

Peace Agreements in Intra State Conflict Zones: International Legal Perspectives

Kumari Nitu*

I. Introduction

The growing discontent within a State due to political, social and cultural reasons such as oppression, lack of facilities to a particular region, discriminatory approach of the ruling party, demands of secession by the regional powers etc. leads to internal conflicts within a State.¹ Although the internal war is fought from both the sides, none of the sides can be said to be winning the game as it causes immense damage to both the parties. Apart from it, the conflict causes irreparable damage to the innocent civilians living in the conflict zones. They face many atrocities such as sexual offences, forced migration, hunger, poverty etc. which makes their survival difficult. These atrocities are committed by both the parties to the conflict which was also reiterated in Zeid report² in context of internal strife in Sri Lanka.³ The conflict situation causes enormous damage to the existing political and legal structures of the State as well.⁴ It weakens the confidence of the people in the institution as State had the responsibility to secure their life and rights. The law and justice mechanisms become frail due to internal pressure and lack of resources to revive it.⁵ Hence, the need to restore peace becomes inevitable.

In the long process of peace restoration, it is usually the State that calls for the establishment of transitional justice mechanism as it is apprehended by the spread of wide range of problems such as atrocities, migration, outbreak of terror, abundance of drugs and arms, poverty and harm to environment.⁶ The gravity of the situation can be assessed by the fact that since 1947 to 2017, 649 intra state

* Doctoral Scholar, Center for International Legal Studies, School of International Studies, Jawaharlal Nehru University, New Delhi

¹ Frances Stewart, "Root causes of violent conflict in developing countries", 5 *BMJ*, 324-342 (2002), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1122271/pdf/342.pdf> (last visited on January 13, 2019)

² Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights on the situation on Sri Lanka prepared a report on the internal conflict situation in Sri Lanka which is known as the Zeid report.

³ "Sri Lanka War Crime Report", available at: <http://www.ibtimes.com/sri-lanka-war-crimes-report-reasonable-grounds-believe-both-sides-indulged-horrific-2099348> (last visited on January 15, 2019).

⁴ *Supra* note 1 at 345.

⁵ "What is Transitional Justice?", available at: <https://www.ictj.org/about/transitional-justice> (last visited on January 23, 2019)

⁶ Clara Sandoval Villalba, "Transitional Justice: Key Concepts, Processes and Challenges", *Institute for Democracy & Conflict Resolution – Briefing Paper (IDCR-BP-07/11)* (2011), available at: <http://repository.essex.ac.uk/4482/> (last visited on January 23, 2019)

peace treaties has been signed in conflict affected areas of Africa, Asia & the Pacific, Europe, Middle East & West Asia and the Americas.⁷

II. Mandate for Peace

The various processes and entities involved in peace making draws the authority from the Charter of the UN which in its various provisions calls for peace, harmony and international order. For instance, the document in its preamble pledges to save the succeeding generations from the scourge of war and to maintain international peace and security.⁸ It reads as follows: “*We the Peoples Of The United Nations Determined to save succeeding generations from the scourge of war.....*” and “*.....to unite our strength to maintain international peace and security...*”. Further Article 1 states the purpose of the UN in the following words: “*The Purpose of the United Nations is to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace*”.⁹ Article 2(3) states that: “*All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered*”.¹⁰ Article 33 which in general has been understood to provide means for settlement of inter-state disputes have been invoked for settling intra state disputes as well.¹¹ The UN peacekeeper tool has been providing its services on the basis of this article only to solve a myriad of inter-state, intra state and regional disputes.¹² The Charter which provides for the mandate for peaceful settlement of disputes also envisages roles for the Secretary-General, the Security Council

⁷ United Nations Peacemaker, “Peace Agreements Database Search”, available at: https://peacemaker.un.org/document-search?keys=&field_padate_value%5Bvalue%5D%5Bdate%5D=&field_pacountry_tid=&field_paconflict_tid%5B%5D=1 (last visited on January 26, 2019)

⁸ The Charter of United Nations, Preamble, available at: <https://www.un.org/en/charter-united-nations/> (last visited on January 28, 2019)

⁹ Charter of United Nations, art. 1.

¹⁰ Charter of United Nations, art. 2(3).

¹¹ Charter of United Nations, art. 33 (1) *inter alia* states: The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

¹² “United Nations Peacemaker”, available at: https://peacemaker.un.org/document-search?keys=&field_padate_value%5Bvalue%5D%5Bdate%5D=&field_pacountry_tid=&field_paconflict_tid%5B%5D=1 (last visited on January 26, 2019)

and the General Assembly, among others, in the peaceful settlement of disputes.¹³ The UN resolutions and practice have further contributed to the development of the peacemaking functions of the Organization.

The process of establishing peace entails a wide variety of efforts. The mechanism of Transitional Justice is one of them. The various means involved in delivering of transitional justice assures that both the perpetrator and the victim come to board and enter into peace process for the welfare of the humankind. A brief overview of transitional justice is stated below.

III. Transitional Justice

Transitional Justice seeks to address the issues of human rights violations by assisting the State in bringing peace to the area and in a way protecting the dignity of the human beings. The United Nations defines it as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”¹⁴ Transitional justice refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.¹⁵

IV. Role of International Entities

The tense environment of the conflict zone not only effects the people situated in these areas but also to the international community. There are several humanitarians, economic and political reason behind the concern. The economic reason is related to the concern that the long-time conflict effects the smooth working of the trade and economic relations. In this globalized world, nations interaction with each other has extended in social, economic, political and cultural field.¹⁶ Hence, the conflict and its consequent impact is apt to affect the trade partners situated in other parts of the world. Therefore, the leaders of the world also take due initiative in bringing the matter to an end. However, this is not

¹³ *Ibid*

¹⁴ United Nations Human Rights Office of The High Commissioner, “Transitional Justice And Economic, Social And Cultural Rights”, *New York and Geneva* (2014), available at: www.ohchr.org/Documents/Publications/HR-PUB-13-05.pdf (last visited on February 12, 2019)

¹⁵ The International Center for Transitional Justice, “What is Transitional Justice”, <https://www.ictj.org/about> (last visited on February 18, 2019)

¹⁶ Ajit Pal Singh, “Globalization and Its Impact on National Politics with Reference To India: An Overview Of Different Dimensions”, 69(4) *The Indian Journal of Political Science* 802 (2008). See also: Ananda Mazumdar, “The advantage of Globalization” 2(6) *International Journal of Education and Human Developments* 9 (2016).

always the case as it is also seen that the rich and developed countries of the world have also stooped to instigating the conflict to serve their imperialism and even aggravated the existing one in the name of humanitarian assistance.¹⁷ On the other hand, the involvement of the international organizations particularly UN have been primarily on humanitarian ground as it goes with its purpose of establishing peace and justice. Stated below is the work of the some of the important international entities involved in the peace making process.

IV.I United Nations

After the end of Second World War, many international organizations were created with specific objectives to accomplish the goal of peace, security and development. United Nations is one such organization which was set up with the mandate to bring peace and international order in the aftermath of Second World War.¹⁸ It is till date the most looked upon organization where millions of people and the existing states take recourse to United Nations to resolve problems that affect them. They expect the United Nations to work towards the improvement of their standard of living and enhance their enjoyment of fundamental rights and freedoms.¹⁹ In tandem with its objective of establishment, the United Nations has worked diligently and systematically to promote and protect human rights. However, the increasing number of internal strife has posed a momentous challenge in protection of human rights in these conflict zones.

IV.II The United Nations Commission on Human Rights

The United Nations established The United Nations Commission on Human Rights in 1946 to weave the international legal fabric that protects our fundamental rights and freedoms.²⁰ The UNHRC, in order to look into this matter has mandated experts to study particular human rights issues. UN recognized that in order to prevent internal conflicts, greater emphasis should be placed on early warning mechanisms in the human rights area as well as on strengthening national institutional capacities to address human rights concerns. These experts appointed by UNHRC are instrumental in giving early signs of emergence of conflict. It has also given a voice to the often silenced victims and offered a basis for dialogue with

¹⁷ “Noam Chomsky on ‘Humanitarian Intervention’ and Imperialism” *Telesur*, Feb. 14 2018, available at: <https://www.telesurenglish.net/news/Noam-Chomsky-Humanitarian-Intervention-US-Imperialism-20180214-0028.html> (last visited on February 21, 2019).

¹⁸ Chadwick F. Alger (ed.) *The Future of the United Nations System: Potential for the Twenty-first Century* (United Nations University Press, Japan, 1998).

¹⁹ UN Human Rights Office of the High Commissioner, “Fact Sheet N° 27: Seventeen Frequently Asked Questions about United Nations Special Rapporteurs”, available at: <https://www.ohchr.org/Documents/Publications/FactSheet27en.pdf> (last visited on February 27, 2019)

²⁰ UN Human Rights Council, “Introduction”, available at: <https://www.ohchr.org/en/hrbodies/chr/pages/commissiononhumanrights.aspx> (last visited on February 27, 2019)

Governments on the concrete measures to be taken to enhance protection.²¹ Over the years, the work of these experts has provided a much needed analysis on how human rights principles are applied in reality. It has formed the basis for an informed and substantive debate at the intergovernmental level.²²

The Office of the High Commissioner has been dealing with many key human rights issues which includes transitional justice as well.²³ It is the lead agency within the UN system in the area of transitional justice. Under the human rights issue of transitional justice, it mentions the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.²⁴

UNHRC assists with the development of standards and best practices, offers guidance in the design and implementation of transitional justice mechanisms and advocates for the inclusion of human rights and transitional justice principles in peace agreements. The Human Rights Council also acknowledged the fact that more peace agreements now provide for transitional justice processes and do not offer blanket amnesties.

Former Human Rights Chief Navi Pillay urged States to use the expertise and mechanisms that are readily available to ensure that a human rights approach is taken when trying to achieve lasting peace in countries devastated by conflict. In her speech, Pillay noted that justice and peace must be pursued simultaneously.²⁵

IV.III International Centre for Truth and Justice

The International Centre for Truth and Justice which is a non-profit organization is dedicated to pursuing accountability for mass atrocity and human rights abuse through transitional justice mechanisms.²⁶ It works for justice in countries that have endured massive human rights abuses under repression and in conflict. The measures mentioned above have their own intrinsic quality in the peace process. The organization is often solicited by other international organization in reporting

²¹ *Supra* note 19 at 4.

²² *Ibid*

²³ UN Human Rights Office of the High Commissioner, "List of Human Rights Issues: Transitional Justice", available at: <https://www.ohchr.org/EN/Issues/Pages/ListOfIssues.aspx> (last visited on February 27, 2019)

²⁴ UN Human Rights Office of the High Commissioner, "Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence", available at: <https://www.ohchr.org/EN/Issues/TruthJusticeReparation/Pages/Index.aspx> (last visited on February 27, 2019).

²⁵ UN Human Rights Office of the High Commissioner, "The Evolution of Transitional Justice", October 19, 2009, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/EvolutionOfTransitionalJustice.aspx> (last visited on February 27, 2019).

²⁶ The International Center for Transitional Justice, "About Us", available at: <https://www.ictj.org/about> (last visited on February 28, 2019).

the effectiveness of these measures. For instance, ICTJ and the Kofi Annan Foundation joined efforts to reexamine assumptions about how truth commissions may be established and what makes them operate effectively as a tool to strengthen peace processes.²⁷ The multimedia presentation states that “*People who have experienced atrocities carry that weight with them for the rest of their lives. Providing them with the opportunity to publicly reveal the truth about what happened can be an important step in the path to recovery and rebuilding after a conflict—not only for them, but for society as a whole*”.²⁸ Similarly, Fernando Travesi, Deputy Program Manager of ICTJ and Félix Reátegui, former ICTJ Senior Associate, Truth and Memory Program rightly quoted that “*A truth commission can make a fundamental contribution to stable and lasting peace by recognizing the victims’ experiences and sorrow*.”²⁹

IV.IV UN Peacemaker

UN Peacemaker is an online mediation support tool developed by the UN Department of Political and Peacebuilding Affairs. It was launched in 2006 and is part of the UN’s overall efforts to support UN and non-UN mediation initiatives. It provides advice and support to the Secretary-General and his Representatives in their efforts to prevent, manage and resolve international disputes and internal conflicts.³⁰ It also includes an extensive database of peace agreements concluded in aftermath of conflicts. The mandate for peacemaking is authorized through Article 33 of the Charter of the United Nations which provides that: “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”³¹

V. Towards Peace Making

The Charter of the United Nations asserts the pledge from the member states to save the succeeding generations from the scourge of war.³² The war can be both internal and external and can cause irreparable damage to the people. The essence

²⁷ The International Center for Transitional Justice, “Challenging The Conventional: Can Truth Commissions Strengthen Peace Processes?”, available at: <https://www.ictj.org/sites/default/files/subsites/challenging-conventional-truth-commissions-peace/index.html> (last visited on February 28, 2019).

²⁸ *Supra* note 26.

²⁹ *Ibid*

³⁰ United Nations Peacemaker, “About UN Peacemaker”, available at: <https://peacemaker.un.org/> (last visited on February 28, 2019).

³¹ Charter of the United Nations, art. 33.

³² Charter of the United Nations, Preamble *inter alia* states that: “We The Peoples of The United Nations Determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind...”, available at: <http://www.un.org/en/charter-united-nations/>

of international human rights law and humanitarian law also demands that justice and peace should be ensured. The processes under transitional justice demands that the State should find the perpetrators and prosecute them. It also casts a duty on the government to indemnify the damages done to victims through reparation and guarantee the non-occurrence of violations.³³

Since it is very difficult to distinguish between perpetrators and non-perpetrators in a conflict zone, the State usually prefers to bring out peace on a large scale and in the interest of every person present in the area of conflict. The State deems it more appropriate to enter into peace talks with the leaders of the conflict zone so that any further violation of human rights can be bunged.³⁴ The measures to reach peace and stability include concluding of peace agreements amongst the conflicting parties which includes the State as well.

VI. Peace treaties: Historical Overview

Peace treaties have been an important instrument in restoring peace since centuries. The peace treaty of the year 1259 which was signed between the Hittite king Hattusili III and the Egyptian pharaoh Ramesses II after 15 years of Qadesh war is said to be the oldest peace treaty.³⁵

After the end of the First World War, Treaty of Versailles, signed in 1919 was also termed to be a peace treaty signed between Germany and the Allied powers.³⁶ However, it did not resulted in establishing peace as it was not a peace treaty in the true sense rather the victorious allied powers imposed their will on Germany which became a root cause for the outcome of Second World War. Treaty of Versailles though was termed to be a peace treaty, it did not fulfill the criterion of a peace accord. For example, rather than making it a negotiating and conciliating process considering the interest of every party and giving up of vested interest, it imposed the whole burden on Germany which was unfair.³⁷ Also, it was not concluded to end the conflict but to humiliate the defeated Germany.

³³United Nations, "United Nations Approach to Transitional Justice: Guidance Note of The Secretary-General" (2010), *available at*: https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf (last visited on March 1, 2019)

³⁴ Ray Murphy, *Post-Conflict Rebuilding and International Law* 480 (Routledge 2017).

³⁵ "The 'Eternal Treaty' from the Hittite perspective Trevor Bryce", *available at* <https://www.britishmuseum.org/pdf/6a%20The%20Eternal%20Treaty.pdf> (last visited on March 1, 2019)

³⁶ "Treaty of Peace With Germany (Treaty Of Versailles)", *available at*: <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf> (last visited on March 1, 2019)

³⁷ Keele, "The Treaty of Versailles and its effects on Germany International Politics", *available at*: http://home.portervillecollege.edu/jkeele/IR%20drafts/Jonathan%20Draft%20The_Treaty_of_Versailles.pdf (last visited on March 5, 2019)

In pre-independent India, several treaties such as Treaty of Lahore (1846), Treaty of Bhyroval (1846), Treaty of Surat (1775), Treaty of Purandhar (1776), Treaty of Salbai (1782), Treaty of Madras (1769), Treaty of Mangalore (1784) and Treaty of Seringapatam (1792) were signed between the rebel kingdoms and the British power to bring end to the continuous internal war. Post-independence, Shimla Agreement 1972 can also be termed as an inter-state peace agreement to reconcile the conflict issues between India and Pakistan.³⁸

After decolonization, internal conflicts within States for demand of autonomy and prosperity for particular regions became a matter of routine and these conflicts attracted huge international attention and it compelled many States to end the conflict through peace accords.³⁹

The peace agreement must fulfil certain conditions before the parties come on board for settlement of their disputes. The conditions include addressal of the root cause of the problem, an enforcement machinery for the implementation of the treaty, inclusiveness and transparency.⁴⁰ However, it has also been observed that peace treaties might not always serve the purpose in the long run. It can either mitigate the situation or can also worsen it.⁴¹

The peace agreements are not confined to intra state conflicts alone but engages with a wide range of areas such as decolonization, inter- state and regional disputes apart from dealing with intra state matters.⁴²

VII. Conflicts in Africa

The frequent sites of conflict have mostly been located in Africa, South Asia and Latin America which in turn are also known for their abundance of natural wealth and mineral resources. A closer look in the conflict areas also reveals the root cause for such conflict which is more than a political struggle between the government and the rebellion groups. People rebel because their voice and concerns are not heard which mostly pertains to the basic necessities of life. It also show cases the fact that these are also the places where despite of abundance of natural

³⁸ Tanisha M. Fazal, "The Fall and Rise of Peace Treaties", *AJIL Unbound* (2014), available at: <http://www.asil.org/blogs/fall-and-rise-peace-treaties-again-end-treaties> (last visited on March 5, 2019).

³⁹ Christine Bell, "Peace Agreements: Their Nature and Legal Status" 100(2) *The American Journal of International Law* 377 (2006), available at: <http://www.jstor.org/stable/3651152> (last visited on March 5, 2019).

⁴⁰ Jean Arnault, "Good Agreement? Bad Agreement? An Implementation Perspective", *Center of International Studies, Princeton University*, available at: web.stanford.edu/class/psych165/Arnault.doc (last visited on March 5, 2019).

⁴¹ Lotta Harbom et.al., "Armed Conflict and Peace Agreements" 43(5) *Journal of Peace Research* 617 (2006), available at: <http://www.jstor.org/stable/27640387> (last visited on March 9, 2019).

⁴² *Supra* note 11.

resources, extreme poverty is found at its height. The gravity of poverty in Africa was reiterated in the Nobel Lecture given by Nobel Peace Prize Laureate 2018 Denis Mukwege on 10 December 2018 wherein he stated that though he hails from one of the richest countries on the planet, the people of his country are among the poorest of the world.⁴³ The consequences of over exploitation of resources has seen its manifestations not only in growing poverty but has prepared the grounds for many conflict zones as well. In Africa, it was shown as a conflict between ethnic communities. But one fails to recognize that when different ethnic communities living in a region have the means to fulfill their ends, why would they resort to war?⁴⁴ It is only when one community surpasses the right of others that the conflict enrages. Gandhiji once rightly quoted that the earth is sufficient for everybody's need but not for everybody greed.

The international incidents of conflict have found its way mostly in resource rich countries of Africa. For example, in Rwanda the genocide was instigated by loss of livelihoods due to loss of arable land and water which was being grabbed by industrial giants. It was one of the causes that instigated the genocide. The only job the unemployed men find in the State Administration (Rwanda) was in Army or as fighters against militia to fulfill their livelihood expectations. Taking advantage of the situation, the war lords offered the poor with offers to work as bare foot soldiers. This was done to secure the interest of the war lords. It has also been observed that specific types of economies are created by warlords during war times to secure profit, power and security and also to gain legitimacy over certain acts which in peace times could be considered criminal.⁴⁵

In Sierra Leone, the greed for diamonds instigated the conflict and locals were driven out of the territory or were even amputated.⁴⁶ The cause was reiterated in the report of Sierra Leone's Permanent Representative to the UN, Ibrahim Kamara which stated that "...the root of the conflict is and remains diamonds, diamonds

⁴³Denis Mukwege, "Nobel Lecture" *Nobel Media AB 2019* (March 9, 2019), available at: <https://www.nobelprize.org/prizes/peace/2018/mukwege/55721-denis-mukwege-nobel-lecture-2/> (last visited on March 9, 2019).

⁴⁴Leif Ohlss, "Livelihood Conflicts: Linking poverty and environment as causes of conflict" *Swedish International Development Cooperation Agency, Department for Natural Resources and the Environment* (2000), available at: http://www.sida.se/contentassets/99c24545bf31484aa0e6bbd7658a5873/livelihood-conflicts-linking-poverty-and-environment-as-causes-of-conflict_1326.pdf (last visited on March 9, 2019).

⁴⁵ *Ibid*

⁴⁶Eric Johnson, "Blood Diamonds: The Conflict in Sierra Leone" *EDGE* (Dec. 6, 2002), available at: <https://web.stanford.edu/class/e297a/Conflict%20in%20Sierra%20Leone.htm> (last visited March 12, 2019).

and diamonds..."⁴⁷. The conflict also costed a huge toll of lives of children who were forced into armed services.⁴⁸ The number of foot soldiers recruited to serve the interest of the capitalist class were mainly poor or deprived section of the society. Unemployed young men were easy targets for hate propaganda.

The loss of livelihoods forced the youth to take war booty and plundering offered by war lords as means of livelihood.⁴⁹ The conflicts in Somalia, Uganda, Democratic Republic of Congo, Malawi, Republic of Congo and others were instigated by livelihood concerns only.⁵⁰ In fact, Basheer's reign was also overthrown due to the higher cost of living issues which effected the populace.⁵¹

The following table contains the list of agreements concluded in the aftermath of intra state conflict in Africa:⁵²

⁴⁷ David Keen, "Greedy Elites, Dwindling Resources, Alienated Youths: The Anatomy of Protracted Violence in Sierra Leone", 2 *IPG* 67 (2003), *available at*: <http://library.fes.de/pdf-files/ipg/ipg-2003-2/artkeen.pdf> (last visited on March 12, 2019).

⁴⁸ Jang Se Young, "The Causes of the Sierra Leone Civil War" (Oct. 25, 2012), *available at*: <http://www.e-ir.info/2012/10/25/the-causes-of-the-sierra-leone-civil-war-underlying-grievances-and-the-role-of-the-revolutionary-united-front/> (last visited on March 12, 2019).

⁴⁹ *Ibid*

⁵⁰ *Ibid*

⁵¹ "Sudan country profile", *BBC News* (April 13, 2019), *available at*: <https://www.bbc.com/news/world-africa-14094995> (last visited on March 12, 2019).

⁵² *Supra* note 7, For more details visit: https://peacemaker.un.org/document-search?keys=&field_padate_value%5Bvalue%5D%5Bdate%5D=&field_pacountry_tid=&field_paregion_tid%5B%5D=15&field_paconflict_tid%5B%5D=1

Country/Territory	CONFLICT TYPE	Agreement Title	Date
Angola	Intra- State	Memorandum of Understanding (Luena Agreement)	04/04/2002
Burundi	Intra- State	Dar-es-Salaam Agreement on Principles Towards lasting Peace, Security and Stability in Burundi	18/06/2006
Chad	Intra- State	Peace Agreement between the Government of Chad and the Mouvement pour la démocratie et la justice au Tchad (MDJT)	14/12/2003
Central African Republic	Intra- State	Republican Pact for Peace, National Reconciliation and Reconstruction in the Central African Republic	11/05/2015
Comoros	Intra- State	Accord pour la gestion de la période intérimaire	16/06/2010
Democratic Republic of Congo	Intra- State	Inter-Congolese Negotiations: The Final Act (Sun City Agreement)	02/04/2003
Rwanda	Intra- State	Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front.	04/08/1993

Uganda	Intra- State	Agreement on Cessation of Hostilities between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement (LRA/M)	26/08/2006
Djibouti	Intra- State	Accord de réforme et de concorde civile	12/05/2001
Guinea	Intra- State	Dialogue politique inter-guinéen	12/10/2016
Cote d'Ivoire	Intra- State	Linan-Marcoussis Agreement	23/01/2003
Kenya		Nakuru County Peace Accord	19/08/2012
Lesotho	Intra- State	Agreement among Lesotho Political Parties regarding the Electoral Law Bill	09/03/2011
Liberia	Intra- State	Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement of Democracy in Liberia (MODEL) and the Political Parties	18/08/2003
Mali	Intra- State	Accord Pour la Paix et la Reconciliation au Mali – Issu du Processus d'Alger	20/06/2015
Mozambique	Intra- State	Declaração de Cessaçao das Hostilidades Militares	25/08/2014

Niger	Intra- State	Accord établissant une paix définitive entre le Gouvernement de la République du Niger et l'Organisation de la Résistance Armée (O.R.A.)	15/04/1995
Malawi		Lilongwe Peace Declaration (LPD) - Taking a Stand against Violence in Malawi during and after Elections	10/05/2014
Senegal	Intra- State	Ziguinchor Peace Agreement between Government of Senegal and the MFDC	30/12/2004
Sierra Leone	Intra- State	Communiqué on the Cessation of Hostilities between the Civil Defense Force (CDF) and the Revolutionary United Front (RUF)	15/05/2001
Somalia	Intra- State	Agreement between the Federal Government of Somalia and Puntland State of Somalia	14/10/2014
South Africa	Intra- State	CODESA Declaration of Intent	21/12/1991
Sudan	Intra- State	Roadmap Agreement	21/03/2016
Zimbabwe	Intra- State	Agreement between the Zimbabwe African National Union-Patriotic Front	15/09/2008

Apart from Africa some other prominent peace accord in concluded in other parts of the world is dealt as follows:

VII.I Northern Ireland Good Friday Agreement

Northern Ireland Good Friday Agreement was the peace accord signed between British and Irish Governments and eight political parties or groupings from Northern Ireland. It was signed on April 16, 1998 at Belfast; hence it is also known as the Belfast Agreement. As it was signed on Good Friday, it is also known as the Good Friday Agreement.

The Good Friday Agreement is popularly defined as a social contract governing relations within Northern Ireland, between North and South, and between Ireland and Britain.⁵³

The reason of conflict was the continued interference of British Government in Irish affairs. The Irish people agitated against it and demanded non-interference from the British Government. The Nationalist as well as the Republican party of Ireland was antagonistic towards the interference of British State in the internal affairs of Ireland.⁵⁴ The conflict began in the 1960s. The conflict was mainly between the Catholics which were in minority and the Protestants who formed the majority.⁵⁵ The Protestants formed the Government and occupied many important posts in the government as well as in the police. The Catholics felt isolated. The other prime reason was that the Catholics related themselves more with Ireland and considered themselves to be Irish and wanted to merge with the Republic of Ireland. On the other hand, Protestants wanted to be with Britain.⁵⁶

The conflict lasted for more than 30 years until in 1990 when the peace process was started. The peace agreement established a two-way agreement. One was between the multiple political party of the Northern Ireland and the other was between United Kingdom and the Republic of Ireland. It established a North/South Ministerial Council to synchronize the cross-border cooperation between Northern Ireland and the Republic of Ireland. A British – Irish Council was also constituted to promote bilateral cooperation between the two States.

⁵³ Philip Mc. Donagh, “The Good Friday Agreement: 1998” 31(1) *India International Centre Quarterly* 12 (2004), available at: <http://www.jstor.org/stable/23005908>. (last visited on March 12, 2019).

⁵⁴ Stefan Wolff, “The Road to Peace? The Good Friday Agreement and the conflict In Northern Ireland” 163(4) *World Affairs* 163 (2001), available at: <http://www.jstor.org/stable/20672614>. (last visited on March 18, 2019).

⁵⁵ Padraig O’Malley, “Religion and Conflict: The Case of Northern Ireland”, *John M. McCormack Graduate School of Policy and Global Studies Publications*, Paper 29 (1995), available at: https://scholarworks.umb.edu/cgi/view_content.cgi?article=1029&context=mccormack_pubs (last visited on March 12, 2019).

⁵⁶ *Supra* note 53 at 165.

VII.II Guatemala Peace Accord

Guatemala peace accord was signed on December 29, 1996 and ended the 36 year old civil war. It was signed between the Guerrilla Forces and the Government of Guatemala. With the signing of this accord Guatemala became the last country of Central America to realize peace.⁵⁷

The conflict in Guatemala was between the guerrilla forces and the Government.⁵⁸ It began in 1960 and lasted till the peace process began. The core reason of the conflict was the oppression of indigenous people by the Spanish.⁵⁹ To avenge the atrocities and the oppression, guerrilla forces emerged in the year 1960. They were inspired by Fidel Castro's revolutionary success in Cuba. USA became interested in it because it did not want communism to firm its root in central American countries, hence it trained military forces of Guatemala to curb the uprising.⁶⁰ Guerrilla forces on the other hand had the support of the oppressed peasantry class. The military was successful in curbing the revolt in the beginning but later the guerrilla forces emerged with more verve in 1970s. The civil war between the two forces was at its height during 1979-1982. In the meantime, the government in Nicaragua was overthrown by the left led Sandinists. This made US even more sceptic about the uprisings in Guatemala. The Government then took a harsh step and burnt many villages and committed atrocities on the indigenous population who were suspected of rendering support to the Guerrillas movement. In 1980 four major guerrilla forces formed the National Guatemala Revolutionary Forces (UNRG), however, the united forces could not withstand the military forces trained by US and the Israeli intelligence deployed by it. The fight continued. The guerrilla forces began to lose their strength due to lack of outside support. During the war, many other changes occurred in the world scenario such as fall of communism in Europe, disintegration of Soviet Union and defeat of Sandinista in Nicaragua.⁶¹ All these factors weakened the support of UNRG. As

⁵⁷Leonor Blum, "International NGOs and the Guatemalan Peace Accords", 12(4) *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 327 (2001), available at: <http://www.jstor.org/stable/27927744>. (last visited on March 19, 2019).

⁵⁸ Hal Brands, "Crime, Violence, And The Crisis In Guatemala: A Case Study In The Erosion Of The State" (2010), available at: <http://publications.armywarcollege.edu/pubs/2070.pdf> (last visited on March 19, 2019).

⁵⁹Jennifer Archibald, "Human Rights in Guatemala", available at: <https://pdfs.semanticscholar.org/bf04/2601b81d8ceab29d019f46e1b40cc230b685.pdf> (last visited on March 21, 2019).

⁶⁰ Kim Jaechun, "Motivations of US Covert Action in Guatemala: External or Internal Constraint?", *The Korean Journal of International Studies*, available at: http://kaisnet.or.kr/resource/down/8_2_03.pdf (last visited on March 21, 2019).

⁶¹ Leonor Blum, "International NGOs and the Guatemalan Peace Accords" 12(4) *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 327 (2001), available at: https://www.jstor.org/stable/27927744?seq=1#metadata_info_tab_contents (last visited on March 21, 2019).

a result of all these, proposals were initiated to end the tussle. As a result, a National Reconciliation Commission was established to end the internal conflict in Central American countries. Since UNRG has lost most of its support, it had no other option but to inter into the negotiation process which led to the Guatemala peace accord.

The peace agreement contained provisions for economic development, civic participation, resettlement of the peace process, equal treatment of the Indigenous population, civilian police force for internal security and confining the role of military only for external protection.⁶²

VII.III Bosnia-Herzegovina Dayton Accord

The General Framework Agreement for Peace in Bosnia and Herzegovina - popularly known as the Dayton Accord was signed in Paris on December 14, 1995. The accord was concluded between Bosnia, Croatia and Serbia. As the negotiations took place at Wright Patterson Air Force Base outside Dayton, Ohio it is also known as the Dayton accord.

The reason for the conflict was the separatist movements going on in former Yugoslavia. After disintegration, Yugoslavia broke out in Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia.⁶³ The Serbs which formed the majority of population were against the disintegration. When Croatia and Bosnia-Herzegovina declared their independence, ethnic Serbs launched armed struggle against these two countries demanding a separate Serb controlled territory from both the States. In the meantime, Croats and Bosniaks also began to fight over territory issues. The situation became intense not only internally but externally as well.

In January 1992, cease fire was established between Croatia and ethnic Serb and between Croats and Bosniaks through Washington Agreement of March 1994 establishing Bosniak-Croat Federation.⁶⁴ By virtue of the agreement no fly and no fire zone were created around Sarajevo. Even after the cease fire fighting and firing continued. This led to humanitarian intervention by US in the conflict zone. During this period, NATO shot down four Serb aircraft which violated the no-fly zone. Meanwhile, Bosnia and Croatia occupied some of the Serb held territory in Bosnia. To bring the parties on board, President Clinton sent National Security

⁶² *Ibid*

⁶³ Hashi Iraj, "The Disintegration of Yugoslavia: Regional Disparities and the Nationalities Question" 42 *Capital and Class*, available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.535.8252&rep=rep1&type=pdf> (last visited on March 24, 2019).

⁶⁴ Peter W Galbraith, "Washington, Erdut and Dayton: Negotiating and Implementing Peace in Croatia and Bosnia Herzegovina" 30(3) *Cornell International Law Journal* (1997), available at: <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1408&context=cilj> (last visited on March 24, 2019).

Advisor Anthony Lake and Under Secretary of State Peter Tarnoff to Europe to propose a framework for peace.⁶⁵ At the same time US also warned the Serbs of dire consequences if they refused to negotiate.⁶⁶

The process to negotiate began in November 1995. It consisted of representatives from Bosnia, Serbia, US, UK, France, Germany, Italy, Russia, and EU. They met at Dayton and concluded the process on November 22, 1995. The accord was finally signed on December 14, 1995 at Paris.

The Dayton Peace Agreement had to accommodate the competing interests of the three main ethnic groups of Bosniaks, Croats, and Serbs by devoting them adequate political and legal representation in the country's governing structures while maintaining a balance of power conducive to the functional operation of a single state.⁶⁷

Dayton Peace Agreement however has been criticized as a peace agreement that ended a war but did not restore lasting peace as well as political and legal stability.⁶⁸

VIII. Conclusion

A perusal of the above issues has brought forth a plethora of questions which involves the conduct of International actors, the issue of livelihood and the role of transitional justice mechanism in building the peace process. It is to be noted that Peace agreements though have led to the establishment of peace in many cases, have also led to deterioration of conditions in some. The reason was imposition of unilateral will either by the external forces or by the party in power. The consent and will of the other side which was ignored and subdued was equally important for lasting peace. For instance, the Dayton accord which was signed to deal with the conflict situation in Bosnia- Herzegovina could not achieve its desired outcome because it was imposed on the Serbs through the intervention of the American forces. Peace agreement are meant for establishing peace not to assert victor's justice. The peace processes supplemented by the transitional justice mechanism hopefully serves the purpose. However, the question remains that how far the peace agreements have been helpful in restoring democracy and social justice to all those who have suffered due to the conflicts.

⁶⁵Brooking Institution, "The Problem from Hell", *available at*: https://www.brookings.edu/wp-content/uploads/2016/07/daalder_chapter.pdf (last visited on March 26, 2019).

⁶⁶ Bill Clinton, "Dayton Accords International agreement", *available at*: <http://www.britannica.com/event/Dayton-Accords> (last visited on March 26, 2019).

⁶⁷Anna Morawiec Mansfield, "Ethnic but Equal: The Quest for a New Democratic Order in Bosnia and Herzegovina", 103(8) *Columbia Law Review* 2052 (2003), *available at*: <http://www.jstor.org/stable/3593383> (last visited on March 26, 2019).

⁶⁸ *Ibid*