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Ceasefires as bargaining instruments in intrastate conflicts: ceasefire objectives and their effects on peace negotiations

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Chapter Six: The Shifting Role of Ceasefires⁷⁷

Existing ceasefire research shows the breadth of possible objectives parties may pursue through a ceasefire: from gaining breathing space, to re-arming and re-organizing, demonstrating good faith, gaining legitimacy as an armed actor, demonstrating command and control, or building up trust with an opponent (see chapter two, *Ceasefire literature*). What we lack is a systematic framework that links these objectives to strategic decision-making processes. Yet such a framework is crucial to understanding how ceasefires affect the transition from war to (negotiated) peace. This chapter fills this void, building on the assumption that conflict party leaders' reading of a bargaining situation shapes their use of ceasefires in relation to a military or political resolution of the armed conflict.

Focus of chapter six

Figure 15 visualizes how chapter six relates to the overall analytical framework. The theory building is concerned with how conflict party leaders' assessment of the expected benefits of a military approach vis-à-vis a political approach shapes their decision to commit to a ceasefire. In terms of actor sub-groups, it focuses on how battlefield dynamics, i.e. interactions between the armed forces (Figure 15, arrows 1 and 2) shape (Figure 15, arrow 3) the government's decision to use ceasefires as part of a larger bargaining process (Figure 15, arrows 4 and 5).

⁷⁷ Chapter six of this thesis is an adapted version of the following co-authored article: Sticher, Valerie, and Siniša Vuković. Forthcoming. "Bargaining in Intrastate Conflicts The Shifting Role of Ceasefires." *Journal of Peace Research*. Valerie Sticher is first author and Siniša Vuković second author of the article. Valerie Sticher had the lead in developing the theoretical framework, the methodological approach and the implication section, and researched and drafted the Colombian case study. The two authors jointly researched and drafted the case comparison. Siniša Vuković coordinated the work with the research assistant to compile the density plots included in the article. Throughout the writing process, the authors discussed and refined the theoretical and empirical contributions. The authors would like to thank Leo Klenner for excellent research assistance and Iryna Kovtun for the artistic illustration of the three bargaining contexts. The authors are grateful to Virginia Page Fortna, Sara Hellmueller, Simon Mason, Juanita Andrea Millan Hernandez, Elias Blum, Govinda Clayton, Allard Dursmaa, Owen Frazer, P. Terrence Hopmann, Enzo Nussio, Andreas Wenger, Claudia Wiehler and I. William Zartman for insights and helpful comments on earlier versions of this article.

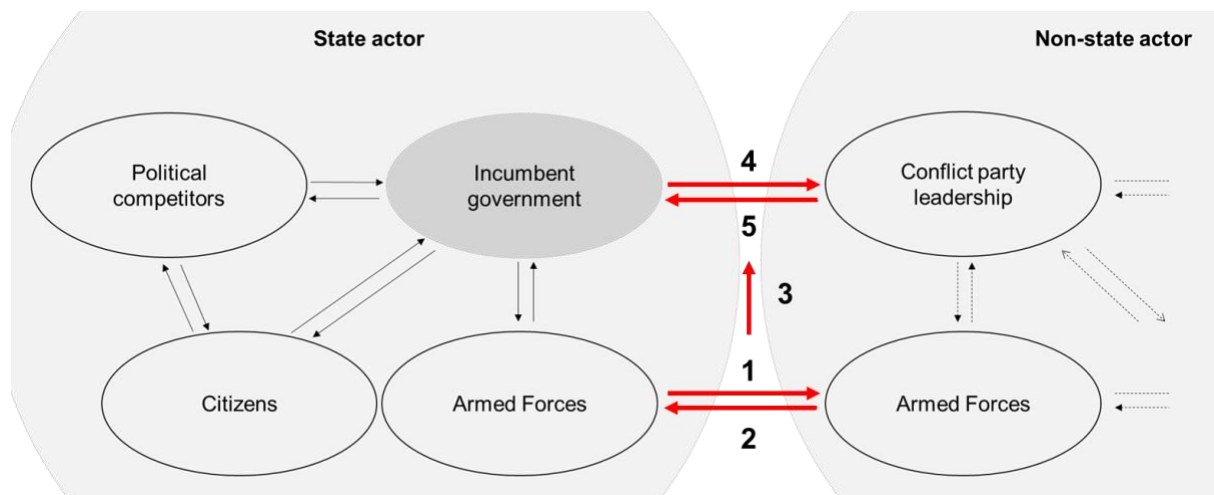


Figure 15: analytical framework applied to chapter six. Source: author's own visualization.

Structure

The chapter proceeds as follows. The first section identifies two pivotal moments in the bargaining process: 1) when conflict party leaders recognize the potential benefits of a peace agreement and 2) when the marginal costs of continued fighting exceed the marginal benefits. From this, a typology of three distinct bargaining contexts can be developed, with conflict party leaders shifting their strategic goal as they transition from one context to the next.

The theory building part is followed by a two-stage empirical assessment. In step one, two key implications of the three bargaining contexts are tested by comparing violence and ceasefire patterns in six contemporary intrastate conflicts. In step two, a within-case congruence test is conducted on the Colombian case. Both tests offer supporting evidence for the theory. The concluding section discusses the findings and provides an outlook on the remaining questions.

1. Theory

As discussed in the literature review (see chapter two, *Bargaining theory*), bargaining scholars have identified the problem of imperfect information and the problem of credible commitment as key reasons why conflict parties go to war or fail to settle, even if such war is costly. Chapter four (*The problem of costly concessions*) highlights an additional key obstacle to a negotiated settlement: the problem of costly concessions. It demonstrates how concessions necessary to reach a mutually acceptable agreement are often highly unpopular

with constituents, and how as a result, leaders struggle to reach a politically feasible peace agreement.

Building on these insights, three key assumptions can be derived: 1) actors compare the benefits of a military and a negotiated solution to a conflict (and may pursue them in parallel), 2) as long as actors believe that a military solution will render a better outcome than negotiations, other bargaining problems are secondary, as parties do not have an incentive to settle, and 3) as actors' perceptions about a military outcome start to converge, other bargaining problems become salient.

These assumptions allow us to identify two pivotal moments in bargaining. The first moment occurs when a bargaining range emerges, i.e. parties realize that a negotiated settlement may render a better outcome than continued fighting. At this moment, parties' expectations about what constitutes a mutually acceptable agreement may still widely diverge (see Werner and Yuen 2005, 265). Therefore, leaders will likely believe that the opponent insists on concessions that are not reflective of the military balance. In such a situation, leaders have an incentive to further convey information about their party's capabilities or resolve, as they believe that conveying such information will increase their bargaining position.

However, conveying such information is costly, particularly if this is done through fighting. Meanwhile, as actor expectations converge, the marginal utility of additional information diminishes, especially if the additional information is of a similar nature (see Howson and Urbach 1989, 82). As a result, a second pivotal moment in the bargaining process occurs when enough information is revealed so that the expected costs of continued bargaining (in the form of fighting) are higher than the expected benefits of continued bargaining (in the form of a better deal). Once this happens, conflict parties no longer have an incentive to engage in costly conflict behavior to reveal information (see also Slantchev 2003, 627).

Three bargaining contexts

From these two pivotal moments, three distinct bargaining contexts can be derived. In the first context, leaders see a military approach to the conflict as the preferred option. In the second context, having learned more about the opponent's capabilities and resolve, leaders view the benefits of a negotiated agreement. However, they still believe that they can get a

better future deal by conveying additional or more purposeful information to the opponent. In the third context, fighting no longer appears to offer any benefits, and leaders pursue a political settlement while keeping the costs of conflict to a minimum. In this context, information is no longer the most salient bargaining problem. Instead, parties have to overcome other obstacles to settlement, in particular the problem of credible commitment and costly concessions.

To pursue the overall aim of the bargaining process of improving the expected utility of the outcome, conflict party leaders need to adapt their strategic goal according to their assessment of the bargaining situation. In the first context, the goal is to set out a military advantage, with the aim of diminishing the opponent. This may be called the ‘Diminishing Opponent’ context. In the second, the aim of leaders is to increase their negotiation power, by demonstrating strength in order to extract concessions. This may be called the ‘Forcing Concessions’ context. In the third context, the strategic goal is to increase the chances of a peace agreement – here called the ‘Enabling Agreement’ context.

In both the Forcing Concessions and the Enabling Agreement contexts, parties want a peace agreement, but in the former they are willing to endure impasses and breakdowns of the talks to get a better deal, while in the latter, they are willing to make necessary concessions to expedite negotiations and increase the chances of reaching settlement. Conflict parties may use fighting, negotiations, ceasefires, or a mix of these instruments in pursuit of their strategic goals.

Importantly, the three bargaining contexts arise from subjective readings of the bargaining situation – they do not ‘exist’ objectively. This also implies that different parties to the same conflict, or even different members of the same conflict party, may be in different bargaining contexts at the same time. In outlining the bargaining contexts, the framework focuses on the perspective of the conflict party leadership. Their conflict behavior is shaped primarily by a) the bargaining context in which they think *they are* (i.e. their assessment of the benefits of a military vis-à-vis a political outcome), and b) the context in which they believe *their opponent is*. To reach context three, a conflict party leader needs to be confident that the other side is genuine about pursuing political settlement.

Of interest here is primarily how perceptions of the prospects of military victory relative to the potential benefits of a peace agreement affect movement through the three contexts. In

an ideal-type bargaining process, leaders would start in the Diminishing Opponent context when war breaks out, and move progressively through Forcing Concessions to Enabling Agreement as they continue to uncover information about their relative strengths through fighting, ceasefires and negotiations.

However, in some cases, a leader may enter a war not with the expectation of winning, but with the intention of achieving something at the negotiation table that they could not achieve without taking up arms (Slantchev 2003, 622). In such a case, they start in the Forcing Concessions context. Moreover, bargaining processes are often circular (Lederach 2003). Information tends to fluctuate over the course of a conflict in response to unanticipated events. Examples of such events include changes in context that favor a party's odds on the battlefield (e.g. external intervention) or leadership changes (e.g. sudden death of a leader). This implies that leaders may proceed from Diminishing Opponent to Forcing Concessions and move back to Diminishing Opponent, or proceed to Enabling Agreement and fall back to one of the earlier contexts.

In the following sub-section, the bargaining contexts are explained in more detail, building on bargaining theory, existing ceasefire literature and deductive reasoning.

1.1. Context one: Diminishing Opponent

As long as leaders view a military solution as the preferred outcome, they will focus fully on favoring their odds on the battlefield. The key parameters affecting the chances of victory are their relative fighting capabilities and resolve.

The primary instrument in context one is fighting. By attacking the enemy, leaders seek to diminish the capabilities of the other side and to crush its morale. They may also try to counter an offensive, to avoid relative losses in capabilities or resolve. In this context, leaders engage in negotiations if they believe that doing so will strengthen their capabilities and/or resolve vis-à-vis the opponent. However, leaders are not genuinely interested in a political settlement, and rather negotiate to gain time or lower third party audience costs (Richmond 1998).

Similarly, they may engage in a ceasefire if they believe that doing so strengthens their party's relative fighting capabilities or resolve. Leaders may announce or accept a ceasefire with the intention of defecting when the opponent is most vulnerable, or use the stop in

fighting to re-arm, re-group or re-organize (Chounet-Cambas 2011, 7–8, 20; Crocker, Hampson, and Aall 2004, 158; Gartner and Melin 2009, 566; Toft 2010, 15). Parties may also engage in a ceasefire when morale is low, as a break in the fighting creates breathing space (Mahieu 2007, 210).

These objectives are against the interests of an opponent, and leaders who pursue them have an incentive to misrepresent their true intentions (see visualization in Figure 16). For this reason, such objectives are often called devious objectives (see Richmond 1998). They only work if the opponent ceases fire, i.e. for bilateral ceasefires or unilateral ceasefires that are replicated by the opponent.

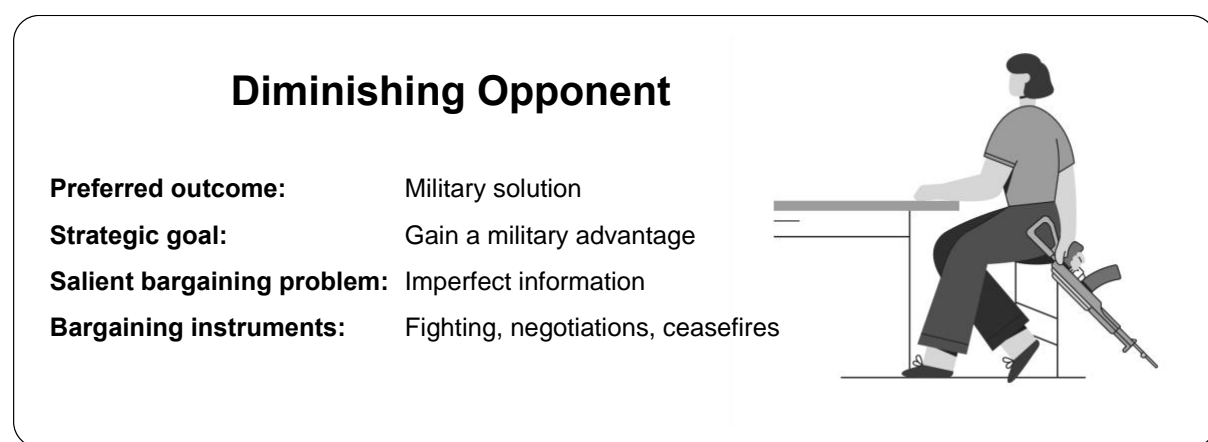


Figure 16: the Diminishing Opponent context. Source: Sticher and Vuković (forthcoming, 8).⁷⁸

Leaders will abstain from a ceasefire in the Diminishing Opponent context if they believe that continued fighting serves better to strengthen their capabilities and resolve. Relatedly, leaders may reject a ceasefire if they expect the opponent to profit more than their own party. They may also refuse to engage in a ceasefire if they believe that such an arrangement could cause confusion and lower the resolve of their supporters (J. Smith 1995).

1.2. Context two: Forcing Concessions

At some point in time, leaders have learned enough information to recognize the benefits of a political settlement over a military outcome. However, the bargaining instruments in the Diminishing Opponent context only provide information with regard to military capabilities

⁷⁸ Page numbers quoted for this forthcoming article are based on the authors' draft.

and resolve, and not with regard to what the opponent may view as an acceptable agreement. To reveal information in this regard, conflict party leaders need to engage in genuine negotiations. If an opponent makes (what leaders perceive to be) unreasonable demands, or an opponent refuses to make (what leaders perceive to be) reasonable concessions, leaders learn that expectations about a military outcome – and consequently, what would reflect a fair political settlement – still widely diverge (see Filson and Werner 2002; Powell 2004).

In such a case, leaders have an incentive to convey further information, as the perceived relative strength shapes expectations of the non-agreement option and by extension the bargaining position (Reiter 2003). Fighting conveys such information and thus remains a key bargaining instrument in context two.

However, after long periods of war, the value of additional information provided by fighting is limited (see Howson and Urbach 1989, 82). By contrast, ceasefires provide an opportunity to convey new and complementary information. By successfully delivering on a ceasefire, leaders can demonstrate a high level of group cohesion and prove that their leadership is undisputed (Akebo 2016; Höglund 2011). This is information that fighting alone cannot provide.

At the same time, conflict party leaders may fear that engaging in a ceasefire makes them look weak (J. Smith 1995, 70), which is precisely what they want to avoid. To counter perceptions of weakness, they may provide explicit information about when and for how long a ceasefire will remain in place, and threaten a return to violence should negotiations not progress (see Sisk 2009, 41).



Figure 17: the Forcing Concessions context. Source: Sticher and Vuković (forthcoming, 9).

In general, leaders are likely to prefer bilateral over unilateral ceasefires to avoid losses on their own side. However, there are many reasons why an opponent may refuse to engage in a bilateral ceasefire (see Dukalskis 2015; Mahieu 2007; J. Smith 1995). Perhaps most importantly, an opponent may be uncertain about a leader's intent (Fortna 2003, 341). In such a case, a leader may use a unilateral ceasefire to demonstrate that they have moved beyond the Diminishing Opponent context. If a unilateral ceasefire holds despite not being replicated by the opponent, it sends a strong signal, not only about internal group cohesion and leadership (Höglund 2011), but also about a commitment to finding a negotiated solution to the conflict.

1.3. Context three: Enabling Agreement

Once conflict party leaders have revealed enough information through fighting, negotiations and ceasefires, and are convinced that the opponent is negotiating in good faith, they have a realistic understanding about what may constitute a mutually acceptable agreement and seek to reach such agreement without incurring further costs. However, once the problem of imperfect information is overcome, other bargaining problems may become salient. In particular, conflict parties need to credibly commit to implementing a deal post-agreement (see Walter 1997; 2009). They will also need to overcome costly concessions to ensure sufficient constituent support (Sticher 2021, see chapter four).

In such situations, fighting is no longer a useful means to increase the expected outcome of the bargaining process. On the contrary, fighting may prove counter-productive, as it increases the saliency of out-group preferences (Sticher 2021, see chapter four). It also makes it hard for parties to establish trust in each other, entrenching the problem of credible commitment (see Walter 1997; 2009). Nevertheless, there are two scenarios in which leaders may continue to use fighting: if constituent groups mobilize against a ceasefire, and if the opponent keeps attacking, in which case it is difficult not to react.

By contrast, negotiations play a major role in the Enabling Agreement context, as leaders need to find ways of addressing the contested issues between them. Ceasefires also play an important role, fulfilling functions that cannot be pursued through fighting. In contrast to earlier contexts, conflict parties no longer necessarily back a ceasefire with the threat to return to violence (see visualization in Figure 18). Instead, they may seek to use ceasefires to establish confidence in each other. By implementing an agreement and

collaborating on the ground, they can build trust and start transforming their relationship (Akebo 2013, 201–3; Brickhill 2018; Höglund 2011, 238).

Ceasefires also help ensure support from a broader public. As discussed in chapters four and five, they create space for a peace narrative to take hold, helping leaders overcome the problem of costly concessions. More than any other interim arrangement, a ceasefire links what is happening at the negotiation table to what is happening on the ground, helping leaders demonstrate to the wider public that relations are indeed changing for the better (see also Brickhill 2018).



Figure 18: the Enabling Agreement context. Source: Sticher and Vuković (forthcoming, 11).

To fulfill these functions, a ceasefire has to be reciprocal. Naturally, in some situations, it may be difficult for leaders to agree on a bilateral ceasefire, for example, if key constituents view a ceasefire as an important concession towards the opponent (see Mahieu 2007, 211). But even in these situations, they will seek to mutually de-escalate the violence while working on a political solution, as violence hurts rather than helps in the Enabling Agreement context.

While the general logic of the three bargaining contexts applies across different regime types, there are expected differences with regard to the specific challenges faced within the Enabling Agreement context. Democratic regimes are more accountable to public promises and thus better able to commit themselves to implementing an agreement than authoritarian regimes (Fearon 1994; Walter 2006b). At the same time, in view of future electoral outcomes, governments in democracies likely care more about popular support of a peace agreement than authoritarian regimes (Tomz, Weeks, and Yarhi-Milo 2020).

2. Comparative study

Incentives to misrepresent information make it hard to empirically assess the bargaining contexts. If it was easy for us to know in which bargaining context a leader is, it would be easy for the opponent – removing a major obstacle to end armed conflicts. That said, conflict parties do make inferences from the behavior of the opponent about their intent. The assessment thus focuses on observable implications regarding the use of negotiations, fighting and ceasefires in bargaining processes, and lists contradicting evidence that would allow to falsify the framework.

The existence of a bargaining context in which conflict parties prefer a military over a political solution is widely accepted in bargaining theory. The main theoretical contribution of this chapter lays in distinguishing between the Forcing Concessions and Enabling Agreement contexts. Accordingly, the empirical assessment focuses on these two contexts. A key implication for each context is tested on all cases selected for the case comparison (see chapter three, *Case selection strategy and data collection*). These include Colombia (the conflict between Government of Colombia and the FARC), Indonesia (Government of Indonesia – Free Aceh Movement), Nepal (Government of Nepal – Communist Party of Nepal), Philippines (Government of Philippines – Moro Islamic Liberation Front), Senegal (Government of Senegal – Movement of the Democratic forces of Casamance) and Sudan (Government of Sudan – Sudan People's Liberation Movement / Army).

2.1. Sequencing of ceasefires and battlefield violence

Two key implications of the theoretical framework related to the use of fighting and ceasefires are observable at an aggregate level.

Forcing Concessions context

According to the framework, negotiations should start at the latest in the Forcing Concessions context, as fighting and ceasefires only provide information with regard to capabilities and resolve, but not with regard to what the opponent views as an acceptable agreement. At the same time, once parties engage in negotiations, they realize that their expectations of a military outcome still widely diverge. They thus have an incentive to convey additional information, through fighting alone or, more effectively, through the strategic combination of

ceasefires and targeted hostilities. Full ceasefire compliance throughout peace talks is likely not sufficient to allow parties to move to the Enabling Agreement context as, after some time, ceasefires fail to provide novel information while removing pressure to negotiate.

Consequently, a key observable implication of the Forcing Concessions context are periods of fighting after the onset of peace talks that eventually led to a peace agreement. If parties commit to a ceasefire at the beginning of talks, such a ceasefire will likely collapse, as parties fail to make progress in talks in the continued absence of hostilities and in light of widely diverging expectations. A ceasefire that is put in place at the beginning of peace talks and that holds throughout the talks would constitute contradicting evidence.

Enabling Agreement

By contrast, conflict parties are expected to suspend violence in the lead-up to a peace agreement, as fighting inhibits rather than promotes the search for a mutually acceptable settlement. In most cases, parties will agree to a bilateral ceasefire in the lead-up to a peace agreement. However, the theory suggests that, even in cases where parties cannot agree on a ceasefire, they will mutually suspend conflict violence to create a conducive environment to search for a joint solution. Failure to reduce fighting, or an escalation of fighting, in the lead-up to a peace agreement would constitute contradicting evidence.

2.2. Case discussions

To assess the key implications in the selected cases, this sub-section includes a brief overview of the negotiation and battlefield dynamics of all six cases and identifies a start date for the peace talks in each case. To assess the robustness of the findings, alternative start dates are included in the next sub-section.

In addition to the sources listed for each case, ceasefire data from the ETH/PRIO Civil Conflict Ceasefire dataset and UCDP GED data was used to corroborate or complement the case descriptions. The case descriptions do not include Colombia, as this case was introduced in detail in chapter three (*Introduction to the Colombian case*).

Indonesia⁷⁹

Talks between the Indonesian Government and the Aceh Freedom Movement (GAM) started in January 2000 under President Wahid. They were mediated by the Centre for Humanitarian Dialogue.⁸⁰ January 2000 is used as the start of negotiations in the initial analysis.

The parties signed a three-month ceasefire in May 2000 and extended it twice. The ceasefire initially succeeded in reducing conflict violence, but hostilities soon re-emerged. As the ceasefire was about to expire, the parties held exploratory talks and agreed on a temporary ‘moratorium’ on conflict violence. However, the security situation continued to be tense and, in April 2001, the government ordered a military offensive.

Renewed talks started under President Megawati in February 2002 in the midst of ongoing hostilities. In December 2002, the parties agreed on a ceasefire along with provisions to start a dialogue. But tensions about the implementation and the political implications of the ceasefire agreement quickly escalated and led to a breakdown of talks and the ceasefire in May 2003.

Efforts to restart the talks gained momentum after the December 2004 tsunami. Mediated by the Crisis Management Initiative, renewed peace talks started in January 2005 and culminated in a peace agreement in August 2005. Hostilities initially remained high during the talks, as there was no formal ceasefire agreement. However, when negotiations entered into a critical stage, the parties reached an implicit understanding that they would mutually suspend conflict violence (Akebo 2013, 126).

Nepal⁸¹

What became known as the ‘People’s War’ started with an offensive by the Communist Party of Nepal – Maoist (CPN-M) against the government of Nepal in February 1996. More than five years later, in August 2001, the two sides started peace talks. This date is used as the starting point for negotiations in the initial analysis.

⁷⁹ Based on Akebo (2013) and a report by the HD Centre (“Aceh Initiative. Internal Review” 2003).

⁸⁰ Then called Henry Dunant Centre for Humanitarian Dialogue.

⁸¹ Based on Gobyn (2009), Thapa and Ramsbotham (2017), Upreti (2008) and Vaughn (2006).

The talks were preceded by a ceasefire that the two parties announced in July 2001. By November, the parties had held two more rounds of talks, with little headway. The ceasefire and the talks ended with an offensive of Maoist forces against the military, prompting the government to proclaim a state of emergency and designate CPN-M as a terrorist organization. Throughout 2002, Nepal experienced increased violence, with no further attempts to explore peace talks as a viable option.

Both sides independently announced a new ceasefire in January 2003, each side expressing their interest to commence new peace talks. The ceasefire was formalized in March 2003, and three new rounds of talks were held from April until August. Once again, following the lack of progress, the CPN-M formally announced their withdrawal from the talks and the annulment of the ceasefire in August 2003.

Hostilities continued throughout 2004 and 2005. In this period, ceasefires were unilaterally proclaimed on two occasions by the government and on one occasion by the Maoists. The later move was aimed at coopting other opposition parties in Nepal to align with CPN-M, an act which was formalized in November 2005.

In January 2006, Maoists announced the end of their unilateral ceasefire and stepped up their attacks against government forces. By April, opposition parties staged massive protests that resulted in a series of events. These included the decision of the (newly) reinstated Parliament to strip the king of all power – reducing him to a symbolic role – and to designate Nepal as a secular state. Most importantly for this research, the events prompted the Maoists to announce a new unilateral ceasefire in April, which was matched by the government in the first week of May and formalized a few weeks later. In August, the two sides sent separate letters to the UN, requesting support for peace talks. On 21 November 2006, the two sides signed the Comprehensive Peace Accord.

Philippines⁸²

The armed separatist conflict in Mindanao started in the 1960s. The group that later became the Moro Islamic Liberation Front (MILF) split from the Moro Nationalist Liberation Front (MNLF) in 1977. In 1996, the government concluded a peace agreement with the MNLF and

⁸² Based on Akebo (2019), Aspinall, Jeffrey and Regan (2013), ICG (2011), Herbolzheimer (2015) and Heydarian (2015).

started informal talks with the MILF in the same year. January 1997 is used as the start date of negotiations in the initial analysis, as this is the date the parties themselves refer to as the start of negotiations in their final peace agreement.

Half a year later, in July 1997, the two parties signed a bilateral ceasefire. The ceasefire collapsed in 2000, 2003 and 2008, with negotiations coming temporarily to a halt. Each time, the parties resumed the ceasefire and negotiations were revived. The longest breakdown of the ceasefire was in 2008, with parties only reinstating it a year later in 2009.

Under the Aquino administration, the peace talks gained new momentum. In August 2011, President Aquino and the MILF chair met in person. Two months after this high level meeting, the talks remained at an impasse and clashes broke out. Nevertheless, the ceasefire continued to hold. In October 2012, the two sides reached a framework agreement and signed a comprehensive peace agreement in March 2014.

Senegal⁸³

The armed conflict between the Government of Senegal and the Movement of Democratic Forces of Casamance (MDFC) started in 1982 and has certainly not been fully resolved at the time of research. The analysis here focuses on the negotiations that led to the signing of *The General Peace Agreement* on December 30, 2004, as this is the agreement included in the Peace Accord Matrix list.⁸⁴ This document provided a ‘peace framework’ which was supposed to be succeeded by a process that would determine the final political status of Casamance.

In the year 2000, incoming President Wade declared the resolution of the Casamance conflict a political priority. The start of talks is here identified as November 2000, when the parties signed a bilateral ceasefire. Following the announcement of peace talks in December, fighting erupted between factions of the MFDC. In March 2001, the government and the MFDC signed two agreements that were supposed to settle the conflict and that included a bilateral ceasefire. However, MFDC factions remained deeply divided and hostilities continued. In December 2001, the government and the MFDC issued a joint declaration on

⁸³ Based on Lilja and Lamine (2013) and Amnesty International (2002).

⁸⁴ See chapter three, *Case selection strategy and data collection*.

the opening of peace talks. Negotiations started in September 2002 with the moderate faction. Intra-MDFC infighting gradually increased, as some felt sidelined by the process. In May 2004, the moderate wing of the MFDC declared a one-month ceasefire in May 2004. In December 2004, it signed a peace agreement with the government.

It is important to note that the first ceasefire, signed in 1991, resulted in the fragmentation of the MDFC into two factions: the Front Nord that complied with the ceasefire, and the Front Sud that ignored it. This fragmentation continued over time and undermined the ability of MDFC leader and chief negotiator Diamacoune to maintain the movement's unity of action. He was unable to assert control over the militant wings that were absent from the talks, which undermined the implementation of the agreement and jeopardized the subsequent steps to solve the final status of Casamance.

Sudan⁸⁵

There were various efforts at negotiating peace in the long-running conflict between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) (see African Security Analysis Programme 2004 for an overview). For the purpose of the analysis, the starting date is set to June 2002, when the two conflict parties began IGAD-mediated talks that resulted in a framework agreement, the Machakos Protocol. This was the first in a series of agreements that culminated in the 2005 Comprehensive Peace Agreement (Mason 2008, 72–77).

When the peace talks started, the parties were already implementing a ceasefire agreement in the geographical region of the Nuba Mountains (Clayton et al. 2019, 2). This geographically limited arrangement remained in place and was extended on a repeated basis, until the peace agreement was reached in 2005. However, fighting continued in other parts of the country. After an attack in September 2002 nearly derailed the talks, the parties agreed on a temporary ceasefire that was later extended (Simmons and Dixon 2006, 24). Fighting broke out again in early 2003 and threatened to derail the talks. The parties agreed on a verification and monitoring mechanism to strengthen the ceasefire, allowing the talks to proceed (ICG

⁸⁵ Based on ICG (2003), Mason (2007; 2008), and Simmons and Dixon (2006).

2003). This strengthened ceasefire was extended on a regular basis and remained in place until the parties reached a full peace agreement.

2.3. Overview and assessment

Table 13 summarizes the battlefield dynamics from the brief case studies. Two of the six selected cases started with a reciprocal ceasefire in the entire conflict area (Nepal and Senegal) and one had a geographically limited ceasefire in place (Sudan). In Indonesia, the Philippines and Sudan, the parties agreed on a ceasefire for the full conflict area relatively early in the negotiation process. In Colombia, the non-state actor put in place several unilateral ceasefires, with a bilateral one only coming into force towards the very end of negotiations. In all cases, parties used a mix of battlefield violence and ceasefires after the start of the negotiations, in line with the theoretical expectations.

Country	Period of negotiations	At start of negotiations	Battlefield dynamics	In lead-up to agreement
Colombia	February 2012 to November 2016	Ongoing hostilities	Mixed	Bilateral ceasefire
Indonesia	January 2000 to August 2005	Ongoing hostilities	Mixed	Mutual violence suspension
Nepal	August 2001 to November 2006	Ceasefire	Mixed	Bilateral ceasefire
Philippines	January 1997 to March 2014	Ongoing hostilities	Mixed	Bilateral ceasefire
Senegal	November 2000 to December 2004	Ceasefire	Mixed	Mutual violence suspension
Sudan	June 2002 to January 2005	Geographically limited ceasefire	Mixed	Bilateral ceasefire

Table 13: battlefield dynamics after start and at the end of peace talks. Source: Sticher and Vuković (forthcoming, 14).

By contrast, and again in line with the theoretical expectations, conflict parties suspended their use of battlefield violence *in the lead-up* to the peace agreement.

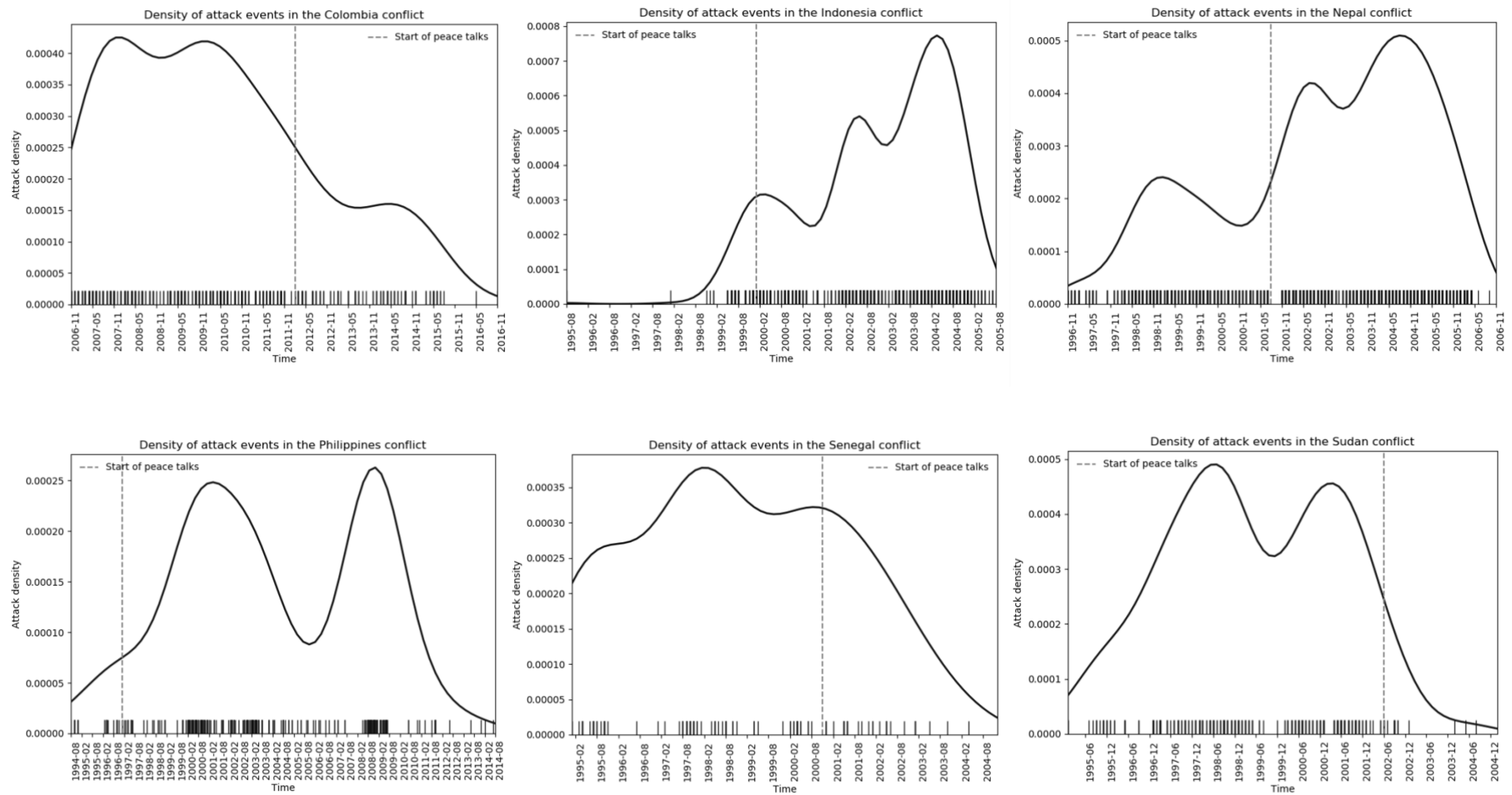


Figure 19: attack trends. Source: Sticher and Vuković (forthcoming, 16).

The graphs in Figure 19 show the monthly distribution of attacks in the last ten years of conflict leading up to the peace agreement.⁸⁶ The right border of each graph indicates the month in which the peace agreement was concluded. The graphical representation in the form of density plots allows to discern information about *trends*. In addition, information about attack events are included in the form of rug plots at the bottom of each graph. All attacks attributed to the conflict dyad in the UCDP GED data are included, with the number of attacks computed from the start date of each attack. In all cases, a decline in attacks is clearly visible in the lead-up to the peace agreement – including in Senegal and Indonesia, where no formal ceasefire was in place.⁸⁷

2.4. Robustness of findings

To assess the robustness of the findings, alternative start dates and an alternative measure of conflict violence are discussed in this sub-section.

The effect of alternative start dates

The analysis of battlefield dynamics following the start of negotiations depends heavily on how this start date was set. Talks often break down, so identifying a proper start date for a process required a judgement call. When choosing between different dates, the later date was included if the later process did not build on the earlier, or when there were long periods of fighting between two attempts (e.g. Colombia, talks under President Santos as opposed to those under President Pastrana). The earlier date was selected if the later process built on the earlier process (e.g. Philippines, when the parties included all agreements reached since the start in January 1997 in the final peace agreement) or when it followed relatively shortly after an abandoned negotiation attempt (e.g. Senegal, talks under the Wade administration). The reasoning for this selection is that a breakdown in earlier (rounds of) talks may precisely be a reflection of the Forcing Concessions context: if a ceasefire collapses because of stalled talks, hostilities erupt and may lead to the breakdown of a stalled process. Importantly, the end of

⁸⁶ For the Philippines, the last twenty years are included, as the start of peace talks falls outside the ten-year range.

⁸⁷ For Indonesia, conflict data appears unreliable before 1998, i.e. during the Suharto regime. This does not affect the trend towards the end of negotiations.

the ceasefire and the talks – and the ensuing hostilities – contribute to the learning process, potentially moving parties closer to the Enabling Agreement context.

That said, using an earlier start date makes it less likely that a ceasefire holds throughout talks compared to using a later start date. Identifying earlier rather than later start dates thus potentially biases the analysis, as it increases the threshold for contradicting evidence for the Forcing Concessions context. To exclude that the findings are purely due to the selection strategy of start dates, the effects of alternative start dates *after* the date used in the initial analysis are discussed here.

In Colombia, February 2012 – the start of the exploratory talks – was identified as the start of peace talks. An alternative date could be October 2012, when the public phase of the negotiations was formally launched. In Indonesia, a plausible alternative to the January 2000 start date would be five years later, in January 2005. At that time, talks between the parties restarted. They had gained momentum after the December 2004 tsunami and were mediated by a new third party. In Nepal, August 2001 was used as the initial start date. The previously mentioned second attempt to conduct talks, starting in April 2003, could be used as an alternative date. Another potential start date could be the breakthrough agreement between the Maoists and the opposition parties. The November 2005 agreement titled “12-Point Understanding” essentially formalized the cooperation between the opposition parties and the Maoists. In the Philippines, an alternative start date is March 2001, when the parties signed a framework agreement that revived the talks after the previous administration had declared an all-out war. Alternatively, August 2011 may be used as a start date, as the negotiations then gained momentum with a high level meeting between President Aquino and the MILF chair. In Senegal, instead of November 2000, the start date may be set to September 2002, when talks were renewed following the failure of the 2001 agreements to settle the conflict.

Table 14 provides an overview of these alternative start dates and how they would affect the findings. Highlighted in bold are table entries that differ from Table 13 above. Sudan is not included in the overview, as plausible alternative start dates⁸⁸ are prior to the start date used in the initial analysis.

⁸⁸ Possible alternative start dates for Sudan are October 2001, when General Sumbeiywo was appointed mediator to the IGAD for the Sudan peace process, or January 2002, when the two parties negotiated the Nuba Mountains ceasefire agreement facilitated by a Swiss-US mediation team.

Country	Alternative start dates	At start of negotiations	Battlefield dynamics
Colombia	October 2012	Ongoing hostilities	Mixed
Indonesia	January 2005	Ongoing hostilities	No ceasefire
Nepal	April 2003	Ceasefire	Mixed
Nepal	November 2005	Unilateral ceasefire (CPN-M)	Mixed
Philippines	March 2001	Ceasefire	Mixed
Philippines	August 2011	Ceasefire	Ceasefire
Senegal	September 2002	Ongoing hostilities	No ceasefire

Table 14: findings with alternative start dates. Source: Sticher and Vuković (forthcoming, 44).

Table 14 shows that alternative start dates change the analysis to some extent, but do not challenge the overall finding with regard to the expectations outlined under the Forcing Concessions context, with one exception: setting the start date for the Philippines to August 2011. Two months after the high level meeting in August 2011, “clashes between soldiers and MILF broke out as [the] peace process remained stalled” (ICG 2011, 1). While this aligns with the theoretical expectations, the ceasefire never formally broke down, constituting contradicting evidence. A strong case can be made that parties learned and updated their information about the opponent’s perceptions of a mutually acceptable agreement in the on-and-off talks since 1997, as they had built up the process incrementally (see Akebo 2019, 12). The exception resulting from an alternative date in the Philippines case thus does not appear to fundamentally undermine the overall framework.

Alternative measures for conflict violence

The graphs in Figure 19 demonstrate how the *number* of attack events tends to decline in the lead-up to an agreement. However, it may be that the number of attacks decreases before a peace agreement, but that these attacks are more targeted and involve higher fatalities than those used earlier in the negotiations. To exclude this possibility, battle-related *deaths* are compared within a conflict dyad.

The graphs in Figure 20 display combined conflict dyad deaths (best estimate including both conflict parties, civilians and unknown) from the UCDP GED data in the month of the peace agreement and the three previous months, comparing them to the average of the last year and the average of the last five years of armed conflict. In all six cases, violence dropped significantly or even stopped entirely in the lead-up to the peace agreement. With the

exception of Indonesia (Aceh), the decline in violence in these cases is already clearly visible in the entire last year of conflict.

There is one instance in which violence re-emerged in the month of agreement (Colombia). This incident is discussed in the case study below. Overall, the analysis of battle-related deaths focusing on the months leading up to the peace agreement corroborates the findings presented in the density plots.

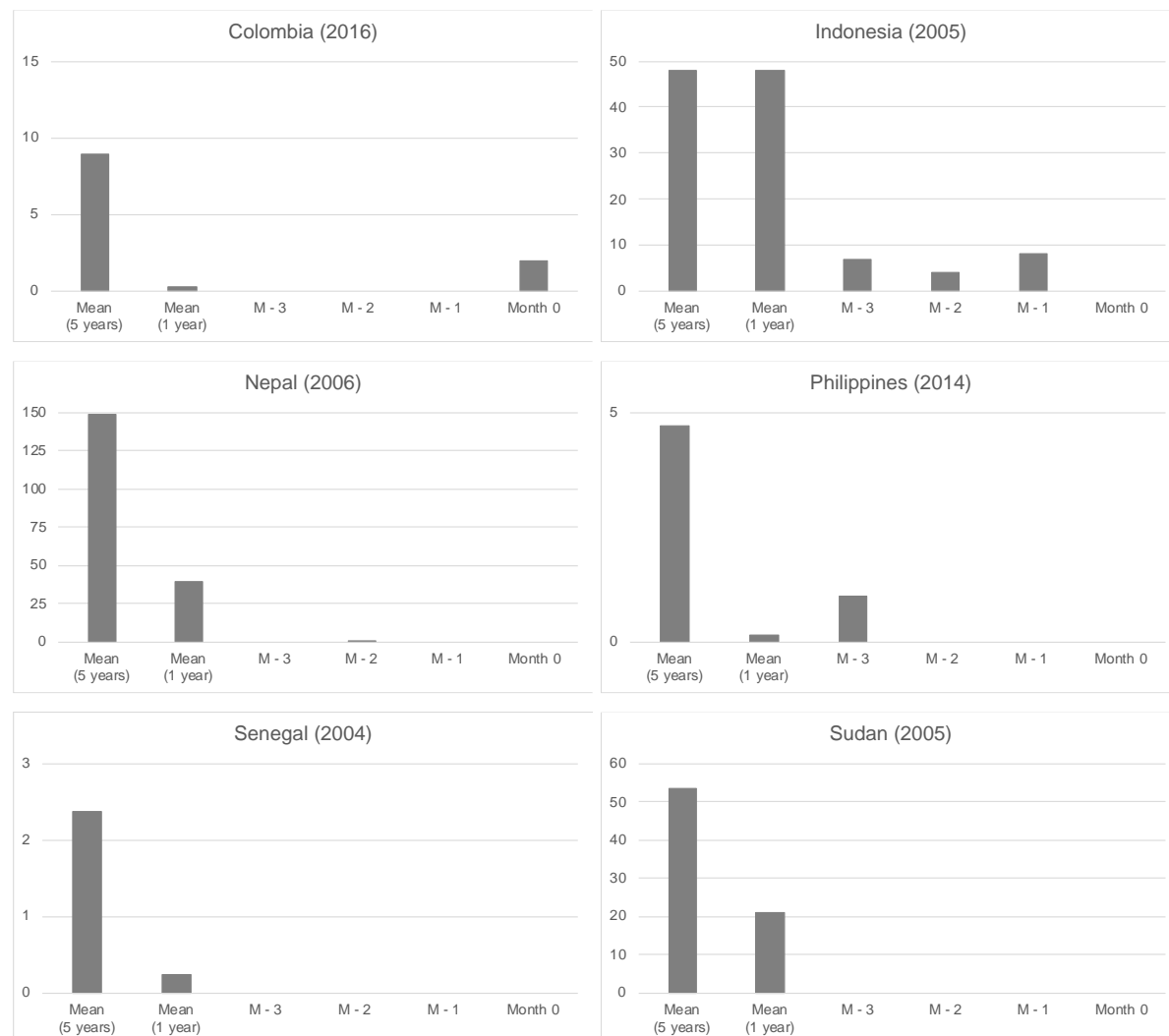


Figure 20: battle-related deaths. Source: Sticher and Vuković (forthcoming, 46).

Assessment

The use of ceasefires and violence after the start of negotiations and the mutual suspension of violence in the lead-up to an agreement offer supporting evidence for the framework. The findings remain consistent, even when different start dates or an alternative measure of conflict violence is used. The bar for contradicting evidence in the Forcing Concessions

context is relatively high, decreasing the leverage of these findings. The bar for finding contradicting evidence for the Enabling Context, meanwhile, is relatively low, rendering it a stronger test. The latter finding is also more interesting from a bargaining perspective, as it does not directly follow from established bargaining theory or the related ‘talking while fighting’ literature.⁸⁹ The finding is consistent with the theory building of part one and with work in the socio-psychologically oriented peace and conflict studies (e.g. Galtung 2004; Kelman 2007; Kriesberg 2005).

Overall, the case comparison shows that the framework is plausible. However, there are limited inferences one can draw from these case comparisons, and it can only ever be applied *ex post*. A case study helps address these shortcomings, by making use of the full spectrum of possible implications and submitting the framework to a more rigorous test.

3. Within-case congruence test

A within-case congruence test⁹⁰ on the basis of the Colombian peace talks was conducted in three steps. The first step systematically lays out supporting and contradicting evidence for the use of bargaining instruments in the Forcing Concessions and Enabling Agreement contexts. The second step analyzes events in the Colombian case, with the aim of identifying visible signs that a party leadership has transitioned first to the Forcing Concessions, and later to the Enabling Agreement context. The third step is the actual congruence test: it assesses whether the nature of fighting and ceasefires aligns with the pre-identified contexts, i.e. if supporting evidence can be found, and contradicting evidence excluded, for the use of battlefield violence and ceasefires in alignment with the pre-identified contexts.

While events related to the battlefield and negotiations are closely intertwined, analytically distinguishing between them helps avoid the problem of circularity. Events at the negotiation table serve to identify the contexts, and are compared to events in the battlefield, to see if they align.

⁸⁹ From existing frameworks, we would expect parties to maintain the pressure through fighting to ensure that they get the best possible deal.

⁹⁰ See chapter three, *Methodological choices*.

3.1. Step one: observable implications

Table 15 provides an overview of observable supporting and contradicting evidence for each of the bargaining instruments in the Forcing Concessions and Enabling Agreement contexts. Not all supporting evidence may necessarily be present in each case that meets the scope conditions (George and Bennett 2005, 189–92). Similarly, supporting evidence of one context may, though not always, constitute contradicting evidence for another context. The following two sub-sections clearly outline when and why this is the case.

Forcing Concessions

In the Forcing Concessions context, conflict party leaders are expected to engage in or seek negotiations, in order to learn about what constitutes an acceptable agreement to the opponent. Because they are genuine about exploring peace talks, we would not expect them to pose pre-conditions they know are unacceptable to the opponent. If the opponent doubts their goodwill, leaders may invest political capital to signal good faith and enable negotiations. We would not expect to find such signals in the Diminishing Opponent context.

At the same time, negotiations are unlikely to go smoothly, as expectations about a mutually acceptable agreement still widely diverge. An observable implication of this is an impasse in peace negotiations. In the Forcing Concessions context, we would not expect leaders to make major concessions that would be necessary to move towards an agreement.

On the battlefield, conflict parties will focus on signaling capabilities, resolve and good faith. The aim is no longer to eliminate the opponent (which they recognize is more costly than reaching settlement). An indiscriminate use of violence, such as largescale attacks against civilians, may diminish the long-term prospects of settlement, and thus constitutes contradicting evidence for the Forcing Concessions context. Instead, conflict parties will likely become more targeted in their attacks and possibly shift to more symbolic targets. We would not expect them to suspend violence for long periods of time without prior announcement, as adherence to a ceasefire is only effective in conveying internal cohesion and leadership if it is declared *ex ante*.

		Negotiations	Battlefield	Ceasefires
Forcing Concessions	Supporting evidence	Leaders investing political capital to enable negotiations Negotiation attempts Impasses (due to diverging expectations about mutually acceptable outcome)	Symbolic targets Targeted attacks, strategic timing Escalation before onset or after conclusion of temporary ceasefires	Unilateral ceasefire that holds despite not being replicated Temporary ceasefires Bilateral ceasefire tied to negotiation progress Ceasefire breakdown due to negotiation impasse
	Contradicting evidence	Pre-conditions that they know are unacceptable to the opponent Major concessions to enable progress in negotiations	Attacks with high civilian casualties Long periods of violence suspension without prior announcement	Indefinite ceasefire that holds throughout negotiations Major ceasefire violation ordered by leadership Premature ceasefire end without notifying opponent Ceasefire not backed by threat of return to violence
Enabling Agreement	Supporting evidence	Overcoming impasses on the negotiation table Leaders vouching for good faith of opponent Leaders making guarantees to ensure safety during demobilization Efforts to ensure support of key constituents	Mutual violence suspension (even in absence of bilateral ceasefire)	Bilateral ceasefires that remains in place by time a peace agreement is reached Ceasefire no longer backed by threat of violence
	Contradicting evidence	Refusing negotiations Insisting on concessions they know are unacceptable to opponent	Unprovoked attacks sanctioned by leadership Continuing high levels of violence or violence escalation	Ceasefire collapse in the lead-up to a peace agreement

Table 15: observable implications for the Forcing Concessions and Enabling Agreement contexts. Sticher and Vuković (forthcoming, 19).

A strong indication of the Forcing Concessions context is a unilateral ceasefire that holds despite not being replicated. Such a ceasefire is typically limited to a specific time period, and parties are likely to alternate between fighting and ceasefires. In the absence of temporal limits, conflict parties are likely to back ceasefires with a threat to return to violence, should negotiations fail to proceed. Similarly, a conflict party may stage attacks shortly before the beginning of, or shortly after the end of a temporary ceasefire to demonstrate that they enter into it from a position of strength rather than weakness.

Parties may also use bilateral ceasefires that are, implicitly or explicitly, linked to progress in peace negotiations. Parties should explicitly warn about withdrawal from declared ceasefires if negotiations fail to progress. Major ceasefire violations ordered by the leadership or a premature end to a ceasefire without notifying the opponent in advance constitute contradicting evidence, as these would undermine the signaling of strength and good faith.

Enabling Agreement

In the Enabling Agreement context, conflict party leaders seek to increase the chances of a negotiated settlement. They need to carefully balance the need to make concessions to the opponent and the need to ensure that key constituents support an eventual agreement. In such situations, we may observe signs of leaders willing to take on personal risks, such as vouching for the good faith of the opponent.

Once the leadership of both sides has moved to context three, they will likely overcome key impasses at the negotiation table. By contrast, moves that seek to increase the negotiation position at the risk of derailing negotiations constitute contradicting evidence for the Enabling Agreement context. Leaders refusing negotiations altogether, or demanding excessive concessions to stall for time, constitute contradicting evidence.

The two key bargaining problems in the Enabling Agreement context are the problem of credible commitment and costly concessions. The incumbent government will thus likely seek ways to offer security guarantees for the eventual demobilization of the non-state actor. Leaders will also likely seek to ensure the buy-in of key constituents, such as citizens in the case of democratic state actors, or the military leadership in the case of authoritarian regimes and non-state actors.

We should no longer see leaders deliberately using violence, or the threat of violence, to achieve concessions. Instead, once leaders on both sides have transitioned to the Enabling

Agreement contexts, they will seek to mutually suspend violence, regardless of whether a ceasefire is in place. An attack ordered by the conflict party leadership constitutes contradicting evidence, unless such a move is a reaction to another attack. Continued hostilities or a violence escalation in the lead-up to a peace agreement constitute further contradicting evidence, as discussed above.

3.2. Step two: identifying the contexts

To identify the bargaining contexts, the dynamics of the Colombian peace talks are analyzed with the aim of identifying events that either suggest that a conflict party leadership has transitioned to the Forcing Concessions context or that it has moved into the Enabling Agreement context.

Forcing Concessions

In the first years of the Santos presidency, both sides reached out to each other to explore the potential of a political solution to the conflict (see Segura and Mechoulam 2017, 10–13). Yet all efforts aimed at fostering peace, including the entire phase of the exploratory talks, were kept secret, allowing both sides to test each other's intent out of the limelight (Jaramillo 2017, 6). Since they refrained from sending any political signal, the back-channeling and exploratory talks can only with hindsight be interpreted as signs that the parties had moved beyond the Diminishing Opponent context.

The dynamics shifted publicly in August 2012 after the two sides reached a framework agreement. Santos acknowledged the talks after a copy of the agreement had been leaked to the press. On 4 September 2012, both sides publicly announced the peace talks.

This constitutes a first publicly perceivable shift that the leaderships had moved to the Forcing Concessions context. The signal was costly because it 'tied their hands' (see Fearon 1997): leaders on both sides committed themselves to negotiations and raised expectations about a political settlement. This would incur ex post costs, should the negotiations fail (Fearon 1997; Jaramillo 2017, 7).

It is important to note that the public announcement of peace talks is not always a costly signal. When there is third party pressure to engage in talks, it may be cheaper to engage in negotiations than to refrain from them, even if a leader has no genuine intent to explore

settlement. Similarly, if peace negotiations are accompanied by a ceasefire, a leader may engage in them to gain breathing space, which could offset domestic audience costs in the case of future failure (see also Richmond 1998).

However, in the Colombian case, there was no strong external pressure to negotiate, nor was a ceasefire put in place. Consequently, the public announcement can be read as a public signal expressing genuine intent to explore negotiations. In addition, the government sent a strong signal to the FARC by including two retired generals, one from the armed forces and one from the police, in their negotiating team. The security services had not participated in any of the previous peace processes, and the FARC read their inclusion as a sign that the government was serious (Cortés and Millán Hernández 2019, 5; IFIT 2018, 6).

Contradicting evidence for the Forcing Concessions context includes one side posing pre-conditions that they know are unacceptable to the opponent. Such pre-conditions would be indicative of the Diminishing Opponent context. In the framework agreement, both sides agreed on the principles of the talks and the agenda. Leaders on both sides also accepted issues or conditions that were not popular with their own constituents. For the first time, the FARC agreed to talk about disarmament and demobilization. This was a key condition for the government and had led to much resistance within the FARC, leading to the only real breakdown of the talks in the exploratory phase (Jaramillo 2017, 7; Cortés and Millán Hernández 2019, 4). On the government side, the Santos administration agreed to talk in the absence of a unilateral FARC ceasefire. The previous administration had insisted on such a ceasefire, and the Uribe camp quickly criticized the absence of such a unilateral arrangement.⁹¹

Major concessions that enable progress in negotiations would also constitute contradicting evidence for the Forcing Concessions context, as they would indicate that a leader has already transitioned to the Enabling Agreement context. Probably the most important concession to the FARC in the period pre-identified as Forcing Concessions was to grant political participation to the FARC, a point that had already been included in the negotiation agenda. There were no concessions related to the issue of transitional justice,

⁹¹ See e.g. tweets from former president Álvaro Uribe Vélez (@AlvaroUribeVel), on 2 September 2012, 3 September 2012, 5 September 2012.

which was the most sensitive item on the negotiation agenda (Jaramillo 2017, 12). This led to a major impasse, another indication of the Forcing Concessions context.

Together, the observable dynamics at the negotiation table following the public announcement of the talks suggest that the leadership of both parties were indeed in the Forcing Concessions context.

Enabling Agreement

The framework agreement included five substantive and one procedural agenda items (see chapter three, *Public phase of the talks*). After reaching agreement on three substantive issues, the parties moved to discuss the most difficult item on the agenda (Jaramillo 2017, 12): the victims item, which required agreement on how to deal with crimes committed during the armed conflict. What followed was a long period without much progress, with the leaderships on both sides insisting on different ways forward (see IFIT 2018, 17–19).

The dynamics started shifting in mid-2015. Amidst escalations in the battlefield (see discussion below), both leaderships made important gestures for peace. Some experts started noting a ‘state of maturity’ in the way the parties sought to jointly protect a process that was under immense pressure (see *Semana* 2015b).

At the negotiation table, a shift towards the Enabling Agreement context became publicly visible on 12 July 2015, when the parties signed an agreement to ‘Expedite in Havana and de-escalate in Colombia’, published as a joint communique. The stated purpose of the agreement was, among other points, to strengthen the trust between the parties and the trust of the Colombian public in the peace process. As part of this agreement, the parties agreed on a change in negotiation methodology that allowed them to work on the remaining items simultaneously and helped speed up the negotiation process. Two months later, they reached a major breakthrough, agreeing on a transitional justice mechanism.

One condition to move from the Forcing Concessions to the Enabling Agreement context is for conflict parties to be confident that the other side is genuine about pursuing a political settlement. Both sides made public statements in this regard in the period preceding the 12 July 2015 agreement. In an interview in May 2014, Santos stated:

“But I must say that this time I’ve got the impression that the guerilla leaders are really willing to reach an agreement. If that wasn’t clear, I would not continue negotiations” (Von Mittelstaedt and Zuber 2014).

Similarly, Timoleón Jiménez, the FARC supreme commander, stated in a letter in June 2015 that his organization's faith in the possibility of reaching a peace agreement with the Santos administration remained unchanged (Jiménez 2015).

There is also evidence that in the period following the 12 July 2015 agreement, leaders sought to address the problem of credible commitment in the form of security guarantees ranging from “short-term, individual security protocols to a ‘national pact’ to prevent armed violence from tainting political life” (ICG 2016a, 4). Similarly, there are clear indications of efforts to gain support from key constituents. In the case of the government, this included efforts in the lead-up to the plebiscite to mobilize the Yes vote. On the FARC side, activities that were in all likelihood aimed at gaining constituent support included bringing the hardliner Hernan Dario Velasquez ‘El Paisa’ to join the peace talks in April 2016 (Colombia Reports 2017), socializing the content of the talks to combatants on the ground (ICG 2015b, 11), and holding a National Conference to ratify the peace agreement in September 2016 (FARC-EP 2016).

The parties did not refuse negotiations (nor temporarily suspend the talks) after the 12 July 2015 agreement. They reached an agreement on all agenda points, suggesting that neither side continued pressing for concessions that they knew were unacceptable to the opponent. Most importantly, the government accepted that FARC members (under specific conditions) would not go to jail for the crimes committed during the armed conflict.

Together, the dynamics at the negotiation table suggest that, after the 12 July 2015 agreement, both party leaderships had transitioned to the Enabling Agreement context.

3.3. Step three: testing congruence

Having identified two negotiation-related events that indicate a transition into the Forcing Concessions (public announcement of framework agreement) and the Enabling Agreement context (agreement to expedite in Havana and de-escalate in Colombia), the analysis now turns to events in the battlefield to assess whether the use of fighting and ceasefires aligns with the pre-identified contexts (see overview in Table 15).

Forcing Concessions

In the period between the announcement of the framework agreement and December 2014, the FARC continued fighting, with the exception of a number of temporary unilateral ceasefires. There is evidence suggesting a strategic timing of the attacks and ceasefires in this time period. For example, in the period preceding the formal opening of the peace talks in Norway, both sides had scaled back military operations; however, the week following the opening, attacks intensified, particularly in FARC strongholds (Hurst 2012a). The FARC remained on the offensive, “perhaps in an effort to fortify its position going into the talks” (Molinski 2012). On the first day of talks in Havana, it announced a two-month unilateral ceasefire. The ceasefire remained in place, even in December 2012 when government forces staged two large-scale attacks. The FARC resumed hostilities on the day the ceasefire expired (ICG 2013). When the talks failed to progress over the sensitive issue of political participation – a key demand of the FARC – the group stepped up its attacks on energy and oil infrastructure (BBC 2013).

This alternate use of fighting and temporary ceasefires, and the clear link between battlefield dynamics and progress at the negotiation table, are indicative of the Forcing Concessions context.

On the government side, President Santos rejected any suggestion of a bilateral ceasefire and publicly committed to upholding military operations throughout the talks (see IFIT 2018, 8–9 for a discussion). A week after the formal opening of the talks, he announced that the armed forces would be expanded in 2013, sending a message that the government would not neglect the military side of the conflict (Hurst 2012b). Government operations against the FARC continued unabated, even during the FARC’s unilateral ceasefire, when indeed some of the largest offensives against the FARC were carried out.⁹²

Dynamics started shifting towards the end of 2014, when the FARC kidnapped a serving general and Santos responded by suspending the talks. Following this episode, the FARC declared a unilateral ceasefire for an indefinite period of time. In contrast to the previous (temporary) ceasefires, the new arrangement appeared designed to enable the

⁹² Four of the five deadliest government offensives during the public phase of the talks occurred during unilateral FARC ceasefires: two during the first, one during the second, and one during the fifth ceasefire (UCDP GED).

negotiations to continue, rather than to demonstrate strength. However, it was linked to a clear demand for the government to cease its military operations (FARC-EP 2014a).

In March 2015, Santos ordered a suspension of air strikes, initially for a month, but operations on the ground intensified (ICG 2015b, 5). The most important test for the talks came in mid-April 2015, when – despite the indefinite unilateral ceasefire – the FARC killed eleven soldiers in an attack, setting off a vicious chain of reactions.⁹³ The government immediately resumed air strikes. The FARC initially maintained the unilateral ceasefire but, after a government offensive killed 26 FARC members, the group declared the end of the ceasefire and violence quickly escalated (ICG 2015b, 3–4).

In short, during the period pre-identified as the Forcing Concessions context, multiple observable implications of this context can be found in the battlefield, including strategically timed attacks and temporary ceasefires. The indefinite unilateral ceasefire pronounced in December 2014 and the partial replication by the government indicate a shift in dynamics, but the conditionalities and accompanying measures suggest that both sides were still primarily pressing for concessions at the negotiation table (see ICG 2015b, 5).

With regard to contradicting evidence, attacks with high civilian casualties can be excluded, as these had already stopped years earlier (UCDP GED). No ceasefire remained in place throughout the negotiations, all FARC ceasefire declarations were backed by a threat of returning to violence – either in the form of temporal limits or by outlining the conditions under which violence would re-emerge – and the suspension of the indefinite ceasefire was announced by the FARC leadership in advance. Multiple sources attest to the FARC's overall compliance with their self-declared ceasefires (Cardona 2013; ICG 2014a; 2013; 2015b, 3; Hurst 2014; Santos 2013) and a statistical analysis of battle-related deaths shows that the probability of a deadly FARC attack on any given day during a ceasefire was significantly lower than in the absence of a ceasefire.⁹⁴

⁹³ See chapter seven, *Counterfactual analysis* for an in-depth discussion of the FARC attack and the events that followed.

⁹⁴ To test this, a simple chi-square test (see chapter five, *Statistical significance*) was conducted. For this, the period pre-identified as Forcing Concessions (4 September 2012 to 12 July 2015), i.e. 1041 days, was divided into periods when a ceasefire was in place (276 days) and periods without a ceasefire (765 days) (see dates above). All conflict dyad related UCDP GED data that resulted in at least one government death were included in the analysis. In the absence of a ceasefire, the probability of a deadly FARC attack on any given day

This leaves a few events that could potentially constitute contradicting evidence. The most important such event occurred in mid-April 2015, when the FARC's attacks amounted to a major ceasefire violation. To constitute strong evidence, this attack would need to have been ordered by the FARC leadership without prior warning to the government.

The FARC issued multiple warnings that the indefinite ceasefire may unravel, should the government's military operations continue (e.g. FARC-EP 2014b; 2015a). However, these warnings were generic in nature and may not amount to a specific warning (for example tied to pre-specified conditions). By contrast, the circumstances of the attack are contested and it appears hard to attribute them to the FARC leadership (*The Economist* 2015; Bouvier 2015; FARC-EP 2015b; ICG 2015a).⁹⁵ Taking the specific circumstances into account, the case does not constitute strong contradicting evidence.

While taking place outside a ceasefire period, the kidnapping of a serving general in December 2014 bears some similarity to a major ceasefire violation: the FARC had promised to stop its kidnapping activities as of February 2012 and this event could be interpreted as a major violation of this promise. The FARC leadership had not warned the government about this specific kidnapping. However, the FARC had previously stated that it considered captured military personnel prisoners of war rather than kidnapping victims (Stone 2013).

The general was traveling in civilian clothes to an area with known guerrilla presence. Santos called the kidnapping unacceptable and suspended the talks (Brodzinsky 2014a). However, in an apparent acknowledgement of the murky circumstances, he publicly asked his defense minister to explain why the general had breached security protocol (Santos 2014). The FARC and the government swiftly agreed on the conditions of release, and the general resigned a day after his release (Brodzinsky 2014b). These reactions indicate that the abduction was a local reaction to an apparent breach of security protocol, and not ordered by the FARC leadership.

was 4.6%, whereas the probability during a ceasefire was 0.7%. The chi-square test reveals that the difference is statistically significant, with $X^2 = 8.77$, $N = 1041$ and $p = 0.003$.

⁹⁵ See discussion in chapter seven, *Counterfactual analysis*.

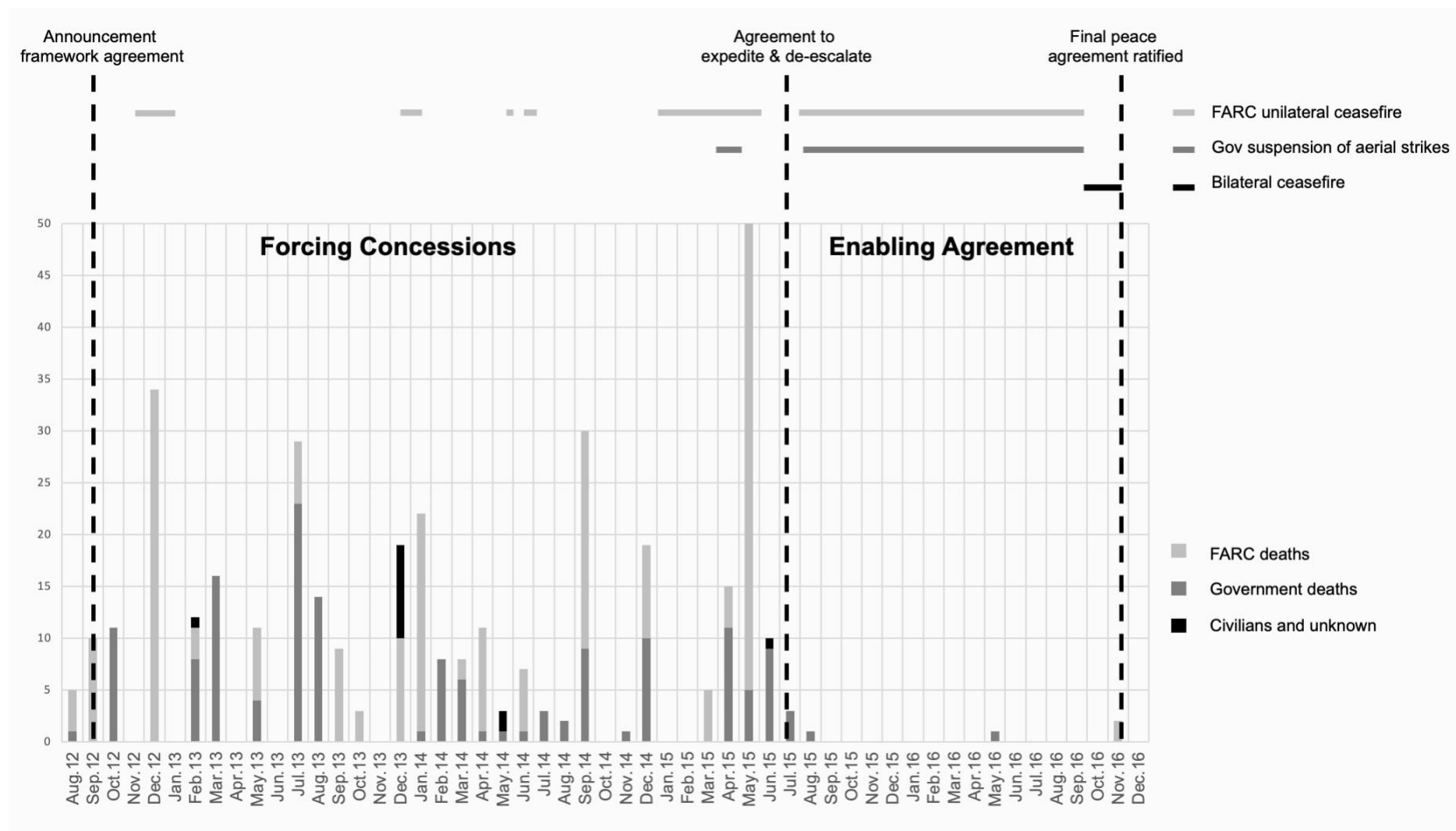


Figure 21: timeline of negotiations, battle-related deaths and ceasefires. Source: Sticher and Vuković (forthcoming, 27).

Enabling Agreement

After the resumption of hostilities in mid-2015, support for the talks dropped to an all-time low (see chapter four, *Support for peace talks*). In early July 2015, the FARC announced a one-month unilateral ceasefire “to create favorable conditions” to start a bilateral ceasefire (FARC-EP 2015d). A few days later, as part of the agreement to expedite the peace negotiations and de-escalate conflict violence (i.e. the pre-identified shift to the Enabling Agreement context), the two parties agreed that the FARC would maintain its unilateral ceasefire, and the government would respond with a de-escalation process consistent with the FARC action. Both sides complied and announced respective measures. There were some allegations of violations on both sides, but the parties did not return to open fighting (see Figure 21).

In June 2016, the two sides agreed on a definitive bilateral ceasefire as part of the final peace agreement. The ceasefire came formally into effect at the end of August 2016. A FARC negotiator publicly announced that the FARC would not return to war, even if the plebiscite failed (Colombia Reports 2016), another clear indication for the Enabling Agreement context. After the peace agreement was rejected in the plebiscite, leaders independently announced that the ceasefire would hold, and later signed a protocol to adapt the ceasefire to the new circumstances (Clayton et al. 2020; Millán Hernández, Sticher, and Nussio 2020). The arrangement held until the ratification of the revised peace agreement in Congress.

In the entire period between the 12 July 2015 agreement and the ratification of the final peace agreement by Congress in November 2016, the conflict dyad experienced only four events leading to battle-related deaths. Three events likely resulted from local clashes. The circumstances of the fourth event are contested, but it appeared linked to criminal activity.⁹⁶ Thus, the events were in all likelihood not sanctioned by conflict party leaders. With regard to other possible contradicting evidence, no ceasefire collapsed in the period that was pre-identified as the Enabling Agreement context, and continued fighting or an escalation of conflict violence did not take place after the July 2015 agreement (see Figure 21).

⁹⁶ For details, see Appendix Chapter Six.

In sum, observable implications in the battlefield align with the pre-identified bargaining contexts. No strong contradicting evidence can be found, increasing the confidence in the validity of the framework.

4. Discussion

The bargaining contexts proposed in this chapter increase our understanding of the strategic interaction between ceasefires, fighting and peace negotiations. The framework shows how conflict party leaders' overall assessment of a bargaining situation shapes their strategic goal, and by extension their intended use of ceasefires – from increasing the intensity of the military campaign, to pressing for concessions, to promoting a peace deal. A case comparison and a congruence test in the Colombian case offer tentative support for the framework. The discussion of the use of various bargaining instruments in the Colombian case highlights challenges leaders face as they navigate from full-blown war to a negotiated peace deal, showing how a suspension of violence may often be necessary to achieving that transition.

Chapter five (*War of Narratives*) included an unexpected finding: analyzing the strategic framing of conflict dynamics by President Santos, it found that, against the theoretical expectations, Santos emphasized military strength in the early years of the peace talks. The bargaining contexts proposed in this chapter offer an explanation for this finding. In the early years of negotiations, the Colombian government was in the Forcing Concessions context. Consequently, it was more focused on extracting concessions from the FARC than on securing constituent support. The *military strength* frame was thus presumably aimed at strengthening the government bargaining position. At the same time, the government was already preparing the path for an eventual agreement, using those frames of the peace narrative that would not lower its bargaining position vis-à-vis the FARC. As it moved to the Enabling Agreement context, the government was primarily concerned with increasing the chances of conflict settlement. It thus dropped the *military strength* frame that – while strengthening the bargaining position – decreases the range of possible agreements and potentially lowers support for peace talks.

Outlook

This chapter focuses on how *bargaining processes affect the use of ceasefires*. However, the analysis also points to an endogenous nature of interactions between ceasefires and peace

negotiations. The impact of a ceasefire on peace negotiations is likely to be different if parties use a ceasefire for their own military advantage, compared to when they seek to press for concessions, or build up trust with an opponent. In short, the theoretical framework of this chapter has important implications for our understanding of how *cessfires affect bargaining processes*.

The next chapter will discuss these dynamics. Building on the three bargaining contexts introduced above, and extending the analysis to the implementation phase, chapter seven theorizes how the strategic goal a leader pursues through a ceasefire is reflected in its design. It then discusses and empirically tests the expected effects of ceasefire logics and associated designs on the trajectory of conflict violence.