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1

Conflict Resolution: Power-Sharing and Other Inclusion Strategies

This chapter considers contemporary theories and practice regarding the use of power-sharing and other inclusion incentives in peace agreements, and begins to identify gaps in the increasingly voluminous literature on peace implementation, though a detailed examination of all facets of peace negotiations and peacebuilding is beyond the scope of this volume.¹ The chapter then turns to the claim that power-sharing and inclusion strategies help convince armed groups to participate in peace negotiations, particularly when coupled with security guarantees from key external actors, and considers a key critique of the liberal peacebuilding consensus as an excessively Western, external imposition that does not function effectively in most postconflict situations. I suggest, in particular, that the focus of this liberal consensus on certain strategies of inclusion and governance is too narrow, and may fail to provide the correct leverage or incentives for armed groups. Further, I argue that this focus may be counterproductive, channeling existing conflicts and mistrust into institutions of governance.

¹For the wider literature, in addition to the many books and articles cited here, see Elizabeth Cousens and Chetan Kumar, with Karin Wermester, *Peacebuilding as Politics: Cultivating Peace in Fragile Societies* (Boulder: Lynne Rienner, 2000); Stephen John Stedman, Donald Rothchild, and Elizabeth Cousens, eds, *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder: Lynne Rienner, 2002); Eva Bertram, 'Reinventing Governments: The Promise and Perils of United Nations Peace Building', *Journal of Conflict Resolution* 39, no. 3 (September 1995), pp. 387–418.

Peace negotiation and peace implementation: the challenge of the security dilemma

While this volume focuses on inclusion of armed groups in power structures as a specific feature of peace negotiations, it is important to view power-sharing in context, to understand the impetus behind it and other incentives used to address security dilemmas and the vulnerability that groups may feel in disarming as part of the peace process. Power-sharing incentives are but one set of tools through which the international community and third-party mediators may facilitate negotiations. In addition, many studies have demonstrated that the presence of strong third-party guarantors in the peace process, to prevent cheating, is helpful,² and have also emphasized the importance of confidence-building measures, territorial autonomy, and security in general. I examine here an expansive version of power-sharing, one encompassing resource-sharing, territorial autonomy, and participation in security structures, as itself a confidence-building measure, it is only the presence or absence of third-party guarantors that needs to be addressed briefly.

First, it is important to understand why peace agreements are so difficult to achieve and implement: the negotiating parties fear for their own security, and require reassurances. It is argued that parties to internal armed conflicts often face a security dilemma similar to those that develop in interstate conflicts, arms races, and the like, according to international relations theory.³ While the parties to an internal armed conflict might in principle become more secure by negotiating and disarming, each fears the defection of the others, and the high costs of being unprepared for surprise attacks. Yet negotiating and

²See, generally, Barbara F. Walter, 'Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace', *International Security* 24, no. 1 (Summer 1999), pp. 127–55; Barbara F. Walter, 'The Critical Barrier to Civil War Settlement', *International Organization* 51, no. 3 (Summer 1997), pp. 335–64.

³Jack Snyder and Robert Jervis, 'Civil War and the Security Dilemma', in Barbara F. Walter and Jack Snyder, eds, *Civil Wars, Insecurity, and Intervention* (New York: Columbia University Press, 1999), pp. 15–37; Barry R. Posen, 'The Security Dilemma and Ethnic Conflict', *Survival* 35, no. 1 (Spring 1993), pp. 27–47. See also Caroline Hartzell, Matthew Hoddie, and Donald Rothchild, 'Stabilizing the Peace After Civil War: An Investigation of Some Key Variables', *International Organization* 55, no. 1 (Winter 2001), pp. 183–208; compare Alan Collins, 'The Ethnic Security Dilemma: Evidence from Malaysia', *Contemporary Southeast Asia* 20, no. 3 (December 1998), pp. 261–79.

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implementing a peace agreement generally requires that one or more parties give up their means of self-defense, while still occupying the same territorial space as their adversaries.⁴ As a result, it is argued, if each party fears being disadvantaged or even destroyed, it becomes very difficult to achieve agreement on sensitive security issues such as disarmament and, more generally, to achieve agreement on future power structures. This may particularly be the case for minority groups, who may have suffered significantly at the hands of the state and may fear ceding any self-protection, but it may also be true of weak states and leaders aware of their own illegitimacy.⁵ It is for this reason, according to many scholars, that power-sharing and third-party guarantors are so important for peace processes, as they lessen the fear and costs of defection in the short term and institutionalize a balance among mistrustful parties in the longer term.⁶

Peace negotiations and agreements must thus address not only the original 'causes' of conflict, and grievances that may have developed over the course of the conflict, but also the acute security concerns of the key parties, particularly although not just nonstate armed groups.⁷ While failure to alleviate security concerns is not the sole reason that peace negotiations and implementation may break down, it is a critical one, because according to peace agreements, parties that were previously at odds are expected not only to risk disarming, in whole or in part, and therefore risk their survival, but also to work together, or at least to peacefully coexist, in a postconflict (usually) unitary state. Such a state, which would typically satisfy the Weberian requirement of having a monopoly on the legitimate use of force, would also have primary decisionmaking power over the distribution of political and economic resources. Thus armed groups will want to ensure that their interests are protected and that the resources of the state are not used

⁴Matthew Hoddie and Caroline Hartzell, 'Civil War Settlements and the Implementation of Military Power-Sharing Arrangements', *Journal of Peace Research* 40, no. 3 (May 2003), p. 315; Barbara Walter, 'Designing Transitions from Civil War', in Walter and Snyder, *Civil Wars, Insecurity, and Intervention*, pp. 38–69.

⁵Hartzell, Hoddie, and Rothchild, 'Stabilizing the Peace After Civil War', pp. 185–6.

⁶Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002); Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, D.C.: US Institute of Peace, 1996).

⁷Walter, 'Designing Transitions from Civil War', *International Security*, p. 129; Walter, 'The Critical Barrier to Civil War Settlement', p. 340.

against them.⁸ Such a state requires a government that can address a broad range of interests, and a stable security force that is not biased toward particular groups. Thus commitments to cooperate and disarm need to be credible. As we shall see, external guarantors and institutional design are thought to be credible because they can impose costs on possible defectors.⁹

The presence or absence of third-party guarantees, though they are not the primary focus here, is an important intervening factor in the success or failure of the arrangements examined in this volume. It is often argued that third-party guarantees are central to peace agreements and implementation, perhaps more so than power-sharing, although they are usually prescribed in tandem with the latter, because the security dilemma can be exacerbated by the presence of spoilers in peace processes. The nature and extent of third-party involvement can of course vary significantly, and can be categorized as involving three strategies: inducement, socialization, and coercion.¹⁰ International guarantees might be fairly limited, involving observers who monitor and report on compliance and cheating, human rights abuses, and implementation of key aspects such as disarmament, demobilization, and reintegration (DDR) of former combatants. These are clearly important tools and may mitigate the security dilemma, as greater disclosure is expected to limit the risks of cheating, and the costs of complying when other parties do cheat. The presence of external monitoring and support may be particularly important in early stages of implementation, when a neutral government, as designed in the peace agreement, is not yet in place, consolidated, or strong enough to address violations by the parties. The monitoring and reporting of violations may help to alleviate concerns that parties may cheat (e.g., hide weapons or combatants during a DDR process, or secretly rearm or regroup) during the transitional phase. Monitoring and reporting helps to mitigate the

⁸Caroline Hartzell, 'Explaining the Stability of Negotiated Settlements to Intra-state Wars', *Journal of Conflict Resolution* 43, no. 1 (February 1999), p. 5; Max Weber, 'Politics as a Vocation', in H. H. Gerth and C. Wright Mills, eds, *From Max Weber: Essays in Sociology* (London: Oxford University Press, 1946), p. 78.

⁹Naturally, as Barbara Walter points out, there are at least four other reasons that negotiations may break down, presumably even in the presence of guarantees: groups' inability to agree on settlement terms, stakes that cannot be divided, incomplete information, and irreversible commitments (as to nationalist followers). Walter, 'Designing Transitions from Civil War', *International Security*, pp. 131–3.

¹⁰Stephen John Stedman, 'Spoiler Problems in Peace Processes', *International Security* 22, no. 2 (1997), pp. 5–53.

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problem of transparency and ensures that honest groups are not put at a severe disadvantage by those that do cheat.

However, monitoring and reporting may not suffice if the parties, or the new government, do not have the capacity to sanction violations of the peace agreement. Thus parties seek stronger security guarantees, such as third-party armed forces. These may be international, regional, or even one-state peacekeeping forces or military support, all of which themselves range in size and capacity. Parties may prefer a well-armed international force over a more lightly armed regional or third-party state force, or conversely, a well-armed third-party state guarantor to a lightly armed international force. Certainly, the failure of lightly armed forces such as those of the United Nations Assistance Mission in Sierra Leone (UNAMSIL), of whose peacekeepers the Revolutionary United Front (RUF) was able to take 500 hostage, suggests that mere size is not sufficient. Though 6000 troops were authorized for UNAMSIL, the force was unable to defend itself, and thus lost its peacekeeping credibility; this credibility was restored only by the arrival of a British force.¹¹ This incident demonstrates the limits of international intervention in constraining parties from the use of force. As Donald Horowitz observed: 'What stands out is just how ineffective the international community has been in imposing a modicum of civility on even those small states one might have thought it was in a position to coerce: Rwanda, Burundi, Somalia, Bosnia, etc.'¹² And even where a third party is effective, problems remain. The presence of a third-party guarantor may ensure compliance during a transitional period, but it may mask the real intent of parties who comply just to satisfy external actors. If this is the case, behavior is likely to change once external actors leave, and long-term implementation and peace consolidation may be less successful.¹³

Of course, reliance on strong third-party guarantees is not always an option, and parties to a conflict, as well as the mediators, may have little capacity to induce such guarantees. Further, it has been argued that in some instances third-party guarantees are not necessary, so long as the new postconflict political order offers protections that reassure groups facing a security dilemma. Mark Peceny and William Stanley,

¹¹And indeed, while UNAMSIL then expanded significantly, many in Sierra Leone were concerned not about the eventual departure of the UN force, but about the departure of British troops, who they believe offer greater stabilizing capability. Author interviews (Freetown, Sierra Leone, July 2004).

¹²Quoted in Sisk, *Power Sharing and International Mediation*, p. 87.

¹³Hoddie and Hartzell, 'Civil War Settlements', p. 316.

for example, argue that 'liberal social reconstruction' can ensure that cycles of mistrust are broken, and that this explains the relative success of some of the peace settlements in Central America in the early 1990s. They argue that such liberal reshaping can actually obviate the need not only for third-party guarantees, but also for any power-sharing arrangements.¹⁴ I focus here, however, on the negotiation of power-sharing deals whether or not there are security guarantees.

In many instances, agreements will be negotiated and may even be implemented in the absence of third-party guarantees. Given the mistrust between the parties and the security dilemma described above, the agreement may be designed to lock in certain protections for each of the parties, particularly through power-sharing, which may help to support stable peacebuilding in its medium to long term. Though this power-sharing is often described only in its political dimensions – as sharing of access to political power through electoral arrangements, appointments, or secured civil service posts – I treat power-sharing as having four dimensions: security, territory, politics, and economics. Before addressing these dimensions, it is important to discuss the rationale for including power-sharing arrangements in peace agreements, and the purported process by which such institutional arrangements are to prevent conflict renewal.

Power-sharing as a solution to internal conflict

Much has been written about the use of power-sharing as a tool to mitigate or prevent conflict in ethnic, plural, or divided societies. Indeed, Ted Gurr includes power- and resource-sharing as part of what he terms an emerging 'doctrine' in the international practice of managing conflicts. Such political arrangements are expected to ensure that grievances that could promote conflict are addressed through nonviolent means.¹⁵

¹⁴Mark Peceny and William Stanley, 'Liberal Social Reconstruction and the Resolution of Civil Wars in Central America', *International Organization* 55, no. 1 (Winter 2001), pp. 149–82.

¹⁵Ted Robert Gurr, 'Attaining Peace in Divided Societies: Five Principles of Emerging Doctrine', *International Journal of World Peace* 19, no. 2 (June 2002), p. 28. The five principles deal with protecting individual and collective minority rights, democratic institutions, negotiation of autonomy or other self-determination demands, preventive action by the international community, and duty to intervene where conflict emerges. See also J. Kayode Fayemi, 'Pursuing Security in the Post-Conflict Phase: Reflections on Recent African Cases and Their Implications for Current and Future Peace Operations', in International IDEA, *Democracy, Conflict, and Human Security: Further Readings* (Stockholm, 2006), p. 171.

While power-sharing solutions and theories emerge from work on ethnically divided societies, in this volume I examine the use of power-sharing in both ethnic and non-ethnic conflicts. However, it is worthwhile to first examine the reasons why power-sharing is generally thought to be a useful tool in ethnic or identity conflicts.

The classic work examining the use of various power-sharing arrangements in plural societies is Arend Lijphart's *Democracy in Plural Societies*.¹⁶ Though Lijphart's work focuses on mitigating tensions in democratic societies, his analysis remains salient even for societies that are at best attempting to democratize, but are still far from democratic. Consociational arrangements, it is argued, may help to mitigate ethnic tension and conflict in a manner that majoritarian democracy might not. Specifically, they are designed to include all major groups in a grand coalition, created by election through proportional representation. It is argued that such an arrangement, where decisions are taken by consensus, will help to prevent majorities from controlling minorities. Some statistical analysis supports the claim that democracy and proportional representation institutions reduce the likelihood of recurrence of civil war.¹⁷

Dealing with the demands of multiple rival groups is clearly a challenge in democratic societies, but is a far greater challenge where those groups have engaged in armed conflict. This is true whether the conflict is ethnic or non-ethnic. In the literature on the use of power-sharing in ethnic conflicts specifically, it is argued that there is a need to develop institutions that help generate broad-based coalitions that include all major ethnic groups. It is argued that institutions such as proportional electoral systems, autonomy, and federation might help to assuage the so-called security dilemma faced by groups, both opposition and government, in relinquishing their weapons and seeking peace. Peace processes and transitions are often more unstable and insecure than even the preceding periods of conflict, when fighting might have reached a stalemate. Instead, transitions may provoke the fears and insecurities that helped to spark and maintain conflict initially – the fear that if a party

¹⁶Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977).

¹⁷Bumba Mukherjee, 'Does Third-Party Enforcement or Domestic Institutions Promote Enduring Peace After Civil Wars: Policy Lessons from an Empirical Test', *Foreign Policy Analysis* 2, no. 4 (October 2006), pp. 405–30. See, generally, Ulrich Schneckener, 'Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict', *Journal of Peace Research* 39, no. 2 (March 2002), pp. 204–5.

makes any concessions, the adversary will take advantage of them. As a result, both governments and armed groups are often wary of making concessions, and in particular of laying down arms, unless they believe that their own interests will be protected in any new institutional arrangements. Parties thus need, and negotiations often result in, confidence-building measures such as power-sharing. In general, power-sharing is thought to offer parties institutionalized insurance that they will not face future policies that are discriminatory, retributive, or otherwise harmful to their interests.¹⁸

At the same time, it has increasingly been acknowledged that while these tools have their merits, they also have their limits, which I will elaborate upon throughout this volume. Further, there is more than one approach to power-sharing.¹⁹ There is the consociational approach outlined by Lijphart above, which creates grand coalitions, with elite ethnic accommodation at the center and a high degree of group autonomy, and what Timothy Sisk refers to as the integrative approach, which seeks to pressure leaders to moderate their emphasis on ethnic themes. And as we shall see below, power-sharing in ethnic as well as non-ethnic conflict resolution might be delineated across four dimensions: security, territory, politics, and economics. The consociational and integrative approaches entail rather different institutional structures, and both have been tried in post-Cold War peacebuilding operations, so it is worth noting their key features:²⁰

Consociational approaches may involve five types of practices: (1) territorial autonomy and confederal arrangements, (2) polycommunal ethnic federation, (3) group proportional representation in administration, and consensus decision rules, (4) proportional electoral system in a parliamentary framework, and (5) acknowledgment of group rights or corporate nonterritorial federalism.

¹⁸These are not the only reasons put forth for institutional reform. A recent World Bank study concluded that improvement in institutions reduced the risk of civil war. See Simeon Djankov and Marta Reynal-Querol, 'The Causes of Civil War', WPS4254 (2007), available at <http://www.worldbank.org>.

¹⁹Sisk, *Power Sharing and International Mediation*.

²⁰This summary is derived from *ibid.*, pp. x–xi, 47–69. Alternatively, Benjamin Reilly refers to these as consociational and preferential approaches. See Benjamin Reilly, 'Electoral Systems for Divided Societies', *Journal of Democracy* 13, no. 2 (April 2002), pp. 156–69.

Integrative approaches may involve five types of practices: (1) a mixed non-ethnic federal structure, (2) an inclusive, centralized unitary state, (3) majoritarian but non-ethnic decisionmaking bodies, (4) a semimajoritarian or semiproportional electoral system to encourage coalitions across divides, and (5) ethnicity-blind public policies.

While the consociational approach seeks to mitigate conflict by ensuring balancing among groups, which may remain relatively distinct, the integrative approach seeks to create structures that compel accommodation and compromise, and moderation by potential ethnic outbidders.

Power sharing as credible commitment or costly signaling

At base, the challenge of negotiating peace agreements is one of building trust between or among warring parties. They not only fear for their own security and survival, but also are extremely distrustful of those they have fought for some time, particularly where negotiations have failed in the past, or where agreements have been reached but parties have reneged or cheated on commitments. Trust levels are likely to be even lower due to long-term grievances regarding unfair access to resources or power, or due to severe human rights abuses during the conflict. Not only will the fighting parties then view one another with deeper suspicion, but they will also experience difficulty 'selling' any agreement to constituents who likewise have reason to fear and mistrust their adversaries. In fact, reaching agreement may result in internal fracturing.²¹ For this reason, mere gestures of goodwill are insufficient. Parties must undertake acts that demonstrate commitment to negotiation and implementation of a peace agreement; these are acts that parties would not undertake if they were not committed, and cost them goods such as security, so violations should be easily detectable. These acts are what James Fearon refers to in a different context as costly signaling through credible commitments.²² They may be unilateral acts, such as declaration of a cease-fire or demobilization or disarmament of combatants. Or they may be interim steps taken during negotiations, as well as built into a final agreement. At each

²¹Hoddie and Hartzell, 'Civil War Settlements', p. 306.

²²James D. Fearon, 'Signaling Foreign Policy Interests: Tying Hands Versus Sinking Costs', *Journal of Conflict Resolution* 41, no. 1 (1997), pp. 68–90.

stage, costs and signaling may be designed in a tit-for-tat fashion, to ensure that no single party takes risks that are greater than those taken by any other, and that any cheating may be quickly identified and punished. Ideally, as Matthew Hoddie and Caroline Hartzell argue, implementation of peace agreements offers such signaling, and helps to indicate long-term commitment to a peace process.²³ Of course, while actual implementation is certainly a strong signal of commitment to implementation, initiating it is still a risk to the parties. Thus, it is argued, there is a need to embed such commitments institutionally, through power-sharing arrangements. This is frequently done in peace agreements; a study of 38 agreements signed between 1945 and 1998 showed that all but one included some form of power-sharing provisions.²⁴ Of course, the costly nature of power-sharing means that many arrangements do not succeed. In particular, it requires contending groups to relinquish the hope of achieving total power. If they believe they can do so outside the framework, or if they find that the framework is not yielding the electoral victories or other payoffs they had expected, they are likely to defect.²⁵

Power sharing across four dimensions

Power-sharing arrangements may include four dimensions – security, territory, politics, and economics – and most peace negotiations and agreements will feature more than one. Indeed, some scholars have argued that agreements are more successful to the degree that they include each of the four, as the dimensions are mutually reinforcing and offer stronger commitment signals.²⁶ Groups will often be offered a specific stake, through proportional membership, specific set-asides of key posts, or wealth-sharing arrangements, all designed to reassure them that their survival will not be threatened and often also to assuage concerns of their support base that too much has been ceded.

²³Hoddie and Hartzell, 'Civil War Settlements', p. 304.

²⁴Caroline Hartzell and Matthew Hoddie, 'Institutionalizing Peace: Power-Sharing and Post-Civil War Conflict Management', *American Journal of Political Science* 47, no. 2 (2003), pp. 318–32.

²⁵Ian S. Spears, 'Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power', *Third World Quarterly* 21, no. 1 (2000), p. 108.

²⁶Hoddie and Hartzell, 'Civil War Settlements', p. 308; Hartzell, 'Explaining the Stability of Negotiated Settlements', pp. 3–22.

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Security

Perhaps the most acute concern of warring parties in negotiating agreements and in early implementation stages is the demand that they disarm, or at least demobilize, some or all of their fighters. Often a cease-fire at a minimum, and more frequently the disarming and cantonment of fighters, is a condition for serious negotiations, imposed by the government, the rebels, the mediators, or all of these parties. Certainly, disarmament or demobilization of an armed group would convince adversaries that the force was committed to negotiations. It is what Fearon would term a 'costly signal', as it involves the relinquishing of the very capacity that allowed that group to defend itself, or to capture territory and resources. Some scholars argue that relinquishing protections and entrusting security to new or reformed state institutions is the most critical step or signal. Naturally, it is for this very reason that groups will be wary of engaging in this step. It would signal a credible commitment, but at great risk to a group's survival.²⁷

Thus the fear and insecurity that may be generated by disarmament and demobilization must be addressed, often through power-sharing in the security forces. A study of 16 peace agreements reached between 1980 and 1996 found some form of power-sharing in the military/security arena.²⁸ This form of power-sharing may be accomplished through several methods, and some agreements, such as the Comprehensive Peace Agreement (CPA) in Sudan, utilize more than one. The four most commonly used methods are (1) the creation of a new military and/or police force drawing members from former fighting forces (state and non-state) in proportion to their former size; (2) the creation of a new force (or forces) drawing equal numbers from former fighting forces; (3) the appointment of weaker or nondominant armed factions to key leadership posts in the security forces; and (4) permitting combatants to keep their own security or fighting forces.²⁹ Thus in El Salvador, equal percentages of former national police and rebels from the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional [FMLN]) rebels were included in a new national civilian police force; while in Sudan, the CPA created joint integrated units comprising state and rebel fighters from the Sudanese People's Liberation

²⁷Hoddie and Hartzell, 'Civil War Settlements', p. 308.

²⁸Ibid., p. 309; Hartzell, 'Explaining the Stability of Negotiated Settlements', pp. 7-8.

²⁹Hoddie and Hartzell, 'Civil War Settlements', p. 309.

Movement/Army (SPLM/A) and allowed the SPLM to maintain a separate force in the south.³⁰ However, initial implementation remains a challenge: in Mozambique, the former rebel Mozambican National Resistance (Resistência Nacional Moçambicana [RENAMO]) and the government both delayed taking critical steps toward the creation of a new joint army, each apparently out of concern over delays by the other.³¹

Territory

The appeal of territorial autonomy or a federal system for an armed group engaged in negotiations is relatively obvious: it can ensure the group's own viability, at least within a territory, by allowing it to exercise control over resources and security. It can also potentially enhance the group's own legitimacy in the eyes of its constituents, to whom it might provide services. Such arrangements may also protect underprivileged minorities by allowing them to develop within their own educational and bureaucratic structures.³² The group may also thereby be guaranteed a greater voice in the central government. When territorial arrangements are federal in nature, the capacity of several groups or regions to block the dominance of one is also expected to alleviate the security dilemma and contain conflict. Not surprisingly, then, statistical studies of negotiated peace settlements have found that those that include provisions for territorial autonomy for threatened groups are more successful.³³

Territorial autonomy as an incentive is meant here to include only those situations where it is designed to share, rather than completely fragment, power. That is to say, a group or groups are given a greater or lesser degree of control over the politics, economics, and security of a particular geographical area or areas, but generally also should be included in governance at the central level. In short, power-sharing arrangements that include territorial autonomy are not meant to promote partition or separate states, although this will be the fear of other

³⁰For discussion of the Salvadoran bargain, see Chandra Lekha Sriram, *Confronting Past Human Rights Violations: Justice vs. Peace in Times of Transition* (London: Frank Cass, 2004), pp. 78–106. On Sudan, see Chapter 4 in this volume.

³¹Hoddie and Hartzell, 'Civil War Settlements', p. 310.

³²Hartzell, Hoddie, and Rothchild, 'Stabilizing the Peace After Civil War', pp. 191–2.

³³*Ibid.*, pp. 199–204.

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groups. While there is a literature suggesting that partition is the best solution for states that are ethnically divided, as well as a literature refuting this position, partition is not the focus of this volume. Certainly, partition can alleviate the security dilemma felt by groups – purely homogeneous enclaves, if they have secure boundaries, would not face further ethnic conflict.³⁴ However, many contemporary internal armed conflicts are not ethnic in nature, and some conflicts that have ended in partition have restarted subsequently.³⁵ Further, in most instances, international mediators, and states party to negotiations, will be averse to partition, given its implications for state sovereignty and territorial integrity. Partition and independence are not generally contemplated by peace agreements and would not constitute power-sharing arrangements in the way that this book considers territorial autonomy or other regional arrangements to be power-sharing.³⁶

Politics

Groups negotiating a peace agreement may also seek guaranteed participation in politics as a way of protecting themselves and their interests. They may seek it through a range of modalities, ranging from simple legalization and permission to participate as a political party (for outlawed armed groups), to formal guarantees or quotas of political power. Many recent agreements include these more formalized guarantees, with specific allocated ministries, quotas in representative bodies, or shared participation in an executive body. In Sudan, for example, as discussed in Chapter 4, the CPA included the appointment of former SPLM/A leader John Garang to the post of first vice president of the country, and subsequently the demands for equivalent status by the leaders of

³⁴See, for example, Chaim Kaufmann, 'When All Else Fails: Ethnic Population Transfers and Partitions in the Twentieth Century', *International Security* 23, no. 2 (Fall 1998), pp. 120–56; Chaim Kaufmann, 'Possible and Impossible Solutions to Ethnic Civil Wars', *International Security* 20, no. 4 (Spring 1996), pp. 136–75; Radha Kumar, 'The Troubled History of Partition', *Foreign Affairs* 76, no. 1 (January–February 1997), pp. 22–34; Nicholas Sambanis, 'Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature', *World Politics* 52 (July 2000), pp. 437–83.

³⁵Sambanis, 'Partition as a Solution to Ethnic War', pp. 464–74.

³⁶Alexander B. Downes, 'Separate States or a State of Autonomies? Regional Autonomy Versus Partition After Ethnic Wars', paper prepared for the conference 'Living Together After Ethnic Killing: Debating the Kaufmann Thesis' (Rutgers University Department of Political Science, Rutgers, N.J., October 2000).

other armed groups. The SPLM also became a legal political party, with the capacity to seek office at national and local levels, and was allocated the leadership of key ministries. In Colombia, as discussed in Chapter 5, the pact that terminated the fighting between Liberals and Conservatives involved a shared presidency, albeit one that excluded other parties.³⁷

Economics

Both state and nonstate parties will be concerned about the post-conflict distribution of wealth and control over resources, for a number of straightforward reasons. First and foremost, each group will likely be concerned about economic distribution for selfish reasons: they may be concerned about the well-being of the leadership, cadres, and in some instances real or desired constituents. Resources are needed to pay fighters, which may promote predatory or rent-seeking behavior. Or leaders may want resources to buy the loyalty of various groups.³⁸ Second, the distribution of resources may have been one of the critical reasons that a conflict took place at all. And finally, each group will be concerned about rivals receiving greater economic benefits and thus developing greater social power, capital, or status. Equally important, access to resources can be translated into the capacity to develop hard military power. Thus groups will be concerned about absolute wealth and well-being, but also about relative gains, a phenomenon well-explored by theorists of international politics.³⁹ Thus many power-sharing agreements will include provisions for wealth-sharing, offering specific formulas for sharing resources, whether natural or man-made, or formulas for control over those resources.⁴⁰ Thus, for example, land reform may be critical in some peace processes, as it was in Nicaragua, while in other countries allocation of resources may be crucial, as in the proportional sharing of oil resources in the Sudanese CPA, while in yet others

³⁷Walter, 'Designing Transitions from Civil War', *International Security*, p. 141.

³⁸Tony Addison and S. Mansoob Murshed, 'From Conflict to Reconstruction: Reviving the Social Contract', *UNU-WIDER Discussion Paper* no. 2001/48 (August 2001), p. 4.

³⁹Frances Stewart, 'Policies Towards Horizontal Inequality in Post-Conflict Reconstruction', *Crise Working Paper* no. 7 (March 2005), available at <http://www.crise.ox.ac.uk/pubs/workingpaper7.pdf>; Christiaan Grootaert, ed., *The Role of Social Capital in Development* (Cambridge: Cambridge University Press, 2002); Joseph M. Grieco, *Cooperation Among Nations: Europe, America, and Non-Tariff Barriers to Trade* (Ithaca: Cornell University Press, 1990).

⁴⁰Hartzell, 'Explaining the Stability of Negotiated Settlements', pp. 10–11.

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control over ministries may be more important, as in the appointment of RUF leader Foday Sankoh to head the Sierra Leonean mining ministry. Arrangements for wealth-sharing cannot simply institutionalize the status quo, as some groups will have had preferential access to resources, and all groups will seek to ensure that others do not gain the upper hand. Thus we may see surprising transfers of control, such as that to Sankoh, offered in the hope that the benefits accrued from participating in the government and controlling certain resources will be greater than those a rebel group might expect from overthrowing the state.⁴¹ Of course, as we shall see, not all of the wealth-sharing arrangements in peace agreements succeeded or endured.

Assessing power-sharing

A range of criticisms may be leveled at power-sharing along the four dimensions described above: security, territory, politics, and economics. While the literature has asserted, and it seems to be supported statistically, that the greater the degree of commitment along these four dimensions, the more likely a peace agreement and implementation are to succeed, why this should be the case, and why some agreements fail and others do not, remains to be more fully explored. Further, while it may be the case, as Hartzell argues, that groups do not trade off guarantees along one dimension for those along another, not all agreements include all four types of guarantees.⁴² Are there some dimensions along which groups must feel absolutely secure, and that are nonnegotiable? Which groups might have which incentives, and why? As we shall see in the primary case studies presented in Chapter 3–5, as well as in the crosscutting comparison presented in Chapter 2, incentives vary by group, and over time, and thus any power-sharing incentives need to be tailored to group demands. It is not clear that this has always been the case. However, before we consider the particular cases in-depth, and the degree to which the incentives offered fit group demands, we need to consider the range of critiques of power-sharing to date.

⁴¹Addison and Murshed, 'From Conflict to Reconstruction', pp. 5, 11.

⁴²Hartzell, 'Explaining the Stability of Negotiated Settlements', pp. 11–15, examines three dimensions (excluding territorial autonomy or territorial power-sharing) and finds that agreements that include all of these three are more robust.

Power-sharing: Horowitz's critique

Perhaps one of the earliest and most powerful critiques of power-sharing comes from Donald Horowitz, who focuses on political sharing, and on one particular formulation, consociationalism. Horowitz observes that in free elections in convocal arrangements, it is often the case that, rather than the formation of grand coalitions, we witness the formation of narrow ethnically based parties. Extremists may form at the margins and challenge the very moderates whom it was hoped the arrangement would promote. As Horowitz notes, 'The electoral system favored by consociationalists, list-system proportional representation, insures the representation of ethnically based parties in proportion to their underlying votes, but this can hardly guarantee conciliatory results.'⁴³ The result can be, as he puts it, the worst of all possible worlds, allowing majority exclusion of the minority.⁴⁴ A prime example was the move to proportional representation in Sri Lanka, where, rather than leading to accommodation and moderation on the part of majority Sinhalese parties, minority Tamils have been largely sidelined.⁴⁵ Others have suggested that power-sharing may encourage 'identitarian' movements, which may well deepen social cleavages.⁴⁶ One response to Horowitz suggests that it is not ethnic cleavages per se that result in the failure of such institutions, but rather worsening economic conditions and/or competition for economic rewards.⁴⁷ However, even if this is correct, it does not necessarily mitigate the critique of political power-sharing arrangements in ethnic conflict, but rather may indicate some broader problems with power-sharing along other dimensions and in non-ethnically divided societies. Consociational power-sharing may have the effect of empowering only elites, and rewarding them for manipulating the populace along ethnic or other lines. It may also have the

⁴³Donald L. Horowitz, 'Constitutional Design: An Oxymoron?' in Ian Shapiro and Stephen Macedo, eds, *Designing Democratic Institutions* (New York: New York University Press, 2000), p. 258.

⁴⁴*Ibid.*, p. 262.

⁴⁵*Ibid.*, p. 264; and Chapter 3 in this volume. As I will discuss, the system seems instead to have generated incentives the majority parties not to take account of Tamil concerns, but to compete with each other for the support of extremist Sinhalese parties and to use peace negotiations themselves as political weapons.

⁴⁶Ian S. Lustick, Dan Miodownik, and Roy J. Eidelson, 'Secessionism in Multi-cultural States: Does Sharing Power Prevent or Encourage It?', *American Political Science Review* 98, no. 2 (May 2004), pp. 209–29.

⁴⁷Brooke Ackerly, 'Designing Democratic Institutions: Political or Economic?' in Shapiro and Macedo, *Designing Democratic Institutions*, p. 286.

effect of freezing identities, and permanently excluding from power those who were excluded at negotiations.⁴⁸ As is discussed in Chapter 3, the exclusion of Muslims from the peace negotiation process in Sri Lanka, as well as their relative exclusion in the current proportional representation system, has raised concerns that in any future peace agreement and governance arrangements, their interests will be sidelined. However, while excluding some parties from peace and power-sharing processes is dangerous, so too is including all parties.⁴⁹

More generally, it is important to distinguish not only between ethnically and non-ethnically divided societies, but also among ethnically divided societies, for they are not all divided in the same way. They may be split relatively evenly, may be split with one large majority and a minority, or may be quite fragmented. This will have implications for the type of institutional arrangements that are feasible, and will shape key outcomes, such as whether ethnically based or non-ethnically based parties form and are able to collaborate across ethnic lines.⁵⁰

Power-sharing in non-ethnically divided societies

Much of the academic literature on power-sharing focuses solely on ethnically divided societies and countries at risk for, or emerging from, ethnic conflict. There is a strong presumption in the literature that ethnic conflicts are more difficult to solve than, and require distinct solutions from, those conflicts that are driven by political or economic concerns.⁵¹ Yet such power-sharing solutions are often also central to peace negotiations and peace implementation processes in countries where a conflict was not ethnically based, but based on ideology, access to resources, objections to corruption, nepotism, 'bad' governance, and other such factors. There is a rich debate about whether ethnically based conflicts are more difficult to resolve through negotiation than are non-ethnically based conflicts, and certainly, if one is more difficult than the other,

⁴⁸Walter, 'Designing Transitions from Civil War', *International Security*, p. 143.

⁴⁹Spears, 'Understanding Inclusive Peace Agreements in Africa', p. 115.

⁵⁰Reilly, 'Electoral Systems for Divided Societies'; Benjamin Reilly, 'Democracy, Ethnic Fragmentation, and Internal Conflict: Confused Theories, Faulty Data, and the "Crucial Case" of Papua New Guinea', *International Security* 25, no. 3 (Winter 2000–1), pp. 162–85.

⁵¹But compare Hartzell, Hoddie, and Rothchild, 'Stabilizing the Peace After Civil War', pp. 197–8, which finds no significant distinction in success rates of negotiated settlements between ethnic and non-ethnic conflicts.

then perhaps the structure of peace agreements ought to differ.⁵² I do not here differentiate between ethnically and non-ethnically based conflicts, as often the motivations for conflict are both, or are difficult to disaggregate or discern, and as the incentives proposed are frequently the same – power-sharing along one or more of the four dimensions.

It is worth considering, therefore, whether there is any reason to assume that institutional design developed for one situation might be ill suited to another. Further, much of the academic literature regarding power-sharing in ethnically divided societies has focused almost exclusively, at least until recently, on political, specifically parliamentary, arrangements. Yet power-sharing may be developed along several other dimensions, as already discussed. While many of the specifics of power-sharing as designed to cope with ethnic divides may not apply, such as designing voting structures to accommodate ethnic minority parties, the general concerns that have led to the development of power-sharing arrangements do continue to apply in non-ethnically divided societies. These include a security dilemma that will generate genuine concerns by weaker groups about survival, and a tendency by some of these groups to act like spoilers. Thus arrangements that help to appease fears regarding immediate security and long-term viability are often seen as solutions. It is thus that power-sharing deals, originally conceived as solutions to ethnic conflict, have been offered in negotiations to terminate other types of conflict as well.

Power-sharing as an ‘earned sovereignty’ compromise

Because power-sharing agreements are often used to resolve not just ethnic conflict alone, but also territorial claims, political grievances, and the like, particularly in recent decades, some scholars have characterized resulting arrangements as ‘earned sovereignty’. Some have argued that earned sovereignty helps to resolve ‘sovereignty-based’ disputes, which may revolve around demands for territorial autonomy, or around disputes over control of government. It is characterized as follows:

Earned sovereignty, as developed in recent state practice, entails the conditional and progressive devolution of sovereign powers and authority from a state to a substate entity under international

⁵²See, for example, Chaim Kaufmann, ‘Intervention in Ethnic and Ideological Civil Wars: Why One Can Be Done and the Other Can’t’, *Security Studies* 6, no. 1 (Autumn 1996), pp. 62–110.

supervision. ... As an emerging conflict resolution approach, earned sovereignty is defined by three core elements: shared sovereignty, institution building, and a determination of final status.⁵³

Earned sovereignty involves the same elements prescribed by social scientists: power-sharing along a number of dimensions and third-party guarantees. It also well depicts a number of agreements that provide for the possibility of autonomy or independence as a final status, but subject to an interim period of shared governance arrangements, as is the case in Sudan under the Comprehensive Peace Agreement.⁵⁴ Its emphasis on sovereignty merely reflects concerns of international lawyers and diplomats to preserve some recognition of state sovereignty while recognizing that contemporary conflict resolution frequently involves some compromise of sovereignty. Rather, they argue, than pitting two fundamental principles of international law against each other – state sovereignty and the right to determination – one can offer a constrained recognition of each. Substantively, however, the content of such arrangements remains the same as those advocated by social scientists; the primary distinction lies in the emphasis on specifically legal principles. Implementation of ‘earned sovereignty’ may thus face the same obstacles.

Short-term incentives vs. long-term peace

Although democratization and progression toward open competitive politics are often destabilizing to postconflict states in the short term, there is the possibility that, in the short term, power-sharing can act as a key incentive for insecure weaker groups. By giving groups access to resources, decisionmaking authority, and security directly through involvement in security forces and/or through some measure of autonomy, such groups are reassured not just about immediate survival, but also about their future place in state power and authority.⁵⁵ Such guarantees, statistically, have been strong incentives to negotiation:

⁵³Paul R. Williams and Francesca Jannotti Pecci, ‘Earned Sovereignty: Bridging the Gap Between Sovereignty and Self-Determination’, *Stanford Journal of International Law* 40 (Summer 2004), p. 350.

⁵⁴See Chapter 4 in this volume.

⁵⁵Donald Rothchild, ‘Reassuring Weaker Parties After Civil Wars: The Benefits and Costs of Executive Power-Sharing Systems in Africa’, *Ethnopolitics* 4, no. 3 (September 2005), pp. 247–8.

Barbara Walter notes considerably greater willingness among combatants to sign agreements with such guarantees.⁵⁶ This might also, it is often hoped, help to mitigate the immediate security dilemma. However, it is not entirely clear that this is the case. In the interim or transitional period, the institutional arrangements of power-sharing will not be clearly locked in or stabilized, and cheating may be relatively easy. Thus peace processes may require credible commitments, which are risky, or phased and reciprocal acts, which are marginally less risky. Unilateral demobilization, for example, is extremely risky, while carefully phased demobilization processes that work in a tit-for-tat fashion may be less risky in the short term.⁵⁷

Even if power-sharing arrangements cannot address the short-term risks of demobilization and the transition to a postconflict unified state, many will argue that they can help to mitigate the demonstrably destabilizing effects of democratization. I suggest that this is often not the case, and rather that competition and suspicion over shaping power-sharing arrangements and maintaining them is itself destabilizing. Thus it becomes unclear whether such arrangements really mitigate security concerns in the short or medium to long term, and scholars are far from agreed on this point.⁵⁸

And herein may lie a key problem. Although power-sharing arrangements may offer the type of incentives that appeal to groups concerned with security, are the created institutional arrangements strong enough to survive the departure (or complete absence) of a third-party guarantor, of the often destabilizing effects of democratization, or of the frequently high levels of postsettlement violence, whether politically motivated or not? Power-sharing arrangements, while often necessary to engage armed groups, often create structures of governance that are weaker or decentralized.⁵⁹ They may thus be unable to prevent a power grab by a

⁵⁶Walter, *Committing to Peace*, p. 80.

⁵⁷Walter, 'Designing Transitions from Civil War', *International Security*, pp. 135–7, addresses these short-term risks.

⁵⁸I am grateful here to conversations with Donald Rothchild on the subject, and draw on his work in this area, including Rothchild, 'Reassuring Weaker Parties After Civil Wars', Philip G. Roeder and Donald Rothchild, eds, *Sustainable Peace: Power and Democracy After Civil Wars* (Ithaca: Cornell University Press, 2005); Hartzell, Hoddie, and Rothchild, 'Stabilizing the Peace After Civil War,' pp. 183–208.

⁵⁹Walter, 'Designing Transitions from Civil War', *International Security*, pp. 137–41; Rothchild, 'Reassuring Weaker Parties After Civil Wars', p. 251.

party. Further, democratic institutions cannot be expected to become strong and deeply embedded overnight, and flawed institutional design may prevent the development of strong governments. For example, allocation of seats in representative bodies, such as parliaments or national assemblies, to former members of armed groups, whether in a fixed formula or through competitive elections, tends to produce fragmented membership and may result in governments that lack a clear mandate and must instead cobble together unstable coalitions. In such circumstances, rather than promoting inclusive politics that compel intergroup participation, such arrangements may be destabilizing, as extremist parties may hold sway over centrist ones that require their cooperation to maintain a government. Indeed, this may mean that the competition and mistrust that previously destabilized the country and became conflictual are imported into structures and institutions of governance, destabilizing already weak or dysfunctional institutions.⁶⁰

Further, civil society may either be weak, or further promote the development of parties with extremist agendas. In any event, parties with diametrically opposed views and agendas are unlikely to work well together, as seen in Fiji.⁶¹ This may result in ethnic outbidding, or collapse of coalition governments. Sri Lanka has experienced the first two dynamics, as discussed in Chapter 3. This is perhaps not surprising: levels of trust will be extremely low in the aftermath of internal conflict, and thus each party will seek a maximalist agenda in power, and view attempts by others to do the same with great suspicion.⁶² In short, the security dilemma that makes resolution of internal conflict so difficult may simply be institutionalized or embedded through power-sharing.⁶³

Such arrangements may be further weakened where, as is almost always the case after civil wars, resources are scarce. While groups may be reassured about their ultimate survival, they will be acutely sensitive to any apparent disparities in resource distribution among groups. So, for example, even the distribution of humanitarian aid after the 2004 tsunami has become a contentious issue in Sri Lanka, with the Muslim

⁶⁰This is noted in Andrea Kathryn Talentino, 'Perceptions of Peacebuilding: The Dynamic of Imposer and Imposed Upon', *International Studies Perspectives* 8 (2007), pp. 156–7.

⁶¹Brij V. Lal, 'Fiji's Constitutional Conundrum', *Round Table* 372 (October 2003), pp. 671–85.

⁶²Gurr, 'Attaining Peace in Divided Societies', p. 47.

⁶³Snyder and Jervis, 'Civil War and the Security Dilemma'; Posen, 'The Security Dilemma and Ethnic Conflict'.

community, disproportionately hard-hit by the catastrophe, raising concerns that they are being treated unfairly. More generally, as Victor Azarya notes, 'civility in social conduct may be hard to expect in countries with acute shortages, and extreme gaps between levels of aspirations and accomplishments'.⁶⁴ Donald Rothchild attributes the mixed results of African power-sharing arrangements in significant part to the effects of economic scarcity, structural inequalities, and concerns about fairness.⁶⁵

Power-sharing arrangements may not only replicate social cleavages, but also reinforce or reify them. Insofar as specific arrangements, such as quotas in security forces, resource-sharing arrangements, and the like, track previous divides, real or imagined, they may impede genuine nation building, or a sense of a collective polity. Thus in Sudan, for example, while conflicts over race and religion were real and bloody, they were based around social constructs and partially imagined histories of race in the country and the region, as Amir Idris persuasively demonstrates.⁶⁶ As Rothchild argues:

The polarized and hostile perceptions that contributed to civil war are not transformed by power-sharing arrangements after the peace. These arrangements preserve the separate identities of the former belligerents and include them in the grand coalition at the political centre, which virtually assures limited compromises, but not decisive moves to solve common problems. Without common norms and aspirations, it becomes difficult to maintain a balance of forces, especially where uncompromising leaders, including warlords, enter the cabinet.⁶⁷

Alternatively, power-sharing arrangements might be used by one party to embed its own historical advantage or protect its own interests, as one scholar has argued was attempted by the National Party in promoting discussions of power-sharing in South Africa in the early 1990s.⁶⁸

⁶⁴Victor Azarya, 'Civil Society and Disengagement in Africa', in John Harbeson, Donald Rothchild, and Naomi Chazan, eds, *Civil Society and the State in Africa* (Boulder: Lynne Rienner, 2004), p. 91.

⁶⁵Rothchild, 'Reassuring Weaker Parties After Civil Wars', p. 252.

⁶⁶Amir H. Idris, *Sudan's Civil War: Slavery, Race, and Formational Identities* (Ceredigion: Edwin Mellen, 2001); Amir H. Idris, *Conflict and Politics of Identity in Sudan* (London: Palgrave Macmillan, 2005).

⁶⁷Rothchild, 'Reassuring Weaker Parties After Civil Wars', p. 259.

⁶⁸Michael MacDonald, 'The Siren's Song: The Political Logic of Power Sharing in South Africa', *Journal of Southern African Studies* 18, no. 4 (December 1992), pp. 709–25.

Another scholar has argued that governments offer power-sharing arrangements to insurgent groups to maintain their own advantage, whether they are winning or losing the battle, albeit with divergent effects on peaceful conflict resolution. When conflict has reached a stalemate, the theory claims, the government will use the offer of power-sharing to obscure its own military capacity and seek to win. Alternatively, when either the government or the insurgents have the upper hand militarily, the government offers power-sharing in order to undercut support for the insurgents from civilian and other followers. If this argument is correct, then rebel groups would rightly be suspicious of any power-sharing packages offered them by governments they have sought to overthrow or compel to change through military means.⁶⁹

However, power-sharing arrangements can create tensions whether or not one party seeks to manipulate them to its own advantage. It is important to emphasize that the mistrust generated by concerns about survival, economic distribution, and embedded (mis)perceptions will occur even in the total absence of spoilers. These concerns affect ordinary people as well as their leaders, so even leaders truly committed to compromise and peace have mixed incentives. They are, after all, accountable to their constituents, who in these structures have specifically defined identities and interests. Thus, leaders will be pressed by those constituents to focus only on their narrow interests, whether in political, security, or economic spheres, exacerbating the security dilemma further.

Give democratic governance a chance? The liberal peacebuilding critique

Even as the practice and analysis of peace negotiation and implementation have expanded, so too have the critiques of the dominant paradigms. In particular, concerns have been raised that peacebuilding theory and practice reflect a particular liberal internationalist paradigm, one that relies excessively on developing market economies and

⁶⁹Bumba Mukherjee, 'Why Political Power-Sharing Agreements Lead to Enduring Peaceful Resolution of Some Civil Wars, But Not Others', *International Studies Quarterly* 50 (2006), pp. 479–504. However, this inquiry only examines offers by the government, and is not clear as to how proposals of such power-sharing by international mediators are interpreted. It also only considers proposals after fighting has stopped due to stalemate or military victory, not ones that take place during conflict, or where fighting has ceased due to a negotiated or unilateral cease-fire, as is frequently the case.

certain features of liberal democratic domestic politics as pathways to peace. However, the critique runs, many states emerging from conflict have little or no experience with market economies or democracy, and emphasis on these may be both inappropriate and destabilizing.⁷⁰ It has been argued that democratization, more generally, is highly destabilizing, as the competition it entails may necessarily enhance existing cleavages that helped to engender conflict.⁷¹ Finally, it has been argued that support for democratization and good governance may experience some success while international actors are present, but that after they leave, the incentives for predatory behavior by local elites are sufficiently great that reforms to governance seldom endure.⁷²

It is possible that the particular tools of inclusion I examine here may frequently, although perhaps not always, suffer from the same critique. Some tools of inclusion, such as political power-sharing, are explicitly linked to democratic processes and representation; others, such as inclusion in the security forces or territorial autonomy, may not necessarily be so linked. As such, some tools of inclusion will be more vulnerable to the critique of liberal peacebuilding than others, although some, such as inclusion in the security sector, may have other flaws.

The critique is relatively straightforward: peacebuilding by most international agencies appears to be driven by a single paradigm, liberal internationalism. According to Roland Paris, 'The central tenet of this paradigm is the assumption that the surest foundation for peace, both

⁷⁰Roland Paris, 'Peacebuilding and the Limits of Liberal Internationalism', *International Security* 22, no. 2 (Fall 1997), pp. 54–89; Paris, *At War's End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press, 2004).

⁷¹Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: W. W. Norton, 2000); Edward Mansfield and Jack Snyder, 'Democratization and the Danger of War', *International Security* 20, no. 1 (1995), pp. 5–38. See, generally, Mahmood Monshipouri, *Democratization, Liberalization, and Human Rights in the Third World* (Boulder: Lynne Rienner, 1995). Strong supporters of and technical advisers on democratization such as the non-governmental organization International IDEA also recognize these risks. See Judith Large and Timothy D. Sisk, *Democracy, Conflict, and Human Security: Pursuing Peace in the 21st Century* (Stockholm: International IDEA, 2006), pp. 57–8.

⁷²Stephen D. Krasner, 'Sharing Sovereignty: New Institutions for Collapsed and Failing States', *International Security* 29, no. 2 (Fall 2004), pp. 85–120, proposes that neutrusteeship arrangements or sovereignty sharing may be necessary in some instances, although Krasner's focus is ostensibly not on countries concluding peace agreements, but failing and failed states.

within and between states, is market democracy, that is, a liberal democratic polity and a market-oriented economy.⁷³ This paradigm is underpinned in part by the 'democratic peace' thesis, which holds that democracies are less likely to go to war with each other, and which, it is often argued, results in more accommodating or rule-obeying behavior by states.⁷⁴ The dominant critique of this paradigm does not question its virtues in a general fashion, but rather suggests that it is a particularly poor model for states emerging from armed conflict, and that, paradoxically, given that this paradigm is meant to be a tool of peacebuilding, it is more likely to promote destabilization. As Ted Gurr argues, 'The most dubious expectation of all is that authoritarian states such as Sudan, Iraq, and Burma might be able to defuse ethnopolitical wars by moving toward democracy.'⁷⁵ Often, economic distribution and maldistribution is a key source of conflict, with one or more parties claiming to offer more equitable distribution of resources, as happened in El Salvador. However, simply embedding market forces without dealing with past grievances and already embedded inequities may further embed old grievances or create new ones.⁷⁶ It is for this reason that land reform and other programs are often in demand after conflict, even though they may operate at cross-purposes with marketization.

Whether or not countries are engaged in violent conflict, or have deep social cleavages, there may be reason for concern that certain institutional arrangements of democratization, if not conflict-generating, are a poor fit with the society on which they are grafted. A significant

⁷³Paris, 'Peacebuilding and the Limits of Liberal Internationalism', p. 56.

⁷⁴See, generally, Michael Doyle, 'Liberalism and World Politics', *American Political Science Review* 80, no. 4 (December 1986), pp. 1151–69; Anne-Marie Slaughter, 'International Law in a World of Liberal States', *European Journal of International Law* 6 (1995), pp. 53–81. Compare José E. Alvarez, 'Do Liberal States Behave Better? A Critique of Slaughter's Liberal Theory', *European Journal of International Law* 12 (2001), pp. 183–246.

⁷⁵Ted Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington, D.C.: US Institute of Peace, 1993), p. 138

⁷⁶Paris, *At War's End*, pp. 112–34, discusses this issue in peacebuilding operations in Central America. I have noted elsewhere that these peacebuilding missions may not only have failed to address the underlying sources of conflict, but in many instances may also have failed to cope with ongoing political and social conflict, treating it as mere 'criminality'. Chandra Lekha Sriram, 'Dynamics of Conflict in Central America', in Chandra Lekha Sriram and Zoe Nielsen, eds, *Exploring Subregional Conflict: Opportunities for Conflict Prevention* (Boulder: Lynne Rienner, 2004), pp. 131–67.

literature has suggested that this was the case with the imposition of Westminster-style parliamentary systems in certain countries in the South Pacific. The argument is not that such countries' political cultures are unsuited to democracy, but rather that they are not suited to particular forms of democracy. In particular, winner-take-all approaches to representation are of concern, as they may fail to represent or protect minorities, and may support overly centralized governments.⁷⁷ This critique, of course, is distinct compared to the critique of democratic peacebuilding, although it shares the concern regarding imposition of 'foreign' modes of governance on countries.

The critique of liberal peacebuilding is not, as already indicated, limited to the emphasis on creation of market democracies. It also maintains that the focus on creating functioning electoral democracies may also generate rather than alleviate conflict. Uneven access to political power is often a source of conflict, but simply allowing elections to go forward may not rectify inequalities in access to power due to differential resources, power bases, and experiences, and may reinforce old lines of cleavage or create new ones. Thus, while established liberal democracies may be less prone to violent domestic conflict, the transformation of illiberal and conflict-prone states into such democracies is perilous.⁷⁸ In such instances, then, the liberal internationalist approach to peacebuilding may be said to be flawed. Liberal institutions may be conflict-enhancing, and broader liberalization such as a free media may promote conflict through hate speech, as in Rwanda, where, as Paris argues, the internationally promoted power-sharing arrangements, as well as the vibrant but irresponsible media, helped to precipitate the genocide.⁷⁹ It is for this reason that he advocates a strategy that he terms 'institutionalization before liberalization', which would prioritize embedding institutions and regulations rather than seeking early elections as a sign of democracy, as the international community so often does.⁸⁰ This, as

⁷⁷On constitutional legacies and attempts at revision, see I. C. Campbell, 'The Quest for Constitutional Reform in Tonga', *Journal of Pacific History* 40, no. 1 (June 2005) pp. 91–104. Some have argued that it is not democracy but its current mode that generates conflict in Indonesia. See Leonard C. Sebastian, 'The Paradox of Indonesian Democracy', *Contemporary Southeast Asia* 26, no. 2 (2004), pp. 256–79.

⁷⁸Paris, *At War's End*, pp. 44–6, elaborates on this point, developed previously in Mansfeld and Snyder, 'Democratization and the Danger of War'.

⁷⁹Paris, *At War's End*, pp. 75–6.

⁸⁰*Ibid.*, *At War's End*, pp. 179–211.

indicated, may have particular ramifications for certain incentives, such as political power-sharing, examined in this book. Specifically, many features of the power-sharing strategy, such as representation in parliaments and ministries, may entail early elections, or may more generally involve a competitive political process that could well turn conflictual. Beyond the security dilemma and the potential risks of liberal peacebuilding, two problems in peace processes and implementation are particularly critical: spoilers who may actively seek to undermine agreements, and armed groups who may genuinely seek to implement them but lack the political and technical capacity to do so.

Spoilers

Given that not all participants in peace negotiations will behave in the same fashion, it becomes important to attempt to distinguish between those who are negotiating in good faith, and those who are not. Obviously, there may be little point in seeking to identify incentives for those who will simply accept them but then return to fighting as soon as the opportunity arises. While this book focuses only on armed groups, I do not mean to suggest that only they can undermine the peace process: the literature makes it quite clear that governments, too, can be and often are 'spoilers'.⁸¹ So what, exactly, is a spoiler, and how might spoiler behavior vary? Spoilers are 'leaders and parties who believe that peace emerging from negotiations threatens their power, world-view, and interests, and use violence to undermine attempts to achieve it'.⁸² Spoilers may also undermine implementation of agreements once reached, accepting incentives but reneging on their own concessions and returning to armed conflict. An example of this, which will be discussed in further detail in Chapter 2, is the return to fighting by Foday Sankoh and the Revolutionary United Front in Sierra Leone after the 1999 Lomé peace agreement.⁸³ Spoilers, however, are not all 'Foday Sankohs': they vary in their behavior. Stephen Stedman offers a useful typology of spoilers and their aims: limited, greedy, and total. Limited

⁸¹Stedman, 'Spoiler Problems in Peace Processes', pp. 5–53, pp. 32–6, discusses in particular the state of Cambodia as a spoiler in negotiations.

⁸²Stedman, 'Spoiler Problems in Peace Processes', p. 5.

⁸³See, generally, John Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy* (Boulder: Lynne Rienner, 2001). See also Michael Pugh and Neil Cooper, with Jonathan Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (Boulder: Lynne Rienner, 2004), pp. 91–142.

spoilers have limited goals, such as power-sharing or redress of grievances, while total spoilers have total goals, such as complete power. Between them in the continuum are greedy spoilers, who have goals that may vary depending on their own calculations of opportunity and risk; they may also be viewed as opportunistic.⁸⁴

The identification of spoilers, and variation among them, produces an important policy recommendation: different groups must be engaged in different ways. It may seldom be possible for negotiators, be they internal or international mediators, to ever satisfy total spoilers. Thus it is important to recognize them as such, lest they undermine negotiations. Limited spoilers may be engaged, albeit with limited concessions, as may greedy spoilers, albeit with the recognition that their goals will likely expand.⁸⁵ This guidance may assist policymakers in determining which enticements to offer which groups, if any at all. However, while these insights are important, they may not suffice, as they may not distinguish sufficiently among types of group goals and incentives. Further, they may not account sufficiently for groups and individuals who may undermine peace deals because they do not trust institutions of governance, or do not trust that those within them will adhere to the deals that have been reached.⁸⁶

Beyond spoilers? Group goals and incentives

The spoiler typology is helpful, but only up to a point. It emphasizes the categorization of behavior, but does not provide insights into the interests and incentives of groups that may drive such behavior. That is to say, total spoilers may seek to attain absolute political power, and may also then wish to administer it, or they may simply seek to extract the maximum wealth from a country, while having little or no interest in governing it. Their demands and behavior will be noticeably distinct. The literature on conflict, of course, does categorize types of conflict and the goals sought by combatants in a variety of ways, most often categorizing goals broadly as politico-economic or ethnic. Politico-economic goals can and ought to be further disaggregated, as each may be for traditionally 'legitimate' aims, such as fair participation in politics and equitable distribution of resources, or for what are commonly referred to as 'illegitimate' aims, such as corruption, abuse of power, and

⁸⁴Stedman, 'Spoiler Problems in Peace Processes', pp. 9–11.

⁸⁵Ibid., pp. 14–17.

⁸⁶Talentino, 'Perceptions of Peacebuilding', p. 157.

predation. This, in the late 1990s, was referred to as the distinction between 'greed' and 'grievance', although these categories were clearly overdrawn.⁸⁷

At base, power-sharing seeks to do two things. First, to reassure weaker parties that they will not be eliminated if they lay down arms and enter democratic or at least civilian politics. Second, to develop or strengthen broadly representative forms of government through including armed groups. These are goals consistent with a liberal peacebuilding agenda, and this approach also acknowledges that many groups are not intransigent spoilers, but rather are concerned with survival.⁸⁸

Transforming armed groups and the problem of capacity

However, power-sharing is made more problematic because many armed groups, however willing to engage in legitimate political processes, lack political experience or expertise, and seldom have the technical capacity to formulate political platforms, run complex election campaigns, or participate, if elected, in complex legislative and bureaucratic processes. They are what have been referred to as 'democratic novices'.⁸⁹ The challenges of bringing them into peaceful political competition are then twofold: transforming old habits and building capacity. First, transforming old habits involves retraining leaders and cadres to solve disputes not through violence or coercion, but through legal and political means. For fighters who have been 'in the bush' for years or decades, this may be a hard sell. Even if leaders of armed groups are convinced that the trade-offs are worth it, the rank and file may fear a radical change in lifestyle, an inability to support themselves, and a loss of status as well as income. And these fears are appropriate, as many of the skills needed to fight an internal conflict do not translate well to civilian life, other than through violent crime, and DDR packages are no guarantee of future employment.

Second, in most cases, both leaders and cadres in armed groups will lack the capacity to engage in competitive politics and complex bureaucracies. Further, especially the cadres, but also even the leaders, may

⁸⁷See, for example, two edited volumes that frame but also challenge the distinction: Mats Berdal and David M. Malone, eds, *Greedy and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner, 2000); and Karen Ballentine and Jake Sherman, eds, *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder: Lynne Rienner, 2003).

⁸⁸Rothchild, 'Reassuring Weaker Parties After Civil Wars'.

⁸⁹Walter, 'The Critical Barrier to Civil War Settlement', p. 340.

lack formal education, due to poverty and discrimination, or because they took up arms rather than attending school. Many will be illiterate, and where the leaders of armed groups are also illiterate the challenge is that much greater. In such instances, leaders and followers will be wary of trying to engage in a complex and unfamiliar political process, and if they do so, may be easily outmaneuvered by experienced professionals among their former adversaries. This phenomenon is well illustrated by the experience of the SPLM in the central Sudanese government following the Comprehensive Peace Agreement: those SPLM leaders who were appointed to head ministries found themselves consistently ignored or outmaneuvered by experienced Sudanese civil servants. Further, building capacity in the south of Sudan has been hampered by the broad illiteracy of all but a few SPLM members and leaders.

The perils of power-sharing: a critique of liberal peacebuilding and 'institutionalization before liberalization'

The critique of liberal peacebuilding so cogently made by Paris and others clearly applies to the use of power-sharing and other incentives in peace negotiations and implementation. Peace accords and peacebuilding processes of this model very clearly seek to promote democratization, and many also seek to promote economic liberalization, regardless of whether the political or economic situation in the country can easily accommodate these reforms. However, the emphasis on institutional arrangements, whether through power- or resource-sharing, territorial autonomy, or inclusion of former members of armed groups in state security forces, would appear to be in line with Paris' partial solution to his own critique of peacebuilding: 'institutionalization before liberalization'. That is to say, the emphasis on allocation of political posts, or of resource shares, or of posts in security or military forces, or even of nominal or significant control over territory, are sought as means of institutionally embedding a negotiated settlement. Indeed, they are conceived of as tools to reassure groups regarding their security, political future, and prosperity, in part because of the recognition of the instability and security dilemmas that can arise during peacebuilding and democratization. However, as shown in the case comparison and the core country studies presented in successive chapters, 'institutionalization before liberalization' is far from a solution. Rather, institutional design and incentives may lock former combatants into state structures, and may import not only competition but also cheating and outright conflict into these structures. They may allow peace agreements to be reached without final accord on difficult

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substantive issues, but these issues will then have to be dealt with by weak, nascent, or corrupt state institutions.⁹⁰ If parties engage in significant cheating, and levels of mistrust are high, and institutions cannot manage competition and conflict, a breakdown of the peace agreement itself may follow.

Creating 'spoilers'

Finally, such inclusion arrangements may run the risk of creating 'spoilers', in some sense of the term. There has been much discussion of the dangers of negotiating peace agreements in which all combatant parties are not involved. Clearly, groups that have seen fit to use violence to achieve their goals, and have chosen not to engage in negotiations, are unlikely to stop fighting simply because other parties have reached a peace. Indeed, they are likely to do everything possible to undermine negotiations, and to attack those parties that are talking peace. For example, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia [FARC]) engaged in attacks on the National Liberation Army (Ejército Liberación Nacional [ELN]) when the latter sought to negotiate with the government in earnest. This has led some to conclude that peace agreements will fail if they are not inclusive. While there is some debate, a recent World Bank study has suggested that partial peace (a peace in which some but not all combatants are party) is feasible.⁹¹ Nonetheless, as the case studies demonstrate, a different problem may arise. Peace agreements that include all of the main combatant parties may still create spoilers if they exclude groups with serious grievances that, so far, have not taken up arms. This in part explains the mobilization of rebels in the east and the Darfur region of Sudan, as well as the radicalization of Muslims in the east of Sri Lanka. Clearly, not every potential political or military actor can sit at the peace table – this would make negotiation unwieldy and key combatants would refuse to participate. However, when the types of incentives discussed here are being offered, a real or perceived zero-sum game may emerge, and excluded parties could rapidly seek to spoil the process.

⁹⁰See Marie-Joëlle Zahar, 'The Limits of Power-Sharing in Post-Civil War Settings' (2006) [draft on file with author], for an excellent discussion of the perils of using institutional design to defer decisions on substance.

⁹¹World Bank, 'Partial Peace: Rebel Groups Inside and Outside of Civil War Settlements' (2007), available at <http://siteresources.worldbank.org/intconflict/resources/partialpeacenilsson.pdf>.

Implications

This chapter has surveyed a range of arguments and policy developments concerning peacebuilding. Central to these are two developments: the increased emphasis on inclusion tools to alleviate security concerns of combatants as well as to substantively address some of their demands, and the critique of liberal peacebuilding and the promotion of ‘institutionalization before liberalization’. I have suggested that inclusion tools have some potential merits, but also that they may be subject to some of the critiques that are made more widely of liberal peacebuilding. I have further suggested that inclusion tools are consistent with the ‘institutionalization before liberalization’ prescription, but that this prescription itself has flaws. There are many risks, as the case studies in this volume illustrate: the incentives offered may be of relatively little interest to groups or fail to alleviate their mistrust, or the groups may prove unable to take advantage of them once implementation begins; the conflict itself may become institutionalized and destabilize the process; and inclusion agreements themselves may contribute to the creation of new spoilers. None of this is to detract from the potential of these tools, but rather to suggest caution in their use.

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