

# CSS MEDIATION RESOURCES

## Peace Agreement Provisions and the Durability of Peace

Sean Kane



**Sean Kane** has worked on mediation processes and political dialogues related to constitutional reform, elections and territorial disputes for the United Nations, United States Institute of Peace and Centre for Humanitarian Dialogue in Iraq, Libya, Afghanistan and Syria. He is a graduate of the Master of Advanced Studies ETH Mediation in Peace Processes (MAS ETH MPP) program hosted by ETH Zurich.

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Center for Security Studies (CSS) Swiss Federal Institute of Technology, ETH Zurich  
Haldeneggsteig 4. IFW  
CH – 8092 Zurich  
Tel: +41 33 632 40 25  
Fax: +41 44 632 19 41  
mediation@sipo.gess.ethz.ch  
www.css.ethz.ch

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# Introduction

Over the past two decades, efforts to professionalize the field of mediation have focused upon the development of mediation theory and the collection of good practices from the field to better inform mediation strategies and maximize their chances for success.<sup>1</sup> This study seeks to contribute to this effort by analyzing empirical research on the relationship between the content of negotiated civil war peace agreements and the subsequent duration of peace.

It focuses specifically upon quantitative studies that apply statistical techniques to analyze databases containing decades of civil war peace agreements. These studies attempt to account for conflict context in their analysis in order to isolate the impact of different types of peace agreement provisions on how long peace lasts after the agreement is signed. This is a research area of direct practical relevance to mediators, who can and do influence the design of peace agreements by introducing options from comparative cases, making bridging proposals and even occasionally drafting text.<sup>2</sup> Due to a general lack of familiarity among mediation practitioners with quantitative methods, lessons from this area of research may so far be underutilized as compared to case study and other more qualitative methods.

From the outset, it should be acknowledged that the content of a peace agreement is not the sum total of a mediation effort. Moore (2013, 39) notes that mediators make strategic choices between focusing either on the overall relationship and communication between the conflicting parties or on developing acceptable solutions to the substantive issues in dispute. This paper's emphasis on the content of peace agreements is most relevant to mediation strategies built around the latter focus, namely addressing the substantive issues in conflict.

With this caveat, the paper is organized as follows. The first section examines literature addressing the main theoretical concept underlying this area of academic research: the credible commitment problem. As explained by Walter (1997, 335), it holds that "civil war negotiations rarely end in successful peace settlements because credible guarantees on the terms of the settlement are almost impossible to arrange...". In particular, conflicting parties feel highly vulnerable to other side "defecting" or "cheating" on the terms of an

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1 See, for example, the foreword to the UN Guidance for Effective Mediation.

2 Andreas Wenger, Simon Mason, Govinda Clayton, "Mediation Frameworks Presentation." March 13, 2018.

agreement, especially once they themselves have given up their military capabilities pursuant to the peace process. As a result she argues, civil war peace agreements are prone to collapse and a resumption of violence is more likely.

In the approximately 20 years since Walter's influential paper, the literature has explored four main theoretical avenues by which civil war peace agreements can potentially design guarantees to overcome the credible commitment problem and thereby promote peace duration:

- External guarantees or peace-keeping operations to enforce a peace agreement;
- Self-enforcing agreements that rely on political, security and territorial power-sharing to create checks and balances;
- Mechanisms to signal commitment, reduce uncertainty and increase the costs of cheating on ceasefire agreements in particular; and
- Comprehensive peace agreements with reforms across multiple policy sectors to serve as insurance against non-implementation of any one issue.

These four strands of research represent a top-down, theory-based approach to answering this paper's central research question of what type of peace agreements are most associated with longer lasting peace. Broadly speaking, they have the common approach of developing hypotheses for how the credible commitment challenge can be overcome and then quantitatively test different types of proposed guarantees using peace agreement databases.

The second section of this paper complements this theory based approach with a more bottom-up, observational perspective. After all, external guarantees, power-sharing and ceasefire mechanisms represent only a fraction of the contents of today's peace agreements. This section accordingly makes use of Höglbladh (2012) and other descriptive studies to identify additional content issues that are normatively important and widely included in peace agreements in real-world practice (assumedly because mediators and conflicting parties alike consider them to be important to securing peace). It then summarizes the quantitative research on the empirical links between these additional subject areas and the duration of peace, including for peace agreement provisions on:

- Post-Conflict Elections;
- Justice/Dealing with the past;
- Civil Society Inclusion;
- Gender; and
- Humanitarian action.

The research on peace duration examined in these two sections broadly employ the same types of quantitative methods, which allows for a comparison of findings. In particular, all of these papers employ regression analysis to examine the statistical relationship between key peace agreement provisions and the duration of the negotiated peace. The studies cited also broadly employ the same “minimal” or “negative” definition of peace, defined as the absence of a resumption of violent conflict after an agreement is signed. As a baseline standard of reference, it can be noted that one recent study of peace agreements found that only 58 per cent of peace agreements successfully terminated violence for a period of at least five years (Högbladh, 2012: 51).<sup>3</sup>

Next, the third section of the paper examines patterns in the implementation of different types of peace agreement provisions. The analysis follows Arnault’s (2001) logic that peace agreement negotiation and implementation are not two separate worlds but rather component parts of a single, comprehensive conflict settlement process. To date there has been relatively limited quantitative study of the relationship between agreement implementation itself and the duration of peace. However, there is evidence that the extent to which an agreement is implemented affects how long peace lasts (Joshi and Quinn 2015a). Different types of peace agreement provisions also appear more or less likely to be subsequently implemented. This type of information is of potential strategic importance to mediators when thinking about peace agreement design.

The paper concludes by summarizing the main findings (and limitations) of the literature, how to interpret these results and identifies key areas for future research. It also provides a short discussion of some of the more surprising findings to emerge from the body of research, particularly in reference to political power-sharing.

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3 This study included 216 signed peace agreements reached between 1975 and 2011 (the vast majority of which sought to end intra-state civil wars).

# 1. Research Findings on Designing Credible Guarantees in Peace Agreements

Barbara Walter's seminal 1997 "The Critical Barrier to Civil War Settlement" is credited for providing the theoretical organizing principle for the quantitative study of the impact of peace agreement provisions on peace duration. The paper begins with an empirical observation: negotiated agreements settled significantly fewer intra-state conflicts than international conflicts between 1940 and 1990.<sup>4</sup> This finding prompted two main questions for Walter. First, why are domestic enemies so often unable to negotiate successfully? And second, what can the international community do to end these conflicts? To answer the former, she theorized the credible commitment problem outlined above.

This first main section of the paper examines the literature that has developed in response to Walter's theory and exploring how different peace agreement provisions may be used to help to overcome the credible commitment constraint. It begins with the primary policy mechanism that Walter herself put forward (external security guarantees) before moving on to consider other types of potential guarantees that subsequent authors have proposed to address civil war parties' incentive to cheat on peace agreements (power-sharing, ceasefire signaling mechanisms and comprehensive peace agreements).

## 1.1 External Guarantees

Walter (1997) argues that civil war negotiations fail not because of indivisible stakes, irreconcilable differences, or high tolerance among the parties for the costs of conflict. Rather she points to the difficulties of trust between warring parties, ensuring the future enforcement of agreements and the existential danger of surviving renewed attacks after disarming. She posits the stark hypothesis that "only when an outside enforcer steps in to guarantee

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<sup>4</sup> 55 per cent of international conflicts between states were ended by negotiated settlement during this time period as compared to only 20 per cent of intra-state civil wars (Walter 1997, 335).

the terms do commitments to disarm and share political power become believable. *Only then* [emphasis added] does cooperation become possible” (Walter 1997, 336).

Walter tests this hypothesis by looking at a data set of 41 civil wars from 1940 to 1990 (including those that ended by both decisive military victories and negotiated settlements). She finds third-party guarantees to be positively correlated with what she defines as successful settlements, or ones that were negotiated, kept the opposition intact, and survived five years without a relapse into conflict. Walter further found that this effect increased with the strength of the guarantee, which she classified on a spectrum ranging from weak (a formal public promise only) to moderate (deployment of at least 500 troops to protect the parties in implementation) to strong (deployment of at least 10,000 troops). Furthermore, she found that this statistical relationship held when the cases used in the empirical analysis were restricted to the 17 out of 41 civil wars where negotiations were at least attempted.

But what if international actors only offer guarantees in easy cases where they already believe that peace agreements are likely to hold, and thus are less likely to require enforcement? If so, the successful agreements Walter identifies are likely affected by factors other than the presence of an external guarantee. In order to address this concern with her analysis, in a second paper, Walter (1999) undertakes a case study examination of the same 17 conflicts where negotiations were attempted. She finds that the arrival and departure of third-party forces is directly related to agreement execution, supporting the notion that external guarantees have their own independent impact.

Walter concludes by calling for more extensive empirical analysis of this issue and several studies have since included an external guarantee variable in their statistical modelling. Hartzell et al. (2001), Hartzell and Hoddie (2003), Hoddie and Hartzell (2005), Fortna (2006), Mattes and Savun (2009) and Mattes and Savun (2010) find evidence of an impact of credible, third-party security guarantees on peace duration. In situations where there is openness to international enforcement (almost always a sensitive subject among domestic civil war actors), mediators may consider advising the conflict parties to explore the inclusion of external security guarantee provisions in peace agreement texts.

## 1.2 Power-Sharing

It did not take long for challenges to emerge to Walter's overall argument that external security guarantees are the only barrier to the negotiated settlement of civil wars. In particular, Caroline Hartzell and Matthew Hoddie's work during the first half of the 2000s inspired a significant body of research on the impact of various types of power-sharing on peace duration. As one of their early articles postulated: "Even after such promises [external guarantees] have been made by third-party actors, civil war opponents are likely to question the credibility and duration of the enforcers' commitments. They may also question whether...once disarmament has taken place and the central authority of the state has been reconstructed, who will control the coercive powers of that state" (Hartzell et al. 2001, 193). Following Walter's seminal paper, these two scholars and other authors quickly began to explore how the design of post-conflict domestic institutions, as mediated by a peace agreement, impacts peace duration.

This branch of the literature does not deny the potential contribution of external guarantees to peace duration, but argues that overcoming the credible commitment problem also requires former combatants to give each other assurances that "no single group will be able to use the power of the state to secure what they failed to win on the battlefield, and perhaps threaten the very survival of rivals" (Hartzell and Hoddie 2003, 319). These same authors propose that "power-sharing serves as the mechanism that offers this protection by guaranteeing all groups a share of state power...[and that]...by dividing and balancing power among rival groups, power-sharing institutions minimize the danger of any one party becoming dominant and threatening the security of others."

Notably, academic researchers employ a broader definition of power-sharing than may be commonly understood by mediation practitioners. The latter often consider power-sharing more narrowly in terms of the political co-habitation of former conflicting parties in the executive branch of government. In contrast, Hartzell and Hoddie (2003) examine four distinct types of power-sharing:

- Political: distribution of political power across competing groups through steps such as unity governments, veto mechanisms, electoral systems, and proportionality in the distribution of administrative appointments;
- Territorial: division of autonomy between levels of government on the basis of decentralization, federalism or regional autonomy arrangements;

- Security/Military: distribution of the state's coercive power among the warring parties via mechanisms such as security forces' integration, creation of locally autonomous forces, disarmament, de-mobilization and re-integration (DDR) programs, and wider security sector reform; and,
- Economic: distribution of economic resources controlled or mandated by the state among different groups.

Hartzell and Hoddie (2003) were the first to test the aggregate impact of power-sharing provisions on peace duration across the political, territorial, security/military and economic dimensions. Looking at the total number of months that peace endured after the signing of an agreement in the case of 38 civil wars settlements during the period 1945 to 1998, they find that “the more extensive the network of power-sharing institutions contending parties agree to create, the less likely they are to return to the use of armed violence to settle disputes” (Hartzell and Hoddie 2003, 330). The most relevant ramifications of this research on mediation policy is that “[b]ecause the security concerns produced by civil war are diverse, the power-sharing institutions designed to address safety concerns should be multi-dimensional rather than focused solely on political decision-making” (Hartzell and Hoddie 2003, 330).

Hoddie and Hartzell (2005) return to this same data set of 38 civil wars settlements in an effort to unpack power-sharing into its component parts. Their 2005 paper includes separate variables for political power-sharing at the central government level, territorial power-sharing, security power-sharing and economic power-sharing. This approach allows the authors to test for the individual impact of different forms of power-sharing on peace duration. Their results have been influential, finding statistically significant evidence of an impact of territorial and security power-sharing on peace duration but no corresponding evidence for political or economic power-sharing. The authors make a plausible case for why territorial and security power-sharing are so important, namely that the ability of the government to inflict physical harm on others in the event of a return to war is limited if the peace agreement distributes the central government's coercive force or gives groups a territory over which they exercise some control. Hoddie and Hartzell nonetheless confess to being somewhat taken aback by their lack of results on political power-sharing, especially given that “conventional understandings of power-sharing often emphasize or solely focus on the distribution of [executive] offices and influence within the political center” (Hoddie and Hartzell 2005, 103).

Hartzell and Hoddie's provocative findings have produced a number of follow-up studies. In general, these have replicated their basic results, namely: (i) the cumulative impact of combining different dimensions of power-sharing in peace agreements on peace duration (Jarstad and Nilsson 2008; Mattes and Savun 2010; Nilsson 2012; Martin 2013); and (ii) the individual impacts of security and territorial power-sharing provisions and the statistically limited impact of political power-sharing provisions (Jarstad and Nilsson 2008; DeRouen et al. 2009; Martin 2013).

Some authors further examine different types of power-sharing in the level of detail necessary to address the impacts of specific policy mechanisms. Mukherjee (2006) finds peace duration is not statistically impacted by peace agreement provisions on power-sharing in the executive branch, proportional representation in the electoral system or proportionality in appointments to the public-sector bureaucracy. Martin (2013) similarly finds no evidence of a statistical link between executive power-sharing or minority veto provisions in peace agreements on peace duration, but does find an effect of power-sharing provisions related to the legislature (proportional representation, seat quotas for groups, and a parliamentary system of government) in some (but not all) of his statistical models. Analogously, looking at security/military power-sharing, Matanock (2017) and Keels (2018) find that inclusion of DDR programs have a positive impact on peace duration but the former also finds no evidence of an impact of broader security sector reform provisions.

The power-sharing strand of research is particularly important to mediators. The sharing of political and security power, resources and territory between conflicting parties is likely to be at the center of a mediator's mandate and compose a significant part of the negotiating agenda. The potential contribution of multi-layered power-sharing arrangements and the individual importance of security and territorial power-sharing provide important context for mediation process design and agenda construction to promote a lasting peace.

### 1.3 Ceasefires and Signaling Intentions

Virginia Fortna's (2006) intriguingly titled "Scraps of Paper? Agreements and the Durability of Peace" has a different focus than the other articles examined in this literature review. It examines international ceasefire agreements to end

conflicts between states. It is nonetheless included here because it advances important theoretical arguments that other scholars later apply to civil war ceasefire agreements. Fortna's central contention is that "mechanisms within agreements can help overcome commitment problems and make durable peace more likely by changing the incentives to break a cease-fire, by reducing uncertainty about actions and intentions, and by preventing accidental violations from triggering another round of fighting" (Fortna 2006, 516). Following this, the technical content of cease-fire agreements can make for stronger, more durable agreements. In furthering this position, she rejects the notion that peace agreements are "scraps of paper" that merely give expression to the parties' pre-existing intentions towards peace.

Fortna analyzes 48 ceasefires in international wars ending between 1946 and 1997 and finds that, in general, there are four measures that provide credible signals of intention and are associated with longer durations of peace.<sup>5</sup> She highlights the impacts of protections that: a) alter incentives by raising the cost physically or politically of an attack (e.g. formal signed ceasefire agreements, third-party guarantees and monitoring); b) reduce uncertainty by specifying compliance (e.g. monitoring and verification mechanisms); c) regulate activities likely to cause tension (e.g. withdrawal of forces from ceasefire lines, establishment of buffer zones, arms and troop control measures); and d) help or prevent the management of accidents (e.g. dispute resolution mechanisms). More specifically, she finds that explicit external guarantees, deployment of international monitors or enforcement troops, and the creation of buffer zones have individually significant effects on ceasefire survival. She does not uncover empirical evidence that arms control provisions or the withdrawal of forces from ceasefire lines have similar impacts. Fortna also concludes that the "stronger the agreement" (i.e. the more of these types of mechanisms it contains), the greater its impact on durable peace.

Mattes and Savun (2009) apply Fortna's analytical framework to 48 negotiated civil war settlements from 1945 to 2005. They find that provisions such as separation of forces, sealed borders, and the withdrawal of foreign forces have the most significant impact on ceasefire duration in civil war contexts. In a subsequent 2010 paper, the same authors turn their focus to "uncertainty-reducing" provisions in a slightly expanded data set of 51 civil war ceasefire agreements. In this study, they find that uncertainty-reducing provisions such as third-party monitoring, particularly where belligerents

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5 Fortna measures the duration of a peace in years, from the start of a ceasefire.

self-report on their military capabilities and third parties have mandates to verify this information, lower the likelihood of a return to conflict. The authors distinguish these provisions from external security guarantees because they relates to monitoring and verification rather than external commitments to intervene to enforce an agreement.

The central theme running through this strand of literature is that the technical quality of agreements can serve a ‘signaling function’ to overcome the credible commitment challenge, in that detailed ceasefire management and monitoring mechanisms in peace agreements can be a means for parties to credibly communicate their intention to pursue peace. Mediator practitioners can also potentially learn valuable information by reading these signals. For example, mediators may have reason to doubt conflict parties’ commitment to ending the conflict if they hesitate to consider detailed ceasefire management and information disclosure agreements. Similarly, an unwillingness to commit to agreement provisions that would take specific steps towards regulating the separation of troops, sealing borders, and supporting the withdrawal of external forces may also give mediators pause.

## 1.4 Comprehensive Peace Agreements

The papers by Hartzell and Hoddie (2003) and Fortna (2006) have already hinted at the cumulative, mutually reinforcing positive impacts of including multiple types of power-sharing and ceasefire mechanisms in a peace agreement. Joshi and Quinn (2015b) take this idea a step further, stating that agreements that contain reforms across multiple different policy sectors are best able to overcome the credible commitment problem and bring about durable peace. Fundamentally, they argue that the cumulative impact of the quantity of substantive policy reforms is more important than reforms in any individual substantive area. They believe that spreading “a greater number of reforms across multiple policy areas within government (i.e., legislative reform, judicial reform, civil administration reform, and military reform)...” also form a type of guarantee. This is because such a strategy helps to “... minimize the risks that a failure to implement some provisions of an agreement will undermine the overall objectives of the agreement.” (Joshi and Quinn 2015b, 12)

Joshi and Quinn (2015b) test this hypothesis by using Höglbladh’s (2012) data set of 196 peace agreements negotiated between 1975 and 2011

to examine the effect of the quantity of different types of peace agreement provisions on the recurrence of conflict. Some of the 27 types of policy provisions covered in their paper include ceasefire regulations, the multiple dimensions of power-sharing, and humanitarian and human rights related provisions. Statistically, all of their models show that the number of different policy provisions contained in a peace agreement has a highly significant impact on peace duration. Less comprehensive agreements are more likely to result in either a follow-up agreement or a resumption of violence.

Badran (2014) works in parallel to Joshi and Quinn's (2015b) research. He also rejects "the conventional monocausal assessment" of peace agreements and instead seeks to analyze them "as a cohesive whole and evaluate [their] strength in terms of [their] structural and procedural provisions" (Badran 2014, 193). His analysis encompasses similar substantive provisions to those used by Joshi and Quinn, but also incorporates procedural provisions, such as the inclusion of dispute resolution procedures and agreement re-negotiation mechanisms. The result is a composite index of 18 key substantive and procedural provision types that Badran believes indicates the design quality of a peace agreement. In his statistical modelling, Badran finds support for his composite peace agreement design quality variable, with those peace agreements on the stronger end of the scale (i.e. a greater quantity of substantive and procedural provisions) having a statistically greater likelihood to prevent armed conflict recurrence.

The recent nature of these two articles means that there has been limited opportunity to replicate these findings. As a preliminary understanding, however, it does seem possible to say that peace agreements are more than just the sum of their parts. Where possible, mediators should take note of these findings; namely, including substantive provisions across multiple policy areas and greater procedural detail in a peace agreement contributes to a more lasting peace. Notwithstanding, it would be an oversimplification to conclude that peace agreements are only about the quantity of provisions. Having a greater number of provisions in an agreement would be unlikely to compensate for failing to address the key incompatibility at the heart of the conflict.

## 2. Research Findings on Frequently Used Provisions in Peace Agreements

The academic literature reviewed thus far has generally sought to test the relationship between peace agreement provisions and the resumption of violence by testing various types of guarantees aimed at overcoming Barbara Walter's credible commitment challenge. The second section of the paper seeks to explore the links between peace agreement design and peace duration from a more bottom-up, observation-oriented angle. It makes use of Höglbladh (2012) and other descriptive studies to identify additional commonly used or normatively important provisions in peace agreements that are not addressed by the credible commitment literature. With this framing, the section summarizes quantitative research testing the empirical relationship between these additional widely employed types of peace agreement provisions and peace duration.

### 2.1 Post-Conflict Elections

Since the end of the Cold War, credible and inclusive multi-party elections have increasingly been included in peace agreements as the capstone of political transitions from civil conflicts to a return to 'normal politics.' For example, according to Joshi et al. (2017), out of the 46 full peace agreements negotiated between 1989 and 2008 almost two-thirds provide for a post-agreement election. Meanwhile, Höglbladh (2012) identifies elections as the most common type of political provision that is included in peace agreements.

However, the central role of elections in peace processes is attenuated by empirical evidence regarding the destabilizing effect of the first set of post-conflict elections. In particular, if the results are contested, the first post-conflict elections have the potential to incite further violence. Flores and Nooruddin (2012) find evidence that holding elections soon after a peace agreement hastens the recurrence of violence in post-conflict countries (particularly those with limited prior experience with democracy). Notwithstanding this, it has been the author's experience that both international and domestic actors continue to often actively desire early elections after a peace

agreement. Given these realities, several authors have recently sought to understand what types of electoral provisions may help to provide the democratic and political benefits of voting while minimizing its potentially destabilizing impacts.

Joshi et al. (2017) examine the effect of what they term “accommodation provisions” on post-conflict elections and peace duration, using 34 comprehensive peace agreements. They define three types of accommodation provisions: requiring transitional power-sharing governments, the release of prisoners of war and granting amnesties. Their results find that the first set of post-conflict elections has a negative impact on peace agreement survival. However, their model predicts that peace agreements that sequence elections to occur after the implementation of accommodation provisions have the highest predicted rates of peace duration over a notional 10-year period.

Matanock (2017) analyzes 49 civil war peace agreements to look at the efficacy of electoral participation provisions as tools to promote stable post-conflict elections. Her analysis encompasses provisions related to the transformation of rebel groups into political parties as well as their inclusion in transitional governments. Matanock finds that while the general inclusion of electoral provisions in a peace agreement does not have a significant positive or negative impact on peace duration, clear participation provisions enabling all conflicting sides to field candidates in the elections have a robust positive impact. Notably, Matanock’s participation provisions and Joshi et al.’s accommodation provisions overlap with respect to transitional power-sharing governments.

Keels (2018) looks at peace agreements from 1975 to 2011 to explore the impact of electoral reforms, and specifically analyzes provisions that require changes to electoral laws before any election can take place. Keels’ definition of reforms includes changes to electoral rules, institutions or arrangements, such as allowing rebel groups to form political parties. He finds that provisions for reforms to electoral laws substantially reduce the risks associated with the initial post-war election if these reforms are implemented before election day. These findings also overlap with Matanock’s work.

These studies are particularly interesting for mediators inasmuch as they generally comport with the policy advice of electoral practitioners. For example, the United Nations has provided electoral assistance to over 100 countries, often in post-conflict settings. The most recent report of the Secretary-General on UN Electoral Assistance states that while there is no single formula for a successful electoral process, several factors can contribute to

credible, accepted elections. These include mitigating zero-sum politics, pursuing dialogue in establishing the electoral legal frameworks, focusing on inclusion and non-discrimination and encouraging broad participation (United Nations Secretary-General 2017). These factors seem to align with empirical findings on the relationship between peace duration and the implementation of agreement provisions related to accommodation, participation of former rebel groups and electoral reforms prior to holding the first post-conflict vote.

## 2.2 Justice/Dealing with the Past

Beginning in Latin America during the late 1980s, strong international norms have developed in relation to transitional justice and the content of peace agreements. United Nations Security Council resolution 827 (1993), for example, first described transitional justice as contributing to the restoration and maintenance of peace. The 2012 UN Guidance on Effective Mediation further refers to “justice” as one of the main objectives of a mediation process and “consistency” with international law as contributing to the legitimacy and durability of peace agreements. Substantive provisions in peace agreements addressing how justice issues should be resolved after conflicts are accordingly widely employed, with Högladh (2012) reporting that just over 60 per cent of peace agreements signed between 1975 and 2011 included justice provisions.

Despite these increasingly accepted norms and the widespread use of justice provisions, there are few debates more heated among practitioners than that which is referred to by the short-hand of ‘peace versus justice.’ Hayner (2018) condenses the debate as those in the human rights community arguing that peace agreements without effective justice provisions are not sustainable because impunity only breeds further conflict. Mediators, on the other hand, are seen to prioritize the prevention of future victims in peace agreements over punishing past abuses. Hayner adds that mediators sometimes also argue that more effective justice mechanisms can be developed in the future, even if they are not featured in a peace agreement. There is unfortunately relatively little empirical research on the impact of justice provisions on peace duration that could help shed further light on this debate.

The major exception to this is a World Bank Policy Research Group Working Paper that investigates the long-term effects of post-conflict justice

on the duration of peace after conflict (Lie et al. 2007). This research examines 86 country cases, identifying various forms of both post-conflict justice efforts (e.g. trials, lustration, reparation to victims, and truth commissions) as well as processes associated with “abstaining” from post-conflict justice (e.g. amnesty and exile). While the paper does examine the duration of peace in terms of the number of days without a recurrence of conflict, it unfortunately does not solely focus on peace agreements. Rather, it looks in aggregate at post-conflict justice efforts after civil wars that ended by either military victory or negotiated agreement.

This is regrettable because Lie et al. find that the results of their statistical model are almost entirely explained by the manner in which the conflict ended. This appears to obscure the impacts of any transitional justice provisions. However, when Lie et al. (2007) limit their country cases in the model to democracies only, they do find some evidence that reparations to victims increases the duration of peace while amnesties make the recurrence of conflict more likely. This paper is a tantalizing effort to contribute to the peace versus justice debate that weighs in favour of the latter. However, its results are preliminary and mixed.

In terms of actionable policy advice, mediation practitioners would clearly benefit from more dedicated research in this important and still hotly debated area. It would be especially valuable if Lie et al.’s analysis could be replicated to focus only on cases where the conflict ended by negotiated agreement. This could help to isolate the impacts of the presence or absence of justice provisions in peace agreements and provide additional guidance in their effective design.

## 2.3 Civil Society Inclusion

The inclusion of civil society features prominently in international best practice related to effective peace agreements. The present section addresses inclusivity as it relates to civil society with the subsequent section focusing on women and gender issues, although there is clear overlap between these two subjects. In general, inclusivity is cited as one of the eight fundamentals in the UN Guidance for Effective Mediation (2012). Noting that it cannot be assumed that conflicting parties represent the wider public, the Guidance argues that inclusive processes are more likely to identify and address the

root causes of conflict and increase the chances of the successful implementation of peace agreements.

However, the inclusivity of mediation processes is routinely challenged from a variety of sources. Conflict parties or elites may want to control or limit who participates in the peace process in order to protect their own interests. The mediator may not see the benefits of greater inclusion as outweighing the costs of the additional complexity that this will introduce to the process. Better understanding the impact of civil society on peace agreement duration could help to overcome these hesitations among parties and peace practitioners.

Bell and O'Rourke (2007) provide a possible starting point for research on these issues. They examine peace agreements in 48 conflicts from 1990 to 2007. While the authors admit some difficulty in defining "civil society," they find that 36 per cent of these peace agreements make some reference to civil society. Bell and O'Rourke classified civil society provisions in peace agreement texts into three main categories: civil society roles in peace agreement monitoring (often related to human rights issues); civil society roles in transitional governance and other institutions such as national dialogues and legislatures; and civil society roles in the provision of humanitarian relief and post-conflict reconstruction. This classification system provides a possible starting point for studying potential links between the inclusion of different types of civil society provisions in peace agreements and peace duration.

To date there has been only one such effort of which the author is aware. Nilsson (2012) examines 83 peace agreements from 1989 to 2004 and finds that civil society inclusion is positively associated with the length of peacetime. However, it should be noted that her civil society inclusion variable measures either whether civil society participated in the peace talks or if there are provisions in the peace agreement providing civil society a role in agreement implementation. It thus conflates possible impacts of civil society inclusion in the negotiating process with substantive provisions on civil society in the resulting peace agreement text. Future studies could build on Nilsson by separating these phenomena. Furthermore, additional research could focus on the possibly distinct impacts of provisions that allow for civil society participation in transitional institutions, humanitarian relief and reconstruction on peace duration.

## 2.4 Gender

The empowerment of women in peace processes features prominently in the landmark United Nations Security Council resolution 1325 (2000), which stressed the important role of women in the resolution of conflict and created strong international norms regarding women's participation in peace processes. It calls upon all actors involved in the negotiation of peace agreements to adopt a gender perspective and include provisions in agreements related to special needs of women and girls, involve women in agreement implementation mechanisms, and protect and respect the rights of women. Notably, obstacles related to the participation of women in peace processes go beyond those related to general inclusivity challenges, due to the possible presence of structural bias or overt discrimination against women by mostly male negotiators and mediators.

In order to better understand the impact of resolution 1325, Bell (2018) reviewed 800 inter-state and intra-state peace agreements since 1990. Overall, she finds a poor gender track record in their contents – only 18 per cent of peace agreements mention women. In an earlier study, Bell and O'Rourke (2010) provide a qualitative summary of the different types of agreement provisions related to women. In 585 inter- and intra-state peace agreements signed between 1990 and 2010, this paper found the presence of the following types of substantive and procedural provisions related to women:

- Representation: 16 agreements made reference to quotas for women in the executive or legislature and nine refer to the inclusion of women in the police and judiciary;
- Human Rights: 26 agreements made broad reference to political and/or legal equality for women and seven refer to women-specific international human rights legal instruments;
- Transitional Justice: 28 agreements refer to sexual or gender-based violence and seven refer to the special needs of women and girls in disarmament, demobilization and reintegration processes; and,
- Implementation: 12 agreements refer to a role for women in post-conflict reconstruction or rehabilitation and 13 refer to the representation of women in peace agreement monitoring and implementation mechanisms.

Krause et al. (2018) represents one of the first attempts to quantitatively assess the impact of the gender elements of peace processes on peace duration.

However, their research on 82 post-Cold War peace agreements does not focus directly on agreement provisions. Rather it examines the link between peace agreements that have signatures from female delegates (as opposed to gender related provisions) and durable peace. The authors argue that this proxy for the direct participation of women in talks increases the number of agreement provisions related to political reform as well as the implementation of these provisions. Both factors lead to longer durations of peace. Using qualitative case study evidence, Krause et al. hypothesize that the link between women's participation, agreement implementation and peace durability is explained by the connections between women negotiators and women's civil society groups not involved in the formal negotiating process. Not only do they believe that this leads to better designed agreements, but also that the latter plays a critical role in the grassroots implementation of peace agreements.

Further research is required in this important area. Krause et al. can be interpreted as indirect evidence for the impact of providing women's groups a role in agreement implementation on peace duration. Nevertheless, it would be helpful to test this proposition directly. Given the research cited by Krause et al. that gender inequality is a strong predictor of civil war onset,<sup>6</sup> it would also be valuable to analyze the impact of gendered agreement provisions in the substantive areas of government representation, human rights and transitional justice. For example, in an unpublished working paper, Stone (2014) finds evidence that electoral quotas for women increase the durability of peace in post-conflict states. However, her variable on electoral quotas captures simply whether quotas are present in a country as opposed to specifically testing the impact of peace agreements establishing such quotas. It nonetheless suggests that additional study in this area could be rewarding.

## 2.5 Humanitarian Action

Finally, international experience in post-conflict situations shows that it is frequently necessary to focus on humanitarian issues during the transitional period after a peace agreement is signed (Marcos and Duval 2015). In

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6 M. Caprioli, "Primed for violence: The Role of Gender Inequality in Predicting Internal Conflict," *International Studies Quarterly* 49, no. 2 (2005): 161–178 and E. Melander, "Gender Equality and Intrastate Armed Conflict," *International Studies Quarterly*, 49, no. 4 (2005): 695–714. Both as cited in Krause et al. (2018).

addition to strong normative considerations related to the humanitarian imperative to save lives, alleviate suffering and maintain human dignity, there is the reality that post-conflict societies are fragile and prone to violent relapse. One of the purported benefits of humanitarian assistance is to increase local community resilience, and in a conflict context humanitarian action may be particularly important among populations at high risk of conflict relapse. However, humanitarian issues are rarely addressed in peace agreements. Högladh (2012), for example, reports that only between one-quarter and one-third of peace agreements contain provisions related to the humanitarian issues such as the return of conflict displaced populations.

The limited study of the empirical impact of humanitarian provisions on peace duration in the academic literature focuses on this issue of conflict displaced persons. Anderson-Rogers (2015) assesses the impact of provisions related to internally displaced persons (IDPs) in 32 comprehensive peace agreements signed between 1989 and 2007. The comparatively low number of cases means that he can only conduct correlational and descriptive analysis rather than use regression techniques. Nevertheless, Anderson-Rogers finds that higher numbers of specific provisions addressing IDP issues within a peace accord positively correlate with peace duration after agreement signature. More specifically, on average successful peace agreements contain three times as many IDP provisions as compared to peace agreements that failed to prevent a resumption of conflict.

Understanding that humanitarian action can be both an important confidence-building measure between formerly conflicting parties and produce an early peace dividend for conflict-affected populations, more studies in the vein of Anderson-Rogers (2015) focusing on the humanitarian provisions of peace agreements would be a welcome contribution to the literature. Ideally, such studies might include other types of humanitarian action beyond those related to IDPs such as provisions on refugees, prisoner releases, humanitarian de-mining and guaranteeing humanitarian access to basic goods and services.

### 3. Research Findings on the Implementation of Peace Agreements

Veteran UN mediator Jean Arnault (2001) argues for an implementation perspective when evaluating the role, importance and quality of peace agreements. In his view it is “the new opportunities and constraints that emerge during implementation that give the peace settlement its final shape” (Arnault 2001: 1). Others similarly argue that implementation is both “a peace-building process and an outcome that normalizes political relations between hostile groups, solves commitment problems and addresses the root causes of civil conflict” (Joshi and Quinn 2015a: 869).

If these perspectives are accurate, any review of the impact of different types of agreement provisions on how long peace lasts would be incomplete if it does not at least consider empirical patterns in agreement implementation. To date, however, quantitative research that seeks to identify which provisions’ implementation are most important to attaining durable peace has been limited (Joshi and Quinn 2015a). Nevertheless, there are some initial findings worth highlighting.

#### 3.1 Implementation Rate and Timing

Joshi et al. (2015) study 51 different types of peace agreement content areas and track the rate of their subsequent implementation up to ten years after the signature of a peace agreement (or a resumption of conflict). At an aggregate level, they find that half of all provisions negotiated in comprehensive peace agreements between 1989 and 2012 were fully implemented and 28 per cent were either minimally implemented or not even initiated.

The types of provisions with higher rates of implementation include ceasefires; international verification measures; electoral, political or constitutional reforms; prisoner releases; and amnesties. Those least likely to be implemented include media reform; territorial power-sharing; economic power-sharing; human rights and judicial reform; and IDP and refugee provisions. Substantive provisions related to the formation of a transitional power-sharing government and a cluster of issues related to military power-sharing (in-

cluding demobilization, reintegration, and disarmament) fell in the middle of the implementation spectrum. Other aspects of military power-sharing, such as military reform, police reform and dealing with paramilitary groups, ranked closer to the bottom of the implementation scale (Joshi et al. 2015: 556).

This result also mirrors earlier related research on the subject. Jarstad and Nilsson (2008) specifically studied the implementation of power-sharing provisions in a wider dataset of 83 partial and comprehensive peace agreements. They generated broadly consistent results to Joshi et al. (2015), namely that political power-sharing provisions are more likely to be implemented than territorial or military power-sharing provisions.

The analysis of peace provision implementation also provides context as to *when* their implementation happens. Joshi et al. (2015, 557) find that different substantive provisions tend to follow different implementation paths over time. They provide some select examples, noting that power-sharing transitional governments, external guarantees and verification mechanisms tend to be implemented in the first few years after a peace agreement is signed. In contrast, the implementation of truth and reconciliation provisions and natural resource sharing provisions does not peak until eight to ten years after signature. Ottman and Vüllers (2015, 340) likewise describe power-sharing as a “phenomenon of the first two years of the post-conflict period,” with up to 60 per cent of political, economic and territorial power-sharing provisions being implemented in the first year of post-conflict period. Military power-sharing implementation occurs slightly less frequently in the first year, but the first twelve months still account for about 45 per cent of instances of implementation.

### 3.2 Implementation and Peace Duration

Descriptive data on the rates and timing of the implementation of peace agreement provisions provides a starting point for exploring the impact of the implementation of different types of content issues on how long peace lasts.

First, at an aggregate level, Joshi and Quinn’s (2015a) study of comprehensive peace agreements finds that the overall extent to which an agreement is implemented has significant long-term effects on how long peace lasts. Moreover, this effect not only applies to signatories of the agreement but also to levels of violence between governments and non-signatory rebel groups.

Second, Hoddie and Hartzell's (2005) important (and surprising) finding of no empirical association between political power-sharing provisions and peace duration can be recalled. Several scholars have tried to assess whether this result may be down to the challenges of implementing this political power-sharing. As mentioned earlier, however, political power-sharing provisions actually appear more likely to be fully implemented than either military or territorial power-sharing pledges (Jarstad and Nilsson 2008). Low implementation rates therefore do not appear to explain the lack of an observed relationship between political power-sharing provisions and peace. This leads Jarstad and Nilsson to argue that implementation of political provisions is perhaps less costly to the parties than following through on military and territorial commitments. Therefore, political provisions may be less impactful in terms of overcoming trust deficits and signaling a credible commitment to peace. This argument is supported by evidence that power-sharing pledges are relatively vulnerable to reversals, even after implementation has begun (Joshi et al 2015).

Jarstad and Nilsson (2008) also statistically test their hypothesis. They find that the actual implementation of provisions from peace agreements on military and territorial power-sharing is associated with longer durations of peace. In contrast, the implementation of political power-sharing arrangements has no significant impact on sustaining peace. However, Ottman and Vüllers (2015) test the same propositions and generate exactly opposing results. Namely, they find that the fulfillment of political power-sharing promises during peace agreement implementation does have a significant positive impact on how long peace lasts (Ottman and Vüllers, 2015: 346).

Clearly the relationship between pledges of power-sharing in peace agreements, the actual follow-through of the implementation of these promises and the end goal of durable peace is a complicated one. Given the centrality of power-sharing provisions to many civil war peace agreements, this should be a priority area for continued research. But to summarize, empirical research supports the importance of the aggregate implementation of peace agreement provisions to the maintenance of peace. It also suggests that there is a relatively brief window of opportunity in the years immediately following agreement signature when implementation of the various categories of power-sharing promises may be most feasible. The impact of the implementation of political power sharing promises remains difficult to identify empirically. At this point, perhaps the most that can be said is that it may be especially important to design these political provisions with an eye towards their early launch.

## 4. Conclusions on Peace Duration

This review of the empirical literature on the impact of substantive and procedural provisions in negotiated civil war settlements on the durability of peace has uncovered several trends of possible value for mediators. These are represented by the several areas of relative agreement in the literature that take the form of repeated empirical findings by different authors across different data sets and time periods.

### 4.1 Types of Provisions Showing Evidence of Impact on Peace Duration

The factors that are believed to have a statistically significant impact on peace duration include: external security guarantees; territorial and security/military power-sharing provisions; third-party monitoring and separation of forces mechanisms within ceasefire agreements; and ensuring that accommodation, participation and electoral reforms occur before any post-conflict elections. Where appropriate to the conflict and country context, mediators may therefore want to direct the parties' attention to negotiating in these areas.

Several authors have found an additive impact of including multiple provisions to cover all of the dimensions of a specific substantive area, such as power-sharing or ceasefires. Others have found empirical support for the proposition that longer peace duration is more likely if an agreement is able to cover many different substantive policy areas and incorporate multiple procedural and implementation mechanisms. From a process standpoint, this suggests that mediators and parties focus on more comprehensive, 'stronger' agreements where there is sufficient political will and the necessary resources for implementation. It is equally important not to misapply this finding, resulting in inflexible or excessively detailed agreements that may struggle to adapt in the face of evolving implementation circumstances.

There is also broad agreement in the literature that effects of implementing different types of peace agreement provisions are also an important dimension for mediators to consider. There are early empirical findings that the aggregate total implementation of peace agreement provisions helps promote durable peace. Of the types of agreement provisions reviewed in this

study, those related to external guarantees, political reforms, prisoner releases, amnesties and ceasefires are most frequently implemented. Meanwhile, implementation of territorial and economic power-sharing, human rights and judicial reform, IDP and refugees and security sector reform provisions seem to be the most challenging to carry out. Research on the impacts of implementing particular individual provisions is still in its infancy. It does appear, however, that both in general and for political, security/military, and territorial power-sharing specifically, the time window for ensuring substantial implementation closes fairly quickly.

In designing implementation timetables, it may therefore be wise for mediators and the parties to carefully consider which vital issues require early activity. Strategies to streamline rapid international technical and financial input can then be used to help ensure movement on key implementation priorities (Arnault 2001). This is particularly important given that immediately after an agreement is signed, there are likely to be significant implementation constraints related to diminished trust and local capacity. Furthermore, in the early stages of peace local actors are likely to struggle with securing sufficient domestic financial resources (Arnault 2001; De Rouen et al. 2010).

## 4.2 Types of Provisions Where Evidence of Impact on Peace Duration was not Found

The literature is also mostly consistent in not finding a statistically significant link between the inclusion of certain types of content issues in an agreement and peace duration. The most notable example here is political power-sharing provisions. Unlike its territorial and security counterparts, political power-sharing provisions do not demonstrate a consistent, statistically significant individual impact on peace duration. Given that political power-sharing is a frequent and often intense focus of peace talks, even the authors of the initial study making this finding confess to being surprised by their result (Hoddie and Hartzell, 2005). There are multiple possible explanations for the apparent dissonance.

Perhaps political power-sharing is the only type of accommodation possible in conflicts most prone to violent relapse. Hartzell and Hoddie (2007) and Joshi et al. (2017) find that political power-sharing provisions are more likely to be suggested in situations of protracted conflict and with

higher death tolls, suggesting that selection bias could be skewing the true impact of political power-sharing on peace duration. It could also be that while political power-sharing is not determinative of peace duration, it may be necessary to convince parties to sign a peace agreement. Political power-sharing, and especially the distribution of positions in the executive branch, directly relate to the personal interests of key elites and negotiating principals at the table.

Regardless of the actual answer to this empirical puzzle, the lack of an observed relationship between political power-sharing and peace duration is important for mediators to appreciate. Moving forward, it would be helpful for new research to determine whether this result is primarily because:

- a) political power-sharing is devalued by the conflicting parties due to the perceptions that is a relatively low cost or temporary commitment to peace (at least as opposed to military or territorial forms of power-sharing); or
- b) the relatively high levels of creative ambiguity<sup>7</sup> in political-power sharing provisions leading to implementation challenges and unmet expectations among the formerly conflicting parties.

If the latter is true, then the prescription for mediators to encourage the parties to more closely consider the clarity and feasibility of implementing proposed political power-sharing arrangements. However, if the former is the case, a more impactful mediation strategy would be to prioritize supplementing political power-sharing with other elements of power-sharing in the military/security, territorial and economic realms.

### 4.3 Prudent Application

In closing, it is important to stress the importance of the prudent application of findings from this type of quantitative research. Regression analysis has clear limitations. Repeated studies that reach similar conclusions while making use of different data sets and time periods can increase our confidence in specific findings. But even they cannot provide full certainty on the causal relationship between a type of agreement provision and peace duration.

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<sup>7</sup> Julian Th. Hottinger, in conversation with the author, February 2019.

The second caveat is the paramount importance of conflict context. For example, the strong evidence for the potential impact of territorial power-sharing on peace duration may not aid the mediator in many contexts. This is because most civil wars are fought not by groups seeking independence or territorial autonomy, but rather rebels that aspire to replace the incumbent government.<sup>8</sup> In such cases, robotically prodding the conflicting parties to consider decentralization provisions in a peace agreement self-evidently risks not addressing the underlying cause of the conflict. As Arnault (2001) observes, peace agreements which fail to adequately address the parties' vital concerns run elevated risks of collapsing in the implementation phase.

Thirdly, the quantitative research contained in this paper can provide some insight into the efficacy of past peace agreements, but they do not tell us whether these observed relationships will continue to hold in the future. Alternatively, it may not be possible to apply these lessons due to changes in the global environment. Multiple studies reviewed here have shown the positive impact that comprehensive agreements can have on peace duration. Consider, however, the possible incipient trend represented by the 2017 Colombia Peace Agreement. Nylander et al. (2018) ascribe the success of this process to the strategic decision to pursue a limited agenda "focused on topics strictly necessary to end the conflict and to differentiate these topics from what would be desirable elements for building peace." Notably, one leading practitioner has identified Colombia as a model for future peace talks, with donors growing weary of the expense and duration of the negotiation of comprehensive peace agreements that were in vogue in the 2000s.<sup>9</sup> Comprehensive agreements might be preferable from a peace duration standpoint, but perhaps less attainable moving forward.

Fourthly, not all mediated civil war agreements have the same objectives. Comprehensive peace agreements almost always simply aim to end the violence. However, so-called process or partial agreements may have more limited objectives. For example, these agreements may aim to re-establish communication between the warring parties or to serve as a stepping stone to a more ambitious conflict settlement agreement in the future. Indeed, there is evidence that the signing of partial or process agreements is predic-

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8 Högbladh (2012) finds that 72 per cent of intra-state conflicts are primarily over control of the national government as opposed to seeking territorial autonomy or independence.

9 Julian Th. Hottinger, in conversation with the author, June 2018.

tive of the success of future mediation efforts (Bercovitch and Gartner 2006; DeRouen et al. 2009). Research findings on agreement content and peace duration could therefore only have limited applicability to mediation initiatives during earlier phases of the conflict settlement process. Similarly, this research may not help practitioners understand agreements with different or less ambitious objectives than bringing about a full end to the fighting.

Notwithstanding the need to be clear-eyed about the potential limitations of quantitative research on peace duration, careful interpretation and application of the studies included in this paper can make a fresh contribution to developing a more evidence-based practice of mediation. This is a vital endeavor as even allowing for the improved quality of peace agreements in recent decades, over 40 per cent of negotiated civil war settlements still break down and are followed by renewed fighting with five years (Högbladh 2012, Joshi and Quinn 2015b).

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“I found this paper an excellent survey of the current literature available on the durability and sustainability of peace agreements. It has the added advantage of highlighting areas for urgent further research. The publication would be of particular use for practitioners.” *Nicholas “Fink” Haysom, United Nations*

“An excellent literature review on peace agreement provisions. For mediation practitioners these academic insights highlight empirical patterns that must be considered when professionalizing mediation. For academic researchers, the overview provides vital pointers on where to focus their future research.”  
*Andreas Wenger, Center for Security Studies ETH Zurich*

“Both mediators and mediation scholars will benefit from this paper’s review of the current state of knowledge on the relationship between the content of peace agreements and the duration of peace.” *Solomon Dersso, African Union*