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Ceasefires

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I. Introduction

The term 'ceasefire' is the antonym of the military expression 'open fire' and signifies a call to terminate hostilities. Ceasefire agreements are regularly announced as part of a peace process and can suggest a level of commitment between warring parties to seek an end to armed conflict. Ceasefire periods can also be used as cover by groups to re-mobilise, re-arm and manoeuvre. Announcing a ceasefire can be done unilaterally, but could also follow an agreement between warring parties. Ceasefires can be verbal or written and their terms can be public or secret. Third party mediation can lead to a ceasefire, or alternatively, ceasefires can be imposed on parties by the United Nations Security Council (UNSC) resolutions under Chapter VII of the United Nations Charter. The scope of ceasefires may be general and encompass an entire conflict zone and all parties active in it, or the ceasefire can be specific wherein the locations and actors are limited.

II. Nomenclature of ceasefires

There is no commonly recognized or legal definition of the term 'ceasefire,' which became popularly used by media and government documentation in the post-Second World War era. In scholarly work, the outcomes of studies dictate the definition of a 'ceasefire'. As a result,

definitions for ceasefires range from a break in fighting to a specific conflict outcome, to a component of peace agreements, or a distinct agreement type (Åkebo, 2016: 19). The Peace Agreement Access Tool (PA-X)(2018), consisting of over 1500 peace agreements, differentiates between ceasefire provisions contained within peace agreements, which can be signed at any point during a peace process and ceasefire agreements that have a primary purpose of limiting violence and often feature in the early stages of a round of peace talks. A practical definition of a ceasefire agreement is a negotiated agreement that “defines the rules and modalities for conflict parties to stop fighting” (Chounet-Cambas, 2011; Barsa et al 2016).

In practice, the term ‘ceasefire’ overlaps with other terms such as ‘cessation of hostilities’, ‘truce’, and ‘armistice’. The applied meaning of all these terms is to provide for a suspension of hostilities between belligerent parties during armed conflict (Azarova and Blum, 2012).

Although used interchangeably, the terms ‘armistice’, ‘ceasefire’, ‘cessation of hostilities’ and ‘truce’ have varied meanings under international law (Wählisch, 2015: 966). Of the above terms, truce and armistice have long-standing precedent pertaining to inter-state conflicts. The ‘white flag of truce’ is a ubiquitous symbol for an immediate reprieve in hostilities on the battlefield to attend to the dead and wounded, to surrender, or to begin negotiations (Article 32, Hague Convention 1907). According to Article 36 of the 1907 Hague Conventions, an armistice “suspends military operations by mutual agreement between the belligerent parties”, with the specific intention of negotiating a more permanent agreement.

Another defining feature in the nomenclature is the longevity of a ceasefire that can be either temporary or permanent (Barsa et al., 2016: 9). Truces are regularly preliminary and, as such, maintain a local scope that allows field commanders or other local actors to implement them

for humanitarian purposes, civilian evacuation, or prisoner exchanges. Whereas, terms such as armistice and cessation of hostilities regularly refer to more permanent arrangements, the latter being a less formal iteration of the former.

In some conflict zones war-weariness may lead to a cessation of hostilities (a de facto armistice) that puts an end to fighting, but does not progress with a political solution, leading to the formation of semi-permanent boundaries between warring parties (Mac Ginty and Gormley-Heenan, 2010). Cyprus and Korea are two prominent examples of such following the Second World War. Other examples include the ‘frozen conflicts’ in Ossetia, Abkhazia, Nagorno-Karabakh and Moldova that arose after the dissolution of the Soviet Union.

Lastly, due to the political repercussions for parties involved in a ceasefire, they are often not referred to in those terms, but rather as ‘codes of conduct’ or ‘humanitarian pauses’ or even more generically as ‘joint statements’, ‘memorandums’, ‘declarations’, or ‘peace accords’. From 2008 to 2010, the Government of Nepal entered into separate ceasefire agreements with the eight different Nepalese rebel groups, but none of these agreements were referred to as ceasefires.

In summary, ‘armistice’, ‘ceasefire’, ‘cessation of hostilities’ and ‘truce’ are regularly used interchangeably, and although their original meanings have diverged from their original purpose, they all refer to a uni- or multi-lateral agreements to suspend hostilities.

III. Purpose of ceasefires

In addition to suspending hostilities, the purpose of a ceasefire agreement is defined by its scope, degree of inclusion and the implementing actors.

Preliminary ceasefires can be utilized in conflict situations as a momentary reprieve for humanitarian purposes, as a confidence building measures, or due to pressure by third party governments, international organisations or non-governmental organisations. The Joint Understanding on Humanitarian Pause for Aceh, signed by the Indonesian Government and the Free Aceh Movement in April 2000, had the stated primary aim of delivering “humanitarian assistance to the population of Aceh affected by the conflict situation.”

Similarly, the purpose of the Local Ceasefire Agreement Mostar–Bijela signed on December 16, 1993, was to “allow free movement of humanitarian convoys of UNHCR or other international agencies escorted by [UN Protection Force] units.”

The opening of ‘humanitarian corridors’, ‘peace zones’ and other de-militarized areas are a regular feature and appear in ceasefires from Bosnia, Burundi, Central African Republic, Democratic Republic of Congo, Gineau-Bissau, Indonesia Mozambique, Nicaragua, Republic of Congo, Rwanda, Sierra Leone, South Sudan, Sudan and Syria. Such mechanisms can be used to provide for the safe evacuation of civilians, wounded and surrendering troops, access for humanitarian aid convoys and personnel, or to send in international monitors to ensure adherence to international humanitarian law. The success of such zones have been varied.

Ceasefires can also be announced to mark festivals and religious occasions. On December 20, 1999, the Revolutionary Armed Forces of Colombia—People’s Army (FARC-EP) instituted a unilateral 20-day truce to “allow Colombians to celebrate the end of the year and the start of the new Millennium with their families and friends.” More recently, an 8-hour ceasefire was attempted in the Filipino city of Marawi in Mindanao to allow for a brief respite during the Islamic festival of Eid al-Fitr on June 25, 2017.

Preliminary ceasefires can lead to more permanent ceasefires connected to broader peace processes. Ceasefire agreements are often seen as a minimal step before belligerents can enter

into negotiations and determine a pathway to a sustainable settlement (Mac Ginty, 2006). The Agreement on Confirmation of Commitment to Ceasefire signed on July 27, 1994, between parties in the Nagorno-Karabakh conflict states the purpose of the agreement is “to preserve the conditions for signing a comprehensive political agreement.” However, governments are at times reluctant to recognise a ceasefire due to the fear of conferring legitimacy on rebel groups.

Moreover, since peace processes ebb and flow and are rarely linear, a ceasefire is not always necessary. The Colombian peace process between the Colombian Government and FARC-EP from 2012 to 2016, demonstrates how a peace process can continue without a ceasefire, which was only secured after the provision of greater political assurances with the signing of the Agreement on Bilateral and Final Ceasefire, End of Hostilities and Surrender of Weapons on June 23, 2016. Similarly, the 1990 to 1996 peace process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) did not include a ceasefire agreement until the Definitive Ceasefire was signed as the first of five substantial agreements in December 1996. Before this took place, however, the URNG required greater assurances on matters related to human rights, indigenous rights, internally displaced persons, economic and land reform as well as the strengthening of civilian control over the Guatemalan military.

Nonetheless, ceasefires can be used as a suitable entry point for parties to enter negotiations (Chounet-Cambas, 2011). Following the change in regime that threatened two-decade long ceasefires between the Myanmar Government and numerous ethnic militias, a new round of ceasefires were signed between the 11 remaining armed groups and state or union-level government negotiation committees from 2011 onwards (Oo, 2014). Most these ceasefires followed similar templates, however, initial concessions allowed for the inclusion of a greater range of items during the second round of negotiations. An initial ceasefire signed on

December 2, 2011, between the Myanmar State-level Peace Committee and the Shan State Army-South (SSA-S) included provisions for the SSA-S to open liaison offices in towns, cooperation in narcotics prevention, and an agreement from both sides to ceasefire. A later agreement signed on May 19, 2012, between the SSA-S and the Union-level Peace Committee broadened concessions to include guarantees by the state to preserve and promote Shan literature and culture, help SSA members “earn adequate means of livelihood,” and set up a special industrial zone under SSA control. In summary, introducing political concessions into ceasefire agreements is not an uncommon practice among conflict mediators.

Ceasefires are also used as confidence building measures, as the absence of violence can function as an indicator of the level of commitment to peace by the parties involved (Fortna, 2004). Starting in June 1993, Azerbaijan and Nagorno-Karabakh leaders instituted nine temporary ceasefires that lasted between three to eleven days. At first confined to the cities of Stepanakert and Agdam, the agreements were later expanded to become universal. With regional pressure, these temporary ceasefires created the necessary momentum for the signing of the Agreement on Confirmation of Commitment to Ceasefire in July 1994, and a further Agreement on Strengthening the Ceasefire in February 1995. However, the Nagorno-Karabakh case study also highlights how ceasefires can be detrimental to peace processes, in that they may alleviate the necessity to come to a political settlement, and lead to a normalization of a state of ‘no war, no peace.’

Ceasefires may also be enforced by the UNSC following a decision between parties to ceasefire, wherein UNSC resolutions specify the modalities and supervision of the suspension of hostilities. Incidents of such include Resolution 687 in relation to the First Gulf War as well as Resolution 1701 regarding the 2006 Lebanon Conflict (Bell, 2009).

IV. Content of Ceasefires

All ceasefire agreements contain ceasefire provisions, but not all ceasefire provisions are found in ceasefire agreements. Beyond this, the content of ceasefire agreements is dictated by the immediate needs of the parties involved and third party pressures. A survey of the 267 ceasefire agreements located on the Peace Agreement Access Tool (PA-X) (2018) identifies 10 items in addition to ceasefire provisions that are included in at least 33 per cent of listed ceasefires. These eleven categories address three main areas, namely humanitarian needs, security, and mechanisms mitigating conflict escalation.

A. Humanitarian provisions

Addressing humanitarian needs in ceasefires can be a result of third party pressure as well as a response to local needs. Humanitarian provisions can also be used as confidence building measures between parties to overcome commitment problems and build trust. Most commonly, humanitarian provisions address the issues of access and reconstruction, facilitation of the return of internally displaced peoples (IDPs) and refugees, and prisoner release.

Return of Refugees and Internally Displaced Persons

Provisions for the Return of Refugees and IDPs focus predominantly on facilitating and creating conditions favourable for the re-settlement of an area following conflict. Within ceasefire agreements, the prevention of refugee return is regularly listed as a ceasefire violation in addition to the endangerment of refugees by attacks on or near camps, or the use of forcible displacement as a tactic of war. In an effort to create the necessary conditions, ceasefires provide for security guarantees and granting IDPs mobility and access to infrastructure, the deployment of peacekeepers, the restoration of systems of governance, the provision of humanitarian assistance, and the commencement of demining activities. The

Guinea-Bissau Ceasefire Agreement of August 26, 1998, specifies the re-opening of Osvaldo Airport to facilitate the return of refugees and delivery of humanitarian aid. On the other hand, Liberia's Lomé Ceasefire Agreement of February 13, 1991, goes as far as committing security escorts and means of transportation by the Economic Community of West African States Monitoring Group (ECOMOG) to facilitate IDP return.

Political conditions may also be necessary to facilitate returns. For this purpose, the Agreement on the Principles for a Peaceful Settlement signed on July 21, 1992, retracts a ban on political parties to facilitate the return of political exiles. In addition to creating the necessary conditions, Joint Commissions consisting of warring- and third parties have been created to help facilitate returns in conflicts as diverse as Abkhazia, Myanmar and the Republic of Congo. In contrast, some ceasefires facilitate the evacuation of persons from conflict zones and facilitate their movement to refugee camps, such as the September 20, 2015, truce in Zabadani, Kefriyya and al-Fua, or the February 7, 2014, truce in Homs, Syria.

Humanitarian Aid, Access and Reconstruction

Humanitarian aid, access and reconstruction regularly serves as another suitable entry point for identifying common aims between warring parties. Several ceasefire agreements iterate the trope that there 'cannot be development without an end to the war.' Ceasefires from Myanmar highlight this trend to various degrees. The 2015 Nationwide Ceasefire Agreement states that the parties must "collaborate to carry out relief and rescue efforts and provision of medical supplies in the case of a natural disaster causing an emergency situation in a ceasefire area." Whereas, the 2013 8-Point Agreement between the Union Peacemaking Working Committee and Karenni National Progressive Party (KNPP) provides that "the government and KNPP [are to] cooperate for regional development." To facilitate better

living conditions, ceasefires often prescribe the formation of Joint Commissions as occurred in Aceh, Nicaragua, Somalia, and former-Yugoslavia.

To facilitate better conditions in the short term, ceasefires often negotiate access to organisations such as non-governmental organisations (NGOs), UN agencies, peacekeeping troops and facilitate movement by issuing necessary licenses and/or fast-tracking such organisations and civilians through checkpoints. Granting access can be universal or for specific locations. The 1993 Agreement on the cessation of hostilities in Bosnia and Herzegovina, for example, guarantees freedom of movement, but emphasises the use of marked corridors. Attacking third party organisations generally constitutes a ceasefire violation as in the 2010 Ceasefire Agreement between the Government of Sudan and the Liberation and Justice Movement or the 1991 Lomé Ceasefire.

Alongside humanitarian aid, ceasefires can broker the transfer of captured facilities, as well as the restoration of public utilities such as water, electricity and telecommunications in addition to guaranteeing access to such services. In Bosnia, the General Agreement to Halt the Conflict in Bosnia-Herzegovina of June 15, 1993, lists the use of utilities as a weapon, i.e. the act of shutting off water, as a ceasefire violation. Ceasefires can also emphasize the normalization of commercial activities such as the movement of goods and people, fishing, farming and trading as highlighted by ceasefires in Sri Lanka and Sudan.

Additionally, ceasefires can provide approaches to longer-term development or the stable functioning of education, transportation and healthcare infrastructure as a mutually beneficial concession between parties. The February 22, 2002, Agreement on a Ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam provides that the parties cooperate to “facilitate the extension of the rail service on the Batticaloa-line to Welikanda.” This example is context specific, but some ceasefires

emphasize that disruption of schools, universities, hospitals, health centres and industrial enterprises on both sides constitute a ceasefire violation, particularly in Myanmar.

Prisoner Release

Prisoner release is a confidence building measure with low decision costs and is regularly provided for in ceasefire agreements after 1990. Prisoners can be prisoners of war, civilians, political prisoners, and hostages, and their release can be universal or subject to restrictions, such as whether prisoners have criminal charges pending. The Nationwide Ceasefire Agreement signed by the Myanmar Government and the Ethnic Armed Organisations in 2015, committed to releasing only those charged under the Unlawful Associations Act. Eight ceasefires signed between the Nepalese Government and Nepalese rebel groups provided for prisoner release dependent on lists of prisoners submitted by each group and only after government investigations.

Prisoner release can be unilateral, as occurred in the 24-hour Ceasefire in Aarsal, Lebanon, signed in the August 2014, reciprocal, where both parties match the numbers of the other, or according to the ‘all for all’ principle, as adopted in ceasefire agreements related to Chechnya and Abkhazia. Since 2014, the Syrian conflict has also seen the development of prisoner release based on principle of ‘whitening the prisons’ as seen in the Points of Truce with the People’s Protection Units of April 24, 2014. This principle pertains to releasing combatants and political prisoners not affiliated with the Syrian regime or the Islamic State. Rarely, prisoner release may be undertaken in parallel to an amnesty. In addition to the warring parties, prisoner release is commonly facilitated by a neutral third party. Between 1990 and 2015, the International Commission of the Red Cross has aided in the processing of released prisoners in Bosnia, the Central African Republic, the Democratic Republic of Congo,

Somalia and South Sudan. The UN Protection Force, on the other hand, facilitated the release of prisoners in the 1995 Ceasefire Agreement for Bosnia and Herzegovina.

B. Security Provisions

Security provisions regularly define which acts constitute a ceasefire violation in addition to mechanisms designed to avoid confrontation. Ceasefire violations fall broadly into two categories; military activities or human rights violations. Military activities include the use of arms, mobilization or recruitment of troops, attacks, the manufacture or procurement of arms, revenge attacks, reconnaissance, and disguising military vehicles and personnel as civilians or humanitarian personnel. Human rights violations, on the other hand have a greater scope, and include not only violence against civilians – such as harassment, enslavement, torture, unjustified detention, the taking of hostages, displacement of civilians, the confiscation of land, sexual violence, and extrajudicial killing – but also the limitation of mobility through the use of checkpoints or other means as well as the disruption of government procedures and performance, or the disruption of elections. Security provisions may also include a list of what constitutes an exception to a ceasefire violation, such as defensive acts, peacekeeping activities and police actions, including preventative patrols and investigations to combat crime.

Other security provisions raise the financial and physical costs of violating a ceasefire. Cost-raising provisions include the separation of forces, the use of de-militarised zones, the cantonment of forces, and occasionally, a partial merger of forces (Fortna, 2004). Full or partial demobilisation, disarmament and reintegration (DDR) provisions can also be included as part of a ceasefire agreement, such as the withdrawal of heavy weapons beyond firing range (25km) or the placement of all heavy and medium weaponry under third party

supervision. Other measures can be instituted as confidence building measures or to facilitate implementation, such as an exchange of information regarding personnel, armaments, and prisoners, as well as opening channels of communication between parties, from high-level mediation delegations down to field commanders. Security provisions may also include the hand-over of buildings or strategic infrastructure captured or garrisoned during combat.

C. Mitigating Conflict Escalation

To ensure enforcement of a ceasefire, agreements regularly outline monitoring or enforcement mechanisms commonly incorporating aspects of power sharing or third party verification. Additional support mechanisms can be created such as Independent Fact Finding Committees, as agreed upon in Mindanao. Joint verification committees (JVCs), consisting of 3 or more members, often contain representatives from the warring parties alongside neutral observers from civil society, the international community, religious groups, and academia. JVCs can be placed on multiple levels of military command as well as specific geographic zones. The mandate of JVCs includes the inspection of vehicles entering the conflict zone in addition to investigating ceasefire violations, noting violation details, and regularly issuing reports to ensure transparency.

Other enforcement mechanisms include the creation of jointly staffed posts, patrols and checkpoints. International or regional organisations or guarantor countries may send observers who participate in joint activities or be embedded into chains of command as liaison officers. Peacekeepers regularly facilitate monitoring and verification activities when deployed.

Limitations on Rhetoric and the Media

In addition to ensuring implementation, ceasefire agreements often contain clauses aimed at avoiding the escalation of armed conflict including communication transparency and recognition of rhetoric and the media as a potential source of conflict re-ignition. Over 50 ceasefires list ‘hostile propaganda’ for ‘inflammatory purposes’, ‘sedition’ or ‘media war’ by any other means as a ceasefire violation. The Brazzaville Agreement on Cessation of Hostilities signed in the Central African Republic on July 23, 2014, provides for the parties “to desist from all propaganda, and discourse of hatred and division based on religious, tribal or partisan allegiance; and to put an end to acts of intolerance and media campaigns liable to provoke religious or political confrontation.” Territorial restrictions may apply. The Guatemalan 1996 Agreement on a Definitive Ceasefire, permits propaganda and political activities within cantonment areas, whereas one ceasefire from Liberia, prohibits hostile propaganda ‘within and outside the country.’

Other agreements place the onus on warring parties and bid them to ‘commit themselves to exercise the utmost restraint’ to avoid hostile statements. In addition, freedom of press is encouraged and some ceasefires grant the right for rebel groups to communicate with the press, or in the case of the Shan State Army-South, register its own media platform. In ceasefires from the Ossetia and Moldova conflicts, on the other hand, the parties committed to set up joint media platforms as a means of guaranteeing compliance.

D. Sui Generis Provisions in Ceasefires

Lastly, the content of ceasefires are defined by the needs of the stakeholders involved. As a result, ceasefire regularly contain clauses particular to local context that fall outside of broad classifications. One such example is the inclusion of a provision to investigate the cause of a helicopter crash in the Minutes of Disengagement between the Areas of Washafanah and al-Zawiyya signed on November 12, 2015, near Tripoli, Libya. Likely brought down by one of

the parties, the helicopter crash resulted in the death of several high-ranking militia commanders and catalysed a return to conflict following several months of ceasefire in the area. Another context specific example includes the prohibition of goods such as penlight batteries and binoculars, as well as limitations on fuel and construction materials into Northeast Sri Lanka in the February 22, 2002, Agreement on a Ceasefire between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam.

V. Conclusion

Regardless of the terminology used, a ceasefire can be a provision or an agreement where parties commit to suspending hostilities temporarily or permanently in international and civil conflicts. The content of a ceasefires is determined by the immediate needs of those party to the agreement, as well as third parties. Items regularly touched upon in ceasefire agreements include provisions with humanitarian aims, provisions with security aims and provisions outlining mechanisms that mitigate conflict escalation. Ceasefires also regularly include political provisions and commitments to continue negotiations between warring parties, but can also be issued as a stand alone agreement amid a larger peace process.

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