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Peace Agreements

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Introduction

Peace agreements are the codification of the terms of settlement between some or all conflict parties for the purpose of ending conflict between them. Between 1990 and 2018, over 1700 peace agreements have been signed across over 200 peace processes (PA-X 2019). Since the end of the ColdWar in 1989, negotiated settlements using peace and ceasefire agreements emerged to become the primary method of ending conflicts (Kreutz 2010). Formal "legalized" pacts, such as peace agreements, are useful as a means of screening the commitment of warring parties to the peace process (Badran 2014). The language, formality, and public availability of agreements introduce audience costs and reputational risks (Fortna 2004). Also, clarity in the content of an agreement provides a means of measuring whether the agreement is being upheld (Mattes and Savun 2009).

This article discusses contemporary peace agreements signed after 1990. It begins by examining significant trends in inter-, intra-, and sub-state peace agreements and outlines the six main types of peace agreements, namely, prenegotiation, ceasefire, partial, comprehensive, implementation, and renewal agreements. The article then goes on to provide a brief survey of the aims and issues that peace agreements may address.

Inter-, Intra-, and Sub-state Peace Agreements

Broadly categorized, peace agreements are applied in relation to inter- or intrastate conflicts. Peace treaties signed by states to end interstate disputes become part of international law. Indeed, some of the most influential international agreements, such as the Treaty of Westphalia signed in 1648, are peace agreements. Between 1990 and 2018, only 4% of peace agreements listed on the Peace Agreement Access Tool (PA-X) Database address interstate conflicts. The majority of interstate peace agreements since 1990 relate to the resolution of territorial claims. Many disputes originated during the Cold War period such as the 1962 Sino-Indian and 1969 Sino-Russian conflicts. More recent border disputes settled with peace agreements occurred between Ethiopia and Eritrea from 1998 to 2000 (with the final agreement signed in 2018), Eritrea and Djibouti in 2010, and Ecuador and Peru between 1995 and 1998.

Interstate peace agreements may also relate to confidence-building as well as ending direct and indirect confrontations between states. Agreements signed in the 1990s between India and Pakistan included notification procedures for troop mobilization and ballistic missile testing, among other matters. Interstate agreements may also facilitate a détente on sudden escalations in violence. This was a case regarding the UN Security Council Resolution 1701 (2006) that brought an end to the 34-day war between Israel and Hezbollah. Finally, interstate agreements may be signed between states to address the regional facet of domestic conflicts. The Accord de N'Djamena signed in January 2010 between Chad and Sudan, for example, aimed to mutually end state support for hostile insurgent groups in each state.

Within domestic contexts, the legality of peace agreements depends on factors including the legitimacy of past regimes, existing legal frameworks, the degree of state institutionalization, and whether agreements are underpinned by the United Nations Security Council. Some comprehensive peace agreements such as Arusha Accords in Burundi seemingly go beyond existing constitutional frameworks and initiated the creation of new constitutional orders. On the other hand, other agreements such as the Accra Comprehensive Peace Agreement signed in Liberia in 2003 explicitly state that they must adhere to existing legal frameworks. There is, in addition, a marked increase in the use of such documents addressing civil conflicts. On average, a peace process produces roughly ten agreements. However, this varies widely. Between 1990 and 2015, the peace processes in Colombia produced over 110 documents. In comparison, the Chittagong Hill Tracts process from 1991 to 1997 in Bangladesh produced only one agreement.

In civil conflicts, peace agreements are regularly produced via national-level peace negotiations between high-level state actors and varying constellations of insurgent, political, and civil groups. However, with national-level processes stalling and the limited reach of governing institutions, increasing examples of sub-state peace agreements have emerged. The most apparent examples of these "local" agreements are those produced in the context of pastoral-agrarian conflicts across Kenya, Nigeria, Somalia, South Sudan, and Sudan. Indigenous conflict resolution actors such as traditional or religious leaders play a central role in brokering the resulting agreements. A well-known local agreement emerged from the Wunlit Peace Conference held in March 1999 in Bahr el Ghazal State, Sudan (now South Sudan). Facilitated by the New Sudan Council of Churches, the conference brought together 277 delegates from the Nuer and Dinka tribes. State officials were not present at the conference since the Sudanese government of Omar al-Bashir was unwilling to engage in the process. Nonetheless, local governance actors such as Riek Machar's South Sudan Defence Forces took part. Following eight days of deliberation, participants discussed and issued resolutions on topics including missing persons, land issues, border control, disarmament and absorption of militias, institution-building of joint police and courts, application of customary law, and freedom of movement.

These "local" agreements often have an unclear relationship to the state- and national level peace processes, although local state actors, such as governors or mayors, may be involved. The weakening of centralized state control in conflicts in Libya, Syria, and Yemen after 2011 saw numerous localized agreements signed between state and non-state actors most often providing for suspension of hostilities, access to humanitarian aid, safe passage, and reparations. In January 2014, after fighting between Ansar Allah and the students of the Dar al-Hadith Institute in Dammaj, Yemen, two agreements were mediated by the transitional government, despite the state's inability to end the actual conflict. In Libya, in February 2017, on the other hand, municipality members signed an agreement between nine tribes around the city of Tarhunah that called for calm.

Defining Peace Agreements

Whether inter-, intra-, or sub-state, peace agreements face problems of definition. As indicated by Christine Bell (2010), these problems relate to three aspects. First is the matter of conflict threshold – commonly held at 25 battle-related deaths per annum as defined by the Uppsala Conflict Data Program. However, these numbers regularly seem arbitrary. After violent repression of protests in 2012 related to the Barro Blanco hydroelectric dam project, the dialogue between the Ngäbe-Buglé population and the Panamanian government produced a number of agreements with peace agreement characteristics but are nonetheless disqualified due to an insufficient number of deaths.

Second, it is not always clear when a document is agreed. A strict definition of peace agreements, whereby the agreements must be signed by the conflict parties, could, for example, exclude documents issued as part of a greater peace process choreography of statements. During the 2002–2003 Sri Lankan process, statements issued by the Norwegian government listed items agreed upon by the Sri Lankan government and the Liberation Tigers of Tamil Eelam. Alternatively, in Northern Syria in July 2017, an attempted ceasefire process between the insurgent groups, Hayat Tahrir al-Sham and Ahrar al-Sham, was choreographed through the release of multiple statements by each side. Agreements imposed by the United Nations Security Council also pose conceptual difficulties. Resolution 1701, for instance, effectively ended armed confrontation. Although

issued and brokered by the Security Council, the resolution was ratified by both Israeli and Lebanese parliaments within 2 days of its release, as well as agreed to by the head of Hezbollah, Hassan Nasrallah.

Third, it is unclear whether agreements to normalize relations between conflict parties after a prolonged armistice are in fact peace agreements. Agreements settling the border dispute between China and Russia signed during the late 1990s and early 2000s, for example, occurred over 30 years after violence subsided. Unlike more recent conflicts, their content was focused on border demarcation rather than security modalities or other issues.

Peace Agreement Types

Peace processes are rarely linear in form. Nonetheless, peace agreements can be largely grouped into six main categories depending on what that agreement attempts to achieve. Any of the following agreement types may occur at any point during a peace process. As first identified by Bell (2000), these six categories are pre-negotiation, ceasefire, partial, comprehensive, renewal, and implementation/renegotiation agreements (Bell et al. 2019). This section briefly explains what each category contains.

Pre-negotiation Agreements consist of documents agreeing to what principles will be discussed and how the process will unfold. Two other subcategories of pre-negotiation documents include those with confidence-building measures, such as prisoner release or evacuation of the wounded, or sui generis pre-negotiation documents such as humanitarian agreements or other principles. Any pre-negotiation agreement can contain a mixture of these items.

Ceasefire Agreements focus on security provisions within peace agreements and must contain provisions on suspending hostilities. Ceasefires may function as pre-negotiation agreements and introduce agenda items in addition to concessions deemed necessary to bring about an end to conflict as well as confidence-building measures such as prisoner release, humanitarian access, the separation of forces, and partial disarmament, among other provisions.

Partial Agreements generally focus on either multiple issues that are not dealt with comprehensively and potentially require further deliberation or a core issue. The Colombia peace process from 2012 to 2016, for example, issued core-issue agreements related to the illegal drug trade, victims' reparation, land reform, landmine clearance, the creation of a committee on missing persons, and the negotiated release of an Organization of American States delegation.

Comprehensive Agreements aim, or claim, to provide a comprehensive solution to the conflict through establishing a broad framework. Among the most well-known comprehensive agreements is the Arusha Peace and Reconciliation Agreement signed on August 28, 2000, between the Burundian government and 17 political parties and insurgent groups. The Sun City Agreement, signed on April 2, 2004, between the government of the Democratic Republic of Congo, six insurgent groups, and the unarmed opposition, is another prominent example. Of the comprehensive agreements listed on PA-X, 44% provide for some means of constitutional reform. Indeed, following the South African political transition from Apartheid that took the form of constitutional reform and the drafting of the 1993 Interim Constitution, there has been a proliferation in the use of constitution- making in peacebuilding practices worldwide. In such cases, the interim constitution or new constitution may be the actual peace agreement itself.

Implementation Agreements follow partial or comprehensive agreements and discuss implementation modalities. These can be incredibly specialized. The Joint Communique #52, signed on March 7, 2015, between the Colombian government and FARC-EP rebels, focuses entirely on the clearance of landmines and unexploded ordinance. These agreements may also be used to renegotiate contentious issues by extending participation to new parties.

Renewal Agreements, finally, are usually short one-page documents simply reaffirming previous agreements between conflict parties. In 2015, the parties to the Mindanao peace process reaffirmed the mandate of the

international monitoring team in separate regions from January to May 2015. They ensure that negotiating parties remain committed and may function as confidence-building measures.

The Contents of Contemporary Peace Agreements

The content and design of peace agreements is constrained by the competing agendas of conflict parties, normative objectives, and existing regulatory frameworks. In the broadest sense, peace agreements regularly address subjects identified as root causes of conflict, the structure and form of future governance, as well as means of facilitating reconciliation. The contents of peace agreements can be remarkably broad and deal with items as varied as cultural heritage and education, in addition to the more common features listed below. The following categories are not comprehensive but aim to illustrate the diversity of items included in peace agreements.

Security: Security is one of the most common aspects included within peace agreements and is found in 85% of the agreements listed on PA-X. Beyond a suspension of hostilities and affiliated prohibited actions, security provisions deal with collaborative endeavors such as the disarmament, demobilization, and reintegration of insurgent forces, and the reform of existing security forces. The activities and mandates of police and military branches may be revised in addition to chains of command. Many peace agreements propose the formation of joint commissions consisting of members of opposing groups to monitor or exercise policing functions during the disarmament process. Additionally, an agreement may suggest the merger or eventual merger of forces into the state security forces to absorb the labor pool of potential insurgents. Other security aspects include de-mining, anti-weapon proliferation, training, anti-terrorism, and organized crime initiatives. Additionally, an accord may specify the withdrawal or deployment of international troops in regional or international peacekeeping contingencies.

Governance: Provisions related to governance, including the form and the structure of political institutions, are the second most common aspect touched on in peace agreements. Key aspects to this relate to access to political institutions, which may be undertaken through the methods of (1) power-sharing, i.e., where the parties negotiate the share of seats designated to each conflict party, or (2) reforming 'checks and balances' within political institutions in addition to electoral and constitutional reform. The shape of the state is closely linked to resulting political systems, including whether the state is unitary or federal in form or whether there will be autonomous or "special" regions. Beyond elite politics, peace agreements may also require quotas or guarantees of equal access to civil service positions for different sub-national groups, including religious or ethnic minorities, or the increased liberalization and participation of civil society organizations and traditional forms of collective association. Governance provisions in peace agreements signed in areas with limited state power regularly underpin the roles and responsibilities of various groups in relation to each other. In such agreements, the state is regularly included among the parties, but as the first among equals, rather than the most powerful group.

Human Rights: To provide reassurances to non-elite groups, peace agreements often contain references to equality and human rights. These may be briefly and generically worded but nonetheless allude to the importance of human rights for underpinning the rule of law. Rights incorporation ranges from the guarantee of single rights to the incorporation of treaties and occasionally listing rights to be included in new constitutions. Rights can be generically categorized as civil and political rights, including right to life, equality, humane treatment in detention, movement, speech, association, fair trial, privacy and family life, freedom from torture, slavery, freedom to take part - and thought, opinion, conscience, and religion. On the other hand, social and economic rights include the right to property, work, health, education, adequate standard of living, shelter, welfare, and cultural rights. The enforcement of rights listed in peace agreements may fall to the court system and/or human rights commissions, ombudsmen, and international or regional human rights bodies, such as the International Criminal Court.

Socioeconomic Reconstruction, Development, and Access to Resources: Peace agreements may also address economic development as a remedy of economic marginalization that may have catalyzed conflict and/or the rebuilding of infrastructure following its destruction as an outcome of conflict. To facilitate

reconstruction, peace agreements may indicate the need for international funding and initiate international funding conferences. The General Peace Agreement for Mozambique signed on October 4, 1992, for instance, called on the Italian government to convene a donor's conference. Some peace agreements may even specify limitations and rights of the state and specific groups within it regarding access to certain resources. Provisions along these lines can include the regulation of taxation or recreation of a central bank to underpin fiscal policy. Alternatively, an agreement may specify the centralization of power over natural resources or secure the devolution of sovereignty over these resources to local authorities. To address perceived injustices, land reform or access to water may be undertaken. Extensive land reform provisions were included in agreements from Colombia and Guatemala. In other instances, access to water including wells, rivers, canals, ports, harbors, and dams has been addressed. Disputes over water wells, for example, feature as an essential dispute in several local peace agreements signed during the 2000s in Somalia.

Justice Sector Reform: Reform of the justice sector is less frequently mentioned in peace agreements but may be necessary depending on the degree of the sectors' involvement in the conflict. A common provision featured in peace agreements from 30 separate conflicts over the past 25 years calls for efforts to make the courts more independent. Other attempts at judicial reform range from reform to specific laws, to the delimitation of duties and jurisdictions of particular courts, as well as to the reform of court structures and mechanisms for the appointment of personnel. Reforms may also be made in regard to the power to implement and extend states of emergencies, as well as the incorporation and sectoral delimitation of traditional and religious laws. Multiple peace agreements from Sudan, for instance, specify the use of the hawakir land system – a system based on pre-colonial land rights – as a mechanism of solving land disputes in the Darfur region.

Transitional Justice: In order to remedy human rights abuses of the conflict period and to rebuild trust between the state and its population, peace agreements regularly include transitional justice provisions. Transitional justice-related provisions may target defined segments of the population including missing persons and prisoners to inform or reunite families. Alternatively, victims of conflict may be granted reparations including material compensation for lost family members, time (such as through imprisonment), resources, or property. Amnesties or pardons may be included to incentivize an end to conflict or to promote reconciliation. Amnesties, however, may not be possible in the case of atrocities such as genocide or crimes against humanity. In such cases, international and domestic law may mandate prosecution of both the most serious offenders and egregious offences through national or international special criminal courts. As an illustration, the Gacaca court system in Rwanda was created in the aftermath of the 1994 genocide to facilitate the prosecution of over 500,000 individuals for war crimes and worked alongside the International Criminal Tribunal for Rwanda (ICTR) to accomplish these goals. Truth and reconciliation commissions may also be utilized to facilitate discussion and closure for victims and perpetrators.

Implementation: The implementation phase of a peace process is the most precarious, and many deals unravel within a few years, leading to renewed conflict cycles. To improve the chance of achieving successful outcomes, peace agreements regularly contain mechanisms to provide for their implementation. These mechanisms can include a constellation of sub-national, national, and international actors. The members of implementation committees regularly come from conflict parties in addition to third parties such as states, regional organizations, or the United Nations. Implementation committees may be responsible for monitoring and verifying the rate of implementation, or, in other cases, a separate body may undertake these functions. Discrepancies in the interpretation of agreements may be solved within such committees, by independent commissions, by third-party mediation, or through the courts.

Conclusion

Negotiated for the purpose of ending violent conflict between opposing parties, peace agreements can relate to interstate and intrastate conflict and involve state and non-state parties. The legal status of intrastate is often unclear (Bell 2006). Nonetheless, the practice of using intrastate agreements has increased since the end of the Cold War and proliferated in sub-state contexts that may no longer include state actors in a hierarchical way. There are six identifiable peace agreements "stages" although they rarely occur in a linear

order. Additionally, the content of peace agreements is only limited by the agendas of negotiating parties, imposed norms, and potentially existing regulatory frameworks. Regularly addressed topics include security modalities, future governance form and structure, human rights, reconstruction, development and access to resources, reform of the justice sector, transitional justice, as well as modalities of implementation.

References

Badran, R. (2014). Intrastate peace agreements and the durability of peace. Conflict Management and Peace Science, 31(2), 193–217.

Bell, C. (2000). Peace agreements and human rights. Cambridge: Cambridge University Press.

Bell, C. (2006). Peace agreements: Their nature and legal status. The American Journal of International Law, 100, 373–412.

Bell, C. (2010). Contemporary peace agreements and accords. In N. J. Young (Ed.), The Oxford international encyclopaedia of peace. Oxford: Oxford University Press. Retrieved from http://www.oxfordreference.com/view/10.1093/acref/9780195334685.001.0001/acref-9780195334685-e-142.

Bell, C., Badanjak, S., Forster, R., Jamar, A., McNicholl, K., Nash, K., Pospisil, J., & Wise, L. (2019). PA-X Codebook, Version 2. Political Settlements Research Programme, University of Edinburgh, Edinburgh. June. http://www.peaceagreements.org.

Fortna, V. (2004). Peacetime: Cease-fires and the durability of peace. Princeton: Princeton University Press.

Kreutz, J. (2010). How and when armed conflicts end: Introducing the UCDP Conflict Termination dataset. Journal of Peace Research, 47(2), 243–250.

Mattes, M., & Savun, B. (2009). Fostering peace after civil war: Commitment problems and agreement design. International Studies Quarterly, 53(3), 737–759.

PA-X. (2017). Peace Agreement Access Tool. University of Edinburgh. http://www.peaceagreements.org. Accessed 23 Feb 2018.

Further Reading

Bell, C. (2006). Peace agreements: Their nature and legal status. The American Journal of International Law, 100, 373–412.

Ludsin, H. (2011). Peacemaking and constitution-drafting: A dysfunctional marriage. University of Pennsylvania Journal of International Law, 33(1), 239–311.