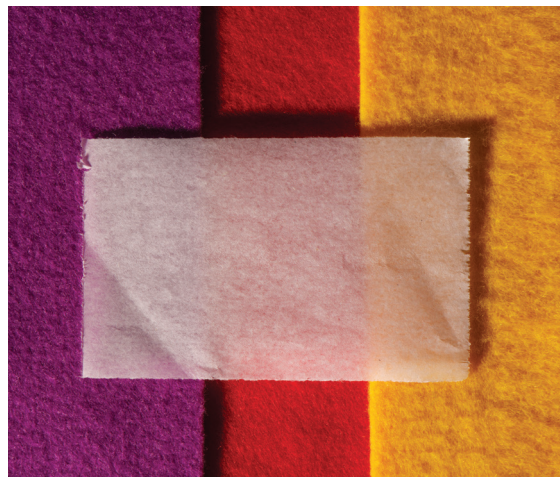




PA-X REPORT: IMPLEMENTATION



How Peace Agreements Provide for Implementation

Sean Molloy and Christine Bell



This research draws on the PA-X Peace Agreement Database (www.peaceagreements.org), a database of all peace agreements at any stage of the peace process from 1990 to 2018. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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Contents

Executive Summary	01
Key Findings	02
1. Legalising Peace Agreements	04
2. Implementation Mechanisms	06
2.1. Functions of Implementation Mechanisms	07
2.2. Composition of Implementation Mechanisms	14
2.3. Levels of Implementation	27
2.4. Dealing with Disputes: Forms of Enforcement	34
3. Conclusion	41
Peace Agreements Appendix	42
References	46

Executive Summary

Peace negotiations capture national and international attention at the 'handshake moment'. Yet, even while a peace agreement is being celebrated, often people living in the country concerned ask themselves three things:

- ▶ Is the war really over?
- ▶ Who 'really won'- in which way was the agreement 'tilted'?
- ▶ Who will hold the warring parties to the agreement they have signed?

While the signature of the peace agreement signals the end of one process, it also constitutes the beginning of another and can create premature expectations that the war has ended, with normalcy soon to resume (Paladini and Molloy, 2019). In reality, the sustainability of any peace accord depends on the quality and robustness of how it is implemented, and implementation is a long and complex process replete with challenges and difficulties. The complex reality is that there is no magic third party 'enforcement' tool for peace agreements, which can stand above and outside the parties and require them to honour their commitments. There are, however, ways in which implementation of a peace agreement can be promoted, encouraged, enabled, and even – to some extent – enforced. This report examines the ways in which peace agreements provide for their own implementation or the implementation of specific issues committed to in a peace accord. The report illustrates that the particular context will shape what implementation mechanisms are chosen, but that there are a variety of mechanisms and modalities to support the implementation of a peace agreement, which can be illustrated from examining what existing peace agreements have put in place. The task of those negotiating implementation mechanisms, therefore, is not whether to include implementation mechanisms but how to do so in ways that are context sensitive, relevant, and accepted by the key parties, whose implementation activities are critical to the peace agreement sustaining and delivering peace in practice.

Key Findings

Peace agreements can support their own implementation by establishing or mandating implementation bodies. Implementation bodies, broadly understood, involve established bodies or ad hoc bodies and actors, mandated by peace agreements to support efforts to translate peace agreement provisions from paper to practice.

Implementation mechanisms can perform a range of functions, including:

- ▶ undertaking administrative tasks to support the implementation process, such as designing timetables and raising funds
- ▶ monitoring and verifying compliance with an agreement
- ▶ addressing and resolving disputes that arise between parties to a conflict

Implementation mechanisms, while a common practice to support implementation processes, can nevertheless vary from context to context. Differences can arise in respect of:

- ▶ the composition of implementation mechanisms. Examples include implementation mechanisms comprising:
 - conflict protagonists only
 - international actors
 - hybrids of domestic and international actors
 - those headed by or including civil society
- ▶ the level at which implementation mechanisms operate. Some agreements focus on implementation at the national level, while others adopt various approaches to help ensure that the commitments in a peace agreement translate at multiple levels, including the local
- ▶ how implementation mechanisms address disputes. Two primary approaches are identified:
 - the first involves forms of adjudication and involves various implementation instruments issuing rulings on problems that arise
 - the second involves flexible dispute resolution mechanisms, which are more participatory in nature and offer opportunities for ongoing negotiation, in an effort to address disputes in a constructive and flexible manner (see Part 4 below, which identifies numerous approaches that fall within and between these two approaches)

This report finds that while implementation mechanisms can play important roles in translating an agreement from paper to practice, the design of implementation mechanisms is often as important as the terms of the agreement the implementation mechanism is tasked with overseeing. The intention of this report is not to argue in favour of any one particular approach to implementation. It is rather to demonstrate not only the range of possible options for those designing implementation mechanisms, but also to identify some of the underlying reasons and context-specific and relevant factors for these decisions.

1. Legalising Peace Agreements

Before turning to the bodies charged with implementation tasks, it is worth noting that 'legalising' peace agreements, that is attempting to strengthen political agreements by giving them a form of legal status, is often used as a tool to support implementation. There are a number of examples of legalising agreements in practice:

- ▶ **Constitutionalising peace agreement commitments.** There is often a complex relationship between peace agreements and constitutions. In some cases, peace agreements can be constitutions or interim constitutions, such as in Ethiopia, Zimbabwe and the interim constitution in South Africa. As constitutional documents, they are often subject to oversight and enforcement by constitutional courts. In this way, institutions created by the constitution can serve to ensure that other aspects are adhered to.
- ▶ **Treaty status.** Those negotiating a peace agreement can also cast the agreement or part of the agreement as a treaty amongst States, incorporating commitments made by non-state groups and submitting to the United Nations (UN) in its role as formal treaty depositary. For instance, the British-Irish Agreement portion of the Belfast Agreement was included as part of a Treaty between the British and Irish Governments and lodged with the UN as a binding Agreement under International Law (Ireland/ United Kingdom/ Northern Ireland, [The Agreement Reached in the Multi-Party Negotiations \(Good Friday Agreement or Belfast Agreement\)](#), 10 April 1998). Alternatively, those drafting peace agreements can utilise treaty-like language in the text, such as "shall", "obligations", "agree" etc. (see, for example, Sudan, [Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Army/Sudan People's Liberation Movement \(Naivasha Agreement\)](#)), 9 January 2005).

- ▶ **Security Council Resolutions** can be an effective way to give peace agreement commitments a binding legal status. For instance, peace agreements can lock the parties to a conflict into a framework underwritten by Security Council resolutions. Here, the 'peace process' is rooted in a binding UN Security Council resolution, with international constitution brokering as a conflict resolution device. This approach has characterized processes of post-conflict reconstruction consequent to the international use of force by North Atlantic Treaty Organization in Kosovo, the U.S.-led interventions in Afghanistan and Iraq, and the turmoil in post-referendum East Timor. In other cases, some agreements are circulated to the UN General Assembly as official documents, in an attempt to create a form of registration that can be committed to in the text of the agreement. For instance, the Sudan Comprehensive Peace Agreement provides for the agreement to be lodged with the UN, the African Union, Intergovernmental Authority on Development (IGAD) Secretariat in Djibouti, the League of Arab States and the Republic of Kenya ([Naivasha Agreement](#), 9 January 2005). Similar, the Security Council can "endorse" an agreement. As an example, [Resolution 1633 \(2005\) adopted by the Security Council at its 5288th meeting, on 21 Oct 2005 \(S/RES/1633\)](#) stated that "[The UNSC] Endorses the agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (Linas-Marcoussis Agreement, 23 January 2003) and adopted by the Conference of Heads of State and calls on all Ivorian political forces to implement it fully and without delay". As a final example, Security Council Resolutions can also be adopted to address aspects of an agreement previously omitted. For instance, [SC Res. 1315 \(14 August 2000\)](#) established the Special Court for Sierra Leone, despite provision for it not being included in the terms of the Lomé Agreement. The Court responded to ongoing demands of accountability for international violations of humanitarian law, but was established in a context in which the main beneficiaries of an amnesty were perceived to have violated the agreement by engaging in ongoing violence.

2. Implementation Mechanisms

Implementation mechanisms can take a variety of forms, and exist to help increase the likelihood that a peace agreement is implemented. Implementation mechanisms have been most concrete with respect to the primary focus on ensuring that ceasefire agreements were adhered to. Tasks included monitoring, verifying, and reporting on the decommissioning of weapons, the demobilisation of armed forces, and ceasefire violations (Abdenur, 2018).

But implementation mechanisms abound in other forms of peace agreements which address broader issues aimed not only at ending conflict, but on building political processes and institutions that will sustain peace. Today, implementation mechanisms assist in implementing commitments in areas as diverse as elections to land reform, power sharing to reforming the security sector, and the sharing of economic resources to the ratification and incorporation in domestic law of international human rights treaties. In attempting to create mechanisms that can respond to the increasing detail and complexity of peace agreements, and also play a role in building the legitimacy of the agreement among the wider public, peace agreements have developed a diverse array of implementation mechanisms designed to deliver different tasks across different contexts.

The remainder of this report examines the different ways in which peace agreements have sought to secure or increase the prospects of their own implementation. To capture the diversity of approaches, it examines implementation mechanisms according to a number of variables: the function of the mechanism; the composition of the mechanism; the level of implementation as domestic or international or hybrid; and what types of implementation dispute resolution mechanisms the implementation offers.

2.1. Functions of Implementation Mechanisms

Implementation mechanisms perform various functions. These include: providing implementation modalities; monitoring implementation; verifying compliance with the terms of an agreement and addressing disputes that arise during the course of implementation.

2.1.1. Providing implementation modalities

Implementation mechanisms can help to provide clarity on ambiguous peace agreement provisions. For instance, an agreement between Comoros and Anjouan establishes a Follow-up Committee to, amongst other tasks, interpret the provisions of an Agreement (Comoros/ Anjouan, [Agreement on the Transitional Arrangements in the Comoros \(Maroni Agreement\)](#), 20 December 2003, art. 6). In Cote d'Ivoire, an agreement states that should there be a difference in interpretation of any part of the agreement, the signatory parties agree that they will consult the Mediator for a ruling ([Pretoria Agreement on the Peace Process in Côte d'Ivoire \('Pretoria I'\)](#), 6 April 2005, art. 16). The Mediator, in this instance, is the implementation mechanism tasked with helping assist the translation of the agreement from paper to practice.

Implementation mechanisms can also assist the implementation process by defining implementation timetables, raising and distributing resources, and co-ordinating implementation processes and committees. In Mozambique, for example, the 1992 [General Peace Agreement for Mozambique](#) establishes a commission tasked with defining the timetable of activities necessary for the proper implementation the agreement (art. 5). In South Sudan, the 1999 the local-conflict-focused [Wunlit Dinka Nuer Covenant and Resolutions](#) created a Council whose responsibilities included raising funds through appeals to international and indigenous NGOs (art. 5).

In other cases, implementation mechanisms are tasked with drafting legislation in order to give legal effect to peace agreement provisions. For instance, in El Salvador, the 1991 [New York Agreement](#) established the Comision Nacional para la Consolidacion de la Paz (National Commission for the Consolidation of Peace) (COPAZ), which was responsible for, amongst other things, preparing the preliminary legislative drafts necessary for the development of the agreements which had been reached (art. 4).

Box 1: Agreement References to Functions Performed by Implementation Mechanisms

Interpretation of agreement: "In order to implement the present Agreement scrupulously and in good faith, a Follow-up Committee will be established, consisting of representatives from the Comorian Parties signatory to the present Agreement and the International Community. This Follow-up Committee will monitor and ensure that commitments are respected, and shall interpret the provisions of the present Agreement and take all the necessary measures in this regard" (Comoros/ Anjouan, [Agreement on the Transitional Arrangements in the Comoros \(Maroni Agreement\)](#), 20 December 2003, art. 6).

Monitoring implementation: "A Joint Enforcement and Monitoring Committee (JEMC) tasked to monitor and supervise the implementation of Peace Agreement is hereby established. The Committee shall be governed by the following rules and procedures" (Philippines/ Rebolusyonyang Partido ng Manggagawa-Pilipineas (RPMP RPA ABB), [Rules and Procedures to Implement the Intent and Provisions of the Peace Agreement](#) ... 14 October 2002, art. 3).

Verifying implementation: "In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to undertake the verification of the implementation of this agreement" (Guatemala, [Agreement on the Identity and Rights of Indigenous Peoples](#), 31 March 1995, Annex 2, art. 8).

Enforcing peace agreement provisions: "Unless otherwise agreed, any legal dispute concerning the interpretation of this Agreement may be submitted by either Party for a binding decision to an arbitral tribunal to which both Parties shall appoint one member each, with the Chairman appointed jointly" (Bosnia and Herzegovina/ Yugoslavia (former), [Framework Agreement for the Federation \(Washington Agreement or Contact Group Plan\)](#), 1 March 1994, art. 6).

[cont'd]

Deliberative dispute resolution: "Settlement of any disputes that may arise from the implementation of any aspect of this Agreement, or agreements in the same framework, must be reached directly between the parties, who must endeavour to find a solution to the dispute in question within the Neighbourliness Commission's framework. With due regard to the provisions set forth in this article, the Committees that the Parties create in the framework of this Agreement may establish specific procedures for settling disputes that are appropriate to each" (Ecuador/ Peru, [Acuerdo Amplio Peruano Ecuatoriano de Integración Fronteriza, Desarrollo y Vecindad](#), 26 October 1998, art. 31).

2.1.2. Monitoring implementation

Implementation mechanisms can also monitor the implementation of agreements. monitoring refers to the process of collecting information on implementation. It may be conducted remotely or locally, gathering data through sources such as the parties to an agreement, a specialist observer team, citizen reporting, or by technological surveillance (Paladini and Molloy, 2019: 33).

There are variations in what implementation mechanisms monitor. Monitoring bodies can oversee the implementation of agreements that address multiple substantive issues. In Uganda, the 2008 [Agreement on Implementation and Monitoring Mechanisms](#) establishes an Oversight Forum to oversee and monitor the implementation of the Final Peace Agreement and to provide advice and support to the Parties and any relevant institutions established under the Final Peace Agreement (art. 8).

Monitoring bodies can also oversee the implementation of agreements addressing specific issues. The 2012 [Agreement between Sudan and South Sudan on Oil and related matters](#), for instance, established a monitoring committee to oversee a number of issues relating to the petroleum sector. The committee's remit included: overseeing the implementation of the Agreement; producing regular reports to the Parties including possible recommendations on the improvement of the cooperation in the petroleum sector; ensuring the development of any additional required agreements between the Parties; and serving as a forum for seeking resolution to concerns and disputes in respect of the Agreement (art. 10).

In other cases, peace agreements can provide for the monitoring of subject-specific agreement commitments, often designating responsibilities to implementation mechanisms or actors who are specialists in the area. To demonstrate, in Bosnia, the UN High Commissioner for Refugees (UNHCR) was given a role in monitoring provisions relating to refugees and displaced persons (Bosnia and Herzegovina/ Yugoslavia (former) [General Framework Agreement for Peace in Bosnia and Herzegovina \(Dayton Peace Agreement\)](#), 21 November 1995, Annex 7, art. 5) [hereinafter referred to as Dayton Peace Agreement]. Peace agreements can also include provisions on supporting the implementation of such issues as the release of prisoners (for example, in Angola, the [Lusaka Protocol](#), 15 November 1994 tasks the ICRC (Annex 3, art. 10)); and reform of policing or judiciary (for example, [Dayton Peace Agreement](#), 21 November 1995 tasks the Implementation Force (IFOR) with overseeing the reform process of these specific issues (Annex 1-A, arts 1 and 2)).

2.1.3. Verifying compliance with an agreement

Implementation mechanisms can also verify peace agreement implementation. Verification is similar to but distinct from monitoring and refers to using monitoring information to evaluate parties' compliance with an agreement. It can provide an opportunity for parties to demonstrate compliance, or a process to identify violations or deter potential violations, for example through threat of exposure and possible sanction (Paladini and Molloy, 2019). With technological advances, the methods of verification and monitoring have changed significantly, introducing a number of opportunities and challenges (UN, 2008). Capacities for data gathering, processing, storing, sorting, and dissemination have improved significantly (UN, 2008: 10). More actors are now able to access data, and more data is available.

Often provisions on verification arise in the context of ceasefire agreements or ceasefire-related provisions in the body of an agreement addressing multiple issues, including ceasefires. For example, in Angola, an agreement provides that verification of the ceasefire will be the responsibility of the international monitoring group and that the UN will be invited to send monitors to support the Angolan parties, at the request of the Government of Angola ([Concepts for Resolving the Issues Still Pending between the Government of the People's Republic of Angola and UNITA \(Bicesse Accords\)](#), 31 May 1993, art. 4).

Beyond ceasefire agreements or ceasefire-related provisions, peace accords can also provide for the verification of agreements addressing specific issues. For instance, in Guatemala, the 1995 [Agreement on the Identity and Rights of Indigenous Peoples](#) stipulates that the Secretary-General of the UN undertake verification of compliance with agreement terms (Annex 2, art. 8). Similarly, comprehensive peace agreements can also include provisions on the verification of entire agreements. In Honduras, the 2009 [Acuerdo de San José para la reconciliación nacional y el fortalecimiento de la democracia en Honduras](#) addressed multiple issues, including: agreement on unity and reconciliation government; elections; the professional and apolitical character of the armed forces and the national police; return to the constitutional powers pre-conflict; and normalisation of relations with the international community. In order to support the implementation of this array of commitments, the agreement provides for a Verification Commission to be presided over by the Organisation of American States (art. 7).

2.1.4. Addressing disputes

As a final illustration of the multiple functions that implementation mechanisms can perform, those bodies or actors tasked with supporting peace agreement implementation can also play an active role in addressing disputes that arise during the implementation phase of an agreement. For instance, implementation mechanisms can be tasked with determining whether a breach of an agreement has occurred and making some form of ruling on the dispute in question. The 1993 Bosnian [Framework Agreement for the Federation \(Washington Agreement or Contact Group Plan\)](#) stipulates that "Unless otherwise agreed, any legal dispute concerning the interpretation of this Agreement may be submitted by either Party for a binding decision to the arbitral tribunal to which both Parties shall appoint one member each..." (art. 6).

In other cases, agreements include implementation mechanisms that seek to facilitate ongoing dialogue as and when difficulties arise. For example, an agreement in Liberia stipulates that the application or interpretation of the provisions of an agreement shall be settled through a process of mediation to be organised by ECOWAS in collaboration with other actors (Liberia, [Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy \(LURD\), the Movement of Democracy in Liberia \(MODEL\) and the Political Parties \(Accra Agreement\)](#), 18 August 2003, art. XXXVI).

Between these binding and flexible approaches, peace agreements include a range of different ways to address disputes that arise. These variations offer opportunities for greater levels of inclusion and adaptive forms of implementation and will be explored in further detail (see Section 2.4 below).

Box 2: Cross Cutting Functions:

Guatemala, [Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements](#), 29 December 1996, ANNEX II, art. 5

“The Commission shall have the following functions:

- (a) Analyse, from a political and technical standpoint, the progress made and the difficulties encountered in applying and executing the Implementation, Compliance and Verification Timetable for the Peace Agreements;
- (b) Give prior consideration to the legislative proposals agreed to in the Peace Agreements and to be drafted by the executive branch pursuant to those Agreements, to help ensure that they are in keeping with the content of the Peace Agreements;
- (c) Maintain communication, through the Peace Secretariat, with government bodies that have responsibilities in the areas of work identified in the Timetable, in order to stay abreast of progress in those areas;
- (d) Schedule and reschedule targets and actions according to the need to comply with the Timetable and to ensure the effective functioning of the peace process;
- (e) Maintain communication with and receive reports from the international verification authority;
- (f) Provide support for efforts to obtain funding for the implementation of the commitments set out in the Peace Agreements; and
- (g) Prepare and issue periodic reports on the progress made and the difficulties encountered in complying with the Timetable and the Peace Agreements and in carrying out the work entrusted to it.”

Implementation mechanisms often provide several functions simultaneously, and although this report has separated them, often mechanisms undertake roles that cut across the above categories (see Box 2). While particular forms of implementation mechanism are used in very different contexts, often they are constituted differently depending on that context, as our discussion now turns to.

2.2. Composition of Implementation Mechanisms

An important component in the design of implementation mechanisms is which actors should be involved in the mechanism. The decision of whom to include or exclude in implementation mechanisms can increase or hamper the legitimacy of the mechanism in question, build trust, or garner disapproval. Broadly stated, four different permutations of actor can be involved in implementation mechanisms: conflict protagonists only; civil society actors only; international actors only; or hybrid formations.

2.2.1. Implementation mechanisms with conflict protagonists only

Implementation mechanisms can include the government, government opposition, or some combination of both. A review of implementation mechanisms demonstrates that there are various ways of developing nationally-owned implementation mechanisms involving conflict protagonists.

For instance, peace agreement provisions may assign some particular implementation responsibilities to existing governmental entities. In Rwanda, an agreement states that the Transitional National Assembly is responsible for making an authentic interpretation of the Peace Agreement (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. 18). In Nepal, an agreement stipulates that it is the Government of Nepal, which shall be responsible for the constitutional, legal, political and administrative aspects of the issues mentioned in the Agreement (Nepal, [Agreement between the GoN and Samyukta Loktantrik Madheshi Morcha](#), 28 February 2008, art. 8). Similarly, in Uganda, the 2007 [Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement](#) provides that "The Government will introduce any necessary legislation, policies and procedures to establish the framework for addressing accountability and reconciliation and shall introduce amendments to any existing law in order to promote the principles in this Agreement" (art. 5).

In other cases, peace agreements can assign responsibilities for implementing the agreement or aspect of an agreement to opposition forces, thus seeking to empower and potentially increase buy in of the process. In Colombia, for example, the 1994 [Acuerdo Político Final, Gobierno Nacional - Frente Francisco Garmica de la Coordinadora Guerrillera](#), states that "certain members of the demobilised group may have special responsibilities for promoting the process and consolidating peace, for which the government will contract their services" (art. 6).

Often, mechanisms will involve some combination of protagonists from different sides of a conflict. For instance, in East Timor, the [Dili Peace Accord](#) (21 April 1999) states that "for the purposes of supervising the implementation of this accord, a commission for peace and stability shall be set up, the members of which shall consist of two persons from each of the conflicting parties" (art. 5). Peace agreements also draw on the role of coalition governments, often formed by the agreement itself. In Kenya, an agreement states that the Coalition Government shall lead the process of the implementation of the reform agenda, working with Parliament whenever appropriate (Kenya, [Kenya National Dialogue and Reconciliation, Statement of Principles on Long-term Issues and Solutions](#), 23 May 2008) (art. 3).

2.2.2. Internationalised implementation mechanisms

Despite opportunities to increase local buy-in and strengthen the perceived legitimacy of the implementation process, nationally led and owned implementation processes can be difficult. As Paladini and Molloy (2019: 33) note:

Lack of trust among negotiating parties can compromise their adherence to commitments. Spoilers can undermine progress. Elites can resist the conditions of inclusion in the peace process and reject the reality of sharing power. These impediments are exacerbated by the continued legacies of war (war economies, mistrust and polarisation), and changes in national and international priorities and configurations of power-holders.

In addition, capacity constraints can hamper the ability of conflict protagonists to implement the range of issues, which, depending on the agreement in question, might be included. Moreover, the process of an agreement can often involve a significantly greater number of participants than negotiations, further complicating the process. For these reasons and others, the inclusion of international actors is often necessary to help support peace agreement implementation. A review of implementation mechanisms included in peace agreements demonstrates a range of possible options to integrate international actors in the implementation process.

For instance, agreements can include provisions on international assistance in the implementation of the agreement. The diverse nature of assistance is reflected in an agreement signed in Guinea: "The signatories of this declaration are insistently inviting the international community to provide political, financial and technical assistance for the enforcement of the above-decided measures..." ([Ouagadougou Joint Declaration](#), 15 January 2010, art. 3).

International actors can also be tasked with overseeing the implementation of the agreement as a whole. This can occur through international (e.g. UN) verification of compliance with the agreement or parts of it. As an illustration, an agreement in El Salvador provides that "The United Nations shall verify compliance with this Agreement and with the San José, Mexico City and New York Agreements of 26 July 1990, 27 April 1991 and 25 September 1991, respectively, with the cooperation of the Parties and of the authorities whose duty it is to enforce them" ([Chapultepec Agreement](#), 16 January 1992, Chapter 8, art. 1).

Similarly, international actors can also be involved in the monitoring of an agreement. For example, an agreement in the Democratic Republic of Congo (DRC) stipulates that:

The United Nations, the African Union, and the International Conference on the Great Lakes Region are the international monitors for this Agreement and shall monitor its effective implementation by the parties. These institutions, with the two Co-Facilitators as intermediaries, shall constitute the International Monitoring Committee for the Agreement (Democratic Republic of Congo, Peace Agreement between the Government and Le Congres National pour la Défense du Peuple (CNDP), 23 March 2009, art. 15).

External actors can also be nominated to act as “guarantors” to the agreement, through a standalone provision, protocol or annex elaborating specific modalities for international guarantees for the agreement (Tajikistan, General Agreement on the Establishment of Peace and National Accord in Tajikistan, 27 June 1997). International involvement can also include designating responsibilities to other states, or groups of friendly states. In Colombia, for example, the 2000 Acuerdo entre el Gobierno Nacional y el ELN: Compromiso y Términos para que esta Guerrilla Libere a Civiles Retenidos states that the release of those who have been kidnapped, the withdrawal of troops and the fall-back of the guerrilla group will be verified by the group of friendly countries (art. 4). As will be developed, the success of international involvement will often depend on the particular actors that are chosen.

2.2.3. Hybridised implementation mechanisms

At times, neither a distinctly national nor an international approach to implementation suffices. Hybrid mechanisms, which typically involve a mixture of parties to a conflict and international actors, can act as a compromise between the two. In theory, hybrid mechanisms seek to combine a degree of national ownership with the support of an objective, international actor to help address difficulties as and when they arise.

"The 2000 [Arusha Accord](#) in Burundi offers a helpful example of a hybrid implementation mechanism. The agreement provided for the establishment of the Implementation Monitoring Committee (IMC) with representatives from the government, the representatives from the rebel movements, the UN, the African Union and the regional peace initiatives for Burundi. Among other competences, the IMC was responsible to monitor, supervise, coordinate and ensure the effective implementation of all the provisions of the Agreement. The IMC was also to provide guidance to the establishment of other commissions and sub-commission as provided in the accord. Former South African President Nelson Mandela inaugurated a 29-member IMC on 27 November, 2003."

Box 3: Examples of Hybrid Mechanisms

[Afghanistan, Afghanistan Compact Building on Success \(London Conference\), 1 February 2006, COORDINATION AND MONITORING](#)

"The Afghan Government and the international community are establishing a Joint Coordination and Monitoring Board for the implementation of the political commitments that comprise this Compact. As detailed in Annex III, this Board will be co-chaired by the Afghan Government and the United Nations and will be supported by a small secretariat. It will ensure greater coherence of efforts by the Afghan Government and international community to implement the Compact and provide regular and timely public reports on its execution."

[Mozambique, Agreement on a Partial Ceasefire, 1 December 1990, art. 3](#)

"A Joint Verification Commission is created with the aim of invigilating the strict implementation of this Agreement. It comprises civilian and military representatives designated by the Government of the Republic of Mozambique and by Renamo, three for each party, whose names will be given to the mediators within seven days of the signature of this Agreement. The Government of the Republic of Zimbabwe may also join the Joint Verification Commission and have three representatives."

Chad, Accord de paix entre le gouvernement du Tchad and les mouvements ci-après: UFDD, RFC, CNT, UFDDF (Accord de Syrte), 25 October 2007, art. 11

"A Committee presided over by Libyan Arab Jamahiriya and made up of Sudan, representatives of the Government of Chad and the Movements signatory to the present agreement, shall be established under the auspices of Guide Mohammad Al Ghaddafi, to supervise and ensure the implementation of this agreement."

Chad, Accord politique en vue du renforcement du processus démocratique, 13/08/2007, art. 5

"The Monitoring and Support Committee will oversee the detailed application of the present Agreement according to the designated timetable.

The Monitoring and Support Committee will consist of high level representatives of the political parties and of the institutions in charge of or involved in the implementation of the terms of the Political Agreement. It will be composed of:

- Five (5) members of the majority parties;
- Five (5) members of the opposition parties;
- Representatives of the Presidency of the Republic, the Government and the National Assembly, in a non-decision-making role;
- Representatives of the International Community: the European Union, the African Union, the United Nations and the International Organisation of la Francophonie, as observers."

A hybrid approach, involving a mixture of actors can help to put pressure on those tasked with implementing agreements in ways that are impartial, constructive and collaborative. The IMC for its monitoring and verification role, for instance, criticized the government for lack of political will to implement the Arusha Accord as the transitional government did not make progress in releasing political prisoners and improving prison conditions. The committee tried to resolve disputes related to the adoption and enhancement of laws on provisional immunity, punishment of crime of genocide among other laws. The committee also worked closely with the parliament to get the constitution, the electoral code and the reform in the defence and security corps. As Box 3 illustrates, while hybrid mechanisms are a common feature of peace agreement implementation plans, they can range from relatively straightforward combinations of domestic and international actors in a single body to complex structures involving multiple national and international players.

2.2.4. Implementation mechanisms involving civil society

In addition to including a range of international and domestic actors, implementation mechanisms can also seek to integrate non-state actors beyond combatants and politicians into the process of implementation. There are different ways in which more inclusive monitoring can emerge.

Inclusive implementation can follow from inclusive negotiations, supporting the claim that peace negotiations should be as inclusive as possible from the beginning of the process. The Schernbeck and Vimalarajah (2017: 6) highlight the case of Guatemala as an example of inclusive participation by civil society throughout the entire peace process. The terms of implementation and democratisation had been debated over the course of six years between the Guatemalan government and the Guatemalan National Revolutionary Unit (Unidad Revolucionaria Nacional Guatemalteca, URNG) – supported by the Civil Society Assembly, formed in 1994 with representatives from crucial sectors of everyday life in Guatemala. After the end of negotiations, the *Comisión de Acompañamiento* became one of the main mechanisms for inclusivity in the implementation phase of the Guatemalan peace process. Comprising representatives from the government, URNG, Congress and civil society, it was in charge of keeping the implementation schedule and the coordination with the thematic commissions on track. Despite criticism with regard to a lack of vertical inclusivity (civil society elite-driven), the commission provided an important space for continuous and constructive dialogue throughout the implementation process and strengthened the resilience of the Guatemalan peace process.

Similarly, The Cessation of Hostilities Agreement in Aceh was witnessed by the Henry Dunant Centre for Humanitarian Dialogue (later renamed the Centre for Humanitarian Dialogue), which was then given a role in monitoring the agreement. This demonstrates the potential possibilities regarding inclusive implementation flowing from inclusive peace negotiations (see [Joint Understanding on Humanitarian Pause for Aceh](#), 12 May 2000, art. 3).

By contrast, when negotiations are limited to elite-level actors, the implementation process provides opportunities for expanding implementation beyond political elites to include civil society. As Bell and O'Rourke (2007: 300) note:

While agreements are most often negotiated by military elites, they require some level of popular purchase in order to be successful. Consequently, the involvement of non-military groups and individuals beyond those who negotiated the agreement in the job of implementation is seen as a way of building popular support for an agreement. There are different ways in which peace agreements can provide for monitoring mechanisms that are inclusive of civil society.

Peace agreements can assign responsibility to overseeing the implementation process to local civil society actors, whom are perceived as legitimate and trusted by parties to a conflict. In Colombia, for instance, the 1991 [Acuerdo Final entre el Gobierno Nacional y el Movimiento Armado Quintín Lame, Campamento de Pueblo Nuevo Caldonó-Cauca](#), provided that Confederation of Evangelical Churches verified compliance with the commitments made by the parties during the peace negotiation process (art. 2). Similarly, in South Sudan, the 2015 [Agreement between the Wonduruba Community and the SPLA Commando Unit](#) states that the "Church Leaders Mediation Initiative monitoring team shall monitor the implementation of the agreement and shall meet and consolidate with parties to the agreement" (art. 14).

Peace agreements can identify potential custodians for peace, and then include them in implementation processes in order to increase local buy-in. One such potential custodian is the business community, which can often be a highly influential constituent in conflict-affected settings (Iff et al., 2010; Rettberg, 2013). In El Salvador, for instance, the 1991 [New York Agreement](#) provided that members of the business community should play a role in helping to ensure the implementation of the agreement. Similarly, in South Africa, the 1991 [National Peace Accord](#) stated that the National Peace Committee appoint a chairperson and vice-chairperson, drawn from the religious and business communities (see Molloy, 2018b).

Civil society actors can be included alongside conflict protagonists in mechanisms designed to translate the content of an agreement into practice. In the Philippines, for example, an agreement provides for a Committee, which is to be composed of three members chosen by the GRP Panel and three members chosen by the NDFP Panel. It goes on to state that “Each Party shall nominate two representatives of human rights organizations and to sit in the committee as observers and to do so at the pleasure of the nominating Party” (Philippines, [Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines](#), 16 March 1998, art. 2). [The Angolan Government’s Peace Plan](#) of 2002 said that the implementation of the humanitarian effort should be “with the effective participation of churches, NGOs, and others in civil society” (page 3). In Sierra Leone, the 1996 [Abidjan Accord](#) provided for a consortium of local human rights groups to assist in monitoring human rights observance (art. 20). As a final example, the 2006 [Peace Agreement in North Waziristan \(Miranshah Peace Accord\)](#) between Pakistan and the Taliban created a 10-member Committee comprising religious clerics and tribal elders, alongside members of the administration (see provision under section entitled ‘Miscellaneous’).

Inclusive implementation mechanisms also open up the space for including women in the implementation process. In South Sudan, the Dinka-Nuer Peace Council created pursuant to the [Wunlit Dinka Nuer Covenant and Resolutions](#) was to consist of three individuals, including one woman (art. 3). An agreement in the DRC also provided for a Provincial Management Committee, to consist of two representatives (also including one woman) from the local community; two representatives from religious groups; two civilian representatives (including one woman); and two private sector representatives (including one woman) ([Ordonnance N° 08/008 du 02 Fev 2008 portant organisation et fonctionnement du programme national de sécurisation, pacification, stabilisation et reconstruction des provinces du Nord-Kivu et du Sud-Kivu, dénommé « Programme Amani](#), art. 19).

There are also other, less direct ways to increase inclusion beyond elite level actors in the implementation process. Peace agreements sometimes give civil society responsibility for the 'legwork' of ensuring popular awareness and support for a peace agreement. In Somalia, the 1993 [Addis Ababa Agreement concluded at the first session of the Conference on National Reconciliation in Somalia](#) provided that a 'Peace Delegation' composed of political movements and other social elements would travel to all parts of the country in order to advance the peace and reconciliation process and to explain the agreements reached in Addis Ababa (art. 5). In Angola, the [Government's Peace Plan](#) of 2002 also "appeals to all political forces and civil society as a whole" to support the agreement (page 2). Such provisions, according to Bell and O'Rourke (2007: 301), mark an acknowledgment of civil society organizations as embedded within communities, and thus having a unique capacity for selling the agreement and, indeed, building agreement generally. Peace agreements can also include referendums to allow greater participation in the affirmation or rejection of an accord and its terms (Burundi, [Arusha Peace and Reconciliation Agreement for Burundi](#), 28 August 2000, art. 15). In Northern Ireland, for instance, on 22 May 1998, the people voted overwhelmingly in support of the 1998 [Belfast or Good Friday Agreement](#) of some weeks earlier in referenda held both north and south of the border, as provided for by the Agreement itself.

2.2.4. The Dilemma of whom to include

The above examples demonstrate that there are different permutations of actors involved in implementation mechanisms, and each might bring different benefits. In theory, for instance, nationally owned implementation mechanisms can increase the legitimacy of the implementation process. They can also support the broader peace process by improving and enhancing levels of trust between conflict protagonists or civic trust more widely across society. Implementation involving parties to a conflict can have a vertical effect of increasing trust between society and elite level actors. This is essential, according to Braniff (2012: 26) because "pronounced political leadership is required to foster an implementation culture which prevents recourse to conflict."

In other cases, international actors are necessary either as part of or as solely responsible for supporting the implementation of an agreement. Again, in theory, international actors can be objective, impartial, and serve the necessary function of ensuring that parties distrusting of each other adhere to their side of a peace deal. Arguably, however, there should always be some mixture of national and international, with the former leading and dictating the process, and the latter supporting these efforts. Drawing on lessons from the peace process in Mindanao, the Philippines, Kristian Herbolzheimer (2015: 7) notes that:

The international community plays a decisive role in accompanying and supporting the peace process. But its role is always secondary and does not replace national leadership. The agenda for negotiations, the time line, the design of consultations, the terms of reference for international support, and other fundamental elements of a peace process are exclusively in the hands of national actors.

For their part, civil society actors can increase the legitimacy of the implementation process. The United Nations Institute for Disarmament Research (2003: 23) notes (2003, p. 23) notes that compared to states or international verification organizations, for example, NGOs are less constrained by questions of diplomacy or bureaucracy.

Even where implementation mechanisms use only one type of actor, there are possible variations in composition, which can serve to reinforce or undermine the neutrality of the implementation role. For instance, while implementation mechanisms might include conflict protagonists, in different contexts this can involve governments or opposition forces or combinations of both. International actors can be the UN, regional or sub-regional institutions, friendly states, or prominent individuals. Hybrid mechanisms can be relatively uncomplicated bodies involving national and international actors, while others involve complex institutions with a broad spectrum of national and international actors. Civil society actors can be anything from local to international NGOs, churches and academic institutions.

Moreover, how the make-up of an implementation body affects its effectiveness is not necessarily clear. For example, international actors might be thought of as having the most 'neutrality' and the most external leverage making them 'strong'. However, this is not necessarily the case. Stanley and Holiday (2002, p. 26-7) note that, while the UN played a "crucial role" in the Guatemalan peace agreement, its role in verifying the agreement has been "controversial" and it is "less clear" if it has been "as effective as it might have been". They underline two key dilemmas the UN faced: "how much room for action does the [UN] mission actually have? How strongly can it criticize the government without creating a counterproductive backlash either against itself, or against the peace process more broadly?" (Stanley & Holiday, 2002, p. 26-7).

In regards to civil society's involvement in implementation mechanisms, it is often stated that mechanisms that are more inclusive are important. This is based frequently on claims that more inclusive implementation mechanisms can garner legitimacy and allow for greater number of voices and views to be heard. However, civil society is a broad concept and parties to a conflict can view factions of civil society very differently. Bell and O'Rourke (2007) identify a number of difficulties associated with defining precisely who civil society actors are. There is evidence, they suggest, that the difficulties of defining civil society become critical in the implementation phase, as the very formation of civil society changes. New groups emerge in response to new agendas and needs, such as victims' rights, but so also do 'spoiler' anti-agreement positions (Bell and Keenan, 2004: 341). Existing pro-peace groups can also disband, either voluntarily because they see their task as completed (see, for example, Seekings, 2000) or involuntarily because they can no longer mobilize resources domestically or internationally (see also, Bell and Keenan, 2004: 356).

The question for those seeking to create implementation mechanisms, therefore, is not simply the type of actors to include, but also which specific actors. For instance, drawing on case study analyses of Guatemala, El Salvador and Mozambique, Jones (2001: 21) argues that "one of the striking commonalities among cases of successful implementation is the use of "Friends Groups", or the creation of a deliberate process of bringing together key governments, to ensure a degree of focus and commonality of approaches to the peace process". So it was the relationship of the states to the conflict parties that mattered rather than their externality and 'neutrality'. According to Schernbeck and Vimalarajah (2017: 8), "knowledgeable third parties are often the only actors to counter the handicap of distrust and bring parties from principled positions back to interest-based bargaining, during and beyond the stage of negotiations." In El Salvador, Spain's role in offering advice and facilitating a situation of joint understanding between the conflict parties was crucial to paving the way towards the implementation of the 1991 [New York Agreement](#) and establishing the National Commission for the Consolidation of Peace (Schernbeck and Vimalarajah, 2017: 8).

In some cases, third party actors are those from the same region, arguably with an interest in ensuring that a peace agreement holds. In Bougainville, Papua New Guinea, an agreement provides that a Neutral Regional Peace Monitoring Group be established to, amongst other tasks, monitor and report on compliance with all aspects of the ceasefire, and to promote and instil confidence in the peace process through its presence, good offices and interaction with people in Bougainville ([Agreement covering Implementation of the Ceasefire \(Arawa Agreement\)](#), 30 April 1998). The Group was to consist of regional players including Australia, Fiji, New Zealand, and Vanuatu.

In other cases, the particular actors involved might depend on the nature of the agreement in question. Local agreements, for instance, seem to focus more on prominent local individuals such as clergy, cultural leaders, or clansmen. By contrast, Agreements that have been brokered by international actors, such as in Afghanistan and Iraq, often include international involvement in the implementation process. There are also those that sit in between, with the permissible actors involved in implementation shifting over time. Herbert notes that Colombia has historically been "reluctant" to include the international community in its peace processes, however Ramírez Ocampo (2004, p. 76-77) identifies the internationalisation of the conflict and peace process that began during the 1999-2002 negotiations. From 1999, international actors provided technical and financial support to negotiations, and made critical public announcements of the armed actors. This applied public pressure (cited in Herbert, 2013: 9).

In other cases, prominent actors, capable of garnering a degree of trust among various parties, appear more appropriate than institutional actors such as the UN. In Northern Ireland, for instance, Richard Haass (alongside Meghan O'Sullivan) chaired inter-party talks aimed at addressing some of the unresolved issues from the peace process including parades, flags, and 'the past'. Haass was chosen because of his past involvement in the peace process, his international esteem and experience and, crucially, because he was seen as an acceptable figure to those involved in the negotiation. Similarly, in Colombia, the Social Pastorate of the Catholic Archdiocese of Colombia - the social justice arm of the Catholic bishops - was chosen to help support the implementation of the 2016 peace agreement based on its long record of supporting local justice and peacebuilding efforts in local communities throughout Colombia.

The above overview provides examples of different actors and combinations of actors that can be used in implementation mechanisms. But the particular actors ultimately included in implementation tasks will depend on the context in question.

2.3. Levels of Implementation

A second issue that those seeking to develop implementation mechanisms must consider is how the implementation of an agreement extends beyond national-level impact to reach territorial and local areas. If, as some suggest, peace agreements are windows of opportunity for meaningful societal change, it follows that transformative efforts must reach the everyday level. Indeed, peace agreements often seek to affect change on multiple levels (national, sub-national, local). The 2016 Colombia peace agreement is a useful example, particularly the sections addressing food and nutrition inequalities. Throughout, the agreement stipulates that national, departmental, and local governments be required to put in place plans for such issues as proper nourishment and nutrition, alongside programmes for dealing with hunger and malnutrition. They are also required to put in place measures to strengthen local and regional production and markets, as well as campaigns on the proper handling of food and for the adoption of good eating habits. In some senses, as the particular content of a peace agreement has expanded into areas of basic subsistence, the salience attached to ensuring implementation at local and departmental levels, where their effects are arguably felt most, has become more apparent.

In other cases, sub-state autonomy or territorial power sharing agreements will directly attempt to institutionalise a new political settlement at sub-state and local levels. This is the case particularly in identity conflicts where certain sections of a population, often in a particular geographic region, have been marginalised. In short, the level at which an agreement is to be implemented, is important to the type of implementation mechanism established.

Peace agreements can adopt various approaches to ensure that implementation reaches local levels. Most obviously, local-level agreements – that is agreements negotiated locally to address a local conflicts or disputes – can include localised implementation mechanisms. For instance, the 2007 [Peace Agreement between the Sa'ad and Saleman sub-clans](#) in Somalia states that "For effective sustainability and implementation of this historic agreement, the two sub-clans agree to establish a joint elders' council, a joint local police committee and a joint local judiciary committee authorized to extend this agreement in all the respective areas" (art. 6). Another Somalia agreement provides that "Community elders shall administer the implementation of the mediating committee's recommendations" (Somalia, [Adadda Peace Agreement](#), 15 May 1997, preamble). In South Sudan, the 1999 [Wunlit Dinka Nuer Covenant and Resolutions](#) created a local Council to support the implementation of the agreement. It further stipulated that the Council should consider ways to involve the local communities in supporting implementation (art. 3).

Even when not relating to local agreements, peace agreements can directly target local actors designating responsibilities for overseeing aspects of the implementation process. In Sierra Leone, an agreement provides that "Disputes ... shall be brought to the Council of Elders and Religious Leaders for resolution..." ([Lome Agreement](#)), 07 July 1999, art. 6). In contexts like Central African Republic (CAR) and Croatia, national monitoring committees are required to establish regional and local sub-committees to help ensure implementation at different levels (CAR, [Accord de cessation des hostilités en République Centrafricaine](#), 23 July 2014; Croatia/Yugoslavia (former), [Ceasefire Agreement of 29 March 1994](#)), 29 March 1994). In both Burundi and Myanmar, agreements provide for Joint liaison teams that function at the national, provincial and local levels to monitor a ceasefire agreement (Burundi, [Ceasefire Agreement between the Transitional Government...](#), 2 December 2002; Myanmar, [Joint Monitoring Committee guideline for Each Level \(Draft\)](#), 15 October 2015).

In other cases, the issue of the composition of implementation mechanisms has implications on implementation at territorial and local levels. A useful example comes from the Philippines. At the heart of the conflict in Mindanao (an island in the Philippines, the southernmost major island in the country and the second largest, after Luzon) lies deep-rooted prejudices against a minority Muslim and indigenous population. In 1996, the Government and the Moro National Liberation Front (MNLF) signed a Final Peace Agreement, which granted the Muslim majority areas autonomy. However, the Moro Islamic Liberation Front (MILF) – which split from the MNLF in 1984 - vowed to continue the struggle for independence. On 7 October 2012, there was a historic peace breakthrough in the form of a [Framework Agreement on the Bangsamoro](#). This agreement set the road map for a transition, envisioning the creation of a new self-governing region in Muslim-dominated areas of Western Mindanao, called the Bangsamoro. The [Comprehensive Agreement on the Bangsamoro](#) was signed between the Government of the Philippines and the MILF in March 2014.

The Government of the Philippines (GPH) set up the Third Party Monitoring Team and the MILF to monitor the implementation of the GPH-MILF peace agreement, as provided for in the Framework Agreement on the Bangsamoro. The TPMT has five members: two representatives from Philippine NGOs; two representatives from international NGOs (one of each being nominated by each party, all being agreed by both parties); and one "eminent international person" (jointly nominated by the two parties) to act as chair, convenor, and spokesperson of the TPMT.

Box 4: Philippines Third Party Monitoring Team Mandate

The document entitled [Third Party Monitoring Team \(TPMT\) and its Terms of Reference](#) outlines the mandate and responsibilities of the TPMT, which include responsibilities:

- to monitor and evaluate the implementation of all Agreements (3.1.a);
- review and assess the progress of the implementation of commitments by both Parties under the Agreements (3.1.b);
- submit comprehensive periodic reports and updates to both Parties for their appropriate action (3.1.b); and
- communicate to the public the progress and developments in the implementation of the Agreements of the Parties (3.1.c).

Alongside seeking to promote implementation in various ways (see Box 4), the TPMT meets regularly with Panels from both the MILF and GPH and with other bodies associated with the peace process. In adopting an inclusive approach and by engaging with Panels from both parties to ensure that commitments in the agreement – focused primarily on increasing autonomy for the Bangsamoro – are honoured. The TPMT demonstrates the ways in which implementation bodies can bridge between national and sub-state actors and implementation tasks. Although the peace process has recently stalled, the decision of Philippine President Rodrigo Duterte to implement the normalization process, which involves ways to address security concerns in the Bangsamoro Autonomous Region in Muslim Mindanao, is a welcome development.

In other cases, national level mechanisms are required to consult with local actors. In South Africa, for example, the agreement between the 1994 African National Congress (ANC) and the Inkatha Freedom Party (IFP) to end the warfare between the two organizations established a joint committee to implement the agreement and to develop practical steps to end violence. This committee was mandated to “consult with local leadership and grassroots structures” ([African National Congress/ Inkatha Freedom Party Agreement](#), 19 April 1994). Similarly, a ceasefire agreement in Bougainville created a Peace Process Consultative Committee to replace the Peace Consultative Committee, and which was to comprise members from all the parties ([Agreement covering Implementation of the Ceasefire \(Arawa Agreement\)](#), 30 April 1998). Included within the competences of this body was to work at district and local levels to help support the ceasefire locally.

While local level implementation might be desirable, there may not be the capacity (technical, financial and experience) to do so. Capacity building, therefore, is also an approach that can be understood as focused on local level implementation. International actors can concentrate on building capacity of local actors to implement an agreement. To this end, in Bosnia, an agreement stipulates that an International Police Task Force should be created quickly, to advise, train, and monitor local law enforcement personnel (Bosnia and Herzegovina/ Yugoslavia (former), [Conclusions of the Peace Implementation Conference held at Lancaster House \(London Conference\)](#) 09/12/1995, 32).

One of the most innovative approaches to implementation is the Kroc Institute's Barometer Initiative in Colombia, which reaches beyond the national level to address multiple levels and sites of implementation and is provided for by the 2016 Colombian peace agreement with the FARC (see Box 5). The Barometer Initiative conducts a monitoring role with respect to the commitments to action in the agreement. It comprises a mobile team made up of experts with local reach who collect data from a variety of sources, from government offices to media and NGOs, and feed this back to both the Colombian Government and Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP). This mechanism provides an opportunity for local level participation but also offers an avenue through which local concerns can be fed back directly to elite-level actors, with the possibility of altering implementation efforts to reflect these concerns.

Box 5: The Barometer Initiative in Colombia

The Peace Accord Matrix Implementation Dataset (PAM_ID) is a project of the Kroc Institute of International Peace Studies at the University of Notre Dame, which traces the implementation of 34 comprehensive peace agreements (CPAs) (<https://peaceaccords.nd.edu>). The project recognizes 51 different types of provisions that form the corpus of issues or topics found within peace agreements worldwide with qualitative and quantitative longitudinal data on the implementation of 34 CPAs negotiated between 1989 and 2012.

The Barometer Initiative is a project established as part of Kroc's mandate to monitor the implementation of the 2016 Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, signed between the Government of Colombia and Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP). The Barometer Initiative, inspired by the PAM methodology, applies a tailor-made methodology for the Colombian context to monitor contemporaneously the 2016 accord implementation. The initiative examines the degree of implementation in 578 stipulations (actionable items) in the accord, which are then grouped into 70 subthemes and 18 themes. The PAM coding process employs a four-point ordinal scale: 0 for not initiated, 1 for minimal implementation, 2 for intermediate implementation, and 3 for full implementation.

The terms of reference for Kroc are stipulated in the text of the 2016 agreement. Kroc contributes to international and domestic implementation mechanisms by providing technical support. The tasks assigned include:

- designing the methodology for identifying the progress of the agreements; providing the technical support for the follow-up, verification and monitoring of the implementation of the agreements;

[cont'd]

- drawing up a model for evaluation and follow-up which will enable fulfilment of the agreements to be measured with sufficient accuracy and which will allow decisions to be taken and adjustments made, in real time, all within the framework of a logic of continuous improvement of the performance capabilities in the building of peace; and
- providing reports, matrices and products to the International Verification Component and the CMPVI, in compliance with the confidentiality criteria established there (Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, pp. 224-225).

The coding process used in Colombia is based on an extensive information collection system that includes the daily review of dozens of published sources of information on the peace process in Colombia and direct contact with the key institutions and other stakeholders involved or analysing the implementation. This information is validated and supplemented through cross-checking of other data sources and the gathering of additional information and documentation through on-the-ground observation and investigation by a mobile team of peacebuilding professionals employed in Colombia.

Source: Molloy (2018a)

The need for multiple levels of implementation reflects the fact that peace processes are often multi-layered affecting a range of settings, from the national to the local or the international. Including measures that seek to translate the peace agreement at local level can help to increase buy in, often simultaneously expanding the range of actors involved in the implementation process. It is also a practical approach. For instance, when disputes arise, focusing on local level dispute resolution methods through elders or local actors can limit the potential for disagreements to manifest.

2.4. Dealing with Disputes: Forms of Enforcement

A third issue that those seeking to create or mandate implementation mechanisms is how to settle disputes regarding the implementation of an agreement when and if they arise. This is particularly important in contexts where levels of mistrust persist even after the signing of an agreement. As Ross notes:

Disputes over responsibilities naturally arise during the implementation phase. The viability of a peace process depends on the ability of the parties and other stakeholders to deal with disputes that may relate to issues deliberately avoided in the peace talks, delayed implementation, disagreements over interpretation of the agreement, new issues that arise, the eruption of localized conflicts, and crises generated by rising popular expectations (Ross, 2017: 8).

Broadly stated, there are two different ways of dealing with disputes: 'adjudicative enforcement' mechanisms which aim to provide some sort of third-party ruling and proscribed remedy relating to breakdown; and 'flexible dispute resolution' mechanisms, which provide for a measure of ongoing mediation of the peace agreement implementation. Adjudicative mechanisms allow for little renegotiation and involve mechanisms for enforcing agreement provisions. Flexible approaches, by contrast, involve greater space for ongoing negotiation or renegotiation between parties, but may be weaker in terms of whether they are understood as 'enforcement'.

2.4.1. Adjudicative implementation

Adjudicative mechanisms seek to address issues when they arise by offering rulings in different ways. These include:

Enforcement by peacekeeping force. Some provisions draw on peacekeeping forces to impose the terms of an agreement. For instance, in Liberia, an agreement states that:

All Parties shall be equally subject to such enforcement action by the KFOR as may be necessary to ensure implementation of this Chapter in Kosovo and the protection of the KFOR, IM, and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement (Kosovo Serbia/ Yugoslavia (former), Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord), 23 February 1999, Chapter 7, art. 1).

Another example is the Owen-Stoltenberg Peace Plan, which provides that "The Parties shall comply in good faith with all provisions in this Agreement. If a dispute arises, UNPROFOR shall be notified and may make a determination on the merits of the dispute" (Bosnia and Herzegovina/ Yugoslavia (former), Agreement relating to Bosnia and Herzegovina (Owen-Stoltenberg Peace Plan, or 'Invincible plan'), 16 September 1993, Part 2, art. 1).

Binding Arbitration mechanisms involve a third party making a determination over disputes regarding the interpretation of an agreement. Various actors from monitoring committees to mediators can act as arbitrators. As an illustration, in Bosnia, the Framework Agreement for the Federation states that "Unless otherwise agreed, any legal dispute concerning the interpretation of this Agreement may be submitted by either Party for a binding decision to the arbitral tribunal" (Framework Agreement for the Federation (Washington Agreement or Contact Group Plan), 1 March 1994, art. 6). Similarly, an agreement in the CAR states that "In case of any litigation or disagreement arising during the implementation of this agreement, the parties will submit to arbitration by the Monitoring Committee and where necessary the conference of CEEAC Heads of State" (Accord politique de Libreville sur la résolution de la crise politico-sécuritaire en République Centrafricaine, 11 January 2013, art. 9).

Predetermined sanctions for non-compliance. In other cases, agreements include predetermined sanctions for non-compliance. The intention appears to be deterring potential violations by stipulating from the outset consequences for non-compliance. As an example, in Somalia, the Burtinle Peace Agreement states that: "After signature of this agreement, either of the reconciled sub-clans that initiates actions that causes death or injury shall be fined Somali Shilling 200 million before the case is examined" (Somalia/ Puntland, [Burtinle Peace Agreement](#), 6 June 2007, art 14).

Remedies for breach. Parties can make commitments to provide remedies for breaches of the agreement. As an example from Cote d'Ivoire, the 2003 [Linan-Marcoussis Agreement](#) provides that: "This committee will report to national, regional and international authorities all cases of obstruction of the Agreements and failure to apply them, to ensure that appropriate remedies are implemented" (art. 4).

Security Council Resolution providing for mechanism to enforce specific aspects of the agreement. For example, pursuant to UN Security Council resolution 1035, adopted unanimously on 21 December 1995, after recalling Resolution 1031 (1995) and the Dayton Agreement, the Council authorised the establishment of a UN civilian police force, known as the International Police Task Force (IPTF) to carry out tasks in accordance with the agreement.

Although different approaches emerge, what binds these various responses together is that there appears little space for ongoing negotiation and debate as to the terms of an agreement or potential solutions.

2.4.2. Flexible dispute resolution

Flexible dispute resolutions mechanisms differ from adjudicative ones in providing a space for ongoing negotiations. In some cases, agreements stipulate that parties should refer any disputes to a third party for mediation. For instance, in Chad, an agreement states that: "In the case of any violation or disagreement, the two parties shall refer the matter to the mediator country" ([Peace Agreement between the Government of Chad and the Movement pur la démocratie et la justice au Tchad \(MDJT\)](#), 14 December 2003, art. 7).

In Moldova, an agreement provides that "In the event of a violation of these agreements, the Parties have the right to address themselves to the Guarantors for the carrying out of consultations with the goal of taking measures for normalizing the situation" (Moldova/Transdnistria, [Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transdnistria](#), 8 May 1997, art. 10). In Liberia, an accord stipulates that "Any dispute within the NTGL, arising out of the application or interpretation of the provisions of this Agreement shall be settled through a process of mediation to be organised by ECOWAS in collaboration with the UN, the AU and the ICGL" ([Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy \(LURD\), the Movement of Democracy in Liberia \(MODEL\) and the Political Parties \(Accra Agreement\)](#), 18 August 2003, art. XXXVI). Mediation, in contrast to arbitration, appears to create a more participatory response to problems, creating spaces for ongoing negotiation.

Non-binding forms of conflict-party dispute resolution. Parties to an agreement can also commit to be involved personally in mechanisms to be invoked in cases of breakdown. These can be provided through committees that have been established by the parties and which often involve some third party participation. For example, in Angola, the implementation committee consists of Government of the Republic of Angola, UNITA and a number of international actors. Its remit includes "To make the final decision on possible violations. In cases of violations of the agreements, proceed to adopt the necessary steps to establish the identity of the transgressor and make the final decision on addressing the above-mentioned violations" ([Lusaka Protocol](#), 15 November 1994, art. 8).

In Comoros/ Anjouan, an agreement states that "A Follow-up committee, composed of the signatory parties and of representatives of the international community... will also be responsible for the arbitrating of all differences of opinion related to the carrying out of this present General Agreement" ([General Agreement on National Reconciliation \(Fomboni Agreement\)](#), 17 February 2001), art. 5). Finally, in Nepal, an agreement provides that

If any dispute arises in the interpretation of this agreement, a joint mechanism consisting of both parties shall make the interpretation on the basis of the preamble and the documents included in the addendum of this agreement, and this interpretation will be final (Comprehensive Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist), 21 November 2006, art. 10).

Peace agreements can also include **mechanisms providing for processes of political review**. These mechanisms are more explicitly focused on promoting ongoing dialogue between parties in order to resolve disputes that might arise. In the context of Northern Ireland, an agreement states that:

If difficulties arise which require remedial action across the range of institutions, or otherwise require amendment of the British-Irish Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Assembly. Each Government will be responsible for action in its own jurisdiction (The Agreement Reached in the Multi-Party Negotiations (Good Friday Agreement or Belfast Agreement), 10 April 1998), art. 7.

Other agreements promote the importance of **ongoing consultation as a means of addressing agreement violation**. A useful example is the Joint Agreement on Safety and Immunity Guarantees in the Philippines, where it is stated that:

Any violation of this Joint Agreement may be presented by the aggrieved party to the other and shall promptly be the subject of consultations between the two panels of the negotiating parties in order to remove impediments to the peace negotiations (Joint Agreement on Safety and Immunity Guarantees, 24 February 1995), art III(2).

In other cases, enforcement mechanisms include both consultative and adjudicative mechanisms in what might be described as a staged approach to deal with escalating crisis, in other words provisions that initially provide space for political discussion but which move to binding arbitration if unsuccessful.

2.4.3. Adaptive management

The above overview suggests that those negotiating agreements adopt different approaches to dealing with disputes. In those agreements where ongoing negotiation and contestation is necessary or inevitable, flexible dispute resolution mechanisms can provide a space where this can occur through non-violent means. For instance, Joshi, Lee, and Mac Ginty (2017) recognise dispute resolution approaches as important "built-in safeguards". They identify built-in safeguards as "transitional mechanisms that assist in the resolution of credible commitment problems that are common in negotiated settlements to civil wars: Former rivals cannot trust their opponents to abide by the terms of the negotiated agreement" (2017: 997). They continue that "safeguards are designed to address credibility problems, and [...] that these safeguards must be swift, facilitative, and short-lived" (Joshi, Lee and Mac Ginty, 2017: 997). Dispute resolution, as a built-in safeguard

Can offer parties to an accord ways of dealing with problems without disrupting the entire accord. When a stark challenge emerges during the implementation period, the parties may be able to try a problem-solving mechanism rather than disrupt the accord or even risk a resumption of fully-fledged armed conflict. These side-channel mechanisms can take the heat out of an issue by compartmentalizing it and give space to disputants to work on a resolution (Joshi, Lee and Mac Ginty, 2017: 999).

Similarly, for Lyons, one of the most important elements that facilitates successful implementation is the ability to renegotiate terms peacefully as conditions change the relative power and interests of the former warring parties, and as new non-military parties gain strength (Lyons, 2016: 74). Also, even third party enforcement which was adjudicative, will never in this context have the role of "calling off" the agreement – the purpose of adjudication is less to monitor breach and allow the other party to breach, and more to ensure that the parties find a way to renew and reinvigorate their commitments and be held to them.

Flexible approaches are also important in those contexts where important aspects of an agreement have been left deliberately ambiguous or kicked into touch. For Braniff (2012), for instance, the challenge of implementation of the Agreements in Northern Ireland remains firmly rooted in the question of how to deal with the past. In Northern Ireland, implementation has, to a degree, legitimised certain experiences centred on ethnically based narratives. The unwillingness to vocalise and discuss traumas sees victims silenced and unwelcome truths secreted. The challenge for the implementation of peace agreements, she notes, is wedded to how the past is dealt with despite the unambiguous difficulties. Braniff continues then that "in the 14 years since the Good Friday Agreement a mixed output for peace is clear: much remains to be done. Therefore, the implementation of a peace agreement requires time and space, but also vitality and commitment to ensure that what has gone before is not forgotten and that the imperfect peace established does not become the norm" (Braniff, 2012: 18-19). In other words, flexible mechanisms, which allow for ongoing negotiation, are often not only desirable but can be necessary in some cases, and directly related to the ambiguous nature of the peace deal.

3. Conclusion

This report has shown that while implementation mechanisms can play important roles in translating an agreement from paper to practice, the design of implementation mechanisms is often as important as the terms of the agreement the agreed implementation mechanisms are tasked with overseeing. This report has demonstrated not only the range of possible options available to those designing implementation mechanisms, but has also identified some of the underlying reasons, and context-specific and relevant factors, for these decisions.

Peace Agreements Appendix

Afghanistan, Afghanistan Compact Building on Success (London Conference), 1 February 2006
(<https://www.peaceagreements.org/view/1061/>)

Angola, Lusaka Protocol, 15 November 1994 (<https://www.peaceagreements.org/view/439/>)

Bangladesh/ Chittagong Hill Tracts, Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chattagram Janasanghati Samity, 2 December 1997
(<https://www.peaceagreements.org/view/238/>)

Bosnia and Herzegovina/ Yugoslavia (former), Agreement relating to Bosnia and Herzegovina (Owen-Stoltenberg Peace Plan, or 'Invincible plan'), 16 September 1993 (<https://www.peaceagreements.org/view/472/>)

Bosnia and Herzegovina/ Yugoslavia (former), Framework Agreement for the Federation (Washington Agreement or Contact Group Plan), 1 March 1994 (<https://www.peaceagreements.org/view/608/>)

Burundi, Ceasefire Agreement between the Transitional Government..., 2 December 2002
(<https://www.peaceagreements.org/view/321/>)

Central African Republic, Accord politique de Libreville sur la résolution de la crise politico-sécuritaire en République Centrafricaine, 11 January 2013 (<https://www.peaceagreements.org/view/809/>)

Central African Republic, Accord de cessation des hostilités en République Centrafricaine, 23 July 2014
(<https://www.peaceagreements.org/view/818/>)

Chad, Peace Agreement between the Government of Chad and the Movement pur la démocratie et la justice au Tchad (MDJT), 14 December 2003 (<https://www.peaceagreements.org/view/615/>)

Chad, Accord politique en vue du renforcement du processus démocratique, 13 August 2007
(<https://www.peaceagreements.org/view/1265/>)

Colombia, Acuerdo Final entre el Gobierno Nacional y el Movimiento Armado Quintín Lame, Campamento de Pueblo Nuevo Caldonio-Cauca, 27 May 1991 (<https://www.peaceagreements.org/view/151/>)

Colombia, Acuerdo Político Final, Gobierno Nacional - Frente Francisco Garmica de la Coordinadora Guerrillera, 30 July 1994 (<https://www.peaceagreements.org/view/148/>)

Comoros/ Anjouan, General Agreement on National Reconciliation (Fomboni Agreement), 17 February 2001
(<https://www.peaceagreements.org/view/621/>)

Cote d'Ivoire, Linas-Marcoussis Agreement, 23 January 2003 (<https://www.peaceagreements.org/view/436/>)

Croatia/ Yugoslavia (former), Ceasefire Agreement of 29 March 1994, 29 March 1994
(<https://www.peaceagreements.org/view/324/>)

Democratic Republic of Congo, Global and Inclusive Agreement on Transition in the Democratic Republic of Congo ('The Pretoria Agreement'), 16 December 2002 (<https://www.peaceagreements.org/view/394/>)

Democratic Republic of Congo, Peace Agreement between the Government and Le Congres National pour la Défense du Peuple (CNDP), 23 March 2009 (<https://www.peaceagreements.org/view/722/>)

East Timor, Dili Peace Accord, 21 April 1999 (<https://www.peaceagreements.org/view/367/>)

Ecuador/ Peru, Acuerdo Amplio Peruano Ecuatoriano de Integración Fronteriza, Desarrollo y Vecindad, 26 October 1998 (<https://www.peaceagreements.org/view/626/>)

El Salvador, Chapultepec Agreement, 16 January 1992 (<https://www.peaceagreements.org/view/474/>)

Eritrea/ Ethiopia, Technical Arrangements for the Implementation of the OAU Framework Agreement, 31 August 1999 (<https://www.peaceagreements.org/view/554/>)

Guatemala, Agreement on the Identity and Rights of Indigenous Peoples, 31 March 1995 (<https://www.peaceagreements.org/view/283/>)

Guinea, Ouagadougou Joint Declaration, 15 January 2010 (<https://www.peaceagreements.org/view/763/>)

Ireland/ United Kingdom/ Northern Ireland, The Agreement Reached in the Multi-Party Negotiations (Good Friday Agreement or Belfast Agreement), 10 April 1998 (<https://www.peaceagreements.org/view/556/>)

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Liberia, Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement of Democracy in Liberia (MODEL) and the Political Parties (Accra Agreement), 18 August 2003 (<https://www.peaceagreements.org/view/338/>)

Moldova/ Transdnistria, Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transdnistria, 8 May 1997 (<https://www.peaceagreements.org/view/43/>)

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(<https://www.peaceagreements.org/view/1052/>)

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Somalia/ Puntland, Burtinle Peace Agreement, 6 June 2007 (<https://www.peaceagreements.org/view/1853/>)

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(<https://www.peaceagreements.org/view/1806/>)

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(<https://www.peaceagreements.org/view/585/>)

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