



## Peace Processes and Their Agreements

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### INTRODUCTION

As a conflict unfolds attempts to de-escalate and end it are typically ongoing: conflicts almost always co-exist with peace initiatives. However, the term ‘peace process’ has become associated with formal direct or indirect talks involving the main state and non-state protagonists to the conflict (sometimes termed ‘track one’ actors). The idea of the peace process emerged in its contemporary form at the end of the Cold War, and took hold as a new era emerged. Shifting East–West relationships created a number of dynamics which focused international attention on the need to resolve conflict arising within states. These included: a pressing need to address emergent conflict which accompanied the end of the Cold War; the apparent new potential to resolve other long-standing

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conflicts fuelled by East–West proxy war dynamics; and a new international consensus to view intrastate conflict as a matter for international intervention using newly enabled UN tools.<sup>1</sup>

The peace process practice became characterized by four key elements all of which constituted a change from conflict resolution practices in the previous decades. The first element involved a focus on state/non-state negotiations aimed at reaching a new publicly available ‘contract’ in the form of a peace or transition agreement. Face-to-face attempts to end conflict by finding agreement on how to address its root causes replaced previous strategies such as quiet deals for armed-actor demobilization, or indirect attempts to cut away their support base by offering reform packages aimed at building support for ‘moderates’. The second element comprised a common approach to settlement terms: ceasefires and commitments to end violence were linked to constitutional reform of the state aimed at inclusion. Non-state actors would commit to ending violence, in response to a reciprocal state commitment to end state violence and introduce radical reform of the state’s institutions to be more inclusive of the non-state actors and the wider communities from which they were drawn. The third element saw international and regional organizations refocus their institutional formation over time, to support the new peace process practice as an internationalized practice. This was to result in: new peacebuilding organizations and mechanisms creating networks of practitioners; new international legal standards addressing peace processes and agreements; and new tool-kits, all aimed at better responding to intrastate conflict. The fourth element began as the idea that international legal standards relating to human rights and humanitarian law in some sense applied to this new practice, and over two decades from 1990 on, this idea developed into the emergence of new norms, and new articulations of how existing international law constrained peace mediation. A range of issues that had been understood to be within the preserve of the domestic state, started to be addressed by new international norms, relating to amnesties and transitional justice, to inclusion of women, to standards dealing with housing and return of refugees and displaced persons.

Over the last three decades, peace processes involving these four elements have become a key mechanism for resolving conflict, and this has led to extended negotiations in over 200 peace processes since 1990.<sup>2</sup> Some countries have had different processes over time (Colombia has had at least five distinct processes), or seen more than one conflict

being addressed by more than one peace process simultaneously (the Philippines has had separate peace processes in Mindanao, and with the National Democratic Front, at the same time).<sup>3</sup> The practice has produced 1823 peace agreements, using a definition of a peace agreement as a ‘formal, publicly available document produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it’.<sup>4</sup> These agreements provide a rich documentary history of how societies have attempted end conflict. They provide information on: the types of joint commitment the parties to the conflict make to end conflict; the forms of ceasefires that are used to halt violence both temporarily and permanently; the types of permanent institutional reform and the pathways that become part of these commitments; and the type of social agendas for change that are articulated as necessary to rebuilding a social contract. A total of 83% of all peace agreements signed between 1990 and 2019 are related to intrastate conflicts, that is conflicts originating mainly within states, and only 4% in conflicts between states. Table 19.1 sets out these agreements in terms of level (whether interstate, intrastate or local), and Table 19.2 sets out their regional spread.<sup>5</sup>

This chapter is informed by a major quantitative and qualitative review of all peace agreements, in the period and provides a brief introduction to how peace processes unfold. We set out in general terms how peace processes and peace agreements are arrived at, and explore the function that formalized agreement plays in providing an exit from conflict. We use the discussion to understand how peace agreements support exits such, and the different types of agreement used to move forward at different stages of a peace process.

**Table 19.1**  
Agreements by level of  
conflict and process

<i>Agreement level</i>	<i>Number and percentage of agreements</i>
Interstate agreements in interstate conflict	72 (4%)
Agreements in intrastate conflict	1509 (83%)
Local agreements	242 (13%)
Total	1823 (100%)

**Table 19.2**  
Agreements by region

<i>Region</i>	<i>Number and percentage of agreements</i>
Africa (excluding MENA)	554 (30%)
Americas	195 (11%)
Asia Pacific	377 (21%)
Europe and Eurasia	410 (23%)
Middle East and North Africa	253 (14%)
Cross regional	34 (1%)
Total	1823 (100%)

In conclusion, we argue that the practice established in 1990 is now at a cross-roads and we point to a new global realignment that affects who intervenes, why and to what end, and to new forms of conflict, all of which stand to challenge established peace process practices and the assumptions that underpin them. We suggest the need to look beyond peace agreements as static points in conflict-to-peace transitions addressed at national conflict. We instead suggest that peace processes require multi-level peace processes across inter-related geopolitical, national, and local conflicts, and forms of adaptive management to deal with the interactions between these levels, to respond to what are best understood as ‘complex conflict systems’.

### DEFINING PEACE AGREEMENTS: BEYOND ‘HANDSHAKE MOMENTS’

In recent years, academic research examining peace agreements has grown exponentially, reflecting the post-Cold War increase in reaching mediated settlements to address violent, intrastate conflicts. Scholars and practitioners have grappled with questions around peace process design,<sup>6</sup> agreement longevity,<sup>7</sup> implementation,<sup>8</sup> and particularly issues of inclusion, driven by the idea that exclusion is a key driver of violent conflict something that has been adopted by policymakers, human rights actors, and peacebuilders alike.<sup>9</sup> However, despite this increased attention to the role of negotiated settlements in peacemaking practice, there remains no clear definition of what constitutes a peace agreement, or indeed what it should include in order to sustainably resolve violent conflict.

Within the field of peace and conflict research as a whole, an over-focus on comprehensive bargains, has driven analysis of peace processes.<sup>10</sup> Such grand bargains have been made across various well-known contexts such as South Africa (1994), Bosnia and Herzegovina (1995), Northern Ireland (1998), Burundi (2000), and have given rise to ‘the popular image...of dark-suited men – and it is almost always men – emerging bleary-eyed from marathon negotiations’.<sup>11</sup> This image, however, is only a small part of the peacemaking story. A closer look at these ‘peace agreements’ reveals the quite different legal and political constructions of documents described as peace agreements. In South Africa, the main agreement took the form of an interim constitution primarily agreed by the African National Congress (ANC) and the then governing National Party, with the late add-in of other parties.<sup>12</sup> In Burundi, the Arusha Agreement was signed in 2000, but the main armed groups did not sign up to its commitments and it took two subsequent agreements to draw them into its framework at which point the agreements were constitutionalized.<sup>13</sup> In Bosnia, the comprehensive agreement—the 1995 Dayton Peace Agreement—is really 11 different agreements, all signed by different permutations of actors.<sup>14</sup> It was not the only comprehensive agreement in the process—early similar agreements had been signed and reneged on. Furthermore, we now know that the process had at least 44 written ceasefires<sup>15</sup>—some national and some very local—before that point; most failing to hold due to lack of credible commitment from the parties. In Northern Ireland, the main agreement was reached in 1998 between political parties rather than directly with armed groups—although an election had been contrived to ensure that even very small armed groups had political representatives at the talks (the election design also enabled women to form a political party and gain a place at the negotiation table).<sup>16</sup> A key Unionist political party, however, did not sign on to the agreement until years later when it came on board and negotiated the St Andrews Agreement, which extended and modified the original Belfast/Good Friday Agreement.<sup>17</sup>

Looking beyond comprehensive agreements, different types of agreements serve different stages and goals of a peace process: from ceasefire and pre-negotiation agreements, through framework agreements (sometimes in one big agreement, and sometimes negotiated issue-by-issue to build up a framework over time), to implementation and renegotiation agreements. Contrary to the best plans of mediators, there is no one sequence of staging that peace processes follow.<sup>18</sup> Parties often

**Table 19.3** Agreements by stage of process

<i>Stage of process</i>	<i>Number and percentage of agreements</i>
Pre-negotiation or process agreements	508 (28%)
Framework agreements partial	456 (25%)
Framework agreements comprehensive	110 (6%)
Implementation/renegotiation agreements	330 (18%)
Ceasefire agreements	368 (20%)
Renewal agreements (short renewal of commitment to earlier agreements)	42 (3%)
Other	9 *
Total	1823 (100%)

\*Note 'other' constitutes a small number of agreements that do not easily fit in any category

renew on commitments, hostilities can resume, and talks can collapse. Peace processes do not necessarily neatly progress from ceasefire and pre-negotiation agreements to formal talks, nor does a ceasefire automatically pave the way for comprehensive negotiations, which parties then agree to implement. Nevertheless, peace agreements can be understood as falling into the following main types: pre-negotiation agreements, ceasefires, framework/substantive agreements, implementation/renegotiation agreements, and renewal agreements, see Table 19.3 for numbers. These will be discussed below.<sup>19</sup>

### PRE-NEGOTIATION AGREEMENTS

The path to a 'handshake moment' is usually prepared by a series of earlier deals, in which parties make commitments to both the process and the substance of other stages in the talks, often in an attempt to move from 'winning the war' to 'winning the peace', rather than in a spirit of compromise which involves letting go of their battlefield political goals.<sup>20</sup>

Some peace agreements are negotiated through secret talks and diplomatic back channels with the broader constituencies that they relate to only becoming aware of the document once parties and mediators determine that they have reached an appropriate moment to go public—or the secret process is unintentionally revealed.<sup>21</sup> The public talks that led to the Belfast Agreement in 1998, for example, were preceded by secret back-channel negotiations between representatives of the British government and the Irish Republican Army (IRA), which had happened at

different moments during the then-thirty year conflict, when neither side could countenance public perception of being involved in a dialogue.<sup>22</sup> These talks intensified during the end of the 1980s and the Downing Street Declaration, made by the Prime Minister of the United Kingdom and the Taoiseach of the Republic of Ireland in 1993, responded to those peace talks, in essence launching the public phase of what was to become the peace process.<sup>23</sup> Similarly, secret talks in Norway between the government of Israel and the Palestinian Liberation Organization (PLO) produced the 1993 Oslo Accords. These took place outside the formal Madrid Conference talks which were ongoing but had not permitted the PLO to negotiate.<sup>24</sup> Back-channel negotiations from 1985 to 1990 between Nelson Mandela and South Africa's apartheid government of the time (initially without even the knowledge of the wider ANC leadership), paved the way to direct negotiations taking place with public knowledge.<sup>25</sup>

Although the rising use of smartphones, social media, and citizen journalism in the past decade may make it harder to keep negotiation efforts secret, the practice of closed talks persists. Pre-negotiation talks between the government of Colombia and the FARC-EP in Havana in 2012,<sup>26</sup> the confidential 'virtual peacemaking' between the government of Spain and ETA in 2011,<sup>27</sup> and the unofficial shuttle diplomacy between former U.S government officials and the Taliban from 2017 to 2018,<sup>28</sup> all demonstrate the contemporary appeal of such processes to parties in some of the world's most intractable conflicts. The decision to keep negotiations secret is often defended as necessary to reach an agreement, as parties can struggle to be seen to be compromising whilst conflict is ongoing, and may be more effective at reaching agreement if there are fewer competing interests on the table.<sup>29</sup>

Covert elite negotiations, however, have consequences for the inclusiveness of bargaining processes. Secret negotiations clearly exclude wider constituencies for peace and risk prioritizing the demands of armed actors over other sectoral interests. For a peace process to gain an element of legitimacy and public buy-in it must at some point become public and be conducted with a level of transparency and scrutiny.

However, whether conducted in secret or not, for conflict parties to begin to talk whilst hostilities are ongoing, they often have to agree on how they are prepared to talk with each other. Pre-negotiation agreements revolve around who will negotiate, with what status, and over what. Attempts by parties to insert their preferred negotiation outcome as pre-conditions to talks must be overcome. The resultant agreements often

include details on how parties are going to hold or attend negotiations, such as the Joint Statements signed by the Peace Panels of the Government of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), prior to each round of exploratory talks facilitated by Malaysia that began in 2001.<sup>30</sup> Pre-negotiation texts can also refer to the principles parties can agree on to govern any subsequent process, such as the Agreed Basic Principles signed by parties to the conflict in Bosnia in September 1995 prior to comprehensive talks.<sup>31</sup> Or confidence-building measures can be agreed upon that allow parties to express their commitment to entering talks, such as the government of Yemen and Houthi rebels agreeing to swap prisoners in order to travel to Stockholm for talks in 2018.<sup>32</sup> Resolving these issues often leads to commitments that put in place pathway dependencies because agreements to the nature and substance of the political process to follow are often needed to secure a commitment to move from use of force and get parties to agree with talks. These substantive political commitments start to lock down the parameters of the peace process that emerges.

Despite being relatively overlooked in peace and conflict studies,<sup>33</sup> pre-negotiation agreements are often numerous and our review of peace processes globally between 1990 and 2019, indicate that 508 pre-negotiation texts were agreed as compared with 110 comprehensive agreements in the same period.<sup>34</sup> Qualitative analysis of provisions within these agreements shows us that they regularly go beyond procedural technicalities to set the agenda for later talks, with commitments used by negotiators as building blocks for grappling with highly contested issues, or by parties to advance key agendas that they are concerned could be lost if not included from the outset. For example, references to power-sharing appear in a fifth of pre-negotiation agreements sometimes as broad commitments and sometimes including specific details relating to form and function, even though we often associate the substantive details of power-sharing arrangements as something to be agreed as part of a broader package in comprehensive peace agreements. In several processes where power-sharing provisions were agreed in pre-negotiation texts, comprehensive agreements also provided for similar power-sharing arrangements, such as in Bosnia, Burundi, Nepal, Northern Ireland, and the Philippines.<sup>35</sup> Failure to include particular parties or agendas in pre-negotiation stages of peace processes may therefore make it harder to widen access later on. As a result of this realization, proponents of women's inclusion in peace processes and post-conflict politics under

the mandate of United Nations Security Council Resolution 1325 have increasingly become concerned with influencing peace process agendas before and after the stages that negotiate framework agreements.<sup>36</sup>

### *Ceasefires*

Ceasefire agreements are texts that primarily include commitments by parties to end their use of violence, whether for a temporary or an indefinite period. Sometimes they are agreed as part of a set of pre-negotiation commitments, often coupled with a commitment to a political process. Sometimes they can only be reached during talks-proper, when tied to more substantive commitments. Ceasefire commitments centrally define when violence will stop, and what constitutes a prohibited action, and how to achieve the immediate demobilization and cantonment of armed forces, ideally with some precision if they are to be effective. These basic commitments relating to the use of force, however, are often supplemented by confidence-building guarantees to raise the commitment costs for parties, and promote the durability of a break in hostilities.<sup>37</sup> Ceasefires are often a practical necessity if armed actors are to hold face-to-face talks, and politically necessary to reassure parties that no one side can use the focus on negotiations to gain a military advantage. They also can help build confidence in the process among the wider public. Prominent examples of ceasefire agreements that set the stage for talks on comprehensive issues include: the 2002 Cessation of Hostilities Framework Agreement between the Government of the Republic of Indonesia and the Free Aceh Movement; the 1990 Toncontin Agreement in Nicaragua; and the 1998 Arawa Agreement in Bougainville.<sup>38</sup> However, once reached, ceasefires can require extensive diplomatic and military resources to prevent the cessation from breaking down, or to stop parties from instrumentalizing ceasefires for their own gain elsewhere in the conflict zone.

There are also contexts in which—rather than use a ceasefire to launch discussions on a comprehensive settlement—parties commit and then reaffirm or develop their existing commitments to stop using violence, but without further attempts to address the issues at the heart of the conflict. In these processes, ceasefire agreements become formalized mechanisms to govern the principles of frozen conflict. A series of protocols agreed between Georgia, and the de facto government of Abkhazia since 1992 (often including Russia) produced commitments to managing the ceasefire line, including troop movements and establishing communications

links between the two sides, in order to prevent violence from reoccurring.<sup>39</sup> High-level mediation efforts to resolve the impasse slowly continue; however, various iterations of this ceasefire regime to manage tensions have been in place since the last outbreak of war in 1998.

Other conflicts demonstrate that rather than being constrained by committing to ceasefires, actors sometimes find ways to use ceasefire regimes to advance their aims or shift conflict dynamics on the ground. In northeast Myanmar, ceasefire zones created by agreements between the government and armed groups in the early 1990s gave rise to what some have described as ‘ceasefire capitalism’, whereby political, military, and private actors utilize the zones to make territorial governance claims and facilitate resource exploitation in areas which were previously harder to access.<sup>40</sup> The Indian government’s practice of selectively agreeing on ceasefires with some armed groups in northeast India, but not others, may have contributed to exacerbating conflict between non-state actors, by creating incentives for groups to use violence to outbid each other and gain access to negotiation processes, despite indefinitely containing the government’s conflicts with its most challenging opponents.<sup>41</sup> More recently in Syria, localized ceasefires may have enabled parties to give themselves breathing room to re-allocate resources to other fronts, or consolidate territorial control through population evacuations as part of ceasefire agreement terms, which can also make future elimination strategies achievable.<sup>42</sup> These processes challenge us to think beyond ceasefires as merely having failed or succeeded, particularly regarding long-term implementation, and to consider broader contributions that ceasefire agreements can make to conflict, as well as peace.

### *Framework/Substantive Agreements*

Substantive agreements are often considered as comprising comprehensive agreements that set out holistic attempts to end conflict. When we speak colloquially of peace agreements, often we use the term as a synonym for a comprehensive agreement. In these, parties agree on a substantive and holistic framework to resolve the conflict—no agreement can fully resolve all the issues in one go. Our peace agreement data shows, however, that core issues that need to be dealt with are often likely to be agreed on in a piecemeal manner, through what we term partial

framework-substantive agreements: agreements that deal with substantive issues, ‘but only deal with some of the issues in ways that appear to contemplate future agreements to complete’.<sup>43</sup>

There are several reasons for the overwhelming emphases on comprehensive peace accords. Firstly, talks on comprehensive peace agreements are highly publicized, and the images of former foes coming together offer highly symbolic events that overshadow the lesser-known steps to that moment. Images of the ‘handshake moments’ become shorthand for agreement to end the conflict, regardless of how many prior talks and arrangements preceded and followed these moments. Secondly, comprehensive agreements contain the results of comprehensive discussions on core issues driving conflict, and as such form quasi-constitutional documents (that is, they set out the principles and power-map for how the country is to be governed, and indeed some take the form of actual constitutions) which set out a new power-map for the country, with novel elements such as power-sharing and transitional justice, and so garner more attention. As a result, comprehensive agreements are often interpreted as a means of understanding the issues under discussion in a peace process, and as offering a blueprint of the type of society that the conflict parties are agreeing to transition towards in order to resolve the conflict. Framework agreements tend to be the most lengthy of all documents produced as part of peace processes, on average comprising 13 pages of text compared to ceasefire agreements, which average 3 pages.<sup>44</sup> The recent Final Agreement for Colombia in 2016, for example, comprised of 323 pages of text that provided for everything from human rights, cultural heritage, and transitional justice, to power-sharing institutions and security sector reform and is the longest peace agreement to date, closely followed by the 2005 Comprehensive Agreement between the Government of Sudan and the Sudan People’s Liberation Army/Sudan People’s Liberation Movement.<sup>45</sup>

However, even comprehensive agreements are often the result of incremental issue-by-issue processes: the examples of Colombia, Bougainville/Papua New Guinea, Mindanao/Philippines, and Sudan, all of which produced comprehensive accords, saw parties sign multiple agreements along the way, staging how they dealt with core issues such as governance, power-sharing, security sector reform, or transitional justice. The final accords also left the detail of some mechanisms or contemporaneously irreconcilable matters to later on in the process. This meant that

issues could be dealt with one at a time so as to build the potential for agreement in situations of dispute and lack of trust.

Our review of framework agreements reveals three quite different approaches to peacemaking, which involve different types of deals that shape when and how substantive agreements are fashioned and how comprehensive they are. The first is that of a comprehensive agreement (whether built up gradually or reached in one moment) aiming to put in place a new set of arrangements for a national conflict, often in ways which promise to rework the political settlement for the country as a whole. This type of agreement is often used to address ethno-national conflicts and set out a quasi-constitutional power-map to institutionalize a new political settlement, and as noted above can be achieved in one agreement, or iteratively over time. The second type of agreement is that of a comprehensive agreement reached as regards sub-state conflict with national reach, and contemplating a new political settlement at the sub-state level. This type of agreement is also often used in situations of ethno-national conflict, where a minority population is concentrated in a sub-state region. It usually reconfigures the political settlement at the sub-state level leaving the national political settlement largely unaltered.<sup>46</sup> The third type of agreement, puts in place what we understand as 'interim transitional arrangements', whereby an agreement primarily between those representing the sides in the conflict aims to put in place elements of a transition.<sup>47</sup> These interim agreements do not necessarily contemplate any further final agreement, but rather that these transition processes will over time put in place the building blocks of democracy. Typically the agreement puts in place an interim power-sharing government including those with capacity to destabilize the country militarily, but uses that agreement to set up a wider more socially-owned transition process which over time is to lead to holding of elections and often a permanent new constitutional arrangement. Interim agreements often also put in place processes for revising or designing new constitutions, electoral reform, and providing for demobilization and military withdrawal. This type of agreement to interim arrangements is used to address situations of conflict in which lack of functioning democratic institutions or commitments is understood to be a key conflict issue, often coupled with deep political disagreement, and other forms of ethno-national or tribal division.

Each of these different types of process, have different design challenges and different implementation challenges.

### *Implementation/Renegotiation Agreements*

The implementation stage of a peace process can sometimes be assumed to involve a technocratic process of putting earlier commitments made on paper into practice, requiring more effort from bureaucrats than from mediators. However, implementation agreements reflect the reality that implementing a peace agreement often requires new processes of negotiation and can become hotly contested as parties can see this stage as an opportunity to ‘win the peace’, by implementing selectively or not at all, particularly in contexts where there has been no clear military victory by one side or another.<sup>48</sup> Implementation issues arise with all stages and types of agreement, and implementation agreements can therefore follow an agreement at any stage of the process. At earlier stages of a peace process, they may be a necessary step to move from a pre-negotiation or ceasefire to engaging in comprehensive talks, as a more formal signifier that parties are committed to the process. However, implementation often becomes particularly critical after a framework or comprehensive agreement has been signed that sees the parties compromising on the core conflict issues.

Agreeing on implementation at this stage usually involves clarifying issues that were left unclear in the main peace agreement, and putting in place mechanisms to ensure delivery, and addressing new problems, or incorporating new actors who refused to sign up to the deal at the time and have capacity to destroy it. All of these efforts usually involve renegotiating the initial deal to some extent, as parties try to change the terms of the process—clawing back concessions made at an earlier stage. For example, if parties have previously committed to establishing commissions for resolving the status of contested territories, they may approach implementation as a chance to shape the commission’s structure, mandate, and decision-making processes in order to gain control over said territory. If earlier stages of a process were restricted to core conflict parties, civil society organizations and other societal stakeholders may view the implementation phase as an opportunity to open up the process, by mobilizing for representation in institutions formed by implementation agreements, or in bodies whose sole function is to monitor implementation processes.<sup>49</sup>

Implementation can relate to peace agreement provisions in different ways: provisions can add detail on realizing earlier commitments on the same issue, or provisions can govern implementation of the agreement in

its entirety. Willingness to build-in implementation mechanisms is often key to the parties demonstrating their credible commitment and that they are truly interested in substantive change based on compromise, rather than simply buying time until the process breaks down and conflict re-emerges.<sup>50</sup>

### *Renewal Agreements*

Our collection of documents indicates that renewal agreements are often signed and can be considered as a form of implementation agreement. What we term ‘renewal’ agreements can be used at any stage in a peace process and involve agreements that are typically short documents that reaffirm parties’ commitment to earlier agreed points. They are often signed at moments when the process is wavering and parties have essentially walked away from it, and can serve to reinvigorate or maintain momentum when processes become stalled, or to keep process mechanisms in place for longer than they had originally been intended. In the peace process between the government of the Philippines and the Moro Islamic Liberation Front, parties agreed several times to renew the mandate of an International Monitoring Team and the Ad Hoc Joint Action Group, both of which were confidence-building mechanisms to support the process.<sup>51</sup> Earlier agreements had established or provided terms of reference for these mechanisms, and provided that their mandates should be renewed yearly by the parties. The requirement for both parties to agree to this renewal resulted in agreements that can be viewed both as mandate extensions, and as signals of commitment from each party to continue to pursue their goals through a peace process, rather than armed conflict. Renewal agreements can feature at any stage of a process, because they affirm what came before, whether a pre-negotiation agreement or a comprehensive agreement. Whilst these agreements add little of substance, they bear witness to the need to sometimes re-start talks after breakdown by recommitting to previous terms.

### PEACE AGREEMENTS AND COMPLEX CONFLICT SYSTEMS: PROCESSES ‘ABOVE’ AND ‘BELOW’ THE STATE

Peace processes are frequently assumed to involve governments negotiating with an armed opponent. However, many of the most intractable

current conflicts take the form of what we suggest are better understood as complex conflict systems, rather than a singular ‘conflict’. Increasingly, intrastate conflict involves an ever-more complicated intertwined set of local, national, and international conflicts whose connections with each other are difficult to unravel. Cases such as Libya, Syria, and South Sudan illustrate the ways in which conflict can involve a range of local actors with different conflict goals who have never been part of a unified opposition or even alliance but who form shifting alliances of convenience, and who operate with a fluid relationship to any national conflict actors. Local and national conflicts are often further embedded in an international geopolitical conflict dynamic, as states conduct proxy wars with each other by supporting armed groups engaged in intrastate conflict (which has always had internationalized dimensions). These geopolitical dynamics are reminiscent of the pre-Cold War days, but now reflect a changing and increasingly uncertain international legal order rather than earlier bi-polar certainties. A new global political marketplace of who intervenes in transition is in play, and competition over who will broker peace is itself contested because it is simultaneously a move for power within the conflict region, and a way to improve one’s position vis-à-vis other states, in this uneasy global order.<sup>52</sup>

These changes deserve more elaboration than we can give here, but point to a need to think in fresh ways as to what a peace process needs to achieve in this new world. What types of agreement at what level are needed to respond to the contemporary multilevel conflict landscape? Do we need to now think of peace processes not as involving a comprehensive deal between a state and non-state actor to address a national political settlement, but requiring co-ordinated peace processes across local, national, and international levels? And can agreement at one of these levels achieve anything, if agreement cannot be achieved at other levels?

#### *Above: Interstate Agreements for Intrastate Conflict*

As regards international agreement, the involvement of actors from outside of conflict-affected societies is also a common feature of peace processes: over half of all peace agreements were signed by or negotiated in the presence of a third party,<sup>53</sup> many of which were representatives of the UN, current or former members of government, peacekeeping operations, international aid agencies, and religious organizations. Positioned

as neutral facilitators, their role is often understood as a highly individualistic process dependent on the personality and skills of the mediator, or the concept of mediation driving the mediation team. However, mediator positions are also shaped by their organizational constraints and goals.

Peace processes to address conflict in Cambodia, Northern Ireland, and Afghanistan have not just used international third parties to mediate and support as third parties, but have seen external governments themselves make firm commitments in the peace process. These commitments are captured in agreements that are 'inter-state' in nature but respond to the relationship of the state parties not to interstate conflict as classically understood, but to the parties and people involved in intrastate conflict originating within existing (*de facto* or legal) state borders.<sup>54</sup> These agreements bind other states (often neighbouring states, but not exclusively) into the peace process in a way which goes beyond supporting peace-making practices through political or financial resources, by creating a new architecture of commitments that can underwrite or supplement existing intrastate deals between conflict parties.

Why do governments sign interstate peace agreements which refer to conflict in a third-party state? These accords can serve a number of functions. They can aim to assist enforceability through making commitments legally binding through international law by making the agreement an interstate agreement and therefore a treaty—this was a device used in the Dayton Peace Agreement in Bosnia where states only signed the main body of the agreement and many of its annexes, sometimes in the role of underwriters of the armed groups at the heart of the conflict; they can encourage commitment from parties to the process at multiple levels by 'underwriting' their concerns and committing their own resources or non-interference, as was the case with interstate agreements that were signed as part of Cambodia's Paris Accords; they can involve third parties in other phases of the process, such as implementation.<sup>55</sup> These agreements can also recognize the role that international actors have played in sustaining the conflict and can involve primary commitments by those governments, such as to non-interference.

To give a fuller example, following the US-led coalition invasion of Afghanistan in 2001, various states and international organizations held a series of conferences in cities such as Berlin, London, and Paris.<sup>56</sup> In the outcome documents of these conferences, participants committed to support statebuilding, rule of law, development, reconstruction and

human rights in Afghanistan, including as donors. There was a precedent of interstate agreement being used to resolve conflict in Afghanistan. In 1999, China, Iran, Pakistan, Tajikistan, Turkmenistan, Uzbekistan, Russia, and the US produced the ‘Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan’ under the auspices of the UN, in which they pledged not to provide military support to any of the conflict parties, and set out blueprints for a possible UN-led peace process.<sup>57</sup> The composition of this group of states reflected the role that cross-border arms and drug trafficking, and political support for the Taliban by Pakistan were hindering attempts to bring parties to talks, and the interests that both the USA and Russia had in developments in Afghanistan. By 2001, however, the number of state parties, observer states, and the inclusion of organizations such as the World Bank and the Aga Khan Foundation, demonstrated how internationalized the conflict had become, and how tenuous the authority of the transitional Afghan administration was in practice.

#### *‘Below’: Local Peace Processes*

Conflicts also see local agreements being signed to address local dynamics of a wider conflict, or very localized conflicts that have a more tenuous or indirect relationship to the national conflict.<sup>58</sup> In Libya, South Sudan, Syria, and Yemen, whilst multiple attempts to reach national-level political settlements have faltered, local agreements—of different types—have attempted to address the local dynamics of conflict.<sup>59</sup> Sometimes these agreements are made between local groups and the state—through both national and local state agents, or can be made between different local groups, sometimes all on the ‘same side’ as regards the national conflict, and sometimes as local ‘proxies’ of national warring factions. The agreements reached formally or informally through these processes, are often much more concerned with the ‘everyday’ of how conflict re-manifests and what peace should look like.

Local peace process practices are diverse, and can draw on local forms of conflict resolution or channels for inter-communal dialogue. Although local processes primarily respond to incidences of violence within a limited geographic scope (as opposed to an entire conflict zone), the issues that they deal with often link to country-wide conflict dynamics.<sup>60</sup> Examination of local agreements indicates some common elements to the practice, such as that they often deal with very local conflict issues, for example

cattle rustling, are signed by local actors, but who may remain connected to national actors for example as local branches of national groups or armies, and deal with the immediate locale. These processes can be mediated very communally at the local level, however, they can also be taken seriously by international mediators, because local conflicts are viewed as having the capacity to dismantle national agreements and act as a trigger for re-igniting a wider conflict.

Local peace processes do not necessarily involve ‘peace agreements’ as we understand them, and even when they do, the written text of these agreements can be secondary to the oral agreement, and operate more as a note between parties of what they have agreed, than as a public set of commitments. Local peace processes also sometimes take place in a largely unrecognized way, through ongoing peacebuilding activities, or through mechanisms designed to address the potential for conflict at the local level. For example, in Northern Ireland, a parades commission makes determination around marches with potential for sectarian violence, in processes that require forms of ongoing mediation and dialogue between groups, and although not termed ‘local peace processes’, these statutorily required mediations aim at a similar type of local agreement as to the conduct of any march, when crossing sectarian geographies.<sup>61</sup> In Bougainville, ‘mass reconciliation ceremonies’ and preparations for them, provide local processes of agreement between traditional leadership, state actors, erstwhile combatants, and civil society and address and attempt to restore a new re-balancing, of relationships considered to have become unbalanced through the conflict, area-by-area, often tied up with weapons disposal.<sup>62</sup> Whilst informal and undocumented and formal documented agreements may be useful, there are a diverse range of options for how local conflicts can be addressed—many of which will be highly culturally specific.

## CONCLUSION: CURRENT CHALLENGES

The idea of a peace process often implicitly points to the idea of a journey to a destination in which the conflict will reach a point of resolution, and a new chapter of peace will begin. Peace processes often seem to oblige by delivering a comprehensive agreement to address the issues central to the conflict parties. However, peace processes require many different types of agreement over time, and the forms in which that agreement takes place will vary in order to respond to new conflict realities.

It is increasingly recognized that broader forms of social inclusion must accompany political-military deals if a peace agreement is to have legitimacy and be able to be sustained and built into a new social contract.<sup>63</sup> Mediators are now expected to include not just political parties and combatant groups, but a broader range of constituencies and groups, in peace process consultations, and to innovate as regards peace process design. This pressure has resulted in the appointment of women's advisory boards or technical committees as part of a talks process, innovative forms of public consultation, and new forms of sequencing processes to limit how much of the political settlement will be agreed upon by armed actors alone.<sup>64</sup> The challenges of supporting inclusion in multilevel complex contemporary processes include designing different strategies for different levels of peace process: strategies for inclusiveness at the geopolitical level, the national level and the local level, and ways to synthesize and connect peacemaking efforts between levels. However, the exhortation to 'inclusion' itself remains vague in terms of who is to be included in what stage of a peace process and how tensions between inclusion of groups at the heart of the conflict, and other constituencies and groups such as women, should be reconciled.<sup>65</sup> Understanding the complexity of peace processes through the documentary trails of the agreements that have sought to address them offers a new understanding of what reaching agreement on peace entails. It points to agreement not as something that happens in one moment, but more often emerging through an iterative process in which fragile agreement must be built slowly, and extended and reworked over time. Peace processes are messy and non-linear. Recognizing that they go backwards as well as forwards points to a need to approach implementation as a task of adaptive management, capable of responding to the new challenges that emerge, rather than trying to stick to timetables and timelines and build an idealized image of peace. Peace agreements must also be co-ordinated across different actors and levels of conflict: not just between the main protagonists in the conflict, but across local, national, and international stakeholders beyond these parties.

However, our peace agreement collection, with the complexity of its documentary trails, points to the creativity and innovation in peace process design. This creativity is possible and necessary in the search for conflict resolution, particularly when faced with the reality of ever-more complex and intractable conflict systems.

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