



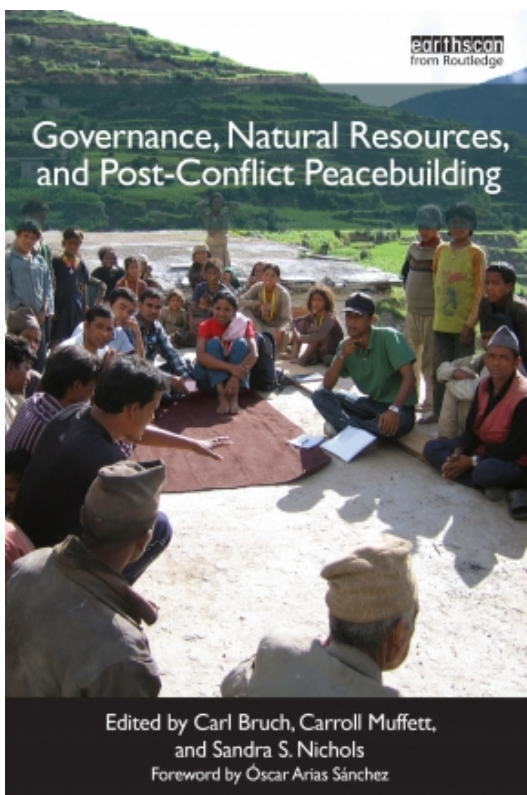
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### Stepping Stones to Peace? Natural Resource Provisions in Peace Agreements

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# Stepping stones to peace? Natural resource provisions in peace agreements

*Simon J. A. Mason, Damiano A. Sguaitamatti,  
and María del Pilar Ramírez Gröbli*

To what extent can provisions on natural resources in peace agreements be “stepping stones” on the path from violent conflict to post-conflict natural resource management? In an effort to help answer this question, this chapter provides an overview of natural resource provisions in ninety-four peace agreements from twenty-seven countries and regions. It then examines the cases of Guatemala, the Democratic Republic of the Congo (DRC), Sierra Leone, and Sudan in more depth—not as comparative case studies, but to illustrate the diversity of natural resources addressed in peace agreements and the various ways they are addressed. Approximately one-half of these ninety-four peace agreements have provisions on natural resources, twenty-two are of a declaratory nature, and twenty-nine include more specific provisions. Land appears most frequently, followed by water and fisheries, lootable resources, and oil and gas. Analyzing these peace agreements, three implications for policy makers in a post-conflict period stand out.

First, natural resource-related provisions in peace agreements provide an important anchor to refer to in the post-conflict period. They often take local particularities into account, avoiding standardized solutions. They also give valuable clues to how natural resources relate to noneconomic issues, such as power sharing, justice, and culture.

Second, it is not helpful to expect peace agreements to establish permanent mechanisms for post-conflict natural resource management because one must

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## 72 Governance, natural resources, and post-conflict peacebuilding

recognize the democratic deficit of the parties negotiating peace agreements, and unrealistic expectations can overload the negotiations and thereby prevent an agreement. Furthermore, many management issues can also only be addressed effectively through a regional or global regulatory framework (for example, diamond and oil trade).

Third, implementation is enhanced by specific provisions, continuity and coherence of actors signing and implementing an agreement, tailor-made approaches, a long-term vision for society, a dominance of political over criminal motives of the actors, and sustained support from the international community.

A peace agreement is an imperfect document that lacks democratic legitimacy. It represents a snapshot summary of a much longer process of interdependent decision making (that is, negotiations) between two or more opposing groups. Generally, it is the military fighting strength that brings the opposing groups to the negotiating table, rather than their support in the population and the degree to which they represent the population. A peace agreement represents a set of decisions that the conflicting parties generally do not like, but which they nevertheless can accept. The understanding is that it satisfies the minimal requirements of the parties to the agreement.<sup>1</sup> Moreover, many peace agreements are only partially implemented.<sup>2</sup>

Despite all these drawbacks, more than one-third of all conflicts from 1989–2008 ended through negotiations in a durable way, according to the Uppsala Conflict Data Program (UCDP) (Wallensteen and Eriksson 2009).<sup>3</sup> A peace agreement is often a key document that can help a country torn apart by violent conflict move in a new direction.<sup>4</sup> Rather than being a perfect document, it should be seen as an attempt to get the best out of an extremely difficult, messy, and violent situation. A key advantage of a negotiated agreement is that it is owned by the parties that negotiated it, and is thus more legitimate (even if not democratically legitimate) and sustainable than any solution imposed from the outside. Negotiations and assisted negotiations (such as mediation) are popular precisely because they leave the parties with a high degree of autonomy (Bercovitch 2002).

The aim of this chapter is to examine how natural resources are integrated into peace agreements, and how far such provisions represent a “stepping stone” on the way to peacebuilding and sustainable management of natural resources. The guiding question is, in the trajectory from conflict to peace, what role do natural resources play and how is this role represented in a peace agreement?

To answer this question, the chapter is divided into four sections: The first section discusses the significance of natural resources in peace processes from

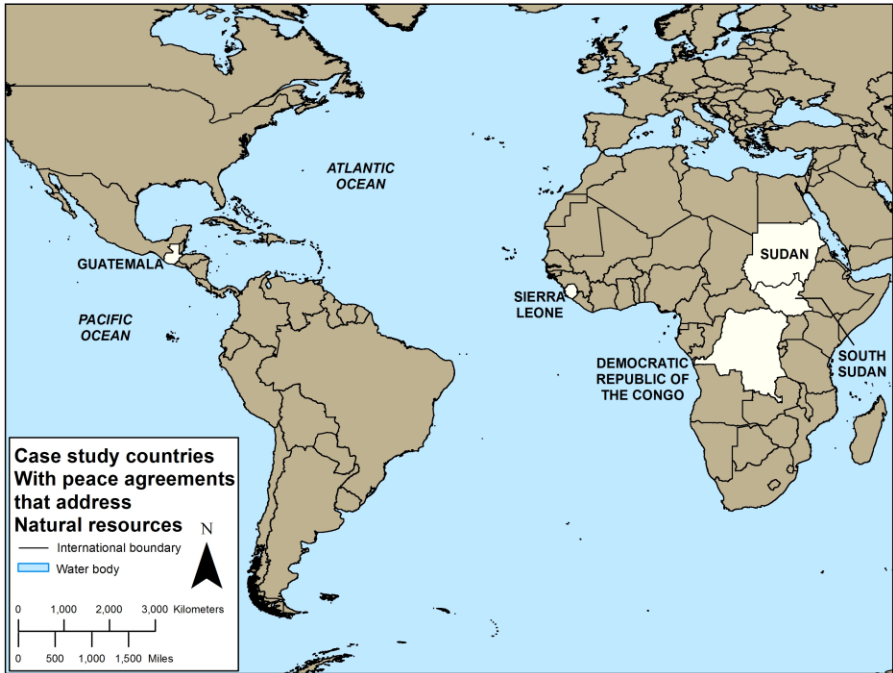
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<sup>1</sup>Robert Weibel mentions “meets at least minimal requirements” as an objective of agreements (Weibel 2007, 7).

<sup>2</sup> According to the Centre for Humanitarian Dialogue, approximately 40 to 50 percent of all peace agreements fail within five years of signing (CHD 2007).

<sup>3</sup>For the purposes of this chapter, *conflict* is defined as an incompatible interaction between two or more actors. In this chapter, the focus is on violent, armed conflict.

<sup>4</sup>The image of a peace agreement creating a “spin” for a society reflects the nonlinear quality of this process (Hottinger 2009b).



*Note:* The Sudan Comprehensive Peace Agreement was adopted before South Sudan became independent.

a conceptual point of view, outlining the issues that will be the focus of the case studies. The second section closely examines a list of peace agreements based on the list of peace agreements in armed conflicts between 1989 and 2004 compiled by Stina Högladh (2006).<sup>5</sup> This list, which was compiled independently of the authors’ research, was used to minimize selection bias. The third section considers how land, lootable resources, and oil are dealt with in the peace agreements of Guatemala, DRC, Sierra Leone, and Sudan.<sup>6</sup> The fourth section concludes with a consideration of some implications for policy makers.

## PEACE AGREEMENTS AND NATURAL RESOURCES

Negotiators and mediators often distinguish between the process and the content dimension of a peace process and its ensuing peace agreement.<sup>7</sup> These dimensions

<sup>5</sup> Some peace agreements had to be excluded due to unavailability of the full text or due to the fact that the agreement was not intended to address any substantive issues (e.g., so called process agreements); see Högladh (2006) for the complete list. Three more recent agreements were also included: Burundi (2006 and 2007) and Uganda (2007).

<sup>6</sup> The main selection criterion for these four case studies was to have agreements that dealt with a variety of types of natural resources in the context of a comprehensive peace agreement.

<sup>7</sup> Mediators are accepted third parties that assist negotiators in the peace negotiations. On the importance of the acceptability of the mediator, see Mitchell and Webb (1988).

## 74 Governance, natural resources, and post-conflict peacebuilding

are interdependent,<sup>8</sup> yet when one reads a peace agreement, one mainly sees the content dimension—the substantive aspects. But to make sense of the content of a peace agreement, it is essential to have a basic idea of both the process and the context that shaped the content. This helps to explain why, contrary to expectations, some ambiguous and nonspecific peace agreements (such as the Good Friday Agreement in Ireland) were by and large successfully implemented, while other peace agreements that were more clear and specific were only partially implemented.

With respect to process, one can distinguish between the pre-negotiations, the negotiations,<sup>9</sup> the implementation or interim phase, and the post-conflict phase, in which some sort of “normal” democratic processes should begin to function again, often signaled by holding elections. Peace agreements can be (1) process agreements that clarify who is meeting, when they are meeting, and how they are meeting (via teleconference or physically in same conference room, for example) but do not specify any agreed content; (2) partial agreements, often signed at the end of prenegotiations or early on in the negotiations (such as ceasefire agreements that deal only with aspects of security); and (3) comprehensive peace agreements, often signed at the end of negotiations, that deal with all key topics of the conflict (Högbladh 2006). While natural resources play a role throughout the peace process, they are most likely to be mentioned in the comprehensive peace agreements.

The litmus test of any agreement occurs during the implementation phase. Jean Arnault differentiates between “constitutive” peace agreements, which place value on the content of the peace agreement as the key factor in making the implementation phase successful (examples include agreements in Guatemala (1996) and Sudan (2005)), and “instrumental” peace agreements, where the agreement is less central and is merely one stage of an entire process, and priority is given to maintaining the momentum of change, even if the agreement is imperfect (examples include agreements in Burundi (2000) and the DRC (2002)) (Arnault 2002).<sup>10</sup> For the actual process of negotiating natural resources, Nicholas Haysom and Sean Kane point out that it often helps to “technicize” the debate and provide all the parties with an equal knowledge base to thereby move away from wishful thinking, finger-pointing, and slogan bashing (Haysom and Kane 2009).

With respect to the content of peace agreements, one can distinguish five broad topics frequently addressed in peace agreements: (1) security issues; (2) governance, power sharing, and institutional issues (including constitutional

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<sup>8</sup> Sara Cobb argues that mediators shape the content by shaping the process (Cobb 1993).

<sup>9</sup> In the pre-negotiations, the parties have not yet decided they want to try negotiation. In the prenegotiations, they have decided they want to try negotiations, but have not yet clarified the “who, when, where, and what” (Hottinger 2009b).

<sup>10</sup> For the text of these four agreements, see [https://peaceaccords.nd.edu/site\\_media/media/accords/Guatemala\\_1997\\_CPA\\_and\\_Annexes.pdf](https://peaceaccords.nd.edu/site_media/media/accords/Guatemala_1997_CPA_and_Annexes.pdf); [https://peaceaccords.nd.edu/site\\_media/media/accords/SudanCPA.pdf](https://peaceaccords.nd.edu/site_media/media/accords/SudanCPA.pdf); [https://peaceaccords.nd.edu/site\\_media/media/accords/Arusha\\_Peace\\_Accord .pdf](https://peaceaccords.nd.edu/site_media/media/accords/Arusha_Peace_Accord.pdf); and <http://www.ucdp.uu.se/gpdatabase/peace/DRC%2020021216.pdf>, respectively

aspects and elections); (3) economic issues and wealth sharing (sometimes including environmental aspects); (4) justice and rule of law (dealing with human rights and past injustices); and (5) social and environmental concerns (culture, education, and sustainability).<sup>11</sup> These topics are interlinked. The disarmament, demobilization, and reintegration (DDR) of former combatants, for example, is usually dealt with in the security clauses. Yet DDR also requires economic resources. Furthermore, DDR may also touch on issues of justice and amnesty. According to the above clusters, natural resources are mentioned in the context of wealth-sharing clauses, as well as in the more general social and environmental clauses.

The recognition of interconnections between process and content, and between different topics within the content, is essential and often only possible by taking a broader view of the actual peace agreement. Three possible linkages between natural resources, conflict, peace processes, and agreements are highlighted below—the first two are largely backward-looking, while the third is more forward-looking.<sup>12</sup>

### **Mismanagement of natural resource causing the conflict**

If natural resources are managed poorly or inequitably, they may give rise to violent conflict.<sup>13</sup> Statistical research seems to indicate that oil is correlated with a greater probability of civil war, secessionist tendencies, and bad governance (Ross 2004a, 2004b). However, there is no deterministic link between the scarcity or abundance of natural resources and conflict. For example, Laurie Nathan highlighted the danger of focusing only on the relationship between natural resource dependence and the onset of civil war (Nathan 2005). The danger is that aggregate country data are used to make sense of micro-level conflict dynamics.

Furthermore, other types of causes of conflict, including structural causes, dynamic causes, catalytic events, actors' decisions and motives, are frequently ignored. Only a multidimensional perspective can trace the complex causal mechanisms of how natural changes, or human-made changes (such as climate change) can lead to pressure on the use of a given natural resource, which then may or may not lead to conflict. Nevertheless, including provisions on natural resources in the peace agreement is a way of trying to deal with one of the possible causes of the conflict. Often conflict over ownership of natural resources

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<sup>11</sup> For another approach to clustering topics or “functions,” see Suhrke, Wimpelmann, and Dawes (2007), which uses (1) security; (2) public administration and governance; (3) justice; (4) economic reform and recovery; (5) political representation and accountability; and (6) post-conflict integration.

<sup>12</sup> See Wennmann (2010).

<sup>13</sup> For an overview of different schools of thought on this issue, see Mason and Muller (2007). Key studies that initiated research on natural resources and economic aspects of civil war include Collier and Hoeffler (2004) and Ross (2004a, 2004b, 2004c); see also Christian Webersik and Marc Levy, “Reducing the Risk of Conflict Recurrence: The Relevance of Natural Resource Management,” in this book.

## **76 Governance, natural resources, and post-conflict peacebuilding**

blocks agreement on a better management of the resources. According to Haysom and Kane, one way peace agreements can circumvent thorny issues of ownership of natural resources is to explicitly delink it from the question of natural resource management and revenue sharing (Haysom and Kane 2009).

### **Wealth from natural resources prolonging a conflict**

Even if a conflict is not caused by the mismanagement of natural resources, armed actors need funding to sustain their combat. The availability of lootable natural resources especially seems to prolong the duration of armed conflicts; such conflict resources include, for example, cassiterite, cobalt, coltan, copper, diamonds, gold, silver, timber, uranium, and zinc (Ross 2004a, 2004b). Achim Wennmann points out, however, that wealth from natural resources is only one part of the funding of armed groups, and their multiple financing strategies have to be analyzed in order to respond adequately (Wennmann 2007).

Limiting the availability of conflict funding can be a key to bringing the parties to the table, or getting them to move ahead during negotiations. Natural resources may therefore also be an important topic in the peace agreement, even if natural resources were not linked to the original onset of the conflict.

### **Natural resources as an entry point for peacebuilding**

Natural resources may also provide an incentive for peacebuilding across conflict lines. There is a limit to growth of conflict economies. The joint management of natural resources across conflict lines in order to increase profitability can be a step on the road to expanding the limits of conflict economies, building the first, minimal state structures, and supporting bottom-up peacebuilding processes (Hottinger 2009b).<sup>14</sup> The exploitation of oil and gas needs infrastructure that is hard to develop in an extremely violent and unstable situation, providing an incentive for the parties to make peace. The implication for a peace agreement is that it can enhance a forward-looking dynamic, sowing the seeds for a divided society to use natural resources as an entry point to peacebuilding (Suhrke, Wimpelmann, and Dawes 2007).

## **OVERVIEW OF NATURAL RESOURCE PROVISIONS IN PEACE AGREEMENTS**

Natural resources play a significant role in peace agreements. Approximately one-half of the peace agreements analyzed in this chapter make reference to natural resources. However, only approximately one-third of the peace agreements contain clear provisions on natural resources, and another one-quarter mentions natural resources in a declaratory manner, without providing specific details. The remaining half of the agreements do not mention natural resources at all.

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<sup>14</sup> For ideas on how this approach can be pursued in Somalia, see Little (2003).

Among those agreements that do address natural resources, natural resource management is the main concern addressed, followed closely by questions of ownership and revenue sharing. Although they appear less often than management questions, it is nevertheless noteworthy that ownership issues—a tricky matter to resolve—appear in more than one-half of the agreements with natural resource provisions (that is, in approximately one-third of all the peace agreements examined). Land is the most frequently mentioned natural resource, not least because it has different functions, supporting economic, socioeconomic, cultural, and military objectives. Water is also frequently mentioned, in relation to fisheries, drinking water, and boundaries.

According to a study by Astri Suhrke, Torunn Wimpelmann, and Marcia Dawes, security and political power are the topics most frequently addressed in peace agreements (Suhrke, Wimpelmann, and Dawes 2007). In their analysis of twenty-seven peace agreements, eight peace agreements had provisions on land reform or distribution, and five on regional wealth allocations. The overview analysis on which the present study is based, which is summarized in the annex at the end of the chapter, is less comprehensive of all provisions in peace agreements, focusing only on provisions related to natural resources. The number of peace agreements analyzed is also higher because a different categorization of “peace agreement” was used (recognizing that a single peace process often results in more than one peace agreement). Thus, the chapter utilizes a list of ninety-four peace agreements from twenty-five intrastate and two interstate conflicts; this reflects the prevalence of intrastate conflicts in recent decades (Högbladh 2006).

Analysis also included how specific natural resources are addressed, and whether questions of resource management, revenue sharing, or ownership are focused on. Furthermore, we consider whether noneconomic aspects of natural resources are also mentioned.<sup>15</sup>

Of the ninety-four peace agreements, fifty-one (54 percent) made reference to natural resources. Of these fifty-one agreements, twenty-nine (57 percent) had specific provisions that had substantial instructions on natural resource management, revenue sharing, ownership, and economic or noneconomic use of the resource. The other twenty-two agreements were only declaratory texts, without any clear instructions. Table 1 summarizes the frequency with which the reviewed peace agreements addressed various natural resources and aspects of natural resources.

The fact that natural resource provisions often appear in peace agreements does not imply that this automatically translates into natural resource management after the conflict. According to Helga Binningsbø and Siri A. Rustad,

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<sup>15</sup> A note of caution is warranted mainly because there is a subjective element to the way certain provisions were allocated to certain categories, not least of all due to limited background information on the circumstances leading to the inclusion of certain provisions in many peace agreements. Nevertheless, the authors sought to minimize this by having two of the authors (Damiano A. Sguaitamatti and María del Pilar Ramírez Gröbli) of this chapter review the peace agreements independently of one other.



**78 Governance, natural resources, and post-conflict peacebuilding**

**Table 1. Summary of peace agreements with natural resource–related provisions**

	<i>Number</i>
Agreements reviewed	94
Agreements referring to natural resources	51
With specific provisions	29
With declaratory text	22
Resource management	36
Resource ownership	32
Revenue sharing	12
Provisions address only economic aspects	25
Provisions address economic aspects and environmental protection	9
Provisions address economic aspects and boundaries	5
Provisions address economic aspects and restitution	4
Provisions address economic aspects and compensation	4
Provisions address economic aspects and power sharing	3
Provisions address economic aspects and restoration of infrastructure and cultural heritage	2
Provisions address economic aspects and confidence building	1
With provisions related to land	39
With provisions related to water and fisheries	11
With provisions related to natural resources in general	6
With provisions related to lootable resources (such as coltan, diamonds, and gold)	5
With provisions related to energy, gas, oil, and uranium	4

*Note:* The ninety-four peace agreements reviewed are based on Högbladh (2006), plus three more recent ones. A detailed summary of the provisions are in the annex to this chapter.

less than one-quarter of the post-conflict countries between 1946–2006, in which natural resources played a role in the conflict, actually implemented some kind of natural resource management (Binningsbø and Rustad 2008). However, the frequency with which natural resources are mentioned in a peace agreement does give a preliminary idea of their significance in peacemaking, as viewed by the negotiating parties.

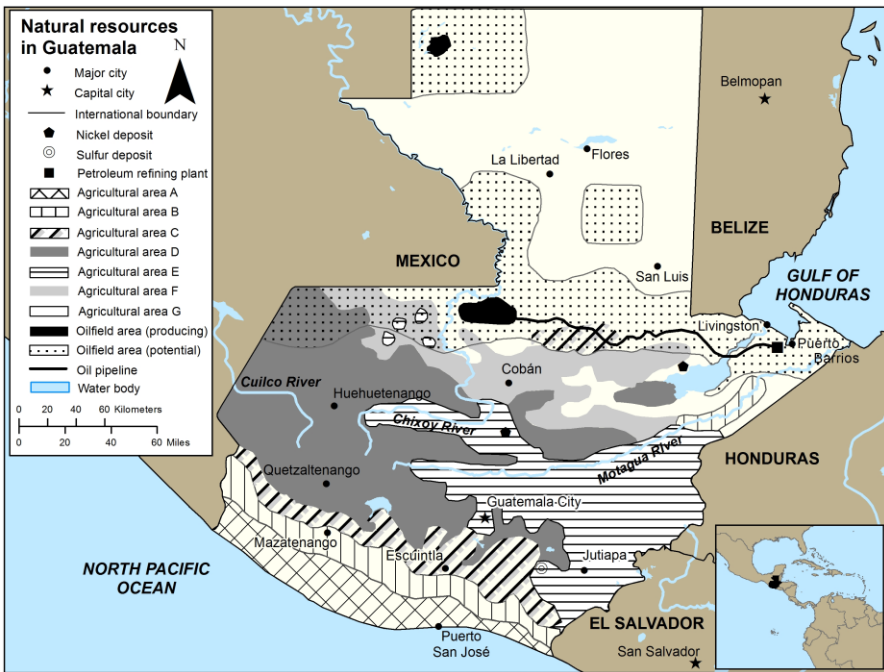
**INTEGRATING NATURAL RESOURCES IN PEACE AGREEMENTS: CASE STUDIES**

In order to study the complex dynamics of natural resources in a peace process, the authors analyzed four comprehensive peace agreements by first looking at the background, context of the conflict, and negotiation process, and then focusing on the peace agreement. Then the authors addressed the implementation of the provisions, and drew some lessons on the influence of the agreement in the longer peacebuilding process. The cases were not chosen for purposes of direct comparison, as they stem from very different political contexts. Rather, the idea was to illustrate the diversity of natural resources contained in different peace agreements. One agreement chosen focused mainly on land (Guatemala), two on lootable resources (DRC and Sierra Leone), and one on oil (Sudan). It is important to note that although these agreements cover many more issues than just natural

resources, this chapter focuses only on the provisions related to natural resources and how these provisions relate to nonenvironmental issues in the agreement.

### Addressing land issues: Guatemala's 1996 peace accords

The roots of the Guatemalan land conflict go back generations, originating in the practice of the colonial and republican governments to divide up indigenous people's land to reward the loyalty of their supporters. In addition to land, key factors in the Guatemalan civil war were the marginalization of the indigenous population, exclusive political organization of the government, and the lack of



**Figure 1. Natural resources and agricultural areas in Guatemala**

Source: Adapted from MapCruzin (1983).

Notes: Agricultural area A: Principal cotton area; secondary agricultural activities include sugarcane, rice, and bean cultivation, and cattle ranching.

Agricultural area B: Commercial agriculture, including sugarcane, corn, cotton, cocoa, bananas, coffee, and beef.

Agricultural area C: Principal coffee area.

Agricultural area D: Predominantly subsistence agriculture; mostly corn with secondary crops of beans and squash, wheat, potatoes, deciduous fruits, and sheep grazing in higher areas.

Agricultural area E: Principal food-producing area; corn, beans, vegetables, tropical fruits, and beef.

Agricultural area F: Predominantly subsistence agriculture; primarily corn with secondary crops of beans, grains, vegetables, and some coffee.

Agricultural area G: Mostly forested and agriculturally undeveloped; some shifting cultivation, bananas, and abacá in the southeast portion of the area.

## 80 Governance, natural resources, and post-conflict peacebuilding

checks and balances on the state security apparatus. During more than three decades of civil war between 1960 and 1996, it is estimated that 180,000 people were killed, 40,000 people “disappeared,” and 100,000 people sought refuge in Mexico (Costello 1997). During the 1950s and 1980s, there were several failed attempts at land reform. Finally, in the early 1990s, due in part to external pressure from the European Union, Mexico, and the United States, and with help from international aid agencies and international financial institutions, negotiations for true land reform moved forward, and the Agreement on Social and Economic Aspects and the Agrarian Situation was signed on May 6, 1996 (Armon, Sieder, and Wilson 1997a).<sup>16</sup>

### ***Peace agreement***

The Agreement on Social and Economic Aspects and the Agrarian Situation sought to balance the demands of the Guatemalan National Revolutionary Unit (Unidad Revolucionaria Nacional Guatemalteca, or URNG) to reallocate land resources with the demands of the government negotiators to provide legal certainty for investment and use market mechanisms for reallocating land. One of the main goals stated in the agreement was to set up development projects in the rural area to promote agriculture, fisheries, and forestry. The land registration aimed to strengthen the institutions that could guarantee stability for peasants and indigenous people. Land taxation aimed to promote the use of underutilized land for productive purposes. One of the main elements of the agreement was the creation of a land fund (Fondo de Tierras, or FONTIERRAS)<sup>17</sup> to regulate and grant credit for land purchases.<sup>18</sup> According to chapter III, article 34(a) of the agreement, the fund should “promote the establishment of a transparent land market and will facilitate the updating of land development plans.” The basic idea of the land fund, supported by international donors, was to buy land from the state or on the open market and then facilitate the transfer to beneficiaries through low-interest loans and technical assistance.<sup>19</sup> The agreement did not contain any clauses for expropriating unused or underutilized land (Muruga 1997).

The Guatemala business sector was favorable toward the agreement on land issues, and the URNG leadership said it was a significant step toward land reform, even if not definitive. However, the URNG rank and file and various campesino organizations were more critical, such as the National Coordination of Campesino

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<sup>16</sup> For the text of the agreement, see [www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/guat\\_960506.pdf](http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/guat_960506.pdf).

<sup>17</sup> The agreement specifies that the government will “[e]stablish a land trust fund within a broad-based banking institution to provide credit and to promote savings” (chap. III.B., art. 34(a)).

<sup>18</sup> Presently, Fondo de Tierras supports farmers and collectivities to buy and to lease land.

<sup>19</sup> Laura Saldívar Tanaka and Hannah Wittman discuss land markets and the establishment of Fondo de Tierras, and explore the role of civil society in shaping the debate over agrarian reform in Guatemala (Tanaka and Wittman 2003).

Organizations (CNOG) and the National Indigenous and Campesino Coordination (CONIC). The CONIC asserted, “These are minimum accords, that do not satisfy Mayan and *campesino* demands, because our positions were not taken into consideration and because (the accord was signed) behind our back” (Murga 1997, 78).

### ***Implementation and impact***

Despite the detailed provisions and support of the international community, the implementation of the Agreement on Social and Economic Aspects and the Agrarian Situation was uneven and slow. The main reasons were the lack of political will of the government of President Alvaro Arzú Irigoyen, the weakness of the URNG (Suhrke, Wimpelmann, and Dawes 2007), and resistance to the reform agenda on the part of the private sector (Wennmann 2009a).

As a state body, the Fondo de Tierras was in charge of the implementation of the market-assisted land reform. According to a study that was coauthored by the CNOG, which was already critical of the agreement when it was signed, the market-assisted land mechanism gave the government an inadequate role, and enabled substantial interference on the part of the banks. Beneficiaries did not take part in the selection of the assistance firms. There were no guarantees that the farmers would receive the infrastructure support needed to make land accessible in terms of location, transportation, water, and other services. The selection of beneficiaries and the land application process did not consider the whole target population, as outlined in the peace agreements. The duration of the application procedures, the search for suitable land according to the Fondo de Tierras requirements, discriminatory practices concerning land assignments for women, and the delays in receiving subsidies obstructed the achievement of the stated goals. Due to the lack of capacity and reliable information on the side of the government and the target public, the provided services were unsuitable to realize the agreed-upon goals and principles.<sup>20</sup>

Other studies were also critical of the agreement’s implementation by the Fondo de Tierras. In 2002, the United Nations Verification Mission in Guatemala (MINUGUA) pointed out that the Fondo de Tierras had not been provided the necessary funds to make sufficient land purchases. By 2001, the fund had entrusted 130 farms to 10,416 families (MINUGUA 2002), which stands in comparison to the estimated 500,000 families that are landless or do not have sufficient land to cover their subsistence (Tanaka and Wittman 2003). Further criticism of a more fundamental nature had already been published before the peace agreement was signed, highlighting that the prerequisites for a market-based land reform to

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<sup>20</sup> There was a lack of information regarding the debt, interest, terms, and conditions to assign efficiently the subsidies to the beneficiaries (Garoz and Gauster 2005). The services offered by the “land market reform” did not offer “incentives to sell unproductive land and even less incentive for redistribution of productive land” (Garoz and Gauster 2005, 25).

## 82 Governance, natural resources, and post-conflict peacebuilding

function—including clarity of property rights, transparency of information, or sufficient resources for the campesinos to enter the market—were not provided in the case of Guatemala (Stringer and Lambert 1989).

Local land conflicts and tensions between different communities within Guatemala could also not be adequately addressed by the provisions of the peace agreement. At the local level, there are numerous land conflicts involving trespassing, squatting, inheritance-related disputes, and common property rights. There are indigenous conflict resolution mechanisms, but these often are not adequate when people from outside the respective community are involved. There is a lack of confidence in the national judiciary system to solve land conflicts (Macours 2009). These conflicts include both economic and noneconomic dimensions, as illustrated by the different labels used by different groups. Campesino (Ladino or non-Ladino) is a category related to a social class; in this sense, land acquisition is related to production means. Indio, in contrast, is related to an ethnic category and in this case the land acquisition and land function is also linked to cultural assumptions embedded in their cosmology and ancestral identity.<sup>21</sup> The differences among not only ethnic communities but also economic classes complicate the ability to sufficiently resolve land-related conflicts.

As of 2010, approximately 2 percent of the population owns about 72 percent of the cultivable land areas. In contrast, smallholders constitute 87 percent of farmers, but hold only 15 percent of the arable land (Krznaric 2005; Kurtenbach et al. 2008).<sup>22</sup> Furthermore, the agricultural sector in Guatemala was also negatively affected by the global coffee crisis that began in 2000.

### Lessons

In relation to the general questions stated at the beginning of this chapter, the case of Guatemala illustrates how various attempts to redress land problems failed and contributed to an escalating conflict. This is, thus, an example of mismanagement of natural resources constituting a cause of conflict. While the peace agreement represents a certain degree of balance of interests between the parties involved in the negotiations, in retrospect it seems biased toward government and private-sector interests. Furthermore, it was only partially implemented. There are three key lessons from this experience.

- *External advice and pressure can help a process, but also influences the content.* External pressure by international financial institutions, Mexico, the United Nations, the United States, and other international actors was used to

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<sup>21</sup> Guillermo Bonfil Batalla defines Indio as a “supra-ethnic category” (Bonfil Batalla 1972, 110; translation by authors). The term was adopted to distinguish a new dominated group within the colonial structure in Latin America. At the beginning of the colonial period, Indios were called “naturals.”

<sup>22</sup> A similar figure—3 percent of the population own 70 percent of arable land—is cited in Costello (1997).

move the negotiations forward and, in part, to level the ground between the armed movement and the government. However, it came with a price—the use of market mechanisms for land reform was also shaped by this external input.

- *Market-based land reform only works if certain prerequisites are fulfilled.* Land issues were addressed in the peace agreement with a narrow market-based approach, without providing the campesinos with the prerequisites for a land reform market to function—namely, clarity of property rights, negotiation power, and sufficient funding to enter the market.
- *If the peace agreement fails to adequately recognize noneconomic aspects of land use and provide equity, land-related problems can persist well into the post-conflict period.* The market-based approach to land reform adopted in the peace agreement did not sufficiently consider noneconomic aspects of land, for example, pertaining to perceptions and realities of historical injustice, cultural discrimination, and political strategies of the various actors. The demands during the peace negotiations for greater equality in land distribution were not met, so that unrest and dissatisfaction continued.

### **Addressing lootable resources: DRC's 2002 peace agreement**

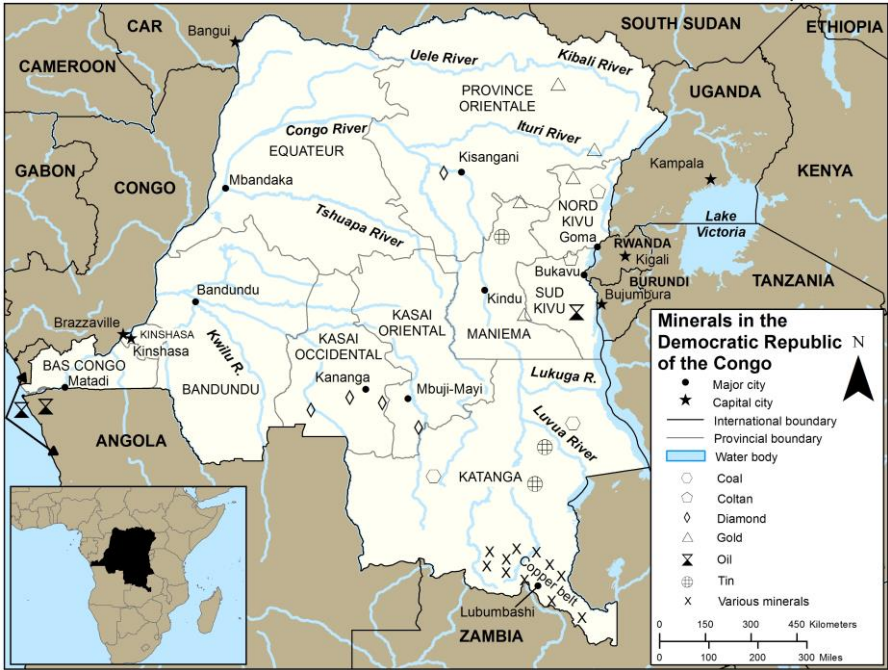
Africa's "World War," otherwise known as the Second Congo War, was the largest war on the continent in terms of casualties and countries involved.<sup>23</sup> It was directly linked to the First Congolese War, which erupted due to a conjuncture of forces, including aspirations of internal and external actors, structural preconditions, and historical fears. From 1981 onward, nationalist policies alienated the population of Rwandan and Burundian descent, most of them with Tutsi affiliation (Willame 1997). In addition, after the 1994 genocide, Rwanda was worried about the huge refugee camps in eastern DRC, hosting tens of thousands of alleged génocidaires. President Mobutu Sese Seko's nationalist policy triggered both internal insurgency and external intervention from Rwanda. Over time, however, control of minerals and other natural resources became a main driving factor of the conflict, determining both internal demands for federalism and external aspirations to permanently occupy parts of the DRC, be it directly or indirectly (ICG 2002; Renault 2005).

In early 2001, the UN Security Council requested investigations by a panel of experts on the illegal exploitation of natural resources in the DRC (UNSC 2000d). The panel delivered several reports in April 2001, May 2002, and October 2002, revealing Rwandan and Ugandan involvement in large-scale looting (UNSC 2001).<sup>24</sup> Increased international pressure on these states and a

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<sup>23</sup> For a detailed account of the war, see Prunier (2009a, 2009b); Lemarchand (2009).

<sup>24</sup> For a discussion of DRC's case against Uganda in the International Court of Justice, see Anne-Cecile Vialle, Carl Bruch, Reinhold Gallmetzer, and Akiva Fishman "Peace through Justice: International Tribunals and Accountability for Wartime Environmental Damage," in this book.



**Figure 2. Natural resource concessions in the DRC**  
 Source: UNEP (2011).

military stalemate on the ground eventually paved the way for the Inter-Congolese Dialogue.

The list of illegally exploited natural resources includes cassiterite, cobalt, coltan, copper, diamonds, gold, silver, uranium, zinc, and many other minerals, as well as gas, ivory, and oil (Global Witness 2004). The DRC is home to abundant reserves of those minerals, in particular coltan (see figure 2). While the linkage between the prolongation of war and natural resources is amply documented, it is misleading to say that the conflict was caused by natural resources, as the amalgam of regional and national grievances shows (Ross 2004b).

**Sun City negotiations and agreement**

The Inter-Congolese Dialogue took place in Sun City, South Africa, from February 25 to April 19, 2002. Additional talks were held in Pretoria, Sun City, and other places to reach agreement on disputed issues and craft a new constitutional order. The most contested issues—power sharing, control of the army, and the state’s structure—were dealt with in the Global and Inclusive Agreement on Transition in the DRC, signed in Pretoria, South Africa, on December 16, 2002. Natural resources, environment, and economy were among those topics on which

negotiating parties could find agreement in Sun City in April 2002. The following considerations focus on the resolutions adopted by the Inter-Congolese Dialogue in Sun City.<sup>25</sup> Out of thirty-six resolutions, four have a link to natural resources and environment:<sup>26</sup>

- Res. No. DIC/CEF/04: Resolution calling for scrutiny to determine the validity of economic and financial agreements signed during the war.
- Res. No. DIC/CHSC/01: Relating to the emergency program in different social sectors.
- Res. No. DIC/CHSC/03: Relating to the emergency program for the environment in the DRC.
- Res. No. DIC/CPR/01: Relating to the restitution of property.

In essence, the Congolese Dialogue decided to screen all the contracts concluded during the two Congolese wars and assess their validity. In addition, the Commission on Humanitarian, Social, and Cultural Affairs highlighted the following priorities: “Restore the transport networks, especially those which serve the agricultural areas, so as to facilitate distribution . . . of agricultural products . . .”;<sup>27</sup> establishment of “an emergency programme for the environment”;<sup>28</sup> a panel of experts on the implementation of this program;<sup>29</sup> and the request for compensation from foreign private companies, Uganda, and Rwanda for damages to the environment.<sup>30</sup> There was no specific reference to lootable or other resources.

### ***Implementation and impact***

The resolutions were lengthy and inappropriate for implementation. There is no timescale and only vague designation of responsibilities, such as “the Congolese Authorities” or “the International Community.” As a consequence, most of the recommendations are mere appeals without any binding force. They also left most of the work for the transitional bodies.

Even where a resolution was implemented, the long-term impact is questionable, as the fate of Resolution CEF/04 shows. In 2004, the transitional parliament commissioned a report by a panel of experts, which became known as the Lutundula Report (DRC 2005). The report contained detailed information on

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<sup>25</sup> For analysis of the Inter-Congolese Dialogue, see Bouvier and Bomboko (2004).

<sup>26</sup> The resolutions were drafted by five commissions: (1) Commission on Political and Judiciary; (2) Commission on Economy and Finance; (3) Commission on Humanitarian, Social, and Cultural Affairs; (4) Commission on Defense and Security; and (5) Commission on Peace and Reconciliation.

<sup>27</sup> Res. No. DIC/CHSC/01, para. 7(a)(ii).

<sup>28</sup> Res. No. DIC/CHSC/03, para. 1.

<sup>29</sup> Res. No. DIC/CHSC/03, para. 3.

<sup>30</sup> Res. No. DIC/CHSC/03, paras. 2 and 7.



persons and companies involved in illegal exploitation of natural resources, both within and outside the country. However, the government did not implement the commission's recommendations, deciding instead to conduct its own investigations after the 2006 elections (Global Witness 2007).

Issues of natural resources were closely linked to state structure and power sharing. As mentioned before, political and economic objectives merged during the war, when interventions by all actors became increasingly driven by a "predatory logic" (Renauld 2005). In the peace talks, this logic was reflected by the discussions on the state's structure, where the Congolese Rally for Democracy (backed by Rwanda) opted for federalism, in which the province (governed by pro-Rwandan politicians) would retain 50 percent of the revenues (ICG 2002). In the light of the resource abundance in the Nord-Kivu and Sud-Kivu provinces (see figure 2), this request is of no surprise. Yet, those provinces less endowed with resources would only accept joint central resource and revenue management. The linkage between territory and resources—and the mediation's inability to delink it—was probably an important obstacle to the peace talks.

In the light of this winner-takes-all logic, where those in power—be it in the capital or in the provinces—divide the spoils among themselves, it is not surprising that reports and commissions on the validity of contracts are of little relevance. Likewise, recommendations regarding sustainability and long-term environmental impacts were included in the agreement but have not yet been implemented.

The experiences in the Great Lakes Region are similar to those in West Africa, discussed below, in so far as various conflicts and interests merged into a regional system of conflicts.<sup>31</sup> The regional dimension was taken into account in the peace agreement as well as in the overall peace process. However, the complexity of the system made it difficult to disentangle the various actors entirely. Indeed, the issue of génocidaires in eastern DRC and the economic and political influence of the Rwandan government in the Nord-Kivu and Sud-Kivu provinces remained unresolved until violence broke out again in 2008.

## Lessons

Experiences in trying to address lootable natural resources in eastern DRC highlight five key lessons:

- *The scope of a peace agreement is limited.* Peace agreements are a mirror of how parties envisage a transition from violent conflict to the nonviolent, political management of disputes. In that sense, peace agreements are limited in their scope, and it is unlikely and not necessarily desirable that they shape long-term development and environmental policies, as the resulting nonbinding character might dampen the commitment of the parties and overly restrain the room for maneuver of future democratically legitimized authorities.

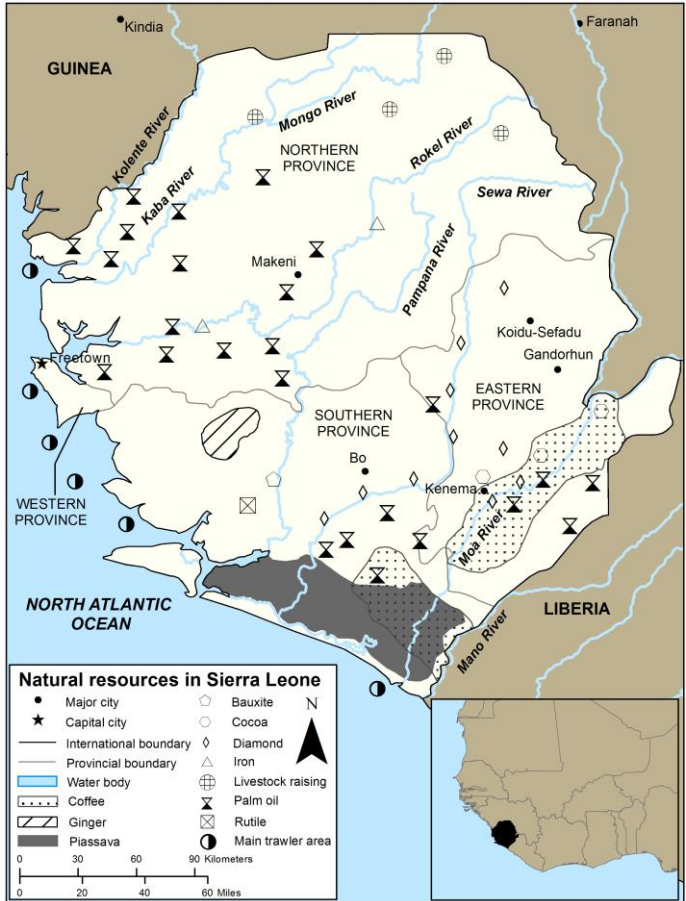
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<sup>31</sup> The term *system of conflicts* was used in Marchal (2002, 5–12 n.88).

- *Resource conflicts, in particular regional ones, must also be dealt with on a global level.* Peace agreements are also limited in their inclusiveness and impact when it comes to regional conflict systems. The United Nations can use expert panels to investigate the multiple linkages between regional and global economic actors and war. It should also provide more assistance to national investigations and apply more pressure on the follow-up to these investigations.
- *Resource disputes are linked to governance and the state's structure.* Sustainable resource management needs to address the relationship between the center and the periphery. Issues of regional autonomy are closely linked to resource ownership and use. However, when resources are distributed unequally throughout the country and there is little trust among the various actors, it is preferable to delink territorial ownership from power sharing and wealth sharing.
- *Center-periphery relations are key to regional and resource conflicts.* The economic development of peripheral areas, their connection to the center, and participation in local and national decision making processes is crucial, in particular when the periphery is rich in natural resources. Marginalized peripheries, like the Nord-Kivu and Sud-Kivu provinces during the 1980s and 1990s, turn to other centers of power and forge cross-border alliances. International and regional bodies should pay particular attention to the development of peripheral areas.
- *Implementation modalities must be included in peace negotiation.* On the one hand, the peace agreement of the DRC would have to be more specific. For instance, it must include a clear implementation matrix (see the Sudan case, below) with detailed responsibilities for actors or the establishment of a clear timeline. On the other hand, post-conflict natural resource management efforts need to begin immediately after the signing of the agreement. Two years were lost in the DRC peace process before the commissioning of a report whose recommendations were not even implemented.

### **Addressing lootable resources: Sierra Leone's 1999 peace agreement**

Sierra Leone, the lowest ranking country on the Human Development Index in 1991 and one of the lowest since then, has witnessed multiple coups and turmoil since independence (UNDP 1991). The 1978 constitution introduces one-party rule under the All People Congress Party. In the 1990s, the country was drawn into a regional system of conflicts (Marchal 2002). In 1991, Foday Sankoh's Revolutionary United Front (RUF) started their struggle against the government of Sierra Leone (GOSL) with the support of regional actors, such as Libya, Burkina Faso, and Charles Taylor's National Patriotic Front of Liberia (NPFL). The RUF's brutality forced hundreds of thousands of civilians into neighboring Guinea. While regional allies of the GOSL (mainly Nigeria) immediately sent a peacekeeping force (Economic Community of West African States Monitoring Group, or ECOMOG), the army leadership reacted by seizing power and propping



**Figure 3. Natural resources in Sierra Leone**

Source: MapCruzin (1969).

up its capacity with a private military company (Executive Outcomes), which stabilized the country to some extent (ICG 2001).

Elections were held in 1996, from which Ahmad Tejan Kabbah emerged as the winner. In the same year, Kabbah—with the help of attacks by Executive Outcomes on RUF bases—forced the RUF to sign the Abidjan Peace Agreement.<sup>32</sup> Shortly after Executive Outcomes’ departure from Sierra Leone, intense fighting resumed. While the RUF hampered the deployment of UN peacekeepers, the Sierra Leonean Army took the opportunity to topple the Kabbah government and replace it with the Armed Forces Revolutionary Council (AFRC) in 1997. The AFRC invited the RUF to join the government. Only massive external

<sup>32</sup>Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leon (RUF/SL), November 30, 1996, [www.ucdp.uu.se/gpdatabase/peace/SiL%2019961130.pdf](http://www.ucdp.uu.se/gpdatabase/peace/SiL%2019961130.pdf).

intervention, involving Nigerian ECOMOG troops in 1998, the deployment of the UN peacekeeping force (UN Mission in Sierra Leone, or UNAMSIL) in 1999, and British troops in 2000 were able to reinstall the Kabbah government and force the RUF and AFRC out of Freetown (BBC 1998; BBC 2000). In 1999, the Kabbah government eventually engaged in negotiations with the RUF and AFRC leading to the Lomé Peace Agreement.<sup>33</sup>

During the conflict, trade in diamonds became an appealing source of revenue for both soldiers and rebels. As a result, most armed actors, including some Nigerian ECOMOG troops, had little interest in peace (ICG 2001). As a consequence, scholars have described economic incentives as a major driving force of the conflict (Collier 2007). Research suggests that gems tend to influence the duration of war rather than the initial outbreak (Ross 2004b). The case of Sierra Leone is an exception in this respect, as it is part of a regional conflict system, in which any statement regarding the outbreak of the war must be put in the context of neighboring wars (Ross 2004b). Sierra Leonean gems were decisive for starting the war, among other factors, and they were instrumental to the continuation of the armed struggle in Liberia.

In addition to economic incentives, structural causes and catalysts of violent behavior were linked to political and social marginalization, as well as decade-long bad governance and corruption (Marchal 2002).

### ***Lomé negotiations and agreement***

The Lomé negotiations took place between the government and the RUF, including the AFRC, from April to July 1999. The resulting agreement comprises eight parts, addressing security, political, humanitarian, and economic issues among others. The main provisions regarding natural resources are found in Part Two (on governance), article VII, providing for the establishment of a Commission for the Management of Strategic Resources, National Reconstruction, and Development (CMRRD). The commission would be governed by a board, which comprised two representatives each from the government, from other political parties, and from the RUF, respectively; and three representatives of civil society—for a total of nine members. RUF leader Sankoh was offered the board's chairmanship (as well as the country's vice presidency). The CMRRD was granted authority over licensing the exploitation, export, sale, and artisanal production of diamonds; security of the mining areas; and management of the transactions on a special treasury account.

In essence, the Lomé Agreement bought military peace by granting important political and economic positions to warlords (ICG 2001; Hayner 2007). The agreement was an "open invitation for warlords to enjoy the spoils of office in

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<sup>33</sup>Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, July 7, 1999, [http://peacemaker.un.org/sites/peacemaker.un.org/files/SL\\_990707\\_LomePeaceAgreement.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SL_990707_LomePeaceAgreement.pdf).

## 90 Governance, natural resources, and post-conflict peacebuilding

a giant jumble sale of the national wares” (Adebajo 2002, 99), including the country’s most important sources of revenue: gold and diamonds.

### **Implementation and impact**

Both before and after the negotiations, Freetown was the scene of intense fighting between RUF/AFRC and ECOMOG troops. Despite a clear commitment for a strong ECOMOG and UNAMSIL presence to enforce the agreement, the RUF continued to threaten the UN and Nigerian ECOMOG presence in Sierra Leone to the point that 500 peacekeepers were abducted in May 2000. A series of UN Security Council Resolutions illustrate the deteriorating security situation in Sierra Leone after the Lomé process (UNSC 2000a, 2000b, 2000c). Resolution 1306 explicitly links the security situation with the trade in diamonds and requests an immediate embargo on all diamonds from Sierra Leone as well as the establishment of an “effective Certificate of Origin regime” (UNSC 2000c, paras. 2 and 3).

As a consequence of the volatile security situation, the implementation of all political aspects of the Lomé Agreement (including governance) was stalled. According to the panel of experts mandated by the Security Council, the CMRRD never met during Sankoh’s chairmanship (Bright 2000, 39). Sankoh simply “ignored his appointment” and continued to fund his movement through the diamond trade with a quasi-official blessing (Bright 2000, 39). In addition to Sankoh’s lack of commitment to the Lomé provisions, the agreement failed to recognize the global and regional implications of the diamond trade. The panel of experts thus requested the adoption of a global certification regime and an immediate embargo on all Liberian diamonds.<sup>34</sup>

### **Lessons**

Revenues from diamond mining are the most important source of foreign currency for Sierra Leone, accounting for 90 percent of the country’s exports (D4D 2006). Reserves of thirty million carats are estimated, but only five million are explored. Before the war, Sierra Leone produced around 2.5 million carats (\$330 million) a year, dropping to \$1.2 million in 1999. Production is slowly recovering, reaching \$141 million in 2007. According to *The Economist*, diamond reserves in Sierra Leone are dwindling, and it is unlikely production will ever reach the level before the war (*Economist* 2009; USAID 2001). Still, diamonds remain one of the only sources of income in one of the poorest countries of the world.

Sankoh sought to secure control over the diamond mining areas his troops were occupying during the negotiations. The CMRRD provisions in the Lomé

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<sup>34</sup> Ultimately, the Kimberley Process Certification Scheme was established to address concerns of conflict diamonds, especially from Sierra Leone and Liberia. For analyses of the Kimberley Process, see Grant (2012), Wright (2012), Bone (2012), and Mitchell (2012).

Agreement reflected the balance of power in the field. However, once the RUF units were either defeated or demobilized after May 2000, and the regular army slowly regained control over the entire territory, the CMRRD lost its *raison d'être*. Hence, the Ministry of Mines regained all its prerogatives (USAID 2001).

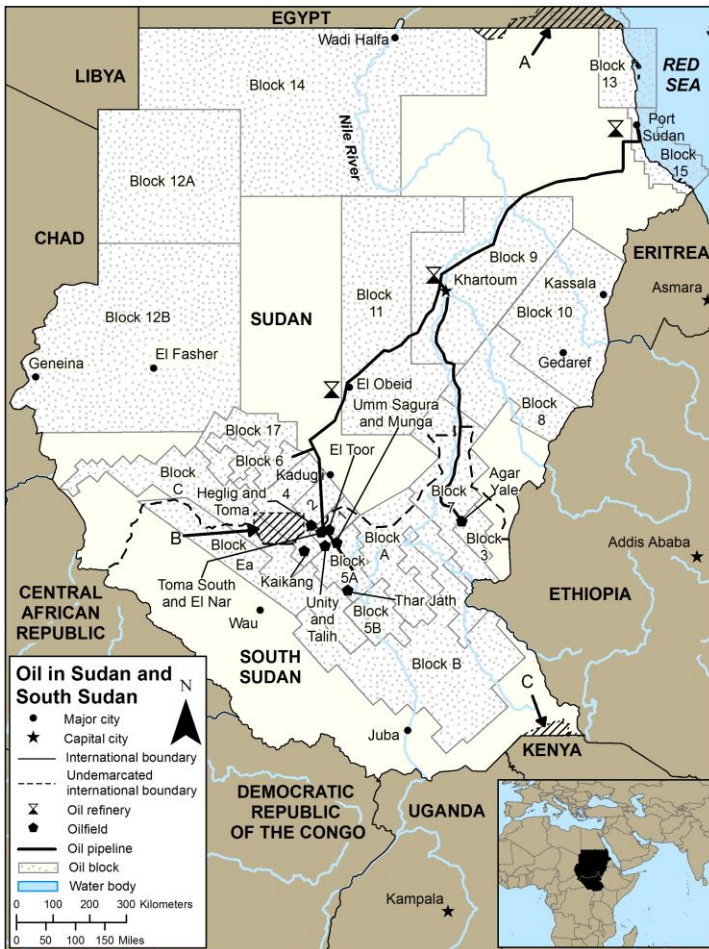
The agreement, and in particular the clauses on natural resources, were probably never meant to be properly implemented. Rather, article VII seems to be a way to buy the temporary domestication of an unpredictable rebel leader, while at the same time hoping for a shift in military power. As a consequence, there was no link to longer term institutional and political reforms. The CMRRD was a tailor-made body for Sankoh outside the country's regular institutions.

There are three key lessons from experiences in Sierra Leone:

- *Economic trade-offs can be problematic.* Governments are often tempted to buy peace by promising government posts to rebel leaders that are linked with important economic benefits. These types of trade-offs can be problematic, as they were in Sierra Leone. First, they create an incentive structure that fuels armed struggle, as it becomes a significant way to access the country's resource revenues (Mehler 2008). Second, such agreements generally are not sustainable if they are not integrated into a long-term vision of society. However, it is important to note that peace agreements are not necessarily the ultimate goal of peace negotiations nor the only cause of successful long-term peacebuilding and development. As Sierra Leone's experience shows, their provisions are at best a snapshot of a society's power balance and a struggle with its past. In some cases, such as Sierra Leone or Afghanistan, temporary solutions co-opting the "outlaws" might be the only possible way forward at a given moment (Wennmann 2009b).
- *Peacebuilding efforts need to account for the regional and global dimensions of natural resource trade.* Experiences in both the DRC and Sierra Leone highlight the fact that it is essential to differentiate between what aspects of natural resource management can be managed nationally, and what must be managed regionally or even globally. For example, illicit diamond trading has to be managed at all levels if it is to be successfully controlled. The peace agreement in Sierra Leone focused on diamond trade and management inside the country (through a special body to be established and presided over by Sankoh, the leader of the major armed rebel group); it did not consider the regional implications of trade and conflict.
- *Regional actors are key to sustainable peace agreements.* Regional actors can be part of the negotiations (like Nigeria in the Sierra Leone negotiations), but they rarely agree to be bound by provisions in a peace agreement. As a consequence, intergovernmental sub-regional bodies should be enabled to support peace negotiations based on a comprehensive long-term vision of regional development. They must not yield to the temptation to look for a quick fix, which is particularly strong when natural resources provide an easy means to buy the immediate acceptance of an agreement by all parties.

**Addressing oil: Sudan’s 2005 Comprehensive Peace Agreement**

The war between North and South Sudan cost the lives of some two million people, and the displacement of more than four million people. One of the root causes of the conflict lay in the segregation of the South from the North, dating to before independence in 1956 (Salman 2013).<sup>35</sup> Factors driving the conflict included unequal socioeconomic development, the lack of power sharing between the center (Khartoum) and periphery, and competition over the control of resources (including land, oil, and water). Of particular importance were key oil fields found in contested areas in southern Sudan (including in Abyei) (see figure 4).



**Figure 4. Oil resources and infrastructure in Sudan and South Sudan**  
 Source: UNEP (2006).

<sup>35</sup> South Sudan became an independent country on July 9, 2011 following a referendum held in January 2011.

The peace process took nearly three years of full-time negotiations between the government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) based in the South. The negotiations were mediated by the Intergovernmental Authority on Development (IGAD). Key issues in the negotiations were the relationship between religion and state, security arrangements, power sharing, wealth sharing, social issues (such as justice), and the three contested areas (Abyei, Blue Nile Hills, and the Nuba mountains). It seems that the SPLM/A negotiated the Comprehensive Peace Agreement (CPA) with the interest of ending the war and reforming the GOS, while keeping the option for independence if reform failed, while the GOS negotiated to end the war and maintain power without substantial government reform.

Due to the complexity of issues negotiated in the process (for example, on petroleum exploitation and economics), experts were called in to build the capacity of both parties. Only with sufficient technical knowledge could the parties adequately negotiate the substance of the CPA.<sup>36</sup>

### ***Peace agreement***

This section starts by examining the sequence in which various protocols comprising the CPA were signed, then focuses on the environmental aspects in the wealth-sharing protocol.

On January 9, 2005, the SPLM/A and the GOS signed the CPA. The CPA consists of the framework, the Machakos Protocol (signed July 20, 2002), the Protocol on Security Arrangements (signed September 25, 2003), the Protocol on Wealth Sharing (signed January 7, 2004), the Protocol on Power Sharing (signed May 26, 2004), the protocol on the Resolution of Conflict in Southern Kordofan and Blue Nile (signed May 26, 2004), and the Protocol on the Resolution of Abyei (signed May 26, 2004).<sup>37</sup> As Lazaro Sumbeiywo explains, the time between May 2004 and the final signing of the CPA was spent in negotiating the implementation mechanisms, as other agreements had failed due to the lack of clarity regarding implementation (Sumbeiywo 2009). Security, power sharing, and the Abyei region were the toughest issues in the negotiations. It is noteworthy how these difficult issues were spaced throughout the negotiations. Key guiding principles concerning these issues were outlined in the Machakos Protocol. Subsequent negotiations were used to fill in this framework and to hash out the details. There is no golden rule on when to negotiate the back breakers; one approach is to take it up when some confidence has been built, but then like a hot potato, put it down again if there is no movement, only to take it up later (Hottinger 2009a).

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<sup>36</sup> For more on the conflict and process, see de Waal (1990); Rogier (2005); Suliman (1999); Mason (2008); Wennmann (2009c).

<sup>37</sup> The full text of the CPA and the protocols are available at <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf>.



## 94 Governance, natural resources, and post-conflict peacebuilding

What is the role of natural resources in the CPA? The Protocol on Wealth Sharing can be broadly divided into clauses directly related to natural resource management (land and oil), and those dealing with other aspects of wealth (such as taxation, equalization and allocation of revenues collected, the question of fiscal monitoring, division of government assets, accounting standards, the dual banking system, or the financing of the transition period). The focus of this chapter is primarily on natural resource management—even if this is closely linked to questions of taxation and allocation of revenues.

The key principles of the Protocol on Wealth Sharing were shaped by the aim of power sharing, even if the Protocol on Power Sharing was not yet signed. For example, article 1.2 of the CPA states: “The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.” Article 1.8 expands: “That revenue sharing should reflect a commitment to devolution of power and decentralisation of decision-making in regard to development, service delivery and governance.” Concerning the question of the relationship between power sharing and wealth sharing, therefore, the CPA seems to give power sharing a higher priority. Political power without wealth, however, is useless.<sup>38</sup>

Land and oil were dealt with differently in the CPA. Article 2.1 stipulates that “this Agreement is not intended to address the ownership of those resources (i.e., land and subterranean natural resources). The Parties agree to establish a process to resolve this issue.” While the process and even various rates and allocation percentages for sharing the wealth from subterranean natural resources were outlined in the CPA, the process of dealing with land issues was not directly addressed. Rather, a National Land Commission and a Southern Sudan Land Commission were to be set up, and the agreement outlines various functions of these commissions. As seen in article 2.6.1, a key function, for example, was for the commission to “arbitrate between willing contending Parties on claims over land.” Articles 2.6.6.1 and 2.6.6.2 explain that the functions of the commission also explicitly include making recommendations to the various government levels on land reform policies and the recognition of customary land rights and law.

The composition of the commission was to be set by the legislature constituting it, with the chairperson of the National Land Commission appointed by the presidency (consisting initially in the transition phase of the president from the GOS, the vice president from the government of Southern Sudan (GOSS), and the second vice president from the GOS). In the case of the Southern Sudan Land Commission, the chairperson was to be appointed by the president of the GOSS.

Concerning oil, article 5.5 of the agreement stipulated that 2 percent of revenues were to be allocated to the oil producing states and regions in proportion to the output produced in such states/regions. After payment to the oil revenue stabilization account and to the oil producing states/regions, 50 percent

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<sup>38</sup> For an analysis of wealth sharing in the Sudan CPA, see Wennmann (2012).

of net oil revenue<sup>39</sup> from the oil wells in Southern Sudan was allocated to the GOSS, and 50 percent to the national government and states in northern Sudan.

Furthermore, articles 3.2–3.5 of the agreement stipulated the functions and composition<sup>40</sup> of the National Petroleum Commission (NPC). The president of the Republic of Sudan and the president of the GOSS were to act as co-chairs of this commission, signaling the importance of the NPC. The NPC had the task of formulating and monitoring policies related to the development of the petroleum sector. One of the key functions was to “negotiate and approve all oil contracts for the exploration and development of oil in the Sudan . . .” (article 3.4.4). Another sticking point in the negotiations was what to do about existing contracts. The SPLM wanted to reconsider past contracts on which it had had no say, while the GOS did not. The economic logic of maintaining a stable investment environment shifted the negotiations in favor of the GOS on this issue. The SPLM could include a social and environmental clause on the need to correct past contracts if those contracts did not include adequate social and environmental standards (Wennmann 2009c).

Another important aspect related to oil wealth was the question of post-conflict reconstruction. It is hard for an oil-exporting country to argue that it cannot pay part of the post-conflict reconstruction costs. In article 1.13, the CPA stipulates: “There is a limit on how much additional natural resources can be mobilized and part of the national needs in post-conflict Sudan will have to be met by external assistance.” Thus it was clear that Sudan would have to pay part of the burden, but it would also be able to gain additional assistance from external donors for reconstruction.

### ***Implementation and impact***

One positive aspect of the Sudan CPA is that it included a precise implementation matrix, clarifying what had to be done, when, by whom, how, and on what authority, and what was to be done if that step was blocked. Another positive aspect of the CPA implementation was that the UN Security Council agreed to implement it (even before it had been signed), due to the international perception that if the Sudan conflict escalated, it would be regionally detrimental. The United Nations Mission in Sudan (UNMIS)<sup>41</sup> subsequently took on the mandate to support implementation of the CPA with an authorized strength of up to

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<sup>39</sup> Article 5.3 provides that *net oil revenue* is the sum of the net revenue from exports of governmental oil and deliveries of government oil to refineries.

<sup>40</sup> Article 3.3 established the composition of the NPC as follows: president of the Republic and president of the GOSS as co-chairs and permanent members; four permanent members representing the national government; four permanent members representing the GOSS; and not more than three nonpermanent representatives of an oil-producing state/region.

<sup>41</sup> UNMIS concluded operations on July 9, 2011, and was succeeded by the UN Mission in South Sudan (UNMISS).

## 96 Governance, natural resources, and post-conflict peacebuilding

10,000 military personnel. Acting under chapter VII of the UN Charter, UNMIS had the mandate to take necessary action to protect UN personnel and civilians (UNSC 2007).

Key decisions during the implementation were delegated to the authority of the presidency. This presidency was shared between the SPLM and GOS during the interim period, but due to the death of John Garang soon after the agreement, the role of the SPLM in the presidency was weakened. Garang had negotiated the agreement on the side of the SPLM, and was a driving force within the SPLM for the “new Sudan” vision. It is likely that the implementation would have been more balanced between North and South, had Garang lived (Brosché 2009; Mason 2006). This shows the danger of pooling too many powers on individual people during a peace process.

It is hard to assess the factors influencing the implementation of the CPA, but it is clear that some key aspects were not implemented, or implemented only with delay (Brosché 2009). The delay of the establishment of the North-South Technical Border Committee had impacts on many other issues (Salman 2013). The SPLM also expressed dissatisfaction about not having enough insight into the production and marketing of oil to know whether the share of revenues it was receiving was fair. The December 2007 agreement, in which the SPLM re-joined the government, partially rectified this (ICG 2008). There were also clashes between the Sudan Armed Forces or affiliated militias and the SPLA in November 2006, May 2008, and February 2009, although they were generally followed by a new ceasefire and joint investigations. In 2009, there was also an increase in clashes in Southern Sudan between different ethnic groups.<sup>42</sup> On the positive side, thousands of internally displaced persons could return to the South and progress was made on agreeing on the Abyei roadmap in 2008 and using the CPA framework to deal with clashes related to Abyei (Brosché 2009).

Specifically concerning natural resources, the National Assembly adopted the National Land Commission Bill in April 2009, but the National Land Commission was not yet established as of March 2010 (UNMIS 2010). The Southern Sudan Land Commission was established in 2006. The NPC was established in 2005, but due to internal wrangling over its internal regulations, procedures, and composition of the secretariat, it did not hold its first full meeting until April 5, 2007. At that meeting, the two parties agreed on the mechanism of negotiating new oil contracts. On August 6, 2008, the Joint Government of National Unity Committee for Monitoring, Calculating and Sharing of Oil Revenue provided the information that the cumulative total arrears due to the GOSS from 2005–2007 stood at US\$55.86 million, but that there were no arrears for the first half of 2008. The total amount received by the GOSS to that point exceeded US\$1 billion. A major ongoing challenge was that GNU and GOSS

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<sup>42</sup> Elite-driven ethno-political clashes re-erupted and escalated into sustained armed conflict in December 2013; the conflict was ongoing as of July 2014, despite repeated negotiation efforts.

still disagreed over boundaries in the oil-producing areas, as well as the figures of oil production (UNMIS 2009).

Other challenges related to sharing oil and oil revenues related to questions about the size of oil reserves in Sudan, where they were located, and the sequence in which they should be exploited. It is still not clear exactly where and how much oil remains in Sudan. As Achim Wennmann points out, production and pipeline construction have focused on producing oil from the Abyei oil fields, along with regions of the southern Kordofan (Wennmann 2009c). The former seem to be in decline after years of exploitation. There are estimates that more than one-half of the reserves in Abyei have been exploited. The Melut basin, by contrast, remains largely unexploited, although there is at least a good idea of how much oil exists in that basin. One possible reason for this is that the GOS was trying to extract as much oil as possible before the referendum (and possible independence of South Sudan) in 2011. However, it is not possible to confirm these allegations, due to lack of transparency of Sudan's oil sector. Nevertheless, it is important to examine how the decline in reserves has an impact on sharing oil (Wennmann 2009c).

### **Lessons**

The Sudan North-South experience shows how oil can be a reason for conflict onset, but also a motor for peace. Without a minimal state of stability, the infrastructure for oil exploitation is very difficult to fund, build, operate, and maintain. The CPA also seems to have avoided some of the mistakes of past agreements, for example, by negotiating the implementation modalities before the final signature of the agreement, and being specific on what has to be done when and by whom. The CPA also was partly able to delink the territorial aspect of oil management from the revenue aspect. The CPA is largely viewed as a key step to peace in Sudan, even if it failed to deal comprehensively with the various other conflicts in the country (not least of all because the NCP avoided any extension of the original North-South mandate), and key aspects of the agreement were not implemented.

Even with specific implementation matrices and external monitoring and enforcement, there are always unforeseen developments (such as the death of key people like Garang, and the escalation of the war in Darfur) that posed challenges to the implementation. Two key lessons can be identified from addressing oil in the Sudan CPA.

- *Sharing natural resource revenues can be more successful and easier to negotiate than sharing the actual resources.* Sharing the revenues of a natural resource and agreeing on the management of the resource do not necessarily call for agreeing on ownership (Haysom and Kane 2009). Often it is not clear how much oil there is and how the infrastructure costs and oil prices change over time. Yet negotiations on revenues also showed to the parties and the

## 98 Governance, natural resources, and post-conflict peacebuilding

international community that post-conflict Sudan has money to use for its reconstruction, to a certain extent reducing the external assistance it could expect from the international community.

- *Peak oil can affect the timing of agreement and the interim phase.* Experience in Sudan indicates that the moment in which a peace agreement is negotiated, along the timeline in the exploitation of oil reserves, has a major impact on how contentious the issue is (Wennmann and Krause 2009). There is an economic incentive for a government to exploit as much of the reserves as possible before handing over the territory or the revenues from the territory. The Sudan CPA set a long transition period between the signing of the agreement and the return to democratic elections and a democratically legitimized constitution. The referendum was scheduled to take place toward the end of the transition phase in 2011, with the proviso that if both parties agree, they could postpone this date. [The referendum was indeed held in January 2011, which led to the secession of South Sudan.]

As the oil resources are in decline, it seems that the size of the oil reserves and the length of the transition period may have had an effect on each other (even if the length of the transition was mainly set due to the number of tasks that were to be fulfilled during this period). When oil is shared in peace negotiations, this possible link should be considered. Possibly one may think of not just sharing revenues, but also agreeing on rates of exploitation. William Zartman's concept of "conflict ripeness"<sup>43</sup> as a necessary but not sufficient moment for the initiation of negotiations could be enriched by considering the physical realities and timelines of natural resources, and how they impact a peace process. Depending on the estimated reserves of natural resources, and the planned extraction rate, a mutually hurting stalemate does not just entail deadlock on the battlefield, but may include the parties' perception of loss of wealth from nonextracted or decreasing reserves of natural resources.

### CONCLUSION

Returning for a moment to the three "links" between natural resources and peace agreements mentioned at the beginning of this chapter, a question to be asked must be: how far are provisions on natural resources a reflection of the natural resource as a factor of conflict onset, prolongation of conflict, or entry point for peacebuilding? The peace agreements in three of the cases examined—Guatemala, the DRC, and Sudan—had provisions to remedy the mismanagement of the natural resources that was part of the root cause of the conflict. In contrast, Sierra Leone used a short-term approach of buying off the actors, rather than addressing

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<sup>43</sup> Conflicts are said to be "ripe" for initiating negotiations when (1) there is a perception of a mutually hurting stalemate, (2) the parties have a sense that there is a possible way out, and (3) both parties have a valid spokesperson (Zartman 2001).

the problem. Both Sierra Leone and the DRC also illustrate how resources can prolong conflicts. Most of the peace agreements looked at were weaker on including forward-looking ways of addressing natural resource-related issues. The Guatemalan agreement and the Sudan CPA go the farthest, with the Sudan CPA having provisions for a fund for future generations and clauses on sustainability.

Both the overview and the case studies indicate that natural resources play a role in peace agreements, but they are generally not the back breakers in the agreement that security and power-sharing issues tend to be. They are integrated into the agreement in various forms: by outlining general principles of how to manage the resource (all resources), by allocating specific net revenue percentages for various regions (oil), or by stipulating commissions to deal with the questions (all resources). The composition of commissions may be spelled out, as well as their functions. Three key messages stand out, regarding the limits and potential of peace agreements, noneconomic aspects of natural resources, and the challenge of implementation.

*First, clarity on the potential and limitations of peace agreements highlights how natural resources need to be managed on the local, national, regional, or global level.* The advantage of peace agreements when it comes to the question of natural resource management is that they can be tailor-made to the situation, taking the specificities of the actors and local physical, political, cultural, and economic realities into account. Their limitations arise when the natural resources of the specific case are traded regionally or globally. In such cases, one should not expect too much from a peace agreement. For effective management, some resources, such as oil and lootable resources, require a regional or global market regulation. The peace agreement can link the specific situation to this global regulatory effort, but it cannot replace it.

In this context, the agreement between Chad and the World Bank is noteworthy. It is not a peace agreement, and thus shows how other kinds of agreements can potentially compensate for the deficit of a peace agreement negotiated only between belligerents. In Chad, peace agreements with the armed nonstate actors generally entailed provisions on power sharing in the center, but no reference to the oil revenues. In fact, the issue of how to employ oil revenues was dealt with bilaterally between the World Bank and the Chadian government in the Loan Agreement on the Petroleum Development and Pipeline Project.<sup>44</sup> This agreement was seen by many scholars as halfway to a model of independent service authorities controlling oil revenues that would ensure transparent expenditures prioritizing social development (Collier 2007). The model eventually failed because the Chadian government could simply amend the laws regulating the supervisory body once it had received the necessary investments from the World Bank (World Bank 2008; Gould and Winters 2012). Yet, the example

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<sup>44</sup> For full information on the project, see World Bank (2010) and the archived web site [www.worldbank.org/en/region/afr](http://www.worldbank.org/en/region/afr).

## 100 Governance, natural resources, and post-conflict peacebuilding

illustrates the potential of agreements between international organizations and governments as opposed to agreements that include only national actors.

*Second, effective natural resource management demands understanding the links between economic and noneconomic aspects of natural resources.* While economic wealth sharing seems to dominate the negotiations over natural resources, many peace agreements also include noneconomic clauses related to the environment and justice (for example, compensation for lost land); security (such as boundary provisions); power sharing (for example, allocation of management rights of natural resources in the context of a power-sharing arrangement between different state entities); social clauses (for example, clauses regarding restoration of infrastructure and cultural heritage); or environmental protection (such as provisions for sustainable use of resources).

In some cases (such as the DRC), there are indications that the primacy of economic interests shaped the parties' strategies in negotiating the federal structures rather than the other way around. In Sudan, it seems the security and power-sharing agreements were the key challenges and main concern of the parties. However, because the parties did not fully trust those agreements, they also wanted the wealth-sharing agreement to help them consolidate what they hoped to get out of the power-sharing agreement. Natural resources such as farm land are also needed for DDR, a key aspect of security. In Guatemala, land reform was not just sought for economic reasons, but was closely tied to ethnic identities.

One of the challenges in linking natural resources to other topics in a peace agreement is that the physical reality (where the fertile land is, where the oil lies) does not fit the political reality. If natural resources are seen by the parties themselves not just as an economic, but also as a political and cultural resource, the complex links between these various dimensions must also be taken into consideration by outside third parties. During the negotiations this means that natural resources sometimes need to be delinked and re-linked from various other topics and put in different negotiation "baskets" and formats. For it is precisely one of the benefits of a nationally owned peace agreement that it can be more specific and tailor-made, taking up the complex noneconomic links of the environment in a more suitable manner, rather than one-size-fits-all solutions imposed from the outside.

This also means that experts advising a peace process need to be extremely knowledgeable in terms of their specific topic, and must also have some idea of the other topics and their possible interlinkages. A better understanding of process dynamics and the context-specific interlinkages would help clarify some of the potentially surprising provisions on natural resource management, and how they affect the post-conflict management of resources. In peace agreements where short-term economic and political power-sharing aspects dominate issues of environmental protection and sustainable development, a key challenge for the post-conflict phase is how to go about rebalancing this dominance without upsetting the fragile balance between parties that led to peace.

*Third, use external assistance, negotiate implementation modalities before starting implementation, and include specific provisions on natural resource*

*management.* In the trajectory from conflict to peace, the implementation phase is the key phase between the signing of the peace agreement and the return to a normal post-conflict phase. While it is no guarantee for implementation, the cases indicate that being specific (as in the Sudan CPA) is better than just having declaratory clauses (one-half of all peace agreements with natural resource clauses).<sup>45</sup> When it comes to implementation, the cases examined highlight how an implementation matrix helps to clarify what has to be done when by whom and how this is related to the peace agreement. It gives teeth to a peace agreement, and state-of-the-art practice indicates that these have to be negotiated before the comprehensive agreement is signed. Key challenges to the implementation of peace agreements, which also affect the implementation of clauses dealing with natural resources, include:

- Lack of specificity: lack of clarity on what has to be done (most of the agreements analyzed lacked an implementation matrix—Sudan is a positive example).
- Lack of continuity and coherence of actors: a change of actors between those who negotiated the agreement and those implementing it (as in Sudan and Guatemala).
- Standardized solutions: the use of copy and paste models that do not fit the specific situation (such as market-based approaches in Guatemala that were part of the international zeitgeist).
- Short-term tactics: negotiating the agreement out of tactical reasons with short-term trade-offs that disregard long-term impacts (as in Sierra Leone).
- Criminal motivations: economic and criminal motivations increasing over time compared to political ones (as in the DRC and Sierra Leone).
- Aspirational vs. specific: confusion between the aspirational, visionary functions of a peace agreement (which are necessary), and the practical, realistic ones (as happened in Guatemala).
- Unsustainable international support: insufficient or inadequate support during the implementation process by the international community (which happened in Sudan, Guatemala, and the DRC).

In summary, mediators during peace negotiations and peacebuilders in the post-conflict phase need to be aware of the potential and limitations of provisions on natural resources in peace agreements. It is possible for these provisions to be tailor-made and also to be good indicators of the case-specific links between natural resources and economic, political, cultural, and environmental factors. The limitations of natural resource provisions in peace agreements are often related to cross-border trade, which calls for regional or global regulatory frameworks outside the scope of a peace agreement. Natural resource provisions in peace agreements can therefore be seen as stepping stones to peace, but not necessarily to sustainable peace.

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<sup>45</sup> This also seems to be confirmed by Badran (2014).



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## 106 Governance, natural resources, and post-conflict peacebuilding

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**Annex: Overview of peace agreements containing clauses on natural resources, 1989–2004 (including 2006 and 2007 agreements from Burundi and the 2007 agreement from Uganda)**

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
1.	Mexico	San Andrés Accords		Yes			Low	No	No	Yes	Environment
2.		Document 1 Joint Declaration that the Federal Government and the EZLN Shall Submit to National Debating and Decision-Making Bodies	02/16/1996	Yes	Principles of the New Relationship, part 4.2 Principles of the New Relationship, part 4.5	<b>Land:</b> indigenous peoples and communities to receive the corresponding settlement when the tapping of natural resources carried out by the state causes damage in their habitat which harms their cultural reproduction. <b>Natural resources:</b> General reference, with no specific description.	High	Yes	No	No	Environment
3.		Document 2 Joint Proposals that the Federal Government and the EZLN Agree to Remit to the National Debating and Decision-Making Bodies in Accordance with Paragraph 1.4 of the Rules of Procedure	02/16/1996	Yes	Part II, art. 4 Part II, art. 5(a) Part II, art. 5(c) Part II, art. 6(d) Part III, art. 6 Part IV, art. 3	<b>Land:</b> Redefinition of municipal boundaries in those territories inhabited by indigenous peoples. <b>Territory:</b> Self-determination and autonomy. <b>Authorities:</b> Resource management. <b>Land use:</b> Collective access to the use and enjoyment of natural resources. <b>Land use:</b> Right to sustainable use and benefits in the occupied territories. <b>Land properties:</b> Corresponding indemnification when the state's exploitation of natural resources causes damage to their [indigenous communities'] habitat.	High	Yes	Yes	Yes	Environment

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
4.		Document 3.1 Commitments for Chiapas by the State and Federal Governments and the EZLN under Paragraph 1.3 of the Rules of Procedure	02/16/1996	Yes	Part I Part II	<b>Land:</b> Right to use and enjoy the <b>natural resources</b> of their territories, as defined by articles 13.2 and 14 of ILO Convention 169.  Dissolving and penalizing latifundium owners.	High	Yes	Yes	Yes	Environment
5.		Document 3.2 Actions and Measures for Chiapas Joint Commitments and Proposals from the State and Federal Governments, and the EZLN	02/16/1996	Yes	Guarantees of access to justice	<b>Land:</b> Set up an Agrarian Table to solve disputes and census on land and territories of indigenous communities.	Low	No	No	Yes	No
6.	Ecuador / Peru	Acta presidencial de Brasilia, 1998	10/26/1998	Yes	Annex IV, art. 2	<b>Land:</b> Demarcation of boundaries; transfer of 1 km2 from Peru to Ecuador.	High	No	No	Yes	Boundaries
7.		Tratado de comercio y navegaci3n Acuerdo amplio peruano-ecuatoriano	11/23/1998	Yes	Tratado de comercio y navegaci3n, art. 36	<b>Water:</b> Equality on use of a common border: navigation and trade where the boundary line intersects the Napo River in El Canal de Zarumilla.	High	No	No	Yes	Boundaries
8.	Guatemala	Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict	06/17/1994	Yes	Principles 4, 5	<b>Land:</b> Resettlement of uprooted population, land rights.	High	Yes	No	Yes	Environment
9.		Oslo Accord	03/30/1990	No							
10.		Mexico Accord	04/26/1991	No							

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
11.		Querétaro Agreement	07/25/1991	Yes	Art. I (h)	<u>Natural resource access:</u> Access to the benefits of national production	Low	No	Yes	No	No
12.		Framework Agreement for the Resumption of Negotiations Between the Government of Guatemala and the Guatemalan National Revolutionary Unity	01/10/1994	No							
13.	Guatemala	Agreement on a Timetable for Negotiations on a Firm and Lasting Peace in Guatemala	03/29/1994	No							
14.		Comprehensive Agreement on Human Rights	03/29/1994	No							
15.		Agreement for the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer	06/23/1994	No							
16.		Agreement on Identity and Rights of Indigenous People	03/31/1995	Yes	Chapter IV, sec. F (Rights relating to land of the indigenous peoples)	<u>Land rights</u>	High	Yes	No	Yes	No



#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
17.		Agreement on Social and Economic Aspects and the Agrarian Situation	05/06/1996	Yes	Part III, sec. B., art. 34(a), (e)  Part III, sec. D, art. 36; and sec. E., art. 37  Part III, sec. G, art. 38; and sec. H., art. 39	<b>Land access and use:</b> Access to credit; landownership; use and preservation of land (funding mechanisms, land register)  <b>Land use:</b> Access to the use of natural resources (multi-use areas for forest management); eco-tourism; conservation of water.  <b>Land register</b>	High	Yes	No	Yes	Environment
18.		The Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society	09/19/1996	No							
19.	Guatemala	The Agreement on a Definitive Ceasefire	04/12/1996	No							
20.		The Agreement on Constitutional Reforms and the Electoral Regime	07/12/1996	No							
21.		The Agreement on the Basis for the Legal Integration of the URNG	12/12/1996	No							
22.		The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements	12/29/1996	Yes	Arts. 155–171	<b>Land use and management</b>	Low	Yes	No	No	Environment

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
23.		The Agreement for a Firm and Lasting Peace	12/29/1996	No							
24.		Acuerdo Sobre Cronograma para la Implementación, Cumplimiento y Verificación de los Acuerdos.	12/29/1996	Yes	Sec. II(B)	<b>Land:</b> Resettlement of uprooted population.	Low	No	No	Yes	No
25.		New York Agreement	09/25/1991	Yes	Ch. V, sec. 2	<b>Land:</b> In excess of the constitutional limit of 245 hectares: redistribution.	High	Yes	No	Yes	No
26.	El Salvador	Geneva Agreement	04/04/1990	No							
27.		Agreement on Human Rights	07/26/1990	No							
28.		Mexico Agreements	04/27/1991	No							
29.		The Compressed Negotiations	09/25/1991	No							
30.		New York Act	12/31/1991	No							
31.		Chapultepec Peace Agreement	01/16/1992	Yes	Chapter V	<b>Land:</b> Transfer, loans to agricultural sector.	High	Yes	No	Yes	No
32.	Colombia	Acuerdo final Gobierno Nacional-Ejercito Popular De Liberación	02/15/1991	Yes	Meeting Phase	<b>Land:</b> Acquisition of land, agricultural reform.	Low	Yes	No	No	No
33.		Los Pozos Agreement	02/09/2001	Yes	Point 8 Point 9 Point 10	<b>Land:</b> Affirmation of the Zone of Goodwill. <b>Land:</b> eradication of unlawful cultivation Working on the protection and recuperation of the environment.	Low	Yes	No	No	Confidence building
34.		San Francisco de la Sombra Accord	10/05/2001	No							

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
35.		Accord for Colombia Between the Colombian Government and the ELN	11/24/2001	No							
36.		Los Pozos Accord	01/20/2002	Yes	Point 10	<u>Land</u> : Eradication and illicit crop substitution.  Working for the protection and conservation of the environment.	Low	Yes	No	No	No
37.	Bosnia and Herzegovina	Washington Agreement	03/01/1994	Yes	Chapter II	<u>Natural resources, energy, and land</u> : Division of responsibilities between federation and cantons.	Low	Yes	Yes	No	Power sharing
38.		Dayton Agreement	11/25/1995	Yes	Annex 2 Annex VII	<u>Land and water</u> : Entity boundary line, land, and rivers. <u>Property rights</u> of displaced persons.	High	No	No	Yes	Restitution
39.	Bangladesh	Chittagong Hill Tracts	12/02/1997	Yes	Part D, 1–8	<u>Land commission</u>	High	Yes	No	Yes	No
40.	Croatia	The Erdut Agreement	11/12/1995	Yes	Parts 8 and 9	<u>Land property</u>	Low	No	No	Yes	Compensation
41.	Djibouti	Accord de Paix et de la Reconciliation Nationale	12/26/1994	Yes	Clause 1	<u>Land/production tools</u>	Low	No	No	Yes	Compensation
42.		Accord Cadre de Reforme et de Concorde Civile	02/07/2000	Yes	Section III	<u>Water (holes)</u> : Restoring damaged infrastructure.	Low	Yes	No	No	No
43.		Accord de Reforme et de Concorde Civil	05/12/2001	Yes	Title 3, art. 8	<u>Water</u> : National reconstruction.	Low	Yes	No	No	No

44.	Eritrea-Ethiopia	Agreement between Eritrea and Ethiopia	12/12/2000	Yes	Art. 4, para. 2	<b>Land:</b> Demarcation and delimitation colonial treaty border.	Low	No	No	Yes	Boundaries
45.	India	Bodoland Autonomous Council: India	02/20/1993	Yes	Chapter II, para. 29(c)  Chapter II, para. 30(c)  Chapter VI, para. 51	<b>Land properties</b> <b>Water:</b> Water rates and fees. <b>Land rights</b>	High	Yes	Yes	No	Power sharing
46.		Memorandum of Settlement: India	08/23/1993	Yes	2(C), (L), and (P)	<b>Land:</b> Restoring. <b>Land:</b> Area for resettlement. <b>Water:</b> Water facilities.	Low	Yes	No	Yes	Restitution
47.	Middle East	Oslo Agreement: Israel	09/13/1993	Yes	Art. VII, para. 4  Annex III, paras. 1, 3, 7, 10  Annex IV, para. 2(b)	<b>Land/water authorities</b> <b>water:</b> Cooperation in the management of water resources and plans on water rights for each party. <b>Energy/gas/oil:</b> Exploitation of oil and gas within the framework of an Energy Development Program, construction of petrochemical industry and a construction of a oil and gas pipelines. <b>Diamonds:</b> Industry cooperation. <b>Environmental protection</b> <b>water/land:</b> Joint plan for the exploitation of the Dead Sea and Mediterranean Sea/Dead Sea Canal; desalinization of water projects; agricultural regional development plan.	High	Yes	No	Yes	Environment, boundaries

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
48.		Agreement on the Gaza Strip and the Jericho Area	05/4/1994	Yes	Art. V(1)(a)	<b>Land:</b> Jurisdiction of territory, territorial water, and subsoil.	High	Yes	No	Yes	No
49.		Agreement on Preparatory Transfer of Powers and Responsibilities Between Israel and the PLO	08/29/1994	No							
50.		Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip/ Oslo B	09/28/1995	Yes	Art. XI	<b>Land</b>	High	No	No	Yes	No
51.		The Wye River Memorandum	10/23/1998	Yes	Part I	<b>Land:</b> Transfer from Israel to Palestine: 13% area.	High	No	No	Yes	No
52.		The Sharm el-Sheik Memorandum Wye II	09/04/1999	No							
53.	Ivory Coast	Linas-Marcoussis Peace Accords	01/23/2003	Yes	Annex, IV, chap. 1 and 2	<b>Land Tenure Regime</b>	Low	No	No	Yes	Restoration
54.	Macedonia	The Ohrid Agreement	08/13/2001	Yes	Part 3.2	<b>Land:</b> Within the decentralization framework: remark municipalities boundaries.	Low	No	No	Yes	Boundaries
55.	Mali	Pacte National	04/11/1992	Yes	Title III, Chapter 2, para. 30.F	<b>Compétences de l'Assemblée de la Region</b>	Low	Yes	No	No	No
56.		Tamanrasset Accord	01/06/1991	No							
57.	Niger	Agreement Establishing Permanent Peace between the Government of Republic of Niger and O.R.A. (Organization of the Armed Resistance)	04/15/1995	Yes	Sec. V, clause 22, A.1 and 2; B	<b>Land:</b> Breeding, pastoral zone (rural development). <b>Water:</b> Exploitation of underground sources; agriculture; rural development. <b>Mining:</b> Transfer to collective communities (decentralization) of national resources from mining exploitation.	High	Yes	Yes	No	No

58.		Ouagadougou Accord	10/09/1994	No							
59.	Papua New Guinea	Bougainville Peace Agreement	08/30/2001	Yes	Sec. 2 Sec. 6 Sec. 7(b)	<b>Water:</b> Sea boundaries, sharing revenues from sea activities. <b>Land:</b> Border agreements. <b>Fishing:</b> Distribution of fishing revenues. <b>Land:</b> Transfer from assets, land power and functions (autonomy).	High	Yes	Yes	Yes	No
60.		Mindanao Final Agreement	09/2/1996	Yes	Part III, sec. D	<b>Economic and Financial System</b> <b>Mines and Minerals, Water</b>	High	Yes	Yes	Yes	No
61.		Philippines	Agreement on Peace between the Government of the Philippines and the Moro Islamic Liberation Front	06/22/2001	No						
62.	Rwanda	Arusha Accord	08/4/1993	Yes	Protocol on Repatriation and Resettlement Chapter 1, arts. 3 and 4	<b>Land:</b> Repatriation and property rights of refugees; compensation from government.	Low	No	No	Yes	Compensation
63.		Addis Ababa Agreement	03/27/1993	Yes	Part III	<b>Land:</b> Restoration of property and settlement.	Low	Yes	No	Yes	Restitution
64.	Somalia	Nairobi Declaration on National Reconciliation	05/24/1994	Yes	Part VIII, A	<b>Land:</b> Food shortage/property.	High	Yes	No	Yes	Restitution
65.	Uganda	Agreement of Comprehensive Solutions	05/02/2007	Yes	Part E, 14	<b>Land rights:</b> Land tenure systems, land use monitoring, land compensation in case of expropriation (in case of usage for settlement).	High	Yes	No	Yes	No

#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
66.	Burundi	Arusha Peace and Reconciliation Agreement for Burundi (including annexes)	08/28/2000	Yes	Protocol IV, Chapter 1 Rehabilitation and Resettlement of Refugees and <i>Sinistres</i> , art. 3(b) and art. 8	<u>Distribution of resources:</u> Resettlement to free cultivable land. <u>Issues related to land and other property:</u> Property rights, sub-commission on land.	High	Yes	Yes	Yes	Compensation, restoration
67.		Ceasefire Agreement between the Transitional Government of Burundi and the CNDD-FDD	12/02/2002	No							
68.		Pretoria protocol on power sharing in Burundi	10/8/2003	No							
69.		Pretoria protocol on outstanding issues	11/2/2003	No							
70.		Global ceasefire agreement	11/16/2003	No							
71.		Agreement of Principles towards Lasting Peace, Security and Stability	06/18/2006	No							
72.		Comprehensive Ceasefire Agreement between the Government of Burundi and the Palipehutu-FNL	09/07/2007	No							
73.		Global ceasefire agreement	11/16/2003	No							

74.		Khartoum agreement	04/21/1997	Yes	Ch. 4, sec. 6(iii) and Ch. 5, Sec. 7.2	<b>Land:</b> Territorial incompatibilities to be solved through a Coordinating Council.	Low	Yes	No	No	No
75.		Machakos Protocol	07/20/2002	No							
76.		Agreement on Security Arrangements during the Interim Period	09/25/2003	No							
77.	Sudan	Framework on Wealth Sharing	01/7/2004	Yes	Sec. 2.0 – Ownership of Land Natural Resources; Sec. 3.0 – Oil Resources, A and B	<b>Land:</b> Resolved through clarified functions and composition of Land Commissions, and <b>oil:</b> Resolved through National Petroleum Commission and quotas and principles.	High	Yes	Yes	No	Power sharing
78.		Protocol on Power Sharing	05/26/2004	No							
79.		Protocol on the resolution of the Abyei Area	05/26/2004	Yes	3. Financial resources	<b>Oil:</b> Territory and link to wealth sharing.	High	Yes	Yes	No	No
80.		Protocol on the resolution of the Southern Kordofan/ Nuba Mountains and Blue Nile	05/26/2004	Yes	8. The State Share in the National Wealth 9. State Land Commission	<b>Land and oil</b>	High	Yes	No	No	No
81.	Indonesia	Cessation of Hostilities Framework Agreement	12/09/2002	No							



#	Country / region	Name of peace agreement (PA)	Date M/D/Y	Natural resources	Relevant section in the PA	Type of natural resource	Specificity	Resource management	Revenue sharing	Ownership	Noneconomic aspects
82.	Liberia	Bamako Ceasefire Agreement	11/28/1990	No							
83.		Yamoussoukro IV Peace Agreement	10/30/1991	No							
84.		Cotonou Peace Agreement	07/25/1993	No							
85.		Akosombo Agreement	12/09/1994	No							
86.		Accra Agreements/ Akosombo clarification agreement	12/21/1994	No							
87.		Abuja Peace Agreement	08/19/1995	No							
88.		Accra Ceasefire Agreement	06/17/2003	No							
89.		Accra Comprehensive Peace Agreement	08/18/2003	Yes	Arts. 16 and 17	Resources in general: Set up of a Governance Reform Commission (Art. 16) and a Contract and Monopolies Commission (Art. 17).	High	Yes	No	No	No
90.	Sierra Leone	Abidjan Peace Agreement	03/11/1996	Yes	Art. 26(ii)(h)	Resources in general: Principle of socioeconomic development for the government.	Low	Yes	No	No	No
91.		Lomé Peace Agreement	07/07/1999	Yes	Art. 7	Strategic Resources, in particular Diamonds and Gold: Establishment of a Commission for the Management of Strategic Resources, National Reconstruction and Development, headed by the RUF leader Foday Sankoh.	High	Yes	No	No	No
92.		Abuja Ceasefire Agreement	10/11/2000	No							

93.		Global and inclusive Agreement on the Transition to DRC	12/16/2002	No							
94.	Democratic Republic Congo	Inter-Congolese Political Negotiations – The Final Act	02/04/2003	Yes	Resolution 19	<b>Strategic resources, minerals, oil:</b> Review of all contracts signed during the war. <b>Environment:</b> Emergency program for the environment. <b>Water:</b> Drinking water. Electrical energy sources.	High	Yes	Yes	Yes	Environment
				Resolution 23							
				Resolution 21, sect, 7							
				Resolution 30							

*Notes:*

Specificity: **High** = containing substantial instructions on resource management/revenue sharing/ownership/noneconomic aspects; **Low** = declaratory text on one or more of the same categories.

**Noneconomic aspects comprise:**

*Legal Aspects*

- Restitution (of property after war)
- Compensation (for loss of property during a war)

*Political Aspects*

- Power sharing
- Boundaries

*Social/Ecologic Aspects*

- Restoration (of damaged infrastructure)
- Environment

Peace agreements can be downloaded from [www.pcr.uu.se/gpdatabase/search.php](http://www.pcr.uu.se/gpdatabase/search.php).