

DO'S AND DON'TS OF SUSTAINABLE CEASEFIRE AGREEMENTS

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(Presentation revised for use by Peace Appeal in Nepal and Sri Lanka)

Introduction

The purpose of this presentation is to examine the elements of a ceasefire agreement which would serve to facilitate the implementation and sustainability of such agreements.¹ The presenters rely on their experience and research regarding implementation failures in peace agreements generally and ceasefire agreements specifically. We would like to insist that it is not our intention to propose concrete modalities or instrumentalities of appropriate ceasefire and security arrangements on a one size fits all basis.

PART A

Who, When and Where

1. No room for 'creative' ambiguity

In general the greatest cause of failure in peace agreements relates to a breakdown in their implementation. In regard to ceasefire agreements specifically there is no room for creative ambiguity in the text. The agreement is required to be specific in regard to all relevant elements of the security arrangements ceasefire obligations and the other details spelt out in this paper. Nor is there room for gaps or omissions in the agreement. The agreement should be comprehensive. Whatever is not dealt with at the negotiation stage is more difficult to resolve later when the issue is the subject of a existing dispute. It is important that the agreement is not only clear and comprehensive, but that the parties have the same understanding of its terms.²

¹ This paper was initially presented to the IGAD Sudan Peace Process Workshop on Detailed Security Arrangements in Sudan During the Transition. It has since been presented for discussion in Nepal, Sri Lanka and South Africa.

² Virginia Fortna points out in a survey of inter state peace agreements, that, formal written agreements proved more durable than unwritten ones, and that more specific terms more effective than general ones. Virginia Fortna Peace Time: Ceasefire Agreements and the Durability of Peace. Princeton University Press, Princeton, 2004 p.210.

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2. **The need for precision in regard to the geography of the ceasefire**

Ceasefire agreements typically hinge on specified geographical markers upon which the obligations of respective parties are centered. These may include:

- Lines of disengagement;
- Lines from which or to which forces are required to withdraw or deploy;
- Assembly points or districts or regions within which forces are required to be confined;
- Demilitarized zones on either side of lines of disengagement or confinement, or elsewhere;
- The position of monitors.

It is critical that the geographical markers be agreed and further that in this regard maps of the highest quality are required and should be attached to the agreement. There must be clear agreement between the parties as to the lines/points districts referred to in the agreement as well as modalities for dealing with disputes where confusion arises as to the precise position referred to in the agreement. The idea is to outlaw spontaneous (re)occupation without resort to such a demarcation dispute procedure. Forcible and unilateral resolution of such disputes can sink a ceasefire. Recently in Sri Lanka a line inadvertently excluded an LTTE position. This earlier error was compounded when the LTTE then refused to leave its camp even though monitors confirmed that they were required to do so in terms of the agreements.

Ceasefires always commence in an atmosphere and environment of hostility and suspicion. Mistakes in the crafting of the agreement,

or different interpretations of boundary points or the geography of the ceasefire can be disastrous and lead to tragic and fatal results.³

3. **The need for a precise specification of the dates and times on which the obligations imposed by the ceasefire fall due**

A frequent cause of confusion and misunderstanding in the implementation of ceasefires arises from situations where the parties have different understandings of either the timing or the nature of the obligations which they are required to adhere to. Thus for example a ceasefire may distinguish between different phases in a ceasefire such as:

- cessation of hostilities;
- disengagement or withdrawal;
- assembling or reporting at a designated zone;
- decommissioning or disarming;
- down sizing etc.

The time of coming into force of the ceasefire should be specified and not left open to be triggered by some condition or circumstance, as was the case in the Rwanda. (Arusha) Agreement. Its duration should also be clear.

It is thus necessary to specify not only exactly what activities are impermissible but the precise date on which they become impermissible. In this regard the ceasefire should have a clear timetable attached to it so that there is complete commonality of understanding regarding the time frames envisaged. In specifying obligations clarity is needed also on who bears these obligations – the identity of the precise agency or party. It is especially necessary to specify whether or when disarmament or decommissioning will take place - and how. Attempting to resolve this down the line may prove awkward - as in Northern Ireland.

³ Fortna (note 1) also suggests that a clear withdrawal beyond the status quo ante, and the existence of demarcated demilitarized zones contributed to making peace agreements more durable. It stands to reason that this is only the care agreed, clear and respected.

Both Namibia and Zimbabwe witnessed a disastrous misunderstanding by rank and file relating to the obligation or rights of SWAPO and ZAPU/ZANU members respectively on the coming into force of the agreement. In the result these former combatants were exposed to fatal armed assaults.⁴

4. Designating or qualifying permitted activities

In ceasefires which envisage a transitional period or a period in which the contending forces are to be retained as a standing force in a degree of readiness or preparedness then it must be envisaged that there will be continuing recruitment, training, re-supply or even upgrading of armaments. Yet such activities frequently lead to accusations that the ceasefire is being used for the purposes of strengthening the forces preparatory to a renewed engagement in hostilities. It is thus necessary that such activities be recognised in advance and agreement reached on permissible levels and forms of recruitment training and re-supply. In this way there can be no accusations of bad faith unless there is a breach of the limitations on these activities. For example it is usual to record that both parties respect a prohibition of recruitment of child soldiers. This would serve as a limitation on the kind of recruitment activities. The maximum force size would serve as limitation of the extent of recruitment.

In dealing with permitted activities it is necessary also to recognise that many soldiers are only part time members of the armed forces or that they will take leave or in other ways revert temporarily to civilian life. In this regard it may be necessary to make provision for soldiers unarmed and in civilian clothes to cross the lines of disengagement for the purposes of visiting families or of harvesting crops.⁵ In the Sudan case this would allow members of the Sudan Peoples Army who originate from the South to return to see their families under specified conditions.

A further consideration in designating or identifying permitted activities of the respective armed forces is to bear in mind that it may be contemplated that the troops will engage in non military activities e.g. relating to reconstruction and development or the

⁴ We owe this insight to Jeremy Brickhill, a participant in the Zimbabwe integration process. Brickhill stresses the need for both clarity and communication to rank and file.

⁵ See e.g. Sri Lankan Cease Fire Agreement Articles 1.9 to 1.13

rendering of humanitarian aid in addition to their military duties. In this regard it is important to bear in mind that ceasefires can break down simply because soldiers are abandoned to their own devices or kept idle and armed for long periods of time, in assembly points, camps or barracks. This was the case initially in Burundi.

5. Application of the provisions of the agreement to all members of all armed forces

All Parties affected and covered by the agreement must be clearly identified in the agreement.

Best practice suggests that a ceasefire agreement should provide for a wide umbrella under the command and control of a joint coordinating or management body, and the exercise of continuing discipline over all forces and men under arms. Should the umbrella not extend to all such forces there is a possibility that there will be groups who can operate outside the provisions of the ceasefire and thereby destabilize the situation.⁶ In this regard best practice suggests that no demobilisation should take place prior to the existence of an encompassing framework of command and control which can ensure that demobilisation and disarmament takes place in an orderly manner and that all young men armed and with military training are subject to a proper demobilisation programme in which they can be integrated into civilian life.⁷ A sudden demobilisation of troops or a segment of them can well lead to banditry or random military activity.

Where the agreement is to cover 'allied' forces, provision should be made for the command of such forces to be implicated in the structures (decision making or otherwise) contemplated by the ceasefire. Best practice suggests such allied forces should also have some involvement (through the principal parties or otherwise) in the negotiation and elaboration of an agreement which is to bind them and govern their activities. Lebanon is an example of where an agreement had to be renegotiated when militias were not initially brought under the framework. Initial negotiations had taken place

⁶ Great care was taken to insist on this approach in the South African Settlement See Interim Constitution of South Africa, 1993, Article 224.

⁷ This consideration was a central pillar of the Mozambican Peace Process.

with the commanders but the rank and file simply regarded themselves as outside the agreement. Therefore special provisions and measures were created to ensure the implication of all militia members. Burundi is another example of risks posed to a peace agreements when two of the many armed groups were initially excluded from the peace process and refused to abide by decisions taken by other political parties.⁸

PART B

Monitoring and Enforcement

6. Provision for monitoring

The existence of monitors will provide a restraint on the actions of forces and force members under ceasefire obligations. It is for this reason that almost all contemporary ceasefire agreements provide for monitoring of the observance of the terms of the agreement. It may be possible to provide for the forces themselves either jointly or separately to monitor the agreement⁹ but it is much more common for the parties to insist on an independent agency or monitors from independent countries. In this regard the agreement must reflect that the parties have jointly identified who the monitors will be, or from which countries they would be drawn. It is more difficult to find such agreement after the ceasefire agreement has been concluded.

It is not only the identity of the monitors that must be agreed. There should be an upfront agreement on the powers of the monitors in regard to their access to relevant sites and the obligation on all parties to assist the monitors. Such upfront agreement on the powers of the monitors may extend to guaranteeing access not only to members of the belligerent forces, hotspots, contact zones but also documents relating to the management of the armed forces.

The agreement should specify whether monitors will be armed, what immunities they will have, and whether they have a peacekeeping function. The agreement might specify the conduct of monitors provide both for limitations and powers, and even enable complaints

⁸ Stedman cites the actions of spoilers, frequently used by other players or regional powers as one of the worst environmental factors in implementing ceasefires. S.J. Stedman Implementing Peace Agreements in Civil Wars IPA New York 2001.

⁹ Fortna (supra) in her review of ceasefire agreements suggests that joint party commissions work better than external agents mediating between the parties p.210.

to be raised against them. If there is a (UN) unit to protect the monitors then it may be necessary to spell out their rules of engagement.

Monitors, too, operate more effectively when they clearly operate as a tool of the agreement with the blessing of, the parties (in a permissive environment) rather than as an externally imposed agency. The agreement should make the joint consent to their role apparent.¹⁰ Monitors must be prepared to implement properly - and without fear that they will upset the apple cart. The two worst ceasefire failure can be attributed in part to 'monitor' apprehensions and inactivity - Angola in 1993 and Rwanda in 1994.¹¹

7. **Verification**

In addition to monitoring the observance of the terms of the ceasefire, certain steps contemplated by the ceasefire may need a verification mechanism whose nature is explicitly agreed upon. A verification mechanism would normally be called into operation in regard to verifying disarmament, destruction of ordinance, or verifying a mutually agreed down sizing etc. In the Northern Ireland case verification was needed to confirm decommissioning of weapons and indeed the verification team was also asked by one side to identify the nature of the arms destroyed. The purpose of a verification team is to provide a mutually agreeable neutral instrument of verification where the parties would be unwilling to allow their enemy to perform that task.

8. **Complaints mechanism**

In addition to providing generally for monitoring the ceasefire a ceasefire agreement should enable complaints of a breach of the agreement to be investigated and a finding to be made. In this regard the agency responsible for investigating complaints has an active investigatory role and will be required to make a finding in respect of the alleged breach. A complaints machinery must have the resources and powers to investigate any complaint. Whether the finding should be made public or not is a matter for the agreement to

¹⁰ Stedman suggest that monitoring missions are likely to work well where there is also support from the UN; Major Powers and Regional Powers; Stephen John Stedman Implementing Peace Agreements in Civil Wars International Peace Academy, New York 2001.

¹¹ See Stedman (supra) p36.

specify. What is critical is that the complaints machinery should be capable of expeditious action.

One of the criticisms of complaints machinery found in ceasefire agreements is that they confine the identity of a ‘complaining party’ to the parties to the agreement. It is better, we argue, that there should be clear access by third parties and civilians to the complaints body. It is often civilians who are the victims of military excesses. In this regard the complaints machinery should not expose a complaining civilian to the military authority under which he or she lives (e.g. Sri Lanka) unless the civilian is protected from retribution.

Violations must be clearly defined and if there are exceptions or reservations e.g. in acting in defence of the sovereignty of the nation these should be stated.

9. Enforcement

At a presentation to the Sri Lankan Staff College senior officers in the Sri Lankan Army belittled the complaints machinery provided for in that peace agreement not because the findings could be faulted but because there was no follow up to a successful complaint, no way of enforcing a finding that there had been a breach and no way of remedying a continuous breach of the agreement.¹² In short serious attention must be given to the consequences of a successful complaint, or in any event to ways and means of enforcing compliance with the terms of the agreement.

The agreement should cast obligations on the parties to remedy any breach and to deal with any complaint. It should provide for channels of communication and for the monitoring/complaints body to take the failure to observe the agreement to the highest level of leadership or even outside the parties to an international forum. In this regard the ceasefire agreement can make provision for the parties to accept upfront limited sanctions in the event of non-compliance. (See e.g. Burundi peace agreement).

A general comment which applies to these three areas (monitoring investigating complaints, and enforcing compliance) is that those

¹² See Sri Lanka Cease Fire Agreement, Article 3.

who are required to take this role should be scrupulously impartial, yet should not shrink from shaming or blaming a guilty party. In this regard where the country or agency assumes other roles in the peace settlement e.g. mediating or facilitating or implementing elements of the principle agreement this shaming and blaming role may be compromised. In the Sri Lanka situation, some questions have been raised regarding Norway's role as both mediator and Head member of the monitoring mission - and indeed Norway had itself raised this problem at the time the agreement was negotiated.

It may be possible in a ceasefire agreement for all the armed parties which are signatory to the agreement to agree on disciplinary measures they will apply to members of their forces if they have been found guilty of a breach. The terms of the ceasefire, inasmuch as they relate to the general conduct of members of the armed forces should be incorporated in each forces disciplinary code - thereby making a breach of the agreement also a breach of the code and subject to military discipline.

Providing for the political resolution of disputes by the parties

10. In periods after intense military conflict between two armed forces, it is necessary to assert political or civilian oversight over the armed forces. In this context it may mean at least providing for disputes arising out of the implementation of the ceasefire to be referred to the political leadership of the parties for resolution, as well as accountability to civilian authorities.

However, it would be unwise to provide for all disputes and every complaint to be referred to a political level. In the first place such resolution is tardy and secondly it disempowers military commanders on the ground from taking the initiative to resolve minor problems at the front line. Thus the agreement should also contemplate liaison forums in the contact zones to deal with everyday matters.

In one conflict area the inability of one sides local commanders to take any decision without high level political clearance even on minor matters became a barrier to implementation. Usually the establishment of a Joint Implementation Committee is recommended at force commander level to deal with military matters. Only what

cannot be resolved as a military matter is referred to the political forum.¹³

PART C

Organisation and Conduct of Armed Forces

11. Military Mission and Mandate

There is a need for agreement on the Mission of the Military (the Military mandate) and its legitimate functions. This is so particularly if there is more than one standing army. Unless both sides agree on their exact scope and limits on their functions problems will emerge down the line. Of particular importance is to distinguish and to separate the military mandate from the policing mandate. This is also an opportunity to assert the function of the military in a democracy, and to set this out against the core values of the peace project. In general the military mandate should conform to that applicable to a professional army in a democracy, and emphasise that the contending military forces should not exercise civil authority or inappropriate political functions.¹⁴

12. Codes of Conduct

It may be advisable to consider general codes of conduct for the members of all the armed forces covered by the ceasefire. Such code of conduct could be informed by the agreed mission and mandate of the military forces during the period of the ceasefire. One issue which comes to the fore in elaborating such a code would be the clear separation of the military forces from a partisan political function and the clear repudiation that such forces can be used as an agency of physical intimidation of the civilian population especially if elections are envisaged. There could be other elements of the code relating to treatment of civilians, prisoners of war, non-discrimination etc. The code may well find legal effect in electoral

¹³ See note 6.

¹⁴ In an exchange with senior offices in the Royal Nepal Army, it was apparent that that army would respond readily to the challenges of meeting modern professional standards of military organisation and discipline (it has participated in numerous UN peace keeping operations). However its understanding of civilian accountability was limited by its overriding - loyalty to the King - who himself is a protagonist in the conflict in Nepal and actively seeks to retain authority over the political life of the nation. By contrast the tradition of civilian control over the military in South Africa enabled the SADF to play a constructive role in that countries transition.

laws and regulations, and in laws governing the conduct of the military.

13. **Confidence building measures**

During the period of the ceasefire it may be necessary to consider confidence-building measures between the forces which would serve to build trust and begin a process of reconciliation between the members of the forces on the ground.¹⁵ One of the causes of flash points in the contact zones is the mutual suspicion that the members of contending forces have regarding the agendas of the other. Such confidence building measures can include creating opportunities for social engagement, joint military responsibility for operationalising the agreement, and even collaboration in the discharge of the military mandate of the respective forces. Joint sporting events have been successful elsewhere.

14. **Long term treatment of combatants and casualties**

Provision (and a commitment to ongoing support) should be made for the care and rehabilitation of the disabled on both sides, as well as the integration of child soldiers. In general combatants need to be reassured about their future, and whether they too will receive humanitarian or other support. Veterans concerns may also need to be addressed.

There may need also to be provision to help relatives identify those MIA (missing in action) or killed and for the repatriation of the remains of combatants. Accounting for civilian casualties may also be necessary. Failure to address these issues may jeopardise rank and file support for the agreement.

15. **Command & Control**

Best practice would suggest that there should be clear command and control over all military forces from the highest level (a joint co-ordination committee). Where command and control is to be exercised separately at the level of each army's command structure in respect of most functions then it should still be required that there should be a clear understanding as to where and to whom the command function is to be allocated in respect of every element of

¹⁵ This aspect is also cited by Fortna as a durability enhancer.

every force and allied force. Where there is confusion as to where that control is exercised accountability would be difficult to enforce. In addition forces or elements of them might refuse orders from the envisaged co-ordinating mechanism unless ratified by their own commander. Alternatively the principal parties can disavow responsibility for the conduct of any troublesome unit - as in Lebanon.

It should also be possible to stress that ultimately, there will be political oversight and control, and over responsibility for all the military forces of the parties. It is necessary to ensure, if possible, that war through proxies is prohibited by the agreement, as is encouraging defections by proxy or allied forces. Proxy armies and the use of spoilers is a common method of undermining a peace agreement or eroding its political foundation.¹⁶

16. **Liaison & Information Exchange**

Ceasefire agreements can and should establish both obligations and modalities for the exchange of information by the contending forces regarding their respective armed forces. This particularly applies to troop movement, training exercises and all other information which if revealed serves to create an atmosphere of trust, and to combat suspicions regarding the actual intentions of the other side. If treated clandestinely these activities have the opposite effect. Exchange of information can be required at different levels in regard to different matters. In the contact zones this could take place even at relatively low levels.

Integration

17. Where a ceasefire agreement provides for integration of elements of the two or more forces the negotiators must be aware of a number of practical problems which are likely to arise in the course of implementing such integration. In particular different understandings of the qualifications of members of the officer corps, the modalities and approaches to training, equipment, language etc., provide a fertile ground for intense resentment and disputes. Not all ceasefire agreements can attend to all of these details and it is at least recommended that the ceasefire agreement should establish a

¹⁶ Stedman Implementing Peace Agreements in Civil Wars (supra) p2.

joint committee to oversee this project. It is also important to agree on a third party to assist in this process.¹⁷ Both the need for such third party and the identity of the country needs to be agreed.

18. Disarmament, Demobilization and Downsizing

This complex topic cannot be dealt with fully here, but suffice it to say that most societies cannot support in a post conflict period – the level and cost of a highly militarized society. Yet clumsy demobilization can lead to social problems, failure of integration of ex-combatants into civilian life and resultant banditry or war lordism. Many combatants are simply not trained nor resourced to do anything other than fight. However, it needs to be stated that a bungled DDR programme will lead to remobilization and rearmament, and at the least, will come to haunt the party leadership a decade later - as it did in Zimbabwe. On the other hand the Mozambique DDR became a central element of the broader reconstructive and reconciliation process. Approaches and best practice in regard to issues are changing and a bungled disarmament process in Liberia/Sierra Leone almost reactivated the war.¹⁸

PART D

Humanitarian matters

19. Demining & Civilian Protection Generally

Most ceasefires should include an obligation on both forces to remove any sources of danger to the local civilian population which they have themselves caused. The most obvious example is to provide all assistance to agencies responsible for demining and in identifying (to the extent that it is possible) exactly where mines have been laid. Free access by humanitarian agencies to civilians

¹⁷ This is a difficult and technical task. There are experienced practitioners in this field.

¹⁸ Stedman, in his review of peace agreements in civil wars, states that in terms of investment, priority should be given to this area as well as transforming armed forces into political parties (supra p3). Presumably Stedman is referring to the insurgent forces, but the same point can be made in regard to the transformation of the national army into a neutral, professional force investing in under civilian oversight and control.

might also be guaranteed. Similarly there could be an obligation to destroy booby troops, chemical weapons and similar hazards.

20. Pow's and other Political Prisoners

An agreement should provide for prisoner release/swaps. This applies not only to POW's but also to civilian political prisoners. There needs to be clarity on what a 'political prisoner' is. This issue bedeviled the peace processes in South Africa and in Burundi where parties contested the scope of the term 'political prisoner'. Thus there is a need for a precise identification, or mechanism for identifying political prisoners and whether this extends to members of movements other than the two parties.

21. Free movement of goods, people and aid

The agreement may have to deal with the possibility of one or more forces establishing tolls/road blocks or other barriers to the free movement of goods, people and humanitarian aid especially traversing through boundaries, ceasefire lines and contact zones (as in Sri Lanka). Failure to secure or ensure freedom of movement can erode public support for the ceasefire, more especially the support of local communities. Monitors also need reassurance they will not be subject to road block harassment.

Dealing with the past

22. A ceasefire arrangement, even one working smoothly can be destabilized by the persistent accusation of past human rights abuses and the demand for reparation and justice. In this regard the ceasefire agreement may contemplate mechanisms or modalities of dealing with such allegations. The ceasefire agreement may also wish to contemplate specifying the legal liability of both sides in regard to acts of war and to distinguish those from gross human rights violations. In general ordinary combatants need an assurance of amnesty (save for acts of genocide, crimes against humanity, or their participation in coup d'etat). Furthermore, reconciliation measures and programmes at grass roots level are an important element of the normalization of inter community relations. But it is also vital that in any process of reconciliation that all sectors of society must take part and be accountable for their acts committed during the conflict. In reconciliation processes where exceptions have been created for the army, where war crimes were never

prosecuted, or where one side grants itself an amnesty before the settlement reconciliation seldom takes place and prosecution may take the form of seeking revenge at a later date.

PART E

Implementation

23. Funding

A precise understanding of the cost implication of the ceasefire arrangements and exactly where the funding for the respective forces will come from is very important. This is particularly so where the two forces may have differential access to funds especially the national treasury. Where there are two or more standing forces funding will be required (to maintain feed and clothe combatants) as it will also be in regard to meeting the ceasefire obligations.

One cause of the breakdown in ceasefire arrangements is the failure of one party to meet its obligations. Yet this failure may in fact be the inadvertent result of insufficient funds. There is a responsibility on those negotiating a ceasefire to ensure that the armed forces have the resources to meet their obligations.

Thus a proper ceasefire agreement should ensure that the parties have or will have adequate funds to meet their obligations. The agreement might need to specify who will provide the funds and to whom it will be provided. The same considerations should apply to any contemplated demobilization and reintegration programme. Best practice suggests that there should be equal treatment of all persons subject to the ceasefire and its contemplated joint co-ordination mechanism.

24. Information to rank & file & to civilians

Many ceasefire agreements simply do not make provision for an obligation on the part of those who participate in the negotiations or who command the forces who are parties to the negotiations to inform the rank and file of the obligations to which they have been committed. In such circumstances breaches occur through ignorance and the command structure may wish to rely on this

ignorance to explain breaches. There needs to be a concrete obligation on the parties to keep the forces informed not only of their obligations but of the exact dates on which they come into operation. It is astonishing that this aspect is still neglected even through failures on this aspect can and does have fatal consequences.

Should the ceasefire agreement contemplate the operation of certain humanitarian law conventions including human rights provisions then the content of these also should be communicated to the rank and file. In the Burundi Peace Agreement it was stipulated that the defence and security forces would have technical, moral and civic training. This training would include the culture of peace, aspects of conduct relating to the democratic multi party political system, human rights and humanitarian law.¹⁹

25. Verification of size of forces

A critical issue in the implementation of most ceasefire agreements regards the precise identification of the members of the respective forces and the size of each armed force. There is frequently both political and financial advantage in augmenting the size of the forces (either for increasing their respective share of the integrated force or for claiming DDR benefits). This is inevitable where there is no clear method of establishing force size (e.g. irregular forces who are not paid). This is frequently a make or break question and it is better to agree in the ceasefire agreement at least on the criteria to be used in identifying whether a person qualifies as a member of a force (e.g. in South Africa verifiable training was required as well as time in service, as well as proof of current employment in the force).

26. Amendment of the agreement

Whereas there should be no confusion as to the terms of the agreement it is not inconceivable that in the practical implementation of the agreement both parties may agree on the need for deviation from its terms. If there is simply no provision for an amendment of the ceasefire it may result in unilateral deviation or a culture of disrespect for the terms of the agreement by both sides. Accordingly it is suggested that the agreement should provide (with

¹⁹ Burundi Peace Agreement, of 2001 Protocol 3.

the consent of the parties) for the agreement to be amended. By the token, the agreement should itself anticipate that the parties should meet from time to time to adapt or review the agreement, or adjust its implementation to changing circumstances.

27. **Anticipating lead times**

Some ceasefire agreements have made assumptions about the performance of third parties especially multilateral agencies without acknowledging the time that is needed for such agencies to act, intervene, provide resources, take a decision, or provide monitors. A ceasefire agreement should factor in the time that is needed for international organisations e.g. AU, UN, EU to take decisions and to act upon them, and to actually provide material resources promised. In Burundi, it took over a year before D. Day could be triggered (owing to the delay in securing international protection services for returning opposition lawmakers). Many agreements will simply not survive such an indefinite delay in its coming into force.

28. **Avoiding Media Warfare**

As agreement should prevent media wars – and mutual propaganda assaults from subverting the agreement. For this there is a need for rules on the use of the media – not only who speaks to the media on what, but under which circumstances and in what terms. The affect of media mudslinging on the political leadership is negative, but on the rank and file it can be explosive.

29. **Collateral Agreements/Legislation**

Many agreements envisage that the Parties – or the (still to be created) transitional authority will enter supporting, implementation agreements with third parties. Obligations and time frames in this regard should be specified. (E.g. SOFA, SOMA, granting of immunities etc). The same considerations apply to secondary legislation. It is possible to delay a peace agreement by stalling on fulfilling auxiliary conditions such as amnesty for returning exiles.

30. **Civil Security**

An important contributor to the environment in which a peace agreement can survive is civil security and rule of law institutions.

The long term benefits are plain, but in the short term personal insecurity will affect peace projects from disarmament to aid delivery. It is a low cost opportunity for long term peace building. Ceasefires typically focus on military matter while ignoring germane policing questions.

31. **Buy-in by Regional Powers**

It is clear that support for a ceasefire by the region or the regional power is factor in favour of its sustainability. This is both common sense cause as well as empirically proven.²⁰ What this means for negotiators is that the regional power should be 'on board' the peace process not that it should be the peace broker or supply peacekeepers. Securing the attendance of such powers at the signing of the agreements, or even inducing them to act as witnesses - or as the 'guarantor' can ensure a commitment to the outcome. International interest - or ensuring there is an international 'audience' helps to keep players on board and to control their conduct.²¹

32. **High Trust Activity**

Like all political settlements/peace agreements, ceasefire agreements are high trust endeavours. Smart manoeuvres sneaky tricks and clever evasions, even if technically within the parameters of the letter of the agreement sap its force, erode its foundations. A ceasefire, unlike war is not something one side should try to win. It is a collaborative project. Unilateralism, and triumphalism, are corrosive of the energy and will that drives a successful ceasefire.

²⁰ Stedman (supra) p11.

²¹ Fortna (supra) p203, 210