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# INTERLINKAGES BETWEEN TRADE AND PEACE AGREEMENTS AND NEGOTIATIONS

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Submitted by

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## EXECUTIVE SUMMARY

Traditionally, trade and peace have not been regarded as obvious complementary elements in the crafting of resilient and long-lasting peace and trade agreements. Despite extensive examination of their interlinkages at the level of root causes of conflicts, little attention has been paid to the normative level of such agreements. Trade remains rarely perceived as a means for peace. This report seeks to analyze how trade is featured in peace agreements and how peace is featured in trade agreements. This is done through the respective identification of trade-related provisions and peace-related ones. The focus is on fragile and conflict-affected states (FCS). The report provides a comprehensive list of categorized provisions and their resulting evolutionary and regional trends and patterns. The study concludes by offering a set of recommendations and best practices for negotiators and mediators that can be applied to the drafting of sustainable intra-state and inter-state peace agreements, as well as trade agreements.

After a screening process of 437 peace agreements and 136 trade agreements registered on the UN Peacemaker database following the regional focus and the inter/intra-state distinction, a total of 168 peace agreements and 122 trade agreements were selected for the analysis. They were manually screened for the identification of relevant provisions that were later divided into categories. This facilitated the data analysis and provided figures on the evolution of such categories over the years and across regions. Overall, our findings demonstrate the significance of the trade-peace nexus at the level of agreements. We identified 1031 trade-related and 383 peace-related provisions. Since the 1990s, both types of provisions seem increasingly integrated into their respective agreements. There are important variations across regions that are mainly due to the specific practices of some countries.

In the case of peace agreements, the results reflect the predominance of Africa in the crafting of trade-related provisions. Such provisions feature in majority in the most comprehensive framework agreements. This suggests they were agreed to at a later stage of the peace process. Thus, they were divided into two broader categories: trade-related provisions and trade-specific ones. Provisions also vary depending on the nature of the conflict (whether it is inter-state or intra-state) and have in turn different implications that peace mediators and negotiators must consider. Such peace agreements are thus rarely cross-regional, which may have a strong influence on negotiations processes, as we can see with trade agreements.

Indeed, those ones are primarily inter-regional and often bind developing countries or FCSs with stronger economies such as the European Union. This, in turn, has a

significant impact on the design of such agreements and the relevant peace-related provisions, since agreements between FCSs or between other developing countries will include much less peace-related provisions on average than agreements between a developing country and a developed one. Those generally include provisions on political dialogue and regional cooperation, on combating illegal activities, and on non-proliferation of weapons of mass destruction.

By contrast, military alliances can be found only in trade agreements concluded among developing countries and FCSs in the African region. Security exceptions are equally found in all the types of trade agreements, being the most widespread peace-related provisions. Herewith, the role of all the analyzed types of peace-related provisions for the stability of the respective trade agreements is quite different. Thus, various aspects have to be taken into account when negotiating and implementing such provisions, depending on the type of provision as well as local conditions. When compared with the greater integration of trade-related provisions into peace agreements among developing countries, it seems that the question is not whether trade can be perceived as a means for peace but how it can be promoted as such.

Based on the data analysis and complementary interviews with experts in the fields on trade and peace negotiations, this report provides the following list of recommendations for mediators and negotiators interested in examining the trade-peace nexus more thoroughly:

#### [Recommendations concerning peace negotiations applicable to both intra-state and inter-state conflicts](#)

- 1) Adopting the appropriate mediation style depending on the desire of the parties involved in the process
- 2) Depending on the specific conflict and the will of the parties involved, introducing trade provisions either at a very early or at a very late stage
- 3) In order to facilitate effective participation to peace negotiations, organizing capacity-building workshops to ensure that civil society and other participants have similar background on technical or complex issues that might be difficult to grasp otherwise
- 4) Depending on the circumstances, introducing provisions on the freedom of movement of people, goods and services as early as the ceasefire stage may assist in returning to peaceful circumstances (subject to recommendation 2 above).

#### [Recommendations concerning peace negotiations specific to intra-state conflicts](#)

- 5) In the case of resource-rich countries whose economy mainly relies on the exportation of a single resource, diversification of export products may make the economy more resilient and less vulnerable to the negative effects of trade

- 6) In the case of resource-rich countries, the establishment of a thorough natural resources management and wealth sharing framework may assist in addressing the root causes of resource-based conflicts
- 7) In cases in which land and water rights as well as control thereof has been a driver of conflict, safeguarding those rights and incorporating those considerations in the legal framework of the state is of primary importance

#### Recommendations concerning peace provisions in trade negotiations

- 1) Paying attention to the trade and peace nexus from the beginning of negotiations, and including this topic into the scope of trade agreements
- 2) Enhancing public participation in formulating peace-related provisions in trade agreements (through the participation of various stakeholders and consultations with local communities prior to the negotiations) to identify and address concerns properly and enhance the resiliency of trade agreements
- 3) Ensuring that the needs and interests of fragile and conflict-affected parties are respected during trade negotiations
- 4) Including provisions on political dialogue and regional cooperation into trade agreements to make them more stable through identifying and preventing peace and security issues with trade partners at early stages
- 5) Resorting to declaratory provisions calling for peace and security in case of a failure to agree on binding peace-related commitments

With 290 selected agreements and 1414 relevant provisions, this study provides one of the most comprehensive analyses of the trade-peace nexus at the level of agreements. It draws important conclusions on the manner in which such a nexus is addressed among and within fragile and conflict-affected states. Our results show that interlinkages between trade and peace agreements and negotiations are far from being normative anomalies. Future mediators and negotiators can rely on solid foundations when drafting peace agreements aiming at favoring positive impacts of trade, and trade agreements aiming at securing long-lasting peace. We hope that this report will assist interested parties in navigating within such a complex nexus and in improving our understanding of trade and peace through further computational legal analyses.



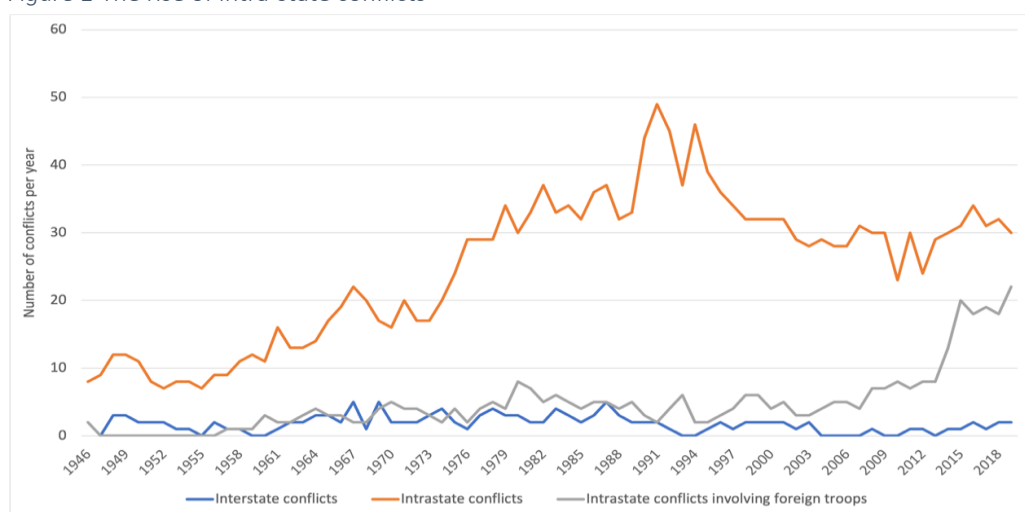
## I. INTRODUCTION

### General overview of the project

The trade and peace nexus is a complex interdisciplinary research area, often overlooked in policy discussions. This is particularly true with regard to interlinkages in peace and trade agreements and negotiations. This project aims at providing an extensive overview of trade-related provisions in peace agreements and peace-related provisions in trade agreements. The goal is to assess the extent of such a nexus as reflected in the text of hundreds of such agreements. The distillation of key trade and peace elements in successful agreements can provide the basis for practical recommendations to negotiators and mediators seeking to expand the interests of the conflicting parties and corresponding options for a sustainable agreement.

Some studies already demonstrated that various trade elements can be used as a tool to rebuild conflict-affected economies and to repair damaged relations between warring countries (Cali, 2014; Migeed, 2023). The findings of this report support this statement and indicate that the parties to peace agreements may consider trade and economic matters as crucial aspects of the path towards peace. This is further reinforced by the fact that trade-related provisions are more likely to be integrated into comprehensive or partial framework peace agreements, as demonstrated below. Those findings have to be examined against the recent trends on the evolution of conflicts existing worldwide (See Figure 1 below). According to recent studies (Sundberg and Melander, 2013; Davies, Petterson and Öberg, 2023), the cumulative number of intra-state conflicts worldwide is increasing. Nearly 90% of such conflicts between 2000 and 2010 are occurring in countries that already experienced recent conflicts (Cali, 2014). In line with these findings, the majority of peace agreements examined in this study are intra-state agreements.

Figure 1 The rise of intra-state conflicts



Source: Uppsala Conflict Data Program

On the other hand, the cumulative number of inter-state Regional Trade Agreements (RTAs) in force has increased substantially since the early 1990s.<sup>1</sup> What is more, African countries, which dominate the landscape in the number of militarized inter-state and intra-state conflicts, are also the ones signing the most RTAs (Powers, 2004). Nevertheless, the trade-peace nexus is not equally distributed among trade agreements. By contrast to trade-related provisions in peace agreements, peace-related provisions remain scarce in trade agreements, as they are often later integrated into military arrangements.

However, trade agreements that fail to take into account the various interests of formerly warring parties can create or worsen existing tensions regarding natural resources management or the balance of resource and relative economic power. Thus, evidence suggests that the idea of Kantian perpetual peace based on economic interdependence may only be confirmed in certain cases (Dorussen & Ward, 2010). What is more, research suggests that so far, little attention has been paid to the trade-peace nexus at the normative level (M. Enguélégué, project interview, January 24, 2024).

In view of the above, the purpose of this research is to examine the peace-trade nexus through the lens of peace and trade agreements. Considered broadly, trade-related and peace-related provisions can serve as important platforms for all parties to assert their interests and potentially result in sustainable agreements. In the context of peace agreements, mutually beneficial options that include trade provisions can exert a long-lasting influence by alleviating poverty and increasing equality through the development of key economic sectors. They can also lay the foundations on other aspects such as the equitable management of resources or wealth sharing that are often key drivers to conflict. As such, trade provisions become key in defining and predicting the sustainable character of the respective treaties. As opposed to trade agreements, multiple peace agreements are often needed to sustain peace in a particular area (Forster, 2020). Conversely, peace-related provisions can play a pivotal role in trade agreements by reinforcing the role of trade as a means to foster peace and prevent potential conflicts over economic-related matters. Therefore, it is appropriate to speak of and examine sustainable trade agreements and sustainable peace processes.

Keeping in mind the current literature on the trade-peace interlinkages, this project conducts an in-depth analysis of how trade is featured in peace agreements and how peace is featured in trade agreements. Both types of agreements have distinct

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<sup>1</sup> WTO, RTA database, available at <https://rtais.wto.org/UI/PublicMaintainRTAHome.aspx>.

elements. Yet it is essential that negotiators and mediators identify and incorporate both peace and trade options to meet the varied peace and trade interests of the negotiating parties.

### **Scope of the project**

The analysis of this project will mainly focus on (but is not limited to) peace and trade agreements and negotiations between and within fragile and conflict-affected states (FCS). The World Bank FCS List<sup>2</sup> started in 2006 and is updated every year. It aims at helping the World Bank adapt its policies to the complex environment of FCS, which are made up predominantly of least developed countries (LDCs), and are also the dominant type of RTA members (Schiff and Winters, 2003; cited in Powers, 2004). For the purpose of the project, we based our analysis on the 2023 version of the FCS list, focusing on the regions of the Great Horn of Africa, the Balkans, the Middle East and Central Asia, Central Africa, North Africa, and the Caribbean. These regions notably comprise the countries of the g7+ WTO Accessions Group, an association of FCS acceding governments and recently acceded WTO Members who promote the T4P agenda at the WTO, including the proposal for a T4P Work Programme for FCS. The operating premise here is that there is a greater chance that inter-state or intra-state conflicts can be sustainably resolved if there is a careful and inclusive drafting of peace and trade agreements. Considering the creation of both the United Nations (UN) and the General Agreement on Tariffs and Trade (GATT) as the main events establishing respectively the current peace and trade systems, the analysis will consider any agreements and peace processes spanning from 1945 to 2023 (depending on the data available in the selected databases).

### **Developing recommendations for negotiators and mediators**

The project aims at providing recommendations and overview of best practices for negotiators and mediators regarding the use of trade-related provisions in peace agreements and peace-related provisions in trade agreements. The goal is to create a checklist of elements found in such agreements with an aim of ensuring long-lasting peace and promoting stable trade relations respectively. Of course, the *sui generis* character of peace and trade negotiations creates challenges to formulate general recommendations to be applied in any types of negotiations. Accordingly, this research project also examines categories of common situations or provisions found in trade and peace agreements and negotiations that mediators have – and could – develop to expand the interests and options to craft sustainable peace and trade agreements. Beside recommendations, the project offers the most comprehensive analysis of trade-

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<sup>2</sup> World Bank Group. (2023), Classification of fragile and Conflict-Affected situations available at <https://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations>.

related and peace-related provisions in peace and trade agreements found in the literature so far. The data is made available in the annexes thereto, and can serve as a basis for the drafting of more efficient trade and peace provisions in the future.

### **Overview of the structure**

In seeking and identifying the menu of trade and peace interests and options that could be used by negotiators and mediators, the project first explains the choice of methodology. It undertakes the challenge of reviewing and categorizing the hundreds of different trade and peace agreements. This includes reviewing the number of sources analysed and the *sui generis* character of many of these agreements. To enhance clarity, we define key terms such as trade and peace agreements, as well as trade and peace provisions. The methodology is applied to trade-related provisions in peace agreement and peace-related provisions in trade agreements. Relevant case studies are provided to illustrate subsequent findings.

In the final analysis, the results are relevant for expanding the interests and options for peace and trade negotiators. This includes categories of interests and options gleaned from the comparative analysis of the agreements reviewed as well as a more detailed examination of specific case-studies. We then provide trade and peace-related options and recommendations for negotiators and mediators, keeping in mind the important distinction between inter-state and intra-state conflicts. The report concludes by highlighting the main findings and how those offer options for overcoming or lessening the inherent challenges involved in crafting of sustainable trade and peace elements in both inter- and intra-state conflicts.

## **II. METHODOLOGY**

### **A. Definition of key terms**

An important starting point in the analysis is the definition of key terms. As the report makes use of extensive databases, it is crucial to understand what is included, and what is not. In the following sections, we indicate that peace and trade agreements benefit from overall scholarly accepted definitions. However, this is not the case for peace and trade-related *provisions* found in those agreements. Such provisions demand to be more substantively framed. In light of the particular mandate driving our analysis, we set out below what we understand as comprehensive and legitimate definitions of (a) peace agreements and trade-related provisions, and (b) trade agreements and peace-related provisions.

## a. Peace agreements and trade-related provisions

In the most general terms, peace agreements are instruments destined to end or prevent conflict (Quinn & Echavarría Alvarez, 2022). For the purposes of our analysis, we further contextualize this definition by taking into account three important aspects; first, the different types of peace agreements, second, the difference between inter-state and intra-state agreements and third, the issue of legal bindingness. As such, we adopt a wide definition of “peace agreement” including both inter and intra-state agreements. Within this definition, we also include the multiple types of peace agreements, such as pre-negotiation agreements, ceasefire agreements, substantive/framework agreements (both comprehensive and partial) as well as implementation and renegotiation agreements. In respect to the legal bindingness of the agreement, we adopt a practical approach that assesses the contribution of the agreement to long-lasting peace instead of a formalistic approach focusing on the legal character of the agreements under national or international law. We will follow a similar exercise in developing our definition of “trade-provisions”. To this end, we take into account the different aspects of trade norms as embodied in international treaties. Simultaneously, we identify other norms embodying economic or commercial considerations that could also have a positive effect on the trade and peace nexus. Finally, we provide an overview of the categories of provisions examined in our analysis.

### Defining “Peace Agreements”

In developing the appropriate definition of a “peace agreement” it is important to take into account that peace agreements come in all shapes and sizes. This is because peace negotiations and peacebuilding constitute an ad-hoc exercise thus making any agreement produced in this context unique. However, there are certain common patterns that can be of assistance when identifying the agreements relevant to our analysis.

### The type of agreement

There are multiple types of peace agreements which can be classified by different criteria. One such classification involves the purpose that the agreement seeks to achieve (Quinn & Echavarría Alvarez, 2022). Pre-negotiation agreements assist in building confidence between the parties and facilitate a negotiation process including defining principles and procedures governing the negotiation process (Bell, 2008). Ceasefire agreements regulate only the conditions for the cessation of hostilities and any relevant implementation modalities (Quinn & Echavarría Alvarez, 2022). Substantive or framework agreements seek to provide a framework addressing the root causes of the conflict (Bell, 2008). These agreements may either be comprehensive or partial depending on whether they address all issues relevant to the conflict or only part of them. Implementation agreements further define the

obligations undertaken through agreements concluded during previous stages by specifying more detailed steps to support a sustainable agreement (Bell, 2006). Finally, parties may even conclude renegotiation agreements, since the implementation of an agreement may often involve renegotiation of some or the majority of the parts of the agreements negotiated at a previous stage (Bell, 2006).

Another category of peace agreements is those involving intra-state conflicts. In particular, one crucially important type of intra-state agreement involves negotiations governing “constitutions.” Peace following an intra-state conflict cannot generally be sustainable unless there is an agreement on basic constitutional principles according to which the state shall be governed and which will underscore the road of the state to peace. In turn, framing an agreement in the form of a constitution, among others, constitutes one of the ways to provide it with legal status in the domestic legal order (Davies, 2021). Finally, while not constituting an “agreement” in a formal sense, Security Council Resolutions resolving a conflict have been classified as peace agreements as well in most databases, and are considered as an element of the peace process (Bell, 2006).

Given our task to broadly analyze and categorize different types of peace and trade agreements and provisions, we have adopted the broad definition that includes a wide variety of peace agreements. This is appropriate because different forms of peace agreements can provide unique insights regarding the inclusion of trade in the peace process. In view of the diversity of peace agreements and the content and purpose of each agreement, classification of each agreement to each distinct type creates significant challenges. Ultimately, we rely on the classification that has been accorded by the PA-X database to provide an accurate assessment and categorization of peace agreements.<sup>2</sup> For the very few agreements not included in the PA-X, we follow the criteria PA-X uses to classify the agreements therein and provide our own assessment. The PA-X database classifies agreements into 5 categories;

- Pre-negotiation agreements or agreements regulating the process for the negotiations, ceasefire and related agreements,
- Ceasefire and related agreements,
- Partial framework/substantive agreements,
- Comprehensive framework/substantive agreements, and

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<sup>2</sup> Bell, C., Badanjak, S., Beaujouan, J., Forster, R., Epple T., Jamar, A., McNicholl, K., Molloy, S., Nash, K., Pospisil, J., Wilson, R., Wise, L. (2023). PA-X Codebook, Version 7. Peace and Conflict Resolution Evidence Platform (PeaceRep), University of Edinburgh, Edinburgh. Available at <https://www.peaceagreements.org/>.

- Implementation or renegotiation agreements.

#### Peace Agreements: Intra-state v. inter-state

Another important consideration in the definition of “peace agreements” is the difference between inter-state and intra-state agreements and the decision to include intra-state agreements in our definition. A strict application of international law and specifically the Vienna Convention on the Law of Treaties, suggests that the notion of “agreement” would take into account only agreements between states, i.e. the ones falling under the definition of “treaties”. However, the reality is that most world conflicts involve intra-state – not inter-state – conflicts. The parties involved can include factional leaders or military organizations. In our view, our analysis would be incomplete if we did not take account of both intra- and inter-state agreements. This decision allows the capture of different insights regarding the trade and peace nexus in comparison to inter-state agreements. Indeed, intra-state conflicts typically have different significant causes, drivers and considerations to be addressed to achieve peace. Accordingly, our analysis examines both inter-state and intra-state agreements. We explain how those differences between the two are translated into different approaches as regards the inclusion of trade considerations in peace agreements.

#### Peace Agreements: are they legally binding?

The last aspect to be taken into consideration is the character of a peace agreement as a legally binding instrument. As explained in the previous section, inter-state peace agreements take the form of treaties between states. By contrast, intra-state agreements are entered into by the key national actors, such as liberation movements. While international treaties are binding under the Vienna Convention on the Law of Treaties or international customary law (Retter et al., 2021), it is questioned whether other types of peace agreements involving non-state actors, when not incorporated as part of a Security Council resolution, are binding as such. As a result, its legal categorization can be challenging, and their legal character in formal terms is often questioned.

However, any formalistic legal analysis in respect to the legally binding character of an agreement is of limited utility. The success of a peace agreement lies in its ability to lead to the cessation of conflict, to prevent its reoccurrence and most importantly, adequately address the key drivers of conflict in that specific case. Those drivers may well include unequal distribution of trade advantages, resource allocation, and other economic-related factors.

We accept the legitimacy of applying different approaches to assess the legal character of peace agreements. This includes focusing on the normative content of its provisions, its drafting precision and the delegation of the power to interpret and enforce the agreement to a third party (Bell, 2006). As a result, in the course of our analysis we do

not attribute any particular importance to the formal criteria of legal bindingness. Instead, we focus on the content of the provisions and their specificity by assessing whether they provide concrete solutions and measures for achieving peace or whether they are confined to commitments that are too general to bring about meaningful change.

### Defining “trade-related provisions”

The second important building block in our analysis is how to define and categorize “trade-related” provisions in peace agreements. This categorization is driven by the need to take into account how trade is featured in peace agreements. In this sense, we have adopted a broad definition of the term “trade” in the context of peace agreements featuring both a narrower and wider categorization of “trade.” Our analysis, thus, includes both traditional trade norms (“trade-specific”) and other trade-related elements, i.e. economic and commercial elements that could have a positive effect on trade.

Thus, at one end of the spectrum, trade encompasses traditional trade norms such as the rules of the WTO and any bilateral or regional trade agreements, which govern inter-state commerce. These include, among others, the free transit and flow of goods and services *between* states. However, similar rules are often included in intra-state agreements governing trade *within* the region of a nation state. In our analysis, we will, thus, indicate how these rules are applied at the intra-state level as well. In particular, under the scope of “trade-specific” provisions, we analyse provisions on:

- Freedom of movement of people, goods and capital,
- Equal or preferential treatment, non-discrimination and other trade related rights,
- Imports and exports,
- State aid and subsidies, and
- Non-expropriation.

On the other end of the spectrum, we have examined other trade-*related* provisions in intra-state agreements. We define trade-*related* provisions as the ones including economic or commercial considerations that may have a positive effect on trade. This could involve reforms in or regulation of specific sectors of the economy or of a state's legal framework at an intra-state level. Similarly, it could include the regulation of the relations of the parties to an inter-state agreement as regards those specific sectors of the economy or legal framework. This category thus includes provisions on:

- Economic Development,
- Developing Infrastructure,
- Natural resources and wealth sharing,



- Land Reform,
- Agriculture, and
- International Cooperation.

Accordingly, we first analyze in Section 3 trade-specific provisions. We also examine other trade-related provisions featuring economic and commercial considerations in a wider sense. Each of these categories is further divided into sub-categories that have been developed based on the above considerations and our review of peace agreements under which we classified each provision. The (sub-)categories do not seek to be exhaustive and are often overlapping and interrelated. This is attributed to a variety of reasons such as the diverse character of peace agreements in terms of rationale, issues addressed, writing and solutions proposed and the differences between inter-state and intra-state agreements. In sum, many issues in peace processes are inherently interrelated. The drivers of conflict can rarely be singled out from one another as they can reflect the economic, social and cultural reality of the states involved in the conflict. In view of the above observations, the categorization of provisions represents a key part of the methodology, requiring a systematic approach.

Indeed, we chose the appropriate category for each provision based on the primary issue addressed therein without considering less relevant secondary issues, since they would blur the categorization process. These considerations are nevertheless discussed in our analysis to highlight the fact that most issues in peace negotiations are interrelated and thus peacebuilding constitutes a holistic process. To identify the primary issue addressed in each provision, we considered the rationale of the parties. For example, taxation issues can be considered as issues pertaining to economic reform. However, in the case of the Sudanese conflict for example, issues of taxation and power sharing in respect to taxation among the various provinces have been included under the scope of wealth sharing because it is the primary intent of the parties. In these cases where there is clear rationale behind the inclusion of certain provisions in a certain category, we follow this rationale to classify each provision.

*Box 1 Scope of the type of trade-related provisions in peace agreements*

a. Provisions on traditional trade norms

**Provisions on freedom of movement of people, goods and capital**

Includes provisions referring to the freedom of movement of people, goods and capital including the movement of nomadic populations as well as to the freedom of residence and establishment.

**Provisions on equal treatment, preferential treatment and other trade-related rights**

Takes into account provisions referring to equality of treatment or other types of preferential treatment both in intra-state and inter-state context, as well as provisions that regulate the manner in which trade and entrepreneurship can be established and facilitated in the post-conflict context.

**Provisions on imports and exports**

Refers to the import and export regime either in the intra or in the inter-state context.

**Provisions on state aid and subsidies**

Includes provisions referring to the delivering of aid to certain groups and enterprises for the development of economic activities by the state.

**Provisions on non-expropriation**

This category includes provisions referring to the protection of property against expropriation or providing for the award of compensation in such cases.

b. Trade-related provisions

**Provisions on the promotion of economic development**

This broad category includes all provisions related to post-conflict development and specific actions needed to be taken to this end.

**Provisions on developing infrastructure**

Includes provisions referring to post-conflict reconstruction of damaged infrastructures as well as to new infrastructures aiming at improving the trading capacities of the state.

**Provisions on the exploitation of natural resources and wealth sharing**

Refers to the exploitation of natural resources such as oil, land and living resources, as well as to the sharing of the proceeds of the state among the population.

**Provisions on land reform**

This category includes provisions on land rights, reform of the land administration, protection for traditional land rights and community rights, as well as the creation of organizations in this respect.

**Provisions on agriculture**

Refers to the development of agriculture, including livestock and fisheries, as well as irrigating, the standardization of techniques and the preservation of arable lands.

**Provisions on international cooperation**

This broad category includes provisions on the regional and international cooperation among states in the trade sector as well as in the context of developing joint initiatives in general.

## b. Trade agreements and peace-related provisions

Both intra-state and inter-state conflict may jeopardize the stability of trade relations. Therefore, inclusion of peace-related provisions into trade agreements may enhance durability and resilience of such agreements. To set the scene, we need to define “trade agreements” and “peace-related provisions”.

### Defining “Trade Agreements”

As discussed above, we adopt both a traditional trade definition as well as a more expansive approach to defining “trade-related” provisions. We continue that bifurcated definitional approach in defining “trade agreements”. Therefore, for the purposes of this report, this term could encompass any agreements among states and/or non-state actors and regulating trade-related and economic-related relations. It may include, inter alia, regional trade agreements, preferential trade agreements, free trade agreements, customs unions, common markets as well as economic, and monetary unions. Since in our research we were relying on the WTO RTA database, all the agreements contained in it will be considered as “trade agreements”. To a very large extent, these WTO-database trade agreements are entered among states and regional economic organizations composed of states. Some of the agreements include partially recognized states, such as Palestine and Kosovo, as parties.

### Defining “peace-related provisions”

Defining such provisions in the context of a trade agreement is a complex exercise. On the one hand, such provisions could be defined narrowly to include only provisions directly concerning peace and security, such as security exceptions, military alliances, as well as political dialogue and regional cooperation on peace and security. This approach would correspond to the understanding of peace in a negative sense, meaning merely the absence of active hostilities. However, “negative peace” is not supposed to address other factors leading to violence in their complexity.

Alternatively, a broader definition of “positive peace” exists, comprising all the “attitudes, institutions and structures” that create and sustain peaceful societies based on such principles as systemic approach, conflict prevention and their peaceful resolution, resiliency and sustainable development (Institute for Economics & Peace, 2022). Accordingly, we sought a balance between “positive” and “negative” understandings of peace while defining “peace-related provisions” in trade agreements. We focused on provisions establishing conflict prevention, management and resolution systems, and particular mitigating factors contributing to violence, such as proliferation of weapons of mass destruction, terrorism, organized crime, and illegal financial flows fueling these security threats. We have also considered security

exceptions, given their popularity in trade agreements, close connection to national security, and rapidly increasing practical significance.

Consequently, we have included the following categories of provisions into the definition of “peace-related provisions” for the purposes of this research:

- Declaratory provisions calling for peace and security,
- Provisions on political dialogue and regional cooperation,
- Provisions on military alliances,
- Provisions on non-proliferation of weapons of mass destruction (WMD),
- Provisions on combating terrorism and other types of criminal activity,
- Security exceptions.

This definition does not include provisions supporting the rule of law, democracy and institutions, social security, food security, livelihoods security, and other aspects which may be especially relevant to intra-state conflict. Thus, it does not fully correspond to the existing understanding of peace in its “positive” sense. However, for the purpose of this study, we will consider only the categories of peace-related provisions outlined above. These are the most common in the current treaty practice within the analyzed regional scope and also have a direct reference to peace and security in their texts.

To sum up, definitions of peace agreements and trade agreements, as well as trade provisions, trade-related provisions and peace-related provisions used in this research are relatively broad. The aim of this approach is to increase the scope of the research by covering a wider variety of agreements and provisions, which demonstrate interlinkages between peace and trade.

### *Box 2 Scope of the type of peace-related provisions in trade agreements*

#### **Declaratory provisions calling for peace and security**

Includes provisions not imposing obligations on parties but reflecting their joint aspirations for peace and security in general or more particular aspects (e.g. the progress of a particular peace process). These provisions may be found in preamble, main text (articles devoted to objectives, or principles), or in the form of joint declarations of parties concerning particular articles.

#### **Provisions on political dialogue and regional cooperation**

These provisions contain parties' commitments on establishment of political dialogue and regional cooperation, and may specify further details on the aims, subject areas, scope, forms, frequency and other characteristics of such dialogue and cooperation, as well as its further development.

#### **Provisions on military alliances**

These provisions cover a range of commitments undertaken by parties on cooperation in the military area, including obligations to defend each other in case of an armed attack, to refrain from attacking each other, or to consult and cooperate on defense matters.

#### **Provisions on non-proliferation of weapons of mass destruction (WMD)**

Covers provisions confirming the parties' intention to comply with the existing commitments in the area of non-proliferation of weapons of mass destruction. This may be supplemented by commitments to expand the scope of existing obligations on non-proliferation of WMD by acceding to international instruments, as well as obligations on establishing effective systems of implementation of commitments in this area.

#### **Provisions on combating terrorism and other types of criminal activity**

This category includes obligations of the parties on combating a wide range of illegal activities, such as terrorism, money laundering and terrorism financing, illicit drugs, smuggling and trafficking in human beings, child sexual abuse and sexual exploitation, illegal immigration, corruption, organized crime and other types of illegal activities.

#### **Security exceptions**

This category mainly includes clauses under Art. XXI of the GATT 1994 providing for the lists of situations when parties are allowed to derogate from their treaty obligations for trade liberalization in order to protect national security interests. For the purposes of this report, we also included into this category some other provisions allowing parties to avoid implementing certain obligations under trade agreements, not connected with the provisions of Art. XXI of the GATT 1994.

## **B. Analysis: bird's eye view**

Our analysis of trade-related provisions in peace agreements and peace-related provisions in trade agreements starts by a comparative analysis (bird's eye view) of two databases: one on peace agreements and one on trade agreements. The following steps describe the methodology applied: (a) identify relevant agreements and provisions; (b) categorize such agreements and provisions; and (c) compute them in figures to discern patterns and trends.

## a. Identification and selection of agreements

### Peace agreements

There are several databases gathering peace agreements. Each has a different number of peace agreements and a different classification structure, both in terms of regional scope and inter-and intra-state character. Accordingly, for the purpose of this report, we have constructed our own database of trade-related peace agreements based on two major databases: the UN Peacemaker and the University of Edinburgh's PA-X (Version 7). The following table summarize the databases' differences.<sup>3</sup>

	UN PEACEMAKER	PA-X
<b>REGIONAL SCOPE</b>	Africa Asia and Pacific Europe Middle East and West Asia Americas	Africa (exclude Middle East and North Africa) Asia and Pacific Europe and Eurasia MENA (Middle East and North Africa) Americas Cross-regional
<b>CONFLICT TYPE/LEVEL</b>	Decolonisation Inter-state Intra-state Regional	Inter-state/inter-state conflict Inter-state/intra-state conflict(s) Intra-state/Intra-state conflict Intra-state/local conflict (UCDP defined conflict) Intra-state/local conflict (other)
<b>TIME PERIOD</b>	1897-2017	1990-2023

While PA-X is more commonly used among scholars, two main aspects led us to focus on the UN Peacemaker database. First PA-X is using a broader definition of peace agreements, including non-official documents such as communiqués, draft reports or press releases. The more official nature of documents within Peacemaker (also present in PA-X) makes the comparative analysis more coherent. Secondly, PA-X only contains agreements from the 1990s, thus leaving behind all the agreements that we might consider between 1945 and 1990. However, although all the agreements selected have been uploaded from Peacemaker, they were subjected to cross-checking with the other database. Finally, while both databases usually provide an English translation,

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<sup>3</sup> The Peace Accords Matrix from the University of Notre-Dame (available at: <https://peaceaccords.nd.edu>) focuses on implementation data of intra-state Comprehensive Peace Agreements (CPA). Although it takes into consideration the level of implementation of specific provisions, its scope is too narrow for the purpose of this study, thus the dataset has not been selected for sourcing and cross-checking.

some documents may still remain untranslated, thus, we also considered agreements in French, Spanish and Russian.

In selecting the peace agreements to examine, we conducted a manual screening of every agreement fitting the regional scope and time frame.<sup>4</sup> All agreements containing at least one provision pertaining to trade in a broader sense have been included in the final database. Since there is not a clear-cut definition of a trade-related provision, the validity of such provisions has been assessed manually by the authors. Additionally, and when possible, all agreements have been cross-checked with the PA-X database displaying a detailed coding structure of provisions, mentioning economic-related provisions as well. Surprisingly, no code directly related to trade has been computed by PA-X, and many of what we included as relevant trade-related provisions could be part of various different codes (ranging from economic power-sharing to natural resources or taxation). Finally, the list of relevant peace agreements has been uploaded in an excel sheet as well as their trade-related provisions, to enabled data analysis and discern trends and patterns.

### Trade agreements

In selecting trade agreements with peace elements, we focused on the World Trade Organization's Regional Trade Agreements Database (WTO RTA Database). The methodology to select relevant peace-related agreements is the same as for trade agreements, except that no cross-checking with other databases has been conducted, and that protocols to trade agreements have not been reviewed. All agreements fitting the time frame and regional scope have been manually screened. The WTO RTA database search tool has also been used to highlight relevant keywords, drawn from the literature, such as peace, conflict or security; terrorism, crime; as well as weapons, disarmament or proliferation. In the absence of a commonly accepted definition of peace-related provisions, the selection of such provisions for the purpose of this report remains the responsibility of the authors.

### b. Categorization of provisions in peace and trade agreements

An important element of our analysis is the identification of trends and patterns in respect to the inclusion of trade-related clauses in peace agreements and *vice versa*. To this end, we examined and isolated every trade-related provision in our dataset of peace agreements and peace-related provision in our dataset of trade agreements, and created figures to better present such trends and patterns. In this process, however, we have faced an important challenge. Not all agreements have a clear structure with

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<sup>4</sup> Some agreements that consisted only of a picture of the text were processed using the software ABBYY (Version 15.2.13) for Optical Character Recognition (OCR) in order to make the text readable.

numbers, chapters, distinct headings and divisions. This is especially true for intra-state peace agreements, which constituted the majority of the agreements examined. Even when the agreements had a certain structure, this challenge was further exacerbated by the fact that sometimes different topics were considered under the same heading. As a result, it was difficult to define what constitutes *one* provision instead of two provisions and so on and to develop accurate and reliable trends, patterns and statistics. For example, Article 3 of Chapter I of Protocol II of the Arusha Peace and Reconciliation Agreement for Burundi has 30 different subsections referring to different issues.

To overcome this challenge, we adopted a two-stages approach. To illustrate this, let us take the example of the Arusha Agreement referred to above. First, we isolate each part of the text that can be clearly identified as separate, for example Article 3 of Chapter I of Protocol II the Arusha Agreement. That would count as *one* provision. Then, we examine whether the entirety of this Article refers to the same topic, among those analysed in Sections A. a) and A. b) above. If so, the article is categorised as one provision. If not, we examine which of the subparagraphs refer to the same topic, for example the development of infrastructure. All those that do refer to the same topic will be classified as one provision. Accordingly, if there is also one sub-paragraph referring to a different topic, for example natural resources, it would count as one additional provision. Under rare circumstances, sub-paragraphs regulating two different topics will be classified as two provisions.<sup>5</sup> Finally, we classify each provision in the relevant categories.

### c. Patterns and trends

The selection of relevant peace and trade agreements as well as peace and trade-related provisions and their categorization allow for the computation of figures and visuals necessary to discern trends and patterns. We have merged tables of agreements with their provisions to form two complete datasets: one for peace agreements and trade-related provisions, and one for trade agreements and peace-related provisions. These datasets allow in turn for the computation of graphs, tables and other figures putting in relation the number of provisions and their categories with their respective agreements - or countries part of them - and to display it on a yearly

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<sup>5</sup> See for example sub-paragraph 45 of the Dar-Es Salam Declaration stating “45. Promote regional cooperation in trade, monetary policies, energy, transport, tourism, culture, environment, Information and Communication Technologies, as well as in telecommunications, with an emphasis on railways, oil pipelines, submarine cables and optic fibre network interconnections”, which has been divided into 2 provisions, with the first part classified under the category “International Cooperation” and the second part classified under “Infrastructure”.



basis or on a country map. General trends, extreme values, and repetitive patterns are the quantitative expression of trade in peace and peace in trade on a normative level.

### C. Project interviews

Finally, this project has been complemented by interviews with experts on peace and trade negotiations held after the collection of the data. These interviews aim at putting the results from the bird's eye view into context and to discuss the relevance of such findings for trade and peace negotiators and mediators in order to provide effective recommendations. Participants were selected upon their expertise on trade and peace negotiation processes and their prior knowledge on the trade-peace nexus. Prof. Lisa Dicker from Harvard Law School, Prof. Maurice Enguélégué from the International Institute for Democracy and Electoral Assistance (International IDEA) and Dr. Paul Williams from the Public International Law & Policy Group accepted the request. Interviews were conducted online, and questions were primarily based on the results of the data analysis, and intentionally kept open-ended. The interview with Prof. Dicker focused mainly on the Sudanese conflicts and the use of trade-related provisions in subsequent agreements, while the one with Prof. Enguélégué tackled the question of African trade integration and the inclusion of peace-related provisions.<sup>6</sup> Finally, Dr. Williams mainly focused on the role of natural resources and wealth sharing in peacemaking as well as on the knock-over effects of peace agreements on other international obligations undertaken by states.

## III. TRADE-RELATED PROVISIONS IN PEACE AGREEMENTS AND NEGOTIATIONS

The present chapter seeks to identify and analyze several basic categories of trade or trade/economic related provisions that are found in many peace agreements. In this respect, we aim to examine each provision based on the following considerations:

- the language used,
- the structure and content of obligations for the parties, and
- the nature of the parties (states or non-state actors).

Our focus is to identify and categorize tangible trends, patterns and conclusions that can be derived by the examination of the instrument alone. The ultimate goal of this analysis is to identify, with the aid of specific case studies and the examination of secondary literature on the matter, trends in the use of particular provisions and, if possible, reasons for including such provisions.

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<sup>6</sup> Throughout the research process, adherence to the TradeLab and IHEID ethical guidelines were maintained to guarantee participant's confidentiality and uphold data privacy. Necessary approval and prior consent were obtained from the participants before conducting the interviews.

As regards the case studies examined, we further focus on their application from the negotiation to the implementation stages by taking into account, to the extent possible the following:

- the roles of the actors involved,
- the character of coordination among them,
- the level of sustainment or implementation of measures proposed (or reasons for their failure),
- the extent to which the provisions addressed the root causes of conflict, whether economic, cultural or political, and
- the needs and perspectives of victims and marginalized groups.

#### **A. Trends overview**

This part aims at reviewing the dataset on trade-related provisions in peace agreements and to understand which trends and patterns are emerging over the years. This overview is intended to identify which trade-related topics and instruments feature in peace agreements, and to describe approaches to drafting these provisions.

Among the 437 peace agreements screened, we selected 168 peace agreements containing 1031 trade-related provisions (including 278 trade-specific provisions and 753 other trade-related provisions).

Figure 2<sup>7</sup> shows the evolution of the number and type of trade-related provisions within the selected peace agreements over the years. Blank years do not necessarily represent an absence of agreement but an absence of trade-related peace agreement. Additionally, a high (low) number of provisions per year may be due to a high (or low) number of agreements signed this year and/or a high (low) number of trade-related provisions within peace agreements.

Overall, we can see that trade-related provisions were very scarce in peace agreements before the 1990s. The two main exceptions are the 1962 inter-state Algeria-France ceasefire agreement<sup>8</sup> and the 1972 intra-state Sudanese agreement<sup>9</sup> featuring ten types of trade-related provisions each. Their number suddenly increased in the mid-

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<sup>7</sup> The following figures display the absolute number of trade-related provisions per year and not their relative number as only selected peace agreements were computed in Excel, and not the list of all agreements reviewed. This choice of method is justified by the fact that not all peace agreements were analyzed but only those signed within our regional scope (this is also valid for trade agreements). Additionally, the data on peace agreements stops in 2017 because later agreements were not featured in the UN Peacemaker database.

<sup>8</sup> Accord de cessez-le-feu en Algérie et déclarations gouvernementales du 19 mars relatives à l'Algérie (Accords d'Evian)

<sup>9</sup> The Addis Ababa Agreement on the Problem of South Sudan

1990s, displaying a high variability over the years. The number of provisions peaked in 2006 with 105 trade-related provisions (over 7 peace agreements), for which more than half can be attributed to the intra-state Darfur Peace Agreement and Eastern Sudan Peace Agreement. However, the year with the highest number of types of trade-related provisions is 1994 with 19 different categories featured in 10 agreements in Africa and Middle East.

The most consistent type of provision is 'Economic Development', appearing almost every year, followed closely by 'Economic Reform' and 'Freedom of Movement'. While the consistency of the two first can be explained by their very large scope and applicability, the later appears to be the most common trade-specific provisions, as it often set the basis for further economic cooperation. Some years display a particularly high number of specific provisions, such as 'Wealth Sharing' in 2005<sup>10</sup> (29 provisions) and 'Natural Resources' in 2012<sup>11</sup> (33 provisions).

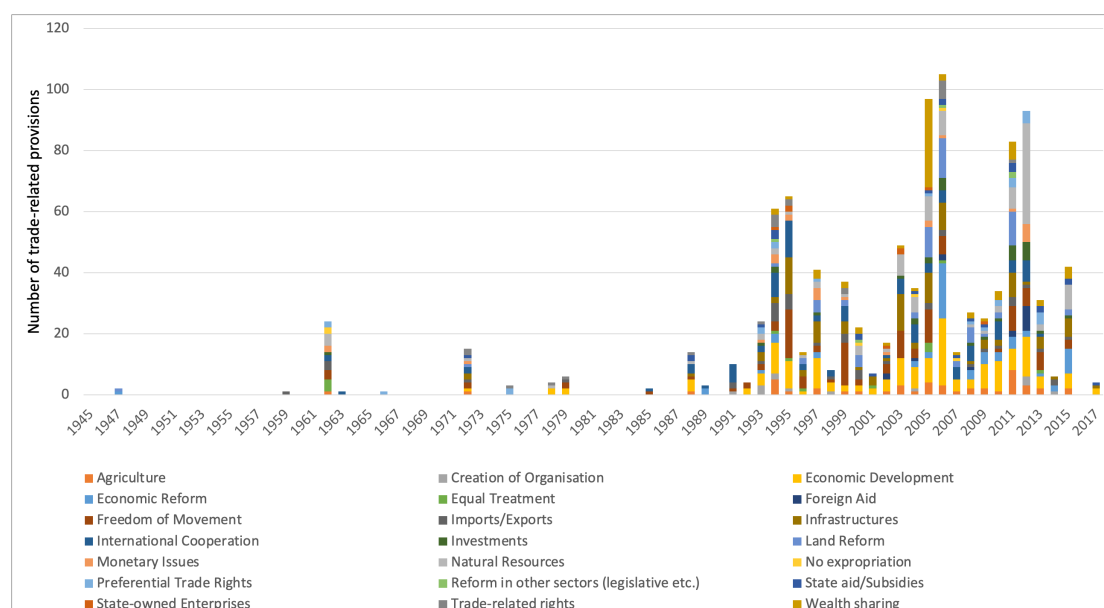
Overall, we can see that trade-related provisions are more featured in peace agreements over the years, but are still subject to annual variability. There are no clear patterns regarding the types of provisions which are quite diverse, except that some are more consistent over the years such as 'Economic Development', 'Freedom of Movement', 'Natural Resources', 'Infrastructure' and 'International Cooperation'. This is not surprising since these provisions are the broadest in scope, making their integration into peace agreements easier. Moreover, a high number of provisions of the same type within a year is more likely to be the result of one or two agreements (often from the same region/countries), while the opposite is not true.

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<sup>10</sup> Mainly due to the intra-state Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (featuring 25 provisions on 'Wealth Sharing').

<sup>11</sup> Mainly due to the inter-state Agreement between the Government of the Republic of South Sudan and the Government of the Republic of the Sudan on Oil and Related Economic Matters (featuring 29 provisions on 'Natural Resources').

Figure 2 Evolution of trade-related provisions in peace agreements per type of provision per year



Source: the authors

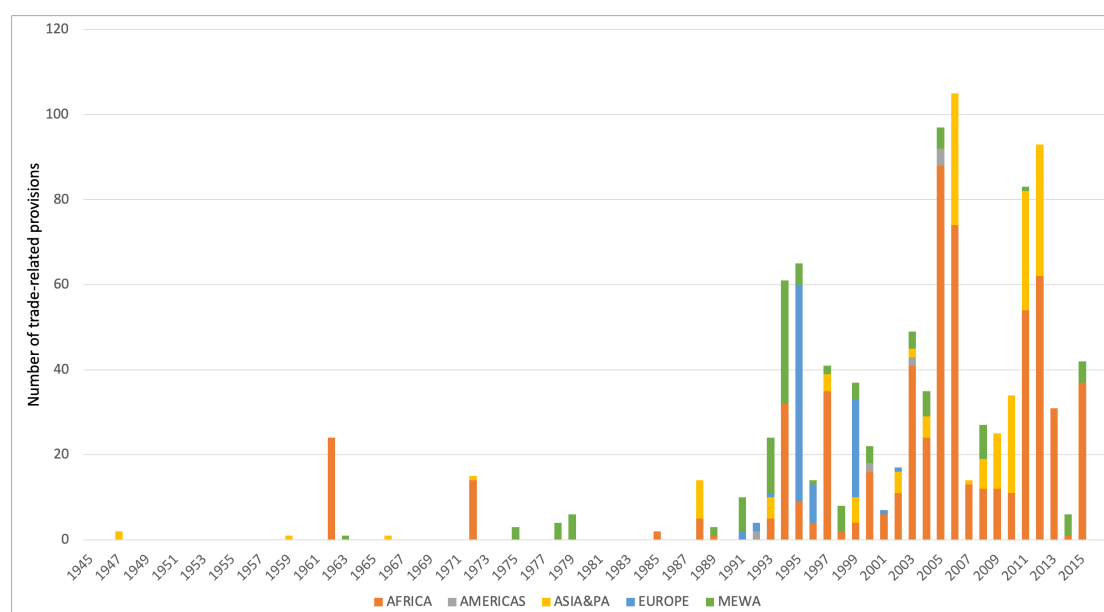
We also examined the data geographically. Africa is the most conflict-ridden continent. Thus, it is not surprising to see that most trade-related provisions come from African peace agreements (Figure 3), with the two peaks in 2005-2006 and 2011-2012 being largely attributed to the Sudanese intra-state and later inter-state conflicts. Trade-related provisions in Middle East and West Africa (MEWA) are more spread out over the years, although almost 70% of them are featured in peace agreements involving Israel, with a peak in 1994 referring to the failed Oslo Accords and the Cairo Agreement between Israel and the Occupied Palestinian Territory, as well as the Treaty of Peace between Israel and Jordan. The peaks in 2005-2006 and 2011-2012 also display the highest number of trade-related provisions in Asia and Pacific, more precisely Central Asia, as they refer to eight intra-state agreements on Afghanistan.<sup>12</sup> Trade-related provisions in European peace agreements are also very clustered in the 1990s as they

<sup>12</sup> The eight agreements are the following: the 2006 Afghanistan Compact Building On Success (London Conference), the 2009 Declaration of the Special Conference on Afghanistan Convened under the Auspices of the Shanghai Cooperation Organization (Moscow Declaration), the 2009 Statement of the International Conference on Afghanistan (Hague Conference), the 2010 Communiqué of the Conference on Afghan Leadership, Regional Cooperation, International Partnership (London Conference), the 2010 Renewed Commitment by the Afghan Government to the Afghan People and the International Community to Afghanistan (Kabul Conference), the 2011 Conclusions of the Conference on Afghanistan and the International Community: From Transition to the Transformation Decade (Bonn Conference), the 2011 Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, and the 2012 Tokyo Declaration Partnership for Self-Reliance in Afghanistan from Transition to Transformation (Tokyo Conference).

span from 1991 to 2002, with a peak in 1995 due to the General Framework Agreement for Peace in Bosnia and Herzegovina.

In terms of the average number of provisions per agreement per region, unsurprisingly, Africa is the continent using the most trade-related provisions (7,37 provisions per agreement on average), closely followed by Asia and Pacific (6,03), Europe (5,29), the Middle East (3,93) and the Americas (2). However, in terms of the diversity of types of provisions per region (Annex 2), since these last four regions display also a much lower number of peace agreements than Africa, then their diversity ratio is also much higher than in Africa. This is mainly due to agreements related to specific countries in each of these regions, respectively Afghanistan, Israel and Bosnia and Herzegovina. Indeed, although we may see some regional patterns, it is more accurate to talk about national ones, as the patterns in trade-related provisions are mostly the result of some specific countries rather than entire regions. This can be best visualized in the country map of the number of trade-related provisions available in Annex 3.

Figure 3 Evolution of trade-related provisions in peace agreements per region per year



Source: the authors

Additionally, we can see a correlation between the category of peace agreements (whether they are intra-state or inter-state) and the category of provisions (whether they trade-specific or simply trade-related). Indeed, it seems that trade-specific provisions follow quite the same trend over the years as inter-state agreements in terms of number of provisions (see Annex 4 and Annex 5), and vice-versa for other trade-related provisions and intra-state agreements. This may be because inter-state agreements are more likely to address trade matters in their most formal definition (namely exchange of good and services between sovereign states), as illustrated by the

1962 Algeria-France Ceasefire Agreement which is one of the few agreements using more trade-specific provisions than other trade-related ones.

Finally, we also observe a correlation between the number of trade-related provisions per year and the *stage* of the peace agreements, as the years with the highest number of trade-related provisions are often the ones where the most comprehensive peace agreements are signed ('SubComp', see Annex 6). This is not surprising as comprehensive agreements are often longer and cover a wide array of issues (including trade-related issues). Implementation agreements ('Imp') tend to be more clustered towards the 2000s as they often emerge at the end of peace processes. The mere presence of ceasefire agreements can be explained by the fact that these agreements do not feature many trade-related provisions since they focus on the cessation of hostile activities first. Trade-related provisions tend to emerge in later agreements, which often dedicate entire protocols to economic matters, such as the Agreement on the Gaza Strip and the Jericho Area (Cairo Agreement) and its Annex IV on Economic Relations.

## **B. Analysis of trade-specific and trade-related provisions in peace agreements**

### **a. Trade-specific provisions**

#### **Provisions on the freedom of movement of persons and goods**

Provisions on freedom of movement are of primary importance in the context of trade relations, especially in post-conflict situations. Conflict may impede the normal course of trade due to closed borders, boycotting of products and other barriers to trade, cutting transit routes and safety concerns. From a military point of view, freedom of movement of persons and goods suggests the cessation of hostilities and return to peace conditions. As a result, establishing freedom of movement not only constitutes a first step towards achieving peace and stability, but also a precondition for engaging in trade relations.

From the viewpoint of peace, achieving freedom of movement, especially for persons and goods, constitutes a tangible indication that hostilities have indeed ended. In this sense, freedom of movement is commonly featured as a part of Ceasefire Agreements. Several agreements even provide for a verification mechanism for this purpose by an international organization, such as the UN or one of its agencies or for specific crossing points.<sup>13</sup> In this light, the existence of freedom of movement often constitutes a pre-

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<sup>13</sup> For examples of verification mechanisms see Art. 7 of the Agreement on the Demilitarization of Srebrenica. For agreements specifying crossing points see Art. 3 of the Agreement between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad concerning the practical modalities

condition for holding the first free elections following cessation of hostilities in intra-state agreements.<sup>14</sup> The importance of freedom of movement is further highlighted by the fact that state or non-state actors concluding peace agreements often consider freedom of movement as a human right and provide that it must be guaranteed under law.<sup>15</sup>

In most cases, freedom of movement provisions refer to persons and goods and are formed in a general manner without specifying the function of persons they cover or the type of goods. According to Dr. Paul Williams, such provisions mostly cover humanitarian personnel and goods (Dr. P. Williams project interview, 12 February 2024). However, being general they could also cover commercial goods and movement of persons for commercial purposes, thus facilitating both instances of trade in goods and trade in services. To provide further certainty, states could even specify that freedom of movement provisions cover commercial goods as well, if they so desire (Dr. P. Williams, project interview, 12 February 2024). Several agreements have already adopted this approach.<sup>16</sup>

Moreover, depending on the treaty in question, freedom of movement provisions have different formulations and content. In the case for intra-state conflicts, such provisions allow for persons and goods to freely move within the country. In the case of inter-state conflicts, the parties to the agreement often use such provisions to reverse former boycotting practices and other barriers to trade.<sup>17</sup> In other cases, freedom of movement of persons and goods is accompanied by other rights such as freedom of residence and establishment, freedom of capital transfers, navigation and aerial transfer. Such provisions are more common in inter-state agreements in which freedom of movement provisions allow movement through international borders; however, this is not absolute. Although less common, freedom of residence and capital transfers are also featured in intra-state agreements. In that context, freedom of residence allows nationals of the state to reside wherever in the country they wish without considering possible hostilities from opposing parties in the conflict. Freedom of capital transfers was also of relevance in newly established federal states such as

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for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994.

<sup>14</sup> See for example Art. I (1) (a) of Chapter 3 of the Rambouillet Accords-Interim Agreement for Peace and Self-Government in Kosovo.

<sup>15</sup> See for example Art. 14 of the Draft Constitutional Charter For the Transitional Stage-The Constitutional Declaration and Resolution 22 of the Final Act of the Intercongolese Political Negotiations.

<sup>16</sup> See for example Art. 1(c) of the Uganda Peace Talks Agreement for the Restoration of Peace to the Sovereign State of The Republic of Uganda and Art. 8 of the Protocol Concerning Safe Passage between the West Bank and the Gaza Strip.

<sup>17</sup> See for example Art. III (3) of the Peace Treaty Between the State of Israel and the Arab Republic of Egypt.

Bosnia and Herzegovina where capital transfers could be impeded between parts of the federation.

Finally, freedom of movement can be of essence in the case of nomadic populations following traditional nomadic routes. For example, the 2006 Darfur Peace Agreement provided for the protection and mapping of such routes so as to safeguard traditional forms of living that may have been impeded during the conflict.<sup>18</sup>

#### Provisions on equal or preferential treatment, non-discrimination, and other trade-related rights

Provisions on equal treatment (prohibiting discrimination) or ensuring preferential treatment as well as those on trade-related rights are of primary importance in the process of post-conflict reconstruction and economic recovery. As such, equality of treatment or a certain preferential regime may constitute avenues to facilitate trade or entrepreneurship in general both at an inter-state context and at an intra-state context. To this extent, other provisions regulate the modalities for the promotion of trade and private entrepreneurial initiative in the post-conflict stage.

In the inter-state context, equal or preferential treatment provisions (non-discrimination provisions) have been used to establish and regulate trade relations between two states. A prime example in this respect are the 1962 Evian Accords between Algeria and France, which provide for the equal treatment between French and Algerian companies, goods and citizens. In this sense, provisions according equal or preferential treatment may establish preferential trade regimes. For example, in peace agreements from the Middle East, such as in the 1975 Agreement concerning the Rules Governing Navigation on the Shatt al'Arab between Iraq and Iran, the parties provided for preferential treatment regarding tariffs while the parties to the 1994 Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan provided for the cessation of all discriminatory barriers to trade. Similarly, agreements often provide for the conclusion of future treaties on the establishment of preferential transit, import or trade regime in general or are expressed in even more general terms providing for regional or international trade cooperation.

In the intra-state context, such provisions allow for the equal treatment of people of the state in question, in fact preventing discrimination among citizens of different provinces. Even provisions referring to the obligation of according equality of treatment in a human rights context may contribute in this respect, however, on some instances, provisions specify that equal treatment must be accorded as regards

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<sup>18</sup> See for example paras. 287-289 of the Darfur Peace Agreement.



participation in the economic life.<sup>19</sup> Simultaneously, other agreements include provisions on the freedom of free enterprise, thereby safeguarding the right of citizens to engage in economic activity and by extent to trade<sup>20</sup> or on even more specific matters such as access to public financing for business development or access to markets.<sup>21</sup> Finally, agreements may also refer to giving priority to specific investment or local companies in specific contexts.<sup>22</sup>

#### Provisions on imports and exports

Provisions related to imports or exports are often written explicitly in agreements. However, such provisions are also implicitly referred to through the managing of customs unions. As such, especially in the inter-state context, such provisions are closely related to the above sections providing for freedom of movement and preferential trade regimes. For example, the 1995 Interim Accord between North Macedonia and Greece provides for joint efforts of the parties to improve and accelerate customs and border formalities.<sup>23</sup> Similarly, Sudan and South Sudan, in their 2012 agreement on Border Issues, resolved in similar terms to facilitate trade by establishing customs and crossing points while also safeguarding border communities by allowing tax-free trade between them.<sup>24</sup>

Other agreements such as the 1995 International Border Treaty between the Republic of Yemen and the Kingdom of Saudi Arabia contain even more specific provisions allowing restrictions in the import and export of livestock in case of diseases.<sup>25</sup> Moreover, considering that Security Council Resolutions are also included under the ambit of "peace agreements", an important instance is that of the 1991 Security Council Resolution 687: Iraq-Kuwait which, in the case of an already existing prohibition against the import of commodities, provided for an exception for foodstuffs.<sup>26</sup> Another important aspect is that of agreements providing for the regulation of trafficking of

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<sup>19</sup> See for example Art. 13 of Burundi's Constitution of 2005.

<sup>20</sup> See for example, Art. 9 of the Convention on Governance of 10 September 1994 between the forces of democratic change and the political parties of the opposition agreed in Burundi.

<sup>21</sup> See Art. 4.1 of the Framework Agreement agreed in North Macedonia and para. 97 (h) of the Darfur Peace Agreement.

<sup>22</sup> See for example, Commission III-Point 2-Art. 3 of the Accords de Paris concluded in Gabon.

<sup>23</sup> See Art. 19 (2) of the Interim Accord between Greece and the Former Yugoslav Republic of Macedonia.

<sup>24</sup> See for example Art. 26 (1) and (4) of the Agreement between the Republic of the Sudan and the Republic of South Sudan on Border Issues.

<sup>25</sup> See Art. 4 of Annex IV of the International Border Treaty between the Republic of Yemen and the Kingdom of Saudi Arabia.

<sup>26</sup> See para. 22 of the 1991 Security Council Resolution 687: Iraq-Kuwait.

illicit commodities, a topic quite recurrent in inter-state agreements between neighboring countries, such as Sudan and South Sudan.<sup>27</sup>

In the context of intra-state agreements, provisions on imports and exports appear in various forms. First of all, agreements focus on exports and their diversification and, as such, to trade, both national and international, as an avenue for economic recovery.<sup>28</sup> Similar considerations can be made for imports not only because customs duties constitute a source of revenue for the state<sup>29</sup> but also, in the context of opening the state economy to the international markets.<sup>30</sup> Another aspect is the regulation of illegal imports and exports, prime examples of which include safeguarding against trafficking of cultural and historical heritage appearing in the 2006 Eastern Sudan Peace Agreement as well as combating deliveries of precursors for drug production appearing in the 2010 Kabul Conference Communique for Afghanistan.<sup>31</sup>

### Provisions on state aid/subsidies

Provisions on state aid and subsidies have been mostly found in intra-state agreements and few regional inter-state agreements in Africa. These provisions often refer to an increase in investments for domestic companies or the provision of incentives or grants to create new jobs and enterprises, to promote professional formations or achieve post-conflict reconstruction. As such, it is a category of provision destined to reinforce domestic economies on a large scale. In this sense, several agreements simply include commitments to pursue such objectives<sup>32</sup> while others provide specifically for the creation of development funds,<sup>33</sup> the development of micro-finance schemes,<sup>34</sup> the provision of tax breaks<sup>35</sup> or even the provision of tools for agricultural works.<sup>36</sup> An exception to the aforementioned approach is the 1994 Agreement on the Gaza Strip

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<sup>27</sup> See for example Art. 26 (2) of the Agreement between the Republic of the Sudan and the Republic of South Sudan on Border Issues.

<sup>28</sup> See for example section F. (3) of the Protocol of Agreement on Power-sharing within the Framework of a Broad-based Transitional Government between the Government of the Republic of Rwanda And the Rwandese Patriotic Front and para. 114 of the Doha Document For Peace In Darfur (DDPD).

<sup>29</sup> See for example Annex II of the Afghanistan Compact Building On Success (London Conference).

<sup>30</sup> See for example Art. 3 of the Peace and National Partnership Agreement concluded in Yemen.

<sup>31</sup> See para. 49 of the Eastern Sudan Peace Agreement and para. 26 of the Renewed Commitment by the Afghan Government to the Afghan People and the International Community to Afghanistan (Kabul Conference).

<sup>32</sup> See for example Commission III, Point 2 (3) of the Accords de Paris concluded in Gabon.

<sup>33</sup> See for example Art. 7 of Chapter IV of the Agreement on the Resolution of the Conflict in the Republic of South Sudan.

<sup>34</sup> See for example para. 48 of the Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

<sup>35</sup> See section C. Art. 3 of the Peace Agreement between the Ugandan Government and the Uganda People's Democratic Movement (Pece Agreement).

<sup>36</sup> See for example Art. 3 of the Entente de Sant'Egidio-Accord Politique pour la Paix en Republique Centrafricaine.

and the Jericho Area (Cairo Agreement) and Annex IV on Economic Relations between Israel and Palestine which specifically provides for a formal prohibition on subsidies to sales in trade between the two sides, including tax breaks and any other type of benefit.<sup>37</sup>

#### Provisions on non-expropriation

Non-expropriation provisions are of primary importance both in the context of foreign investment but also in the context of local investment. Under such provisions the state may not expropriate land or personal property in general unless it provides fair and equitable compensation. Such provisions were mostly found in the context of agreements in Africa such as the 1962 Accords Evian between Algeria and France in the inter-state context and the 2000 Arusha Peace and Reconciliation Agreement for Burundi in the intra-state context.<sup>38</sup>

### b. Trade-related provisions

#### Provisions on the promotion of economic development

The first category of trade-related provisions to be examined is that of provisions regarding the promotion of economic development. Such provisions constitute a key consideration included in many peace agreements, especially intra-state. Their inclusion reflects the interdependency of trade and economic development. Economies flourish through trade but can do so effectively only if their economy or specific sectors of their economy have been adequately developed. This is especially true for states emerging out of conflict, in which the effects of war have been devastating to the economy.

The clash between conflict and development is evident in the provisions examined as well. The need to promote economic development often serves as a preambular clause to highlight the contribution of conflict to the increase of poverty and its severe impact on development or to identify economic development as a prerequisite to achieving peace (Wennmann, 2009). Although preambular clauses do not have a specific normative effect, they do provide insight to the reasons that led the parties to negotiating table in the first place, and thus serve as principles underscoring the agreement of the parties.

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<sup>37</sup> Annex IV, Art. IX (2) (c) of the Agreement on the Gaza Strip and the Jericho Area (Cairo Agreement) and Annex IV on Economic Relations.

<sup>38</sup> See for example Déclaration des Garanties ; Chapitre II, Art. 12 of the Accord de cessez-le-feu en Algérie et déclarations gouvernementales du 19 mars relatives à l'Algérie (Accords d'Évian) and Art. 3 (19) of the Arusha Peace and Reconciliation Agreement For Burundi.

In other instances, economic development is featured as part of more precise provisions aiming to provide an introduction to the specific measures adopted in the peace process that could facilitate trade. Such measures, many of which will be further analyzed in the following categories, could include for example the promotion of specific economic development or investment promotion programs, economic reforms and the introduction of subsidies to develop a specific sector.

Similarly, in some agreements, economic development is further defined and/or accompanied by other objectives. For example, Burundi's 2005 Constitution states that “[t]he State has the obligation to favor the development of the country, in particular the rural development” while the 1998 National Reconciliation Pact concluded in the Central African Republic highlights that “the parties signatory to this Pact undertake to [...]support the State in its quest for ways and means of restoring a sound national economy and equitably distributing resources [...]”.<sup>39</sup>

#### Provisions on developing infrastructure

Development of infrastructure is also of primary importance in the peacemaking process and a precondition for engaging in trade. It is particularly relevant with regard to intra-state conflicts in which economic development through trade is sought explicitly or implicitly as one of the goals of the peace process. This is because conflict often leads to the destruction of existing infrastructure, prevents the development of infrastructure where there was none, and its modernization in cases of outdated infrastructure. However, nowadays, infrastructure such as transportation networks, communication channels and energy infrastructure constitute a precondition for mutually beneficial trade. In their absence, trade, both national and international would be unprofitable if not unattainable. Trading partners could be reluctant in engaging in precarious situations that would increase operational and insurance costs, while making it difficult for goods to reach specific parts of the country.

The above considerations are reflected in peace agreements as well. In some cases, development of infrastructure is included as one of the goals of the peace process and linked together with the goal of achieving economic development while also emphasizing the detrimental effects of conflict to existing infrastructure. In order to overcome this, the 2003 Final Act of the Inter-Congolese Political Negotiations provided for the creation of a commission that would assess the status of existing infrastructure, the damage thereto and any potential liability in this context.<sup>40</sup> Further to that, it even stressed the need of investment programs for the development of new or the

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<sup>39</sup> See Art. 56 of 2005 Burundi's Constitution and Art. 4 of the 1998 National Reconciliation Pact.

<sup>40</sup> See Annex I, 21. Resolution No: DIC/CEF/03 of the Final Act of the Inter-Congolese Political Negotiations.

rehabilitation of existing infrastructure. This link between the development of infrastructure and international investment is also evident in the 1999 Rambouillet Accords, which allowed for the conclusion of international contracts for infrastructure purposes.<sup>41</sup> It is thus evident that the development or rehabilitation of infrastructure is also an opportunity for trade *lato sensu*, allowing for the establishment and operation of foreign companies in a state, something that could lead to further cooperation.

## Provisions on the exploitation of natural resources and wealth sharing

### i. Natural Resources

Natural resources and their exploitation are one of the most important factors in the context of a peace process. This term usually encompasses fossil fuels, mineral resources and other resources such as diamonds. However, in certain cases it also includes land, water resources and livestock, fisheries and animals in general. Natural resources constitute a source of wealth for citizens of a state, something which is of particular significance for conflict emerging states. In this sense, natural resources can be considered as a means for the economic development of the state and its people.

For example, the 1995 peace agreement between the government of Niger and the Organization of Armed Resistance calls for the development and diversification of the mining industry and considers this industry as a source of employment.<sup>42</sup> To this end, it even provides that local communities residing near the mining facilities will have priority in securing a position over other people.<sup>43</sup> Similarly, the 2003 Final Act of the Inter-Congolese Political Negotiations explicitly acknowledges the “economic potential of the country due to its wealth in various natural resources” while the 2004 Transitional Federal Charter for the Somali Republic indicates that natural resources constitute public property which shall be exploited for the common good.<sup>44</sup>

However, the wealth of a state in natural resources acts like a double-edged sword, especially in the context intra-state conflicts. As such, control over those natural resources may constitute a key driver of conflict, as was recognized in the 2012 Nakuru County Peace Accord concluded in Kenya.<sup>45</sup> In other instances, such resources are often exploited in an illegal manner through contracts with high-level officials or movement leaders, the revenues of which are used to fund participation in the conflict. This can

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<sup>41</sup> See Art. 1(7) of Chapter 4 of the Rambouillet Accords-Interim Agreement for Peace and Self-Government in Kosovo.

<sup>42</sup> See Art. 22(B) of the Accord établissant une paix définitive entre Le Gouvernement de la République du Niger et l’Organisation de la Résistance Armée (ORA).

<sup>43</sup> *Id.*

<sup>44</sup> See Annex I, 21. Resolution No: DIC/CHSC/01 of the Final Act of the Inter-Congolese Political Negotiations; Art. 67(1) of the Transitional Federal Charter of the Somali Republic.

<sup>45</sup> See Art. 2(a) of the Nakuru County Peace Accord.

lead to the mismanagement of those resources and the prevention of their use to the benefit of the state.<sup>46</sup>

For example, this was the case in the Democratic Republic of the Congo (DRC). To alleviate those effects, the parties to the 2003 Final Act of the Inter-Congolese Political Negotiations have agreed on the creation of a commission competent to scrutinize all existing contracts, assess them based on agreed principles and accept or reject them.<sup>47</sup> Furthermore, the Commission would have to create a contract catalogue to ensure the existence of transparency in the management of natural resources.

This aspect leads to another important component prevalent in peace agreements, which is the existence of transparency, good governance and rational use in respect to natural resources. Besides the aforementioned reference in the 2003 Final Act, the 2015 Republican Pact for Peace, National Reconciliation and Reconstruction in the Central African Republic calls for transparency in the use of natural resources and for the review of cooperation frameworks to this end.<sup>48</sup> Moreover, the 2000 Arusha Peace Accord concluded in Burundi calls for the sustainable use of natural resources while in the 2015 Areas of Agreement on the Establishment of the Transitional Government of National Unity (TGONU) in the Republic of South Sudan prudent and transparent management was considered as a means towards effective exploitation of natural resources to the benefit of the people.<sup>49</sup> Some agreements even point to international practice in respect to natural resources matters. In this sense, the 2012 Sudan-South Sudan Agreement on Oil Matters provides that the parties will act according to international practice as regards oil related operations.<sup>50</sup>

Finally, at the inter-state level and depending on the needs of each region, peace agreements can deal with natural resources either at a more general level or at a highly specific level. For example, the 2012 Sudan-South Sudan Agreement on Oil Matters is a thorough agreement on oil sharing between Sudan and South Sudan, which is similar on terms of language and structure to a contract on the provision of oil covering the

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<sup>46</sup> See for example Annex I, 20. Resolution No: DIC/CEF/05 of the the Final Act of the Inter-Congolese Political Negotiations.

<sup>47</sup> See Annex 1, 19. Resolution No: ICD/CEF/04 of the Final Act of the Inter-Congolese Political Negotiations. For a similar approach see Chapter IV., Art. 4.1 of the Agreement on the Resolution of the Conflict in the Republic of South Sudan.

<sup>48</sup> See the Republican Pact for Peace, National Reconciliation and Reconstruction in the Central African Republic.

<sup>49</sup> See Art. 3(18) of the Arusha Peace and Reconciliation Agreement for Burundi and Art. 2(f) of the Areas of Agreement on the Establishment of the Transitional Government of National Unity (TGONU) in the Republic of South Sudan.

<sup>50</sup> See the preamble of the Agreement between the Government of the Republic of South Sudan and the Government of the Republic of the Sudan on Oil and Related Economic Matters.

timing of transfers, payments, metering, transit costs and other issues in a detailed manner. Similarly, the 2000 International Border Treaty between the Republic of Yemen and the Kingdom of Saudi Arabia provides that the parties will proceed to negotiations in case natural resources are discovered on the border line.<sup>51</sup> On the other hand, the agreements concluded in the Great Lakes Region deal with natural resources in a more general manner seeking to establish regional cooperation in the resources sector by fostering joint exploitation and good governance. In this sense, the 2004 Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region provides for the creation of a regional body on illicit exploitation of natural resources while the 2006 Pact on Security, Stability and Development in the Great Lakes Region further develops this concept by referring to the employment of national and international legal means to end impunity in this context and introducing a regional certification for legally exploited resources.<sup>52</sup>

## ii. Wealth Sharing

In resource-rich countries, good governance and rational management of natural resources is not enough to ensure that the economic development through the exploitation of those resources benefits all people. An important consideration in this respect is the equitable distribution of those resources and wealth in general. This is so since unequal wealth distribution among for example provinces of a state can lead to economic inequality, which in turn can trigger conflict. This consideration has been recognized in the 2008 Kenya National Dialogue and Reconciliation.<sup>53</sup> Based on these considerations, intra-state peace agreements contain provisions recognising the principle of equitable distribution of resources or wealth in general.<sup>54</sup> Further to a mere recognition of a general principle, the 2004 Transitional Federal Charter of The Somali Republic even provides for the obligation of the Transitional Federal Government to pass legislation in this respect.<sup>55</sup>

An elaborate approach towards wealth sharing can be also found in the peace agreements concluded in the context of the Sudanese conflict. In this sense, considering that certain regions were resource-rich while others were not, redistribution of revenues was of primary importance. This redistribution even

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<sup>51</sup> See Annex IV, Art. 6 of the International Border Treaty between the Republic of Yemen and the Kingdom of Saudi Arabia.

<sup>52</sup> See Art. 34 of the Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region and Art. 9 of the Pact on Security, Stability and Development in the Great Lakes Region.

<sup>53</sup> See the preamble of the Kenya National Dialogue and Reconciliation Mediated by H.E Kofi Annan, Chair of the Panel of Eminent African Personalities-Statement of Principles on long-term issues and solutions.

<sup>54</sup> See for example Art. 1(7) of the Framework Agreement to Resolve the Conflict in Darfur Between the Government of Sudan (GOS) and Liberation and Justice Movement (LJM).

<sup>55</sup> See Art. 13(1) of the Transitional Federal Charter of The Somali Republic.

concerned revenues from taxation, to the extent that certain provinces received more taxes than others. As a result, even power sharing between the federal and the state government in the context of taxation was considered as an aspect of wealth sharing.<sup>56</sup>

### Provisions on land reform

Issues pertaining to land and control thereof are of primary importance, especially in the context of intra-state conflicts. Control over land is commonly associated with political and economic power and, thus, although not a cause of conflict alone, land, similarly to other natural resources, can be a driver of conflict due to the existence of social inequality and political exclusion of certain groups (UN Habitat, 2012). This is especially true when the rural sector or agriculture constitute a key sector of a state's economy, thus, making land a valuable economic resource and the primary source of income for many of its nationals.

In this sense, the parties to the 2008 Kenyan National Dialogue and Reconciliation, for example, recognizing that land was a driver of multiple economic and social issues, decided on the need of urgent solutions and reform in the land sector.<sup>57</sup> Land reform also constituted part of the 2004 Somali Transitional Federal Charter where the parties recognised agriculture as a key economic sector. A guiding principle, thus, included in the Somali Charter was the principle of equitable utilization of land among the nationals of the state, aiming to alleviate any inequalities in control over land resources.<sup>58</sup> To the same end, other agreements provide for the redistribution of state land so as to give nationals not only a home but mainly a source of income, especially in agricultural economies.

Moreover, a common feature of many peace agreements is the provision of property rights under law and the creation of land registries. Such provisions providing legal certainty in respect to land rights can be effective in cases where there might be multiple land tenure systems in a state, such as customary and statutory tenure, thus necessitating legal coordination of the matter. Similarly, they provide a framework for preventing land disputes that could trigger or exacerbate conflict. The same goals are also achieved through the inclusion of provisions providing for the establishment of land dispute tribunals or boards. Of course, the above considerations may serve another purpose as well. By giving effect to the rule of law in respect to land issues,

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<sup>56</sup> See for example Chapter V. Art. 8(2) of the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army relating to the Resolution of the Conflict in Southern Kordofan and Blue Nile States.

<sup>57</sup> See section II.B of the Kenya National Dialogue and Reconciliation Mediated by H.E Kofi Annan, Chair of the Panel of Eminent African Personalities-Statement of Principles on Long-term issues and solutions.

<sup>58</sup> See Art. 66 of the Transitional Federal Charter of the Somali Republic.



they create a stable legal environment for potential investors thus assisting in investment promotion and by extent, to the economic development of the state.

Land use is also linked to investment promotion and economic development through regulation and spatial planning, allowing for the optimal management of land resources for all actors involved, while also accounting for environmental or cultural considerations. Furthermore, they also constitute a precondition to the optimal development of infrastructure such as transportation and energy networks and urban development. To this end, parties to peace agreements often commit themselves to legislate on the matter and even state other considerations to be taken into account in the process such as the environment and forestry.<sup>59</sup> Sometimes, peace agreements also regulate which organs will be competent for regulating issues pertaining to land use. In most cases, such matters are dealt with at the sub-state level.<sup>60</sup>

### Provisions on agriculture

Agriculture can be an important factor when it comes to trade, as it touches upon a country's resources and is often synonym of food sovereignty. It may comprise, among other topics, livestock production, preservation of land, the standardization of working techniques or irrigation matters. For practical reasons, this study also includes fishing and fisheries in agriculture-related provisions, as it is related to livestock, environment management or animal health.

With more than 82% of agriculture-related provisions being within African agreements, it seems that the matter is highly regionalized. The earliest reference of agriculture in our dataset comes from the 1962 ceasefire agreement between Algeria and France, where both countries discuss the purchase of former French property rights that would be aligned with Alegria's agricultural reform.<sup>61</sup> Agreements from Sudan and South Sudan bring almost half of the agriculture-related provisions, from 1972 to 2015, ranging from simple mentions of agriculture reform to livestock production, environmental matters or the question of herders and nomads.

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<sup>59</sup> See for example para. 112 of the Darfur Peace Agreement and the issue of Land Reform in the Matrix of Implementation Agenda of the Kenya National Dialogue and Reconciliation Mediated by H.E Kofi Annan, Chair of the Panel of Eminent African Personalities-Statement of Principles on long-term issues and solutions.

<sup>60</sup> See for example Chapter V. Art. 9(1) of the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army relating to the Resolution of the Conflict in Southern Kordofan and Blue Nile States.

<sup>61</sup> See Chapter II, Art. 12 of the Accord de cessez-le-feu en Algérie et déclarations gouvernementales du 19 mars relatives à l'Algérie (Accords d'Evian).

In Central Asia, agriculture is mentioned in three intra-state agreements regarding Afghanistan where it is referred as an area for the reconstruction of the country or a way to generate economic revenue. A better regional cooperation in the field of agriculture is also emphasized in the 2009 Statement of the International Conference on Afghanistan and the 2011 Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan.<sup>62</sup> The only mention of agriculture in European peace agreements included in our dataset refers to the responsibility of the newly formed Assembly to adopt programs for the development of agriculture in the 1999 Rambouillet Accords-Interim Agreement for Peace and Self-Government in Kosovo.<sup>63</sup>

#### Provisions regarding international cooperation

International cooperation appears in a wide array of provisions covering cooperation in the economic or trade sector with the international community in general or regional partners in particular. In the intra-state context, promoting trade with neighbors has been identified as one method that could lead to conflict prevention and relapse. In this case, the provisions identified have been more general and highlight the importance of cooperation in the context of economic development often as preambular clauses or general principles underscoring the agreement of the parties. For example, the parties to the 2001 Accord de Réforme et de Concorde Civile, concluded for the resolution of the Djibouti intra-state conflict, mentioned that the parties: “Soucieuses de contribuer à accélérer le développement économique du pays ainsi que son intégration régionale, [...] s’engagent à tout mettre en œuvre pour remédier aux effets néfastes du conflit sur l’environnement macroéconomique”.<sup>64</sup>

This approach features in several inter-state agreements as well. For example, regional integration and cooperation is of primary importance in the agreements concluded in the Great Lakes region where specific reference is made to the nexus between such cooperation, economic development and stability in the region. In that case, the parties even provided for more concrete measures such as coordinated mechanisms and strategies in the field of agriculture, energy and infrastructures and trade. Besides making reference to promoting trade and market access at the regional level, attention was accorded to collectively accessing international markets.

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<sup>62</sup> See p. 4 of the Statement of the International Conference on Afghanistan (Hague Conference) and Art. 16. B. of the Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan.

<sup>63</sup> See Chapter I, Art. II.5(a)(xv) of the Rambouillet Accords-Interim Agreement for Peace and Self-Government in Kosovo.

<sup>64</sup> See Art. 8(a) of the Accord de Réforme et de Concorde Civile. The passage may be translated as follows: “Concerned to contribute to the acceleration of the economic development of the country as well as to its regional integration, [...] undertake to do everything possible to remedy the harmful effects of the conflict on the macroeconomic environment”.

Moreover, such cooperation, especially with neighbors or former combatants is often achieved through other measures indirectly affecting trade. For example, in the 1962 Accords Evian in which France and Algeria agreed on an elaborate scheme regarding trade and the management of natural resources, special attention was also given to the conclusion of a double taxation agreement, thus, preventing any tax-related issues that would discourage trade and investment between the two countries. Similarly, in the context of the 1995 Dayton Agreement, the Presidents of Bosnia and Herzegovina and Serbia have undertaken commitments to foster cooperation in trade and economic development by creating a joint Chamber of Commerce.<sup>65</sup>

### *Box 3 The case of the Sudanese conflicts*

The Sudanese conflicts remain one of the longest and most complex intra-state and, later on, inter-state conflicts in history. Sudan and South Sudan were both under British-Egyptian colonial rule, however, they were administered differently during that period (Johnson, 2016), were later on unified and gained independence as a single state. The root causes of their conflicts can be traced back to ideas of legitimate power and governance dating back to the 18th century that were maintained in the course of time and even transformed as new regimes were established (Johnson, 2016). As such, although they include, among others, the ethnic, linguistic and religious divide between the North and the South, the colonial and post-colonial interventions or the economic exploitation in the area, none of the above elements can explain the current reality by itself (Johnson, 2016).

Another component was that the majority of the conflicts were very resource based (Amnesty International, 2000, L. Dicker, project interview, 19 January 2024)<sup>1</sup> In this context, there is disparity over the distribution of resources in the overall Sudan area with the South being more resource rich than the North (International Monetary Fund. Middle East and Central Asia Dept., 2020). The only parts of what is now Sudan that are more resource rich are the southern regions and Darfur to an extent. Despite the fact that the majority of resources were located in the South, power mainly concentrated in the North. In this light, the main question over a long period of time was who is going to use the existing resources and how will the funds generated be used. Those resources were in fact extracted by the most powerful elite that in turn became wealthy on account of exploiting the natural resources of other regions which were left impoverished (L. Dicker, project interview, 19 January 2024).

In this sense, a primary goal of the peace agreements that were concluded over the years was to allow resource rich regions to have some control over their natural resources and get back some of the income generated through their exploitation and trade either within or outside the country. Considering that the central government also wanted some level of control over those resources as well (in view of the lack of other income generating industry) a lot of provisions in the various peace agreements concern the control over the existing resources and the manner in which the wealth generated through their exploitation can be shared equally. In this sense, even taxation served as a way to bring that income back to the regions themselves by allocating taxation authority to the regions rather than the central government or by giving a percentage of the

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<sup>65</sup> See p. 141 and 144 of the General Framework Agreement for Peace in Bosnia and Herzegovina.

income generated back to the region.

The aforementioned circumstances are clearly reflected in the provisions used in the various peace agreements concluded within Sudan, between Sudan and South Sudan as well as within South Sudan. In the course of our research, we have identified 32 agreements ranging from 1972 to 2015. Their provisions account for about 38,7% of the provisions identified in the course of our research while 29% of the provisions identified in Sudanese peace agreements refers to natural resources and wealth sharing. A concern in this respect is whether it was the regulation of such issues or other issues that was faulty, thus, leading to relapse into conflict. However, given the complexity of the conflict, trade and natural resource matters constituted only one aspect of the conflict. As such, their effectiveness has to be assessed in light of the circumstances prevalent during the implementation period of each agreement.

Another important characteristic of the various peace agreements concluded in the context of the Sudanese conflicts was the fact that, in most circumstances, peace negotiations and by extent peace agreements, do not follow the linear course that other peace processes have followed in a sense that the parties first agree to a ceasefire, in which there are very few trade-related provisions, and then move on to a substantive agreement in which most trade-related issues are addressed. By contrast, in the case of Sudan the conflict was very resource based and further to that, all issues were closely related. As such, agreement on substantive matters constituted a significant precondition for holding a ceasefire (L. Dicker, project interview, 19 January 2024). Agreements covering a wide variety of issues, not necessarily in a linear manner, were, thus, necessary for the various groups to even agree on a ceasefire. Simultaneously, given the existence of distrust between the parties, it was important to put all commitments in writing as early as possible, in order to ensure that the parties are formally bound by them.

A final important aspect of the Sudanese peace process lies in the mediation style adopted, especially in the latest peace processes. Considering that the parties had very clear views and positions and that those positions and interests have been already communicated among the parties in various instances, all the parties participating in the negotiations were aware of the interests and goals of the other parties. As such, negotiations were primarily party-driven and mediators acted as facilitators, in order to assist the parties in reaching a mutually beneficial compromise (L. Dicker, project interview, 19 January 2024).

### **C. A Cautionary Tale – Implementing trade sustainably**

In light of the above analysis, it is evident that the interlinkages between trade and peace point to a two-way relationship; peace constitutes a precondition for sustainable trade and trade benefits peace by alleviating the impact of or eliminating several conflict drivers. Among others, trade may lead to increased income to be employed for the purpose of economic development, creates jobs and strengthens the relations between neighboring countries. In this sense, increasing incomes and creating jobs may reduce inequalities and poverty among the population, thus making conflict counterintuitive.

However, trade can also have the opposite effect, i.e. inhibit the attainment of peace. Changes in trade flows and prices, such as increases or decreases in the prices of export commodities or changes in demand in destination markets may fuel conflict instead of preventing it. In this respect, Cali identifies three mechanisms on the matter; (a) the opportunity cost mechanism (under which it is supported that reduction in real income results in greater conflict), (b) the so-called “rapacity effect” (under which an increase in export prices of natural resources whose production is not labor intensive may lead to conflict over control thereof due to their potential to raise significant income) and (c) the resource effect (under which increases in value of taxable resources may also lead to conflict) (Cali, 2014).

Similarly, limited diversification of tradable goods especially in respect to volatile primary commodities such as oil can make a country more prone to trade shocks. This can affect real incomes and increase the incentive of resorting to conflict. Additionally, in view of the resource effect, an increase in prices of a primary resource controlled by the state or a non-state actor can have an impact in conflict when the income derived from its exploitation is used to fund the relevant actor's participation in conflict.

Lastly, trade provisions in peace agreements may be into conflict with other obligations undertaken by a given state under international law or obligations that the state wishes to undertake in the future. For example, a state may be a party to or wish to accede to the WTO, the European Union or another international treaty. In this sense, negotiating parties must give due consideration to the content of such obligations during the negotiation process. Given the fact that the parties in the context of peace negotiations often strive to achieve a balance by making compromises on different issues, the failure of a state to implement all provisions may result in greater fragility and undermine the chances of success of the peace agreement in question (Dr. Paul Williams, project interview, 12 February 2024).

In view of the above, caution is needed in selecting the appropriate provisions not only to reap the benefits of trade in making peace more resilient but also in preventing the adversary effects that trade may have to peace in certain instances.

#### **D. Conclusion**

Parties to peace agreements have used various methods in seeking to create sustainable peace. In general terms, peace agreements significantly focus on economic development and economic reform as avenues to reduce inequality and poverty thus making peace more beneficial in terms of living conditions and by extent making conflict less profitable. Depending on the resources each state has, agreements can promote such development by focusing on different sectors such as agriculture, the exploitation of natural resources and the development of entrepreneurship as avenues

for such economic development. Furthermore, agreements have focused on diversifying export products in general or in diversifying mining products. This can alleviate the effect of or reduce trade shocks caused by the fluctuation of prices of resource-point materials.

Moreover, agreements including provisions on the control of natural resources and wealth sharing can ensure that, first, natural resources are managed sustainably and to the benefit of the population as a whole and second, that the income produced by their exploitation is distributed equally. As such, gaining control over them by instigating or resuming conflict could seem counterintuitive (see also Calì, 2014). In addition, coupling natural resources and wealth sharing provisions may also contribute in securing the necessary funds for achieving economic recovery and by extent, sustainable peace (P. Williams, project interview, 12 February, 2024).

Moreover, it is obvious that friendly relations among neighbors prevent instances of neighboring countries fueling the existing conflict or contributing to destabilization in both the intra- and inter-state context. (Calì, 2014). To this end, intra-state agreements include provisions on the promotion of international and regional cooperation both in general and in the context of encouraging trade relations. The same is true in inter-state agreements. Another negotiating tool can be the fostering of regional cooperation. A good example are the agreements concluded in the Great Lakes Region. Such agreements foster friendly relations in the regional level by providing a cooperative approach to safeguarding peace.

Another important aspect is the appropriate stage during which trade provisions may be included. For example, as evidenced from the examination of freedom of movement provisions, parties to the agreements usually include such provisions at a very early stage – such as at the stage of a ceasefire agreement that would address freedom of movement of people and goods as evidence of peaceful circumstances. Other provisions were usually included in substantive or framework agreements. However, as evidenced from the example of the Sudanese conflict, the appropriate stage to introduce trade provisions, or even the type of agreement concluded (i.e. a ceasefire agreement as opposed to a comprehensive agreement) is not necessarily determined from the category of the provision. Rather, what is essential is the will of the parties to the agreement. If the parties consider the existence of agreement on specific trade or trade-related issues as a precondition to a ceasefire, then the provisions can be introduced at an early stage (see Box 3 on Sudanese conflicts). If not, they can do so at a later stage. In fact, if certain issues do constitute such a precondition, addressing them at an early stage, through a ceasefire agreement or through a parallel negotiating procedure, could assist in identifying and resolving the issues that are central for or

may lead to the failure of the peace process (P. Williams, project interview, 12 February, 2024).

In view of the above, it is evident that the inclusion of trade provisions in peace agreements is not a panacea. Especially for fragile and conflict-affected states, ill-handled trade provisions particularly in the intra-state environment run the risk of fostering the resumption of conflict. But a successful negotiation led by a skilled mediator can help countries or parties in conflict to foster political stability, economic development, and the (re-)establishment of diplomatic relations. As such, introducing trade provisions in peace agreements requires a careful inclusive exercise to which mediators and negotiators have a central and difficult role. They have to maintain their independent and impartial status and account for mutual or conflicting interests taking into account the special characteristics of the region and the key drivers of conflict. In this manner, they will be able to assist the negotiating parties to find a mutually beneficial solution making peace sustainable.

#### **IV. PEACE-RELATED PROVISIONS IN TRADE AGREEMENTS AND NEGOTIATIONS**

This Chapter analyzes and reviews the most widespread peace-related provisions found in trade agreements aimed generally at ensuring international and regional peace and national security. It further focuses on peace provisions that can enhance the stability and resilience of the corresponding trade relations. The analysis examines the following factors:

- the language used in various trade agreements,
- the structure and content of peace and security obligations undertaken by the parties in trade agreements, and
- the nature of the parties (states or non-state actors).

The focus of the analysis is to identify and categorize tangible trends, patterns and conclusions that can be derived first by the examination of the relevant trade agreements containing peace provisions. Thereafter, academic literature, interviews with experts and case studies offer additional insights into interests and options for peace-related provisions that could be considered by negotiators and mediators at the negotiation and implementation stages of trade agreements. The analysis also includes an assessment of the particular aspects of the application of such peace provisions in trade agreements reflecting local conditions.

The main purpose of this chapter is to distill the most prominent peace-related topics and instruments that already feature and could be used in trade agreements. We also describe some particularities of their application depending on the local conditions, as

well as approaches to negotiating and mediating trade agreements that could include such peace-related provisions.

### A. Trends overview

The data supporting the analysis is based on the review of 136 trade agreements of which 122 were selected. Those selected agreements contained 383 peace-related provisions in total (including 148 security exceptions, 108 provisions on combating illegal activities, 65 declaratory provisions calling for peace and security, 45 provisions on political dialogue and regional cooperation, 9 provisions on non-proliferation of weapons of mass destruction, 4 provisions on military alliances, 2 provisions on security priorities in trade liberalization and 1 review clause). Thus, security exceptions are the most widespread, as they are contained in almost every trade agreement.

Figure 4<sup>66</sup> shows the evolution of the number and type of peace-related provisions per trade agreements over the years. As with peace agreements, blank years do not necessarily represent an absence of trade agreement but of peace-related provisions. The inclusion of peace-related provisions into trade agreements emerged in the 1990s, with very few examples prior to that period. The first such provisions were mainly about security exceptions. This is certainly related to the boom of trade agreements that happened from the 1990s. Although it seems that peace-related provisions are increasingly incorporated into trade agreements over the years, their maximum number barely exceeds 25 per year. The only exception concerns 2021, year in which the United Kingdom ratified previous trade agreements it had while part of the European Union (16 have been selected).

The number of peace-related provisions in trade agreements per year is significantly less than for trade-related provisions in peace agreements. This can be attributed to the fact that the negotiation context is different for both types of agreements. When drafting trade agreements, countries tend to set peace-related provisions aside in order to incorporate them later into other agreements for cooperation and political integration. However, that is certainly not the rule and the evidence of incorporated peace provisions in trade agreements raises some interesting insights for the use of such provisions by mediators and negotiators in the future.

Apart from security exceptions, provisions on combating illegal activities are the most common in trade agreements. They reflect provisions on the control of import or

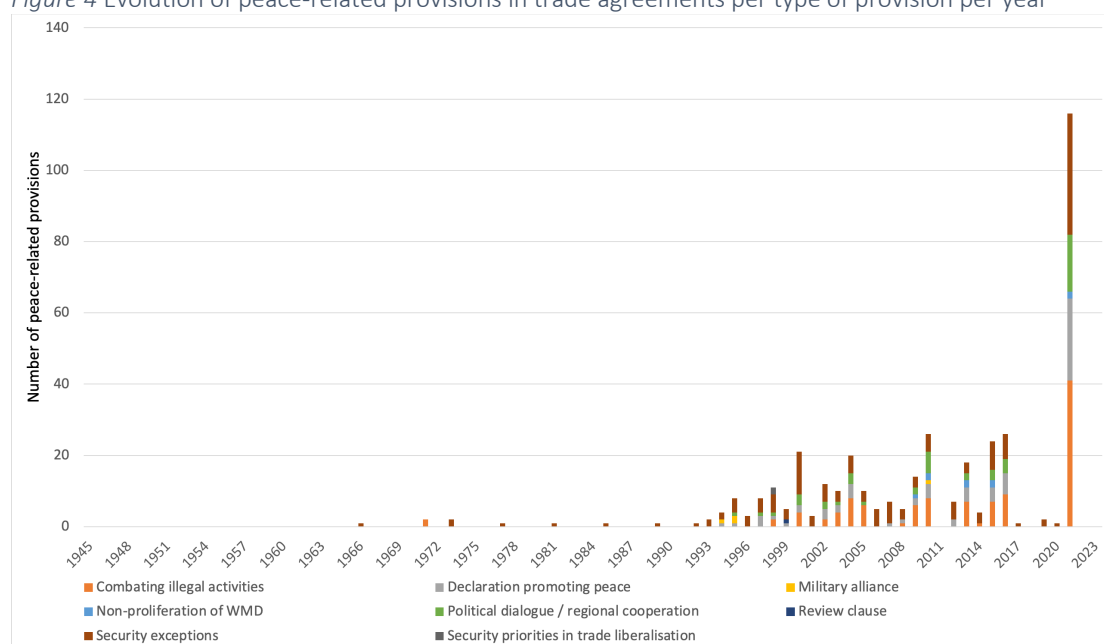
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<sup>66</sup> The years indicated in the graph (as for in the related Excel table) corresponds to the year of entry into force of trade agreements as provided by the WTO RTA Database. When there are two dates of entry into force, one for trade in goods and one for trade in services, the date for trade in goods has been selected.



export of illegal products in peace agreements, although their scope is broader. Provisions on military alliances are very scarce. Only three agreements in Africa included such provisions in the context of a customs union.<sup>67</sup> Provisions on 'Declaration promoting peace' are distributed rather equally over the years, as they often refer to general vocabulary on peaceful relations between the parties. Provisions related to the non-proliferation of weapons of mass destruction (WMD) are clustered towards the right of the graph (between 2009 and 2021) and only refer to European trade agreements between the EU and countries from the Balkans, and in 2021 between the UK and Serbia and Albania. Overall, there are no clear patterns related to the type of peace-related provisions solely, except that they are increasingly incorporated into trade agreements.

Figure 4 Evolution of peace-related provisions in trade agreements per type of provision per year



Source: the authors

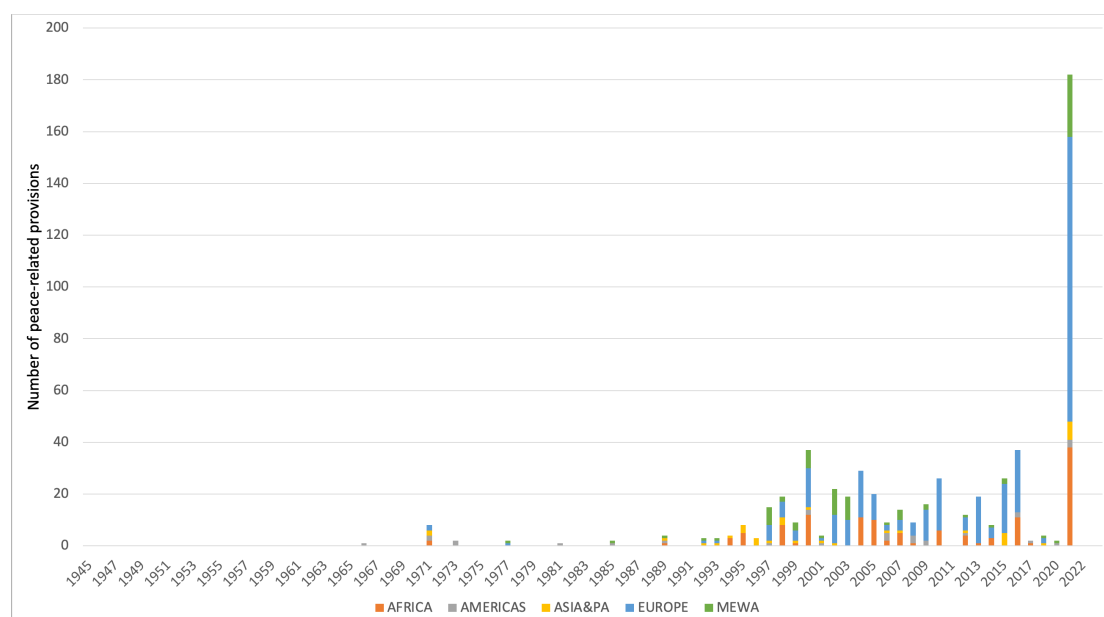
Regional patterns, however, are more discernable (Figure 5). Although the WTO RTA Database is using a broader panel of regions to classify its trade agreements (as displayed in the enclosed Excel file), we merged these sub-regions into the main five regions we already used for the assessment of peace agreements to facilitate the comparison. There exists a certain consistency in the integration of peace-related provisions in African and European trade agreements over the years. By contrast, agreements from the Middle East and West Africa using peace-related provisions are mainly clustered between 1997 and 2003, mostly referring to treaties between the EU

<sup>67</sup> These three agreements are: the 1994 Treaty Establishing the Common Market for Eastern and Southern Africa, the 1995 Economic Community of West African States (ECOWAS) Treaty, and the 2010 Treaty for the Establishment of the East African Community.

and Palestine, Israel, Jordan and Lebanon. This explains why the number of peace-related provisions in European trade agreements is similar during the same period. As for the spike in the number of peace-related provisions in 2021, similarly as for Figure 4, it is caused by the ratification by the United Kingdom of previous trade agreements with trade partners from various regions it had while being part of the European Union. Trade agreements *between* Caribbean countries (such as the treaties establishing CARICOM) include only security exceptions, while agreements between Caribbean countries *and* other regions (such as the 2008 Economic Partnership Agreement between the CARIFORUM States and the European Community and its Member States) focus more on cooperation to combat illegal trafficking-related activities. All trade agreements including at least one party from Asia (often Central Asia, such as Tajikistan, Turkmenistan, Kyrgyzstan, Uzbekistan or Kazakhstan) only consider security exceptions provisions.

When looking at the relative number of peace-related provisions per category per region (Annex 8), we clearly observe that security exceptions amount for the majority of peace-related provisions in every region, except in Europe where the major type of provisions is related to combatting illegal activities. This type of provisions is commonly the second one to be integrated into trade agreements in relative numbers, followed by provisions related to declarations promoting peace (which is the opposite for Middle East and West Africa). The fact that Africa, Europe and the Middle East all display similar regional patterns (in terms of type of provisions, not necessarily in proportions) is linked to the abundant trade agreements their countries have with the EU and the UK. Eventually, as for peace agreements, it is more relevant to discuss national patterns rather than regional ones since most of the provisions per region are drawn from agreements among specific countries (see the country map in Annex 9).

Figure 5 Evolution of peace-related provisions in trade agreements per region per year



Source: the authors

On average, the number of security exceptions provisions tend to exceed other peace-related provisions per year until 2002, where the number of peace-related provisions tend to overtake security exceptions provisions by far (Figure 10). The 2000s and 2010s are characterized by a relatively stable number of security exceptions provisions while other provisions vary extensively, as they are linked to specific trade agreements. Additionally, the number of peace-related provisions in customs unions is rather clustered between 1994 and 1995, due to the ratification of the COMESA and ECOWAS treaties (Figure 11).<sup>68</sup> The type of trade agreement integrating the most peace-related provisions is Free Trade Agreements (FTA), or FTAs associated with Economic Integration Agreements (EIA). This is not surprising as FTAs are the most common type of trade agreements.

## B. Analysis of peace-related provisions in trade agreements

### Declaratory provisions calling for peace and security

Our analysis revealed 65 declaratory provisions calling for peace and security. Some are found in a preamble while others are included in the main text typically in articles devoted to aims, objectives, or principles. Other peace and security provisions are found in the form of joint declarations of parties concerning particular articles.

The level of detail of such security declarations and their content varies considerably depending on the regional context. Parties usually emphasize the importance of

<sup>68</sup> Respectively the 1994 Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA) and the 1995 Economic Community of West African States (ECOWAS) Treaty.

regional peace, security and stability, and their mutually reinforcing character with political, economic, social and/or cultural development. Parties may also highlight the progress already made in these spheres, and express aspirations for its continuation.

Declarations contained in some of the trade agreements (mostly, entered between the EU and third countries) are more elaborate, referring to the specific peace and security issues important for the region. For instance, parties may indicate a particular peace process, mention relevant peace agreements and decisions of international organizations serving as a basis for it (e.g. EFTA – Palestine, EU – Palestine, Türkiye - Palestine). Alternatively, parties may express the desire to tackle particular regional security threats, such as proliferation of weapons of mass destruction (e.g. Stabilization and Association Agreements of the EU with several Balkan states), organized crime, terrorism, trafficking in human beings (e.g. EU – Overseas Countries and Territories (OCT)) and many others.

The analysis of the trade agreements revealed declaratory provisions calling for peace and security in all of the regions under review, except for Central Asia. Such provisions do not entail any particular obligations for the parties. This fact facilitates their inclusion into trade agreements but minimizes their practical impact. Nevertheless, including such provisions into trade agreements may still have positive effects, since they have political significance. They may also be used for the interpretation of other elements of the agreement, and also can lay foundations for adopting further binding norms and instruments on peace and security.

#### [Provisions on political dialogue and regional cooperation](#)

Our research showed that including provisions on political dialogue and regional cooperation is a standard practice for trade agreements concluded between the European Union and third countries. The listed areas for such political dialogue and regional cooperation frequently include regional peace and security. In particular, we have identified 46 trade agreements containing such provisions covering peace and security in all the regions under review, excluding Central Asia.

Provisions on political dialogue and regional cooperation are typically placed in the beginning of an agreement, which emphasizes their importance. They are usually grouped into one or two sections with the respective title. Firstly, these norms stipulate that regular political dialogue shall be established among the parties, and list the aims and subject areas of such a dialogue, including regional peace and security. More particular security threats may be listed among aims and subjects as well, such as countering proliferation of weapons of mass destruction and means of their delivery or countering terrorism (e.g. Stabilization and Association Agreements of the EU with several Balkan states). Secondly, levels, forms, frequency and other characteristics for

such a dialogue may be specified (e.g. through meetings and information exchange at parliamentary, ministerial and senior official levels, through diplomatic channels, via particular international organizations and fora, etc.). Thirdly, separate emphasis on regional cooperation for ensuring peace and stability is frequently coupled with commitments to its development and expansion. Prospective regional partners and formats for such cooperation could be determined and outlined in the agreement text.

Apart from the agreements with the participation of the EU, provisions on cooperation on political matters are also widely used in the founding documents of the African regional economic communities (RECs). For instance, under the ECOWAS Treaty, parties only undertake general commitments “to cooperate on political matters”, while the Treaty of Establishment of East African Community (EAC) goes further and requires that parties “establish common foreign and security policies” with an aspiration to eventually establish “a Political Federation of the Partner States”, listing the areas and ways for such cooperation.

Provisions on political dialogue and regional cooperation contained in the agreements with the EU and in the founding documents of the African RECs may serve as a useful example, that could be adapted and included into trade agreements involving other parties. Since such clauses do not impose burdensome obligations on the parties, it could be easy to agree on them. Moreover, the legally binding nature of these clauses may stimulate the development of cooperation between parties on peace and security issues, contribute to conflict prevention and management, and therefore safeguard the respective trade cooperation.

The efficiency of political dialogue as a conflict prevention and management tool is further confirmed by the example of ASEAN members. While not imposing rigid security arrangements, ASEAN member states have addressed regional security threats during regular informal secret diplomatic contacts under the auspices of this regional economic organization. According to the existing literature, this approach has been successful in managing regional challenges among ASEAN members for decades. It has the further advantage of preventing external actors from interfering in domestic and foreign affairs of ASEAN members (Thompson & Chong, 2020).

#### [Provisions on military alliances](#)

Numerous agreements reflect networks of states simultaneously entering into both military and trade alliances. The data shows that trade provides economic incentives to maintain military alliances with trade partners to secure mutually beneficial economic relations “enforced” by the deterrent effect of the loss of trading opportunities (Jackson & Nei, 2014). This increases the relevance of military alliances concluded among trade partners. The data shows that states were engaging into alliances much

more actively after the World War II. The stability of such alliances increased radically compared to the pre-World War II times (Jackson & Nei, 2014). This was accompanied by the dramatic decrease in wars and growth of trade among states (Jackson & Nei, 2014).

States may enter into military alliances not only in a traditional way (e.g. NATO), but also by incorporating peace and security provisions into RTAs aimed at regional economic integration. Such RTAs may have various forms, including preferential trade agreements, free trade agreements, customs unions, common markets as well as economic, and monetary unions (Powers, 2004).

K.L.Powers, relying on the existing academic research, listed three basic types of military alliance commitments undertaken under RTAs: (i) a *defense pact* (requires signatories to intervene militarily on the side of any treaty partner that is attacked militarily) (e.g., ECOWAS, MERCOSUR, GCC); (ii) *neutrality and nonaggression pacts* (oblige member states to remain militarily neutral in a conflict or not to fight each other); (iii) *entente pacts* obligate signatories to consult and/or cooperate in a crisis, including armed attack (e.g., Council of the Entente) (Powers, 2004). Parties may undertake these commitments with or without establishing relevant institutions and frameworks comprising regional peace and security architecture.

African Peace and Security Architecture (APSA) represents a complex example when peace and security arrangements concluded within RTAs complement a broader peace and security framework. The foundations of APSA were created by African states through adopting the African Union's (AU) Protocol relating to the establishment of the Peace and Security Council, which entered into force on 26 December 2003 (Sarjoh Bah et al., 2014). In addition to elaborating on frameworks and institutions on the AU level, the Protocol in its article 16 referred to cooperation with the Regional Mechanisms for Conflict Prevention, Management and Resolution. Such mechanisms have been developed within the frameworks of Regional Economic Communities (RECs). RECs are regional groupings of African states, facilitating their economic integration on regional and also continental level via the wider African Economic Community (AEC) established under the Abuja Treaty of 1991. There are eight RECs recognized by the African Union:

- Arab Maghreb Union (UMA),
- Common Market for Eastern and Southern Africa (COMESA),
- Community of Sahel–Saharan States (CEN–SAD),
- East African Community (EAC),
- Economic Community of Central African States (ECCAS),
- Economic Community of West African States (ECOWAS),
- Intergovernmental Authority on Development (IGAD),

- Southern African Development Community (SADC).

Peace and security frameworks of RECs are established not in the main texts of the RTAs, but in separate protocols specifically devoted to peace and security. Relying on our research on the WTO RTA database, we managed to discover three RTAs containing peace-related provisions that could be qualified as military alliances. These include the ECOWAS Treaty, the Treaty of Establishment of EAC, and the Treaty Establishing the COMESA.

Under each of the three treaties, parties undertake general obligations to maintain atmosphere conducive to the maintenance of regional peace and security. To implement this aim, parties agree on more detailed obligations, including:

- To employ peaceful methods of resolving disputes (good offices, conciliation, mediation),
- To establish and strengthen conflict prevention, management and resolution systems with regard to inter-state and intra-state conflicts,
- To establish regional peacekeeping forces,
- To create mechanisms for disaster management and management of refugees,
- To enhance cooperation on handling cross-border crime and combating terrorism,
- To conduct consultations and information exchange on various levels.

These obligations are normally grouped in one or several articles, usually in a separate section in the middle part of an agreement, having a title referring to regional peace and security. Further details on the regional peace and security architecture are elaborated in separate protocols, and reference to such protocols could be made in the text of an RTA (e.g. ECOWAS Treaty). For instance, protocols concluded within RECs established political and military organs responsible for regional peace and security in Africa.

Separately, provisions on cooperation in defense affairs, which constitute the core of a military alliance, are contained in the ECOWAS Treaty and the Treaty of Establishment of EAC. According to such provisions, parties undertake to cooperate in defense affairs and to establish the relevant framework for such cooperation. In addition, a reference to separate protocols on military alliances could be made (e.g. reference to the Protocol on Non-Aggression and the Protocol on Mutual Assistance on Defense in the ECOWAS Treaty).

It is clear that strong political will from all the parties is needed for entering into military alliances, within or outside RTAs. Perhaps it is the main reason why the main texts of RTAs either do not contain any references to military alliances, or have only general provisions that need to be developed in separate instruments. Attempts to agree on

the details of a military alliance, including its institutional and organizational frameworks, may pose a threat for signing the RTA. Therefore, the practice of developing such issues in separate protocols should be noted as efficient and beneficial to the negotiations process.

The impact of military alliances on the stability of trade may vary depending on how they are negotiated, structured and applied. For instance, military alliances may be used either for maintaining peace or for fueling conflict through the intervention of third parties. It may depend on a number of factors, from the structure of the decision-making process in the alliance to the inequalities in political and economic power among its actors, leading to instrumentalizing a military alliance by the most powerful members to pursue their geopolitical interests and agenda. According to Prof. Maurice Enguélégué, the latter problem is particularly acute for the military interventions implemented via African RECs, such as ECOWAS (M. Enguélégué, project interview, January 24, 2024). Thus, parties may aim to foresee and mitigate potential abuses already at the stage of formulating commitments undertaken within a military alliance.

#### [Provisions on non-proliferation of Weapons of Mass Destruction](#)

As a result of our research, we identified 9 clauses on non-proliferation of WMD and means of their delivery in Stabilization and Association Agreements concluded by the EU with several Balkan states, namely, Albania, Bosnia and Herzegovina, Montenegro and Serbia. The same non-proliferation of WMD provisions were reproduced in the Partnership, Trade and Cooperation Agreements concluded by the UK with Albania and Serbia after Brexit. Therefore, we found 6 agreements containing WMD clauses, and all these agreements are concluded with Balkan states.

The Council of the EU adopted in 2003 a model WMD clause to be included into agreements negotiated between the EU and third parties. The model clause consists of the two parts. The first one is an “essential element”, inclusion of which is mandatory into all mixed agreements of the EU with third parties:

“The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties therefore agree to co-operate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations.”

This WMD element is purely declaratory since it does not impose any new obligations on the parties, only reminding of the need to perform existing commitments.



The second part consists of the two following elements:

- to take steps to sign, ratify, or accede to, as appropriate, and fully implement all other relevant international instruments related to the non-proliferation of WMD;
- to establish an effective system of national export controls, controlling the export as well as transit of WMD related goods, including a WMD end-use control on dual use technologies and containing effective sanctions for breaches of export controls.

Since these elements impose additional obligations on the parties, they are included into the agreements on a case-by-case basis. Notably, all the six agreements with WMD clauses that we discovered include not only the essential, but also both optional elements. The provisions were located in the beginning of the agreements, along with the political dialogue and regional cooperation clauses. The EU's objective appears to ensure performance of WMD obligations by its trading partners as an essential condition for them to cooperate with the EU in economic and other areas. However, in some situations strong trade interests of the EU appeared to override non-proliferation concerns. For example, WMD clause was completely abandoned during negotiations of a free trade agreement with India, although this country had well-known issues with non-proliferation of nuclear weapons (Grip, 2009).

The EU experience with WMD clause provides a model for other states and international actors entering into trade agreements, particularly with fragile and conflict-affected states. Economic benefits, such as access to foreign markets and international aid, offer strong potential gains coupled with WMD commitments contributing to peace and security.

#### [Provisions on combating terrorism and other types of criminal activity](#)

The majority of agreements concluded by the EU with third parties contain provisions on combating terrorism or other types of illegal activity (we found 108 of such provisions across all the regions). The list of such "other" types is opened as it is tailored to the regional circumstances. We discovered provisions on cooperation in combating, inter alia:

- Illegal immigration,
- Money laundering and terrorism financing,
- Illicit drugs,
- Smuggling and trafficking in human beings,
- Child sexual abuse and sexual exploitation,
- Corruption,
- Organized crime and other types of illegal activities.

Typically, parties make a general reference to combating certain types of illegal activities in the beginning of an agreement. The more detailed provisions are contained in the designated section covering cooperation on justice and security. Under the agreements with the EU, third parties normally undertake obligations to introduce or enhance policies, laws and regulations, create or strengthen institutions dealing with these challenges.<sup>69</sup> Other provisions may include training personnel, building prevention systems and mechanisms, and conducting information exchange with the EU.<sup>70</sup> The EU, in its turn, commits to provide technical and administrative assistance and support in implementing these measures.<sup>71</sup>

Including such provisions into trade agreements with fragile and conflict-affected states could be important in enhancing their capacity for fighting these and other types of crime contributes to regional peace and security, ultimately supporting the stability of trade relations with partners. However, in order to achieve better results, measures against illegal activities should be coupled with the provision of lawful economic opportunities for members of the respective communities. This is especially relevant for fragile and conflict-affected states, where people usually have only limited possibilities to pursue legal gainful activities. Prof. Maurice Enguélégué raised concern that provisions on combating illicit activities in trade agreements entered between the EU and some African countries often prioritize side issues important only for the EU (such as illegal migration), without improving significantly the opportunities for economic growth for such African partners and their communities through trade (M. Enguélégué, project interview, January 24, 2024).

### Security exceptions

Security exceptions in trade agreements under Art. XXI of the GATT 1994 are clauses providing for the lists of situations when parties are allowed to derogate from their treaty obligations for trade liberalization in order to protect national security interests.

As a result of our analysis of trade agreements, we established that nearly all of the reviewed agreements contained security exceptions. The structure of these clauses varies considerably. They may fully replicate the provisions of Art. XXI of the GATT 1994 or even sometimes use the direct reference to this provision of the GATT without

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<sup>69</sup> See Art. 78(2) of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part.

<sup>70</sup> See Art. 61(3), 62(3) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part.

<sup>71</sup> See Art. 86(2), 87, 91(2) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part.

reproducing its text. An alternative approach is making minor or major modifications to the text of Art. XXI of the GATT 1994 before incorporating it into the trade agreement. Also, in all the trade agreements entered between the most powerful states or alliances on one side and third countries on the other, security exceptions are normally identical in all the agreements with the same stronger party, formulated and negotiated by it.

For more than 70 years states were rarely invoking security exceptions. However, within the recent years, parties have started using them more actively as a part of a broader trend for de-globalization and securitization of trade (Pinchis-Paulsen, 2022). In theory, security exceptions exist to protect countries' sovereign powers to protect their national security interests that may otherwise be contrary to their trade commitments. Article XXI of GATT 1994 provides some limited safeguards in the application of security exceptions. In the *Russia — Traffic in Transit* dispute (Panel Report, *Russia — Measures Concerning Traffic in Transit*, WT/DS512/R and Add.1, adopted 26 April 2019, DSR 2019:VIII, p. 4301), the WTO panel ruled that security exceptions are not self-judging, and that the WTO has jurisdiction over disputes concerning their application. The WTO panel also reminded that following the principle of good faith, Article XXI shall not be used by states invoking security exceptions as a means of circumventing WTO obligations. Nevertheless, states still have very broad discretion to invoke security exceptions. Thus, when states negotiate or enact security exceptions, it is appropriate that the interests of fragile or conflict-affected states be taken into account. For instance, before invoking a security exception, a stronger trade partner should weight carefully the potential threat to its security interests against the possible damage to a weaker trade partner's political and economic stability in case of invoking a security exception.

### **C. Promoting peace and security in trade agreements: lessons learnt**

Our review of the relevant agreements indicates that certain WTO Members such as the EU tend to include peace-related provisions into trade agreements in order to enhance regional peace and stability and to address more particular security concerns. The scope of the current research does not allow testing the efficiency of including peace-related provisions for the purposes of maintaining regional peace, and ultimately making the respective trade relations more resilient. It is reasonable to presume that trade negotiations will highlight the benefits of freer trade such as access to foreign markets and financial aid. Such potential benefits provide powerful incentives for FCS to agree on peace-related clauses tied in a single agreement with economic ones.

At the same time, attempts to insist on including detailed peace-related provisions imposing broad obligations on the parties may jeopardize the conclusion of a trade

agreement. Thus, it may be necessary to scale back peace-related provisions in order to conclude sustainable trade agreements. In the worst-case scenario, if inclusion even of such general obligations jeopardizes the conclusion of an agreement, reference to peace and security may be limited to declaratory provisions in a preamble and/or treaty objectives.

An important incentive for FCS to agree on inclusion of peace-related provisions could be the implementation support promised by their trading partners. This may include technical and administrative assistance, informational support and advice, and most importantly, forms of economic aid from a trading partner as well as assistance from international development institutions and initiatives. Moreover, trade agreements could establish frameworks and institutions guaranteeing the equitable re-distribution of proceeds from trade gained by FCS. As previously addressed in the context of intra-state peace agreements, such provisions can be essential to sustaining peace, both regionally as well as within individual states.

Finally, the analysis of peace provisions in trade agreements suggests the importance of protecting the interests of FCS when states negotiate and apply security exceptions in trade agreements. This may require negotiating partners to agree on the need to enhance the stability and resilience of FCS by preventing the potential trade disruption unilaterally invoked by another party. Taking into account the frequent dependency of FCS on trade with major economies and risks of economic and political instability in case of trade disruption, this issue becomes even more relevant.

#### **D. Conclusion**

Peace and security feature in trade agreements in various forms. The most widespread peace-related provision in trade agreements is security exceptions. However, the main aim of those provisions is ensuring national security interests of invoking states via unilateral trade disruption. Thus, security exceptions should not be regarded as a means of enhancing the stability of the respective trade relations, since they are designed for a completely different purpose. Parties should rather concentrate on limiting the potential destabilizing impact of security exceptions on trade, especially addressing the interests of FCS.

Inclusion of provisions on combating illicit activities into trade agreements is a positive trend, which is mainly developed by the EU when establishing trade relations with external partners. Adding these provisions into trade agreements may indeed support peace and trade relations between parties if such provisions are tailored to address concerns equally important for all the parties. Paying attention to the needs of FCS, including by enhancing opportunities for legal economic activities, is important to ensure efficiency of such peace-related provisions.

Provisions on political dialogue and regional cooperation in trade agreements constitute an important and widespread instrument enhancing the stability of trade relations. Although they are less rigid than military alliances, they still may contribute to the resolution of tensions between parties at the early stages, as well as to reacting to external peace and security threats before they unfold into a full-scale conflict. In general, dialogue and discussion help parties to convey positions to each other and to find compromises on peace and security matters. Thus, inclusion of provisions of this type into trade agreements may help to make them more sustainable.

Declaratory provisions calling for peace and security are relatively often found in trade agreements. They differ considerably in content and may be either more general or devoted to some specific topics. The impact of these provisions on trade stability is quite doubtful, given their non-binding nature. However, their inclusion into trade agreements may emphasize the parties' positive intentions, and may be a solution in case of a failure to agree on binding peace and security commitments.

Finally, military alliances rarely feature in trade agreements, with all the examples found in Africa. According to Prof. Maurice Enguélégué, the African RECs are actually more focused on peace and security, than on trade and development, and the efficiency of this peace and security architecture for maintaining trade relations is questionable due to the political abuses within RECs (M. Enguélégué, project interview, January 24, 2024).

## V. RECOMMENDATIONS FOR MEDIATORS AND NEGOTIATORS

### A. Recommendations concerning peace negotiations

The role of mediators and negotiators in peace processes is of great importance. Being independent and impartial, they help identify the interests of the parties and can help them come up with options and solutions leading to more sustainable and healthy relationships. However, considering that each conflict has its own characteristics, dynamics, balance of power and individual issues, the role of mediators and negotiators is particularly challenging. To this end, an important aspect of the negotiators' duty is preparedness when it comes to mapping the conflicting and/or mutual interests of the parties. This process involves, among others, stakeholder mapping, active listening and conflict analysis to understand the root causes of the conflict (UNGA, 2012).

This approach is an essential first step in identifying the interests of the parties involved in the peace process and in developing, together with the parties, options to create a sustainable peace environment. Mediators can facilitate the negotiations of the parties in agreeing on broad mutual interests as opposed to narrow fixed positions. Mediators

can help the parties explore further solutions that could accommodate both parties' interests and create agreements that resilient and sustainable as parties leave negotiations satisfied that their needs have been addressed (Fisher & Ury, 1993). A further element supporting a successful mediation and negotiation is to rely on objective criteria to solve complex issues and provide solutions of mutual gain for the parties (Fisher & Ury, 1993). Such objective criteria could include, depending on the task at hand, rules of international law, such as human rights obligations and other rules of customary international law, technical reports and so on.

A final consideration is the participation of the public in the process. In the context of peace agreements, this involves inclusivity of various groups besides military organizations involved in the conflict such as the civil society in general and women in particular. This could take effect, for example, by including a separate delegation comprised solely from civilians (Dr. P. Williams, project interview, 12 February 2024). In this sense, the involvement of a wide array of perspectives may assist in addressing the root causes of the conflict in a more adequate manner while also increasing national ownership of an agreement (UNGA, 2012). In turn, national ownership of an agreement makes an agreement more resilient as opposed to an agreement that is imposed upon the population (UNGA, 2012). National ownership and the involvement of the civil society might also require capacity building so as to facilitate meaningful engagement especially when it comes to highly technical or scientific matters (UNDPPA, 2022).

In light of the above, the following section provides specific recommendations derived from the bird's eye view of peace agreements and the case study on the Sudanese conflicts. Those recommendations are divided into two categories: one including recommendations applicable to both intra-state and inter-state conflicts, and one including recommendations applicable to intra-state conflicts exclusively.

## **1. Recommendations applicable to both intra-state and inter-state conflicts**

### **1) Adoption of the appropriate mediation style**

In certain cases, parties to peace negotiations have a very clear idea as to their ideas, interests, and desired outcome. An example in this respect is the case of Sudanese negotiations which were significantly party-driven, and, thus, required a facilitative style mediation rather than a more activist mediation. The party-driven negotiation approach may well be appropriate to tackle root causes of conflict in a comprehensive manner. In other cases, such as when the parties do not have such clear views of what they need to make the peace process resilient, it may be appropriate to apply a strong determinative/activist meditation approach. Ultimately it is up to each negotiator to

assess the appropriate approach based on the dynamics and the will of the parties to the negotiations.

## 2) Identification of the appropriate stage to introduce trade provisions

Identifying the appropriate stage to introduce trade provisions is a key consideration so as to reap the positive effects of trade in the peace process. This exercise depends to a large extent on the root causes of the conflict and whether they are economic or trade-related and to the will of the parties and their desires. The example of the Sudanese conflicts has demonstrated that even a ceasefire was in fact contingent upon finding solutions on resource matters. As such, trade provisions were introduced very early on the various peace processes, often simultaneously with provisions relevant to ceasefires. In other cases, in which the parties are not resolved on the issues to be addressed and their respective positions and interests, a mediator can be creative in exploring wide ranging economic and trade provisions to generate sufficient interests for each of the parties. Thus, mediators can introduce trade provisions during later stages following more thorough or longer talks.

## 3) Introduction of capacity-building workshops to foster national ownership of the agreement

Trade and trade-related matters often concern complex or technical issues that are known only to individuals qualified in those areas. Issues of taxation, land use, natural resources management and wealth sharing might thus be difficult for the civil society and other actors to understand when not qualified in this respect. Subject to any issues of confidentiality that are essential to the success of the peace process, wider involvement can only be achieved through more inclusive negotiations that ensure effective participation of an informed public. To this end, workshops presented by experts mutually agreed by the parties can assist them and civil society cover knowledge gaps thus assisting in their effective participation in the negotiations process.

## 4) Freedom of movement provisions in ceasefire agreements

As indicated in the relevant section, the existence of conflict constitutes not only an important physical barrier to trade but also a political barrier when conflict is coupled with boycotts or other types of economic sanctions. As such, lifting those barriers and safeguarding the return to normal circumstances of trade through provisions providing the freedom of movement of people, goods, services and so on constitutes not only evidence of peace but also an avenue for economic and resulting development. As such, the inclusion of such provisions as early as the ceasefire stage may assist in the return of peaceful circumstances that are necessary for the success of peace talks. Of course, such attempts should take due consideration of the context of the conflict

overall, in order to identify the appropriate stage to introduce freedom of movement provisions, in the sense specified under recommendation 2.

## 2. Recommendations specific to intra-state conflicts

### 1) Diversification of exports and economic development

Especially in the context of intra-state conflicts and the resulting peace and transition process, an important consideration is economic development and the provision of solutions to the economic drivers of conflict. In the case of resource-rich countries, who rely on the exploration of minerals, oil and other non-labor-intensive sources of income, changes in the prices of those resources may lead to the resumption of conflict. As such, the diversification of exports through the development of multiple sectors of the economy may in fact make the state more resilient to the negative effects of trade. It could also contribute to the reduction of poverty and the increase of equality among the population.

### 2) Natural resource management and wealth sharing provisions in resource-rich countries

In the case of resource-rich countries, the real or perceived unequal distribution of natural resources and control thereof often are an important conflict driver. As such, the introduction of a framework of the equitable management of those resources is key to making the peace process resilient. A complimentary factor is that of wealth sharing. As evidenced in the example of Sudan, lack of wealth sharing of the proceeds from the exploitation of natural resources has been one of the key drivers of that conflict, since resource-rich provinces did not benefit from the exploitation of their resources. As such, mediators should work with the parties to develop a wealth sharing system complementing the rules on the equitable management of resources is key in such contexts.

### 3) Recognition and inclusion of land and water rights

The interests of the local populations are a key consideration in the context of the peace process. Agreements that ignore the interests of different segments of the population are not likely to be sustainable. Such neglected interests may well be the key drivers of the conflict. For example, in cases in which land and water rights, including traditional land rights, have been a driver of conflict, it is essential for mediators to work with the parties to secure equitable and legally enforceable sharing of such land and water rights.



## **B. Recommendations concerning trade negotiations**

The process of trade negotiations is quite different from peace negotiations. Normally, trade agreements are concluded among states, or groups of states. Therefore, the division into inter-state and intra-state is not applicable to trade negotiations. Also, trade agreements are commonly negotiated in peaceful circumstances, meaning that there is no time pressure on parties to reach a ceasefire as soon as possible. In general, trade negotiation process is more cumbersome and formalized, with numerous agencies, ministries and other actors involved from each side. Negotiators have clear mandates from their governments, and scope of issues to be included into trade agreements is more or less pre-defined by existing benchmarks, depending on the type of a trade agreement. Existing guides on trade negotiations elaborate in detail on various trade elements traditionally included into trade agreements according to WTO disciplines (e.g. see Goode, 2005).

However, this research is focused on peace-related elements of trade agreements serving to make such agreements more stable and resilient. Unfortunately, this topic is often overlooked by trade negotiators, and there is not much literature on this. Thus, we formulated below several practical recommendations for trade negotiators concerned with peace-related matters in trade agreements. Some of them are based on general recommendations for trade negotiations, while others are specifically tailored to peace-related provisions, based on our research and interviews.

### **1) [Paying attention to the trade-peace nexus](#)**

Firstly, it is recommended to include peace and security into the scope of trade negotiations from the earliest stages in order to explore the needs of the parties and ways how peace may facilitate trade in particular national circumstances. If one or even both of the parties are recovering from a recent conflict, it may be fruitful to include provisions facilitating the recovery and preventing the resumption of conflict. Existing peace agreements negotiated at the same time as trade agreements may become a good source of interests and resulting options and solutions to avoid future conflicts. And even if parties are not recovering from conflicts, trade agreements may still include provisions likely to avoid conflicts such as provisions on political dialogue and regional cooperation.

### **2) [Allowing for public participation in negotiation processes](#)**

Best practices for trade negotiations require the participation of various government ministries and agencies, business associations, companies and interested NGOs. To make trade agreements even more resilient and sustainable, broader public and expert community should be engaged into negotiation as well. Such participation is especially important for peace-related provisions in trade agreements. Such provisions can be crafted to address problems that may have historically led to conflict and violence in

particular societies. Mediators/negotiators should seek out and listen to local communities in preparing for a negotiation. Taking into account the interests of marginalized groups may well be an essential step in creating a sustainable agreement. For instance, provisions on combating terrorism and other types of illegal activities may be coupled with transitional programs providing local populations with alternatives for gainful employment. Public opinion could be examined by organizing discussions, polls, focus groups and by other means.

### 3) Ensuring the interests of fragile and conflict-affected states

Interests of FCS should be the main focus of their trade negotiations. This includes the need to engage in negotiating peace-related provisions. The stronger trade partner should offer technical and administrative assistance, training and aid to FCS, enabling them to implement peace-related provisions, such as on non-proliferation of weapons of mass destruction, or on combating illegal activities. Security exceptions should be drafted and implemented carefully to ensure that potential trade disruption caused by invoking them does not cause disproportionately grave harm to FCS, which may be vulnerable to trade shocks of different kind. Thus, it is recommended that research and analysis be conducted at the negotiation stage concerning the impact of peace-related provisions in trade agreements on fragile and conflict-affected states. Ensuring economic and political stability of such states also enhances the resilience of trade agreements concluded with them. At the same time, FCS may increase their bargaining power by building broad coalitions uniting them against more powerful trade partners. For instance, the African Union offers its members the ability to refrain from entering into separate trade agreements with such powerful actors as the EU. Acting on behalf of its members, the African Union has more leverage to prioritize trade agreements issues the most important for its members (M. Enguélégué, project interview, January 24, 2024).

### 4) Using provisions on political dialogue and regional cooperation

Another recommendation is to use provisions on political dialogue and regional cooperation in trade agreements. While negotiating and implementing these provisions requires only few resources and rarely meets obstacles, these clauses may contribute to peacebuilding and conflict prevention through dialogue and discussion. Ideally, these provisions should be quite detailed, establishing the aims, scope, format, level, frequency and other characteristics of this cooperation. As a result, parties may benefit from learning about peace and security issues of its trade partner at early stages, and contribute to resolving them before they develop into a conflict. Such basic systems for preventing peace and security threats may also enhance the stability of existing trade relations.

## 5) Resorting to declaratory provisions calling for peace and security in case of a failure to agree on binding peace-related clauses

Negotiating peace-related provisions is not an easy exercise, as parties may be not comfortable with undertaking any binding obligations in this area. Sometimes attempts to insist on particular peace-related commitments may even jeopardize the conclusion of a trade agreement. In such cases declaratory provisions calling for peace and security may be used as a substitute, making sure that peace and security still features in a trade agreement. Such declaratory provisions may have weight for the interpretation of a trade agreement, as well as may become a starting point in further negotiations of binding peace-related commitments between parties.

## VI. CONCLUSION

With almost 300 peace and trade agreements selected and more than 1400 peace-related and trade-related provisions reviewed, this paper represents one of the most comprehensive analyses of how trade features in peace agreements, and how peace features in trade agreements. The analysis was conducted with a particular focus on fragile and conflict affected states. Our findings show that trade and peace are closely intertwined, even though trade is rarely seen as a primary means for peace at early stages of trade and peace negotiations (M. Enguélégué, project Interview, January 24, 2024).

This paper demonstrated that the integration of trade in peace agreements is significantly broad, with provisions ranging from the simple promotion of economic development to ones establishing quotas on imports and exports or fixing principles on natural resources management. The empirical findings, however, confirm the assumption that trade and related economic factors are rarely featured in early-stage peace agreements, such as ceasefire agreement, even where they are a root cause of some conflicts. While comprehensive framework agreements are the ones integrating the most varied trade-related provisions, there is a need to tackle trade-related issues as early as possible in the negotiations processes, if the parties so desire (L. Dicker, project Interview, January 19, 2024). Additionally, while it may be hard to distinguish regional patterns *per se*, the evolution of trade-related provisions in peace agreements clearly shows an increasing integration of such provisions on a regional basis.

The data on trade agreements similarly shows an increasing use of peace-related provisions in trade agreements. This may be attributed, to an extent, to the rising number of preferential trade agreements adopted over the years and their more comprehensive nature. The use of security exceptions is more consistently integrated into trade agreements than other peace-related provisions -- the integration of which vary extensively and appears highly dependent on specific parties, such as the EU.

These erratic patterns impact greatly observable trends by concluding similarly framed agreements with other countries, including FCS. The popularity of peace-related provisions in trade agreements remains lower than for trade-related provisions in peace agreements. Nevertheless, both cover a wide range of topics. These include broader ones, such as regional cooperation, to more specific ones, like those combating illegal activities or preventing the proliferation of weapons of mass destruction.

However, the cross-regional nature of trade agreements (and the lack of intra-state equivalent) make their negotiations processes more subject to international pressures. As such, the data clearly shows that most trade agreements that include peace-related provisions are entered into between FCS and developed countries, rather than among FCS. Such findings should be investigated further as they may well be essential for cross-regional peace stability and could have consequences on how FCS might negotiate their trade agreements.

Overall, the data collected for this study provides numerous empirical examples of the integration of trade and peace-related provisions into all types of trade and peace agreements. These findings provide the foundations for further research and a solid base upon which mediators and negotiators can refer to when drafting sustainable peace and trade agreements.

#### [Caveats and limitations of the project](#)

This study remains subject to some limitations that should be addressed in future related projects. First, the scope of this paper is limited and only concerns agreements from specific regions cited in the introduction, mainly focused on fragile and conflict-affected states. While this does not jeopardize the accuracy of the results, it certainly influences the findings. Thus, a boarder regional scope that would ideally consider all trade and peace agreements worldwide. This would help to refine the patterns and provide more examples for mediators and negotiators.

Moreover, the aforementioned geographic limitation necessarily impacts the scope and framing of current peace and trade agreements databases. As stated in the methodology section, this report focused on the UN Peacemaker database while cross-checking with PA-X for peace agreements, and on the WTO RTA database for trade agreements. However, these databases suffer from numerous limitations, ranging from their definitions of peace and trade agreements to their categorization structure and time scope. In the absence of comprehensive and unified databases, such studies will remain partially biased and in need for substantial cross-checking.

Third, although the types of provisions used in this paper have been determined based on the hundreds of provisions found and the current literature, they remain the decision of the authors and could be reformulated differently. Therefore, these

provisions must be understood as primarily indicative and useful to structure the results, rather than immutable and legally accurate. In this sense, the main challenge of such a paper remains the *sui generis* nature of its primary data, namely peace and trade agreements. Although the thousands of provisions can be extremely useful to inform mediators and negotiators on what has been done in the past and which trends prevail, such agreements remain very context-based, limiting the universal applicability of the resulting best practices.

Eventually, this paper demonstrated the added value of a data-driven approach to legal analysis of hundreds of peace and trade agreements (Livermore, Rockmore, 2019). Once methodological concerns are properly addressed and the data collection is systematized, researchers could improve the analysis by using computational tools to discern further evolutionary and regional patterns, refine the scope of trade and peace-related provisions through text-mining, and simulate negotiations processes. With improvements in the field of computational diplomacy (Wernli, 2023), it is more likely that mediators and negotiators will soon benefit from complex sources and tailored recommendations that would ultimately facilitate the drafting of more sustainable peace and trade agreements.

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## ANNEXES

### 1. Table of selected peace agreements with their number and type of trade-related provisions

Type of provision per peace agreement	Number of provisions
A Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict	4
Economic Development	1
International Cooperation	3
Accord Bilatéral pour le Développement et le Renforcement des Relations entre la République du Soudan et la République du Tchad	3
International Cooperation	3
ACCORD CADRE DE DAKAR ENTRE LES TROIS GRANDS POLES POLITIQUES MAURITANIENS	1
Economic Development	1
Accord de cessez-le-feu en Algérie et déclarations gouvernementales du 19 mars relatives à l'Algérie (Accords d'Evian)	24
Agriculture	1
Equal Treatment	4
Freedom of Movement	3
Imports/Exports	3
International Cooperation	2
Investments	1
Monetary Issues	2
Natural Resources	4
No expropriation	2
Preferential Trade Rights	2
Accord de paix entre le Gouvernement de la République du Niger et la Coordination de la Résistance Armée(CRA)	2
Economic Development	2
Accord de Réforme et de Concorde Civile	6
Economic Development	2
Infrastructures	3
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Infrastructures	1
Natural Resources	1
Wealth sharing	1
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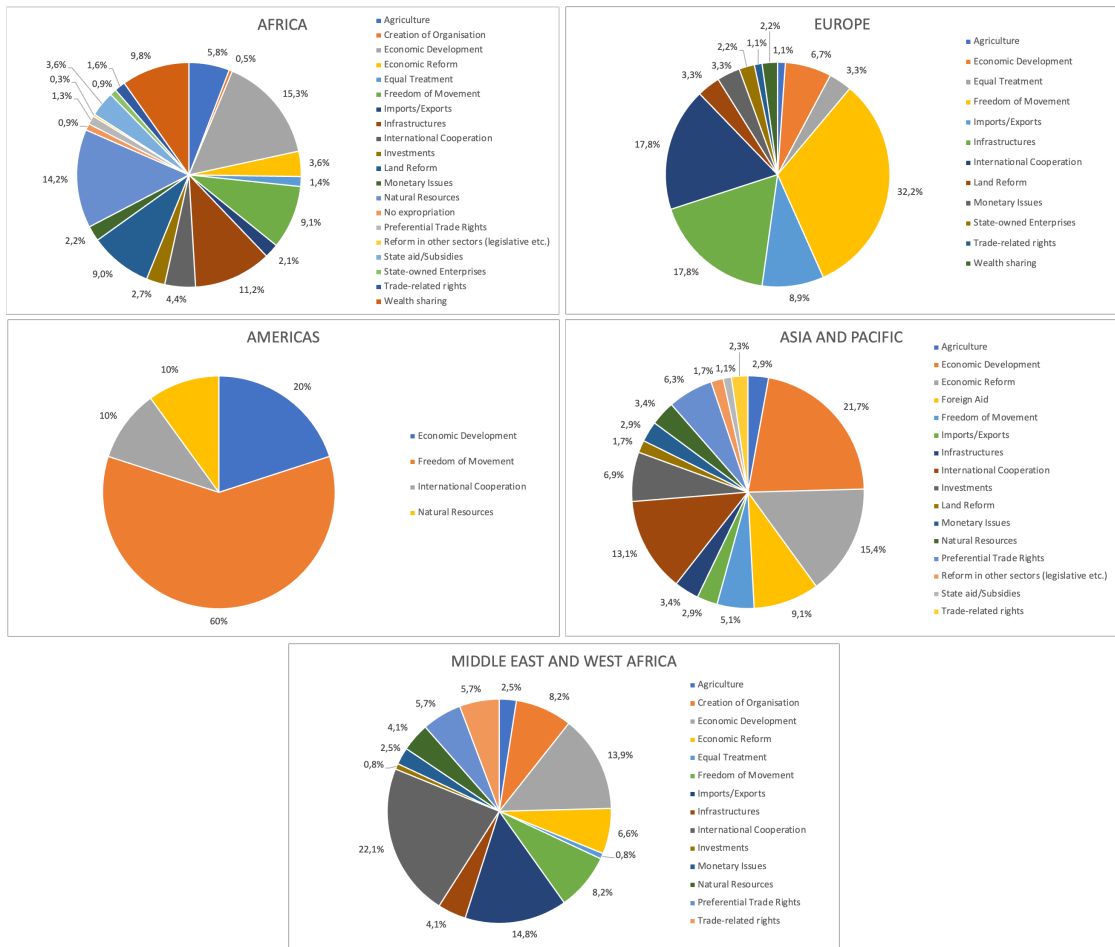
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Preferential Trade Rights	1
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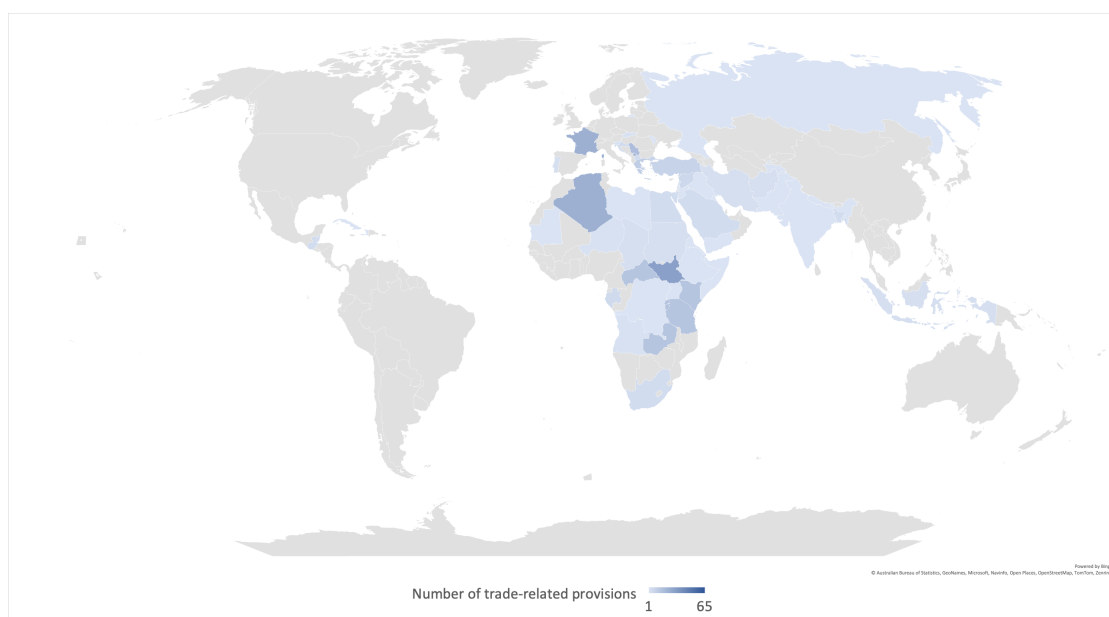


International Cooperation	2
Investments	5
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Economic Development	2
Equal Treatment	1
International Cooperation	3
Preferential Trade Rights	1
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Creation of Organisation	1
Economic Development	1
Freedom of Movement	1
Imports/Exports	1
International Cooperation	2
<b>Grand Total</b>	<b>1031</b>

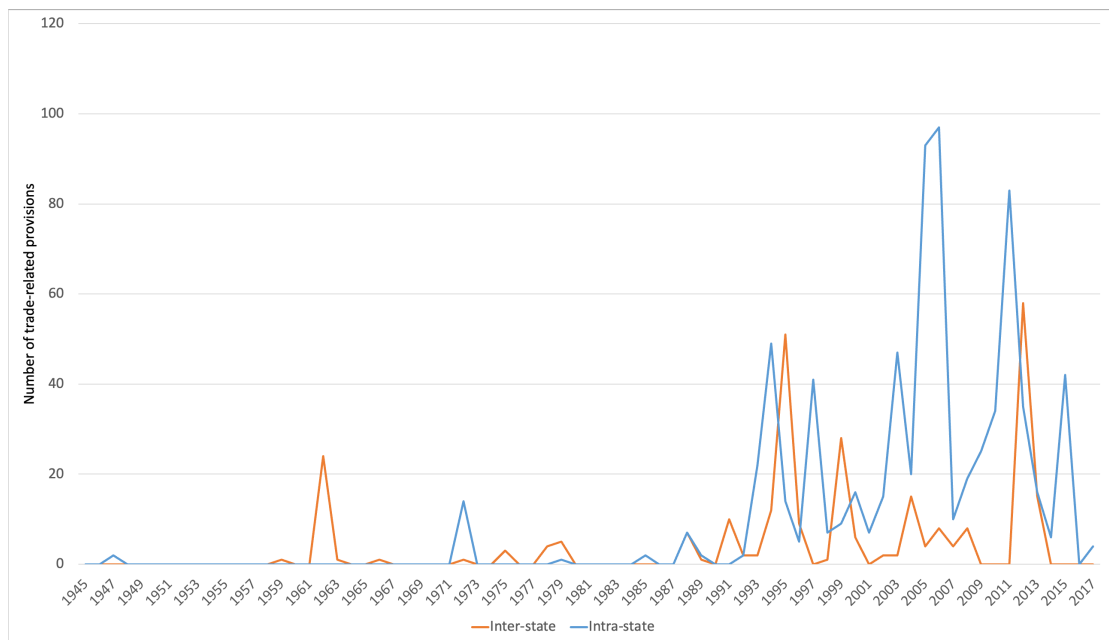
## 2. Regional pie charts of trade-related provisions in peace agreements per type of provision in relative numbers



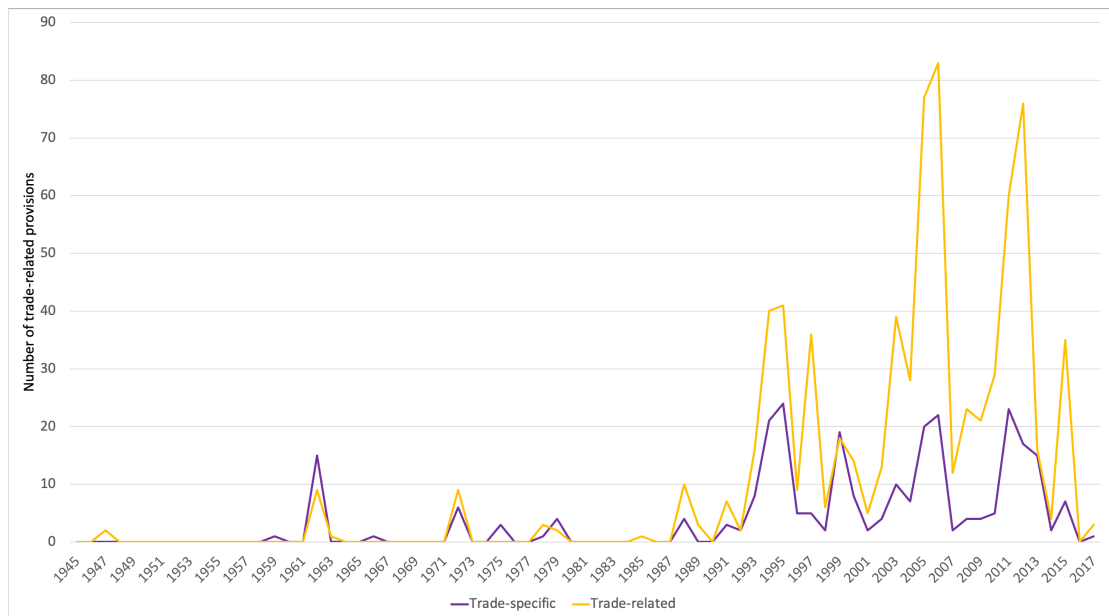
## 3. Country map of the number of trade-related provisions in peace agreements



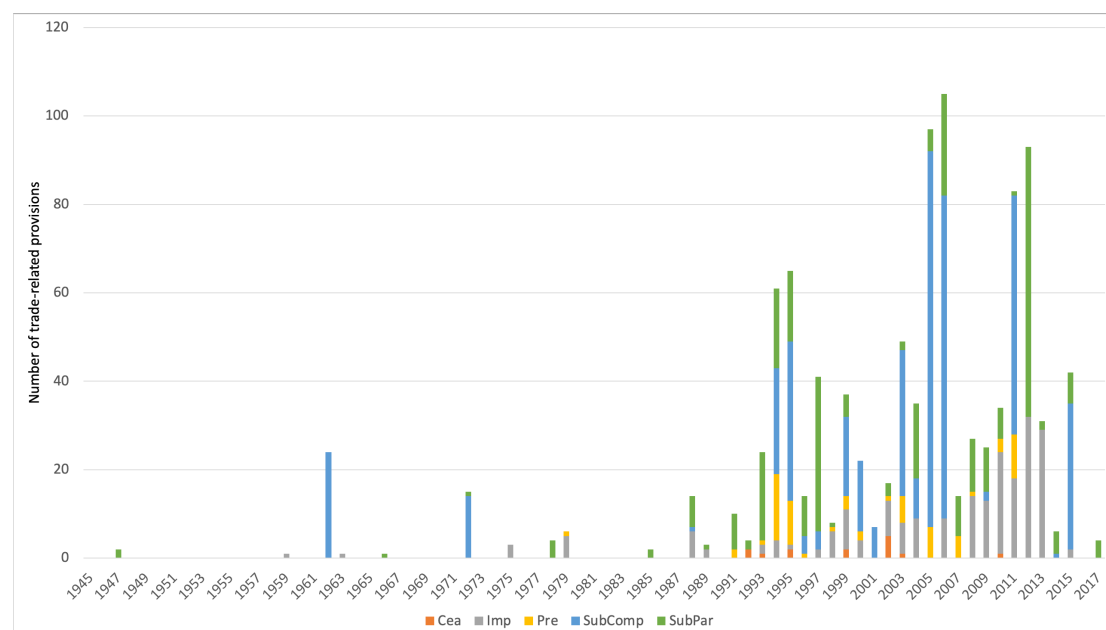
4. Evolution of trade-related provisions per category of peace agreement (intra/inter-state) over the years



5. Evolution of trade-related provisions per category of provision (trade-specific/related) over the years



## 6. Evolution of trade-related provisions per type of peace agreement over the years



## 7. Table of selected trade agreements with their number and type of peace-related provisions

Type of provisions per trade agreements	Number of provisions
1980 Montevideo Treaty	1
Security exceptions	1
AGREEMENT BETWEEN THE EFTA STATES AND ISRAEL	1
Security exceptions	1
AGREEMENT BETWEEN THE EFTA STATES AND THE HASHEMITE KINGDOM OF JORDAN	2
Declaration promoting peace	1
Security exceptions	1
AGREEMENT BETWEEN THE EFTA STATES AND THE KINGDOM OF MOROCCO	1
Security exceptions	1
AGREEMENT BETWEEN THE GOVERNMENT OF REPUBLIC OF ARMENIA AND THE GOVERNMENT OF TURKMENISTAN ON FREE TRADE	1
Security exceptions	1
AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ARMENIA AND THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN ON FREE TRADE	1
Security exceptions	1
AGREEMENT BETWEEN THE GOVERNMENT OF THE RUSSIAN FEDERATION AND THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON FREE TRADE BETWEEN THE RUSSIAN FEDERATION AND THE FEDERAL REPUBLIC OF YUGOSLAVIA	1

Security exceptions	1
AGREEMENT Between the Government of THE Russian Federation and the Government of Turkmenistan on Free Trade	1
Security exceptions	1
Agreement between the Government of the United States of America and the Government of the Sultanate of Oman on the Establishment of a Free Trade Area	1
Security exceptions	1
AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE HASHEMITE KINGDOM OF JORDAN ON THE ESTABLISHMENT OF A FREE TRADE AREA	1
Security exceptions	1
AGREEMENT ESTABLISHING A FREE TRADE AREA BETWEEN THE REPUBLIC OF TURKEY AND THE ARAB REPUBLIC OF EGYPT	1
Security exceptions	1
Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Arab Republic of Egypt	9
Combating illegal activities	4
Declaration promoting peace	2
Political dialogue / regional cooperation	1
Security exceptions	2
Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Hashemite Kingdom of Jordan	6
Combating illegal activities	2
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco	6
Combating illegal activities	2
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Lebanon	8
Combating illegal activities	4
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Tunisia	6
Combating illegal activities	2
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
Agreement establishing an Economic Partnership Agreement between the Eastern and Southern Africa States and the United Kingdom of Great Britain and Northern Ireland	2
Declaration promoting peace	1

Security exceptions	1
AGREEMENT FREE TRADE BETWEEN THE CABINET OF MINISTERS OF THE KYRGYZ REPUBLIC AND THE GOVERNEMENT OF THE REPUBLIC OF ARMENIA	1
Security exceptions	1
AGREEMENT ON FREE TRADE BETWEEN GOVERNMENT OF THE KYRGYZ REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN	1
Security exceptions	1
AGREEMENT ON FREE TRADE BETWEEN THE CABINET OF MINISTERS OF THE KYRGYZ REPUBLIC AND THE GOVERNMENT OF UKRAINE	1
Security exceptions	1
AGREEMENT ON FREE TRADE BETWEEN THE GOVERNMENT OF GEORGIA AND THE GOVERNMENT OF THE REPUBLIC OF KAZAKSTAN	1
Security exceptions	1
AGREEMENT ON FREE TRADE BETWEEN THE GOVERNMENT OF GEORGIA AND THE GOVERNMENT OF TURKMENISTAN	1
Security exceptions	1
AGREEMENT ON FREE TRADE BETWEEN THE GOVERNMENT OF THE KYRGYZ REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA	1
Security exceptions	1
AGREEMENT ON FREE TRADE BETWEEN THE GOVERNMENT OF THE KYRGYZ REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF UZBEKISTAN	1
Security exceptions	1
AGREEMENT ON THE CREATION OF A FREE-TRADE AREA	1
Security exceptions	1
Agreement on the Establishment of a Free Trade Area between the Government of Israel and the Government of the United States of America	1
Security exceptions	1
AGREEMENT ON THE GLOBAL SYSTEM OF TRADE PREFERENCES AMONG DEVELOPING COUNTRIES	1
Security exceptions	1
Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part	3
Combating illegal activities	1
Political dialogue / regional cooperation	1
Security exceptions	1
Agreement setting up a free trade area between the Arab Mediterranean countries	2
Security exceptions	2
Arab Free Trade Area Agreement	2
Security priorities in trade liberalisation	2
Canada-Jordan Free Trade Agreement	1
Security exceptions	1
COMPREHENSIVE ECONOMIC COOPERATION AND PARTNERSHIP AGREEMENT (CECPA) BETWEEN THE REPUBLIC OF MAURITIUS AND THE REPUBLIC OF INDIA	2
Security exceptions	2

Comprehensive Economic Partnership Agreement (CEPA) between the Government of the Republic of India and the Government of the United Arab Emirates (UAE)	1
Security exceptions	1
Cooperation Agreement between the European Economic Community and the Syrian Arab Republic	1
Security exceptions	1
COUNCIL DECISION 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union	2
Combating illegal activities	2
ECO Trade Agreement (ECOTA)	1
Security exceptions	1
ECONOMIC PARTNERSHIP AGREEMENT between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part	3
Combating illegal activities	1
Declaration promoting peace	1
Security exceptions	1
Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part	3
Combating illegal activities	1
Declaration promoting peace	1
Security exceptions	1
ECONOMIC PARTNERSHIP AGREEMENT between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part	1
Security exceptions	1
ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE SOUTHERN AFRICAN CUSTOMS UNION MEMBER STATES AND MOZAMBIQUE, OF THE ONE PART AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART	1
Security exceptions	1
Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Kenya, a Member of the East African Community, of the other part	1
Security exceptions	1
Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part	9
Combating illegal activities	4
Declaration promoting peace	2
Political dialogue / regional cooperation	1
Security exceptions	2
Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part	8
Combating illegal activities	2
Declaration promoting peace	2
Political dialogue / regional cooperation	2

Security exceptions	2
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part	6
Combating illegal activities	2
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
EURO-MEDITERRANEAN AGREEMENT establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part	6
Combating illegal activities	2
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part	5
Combating illegal activities	1
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part	8
Combating illegal activities	6
Political dialogue / regional cooperation	1
Security exceptions	1
Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part	9
Combating illegal activities	4
Declaration promoting peace	2
Political dialogue / regional cooperation	1
Security exceptions	2
Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part	5
Declaration promoting peace	3
Political dialogue / regional cooperation	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF UKRAINE AND THE GOVERNMENT OF MONTENEGRO	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND MONTENEGRO	1
Security exceptions	1



FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE REPUBLIC OF ALBANIA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE REPUBLIC OF KOSOVO	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN MERCOSUR AND THE ARAB REPUBLIC OF EGYPT	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN MERCOSUR AND THE STATE OF ISRAEL	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE ARAB REPUBLIC OF EGYPT AND THE EFTA STATES	1
Security exceptions	1
Free Trade Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Tajikistan	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND BOSNIA AND HERZEGOVINA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND MONTENEGRO	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND THE MEMBER STATES OF THE CO-OPERATION COUNCIL FOR THE ARAB STATES OF THE GULF	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND THE REPUBLIC OF MACEDONIA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND THE REPUBLIC OF SERBIA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EFTA STATES AND THE SACU STATES	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF SERBIA, OF THE OTHER PART	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE STATE OF ISRAEL	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE REPUBLIC OF MAURITIUS	3
Security exceptions	3
FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE CABINET OF MINISTERS OF UKRAINE	1
Security exceptions	1

Free Trade Agreement between the Government of Ukraine and the Government of the Republic of Kazakhstan	1
Security exceptions	1
Free Trade Agreement between the Government of Ukraine and the Government of the Republic of Uzbekistan	1
Security exceptions	1
Free Trade Agreement between the Government of Ukraine and the Government of Turkmenistan	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF ALBANIA AND THE EFTA STATES	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE KINGDOM OF MOROCCO	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE REPUBLIC OF MACEDONIA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE REPUBLIC OF MAURITIUS	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE REPUBLIC OF SERBIA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN THE STATE OF ISRAEL AND THE REPUBLIC OF COLOMBIA	1
Security exceptions	1
Free Trade Agreement Between the State of Israel and the United Mexican States	2
Security exceptions	2
FREE TRADE AGREEMENT BETWEEN THE STATES OF THE EUROPEAN FREE TRADE ASSOCIATION AND THE REPUBLIC OF TUNISIA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN TURKEY AND BOSNIA AND HERZEGOVINA	1
Security exceptions	1
FREE TRADE AGREEMENT BETWEEN UKRAINE AND THE REPUBLIC OF MACEDONIA	1
Security exceptions	1
INTERIM AGREEMENT BETWEEN THE EFTA STATES AND THE PLO FOR THE BENEFIT OF THE PALESTINIAN AUTHORITY	3
Declaration promoting peace	1
Review clause	1
Security exceptions	1
Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part	4
Declaration promoting peace	2
Security exceptions	2

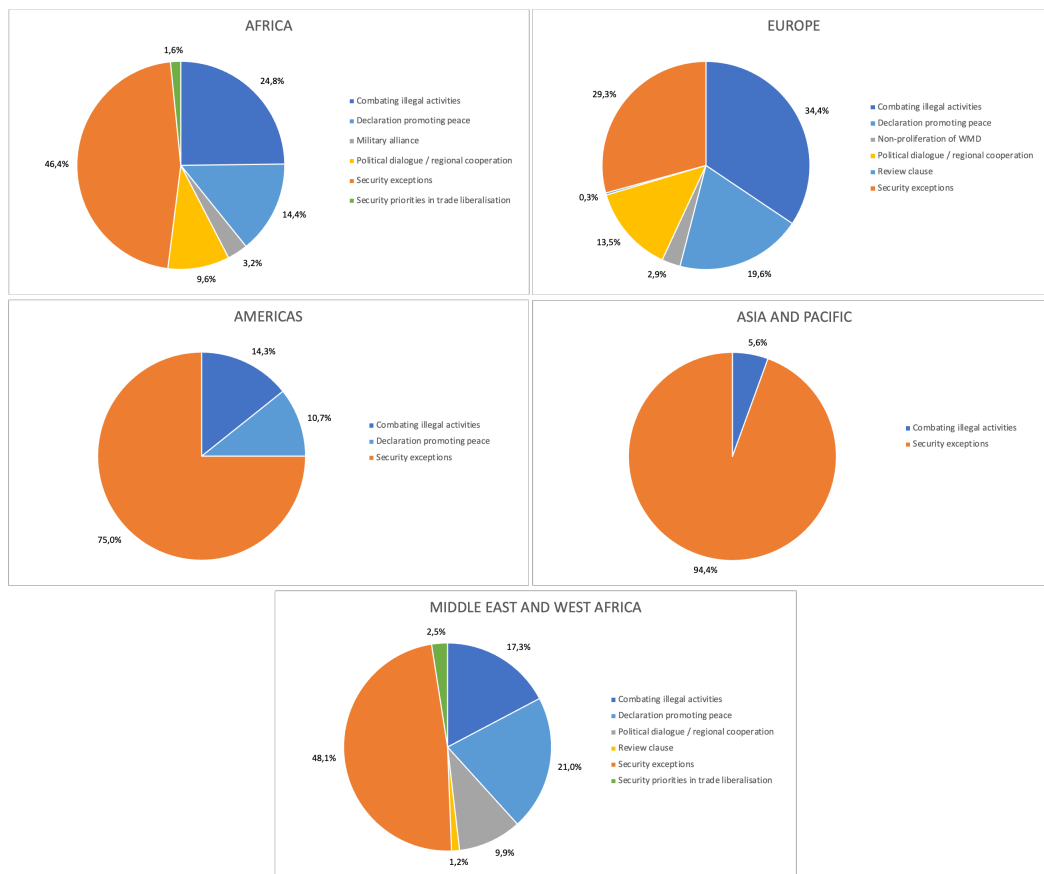
Interim Agreement establishing an Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part and the Republic of Cameroon, of the other part	3
Combating illegal activities	1
Security exceptions	2
Interim Agreement leading to formation of a free trade area between the Eurasian Economic Union and its Member States, of the one part, and the Islamic Republic of Iran, of the other part	1
Security exceptions	1
Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part	3
Combating illegal activities	1
Security exceptions	2
INTERIM FREE TRADE AGREEMENT BETWEEN TURKEY AND THE PALESTINE LIBERATION ORGANIZATION FOR THE BENEFIT OF THE PALESTINIAN AUTHORITY	2
Declaration promoting peace	1
Security exceptions	1
Interim Political, Trade and Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part	3
Declaration promoting peace	2
Security exceptions	1
Interim Trade Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part and the Republic of Ghana, of the other part	1
Security exceptions	1
Partnership, Trade and Cooperation Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Serbia	15
Combating illegal activities	7
Declaration promoting peace	4
Non-proliferation of WMD	1
Political dialogue / regional cooperation	2
Security exceptions	1
Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Albania	12
Combating illegal activities	6
Declaration promoting peace	2
Non-proliferation of WMD	1
Political dialogue / regional cooperation	2
Security exceptions	1
Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kosovo	14
Combating illegal activities	6
Declaration promoting peace	3
Political dialogue / regional cooperation	4

Security exceptions	1
Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of North Macedonia	9
Combating illegal activities	4
Declaration promoting peace	2
Political dialogue / regional cooperation	2
Security exceptions	1
Preferential Trade Agreement between the Common Market of the South (MERCOSUR) and the South African Customs Union (SACU)	2
Declaration promoting peace	1
Security exceptions	1
PREFERENTIAL TRADE AGREEMENT BETWEEN THE REPUBLIC OF MAURITIUS AND THE ISLAMIC REPUBLIC OF PAKISTAN	1
Security exceptions	1
Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the Caricom Single Market and Economy	1
Security exceptions	1
SOUTHERN AFRICAN CUSTOMS UNION (SACU) AGREEMENT BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF BOTSWANA, THE KINGDOM OF LESOTHO, THE REPUBLIC OF NAMIBIA, THE REPUBLIC OF SOUTH AFRICA AND THE KINGDOM OF SWAZILAND	2
Security exceptions	2
Southern African Development Community (SADC) CONSOLIDATED PROTOCOL ON TRADE	2
Security exceptions	2
Southern African Development Community (SADC) PROTOCOL ON TRADE IN SERVICES	1
Security exceptions	1
Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part	16
Combating illegal activities	7
Declaration promoting peace	4
Non-proliferation of WMD	2
Political dialogue / regional cooperation	2
Security exceptions	1
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part	16
Combating illegal activities	7
Declaration promoting peace	3
Non-proliferation of WMD	2
Political dialogue / regional cooperation	3
Security exceptions	1
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part	9
Combating illegal activities	4

Declaration promoting peace	2
Political dialogue / regional cooperation	2
Security exceptions	1
STABILISATION AND ASSOCIATION AGREEMENT between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part	12
Combating illegal activities	6
Declaration promoting peace	2
Non-proliferation of WMD	1
Political dialogue / regional cooperation	2
Security exceptions	1
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part	16
Combating illegal activities	7
Declaration promoting peace	3
Non-proliferation of WMD	2
Political dialogue / regional cooperation	3
Security exceptions	1
Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part	15
Combating illegal activities	7
Declaration promoting peace	3
Political dialogue / regional cooperation	4
Security exceptions	1
Stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part	4
Combating illegal activities	1
Declaration promoting peace	1
Security exceptions	2
Stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part	4
Combating illegal activities	1
Declaration promoting peace	1
Security exceptions	2
Stepping Stone Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and Côte d'Ivoire, of the other part	4
Combating illegal activities	1
Declaration promoting peace	1
Security exceptions	2
THE AGREEMENT ON THE CUSTOMS UNION	1
Security exceptions	1
THE ASSOCIATION AGREEMENT ESTABLISHING A FREE TRADE AREA BETWEEN THE REPUBLIC OF TURKEY AND THE REPUBLIC OF TUNISIA	1

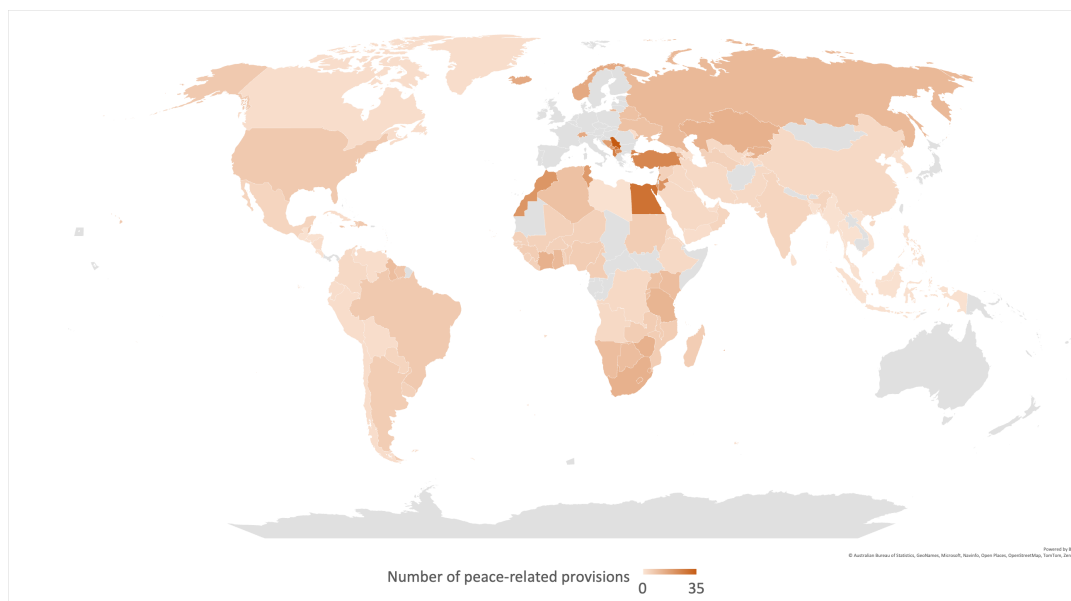
Security exceptions	1
THE ASSOCIATION AGREEMENT ESTABLISHING A FREE TRADE AREA BETWEEN THE REPUBLIC OF TURKEY AND THE SYRIAN ARAB REPUBLIC	2
Declaration promoting peace	1
Security exceptions	1
The Chaguaramas Treaty - Treaty Establishing the Caribbean Community	1
Security exceptions	1
The Dickenson Bay Agreement - Agreement Establishing the Caribbean Free Trade Association	1
Security exceptions	1
THE DOMINICAN REPUBLIC – CENTRAL AMERICA – UNITED STATES FREE TRADE AGREEMENT	1
Security exceptions	1
The Economic Community of West African States (ECOWAS) Treaty	5
Declaration promoting peace	1
Military alliance	2
Political dialogue / regional cooperation	1
Security exceptions	1
The Treaty for the Establishment of the East African Community	6
Combating illegal activities	1
Declaration promoting peace	1
Military alliance	1
Political dialogue / regional cooperation	3
Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel	5
Combating illegal activities	1
Declaration promoting peace	1
Political dialogue / regional cooperation	1
Security exceptions	2
TREATY ESTABLISHING THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA	3
Declaration promoting peace	1
Military alliance	1
Security exceptions	1
TREATY ON A FREE-TRADE AREA	1
Security exceptions	1
TREATY ON THE EURASIAN ECONOMIC UNION	5
Security exceptions	5
TURKEY-ISRAEL FREE TRADE AGREEMENT	1
Security exceptions	1
U.S.-Bahrain Free Trade Agreement	1
Security exceptions	1
UNITED STATES – MOROCCO FREE TRADE AGREEMENT	1
Security exceptions	1
<b>Grand Total</b>	<b>383</b>

## 8. Regional pie charts of peace-related provisions in trade agreements per type of provision in relative numbers

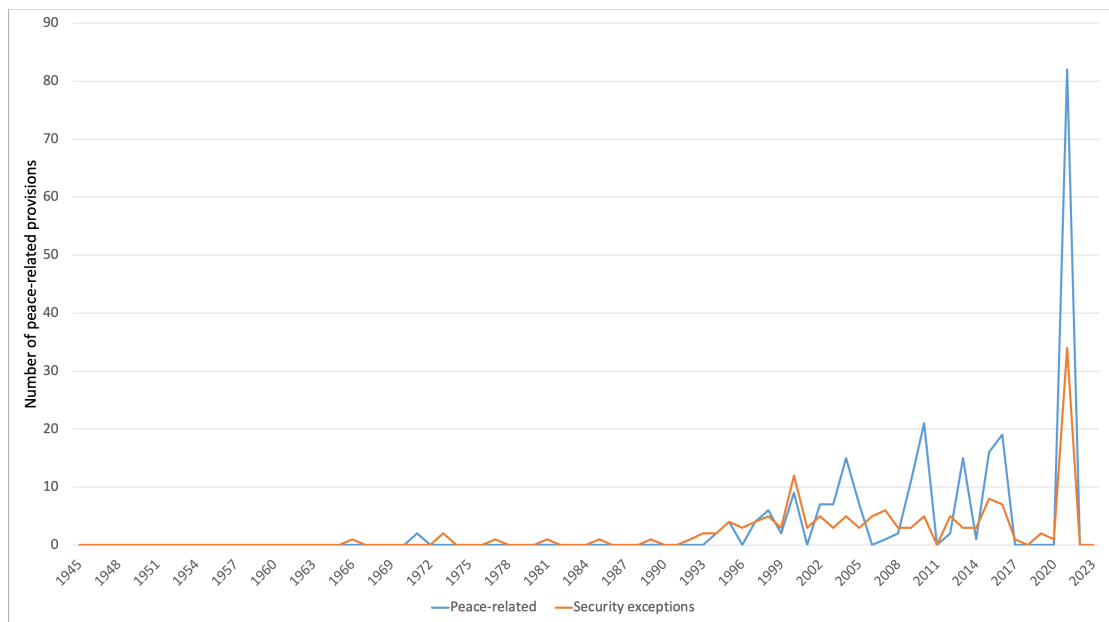


## 9. Country map of the number of peace-related provisions in trade agreements

With respectively 157 and 116 peace-related provisions, data on the EU and the UK has been manually deleted to better emphasize the nuances between other countries. These high values still represent the importance of both sovereign entities in the landscape of peace-related trade agreements.



10. Evolution of peace-related provisions per category of provision (peace-related/security exceptions) over the years



11. Evolution of peace-related provisions per type of trade agreement over the years

