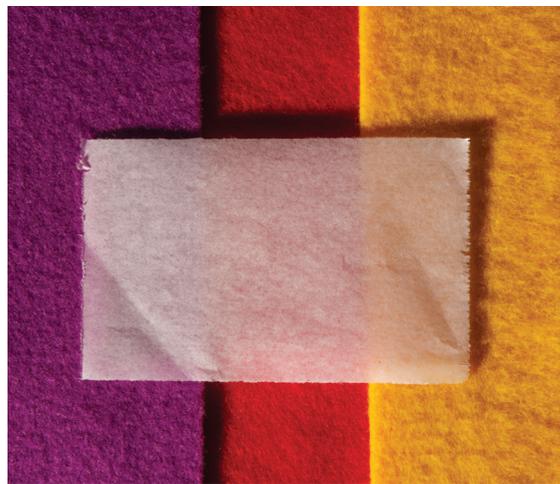


PA-X REPORT: HUMAN RIGHTS SERIES



Exploring Potential Connections Between Peace Agreements and Human Rights Treaty Ratification

Sean Molloy



This research draws on the PA-X Peace Agreements Database (www.peaceagreements.org), a database of all peace agreements at any stage of the peace process from 1990 to 2019. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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Executive Summary

This short report examines the relationship between peace agreements and the ratification of international human rights treaties (IHRT). It seeks to identify when and how peace agreements contribute to the ratification of IHRT.

The report sets out a number of ways that peace agreements may compel a move to treaty ratification, namely if:

- ▶ a peace agreement includes express commitments that for the ratification of IHRT whose implementation then follows;
- ▶ a peace agreement includes general commitments to human rights, which could serve as the basis for subsequent ratification but could take longer;
- ▶ a peace agreement addresses specific issues (for instance, children) leading to ratification of specific human rights treaties; and
- ▶ a peace agreement creates avenues for subsequent ratification such as, for example, improving the space for civil society actors to advocate in favour of a state committing to IHRT.

This report demonstrates that the relationship between ratification and peace agreements is varied. In some cases, ratification occurs within a relatively short period after the signing of an agreement, often 18 months or less. In other cases, the period between ratification and the signing of a peace agreement is much longer, sometimes years. While we cannot attribute ratification only to a prior peace agreement commitment, where human rights provisions have been included in peace agreements and ratification later followed, understanding how the peace agreement might have helped promote or even require ratification is useful. While a full examination of the role that the peace agreement might have played in promoting ratification of a treaty is beyond the scope of this report, the report concludes by drawing attention to the need for further research on both the reasons for the inclusion of human rights in peace agreements and the impacts of IHRT ratification in societies emerging from conflict to peace.

Introduction

Countries emerging from periods of war are often characterised by the disregard for human rights that preceded conflict and the inevitable human rights violations that accompany it. It is perhaps not surprising then that human rights provisions are very common in peace agreements. For instance, Bell (2000) examines the human rights provisions contained in four peace processes, namely Bosnia, Northern Ireland, South Africa and Israel/Palestine. Elsewhere, the same author examines human rights provisions in such contexts including El Salvador, Mozambique and Guatemala (Bell 2006). In all cases, Bell identifies the relationship between human rights as causes and consequences of conflict and the salience of rights to conflict resolution and peacebuilding. Joshi, Lee and MacGinty (2014: 367) found that at least 90 per cent of comprehensive peace agreements include provisions related to at least one of the following: human rights; refugees/Internally Displaced Persons (IDPs); or minority/indigenous rights. Caspersen (2017) tempers this argument slightly by noting that while post-Cold War peace agreements are almost all written in the language of human rights, the degree to which they provide a basis for effective human rights protection depends significantly on the type of conflict the agreement is trying to resolve. What all these scholars show, however, is that peace agreements, albeit in different ways and to different degrees, can seek to integrate human rights into the post-conflict landscape, particularly when rights violations have played a central role in societies prior to an agreement being reached.

Ratifying International Human Rights Treaties (IHRT) as part of a peace process would seem very important. When states ratify IHRT, they commit publicly to and are bound by international law to respect, protect, realise, and promote rights within their own territory and, at times, further afield (King 2009). Perhaps more importantly, ratification triggers forms of scrutiny: United Nations (UN) treaty bodies, domestic and regional courts, national human rights institutions (NHRI), mechanisms of the Human Rights Council (HRC), such as the Special Rapporteurs and the Universal Periodic Review, and civil society organisations, all monitor states' adherence to the obligations included in IHRT (Smith 2018). The act of ratification can serve as an important signal that the state in question is on a trajectory towards being a human rights-respecting state, signalling a break with the past.

This report examines the relationship between peace agreements and the ratification of IHRT. It seeks to identify when and how peace agreements make human rights commitments that might contribute to a state moving to ratify IHRT. The report does this by examining when a peace agreement commitment to human rights has been followed by ratification of a human rights treaty. This report is limited in that it does not attempt to engage with discussions on the forms of influence and strategies adopted to promote ratification and a strong assessment of the role that the prior peace agreement played, and the range of other actors and influences that might have played a role. However, it does provide baseline data as to when human rights commitments in peace agreements have seen states subsequently ratify IHRT and explores the possible connections.

Approach

Using empirical data drawn from a review of peace agreements and processes globally and ratification of IHRT by states, this research explores when and how ratification of IHRT follows the signing of a peace agreement (see Box 1 for an overview of IHRT). This work draws on a number of existing data sources, such as the University of Edinburgh's, Political Settlements Research Programme's Peace Agreements Database, PA-X,¹ the Office of the High Commissioner for Human Rights Status of Ratification Interactive Dashboard² and the UN Treaty Body Database.³ The intention is firstly to identify when peace agreements might lead to ratification. Secondly, the discussion looks at the content of peace agreements and in particular, why peace agreements might lead to ratification – both in the short and long term.

¹ Christine Bell, Sanja Badanjak, Robert Forster, Astrid Jamar, Sean Molloy, Kevin McNicholl, Kathryn Nash, Jan Pospisil, and Laura Wise (2019). PA-X Peace Agreements Database and Dataset, Version 2. www.peaceagreements.org

² <http://indicators.ohchr.org/>

³ <https://tbinternet.ohchr.org/>

Box 1: Core International Human Rights Treaties

TREATY	ABBREVIATION	DATE
International Convention on the Elimination of All Forms of Racial Discrimination	ICERD	21 Dec 1965
International Covenant on Civil and Political Rights	ICCPR	16 Dec 1966
International Covenant on Economic, Social and Cultural Rights	ICESCR	16 Dec 1966
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	18 Dec 1979
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	10 Dec 1984
Convention on the Rights of the Child	CRC	20 Nov 1989
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	ICMW	18 Dec 1990
International Convention for the Protection of All Persons from Enforced Disappearance	CPED	20 Dec 2006
Convention on the Rights of Persons with Disabilities	CRPD	13 Dec 2006

There are different relationships between the signing of a peace agreement and ratification, demonstrated by the varying ranges of time that elapse between when an agreement is signed and when an IHRT is subsequently ratified. In some cases, ratification occurs very quickly – classified here as within 6 months of an agreement. In Bosnia Herzegovina, for instance, the state ratified the CRPD 3 months after the signing of the 1993 [Vance-Owen Plan](#). 5 months after this agreement was signed, Bosnia Herzegovina ratified a further 5 treaties (ICCPR, ICESCR, CEDAW, CAT, CRC) on 1 September 1993. In this case, the large number of ratifications is no doubt explained, in part, by the fact that pursuant to the peace process, Bosnia emerged as a new state and thus one without prior opportunity to commit to international human rights standards. Indonesia ratified both the ICCPR and ICESCR 6 months after the signing of the [Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement](#) (15 August 2005). In two cases - Ethiopia and Bahrain - the distance was 4 months or under from agreement to ratification. In Ethiopia, following the signing of the [Transitional Period Charter of Ethiopia](#) on 22 July 1991, the state ratified the CRC. In Bahrain, the state ratified CPRD on 22 September 2011, four months after signing the [Bahrain National Dialogue Proposals, Executive Summary](#) on 28 July 2011.

In other cases, ratification has occurred between 7 and 12 months after the signing of a peace agreement. In Cambodia, following the signing of the [Paris Accords](#) (23 October 1991), the state signed 2 agreements (ICESCR and ICCPR) within 7 months and 3 additional agreements (CEDAW, CAT, and CRC) within a year. In Mozambique, 10 months after the signing of the [General Peace Agreement](#) on 4 October 1992, the state ratified the ICCPR. Similarly, in Zimbabwe, the state ratified CRPD on 23 September 2013, 7 months after the adoption of the peace agreement [Constitution](#) on 19 March 2013. Uganda followed a similar pattern with the CRPD adopted 7 months after the signing of the [Agreement on Disarmament, Demobilization and Reintegration, Juba, Sudan](#) on 29 February 2008.

There are further examples of ratification that has occurred between 12 and 18 months after the signing of a peace agreement: Liberia and Djibouti. In the case of the latter, following the signing of the [Accord de Réforme et de Concorde Civile](#) (12 May 2001), Djibouti ratified a total of three treaties (ICCPR; ICESCR; and CAT) on 5 November 2002. In Liberia, a period of 13 months passed from the signing of the [Accra Agreement](#) on the 18 August 2003 and the ratification of 4 IHRT (ICCPR, ICESCR, CAT and ICMW).

Then there are examples of ratification occurring within slightly longer periods – 2 to 3 years (Afghanistan, Burundi, Ethiopia, Iraq), and 1 and a half to 2 years (Tajikistan and Sierra Leone). In Afghanistan, for example, while the state signed the [Renewed Commitment by the Afghan Government to the Afghan People and the International Community to Afghanistan \(Kabul Conference Communiqué\)](#) on the 22 August 2010, the CPRD was not ratified until 18 Sep 2012, over two years post-agreement. In Tajikistan, while the [Protocol on the Guarantees of Implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan](#) was signed on May 27, 1997, the ICCPR and ICESCR were not ratified until 4th January 1999. In the Central Africa Republic, 3 years after signing the 2013 [Transitional National Charter](#), the state ratified the CAT; CPED; and the CRC on the 11 October 2016.

In many cases, states will in fact have already committed at least technically legally, to abide by international standards by ratifying prior to, or during conflict. As Box 2 demonstrates, even in these cases it is common for agreement provisions to reiterate a state's existing obligations under international human rights law.

Box 2: Provisions Reiterating Existing Obligations under Ratified IHRT

Colombia, Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, 24 November 2016, Preamble

Emphasising that the rights and duties enshrined in the Charter are interpreted in accordance with international treaties on human rights ratified by Colombia and their enjoyment or exercise may not be subject to any limitation;

DRC, Intercongolese Negotiations: The Final Act ('The Sun City Agreement') 2 April 2003, art. 6(2)

The reform of military courts, especially in that they must no longer have the authority to judge civilians and must guarantee the right to appeal and the right to defence of the individuals under their jurisdiction in accordance with the relevant provisions to international legal instruments ratified by the DRC

Rwanda, Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions, 3 August 1993, art. 3(3)

The State Security Services shall be guided by the following principles:
[...]

They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.

South Sudan / Sudan, The Interim National Constitution of the Republic of Sudan 2005, 6 July 2005, art. 32(5)

The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.

Why Might States Ratify International Treaties?

As the above demonstrates, while there appears to be some relationship between the signing of a peace agreement and ratification, there are significant divergences in when countries ratify IHRT after the signing of a peace accord. It should also be noted, that even a close time period does not mean that the peace agreement itself has played a decisive role in ratification. But periods prior to and during conflict are often preceded by a notable lack of human rights protections. As such, the concept of transition does not simply mean moving from conflict to peace. It also entails a broader effort to transform society along various trajectories (economic, legal, political, social and peace agreement commitments), which might be necessary to lay the foundations for subsequent ratification.⁴ Whether agreement commitments propel ratification, or whether ratification is understood as a parallel commitment emanating from the same underlying impetus that propels agreement to end the conflict, post-conflict ratification of IHRT would seem to signal an attempt to implement this broader shift, or at least be seen to be doing so.

This might be the case even if there is a longer period between agreement and ratification. For instance, in South Africa, the post-agreement government took the position that it should reform all inconsistent laws *before* ratifying IHRT, rather than just ratifying with apartheid laws still technically in place. Ratification, in other words, is sometimes part of a broader and longer-term process, which creates the conditions for ratification to occur, and delay may be due to taking human rights commitment seriously, as well as due to feet-dragging. The discussion below examines how peace agreements refer to human rights explicitly, and the ways in which the type of commitment made to human rights might be understood to influence a country to move to ratify IHRT shortly after a peace agreement, and some of the reasons a longer time period may elapse.

⁴ See, for example, the case of Myanmar, which is said to be undergoing a triple transition: from an authoritarian military system to democratic governance; from a centrally-directed economy to market-oriented reforms; and from 60 years of conflict to peace in the border areas.

Express Provisions to Ratify

The first way that peace agreements may influence ratification post-agreement is by including express provisions to do so. For instance, in Rwanda, article 15 of the Protocol of Agreement between the Government of the Republic of Rwanda and Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions stated that 'The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified.' There are, however, relatively few examples of IHRT following express commitments.

Nevertheless, in other cases, peace agreements inadvertently promote ratification by committing states to adhere to international human rights standards, which they have not yet ratified. This can perhaps be understood as requiring states to ratify IHRT. For instance, in the case of Aceh, the 2005 [Memorandum of Understanding signed between the Government of Indonesia \(GoI\) and Free Aceh Movement \(GAM\)](#) states that the 'GoI will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights' (art. 2(1)). Six months after the agreement, both treaties were ratified. Similarly, in Cambodia art. 3 of the 1991 [Framework for a Comprehensive Political Settlement of the Cambodia](#) Conflict commits the government to 'ensure respect for and observance of human rights and fundamental freedoms in Cambodia' and 'to adhere to relevant international human rights instruments.' As outlined above, between 7 and 12 months after the agreement, Cambodia had ratified the ICCPR, ICESCR, CEDAW and CRC. In Bosnia, the 1993 [Vance-Owen Plan](#) contained similar wording providing that 'all persons in Bosnia and Herzegovina shall be entitled to all rights provided for in the existing Constitution and in applicable legislation in force, as well as to all rights provided for in specified international instruments on human rights.' Bosnia subsequently ratified a number of IHRT later that year.

General Commitments to Human Rights

Peace agreements also include general references to human rights, perhaps laying the foundations for subsequent ratification. In Mozambique, for instance, the [General Peace Agreement for Mozambique](#) (4 October 1992) commits the state to guarantee a number of civil and political rights. It stipulates that '[a]ll citizens shall have the right to freedom of expression, association, assembly, demonstration and political activity' (art. 3). It further noted that '[a]ll citizens shall have the right to move about throughout the country without having to obtain administrative authorization' (ibid). Ten months after the agreement, the state ratified the ICCPR and CRC. The ratification of numerous IHRTs approximately 18 months after the signing of the [Accord de Réforme et de Concorde Civile](#) in Djibouti can be viewed in a similar light. A comprehensive framework agreement, the Accord includes provisions that seek to ensure that rights are respected. This includes affirming the UDHR and African Charter on Human Rights (art. 13), as well as various other provisions and commitments to human rights. For instance, the agreement provides that 'solutions to the fundamental causes of the conflict will depend on the genuine exercise of rights and liberties' (art. 3) and stresses the importance of equality and non-discrimination, as well as detailing the salience of a number of specific rights.

On other occasions there is, however, no follow through to ratifying human rights commitments, for reasons that would need to be explored further. For instance, in Myanmar, a number of peace agreements have included such commitments to promote 'universal principles of freedom, equality, and justice' (Agreement Between the Chin National Front (CNF) and Union-Level Peace Working Committee at the 2nd Round of Peace Talks, 9 December 2012); protect 'basic human rights of the people in the future' (Chin National Front (CNF), Government Ceasefire Agreement), 7 May 2012, art. 2); and to 'Guarantee the human rights and safety of all civilians' (Statement on Initial Agreement between the Karen National Union (KNU) and Burmese Government), 13 January 2012, art. 2). And yet Myanmar has, to date, only ratified two major IHRT- ICESCR and CEDAW. Thus, while general commitments to human rights can lead to ratification, it is not guarantee that they will.

Agreements Addressing Specific Issues Lead to Ratification of Specific IHRT

Another way the peace agreement may have promoted IHRT ratification is by including provisions on specific rights issues. While the data in this report is limited to primarily IHRT, it is worth briefly considering various optional protocols, which can, amongst other things, expand on the nature of protections afforded to specific groups or provide for individual complaints mechanisms (see Box 3).

Box 3: Optional Protocols

TREATY	ABBREVIATION	DATE
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	ICCPR-OP2	15 Dec 1989
Optional Protocol to the Convention on the Elimination of Discrimination against Women	OP-CEDAW	10 Dec 1999
Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	OP-CRC-AC	25 May 2000
Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	OP-CRC-SC	25 May 2000
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	OP-CRC-IC	14 Apr 2014
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	OP-CAT	18 Dec 2002
Optional Protocol to the Convention on the Rights of Persons with Disabilities	OP-CRPD	12 Dec 2006

There is some evidence of cases where these types of issue have been viewed as key, that the associated specific treaty has been ratified. In Burundi, for instance, less than one month after the signing of the [Constitution de transition du 28 Octobre 2001](#), which constituted the Arusha Peace Accord, the state signed both the OP-CEDAW and OP-CRC-AC. There are no express provisions in either the Arusha Accord or the interim constitution providing that the state should adopt these treaties. However, both do address women and children in armed conflict and might explain the ratification of treaties specific to these issues post-accord. As an illustration, the transitional Constitution stresses the importance of equal treatment between men and women (art. 23). It stipulates the importance of gender inclusion in such institutions as the Transitional Government of National Unity (art. 105) and the judiciary (art. 166) and stresses the salience of a non-sexist culture within their organisations (art. 199).

Under the OP-CEDAW, states recognize 'the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications' of, for example, unequal treatment on the basis of gender (OP-CEDAW, art. 1). Committing to OP-CEDAW can be seen as an extension of these commitments, enabling individuals to hold the state to account for failing to honour its commitments. In reference to OP-CRC-AC, the [Burundian Constitution de transition du 28 Octobre 2001](#) provides, amongst other things that 'every child has the right... to be protected against abuse, acts of violence and exploitation' (art. 39) and that 'no child may be used directly or indirectly in an armed conflict' (ibid). The agreement goes on to provide that the 'protection of children is ensured in periods of armed conflict' (ibid). The OP-CRC-AC, which provides, amongst other things, that States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities (OP-CRC-AC, art. 1) is a logical next step for Burundi in light of these commitments.

Another example can be seen in reference to Uganda. Seven months after the signing of the 2008 [Agreement on Disarmament, Demobilization and Reintegration](#), the state ratified the CRPD. While no express provisions address the ratification of treaties, there are various references to disabled people, particularly those that have sustained injuries because of the conflict. For instance, the agreement provides that the Government of Uganda will 'make special provisions for children who may require... treatment for war related illnesses and injuries, targeted mental health services, and other specialised services' (art. 2). The agreement also states that the '[p]arties agree to ensure the earliest repatriation of persons requiring medical attention and persons with disabilities' (ibid) and provides further that the Ceasefire Monitoring Team monitor the implementation of specific clauses on, amongst other things, persons with disabilities (ibid). Similar patterns exist elsewhere. In Bahrain, for instance, 4 months following the signing of the 2011 [Bahrain National Dialogue Proposals, National Dialogue](#) the CRPD was ratified. Again, while no express provision for ratification is included, the agreement does contain a number of commitments to the disabled. For instance, the agreement provided that:

The National Dialogue recognised the importance of protecting the rights of women, children and persons with special needs. ...People with special needs will be granted better access to education and specialised bodies through the adoption of a National Strategy on the rights of people with special needs in September 2011. Delegates called for improved coordination between the government and civil society organisations protecting the rights of people with special needs (art. 3(d)(3)).

This is similar to the case of Nepal where, pursuant to the 2007 [Interim Constitution](#), the state ratified the OP-CEDAW within six months. This agreement included a range of provisions addressing gender equality and non-discrimination based on sex (see, for example, art. 13). This is akin to the case of the DRC where the 2001 [Acte d'Engagement Gaborone](#) provides, amongst other things that the parties to the agreement will protect against 'child mutilation and deportations'... (art. 7). Three months after this agreement, the state ratified the OP-CRC-AC. In these cases, the ratification of issue specific treaties can at least be partially explained by commitments contained with peace agreements, which provide that states to take efforts to address the issues in question.

Ratification Promoted by Changes to the Civil Space

Less directly, but no less importantly, peace agreements may also influence ratification of human rights treaties by helping to create conditions conducive to subsequent ratification. For instance, some scholars attribute ratification to the role of domestic civil society actors to put pressure on the state to adopt IHRT (Moravcsik, 2013). Other scholars examine the potential linkages between domestic and international civil society organisations to advocate for treaty ratification (Risse, Ropp, and Sikkink, 1999). Peace agreements, in a range of ways, can help to bring about reforms whereby civil society is able to function, often without the civil society space being encroached by restrictive laws and policies. For instance, peace agreements can attempt to promote democracy and pluralism (see [Colombia, Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#), 24 November 2016, 36). This can include providing for the 'effective participation of churches, non-governmental organizations and others in civil society' (Angola, [Angolan Government's Peace Plan](#), 13 March 2002, page 3) or ensuring that the media can function through, for example, liberalising the legal environment for journalists (Bahrain, [Bahrain National Dialogue Proposals, Executive Summary](#), 28 July 2011, art. 3(d)(4)). In addition, peace agreements can also include provisions for institutional reform to protect this space by, for instance, ensuring judicial independence and enacting laws that protect civil society actors (Chad, [Accord politique en vue du renforcement du processus démocratique](#), 13 August 2007, art. 4). In creating and seeking to protect the civil space in these ways, peace agreements arguably help to lay the foundations for ratification of IHRT at a later stage.

Similarly, peace agreements can establish National Human Rights Institutions (NHRIs), which then help to push ratification. Parlevliet (2005) has examined how peace agreements include provisions for NHRIs, while Nash and Lacatus (2019) have examined the inclusion of not only NHRIs but also regional and international institutions. Pursuant to the Paris Principles, one of the functions of NHRIs is to promote adherence to international treaties (see Paris Principles, 3 (c)) and when they have not, to promote their ratification. It is possible therefore, that provision for an NHRI is another peace agreement commitment that helps ensure that IHRT are ratified, or at least signals a commitment to a domestic human rights infrastructure that means that treaty ratification will be viewed as a logical extension of it.

For instance, the 1993 [South Africa Interim Constitution](#) provided that 'There shall be a Human Rights Commission' (art. 115) responsible for, amongst other things, promoting awareness of and respect for human rights and freedoms at all levels of society including the public and state officials on international standards relating to human rights (art. 115). In Liberia, as noted above, approximately 13 months following the 2003 [Accra Agreement](#), the state ratified a host of IHRT. Although no express provisions on ratification are included, the peace agreement contained an array of human rights-focused commitments. These included, as examples, reaffirming commitments to the Universal Declaration of Human Rights and the African Charter of Human Rights (art. 12). They also included a number of express commitments to respect a range of civil and political rights: the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, and expression and association. Importantly, the agreement expressly provides for an Independent National Commission on Human Rights as well as a number of stipulations for technical, financial and material assistance to be provided by the UN Office of the High Commissioner for Human Rights, the African Commission on Human Rights and other relevant organisations. NHRIs and other regional mechanisms might be regarded as at least contributing to the pressure exerted on states to subsequently commit to human rights.

Uncertainties and Possibilities

Without further case study examination, firm conclusions on what precisely has compelled treaty ratification cannot be drawn. But the close sequencing of ratification suggests that, at the least, ratification was a result of the peace process move to protect and institutionalise human rights in the peace agreements and post-conflict constitutional framework. It may be of course that the agreement provisions did not drive ratification as an implementation act, but were also a product of an underlying dynamic that drove commitments to human rights that then continued to drive implementation. In South Africa, for example, the ANC charterist position and its reliance in opposition on human rights arguments, meant that human rights were a key part of agreement commitments, and that the underlying drive to create a country defined by human rights commitments as the polar opposite of apartheid would have also driven treaty ratification. This might explain the link between agreement text and ratification, however, rather than deny it, even if ratification was not a simple matter of 'implementation'. This case is also important to note because the seriousness of the commitment to human rights, as noted, led in a delay to ratification so that underlying apartheid laws could be brought into compliance first. In other cases, IHRT ratification may have been a matter of implementation, but also a matter of virtue signalling of a new regime that it would lay aside the conflict of the past (perhaps Rwanda), or a new state signalling its sovereignty and wish to be seen as a good new member of the international community of states (Bosnia), or essentially demanded by international actors such as UN Missions responsible for implementing the Agreement (Burundi, and Bosnia), or complex mixes of all of these. For instance, in Cambodia, ratification following the Paris Accords might be explained by, amongst others, pressure from international civil society groups, such as Cambodia Documentation Commission, the existence of United Nations Transitional Authority in Cambodia, and demands to address the human rights violations perpetrated by the Khmer Rouge.

In addition, without additional research, it is not necessarily clear as to what the impacts of ratification have been in terms of improvement in protection and promotion of human rights in practice. For instance, in some cases, despite ratification, states can fail to report to the treaty body in question. While this may be a result of a complex and overstretched system of reporting, it might also be that states sign up to IHRT without any real intentions of putting them into practice. Indeed, Aroussi and Vandeginste (2014: 190) note that signatories to an agreement, including governments, can agree to incorporate human rights provisions insofar as they can do so at little or no cost for their own vested interests.

Drawing from the field of sociology, for instance, some describe the process of 'decoupling', which refers to the divergences between state commitments under treaty ratification and the actual practices of states domestically. As Rousseau notes, 'commitment and compliance are the two ends of the spectrum ... In this context, commitment is understood as an act whereby an agent agrees to abide by international norms (e.g. the ratification of a treaty), while compliance is described as following rules.' (Rousseau 2018: 319). For instance, in some cases including Burundi, although signed up to the OP-CEDAW and OP-CRC-AC, neither treaties have been ratified. Including rights provisions in peace agreements, therefore, might be viewed as a way to regain legitimacy without having to incur any additional expenses or efforts. Nonetheless, the agreement provisions on human rights will have been an important part of the agenda for change, and created leverage and mechanisms for these other pressures to ratify to kick-in.

Conclusion

This brief report examines the relationship between the signing of an agreement and ratification. Sometimes ratification is expressly provided for under an accord, and sometimes less clear references to human rights have seen international treaty commitments later made. Longer periods of time between peace agreement and treaty ratification might be explained by the need for broader areas of reform to establish the conditions for ratification, and further research might shed light on the possibility of understanding the process that leads from peace agreement to ratification, and whether this is due to the commitment, or down to other implementation dynamics.

Given that we know that peace agreement implementation still proves challenging, human rights provisions in peace agreements might take on a new salience as able to lead to international treaty commitments which push a state under the scrutiny of a range of international monitoring mechanisms leading to forms of ongoing scrutiny which works to monitor the key human rights commitments of the peace agreement. Of course, whether this is effective depends on how states report on the steps that they are taking through policies, laws and programmes of reform and, perhaps most importantly, what impacts ratification has on the enjoyment of human rights post-peace agreement.

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Annex

Please note: While not discussed above, the tables below also include information on the ratification of a range of additional protocols to the main human rights treaties and their relationship to peace agreements (see Box 3 in main report for full names).

Table 1: Ratification within 18 months of a Peace Agreement.

COUNTRY	PEACE AGREEMENT	TREATY	SIGNING	RATIFICATION	TIME (APPROX.)
Bahrain	Bahrain National Dialogue Proposals, Executive Summary (28/07/2011)	CRPD	-	22 Sep 2011	4 months
Bosnia and Herzegovina Yugoslavia (former)	The Vance-Owen Plan (02/05/1993)	CRPD	-	16 Jul 1993	3 months
		ICCPR	-	1 Sep 1993	5 months
		ICESCR	-	1 Sep 1993	5 months
		CEDAW	-	1 Sep 1993	5 months
		CAT	-	1 Sep 1993	5 months
		CRC	-	1 Sep 1993	5 months
Burundi	Constitution de transition du 28 octobre 2001, (28/10/2001)	OP-CEDAW	13 November 2001	-	1 month
		OP-CRC-AC	13 November 2001	-	1 month
Cambodia	Paris Accords) (23/10/1991)	ICCPR	-	26 May 1992	7 months
		ICESCR	-	26 May 1992	7 months
		CEDAW	-	15 Oct 1992	12 months
		CAT	-	15 Oct 1992	12 months
		CRC	-	15 Oct 1992	12 months
DRC	Acte d'Engagement Gaborone (24/08/2001)	OP-CRC-AC	-	11 Nov 2001	3 months
Djibouti	Accord de Réforme et de Concorde Civile, (12/05/2001)	ICCPR	-	05 Nov 2002	18 months
		ICCPR-OP1	-	05 Nov 2002	18 months
		ICCPR-OP2	-	05 Nov 2002	18 months
		ICESCR	-	05 Nov 2002	18 months
		CAT	-	05 Nov 2002	18 months

COUNTRY	PEACE AGREEMENT	TREATY	SIGNING	RATIFICATION	TIME (APPROX.)
Ethiopia	Transitional Period Charter of Ethiopia (22/07/1991)	CRC	-	9 December 1991	4 months
Indonesia	Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement (Helsinki MOU) (15/08/2005)	ICCPR	-	23 Feb 2006	6 months
		ICESCR	-	23 Feb 2006	6 months
Liberia	Accra Agreement (18/08/2003)	ICCPR	-	22 Sep 2004	13 months
		ICCPR-OP1	-	-	-
		ICESCR	-	22 Sep 2004	13 months
		CAT	-	22 Sep 2004	13 months
		OP-CRC-AC	22 Sep 2004	-	13 months
		ICCPR-OP2	-	16 Sep 2005	2 years
		OP-CAT	-	22 Sep 2004	13 years
		OP-CRC-SC	22 Sep 2004	-	13 years
Mozambique	General Peace Agreement for Mozambique (04/10/1992)	ICCPR	-	21 Jul 1993	10 months
		ICCPR-OP2	-	21 Jul 1993	10 months
		CRC	-	26 Apr 1994	20 months
Nepal	Nepal Interim Constitution (15/01/2007)	OP-CEDAW	-	15 June 2007	6 months
Uganda	Agreement on Disarmament, Demobilization and Reintegration, Juba, Sudan (29/02/2008)	CRPD	-	25 Sep 2008	7 months
		OP-CRPD	-	25 Sep 2008	7 months

COUNTRY	PEACE AGREEMENT	TREATY	SIGNING	RATIFICATION	TIME (APPROX.)
Zimbabwe	Constitution of Zimbabwe Amendment (No 20) 2013 (19/03/2013)	CRPD	-	23 Sep 2013	7 months
		OP-CRPD	-	23 Sep 2013	7 months
		OP-CRC-AC	-	23 May 2013	7 months

Table 2: Ratification after 18 months of a Peace Agreement

COUNTRY	PEACE AGREEMENT	TREATY	SIGNING	RATIFICATION	TIME (APPROX.)
Afghanistan	Renewed Commitment by the Afghan Government to the Afghan People and the International Community to Afghanistan (Kabul Conference Communiqué) (22/07/2010)	CRPD	-	18 Sep 2012	25 months
		OP-CRPD	-	18 Sep 2012	25 months
Burundi	Constitution of 18 March 2005 (18/03/2005)	OP-CRC-AC	-	24 Jun 2008	39 months
		CPRD	26 Apr 2007	22 May 2014	25 months
		ICESCR	26 Apr 2007	22 May 2014	25 months
CAR	Transitional National Charter (18/07/2013)	OP-CEDAW	-	11 Oct 2016	39 months
		CAT	-	11 Oct 2016	39 months
		OP-CAT	-	11 Oct 2016	39 months
		OP-CRC-AC	-	21 Sep 2017	50 months
		CPED	-	11 Oct 2016	39 months
		CRC	-	11 Oct 2016	39 months

COUNTRY	PEACE AGREEMENT	TREATY	SIGNING	RATIFICATION	TIME (APPROX.)
Ethiopia	Transitional Period Charter of Ethiopia (22/07/1991)	ICCPR	-	11 Jun 1993	23 months
		ICESCR	-	11 Jun 1993	23 months
		CAT	-	14 Mar 1994	30 months
Guatemala	Agreement on a Firm and Lasting Peace (29/12/1996)	ICCPR-OP1 2000	-	28 Nov 2000	Agreement signed before treaty
		OP-CEDAW 2000	-	09 May 2002	23 months
		OP-CRC-AC 2002	-	09 May 2002	23 months
		OP-CRC-SC 2002	-	09 May 2002	23 months
Iraq	Constitution of Iraq (15/10/2005)	OP-CRC-AC 2002	-	24 Jun 2008	32 months
		OP-CRC-SC 2002	-	24 Jun 2008	32 months
Rwanda	Protocol of Agreement between the Government of the Republic of Rwanda and Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions (03/08/1993)	OP-CRC-AC 2002	-	23 Apr 2002	Agreement signed before treaty
		OP-CRC-SC 2002	-	14 Mar 2002	Agreement signed before treaty
Sierra Leone	Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL) (Lome Agreement) (07/07/1999)	CAT	-	14 Mar 1994	30 months
		OP-CRC-SC 2002	-	24 Jun 2008	32 months
		OP-CRC-SC 2002	-	24 Jun 2008	32 months

COUNTRY	PEACE AGREEMENT	TREATY	SIGNING	RATIFICATION	TIME (APPROX.)
South Africa	South African Constitution of 1993 (Interim Constitution) (18/11/1993)	CPRD	03 Oct 1994	10 Dec 1998	Signed: 11 months Ratification: 49 months
		ICCPR	03 Oct 1994	10 Dec 1998	Signed: 11 months Ratification: 49 months
		ICESCR	03 Oct 1994	12 Jan 2015	Signed: 11 months Ratification: NA
		CEDAW	29 Jan 1993	15 Dec 1995	Signed: prior to agreement Ratification: 25 months
		CAT	29 Jan 1993	10 Dec 1998	Signed: prior to agreement Ratification: 49 months
		CRC	29 Jan 1993	16 Jun 1995	Signed: prior to agreement Ratification: 19 months
Tajikistan	Protocol on the Guarantees of Implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan (27/05/1997)	ICCPR	-	04 Jan 1999	20 months
		ICCPR-OP1	-	04 Jan 1999	20 months
		ICESCR	-	04 Jan 1999	20 months
		OP-CRC-AC 2002	-	28 Nov 2000	Agreement signed before treaty
		OP-CRC-SC 2002	-	28 Nov 2000	Agreement signed before treaty
		ICMW 2003	-	28 Nov 2000	Agreement signed before treaty

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