

DECISION TREE/DISCUSSION QUESTIONS: POINTS FOR DRAFTING A CEASEFIRE AGREEMENT

CEASEFIRE

Introductory Sections

Preamble

- How will the preamble articulate the object and purpose of the ceasefire agreement and what key points, principles, and guidelines, you want to include in the preamble?
- Which AU/UN/other documents do you want to reference in your ceasefire preamble?
- What customary international norms do you wish to express your commitment to in the ceasefire agreement?
- How will the preamble connect the ceasefire to other elements of the peace process? Relating the ceasefire to the national dialogue?
- How will the preamble highlight the underlying causes of the conflict, as well as the regional particularities of the conflicts?

Definitions

- Discuss what terms might need to be defined in your ceasefire agreement?
- How might you want to define each of those terms?
- Are there any key definitions for which you can foresee the parties taking issue with?

Entry Into Force

- How will you determine when your ceasefire will enter into force?
 - Discuss the benefits and drawbacks of having the agreement enter into force immediately after signing.
 - Discuss the benefits and drawbacks of creating a time period between the parties signing the ceasefire and it becoming binding on the parties.
 - Are there other conditions associated with entry into force you want to incorporate?
- Should the ceasefire agreement include provisions explaining the effect of the ceasefire entering into force?

- How will the entry into force and ceasefire timing coordinate with other ceasefire efforts, such as national dialogue and transitional government?
- Will there be different timing considerations for conflicts in Darfur or Two Areas?
 - How to coordinate timing and entry into force?

Cessation of Hostilities

Geographic Scope

- What will be the geographic scope of the agreement?
 - Discuss how you will phrase this provision.
 - Discuss what forces will be affected by this geographic scope.
- Will there be specific geographic considerations for the conflicts in Darfur and the Two Areas that will be distinct?

Control Over Forces

- How will your ceasefire agreement articulate which parties have control over which forces?
 - Discuss the benefits and drawbacks of specifically identifying forces.
 - Discuss the benefits and drawbacks of using more general phrasing.
- What are the concerns over dealing with [un]official militias or other forces?

Prohibited Acts

- What military acts might your ceasefire prohibit, both as specific prohibitions and as general provisions?
 - Attacks against forces, positions or property?
 - Acquiring, fortifying, or distributing arms, ammunition, equipment?
 - Occupying new territory (including through non-violent means)?
 - Unauthorized movement or redeployment of forces or resources?
 - Recruitment of soldiers (including child soldiers)?
 - Harassment or attacks on humanitarian personnel?
- What non-military acts might your ceasefire might prohibit, both as specific prohibitions and as general provisions?
 - Restrictions of movement?
 - Hostile propaganda?
 - Sanctions, blockades, checkpoints?
 - Espionage, spying, or sabotage?

Separation of Forces

Reporting Requirements

- How will the reporting provisions be phrased in your ceasefire?
- How detailed will these reporting requirements need to be, in terms of what specifically needs to be reported to the monitoring commissions?
 - What forces, armaments, equipment, and explosives/mines will be subject to the reporting requirements?
- How will you require the parties to the agreement report any additional information to the monitoring commission?
 - How detailed will these “additional information” reports need to be?

Method of Separation

- What separation of forces method best suits your ceasefire agreement?
 - Is it one specific method or a combination of methods?
- What special procedures must be taken to prevent ambiguity or misunderstanding in delineating a ceasefire line, designating a buffer zone, or assigning an assembly area?
- What special precautions or accommodations need to be taken for vulnerable groups?
- What level of involvement will the peacekeeping force or monitoring body have in the overall separation of forces process?
 - How can the ceasefire agreement ensure that the monitoring body is empowered with this level of oversight and authority?
- If your ceasefire agreement utilizes assembly areas, will there will be any restricted activities within these assembly areas.

Zones of Separation

- What are some possible neutral geographic zones that could be used for separating the forces, keeping in mind the above methods of separation?
- Will there be areas for “buffer zones” to exclude parties from a defined area?
 - Will additional activities be restricted within that zone?
- Will there be “restricted zones” beyond the buffer zones to enhance security?
 - What types of activity will be prohibited or restricted in the restricted zones?
- Will there be coordination zones within which movement by parties’ forces must be coordinated with peacekeeping forces or another ceasefire commission?
- How will international monitors assist with maintaining and observing the zones of separation?

Verification, Supervision, and Monitoring

Monitoring/Implementation Commission

- How might you structure a ceasefire or joint military commission and what you would empower the commission to oversee?
- Will self-monitoring be a feasible option for overseeing the implementation and enforcement of your ceasefire agreement?
- Will international monitoring be necessary to oversee implementing your ceasefire agreement?
- Will you empower a monitoring commission to oversee supplementary tasks (manage assembly areas, facilitate prisoner exchanges, etc...)?
- Will you establish a subsidiary structure to assist the primary monitoring committee in effectively carrying out its mandate?

Peacekeeping Forces

- Will the presence of outside peacekeepers enhance the implementation of your ceasefire agreement?
- How comprehensive will the peacekeepers' mandate will be, in the event that you determine to use peacekeeping forces?
- Are there any activities you do/do not want the peacekeepers to do/oversee?
- Is there a specific organization (UN, AU) that is especially qualified or well-suited to be providing any peacekeeping forces your ceasefire might require?
- What are the circumstances under which peacekeepers can use force?

DDR & SSR

- Is it realistic for your ceasefire to incorporate DDR and SSR provisions, or might the DDR and SSR processes be better addressed in subsequent agreements?
- What is the opportune timing of both DDR and SSR processes?
- Who might oversee the DDR and SSR processes?

Humanitarian Monitoring

- Will your ceasefire agreement address the return of refugees and/or IDPs?
 - What will be the levels of protection afforded them?
 - Who will oversee their return?
- How will you accommodate humanitarian agencies' specific needs?
- Will your ceasefire agreement provide for prisoner exchanges?
 - Where and when will such exchanges might happen, and who will oversee the exchanges?
- How will your ceasefire agreement provide for freedom of movement?
 - Are there any necessary restrictions on freedom of movement, and how might such legitimate restrictions be addressed in the agreement?