terrorism and the view that there is a group of political actors and governments with whom supporters of the Liberal Peace should not communicate or mediate. These untouchables not only wantonly kill people—they also oppose democracy, human rights and the free market. As such, they should be isolated and/or submitted by force, rather than talked to or persuaded—a course that may have merit, or that may result in more terrorism, rather than less.

Recommendations and Considerations

What might be done to address some of these concerns and define forms of mediation capable of addressing the hardest conflicts, as well as the new world of terrorism and counter-terrorism?

1. Rather than assert the full menu of the Liberal Peace, be willing to apply it more selectively and flexibly, promoting mediation as a sliding scale of goals and demands and possibilities,

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rather than a set menu of prescriptions. The first goals on this sliding scale will always be to end the fighting, stop the killing and reduce suffering. The next goals will be pursued in ways to sustain the first goals, by establishing security, respect for human rights, governability and economic viability.

In those cases where the goals of the Liberal Peace are attainable and local actors and conditions permit, the Liberal Peace should be pursued. But where the Liberal Peace does not fully fit, or is outright rejected, it should be amended. In these cases it is still worth ending the fighting and then seeing what else might be achieved. If conditions only permit a limited peace agreement to end the war, that is better than no agreement and a continuing war. A too-ambitious, non-enforceable agreement that cannot be implemented, can also spark renewed war and disillusion. Mediation in hard conflicts is a risky and imperfect business.

2. Be aware of a) time, b) conditionality and c) possibility and politics, as central elements of mediation and peace building. What is not achievable by the initial mediation and in the initial accords to end a war may simply not be attainable. Or, it may prove achievable over time. Donors, IFI's, NGO's, human rights organizations and international law, as well as local and regional actors, will demand additional steps; and as political processes begin and society develops, further transformations may become possible. A mediator and peace accords can underline the need for further change without necessarily demanding them at the outset.

3. Do a frank case study of the many mediation efforts, political and social transformations as well as other outside development efforts of the last decades to see what really happened. Look at the central tenets of the Liberal Peace and see how and why elections, democracy, a market economy and human rights did and did not prosper, as well as other key goals such as sustainable peace, security and stability.

Are rapid elections and rapid implementation of a free market the best ways to address the needs of a society emerging from war and crisis? If so, why have several especially successful market economies and democracies emerged from a decades-long period of authoritarianism and de facto political supervision after war and crisis? Spain, South Korea, Taiwan and Chile are examples, as are arguably, US-supervised post-war Japan and Germany. China, Vietnam and Cambodia may prove to be other examples in the decades ahead.

4. Elections: As a practical matter, societies need a government and elections of some sort appear to be the best way of establishing government in most cases. Electoral practices in peace processes seem to be improving, perhaps spurred by the harsh results of winner-take-all elections in Angola and Rwanda that helped trigger renewed conflict. To sustain peace and ease the transition to self-government, mediators increasingly seek transition periods of power-sharing among once warring parties and partial electoral democracy, as well as federalism and local autonomy or even, when necessary, separation of territories. Northern Ireland, Aceh, southern Sudan, among others, reflect this trend.

That said, negotiating and implementing democratic practices and institutions that go deeper than elections often is less than successful. Mediators and peace builders are additionally seldom able to usher in effective or equitable rule of law. Local actors often manipulate elections and other democratic practices. Early winners have a tendency not to lose power again for a long time. Cambodia, Uganda and Zimbabwe are examples, not to mention many other electorally perpetuated governments elsewhere.

5. The free market: “Free” markets have a tendency in many conflict and post-peace accord societies to be free for the fortunate or powerful few. As a practical matter, this may be the least-bad alternative and there is no viable alternative currently on offer. But like democracy, the “free” market is a concept that in practice, often falls short of the ideal. In most post-peace accord societies, the free market produces gross inequality, continuing or worsening levels of poverty, major influence of IFI’s and large international businesses, as well as reinforcing the concentration of political power.

6. Human Rights: Perhaps not surprisingly, human rights are the area where the prescriptions of the Liberal Peace are most frequently debated, resisted, amended or ignored today.

Current human rights demands seek truth, justice and compensation of victims. In practice, these worthy goals do not necessarily reinforce one another, nor often, are they attainable in the short term. In addition, mediators and societies emerging from war also seek other worthy goals that include reconciliation, reinsertion of combatants and sustaining the peace by making sure the war does not restart.

It is not always the case that pursuing truth, justice and compensation for victims will prove compatible with each other, or with reconciliation and ending the war. In the most obvious case, few murderous army, paramilitary and guerrilla commanders are likely to sign a peace accord that submits them to justice and reveals the truth of their crimes.

There also are thought-provoking cases of successful recent peace processes, as well as the emergence of vibrant democracies, in societies that have purposely not fulfilled the human rights demands of the Liberal Peace. In some cases, this has been because armed elites have been able to insist on avoiding human rights demands. But in other cases, it seems to be that the society more generally has felt applying the full menu of human rights demands might not promote needed peace and reconciliation. Mozambique is one of the relatively few successful post-war societies in Africa. Yet, Mozambique’s peace process, mediated by Sant’Egidio and the Catholic church, had almost no truth, justice or recognition of victims. The peace accord in Northern Ireland has almost no provisions for truth or victims, and was implemented with de facto amnesty for almost all IRA and Protestant Loyalist killers, most of whose 3000 plus victims were civilians.

Truth is a particularly difficult issue that challenges even the most stable democracies today. France, the U.S., the Netherlands, Japan, Poland, Spain, Belgium, Australia and Canada among many others, either deny or are only now beginning to admit the truth of their abuses in World War II, or in their colonies, or in their use of slavery, or in their extermination of indigenous peoples.

The fact is that harsh truths are hard to face for most human beings and especially so for lacerated and lacerating societies. Despite compelling examples such as El Salvador and South Africa, it has yet to be demonstrated that robust or rapid truth always promotes reconciliation or peace or democracy or respect for human rights. A prescription for mediators might be to promote ‘gradual truth’, or as much truth as local actors and conditions seem capable of bearing, rather than an a priori insistence on full truth. Greater truth may well come as societies are able to face it and victims and others demand it.

Other key human rights demands are also contested today and often amended or ignored. Other than public statements of regret and perhaps a monument, victims are under-recognized and under-compensated in almost all peace processes.

The concept of “justice” also is much debated and differently applied. Should justice be punitive or restorative? Should local concepts and practice of justice be taken into account, or is there a universal concept of justice, that should be demanded and promoted?

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The fact is that killers, even mass killers and senior commanders of killers, do not go to jail in most peace processes.

Human rights will likely continue to be the most debated issue in conflict mediation.

Dangers and Exceptions

Whatever its shortcomings in practice, the Liberal Peace is arguably still the best recipe for mediating a conflict that we have. It might prove dangerous and counter productive to amend or abandon its demands and goals. This could open the door to sanctioning the denial or weakening of human rights, authoritarianism rather than democracy, state socialism and cronyism rather than free markets.

It could also encourage less rigorous and more short-term mediating efforts that produce weak accords and partial ceasefires that fall apart, bringing greater conflict and disillusion in their wake. By failing to address “root causes” and press for agreements on the toughest issues in a conflict, such mediation may seed its own failure and worse.

Genocide and Overwhelming Humanitarian Crisis are exceptional and demand exceptional responses. In such cases, what is needed is not mediation but intervention, with the force necessary to address the situation.