

ANALYZING IDENTITY PROVISIONS IN
PEACE AGREEMENTS, 1989-2006:
A CLOSER LOOK

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Peace agreements, particularly those that resolve civil conflicts, require careful crafting and decision-making in order to create a document which can support and sustain lasting peace. The content of such agreements becomes extremely important in conflicts where identity issues are at the heart of the civil war. Many scholars have maintained that unless the agreements address issues of identity (particularly recognition), security and participation, then such agreements are bound to fail. This paper provides a closer look regarding how identity is incorporated and addressed in peace agreements as well as their inclusion patterns in the post-Cold War era. One major finding, is that despite the fact that conflicts are classified by scholars and policymakers as identity based, they are barely mentioned in agreements, and when they are present, very few mechanisms are included to indicate how they will be guaranteed.

INTRODUCTION

Since the end of the Cold War, intrastate conflicts have amplified worldwide. In fact, today we are more likely to witness an armed conflict within a state than between states. Of the 128 conflicts identified in the Armed Conflict Dataset¹ as occurring between 1989 and 2008, 93 (72%) were internal conflicts, while only 8 (6%) were interstate.² Depending on the data set one uses, between 30 and 50% of civil wars were concluded through negotiation and eventual peace agreement.³ The process required to achieve

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an agreement is long and complex as it must include all parties. Exclusion of interested actors may result in a recurrence of violence as excluded groups fight to be included or disrupt the peace process. However, it is equally important to design an agreement with all the necessary provisions for peace. This may include autonomy, integration of rebels into the army, power-sharing, and numerous other institutional reforms that balance state power and include all parties in the decision-making process. Numerous studies have demonstrated that there are certain provisions that are more important than others, yet peace agreement design still remains a challenging part of any peace process.⁴

The peace process in Afghanistan was a complex mix of balancing local and national interests with international concerns and demands. Much of the focus was on the political and security situations in the country. While these were, and remain, undeniably important issues, a major factor that was left off the table is the highly ethnicized nature of the state and its people, which also requires consideration when designing an agreement. The Afghani social structure is both divided and connected by tribal and ethnic ties which complicate the process of balancing power between various groups.⁵ While there are numerous security, economic, and political measures that are necessary in any agreement, the recognition of these groups and their right to exist and participate in the government is an extremely important part of the process as well. The historic marginalization and exclusion of certain groups requires that the new agreement include all possible actors; recognizing them as legitimate players is the first step. The inclusion of provisions which both recognize and guarantee the rights of particular groups to exist, maintain their culture, participate in government, and remain secure often result in a stronger agreement that is more likely to hold. This case illustrates an important aspect of peace agreement design—*identity recognition*—which has been neglected in recent studies. One need only look to the violence in the Middle East, from Iraq to Syria to Yemen, to see the role that identity plays in the conflicts of today.

Identity acceptance is an important component of resolving identity conflicts or those intra-state conflicts that include groups with unique ethnicity, language, and religion. While these issues may or may not have been the cause of the conflict, they are often used as justifications for violence during the conflict and become crucial elements of the post-conflict environment. Peace agreements for identity conflicts sometimes reflect this need

by including provisions which recognize the identity of different groups and provide guarantees for them in the future. In general, these agreements are intended to be long term transitional documents, although some eventually become the new states' constitutions. Institutionalizing identity recognition and allowing for participation in the political system become important parts of rebuilding the society and preventing future issues. This is significant as several studies find that ethnic diversity and polarization not only increased the likelihood of armed conflict,⁶ but ethnic conflicts were also more likely to last longer⁷ as well as recur.⁸

This article identifies and introduces identity provisions found within the numerous peace agreements of conflicts classified as "identity" in nature or, using Edward Azar's term, "*protracted social conflict*" (PSC).⁹ For Azar and other human need theorists,¹⁰ the critical characteristic identifying PSCs, such as those in Bosnia, Lebanon, Northern Ireland, Rwanda, or Sudan, is "the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation."¹¹ This paper seeks to ascertain key identity provisions that are included in peace agreements, particularly those relating to recognition, security, and participation. It also considers a few well known cases of identity conflict and examines the content of the accompanying agreements. Given that identity provisions are growing in number and scope in peace agreements, the goal of this paper is to identify and recognize these provisions and offer examples of their inclusion and exclusion in well known cases, as well as highlight their importance in managing identity conflicts.

RESOLUTION OF IDENTITY CONFLICTS

Civil war scholars argue that some types of conflicts are more difficult to resolve than others. Civil wars that are fought between opposing identity groups are particularly intractable. As Ted Gurr maintains, "cultural identities—those based on common descent, experience, language, and belief—tend to be stronger and more enduring than most civic and associational identities."¹² In addition, "once war breaks out, ethnic identities and hatreds tend to become cemented in ways that make cooperation and coexistence between the groups even more difficult."¹³ These types of conflicts not only result in physical destruction, but, more importantly, destroy the societal infrastructure which is much more difficult to restore. As a result, it is

important to understand the dynamics of such conflicts and their impact on conflict management efforts.

Until the end of the Cold War, identity conflicts received little attention within conflict management literature. However, several studies¹⁴ demonstrate that traditional conflict management techniques are not effective in dealing with identity based conflicts as they do not address the underlying issues pertaining to a group's needs, such as security, development, political access, and identity concerns like cultural and religious recognition.

There are several arguments and theories about the origins and causes of identity conflicts. While the debates pertaining to the nature of identity are beyond the scope of this study, it is imperative that we understand the cause of identity conflict.¹⁵ According to David Lake and Donald Rothchild, identity conflicts are not caused by intergroup differences but by "collective fears of the future."¹⁶ They maintain that as "groups begin to fear for their physical safety, a series of dangerous and difficult-to-resolve strategic dilemmas arise . . . [And] as information failures, problems of credible commitment, and the security dilemma take hold, the state is weakened, groups become fearful, and conflict becomes more likely."¹⁷ In identity based conflicts, insecurities are heightened as threats are perceived to be existential. Therefore, a major impasse in such conflicts is the security dilemma that characterizes the dynamics of the interaction between groups.

Barry Posen maintains that once a multi-ethnic, or a multi-identity, state collapses, the situation within the country simulates the emergence of an anarchic environment.¹⁸ The absence of a strong central government means that various groups within the state are forced to provide their own security. As a result, "the actions of one society, in trying to increase its societal security (strengthen its own identity), causes a reaction in a second society, which, in the end, decreases the first society's own societal security (weakens its identity)."¹⁹ This is due to the fact that, when groups make judgments about the others' intentions, they will rely on past encounters with the group. Most often, the historical views that groups have of one another are inaccurate and misleading. This is due to a number of reasons; in multi-identity states, the main reason is that the regime usually suppresses or manipulates historical records and, as a result, most of the information that groups have of another lacks proper written history.²⁰ As groups vie to protect their own security, they end up denying another group a basic need. That is, one group maintains its own security at the expense of another

group's security. The dispute is framed as a zero-sum situation, leading both sides to believe that there is nothing to trade.²¹

Jay Rothman maintains that identity based conflict resolution can be juxtaposed against resource based and interest based conflicts.²² This is not to say that identity based conflicts do not contain issues of resources or other tangible interests; however, when identity is the prominent element of a conflict, it overrides other issues. When faced with resource based or interested based conflicts, traditional methods of negotiations can be applied as the main aim is to find some formula of distribution or power-sharing agreement that will satisfy both sides. With a resource based conflict, the most common bargaining game is one of distribution with each side attempting to gain as much as possible, though compromise is acceptable.²³ As for interest based conflict, parties need to move away from viewing the conflict as one of incompatible positions "to explore ways in which their core concerns, perhaps stemming from fundamental 'needs' such as security, welfare, or self-actualization, can be fundamentally linked through 'integrative' bargaining rather than domination or compromise."²⁴ Effectively, this requires finding creative solutions that satisfy both parties or at least can focus on common goals.

The main concern in identity based conflicts is collective identity in general and group security in particular. The central goal of any agreement should be to reassure and lessen fears of all affected parties. Even if concrete resource based issues emerge, such as control over territory, it is important to first deal with the identity issues before attempting to resolve the former ones.²⁵ Nevertheless, in a majority of identity based conflicts, each group frames the conflict according to their own sense of self and priorities, often in mutually exclusive terms or in terms of mistrust. Groups end up denying each other's claims, even if they were legitimate, as they fear

that acknowledging an opponent's right to exist is a denial of one's own . . . [Hence,] in these conflicts, not only do the substantive constitutional and material issues that divide the parties require attention, but in addition *symbolic and ritual expressions* surrounding identity also can play a crucial role in bridging former opponents who remain wary of each other.²⁶

Returning to the definition of PSC posed at the beginning of the paper, both Azar²⁷ and John Burton²⁸ maintain that, since the underlying concern behind these conflicts is the denial of basic factors such as identity

acceptance, security, and recognition, the conflicts are bound to re-emerge, unless these non-negotiable needs are met. Gurr goes on to argue that, while the needs may be non-negotiable, "the means by which they are protected can be and have been the subject of creative compromises."²⁹ We need to refocus the conflict management efforts on satisfying the underlying needs of all parties involved without denying any group its basic needs. In other words, since identity conflicts arise from groups' concern over their security as a group, a key element to the success of negotiations is whether, and how, an agreement addresses the issues of identity. There must be a "mutual understanding and acceptance of each side's concerns about survival, status, legitimacy, and cultural and political rights."³⁰

Given the importance of such necessities for the resolution of identity conflicts, the following questions arise: are these issues included in peace agreements? If they are, in what manner are they addressed?

IDENTITY PROVISIONS OF RECOGNITION, SECURITY, AND PARTICIPATION – NEW INSIGHT

Identity issues are often discussed when describing a conflict, but little work has been done to consider the inclusion of identity provisions in peace agreements. Nonetheless, given that these provisions are necessary and non-negotiable, numerous peace agreements have included stipulations related to the recognition, participation, and security of identity groups after a conflict. The prevalence of these provisions, especially in non-recurring conflicts, requires attention and consideration. These issues have come to the forefront of negotiations and post-conflict institution building and play an important role in preventing further violence. The following section outlines the variables we identified as identity related and how we coded these components.

The provisions of agreements, and whether these provisions address the factors discussed by PSC theorists, is the focal point of this article. We began by thinking about how the first factor—identity acceptance/recognition—can be captured in agreements. When thinking of recognition, it is necessary to consider what guarantees might ensure that group existence as a unit is acknowledged and legitimized through the agreement. It is also necessary to consider what kinds of cultural actions define a group and which might be protected under the new institutions. We started by looking at whether an agreement specifically recognized and acknowledged the main identity

groups documented in the conflict. Depending on the number of identity groups identified or how many times the identity group was mentioned, we coded a count to give greater weight to agreements which offered multiple recognitions. The same process was used to identify other factors that would be specific to certain identity groups and that may not be officially recognized. For instance, in cases where the minority group had a different language than the official language, we coded any mention of the specific group language and its preservation, while every provision protecting or institutionalizing the language received a count. We also included a variable to account for the provisions of cultural freedoms, such as flags, anthems, and symbols specific to a certain group. Further, we accounted for guaranteed group holidays as these demonstrate a commitment to reducing discrimination and tolerating multiple beliefs and practices. All of these factors were motivated by the fact that, in most conflicts concerning identity, certain groups are usually not allowed the same freedom and rights to practice their own religion, express their ethnic heritage, or utilize their own language.³¹ More importantly, most of the studies that look for difference in identity also consider difference in ethnicity, language, or religion.

A second important factor is the issue of *security* in general and *group security* in particular. While concerns for group security overlap with concerns for individual security, there are some differences.³² Agreements need to ensure not only the physical safety of individuals but also safeguard against threats to the group's identity and existence as a whole. We attempted to capture this through several mechanisms. First, similar to the majority of studies on peace agreements,³³ we look at whether the agreements provided for either the creation of a new national army or the integration of rebels into the army. The premise behind doing so is that, for the state to have the monopoly over the usage of force, all groups should be allowed to be part of the security apparatus. Before this can occur, however, some would say that we first need to disarm, demobilize, and re-integrate the rebels into society (DDR),³⁴ which we also coded for under security measures.

Second, we identified whether peace agreements provided for any institutional reform to public institutions such as the police, military, and judiciary. Many of the groups may not trust these institutions because most are often the instruments of repression for the regime. However, if groups see that these institutions have been reformed to include marginalized groups and are transparent and accountable to their constituents, they are more

likely to feel safe and secure. While laws and institutions are also important in providing individual security, they become more essential in identity conflicts as they can be utilized to favor one identity group over another or to overlook crimes committed against certain groups.

Third, we looked at mechanisms that guarantee individual security and make individuals of the different communities willing to trust that their rights will be secured and protected. We examined whether agreements called for the protection of human rights and if there were specific measures for such protection, whether there were measures for minority protection, whether amnesty was given and, finally, whether a truth and reconciliation commission was set up to investigate and uncover past abuses, particularly human rights violations against the different identity groups. Each of these mechanisms helps provide a sense of security to the different individuals as well as to the communities at large.

We also explored the level of *participation* that agreements provided for the different groups. Many within the peace agreement literature look at the extent of power sharing within peace agreements, particularly through political sharing of government and territorial autonomy.³⁵ Again, we attempt to capture several mechanisms that would guarantee participation by the different identity groups because, before conflicts erupt, these groups are usually marginalized and not allowed to participate in the political arena. First, we looked at whether the agreement provided extensive power-sharing in the new government or whether it allowed for the integration of rebels into the current government or civil service. Second, we considered how the agreement regulated territorial incompatibility, particularly if it guaranteed autonomy, which is defined "an arrangement of self-government which includes control of a specific territory, the power of primary and secondary legislation, the power of executive authority and the power of fiscal matters."³⁶ Further to consider was whether the agreement provided for a federal state solution, guaranteed the disputed region power-sharing in local government and, last but not least, whether there were arrangements for local-self governance short of autonomy. We looked at if an agreement called for elections and/or for a new electoral law. Finally, because we are dealing with groups that do not trust one another and are constantly worried about one group dominating the other, we also looked at whether the agreements provided safeguards and consultation measures on key issues, which would help ease the insecurities of one group using political institutions to pass

resolutions not in favor of opposing groups.

Table 1: Summary of Operationalization of Indicators for Provisions of Participation, Security, and Recognition

	Operationalization
<i>Recognition</i>	
<i>Identity Acknowledgement</i>	The agreement acknowledged specifically the different identity groups
<i>Number of Identity Provisions</i>	Number of specific provisions that address the recognition of the different identity groups
<i>Language</i>	The agreement recognized the language of the different identity groups
<i>Number of Language Provisions</i>	Number of specific provisions that address the recognition of the language of different identity groups
<i>Cultural Freedoms</i>	The agreement provided for extended cultural freedoms
<i>Cultural and Social Institutions</i>	The agreement included provisions that dealt with the recognition of social & cultural institutions (e.g. education, media, etc.)
<i>Holiday(s)</i>	The agreement included provisions that recognized specific holidays related to the different identity groups
<i>Security</i>	
<i>Human Rights</i>	The agreement recognized the need for human rights protection
<i>Specific Provisions of Human Rights</i>	The agreement provided specific recommendations/provisions on how human rights will be protected
<i>Minority Protection</i>	The agreement provided provisions for Minority Protection

<i>Judicial Reform</i>	The agreement provided provisions for judicial reform
<i>Police Reform</i>	The agreement provided provisions for police reform
<i>Military Reform</i>	The agreement provided provisions for military reform
<i>Integration into Army</i>	The agreement provided for the creation of a new national army or the integration of rebels into the army
<i>DDR</i>	The agreement included provisions for the disarmament of the warring parties
<i>Lustration</i>	The agreement called for lustration
<i>Amnesty</i>	The agreement called for amnesty
<i>Truth and Reconciliation Commission</i>	The agreement called for Truth and Reconciliation Commission
<i>Participation</i>	
<i>Political Party</i>	The agreement provided for the right for the rebel group to transform into a political party
<i>Power-Sharing in Government</i>	The agreement included provisions for extensive power-sharing in new government
<i>Autonomy</i>	The agreement granted the disputed region autonomy
<i>Federalism</i>	The agreement provided for a federal state solution
<i>Referendum</i>	The agreement granted the disputed region independence
<i>Local Power-Sharing</i>	The agreement provided for the holding of a referendum on the future status of the disputed region
<i>Interim Government</i>	The agreement provided for rebel integration into the interim government

<i>Local Government</i>	The agreement granted the disputed region local governance
<i>Elections</i>	The agreement provided for elections
<i>Electoral Law Reform</i>	The agreement called for new electoral laws that ensured power for the different identity groups
<i>Veto</i>	The agreement provided VETO power for the different identity groups
<i>Safeguards</i>	The agreement provided safeguards for the different identity groups
<i>Consultation on Key Issues</i>	The agreement called for consultations on key issues

Note: Several of our participation variables, including security provisions related to the integration into army and DDR, were obtained from the Uppsala Conflict Data Program's Peace Agreement Dataset.

IDENTITY VARIABLES AND PEACE AGREEMENTS: HOW COMMON ARE THEY?

In investigating whether issues pertaining to the recognition of identity, security, and participation are included in peace agreements, we began with a list of all civil wars with at least twenty-five battle-related deaths per year as identified in the UCDP/PRIO Armed Dataset.³⁷ We then identified whether the conflicts involved identity issues by checking both UCDP descriptions as well as other civil war datasets, primarily Regan³⁸ and Correlates of War data.³⁹ Next, we looked at whether any agreements were signed in these conflicts utilizing the Uppsala Conflict Data Program's Peace Agreement Dataset.⁴⁰ To be included in the data, the agreement had to be signed between at least two opposing warring parties active in a conflict between 1989 and 2005; it also had to solve, regulate, or outline a process for resolving the conflict.⁴¹ Following, the analysis includes twenty-three identity conflicts and fifty-three peace agreements between 1989 and 2005. The analyzed agreements contain combinations of identity provisions regarding recognition, security, and participation. Their inclusion in the agreements varies and there are those agreements which do not contain any recognition of identity groups or acknowledgement of their existence.

Figure 1: Number of Agreements with Recognition, Security, or Participation Mechanisms

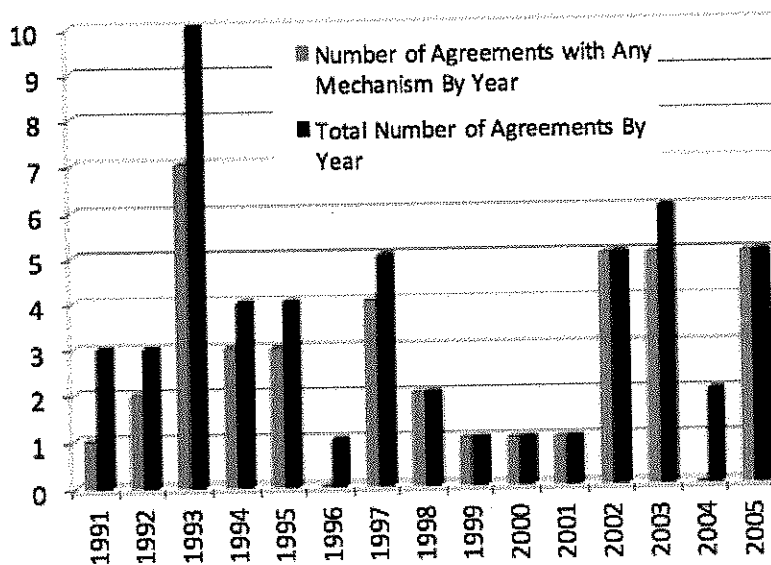


Figure 2: Number of Agreements Addressing Each Mechanism

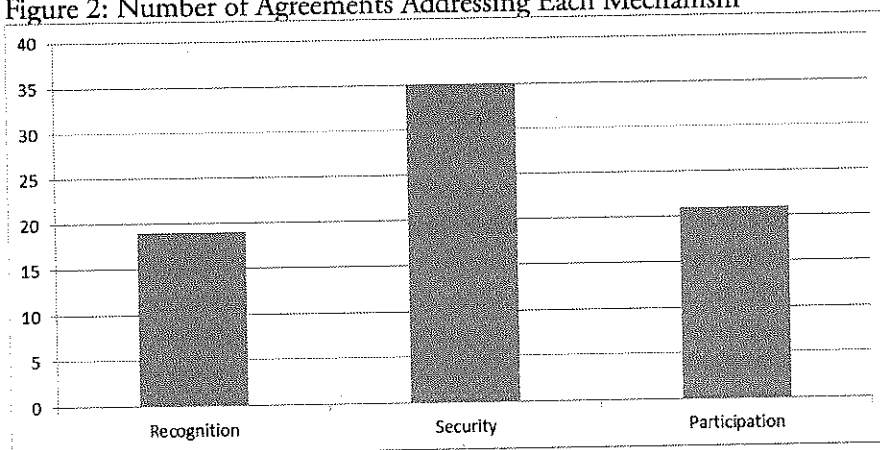
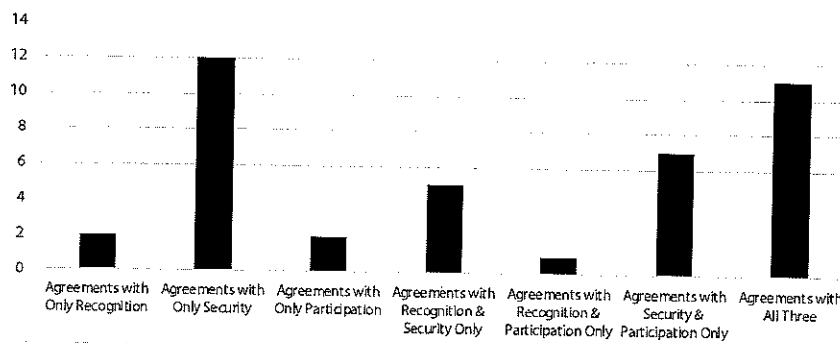


Figure 1 shows the variation over time of the inclusion of recognition, security, or participation mechanisms. The first point to notice is that, while not all earlier agreements included identity measures, after 1997 almost all agreements included such measures. In fact, 75% (40/53) of the agreements

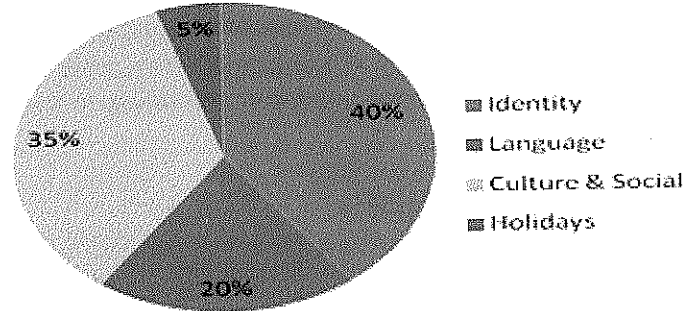
in the post-Cold War era had at least one mechanism that addressed issues of recognition, security, or participation. Looking at Figure 2, we notice that most of the provisions pertained to issues of security. In fact, thirty-five agreements contained provisions pertaining to security, while twenty-one and nineteen agreements contained provisions pertaining to participation and recognition, respectively.

Figure 3: Combination of Mechanisms



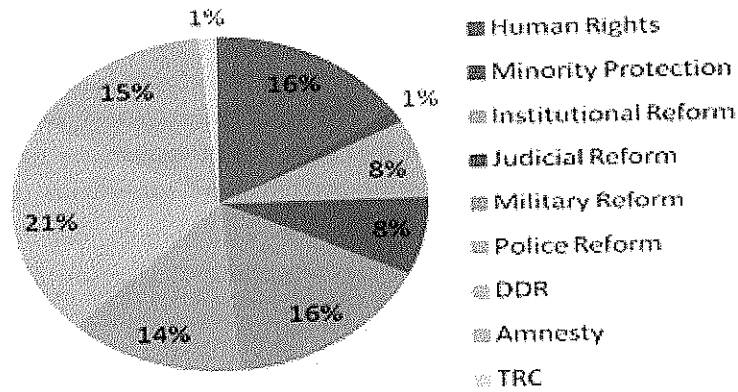
Importantly, agreements may involve more than one mechanism. This raises the question: is there a specific trend in the types of mechanisms that are combined? Looking at Figure 3, we notice yet again that most agreements seem to exclusively address issues of security. Given that we are looking at agreements in conflicts that have become militarized and involve fighting, it is not surprising that security seems to be the predominant issue. Nonetheless, it is surprising that agreements either have only security mechanisms (30%) or they have all three mechanisms (28%). On the other hand, about 18% of agreements address only security and participation, 12% address only recognition and security, and 2% address only recognition and participation. Another striking finding is that only 5% of agreements have only recognition mechanism and the same percentage of agreements contains only participation mechanisms.

Figure 4: Individual Recognition Measures



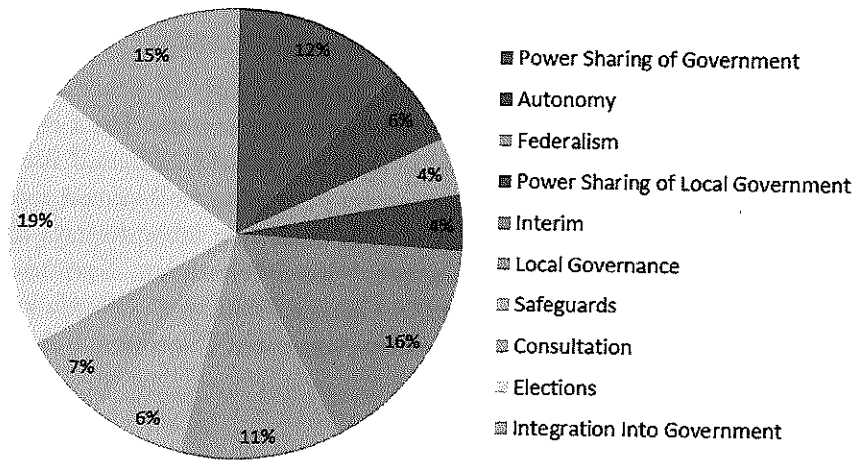
This then begs the question: what specific provisions are being addressed in the peace agreements? Figure 4 breaks down the individual provisions that focus on *recognition*. At first glance, it would seem that a sizeable proportion of the agreements (40%) recognize the identity of the groups. However, less than half (43%) of those that mention identity have any specific mechanisms for how it should be addressed. On the other hand, while only 20% of agreements recognize the language of the different identity groups, 86% of those agreements provide for specific provisions of how that will be implemented, such as allowing the language to be taught in schools. Interestingly, about 35% of the agreements provide for some form of cultural and social freedom and only 5% recognize specific holidays related to the different identity groups.

Figure 5: Individual Security Measures



What about security measures? Figure 5 reveals that DDR is most often included in the agreements with military reform and police reform close behind. This is an expected finding as disarming and demobilizing rebel forces is a major goal of all agreements, but the military and police reform indicate long term institutional change, hence their limited inclusion. Amnesty and human rights are each included approximately 15% of the time while minority protection is rarely seen at 6%. The disparity between these provisions suggests a measure of commitment in the agreement as human rights are relatively easy to include but difficult to monitor and enforce. Amnesty remains a contentious reconciliation technique and has been applied in varying ways, while minority protection is generally clear and demonstrates a commitment to safeguarding the rights and security of minority groups.⁴² While security remains the key part of peace agreements, we still lack knowledge about the strength and purpose of many of the provisions and their impact on promoting peace.

Figure 6: Individual Participation Mechanisms



The agreements include numerous participation provisions. Looking at Figure 6, we notice that integration and power-sharing are the most common as these guarantee some measure of decision-making power to the groups. These are also the most difficult to successfully implement because they depend on the cooperation of other members of the government.⁴³ Power-sharing has become the most popular form of identity conflict

resolution and yet its effectiveness in preventing recurrence of violence remains unclear. However, its inclusion in an agreement does suggest a measure of commitment to institutional reform, which is absolutely necessary for the promotion of peace. Safeguards and guaranteed consultation on key issues are somewhat rare and yet extremely effective when employed. These provisions guarantee that the groups will have input in decision-making and the ability to stop or prevent any government decision/legislation that may threaten the group. If implemented, these guarantees give minority groups a great deal of power because they can stop divisive legislation. Without such provisions, majority groups may create preferential legislation for their community. Finally, autonomy is rarely granted. However, in several of the cases in our study, which includes Northern Ireland, Bangladesh (Chittagong Hill Tracts), Bosnia and Herzegovina (Serb), Georgia (Abkhazia), and India (Bodoland), the countries that provided autonomy did not witness a recurrence of violence from the groups that were given autonomy. That being said, more work must be done to fully understand the impact of autonomy on promoting peace.

IDENTITY PROVISIONS IN PRACTICE—KEY CASES

Identity provisions have begun to appear more regularly in peace agreements, but their inclusion remains sporadic and unsystematic. For a closer look, we decided to illustrate how some agreements have addressed issues of recognition, security, and participation by presenting well-known cases within the academic and policy world.⁴⁴ The following table displays the results for the Declaration of Principles (Israel/Palestinian Territories, 1993), Arusha Accords (Rwanda, 1993), General Framework (Bosnia and Herzegovina, 1995), and the Good Friday Agreement (Northern Ireland, 1998) (See Table 1).

Table 2: Provisions in Selected Peace Agreements

	Arusha Accords, 1993	Declaration of Principles (OSLO I), 1993	General Framework, 1995	Good Friday, 1998
Identity	0	1	1	1

Identity recognition #	0	0	2	7
Language	0	0	0	1
Language #	0	0	0	7
Cultural/ Social Institutions	0	0	0	1
Holiday	0	0	0	0
Human Rights	1	0	1	1
Specific Human Rights	1	0	1	1
Minority Protection	0	0	1	0
Institutional Reform	1	0	1	1
Judicial Reform	1	0	1	1
DDR	1	0	0	0
Military Reform	0	0	1	0
Police Reform	0	1	1	1
TRC	0	0	0	0
Power Sharing Government	1	0	1	1
Veto power	0	0	0	0
Safeguards	0	0	1	1

The Arusha Accords pre-empted the now infamous genocide in Rwanda and are often ignored in the annals of peace agreement studies. They were created to halt a devastating civil conflict which had raged for over three years. While they included all of the key parties and addressed all of the issues strong agreements are supposed to address, violence broke out a year later and hundreds of thousands of Rwandans were massacred based on their identity. The previous civil war, while focused on political power, was also fueled by targeting identity groups. Though the peace agreements addressed the importance of rule of law and unity, by focusing mainly on security provisions, they failed to acknowledge that identity groups not only existed but had a right to exist and function within Rwanda. For example, the agreement begins with a complete denial of the identity groups and instead a call for unification as it states in Chapter 1, Article 1:

National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integristism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.⁴⁵

While it is important to resolve conflict and promote unity, once violence has occurred based on identity group characteristics, it cannot be simply wiped away by a call for peace and harmony. Individuals possess an understanding of who they are and how others view them and recognition of this identity is extremely important; without it, groups feel threatened and determine that they must protect themselves, especially in cases in which there is no government legislation guaranteeing them protection. The Arusha Accords did not offer guarantees of group security, equal participation as RPF members were not given powerful portfolios in the cabinet, or identity recognition. As a result, violence resumed after partial implementation.

Similarly, the OSLO I accords, which were a major breakthrough at the time of signing as they led to both sides recognizing one another as separate and legitimate groups, was void of any meaningful identity provisions other than an acknowledgement of the need for a separate police force. The article on Public Order and Security states:

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for

defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.⁴⁶

On the other hand, if we look at both the General Framework agreement as well as the Good Friday agreement, both attempted to address the issue of identity through multiple provisions. The General Framework agreement came after intense fighting between the Croatians, Serbians, and Bosniaks (Muslim Bosnians) during the breakup of the former Yugoslavia. Each group sought to carve out their own autonomous or sovereign areas within the region of Bosnia and Herzegovina, which resulted in intense fighting between the groups. Though the conflict included all of the aforementioned groups, Bosniaks were singled out by nationalist Serbs and not only blamed for the secession but specifically targeted as a result.⁴⁷ While the attacks against Muslims are the most recognized aspects of the conflict, it is important to note that there were many groups involved in the conflict because of Bosnia's extremely heterogeneous nature. Though there were various and changing alliances, groups clearly formed around the basis of identity or linguistic, familial, and religious ties. Because of the various group territorial claims and ethnicized attacks, the post-conflict environment required some measure of identity recognition. The agreement not only recognized the different parties and their right to hold another citizenship but also respect for cultural freedoms. Moreover, the new legislative body reflected the nature of the Bosnian conflict and the ethnic makeup of the region. For example, the House of Peoples or upper chamber of the Bosnian Parliamentary Assembly, "shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniaks) and one-third from the Republika Srpska (five Serbs)."⁴⁸ This document provides clear participation guarantees for the various groups involved in the conflict and recognizes the importance of the different identities. These provisions provide additional security guarantees for groups as they are included in the government and recognized as unique and valued by the signing parties. Instead of simply stating that the legislature would be made up of elected officials, the agreement affords protection and power to each of the conflicting groups, thereby addressing a major grievance.

Additionally, the Good Friday Agreement signifies the need to account for identity in peace agreements, especially in cases in which it plays a significant role. The conflict in Northern Ireland continued for many years and

resulted in a completely divided society, one in which religious and ethnic identities played a role in every aspect of daily life. In order to address these issues, the agreement recognized the right of the people of Northern Ireland to "identify themselves as Irish or British or both and hold both citizenships."⁴⁹ This recognition of the need to identify oneself implies acceptance of the existence of different groups and their protection under law. The agreement contained numerous provisions which guaranteed recognition of the Irish language and holidays, participation through safeguards, and security guarantees through police reform. The period of relative peace that followed this agreement is a testament to its inclusion of identity provisions and its guarantee of rights for different groups.

DO IDENTITY PROVISIONS REALLY MATTER?

The inclusion of identity provisions remains uneven in the post-Cold War period. There are a number of possible reasons for failing to include identity provisions. One is the uneven support for one group by an outside party, which makes it possible for particular group demands to be ignored, despite the supposed neutral intervention. Second, the belief by some that erasing the memory of the conflict will be more likely to create peace often results in the denial of group difference. Third, the challenge of implementing identity provisions leads negotiators to exclude them as peacebuilding techniques.

Peace agreements are implemented after a stalemate in which neither side is strong enough to overtake the other. Third parties are brought in to facilitate the agreement and ensure that commitments are met by both sides. While there is an expectation of neutrality on the part of the third party, there are often biases or interests which give one side a slight advantage in the negotiations and eventual agreement. With the help of a third party, it is possible for a slightly dominant group to exclude identity provisions from the agreement.

A more common reason for the failure to recognize identity groups and provide them with guarantees is the unwillingness to accept that there are social divisions which exist after an identity based conflict. Many agreements attempt to instill a measure of national unity and claim that there is no real identity beyond that of the state. This, however, is not effective as the recent violence was based on identity and often perpetrated under the guise of nationalist intentions. Implementation remains the most difficult aspect of any agreement and, while the levels of difficulty vary amongst the different

provisions, there are those that require more resources and cooperation than others. Despite the struggles which accompany identity recognition, it is an important part of peace agreements for a number of reasons.

First, identity conflicts are based on targeting individuals because of their group affiliation. The solidification of group identity can occur as a result of the violence and becomes the key characteristic that individuals use to identify themselves. Whether it existed before the war or was created as part of the conflict, it cannot be forgotten afterwards because of the conflict environment. Also, in conflicts in which genocide was proclaimed or used, antagonistic groups claimed that particular groups should no longer exist. To prevent genocidal claims from re-occurring, it is a requirement that this goal of erasing an entire group's existence be identified and formally recognized at the cessation of violence. The recognition of the existence of particular groups is crucial to building peace and acknowledging the social differences that were solidified by the conflict.

Second, it is necessary to address the threats that groups continue to feel after a conflict ends. Before violence begins, there is a perception of threat based on campaigns, slogans, minor violence, and the creation of distinct social groups. During and after a conflict, threat is no longer perceived, it is experienced and the normal institutional reforms are insufficient to address those concerns. Promises of inclusion, security, and recognition are vital to addressing the communal fears that were created during the conflict. Groups who were targeted especially require recognition and actual security guarantees that can be witnessed and experienced. Signals of commitment are important, but individuals require actual guarantees that address their real fears. Identity provisions can allay group fears of reprisal attacks, continued genocide, and persecution.

Civil conflict is a result of institutional failure at the state level. Because conflict states did not have mechanisms in place to deal with the ensuing violence, it is necessary to reform or create new institutions that contain safeguards and resolution mechanisms. Identity provisions do not provide privilege for particular groups but instead institute change that guarantees that no group is marginalized and excluded from the state structure. This is especially important given the role often played by governments in persecuting particular groups. The inclusion of safeguards within state institutions provides not only signals but real "on the ground" changes which will result in security for the identity groups. Institutional reform also signals a rejection

of previous regimes and a willingness to create new state structures that are representative of the people and capable of resolving internal conflict.

The next step in this project is to determine how the provisions pertaining to recognition, security, and participation impact the recurrence of conflict. Is security sufficient? What about identity recognition? Are all three necessary or is there some combination of measures that make peace more likely than other?

ENDNOTES

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