College of Law and Governance

School of law

The International Legal Status of the Peace Agreements: The Case of Pretoria Peace Agreement Signed Between the FDRE Government and the Tigray Peoples' Liberation Front (TPLF)

By Abchu Wassihun

ID No. GSR/8331/16

Advisor Dr. Getachew Assefa Woldemariam

A Thesis Submitted in Partial Fulfillment of the Requirements of Master's Degree of Law (LLM) in Public International Law

May, 2025

Addis Ababa, Ethiopia

ADDIS ABABA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE STUDIES

School of Graduate Program

Master of Laws (LL. M) In Public International Law

Advisor Approval Sheet

I, Dr. Getachew Assefa, have read this thesis on **"The International Legal Status of the Peace Agreements: The Case of Pretoria Peace Agreement Signed between the FDRE Government and The Tigray People's Liberation Front (TPLF)"** and approved it for Examination.

Signature:

ADDIS ABABA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE STUDIES

School of Graduates Program

Approval Sheet

The International Legal Status of the Peace Agreements: The Case of Pretoria Peace Agreement Signed Between the FDRE Government and The Tigray Peoples' Liberation Front (TPLF)

PREPARED BY: Abchu Wassihun

Approved by Examining Board

_____	_____	_____
Examiner	**Signature**	**Date**
_____	_____	_____
Examiner	**Signature**	**Date**

Declaration

I, Abchu Wassihun, declare that this thesis is my original work and all sources are acknowledged duly by the author and has never been submitted to any institution.

Acknowledgment

First and for most, I would like to thank Almighty God for everything he has done throughout my life. I am sincerely grateful to my advisor Dr. Getachew Assefa Woldemariam, for his critical constructive advice and patience. Without his guidance I cannot think of completion of this thesis.

I would like to express my deepest gratitude to my classmates and work collagenous for their unceasing encouragement and support throughout writing this thesis. THANK YOU

Abstract

This study explores the international legal status of Peace Agreements in general, concluded to terminate non international armed conflicts (NIAC), and the Pretoria Peace Agreement in particular, signed on November 3, 2022, between the Ethiopian government and the TPLF, which ended the tragic intrastate conflict in Ethiopia's Tigray region. NIAC peace agreements, despite their proliferation as a way out of intrastate conflicts, their ambiguous legal status arising from the involvement of Non-State Armed Opposition Groups (AOGs), they are neither treaties under the Vienna Convention on the Law of Treaties (1969) nor domestic instruments under the domestic law-making procedure, is being a significant challenge to compliance and enforcement. By using a qualitative analysis of international legal frameworks, judicial precedents, and state practice, this study examines the Pretoria Peace Agreement's binding nature and the TPLF's international legal personality. The findings show that the TPLF, as an organized AOG bound by international humanitarian law (IHL), has the capacity to enter internationally binding agreements. The agreement's mandatory language, formal structure, incorporation of IHL and African Union (AU) norms, and AU-led monitoring mechanisms reflect the parties' intent to create enforceable obligations. The thesis argues that, in order to enhance compliance, strengthen enforcement, and preserve the integrity of peace processes, NIAC peace agreements should be recognized as a distinct category of internationally binding instruments under Article 3 of the Vienna Convention. By positioning the Pretoria Peace Agreement within the developing normative framework of international law, this study contributes to the discourse on the legal nature of these agreements and forward some concluding remarks to reinforce their effectiveness in addressing intrastate conflicts.

Abbreviations and Acronyms

AOG - Armed Opposition Group

AU - African Union

CPA - Comprehensive Peace Agreement

DDR - Disarmament, Demobilization, and Reintegration

DRC - Democratic Republic of Congo

ECOWAS - Economic Community of West African States

ELN - National Liberation Army (Ejército de Liberación Nacional)

FARC-EP - Revolutionary Armed Forces of Colombia – People's Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo)

FDRE - Federal Democratic Republic of Ethiopia

ICJ - International Court of Justice

ICRC - International Committee of the Red Cross

IGAD - Intergovernmental Authority on Development

IHL - International Humanitarian Law

IHRL - International Human Rights Law

ICTY - International Criminal Tribunal for the former Yugoslavia

JEM - Justice and Equality Movement

KLA - Kosovo Liberation Army

M23 - March 23 Movement

NIAC - Non-International Armed Conflict

OAU - Organization of African Unity

RUF - Revolutionary United Front

SCSL - Special Court for Sierra Leone

SPLA/M - Sudan People's Liberation Movement/Army

TPLF - Tigray People's Liberation Front

UN - United Nations

UNDP – United Nations Development Program

UNHCR – United Nations High Commissioner for Refugees

UNSC - United Nations Security Council

VCLT - Vienna Convention on the Law of Treaties

Table of Contents

CHAPTER ONE

1. INTRODUCTION

1.1. Background of the Study

The United Nations Peacemaker Peace Agreements Database indicates that over 600 peace agreements have been concluded to address non-international armed conflicts (NIACs) since 1989.[1] The global prevalence of NIAC in the modern era has meant that peace agreements are increasingly being concluded with non-state armed opposition groups (AOGs).[2] One of which is the Ethiopia's Tigray war (The Tigray war), which is probably one of the most covered in the medias, most debated in international arenas and the most devastating of the recent NIACs. The Tigray war was an armed conflict that lasted from November 2020 to November 2022. The war was primarily fought in the Tigray region of Ethiopia between the Ethiopian federal government (supported by Eritrea), and the Tigrayan forces.[3] After a couple of years of increased tensions and hostilities between the Tigray People's Liberation Front (TPLF) and the governments of Ethiopia, the Ethiopian government declared war after accusing Tigrayan forces of attacking the Ethiopian defense force's northern command base.[4]

The conflict has been characterized by some as genocidal, while others view it as a unique or total war. Meanwhile, the federal government has labeled it as a law enforcement issue.[5] Regardless of the debate surrounding its nature, the war has had a devastating impact on both human and material resources, making it one of the most destructive conflicts of the 21st century. The two-year-long civil war led to the loss of hundreds of thousands of lives and the

[1] United Nations Peacemaker, 'Peace Agreements Database | Peacemaker' (UN Peacemaker, 2025) https://peacemaker.un.org/en/areas-of-work/peace-agreements-database-and-language-of-peace-tool accessed 6 May 2025.

[2] Margaux J Day and Eian Katz, 'Irregular Forces, Irregular Enforcement: Making Peace Agreements in Non-International Armed Conflicts Durable' (2020) 52 Case W Res J Intl L 357.

[3] Evennett H, 'Conflict in the Tigray Region of Ethiopia' (*House of Lords Library*11 November 2022) https://lordslibrary.parliament.uk/conflict-in-the-tigray-region-of-ethiopia/#heading-2 accessed 30 November 2024

[4] Ibid.

[5] Footnote: Assefa Leake Gebru, 'The Pretoria Agreement: Reflections on its Essence, Implementation Status and the Way-Forward' (2024) 6 J Afr Confl & Peace Stud https://digitalcommons.usf.edu/jacaps/vol6/iss1/4 accessed 30 November 2024

displacement of millions of people.[6] The war, initially limited to the Tigray region, was expanded to the neighboring regions of Afar and Amhara, affecting more than 20 million people, of which nearly three quarters were women and children, and 5.5 million have been forced to flee their homes and take refuge in other regions within Ethiopia.[7]

The TPLF and the Ethiopian government started peace talks on 25 October 2022 in Pretoria, South Africa. The African Union's (AU) High Representative for the Horn of Africa, Olusegon Obasanjo, mediated the talks, with observers from the East African Intergovernmental Authority on Development (IGAD), the United Nations (UN) and the United States. The Ethiopian government and the TPLF signed an Agreement for Lasting Peace Through a Permanent Cessation of Hostilities on 2 November 2022 (hereinafter the "**Pretoria Peace Agreement**"), complemented by implementing modalities agreed on 12 November 2022 in Nairobi, Kenya.[8]

Tigray war was a hot issue, and it has brought several international pressures[9] and it was a subject of discussion among human right defenders across the globe, global superpower countries, regional organizations like the AU and EU and international organizations like the UN and its organs, including the Security Council[10]. The Pretoria peace agreement which ended the Tigray war has also managed to gain the attention of many world leaders and international organizations. The peace agreement was welcomed by the international community, especially by those who were calling for a peaceful way of ending the war.

However, despite the attention and the endorsement received by the Pretoria peace agreement from the international community and the former warring parties, neither the international community nor the parties to the conflict and the peace agreement, can certainly determine the international legal status of this peace agreement and so far no one has brought the issue to the

---

[6] Ibid

[7] 'Ethiopia's Tigray War and Its Devastating Impact on Tigrayan Children's Education' (*Wilson Center*2024)https://www.wilsoncenter.org/blog-post/tigray-war-and-education accessed 19 November 2024

[8]Pichon E, 'Ethiopia: War in Tigray Background and State of Play' (2022) https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739244/EPRS_BRI(2022)739244_EN.pdf accessed 23 November 2024

[9] 'Conflict in Ethiopia | Global Conflict Tracker' (*Global Conflict Tracker*2021) https://www.cfr.org/global-conflict-tracker/conflict/conflict-ethiopia accessed 30 November 2025

[10] United Nations Security Council, 'Security Council Press Statement on Ethiopia' (UN Press, 5 November 2021) https://press.un.org/en/2021/sc14691.doc.htm accessed 19 November 2024.

attention of the international community and to the parties. The reason why the peace agreement is being not regarded as international agreement is because the agreement doesn't meet the most accepted and internationally established definition of treaty as defined under the Vienna Convention on the Law of Treaties (VCLT)[11] as it was signed by TPLF, no doubt an AOG, nor is regarded as a domestic agreement as it was negotiated and concluded outside the legally established channels of domestic law-making process[12]. Hence, the purpose of this paper will be to explore the legal regime applicable to the issue at hand by studying the literature, the law, judicial analysis and any precedents in this area with the ultimate aim of drawing insights for the study of the international legal status of the Pretoria peace agreement.

1.2. Statement of the Problem

Most of the recent armed conflicts, by far, are NIACs dragging states to fight against rebel groups. The presence of non-state parties to agreements ending these conflicts means the instruments do not meet the widely accepted definition of a binding "treaty."[13] Nor is true that this agreements are not domestic legal instruments as their negotiation and conclusion is beyond/outside the established domestic law making process.[14] If NIAC peace agreements are not fitting in one of the two legal categorizations, how are we to understand their place in international law?

1.3. Research Questions

- What is the difference between a peace treaty which terminates international armed conflict and a peace agreement which terminates non international armed conflicts?
- What is the International legal status of peace agreements in general and the Pretoria Peace Agreement in particular?
- What makes a peace agreement internationally binding legal instrument?
- What is the treaty making capacity of armed groups in international law?

[11] Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, art 1 (a). *Article 1 (a) of the Vienna Convention on the Law of Treaties provides that " For the purposes of the present Convention "treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.*

[12] Asli Ozcelik, 'Entrenching Peace in Law: Do Peace Agreements Possess International Legal Status?' (2020) 21(1) Melbourne J Intl L.

[13] Gregory H Fox, 'Old and New Peace Agreements' (2022) 52(3) Seton Hall L Rev.

[14] Supra note 12

- What is the negotiation incentive and compliance implication of determining the status of peace agreements?
- How does the participation of third parties impact the internationalization of peace agreements?

1.4. Objectives of the Study

1.4.1. General Objective of the Research

The general objective this study is to study the legal and academic sphere of international law that deals with peace treaties and the surrounding issues and to examine the international legal status of peace agreements broadly, with a specific focus on the Pretoria Peace Agreement.

1.4.2. Specific Objectives of the Research

- To discuss the negotiation incentives and the compliance implication of determining the status of peace agreements
- To discuss and analyze the treaty making capacity of armed groups in international law
- To study on the effect of third-party involvement in the internalization of peace agreements

1.5. Significance of the Study

The study, by highlighting on the international legal status of the Pretoria agreement, will inform the Parties of the nature of their obligation under the agreement, the international community to play its role accordingly and to what extent will it can invest itself of on the agreement and of finally the academia to further inquire the status and the implication this status may have on the parties' obligation and of the nature of the agreement in general.

1.6. Scope of the Study

This study is limited to an analysis of the International legal status of peace agreements in general and the Pretoria peace agreement in particular. Hence the study will not include discussions on the human rights and humanitarian implications of the agreement, the legal status of the parties under domestic law, the afterlife or implementation of the agreement and of the transitional issues surrounding the agreement which terminates the two yearlong terrible war.

1.7. Research Methodology

The thesis will employ a qualitative method of study to inquire the international legal status of the Pretoria Agreement. The study will analyze relevant international legal documents in the area, judicial decisions, the policy stance of international organizations on the issue and of the literature on agreements between states and sub-state entities within the international legal framework, to illustrate the legal complexity and the practice in determining the international legal status of peace agreements, thereby to draw insights for my study on the international legal status of the Pretoria agreement.

1.8. Organization of the Study

This study is arranged into four chapters. The first chapter incorporates general introduction, description of the problem, the methods used in the course of doing the study, the research questions, objective of the study, reviewing of literature having relevance to the Study at hand, and significance of the study to give a highlight on what the study is going to contribute. Chapter two of the study will address the core issue of this thesis which is the international legal status of peace agreements. In addressing the core issue of my study, I will discuss and analyze important considerations in determining the international legal status of peace agreements such as the international legal personality of AOGs. Among other things, this chapter will discuss the trend in the conclusion peace agreements and of their ever-increasing acceptance by the international community as a way of terminating protracted NIACs. Chapter three of the study will take an issue with the international legal status of the Pretoria Peace Agreement, as a case study. This chapter will analyze the agreement in light of the relevant international law, judicial case studies, the state practice. Chapter four of the study will summarize the whole study and provides some concluding remarks on how we should perceive these agreements and why we should perceive them that way.

CHAPTER TWO

2. THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1. Introduction

The period of almost two decades since the end of the Cold War has seen a proliferation of peace processes culminating in peace agreements. Peace agreements currently form the main exit route from NIAC.[15] Between 1990 and September 2007, 646 documents which could lay claim to the name peace agreement were signed, addressing 102 international conflicts and NIAC spanning 85 jurisdictions. These conflicts were overwhelmingly (almost 91%) NIAC in nature occurring largely within state borders.[16] In form, peace agreements appear as delicately crafted, legal-looking texts, with preambles and articles all speaking the language of legal obligation.[17] In substance they link commitments to ceasefires to new constitutional arrangements for how power will be held and exercised. They are usually formally signed by both domestic and international actors. Both form and substance are intrinsically legal.[18] While they often resemble formal legal documents, they characteristically do not align with established legal classifications,[19] resulting in ambiguous legal status both under domestic and international frameworks. This lack of a defined legal structure creates complications throughout the drafting, interpretation, and execution phases of such agreements.[20]

A peace agreement may be conceived as a formalized accords between several parties commonly a state and one or more non-state or substate armed groups intended to halt, terminate, or resolve NIAC.[21] Peace agreements encompass different types of agreements and are often components of a larger peace-making process.[22] Some are wide-ranging, seeking to enact significant constitutional reforms, as demonstrated by the 1995 Dayton Agreement in Bosnia and

[15] Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (Oxford University Press 2008) 6
[16] Ibid, P. 308
[17] ibid
[18] ibid
[19] Lorna Edwards and James Worboys, 'The Interpretation and Implementation of Peace Agreements' in Marc Weller, Mark Retter and Andrea Varga (eds), *International Law and Peace Settlements* (Cambridge University Press 2021) 111-136
[20] Ibid
[21] P Kastner, 'Interactions between Peace Agreements and International Law' in M Weller, M Retter and A Varga (eds), *International Law and Peace Settlements* (Cambridge University Press 2021) 165-184
[22] ibid

Herzegovina.[23]; others address particular matters, such as the 2008 Annexure to the Agreement on Accountability and Reconciliation in Northern Uganda.[24] Additionally, some of these agreements are technical, intended to help the implementation of broader accords or to lay the foundation for more negotiations,[25], as seen in the 2016 Acuerdo de diálogos para la paz between the Colombian Government and the National Liberation Army (ELN).[26]

This chapter will explore the relationship between NIAC peace agreements and international law, the international legal personality of armed groups and its implication on the peace agreements they conclude, The concept of "special agreements" under Common Article 3 of the Geneva Conventions (Common Article 3) argument for interstate peace agreement will also be discussed, the involvement of thirty party signatories as witness or guarantors will also be considered with its implication on internationalized the NIAC peace agreement and the final topic of the chapter will discuss the UNSC' approach to NIAC peace agreement with what it is mean for these kind of peace agreements when they are endorsed by the UNSC.

2.2. International Law and Peace Agreements

The connection between international law and peace agreements stems from their inherent public dimension as they affect the entire population and are internationalized through explicit references to international law or the participation of international mediators, witnesses or guarantors.[27] This holds true irrespective of the fact that NIAC peace agreements are concluded like private contracts between a state and an AOG**.**[28]

Progresses in international law have enabled a massive integration of legal principles into peace-making efforts, along with a rising number of peace agreements that vigorously incorporate legal canons. This tendency has gradually shaped international law itself, nurturing a robust and

[23] General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) (21 November 1995) https://peacemaker.un.org/bosniadaytonagreement1995 accessed 11 March 2025.
[24] Annexure to the Agreement on Accountability and Reconciliation (19 February 2008).
[25] Supra note 23, P. 166
[26] United Nations Secretary-General, 'Secretary-General on Peace Talks between the Government of Colombia and the National Liberation Army (ELN)' (UN.org, 30 March 2016) https://www.un.org/sg/en/content/sg/statement/2016-03-30/secretary-general-peace-talks-between-the-government-of-colombia-and-the-national-liberation-army-%28eln%29-scroll-down-for-spanish-version accessed 17 March 2025
[27] C Rojas-Orozco, 'Introduction' in *International Law and Transition to Peace in Colombia* (2021) 1 rch 2025
[28] Ibid.

dynamic relation between international law and peace agreements in the last few decades.[29] The shift to diplomatic resolutions over militarized approaches to resolving armed conflicts is attributable to the rise of international human rights law (IHRL) and the principle of self-determination in the second half of the twentieth century.[30]

These developments and relationships are reflected in three ways. The first and most revealing of this development is references made to IHL, IHRL, and refugee law.[31] The second is the delegation and involvement of external parties in addressing specific elements of the agreement. The third aspect is the placement of a peace agreement, either fully or partially, under the oversight and enforcement mechanisms of international legal setups.

2.2.1. References To International Law

Most of the contemporary peace agreements made clear reference to various branches nternational law. The U.N. Secretary-General has described the organization's approach to peace agreements as deriving from "*international human rights law, international humanitarian law, international criminal law and international refugee law*".[32] In the University of Edinburgh's PA-X Peace Agreements Database, close to 1,061 of 1,500 documented peace agreements contain provisions related to IHRL and equality, whereas 111 explicitly reference IHL.[33] These statistics reveals the important attention given to international legal standards by negotiators and mediators and implies the degree of importance given to international law in the making of peace agreements. .

IHRL and IHL are frequently appealed in general terms within peace agreements. For example, in a 2013 ceasefire accord between the Government of Sudan and the Justice and Equality Movement (JEM), an AOG, both parties agreed to adhere to *"the imperative to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law"*[34] and to "*cease and refrain from any ... recruitment and use of boys and girls under age 18 by armed forces and*

[29] Ibid
[30] Ibid
[31] Supra note 21, P. 167
[32] GH Fox, 'Old and New Peace Agreements' (2022) 52(3) *Seton Hall Law Review* 840, Wayne State University Law School Research Paper No 2021-88
[33] Ibid
[34] *Ceasefire Agreement between the Government of Sudan and the Justice and Equality Movement-Sudan (JEM)* (10 February 2013) art 2(d))

armed groups in hostilities, in accordance with Sudan's obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and obligations under Protocol II (1977) of the Geneva Conventions of 1949."[35] By making clear reference to international law, the parties committed to upholding well founded international norms concerning the conduct of hostilities and prohibiting the enlistment of child soldiers.

Similarly, the 2015 Libyan Political Agreement, provides that:

"*All armed formations shall commit themselves to the provisions of the Libyan legislations in force, international humanitarian law and the international human rights law, especially with regards to the protection of civilians and the provision of safe passage and freedom of movement for the*"'.[36]

This therefore allows the evaluation of the parties' actions against well founded international standards, notwithstanding of the debated subject of whether non-state actors are bound by legal obligations, a topic that remains contentious within IHRL.

The 2016 final agreement between the Colombian Government and the Revolutionary Armed Forces of Colombia People's Army (FARC-EP) explicitly calls on international law. For example, the parties designated international law as the applicable legal framework for amnesties and pardons within the newly established Comprehensive System for Truth, Justice, Reparations, and Non-Repetition.[37] The agreement clearly provides that, "*the negotiations were, at all times, conducted in accordance with international legal principles*".[38] These kind of references of the agreement reveal the ever-increasing degree significance given to international law in the negotiation of peace for NIAC.

Another great example of how international law and NIAC peace making is deeply related is , the 2013 Declaration of the Government of the Democratic Republic of Congo (DRC) following

[35] Ibid art 4(j).
[36] *Libyan Political Agreement* (17 December 2015) Preamble, arts 7, 36, 44
[37] *Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace* (Colombia, 24 November 2016) s 5.1.2, para 19, English translation https://peaceaccords.nd.edu/wp-content/uploads/2020/02/Colombian-Peace-Agreement-English-Translation.pdf accessed 17 March 2025
[38] Ibid Preamble.

the Kampala Talks.[39] This declaration seeks to balance the pursuit of accountability for severe offenses, as defined by international law, with broad amnesty provisions, intended to convince armed groups to cease hostilities.[40] The DRC pledged to offer amnesty to M23 members for acts of war and rebellion from 1 April 2012 onward, while specifying that such amnesty aligns with both national and international legal frameworks, explicitly excluding war crimes, genocide, crimes against humanity, sexual violence, child soldier enlistment, and other significant human rights abuses.[41] Phrases such as "consistent with international standards" or international law serving as a "guiding framework" for transitional justice, shows that the DRC belief that, international law authoritatively prohibits amnesties for grave international crimes. The language used indicates that the reliance on international law to address contentious issues during peace negotiations born out of a perceived legal duty among the parties.[42]

The United Nations, a prominent and powerful actor in peace mediation, adopts a definitive stance on the role of international law in peace processes. The 2004 Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies stresses that peace agreements must unequivocally reject amnesties for genocide, war crimes, or crimes against humanity, encompassing offenses tied to ethnic, gender, or sexual violence, and ensure that prior amnesties do not hinder prosecutions in courts established or supported by the UN.[43] The United Nations explicitly criticized the expansive amnesty clause in the Lomé Peace Agreement. The Special Representative of the Secretary-General, acting as a witness to the agreement, included a reservation clarifying that the amnesty and pardon provisions do not apply to genocide, crimes against humanity, or war crimes.[44] Collectively, these instances illustrate that international law is frequently invoked in recently negotiated peace agreements, serving to regulate specific issues or provide a broader normative structure. Moreover, in certain cases, parties entering agreements or issuing binding declarations during peace processes perceive

[39] *Declaration of the Government of the Democratic Republic of Congo at the End of the Kampala Talks* (signed by the Government of the Democratic Republic of Congo, 2013)
[40] Ibid art 8 (4)
[41] Ibid art 1 (1)
[42] Supra note 21
[43] UN Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, Report of the Secretary-General, 23 August 2004, UN Doc S/2004/616, paras 64(b) and (c)
[44] SM Meisenberg, 'Legality of Amnesties in International Humanitarian Law: The Lomé Amnesty Decision of the Special Court for Sierra Leone' (2004) 86(856) *International Review of the Red Cross* 839

themselves as obligated by international legal standards, treating them as a guiding normative framework.

2.2.2. Governance by International Law

As NIAC peace agreements involve negotiations between a state and a non-state entity and are not classified as treaties under the VCLT[45], it is uncommon to encounter provisions international law that pertain to addressing the overall nature and oversight of such agreements.[46]

The legal standing of peace agreements has been addressed in a limited number of cases before international judicial bodies. For example, the Lusaka Agreement was examined in the Armed Activities case, yet the International Court of Justice (ICJ) refrained from definitively clarifying the agreement's legal status. Instead, it described the agreement as a mere modus operandi concerning the withdrawal of foreign forces from the DRC.[47] The choice of word, modus operandi, by the court is deliberate to lower the legal status of peace agreements'.[48] What makes worth discussion of this case is the fact that the ICJ did not explicitly consider the status of the Lusaka Agreement as it related to the two rebel groups, which was not a contested issue in the proceedings and not relevant for the majority's analysis; nor did it consider the status of peace agreements more generally.[49] The court characterized the agreement as a modus operandi in this regard – thus not characterizing the whole agreement as such.[50]

Contrary to the finding of the Court, Judge Parra-Aranguren, in his separate opinion, clearly recognized the treaty status of the Lusaka Agreement.[51] This assessment is particularly relevant due to the involvement of two non-state actors, namely the Movement for the Liberation of the Congo and the Congolese Rally for Democracy.

[45] Supra note 11
[46] Supra note 21, P. 171
[47] *Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)* (Judgment of 19 December 2005) ICJ Reports 2005, para 99
[48] A Lang, '"Modus Operandi" and the ICJ's Appraisal of the Lusaka Ceasefire Agreement in the Armed Activities Case: The Role of Peace Agreements in International Conflict Resolution' (2008) 40 *International Law and Politics* 107, 109
[49] ibid
[50] Ibid
[51] Supra note 47, Separate Opinion of Judge Parra-Aranguren, para 8

In contrast to the ICJ, the Special Court for Sierra Leone (SCSL), while assessing the relevance of an important amnesty provision in the 1999Lome´ Peace Agreement between the Government of Sierra Leone and the armed opposition group Revolutionary United Front (RUF) which is an AOG, potentially affecting the exercise of its jurisdiction directly address the legal status of the agreement and declared that the agreement didn't qualify as international instrument.[52] Furthermore, despite the perspective the participation of international mediators, such as international organizations or third states, might partially internationalize a peace agreement and impose international obligations on the parties, the SCSL didn't give any weight to the involvement of international organizations and third party states'.[53]

Antonio Cassese heavily criticized the reasoning of the Appeals Chamber and claimed that "the Lome´ Peace Agreement was an international treaty in fact".[54] Cassese argues that AOGs may possess international standing if they control portions of the territory, enabling states to enter into agreements with them. In addition, the parties' intentions concerning the legal status of such agreements play a significant role.[55] The SCSL's determination that the Lomé Peace Agreement lacked binding force has faced criticism for effectively relieving the RUF of compliance obligations, thereby imposing legal duties solely on the state.[56]

In line with the rationale of the SCSL, an arbitration tribunal in the 2009 Abyei Arbitration, while determining the applicable law for the proceedings, ruled that the 2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Army/Movement (SPLA/M).[57] did not constitute a treaty.[58] The tribunal concluded that the CPA, similar to the arbitration agreement, was an accord "*between the government of a sovereign state*,

[52] *Prosecutor v Morris Kallon and Brima Bazzy Kamara* (SCSL Appeals Chamber, Decision on Challenge to Jurisdiction: Lomé Accord Amnesty, 13 March 2004) Case Nos SCSL-2004–15-AR72(E) and SCSL-2004–16-AR72(E), para 42
[53] Ibid Para 39
[54] A Cassese, 'The Special Court and International Law: The Decision Concerning the Lomé Agreement Amnesty' (2014) 2 *Journal of International Criminal Justice* 1134.
[55] Ibid
[56] Ibid
[57] *Comprehensive Peace Agreement between the Government of Sudan and the SPLM/SPLA* (9 January 2005).
[58] *The Government of Sudan / The Sudan People's Liberation Movement/Army (Abyei Arbitration), Final Award* (22 July 2009) para 427

on the one hand, and, on the other, a political party/movement, albeit one which those agreements recognize may – or may not – govern over a sovereign state in the near future".[59]

The reasoning of the tribunal had been criticized for not considering to discuss whether and why the CPA could be regarded as an international agreement and whether it established binding legal obligations. Especially for not taking into consideration of the CPA's recognition of the right to self-determination for the people of South Sudan, its explicit assignment of monitoring roles to third states and international organizations, and the use of treaty like language, such as frequent use of phrases like "the parties shall".[60] Additionally, the subsequent actions of the parties, particularly their choice of arbitration under the Permanent Court of Arbitration to resolve disputes and their extensive reliance on internation law during the proceedings, further supports the CPA' international character.[61]

Although the Lomé Peace Agreement and the CPA do not qualify as treaties under the VCLT, as they were not concluded between states, it can be contended that their texts demonstrate the parties' intent to create binding obligations under international law. This intent is evident in the legalistic language employed, the inclusion of international signatories, and explicit references to international legal norms.[62] Such an argument prioritizes the substantive content of a peace agreement over formalistic VCLT criteria when assessing its international legal status.[63] Furthermore, the fact that numerous NIAC peace agreements are drafted with treaty-like characteristics suggests that drafters often place significant value on the formal standing of these accords. Consequently, even if an NIAC peace agreement does not meet the VCLT's definition of a treaty, it may still constitute a legally binding instrument. Therefore, even if an NIAC peace agreement is not considered as a treaty in the sense of the VCLT, such an agreement may still be a legally binding instrument. Article 3 of the Convention provides that, *"the fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to*

[59] Ibid
[60] *Arbitration Agreement between The Government of Sudan and The Sudan People's Liberation Movement/Army on Delimiting Abyei Area* (received 11 July 2008) art 1
[61] Ibid
[62] Supra note 18, P. 128
[63] ibid

international agreements not in written form, shall not affect: (a) the legal force of such agreements; (b) The application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention; (c) The application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also parties. "[64]

The highly determinative factor for the status of the agreement here is, the international legal standing of the non-state actor involved. If non-state entities, such as indigenous peoples, national liberation movements, or specific AOGs, are recognized as subjects of international law, agreements concluded with them could be governed by Article 3 of the VCLT.[65] The International Commission of Inquiry on Darfur explicitly affirmed that non-state actors possess the capacity to enter into binding international agreements.[66]

Although most peace agreements cannot be clearly classified as treaties, other international agreements, domestic constitutions, domestic laws, or purely political commitments, it is evident that the texts of many such accords demonstrate the signatories' intent to be bound by international law.[67] The formal structure, legalistic language, and provisions related to enforcement in numerous peace agreements clearly indicate that the parties view these documents as legally binding instruments.[68]

2.2.3. Enforcement of Peace Agreements

The role played by international law in enforcing NIAC peace agreements by external actors or third parties is very crucial. That's why oftentimes the parties to such agreements explicitly designate international bodies to oversee the implementation of the accord, or specific provisions thereof, under international legal frameworks.[69] For instance, the 2003 Linas-Marcoussis Agreement, signed by key political parties and armed groups in Côte d'Ivoire, stipulates that,

[64] Supra note 11, art 3
[65] Ibid
[66] Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004, 25 January 2005, para 174
[67] Ibid
[68] Ibid
[69] Supra note 18, P. 259 and 185

individuals accused of crimes be prosecuted before international criminal justice institutions.[70]. Likewise, the 2000 Arusha Peace and Reconciliation Agreement for Burundi mandates the establishment of an international criminal tribunal, to be initiated by the UN Security Council at the request of the Burundian government, to prosecute perpetrators of genocide, war crimes, and crimes against humanity.[71] Additionally, the Arusha Agreement engages international organizations, including the World Bank, the United Nations Development Programme (UNDP), and the United Nations High Commissioner for Refugees (UNHCR), to support the effective execution of its provisions.[72] In the 1995 Dayton Agreement also the parties entrusted international institutions with the enforcement of its provisions, including those related to the repatriation of refugees and displaced persons.[73]

In this regard, one International Institution worthy of noting is the International Committee of the Red Cross (ICRC), which has been referenced in more than thirty peace agreements due to its expertise in facilitating prison releases and the return of refugees and displaced persons.[74] For instance, the 1992 General Peace Agreement for Mozambique stipulates that the ICRC, in collaboration with the parties, shall establish and verify the procedures for prisoner releases.[75] These examples demonstrate that provisions in peace agreements can assign significant roles to external actors in interpreting and implementing the accords, potentially even delegating normative authority.[76] As these actors, such as the ICRC or other international organizations, typically operate within and promote international legal frameworks, they substantially enhance the influence of international law in the peace-making process.

2.3. Legal Status of Armed Groups and Their Ability to Enter into Internationally Binding Agreements

Majority of conflicts since the end of cold war have been NIAC in character. Meaning that, at least one non-state armed group have been involved in the majority of conflicts occurred in

[70] *Linas-Marcoussis Agreement (Côte d'Ivoire)* (23 January 2003) Annex: Programme of the Government of National Reconciliation, art VI.3
[71] *Arusha Peace and Reconciliation Agreement for Burundi* (28 August 2000) Protocol I, art 6, para 11
[72] Ibid Protocol IV, art 17, Para 1
[73] Supra note 23, Annex 7, art 1(5)
[74] Supra note 18, P. 185
[75] *General Peace Agreement for Mozambique* (4 October 1992) Protocol VI, art III(2).
[76] Supra note 15, p. 88

recent years.[77] This has had significant impact on methods and mechanisms of conflict resolution and particularly by bringing AOGs as a key participant in peace negotiations and has resulted in their inclusion in majority of peace agreements.[78]

The legal standing and enforceable nature of peace agreements is the important issue that may arise in considering peace agreements between states and AOGs. The bone of the issue is whether such agreements create binding obligations under international or domestic law, or if they merely represent non-binding political commitments or expressions of intent. The answer and the explanation of this issue will depend how we may approach the question of AOGs' capacity to enter into international agreements.[79] If we answer the question in the imperative, then a peace agreement between a state and an armed group could be recognized as an international agreement, governed by international law and imposing binding obligations on the parties.[80] Conversely, if AOGs lack this capacity, peace agreements involving them may be considered non-binding under international law. This is because entities without international legal personality are effectively invisible to international law and excluded from its framework.[81] Therefore, if any legal relevance is to be attached on the acts of AOGs, including its ability to enter agreements that create international legal obligations, international legal personality is necessary.

2.3.1. Precedents on International Legal Personality and the Status of Peace Agreements

The question of whether AOGs possess international legal personality in the context of peace agreements remains unresolved. Several judicial bodies have ruled that armed groups lack such personality, thereby precluding their ability to conclude international agreements that create obligations under international law. This view was articulated most clearly by the SCSL, which determined that the RUF's obligations under Common Article 3 do not confer international legal

[77] S S Sheeran and C Kent, 'Peace-Making, Peace Agreements and Peacekeeping: Strategic, Operational and Normative Issues' in M Weller, M Retter and A Varga (eds), *International Law and Peace Settlements* (Cambridge University Press 2021) 266
[78] Supra note 15, P. 227
[79] A Olcay, *The Role of International Law in the Negotiation of Peace Agreements* (PhD Thesis, University of Glasgow, October 2018) 23
[80] Ibid
[81] Ibid

personality,[82] and thus the Lomé Peace Agreement does not qualify as an international instrument.[83]

The Constitutional Court of Colombia, by using slightly different line of reasoning, ruled that AOGs may be regarded as subjects of IHL, but not of public international law in general.[84] The Court denies armed groups general personality under public international law asserting that they lack the capacity to conclude international agreements.[85] This position, which draws an artificial distinction between different domains of international law, has been criticized as problematic. For an entity to be recognized as an active participant in the international legal order and to possess international legal personality, it suffices that the entity is directly bound by obligations under any branch of international law, such as IHL, IHRL, or the law of the sea. When an entity is subject to obligations under any segment of international law, it indicates that the entity holds a general international legal personality, rather than a personality confined to a specific branch. Consequently, such an entity is bound by customary international law as a whole, to the extent that it is applicable and relevant.[86] This perspective aligns with the ICJ's decision in the North Sea Continental Shelf cases, where the Court held that customary law rules and obligations must apply equally to all members of the international community by their very nature.[87]

The approaches of SCSL and the Colombian Constitutional Court are problematic from the perspective of implementing and ensuring compliance with peace agreements.[88] Unless peace agreements are not recognized as international agreements governed by international law, they lack binding force and are not subject to legal oversight, except when integrated into domestic legislation.[89]

[82] Supra note 52, Para 45
[83] Supra note 52, Para 42
[84] D Murray, 'Non-state Armed Groups and Peace Agreements: Examining Legal Capacity and the Emergence of Customary Rules' in M Weller, M Retter and A Varga (eds), *International Law and Peace Settlements* (Cambridge University Press 2021) 190
[85] Ibid
[86] G Baj, *International Legal Personality and Accountability of Armed Non-State Actors Through Their Self-Regulation* (PhD Thesis, Université Côte d'Azur and Università degli Studi di Milano - Bicocca, 2022) 39
[87] *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* (Judgment) [1969] ICJ Reports 3, para 63
[88] Supra note 54, P. 1135
[89] Supra note 84, P. 92.

2.3.2. Legal Personality in the Modern Era

In the traditional and Westphalian understanding of international law, states were regarded as the sole entities with international legal personality.[90] However, this long held view of international legal personality is significantly challenged in the modern international legal order. In its Reparations for Injuries advisory opinion, the ICJ clarified that states are not the only bearers of international legal personality, recognizing that non-state actors, such as the United Nations, may also possess this status.[91] Today, several non-state actors, including international organizations and the ICRC are now acknowledged to have international legal personality.[92] Consequently, it is theoretically feasible for armed groups, as a category of non-state actors, to attain international legal personality.

The ICJ underscored that international legal personality is not a uniform concept but varies in scope and degree. The Court observed that "the subjects of law within any legal system are not necessarily identical in their nature or the scope of their rights."[93] In its rulings, the ICJ emphasized that an entity's specific competencies are determined by factors unique to that entity. In the Reparations for Injuries advisory opinion, the Court noted that the rights and obligations of an entity like the United Nations depend on its purposes and functions, as defined or inferred from its founding documents and as evolved through practice.[94] Similarly, in the case of the World Health Organization (WHO), the ICJ recognized its international legal personality, affirming its ability to request advisory opinions, but clarified that this competence did not extend to seeking opinions on the legality of nuclear weapons.[95] This reasoning highlights that international legal personality is not absolute, and the extent of an entity's capacity to act on the international stage must be assessed based on entity-specific factors. The legal basis for imposing international obligations on a non-state actor may include its constitutive treaties, applicable treaty law, customary international law, or other principles, such as the theory of de facto control.

---

[90] Supra note 86, P. 96

[91] *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion* (1996) ICJ Reports 226, para 25

[92] *Prosecutor v Blagoje Simic´, Milan Simic´, Miroslav Tadic´, Stevan Todorovic´, Simo Zaric´* (ICTY Trial Chamber, Decision on the Prosecution Motion Under Rule 73 for a Ruling Concerning the Testimony of a Witness, 27 July 1999) Case No IT-95-9, para 35

[93] *Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion* (1949) ICJ Reports 174, 8

[94] Ibid, P. 10

[95] Supra note 90, para 25-26.

2.3.3. International Legal Personality of Armed Groups in the Contemporary Era

The issue of whether armed groups possess international legal personality is crucial to determine the legal status of peace agreements involving such entities. Notably, a small number of armed groups, specifically national liberation movements, have been widely recognized as holding international legal personality due to their role as legitimate representatives of peoples in the historical context of anti-colonial struggles. These movements have been granted specific legal privileges, such as observer status in United Nations proceedings.[96] However, as the international legal recognition of national liberation movements is largely confined to the context of colonial liberation, only a limited subset of armed groups has received such acknowledgment.[97]

In considering the more contested aspects of international legal personality, it can be explained through various theories,[98] which can be broadly grouped into two perspectives: personality derived from an act of recognition (constitutive approach) or from meeting specific objective conditions (declarative approach).[99] The contemporary international legal system reflects elements of both perspectives, yet neither approach alone can fully account for the establishment of international legal personality.[100] Instead, it is proposed that personality emerges through a blend of declarative and constitutive factors, achieved by fulfilling three cumulative requirements: independence, the capacity to implement international rights or obligations, and the actual assignment of such rights or obligations to the entity.[101]

The first thing to consider is the independent existent of the non-state actor in question. For international law to address the entity directly, the entity has to be independent. Without such independence, the entity cannot be directly subject to international legal norms.[102] In cases of less than independence, for instance, when an armed group is effectively controlled by a state, may make the personality of the controlling or superior entity potentially important on an

[96] General UN, 'Observer Status for the Palestine Liberation Organization.' (*United Nations Digital Library System*20 March 2025) https://digitallibrary.un.org/record/189836?ln=en&v=pdf accessed 20 March 2025
[97] H Freudenschuss, 'Legal and Political Aspects of the Recognition of National Liberation Movements' (1982) 11(2) *Millennium: Journal of International Studies* 116
[98] R Portmann, *Legal Personality in International Law* (Cambridge Studies in International and Comparative Law, Cambridge University Press 2010) i-viii, 5-19
[99] Supra note 91, P. 197
[100] Ibid
[101] MH Zarei and A Safari, 'The Status of Non-State Actors under the International Rule of Law: A Search for Global Justice' in *Rethinking International Law and Justice* (1st edn 2015) 4
[102] D Tan, 'Filling the Lacuna: De Facto Regimes and Effective Power in International Human Rights Law' (2019) 480 https://nyujilp.org/wp-content/uploads/2019/04/NYI203.pdf accessed 22 March 2025

international level.[103] The entity's capacity to possess international legal obligations is the second thing to be considered. This is a recurring feature in the case law of the ICJ and is based on the effectiveness principle, which stipulates that that an entity must be able to hold or fulfil international rights or responsibilities in order to be subject to them.[104] Notably, a clear indicator of this capacity is the presence of an independent will, such as the ability to make decisions binding on its members.[105] For armed groups, this capacity is often linked to their organizational structure, evidenced by a responsible command structure.[106]

The third consideration to be made in this regard is if whether the entity is directly endowed with rights or obligations under international law. Such attribution, which reflects a form of recognition by the international community, may stem from international treaty law, customary international law[107], or in certain cases, the de facto control theory[108].

Recognition through the assignment of international rights or obligations is essential.[109] Under this framework, armed groups may acquire international legal personality in two scenarios: first, when they become parties to an armed conflict, and second, when they establish an independent existence separate from the territorial state, functioning as de facto authorities.[110]

2.3.3.1. A Non-International Armed Conflict Party Armed Groups

It is clear that armed groups participating in a NIAC meet the proposed criteria for international legal personality, as evidenced by the two-part test for NIAC status: (1) the intensity of violence between the parties and (2) the armed group's organizational structure.[111] The intensity criterion indicates that the armed group operates independently, having surpassed the state's effective control, thus demonstrating autonomous existence.[112] Also, the organization criterion intended to

[103] Ibid
[104] Ibid
[105] International Committee of the Red Cross, *How Is the Term "Armed Conflict" Defined in International Humanitarian Law?* (Opinion Paper, 2024) 14
[106] Ibid
[107] Supra note 101
[108] Supra note 102, P. 443
[109] Supra note 101
[110] Supra note 102, P. 483
[111] *Prosecutor v Duško Tadić* (ICTY Appeals Chamber, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995) Case No IT-94-1, para 70
[112] *Prosecutor v Ljube Boskoski and Johan Tarculovski* (ICTY Trial Chamber, Judgment, 10 July 2008) Case No IT-04-82, para 177

ensure the armed group's ability to fulfill its obligations under IHL confirms its capacity to bear international responsibilities.[113]

Finaly, armed groups in NIACs satisfy the attribution criterion, as their involvement subjects them to applicable international treaty and customary law, including, at a minimum, Common Article 3. Therefore, such AOG should be recognized as possessing international legal personality.[114]

2.3.3.2. The Scope of Armed Groups' International Legal Personality

Armed groups may, in exceptional circumstances, acquire international legal personality, most notably when recognized as parties to a NIAC or when they assume the role of de facto authorities by displacing state governance.[115] To delimit the scope of their authority in international law, it is necessary to examine the extent of AOGs' subject-specific competence, which determines the scope of AOGs' capacity to act on the international stage and their ability to conclude international agreements. In its Reparations for injuries advisory opinion, the ICJ introduced the implied powers doctrine in an attempt to address the specific competencies of the United Nations, a non-state entity.[116]

According to the implied power doctrine, the extent of a non-state entity's capacity to operate internationally is shaped by the factors that initially conferred its legal personality.[117] Thus, if international law recognizes an entity for a particular purpose, that entity must possess the necessary powers to achieve those objectives.[118] This approach was echoed by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Simić case, which recognized the ICRC's implied right to confidentiality based on its mandate and rights under IHL.[119]

Similarly, the implied powers doctrine can be applied to armed groups, with their international capacity assessed through relevant treaty law, customary international law, and principles such as

[113] Ibid, paras 199–203
[114] Supra note 188, P. 1
[115] Supra note 102
[116] *Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion* (1949) ICJ Reports 174, para 180, 9
[117] A Gadkowski, 'The Doctrine of Implied Powers of International Organizations in the Case Law of International Tribunals' (2016) 6 *Przegląd Prawniczy Uniwersytetu im. Adama Mickiewicza* 45, 51 https://pressto.amu.edu.pl/index.php/ppuam/article/view/7119 accessed 24 March 2025
[118] Ibid 49
[119] Supra note 92, para 64–74

the de facto control theory, where applicable.[120] A critical aspect is identifying the implied powers required to uphold international rights and obligations and to fulfill the goals of the applicable legal frameworks. These factors are vital for determining the purpose of an armed group's recognition as an international legal person and delineating its specific legal competencies.

The legal personality of armed groups arises from the exceptional situation such as participation in a NIAC or the establishment of de facto control over a portion of a state's territory. In response to these exceptional circumstances international law, particularly IHL, applies to regulate these situations and provide a degree of oversight.[121] Therefore, the legal competence of armed groups should include the ability to resolve such situations, including by entering into peace agreements governed by international law.

Notably, the actions of a de facto authority are deemed legitimate if they serve the best interests of the population under its control, and pursuing an amicable conflict resolution typically meets this standard. This reasoning aligns with the objective of maintaining stability in the international legal order by promoting peace and security. It also reflects the essence of the implied powers doctrine, which suggests that an armed group's capacity is defined by the exceptional circumstances necessitating its legal personality.

2.4. Peace Agreements as 'Special Agreements' under Common Article 3

The 1949 Geneva Conventions under Common Article 3 stipulates certain basic rules to be applied during armed conflict. It establishes binding international obligations for both states and AOGs party to a NIAC.[122] A particular relevance to the study is paragraph 4 of this Article, which provides for the parties to endeavor for the realization of all or part of the other provisions of the Convention by means of special agreements.[123]

[120] K Fortin, *The Accountability of Armed Groups under Human Rights Law* (Oxford University Press 2017) 162
[121] JK Kleffner, 'The Applicability of International Humanitarian Law to Organized Armed Groups' (2011) 93(882) *International Review of the Red Cross* 443, 451
[122] Supra note 105
[123] Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31, art 3(4)

This 'special agreements clause' provides a legal foundation for NIAC peace agreements and potentially for the agreement international status.[124] For example, Ezequiel Heffes and Marcos Kotlik contend that ceasefire agreements and peace agreements concluded in the context of NIAC, could qualify as special agreements to the extent that they bring into force humanitarian provisions.[125] This approach was explicitly adopted in the Colombian peace process, where the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace in Colombia was designated a special agreement under Common Article 3.[126]

Nevertheless, relying on the special agreements clause to establish the international legal status of peace agreements has limitations. The scope of provisions legitimately included in such agreements is debated. Only elements of a peace agreement directly tied to IHL, such as amnesty or prisoner releases, may be deemed internationally binding under Common Article 3. Consequently, other critical components of modern peace agreements such as political participation, institutional reforms, reconciliation processes, truth commissions, reparations, or adherence to IHRL, which are all significant features of contemporary peace agreements, will not be considered internationally binding obligations within the scope of common Article 3.

2.5. Third Party Rights and Obligations and The Internationalization of NIAC Peace Agreements

Given the ambiguities surrounding the global legal standing of peace agreements and the potential advantages [in terms of trust and adherence], embedding the NIAC peace agreement within the framework of international law, as highlighted in a recent UK Foreign Ministry study, can provide parties especially non-state actors greater assurance that commitments will be upheld and fulfilled.[127]

[124] E Heffes and MD Kotlik, 'Special Agreements as a Means of Enhancing Compliance with IHL in Non-International Armed Conflicts: An Inquiry into the Governing Legal Regime' (2014) 96(895/896) *International Review of the Red Cross* 1195, 1216, doi:10.1017/S1816383115000788
[125] Ibid
[126] *Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (Colombia)* (24 November 2016) annexed to UN Doc S/2017/272, section 6.1.8
[127] A Varga, 'Witnesses and Guarantors: Third-Party Obligations and the Internationalisation of Peace Agreements' in M Weller, M Retter and A Varga (eds), *International Law and Peace Settlements* (Cambridge University Press 2021) 225

2.5.1. Precedents

Third parties' signatures/obligations possible effect of uplifting of peace agreements in to international status have been considered by international and domestic courts as well, however it was with less enthusiasm. The widely referenced case of Prosecutor v. Kallon and Kamara at the SCSL in 2004 is a key example.[128] It involved the 1999 Lomé Agreement between Sierra Leone and the RUF, which granted broad amnesty to RUF fighters.[129] The defendants contended that this agreement held international legal weight, preventing their prosecution at the SCSL. Their primary argument rested on the agreement being endorsed by several third-party states and international entities,[130] which they claimed established its international character.[131]

The SCSL, however, pointed out that the agreement designated certain non-party signatories such as Togo, the UN, the OAU, ECOWAS, and the Commonwealth as "Moral Guarantors" tasked with overseeing implementation[132] but without legal obligations.[133]

The Court's ruling on this matter remains contentious. When NIAC peace agreements incorporate rights and duties for third-party states or international organizations, these elements may indeed fall under international law[134], potentially internationalizing portions of the agreement.

The Abyei Arbitration addressed the boundary demarcation of the Abyei region under the 2005 CPA, which was witnessed by various international actors.[135] In evaluating whether international law should govern the delimitation, the tribunal straightforwardly concluded that the Agreement was not a treaty under international law, without addressing the potential implications of the presence of international witnesses.[136]

---

[128] *Prosecutor v Morris Kallon and Brima Bazzy Kamara* (SCSL Appeals Chamber, Decision on Challenge to Jurisdiction: Lomé Accord Amnesty, 13 March 2004) Case Nos SCSL-2004–15-AR72(E) and SCSL-2004–16-AR72(E)

[129] *Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF)* (7 July 1999) art IX

[130] Supr note 128. para 30

[131] Ibid para 37

[132] Supra note 129, art XXXIV

[133] Supra note 128, Para 41

[134] Supra note 11, art, 3 (c).

[135] Supra note 57 The agreement was witnessed by Egypt, Italy, Kenya, the Netherlands, Norway, Uganda, UK, USA, as well as the African Union, European Union, Inter-Governmental Authority on Development, League of Arab States and the UN

[136] Supra note 58, para 427

The examples outlined previously demonstrate that a peace agreement's co-signature by a third state or international organization, absent clearly defined third-party rights and obligations, does not automatically confer international legal status to the agreement, either partially or fully. This raises the question of whether rights or obligations assumed by a third party could be considered international in nature, potentially internationalizing specific aspects of the agreement, and if so, how such internationalization might occur. By applying the principles of the VCLT analogously, when peace agreements establish rights or obligations for third-party signatories, corresponding legal relationships may emerge between the state party and the third-party state or organization, as well as between the AOG and the third-party state or organization.[137] These relationships involve states or international organizations whose international legal personality is undisputed, creating a presumption that agreements between such actors are governed by international law unless the parties explicitly indicate otherwise.[138] Therefore, the rights and obligations involving the third party and the agreement's parties are internationalized. To the extent that these rights and obligations are subject to international law, they provide a foundation for recognizing the non-state actor's international legal personality. However, this legal personality is confined to the specific rights and obligations outlined in the agreement that involve the parties (including the non-state actor) and the third party, without extending to the entire agreement.

2.6. United Nations Security Council Endorsement

The United Nations Security Council (UNSC) frequently stamps its approval on NIAC peace agreements through a ratifying resolution, which may be followed by an order to comply and enforcement action. For instance, in Yemen, the UNSC announced its endorsement of the Stockholm Agreement in a resolution published a week after the negotiations concluded.[139] The resolution called for full respect of the terms of the agreement by the "parties" and requested reports on the progress of its implementation.[140]

The UNSC further signaled its commitment to the deal by establishing a UN political mission to monitor and support its implementation.[141] A UNSC resolution of this type may convert an otherwise nonbinding understanding into a binding set of commitments. At minimum, UNSC

[137] Supra note11, art, 34
[138] Supra note 11, art, 2
[139] UN Security Council Resolution 2451 (21 December 2018) UN Doc S/RES/2451, para 2
[140] Ibid para 3 and 7
[141] UN Security Council Resolution 2452 (16 January 2019) UN Doc S/RES/2452, paras 1–2

resolutions are binding on UN member states, which, by acceding to the UN Charter, have consented to "accept and carry out the decisions of the Security Council."[142]

The legal effect of UNSC resolutions with respect to AOGs is less clear. The classical view, expressed in a 1971 ICJ decision, is that, in keeping with the law of treaties, the UNSC may not bind non-parties to the UN Charter, such as non-states.[143] The quasi-constitutional status that the UN Charter now enjoys within the international community casts doubt on that literalist interpretation.[144] Moreover, the UNSC now presumes the authority to directly regulate the behavior of individuals, international organizations, and AOGs.[145] This trend has been most conspicuous in its pronouncements on terrorism, including demands that terrorist groups disarm and cease terrorist activity.[146] In 2019, the UNSC issued a general resolution on the issue of persons reported missing during armed conflict that was addressed to "all parties to armed conflict," states and non-states alike.[147] And in the early days of the current iteration of the Yemeni conflict, the UNSC ordered the Houthis to withdraw from Sana'a, partially disarm and demilitarize, and cease child recruitment.[148]

A 2010 ICJ advisory opinion implicitly approved of this UNSC practice in the context of NIACs.[149] In that case, the Court considered whether UNSC Resolution 1244, which demanded that the Kosovo Liberation Army (KLA) and other AOGs cease hostilities and demilitarize,[150] precluded the Kosovo Albanian political leadership from subsequently declaring independence.[151] In doing so, it compared Resolution 1244 to a series of other UNSC resolutions addressing the Kosovo Albanian leadership directly illustrating that Resolution 1244 was directed only toward the KLA and not toward the political authorities.[152] The Court gave no indication of disfavor for the Council's general practice of issuing directives to AOGs and

[142] Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) art 25
[143] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion [1971] ICJ Rep 16, para 126
[144] Vincent-Joël Proulx, 'International Civil Individual Responsibility and the Security Council: Building the Foundations of a General Regime' (2019) 40 *Michigan Journal of International Law* 215, 251
[145] Ibid 25-253
[146] UN Security Council Resolution 2170 (15 August 2014) UN Doc S/RES/2170, para 4
[147] UN Security Council Resolution 2474 (11 June 2019) UN Doc S/RES/2474, para 15
[148] UN Security Council Resolution 2216 (14 April 2015) UN Doc S/RES/2216, para 1
[149] *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion [2010] ICJ Rep 403, paras 450–451
[150] UN Security Council Resolution 1244 (10 June 1999) UN Doc S/RES/1244, para 15
[151] Supra note 149, para 449-450
[152] Ibid para 450

impliedly acknowledged its ability to impose binding obligations upon AOGs, including by endorsement of the agreements they sign.[153]

2.7. Conclusion

This chapter's literature review has shown the intricate relationship between NIAC peace agreements and international law. Since the post-Cold War era NIAC peace agreements have been proved to be a primary mechanism for resolving intrastate state conflicts and this has contributed to their proliferation. Yet their ambiguous legal status remains as a challenge as they are recognized by neither traditional treaty laws under the VCLT nor domestic law-making procedures. The review shows that these agreements often exhibit elements of a formal treaty, like mandatory language and formal structures, reflecting an intent to create binding obligations. The international legal personality of AOGs, recognized through their organizational capacity and participation in NIACs have enabled them to enter such agreements, as provided under Article 3 of the VCLT and evolving judicial perspectives confirms this. References to IHL, IHRL, and third-party involvement, including UN Security Council endorsements, more entrench these agreements in international law. However, judicial precedents, such as those from the SCSL and the Abyei Arbitration, reveal a reluctance to fully recognize their international binding nature, often prioritizing formalist criteria over substantive intent. Despite the limited scope of it the review also explores the potential of Common Article 3's "special agreements" clause to confer international status. In general, the literature underlines the need for a delicate framework to recognize NIAC peace agreements as internationally binding to enhance compliance and enforcement and of to address the unique role of AOGs in the modern international legal order.

[153] Ibid para 450

CHAPTER THREE

3. THE INTERNATIONAL LEGAL STATUS OF THE PRETORIA PEACE AGREEMENT

3.1. Introduction

In this chapter, I will discuss the international legal status of the Pretoria Peace Agreement, which is an important agreement in resolving the conflict, which is NIAC[154] by its nature, in Ethiopia's northern part particularly in Tigray region. The agreement was mediated and facilitated by the AU. The Pretoria Peace Agreement represents a significant case study in the growing legal framework governing NIAC peace agreements. By examining the TPLF's international legal personality and the binding nature of the Pretoria Peace Agreement, this chapter discuss how such agreements may carry binding obligations under international law despite not qualifying as treaties under the VCLT.

This chapter, will explain how and why the TPLF, based on its organizational structure and territorial control, is subject to IHL obligations, including Common Article 3 and customary IHL norms, and I will show the TPLF's status as a subject of international law which is an important and decisive factor in the TPLF's capacity to enter agreements with binding force under international law. The chapter then examines the Pretoria Peace Agreement's binding nature as a legal document and the parties' intent to create a legally binding instrument, by analyzing the agreement's mandatory language, formal structure, and incorporation of international legal norms, such as IHL and AU frameworks and of its enforcement mechanisms, including AU-led monitoring. Seen in the broader context of NIAC peace agreements, international legal status of the Pretoria Peace Agreement is reinforced by the parties' commitment to accountability and compliance.

[154] I Ningtyas, M Trinanda Putri, Y Rachmawati, FA Susanto and PA Ruslijanto, 'The Urgency in Legal Protection of the Internment in Non-International Armed Conflict Between the Ethiopian Government and the Tigray People's Liberation Front' (2024) 21(2) *Indonesian Journal of International Law* 343, doi:10.17304/ijil.vol21.2.5

3.2. The International Legal Personality of TPLF

There is this common understanding among the international community that AOGs party to a NIAC are bound by the applicable provisions of the Geneva Conventions, despite the general rule that treaties do not bind non-parties.[155] To assert this the are there are different theories. First, individuals and groups within the state jurisdiction are bound by the obligation created by that particular state which have jurisdiction over individuals and groups.[156] Second, equality of belligerents in their rights and obligations is a fundamental principle of IHL.[157] And third, currently several articles of the Geneva Conventions have achieved customary international law status.[158]

Certain IHL conventions explicitly apply to AOGs. Common Article 3 and Article 19 of the 1954 Hague Convention for the Protection of Cultural Property in Armed Conflict mandate that all parties to a NIAC occurring within the territory of a High Contracting Party adhere to specific minimum standards of behavior.[159] Similarly, the Convention on Certain Conventional Weapons (CCW), which addresses prohibitions or restrictions on weapons deemed excessively harmful or indiscriminate, fully extends its provisions to NIAC parties on the same basis.[160]

As a party to a NIAC, TPLF is unquestionably bound by applicable clauses of the Geneva Conventions and other customary provisions of IHL.[161] International Commission of Human Rights Experts on Ethiopia at 51st Session United Nations Human Rights Council confirmed in a 2022 report finding that all parties to the conflict violate IHL obligations arising under both treaty and customary law."[162] The report went on to document numerous potential violations of

[155] 'Non-International Armed Conflict | How Does Law Protect in War? - Online Casebook' (ICRC.org, 2015) https://casebook.icrc.org/law/non-international-armed-conflict accessed 29 April 2025
[156] *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*, Merits, Judgment [1986] ICJ Rep 14, para 220
[157] Jonathan Somer, *Jungle Justice: Passing Sentence on the Equality of Belligerents in Non-International Armed Conflict* (Geneva, 31 October 2006) iv
[158] Supra note 155
[159] Commission of Experts appointed to investigate violations of International Humanitarian Law in the Former Yugoslavia, UN Doc S/1994/674, para 52
[160] Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (adopted 10 October 1980, entered into force 2 December 1983) art 1(3)
[161] 'Q&A: Conflict in Ethiopia and International Law' (*Human Rights Watch*25 November 2020) https://www.hrw.org/news/2020/11/25/qa-conflict-ethiopia-and-international-law accessed 29 April 2025
[162] 'International Commission of Human Rights Experts on Ethiopia United Nations Human Rights Council -51st Session' (*OHCHR*2022) https://www.ohchr.org/en/statements-and-speeches/2022/09/international-commission-human-rights-experts-ethiopia-united accessed 14 April 2025, para 6.

IHL committed by TPLF, some of which amount to war crimes, including shelling civilians, large-scale killings of Amhara civilians, rape and sexual violence, and widespread looting and destruction of civilian property.[163]

In 1995, the ICTY determined that customary IHL rules are applicable to NIACs.[164] They will therefore bind AOGs involved in a NIAC, provided that they survive a two-part inquiry.[165] First, the conflict must attain a sufficient scale and intensity so as to qualify as an "armed conflict" in the first place. Scale and intensity are measured according to factors such as:

"The seriousness of attacks and whether there has been an increase in armed clashes, the spread of clashes over territory and over a period of time, any increase in the number of government forces and mobilization and the distribution of weapons among both parties to the conflict, as well as whether the conflict has attracted the attention of the United Nations Security Council, and whether any resolutions on the matter have been passed. Trial Chambers have also taken into account in this respect the number of civilians forced to flee from the combat zones; the type of weapons used, in particular the use of heavy weapons, and other military equipment, such as tanks and other heavy vehicles; the blocking or besieging of towns and the heavy shelling of these towns; the extent of destruction and the number of casualties caused by shelling or fighting; the quantity of troops and units deployed; existence and change of front lines between the parties; the occupation of territory, and towns and villages; the deployment of government forces to the crisis area; the closure of roads; cease fire orders and agreements, and the attempt of representatives from international organizations to broker and enforce cease fire agreements."[166]

The conflict in the Tigray war, in which confrontations regularly involve advanced weaponry including unmanned military drones, it has called several international pressures and it was a subject of discourse among human right defenders across the globe, global superpower countries, regional organizations like the AU and EU and international organizations like the UN and its

[163] Ibid, para 11
[164] *Prosecutor v Duško Tadić aka "Dule"* (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction) ICTY Appeals Chamber, 2 October 1995, para 116
[165] Ibid, para 96–127
[166] *Prosecutor v Boskoski and Tarculovski* (Trial Judgment) IT-04-82-T, ICTY, 10 July 2008, para 177

subsidiaries, including the Security Council, have taken an acute humanitarian toll, and have been ongoing for two years, clearly fits these criteria.

Second, the AOG must exhibit sufficient organization and control to be capable of sustaining military operations and adhering to IHL, so they can be considered "parties" to the conflict to have obligation under IHL and customary internal law.[167] This standard is judged according to indicators including:

"*The existence of a command structure and disciplinary rules and mechanisms within the group; the existence of a headquarters; the fact that the group controls a certain territory; the ability of the group to gain access to weapons, other military equipment, recruits and military training; its ability to plan, coordinate and carry out military operations, including troop movements and logistics; its ability to define a unified military strategy and use military tactics; and its ability to speak with one voice and negotiate and conclude agreements such as cease-fire or peace accords"*.[168]

The TPLF quite clearly meet this qualification, too. They operate according to a regimented organizational hierarchy, control significant territory, at least in Tigray Region, have demonstrated an ability to carry out intricate attacks and military operations[169], and have participated in peace negotiation which resulted in the conclusion of the Pretoria Peace Agreement.

The foregoing analysis demonstrates that AOGs may, and that TPLF in fact do, bear rights and obligations under international law. During a NIAC, AOGs are on equal footing with states under IHL conventions and are further held to jus cogens norms.[170] When they attain sufficient organizational sophistication or assume effective control over territory, they are subject to IHL.[171] TPLF have legal personality in this context. There is therefore a strong case for the

[167] 'Q & a on the Conflict in Yemen and International Law - Yemen' (*ReliefWeb*7 April 2015) https://reliefweb.int/report/yemen/q-conflict-yemen-and-international-law accessed 2 May 2025
[168] Prosecutor v. Haradinaj et al. (Trial Judgment), IT-04-84-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 3 April 2008, https://www.refworld.org/jurisprudence/caselaw/icty/2008/en/61839 [accessed 18 April 2025] para 60
[169] Supra note 157
[170] Supra note 157
[171] 'Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General - Sudan' (*ReliefWeb*25 February 2005) https://reliefweb.int/report/sudan/report-international-commission-inquiry-darfur-united-nations-secretary-general accessed 2 May 2025, para 172

TPLF to be considered as a subject of international law capable of striking deals with legal force as per the VCLT. [172]

3.3. The Binding Nature of the Pretoria Peace Agreement

Given the absence of clear treaty law defining the nature and status of peace agreements, it is essential to examine the practices of states and other actors, particularly their intent to act under a sense of legal obligation. Recognizing the challenge of classifying NIAC peace agreements as treaties, other international agreements, domestic constitutions, domestic laws, or merely political commitments, the texts of many such agreements demonstrate the parties' intent to be bound by international law. The formal structure, legal terminology, and enforcement provisions in numerous peace agreements indicate that the parties view them as legally binding documents. The Pretoria Peace Agreement serves as a notable example of this approach.

The Pretoria Peace Agreement, notwithstanding its nature as a NIAC peace agreement bringing together a sovereign state Ethiopia and a non-state actor TPLF, the agreement's recurrent use of the mandatory term "shall" in its articles, together with its formal structure and international observers, tells that the signatories agreed to create a binding sense of obligation. Based on a close look of the agreement's language, structure, and context reflect the parties' intent to deliver a legally binding agreement. This is true despite the fact that the Pretoria peace agreement is still not a treaty under the VCLT.

In the established of legal drafting practice, "shall" is a term of obligation, entailing a mandatory obligation on the parties to the agreement, contrasting to permissive terms like "may".[173] The Pretoria Peace Agreement's frequent and consistent use of "shall" across its articles underlines the parties' intent to establish binding commitments.

The agreement under Article 3 stipulates that, the Parties shall commit to and declare an immediate and Permanent Cessation of Hostilities.[174] The use of "shall" here imposes a mandatory obligation on the parties to refrain from all forms of violence, including hostile

[172] Supra note 11, art 3.
[173] Adams K, '"Shall Not ... Unless" versus "May ... Only If" (Updated!) - Adams on Contract Drafting' (*Adams on Contract Drafting*9 December 2014) https://www.adamsdrafting.com/shall-not-unless-versus-may-only-if/ accessed 6 May 2025
[174] Agreement For Lasting Peace Through A Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People's Liberation Front (TPLF) (signed 3 November 2022 Pretoria, South Africa) art, 3(1)

propaganda, rhetoric, and hate speech.[175] This kind of compelling use of legal terms suggests the party's intent to create a legally enforceable obligation between themselves.

Article 4 provides that "The Parties shall protect the human rights of the civilian population and commit to upholding applicable IHL instruments".[176] This kind mandatory statement strengthens pre-existing IHL obligations, reinforcing the argument that the parties see these kinds of commitments of the agreement as binding under international law. Article 5 also states that "The Government of FDRE shall expedite the provision of humanitarian aid"[177], and "The Parties shall ensure that humanitarian aid is used only for humanitarian purposes".[178] These clauses of the agreement impose a precise mandatory obligation, especially on the government, to expedite aid, with "shall" signifying a strict obligation.

Article 6 of the agreement provides that "The Parties shall design and implement a comprehensive DDR program"[179], and "an open channel of communication between senior commanders shall be established".[180] The frequent use of "shall" in the implementation of the agreement within a defined frame of time, i.e., within 24 hours for communication, 30 days for disarmament shows a very formalized and, mandatory process. Article 11 of the agreement further provides that "The Parties shall appoint one expert each to work with the team of African Experts".[181] The requirement herein is a mandatory one to make sure each party is represented for participation in the AU-led team of African Experts.

The consistent and frequent use of "shall" across these articles which are considered to be the soul of the agreement including cessation hostilities, civilian protection, humanitarian access, DDR, and monitoring demonstrates the parties' belief that these commitments are in fact mandatory and the parties viewed the agreement as a legal document with binding force.

In addition to its use of mandatory terms, the Pretoria Peace Agreement's formal structure and international context strengthens the parties' sense of obligation. The agreement is organized into

[175] Ibid, art, 3(3)
[176] Ibid, art, 4(1)
[177] Ibid, art, 5(1)
[178] Ibid, art, 5(4)
[179] Ibid, art, 6(b)
[180] Ibid, art, 6(c)
[181] Ibid, art, 11(2)

15 articles, with clear objectives[182], principles[183], and detailed implementation mechanisms.[184] Most of the formality elements of binding international instruments are exhibited in the agreement by the fact that it was signed by representatives of both parties and the AU Chairperson with a specified effective date which is November 3, 2022.[185]

The structured enforcement mechanism of the agreement reveals, the parties' acceptance of external accountability. In this regard is the AU's role is very important. Article 11 of the agreement establishes a Joint Committee, chaired by the AU, with a team of up to 10 African experts to monitor compliance with a mandate to address violations within 24 hours[186] and the potential use of satellite imagery.[187] The AU' mandate as an international observer which founded by Chapter VIII of the UN Charter, indicates the parties' intention to give legal weight to the agreement, which is different from a typical political agreement with no rigorous monitoring mechanism.

By incorporating international legal norms, such as IHL (Common Article 3, Additional Protocol II) and the AU Transitional Justice Policy Framework (Article 10(3)), which strengths the binding nature of the agreement, it can be argued that the parties have signaled their intent to be bound by existing international law, especially with regard to civilian protection and humanitarian access.

In addition to the agreement's language and structure, it is evident from the parties' actions and public commitments, that they have intent to be bound by the agreement. Article 12(1) explicitly requires "good faith implementation,"[188] which is equivalent principle of pacta sunt servanda in international law, indicative of that the parties considered their obligations as mandatory. Clear evidence of both parties desire to maintain public credibility and perception of the agreement as

[182] Ibid, art, 1
[183] Ibid, art, 2
[184] Ibid, art, 6, 11
[185] Ibid, art, 14
[186] Ibid, art, 11(9)
[187] Ibid, art, 11(7)
[188] Ibid, art, 12(1)

a legal document is shown by the agreement's requirement for a joint statement[189] and the prohibition on unilateral statements that undermines the agreement.[190]

Had it not been for the patties' belief that the agreement is binding, the commitments and concessions assumed by TPLF which involve significant concessions like the commitment to disarm[191] and to respect federal authority,[192] would unlikely be made by TPLF without reciprocal obligations. By the same token, the Ethiopian government's commitment to stop military operations[193] and lift the TPLF's terrorist designation[194] shows a willingness on the part of the Government to take legally important measures, supports the argument that the parties perceived the agreement as a binding instrument.

Legal-looking structure, mandatory language, and enforcement provisions the Pretoria Peace Agreement aligns with this leaning. The parties' conception of the agreement as legal documents, even if not treaty in the sense and formalities of the VCLT shows the growing understanding that such agreements carry legal obligations, especially when they are related to IHL obligations and international oversight. Consistent use of "shall," formal structure, AU-led monitoring, and orientation with preexisting IHL obligations vividly shows the parties' intention to create obligation by the Pretoria peace agreement.

3.4. The Internationally Binding Nature of the Pretoria Peace Agreement

The Pretoria peace agreement while not a treaty under the VCLT due to the TPLF's non-state status, however, the agreement's references to international law instruments, particularly IHL and AU frameworks, and its delegation of monitoring, verification, and non-compliance aspects to the AU tells a binding nature entrenched in international law.

The Pretoria Peace Agreement makes explicit reference to international law instruments. The agreement's principles include "respect for fundamental human rights and democratic norms"[195], "respect for the African Charter on Democracy, Elections, and Governance"[196], and

[189] Ibid, art, 13(1)
[190] Ibid, art, 13(2)
[191] Ibid, art, 6
[192] Ibid, art, 7(1)
[193] Ibid, art, 7(2)(a)
[194] Ibid, art, 7(2)(c)
[195] Ibid, art, 2(c)
[196] Ibid, art, 2(e)

"accountability and justice in accordance with the FDRE Constitution and the AU Transitional Justice Policy Framework"[197]. The agreement has been tied to binding IHL and human rights norms (e.g., Common Article 3, applicable to NIACs) and regional soft law frameworks by these references. The African Charter on Democracy, Election and Governance, a binding regional treaty, and the AU's Transitional Justice Policy, even though a soft law, have a normative weight to argue in favor of the parties' intent to align their commitment with international legal standards.

Article 4 of the agreement provides that "The Parties shall protect the human rights of the civilian population and commit to upholding applicable IHL instruments to which Ethiopia is a party"[198]. By incorporating IHL instruments, like the Geneva Conventions and Additional Protocol II, it can be said that the parties have formalize pre-existing binding obligations to strengthen its legal force so that it can be considered as a binding commitment to civilian protection.

As an indication of the embedment of the agreement in a legal framework, article 10 of the agreement mandates a "national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing, consistent with the Constitution of FDRE and the African Union Transitional Justice Policy Framework"[199]. The reference made to the AU's transitional justice framework, which is an emerging norm in international law[200], shows the parties' desire to address justice and accountability in an internationally known farmwork. The parties considered international law as a governing standard for their obligations by making references to IHL, IHRL, and AU frameworks and to deliberately anchor their commitments in norms that carry international legitimacy and accountability expectations.

A factor with a potential of significantly enhancing the agreement's international binding character is the delegation of monitoring, verification, and non-compliance resolution to the AU, as provided article 11of the agreement. The parties' choice of external enforcement mechanism reflects their intent to be held accountable under international law. The agreement as provided

[197] Ibid, art, 2(f)
[198] Ibid, art, 4(1)
[199] Ibid, art, 10(3)
[200] Center for the Study of Violence and Reconciliation: 'African Union Frameworks African Transitional Justice Hub' (*African Transitional Justice Hub*23 June 2021) https://atjhub.csvr.org.za/african-union-frameworks/ accessed 6 May 2025

under article 11 establishes a Joint Committee comprising a representative from each party, a representative from IGAD, and chaired by the African Union through the High-Level Panel.[201] The AU appoints a team of up to 10 African experts to monitor the cessation of hostilities[202], with a six-month mandate, extendable by agreement.[203] The agreement under article 11.8-9 mandates the AU-appointed experts to inform parties of violations, requiring rectification within 24 hours.[204] If unresolved, "the AU, through the High-Level Panel, will convene the Joint Committee to resolve the problem".[205] Based on this it can be argued that this kind of structured mechanism of monitoring with the support of international expertise and the AU's delegated authority to mediate their disputes shows the parties' willingness to commit themselves to an enforceable compliance procedure under the auspice of third party international body. From this delegation it is evident that that the parties considered the agreement as a legal document a violation of which would entail an international accountability, particularly for IHL-related commitments like the cessation of hostilities and the protection of civilian. Moreover, the AU's involvement based on the principle of African solutions to African problems as indicated in the preamble of the agreement, gives a foundation for the agreement in regional legal norms that elevates its binding nature.

In sum, the Pretoria Peace Agreement's reliance on international legal norms and the delegation of to enforce the agreement strengthens the argument that it is internationally binding in many respects.

First there is an embedded sense of legal obligation in the agreement and the parties intended to be bound by international legal norms. This can be shown by the explicit references made to IHL and AU frameworks under reticles 2, 4, and 10. This sense of obligation is further enunciated by the TPLF's obligations, as a party to NIAC, to uphold IHL norms.

Second, by delegating the AU to enforce the monitoring compliance aspects of the agreement, the parties have submitted themselves to international enforcement and they have accepted external accountability, which is a feature of binding legal agreement as distinct from a voluntary

[201] Ibid, art, 11(1)
[202] Ibid, art, 11(2)
[203] Ibid, art, 11(6)
[204] Ibid, art, 11(8–9)
[205] Ibid, art, 11(9)

political accord. The party's sense compliance as a legal obligation, not merely political, can be inferred from the AU's role as an impartial mediator, supported by experts with structured processes.

3.5. Conclusion

This chapter has showed that the Pretoria Peace Agreement, have a well-founded international legal status, despite not being considered as a treaty as per VCLT formalities. The organizational sophistication and territorial control by the TPLF can be used to establish its legal personality under international law and thereby IHL obligations, including Common Article 3 and customary norms. This legal capacity is an enabling factor for the TPLF to conclude binding agreements, like the Pretoria Peace Agreement.

CHAPTER FOUR

4. SUMMARY AND CONCLUSION

4.1. Summary

In this thesis, within the broader context of NIAC peace agreements the Pretoria Peace Agreement's international legal status has been comprehensively studied, as a case study. The study discloses that, the Pretoria Peace Agreement have a well-founded international legal nature despite not being a treaty under the VCLT because of the TPLF's non-state status. This assertion and of the parties' perception of the agreement as an internationally binding instrument is founded in the TPLF's international legal personality, the agreement's formal structure and mandatory language, its incorporation of international legal norms, and the African Union AU-led enforcement mechanisms.

The TPLF's status as a subject of international law is established through its organizational sophistication, territorial control, and participation in the Tigray conflict, which meets the criteria for a NIAC under IHL. Bound by Common Article 3 and customary IHL norms, the TPLF possesses the capacity to enter binding agreements, as recognized under Article 3 of the VCLT. The Pretoria Peace Agreement's consistent use of the mandatory term "shall" across its 15 articles, coupled with its structured format and explicit references to IHL, the African Charter on Democracy, Elections, and Governance, and the AU Transitional Justice Policy Framework, reflects a clear intent to establish enforceable obligations. The AU's role in monitoring compliance, supported by a Joint Committee and African experts, further elevates the agreement's legal weight, distinguishing it from non-binding political accords.

The broader significance of this study lies in its contribution to the evolving normative framework governing NIAC peace agreements. The ambiguous legal status of such accords—poses challenges to their compliance and enforcement. Judicial precedents, such as those from the SCSL and the Abyei Arbitration, often adopt a formalist approach, denying NIAC peace agreements international binding status due to the involvement of non-state actors. However, this thesis argues that prioritizing the substantive intent of the parties, as evidenced by legal language, international oversight, and references to global norms, supports their recognition as internationally binding under Article 3 of the VCLT. The Pretoria Peace Agreement exemplifies

this trend, demonstrating how NIAC peace agreements can bridge the gap between state and non-state actors, leveraging international law to ensure stability and accountability.

4.2. Conclusion

In finding solutions to intrastate conflicts between states and AOGs, NIAC peace agreements, such as the Pretoria Peace Agreement, are very important. These agreements are known for adopting elements of formal treaty, including structured formats, mandatory language, and intent to create legal obligations. However, since they cannot be qualified as treaties under the VCLT requirement due to the non-state status of AOGs which are party to these peace agreements, their legal status is ambiguous and not yet decided. In this conclusion I argue for the NIAC peace agreements to be recognized as internationally binding commitments under international law. In making the points for my conclusion, I will show risks of treating them as non-binding or incorporating them into domestic law, form the point of view of compliance, enforcement, effectiveness and negotiation process.

The risk and dangers of failing to recognize NIAC peace agreements as internationally binding agreements is huge and can be seen in the implementation stages and the post-conflict environments.

First, if the uncertainty persists regarding their binding effect, it will reduce the incentive to comply to terms such as ceasefires, disarmament, or civilian protection and weakens compliance by both states and AOGs. If NIAC peace agreements are regarded as non-binding political accords, parties may feel free to dismiss the obligations they assume under the agreement. This risks the resumption of hostilities, as hesitant parties can use this absence of legal accountability, to their advantage to avoid responsibilities. The absence of a clear legal framework will result in destabilizing delicate peace processes. For instance, AOGs may return to do their violence, and states may break their words on undertakings like amnesty or power-sharing.

Second, if we rest on the peace agreements non-binding status, the state's reputation will not be at stake whether or not they adhere to the terms of the agreement. If peace agreements are considered as a legally binding instruments, states are more likely to comply with, to maintain their reputation in the international legal order. States will not have any self-interest or compliance pull in adhering to the commitments of the agreement when NIAC peace agreements

are treated as non-binding. This uncertainty, by send a message that agreements with sub-state entities lack enforceable weight, would also undermine the integrity of the international legal order and discourage future negotiations by eroding trust among AOGs and the international community.

Third, the absence of international binding status complicates enforcement and implementation aspects of the agreement. Provisions for international monitoring, such as the African Union's role in the Pretoria Peace Agreement, are often included NIAC peace agreements as an enforcement mechanism. Unless the peace agreements are recognized as binding under international law, these mechanisms will not have the authority to hold parties accountable. Even for the international community, including the United Nations or AU, monitoring or mediating non-binding agreements and investing on them, would mean that their efforts can be reversed by the parties any time without accountability.

If we consider the effectiveness and fairness implication of incorporating NIAC peace agreements into domestic, first, incorporating the entire agreement a rare phenomenon only some select terms incorporated. This will be resulting in ambiguity as to the binding nature of unincorporated clause and will lead to a dispute over the agreement's scope. For example, provisions of the agreement which are crafted to address the root cause of the underlying conflict, like power-sharing and transitional justice can be sidelined by the state.

Second, AOGs, having fought to compel the negotiating table and to renounce its monopoly of violence in the territories under the AOGs and since they see themselves as equals with the state in the peace process, incorporation the peace agreement into domestic law can be unacceptable to them and it creates the impression that they are under the state's legal authority. Especially, when parliamentary ratification required for domestic incorporation, this will risk making the agreement an imposed one by the state, going against the perception of mutual consent of the parties by which the agreement is concluded. This process can result in alienating AOGs and can be used by the as a legitimate ground to the reject agreements that may seem to subject their commitments to unilateral amendment by state legislatures.

Classifying NIAC peace agreements as domestic instruments signed between two pollical entities or considering them as something of private contract may not reflect their international

and public dimension, isolate them from the international legal framework, diminish their legitimacy and the involvement of international community. Often times the subject matter of these agreements are public international concerns which are not restrict only in the state's domestic jurisdiction, such as IHRL, IHL compliance, and international monitoring. If we see, for instance, the Pretoria peace agreement have provisions for civilian protection or DDR programs which are oriented by international legal norms like Common Article 3. Treating such agreements as domestic instruments risks.

Lying down the foregoing arguments on why NIAC peace agreements should not be considered as a non-binding political accords or domestic instruments, I argued NIAC peace agreements to be regarded as a distinct species of internationally binding agreements between states and sub-state entities. Agreements concluded with "other subjects of international law," including insurgents, have long been recognized by the VCLT to have legal force and can serve as a basis for NIAC peace agreements recognition. This recognition would improve their normative weight, incentives negotiation, compliance and enable effective enforcement through international mechanisms.

In sum, recognizing NIAC peace agreements as internationally binding agreements will have a far-reaching implication in minimizing non-compliance, improve enforcement, and in keeping the integrity of the negotiation process.

5. Bibliography

1. Books

Bell C, On the Law of Peace: Peace Agreements and the Lex Pacificatoria (OUP 2008)

Fortin K, The Accountability of Armed Groups under Human Rights Law (OUP 2017)

Portmann R, Legal Personality in International Law (CUP 2010)

Weller M, Retter M and Varga A (eds), International Law and Peace Settlements (CUP 2021)

2. Chapters

Edwards L and Worboys J, 'The Interpretation and Implementation of Peace Agreements' in Weller M, Retter M and Varga A (eds), International Law and Peace Settlements (CUP 2021) 111–136

Kastner P, 'Interactions between Peace Agreements and International Law' in Weller M, Retter M and Varga A (eds), International Law and Peace Settlements (CUP 2021) 165–184

Murray D, 'Non-state Armed Groups and Peace Agreements: Examining Legal Capacity and the Emergence of Customary Rules' in Weller M, Retter M and Varga A (eds), International Law and Peace Settlements (CUP 2021) 187–210

Sheeran S and Kent C, 'Peace-Making, Peace Agreements and Peacekeeping: Strategic, Operational and Normative Issues' in Weller M, Retter M and Varga A (eds), International Law and Peace Settlements (CUP 2021) 264–288

Varga A, 'Witnesses and Guarantors: Third-Party Obligations and the Internationalisation of Peace Agreements' in Weller M, Retter M and Varga A (eds), International Law and Peace Settlements (CUP 2021) 211–236

Zarei MH and Safari A, 'The Status of Non-State Actors under the International Rule of Law: A Search for Global Justice' in Orakhelashvili A (ed), Rethinking International Law and Justice (Ashgate 2015) 281–302.

3. Journal Articles

Baj G, 'International Legal Personality and Accountability of Armed Non-State Actors Through Their Self-Regulation' (2022) https://tel.archives-ouvertes.fr/tel-03881639

Cassese A, 'The Special Court and International Law: The Decision Concerning the Lomé Agreement Amnesty' (2004) 2 J Int'l Crim Justice 1130

Day MJ and Katz E, 'Irregular Forces, Irregular Enforcement: Making Peace Agreements in Non-International Armed Conflicts Durable' (2020) 52 Case W Res J Int'l L 297

Freudenschuss H, 'Legal and Political Aspects of the Recognition of National Liberation Movements' (1982) 11 Millennium: J Int'l Stud 115

Gadkowski A, 'The Doctrine of Implied Powers of International Organizations in the Case Law of International Tribunals' (2016) 6 Przegląd Prawniczy Uniwersytetu im Adama Mickiewicza 45 https://pressto.amu.edu.pl/index.php/ppuam/article/view/7119

Gebru AL, 'The Pretoria Agreement: Reflections on Its Essence, Implementation Status and the Way-Forward' (2024) 6(1) J Afr Conflicts & Peace Stud https://digitalcommons.usf.edu/jacaps/vol6/iss1/5

Heffes E and Kotlik MD, 'Special Agreements as a Means of Enhancing Compliance with IHL in Non-International Armed Conflicts: An Inquiry into the Governing Legal Regime' (2014) 96 Int'l Rev Red Cross 1195

International Committee of the Red Cross, 'How Is the Term "Armed Conflict" Defined in International Humanitarian Law?' (2024) https://www.icrc.org/en/document/how-term-armed-conflict-defined-international-humanitarian-law

Kleffner JK, 'The Applicability of International Humanitarian Law to Organized Armed Groups' (2011) 93 Int'l Rev Red Cross 443

Lang A, '"Modus Operandi" and the ICJ's Appraisal of the Lusaka Ceasefire Agreement in the Armed Activities Case: The Role of Peace Agreements in International Conflict Resolution' (2008) 40 NYU J Int'l L & Pol 107

Meisenberg SM, ‘Legality of Amnesties in International Humanitarian Law: The Lomé Amnesty Decision of the Special Court for Sierra Leone’ (2004) 86 Int’l Rev Red Cross 837

Ningtyas I and others, ‘The Urgency in Legal Protection of the Internment in Non-International Armed Conflict Between the Ethiopian Government and The Tigray People’s Liberation Front’ (2024) 21(2) Indonesian J Int’l L 283 https://doi.org/10.17304/ijil.vol21.2.5

Ozcelik A, ‘Entrenching Peace in Law: Do Peace Agreements Possess International Legal Status?’ (2020) 21 Melb J Int’l L 139

Proulx V-J, ‘International Civil Individual Responsibility and the Security Council: Building the Foundations of a General Regime’ (2019) 40 Mich J Int’l L 215

Rojas-Orozco C, ‘Introduction’ in Rojas-Orozco C (ed), International Law and Transition to Peace in Colombia (Brill 2021) 1 https://brill.com/display/book/9789004440531/BP000001.xml

Somer J, ‘Jungle Justice: Passing Sentence on the Equality of Belligerents in Non-International Armed Conflict’ (2007) 89 Int’l Rev Red Cross 655

Tan D, ‘Filling the Lacuna: De Facto Regimes and Effective Power in International Human Rights Law’ (2018) 50 NYU J Int’l L & Pol 535 https://nyujilp.org/wp-content/uploads/2019/04/NYI203.pdf

Fox GH, ‘Old and New Peace Agreements’ (2022) 52 Seton Hall L Rev 933

4. Reports

International Commission of Inquiry on Darfur, Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General (25 January 2005) UN Doc S/2005/60 https://reliefweb.int/report/sudan/report-international-commission-inquiry-darfur-united-nations-secretary-general accessed 6 May 2025

UN Commission of Experts, Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992) (27 May 1994) UN Doc S/1994/674

UN Secretary-General, Report of the Secretary-General on Peace Talks between the Government of Colombia and the National Liberation Army (ELN) (29 August 2016)

https://www.un.org/sg/en/content/sg/report/2016/secretary-general-peace-talks-between-government-colombia-and-national accessed 6 May 2025

UN Secretary-General, Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (23 August 2004) UN Doc S/2004/616

5. Thesis

Olcay A, 'The Role of International Law in the Negotiation of Peace Agreements' (PhD thesis, University of Glasgow 2018)

6. Treaties

Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI

Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (adopted 10 October 1980, entered into force 2 December 1983) 1342 UNTS 137

Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331

7. Peace Agreements

Agreement for Lasting Peace through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People's Liberation Front (signed 2 November 2022) https://peacemaker.un.org/node/10038

Arbitration Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Army on Delimiting Abyei Area (signed 7 July 2008) https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_080711_Arbitration%20Agreement%20Abyei.pdf

Arusha Peace and Reconciliation Agreement for Burundi (signed 28 August 2000) https://peacemaker.un.org/sites/peacemaker.un.org/files/BI_000828_Arusha%20Peace%20and%20Reconciliation%20Agreement%20for%20Burundi.pdf

Ceasefire Agreement between the Government of Sudan and the Justice and Equality Movement-Sudan (signed 10 February 2013) https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_130210_Ceasefire%20Agreement%20JEM.pdf

Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Army (signed 9 January 2005) https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_050109_Comprehensive%20Peace%20Agreement.pdf

Declaration of the Government of the Democratic Republic of Congo at the End of the Kampala Talks (signed 12 December 2013) https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_131212_DeclarationKampalaTalks.pdf

Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (Colombia) (signed 24 November 2016) https://peacemaker.un.org/sites/peacemaker.un.org/files/CO_161124_Final%20Agreement%20to%20End%20the%20Armed%20Conflict.pdf

General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) (signed 14 December 1995) https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf

General Peace Agreement for Mozambique (signed 4 October 1992) https://peacemaker.un.org/sites/peacemaker.un.org/files/MZ_921004_General%20Peace%20Agreement%20for%20Mozambique.pdf

Linas-Marcoussis Agreement (Côte d'Ivoire) (signed 24 January 2003) https://peacemaker.un.org/sites/peacemaker.un.org/files/CI_030124_Linas-Marcoussis%20Agreement.pdf

Libyan Political Agreement (signed 17 December 2015) https://peacemaker.un.org/sites/peacemaker.un.org/files/LY_151217_Libyan%20Political%20Agreement.pdf

Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front (Lomé Peace Agreement) (signed 7 July 1999) https://peacemaker.un.org/sites/peacemaker.un.org/files/SL_990707_Lome%20Peace%20Agreement.pdf

8. Cases

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo (Advisory Opinion) [2010] ICJ Rep 403

Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda) (Judgment) [2005] ICJ Rep 168

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Rep 16

Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) [1996] ICJ Rep 226

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America) (Merits Judgment) [1986] ICJ Rep 14

North Sea Continental Shelf (Federal Republic of Germany v Denmark; Federal Republic of Germany v Netherlands) (Judgment) [1969] ICJ Rep 3

Prosecutor v Boskoski and Tarculovski (Judgment) ICTY-04-82-T (10 July 2008)

Prosecutor v Haradinaj et al (Judgment) ICTY-04-84-T (3 April 2008)

Prosecutor v Kallon and Kamara (Decision on Challenge to Jurisdiction: Lomé Accord Amnesty) SCSL-2004-15-AR72(E) and SCSL-2004-16-AR72(E) (13 March 2004)

Prosecutor v Simic et al (Decision on the Prosecution Motion Under Rule 73 for a Ruling Concerning the Testimony of a Witness) ICTY-95-9 (27 July 1999)

Prosecutor v Tadic (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction) ICTY-94-1-AR72 (2 October 1995)

Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion) [1949] ICJ Rep 174

Sudan People's Liberation Movement/Army v Government of Sudan (Abyei Arbitration) (Final Award) (2009) 48 ILM 1258

9. Web Sources

Center for the Study of Violence and Reconciliation, 'African Union Frameworks' (African Transitional Justice Hub, 23 June 2021) https://atjhub.csvr.org.za/african-union-frameworks/

Human Rights Watch, 'Q&A: Conflict in Ethiopia and International Law' (25 November 2020) https://www.hrw.org/news/2020/11/25/qa-conflict-ethiopia-and-international-law

International Commission of Human Rights Experts on Ethiopia, 'International Commission of Human Rights Experts on Ethiopia: United Nations Human Rights Council – 51st Session' (OHCHR, 22 September 2022) https://www.ohchr.org/en/statements-and-speeches/2022/09/international-commission-human-rights-experts-ethiopia-united

ReliefWeb, 'Q & A on the Conflict in Yemen and International Law' (7 April 2015) https://reliefweb.int/report/yemen/q-conflict-yemen-and-international-law

UN General Assembly, 'Observer Status for the Palestine Liberation Organization' (20 March 2025) UN Doc A/RES/3237(XXIX) https://digitallibrary.un.org/record/189836?ln=en&v=pdf

UN Peacemaker, 'Peace Agreements Database' (2025) https://peacemaker.un.org/en/areas-of-work/peace-agreements-database-and-language-of-peace-tool

UN Security Council, 'Press Statement on Ethiopia' (5 November 2021) SC/14691 https://press.un.org/en/2021/sc14691.doc.htm

UN Security Council Resolution 1244 (10 June 1999) UN Doc S/RES/1244 https://digitallibrary.un.org/record/274488?ln=en&v=pdf

UN Security Council Resolution 2170 (15 August 2014) UN Doc S/RES/2170 https://digitallibrary.un.org/record/777420?ln=en&v=pdf

UN Security Council Resolution 2216 (14 April 2015) UN Doc S/RES/2216 https://main.un.org/securitycouncil/en/s/res/2216-%282015%29-0

UN Security Council Resolution 2451 (21 December 2018) UN Doc S/RES/2451 https://digitallibrary.un.org/record/1657002?v=pdf

UN Security Council Resolution 2452 (16 January 2019) UN Doc S/RES/2452 https://digitallibrary.un.org/record/1660551?ln=en&v=pdf

UN Security Council Resolution 2474 (11 June 2019) UN Doc S/RES/2474 https://digitallibrary.un.org/record/3808667?ln=en&v=pdf

Adams K, '"Shall Not ... Unless" versus "May ... Only If"' (Adams on Contract Drafting, 9 December 2014) https://www.adamsdrafting.com/shall-not-unless-versus-may-only-if/

Evennett H, 'Conflict in the Tigray Region of Ethiopia' (House of Lords Library, 11 November 2022) https://lordslibrary.parliament.uk/conflict-in-the-tigray-region-of-ethiopia/#heading-2

Fox GH and Jones T, 'Peace Agreements and the Persuasive Authority of International Law' (SSRN, 18 April 2024) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4799932

International Committee of the Red Cross, 'Non-International Armed Conflict' (ICRC Casebook, 2015) https://casebook.icrc.org/law/non-international-armed-conflict

Pichon E, 'Ethiopia: War in Tigray Background and State of Play' (European Parliamentary Research Service, 2022) https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739244/EPRS_BRI(2022)739244_EN.pdf

Wilson Center, ‘Ethiopia’s Tigray War and Its Devastating Impact on Tigrayan Children’s Education’ (Wilson Center, 2024) https://www.wilsoncenter.org/blog-post/tigray-war-and-education

Zunes S, ‘Conflict in Ethiopia’ (Council on Foreign Relations, 2021) https://www.cfr.org/global-conflict-tracker/conflict/conflict-ethiopia