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The Complexity of the Organizational Design for Implementation of a Peace Accord

*A Predictable Obstacle to the Peace Agreement with the FARC?*¹

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The objective of this chapter is to explore the future effect of organizational design on the likelihood of success or failure of the implementation of peace agreements using the Colombian peace accord as a case study. Previous exercises analyzing the implementation of peace agreements in the world have attributed great importance to aspects other than organizational design to explain the success or failure of the implementation. For example, the peace studies literature tends to explain problems in implementation by highlighting the factors associated with the war itself (type of conflict, types of spoils available, etc.) or by giving great importance to political factors (position of relevant actors, level of polarization, etc.) as the variables that explain each success or failure (Stedman, 2001; Hartzell, 2002; Cousens et al., 2003). However, these studies do not consider organizational design as a relevant factor for understanding why implementation processes fail or are successful.

To highlight the importance of organizational design, this chapter will first review the literature on peace studies in order to examine the contributions that this subfield has made on the issue of implementation of the agreements. Second, the chapter will look at how the public policy literature has studied the prospective design aspects of policy implementation, specifically in the area of implementation studies (Saetren, 2014). This literature provides a number of proven theories for predicting the effects of organizational complexity on the likelihood of successful implementation (Pressman and Wildavsky, 1973; Elmore, 1979; Bowen, 1982; Sabatier, 1986; Alexander, 1989;

¹ It should be noted that a previous Spanish version of this chapter exists. However, this chapter includes several differences in the presentation and analysis, an extended review of the implementation literature, and a new analysis based on international comparable parameters. Perhaps the most important change is the use of the “provision list” of Joshi et al. (2015) to carry out the analysis of the Colombian agreement, including new more rigorous calculations following that work.

Peters, 2015). In the third section, this chapter will focus on understanding the organizational design established for the agreements in order to apply existing theories to their analysis. Finally, in the fourth and final part, the chapter will explore possible solutions to the coordination problems created by the agreement.

The hypothesis behind the elaboration of this chapter is very simple; it proposes that a highly complex design can generate greater risks of failure unless there is a high capacity for coordination and a strong State capacity to carry out policies. This organizational perspective can also serve to inform peace studies of governance issues that are important in the design of peace agreements. From this perspective, any peace agreement in the world would have to be informed by certain normative assumptions about how human agency, the state, and public administration work. In this regard, the analysis of implementation design seeks to understand the organizational and coordination assumptions made in a specific agreement in order to be able to speculate in an informed manner on the effects of those designs.

Given the ideas mentioned previously, it should be clarified that this chapter aims to highlight the potential problems of coordination that could emerge when an agreement includes an intense organizational fragmentation of the agencies responsible for the agreement's implementation, and, at the same time, it aims to include an intense process of participation that gives away power to different horizontal governance schemes. In order to undertake this analysis, this chapter will use a type of implementation analysis known as "prospective analysis" (Elmore, 1979; Sabatier, 1986; Peters, 2015). The initial objective of the prospective analysis of implementation – taking as a starting point the ideas of Pressman and Wildavsky (1973) – was to explain policy failures when these have already occurred. But in more recent times, this same type of analysis has also been used in an ex-ante mode, in order to improve policy design (Bowen, 1982; Weimer and Vining, 2011; Peters, 2015). In the case of this chapter, the Colombian peace agreement has only recently been signed and is in the early stages of implementation. In view of this, it will not be possible to apply the original ex-post prospective method as such. Thus, a new method, closer to the newer ex-ante variations, will be proposed to take up the main principles of the method to use it in a predictive and nonexplanatory way and even suggest a new indicator of possible future problems.

Considering that this prospective method will be used for the analysis, it is also important to acknowledge that it will not be assumed – as in the Top-Down implementation perspective – that hierarchies (command and control) are the ideal solution, especially because bottom-up processes are essential for legitimating the peace building processes and for building local solutions that

increase governance. Given all that, the final objective of the chapter is to acknowledge the combined effects of horizontal and vertical organizational challenges for securing a coordinated implementation process (given the high transaction costs created by participation and sectoral fragmentation), which can create a series of challenges for the Colombian Accord that will be explored in detail. Given this, the final objective is to provide some ideas that can help to find a middle ground between the needs of the agreement and the characteristics of the ideal organizational design that require a high level of horizontal legitimacy.

Finally, it is important to make clear that the hypothetical assumptions presented here are unlikely to coincide with the final reality of the implementation since many other factors related to the agreements will come into play, including (for example) political actors, elections, the political economy of the goods that fuel conflict, and social actors. Recognizing these limitations, it is necessary to show that it is possible to put forward ideas that also help to improve the predictive quality of the peace literature based on this administrative policy perspective. Furthermore, this type of ex-ante analysis is a powerful tool for thinking about potential future problems while recognizing that nothing replaces observation in the field.²

HOW DOES THE PEACE LITERATURE ANALYZE THE IMPLEMENTATION OF THE AGREEMENTS?

This literature started with a study examining the causes of success or failure in the implementation of sixteen cases of agreements³ throughout the world carried out between 1997 and 2000 by Stanford University's Center for International Security and Cooperation (CISAC) and the International Peace Academy (IPA) (Stedman, Rothchild, and Cousens, 2002). This pioneering work helped to explain that the implementation of the agreements was one of the least studied aspects of the peace studies literature, as Malone (2001: 1) points out,

² Rather than seeing prospective analysis of design and field work as antagonists, one might regard the former as allowing researchers to create informed hypotheses that allow them to organize the field data. Furthermore, these methodological principles place this analysis within the third generation of studies in this area (Goggin et al., 1990: 19).

³ The cases studied in Stedman, Rothchild, and Cousens (2002) were: Angola, 1992–1993; Angola, 1994–1998; Bosnia and Herzegovina, 1995–2000; Cambodia, 1991–1993; El Salvador, 1993–1995; Guatemala, 1992–1998; Lebanon, 1991–2000; Liberia, 1990–1999; Mozambique, 1992–1994; Namibia, 1989; Nicaragua, 1989–1991; Rwanda, 1993–1994; Sierra Leone, 1998; Sri Lanka, 1987–1988; Somalia, 1992–1993; and Zimbabwe, 1980.

As a sub-field of conflict resolution, peace implementation has been more practiced than studied. Unlike either conflict mediation or long-term peace building, very little analytical reflection has been devoted to the immediate challenges of implementing peace agreements once they are concluded. Too often, those responsible for translating these accords into meaningful action have had to proceed quickly, without either an accurate map of the hazards of the war-torn terrain in which they find themselves or a reliable plan for managing challenges when they do arise. At the most elementary level, what has been missing is clear knowledge of those factors that make the difference between successful peace implementation and failure, between the assurance of peace and the resumption of war.

This literature began to explain “peace implementation” as the implementation of the entire basket of goods associated with the exercise of peace building (Stedman, 2001: 7), noting that this process involves carrying out a broad set of provisions that seek to improve the general condition of a territory, for example, “the improvement of the root causes of conflicts, the promotion of justice, positive peace, harmony and the reconciliation of enemies” (Stedman, 2001: 7), thus differentiating it from the concept of implementation associated with peace keeping, which “focuses on efforts made in a narrow, relatively short-term range (three months in Zimbabwe, five years in the case of Bosnia) to ensure that the parties to the conflict fulfil their commitments to peace” (Stedman, 2001: 7). This work also showed that the difficulty of implementation varies in relation to the complexity of the context (Stedman, 2001), which is determined by the presence and intensity of a set of eight variables, “the number of parties in conflict; the lack of either a peace agreement before intervention or a coerced peace agreement; the likelihood of spoilers; the existence or otherwise of a collapsed state; the number of soldiers available; the presence of natural resources; the presence of hostile neighbouring states or networks and demands for secession” (Stedman, 2001: 10). In other words, as Stedman (2001: 5) himself suggests,

there is no reason to assume that actions and strategies that work in a more benign conflict environment such as Guatemala or Namibia will work in a much more demanding environment such as Bosnia or Sierra Leone . . . Difficult implementation environments require more resources, greater international involvement, and more coercive strategies, but often such resources, involvement, and strategies are not forthcoming because no major or regional power sees the relationship between peace and war in a given country to be in its own vital strategic interest.

This literature has continued to advance, producing multiple studies of the implementation phase of peace agreements over the past two decades

(Stedman, 2001; Hartzell, 2002; Cousens et al., 2003; Joshi et al., 2015). One is the Peace Accords Matrix (PAM) at the Kroc Institute for International Peace Studies at the University of Notre Dame, which was designed by Joshi et al. (2015) to address the issue of implementation. These authors built a database of information from thirty-four peace agreements from 1989 on the different types of provisions (commitments) involved in peace agreements around the world (Joshi et al., 2015). This work shows that agreements can include up to fifty-one possible policy provisions, although their records show a maximum number of forty-three provisions and a minimum of eight, with an average level of twenty-two.

Furthermore, the work of Joshi et al. (2015) tracks the number of provisions implemented in different agreements around the world and includes information on the progress of each provision per year into the aforementioned matrix.⁴ This allows for the quantitative measurement of the level of implementation in any given year and its progress over time. Thus, this database gives an indicator of the percentage of implementation per year, up to a period of ten years after the signing of the agreement. This model is currently being applied to Colombia through the construction of a pioneering program that uses the PAM methodology to measure the progress of the implementation progress through the *Barómetro* [Barometer] program. For more on this project, see Chapter 9 in the current volume.

However, it should be recognized that the peace studies literature has generally focused on understanding causality in the implementation of factors associated with conflict and political and social factors in a country, without exploring causal approaches to state design. This means that too much weight has been given to explaining failures rather than the complexity of the context, which obscures the possibility of going deeper into the design of the agreement itself and its organizational structure. Furthermore, it is worth pointing out that these approaches fall short of understanding the implementation problems associated with state capacity in a medium development context such as Colombia, given that most of these studies in the literature assume that those who must implement peace are international actors and the United Nations. This is an assumption that does not apply in Colombia, where the largest number of provisions fall to the Colombian State.

⁴ This work constructs indicators on progress in implementation through a numerical representation that accounts for it through the allocation of a number of points for the progress observed in a given year. As the code book of Joshi et al. (2015) points out, coding distinguishes the degree of implementation through ordinal values according to the provisions set down in the agreements: A minimum implementation is represented by a number one; intermediate, with a two; and complete, with a three.

HOW CAN THE EFFECTS OF ORGANIZATIONAL DESIGN
BE ANALYZED IN PEACE AGREEMENTS?

As explained in the previous section, the objective of this chapter is to present informed hypotheses about the causal impact of the organizational design. In view of this, it is important to employ an analysis from what Peters (2015) calls a policy design perspective (Linder and Peters, 1984; Schneider and Ingram, 1988; Howlett and Lejano, 2013; Peters, 2015). In this section we will review the prospective analysis of public policies, because although this literature is nearly fifty years old, its influence on the analysis of policy implementation design is still fundamental (Peters, 2015). The pioneering work in the analysis of the design of policy interventions was by Pressman and Wildavsky (1973). This chapter understands “implementation” as “the process of interaction between goal setting and the actions taken to achieve them.” Pressman and Wildavsky also suggested that in order to understand “why programs are not as effective as hoped by their ‘formators’ requires tracking through the process of implementation” (Peters, 2015: 84), which helped to open up the black box of what happens when public policies are carried out. Perhaps ahead of its time, this paper recognized that “the difficulties in assigning causation make incompatible with the canons much of contemporary social science” (Peters, 2015: 84). Recognizing this means utilizing in-depth case studies to understand the causal mechanisms that explain implementation problems. Pressman and Wildavsky’s (1973) work can be said to be central because these authors constructed an analytical method that made it possible to appreciate the complexity of joint action by understanding the specific mechanisms that affected implementation.

Consequently, the work of Pressman and Wildavsky (1973) showed that successful implementation depends on the level of commitment of actors at different stages of the chain, the number of hierarchical interactions, and the granting of clearance. The contribution of these authors was to problematize the implementation process by giving importance to conflict and negotiation between actors in the chain and the organizations involved instead of “assuming a legal/rational mode of interaction,” in which the chain of command does what it is supposed to do without problems (Bowen, 1982: 3). In this regard, Bowen (1982: 1) writes that the importance of Pressman and Wildavsky’s text was due to the fact that it “drew an analogy between the implementation processes and the multiplicative model of probability theory.” This multiplicative model recognizes that there is a bargaining relationship in each of the links in an implementation process (Bowen, 1982). This in turn means that adopting probability theory results in the abandoning of the

Weberian presumption that bureaucratic authority implies the suppression of one's own free will and full compliance with the decisions of the hierarchical superior (Bowen, 1982). Thus, the step taken by Pressman and Wildavsky (1973) is to replace the hierarchical presumption with the model of negotiation, "accepting the conflict between the parties, treating consensus as exceptional, reducing bureaucracies to small groups of individuals or groups in conflict, and replacing the legal-rational model of authority with a political or negotiating model" (Bowen, 1982: 2). As the author points out,

As Pressman and Wildavsky document in their case study, programs which are launched with no visible opposition face interference from unexpected quarters. Persons supportive of a program resign and are replaced. Lines of authority within bureaucracies are changed. Priorities of agency superiors fluctuate. Agreements are reneged upon.

(Bowen, 1982: 3)

In order to understand these mechanisms and their effects on the probability of implementation, Pressman and Wildavsky (1973) propose that the complexity of joint action increases when there are: (a) more decision points and (b) a greater need to reach agreements among more actors within each decision point (clearance points). Pressman and Wildavsky (1973) define decision points as those moments in the implementation process when "an act of agreement is required for the programme to move forward" (1973: XVI, taken from Aguilar, 1993: 51) and clearance points as the number of agreements required within a decision in order to proceed to the next step given that each participant must give its approval separately. In other words, each of these points represents the "customs and political checkpoints" (Aguilar, 1993: 51), as they show how different actors can intervene with "the most diverse reasons and interests" and with "different attitudes and degrees of commitment" (Aguilar, 1993: 49–50). In this regard, each conjunction of clearance and decision points has a probability of implementation that is denoted as $P(A)$, i.e., the probability of implementation of A. Under the multiplicative model this probability must be multiplied by all the other probabilities of each of the clearance points, which is denoted as, " $P(A \& B \& C \dots) = P(A) P(B) P(C) \dots$ " (Bowen, 1982: 5).

Pressman and Wildavsky's assumption, as Bowen (1982: 5) points out, is that the probability of all clearance points is the same, which is denoted as: $P(A\&B\&C \dots) = P(A)^n$, where n corresponds to the number of decision points. In this regard, Pressman and Wildavsky (1973) suggest that "the probability of final success after 70 'clearances', assuming an 80% consensus among the participants, (i.e. 0.80^{70}) is one in a million" (Aguilar, 1993: 52, our parenthesis). Furthermore, they indicate that "only four events requiring

approval are sufficient to bring the policy below half the probability of successful completion” (Aguilar, 1993: 52). In this regard, as noted by Peters (2015),

The problem with the large number of clearance points for policy makers in programs such as those discussed by Pressman and Wildavsky is that just one of them may be enough to unravel a program. Even if the actors in each of these clearance points are committed to making the program work and (assuming) that they are skilled administrators, there is still a chance that implementation will not be successful. In fact, if the probability at each clearance point is 0.99, then the chance of implementing the program across 100 clearance points is less than 0.00001. Implementation, therefore, requires active political involvement if the program adopted by a government organization is to be brought to a successful conclusion.

(Peters, 2015: 86)

How Complex Is the Colombian Agreement?

Analyzed using the Peace Accords Matrix database (Joshi et al., 2015), the Colombian agreement is revealed to be a complex one, in which thirty-five types of provisions are found, such as an amnesty program, an educational reform, or a project of reintegration, just to mention three examples.⁵ The presence of this amount of provisions shows that the Colombian agreement includes 70 percent more provisions than the international average, calculated by Joshi et al. (2015), suggesting that it is a “maximalist” agreement.

In order to explore this proposition, we will build a predictive indicator of potential implementation problems that we will call the *Indicator of Prospective Efficiency in Implementation* (IEPI). This indicator draws on insights from the public policy prospective implementation policy, and especially from the Pressman and Wildavsky (1973) complexity paradox, reviewed earlier, although adapting those ideas to the fact that this is an ex-ante analysis. In summary, we propose to utilize their main principles in a predictive and nonexplanatory manner. Given this, we will explore in the following pages how many organizations are included in the agreement, how many times each of them is mentioned, and how many functions are given to each individual

⁵ The other thirty-two provisions found in the Colombian agreement are: Commission to Address Damage/Loss, Children’s Rights, Civil Administration Reform, Decentralization / Federalism, Demobilization, Development, Disarmament, Dispute Resolution Commission, Donor Support, Electoral/Political Party Reform, Arms Embargo, Executive Branch Reform, Human Rights, Internally Displaced Persons, Indigenous Minority Rights, Judiciary Reform, Legislative Branch Reform, Media Reform, Military Reform, Minority Rights, Natural Resource Management, Police Reform, Prisoner Release, Ratification Mechanism, Refugees, Regional Peacekeeping Force, Reparations, Detailed Timeline, Truth and Reconciliation Commission, UN Peacekeeping Force, UN Transitional Authority, Women’s Rights.

case, with all this differentiated by sector and type of organization (in terms of vertical or horizontal governance). These steps will gradually build enough information to create ex-ante indicators that facilitate the analysis.

Thus, following these steps, an initial descriptive analysis was conducted to explore the frequency of the organizations involved in the text of the *Final Peace Agreement*. With this idea in mind, the text was subject to a keyword search that included words that indicate implementation organizations such as: commission, chamber, instance, council, mission, secretariat, ministry, office, institute, department, agency, and deputy office.⁶ Cases of similar nominal variation (the same words in plural or without a tilde) were also taken into account to extend the scope of the search, although only full words were counted.⁷ ⁸ This search was conducted on all 310 pages of the *Final Peace Agreement*; 64 organizations were identified (with 701 mentions in the database) (see Table 1.1 and Annex 1).⁹ As can be seen, Table 1.1 illustrates that the highest keyword frequency was commission (240 mentions), although Table 1.2 shows that all these entries are spread over nine different commissions. Others, such as chamber, instance, and council, also have more than 100 mentions. Finally, a few others, such as department or institute, receive very few mentions.

⁶ In order to choose these words in the English language, we initially observed the data in Spanish in order to identify every single organization mentioned. In order to translate these words into English, we tried to use words that are more commonly used in public administration texts to refer to “organizations.”

⁷ There may be multiple entries that fall outside this inventory. For example, cases in which an actor without explicit nominal identification was mentioned were not included. As another example, Article 6.1 of the Final Agreement says “In order to contribute to . . . the guarantee [ing] of women’s rights in the implementation of the Final Agreement a Special Instance formed by representatives of six Colombian women’s organizations . . . will be created.” In this case, it is not possible to identify the name of the entity or instance to be created, so it is very difficult to identify these instances systematically in the text.

⁸ It is also important to note that the scope of this identification of actors does not include those created by the legislative decrees issued by the President of the Republic in 2017, for which new actors such as Ecomún (Organización de Economía Solidaria), of Legislative Decree 899/17, actors with new roles, such as the former *Consejo Nacional de Paz* (Legislative Decree 885), or actors with changes to their roles, such as the Ministry of the Environment (legislative decree 870/17) among others, are not taken into account.

⁹ However, for those that want to reproduce the exercise in their classrooms, research, or workshops, it should be noted that the frequency recorded in the table does not precisely match the number of times a category appears in the word count, since the same word can be used for multiple purposes, which requires a more manual counting. For instance, an example of this problem can be seen in Article 16 of the agreement, which states, “The amnesty granted by the ministry of this law . . .” In this sentence, the word “ministry” does not include the nominal identification of an implementation organization, and therefore should not be counted.

TABLE 1.1 *Number of mentions of each type of organization*

Keyword	Frequency
Commission	240
Chamber	177
Instance	123
Council	58
Mission	33
Secretariat	18
Ministry	14
Office	13
Institute	12
Department	7
Agency	4
Deputy office	2
Total	701

TABLE 1.2 *Type of actor and type of power*

	Individual Clearance Granting – (Hierarchical)	Individual Clearance Granting – (By Consensus)	Total
Agency	5		5
Commission	1	8	9
Council	2	10	12
Department	1		1
Direction	1		1
Institute	3		3
Ministry	5		5
Mission	2		2
Office	1		1
Other	8	2	10
Court	3		3
Secretariat	2		2
Tribunal	1		1
Unit	9		9
Total	44	20	64