



UPPSALA  
UNIVERSITET

## **Amnesty as the Price for Peace?**

A Comparative Study of Conflict Amnesties as a Tool to Achieve Peace

Beatrice Schönning

Peace and Conflict Studies C

Supervisor: Emma Elfverson

Department of Peace and Conflict Research

Fall 2016



**Table of Contents**

- 1. Introduction ..... 3**
- 2. Theoretical Framework – Can Amnesties Contribute to Peace? ..... 4**
  - 2.1 Defining Amnesties.....4
  - 2.2 The Peace v. Justice Debate.....5
  - 2.3 The Concept of Peace in Relation to Amnesties .....6
  - 2.4 Amnesties from a Bargaining Perspective .....8
  - 2.5 Alternative Explanations .....10
- 3. Research Design..... 11**
  - 3.1 Method .....11
  - 3.2 Case Selection .....12
  - 3.3 Operationalization.....14
  - 3.4. Data Collection and Limitations of Design .....17
- 4. The Cases ..... 18**
  - 4.1 Bougainville .....18**
    - Background.....19
    - The Amnesty.....19
    - The Negotiation Phase.....19
    - The Implementation Phase.....21
  - 4.2 Casamance .....23**
    - Background.....23
    - The Amnesty.....24
    - The Negotiation Phase.....24
    - The Implementation Phase.....26
- 5. Results ..... 28**
  - 5.1 Comparative Analysis.....28
  - 5.2 Theoretical Implications .....30
- 6. Conclusion..... 32**
- 7. List of References ..... 34**

## 1. Introduction

Amnesties are a common feature in peace negotiations. Since the end of the Second World War, 45% of all bargained solutions to conflict included an amnesty provision (Binningsbø et al., 2012:732). Even though it is such a common feature in modern conflicts, the research on amnesties in relation to peace is surprisingly scarce (ibid:732). Most scholars have studied the legality of amnesties, their legal implications, and their relation to human rights and democracy (Olsen et al., 2012; Bell, 2008; Freeman & Pensky, 2012). During recent years, a debate has sparked between peacemakers and human rights advocates within the transitional justice literature regarding the justifiability of amnesties as a tool in peace negotiations. The debate is commonly referred to as the peace v. justice debate (Sonnenberg & Cavallaro, 2012). Although several scholars have contributed to the debate, no consensus on if and how amnesties are beneficial for peacebuilding has been established. This paper will contribute to the debate by testing a newly developed theory in a comparative study, and strives to answer the question *How do different types of amnesties affect prospects of peace?*

Why should amnesties be studied? Evidently, an amnesty cannot in itself determine if peace is established or not, many other fundamental aspects determine the outcome of a peace process. However, building on the debate within the literature, giving amnesties and thus not prosecuting people for crimes committed is arguably unnecessary if it cannot be proven to promote peace. More specifically, if some amnesties lead to peace but others have no apparent effect on the peace process, finding out which ones lead to what is of significant value for future research, as well as for future peace negotiations. In the current peace process in Colombia, the first agreement between the government and Fuerzas Armadas Revolucionarias de Colombia (FARC) was rejected by the people's vote in a referendum. One of the main critiques towards the agreement was the broad amnesty that would pardon FARC fighters for human rights violations committed during the 52 years long civil war. The government and FARC on their end, argued that this was the best possible deal they could reach (Brodzinsky, 2016). Colombia highlights the essence of the peace v. justice debate; can impunity be justified if it leads to peace?

The Transitional Justice Research Collaborative (TJRC) has recently developed a database that covers all amnesties issued since 1945. Based on this newly gathered data, Geoffery

Dancy (2016), who is one of the founders of the collaborative, has drawn interesting conclusions on if and how amnesties can help promote peace in his working paper “Are Devil Deals Necessary? Conflict Amnesties and Sustainable Peace”. It is, to date, the largest study conducted on amnesties in relation to peace. Dancy explains his findings through bargaining theory, where a certain type of amnesty is thought to reduce commitment problems between the parties and thereby help to establish peace, whereas other types might worsen the situation and even lead to conflict recurrence. These patterns must be examined through qualitative means to establish if the correlation can be explained by the proposed theory. Such an examination is further supported by Walter (2009), who suggests that more scholars should investigate different types of agreements and their effect on overcoming commitment problems, to facilitate future negotiations. Given that Dancy’s article at the time of writing has not yet been published, it seems highly unlikely that Dancy’s theory has yet been analyzed in a qualitative case study, making this paper a significant contribution to the peace v. justice debate. With a combined within-case analysis and across case comparison of the peace processes in Papua New Guinea and Senegal, this paper provides new insights to amnesties as a bargaining tool, and when and how amnesties can be fruitful. The paper poses challenging questions for forthcoming research on a subject that is still underdeveloped but of significant importance for future policymakers and peace negotiations.

## **2. Theoretical framework – can amnesties contribute to peace?**

### **2.1 Defining amnesties**

An amnesty is “a promise (or in some cases formal legislation) on the part of the ruling party to not prosecute or punish past violators” (Binningsbø et al., 2012:735). In more legal terms, its “primary function is to remove the prospect and consequences of criminal liability for designated individuals or classes of persons in respect of designated types of offenses” (Freeman, 2009:13). The amnesty might be an oral promise, an actual law passed by parliament, a de facto amnesty (i.e doing nothing), or a provision included in a peace agreement (Freeman 2009:13; Mallinder 2008:3). There are various purposes of passing an amnesty. It can be passed for crimes committed during conflict for one or several warring parties, as a sign of forgiveness to military deserters, as a step in transition from authoritarianism to democracy, for participants in coups or demonstrations, or to forgive

political prisoners (where Amnesty International took its name) (Dancy, 2016:4; Mallinder 2008:4). This paper will focus solely on so-called *conflict amnesties*; amnesties that protect rebels from prosecution related to crimes committed in an intrastate conflict. According to the TJRC, 296 conflict amnesties have been issued since the end of the Second World War (Dancy, 2016:5). The following section will summarize the current peace v. justice debate, followed by an overview of the research of amnesties in relation to peace.

## **2.2 The Peace v. Justice Debate**

After the Lomé peace accords in Sierra Leone in 1999, the United Nations (UN) took a stance against amnesties that include amnesty for war crimes, crimes against humanity, and genocide (Dancy, 2016:2). This sparked the debate between human rights advocates and peacemakers, both on the policy and research level (Sonnenberg & Cavallaro, 2012:258). In recent years, the surge for individual criminal responsibility has become more and more evident, the establishment of the International Criminal Court (ICC) being a clear step in this direction. According to the human rights advocates, accountability for violations is a cornerstone of a global human rights community. When perpetrators are excused for their crimes through an amnesty, it erodes the rule of law. The human rights advocates argue that when rebels are not held accountable for their acts, it creates an incentive to continue conflict since the costs of doing so are low. They argue that trials have a frightening effect on rebels, which prevents conflict recurrence (Kim & Sikknikk, 2010; Sikknikk, 2012; Olsen et al., 2012). Furthermore, states have a legal obligation to prosecute human rights crimes and provide compensation and reparation to victims (Mani, 2002:89), obligations that the state arguably escapes by invoking an amnesty law to end conflict. This, in turn, is argued to lead to continued civil unrest that jeopardizes the peace. Such a conclusion was drawn by Davidheiser and Nyiayaanaa (2001) in their study of the amnesty passed in the Niger Delta; the amnesty failed to address the population's grievances and militants that were granted an amnesty continued to commit crimes against the civilian population.

The peacemaker perspective instead argues that amnesties can be an important tool to promote reconciliation. Amnesties might be a necessary bargaining tool to create incentives for the parties to reach an agreement. It is also a way of showing good faith to the other party and signal a commitment to peace. If an amnesty cannot be offered, it might jeopardize peace negotiations and lead to further conflict and human rights violations. Therefore, an amnesty

might be a necessary price for settlement. They further argue that the human rights advocates have too high hopes on the frightening effects of criminal prosecutions (Bell, 2008:240:241; Cobban, 2007; Freeman, 2009; Dancy, 2016; Mallinder, 2007:208; Olsen et al., 2012). This was supported by Muvumba Sellström (2015) in her study on sexual violence in Africa where the parties granted an amnesty were less likely to commit new abuses after the settlement. Contrary to the beliefs of human rights advocates, an amnesty law specifies which crimes are being forgiven and thus acknowledges past crimes (Mallinder, 2007:14).

Within the peace v. justice debate, there is a third approach that contends that amnesties can be good, if combined with other judicial mechanisms such as truth commissions (Olsen et al., 2012:342). However, the effect of truth commissions is a contested subject within the transitional justice literature (Thoms et al., 2010), and this line of reasoning will thus not be expanded on further in this paper.

### **2.3 The Concept of Peace in Relation to Amnesties**

The debate on peace v. justice remains unresolved (Freeman & Pensky, 2012:64). Some authors argue that not enough systematic and comparative studies have been made on the subject. Another critique concerns that most studies have been single case studies that have ended up with inconclusive results depending on the case. The majority of the studies also focus on the same handful of cases (Dancy, 2016:3; Thoms et al., 2010:329; Mallinder, 2012:71). However, some recent studies of amnesties in relation to peace have tried to fill this void. Snyder and Vinjamuri (2003) conducted the first larger study and concluded that amnesties can be a fruitful tool in peacebuilding, if the conflict entails strong potential spoilers and government institutions are robust. Spoilers are actors who feel that their ideology or power is threatened by the current negotiations and therefore use violence to break the agreement. When these individuals are offered amnesties for their crimes, Snyder and Vinjamuri finds that they are less likely to return to conflict. However, the amnesty will only lead to peace if it is combined with the new regime stripping the potential spoilers of their political influence. Therefore, their findings are arguably contradictory; if amnesties work best when potential spoiler leaders are strong, these influential leaders will arguably not be interested in an amnesty in exchange for their power. Melander (2009) argues that amnesties can lead to peace when included in peace agreements in authoritarian states, whereas amnesties have no pacifying effect in democratic states or states in a state of flux.

However, Melander only examines amnesties included in formal peace agreements, thereby missing many of the conflict amnesties that are offered through other means.

As elaborated above, amnesties can take many different forms and serve a variety of purposes. Recent publications criticize that these differences are not being adhered to in the peace v. justice debate (Mallinder, 2012:74; 2008:3; Dancy, 2016). In a working paper, Dancy (2016) divides amnesties into sub-categories based on the timing of the amnesty and the provisions they entail. In his analysis of the conflict amnesties in the TJRC database, Dancy finds that amnesties that are offered while fighting is ongoing do not contribute to conflict termination. If the amnesty is instead offered after a cease-fire, it is more likely to lead to peace. However, if the amnesty offers immunity for human rights crimes, it decreases the likelihood of peace. Furthermore, amnesties are even more likely to lead to peace if they are embedded in peace agreements. Dancy bases his study on bargaining theory, which seems to be supported by his results. However, the causal mechanism in his theory must be studied in more depth to determine whether his findings do in fact bridge the peace v. justice debate. Dancy's theory will be further examined in relation to general bargaining theory in the next section. But first, a definition of the concept of peace is needed.

Galtung describes two types of peace; negative and positive peace. The former means the absence of violence and entails prevention of relapse into violent conflict. The latter concerns the removal of structural and cultural violence, including the removal of the underlying causes of war (Galtung, 1969; Mani 2002:12). The studies described above have focused on negative peace as in cessation of hostilities and/or no conflict relapse within two years (Dancy, 2016; Melander, 2009). This paper will also focus on negative peace, in other words, peace in the sense of not reigniting armed conflict. As will be expanded on below, the theory of commitment problems concern "sticking to the deal" of peace, meaning that the parties perceive peace to be less costly than taking up arms again. Subsequently, the definition of negative peace is arguably well fit for the design. This will be further expanded on in the operationalization.

## **2.4 Amnesties from a Bargaining Perspective**

This section starts out with a brief overview of bargaining theory and then moves on to describe the theoretical argument that Dancy presents that this study will be based on. The bargaining logic stems from international conflicts but has later been applied to intrastate conflicts. Many scholars have discussed bargaining as an explanation to conflict onset whereas others focus mainly on the bargaining situation at the end of conflict (Walter, 2009). The latter is of interest here since the area of study is the issuing of amnesties in relation to creating peace.

The bargaining process has three main obstacles; issues with credible commitments, information failures and indivisible stakes (Walter, 2009). This paper will focus solely on credible commitments since it has been argued to be the strongest explanatory factor to bargaining failures; commitment issues can prevail even when stakes are divisible and information asymmetries are solved (Fearon, 1995; Powell, 2004). According to Barbara Walter (2002), the end of a conflict has three phases; the negotiation phase (whether or not to initiate peace talks), the bargaining phase (whether or not to sign), and the implementation phase (whether or not to stick to the agreed upon terms). She argues that getting rebels to negotiate is seldom the issue. In the bargaining game that is civil war, both the rebels and the government seek negotiated settlement at some point. The issue is to get both parties to trust each other in the bargaining and negotiation phase, and when a cease-fire and/or negotiated settlement has been struck, to stick to the provisions of the agreement. This is known as the commitment problem. The implementation period is highly risky for both sides. If one of the sides decides to break the cease-fire and launch a surprise attack, the other party might end up with a worse deal than before. According to Fearon, governments are usually weak in this phase. But when the government has had the time to rebuild, nothing stops it from undermining the agreement. The more the government has given away, the more tempted it will be to renege when it is again in a strong position (Fearon, 2004:294-296). The same can be argued for rebels; they might use the cease-fire to regroup and rearm, or have other incentives not to commit to the agreement (Powell, 2004). In the implementation phase, the rebels are often asked to demobilize, putting them in an even weaker position. The aftermath of a civil war is filled with "noise, conflicting signals and bad information, which makes it difficult to stick to the deal and demobilize" (Walter, 2002:24). By sending costly signals to the other party, both sides can illustrate that they are committed to peace. Amnesties have

been argued to be a form of costly signal (Cobban, 2007; Dancy, 2016). Next, the theoretical argument for why an amnesty can solve commitment problems will be presented. However, it will be argued that amnesties that forgive human rights violations do not decrease commitment problems, and can even worsen the prospects for peace.

An amnesty offer from the government signals determination to end hostilities. By issuing an amnesty, and thereby intruding upon the state's right to prosecute, the government signals that it is committed to creating peace. In many intrastate conflicts, the government views the rebels as terrorists and troublemakers; a way to delegitimize the group and its cause. This wound needs to be healed for the rebels to actually believe that power sharing will take place and that the government is serious about committing to peace. An amnesty can heal that wound. As Mallinder puts it, an amnesty signals that the actions of the rebels were political, not criminal (2008:13). It partly legitimizes the rebellion, by excusing the rebel's uprising against a sovereign state. However, by offering an amnesty the government also establishes its legal authority over the rebels in the post conflict setting. In other words, the government acknowledges the rebels' cause and opens up for negotiations, while at the same time establishing its authority as the legitimate regime in the country. It shows a willingness to negotiate at the same time as it signals strength. Furthermore, an amnesty is a secure costly signal due to its legal foundation, it is a way to "solidify the peace" (Dancy, 2016:16). From the rebels' perspective, an amnesty can both be a signal of commitment from the government and an incentive for the rebels to stick to negotiations. If the leaders of a rebel group expect to get prosecuted when an agreement has been reached, they will be reluctant to sign a deal. For example, they will not be able to participate in any elections if they are being held criminally accountable. Amnesties that are legal provisions or parts of peace agreements should be more secure than oral promises, which might be interpreted by the rebels as merely empty words.

However, as Dancy argues, if the amnesty contains immunity for human rights crimes, it should fail to establish peace. An amnesty for serious violations signals to the rebels that violent tactics are not costly (2016:18). As already argued, amnesties signal that the rebels' acts are political and not criminal. Connecting to the peace v. justice debate, it thus erodes the rule of law; it signals that human rights violations are not criminal offences. This can arguably lead to rebels not respecting human rights in the future. Compared to an amnesty that excuses uprising against the state, the government is in this case signaling that human rights violations

are not criminal offences, and thereby breaches its own legal obligation to uphold international human rights standards (Mani, 2002:89). Therefore, Dancy argues that it signals weakness from the government, that it is willing to do “whatever it takes” to stop the fighting. This might be an incentive for the rebels to take up arms again, thinking that they might be able to win even greater victories by fighting if the government is this desperate to strike a deal. When given great concessions, the rebels might press for even greater concessions. Seeing that they have gotten away with all crimes in the past, taking up arms again will not seem as risky (Mattes & Savun, 2009:739; Mallinder, 2008:12; Dancy, 2016:18).

To sum up, an analysis of conflict amnesties from a bargaining perspective results in a bridge in the peace v. justice debate. Seeing that the amnesty is a costly signal, it helps to create credible commitment from the government’s side and is a clear signal to the rebels that the government is willing to find a negotiated deal. However, if the amnesty is too broad in its formulation and not only excuses the rebels for fighting against the state but also for the crimes the rebels have committed towards the people, it signals desperation from the government and makes reigniting the armed conflict seem less costly for the rebels since they interpret the government as a weak opponent. Thus, this paper will be based on the following hypothesis:

*Amnesties that excuse human rights crimes are less likely to lead to peace than amnesties that do not entail human rights provisions.*

## **2.5 Alternative Explanations**

The most common suggested solution to commitment problems is third party guarantees (Walter, 2002; 2009; Mattes & Savun, 2009). Third party guarantees can reduce commitment problems by securing the other party’s good intentions, and thereby help the parties stick to the deal. As has been argued, an amnesty can serve as a costly signal. Thus, a negotiation entailing *both* the costly signal of an amnesty and the security guarantee of a mediator or other third party involvement should be even more likely to succeed, than a negotiation without third party-guarantees where an amnesty is offered. This paper does not strive to analyze mediation or mediator styles, but will take third party involvement into account in the case selection and analysis.

Another solution to commitment problems is the establishment of power sharing pacts between the parties. Without any guarantees of political influence or autonomy, the rebels will be more interested in reigniting the conflict (Walter, 2002:26-29; Mattes & Savun, 2009). An amnesty arguably enables the groups to create power sharing pacts. If the leaders of one party were to be held criminally accountable, they could not participate in the power sharing. Thus, amnesties, de facto or legal amnesties, are arguably necessary for power sharing pacts to be established.

### **3. Research Design**

#### **3.1 Method**

In his quantitative study, Dancy establishes a correlation between amnesties and peace. However, qualitative analysis is needed to establish the causal mechanism, i.e. the answer to *why* different amnesties have different effects in peace processes (Teorell & Svensson, 2007:64). The aim is to study whether Dancy's theory holds up when cases are examined closely. To do so, both a within-case and a between-case examination is arguably necessary. The paper will strive to establish the causal path within the case using process tracing, a method to examine the intermediate steps within the process (the peace negotiation) and how they led to the outcome (Bennet & Checkel, 2015:6). To explain the observable variation in the dependent variable (peace), a between-case comparison will then be conducted (George & Bennet, 2005:77). This analysis will be based on a structured, focused comparison. A set of questions that can guide the process tracing within the case will be developed. The same questions will be asked to the selected cases to make a systematic comparison of the cases possible (ibid:67). By closely examining the cases in this manner, the impact of the independent variable (the amnesty) can be determined. The unit of analysis is thus the peace process in itself, with specific focus on the amnesty offer. The level of analysis is the group level; the rebels and the state. By testing Dancy's theory in a qualitative manner, this paper is a contribution to the debate on if and when amnesties can be fruitful to create peace.

### **3.2 Case Selection**

To find cases that are interesting to compare, Mill's method of difference was used. A set of specific criterion was first formulated on which the cases should be as similar as possible. The cases need to have an amnesty, but the cases should vary on the outcome (peace or conflict recurrence) (Teorell & Svensson, 2007:226). The TJRC Database contains 822 amnesties of which 296 are categorized as conflict amnesties (Dancy, 2016:5). However, it is not specified in the database which 296 amnesties that are conflict amnesties. To find the most similar conflict amnesties, the author has thus briefly examined the 822 amnesties. Numerous other criteria limited the case search. First, the amnesties should be fairly new (late 1990s) to represent the current state of international human rights law as well as the current peace v. justice debate. Second, the amnesties should be offered post cease-fire in relation to Dancy's theory. Third, Dancy finds that amnesties are even more likely to contribute to peace if they are embedded in a peace agreement. Many of the amnesties issued post fighting are embedded in formal agreements, but not all. Thus, the scope was narrowed further to only look for amnesties that were in fact embedded in a peace agreement. Fourth, whether immunity was given for human rights crimes is a non-issue if human rights atrocities have not actually taken place within a conflict. Therefore, there should be documented human rights violations by both parties. Fifth, third-party guarantees are proven to have a significant effect on commitment problems. Consequently, the author controlled for whether the negotiations entailed some type of mediation, once again to assure that the cases had similar conditions. It should be noted that although mediation by a third party did take place, the extent of third party involvement varied. This will be taken into consideration in the analysis. Sixth, Binningsbø et al. (2012) find that amnesties are most commonly used in bargaining situations for settlements, i.e. where neither side had a clear victory. Finally, the dynamics of the conflict should be as similar as possible on all other aspects, including intensity of fighting and incompatibility (over government or over territory), which will be expanded on further below.

<b>Cases</b>	<b>Papua New Guinea (Bougainville)</b>	<b>Senegal (Casamance)</b>
<b>Duration of Conflict</b>	1988-1998	1982-
<b>Conflict Amnesty</b>	Yes	Yes
<b>Post Cease-fire</b>	Yes	Yes
<b>Mediation</b>	Yes	Yes
<b>Conflict Onset</b>	Post decolonization	Post decolonization
<b>Human Rights Violations</b>	By both parties	By both parties
<b>Type of Conflict</b>	Territorial	Territorial
<b>Conflict Intensity</b>	Minor Conflict	Minor Conflict
<b>Aimed Solution</b>	Bargained	Bargained
<b>Natural Resources</b>	Yes	Yes
<b>Outcome</b>	Peace	Conflict Recurrence

The conflicts above share some fundamental traits. The conflicts have entailed low-intensity fighting between the government and the rebels after the countries gained independence, and both regions have fought to become independent states. Both rebel groups have relied mainly on guerrilla fighting against their stronger opponent. The regions are partly or fully separated from the rest of the country<sup>1</sup>. The regions further contain much of the countries' natural resources; Bougainville has an important mining industry and Casamance is ecologically richer than the rest of Senegal and produces most of the country's food and cotton (UCDP, 2016a; 2016b). Fearon argues that this type of "sons of the soil" conflicts, i.e. territorial conflicts where the rebels claim an area that is resource-rich, tend to be harder to solve. He further asserts that civil wars that includes rural guerrilla bands also tend to be more difficult to solve. He specifically discusses the issue with credible commitments in these settings and these criteria were thus taken into consideration in the last phase of the case selection (2004:277:289:294). While natural resources and guerrilla tactics are argued to worsen commitment problems, other researchers argue that territorial conflicts are easier to solve by negotiated settlements, than are conflicts over government (Walter, 2002:13; Stedman, 1997).

---

<sup>1</sup> The Casamance region is separated from Senegal by Gambia and Bougainville is an island.

Thus, holding these factors constant over the cases is of utmost importance to secure that the conflicts had similar conditions so that the effect of the amnesty can be isolated from other potential explanations to the outcome.

Nevertheless, the countries are not identical; that type of perfection in case selection is scarce within social sciences (Powner, 2015:117). Bougainville had a United Nations peace-monitoring mission and the Casamance rebels had endured internal splits prior to the negotiations. The Casamance rebels also had an ambiguous relationship with neighbouring Guinea Bissau; there has been allegations of the latter supporting the rebels financially, but border clashes between the two have also occurred (UCDP, 2016a; 2016b). Furthermore, the similarity of the cases in terms of conflict structure limits the scope of the study. Binningsbø et al. (2012) find that transitional justice mechanisms are most commonly used in conflicts over government, which indicates that the cases only represent a minority of amnesties. Moreover, the magnitude of the conflict has a great impact on the peace process. Fearon (2004:289) argues that “sons of the soil” conflicts last for a long period of time due to that they often entail low intensity fighting, which poses a small threat to the government. In larger conflicts where the relative power distribution is more equal between the parties, the amnesty might be interpreted differently by the rebels. Consequently, one should bear in mind that the results presented in this comparative study do not necessarily represent the full population of amnesties. Nevertheless, it can highlight the process in this type of intrastate conflict and thereby disentangle the question of when and how amnesties can be fruitful in similar settings. It will further provide insight regarding bargaining theory in relation to amnesties and thereby open up new areas for study.

### **3.3 Operationalization**

The dependent variable – peace – is understood as negative peace, i.e. termination of violent conflict and absence of personal violence (Galtung, 1969:183). This is often operationalized as two years with fewer than 25 battle-related deaths per year measured against the Uppsala Conflict Data Program (UCDP) (Melander, 2009; Dancy, 2016). However, the qualitative design of the study allows for a more detailed definition. Therefore, negative peace is considered to be achieved in circumstances where:

1. Violence has ceased between the government and the majority of the rebels within two years after the signing of the agreement;
2. The peace agreement has been partly implemented during that same time period.

The two years limit has been chosen to limit the scope of the analysis. However, full implementation of a peace agreement often takes longer than two years. Therefore, the term *partly implemented* is used. Furthermore, negative peace is argued to be achieved when a majority of the rebels have ceased hostilities to account for potential spoiler factions, and is closely related to the second criterion. If the majority of rebels have laid down their weapons and together with the government been able to partly implement the agreement, the major parties are argued to have overcome commitment problems, which is central to the analysis. Since the focus lies on overcoming commitment problems, no further definition of what partly implemented means is arguably necessary; the implementation is an indicator of whether or not the parties have been able to stick to the agreed upon terms and is dependent upon what provisions that are included in the specific agreement that is being studied.

The independent variable, the amnesty, can have two values; an amnesty that entails human rights crimes or an amnesty that does not. Although this might seem straightforward, that is not always the case. Some amnesties specifically exclude some human rights crimes while it includes others (Mallinder, 2008:5). For the purpose of determining whether impunity decreases the likelihood of peace, all amnesties that entail immunity for serious human rights crimes will be categorized into the former category. The severity of the crimes will be defined in relation to the stance that the UN took in 1999, which sparked the peace v. justice debate. Consequently, amnesties that entail human rights crimes more specifically means amnesties that give immunity for war crimes, crimes against humanity, and genocide (Dancy, 2016:2). The definition of these crimes will be drawn from the Rome Statute of the International Criminal Court (ICC, A/CONF.183/9).

The cases will be examined based on a specific set of questions. First, a within-case study of each case will be conducted based on the same questions. The cases will then be compared to each other. The within-case study is split into three parts. First, the amnesty will be examined from a legal perspective. Second, the negotiation phase during which the amnesty was first presented and the peace agreement signed will be examined. Third, the implementation phase

of the amnesty and the rest of the agreement will be examined. The time frame examined has been limited on the same basis for both cases. The process tracing starts with the cease-fire that led up to the amnesty (note that the conflicts have had several rounds of negotiations prior to this) and until two years after the signing of the agreement. As implementation often takes longer, a brief overview of what happened after the two years will be presented.

The Amnesty What types of crimes did the amnesty entail? This section is aimed at determining whether the amnesty gave immunity for human rights crimes or not.

The Negotiation Phase The rebels' reaction to the amnesty must be analyzed based on the theoretical framework. How did the rebels react to the amnesty, i.e. how did the rebels interpret the signal from the government? Did they give a specific response? These questions are important to determine how the rebels perceive the government (as strong, weak, committed, or other) and whether or not that perception was influenced by the amnesty. What alternative motives or explanations for the rebels' behavior and/or reaction can be found? The analysis will be based on interviews and quotes from the rebels, mainly from the leaders. The quotes from the rebels will be used to try to establish how they perceive their opponent. If the theory is correct, rebels that are offered an amnesty that entails human rights provisions should interpret the government as weak and have greater incentives to reignite conflict, whereas an amnesty that does not excuse human rights crimes should be perceived as the government being strong and dedicated to the peace deal. To account for other possible explanations of the outcome, concerning power sharing solutions and mediation, the peace agreement and negotiation as a whole must be taken into consideration. What mediator(s) facilitated the negotiations? Since mediation should make the parties even more likely to commit to the negotiation, what type of mediation that took place should be studied to be able to make a comparison. What other provisions were presented in the peace agreement? If the peace agreement is missing an element that is fundamental to the rebels, that arguably creates more incentives for the rebels to fight and could thus be an alternative explanation to conflict recurrence.

The Implementation Phase According to Walter, issues with credible commitment reaches its peak in this phase. Did the parties honor the provisions of the agreement? Were any third party guarantors present? What motivated the rebels and/or government to reignite the

conflict? What motivated the parties to uphold peace? Were any spoilers active? This phase is important to determine whether the amnesty was enough for the parties to commit also in the implementation of the agreement or if alternative explanations can explain the outcome. Therefore, third-party guarantors must be taken into consideration since their presence and/or assistance helps the parties stick to the implementation. Furthermore, one must try to establish the motivations that kept the rebels in the loop. If the rebels felt that one of their main issues was not adhered to, they might be motivated to reignite conflict. Likewise, even if both parties were satisfied with the signed agreement, a failure to implement the provisions might also motivate one party to break the deal.

### **3.4 Data Collection and Limitations of Design**

The study will be mainly based on news articles retrieved from the news database Factiva, where the author will follow the news reporting on the countries during the whole time period to uncover the development of the peace process. As a complement to this, reports from UN organs and NGOs as well as research reports and books by scholars will be used. These types of reports often contain other forms of information than what is covered in news articles, and is thus a valuable complement (Öberg & Sollenberg, 2011:47). Moreover, narrative sources such as reports and interviews can provide more sensitive information that brings one closer to the answer of the why-question, making it a central source in a qualitative study (Möller, 2011:84). It should be noted however that many reports and news items are not based on first-hand material. One should therefore be cautious with this type of sources as they might have an inherent bias due to their secondary nature. Furthermore, several research databases have been used, mainly the Uppsala Conflict Data Program (UCDP), the Minorities at Risk Database (MAR), and the Amnesty Law Database (ALD). However, these databases base their analysis on news articles and reports as well. The purpose of using different types of sources is to triangulate the information gathered, i.e. to get “as close to the truth” as possible. Thus, the author strives to find several sources that support the same chain of events, but that are not dependent on each other (George & Bennet, 2005:95).

This type of qualitative analysis struggles with reliability. Evaluating the chain of events and the rebels’ responses will be up to the author, which can create a predisposition for the favored outcome. This is a common problem in case studies, and to overcome the problem, the author will be explicit in what exact event that was interpreted as what reaction,

facilitating fact checking for critical readers. By doing so, the author assures the reader that the information is correct, but it also helps the author to avoid overstating the importance of certain variables (George & Bennet, 2005:95). Furthermore, since the material studied mainly highlights the opinions of the rebel leaders, one cannot be sure that it represents the overall opinion of the rebels, nor that the opinions they express are what they are actually thinking and not just calculated responses to journalists. Thus, there is a risk that the author underestimates the complexity of the situation (ibid, 2005:90). Nevertheless, the combined model of within- and between-case study arguably enhances the author's opportunity to account for alternative explanations to the outcome.

To the author's knowledge, neither of these amnesties has been examined in detail in prior research. It has been pointed out that the research on amnesties tends to focus on only the same handful of cases, which limits our knowledge of the effect of amnesties (Mallinder, 2012:72). Although this motivates the need for a close examination of the cases, it also limits the material available for study. These minor conflicts have been referred to as "forgotten conflicts" (IRIN, 2015; BBC, 1998c). Therefore, the material on the conflicts that can be used as sources is limited in comparison to bigger conflicts and conflicts with greater media coverage. Although the fact that the cases are "forgotten" makes them interesting to study, it also limits the study by making it more difficult for the reader to control the soundness of the findings, as well as for the author to triangulate the information gathered (George & Bennet, 2005:105).

## 4. The Cases

### 4.1 Bougainville



*(Map retrieved from BBC, 2016)*

## Background

Papua New Guinea (PNG) gained independence from Australia in 1975. Bougainville requested to become an independent state, but the PNG government and Australia blocked the attempt. Although Bougainville had been an Australian colony, the island is ethnically more related to the neighboring Solomon Islands than to the Papuans. A large-scale mining industry was initiated in Bougainville during the 1960's when great amounts of copper were discovered. Although the mines generated great benefits for Papua New Guinea and Australia, Bougainvilleans were dissatisfied. The environmental degradation was vast, and still the island's inhabitants had little political influence, low salaries, and did not receive much of the economical gains from the mines. This led to the formation of Bougainvillean Revolutionary Army (BRA). BRA initiated attacks on the Pangua mine in 1988, leading to a decade long civil war. Several rounds of negotiations were attempted. An unofficial cease-fire was established in July 1997, which later led to the formulation of the Lincoln Agreement and a peace that has endured since (UCDP, 2016a; MAR, 2006a; BBC, 1998a).

## The Amnesty

The amnesty was first mentioned in the Lincoln Agreement, the product of a negotiation between the parties at Lincoln University, New Zealand. The amnesty grants immunity for "all crisis-related activities" from the outbreak of conflict until 1998, regardless of whether the person has yet been convicted or not. It specifically excludes crimes of infanticide or sexual violence, but excuses war crimes, and is thus categorized as an amnesty for human rights crimes (ALD, 2010a; Mallinder, 2008:213).

## The Negotiation Phase

The rebels called for a cease-fire in July 1997 and requested a UN monitoring mission to assist. A truce was signed in October between the government and the rebels, after negotiations mediated by the New Zealand foreign minister. A peacekeeping force with participants from Australia, New Zealand, Vanuatu, and Fiji was established in November (Associated Press, 1997a; Associated Press, 1997b; Braithwaite, 2010:51). Francis Ona, an influential military leader in BRA, rejected the peace talks, and threatened that the unarmed peace monitoring group's safety could not be guaranteed. Despite the possible spoiler faction, the following period remained relatively calm. The parties met in November, December and January in Australia and New Zealand. The negotiations were described by the Australian

official as “really positive, but fragile” (Reuters, 1997a; Reuters, 1997b; New Zealand International/BBC, 1997; AFP, 1997)

In the middle of the week of negotiations in Christchurch in January 1998, prime minister Bill Skate of Papua New Guinea announced the amnesty at an extra press conference. What crimes the amnesty would entail were not explicitly stated, but Skate assured that the BRA leaders that currently lived in exile would be allowed to return home (Pacific Island Report, 1998; Reuters, 1998a). One of the exiled leaders, Martin Miriori, was also the BRA’s chief negotiator, and the prominent leaders Joseph Kabui and Sam Kauona both had a bounty on their heads that was going to be upheaved (Papua New Guinea Post-Courier/BBC, 1998). A couple of days later, the final Lincoln Agreement was signed (Taylor, 1998). No comments by the leaders that specifically concerns the amnesty offer has been found. Prime minister Skate made clear during the press conference that the amnesty offer was a suggestion from the government, insinuating that it was *not* a demand from the rebels (Pacific Islands Report, 1998). It could thus be argued that the rebels refrained from commenting the amnesty specifically so that the government would not lose face. As the Australian foreign minister at the time said, the biggest issue after the signing of the Lincoln Agreement was for the rebels to sell the agreement on the ground (Barber, 1998). Thus, the rebel leaders, committed to establishing peace, might have had an incentive to let the government be perceived as strong in the eyes of the Bougainvilleans to secure the people’s support, and thus refrained from commenting “the amnesty gift”. Furthermore, it should be noted that the prime minister called for an extra press conference to present the amnesty in the middle of the negotiations that was held behind closed doors. The government seems to have been eager to present the amnesty to the Bougainvilleans publicly, before the negotiations were final.

The rebel leaders did however comment on the negotiations as a whole after the peace deal was signed. Kabui welcomed the deal, thanked New Zealand for their help and concluded “In Bougainville, people are once again smiling” (Taylor, 1998). Miriori, the chief negotiator for the rebels, said that the talks were a great success and that they have an understanding between all parties. He further stated that “the Papua New Guinea government at the moment is quite open, flexible and they are willing to go with us in this peace process” (DJI, 1998). This suggests that the rebels viewed the government as committed to the deal, and that the rebels did not intend to reignite the conflict. Whether the rebels perceived the government as

strong is difficult to determine from these quotes. According to Regan, the PNG state has always been weak. Subsequently, Regan argues that this could be one of the reasons to why the parties requested international assistance with negotiations and implementation. Regan asserts that "[d]espite the deep divisions generated by the conflict, there were enough leaders on both sides convinced that the dangers of continued conflict outweighed any likely benefits" (2008:126:132).

The Lincoln Agreement established a permanent cease-fire from April 1998. It further established that the PNG forces should withdraw, the BRA demobilize, that an amnesty would be issued, and that the parties should cooperate in the restoration, reconciliation and development of Bougainville. It also established the mandate of the peacekeeping force. The agreement further stipulated that the parties would meet in June to address the political issues, such as the level of autonomy of Bougainville (UN Security Council, 1998). Election of a Bougainville Reconciliation Government should also take place before the end of the year (Taylor, 1998). The mediation, as well as the peacekeeping force in Bougainville, was undoubtedly crucial for the negotiations and implementation of the agreement (Regan, 2008:132, Braithwaite, 2010:51).

### The Implementation Phase

The first months during the implementation phase were quite rocky. Crime increased in Bougainville and many rebels still supported Francis Ona, the rebel leader that neglected the peace process and still called for total independence. Ona threatened to kill unarmed peace monitors if they entered his territory. However, both the PNG government and the other rebel leaders tried to prevent the spoilers from ruining the peace. Joseph Kabui responded to Ona's threat by stating that it will be up to the people to decide whom their leader is in the upcoming election of the Reconciliation government (later renamed Bougainville People's Congress) (Radio New Zealand International/BBC, 1998; The National/BBC, 1998a). The election was held in May 1999. Kabui was elected president, arguably verifying the people's support of the peace process (Radio New Zealand International/BBC, 1999). Prime minister Skate repeatedly tried to meet with Francis Ona to get him into the peace talks (The National/BBC, 1998b). There seems to be a consensus between Kauona, Kabui and Skate, they all repeatedly committed to the peace and tried to get Ona to join the continuing dialogue (The National/BBC, 1998c). Their attempts to get Ona's spoiler faction on board indicate the

leaders' continued commitment to the agreement. The leadership's strong signals of commitment arguably motivated the rebels not to reignite conflict.

The involvement of third party guarantors was crucial to the implementation. The island had an unarmed peacekeeping force that monitored the process. New Zealand and Australia assisted with significant aid donations to facilitate the development of the island agreed upon in the Lincoln Agreement, such as the rebuilding of infrastructure. Furthermore, the countries provided education for a new Bougainvillean police force that was also established under the agreement (M2 Presswire, 1998; Regan, 2008:149; McPhedran, 1999). The foreign help arguably motivated the Bougainvilleans to uphold the peace deal (with an exception of Francis Ona and his followers).

Although elections for the Bougainville People's Congress were held in 1999, it was only an interim institution, and it created tensions among political leaders from different regions of Bougainville that threatened the process (The National/BBC, 1999). Two main political issues had to be addressed during the implementation phase for the rebels to stick to the agreement; the level of autonomy and the call for a referendum. The rebels demanded a referendum of independence to be held, and the PNG government was reluctant to such a deal. The deadlock was broken by the Australian foreign minister who still mediated the discussions. He suggested that the referendum would be non-binding and need the approval from the PNG parliament. It was finally agreed that a referendum would be held within 10 to 15 years. The Bougainville Interim Government was established in March 2000. The government had the mandate to make laws, budget and give political direction, the first steps towards the level of autonomy that had been promised to the island (The National/BBC, 2000; Radio Australia/BBC, 2000a; Braithwaite, 2010:57). The political progress motivated the Bougainvilleans and the rebels to believe in the negotiations, even though the referendum was not to be held for many years.

In 2000, many former rebels were still held captive by the PNG government. This aggravated Kauona who stated that the government was not upholding its part of the Lincoln Agreement regarding the amnesty (Radio Australia/BBC, 2000b).

The peace has endured, but no referendum has yet been held. The spoiler leader, Ona, died in 2005 of malaria, which seems to have marked the end of the opposition to the peace deal among the rebels (MAR, 2010a). A final peace agreement was signed in 2001 that granted Bougainville the autonomy promised in the Lincoln Agreement and developed the commitments in the former agreement (UCDP, 2016a). Thus, with a couple of noteworthy setbacks, such as continuing debates on the political issues, the rebels in prison, and unrest in the form of an increased rate of crimes, the implementation of the Lincoln Agreement was fairly successful during the two years following its establishment. The leaders' commitment seems to have motivated the rebels to uphold the peace, as well as the successful implementation of the agreement.

## 4.2 Casamance



(Map retrieved from BBC, 2004)

### Background

The Casamance region is separated from the rest of Senegal by Gambia and the Gambian river. The main ethnic group, the Diolas, called for independence already during the colonial rule by France. The region is rich in natural resources due to heavy rain. Despite the favorable rainforest climate, the Diolas feel that most of the region's revenues goes to the capital Dakar rather than to the region itself. Mouvement des Forces Démocratiques de Casamançe (MFDC) was founded in the early 1980's as a political party, but violence broke out in 1982. Since then, a small-scale civil war has been ongoing in the area that has at times been extremely brutal. The MFDC has endured several internal splits, which have made peace even more difficult to reach. Several rounds of negotiation have been attempted, none of which have proven successful, partly due to the fractionalization of the rebels. In late 2003, senior leaders Abbé Diamancounde and Jean-Marie Francois Bigaui of the MFDC announced "for us, war is

over”. Although some factions rejected the statement, this meeting marks the beginning of the cease-fire. Negotiations were held during 2004 and a peace agreement, including an amnesty, was signed on December 30<sup>th</sup>. The agreement was not implemented and the conflict recurred in 2006 (UCDP, 2016b; MAR, 2006b; Associated Press, 2003; Evans, 2004; Owen, 2004a).

### The Amnesty

The amnesty was first presented by President Wade in June 2004 and accepted by parliament in July. It was later included in the Zinguinchor Peace Agreement signed in December. The amnesty includes any acts committed during the rebellion from 1991 and onwards. No specific crimes were either mentioned or excluded, but Amnesty International has highlighted that the amnesty solidifies impunity. Seeing that no trials have been held for any of the violations, the amnesty is categorized as an amnesty for human rights crimes (ALD, 2010b, Amnesty International, 2010; Evans, 2004).

### The Negotiation Phase

Much of the negotiations in 2004 took place in secret, but some discussions on clearing landmines became public in early 2004 (Reuters, 2004a). The MFDC’s main negotiator, Abbé Diamancoune, was appointed to speak on behalf of the rebels by Senegal’s president Wade (Lilja & Lamine Manga, 2013:126). In May, the different factions of the MFDC had a meeting to unite the groups and get everyone behind the cease-fire. One of the rebels, Ablaye Badji, said "Our presence here today has only one explanation: to win independence for Casamance without resorting to force of arms" (Owen, 2004b; AFP, 2004a). So far, it seems like the majority of rebels were committed to peaceful negotiations, although Bajdi’s call for independence suggests that the group was not yet united concerning a solution.

The amnesty was first introduced by the government in June 2004. The justice minister of Senegal stated that the amnesty gave the rebels reassurance that they would not be prosecuted and that it was necessary for the negotiations to continue (Reuters, 2004b). This suggests that the government was very well aware of the costly signal it sent. However, interviews with rebels imply that the amnesty was not met with the enthusiasm the government was expecting. A small group of rebels that engaged in banditry in July 2004 left an open letter to one of its victims, asserting their commitment to an independent Casamance and explicitly dismissing the amnesty offer on the grounds that the rebels had not committed any crimes.

Other rebels sent similar signals, dismissing the amnesty on the grounds that all they have done is to defend their nation (Evans, 2004:13:15). The leaders never expressed anything specific about the amnesty offer.

Diamancoune was officially replaced by Bigaui as leader in September, but both were a part of the peace agreement negotiations. Bigaui said in October that he wanted to transform the MFDC into a political movement in the end of the current peace talks. He said that he would call a meeting with the factions to convince them to give peace a chance (Owen, 2004c; Carayol, 2004). Subsequently, mediation between the rebel factions, and also between the government and the rebels, took place in October and was facilitated by the Diola diaspora living in France (MAR, 2010b). However, sources on this event are quite scarce. That might not be a surprise considering the general secrecy around this round of negotiations, but it makes defining the impact of the mediation difficult. Except for these reported instances, mediation and negotiation facilitation was mainly handled by representatives appointed by President Wade, or people that at least that had some kind of bond to the government. The mediators were also replaced based on the president's whim, which created instability in negotiations. President Wade was explicit about not wanting international involvement in the negotiations (Lilja & Lamine Manga, 2013:123:129).

The Zinguinchor Agreement was signed on December 31<sup>st</sup>, 2004. Representatives both from the political and military wing of the MFDC were present, as well as ambassadors, and representatives of regional and international organizations (Diallo, 2004). The agreement promised integration of volunteer soldiers, rebuilding of Casamance, and facilitation of the return of refugees. The political issues concerning Casamance's level of autonomy were not adhered to, those issues were to be solved in the next phase. Several factions of the MFDC rejected the agreement. One leader from the armed faction, Abdoulaye Diedhiou, said, "[t]he MFDC is not really engaged - we did not sign a peace pact to negotiate afterwards, it's sort of putting the cart before the horse" (AFP, 2004b). From the government's perspective, they seemed quite optimistic that the factions that rejected the agreement in December would join on further negotiations and implementation of the current deal when the ball started rolling (Radio France Internationale/BBC, 2004).

Bigaui's willingness to transform the MFDC suggests that the leadership trusted the government's willingness to commit. However, it is clear that some of the rebels did not share this opinion. It does not seem to have much to do with the government's general willingness to commit as much as the fighters not believing that they would get what they wanted if a peace deal was signed. The rebels that strived for total independence were just not interested in peace negotiations in which Casamance would still be viewed as an integral part of Senegal. That the leadership had shifted on this issue suggests that they perceived the government as strong; independence seemed unlikely given the current situation and peace was preferable to continued conflict. It seems that the leaders adhered to the government's costly signal, and although it did contain amnesty for human rights crimes, the leaders did not perceive the government as weak. Concerning the rebel fighters, what crimes were included in the amnesty does not seem to have affected their perception of the government at all; the fighters did not grant the government the legitimacy of offering an amnesty since they viewed their own cause as just, regardless of the crimes included.

#### The Implementation Phase

A meeting on implementation was scheduled for February 2005, but it was postponed after two days. The parties were supposed to discuss the implementation of the peace agreement, including the integration of rebels into the military from the government's side, and demobilization on the MFDC's side. More details concerning the political and economical issues were also to be discussed (UCDP, 2016b; AFP, 2005a). Several MFDC leaders boycotted the talks, and dismissed the agreement (Radio France Internationale/BBC, 2005a). Nevertheless, the meeting in February generated some kind of arrangement to move forward and set up technical commissions to uphold the parts of the deal. The committees were supposed to work during the spring and be done by the end of May (AFP, 2005b).

In March, talks were delayed once again by the rebels, claiming that they need to "ensure that we speak with one voice" (Diallo, 2005). In June to August, a few sporadic killings of government soldiers were reported (AFP, 2005c; Associated Press, 2005). Although the MFDC has not officially taken responsibility for these acts, there are indicators that they were in fact carried out by the rebels (AFP, 2005d). In October 2005, the alleged leader of the military wing of the MFDC, Salif Sadio, said in a radio interview: "I'll go home once we've chased Senegal out of Casamance. The simplest solution is that Senegal leaves" (AFP,

2005e). It seems clear that the MFDC struggled with keeping the movement together, and that spoilers existed.

Whether the commissions did succeed with reaching a deal for implementation is uncertain since no media coverage on the issue exists. That being said, the lack of media coverage might also be due to there being no progress to report on. The next report on the talks was in December, when a new meeting was supposed to take place (Radio France Internationale/BBC, 2005b). However, meetings both in December and February the following year were also postponed (Radio France Internationale/BBC, 2006). Why the parties did not meet is unclear.

After the signing of the agreement, various international donors pledged to contribute 94 million euros to the rebuilding of Casamance. The donors included many European countries, the World Bank, and various UN organs (AFP, 2004c). USAID had a conflict resolution and rehabilitation program in the country in 2004-2005 that included reconstruction programs, microfinance services, support to victims, and negotiating workshops for both parties (USAID, 2005). This indicates that third-party guarantors were present to a limited extent. Most foreign parties contributed with aid as a sign that they supported the peace agreement, rather than with facilitating the implementation of the agreement.

In March 2006, clashes broke out between factions of the MFDC. One side was led by Salif Sadio, the military leader that opposed the peace deal. Border clashes with neighboring Guinea Bissau also occurred, resulting in at least 60 soldiers killed (Diallo, 2006). In a joint effort, Senegal and Guinea Bissau captured several rebels loyal to Sadio (Africa No 1 Radio/BBC, 2006). This led to future clashes between government forces and rebels, but the Senegalese military asserted that they were only defending the borders and had not breached the peace, and that they did not want to be involved in further fighting (Senegalese State Radio/BBC, 2006; All Africa, 2006a). In June, Bertrand Diamancoune<sup>2</sup> condemned the fighting and said that [president] Wade is a man of peace (All Africa, 2006b). This suggests that the main part of MFDC and the government is still firm in its commitment to the peace and motivated to pursue the deal, but that the spoiler factions effectively ruins the calm.

---

<sup>2</sup> Brother to the chief negotiator for the rebels, Abbé Diamancoune, who was an outspoken supporter of the negotiations and occasionally filled in for his brother.

By August, no demobilization plan was yet in place (All Africa, 2006c). Whether the halt in the implementation was due to the resumed fighting or other reasons is unclear, but that the peace process was not moving forward seems evident. It even seems that the deployment was going in the opposite direction. In an open letter to president Wade in August, Abbé Diamacoune questioned why the government had re-deployed more troops in the area and asked for clarification on the status of the peace process (Owen, 2006). Around the 17<sup>th</sup> of August, fighting flared up again between the rebels, allegedly the faction that is loyal to Sadio, and the government. Sporadic clashes and general instability endured throughout 2006 (AFP, 2006a; All Africa, 2006d; AFP, 2006b). Abbé Diamancoune died of natural causes in January 2007 (Lilja & Lamine Manga, 2013). 2007 remained relatively calm, but the conflict saw a new upsurge of violence between 2008-2014 (UCDP, 2016b). Seeing that the peace agreement was not even partly implemented, and violence continued, peace was not achieved.

## **5. Results**

### **5.1 Comparative analysis**

The amnesty in Bougainville was arguably a necessary bargaining tool for the rebels to stay committed, since it would enable their chief mediator to return home. That the amnesty was broad in its nature and entailed human rights provisions does not seem to have affected the rebels' willingness to commit, or their perception of the government as being weak or strong. In Casamance, the crimes included in the amnesty do not seem to have affected the rebel's perception of the government either. The rebel factions that strived for total independence were not interested in an amnesty from a government they did not adhere to. The rebels that were in negotiations with the same government, and thus had reasoned that a negotiated deal was preferable to continued conflict (and arguably realized that total independence for Casamance was too costly to achieve), had probably reached that conclusion because they perceived the government as a strong opponent. An amnesty for human rights crimes does not seem to have influenced that perception. Consequently, the hypothesis *Amnesties that excuse human rights crimes are less likely to lead to peace than amnesties that do not entail human rights provisions* is not supported by this analysis. Amnesties do, however, seem to affect the

prospects of peace, in terms of being a useful bargaining tool and a credible signal of commitment, *if* offered at the right time. This will be further developed in next section.

In both cases, the main political issues were left out of the peace agreement to be discussed further in the next phase of negotiations. The conflicts did, however, differ in how these issues were handled in the succeeding period. Both groups struggled with spoilers that did not accept the current deal. In Bougainville, however, the parties succeeded with implementation of the current agreement, as well as with finding a solution to the political issues that had not yet been solved. In Casamance, the negotiations were postponed repeatedly. That no solutions could be found to these main issues during the following years seems to be a determining factor as to why conflict was reignited; that no final solution was found arguably motivated the rebels to reignite the conflict. In Bougainville, the rebels saw progress on several levels, which instead arguably motivated them to believe in the negotiations.

Third party guarantees during both the implementation and negotiations seem to have had vital impact on the process in Bougainville. That the mediators were also external actors rather than regional seems to have been important. In Casamance, it seems clear that the government held a stronger position throughout the negotiations and was more or less in control of the process, both in terms of picking mediators and based on the provisions that were stipulated in the agreement. It was even the government's choice that Diamancoune should be the main negotiator for the MFDC. This arguably motivated the rebels to neglect the agreement; the quote from rebel leader Diedhiou suggests that the rebels were not satisfied with the current deal. It seems like some rebels perceived the peace deal as being forced on them, rather than a common agreement. The Casamance process also lacked structure; the meetings were planned ad hoc and many got cancelled. In Bougainville, the external mediators facilitated with a neutral site, structure and planning, and funding of the whole process. The mediators contributed to making the process seem credible to the rebels, and thereby helped securing peace. Concerning the implementation phase, the external involvement was much greater in Bougainville and arguably helped the parties stick to the agreement. However, since the peace agreement was not successfully implemented in Casamance, the importance of third party guarantees is hard to determine.

In sum, the amnesty in Bougainville was arguably necessary for the peace process to move forward. However, the crimes included does not seem to have affected the rebel's perception or motivation in either of the cases. The difference in how the political issues were handled, as well as the different levels of third party involvement, seem to be the determining factors to why peace was achieved in Bougainville and conflict recurred in Casamance.

## **5.2 Theoretical Implications**

According to Dancy's findings, amnesties are more likely to lead to peace if they are a part of a peace agreement. After a closer study of Casamance, the amnesty was presented after the cease-fire, and *later* included in the peace agreement. It seems that the timing of the amnesty, the part of his theory that this paper has *not* focused on, might be essential for how amnesties affect the prospects of peace. When the amnesty was first presented in Casamance, it was rejected on the grounds that the rebels did not grant the president the right to offer them a pardon for what they still viewed as a rightful fight for independence. This suggests that when an amnesty is offered before the rebels are fully on terms with a negotiated settlement rather than an outright victory, that offer has no positive effects.

As argued in the previous section, what types of crimes the amnesty entails cannot be proven to have an effect on the prospects of peace. That being said, the issue of amnesties leading to impunity, which have been highlighted by former scholars, seems to have some support. If this paper had focused on positive peace, i.e. the absence of structural violence, the outcome would have been interestingly different. PNG struggles with police brutality, violence against women and children, and a lack of accountability for human rights violations and attacks almost 20 years after the peace agreement was signed (Human Rights Watch, 2006; Amnesty International, 2016). In relation to previous research, this could indicate that amnesties for human rights crimes in fact do lead to impunity. Human rights provisions within an amnesty might not be the reason to continue conflict, instead, broad amnesties might contribute to a culture where people do not regard committing violations against others as being costly; "we have gotten away with it before, we can get away with it again". This issue should be explored further. Therefore, the theory should be revised in future research to account for a broader definition of peace as the dependent variable, rather than the relationship peace/conflict recurrence, as was examined here.

Both cases had issues with spoiler factions that did not support the peace deal. This is directly connected to the study of Snyder and Vinjamuri (2003). They find that amnesties can be fruitful to tackle strong spoilers and get them on board. However, the spoilers must also effectively be stripped of their powers by the new regime for the amnesty to create a stable peace. According to Stedman (1997:5), spoilers are leaders that believe that their power and/or worldview is threatened by the negotiations and therefore use violence to undermine it. The case of Bougainville supports the author's claim that Snyder and Vinjamuri's theory is contradictory. As argued above, the Bougainvillean amnesty was necessary to pursue negotiations since the main negotiators on the rebel side were directly affected. However, they were not stripped of their power; Kabui even became president of the interim government. Without the amnesty, these leaders would probably have left the negotiations. If the amnesty was offered in exchange for their influence, they arguably would not have pursued with the negotiations either. Strong leaders are unlikely to give up their power to a weaker government in exchange for an amnesty, such a solution might arguably even explain why leaders become spoilers. In fact, as was also argued in the theory section, the study of Bougainville supports the claim that an amnesty makes power sharing and political participation for the rebel leaders feasible; you cannot run for office if you are in jail. In other words, an amnesty is not only a costly signal from the government, this analysis suggests that it might be a necessary percussion for establishing power sharing arrangements that make the rebels commit.

These case studies support the importance of third party guarantees to decrease commitment problems, as has been highlighted in previous research on bargaining failures. Third party guarantors help to build trust between the parties, and as in the case of Bougainville, can facilitate the negotiations with structure and funding. It seems evident that more research is needed on the relationship between mediation and amnesties; can peace endure in settings where an amnesty has been offered and accepted where third party guarantees were not in place, or are these guarantors a prerequisite for amnesties to be a beneficiary bargaining tool? Such conclusions cannot be drawn from a study of two cases, but it should be explored further.

It should be noted that these conflicts, although similar, represent a narrow category of conflicts in general. As highlighted in the case selection, studies on how commitment

problems play out in these types of conflicts are somewhat contradictory. Nevertheless, it should be acknowledged that the patterns detected here might not be applicable to conflicts with other characteristics.

Although the conclusions that can be drawn from the study is limited due to its qualitative nature, a close examination of these peace processes have cast a light on mechanisms that have not been examined in previous research. Connecting back to the general peace v. justice debate, the study partly bridges the divide. Amnesties seem to be a sign of good faith that help the rebels to stay committed. However, it is unclear if an amnesty can promote reconciliation when at the same time it creates impunity, and whether an amnesty might contribute to a culture where human rights violations are accepted. More research is therefore needed on the impact of the amnesty in the long run. It should be especially interesting to explore how civilians and victims interpret amnesties; do civilians consider amnesties to be “necessary evils” for peace to be achieved, or do they consider amnesties to strip them of their right to justice?

## **6. Conclusion**

This paper strived to determine how different types of amnesties affect prospects of peace. In line with arguments presented by previous scholars, amnesties can be an important bargaining tool to get rebels to stick to a peace agreement since it can serve as a signal of credible commitment from the government. Amnesties also heighten the prospects of peace by enabling the parties to create power sharing pacts in which actors that would else have been prosecuted and sentenced to jail can now participate. However, an amnesty in itself cannot secure settlement; well-structured negotiations with external mediators and third party guarantees that can facilitate the implementation of the agreement are vital. The relationship between amnesties and third party guarantors should be explored further in future research.

Furthermore, the timing of the amnesty seems to have a significant effect; how and when the amnesty offer is presented seems to be important for how the rebels interpret the offer. More specifically, the rebels need to be open to a negotiated settlement for the amnesty to be a useful tool. This also needs to be explored further in studies of other amnesties. This paper

focused on two amnesties that had not been studied in detail in previous research, and future researchers would benefit from studying other amnesties than the handful of cases that recur within qualitative studies. The newly developed database by the Transitional Justice Research Collaborative helps future researchers to broaden their scope of amnesties issued and thereby facilitates studies that wish to examine other “forgotten” cases in the future. Future research should also study conflicts with different characteristics, such as larger conflicts and conflicts over government, to determine if such features affect when and how amnesties can contribute to settlement. Concerning the crimes included in the amnesty, they do not seem to have an effect on the rebels’ perception of the government or motivation to reach a negotiated settlement. However, whether amnesties that excuse human rights crimes lead to further human rights atrocities after peace is achieved should also be explored further, since such a pattern would arguably suggest that more narrow amnesties are preferable to use in future negotiations. Consequently, this paper has brought some new insights to how an amnesty can be used as a bargaining tool, and highlighted that an amnesty offered to rebels that are on terms with a negotiated settlement can be fruitful to create future power sharing arrangements, whereas an amnesty offer while stakes still seem indivisible serves no purpose. The crimes included are thus not of vital importance for whether the rebels perceive the government as weak or strong. Nevertheless, more research is needed to establish the effects of amnesties. Not only for the sake of the research field, but also so that policymakers and negotiators can use amnesties strategically in future peace processes.

## 7. List of References

AFP. 1997. "PNG rebel leader rejects truce monitoring group". Published: 1997-11-24.

[Retrieved from Factiva 2016-12-19]

AFP. 2004a. "Senegal's southern rebels meet to bury differences". Published: 2004-05-04.

[Retrieved from Factiva 2016-12-19]

AFP. 2004b. "Senegal signs peace pact to end decades of conflict in Casamance". Published:

2004-12-30. [Retrieved from Factiva 2016-12-20]

AFP. 2004c. "Donor nations commit to major programme for Senegal's Casamance".

Published: 2004-09-24. [Retrieved from Factiva 2016-12-20]

AFP. 2005a. "Senegal, Casamance rebels to hammer out details of peace agreement".

Published: 2005-01-31. [Retrieved from Factiva 2016-12-20]

AFP. 2005b. "Senegal, separatists set end-May deadline for peace talks". Published: 2005-02-

02. [Retrieved from Factiva 2016-12-20]

AFP. 2005c. "Senegalese gendarme killed in troubled southern region". Published: 2005-06-

23. [Retrieved from Factiva 2016-12-20]

AFP. 2005d. "Two Senegalese soldiers killed in restive region". Published: 2005-08-05.

[Retrieved from Factiva 2016-12-20]

AFP. 2005e. "Senegal's media angry at 'monstrous' censorship". Published: 2005-10-18.

[Retrieved from Factiva 2016-12-20]

AFP. 2006a. "Senegalese army launches offensive against Casamance separatist rebels".

Published: 2006-08-18. [Retrieved from Factiva 2016-12-20]

AFP. 2006b. "Senegal murder is attempt to disrupt peace process: president". Published: 2006-12-31. [Retrieved from Factiva 2016-12-20]

Africa No 1 Radio/BBC. 2006. "Senegal military captures several southern rebels". Via BBC Monitoring. Published: 2006-04-24. [Retrieved from Factiva 2016-12-20]

ALD. 2010a. Amnesty Law Database. Papua New Guinea (Bougainville). Queen's University. Belfast. <http://www.incore.ulst.ac.uk/cgi-bin/Amnesty/agree.pl?full=110%22> [Accessed 2016-12-19]

ALD. 2010b. Amnesty Law database. Senegal 2004. Queen's University. Belfast. <http://www.incore.ulst.ac.uk/cgi-bin/Amnesty/agree.pl?full=221%22> [Accessed 2016-12-19]

All Africa. 2006a. "Fighting surges between Casamance rebel factions". Published: 2006-06-15. [Retrieved from Factiva 2016-12-20]

All Africa. 2006b. "Bertrand Diamacoune à Ndioum: "Wade est un homme de paix"". Published: 2006-06-06. [Retrieved from Factiva 2016-12-20]

All Africa. 2006c. "Caught in the cross-fire, growing up in Casamance". Published: 2006-08-03. [Retrieved from Factiva 2016-12-20]

All Africa. 2006d. "New Attacks in Casamance". Published: 2006-09-20. [Retrieved from Factiva 2016-12-20]

Amnesty International. 2010. *Senegal – Land of Impunity*. London: Amnesty International Publications. [http://www.amnistia-internacional.pt/files/Relatoriosvarios/Senegal-Terra\\_da\\_Impunidade.pdf](http://www.amnistia-internacional.pt/files/Relatoriosvarios/Senegal-Terra_da_Impunidade.pdf)

Amnesty International. 2016. "Papua New Guinea 2015/2016". <https://www.amnesty.org/en/countries/asia-and-the-pacific/papua-new-guinea/report-papua-new-guinea/> [Accessed 2016-12-22]

Associated Press. 1997a. "Bougainville rebels and island's provincial government call for cease-fire". Published: 1997-07-18. [Retrieved from Factiva 2016-12-19]

Associated Press. 1997b. "Warring parties agree to cease-fire on Bougainville". Published: 1997-10-10. [Retrieved from Factiva 2016-12-19]

Associated Press. 2003. "Senegal's separatists rebels renew appeal for rebels to stop fighting". Published: 2003-10-07. [Retrieved from Factiva 2016-12-19]

Associated Press. 2005. "Attackers fire on Senegalese military convoy, injuring two soldiers". Published: 2005-07-12. [Retrieved from Factiva 2016-12-20]

Barber, David. 1998. "Pact sets date for Bougainville peace". Sydney Morning Herald. Published: 1998-01-24. [Retrieved from Factiva 2016-12-19]

BBC. 1998a. "How Peace Broke Out". Published: 1998-01-21.  
[http://news.bbc.co.uk/2/hi/special\\_report/1998/png/48040.stm](http://news.bbc.co.uk/2/hi/special_report/1998/png/48040.stm) [Accessed 2016-12-19]

BBC. 1998b. "Bougainville rebels offered amnesty at talks". Published: 1998-01-21.  
<http://news.bbc.co.uk/2/hi/asia-pacific/48678.stm> [Accessed 2016-12-19]

BBC. 1998c. "Peace comes... On the quiet". Published: 1998-01-23.  
[http://news.bbc.co.uk/2/hi/special\\_report/1998/png/48032.stm](http://news.bbc.co.uk/2/hi/special_report/1998/png/48032.stm) [Accessed 2016-12-22]

BBC. 2004. "Senegal's southern rebellion starts to end". Published: 2004-12-16.  
<http://news.bbc.co.uk/2/hi/africa/4102267.stm> [Accessed 2016-12-23]

BBC. 2016. "Papua New Guinea country profile". Published: 2016-04-28.  
<http://www.bbc.com/news/world-asia-pacific-15436981> [Accessed 2016-12-23]

Bell, Christine. 2008. *On the Law of Peace: peace agreements and the lex pacificatoria*. Oxford: Oxford University Press.

Bennet, Andrew and Jeffrey T. Checkel. 2015. Process Tracing: from philosophical roots to best practices. In *Process Tracing: From Metaphor to Analytic Tool*. Ed. Andrew Bennet and Jeffrey T. Checkel. Cambridge: Cambridge University Press.

Binningsbø, Helga Malmin, Cyanne E. Loyle, Scott Gates and Jon Elster. 2012. Armed Conflict and Post-conflict Justice 1946-2006, a dataset. *Journal of Peace Research* 49(5):731–740.

Braithwaite, John. 2010. *Reconciliation and Architectures of Commitment: Sequencing Peace in Bougainville*. Canberra: Australian National University E Press

Brodzinsky, Sibylla. 2016. "Colombia's brexit moment as politicians misjudge popular anger at Farc amnesty". The Guardian. Published: 2016-10-03.

<https://www.theguardian.com/world/2016/oct/03/colombias-peace-further-away-is-further-away-but-it-may-still> [Accessed 2016-12-22]

Carayol, Ahmed. 2004. "MFDC to transform into political party". All Africa. Published: 2004-09-29. [Retrieved from Factiva 2016-12-19]

Cobban, Helena. 2007. *Amnesty After Atrocity? Healing Nations after Genocide and War Crimes*. Boulder, CO: Paradigm Publishers.

Dancy, Geoffery. 2016. Are Devil Deals Necessary? Conflict Amnesties and Sustainable Peace. Working paper, version from 2016-10-12. Retrieved from the author.

Davideheiser, Mark and Kiale Nyiayaana. 2011. Demobilization or Remobilization? The Amnesty Program and the Search for Peace in the Niger Delta. *African Security*, 4:1, 44-64

Diallo, Mamadou. 2004. "Senegal, rebel leaders sign peace accord". Associated Press. Published: 2004-12-31. [Retrieved from Factiva 2016-12-20]

Diallo, Mamadou. 2005. "Rebel hard-liners delaying peace process in Senegal; rebels ask government to defer talks". Associated Press. Published: 2005-03-24 [Retrieved from Factiva 2016-12-20]

Diallo, Mamadou. 2006. "Soldier says 60 Guinea-Bissau fighters killed in border clashes since mid-March". Associated Press. Published: 2006-04-02. [Retrieved from Factiva 2016-12-20]

DJI. 1998. "PNG Bougainville Peace Talks Yield Ceasefire Pact - Delegate" Dow Jones International News. Published: 1998-01-23. [Retrieved from Factiva 2016-12-19]

Evans, Martin. 2004. *Senegal: Mouvement des Forces Démocratiques de la Casamance (MFDC)*. Chatham House, AFP BP 04/02.

<https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/bpmedec04.pdf>

Fearon, James D. 1995. Rationalist Explanations for War. *International Organization* 49(3):379–414.

Fearon, James D. 2004. Why do some civil wars last so much longer than others? *Journal of Peace Research* 3:275–301.

Freeman, Mark. 2009. *Necessary Evils: Amnesties and the Search for Justice*. Cambridge: Cambridge University Press.

Freeman, Mark and Max Pensky. 2012. The Amnesty Controversy in International Law. In *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, ed. Francesca Lessa and Leigh A. Payne. Cambridge: Cambridge University Press.

George, Alexander L. and Andrew Bennet. 2005. *Case Studies and Theory Development in the Social Sciences*. London: the MIT Press.

Galtung, J. 1969. Violence, Peace, and Peace Research. *Journal of Peace Research*, vol. 6(3), pp. 167-191

Human Rights Watch. 2006. "Still making their own rules: Ongoing impunity for police beatings, rape and, torture in Papua New Guinea".

<https://www.hrw.org/report/2006/10/29/still-making-their-own-rules/ongoing-impunity-police-beatings-rape-and-torture> [Accessed 2016-12-22]

ICC. A/CONF.183/9. Rome Statute of the International Criminal Court. [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

IRIN. 2015. "Feature: Casamance". Published: 2015-08-03.

<https://www.irinnews.org/feature/2015/08/03/casamance> [Accessed 2016-12-22]

Kim, Hunjoon and Kathryn Sikknikk. 2010. Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries. *International Studies Quarterly*, Vol. 54, No. 4, pp. 939-963

Lilja, Jannie and Mohammed Lamine Manga. 2013. Going it Alone – The Casamance conflict and the challenges of internal peacemaking. In *Mediation and Liberal Peacebuilding – Peace from the ashes of war?*, ed. Mikael Eriksson and Roland Kostic'. Abingdon: Routledge.

M2 Presswire. 1998. "Australian aid: Australia to assist policing on Bougainville" Published: 1998-05-01. [Retrieved from Factiva 2016-12-19]

Mallinder, Louise. 2007. Can Amnesties and International Justice be Reconciled? *The International Journal of Transitional Justice*, Vol. 1, 2007, 208–230

Mallinder, Louise. 2008. *Amnesty, human rights and political transition: Bridging the peace and justice divide*. Oxford: Hart.

Mallinder, Louise. 2012. Amnesties' Challenge to the Accountability Norm? In *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, ed. Francesca Lessa and Leigh A. Payne. Cambridge: Cambridge University Press.

- Mani, Rama. 2002. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge: Blackwell.
- MAR. 2006a. Minorities at Risk Project. "Assessment for Bougainvilleans in Papua New Guinea". University of Maryland. <http://www.mar.umd.edu/assessment.asp?groupId=91001> [Accessed 2016-12-23]
- MAR. 2006b. Minorities at Risk Project. "Assessment for Diolas in Casamance in Senegal". University of Maryland. <http://www.mar.umd.edu/assessment.asp?groupId=43301> [Accessed 2016-12-23]
- MAR. 2010a. Minorities at Risk Project. "Chronology for Bougainvilleans in Papua New Guinea". University of Maryland. <http://www.mar.umd.edu/chronology.asp?groupId=91001> [Accessed 2016-12-23]
- MAR. 2010b. Minorities at Risk Project. "Chronology for Diolas in Casamance in Senegal." University of Maryland. <http://www.mar.umd.edu/chronology.asp?groupId=43301> [Accessed 2016-12-23]
- McPhedran, Ian. 1999. "Another year for Aussie troops in Bougainville". Adelaide Advertiser. Published: 1999-04-03. [Retrieved from Factiva 2016-12-19]
- Mattes, Michaela and Burcu Savun. 2009. Fostering Peace After Civil War: Commitment Problems and Agreement Design. *International Studies Quarterly*, Vol. 53, No. 3 (Sep., 2009), pp. 737-759
- Melander, Erik. 2009. Justice or Peace? A Statistical Study of the Relationship between Amnesties and Durable Peace. *JAD-PbP Working Paper*, No. 4.
- Muvumba Sellström, Angela. 2015. *Stronger than Justice. Armed Group Impunity for Sexual Violence*. Report/Department of Peace and Conflict Research 104. Uppsala: Department of Peace and Conflict Research.
- Möller, Frida. 2011. News Reports Versus Written Narratives: Collecting information using different types of empirical sources. In *Understanding Peace Research - Methods and Challenges*. Abingdon: Routledge.

Olsen, Tricia D, Leigh A. Paine and Andrew G. Reiter. 2012. Conclusion - Amnesty in the Age of Accountability. In *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, ed. Francesca Lessa and Leigh A. Payne. Cambridge: Cambridge University Press.

Owen, Olly. 2004a. "Terminal split in Senegal's Casamance separatists". WMRC Daily Analysis. Published: 2004-03-19. [Retrieved from Factiva 2016-12-19]

Owen, Olly. 2004b "Casamance separatist suggest unilateral cease-fire plan in Senegal". WMRC Daily Analysis. Published: 2004-05-04. [Retrieved from Factiva 2016-12-19]

Owen, Olly. 2004c "Senegal's Casamance separatists to become political party". WMRC Daily Analysis. Published: 2004-10-01. [Retrieved from Factiva 2016-12-19]

Owen, Olly. 2006. "Senegalese separatists protest troop redeployment". WMRC Daily Analysis. Published: 2006-08-14. [Retrieved from Factiva 2016-12-20]

Pacific Island Report. 1998. "PNG Amnesty for Bougainville Rebels". Published: 1998-01-22. <http://www.pireport.org/articles/1998/01/22/png-amnesty-bougainville-rebels> [Accessed 2016-12-19]

Papua New Guinea Post-Courier/BBC. 1998. "Bougainville amnesty "not for criminal offences" ". Via BBC Monitoring. Published: 1998-01-23. [Retrieved from Factiva 2016-12-19]

Powell, Robert. 2004. The Inefficient Use of Power: Costly Conflict with Complete Information. *The American Political Science Review*; 98, 2:231-241

Powner, Leanne. 2015. *Empirical Research and Writing, A Political Science Student's Practical Guide*. California: SAGE Publications.

Radio Australia/BBC. 2000a. "Interim government for Bougainville sworn in". Via BBC Monitoring Service. Published: 2000-03-31. [Retrieved from Factiva 2016-12-19]

Radio Australia/BBC. 2000b. "Call to free Bougainville rebels still in jail". Via BBC Monitoring Service. Published: 2000-04-08. [Retrieved from Factiva 2016-12-19]

Radio France Internationale/BBC. 2004. "Senegal: Interior minister optimistic over Casamance peace act". Via BBC Monitoring. Published: 2004-12-30. [Retrieved from Factiva 2016-12-20]

Radio France Internationale/BBC. 2005a. "Senegalese government begins talks with Casamance separatists". Via BBC Monitoring. Published: 2005-02-02. [Retrieved from Factiva 2016-12-20]

Radio France Internationale/BBC. 2005b. "Senegalese government, separatist movement to meet 27 December". Via BBC Monitoring. Published: 2005-12-21. [Retrieved from Factiva 2016-12-20]

Radio France Internationale/BBC. 2006. "Senegal: Talks between government, Casamance separatists postponed". Via BBC Monitoring. Published: 2006-01-29. [Retrieved from Factiva 2016-12-20]

Radio New Zealand International/BBC. 1997. "Bougainville rebels play down reports of refusal to accept truce". Via BBC Monitoring Service. Published: 1997-10-18. [Retrieved from Factiva 2016-12-19]

Radio New Zealand International/BBC. 1998. "Rebel no 2 concedes Ona still "formal leader"". Via BBC Monitoring Service. Published: 1998-05-18. [Retrieved from Factiva 2016-12-19]

Radio New Zealand International/BBC. 1999. "Papua New Guinea – Bougainville People's Congress leader defends its legitimacy". Published: 1999-05-31. [Retrieved from Factiva 2016-12-19]

Regan, Anthony J. 2008. Resolving the Bougainville Self-determination Dispute: Autonomy or Complex Power-sharing? In *Settling Self-Determination Disputes: Complex Power-Sharing in Theory and Practice*, ed. Marc Weller and Barbara Metzger. Leiden: Brill.

Reuters. 1997a. "New Zealand to host Bougainville peace talks". Published: 1997-10-21.

[Retrieved from Factiva 2016-12-19]

Reuters. 1997b. "PNG peace talks close to a settlement - negotiators" Published: 1997-11-23.  
[Retrieved from Factiva 2016-12-19]

Reuters. 1998a. "PNG offers Bougainville rebels amnesty at NZ talks". Published: 1998-01-21. [Retrieved from Factiva 2016-12-19]

Reuters. 2004a. "Senegal says rebels ready to demine Casamance". Published: 2004-01-06.  
[Retrieved from Factiva 2016-12-19]

Reuters. 2004b. "Senegal offers amnesty for southern separatists". Published: 2004-07-08.  
[Retrieved from Factiva 2016-12-19]

Senegalese State Radio/BBC. 2006c. "Two Senegalese soldiers wounded in clashes with rebels". Via BBC Monitoring. Published: 2006-04-28. [Retrieved from Factiva 2016-12-20]

Sikkikk, Kathryn. 2012. The Age of Accountability. In *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, ed. Francesca Lessa and Leigh A. Payne. Cambridge: Cambridge University Press.

Snyder, Jack and Leslie Vinjamuri. 2003. Trials and Errors: Principle and Pragmatism in Strategies of International Justice. *International Security* 28(3):5–44.

Sonnenberg, Stephan and James L. Cavallaro. 2012. Name, Shame, and Then Build Consensus? Bringing Conflict Resolution Skills to Human Rights. *Washington University Journal of Law and Policy* 39:257–308.

Stedman, Stephen John. 1997. Spoiler Problems in Peace Processes. *International Security* 22(2):5–53.

Taylor, Kevin. 1998. "Lincoln talks forge Bougainville peace". The Christchurch Press. Published: 1998-01-24. [Retrieved from Factiva 2016-12-19]

Teorell, Jan and Torsten Svensson. 2007. *Att fråga och att svara*. Malmö: Libris.

The National/BBC. 1998a. "Bougainville authorities approve funds for rebels". Via BBC

Monitoring Service. Published: 1998-05-28. [Retrieved from Factiva 2016-12-19]

The National/BBC. 1998b. "Premier repeats offer to meet Ona". Via BBC Monitoring. Published: 1998-05-12. [Retrieved from Factiva 2016-12-19]

The National/BBC. 1998c. "Premier, Bougainville leaders welcome cease-fire". Via BBC Monitoring Service. Published: 1998-05-02. [Retrieved from Factiva 2016-12-19]

The National/BBC. 1999. "Papua New Guinea – Agreement reached at Bougainville talks in New Zealand". Via BBC Monitoring Service. Published: 1999-04-23. [Retrieved from Factiva 2016-12-19]

The National/BBC. 2000. "Bougainville has own government again after year's break". Via BBC Monitoring Service. Published: 2000-03-31. [Retrieved from Factiva 2016-12-19]

Thoms, Oskar N.T, James Ron, and Roland Paris. 2010. State-Level Effects of Transitional Justice: What Do We Know? *The International Journal of Transitional Justice*, Vol. 4, 2010, 329–354.

UCDP. 2016a. Uppsala Conflict Data Program. "Papua New Guinea: Bougainville". Uppsala University. <http://ucdp.uu.se/#conflict/369> [Accessed 2016-12-23]

UCDP. 2016b. Uppsala Conflict Data Program. "Senegal: Casamance". Uppsala University. <http://ucdp.uu.se/#conflict/375> [Accessed 2016-12-23]

UN Security Council. 1998. *Letter dated 31 March 1998 from the Charge D'affaires A.I. of the permanent mission of Papua New Guinea to the United Nations addressed to the president of the Security Council*. S/1998/287.

[http://peacemaker.un.org/sites/peacemaker.un.org/files/PG\\_980123\\_LincolnAgreement.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/PG_980123_LincolnAgreement.pdf)

USAID. 2005. *USAID/Senegal. Annual Report*. Published: 2005-06-16.

[http://pdf.usaid.gov/pdf\\_docs/pdacd877.pdf](http://pdf.usaid.gov/pdf_docs/pdacd877.pdf)

Walter, Barbara F. 2002. *Committing to Peace: The Successful Settlement of Civil Wars*. Princeton, NJ: Princeton University Press.

Walter, Barbara F. 2009. Bargaining Failures and Civil War. *Annual Review of Political Science* 12:243–261.

Öberg, Magnus and Margareta Sollenberg. 2011. Gathering Conflict Information Using News Resources. In *Understanding Peace Research - Methods and Challenges*. Abingdon: Routledge.

Word count: 14399