Centre for Humanitarian Dialogue

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report

Accountability and Peace Agreements

Mapping trends from 1980 to 2006

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1 Introduction

The Negotiating Justice project was launched in October 2005. Its aim is to improve the practice of mediators, mediation teams and others involved in peace processes by strengthening their understanding of the mechanisms that have been incorporated in peace agreements in an effort to achieve greater justice. This report is part of that project. It analyses peace processes since 1980 and maps the ways in which peace agreements have incorporated mechanisms for dealing with justice issues.

The report focuses on peace agreements concluded between 1 January 1980 and 31 August 2006. This allows us to establish a baseline before the end of the Cold War from which we can better understand the significance of human rights and justice issues following the end of the Cold-War period. The documents analysed below are distinct from other types of agreements related to the peace process, notably ceasefires, negotiating protocols, and implementing protocols.

In total, 77 verified peace agreements were analysed from among 202 general documents related to peace processes for wars that ended between 1980 and 2006. The majority (61) of the agreements contained either a general reference to international standards, conventions, or principles of human rights, a specific justice mechanism, or granted a limited or general amnesty.

The findings suggest that negotiating justice in the context of peace agreements is a complex and difficult process. The analysis below provides an important picture of the range of issues facing mediators and participants to peace negotiations. Four trends emerge.

1 There is a clear growth in the number of peace agreements that include justice mechanisms in the 1990s.
2 The general number of peace agreements concluded peaks and then declines around 2000. Parallel to this trend, the absolute number of justice mechanisms in peace agreements also peaks and then declines in the post-2000 period.
3 Certain clusters of justice mechanisms are observed throughout the 1980–2006 period. This suggests that certain instruments tend to be seen as mutually reinforcing and also critical to ending conflicts and moving towards peace

Provisions for prosecutions and truth commissions are rare in peace agreements, while the use of amnesty is comparatively common. Amnesties are, however, often found in peace agreements alongside alternative mechanisms for achieving justice.

The findings presented in this report illustrate trends in the form that issues related to justice have taken in peace agreements. The report does not investigate the effects of these trends on the consolidation of peace. The goal here is also not to analyse whether these mechanisms were implemented. Instead, the general trends in justice and accountability highlighted below raise a series of important questions that should inform further research on this topic.

The following sections provide definitions for key terms and concepts, specify the research methodology employed, and present a general overview of our findings. Subsequent sections present the findings in greater detail, including trends over time and information on specific justice mechanisms. We conclude with a series of recommendations.

2 Definitions

Throughout the project and this report, the following definitions apply.

Peace agreement: a formalised legal agreement between two or more hostile parties – either two states, or between a state and an armed belligerent group (sub-state or non-state) – that formally ends a war or armed conflict and sets forth terms that all parties are obliged to obey in the future.[1]

Justice mechanism: a specific instrument (e.g. truth commission or tribunal) or provision (e.g. for prisoner release or police retraining) in a peace agreement designed to provide justice and accountability for past crimes and abuses and/or to protect civil liberties and human rights in the future. Appendix 1 below lists the 77 peace agreements included in this analysis, along with the justice mechanisms contained in each agreement. The brief definitions and descriptions of the individual justice mechanisms can be found in Appendix 2.

Reference to international humanitarian or human rights law: a general reference to international standards, conventions, or principles of human rights or to human rights law. Such language is found in the preambles to many of the agreements analysed.

Amnesty: a separate category of mechanism included in peace agreements, though often appearing in conjunction with a larger package of 'justice mechanisms' as defined above. Within this report, amnesties are coded as either limited or general. Limited amnesties grant special exemption to war crimes, crimes against humanity and genocide; general amnesties do not have restrictions attached and generally cover all individuals and crimes associated with the conflict (including violations of international human rights law).

3 Methodology

The universe of cases (verified peace agreements) was defined based on an examination of the major databases of wars and of peace

1 Additional protocols and accords leading up to a peace agreement are not included in the formal analysis, unless the final peace agreement formally and specifically includes them. Similarly, subsequent implementing protocols are not counted as part of the formal peace agreement.

agreements.[2] The primary war databases, Correlates of War and the Uppsala/Prio Armed Conflicts Dataset, were used to compile a list of wars concluded or ongoing, between 1980 and 2006.[3] These wars were then crosschecked against the lists of peace agreements compiled from major datasets and secondary sources, to ensure that all wars with a potential peace agreement were accounted for in the data. The primary peace-agreement databases included the United States Institute of Peace (USIP) Peace Agreements Digital Collection, the International Conflict Research (INCORE) Peace Agreements Collection, and Conciliation Resources Accord: An International Review of Peace Initiatives (ACCORD).[4]

The compiled list of wars and peace agreements was then further crosschecked against secondary sources, including case studies and reports from NGOs (chiefly the International Crisis Group, Human Rights Watch and Amnesty International), and general news sources (e.g. BBC conflict histories).[5] The primary basis for case selection was the existence of a verified peace agreement, thus no distinction is made between those agreements that were formally mediated or those that were reached via agreement among the participants or combatants themselves without formal mediation.

The collected documents were then analysed to establish a list of verified peace agreements (as defined above), as distinct from other types of agreements (e.g. ceasefires, supplementary protocols or letters of intent). Full text versions of each agreement were located, or, in cases where full text versions were unavailable, the provisions included in the peace agreement were compiled from secondary sources. In cases where insufficient secondary-source evidence existed to verify an agreement as a peace agreement, and to verify the provisions of the agreement, the agreement was not included in the analysis.[6]

2 Numerous additional indicators, such as provisions for political or institutional reform or for refugee return, were also mapped as part of the initial data collection. The present report focuses on those mechanisms most directly associated with issues of justice and accountability.

3 Correlates of War, available at http://www.coorelatesofwar.org; UCDP/PRIO Armed Conflicts Data Set, v.3-2005b, International Peace Research Institute, Oslo, available at http://new.prio.no/ CSCW-Datasets/Data-on-Armed-Conflict/UppsalaPRIO-Armed-Conflicts-Dataset

4 See United States Institute of Peace, *Peace Agreements Digital Collection*, Washington D.C., available at http://www.usip.org/ library/pa.html; International Conflict Research, *Peace Agreements*, available at http:// www.incore.ulst.ac.uk/services/cds/agreements; Conciliation Resources, *Accord Series*, available at http://www.c-r.org/ accord/series.shtml; additional sources included the University of Maryland Center for International Development and Conflict Management, *Minorities at Risk Project*, available at http://www.cidcm.umd.edu/inscr/mar; Israel, Fred L. (ed.), *Major Peace Treaties of Modern History: 1980–2000*, Volume VI, Philadelphia: Chelsea House Publishers, 2002; and Marshall, Monty G., 'Conflict Trends in Africa, 1946–2004: A Macro-Comparative Perspective,' Report Prepared for the Africa Conflict Prevention Pool (ACPP), Government of the United Kingdom, 14 October 2005. Note that the recently launched *UN Peacemaking Databank* was not online or available when the research for this project was conducted. However, a cursory examination of the data included in the databank reveals no major discrepancies with the agreements analysed in this report. See http://peacemaker.unlb.org/index1.php

5 International Crisis Group, online at http://www.crisisgroup.org; Human Rights Watch, http://www.hrw.org; Amnesty International USA, Country Information, online at http://www.amnestyusa.org/countries/index.do; BBC News Online, http://news.bbc.co.uk

6 Examples include several agreements between the Government of Mali and various insurgent factions during the 1990s; a 1995 agreement between the Government of Niger and Tuareg rebels; and several agreements between the Government of Surinam and various insurgent groups.

A close reading of the full-text documents, supported by secondary sources, yielded a detailed list of individual provisions in each peace agreement. Each of these individual provisions was then coded to identify the number, type and nature of individual justice mechanisms contained within the agreement. Descriptive quantitative statistics – such as trends over time, counts and frequencies of justice mechanisms – were derived from the coded peace agreements. Finally, a qualitative analysis of the agreement texts in conjunction with secondary sources provided a contextualised comparison of the various justice mechanisms across the set of verified agreements.

This first stage of the Negotiating Justice project is designed to focus specifically on peace agreements, and the data and findings presented in this report represent only the information included in peace agreements. Thus, wars without a formal peace agreement are not represented in the data, even though justice mechanisms may be present in such cases. For example, the war in Ethiopia between rebel groups and the Derg regime does not have a peace agreement, although officials from the Derg regime have been tried. Similarly, justice mechanisms agreed outside the peace agreement are also not covered in the present data and findings. Some of the more innovative justice and accountability mechanisms instituted during 1980–2000 have, in fact, been negotiated separately from peace agreements.[7] Within the framework of the present report, the findings below highlight only general trends in the relationship between peace negotiations, peace agreements and justice mechanisms. Below, this report contains recommendations for moving beyond the narrow focus on peace agreements in future stages of the Negotiating Justice project.

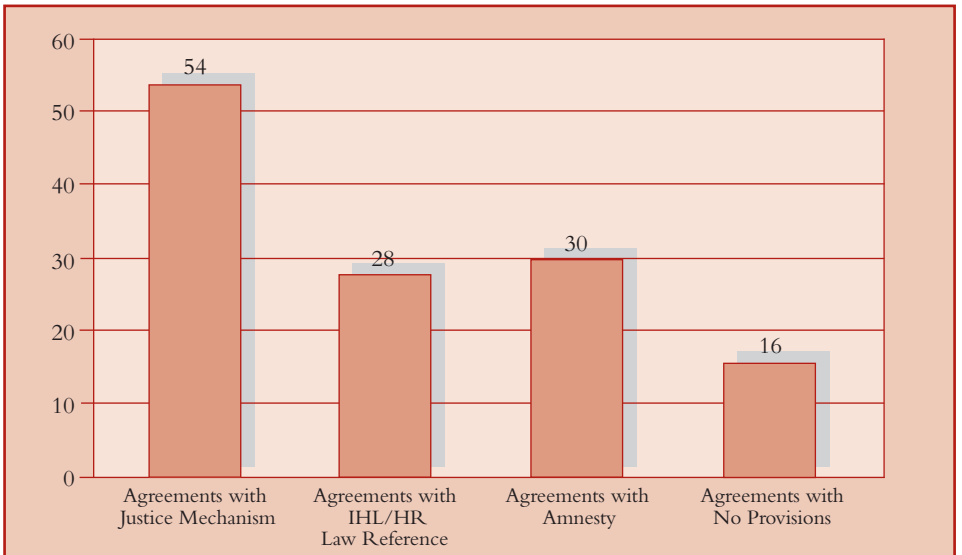
4 General findings

In total, 202 documents (peace agreements, ceasefires and additional protocols) were analysed, and 77 were verified as peace agreements concluded between January 1980 and August 2006.[8] Overall, these 77 agreements contain a total of

7 Examples of justice instruments negotiated separately from peace agreements include: the 2002 Special Court for Sierra Leone; the 2004 decision in Sri Lanka to pursue a National Reconciliation Council following a 2002 peace agreement; the granting of a conflict-related amnesty in Guinea-Bissau in 2004 following a 1998 peace agreement; the decision to pursue domestic trials in Guatemala in 2004 following the 1996 peace agreement; and the institution of hybrid international-domestic trial processes throughout the Former Federal Republic of Yugoslavia after the 1995 peace agreement.

8 Of the 77 verified peace agreements, 27 were concluded between sovereign states, whereas the remaining 50 were concluded between a state and one or more non-state actors. Five additional verified agreements (the 1991 Agreement between the Government of Mail and the Popular Front for the Liberation of Azawad, the 1995 Peace Agreement in Mali, the 1995 Ouagadougou Agreement between the Government of Niger and Tuareg rebels, the 1989 Kourou Accord in Surinam, and the 1992 Peace Accord between the Government of Surinam and the Bush Negro and Amerindian groups) are not included in the analysis due to insufficient information concerning the full text and exact provisions of the agreement. Another 39 additional agreements could not be verified as peace agreements due to lack of information (e.g. no full text available, or insufficient secondary-source information to corroborate agreement provisions) and are similarly excluded from the analysis. Selected examples include a 1996 Agreement between the Government of Angola and FLEC, several agreements among the Governments of Cuba, Angola and South Africa regarding Namibia in the 1980s, a range of agreements between the Government of Chad and various rebel groups in the mid-1990s, a 1999 Agreement between the Governments of Eritrea and Sudan, and two Agreements (1993 and 1995) between the Government of Nigeria and the Ogoni and Andoni groups.

Chart 1: Justice mechanisms included in the 77 peace agreements



Note: Categories shown are not mutually exclusive. A given peace agreement may have any combination of the three provisions, thus there is some overlap among the categories. See chart 4 for a detailed breakdown.

130 discrete justice mechanisms plus 30 instances of amnesty. Of the 77 verified peace agreements, 54 contain at least one specific justice mechanism, and 28 contain references to international human rights laws and/or international humanitarian law.[9] Of the 30 instances of amnesty, 22 are general amnesty provisions and 8 are limited amnesty provisions. Of the 77 agreements, 3 contain only amnesty provisions and 16 contain no justice mechanism, amnesty provision, or IHL/HR law reference whatsoever. This breakdown is shown in Chart 1. The specific mechanisms contained in the agreements, as well as their various combinations, will be discussed in more detail in the following sections.

In general, both the raw number of peace agreements concluded and the number of agreements containing some sort of justice mechanism and/or an amnesty increased over the time period analysed, peaking in the mid- to late 1990s, and then declined from then until 2006, as shown in Chart 2. Chart 3 shows the numbers of justice mechanisms and amnesties included in the 77 agreements, from 1980 to 2006. This confirms the general trend suggested in Chart 2, namely that the inclusion of justice mechanisms in peace agreements peaked in the mid- to late 1990s. The inclusion of amnesties within agreements also shows a slight increase in the late 1990s, and decline after 2000, but on the whole remains relatively stable over the time period analysed.

Taken together, Charts 2 and 3 indicate that something of an 'accountability bubble' developed in the 1990s, as indicated by the higher number of specific justice mechanisms included in peace agreements during this period. The parallel increase in the number of amnesties included in agreements suggests that amnesty provisions are often part of a larger package of justice mechanisms. In addition, the relative stability of the number of amnesties included each year suggests that such provisions have more consistently been part of peace agreements over the time period analysed. These trends will be discussed in more detail below. In brief, a close reading of those agreements

9 Note that these categories are not mutually exclusive; an agreement can contain a justice mechanism or IHL reference as well as an amnesty, or all three. The detailed breakdowns and comparisons are provided in the following sections.

Chart 2: Numbers of agreements, with and without justice components, 1980–2006

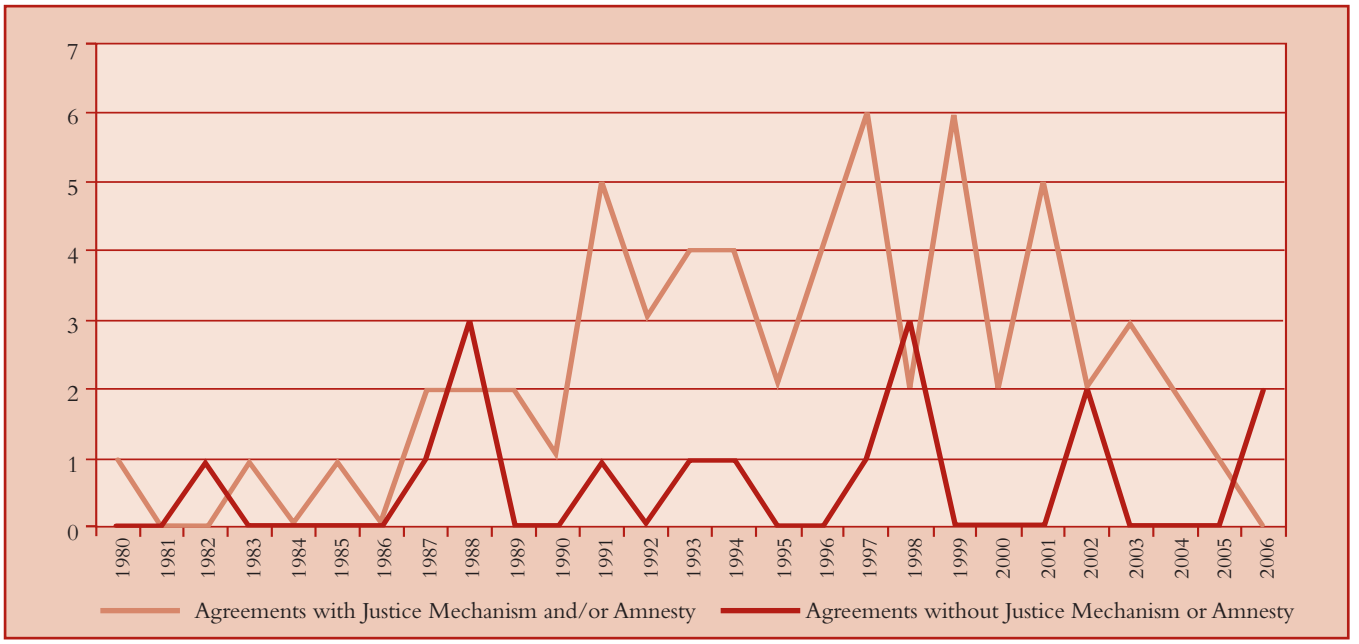
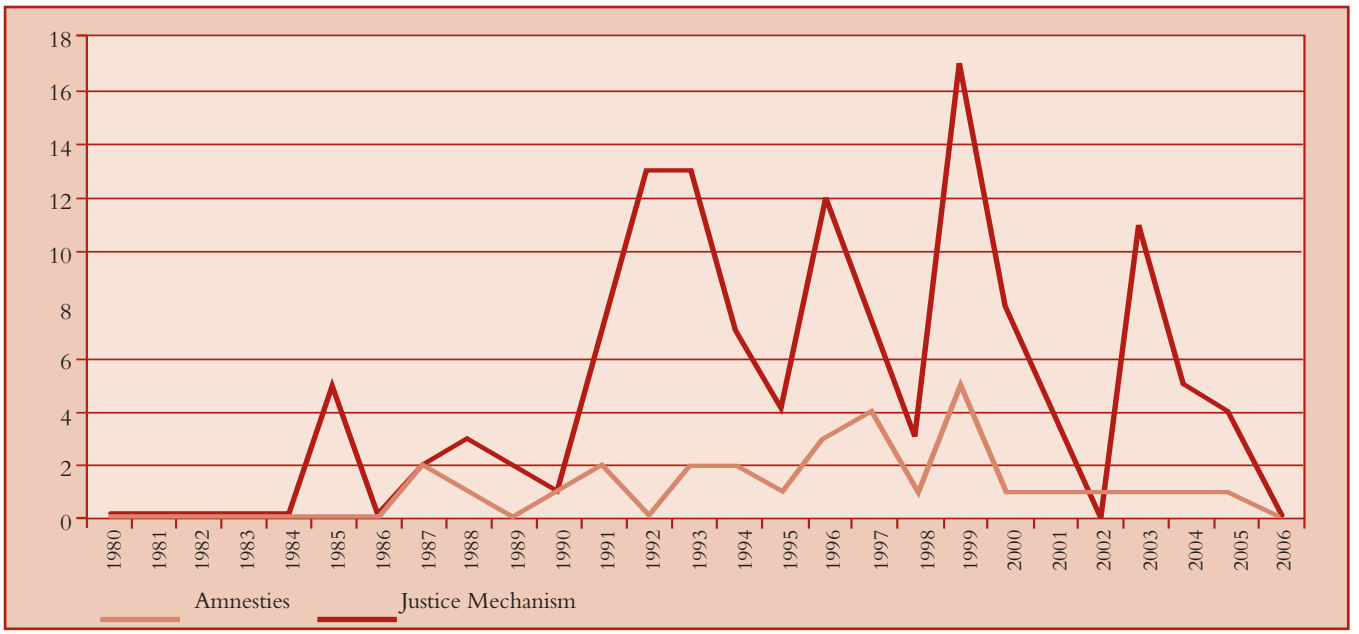


Chart 3: Numbers of justice mechanisms and amnesties, 1980–2006



concluded post-2000 indicates that accountability and justice remain important themes for agreements concluded in this period. However, the range of individual mechanisms included in agreements since 2000 has been far more limited than in agreements concluded in the 1990s.

Between 1980 and 2006, there were 87 wars concluded; an additional 13 wars were ongoing as of 31 August 2006.[10] Following 25 of the 77 agreements

10 War is defined as per the standard usage in major datasets (COW, PRIO) as conflict between two organised entities resulting in 1000 battle-related deaths in a year; sustained conflicts with fewer than 1000 battle-related deaths per year (e.g. those categorised as 'intermediate' conflicts in the PRIO dataset) are also counted as wars in this analysis. Also note that agreements for ongoing wars (e.g. those that have broken down, or those concluded with only one faction of a conflict) are included in the study and totals. Examples of ongoing wars include conflicts between the Government of Burma in the Shan and Karen Territories, between the Government of Colombia and various rebel groups, conflict between the Government of Nepal and Maoist rebel groups, between the Government of the Philippines and various insurgent groups in the Mindanao region, and the ongoing war in Western Sudan (Darfur).

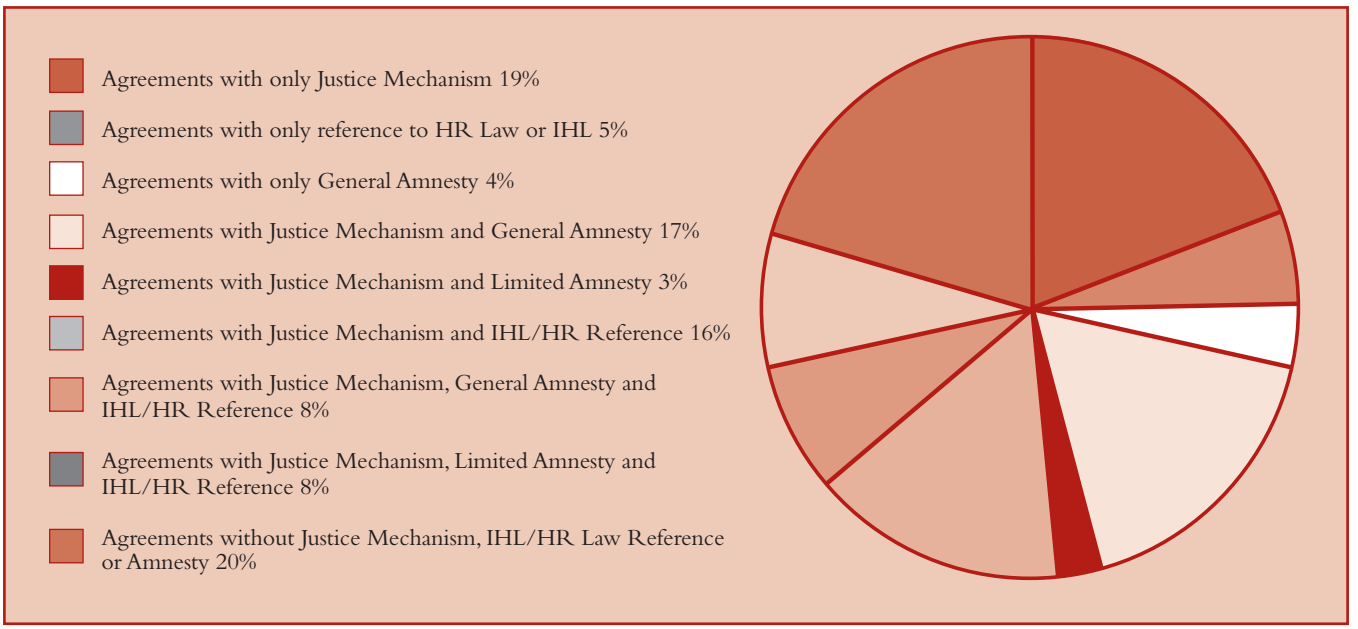
analysed in this report, war resumed or continued unabated, despite the signing of a peace agreement (see Appendix 1). It is important to note that there is no direct correlation between the number of wars and the number of peace agreements. Some wars contain multiple agreements, ongoing wars may contain a peace agreement, and many wars end without a formal settlement.[11] The comparison between wars and peace agreements is thus solely illustrative, but serves to contextualise the universe of cases.

Finally, a more complex breakdown of justice mechanisms, references to international law, and amnesty provisions reveals the following patterns (Chart 4). Of the 77 verified peace agreements:

- 15 of the agreements contained only specific justice mechanisms
- 3 contained only a general amnesty
- 13 contained at least one justice mechanism and a general amnesty
- 2 contained at least one justice mechanism and a limited amnesty
- 12 contained at least one justice mechanism and a reference to international humanitarian or human rights law
- 6 contained at least one justice mechanism, a general amnesty, and a reference to international humanitarian or human rights law
- 6 contained at least one justice mechanism, a limited amnesty, and a reference to international humanitarian or human rights law
- 4 contained only a reference to international humanitarian or human rights law, and
- 16 of the agreements contained no provisions.

The following sections discuss in detail the various types of justice mechanisms and amnesties found in the peace agreements.

Chart 4: Combinations of justice mechanisms included in the 77 peace agreements



11 Wars ending without a formal settlement are often those where a government entirely oppresses/eradicates a rebel group, such as the crackdown by the government of Iran on Kurdish groups in the 1980s, or the total victory of the Indian government in the 1982–1993 Punjab conflict. The 1979–1988 China–Vietnam war also ended without a formal settlement.

5 Trends over time and aggregate figures

As noted above, the number of peace agreements concluded and the number of justice mechanisms within peace agreements both increased over the period under examination, with the most notable growth beginning around 1987. The number of agreements with at least one justice mechanism peaked in the late 1990s, with six such agreements in 1997 and six again in 1999 (Chart 5). Before the early 1990s, most agreements either did not include specific justice mechanisms or did not address human rights or humanitarian issues. Those agreements that did address questions of human rights and humanitarianism typically included general references to international standards, conventions and principles of human rights, but rarely included specific mechanisms for justice or accountability. As shown in Chart 5, the growth in agreements including one or more specific justice mechanism, often in conjunction with general references to international human rights laws and standards accounts for the increase in the number of justice-related instruments and issues addressed in peace agreements in the 1990s.

The growth of justice mechanisms in the 1990s is largely explained by the fact that several agreements concluded during this period include numerous individual justice mechanisms. Examples include: the 1993 Arusha Accords in Rwanda (6 mechanisms); the 1995 Dayton Accords between the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of

Chart 5: Numbers of three types of mechanisms in the 77 agreements, 1980–2006

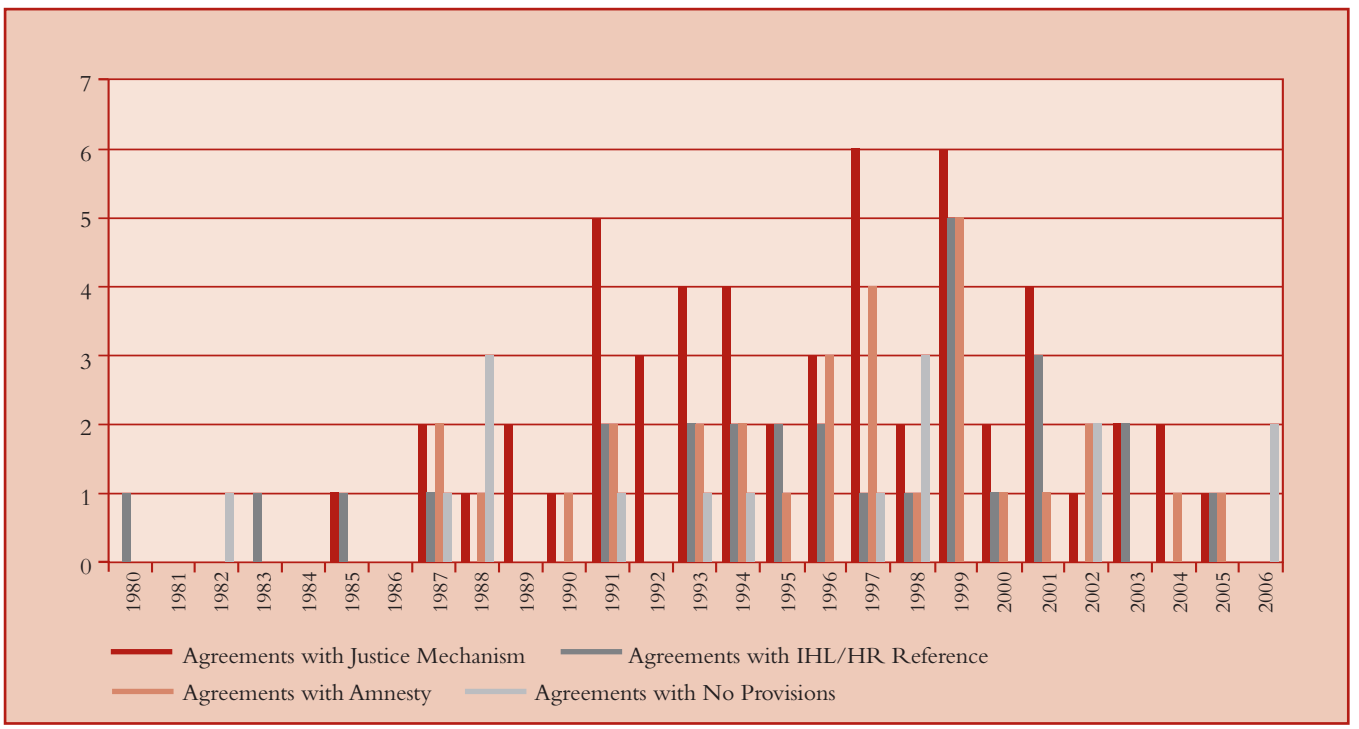
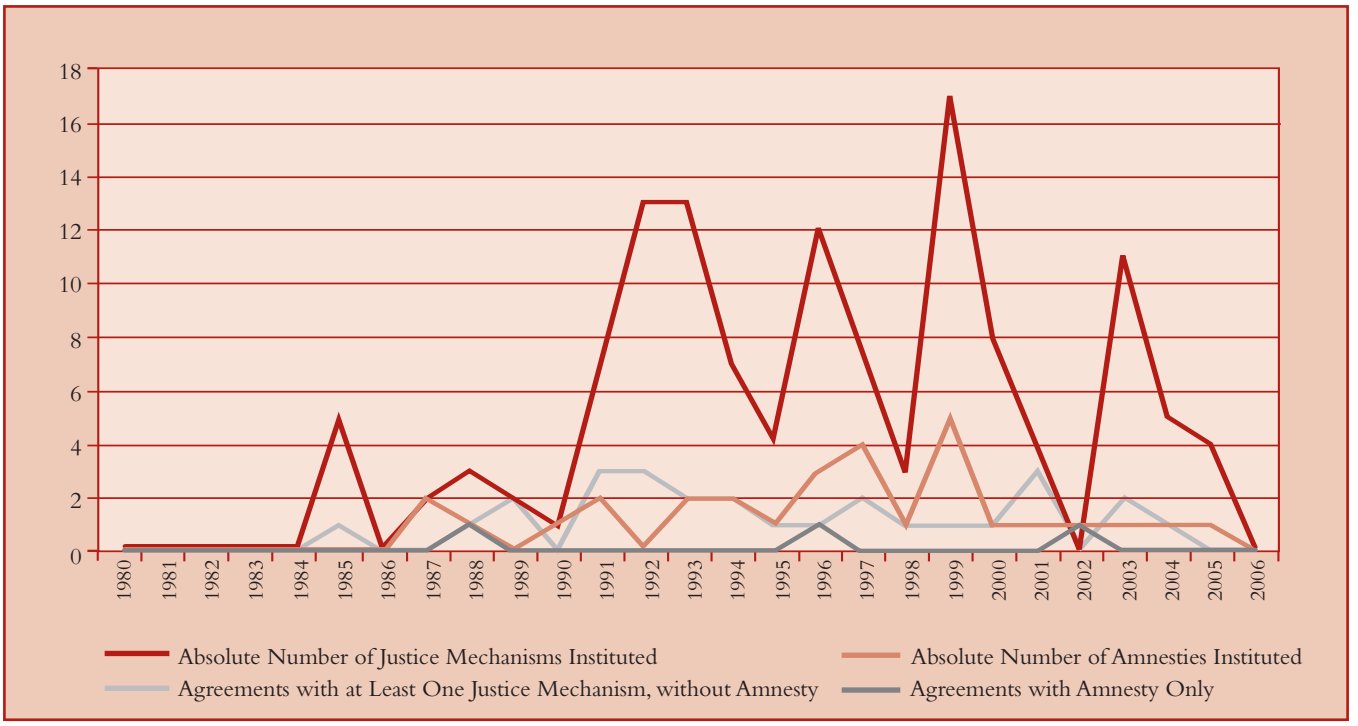


Chart 6: Numbers of mechanisms and amnesties, and numbers of agreements, 1980–2006



Yugoslavia (3 mechanisms); the 1996 agreement in Guatemala (6 mechanisms); the 1997 Abidjan Agreement in Sierra Leone (7 mechanisms); the 1999 Kosovo Agreement (5 mechanisms); the 1999 Lomé Agreement in Sierra Leone (6 mechanisms); and the 2000 Arusha Agreement in Burundi (7 mechanisms). Beyond these specific examples, though, the 1990s saw many peace agreements concluded, each of which contained several justice mechanisms.

Chart 6 tracks the number of justice mechanisms and amnesties against the number of agreements containing at least one justice mechanism for each year from 1980 to 2006. The general trend towards inclusion of justice mechanisms in peace agreements reverses in the post-2000 period. From 2000, both the number of peace agreements concluded and the number of agreements with at least one justice mechanism decline. In contrast, the number of amnesty provisions instituted from 1980 to 2006 remains relatively stable, though a slight increase in the 1990s and a slight decrease in the post-2000 period does somewhat mirror the overall trend for justice mechanisms.

Overall, those mechanisms that are present in the post-2000 period are largely concentrated in a select few agreements (e.g. the 2003 agreement between the Government of Liberia and LURD/MODEL, the 2004 Comprehensive Peace Agreement in Sudan, and the 2005 Aceh Agreement in Indonesia). The increase and subsequent decline in the total number of justice mechanisms closely mirrors the pattern for peace agreements with at least one justice mechanism. The drop in the absolute number of justice mechanisms is thus also tied to the fact that fewer agreements were concluded in the post-2000 period. In turn, this may indicate that the inclusion of justice and accountability instruments in peace agreements continues to be an important theme for mediators and participants to peace negotiations, albeit perhaps on a more limited or focused scale.

Table 1: Individual justice mechanisms and amnesties

Mechanism	*Number of Instances**	*Proportion of all Mechanisms (%)*
Amnesty	30	18
General	(22)	(13)
Limited	(8)	(5)
Prisoner release	26	16
Combatant reintegration	25	15
Police reform	20	13
Military reform	14	9
Human rights commission	13	8
Vetting	9	6
Compensation	8	5
Truth commission	6	4
Traditional justice	5	3
Trials	4	3
Totals	**160**	**100**

* The number of instances of each mechanism corresponds to the number of agreements in which the mechanism is present.

Table 1 and Chart 7 present the numbers of instances of 11 individual justice mechanisms and amnesties included in the 77 agreements, plus the equivalent percentage for each number as a proportion of the total 160 discrete mechanisms. Amnesties (30 instances, or 18 per cent of all mechanisms) comprise the largest single category observed. The next-largest categories are provision for prisoner release (26 instances, 16 per cent of all mechanisms), and provision for combatant reintegration (25 instances, 15 per cent of all mechanisms). The remaining mechanisms include provisions for police or military reform, provisions for a human rights commission, vetting, compensation, provisions to set up a truth and reconciliation commission, measures incorporating traditional justice and for trials.

Chart 7: Individual justice mechanisms and amnesties, 11 categories

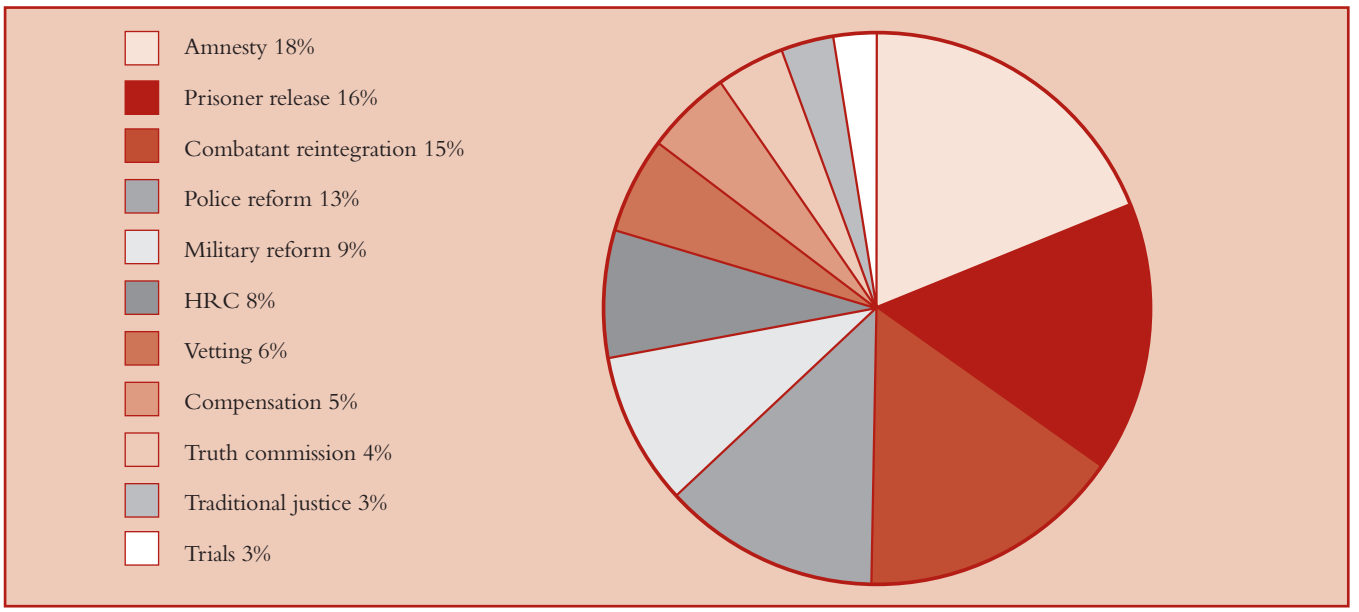
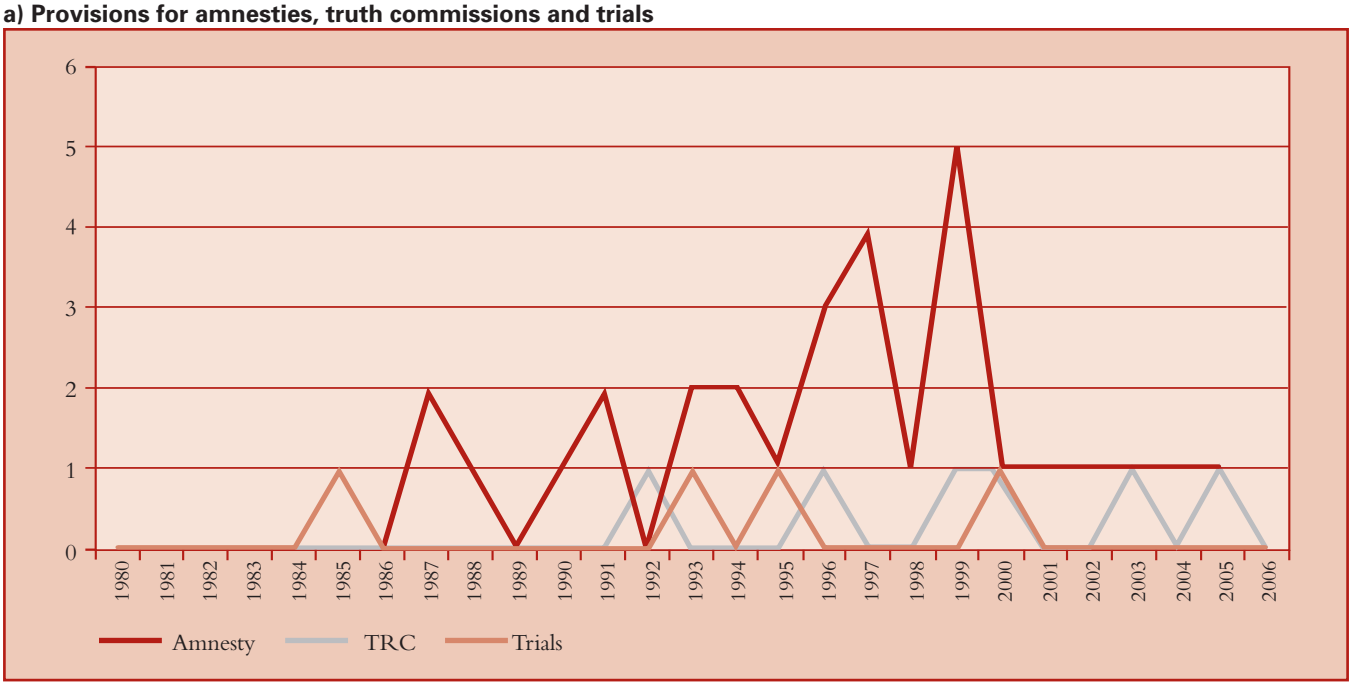
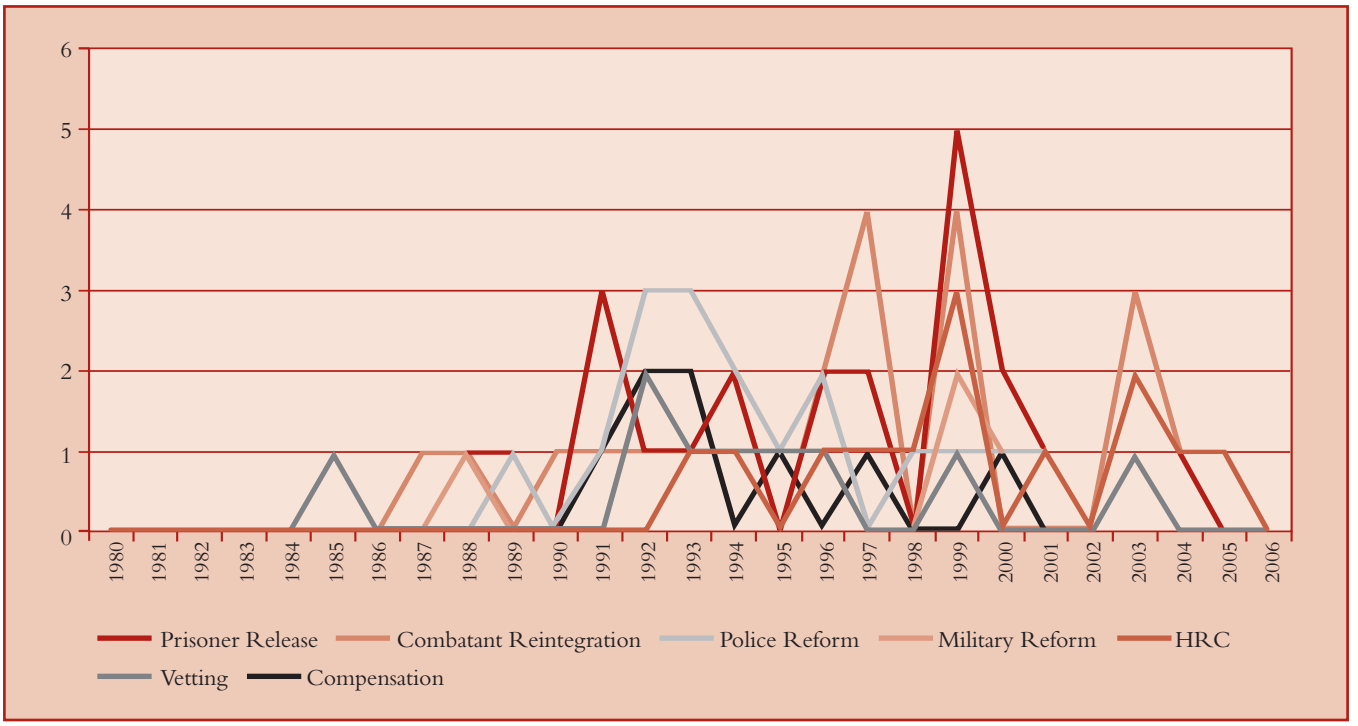


Chart 8: Individual justice mechanisms, 11 categories, 1980–2006
a) Provisions for amnesties, truth commissions and trials



b) Provisions for the remaining eight mechanisms



Finally, Charts 8a and 8b track the development of all 11 justice mechanisms, in two groups, over time. As the charts indicate, most of the individual justice mechanisms included in agreements conform to the same general pattern, namely an increase in the 1990s and then a decline from 2000. Perhaps the only minor exception to this trend is the tendency for the inclusion of provisions for human rights commissions and for combatant reintegration in agreements post-2000. The following section examines each of these individual mechanisms in greater detail and draws comparisons across individual cases.

6 Justice mechanisms and amnesties in detail

This section looks at the 11 individual justice mechanisms in detail, and also identifies several important combinations of justice mechanisms, or cases where specific mechanisms seem to 'cluster' within agreements. In general, a clear set of three main mechanisms emerges: amnesty (particularly general amnesty provisions), prisoner release and combatant reintegration measures. Both individually and in combination, these mechanisms are the most common mechanisms contained in the agreements analysed. These three mechanisms are discussed in turn, and then analysed in terms of their combinations within peace agreements.

In contrast, mechanisms commonly associated with justice and accountability, such as provisions for truth commissions, trials, or even compensation and traditional justice approaches, appear much less frequently in peace agreements. These and the other remaining justice mechanisms are also considered here, as is their tendency to cluster within peace agreements. However, the relative paucity of mechanisms, beyond the three major ones, in peace agreements means that there are also fewer clear patterns or combinations. Nonetheless, a qualitative reading of some of the agreements containing these mechanisms does shed light on the process of negotiating justice and accountability within peace treaties.

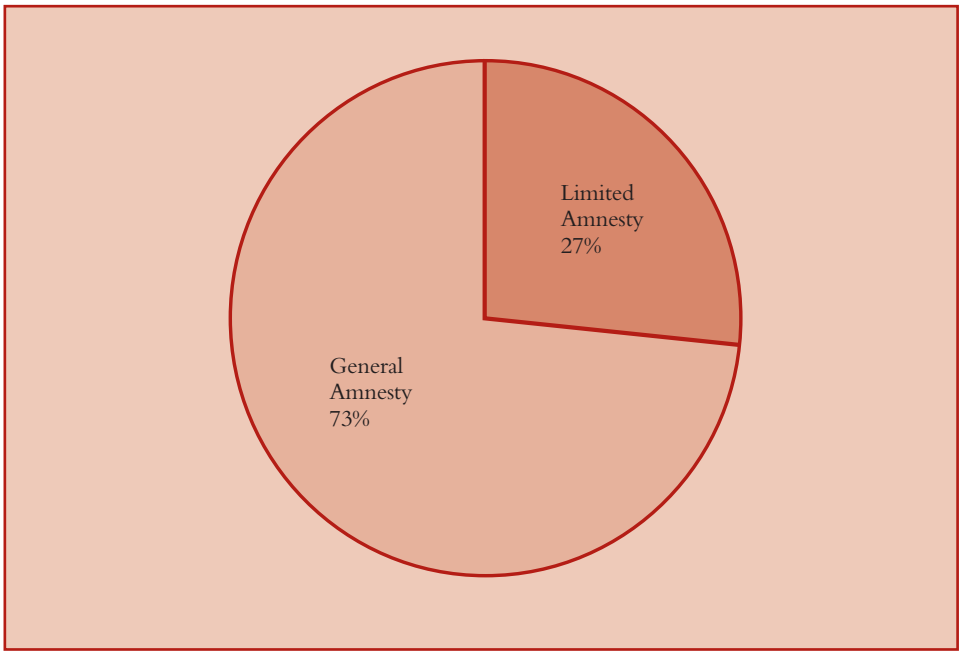
Amnesty

Amnesty is the most common mechanism contained within peace concluded between 1980 and 2006, appearing in 30 of the 77 cases. In 22 of these cases, general amnesties covered all individuals and all violations or crimes (including violations of international human rights law). Limited amnesties, or those applying to all crimes except war crimes, crimes against humanity and genocide, account for 8 of the 30 cases (Chart 9).[12] The Cotonou Agreement in Liberia (1993), for example, includes a general amnesty for 'all persons and parties involved in the Liberian civil conflict',' thus covering both all crimes and all individuals in the amnesty.[13] In contrast, the Arusha Peace and Reconciliation Agreement for Burundi (2000) grants amnesty to all combatants, but explicitly excludes the gravest

12 It is important to note that amnesty provisions are often subject to judicial interpretation and/or modification subsequent to the conclusion of the peace agreement, such that the provision actually implemented may be different from that originally included in the peace agreement. In addition, the terms 'general' and 'limited' as used here refer only to the crimes covered by the amnesty, and not to any additional limitations (e.g. who is covered, or conditions for receiving amnesty).

13 Cotonou Agreement, Cotonou, 25 July 1993, Section G, Art. 19, from *United States Institute of Peace, Peace Agreements Digital Collection: Liberia*, available at http://www.usip.org/library/pa/liberia/liberia_07251993_toc.html

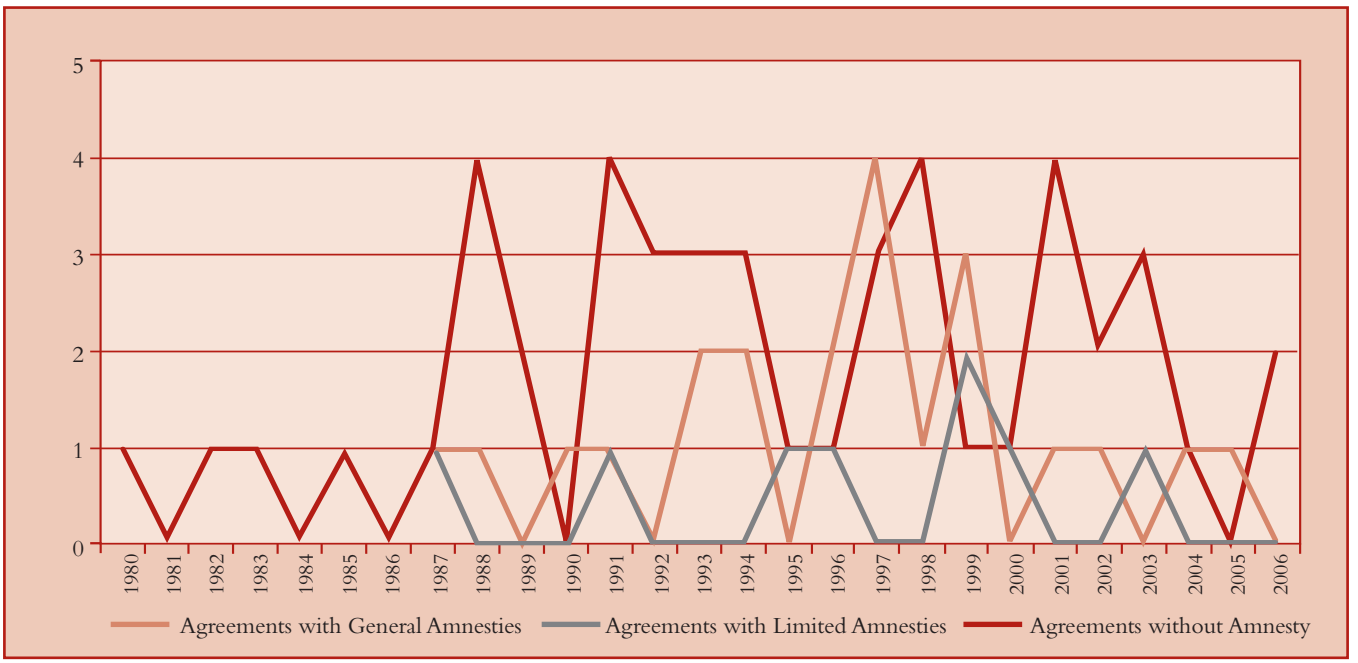
Chart 9: Proportions of general and limited amnesties



crimes, thus constituting a typical limited-amnesty provision.[14] While in many cases, disarmament is an unstated precondition for combatants seeking to benefit from amnesty provisions, this was mentioned explicitly in only one agreement (the 1994 Chittagong Hill Tracts Accord in Bangladesh). Charts 10 and 11 track the use of amnesty in peace treaties from 1980 to 2006, showing the absolute number of amnesties instituted.

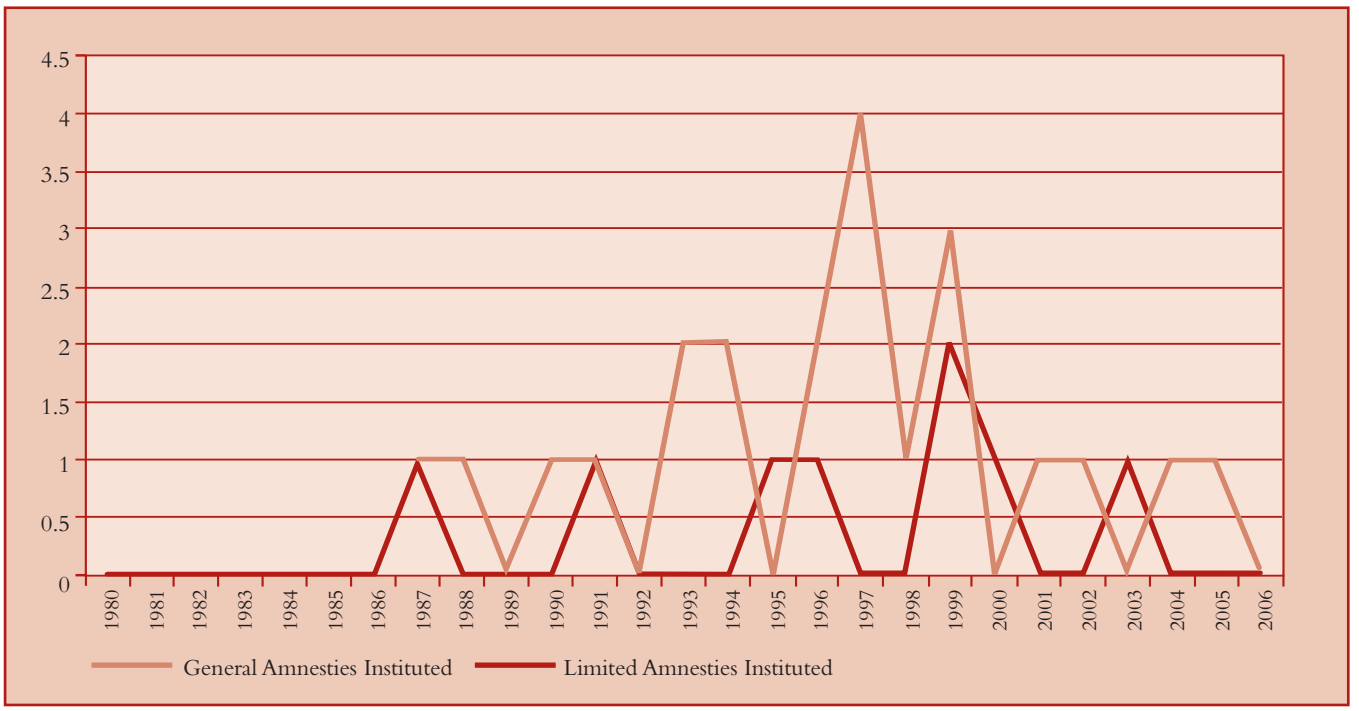
Amnesty constitutes a unique category of instrument because it recognises that

Chart 10: Inclusion and non-inclusion of amnesties, 1980–2006



14 Arusha Peace and Reconciliation Agreement for Burundi, Arusha, 28 August 2000, Protocol III, Art. 26-1, from *United States Institute of Peace, Peace Agreements Digital Collection: Burundi*, available at http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html

Chart 11: Inclusion of amnesties by type, 1980–2006



crimes have been committed but grants immunity. Both limited and general amnesties typically are designed to secure support for the peace process from all parties, especially those who might otherwise refuse to stop fighting, and to reintegrate large numbers of former combatants. It is also critical to note that the granting of an amnesty serves different purposes in different contexts. While the predominant role of amnesties within peace agreements is to pardon former combatants for some or all of the crimes alleged as part of a war, amnesties have also been used to facilitate the start of peace negotiations.

Both limited and general amnesties have sometimes come into conflict with other instruments of justice and accountability. As part of the peace process in El Salvador, a 1992 amnesty law passed by the legislature allowed for rebel leaders to return to the country and take part in peace negotiations without fear of arrest and prosecution. In 1993, just days after the truth commission report was released, an amnesty decree was issued that applied to all those named and implicated in the truth commission report. Although neither amnesty was part of a formal peace agreement (as defined in this report), both were critical (and controversial) elements in the overall peace settlement.

The use of amnesty provisions in peace agreements also illustrates an important general trend observed among all cases: the incongruence between provisions written into a peace agreement and those actually implemented. The 1999 Lomé Agreement in Sierra Leone contained an absolute and complete pardon for all individuals.[15] In a war characterised by numerous human rights violations and atrocities, the inclusion of a general

15 Peace Agreement Between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Abidjan, 30 November 1996, Article XI, from *United States Institute of Peace, Peace Agreements Digital Collection: Sierra Leone*, available at http://www.usip.org/library/pa/sl/sierra_leone_11301996.html

amnesty provision was sharply criticised by the human rights community. The subsequent decision to set up a Special Court in Sierra Leone has created a great deal of ambiguity about the status of the 1999 amnesty provision. To be sure, examining peace agreements themselves is valuable for the insight provided into the negotiation and mediation process. However, the case of Sierra Leone highlights the important general point that provisions written into peace agreements should not be assumed to be the provisions implemented or actually in operation after the war.

Finally, and perhaps most importantly, both limited and general amnesties often appear in conjunction with other justice mechanisms designed to secure an end to conflict and to reintegrate individuals from all parties back into 'normal' life. The following sections look at the mechanisms of prisoner release and combatant reintegration, individually and then in conjunction with amnesty provisions.

Prisoner release

Following amnesty, prisoner release and return is the second most common mechanism contained within the peace agreements analysed, appearing in 26 of the 77 cases. Viewed together with amnesty provisions, the common use of prisoner-release provisions suggests that one of the principal goals in negotiating peace agreements is the rapid transformation towards a stable and functioning society. All participants (combatants and political leaders) need to be shifted from a state of war to a situation where building the institutions and political arrangements for the future becomes most important. For example, many of the peace agreements employing both amnesties (either general or limited) and prisoner-release provisions also include language emphasising the need for national reconciliation and the importance of focusing on a common future.

The 1992 General Peace Agreement for Mozambique is a classic example.[16] The agreement contains explicit provisions for prisoner release and reintegration, together with language emphasising national reconciliation and a common future throughout the agreement.[17] In fact, Mozambique is notable as an important case that did not contain any of the common justice instruments such as trials or truth commissions, but nonetheless is widely viewed as a successful case of war termination and democratic consolidation. In lieu of such accountability instruments, the 1992 General Peace Agreement did contain a wide range of measures concerned with combatant reintegration, and national reconciliation among civilians, combatants and political factions alike.
The peace process in Mozambique (which also included a *de facto* general

16 General Peace Agreement for Mozambique, Rome, 4 October 1992, specifically Protocols III, IV, and VI, from *United States Institute of Peace, Peace Agreements Digital Collection: Mozambique*, available at http://www.uisp.org/library/pa/mozambique/mozambique_10041992_gen.html

17 Although an amnesty provision was not written into the agreement, the acceptance of the RENAMO rebels as a legitimate political party together with the overwhelming focus on national reconciliation meant that the end to the civil war in Mozambique was accompanied by a de facto general amnesty, as leaders on all sides chose not to pursue trials or retributive justice and instead focused on building the political parties and institutions for a unified Mozambique.

amnesty for all combatants as part of the settlement, separate from the peace agreement) focused on transforming former combatant forces into legitimate political parties and incorporating them into the democratic process. The subsequent stability of the state, as demonstrated by a series of free and fair elections accompanied by macro-economic growth, is often held up as a transitional-justice success story.[18] In addition, the 1994 agreement (the Lusaka Accords) ending the conflict between Angola and the UNITA rebels also contains provisions for both prisoner release and general amnesty, while the 1996 agreement ending the Guatemalan civil war includes the combination of limited amnesty and prisoner release.[19] These measures are also discussed in more detail below, in the section concerned with combinations of justice mechanisms in peace agreements.

Combatant reintegration

Provisions to reintegrate combatants into both national militaries and civilian life comprise another common justice mechanism, appearing in 25 of the cases analysed. In all of these 25 cases, provisions for reintegrating former combatants into extant or new (unified) military structures are also present. In 15 of the cases, additional measures for reintegrating combatants into civilian/community life are included (e.g. through vocational training, financial compensation or educational assistance).

Numerous peace agreements exhibit provisions for combatant reintegration, including the 2001 Bougainville Peace Agreement in Papua New Guinea, the 2003 agreement in Burundi, the 1999 accord between the Government of Guatemala and the URNG, both the 1993 and 2003 agreements in Liberia, and both the 1997 and 2004 peace agreements in Sudan.[20] The texts of these agreements generally support the reintegration of combatants into both civilian life and into a single national military for purposes of national reconciliation. The Guatemalan accord is notable for its consideration of the social dimension of reintegration, including detailed steps for demobilisation and reintegration combined with attention to the issues affecting minorities, indigenous peoples and different gender groups. This is one of the few peace agreements addressing questions of education, health care and social welfare.[21] The two agreements in Sudan are unlike any others in including a

18 For more information, as well as a critical perspective, see Ostheimer, Andrea E., 'Mozambique: The permanent entrenchment of democratic minimalism?' *African Security Review* 10(1), 2001, available at http://www.issafrica. org/Pubs/ASR/10No1/Ostheimer.html

19 Lusaka Protocol, Lusaka, 15 November 1994, from *United States Institute of Peace, Peace Agreements Digital Collection: Angola*, available at http://www.uisp.org/library/pa/angola/lusaka_11151994.html; Agreement on a Firm and Lasting Peace, 29 December 2006, from *International Conflict Research, Peace Agreements*, available at http://www.incore.ulst.ac.uk/services/cds/agreements

20 Bougainville Peace Agreement, Arawa, 30 August 2001, from *United States Institute of Peace, Peace Agreements Digital Collection: Bougainville (Papua New Guinea)*, available at http://www.uisp.org/library/pa/bougainville/bougain_20010830.html; The Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi, Pretoria, 8 October 2003, from United States Institute of Peace, Peace Agreements Digital Collection: Burundi, available at http://www.uisp.org/library/pa/burundi/pa_burundi_10082003.html; Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, 18 August 2003, from United States Institute of Peace, Peace Agreements Digital Collection: Liberia, available at http://www.uisp.org/library/pa/liberia/liberia_08182003_cpa.html; Cotonou Agreement, 1993.

mandated waiting period (four years) before integrating combatants into the national army.[22]

Provisions for combatant reintegration reinforce one of the common purposes behind amnesty (both limited and general) and prisoner release as discussed above: namely the drive to reintegrate combatants back into the structures of civilian life and focus on moving forward beyond the causes of the conflict. The relationship between these three mechanisms is discussed in more detail in the next section.

The amnesty–release–reintegration cluster

Overall, these three main mechanisms follow a pattern. Amnesty (both limited and general), prisoner release, and combatant reintegration often appear together in some combination in peace agreements. Chart 12 highlights the close congruence over time between these three related mechanisms. As Chart 12 (page 22) also illustrates, amnesty, prisoner release, and combatant reintegration are closely clustered together in the agreements where they appear. Where any one of the mechanisms is present, one or both of the others is also likely to be contained within the same agreement. Over time, the use of combatant-reintegration measures has shown the greatest change, growing in frequency over the late 1990s. In contrast, amnesty provisions appear to have been employed more regularly during 1980–2006, though general amnesties in particular were increasingly included in peace agreements in the mid- to late 1990s.

The combination of these mechanisms is further illustrated in Table 2 (page 22): all three instruments appear in 10 of the 45 agreements that contain at least one of the three mechanisms. In 16 additional cases, two of the three instruments appear in the same agreement, suggesting that peace negotiators view these mechanisms as complementary or reinforcing.

Examples of agreements containing this cluster of justice mechanisms includes the 2003 Linas-Marcoussis Agreement in Côte d'Ivoire that combined a limited amnesty, prisoner release, and provisions to reintegrate military personnel 'of all origins'.[23] Additional agreements that included all three mechanisms include the 1993 peace agreement in Liberia (a limited amnesty), the 1996 and 1999 peace agreements in Sierra Leone (each containing a

21 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, 1994; Agreement on Identity and Rights of Indigenous Peoples, 1995; Agreement on Social and Economic Aspects and Agrarian Situation, Mexico City, 6 May 1996, from *United States Institute of Peace, Peace Agreements Digital Collection: Guatemala*, available at http://www.uisp.org/library/pa/guatemala/guat_960506.html

22 Peace Agreement between the Government of Sudan and South Sudan United Democratic Salvation Front (UDSF), Ch. 6, 21 April 1997, from *International Conflict Research, Peace Agreements*, available at http://www.incore.ulst.ac.uk/services/cds/agreements/africa.html; Agreement Between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on Implementation Modalities of the Protocols and Agreements, 2004, Ceasefire 16.6, 20.

23 Linas-Marcoussis Agreement, Annex, Sections VII 4 and VII 5, 23 January 2003, from *United States Institute of Peace, Peace Agreements Digital Collection: Côte d'Ivoire*, available at http://www. usip.org/library/pa/cote_divoire/cote_divoire_01242003en.html

Chart 12: Amnesty, prisoner release and combatant reintegration, 1980–2006

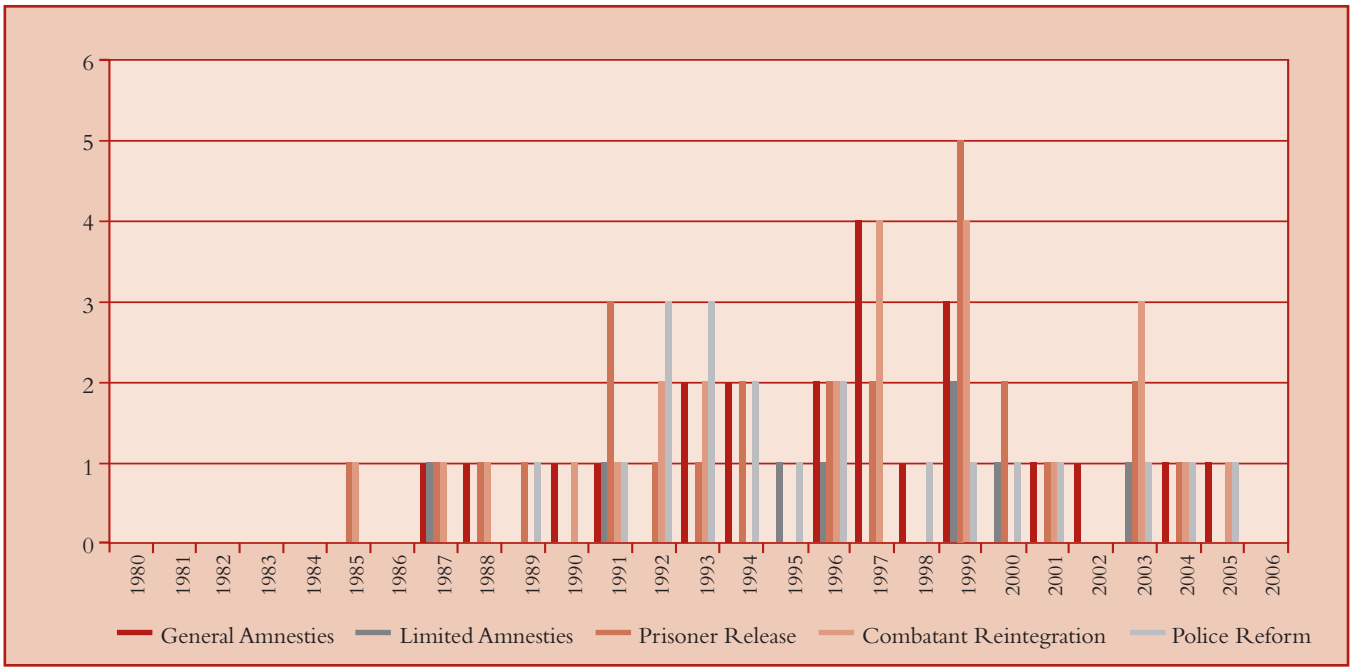


Table 2: Frequency of amnesty, prisoner release and combatant reintegration

Mechanism/combination	*Agreements (number)*	*(percentage)*
Amnesty (general)	7	15.6
Amnesty (limited)	2	4.4
Prisoner release	6	13.3
Combatant reintegration	4	8.9
Amnesty (general) and prisoner release	2	4.4
Amnesty (limited) and prisoner release	3	6.7
Amnesty (general) and combatant reintegration	6	13.3
Amnesty (limited) and combatant reintegration	0	0
Prisoner release and combatant reintegration	5	11.1
Amnesty (general), prisoner release, and combatant reintegration	7	15.6
Amnesty (limited), prisoner release, and combatant reintegration	3	6.7
Total	**45**	**100**

general amnesty), and the 1996 peace agreement in Guatemala (containing a limited amnesty).[24] The Guatemalan agreement is particularly noteworthy for the level of detail accorded to issues of reintegration of both former combatants and other populations affected by the conflict.[25] In addition to general resettlement and reintegration aid, special attention is paid to the

24 Cotonou Agreement, Sect. F, H, I, G, Cotonou, 25 July 1993, from *United States Institute of Peace, Peace Agreements Digital Collection: Liberia*, available at http://www. usip.org/ library/pa/liberia/ liberia_07251993_toc.html; Peace Agreement Between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Art. 6, 14, 19, Abidjan, 30 November 1996, from *United States Institute of Peace, Peace Agreements Digital Collection: Sierra Leone*, available at http://www. usip.org/library/pa/sl/sierra_leone_11301996.html; Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front, Art. IX, XXII, Lomé, 7 July 1999, from *United States Institute of Peace, Peace Agreements Digital Collection: Sierra Leone*, available at http://www.usip.org/ library/pa/sl/sierra_leone_07071999_toc.html

25 Agreement on a Firm and Lasting Peace, specifically Resettlement Agreement, the Reintegration Agreement, and the Socio-Economic Agreement, 29 December 1996, from *International Conflict Research, Peace Agreements*, available at http://www.incore. ulst.ac.uk/services/cds/agreements

unique challenges facing minorities, women, and children in the wake of the conflict, as well as those facing former combatants and prisoners.

On the whole, this clustering of important mechanisms is one of the few patterns that emerges from the overall set of cases analysed. Table 2 also indicates that amnesty is the one mechanism among the three most likely to be employed in a 'stand-alone' sense, as well as in combination with the other mechanisms, with general amnesty being more common than limited amnesty, both individually and in combination. Overall, the fact that these three provisions appear most frequently in peace agreements, both alone and in combination, suggests that the focus on moving beyond conflict is an important goal shared by those involved in negotiating peace agreements.

Additional justice mechanisms

Mechanisms designed to secure the reform and retraining of police and military forces comprise a second group of relatively common justice mechanisms. As illustrated by the examples below, both the police- and military-reform indicators capture measures designed either to retrain such forces (often with specific reference to international human rights standards) or, in some cases, to abolish and then reconstruct police or military forces from the ground up. Police reform appears in 20 of the total 77 agreements analysed, and military reform in 14 cases. Neither of these mechanisms exhibits an obvious relationship to other justice mechanisms, except each other. The two mechanisms appear together in 9 cases, whereas military reform without police reform is comparatively rare, appearing in only 5 cases. Police reform in isolation appears in 11 cases.

Overall, these combinations, though tenuous, do suggest that agreement negotiators may favour a comprehensive approach to the restructuring of security forces. This is particularly relevant given the role that cooption of state security forces (and in particular the civilian police force) has played in numerous civil conflicts, such as in Mozambique, El Salvador and Guatemala, as discussed below. In many such cases, police and state security and intelligence services essentially became paramilitary organisations, such that the boundary and role of the formal military and the police and civil service was blurred – and then often used as a tool of state repression. As a result, professional training for police forces emerges as a key justice mechanism in many agreements concluding long-standing civil wars. Such training emphasises fundamental human rights, international standards and a clear delineation of the roles of military and police forces in terms of national defence and maintenance of civil order respectively.

For example, in El Salvador, this issue was such a central part of the civil war that the subsequent settlement refers repeatedly to the need for professionalised police and military forces and emphasises a clear distinction between the roles of the military, the police, the national intelligence services and other security forces. The peace agreement also emphasises the need for professional training for military and security personnel, emphasising human rights.[26] Moreover, the agreement mandated the abolition of the national intelligence department

26 Peace Agreement, Parts 2, 6 and 7, 16 January 1992, from *United States Institute of Peace, Peace Agreements Digital Collection: El Salvador*, available at http://www.uisp.org/library/pa/el_salvador/pa_es_01161992.html

and national civil police forces, and the creation and training of entirely new organisations.[27] In many cases, the international community plays an important role in retraining police and military forces, as was the case in the Former Federal Republic of Yugoslavia and Sierra Leone. Other 'major' cases such as Angola, Guatemala, Burundi and Mozambique all emphasise police and military retraining as part of peace agreements. Therefore, this may be one instrument that mediators view as both central to a peace agreement and, perhaps more importantly, realistic given the level of material support for such tasks from the international community.

Provisions for vetting individuals for political office, civil service, or military/police service are included in 9 of the 77 peace agreements concluded during 1980–2006. Of these 9 agreements, 7 also contain provisions for either military or police reform. For example, El Salvador established an *ad hoc* commission to review the human rights record of the military, which resulted in both a purge of several high-level officers and also continual vetting for military service.[28] Similarly, the 1992 General Peace Agreement in Mozambique included provisions for vetting police officers according to their human rights and political records as part of the de-politicisation of the police force.[29] The 1996 Abidjan Agreement in Sierra Leone combined vetting with human rights training for police officers.[30] In contrast, the 1999 Kosovo Peace Agreement actually included a prohibition on vetting according to political groups for police forces, in an apparent attempt to prevent a deliberate or 'engineered' over-representation of political and/or ethnic groups within the police.[31]

Provisions to create a human rights commission, ombudsman or other investigative body for dealing with human rights issues post-conflict and into the future appear in 13 of the 77 agreements. Among the various justice mechanisms analysed, the creation of permanent institutions for handling justice and human rights issues is perhaps the mechanism that most reflects a 'long-term' orientation. Institutions such as human rights commissions and ombudsman's offices are distinct from the truth and reconciliation commissions created to deal with violations and atrocities of a past conflict. Instead, these bodies are explicitly focused on addressing human rights issues as they arise, with the aim of preventing such issues from growing into sufficient cause for further conflict. This set of mechanisms represents a rather heterogeneous group, as the provisions and institutions created range from single individuals (a human rights ombudsman) to bodies with far-reaching powers of investigation (as in Sierra Leone). In some cases the agreement specifies only general measures such as the establishment of a national reconciliation council (as in Somalia).

For example, the 2003 Linas-Marcoussis Agreement in Côte d'Ivoire created a National Human Rights Commission to 'ensure protection of rights and freedoms in Côte d'Ivoire'.[32] A similar body was included in

27 Peace Agreement (El Salvador), 1992, Parts 2, 3, 6, and 7.
28 Peace Agreement (El Salvador), 1992, Part 3.
29 General Peace Agreement for Mozambique, 1992, Protocol IV and V.
30 Peace Agreement Between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Art. 25, Abidjan, 30 November 1996, from *United States Institute of Peace, Peace Agreements Digital Collection: Sierra Leone*, available at http://www.usip.org/library/pa/sl/sierra_leone_11301996.html
31 Interim Agreement for Peace and Self-Government in Kosovo, 1999, Ch. 2, Art. II, Para. 5.

the 2005 Aceh peace agreement in the form of a Human Rights Court (in addition to a Truth Commission as discussed above), though subsequent implementing legislation explicitly limited the scope of the court's activity to cases after the date of the agreement.[33] A human rights ombudsman was established as part of the Kosovo Peace Agreement, to oversee human rights and fundamental freedoms, and the 2003 Liberian peace agreement established an Independent National Commission on Human Rights.[34] In a more comprehensive agreement, the 1998 Belfast (Good Friday) Accords in Northern Ireland established two parallel human rights commissions, one each for Great Britain and for Northern Ireland, as well as a joint committee to coordinate the two commissions.[35] Despite their regular inclusion in peace agreements, comparatively little information is available concerning the subsequent activities of such bodies and commissions, raising questions about implementation and efficacy after the actual peace negotiations. Moreover, these measures do not exhibit any clear connections to other mechanisms written into peace agreements.

In a few cases (8 of the 77 analysed), specific provisions for compensation to individuals for property stolen, lost or destroyed are included in peace agreements. However, such provisions for reparations generally cover damages to personal property incurred during the course of a conflict, and do not relate specifically to questions of human rights.

Use of traditional or local justice systems appears in five of the agreements analysed. This group of mechanisms also exhibits considerable diversity in the actual provisions included under the heading of traditional justice. For example, general provisions for traditional justice and healing measures can be found in the General Peace Agreement for Mozambique and in the 1996 agreement between the Government of Mexico and the EZLN, both of which include language that guarantees respect for, and recognition of, traditional structures of authority and justice.[36] Two agreements in the Bougainville conflict in Papua New Guinea, the Bougainville Lincoln Agreement of 1998 and the Bougainville Peace Agreement of 2001, provide somewhat more detailed measures in recognising the specific role of the village court system in administering justice, as well as including general provisions that recognise the role of traditional/village reconciliation efforts.[37] Finally, the 1998 Arusha Agreement in Burundi includes very specific language recognising and institutionalising the

32 Linas-Marcoussis Agreement, 2003, Annex, Section IV.

33 Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, 2005, Section 2. On the subsequent legislation, see Acehnese Rebels Question New Bill, *BBC News Online*, 10 July 2006, available at http://news.bbc.co.uk/ go/pr/fr/-/2/hi/asia-pacific/5164698.stm

34 Interim Agreement for Peace and Self-Government in Kosovo, Ch. 6, Rambouillet, 23 February 1999, from *United States Institute of Peace, Peace Agreements Digital Collection: Kosovo*, available at http://www. uisp.org/library/pa/kosovo/kosovo_rambtoc.html; Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, 2003, Art. XII.

35 The Northern Ireland Peace Agreement, Belfast, Section 6, 10 April 1998, from *United States Institute of Peace, Peace Agreements Digital Collection: Northern Ireland*, available at http://www.uisp.org/ library/pa/ni/nitoc.html

36 General Peace Agreement, Protocol V, III; Peace Agreement Between Mexico and the Zapatista National Liberation Army (EZLN), Doc 3.1, 16 February 1996, from *United States Institute of Peace, Peace Agreements Digital Collection: Chiapas (Mexico)*, available at http://www. uisp.org/library/pa/chiapas/agreement_960216.html

role of Ubusingantahe community councils in administering traditional 'conciliatory' justice.[38]

No clear relationship between provisions for traditional justice and the other justice mechanisms in peace agreements can be established. Anecdotally, traditional justice is most often associated with some form of community reintegration, for both combatants and others involved in the conflict.[39] Of the five agreements analysed that include provisions for traditional justice appear, only two also include specific mechanisms for prisoner/combatant reintegration. However, and perhaps more importantly, qualitative assessment of the few agreement provisions concerning traditional justice does indicate a general complementary relationship between traditional justice mechanisms and reintegration (especially in the cases of Mozambique and Bougainville Papua New Guinea), as indicated above. Moreover, it appears that many additional uses of traditional justice are only recognised or implemented after the agreement phase of a conflict, usually as a need emerges for such efforts as part of ongoing reconciliation and rebuilding efforts.[40]

Finally, trials and truth commissions are commonly associated with 'justice and accountability' but are in fact rarely specified in peace agreements themselves. Among the agreements analysed, provisions for trials are present in only four cases (the Dayton Accords for the former Yugoslavia, the Arusha accords for Burundi, the Arusha Accords for Rwanda and the Nairobi Agreement between the government of Uganda and the NRM). A truth commission is specified as part of the agreement in just six cases (the Arusha Accords for Burundi, the Chapultepec Agreement between El Salvador and the FMLN, the Guatemalan Peace Agreement, the Aceh Accords, the Sierra Leone Peace Agreement and the Accra Accords for Liberia).

Of course, many more post-war trial processes and truth commissions have been conducted during the 1980–2006 period.[41] In addition, truth commissions are often convened to investigate atrocities outside a specific war (e.g. the Argentine investigation of disappearances during the 1976–1983 military rule), and are thus not reflected in peace agreements of any sort. As

37 Bougainville Peace Agreement, Section 7, Arawa, 30 August 2001, from *United States Institute of Peace, Peace Agreements Digital Collection: Bougainville (Papua New Guinea)*, available at http://www.uisp.org/library/pa/bougainville/bougain_20010830.html; and Lincoln Agreement on Peace, Security and Development on Bougainville, Section F3, Lincoln, New Zealand, 23 January 1998, from United States Institute of Peace, Peace Agreements Digital Collection: Bougainville (Papua New Guinea), available at http://www.uisp.org/ library/pa/bougainville/bougain_19980123.html

38 Arusha Peace and Reconciliation Agreement for Burundi, Protocol 2, Art. 9-8, Arusha, 28 August 2000, from *United States Institute of Peace, Peace Agreements Digital Collection: Burundi*, available at http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html. On the role of the Bashingantahe elders, see Dexter, Tracy, *The Role of Informal Justice Systems in Fostering the Rule of Law in Post-conflict Situations: The Case of Burundi*, Centre for Humanitarian Dialogue Report, July 2005, available at http://www.hdcentre.org/datastore/ Informal%20justice/Burundi%20final.pdf

39 See, for example, accounts of community cleansing rituals in Uganda: Ross, Will, Forgiveness for Uganda's Former Rebels, *BBC News Online*, 25 October 2004, available at http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/3951277.stm

40 This was the case in Rwanda, with the institution of the *Gacaca* community justice method only once it became clear that the ICTR and domestic court system could not handle the large number of individuals accused of crimes as part of the 1993–1994 genocide.

41 For example, the USIP Digital Collection of Truth Commissions lists 24 such bodies, and Priscilla Hayner analyses 21 truth commissions in her work *Unspeakable Truths*. See United States Institute of Peace, *Truth Commissions Digital Collection*, Washington D.C., available at http://www.usip.org/library/truth.html#tc and Hayner, Priscilla B., *Unspeakable Truths: Confronting State Terror and Atrocity*, New York: Routledge, 2001.

discussed in the recommendations below, the relatively infrequent inclusion of provisions for trials or truth commission within peace agreements may reflect a number of factors, including the difficulty of negotiating such provisions as part of a peace agreement. These and other key findings are summarised in the next section.

7 Summary of findings

Overall, analysis of the justice mechanisms and amnesty provisions contained in peace agreements between 1980 and 2006 does not support public perceptions that criminal accountability for the crimes of war is on the rise. War crimes tribunals, and also truth commissions, were among the least common mechanisms incorporated in peace agreements. By contrast, amnesty provisions were more commonly found in peace agreements than any of the justice mechanisms evaluated in this report. Moreover, general amnesties were far more common than limited amnesties. Defined more broadly, and considered comprehensively, justice was given significant emphasis in peace agreements in the 1990s, often alongside the use of amnesty.
The data also suggest three trends.

1 There is a clear growth in the number of justice mechanisms and amnesty provisions included in peace agreements, beginning in the early 1990s and peaking in the late 1990s. An increase in the number of specific mechanisms, as opposed to general references to international human rights and international humanitarian laws, explains this 'accountability bubble' of the 1990s.
2 This growth trend peaks in 1999, and then reverses. From 2000 to 2006, fewer agreements are signed per year, and those concluded contain fewer justice mechanisms per agreement.
3 Certain groups or clusters of justice mechanisms appear throughout 1980–2006, reflecting instruments that mediators presumably view as mutually reinforcing and/or critical to ending conflict moving towards peace.

Each of these general findings is discussed below in more detail, followed by a set of recommendations for future research.

During the 'accountability bubble' of the 1990s, peace agreements were more likely to contain specific mechanisms for justice and accountability. These ranged from truth commissions and trials to provisions for prisoner release and combatant reintegration, military and police reform, and vetting procedures. The number of 1990s agreements containing numerous similar justice mechanisms suggests that their inclusion became a sort of 'standard operating procedure' for mediators and negotiators during this period. In some sense, the 1990s thus represented the heyday of human rights activism, or perhaps a period of experimentation (or trial and error) on the part of the international community, mediators and human rights activists alike.
The trend towards the inclusion of justice mechanisms in peace agreements may now be in decline. Around the year 2000 both the number of agreements signed and the number of justice mechanisms within agreements began to

decline. Justice mechanisms were included in agreements negotiated in the post-2000 period, but the period saw only a handful of agreements containing numerous justice mechanisms. The post-2000 period also saw a slight increase in the number of agreements without any justice mechanisms. Of the 19 agreements concluded between 2000 and 2006, 12 (63 per cent) contained at least one justice mechanism, while 7 (37 per cent) did not. In comparison, 42 (72 per cent) of the 58 agreements concluded from 1980 to 1999 contained at least one justice mechanism, while 16 (28 per cent) did not.

This reversal of the trend towards ever more, and more comprehensive, justice mechanisms within peace agreements is in part a reflection of the overall decrease in the number of wars worldwide (as many of the conflicts that erupted post-1990 have been settled). It may also represent a reaction against the human rights activism of the 1990s, or a scaling-back of the ambitions of mediators. Although issues of human rights, justice, and accountability remain prominent within the international community, peace agreements concluded after 2000 have generally contained fewer detailed provisions for justice and accountability.

Importantly, though, those instruments that are included tend to be the main or most common instruments, and also tend to appear together. This reflects the third general trend evident in the 1980–2006 period – the tendency of certain instruments to be clustered within peace agreements. One example includes the relatively common combination of amnesty, prisoner release and combatant reintegration (or DDR) measures. Similarly, provisions for military and police reform often appear together, and are often further coupled with vetting provisions. On the other hand, specific provisions for either trials or truth commissions rarely appear within peace agreements across the entire 1980–2006 period. The fact that certain justice and accountability mechanisms are regularly included, and others systematically left out of peace negotiations, suggests that negotiating justice is a difficult balancing act. Mediators and participants to negotiations must first be aware of the options for negotiating justice, and then choose between what is ideal and what is feasible, or acceptable, for all participants.

Overall, many of the most common provisions in agreements concluded during 1980–2006 do not correspond to common notions of justice and accountability. The inclusion of provisions for trials and truth commissions is comparatively rare, as are compensation measures. Instead, there is far more frequent provision for amnesty (especially general amnesty), prisoner release and reintegration, police and military reform, and even the establishment of long-term human rights commissions. This suggests that mediators may find it easier to include (and participants may find it easier to accept) provisions focused on moving beyond the immediate causes and aftermath of the conflict and towards rebuilding societies and creating economic and political stability. The common inclusion of such provisions may reflect a genuine desire on the part of former combatants to move past the immediate, violent past and to focus on the future.

Many of these more forward-looking provisions are loosely defined and lack detail on the specifics of implementation. This may make their inclusion less controversial in the negotiating process. Indeed, the exclusion of more common justice mechanisms is not surprising given the difficulty of dealing with such sensitive issues as part of the peace process (during or immediately following the conflict). Given the larger number of trial processes, truth commissions and other such mechanisms operating around the world, the findings here suggest that such mechanisms are more commonly negotiated outside the specific peace-agreement process. A great deal of activity concerned with justice and accountability often takes place outside formal peace agreements, as will be discussed in more detail below.

On the whole, the data and findings of this study indicate that negotiating justice is a complex and, above all, difficult process. This is especially so within a process of peace agreement involving a whole range of additional issues. In fact, some of the more innovative instruments concerning accountability and justice in the wake of violent conflict have been negotiated separately from the peace agreements that ended these conflicts, as in the joint international–domestic trials in Kosovo and East Timor. Such approaches to accountability and justice are not covered in the present report, given the specific focus on peace agreement. Yet these arrangements outside formal peace processes are important and relevant contributions to overall peace processes, and deserve attention in future research. While the findings derived from peace agreements themselves should not be downplayed, the following section offers recommendations for expanding the research beyond this focal point to a more comprehensive study of war-termination, peace, accountability and justice.

8 Conclusion

Negotiating justice is a difficult and complex process and encompasses a range of instruments designed to deal with the past, and also to provide for future success in creating the conditions for lasting peace. The data presented in this report provide an overview of the commitments made to accountability and justice in peace negotiations and peace agreements between 1980 and 2006. It identifies a number of key trends in this period, and confirms that justice and accountability were especially significant in peace agreements signed in the 1990s.

This analysis provides a solid starting point for further research on this topic. The findings illustrate major trends in this area, but provide no explanation for the effects of these developments on the durability of peace agreements, or on the establishment of economic and political stability. Nevertheless, the findings do suggest several areas that deserve additional investigation. The data should serve as a useful guide to rigorous and thoughtful case selection for further in-depth research. The following recommendations are designed to provide additional guidance for the next stages of the Negotiating Justice project.

Address the difficulty of negotiating justice and accountability in the peace process. The relatively high incidence of amnesty combined with the low incidence of provisions for trials in peace agreements reflects political realities in the peace process. The data are diffuse, with justice mechanisms spread relatively evenly across many agreements. Peace agreements also include relatively few 'traditional' justice mechanisms, such as truth commissions and trials or tribunals. Together, these findings suggest that negotiating issues of justice and accountability as part of the peace process may be quite difficult. With careful case selection, the rationale behind inclusion or exclusion of specific provisions and instruments can and should be further explored. Cases that include justice mechanisms, and also those where these mechanisms were not part of a peace agreement or subsequent settlement, should be studied in tandem.

Examine the entire peace process. Peace agreements are only one step in the complex and prolonged process of war-termination, peace settlement, and (ideally) consolidation of democracy. As such, peace agreements offer an important yet limited picture of the entire peace process. Peace agreements often break down or are not implemented (e.g. the 1999 Lomé Agreement in Sierra Leone), regardless of the inclusion or exclusion of justice mechanisms.[42] Conversely, important elements in the overall peace process may take place outside the actual peace agreement (e.g. the amnesties in El Salvador), or after the agreement (e.g. the legislative measures that led to amnesty and combatant reintegration in Colombia, outside the specific peace agreement). Future research should take a comprehensive look at the peace process, with specific attention to implementation agreements, additional protocols supplementing a given peace agreement, and even political measures following peace agreements, that contribute to both the peace process and the negotiation of justice and accountability.

Evaluate the effectiveness of justice and accountability in peace agreements. The findings presented in this report raise several questions concerning the precise relationship between peace agreements and the negotiation of justice and accountability. Are measures that are written into peace agreements more or less likely to be implemented? Does a commitment to putting justice and accountability measures in the text of peace agreements pose a risk to mediators' efforts to gain support for a peace agreement, or does it facilitate that process? Are other types of agreements, such as subsequent constitutional reform commissions, or legislative/executive decisions concerning justice and accountability, more or less important to the overall process of war-termination and peace negotiation? In short, what is the actual significance of a justice mechanism in a peace agreement, as opposed to elsewhere in the peace process? Careful case research combined with attention to the overall peace process will also shed light on this important question.

Pay attention to the combinations or 'clusters' of justice mechanisms in peace agreements. Perhaps the clearest finding to emerge from the present analysis is that certain justice mechanisms tend to cluster within peace

42 In approximately 25 of the 77 cases analysed, war broke out after the conclusion of the peace agreement; or the conclusion of the peace agreement failed to stop hostilities and the war continued. These agreements/cases are indicated with an asterisk (*) in Appendix 1.

agreements. This trend suggests several additional lines of investigation. It would be useful to determine whether or not the clustering of certain justice mechanisms is a deliberate strategy on the part of mediators. Similarly, with regard to implementation, the clustering tendency may suggest that certain mechanisms are complementary. Conversely, attention should be paid to the inclusion of justice mechanisms that may work at cross-purposes with one another. Investigating these connections in more detail would provide a more concrete guide on the inclusion or exclusion of justice mechanisms for mediators and negotiators of peace agreements.

Examine the role of the international community and other actors. The actors involved in a peace process may be important in explaining longer-term outcomes. In particular, the success of efforts for justice and accountability may depend not only on their incorporation into peace agreements, but also on the actors responsible for negotiation and implementation. Further research should evaluate whether international or domestic actors, or some combination, are more likely to have a positive effect on the overall success of justice and accountability efforts – both during negotiations and subsequently. It may be that peace agreements concluded under the auspices of the international community are more likely to contain instruments for justice and accountability as well as resources for implementing them. However, the success of these agreements may be limited if domestic actors do not embrace the recommendations.

Evaluate the contribution of justice and accountability to the consolidation of peace and democracy. Evidence for the effect of accountability instruments on the subsequent consolidation of peace and democracy is minimal. Policy-makers, academics, and advocates, however, often work on the basis of assumption on this set of issues. While assessing effectiveness is difficult, the findings presented in this report should be supplemented with information that seeks to test and determine the precise impact of the range of justice mechanisms under investigation. Does the inclusion of instruments for justice and accountability in peace agreements in fact affect the quality of democracy, and if so, precisely how?

Use findings from studies of war-termination, peacebuilding, and democratic consolidation.[43] Justice is only one of many issues that shape the success of peace agreements. A study of justice and accountability should be considered alongside other key factors identified as critical to successful negotiations and longer-term stability. Studies of war-termination, peacekeeping and peacebuilding, and democratic consolidation from NGOs, academia and governments offer important guidance in identifying key indicators, cases and methods for continuing research.

43 See in particular: Doyle, Michael W. and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations*, Princeton: Princeton University Press, 2006; Page Fortna, Virginia, *Peace Time: Cease-fire Agreement and the Durability of Peace*, Princeton: Princeton University Press, 2004; Walter, Barbara F., *Committing to Peace: The Successful Settlement of Civil Wars*, Princeton: Princeton University Press, 2002; Stedman, Stephen, 'International Implemen-tation of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases' in Crocker, C., F. Hampson and P. All (eds), *Turbulent Peace*, Washington D.C.: United States Institute of Peace Press, 2001.

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Appendix 1: Agreements and individual justice mechanisms, 1980–2006

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Peace Treaty Between El Salvador and Honduras	Governments of El Salvador and Honduras	1980	0											
Falklands War Surrender Document	Argentina and the United Kingdom (signed by military commanders)	1982	0											
Agreement Between the Government of the State of Israel and the Government of the Republic of Lebanon★	Governments of Israel and Lebanon	1983	0											
Nairobi Peace Agreement	Military Government of Uganda and National Resistance Movement	1985	5		x	x		x		x				x
Central American Peace Agreement Between Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua★	Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua	1987	2	x (l)	x									
India-Sri Lanka Agreement to Establish Peace and Normalcy in Sri Lanka★	Governments of India and Sri Lanka	1987	2	x		x								
Matabeleland Accord (Unity Accord)	ZAPU and ZANU-PF factions in Zimbabwe	1987	0											
Afghanistan-Pakistan Peace Accords Guaranteed by the United States and the USSR	Afghanistan, Pakistan USA, USSR (guarantors)	1988	0											

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Agreement Between the Government of the Republic of Cuba and the Government of the People's Republic of Angola for the Conclusion of the Internationalist Mission of the Cuban Military Contingent (Bilateral Agreement)	Governments of Cuba and Angola	1988	0											
Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa (Tripartite Agreement)	Governments of Angola, Cuba, and the Republic of South Africa	1988	0											
Nicaragua-Nicaraguan Resistance Preliminary Cease-fire Agreement	Government of Nicaragua and Nicaraguan Resistance	1988	1	x										
Peace Agreement Between the Uganda Government and the Uganda People's Democratic Movement	Government of Uganda and UPDM	1988	3		x	x		x						
Chad-Libya Peace Agreement and Libya	Governments of Chad	1989	1		x									
Taif Agreement★ Lebanese parliament	Remaining members of	1989	1				x							

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Accord between the National Government, the Political Parties, the M-19 and the Catholic Church in the capacity of a moral and spiritual guide for the process★	Government of Colombia, M19, other rebel groups	1990	2	x		x								
Angola Peace Accords (acordos de Paz para Angola, also known as the Bicesse Accords)★	Angola, UNITA	1991	3		x	x		x						
Honiara Declaration on Peace, Reconciliation and Rehabilitation on Bougainville with Supplementary Note★	Government of Papua New Guinea, Bougainville representatives	1991	3	x	x						x			
Final Act of the Paris Conference Agreement on a Comprehensive Political Settlement Agreement Concerning Sovereignty Declaration on Rehabilitation	Cambodia and 19 other states	1991	1		x									
Agreement between Government of Senegal and the Movement of Democratic Forces of Casamance (MFDC)★	Government of Senegal and MFDC	1991	1	x (l)										
Brioni Accords	Governments of Slovenia, Croatia and Yugoslavia	1991	0											

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
National Peace Accord	40 organisations/parties to conflict in South Africa	1991	1				x							
Peace Agreement (Chapultepec)	Government of El Salvador and FMLN	1992	4				x	x		x		x		
Bamako Peace Pact/ National Pact	Government of Mali and MFUA	1992	3			x	x				x			
General Peace Agreement for Mozambique	Government of Mozambique and RENAMO	1992	7		x	x	x			x	x		x	
Islamabad Accord★	Warring Afghan factions	1993	0											
Governors Island Agreement★	Government of Haiti and military rebels	1993	3	x			x			x				
Cotonou Agreement★	Interim Government of National Unity of Liberia, National Patriotic Front of Liberia, United Liberation Movement of Liberia for Democracy	1993	4	x	x	x								
Peace Agreement Between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Accords)	Government of Rwanda and Rwandese Patriotic Front	1993	6			x	x	x	x		x			x
Addis Ababa Agreement Concluded at the First Session of the Conference on National Reconciliation in Somalia★	15 signatories representing warring factions	1993	2				x				x			

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Peace Protocol Between the Government of the Republic of Angola (Popular Movement for the Liberation of Angola) and the National Union for the Total Independence of Angola (UNITA)/Lusaka Accords	Angola, Uniao Nacional para a Independencia Total de Angola (UNITA)	1994	4	x	x		x	x						
Agreement Between Bosnia, Croatia, and a Bosnian-Croat Representative (Washington Agreement)	Bosnia, Croatia, and a Bosnian-Croat Representative	1994	1						x					
Haiti and the United States Peace Agreement	Government of the United States and the military junta	1994	2	x						x				
Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan	Governments of Jordan and Israel	1994	0											
Israel and the Palestine Liberation Organisation Agreement on the Gaza Strip and the Jericho Area★	Government of Israel and the Palestinian Liberation Organisation	1994	2		x		x							
Peace Agreement Between Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia/The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Accords)	Republic of Bosnia and Herzegovina, Republic of Croatia, Federal Republic of Yugoslavia	1995	3	x (l)						x				x

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Erdut Agreement	Governments of Croatia and Serbia	1995	2				x				x			
Agreement on a Firm and Lasting Peace	Government of Guatemala and URNG	1996	6	x (l)	x	x	x	x				x		
Peace Agreement Between Mexico and the Zapatista National Liberation Army (EZLN) (San Andrés Larráinzar Agreement)	Government of Mexico and the EZLN	1996	1										x	
Peace Agreement with the Moro National Liberation Front★	Government of the Philippines and MNLF	1996	1	x										
Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone (Abidjan Agreement)★	Government of the Republic of Sierra Leone and the Revolutionary United Front	1996	7	x	x	x	x	x	x	x				
Chittagong Hill Tracts Peace Accord	Government of Bangladesh and PCJSS (rebels)	1997	2	x							x			
Bangui Accords (Bangui Agreements)	Government of the Central African Republic, mutineers, Government of France, numerous African governments	1997	3	x	x	x								

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Peace Treaty and Principles of Interrelation Between Russian Federation and Chechen Republic Ichkeria	Russian Federation and Chechen Republic Ichkeria	1997	0											
ECOWAS Six-Month Peace Plan for Sierra Leone (Conakry Plan)★	Government of the Republic of Sierra Leone and the Revolutionary United Front	1997	1			x								
Cairo Declaration on Somalia★	Warring Somali factions	1997	1						x					
Peace Agreement between the Government of Sudan and South Sudan United Democratic Salvation Front (UDSF)★	Government of Sudan, UDSF, SPLM, EDF, SSIG	1997	3	x	x	x								
General Agreement on the Establishment of Peace and National Accord in Tajikistan	Government of Tajikistan; Tajik opposition	1997	2	x		x								
Lincoln Agreement on Peace, Security, and Development in Bougainville	Government of Papua New Guinea, Bougainville Transitional Government, Bougainville Resistance	1998	2	x									x	
	Force, Bougainville Interim Government, Bougainville Revolutionary Army, Bougainville leaders													
Ecuador-Peru Border Agreement	Governments of Ecuador and Peru	1998	0											

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Agreement Between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta	Government of Guinea-Bissau and military junta	1998	0											
Memorandum of Understanding Between the United Nations and Iraq*	UN Security Council and Government of Iraq	1998	0											
Peace Agreement between Great Britain and Northern Ireland and the Government of Ireland (Belfast/Good Friday Accords)	Governments of Great Britain and Northern Ireland and the Republic of Ireland	1998	2				x		x					
Ceasefire Agreement between Angola, the Democratic Republic of Congo (the former Zaire), Namibia, Rwanda, Uganda, and Zimbabwe (Lusaka Ceasefire Agreement)	Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zimbabwe and witnessed by representatives from Zambia, the Organisation for African Unity (OAU), the United Nations and the Southern African Development Community (SADC)	1999	4	x	x	x		x						
Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor	Governments of Indonesia and Portugal; witnessed by UN	1999	0											

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Kosovo Peace Agreement/ Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet/Paris Accords)	United States, UN R epresentatives, Federal Republic of Yugoslavia, Kosovar Representatives	1999	5	x (l)	x		x		x	x				
Accords de cessation des hostilitiés du Congo	Government/military of ROC and rebel forces	1999	4	x	x	x			x					
Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (Lomé Agreement)*	Government of the Republic of Sierra Leone and the Revolutionary United Front	1999	6	x	x	x		x	x			x		
Agreement between the Governments of Sudan and Uganda	Governments of Sudan and Uganda	1999	3	x	x	x								
Arusha Peace and Reconciliation Agreement for Burundi*	Government of Burundi and Parties of Burundi	2000	7	x (l)	x		x	x				x	x	x
Agreement Between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea (Horn Peace Deal)	Governments of Eritrea and Ethiopia	2000	2		x						x			

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (Bonn Agreement)	Participants of UN talks on Afghanistan, UN Secretary-General	2001	1						x					
Bougainville Peace Agreement	Government of Papua New Guinea, Bougainville leaders	2001	4	x		x	x						x	
Framework Agreement	Republic of Macedonia and Albanian groups	2001	0											
Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front★	Government of the Philippines and MILF	2001	0											
Agreement between Government of Senegal and the MFDC★	Government of Senegal and MFDC	2001	1		x									
Peace Agreement Between the Governments of the Republic of Rwanda and the Democratic Republic of the Congo	Governments of the Republic of Rwanda and the Democratic Republic of the Congo	2002	0											
Agreement Between the Governments of the Democratic Republic of the Congo and the Republic of Uganda	Democratic Republic of the Congo and the Republic of Uganda	2002	0											

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Agreement between Government of Uganda and the Uganda National Rescue Front (UNRF II)	Government of Uganda and UNRF II	2002	1	x										
The Pretoria Protocol on Political, Defence, and Security Power Sharing in Burundi	Transitional Government of Burundi, National Council for the Defence of Democracy-Forces for Defence of Democracy (CNDD-FDD)	2003	1			x								
Linas-Marcoussis Agreement★	Political groupings from Cote d'Ivoire	2003	5	x (l)	x	x			x					
UN SC RES 1483 (2003) concerning the Situation between Iraq and Kuwait	UN Security Council	2003	0											
Comprehensive Peace Agreement between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties	Government of Liberia, LURD, MODEL	2003	7		x	x	x	x	x	x		x		
Zinguinchor Peace Agreement between Government of Senegal and the MFDC★	Government of Senegal and MFDC rebels	2004	2	x		x								

Agreement	*Parties*	*Year*	*Total mechanisms*	*Amnesty*	*Prisoner release*	*Combatant reintegration*	*Police reform*	*Military reform*	*Human rights commission*	*Vetting*	*Compensation*	*TRC*	*Traditional justice*	*Trials*
Comprehensive Peace Agreement (Sudan)	Government of Sudan, SPLM/SPLA	2004	4		x		x	x	x					
Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement	Government of Indonesia and Free Aceh Movement	2005	6	x		x	x	x	x			x		
Tripoli Agreement (Libya Accord or Tripoli Declaration)	Governments of Chad and Sudan, witnessed by Government of Libya	2006	0											
Bakassi Peninsula settlement	Governments of Nigeria and Cameroon	2006	0											

* Agreements marked with an asterisk indicate cases where war resumed after the signing of the peace agreement, or where the war continued unabated despite the signing of the peace agreement.

Appendix 2: Glossary of justice mechanisms

Amnesty	Amnesty provision
General	General amnesty (no specification of crimes covered, or an explicit statement of 'general amnesty' or 'all crimes')
Limited	Limited amnesty (IHL violations explicitly excluded from the amnesty)
Trial	Trial or tribunal provision
TRC	Truth (and/or reconciliation) commission provision
Prisoner release	Provisions for prisoner release
Compensation	Provisions for restitution or compensation for property damages and other losses
Vetting	Provisions for vetting or screening for holding of office or specific positions
Reintegration	Provisions for reintegrating prisoners (usually combatants) into civilian life or new military structures
Military reform	Provisions for either retraining or reconstituting the armed forces
Police reform	Provisions for either retraining or reconstituting the civilian police force
HR commission	Establishment of a human rights commission, court, ombudsman or similar body/mechanisms to monitor human-rights issues in future
Traditional	Provisions for use of traditional or local justice mechanisms