

**Implementation and Its Effects on Building and Sustaining Peace:
The Effects of Changing Structures of Incentives***

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“The aftermath of war requires no less skill, no less sacrifice, no fewer resources than the war itself, if lasting peace is to be secured.”

Kofi Annan¹

The transition from a founding election to a self-enforcing conflict management system after a civil war is an uncertain and complex undertaking. Generalizations about the process are problematic because of various types of conflicts and outcomes. Each case reveals different levels of conflict intensity, duration, and internal party unity. Varying mixes of insecurity and predatory behavior are also at work. If those engaged in the peace process are unable to overcome collective fears of the future, the society will be vulnerable to increased manipulation by predators; if predators are not dealt with effectively, fears of exploitation and vulnerability will escalate.² These two elements in the peace implementation process are intertwined

Yet some variance is evident between the leaders and their supporters on the mix of predation and fear. Because the general public tends to be more concerned than the leaders with the fear side of the equation, it is important for peace implementers to concentrate on creating a secure political environment. A primary focus on security issues during the transition to a self-enforcing peace therefore seems essential. After that is achieved and regularized patterns of relations are established, the ruling coalition will, if it is determined and responsible, be in a better position to deal with predatory activities.

During implementation, the acute fears of the short-term military/security-building phase (such as concerns over “cheating” or surprise attack) are partially superseded by the diffuse uncertainties of the institution-building phase, where former enemies must learn to occupy the same political space and develop stable and effective constitutional structures for a durable peace. Although in some cases mediators can attempt to bridge the challenges of disarmament and institution-building simultaneously (Northern Ireland 1998), effective short-term implementation is often required to lay the foundation for a long-term development of state norms and institution-building. Patterns of cooperative behavior cannot be fully accomplished until after the military/security-building phase (the verification of the cease-fire, the cantonment of troops, demobilization, disarmament, and initial efforts to reintegrate the armed forces) has been largely achieved, and leaders and the public concentrate on coping with the arduous

challenges of institution-building and economic development.

With peace in place, the adversaries find themselves more and more on their own, compelled to build on their own internal and intergroup reciprocities and political exchange relations to ensure stability. Conflicts between state and society and within the parties themselves can be anticipated; in this respect, intra-Unionist strategic interactions in Northern Ireland are perhaps more important than those between the parties themselves. To the extent that these strategic interactions become bounded by an informal or formal conflict management system, cooperation can be anticipated through ongoing bargaining encounters at multiple levels.³ Where such a framework takes hold and the public comes to embrace the new political institutions (or rules of competition), the regime can be expected to provide all sides with a stake in maintaining the agreement.⁴ Then, as trust in institutions and rules of relations grow, the likelihood increases that agreements will be successfully consolidated. Encouraging examples of reciprocity and bargaining success during implementation include Nicaragua, El Salvador, Guatemala, Namibia, Mozambique, Lebanon, and possibly Liberia.

With the negotiations over a settlement of a civil war, the bargaining parties generally seek to maximize their political, economic, and security interests well into the future. This leads to problems regarding the designing of the rules of political relations, because the short-term security concerns of the bargaining parties may be at odds with the long-term institution-building needs of the society. Not surprisingly, incentives may change significantly during the post-agreement period -- from terminating war to the political struggle to enhance individual and group interests. A prerequisite for a durable peace is the existence of stable societal relations. Such interactions involve a consensus over the political rules that is sufficiently strong to survive defeats on specific issues after the official third party has withdrawn from the country (although not the monitoring role of local and transnational NGOs).⁵

The difference between short- and long-term incentive structures arises most clearly over constitutional design issues relating to the nature of individual and group political representation and participation. Following a civil war, weaker parties, fearing their vulnerability in a reintegrated political order, often attempt to exchange cooperation for measures in an agreement that provide an element of political certainty about the future.⁶ For example, the spokespersons for weaker interests often seek long-term constitutional mechanisms that provide them with an assured share of political power and an access to a fair allotment of public resources, regardless of which set of political elites assumes office. But this effort to achieve political certainty can create problems of statecraft that may defy solution. Not only is it extremely difficult for one cluster of leaders to bind their successors, but the protections for group security that seemed so critical to leaders at the time of the peace negotiations may be overtaken by events later on and come to appear irrelevant, even counterproductive, in the altered circumstances of the post-settlement political landscape. Constitutional provisions to ensure group participation may thus have a perverse influence over time, reifying old group identities, displaying a lack of responsiveness to changing social concerns, and failing to adjust to the shifting demographic patterns in their society.

In light of this possible tension between immediate military/security confidence-building needs and longer-term requirements of governance, this chapter focuses primarily on reconciling these different thrusts in an effort to achieve durable settlements. It examines the arenas of intragroup, state-societal, and interstate relations, and asks two related questions. First, what political and institutional strategies and choices can be expected to reassure political minorities in the short term while creating the incentives to maintain a stable and self-enforcing peace after the initial military/security-building challenges have been dealt with? And second, because state institutions are often weak in post-civil war circumstances, enhancing the importance of identity groups when the state is unable to offer security or economic well-being, how can state capacity be strengthened while at the same time restraining the majority-backed government's exploitation of minority interests?

After examining the role of implementers in facilitating choice, the chapter will analyze the costs and benefits of the two main strategies for representing groups in institutions of state after civil war -- security arrangements based upon group rights and representation, and those based on individual rights and participation in a unitary state. It will then examine three mechanisms, the principle of proportionality, proportional representation, and cultural and social protections, that can cut across these grand strategies. Finally, because sustained bargains on political representation and participation involve more than making appropriate choices on institutional design, it will discuss six factors that nurture bargaining success: respect and goodwill, the presence of a legitimate and effective state, an active civil society, protection of human rights, productive programs of economic reconstruction and redistribution, and external protections during the transition process.⁷ The presence of many of these internal, institutional, and external nurturing factors can be expected to strengthen the state's capacity for effective governance while reassuring minorities as to their future.⁸ An appropriate constitutional design combined with the six nurturing factors outlined above may, in favorable circumstances, facilitate the stability of some post-settlement bargains.

The Role of Implementers in Facilitating Choice

In attempting to lessen security risks when implementing a conflict management system and strengthening state control to enable it to regulate predatory behavior, the presence of an international third-party communicator, mediator, verifier, and, at times, enforcer can play a variety of roles, especially during the difficult military/security-building phase.⁹ As Steven Ratner argues, these roles can complement each other, with the third party's activities as mediator increasing its ability to act as a verifier or enforcer. At the same time, Ratner notes that these roles may be in conflict. "Mediation," he argues, "is a lengthy process; and the UN's participation as mediator may lend legitimacy to a violator of the accord and lead local factions and outside states to question the UN's determination to proceed with the administrative duties."¹⁰

Provided that the third party has support from its home country or organization, the backing of a coalition of countries in the region, and a preparedness to make use of the array of pressures and incentives at its disposal, it can be expected to play an important part in facilitating local choices on rules of state-society relations. Third parties change the structure of the encounter, adding another party to

the conflict relationship. Normally the effect is to stabilize the bargain during its early, difficult phase, The third party can help to keep the channels of communication open, provide information on the intentions of adversaries, encourage the parties to reconsider their options, and influence the strategies of actors through the use of noncoercive and coercive incentives.¹¹ The outcome may be a reduction in the costs and risks of accepting and maintaining agreements.

An example of a mediator playing an important role as a go-between during the difficult transition period (after a cease-fire went into effect and demobilization and disarmament began) is Aldo Ajello, an Italian diplomat who previously served as the Special Representative of the UN Secretary-General in Mozambique. Ajello described himself as the presiding official responsible for steering Mozambique's peace process through the military/security phase of implementation.¹² In Ajello's words, the United Nations was an "engine moving the peace process." As its presiding officer in Mozambique, he used his influence to mediate between the Mozambican parties and to press them to live up to the terms of their agreement. On one occasion, for example, Ajello and other UN officials, seeking to push Renamo leader Afonso Dhlakama to demobilize his troops, threatened to pull out UN peacekeeping forces and leave Renamo to deal with its problems on its own -- unless the insurgent movement lived up to its promises on demobilization. In Mozambique, then, the third party played a critical role in negotiating between the main adversaries, encouraging them to deliver on their military/security-related commitments under the peace accord.

The knotty challenges of securing consent for agreements from multiple actors, monitoring cease-fires, disarming and demobilizing troops, reintegrating the armed forces, organizing an electoral system, and establishing institutions for a durable peace are critical for achieving the goals of both military/security- and institution-building. Because of the facilitative role that external actors play, these are matters best approached early on, while external peacekeepers are still actively engaged on the scene. In Guatemala, for example, the presence of the UN mission (Minugua) helped in various ways to promote an enduring peace, especially by reassuring the rebels about a joint commitment to enforce the human rights provisions of the accords.¹³ In attempting to overcome uncertainty, the third-party actor was contributing to the main objectives of implementation: the termination of the civil war and the creation of the norms and institutions for a self-implementing peace process. Where no mutually acceptable third-party is available, as in Sri Lanka after the withdrawal of Indian peacekeepers, it is extremely difficult for the adversaries to begin the healing process on their own, overcoming essentialist perceptions and setting guidelines for an ongoing and beneficial post-conflict encounter.¹⁴

At the same time, it is important to recognize the limits of a third-party enforcer's capacity for facilitating the implementation of peace accords. The third party can seek to protect a multiethnic and united society, as in the case of the NATO-led peacekeeping force in Kosovo, but if loosely-controlled local militias are determined on harassment and violence, the peacekeepers may find themselves powerless to halt the disorder. Third parties can, at best, verify the facts and persuade local leaders that it is in their interests to implement agreements, manipulating pressures and incentives to organize the transition, and help shape the initial post-conflict institutions. In the end, however, the task of

developing enduring rules and institutions must be left to the various rival elites and their supporters.

Consequently, if the strategies of third parties run up against staunch local resistance, as in Rwanda, Sri Lanka or Cambodia, bargaining failure may be difficult to avoid. With hostilities sharpened and fears exacerbated, not everyone is willing to live alongside others in the same state. If leaders are determined upon partition or full separation and independence, as was the case with Liberation Tigers of Tamil Eelam (LTTE) strongman Velupillai Prabhakaran in Sri Lanka, a mediator may have little room for maneuver. And what seems applicable to a particular conflict in one time period may not be so in another.¹⁵ Thus, a promising initiative in establishing some controls on police activities in Haiti in the early stages of the conflict proved disappointing at a later date.¹⁶

Grand Strategies of Intergroup Relations

In conceptualizing the central issue of grand design for representing groups in state institutions, this chapter starts by probing two basic designs used by mediators and those crafting laws for establishing sustained community relations while peace is being consolidated. The first involves political and security arrangements grounded upon formally-based, group rights arrangements; the second consists of political and security systems resting upon individual rights and participation in a unitary, centralized state. How do these designs structure incentive patterns to build a stable, ongoing relationship among the main parties in the post-civil war period? What are the benefits and costs of making use of these different approaches for managing conflict? And what success have third parties had in encouraging the bargaining parties to agree to institutions that will allow for a reconciliation of the needs for group security and constitutional change as new circumstances arise?

Of all the choices encountered by those engaged in the institution-building phase, none is more crucial than designing the representational basis of political institutions. The protocol on power sharing within the Broad-Based Transitional Government was at the heart of the 1993 Arusha Peace Agreement on Rwanda, and where, as in that country (or Cambodia in 1989), the factions were unable to implement a viable formula for sharing power, it contributed significantly to the failure to put the peace settlement into effect.¹⁷ To be sure, classifications based on such related issues as electoral and party systems, presidential and parliamentary regime patterns, and the presence or absence of security safeguards are also important; nevertheless, in this chapter, I concentrate on the decision in the agreement to share or not share group power as the core principle of post-settlement cooperation.¹⁸ For example, the power-sharing formula, and the way it shifted from the old National Pact of 1943 to the 1989 Ta'if Agreement in Lebanon, can be viewed as the guiding principle of the country's constitutional life.¹⁹ I will therefore focus on the two main macro-analytical options facing state-builders after civil wars: political systems founded upon group-based security-building principles, and systems built upon individually-based security-building measures. Such a distinction is particularly relevant to institution-building after civil wars, when the bargaining parties must deal with especially strong feelings of ethnic, regional, religious, linguistic, class, and ideological insecurity.

Following the negotiated settlement of a civil war, long-term trade-off choices can be

particularly difficult for party leaders to make. Those designing post-civil war institutions are likely to be constrained by the political elite's ties to past practices, the preferences of post-civil war elites and sub-elites, and the predilections of external mediators and donors, as well as by the lack of financial, technocratic, and bureaucratic capabilities to put their preferences into effect.²⁰ The reality on the ground often features weak states with fragile administrative structures, frail norms, underdeveloped civil societies, and collapsed economies.²¹ Unlike a stable conflict management situation, where institutional rules are widely understood and acquiesced in (even accepted) and large political choices on state-society relations become minimal in nature, the post-civil war state frequently lacks the capacity to translate its decisions into authoritative rules applicable to the society as a whole.²² The weak state is unable to penetrate and integrate the society nominally under its control and therefore often has little option but to negotiate with powerful class and identity group leaders to achieve system goals.

Despite their general ineffectiveness, institutions of governance can still make a difference in the way they are designed to manage societal conflict. In the context of a weak state environment at the time the peace negotiations take place as well as during the implementation process, the choice of grand design influences and reflects the balance of group power. The structuring of relations that occurs may involve a direct process of centrally-imposed order or an indirect process of accommodating to the reality of decentralized power among autonomous actors, with different effects on the ruling coalition's ability to craft its desired policy objectives.

Given the limited political and economic resources at the disposal of local state-builders and third parties for reorganizing and rebuilding the country after civil war, realistic assessments of the situation on the ground therefore become critically important. Practitioners must determine how scarce resources can best be used to achieve immediate military-security objectives, but not at a price that will create constitutional rigidities that will stymie subsequent reformulation. Hence, negotiators must make critical judgments about the linkage of short-term political, economic, and social goals and long-term institutional objectives. This is a complex task, because the uncertainties of the immediate post-settlement period give rise to a political climate of inflexibility that complicates later efforts for change.

Formal Group-Based Security-Building Systems

Formal group-based measures of political representation are largely a response to a political environment marked by deep-seated collective security fears as well as continued state weakness and unreliable information about the intentions of rival elites. Ethnicity (and related identities) are viewed here as a reflection of social interactions, not a predetermined and fixed reality. As the state fails to protect its citizens and to provide for their well-being, the importance of the identity group is enhanced, largely because of its ability to offer security to its members. What exacerbates tensions is not ethnicity and religion per se, but the breakdown of regularized interactions, a process that can occur before or during the implementation of agreements. Such breakdowns prolong intergroup anxieties and suspicions, gravely complicating the tasks of creating or reconstructing overarching rules and institutional arrangements. Even during the later phases of the implementation process, the state may still be unable to perform its primary task of protecting all its citizens, and group members can remain, for the purposes

of their security, ensconced in the apparent safe sanctuary of their ethnic or other identity group confines (or "containers").²³ In worst cases, where political or militia leaders magnify these residual fears to preserve the unity of their group (against internal and external rivals), the effect may be to perpetuate intense conflict.

In these circumstances, one approach to the problem of gaining agreement to new institutions is to build on existing configurations of power, seeking, as in Lebanon, Sierra Leone, and Northern Ireland, to accommodate state and societal elites through a continuum of power-sharing measures. As used here, power-sharing refers both to constitutional norms calling for the inclusion of minority parties and major ethnic and religious group representatives in the legislature, government, and administrative positions of the country, as well as to the laws or constitutional arrangements providing for territorial or functional decentralization or electoral systems. Unless group interests feel that they have a degree of certainty about the future, they may hesitate to accept a binding agreement ending a civil war. As Ben Reilly and Andrew Reynolds argue, "Transitional democracies, particularly those moving from a deep-rooted conflict situation, typically have a greater need for inclusiveness and a lower threshold for the robust rhetoric of adversarial politics than their established counterparts."²⁴ Where the majority is prepared to accept some form of group representation during the negotiations on an agreement, it signals its willingness to recognize the legitimacy of its opponents and indicates its preparedness to work with these rivals to solve joint problems.

The effect of such arrangements is more mixed. On the one hand, concurrence on group representation signals to minorities that they will share in the control of the state and therefore be in a position to protect their interests after the agreement is implemented. This reassures weaker parties that they will not be marginalized, giving them an incentive to sign on to the contract. Thus, provisions on power sharing were included in Sierra Leone's 1999 Lomé peace accord, and, in line with these guidelines, insurgent leader Foday Sankoh was selected to head the powerful commission on minerals and national reconstruction and four Revolutionary United Front (RUF) members were appointed to the cabinet.²⁵ On the other hand, as the agreement is implemented and the incentives of the stronger parties change from reassuring the weaker parties to those of governance, new uncertainties may arise.²⁶ Particularly where militia organizations seize control and act highhandedly toward other groups or where military commands or single-party political machines emerge and rule in an overbearing manner, power sharing can prove a brittle safeguard for minority interests. The instability of post-settlement constitution-building in Cambodia and Angola serves as a warning about the potential brittleness of formal power-sharing institutions.²⁷ This brittleness makes it essential for mediators and negotiators to be wary of overly optimistic assumptions regarding the durability of such power-sharing mechanisms and to concentrate as far as possible on building robust institutions that will be able to endure the uncertainties of the future.²⁸

Although group-based security-building measures represent a relatively easy means of signaling the dominant coalition's willingness to respect the weaker party in the period following a negotiated settlement, the structure that these arrangements impose upon future state-society relations may prove to

be an impediment to stable and effective governance. To the extent that such schemes perpetuate a struggle among identity and ideological interests, they can complicate the state's tasks of governance and state-building and thereby can become the source of political instability. Under group-based arrangements, collective loyalties tend to look inward to the communal group rather than outward to the state. Extreme, outbidding politicians may heighten fear-inflating themes, resulting in incentive patterns that can deflect concern away from the development of intergroup trust and the emergence of an overarching vision of a community-wide future. Not surprisingly, where political actors are identified along group-based lines, as in Lebanon, the resulting "knowledge structures" have proved more durable than anticipated at the time the peace accords were signed.²⁹ Thus, the group-based system among confessional (religious) groups underlying Lebanon's Ta'if agreement has defied the logic of ending the politicization of religious groups that some local observers viewed as the preferred basis for a long-term relationship.³⁰

Because constitutional arrangements reflect different social contexts and power balances, they inevitably vary enormously from one another. In practice many post-settlement designs have not been exclusively group or individual-based but have been applicable to both security formulas simultaneously. The use of mixed principles reflects a concern to reconcile state authority with reassurance for minority parties, signaling to weaker parties a limited preparedness to adjust to their political, security, and economic needs in order to gain their cooperation during the post-civil war period. In Zimbabwe, President Robert Mugabe carefully avoided a formal power-sharing cabinet arrangement, while accepting a proportional representation (PR) system and the inclusion of 20 white members out of 100 in the lower house elected on a white communal roll for at least the first seven years.³¹ Mixed principles were also evident in El Salvador. Although there was no formal provision in peace agreement for power sharing, the peace agreement did stipulate that twenty percent of the members of the new National Civilian Police force would consist of former members of the police and insurgent troops.³² And although the Rome Peace Accord in Mozambique did not provide for formal provisos on governmental power sharing, the agreement did stipulate that the government and RENAMO were each to contribute fifty percent of the total strength of the newly formed Mozambican armed forces.³³ Such pragmatism on the part of dominant coalitions accepts the authenticity of group uncertainties and results in institutional arrangements that seek to accommodate the demands of identity, ideological, and other interests for political representation.

At this point, it is appropriate to analyze two major group-based, institutional mechanisms used after civil wars to design state-society relations: elite pacts and schemes of regional autonomy and federalism. Three other important instruments that can be fashioned to protect minority interests -- the application of the principle of proportionality in recruiting group representatives to high office, electoral formulas to ensure group political representation, and group cultural and social protections -- are left for subsequent discussion because of their relevance to both group-based and individual-based security-building systems. Decisions on the use of these formal and informal devices to overcome uncertainty largely reflects the interests of the ruling coalition at a particular point in time and can be expected to shift as coalitions change and new incentives emerge. The possibility of a shift from a group-based to an

individual-based security arrangement as confidence increases must not be ruled out, as the experiences of Colombia and South Africa indicate. I will examine the political logic of each mechanism as an institution-building arrangement, the likelihood that such a tool can survive the late stages of the implementation process, and the impact that such mechanisms can be expected to have on a country's political stability and ability to achieve its economic and social goals.

One caveat is important at this juncture. In the discussion that follows, secession and sovereign statehood following a civil war will not be treated as a separate category, because the separating, territorially-based group will no longer share the same political space with the remaining community. Even so, territories that secede will rarely be homogeneous unless they were effectively "cleansed" (e.g., Krajina in Croatia).

1. Elite pacts. When the state is weak and unable to enforce the peace in the post-civil war period, and when influential political and ethnoregional elites feel threatened by the prospect of rule by majority-backed governments in a centralized state, the main group leaders may craft power-sharing arrangements that institutionalize their participation in political decisionmaking.³⁴ The nature of elite participation in these institutional arrangements reflects the configurations of political and military power in their society. The leaders included in the pact may be drawn from diverse constituencies -- such as political parties and factions, business interests, the military, warlords, and ethnoregional notables, while others, from less powerful groups, may be shut out of positions of power under this arrangement.

What pact members share in common is a limited set of political rules that will promote political stability and minimize threats from rival interests. The critical element frequently involved in these post-settlement agreements is protection of identity group interests from threat. Timothy Sisk, emphasizing the defensive dimension, describes pacts as "mutual security agreements in which parties forswear the use of violence to achieve their aims in exchange for protection under agreed-upon rules of the political game."³⁵ Preliminary research indicates that identity-based pacts (Somalia, Liberia) tend to involve greater problems of commitment than their socioeconomic counterparts (Colombia and Venezuela), possibly indicating the identity groups' lower level of information about the intentions of their adversaries.³⁶

In an effort to reduce conflict among themselves, the members of identity-based pacts negotiate procedural rules to protect their interests during a transitional period. These rules, often informal in nature, may provide for shared decisionmaking on specified issues, the exclusion of other issues from government jurisdiction, the assignment of administrative positions, and the allocation of state revenues. Pacts are typically very temporary institutions, dependent upon the maintenance of balanced elite power and a preparedness to resolve conflicts among pact members through ongoing bargaining encounters. Because pacts are negotiated in dynamic political contexts, where group demographics, internal and external military alliances, and economic opportunities shift, the bargaining relationship is not likely to remain a static one. Elites may have incentives to mobilize their communities to demonstrate power at the political center, heightening intergroup tensions. The lack of a third-party enforcer on the scene

requires that elites engage in continuing bargaining interactions. These elites fear that any significant concessions of their autonomy will be interpreted by their rivals as a sign of weakness. Consequently, elite pacts can be expected to display considerable fragility over time, as a changing balance of group power and the possibility of outbidding lead to new conflicts and institutional relationships.

The case of Liberia is instructive in this regard. After years of warfare, the five main militia chiefs agreed in 1995 at Abuja to a collective presidency and cabinet. Unable to win an outright victory, these militia leaders accepted a loose power-sharing arrangement to minimize the threat that each leader posed to the others.³⁷ For Adekeye Adebajo, this "was a desperate attempt to buy peace by offering the faction leaders the spoils of office."³⁸ However, the flimsiness of this arrangement soon became apparent. Former adversaries Charles Taylor and General Alhaji Kromah joined forces in 1996 to attack another pact member, General Roosevelt Johnson. A firefight erupted between their opposing militias in Monrovia and could only be halted when the foreign ministers of the Economic Community of West African States interceded and renegotiated the fragile pact.

Elsewhere, pact solutions have been rejected as sources of instability, paralysis, and ineffectiveness. In Somalia, the UN, with active support from Ethiopia and the United States, sought to negotiate a pacted arrangement among the 15 main warlords and some civil society representatives at Addis Ababa in March 1993. Although many of the assembled delegates did agree to a pact of militia leaders, the arrangement remained stillborn because the two main warlords, General Mohamed Farah Aidid and Ali Mahdi, displayed "a vested interest in continued conflict and instability."³⁹ In Guatemala, as William Stanley and David Holiday emphasize, the pact between the two main groupings in that country does little to build a consensus to implement vitally-needed reforms, while in Lebanon the pact of three presidents has strengthened cleavages among confessional groups leading to a paralysis of decisionmaking on critical issues.⁴⁰ In brief, elite pacts hold out the prospect of considerable autonomous power for the political elites included within the decisionmaking sphere, but the extension of such autonomy results in temporary and unstable solutions in a dynamic post-civil war context.

2. Regional autonomy and federalism. In Bosnia, Kosovo, Ethiopia, Chechnya, and the Philippines, peacemakers have used various forms of territorial autonomy to respond to minority demands to empower them with important political, social, and cultural functions at the regional level and thereby to allay their fears of majority domination and exploitation. Territorial decentralization can help to overcome group insecurity about its future by sending reassuring signals to minority interests about their autonomous powers for dealing with certain local matters. Under a formal federal system, the constitution divides state power between central and regional governments, "each of which, in its own sphere, is co-ordinate with the others and independent of them."⁴¹ Whereas centralized federal systems are marked by very asymmetrical state-regional relations, decentralized federal arrangements display broad powers of autonomous decisionmaking over regional affairs.

Regional autonomy involves a grant by a law, treaty, or constitutional arrangement of specific

powers and responsibilities to a regional authority or authorities. Success in designing autonomy arrangements after civil war entails setting out the details of this division of power precisely and requires a willingness on the part of political leaders to act with restraint.⁴² This grant of authority to a region can sometimes have unintended consequences. For example, because the regional government has jurisdiction over all the people interspersed within its territory, this may mean that an ethnic heartland area's limited self-determination will result in the creation of new ethnic, religious, or other minorities.⁴³ Thus, when a broadly autonomous Kosovo emerges after the implementation of the peace agreement, the remaining Serbs will find themselves governed by a predominantly Kosovar leadership, possibly resulting in societal tensions and self-determination demands.

Because territorial decentralization can be formulated to accommodate well-entrenched and spatially-separated identity groups, it is viewed as a useful institution-building mechanism by many people involved in crafting post-settlement designs. For example, political autonomy was the guiding principle underlying the 1996 agreement between the government of the Philippines and the Muslim secessionist Moro National Liberation Front; even so, the autonomy arrangement set up under this agreement is still not acceptable to one of the opposition groups, the Moro Islamic Liberation Front. In Ethiopia, following the defeat of the authoritarian and centralist-inclined regime of President Mengistu Haile Mariam in 1991, Meles Zenawi, the President of the new ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), issued a series of proclamations empowering Ethiopia's "nations" with broad jurisdiction over affairs taking place in their regions.⁴⁴ Marina Ottaway concludes that the Ethiopian government, with extensive backing from external donors, has in fact transferred bloc grants to the regions, enabling them to make and implement autonomous policy decisions.⁴⁵ Territorial autonomy has also been used at times to reassure dispersed groups that did not occupy a separate political space prior to the peace settlement. In Nicaragua, for example, the Chamorro regime sent a signal of support to the Contras by establishing 23 development zones on land not controlled by the Contras, where they could settle and exercise a degree of autonomous control.⁴⁶

Although territorial decentralization seems a logical response to the demands of minorities, it can prove a fragile arrangement that is difficult to agree upon (Sri Lanka, Ngorno-Karabakh, Kashmir) and maintain (Chechnya). In Sri Lanka, the proposed merger of the north and east under the 1987 agreement was suspect in Tamil eyes, in part because of a lack of adequate powers granted to regional authorities.⁴⁷ Territorial autonomy, proposed as a possible solution to Somalia's overcentralization, would, according to Ameen Jan, have increased tensions, because it imposed artificial territorial divisions on the clans.⁴⁸ And in Bosnia and Kosovo, the continued oversight of a third party creates doubts about the stability of the autonomy plan after the external enforcer disengages. Without the guarantee of supranational institutions, as in Europe, autonomy arrangements seem an unstable solution in post-civil war circumstances.

What makes regional autonomy and federalism fragile institutional arrangements is the threat of instability that may occur when the structure of incentives shifts from reassurance to governance and leads to the dominance of one of the parties during the later phases of implementation. Two possible

trajectories may appear -- one toward political centralization and the consolidation of majoritarian power, and the other toward further political decentralization and a possible breakup of the federation.⁴⁹

In the first trajectory, political majorities, as exemplified by South Africa, hold out the prospect of federalism to reassure ethnic and racial minorities about their ability to exercise a limited authority over local matters after the transfer of power. Then, after the founding election and after the new, majority-supported government has consolidated its position, the structure of incentives can shift toward a further hardening of the majority party's already firm grip on power.

By contrast, a trend toward further territorial decentralization was revealed in federal states, where pressure from ethnonationalist interests in the regions led to a fragmentation of the country into its major constituent republics (exemplified by the former Yugoslavia and the former Soviet Union).⁵⁰ This breakup can become a new source of instability, as new political and identity-based minorities emerge and the successor states establish new international alignments. Thus, an unstable union resulted from the 1995 Dayton Accords, with Bosnia-Herzegovina now loosely governed by a multiethnic, federal government based in Sarajevo. Its two provinces of Republika Srpska and the Muslim-Croat federation exercise considerable powers at the substate level (including separate armed forces and a limited right to negotiate external agreements). This agreement created an unsteady arrangement that may further fragment once the external enforcer withdraws.

Clearly, where negotiators promised to include federal-type provisions in a post-settlement constitution, this reassured weaker parties at the bargaining table, as indicated by the experiences of Sudan (1972) and Ethiopia. This effect was carried over into the early stages of the implementation process and helped stabilize the agreement. Later, however, as politicians ranked the priority of reassurance lower than the need to consolidate effective political control, the commitment to federal institutions sometimes weakened.⁵¹ This shift in priorities and power balances resulted at times in a trajectory toward either political centralization or decentralization.

Individually-Based Security-Building Designs

The possibility of establishing an individual-based, majoritarian approach, whether by conscious decision at the time of negotiations or through redesign afterward, brings us to the second type of grand strategy for post-civil war security-building. Many state leaders, indicating their misgivings about the potential immobility and instability arising from formal group-based security-building arrangements, champion instead an individualist and integral state approach. Rather than make binding concessions to the main group interests to assure their inclusion at the political center, they opt instead for a formula of individual rights within a unitary state. In doing this, they may be prepared to concentrate sufficient power in executive hands to ensure governmental primacy.

Unitary government is valued for its ability to reduce transaction costs between the state and society, thereby avoiding delays and "log rolling" practices that result from extended bargaining encounters. Although informal practices of ethnic arithmetic often become a matter of routine in soft authoritarian as well as democratic regimes, formal power-sharing arrangements are not always

regarded by leaders of majority interests as an efficient or legitimate structure for future intergroup relations.⁵² Lebanese constitution-makers, concerned over the divisive potential of confessionalism as experienced in the past, made specific reference to the representation of confessional groups in the Chamber of Deputies and the cabinet in the 1990 constitution; at the same time, they expressed a preference for abolishing political confessionalism over the long term.⁵³ In Ethiopia, moreover, critics of ethnic federalism contend that its constitutionally entrenched system of decentralized, ethnic-based political authority will likely cause new conflicts and secessionist demands, because it structures decisionmaking along separate lines.⁵⁴ These critics look to unitary governance to create an integrated “nation”, thereby preventing separatist-inclined interests from gaining an institutionally-sanctioned base for maneuver. Some scholarly research has in some cases been supportive of these contentions. Thus, Philip Roeder, after examining Eurasia’s post-Communist regimes, concludes that “the most successful containment of ethnic conflict below the level of ethnoconstitutional crises has come from unitary states with extensive and inclusive civil liberties for individuals.”⁵⁵

The combination of individual rights and unitary governance frequently finds formal expression either in some type of majoritarian (one person, one vote) democracy or in a soft authoritarian regime. Both majoritarian democracies and soft authoritarianism can offer relative stability, providing that elites and their supporters have the physical and cultural security and economic opportunity to make accommodative behavior appear beneficial.⁵⁶ Provided that the democratic or soft authoritarian state can protect associational life in various domains and respond constructively to reasonable citizen demands, it will be in a position to develop public confidence in its actions.⁵⁷ The state, then, has an enormous capacity to be a conflict manager on its own, so long as it determines policies in line with its norms on equity and fairness.

For the most part, advocates of unitary government reject phase-by-phase movement toward individual rights and democratization, preferring instead to hold founding elections based upon the majoritarian principle toward the end of the military/security-building phase of implementation. Frelimo’s (Front for the Liberation of Mozambique) leader, President Joaquim Chissano, exemplified consistent dedication to an individual-based, unitary state approach to institution building. Chissano rejected Western appeals for a group-based, power-sharing arrangement in the cabinet prior to the 1994 general election. His opponent, Renamo (Mozambican National Resistance Movement) leader Afonso Dhlakama did agree, reluctantly, to Chissano’s terms, even though a winner-take-all electoral process was viewed as posing decided political risks for him. Then, following his party’s defeat in the elections (based on a list system of PR), Dhlakama did accede to the norms of electoral democracy and assumed his role as the leader of the opposition.⁵⁸

But not all insurgent leaders, fearing for their future under a genuinely democratic system, can be expected to commit themselves so readily to the risks of electoral defeat. The distrust that marks a post-settlement relationship magnifies the uncertainties of elections for societies emerging from civil war, frequently requiring those crafting electoral institutions to choose between competing preferences on individual and group-based security arrangements. For well-established parties, such as Frelimo, the

risks of the first course seem minimal, and the results in terms of stable societal relations may prove more than worth the perils of conceding too much space for maneuver to former insurgents. For smaller, less-institutionalized competitors such as Renamo, however, some form of power sharing logically has appeal as a defense mechanism against future party domination. Depending upon the balance of power between contending forces and the extent of social and ideological distance between the parties, then, both political arrangements can seem reasonable, and can be justified or rejected on the grounds of different benefit-cost calculations.

Clearly, there is no one formula that fits all contexts when it comes to designing peace accords. Despite the fact that unitary government with protections for individual rights appears to offer some advantages in terms of effective governance, reduced transactions costs, and long-term stability in post-conflict environments, a group-based system (as in Lebanon) may be the only available compromise on which a credible commitment can be reached. Political elites must have an eye to the particular political environments in which they are crafting institutions for the future, displaying a combination of realism, fairness, and goodwill as they negotiate on the specifics of policy. The goodwill of the ruling elite is critical under any type of regime adopted, because it may be able to engender public confidence, minority and majority alike, in the commitment of state leaders to public security and well-being. A fair-minded government whose processes of reaching decisions are transparent can bolster societal trust over time in the state and its institutions. This might seem easier to achieve under a unitary system that respected individual rights, but a group-based system whose government promoted interpersonal and inter-associational trust, also might lead over time to political legitimacy and a self-enforcing peace.⁵⁹

Politically Non-Threatening Group-Based Formulas

Certainly not all political choices are dichotomous. Some that are appropriate to both formal group-based and individual-based security-building approaches are not threatening to state power. This flexibility makes proportionality formulas or group cultural or social protections particularly relevant for increasing societal commitment to peace agreements. Three such institutional mechanisms have a potential utility for confidence-building.

First, the proportionality principle has broad relevance to formal and informal power-sharing arrangements or to soft authoritarian or democratic regimes. In making appointments to the cabinet, legislative committees, and high party posts, as well as in allocating resources to the regional and local governments, the use of the proportionality principle in the post-settlement period can signal to minorities that the ruling coalition is prepared to share power and resources with them. Even more directly related to security concerns, its use in recruiting members of the police and military services can help to build confidence. The general acceptability of the proportionality principle lies in its routinization of decisions on some highly sensitive issues, for allocations and appointments are distributed to all regions and major groups in terms of their proportionate number of people in the population, and irrespective of whether these units or groups are included in the ruling state coalition. Its key elements include a ruling political elite prepared to use a proportionality guideline and to ensure that its criteria are continually updated to take account of demographic and other changes. In line with these guidelines, it

seems possible that had the Lebanese Christians been more responsive to population shifts occurring in their midst, their country's terrible civil war might never have occurred.

The record of post-civil war governments in applying the proportionality norm has been a decidedly mixed one. Southern Sudanese have grounds for complaining that they did not get a fair share of current and long-term development allocations following the Addis Ababa settlement in the late 1970s.⁶⁰ Nigerians, however, displayed a greater degree of sensitivity regarding regional allocations after the Biafran war. Statistical data for an extended time period following Nigeria's civil war indicate that budgetary allocations tended toward proportional values in the late 1970s and early 1980s.⁶¹ As a consequence, the relatively advantaged oil-producing states showed declines in per-capita expenditures on social services, while those for such relatively disadvantaged states as North-Eastern and North-Central rose significantly. While this move toward a needs-based formula left many peoples in the oil-producing areas dissatisfied, the general equalization of opportunity that resulted may, on the overall, have had a stabilizing effect.

The willingness of governments to concede proportionality in regard to appointments to high government and administrative positions in post-settlement times also sends important signals of the majority's preparedness to share significant decisionmaking powers with minority interests. The inclusion of weaker parties in government provides them with incentives to commit to the regime during the difficult transition to a self-sustaining peace.⁶² A study by Daniel C. Esty and others of significant predictors of state failure from 1955 to 1994, in fact indicates that the ethnic character of the ruling elite is one of the best predictors of state failure (accurate 78 percent of the time). Thus, if the ruling coalition represented only one group in an ethnically divided society, it significantly increased the risk of state failure.⁶³

Implementation experience does indicate that the preparedness of governments to include important political, ideological, or identity interests in post-settlement regimes has had a calming effect on likely minority parties. Thus Nicaragua's Violeta Chamorro, upon coming to power, astutely retained Sandinista-appointed military officers in high security positions. Similarly, in South Africa, the 1994 interim constitution provided that parties winning over five percent of the seats in the National Assembly would be included in the cabinet on a proportional basis for a five-year period. As a consequence, the 1994 election resulted in a coalition cabinet consisting of 18 members drawn from the majority African National Congress and nine members from the two minority parties -- six from the National party (NP) and three from the Inkatha Freedom party (IFP). Although the NP leadership soon withdrew from this ruling coalition, the implementation of a proportional recruitment formula in the initial military/security-building phase was reassuring to moderate African nationalists and local whites as well as to the international investment community. Provided that governments continue to utilize the proportionality norm as the incentive structure shifts in the late stages of the implementation process, and provided they are prepared to appoint authentic group spokespersons to important ministries over time, the proportionality norm can be expected to enhance political stability and the ability of the state to achieve its developmental objectives. By contrast, despite momentary hopes for genuine power-sharing

in Sri Lanka, Cambodia, and Angola, the failure of the ruling coalition to bring a distrustful and sometimes resistant opposition into the inner circles of government has had destabilizing consequences.

Second, another institutional means of promoting proportionality that can be relevant for individual-based security arrangements is through the electoral system. In adopting some variant of proportional representation (PR), the proponents of such a system may consciously seek to reassure minority ideological and identity groups that they will be represented in the legislature, roughly in accordance with their population size in the country. This can give them a greater opportunity to exert influence from within the country's ruling coalition. Those championing PR seek thereby to allay minority fears that a one-person-one-vote majoritarian system will have undesirable outcomes, leading, for example, to ethnoregional dominance in a post-settlement context or to dangerous ethnic outbidding practices by ambitious politicians. Under certain circumstances, where the party lists are ethnically balanced or ethnic parties come to play a critical role in legislature, the effect may be to increase the likelihood of political stability through inclusive politics. This may encourage moderation, giving minority leaders an incentive to work within the political system to promote change, but at a possible cost in terms of indecisive political and economic leadership.

Because of its ability to assure minorities about their future access to the inner circles of power, it is not surprising that PR systems have been widely utilized in negotiated settlements. In Nicaragua, Zimbabwe (1980), Angola, Mozambique, Namibia, and South Africa, PR arrangements have largely reflected the prevailing configurations of power. Where strong ethnoregional parties were in evidence, as in Angola, parties agreed on the use of the least proportional of the formulas (the d'Hondt system) in legislative elections, advantaging the major parties and virtually excluding the smaller parties from effective political representation. Where negotiators sought to further the inclusion of powerful racial and ethnic minority interests in the country's decision process, however, the bargaining parties made use of the LR-Hare formula (in Namibia and Zimbabwe [for the common roll seats in its 1980 election]) or the LR-Droop formula (in South Africa), two of the most proportional of the PR systems.⁶⁴

On the whole the effects of adopting PR in these post-settlement elections have been mixed. Undoubtedly PR reassured whites and moderate blacks in southern Africa that they would play a more meaningful political role after the transition to non-racial politics, also, because of the wide-ranging coalitions that would emerge, extreme nationalist parties would be inhibited.⁶⁵ Nevertheless, it seems imprudent to attribute too much to PR as a means of safeguarding minority interests when clear majorities are present. Where identity groups are spatially separate and vote overwhelmingly for their party candidates, the electoral outcomes may be little different from that under a plurality system. Thus, the South West African People's Organization (SWAPO) secured 73.9 percent of the vote in Namibia's second parliamentary elections in 1994, well over the two-thirds majority required to amend the constitution. Inclusiveness in Namibia resulted more from the majority-backed government's pragmatic actions when agreeing to a constitution by consensus than from electoral engineering.⁶⁶ And even if it is reasonable to conclude that PR provides reassurance for minority interests about their participation in legislative activities, the survival of the PR system seems likely to depend on the continued willingness of

the majority party to utilize some variant of it over time.

Third, the state can offer group cultural and social protections irrespective of individual or group-based security approaches or a soft authoritarian regime type. Such “nonterritorial federalism,” which allows communities a limited autonomy on the basis of what is referred to as the “personality principle,” is not normally threatening to state power. It concedes specified responsibilities to these communities on matters of language, religion, education, and the roles of traditional authorities.⁶⁷ The granting of such autonomous rights has the effect of engendering minority group confidence in the majority and its leaders, and at a relatively low cost to the central government. In South Africa, where President Nelson Mandela urged public sensitivity on the question of removing Afrikaner monuments, and where the 1993 Constitution made eleven languages (including isiZulu, Afrikaans, and English) official languages at the national level, these actions signaled government goodwill at the very time that the transition to majority rule was occurring.⁶⁸

In sum, provisions for group protections and autonomy generally represent concessions by the ruling majority coalition to the minority. Paradoxically, because communal protections and autonomy demand less of governments than formal agreements to share political power, these limited concessions have outlasted some of the more far-reaching constitutional accommodations, such as elite pacts, federalism, and other formal power-sharing arrangements. The experiences of Lebanon, India, South Africa, Latvia, Israel, and elsewhere indicate that governments may be prepared to allow communal elites to exert a limited control over personal status laws and institutions, provided that this does not entail an abuse of their members’ civil liberties or a fundamental challenge to the state’s overall leadership.

Stabilizing Bargains for the Long Duration

Although design is important, sustained bargains on political representation and participation involve more than appropriate choices on institutional mapping. In addition to capable design choice, what facilitates bargaining success is the presence of six important nurturing factors. Three of these -- respect and goodwill, the existence of a legitimate and effective state, and an active civil society -- are elements from the internal environment; the protection of human rights and productive programs of economic reconstruction and redistribution represent institutional factors; and the existence of international protections during the transition phase is a process from the international environment. Where a combination of these factors is in place, the parties are likely to feel they have a stake in the long-term success of the peace agreement and be more inclined to act cooperatively, working out their differences through an ongoing bargaining process. Unless the parties are willing to renegotiate (and re-negotiate again) on the terms of an agreement to take account of a changing balance of group power, demands are likely to gain in stridency. Then, where conflict grows in intensity, bargaining failure may become apparent and the agreement may collapse.⁶⁹ Each of these nurturing factors is discussed below.

1. Respect and goodwill. A reputation on the part of negotiators for bargaining in good faith and implementing their agreements is of overriding importance. When leaders such as Slobodan

Milosevic, Charles Taylor, and Jonas Savimbi broke agreements, they complicated subsequent efforts to negotiate follow-up accords. However, as leaders display a commitment to the contract and are sufficiently strong that they can prevent their supporters from acting vengefully toward the members of weaker parties, it helps promote stable strategic interactions.

Such demonstrations of goodwill reassure vulnerable parties and represent pivotal investments in tenuous norms and institutions during the difficult transition period. These signals of respect and acceptance create confidence in the intentions of adversaries and increase the possibility that new, unanticipated problems can be re-negotiated. Thus, Brigadier-General Y.K. Saksena, the former Deputy Chief Military Observer of the UN Angola Verification Mission I (UNAVEM I) and UNAVEM II, commented on the high value that the insurgents placed on being treated honorably when demobilizing their troops and reintegrating their armies.⁷⁰ The presence of a reciprocity of respect can make a critical difference when firefights break out, the verification process falters, or the provisions on central-state relations are disputed. And without it, there can be little basis for an iterative negotiating process that leads to a stable, self-enforcing peace.

2. A legitimate and effective state. A strong and responsive state that is prepared to rise above predatory and vengeful behavior to advance the prospects of an agreement can play a critical role in preventing bargaining failure. So long as the state administers the laws in a fair manner and acts with sensitivity toward its citizens, the relatively strong state (marked by a high level of legitimacy, social cohesion, effective public institutions, and capacity for economic management) is in a position to promote stability by controlling private violence and setting and enforcing the terms on intergroup relations. The very existence of a strong and responsive state can be reassuring to minority interests, because such a state can rein in corrupt and threatening elements and accept and react in a receptive manner toward legitimate group demands. When the state abides by the rules set out in the contract and emerges as the primary protector of vulnerable peoples, it gains in legitimacy and is strengthened to deal with predatory behavior.

However, the effectiveness of the state in acting as a potential protector can be undermined by its own lack of capabilities. In weak states, the rules of relationship are intermittently enforced and lack consistency and predictability.⁷¹ As a consequence, the ethnic and religious group, which is perceived as a safe pole around which to gravitate in a context of lawlessness, must largely fend for itself, and sometimes engages in self-help initiatives to protect its basic interests. In such a situation, the bargain may seem precarious, for the parties can view it as limiting their freedom of action but not necessarily that of their adversaries. To facilitate the bargain, then, it is essential to maintain a strong and responsive state, one that has the capacity to prevent a spiraling of distrust from occurring.

3. An active civil society. Another factor that may help to sustain bargains is an active and responsible civil society, one that is supportive of democratic values and respectful toward minority participation and opinions.⁷² In the period following civil war, political institutions are often weak and insecurity and distrust are high, making a credible commitment to abide by a peace agreement uncertain.

For a durable social contract to emerge, a mutually empowering state-society relationship is essential. In such a relationship, social networks may be sufficiently strong to legitimate domestic conflicts of interest, and therefore play an integrative role in the society.⁷³

Clearly, where civil society organizations are prepared to play a constructive, integrative role, they can contribute in important ways to the maintenance of basic regime norms after peace has been consolidated. In the best of circumstances, such organizations can represent what Robert Putnam calls a form of "social capital" -- the norms and networks "that link substantial sectors of the community and span underlying social cleavages."⁷⁴ Certainly, it would not be wise to gloss over the potential of some civil associations for causing acute internal conflict.⁷⁵ Even so, observers conclude that where, as in Guatemala, there was an increase in civil society participation in the context of the peace implementation process, civil organizations could, when acting constructively, make effective demands upon the ruling state coalition to adhere to the understood norms of the new regime.⁷⁶ The effect of such societal participation was to encourage effective governance as well as the stability of the post-settlement bargain.

The genesis of the civil society organizations in the sample of countries under review varied, being carried over in most cases from pre-civil war or civil war times, or, as in El Salvador, being nurtured by the state itself following the signing of the peace agreement. In other cases, these associations were encouraged by external actors; in Guatemala in 1993, for example, the Organization of American States buttressed these organizations, enabling them to resist possible attempts by an incumbent president to undermine constitutional government.⁷⁷ As a consequence, many church, student, and labor union organizations have managed to gain some autonomy from state-party control and to play a critical role in making demands on the ruling state elite. Namibia's churches and local community organizations became creatively involved in the return and resettlement of its refugees.⁷⁸ Also in Liberia, civil society organizations pressured negotiators to emphasize disarmament, while in Sierra Leone they exerted a strong influence on the government to hold elections.⁷⁹

After a destructive civil war, "civil society is often the only viable, immediate option for initiating a reconciliation process."⁸⁰ To the extent that civil society organizations can be mobilized to step into that vacuum, they have an opportunity to contribute to defining and determining the post-settlement political rules and to function as a possible counterforce when state elites fail to act in terms of these rules. The effect of such efforts is to increase reciprocity between state and society and to reinforce the initial bargain following the civil war.

4. Protection of human rights. Human rights violations have often been primary causes of civil war.⁸¹ Unless societies, and particularly their victimized peoples, are reassured on human rights issue, negotiators risk the possibility of bargaining failure. These violations, and the fear of their reoccurrence in the future, are likely to prove deeply emotional issues as a peace agreement is negotiated. For a time, Guatemala's peace process was brought to a halt over disagreements regarding the mandates for a truth

commission and an international human rights verification body.⁸² And in El Salvador, where there were widespread evidences of torture, disappearances, and death squads, the negotiating parties had little option but to prosecute past human rights transgressors and enact legal safeguards against future acts of state terror.⁸³ Unlike situations such as Rwanda where military victory prevails and a strong preference exists for prosecuting the accused killers, negotiators frequently proceed cautiously on matters of human rights, emphasizing the stability of the political settlement. Should negotiators attempt to bring the violators to justice or should they favor an amnesty (hoping that a general pardon for past offenses would ease uncertainties over the settlement)? Some parties have decided for pragmatic reasons against war crimes tribunals and truth and reconciliation commissions at the end of civil wars. Governments in Morocco, Cambodia, Sierra Leone, Angola, and Sri Lanka have decreed an amnesty for crimes carried out during the fighting, overlooking past injustices to facilitate an end to the war. The potential cost of such pragmatism can be high. In Cambodia, for example, Sorpong Peou reports that the failure to include provisions on Khmer Rouge accountability for their genocidal actions proved costly in terms of the acceptance of the peace agreement.⁸⁴

Recognizing that pragmatism regarding transgressions of human rights can cause deep public resentment and weaken the durability of bargains, an increasing number of post-civil war settlements have moved to incorporate provisions for human rights commissions and tribunals. Despite the outgoing government's appeals for a full amnesty for political crimes perpetrated during the apartheid era in South Africa, the incoming African National Congress (ANC) regime conceded only a partial immunity.⁸⁵ Instead of widespread prosecutions, the new government decided instead to adopt the compromise solution of a truth commission. The South Africans sought in this way to find a balance between a peaceful settlement and justice, attempting to reconcile a society tortured by destructive memories of repression during the apartheid era.

South Africa's Truth and Reconciliation Commission, presided over by (retired) Archbishop Desmond M. Tutu, received almost 8,000 applications for amnesty, including a number from high political, military, and police officials in the old administration as well as some from ANC leaders. As a parade of witnesses gave testimony of their participation in the torture and murder of innocent people, public frustration and resentment became evident over the immunity provisions. In 1996, President Nelson Mandela, expressing his pain over the need to extend the amnesty deadline, concluded that on balance an extension of the process was necessary to "consolidate nation-building and reconciliation."⁸⁶ Although it remains unclear just how much South Africa's Truth and Reconciliation Commission has contributed to racial reconciliation, it is nonetheless significant that leaders in neighboring countries that lack such a commission look upon it as a model to emulate.⁸⁷

El Salvador's Truth Commission was broader in its impact. The negotiating parties set up an Ad Hoc Commission to recommend which military officers to purge and created a UN-supervised Truth Commission to report on the most serious human rights violations that took place during the civil war. Military opposition to trials for human rights offenses resulted in a Truth Commission only empowered to investigate and report on grave human rights violations, not to indict, prosecute, or try

accused offenders. Even so, the reports of the Ad Hoc and Truth Commission proved highly influential. The Ad Hoc Commission Report led to a purge of the senior officer corps, and the Truth Commission Report, with its detailed information about death squad activities, caused the government to end the careers of many of the officers involved.⁸⁸ Moreover, in an effort to prevent future such abuses, El Salvador's new leaders sought to restructure police and military institutions through new training and oversight mechanisms. This determined effort to provide accountability and to transform the values of government officials through retraining and increased supervision is reassuring to the public and enlarges its stake in the peace bargain.

5. The promotion of economic reconstruction and redistribution. Once the adversaries reach a settlement, general expectations of a peace dividend rise noticeably. Many members of the general public, anticipating gains from cooperation, look forward to improved material conditions after the civil war. To be sure, some interests (state officials, warlords, mercenaries, commercial enterprises) did benefit during the fighting despite the destruction occurring around them -- peddling arms, profiteering, seizing properties, and selling minerals and raw materials to overseas buyers.⁸⁹ But peace often is perceived as signaling broadened public opportunities for investment, production, and commerce. Provided a new domestic support coalition emerges and offers determined leadership on reconstructing the economy and redistributing the benefits of economic growth among various classes and ethnoregional interests, the political transition should open up new possibilities for capacity-building and political reform.⁹⁰ If the state is unable to create minimal opportunities for economic accumulation after the dislocations of war, the political transition may be overwhelmed by the public's lack of opportunity, leading to further economic decay. The resulting frustration may possibly imperil the post-settlement bargain itself.

Certainly, the extent to which the international community is willing to assist the economic transition has been critical for stabilizing the peace. The challenge of economic development has proved extremely complex in these countries under the best of circumstances, and these problems are compounded where civil war has led to terrible human and physical infrastructural destruction. In 1974, the GDP in Lebanon was estimated to be 50 percent of the levels before the 1974 civil war; moreover, some 80 percent of Angola's agricultural lands were abandoned during its civil conflict.⁹¹ With economic infrastructures in ruins and a flight of the skilled personnel to less troubled places, it is apparent that generous external assistance often becomes indispensable to create new economic opportunities.

Nevertheless, local officials involved in implementing peace agreements encounter enormous difficulties in securing long-term financial support for the reconstruction of war-torn societies. They have a limited local tax base on which to draw, and any significant increases in local taxes could divert funds away from other development projects. This diversion of funds can undermine International Monetary Fund and World Bank programs on stabilization and development. Generous financial support from international donors is needed to free up local resources and achieve peace implementation goals. For the most part, the amounts involved do not seem staggering. Alvaro de Soto and Graciana de Castillo

estimate El Salvador's and Mozambique's demobilization, refugee resettlement, and institution-building needs per year immediately after the settlement at roughly the quarter million dollar level, although those in Cambodia were admittedly much higher.⁹² However, the cumulative effects of these simultaneous implementation efforts have proved sufficient to cause the international community to be leery of assuming long-term reconstruction commitments.

The result of such caution is programs of economic reconstruction and redistribution in post-settlement times that often prove disappointing to the former adversaries. Michael Doyle's description of UNTAC's (the U.N. Transitional Authority in Cambodia) poor economic management makes sobering reading:

Less than \$100 million of the \$800 million pledged was disbursed before the elections, and most of that was directed to the resettled refugees. The vast majority of the rest of the aid flowed into major projects, not program assistance that could reach villages and stimulate local employment. The presence of UNTAC, moreover, distorted the economy in favor of the cities and may have exacerbated ethnic tensions by seeming to benefit immigrant Vietnamese.⁹³

Instead of creating a stake in the peace process, such programs often disappoint a war-weary public and fail to stabilize the peace process.

6. External protections during the transition. Because the military/security phase of implementation is precarious and the institutions created by the peace agreement are often unstable, it is not surprising that the negotiators look to external third parties to protect and nurture the bargain.⁹⁴ The adversaries, recognizing their vulnerability during the cease-fire and the demobilization and disarmament programs, may commit to the contract only when reassured by an external presence. Moreover, realizing the uncertainties that inevitably follow from democratic elections, they may seek to secure their future position through various constitutional safeguards, possibly underwritten by regional and international organizations. In Northern Ireland, for example, the failure of an internal power-sharing solution led, not surprisingly, to experimentation with external protections.

Third parties can sometimes create the conditions in which trust among the local actors can develop. When third-party protection of both the military aspects of the transition process and the accommodative institutions of the agreement are provided for, the effect is to reassure vulnerable parties, in the short term at least, regarding their security and political participation. The ability of third-party protectors to reassure a public in post-settlement circumstances was indicated by statistical tests that suggest that when the presence of a third-party protector was part of a conflict settlement, it had a powerful positive effect on stabilizing the peace settlement. Holding all other variables constant, the probability of a settlement proving stable when a third-party protector was included was 76 percent of the 36 cases tested.⁹⁵

Provision for third-party protection, then, was nurturant in terms of striking a bargain, but it appears to be somewhat unreliable as a "guarantee" that the terms of a peace agreement would be respected.⁹⁶ "External powers cannot themselves guarantee peace," Charles King observes, "but they can help alleviate the security concerns of the belligerents while they search for their own solution to the conflict."⁹⁷ In Kosovo, the international community was slow to halt ethnic cleansing and, after the peacekeeping force (KFOR) entered onto the scene, was unable to prevent acts of revenge against the now endangered Serbian minority. Because external actors may fail to fulfill their commitments and because local greed and insecurity may destabilize the bargain, it seems reasonable to conclude that, in the final analysis, there are still no reliable safety nets for some of the world's most vulnerable people.

How have states fared in recent years that have implemented peace after civil wars? A rough indication of certain aspects of this can be gleaned from an examination of Table 1. The second and third columns reflect political rights and civil liberties at a particular point of time (1998-99) as indicators of respect and goodwill, an active civil society, and the protection of human rights – the lower scores indicating greater levels of freedom in a country. In an indirect way, political rights and civil liberties may also be understood as adding to state legitimacy, because they decrease the level of authoritarian regime control. The fourth and fifth columns provide information regarding the real Gross Domestic Product (GDP) per capita and Human Development Index (HDI) values for each country in 1997 in order to indicate the promotion of economic reconstruction and redistribution. GDP per capita gives some insight on the levels of disposable wealth; the HDI measures life expectancy at birth, the level of

educational attainment, and GDP per capita, with higher values serving a sign of an enhanced quality of life within the state.

(Table 1 About Here)

In general, the table suggests that implementation failures are associated with states that have a poor record in terms of political rights, civil liberties, and quality of life. However, the causes and effects of successes are not readily apparent. This lack of clarity may be partially attributable to the variations in time between the signing of agreements and the time period employed in this analysis. A problem of causality is apparent – whether increasing civil liberties and political rights creates a setting conducive to success or whether an enduring peace is itself the cause of a more open political environment.

Conclusion

Implementation of peace agreements after civil wars is an extended intra and inter-party process that necessitates overcoming deeply-held grievances, predatory behavior, and security fears. Intrastate wars are generally high-stakes conflicts involving contests over organizing principles and fundamental rules (including extraction, distribution, control of the state, or separation from the state). Because the issues are so basic, the means adopted are often totalistic and their outcomes fearsomely destructive. At times, when the conflict is perceived as unacceptably costly and unwinnable (in the short term at least), negotiators may produce something tantamount to a “cold peace”. Even so, the diffuse fears and uncertainties that survive the war create problems (of reliable information about adversary intentions and credible commitment to peace accords) that are difficult to surmount. External actors may sometimes be prepared to intervene and protect the weaker parties during the initial phases of the peace implementation process, but this involvement is likely to diminish over time. This leaves the parties largely on their own to build legitimate and effective institutions for managing conflict.

Distrust of adversary intentions after civil war may be logical given the widespread uncertainty that an opponent may “cheat” on its commitments and take advantage of the momentary opportunity to launch a military strike. Because of intense fears surrounding the initial transition process, the adversaries will likely insist on knowing in detail what provisions will be made in the settlement for their security and for political participation after the agreement has come into effect. The negotiating parties are therefore likely to concentrate their initial attention on specifying their obligations regarding immediate and high-risk programs having a military component -- such as the cease-fire, disarmament, demobilization, and reintegration of the armed forces. This short term focus may be reassuring to the weaker parties, but it can have unfortunate consequences in terms of successful long-term implementation objectives. By leaving critical constitutional design issues for later bargaining, the negotiators open a space for discrepancies and misinterpretations that can subsequently lead to grave differences among already wary leaders. In some cases, moreover, the very structure of incentives required to reassure weaker parties and gain commitment to a bargain can cause political instability, as rigid power-sharing institutions come into conflict with the preferences of leaders for concentrating power and achieving efficient governance. Therefore, enormous skill is required during the peace negotiations to reconcile the needs of confidence-building with those of effective governance.

Table 1: Status of Freedom and Economic Development in Former Civil War States

◆ ——— *Freedom* ——— ◆◆ ——— *Development* ——— ◆

Country & Conflict Years	Political Rights 98-99	Civil Liberties 98-99	Real GDP Per Capita (PPP\$) 1997*	Human Develop. Index Value 1997	External Protections ?	Successful Conflict Resolution?
Angola (92-94)	6	6	1,430	.398	Yes	Failure
Bosnia (92-95)	5	5	N/A	N/A	Yes	Success?
Cambodia (70-91)	6	6	1,290	.514	Yes	Success?
El Salvador (79-92)	2	3	2,880	.674	Yes	Success
Guatemala (63-96)	3	4	4,100	.624	No	Success
Lebanon (75-89)	6	5	5,940	.749	Yes	Success?
Liberia (94-96)	4	5	490(87)	N/A	Yes	Success?
Mozambique (82-92)	3	4	740	.341	Yes	Success
Namibia (60-90)	2	3	5,010	.638	Yes	Success
Nicaragua (81-89)	2	3	1,997	.616	Yes	Success
Rwanda (90-93)	7	6	660	.379	Yes	Failure
Sierra Leone (91-)	3	5	410	.254	Yes**	Failure?
Somalia (92-96)	7	7	961(90)	N/A	No	Failure
Sri Lanka (83-87)	3	4	2,490	.721	Yes	Failure
Zimbabwe (72-79)	5	5	2,350	.560	Yes	Success

* for year indicated in parenthesis

** In this case, the presence of ECOMOG serves as an extremely weak source of external protection.

Indicators

Political Rights and Civil Liberties:

Scale Ranges from 1 to 7. Higher values indicate lower levels of freedom.

Human Development Index

“The HDI is a simple average of the life expectancy index, educational attainment index and adjusted real GDP per capita (PPP\$) index, and so is derived by dividing the sum of these three indices by 3” (Human Development Report 1999, 160).

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