

# Managing Ethno-national Conflict: Towards an Analytical Framework

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## Abstract

*The management of ethno-national conflict remains an important issue on the security agendas of states and international organisations alike, from the Western Balkans to the Middle East and Asia Pacific, from sub-Saharan Africa to Central Asia and the Far East. The practical need to manage ethno-national conflict has also resulted in thorough academic engagement with the subject, which has generated a range of different theories of conflict management. This contribution will provide an overview of the current debate and examine the differences and similarities between three different theories—liberal consociationalism, centripetalism, and power dividing. Based on this examination, an analytical framework is developed to identify the conditions under which ethno-national conflict management can succeed in providing settlements in the framework of which sustainable peace is attainable.*

## Introduction

Ethno-national conflicts are among the most intractable, violent, and destructive forms of conflict that societies, states, and the international community have experienced and continue to face. For the purposes of this contribution, I define an ethno-national conflict as one in which the goals of at least one party to the conflict are defined in (exclusively) ethno-national terms, and in which the primary fault line of confrontation is one of ethno-national distinctions. Whatever the concrete issues may be over which conflict erupts, at least one of the parties will claim that its distinct ethno-national identity is the reason why its members cannot realize their interests, why they do not have the same rights, or why their claims are not satisfied. Thus, ethno-national conflicts are a form of group conflict in which at least one of the parties involved interprets the conflict, its causes and potential remedies along an actually existing or perceived discriminating ethno-national divide. In other words, an ethno-national conflict involves at least one party that is organized around the distinct ethno-national identity of its members (cf. Cordell and Wolff, 2009: 5).

Such conflicts, many of them apparently unending, have plagued places as diverse as Kashmir, the Great Lakes Region of Africa, the Middle East, and the Caucasus, among others, costing thousands of lives, displacing millions of people, wrecking entire national economies for decades, and often appearing to be 'solution-proof.' At the same time, not all ethno-national conflicts are as violent and destructive, with Quebec and Belgium being two cases in point, nor do they all evade

solutions, with Northern Ireland, the Swiss Jura and South Tyrol as examples for the possibility of sustainable peace after violent conflict. The region of the Western Balkans, despite many other shortcomings, has not returned to the violence experienced throughout the 1990s and early 21<sup>st</sup> century. Constitutional arrangements in Aceh (Indonesia) and Bougainville (Papua New Guinea) may not be perfect, but they, too, have ended violent conflicts.

How can we explain the different outcomes of ethno-national conflict management; and more specifically, how can we account for the success or failure of agreed settlements? In the following, I propose an analytical framework that links aspects of the conflict environment ('context') with those of the institutional bargain achieved in the settlement process ('content'). My argument is that content and context together determine how sustainable a peace settlement will be. I develop this argument by establishing an analytical framework that allows for assessing the suitability of an institutional design adopted in a peace agreement and the degree to which the context of its implementation and operation is conducive to sustainable peace. In other words, I develop an analytical framework for the understanding of the conditions under which conflict settlements lead to peace, i.e., the conditions for their success.

## **Institutional Design in Contemporary Ethno-national Conflict Management**

### **Theory**

Advocating the management of ethno-national conflict through institutional design assumes that such conflicts can be settled through an institutional bargain that establishes macro-level structures through which disputes among the conflict parties can be addressed politically and without recourse to violence. This, however, is only one element of a much broader conflict regulation *process*, albeit a very central one. Focused essentially on the *outcome* of negotiations, the institutional design approach is about finding the right 'formula' acceptable to the conflict parties (cf. Zartman, 1989). The institutional bargain achieved in negotiations is determined by a wide range of factors and in turn influences the likelihood of the success of the conflict regulation process as a

whole. This relationship, however, is not linear, and the quality of leadership<sup>1</sup> of the immediate conflict parties, including their ability to 'deliver' to their constituents, and of external diplomatic efforts to assist local leaders throughout the negotiation, implementation, and operation phases of the conflict management process co-determine eventual success or failure.<sup>2</sup>

Existing theories of conflict management generally acknowledge the importance and usefulness of institutional design in conflict resolution, but offer rather different prescriptions about what the most appropriate models are to achieve stable conflict settlements. From an institutional design perspective, three theoretical approaches have dominated the conflict management literature: (liberal) consociationalism, centripetalism, and power dividing. This is not to say that they are the only approaches, but they have generated, among themselves and by engaging with each other, a vast amount of academic and policy debate.<sup>3</sup> Before discussing the main tenets of these three schools of thought in greater detail below, I briefly map out the challenges that institutional design faces in crafting macro-level structures that regulate three contested areas in ethno-national conflicts.

### *The Dimensions of Institutional Design*

An examination and synthesis of the existing literature on ethnic conflict management<sup>4</sup> suggests three different areas in which institutions can have an impact on ethno-national conflict management:

- (1) State construction, related particularly to questions of territorial structure;

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<sup>1</sup> In the context of ethnic parties in Europe, political leadership and how it is shaped by institutional incentives is discussed in greater detail in Ishiyama and Breuning (1998). See also van Houten and Wolff (2007).

<sup>2</sup> The importance of external involvement is highlighted in O'Duffy's treatment of the role of the British and Irish governments in the management of the Northern Ireland conflict.

<sup>3</sup> Cf. O'Flynn (2007), Taylor (2009), and Wolff (2007a, 2010b, 2010c) for recent surveys and critiques of the literature. Other approaches to conflict management in the literature that are not discussed here for reasons of space include control techniques (Lustick, 1979, 1980; Lustick, 1993) and ethnic democracy (Smootha, 1990; Smootha and Hanf, 1992; Smootha and Järve, 2005).

<sup>4</sup> Apart from the principal works and authors covered below, see also the various engagements with ethno-national conflict management by Bastian and Luckham (2003), Benedikter (2007), Choudhry (2008), Darby and McGinty (2003), Ghai (2000), Hechter (2000), Henrard (2000), Jarstadt and Sisk (2008), Lapidoth (1996), (Noel, 2005), Norris (2008), O'Flynn and Russell (2005), O'Leary, McGarry, and Salih (2005), Reynolds (2002), Schneckener and Wolff (2004), Taylor (2009), Weller and Metzger (2008), Weller and Wolff (2005b), Wilford (2001), Woelk, Palermo and Marko (2008), and Wolff (2003).

- (2) The institutions of government, concerning among others the composition and powers of the executive, legislative and judicial branches of government and the relationship between them; and
- (3) Rights and identities of individual citizens and groups, i.e., the question if, and to what extent, individuals or groups are privileged.

These three dimensions are inter-related and inter-dependent, but it is useful for analytical purposes to keep them separate, as I explore their specific aspects in some degree of abstraction in the following.

The most challenging issue of institutional design in the area of state construction has to do with the territorial organisation of the state. While the principal choice is generally between unitary and federal systems, there is a great deal of variation within these two main categories, and there are a number of hybrid forms as well. Key institutional design decisions have to be made about the number of levels of government with substantive decision-making competences and the extent of these competences.<sup>5</sup> Several further decisions follow from this. The first one relates to the structural and functional symmetry of the political-territorial organisation of the overall state. On one end of the spectrum, a state may be organised territorially in a completely symmetric fashion with all territorial entities enjoying the exact same degree of functional competences, exercising them through an identical set of sub-state political institutions. However, the nature of institutional design in divided societies may necessitate a different approach. Thus, even where there is structural symmetry, functionally speaking the competences enjoyed by different self-governing entities may differ, and/or they may exercise them through different sets of political institutions. For example, where territorial sub-state entities comprise ethnic groups distinct from that of the majority population, they may be granted additional competences to address the particular needs of their communities, thus creating, functional symmetry. In cases in which these sub-state entities are

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<sup>5</sup> Schertzer's and Woods' contribution reviews both the different forms of territorial self-government and looks in-depth at the case of Canada in this context. For another comprehensive overview of different forms of territorial self-governance and a discussion of the relevant literature, see Wolff (2010a).

ethnically heterogeneous, forms of power sharing, reflecting local ethnic and political demographics, might be an additional necessary feature of conflict resolution.

The key aspects of institutional design concerning the composition and powers of the executive, legislative and judicial branches of government and the relationship between them relate, first, to the nature of the government system, i.e., whether it is a parliamentary, presidential or semi-presidential system. A second dimension is the issue of whether executive and/or legislative power sharing are mandatory, and if so, what the extent of prescribed inclusiveness is. Inclusiveness, at the same time, is also an important feature of legislative design and is primarily realised through the choice of an electoral system. Power sharing features and inclusiveness may also extend into the judicial branch, primarily in relation to provisions for the appointment of judges and prosecutors. A final issue in this regard is the overall relationship between the three institutions of government, that is, the degree of separation of powers between them. While this partially relates to the choice of government system, it is also about the degree of independence of the judicial branch. Institutional design thus not only prescribes certain outcomes in relation to the composition of the executive, legislative and judicial branches of government but also entrenches them in different ways from hard international law to domestic legislation. A crucial connection between these first two areas of institutional design exists in bicameral systems in which the upper chamber of parliament gives institutional representation to sub-state entities. This adds an additional element of power sharing and/or power dividing at the centre.

When it comes to the relationship between individual citizens, identity groups and the state, institutional design is about the recognition and protection of different identities by the state. On the one hand, this relates to human and minority rights legislation, that is, the degree to which every citizen's individual human rights are protected, as well as the extent to which the rights of different identity groups are recognised and protected. While there may be a certain degree of tension between them, such as between a human rights prerogative of equality and non-discrimination and a minority rights approach emphasising differential treatment and affirmative action, the two are

not contradictory and need to complement each other in ways that reflect the diversity of divided societies and contribute to its peaceful accommodation.

Moreover, the relationship between individuals, groups and the state is about the degree to which institutional design privileges particular groups. This is related to whether different groups are given different status (e.g., constituent nations vs. minorities) and the political, economic and resource implications of this (e.g., mandatory inclusion in government, participation in proportional public sector job allocation, reception of public funding, etc.). In other words, the question here is about the degree to which specific group identities are recognised and protected and how this manifests itself in the way in which the boundaries of authority are shaped by territory or population groups.

Having thus identified the main challenges of institutional design in the process of ethno-national conflict management, I now turn to the three theories of liberal consociationalism, centripetalism and power dividing and examine their approach to dealing with these challenges, first by evaluating the three theories individually, then by offering a comparative assessment of their distinct approaches.

### *Liberal Consociationalism*<sup>6</sup>

Consociationalism is most closely associated with the work of Arend Lijphart, who identified four structural features shared by consociational systems—a grand coalition government (between parties from different segments of society), segmental autonomy (in the cultural sector), proportionality (in the voting system and in public sector employment) and minority veto (Lijphart, 1977: 25-52). Consociationalism has been developed further in the context of its use as a mechanism of interethnic accommodation in Lijphart's own later writings on the subject (Lijphart, 1995, 2002), but more especially by John McGarry and Brendan O'Leary (McGarry, 2007b; McGarry and O'Leary, 2009b, 2009c; McGarry and O'Leary, 2004; O'Leary, 2005a, 2005b). The most important modification of Lijphart's original theory is O'Leary's contention that 'grand coalition' (in the sense of an executive

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<sup>6</sup> The following three sections draws on Wolff (2010c).

encompassing all leaders of all significant parties of all significant communities) is not a necessary criterion. Rather, O'Leary demonstrates that what matters for a democratic consociation 'is meaningful cross-community executive power sharing in which each significant segment is represented in the government with at least plurality levels of support within its segment' (O'Leary, 2005a: 13).<sup>7</sup>

The scholarly literature on consociationalism distinguishes between corporate and liberal consociationalism, the latter now the more common policy prescription among consociationalists.<sup>8</sup> The main difference between the two is that a 'corporate consociation accommodates groups according to ascriptive criteria, and rests on the assumption that group identities are fixed, and that groups are both internally homogeneous and externally bounded', while 'liberal ... consociation ... rewards whatever salient political identities emerge in democratic elections, whether these are based on ethnic groups, or on sub-group or trans-group identities' (see also Lijphart, 1995; McGarry, 2007b: 172; O'Leary, 2005a).<sup>9</sup>

Liberal consociationalism, in its contemporary form, is a theory of both power sharing and self-governance (Wolff, 2011), and especially *territorial* self-governance has emerged as the second defining characteristic of liberal consociationalism, and its proponents highlight that the self-governing territory should define itself from the bottom up, rather than be prescribed top-down.<sup>10</sup>

Liberal consociationalists consider arrangements in which there are more than two, and ideally even more than three, self-governing entities within a given state, as conducive to the chances of state

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<sup>7</sup> On this basis, O'Leary (2005a: 12-3) distinguishes between three sub-types of democratic (i.e., competitively elected) consociation: complete (executive composed of all leaders of all significant segments), concurrent (all significant segments represented, and executive has at least majority support in all of them), and weak (all significant segments represented, and executive has at least one segmental leadership with only plurality support).

<sup>8</sup> Corporate consociationalism, however, is still evident to some extent in political practice: for example, Bosnia and Herzegovina, under the original Dayton Accords, Northern Ireland under the 1998 Agreement, Lebanon under the National Pact and under the 1989 Ta'if Accord, Cyprus under the 1960 constitution and the proposed (but rejected) Annan Plan display features of pre-determined arrangements based on ascriptive identities.

<sup>9</sup> On this point, see also the contribution by Schertzer and Woods below which raises concerns with regard to the development of territorial autonomy based on group identities understood as fixed and internally homogenous.

<sup>10</sup> In the context of Iraq, McGarry (2007b: 175-6) explains how this process has been enshrined in the Iraqi constitution: "Kirkuk can choose to join Kurdistan if its people want. Governorates in other parts of the country are permitted to amalgamate, forming regions, if there is democratic support in each governorate. In this case, a twin democratic threshold is proposed: a vote within a governorate's assembly and a referendum. ... It is also possible for Shi'a dominated governorates that do not accept SCIRI's vision to remain separate, and, indeed for any governorate that may be, or may become, dominated by secularists to avoid inclusion in a sharia-ruled Shiastan or Sunnistan."

survival. Liberal consociationalists equally support the principle of asymmetric devolution of powers, i.e., the possibility for some self-governing entities to enjoy more (or fewer) competences than others, depending on the preferences of their populations (McGarry, 2007a).

In relation to power sharing, as the other key dimension of institutional design in liberal consociationalism, its advocates emphasise cooperation and consensus among democratically legitimised elites, regardless whether they emerge on the basis of group identities, ideology or other common interest. Liberal consociationalists thus favour parliamentary systems,<sup>11</sup> proportional (PR list) or proportional preferential (e.g., Single Transferable Vote) electoral systems, decision-making procedures that require qualified and/or concurrent majorities, and have also advocated, at times, the application of the d'Hondt rule for the formation of executives<sup>12</sup> (Lijphart, 2004; O'Leary, 2005a; Wolff, 2005).

This means, liberal consociationalists advocate what O'Leary refers to as 'pluralist federations' in which co-sovereign sub-state and central governments have clearly defined exclusive competences (albeit with the possibility of some concurrent competences) whose assignment to either level of authority is constitutionally and, ideally, internationally, protected, in which decision-making at the centre is consensual (between self-governing entities and the centre, and among elites representing different interest groups), and which recognise, and protect the presence of different identities (O'Leary, 2005b).

In order to protect individuals against the abuse of powers by majorities at the state level or the level of self-governing entities, liberal consociationalism offers two remedies—the replication of its core institutional prescriptions within the self-governing entity,<sup>13</sup> and the establishment and enforcement of strong human and minority rights regimes both at the state and sub-state levels. In addition, the rights of communities—minorities and majorities alike—are best protected in a liberal consociational system if its key provisions are enshrined in the constitution and if the interpretation

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<sup>11</sup> Note, however, that, empirically, collective presidential systems are as widespread in existing functioning consociations than parliamentary ones. Personal communication from Brendan O'Leary.

<sup>12</sup> For details on the d'Hondt rule, see O'Leary, Grofman and Elklit (2005).

<sup>13</sup> This is termed "regional consociation" (McGarry and O'Leary, 1993; Wolff, 2004).

and upholding of the constitution is left to an independent and representative constitutional court whose decisions are binding on executive and legislature (O'Leary, 2005b: 55-8).

### *Centripetalism*

Centripetalism emphasizes that rather than designing rigid institutions in which elected representatives have to work together *after* elections, 'intergroup political accommodation' is achieved by 'electoral systems that provide incentives for parties to form coalitions across group lines or in other ways moderate their ethnocentric political behaviour' (Horowitz, 2004: 507-8). This school of thought is most prominently associated with the work of Donald Horowitz (1985, 1990, 1991, 2002), as well as with that of Timothy D. Sisk (1996), who uses the terms 'integrative' and 'integration' when referring to centripetalism (as do Rothchild and Roeder, 2005b: 35), Matthijs Bogaards (1998, 2000, 2003), who initially criticized consociationalism on conceptual and methodological grounds (Bogaards, 1998, 2000), before offering a strongly centripetal alternative (Bogaards, 2003), Benjamin Reilly (1997, 2001, 2006), and Andreas Wimmer (2003). Thus, Reilly, in his systematic discussion of centripetalist theory, advocates, among others, '(i) *electoral incentives* for campaigning politicians to reach out to and attract votes from a range of ethnic groups other than their own...; (ii) *arenas of bargaining*, under which political actors from different groups have an incentive to come together to negotiate and bargain in the search for cross-partisan and cross-ethnic vote-pooling deals...; and (iii) *centrist, aggregative political parties* or coalitions which seek multi-ethnic support...' (Reilly, 2001: 11; emphasis in original).<sup>14</sup> This is partially echoed by Wimmer in his proposals for the first post-Saddam Iraqi constitution to introduce 'an electoral system that fosters moderation and accommodation across the ethnic divides', including a requirement for the 'most powerful elected official ... to be the choice not only of a majority of the population, but of states or provinces of the country, too', the use of the alternative vote procedure, and a political party law demanding that 'all parties contesting elections ... be organised in a minimum number of provinces' (Wimmer, 2003: 122). In addition, Wimmer (2003: 123-5) advocates non-ethnic

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<sup>14</sup> See also Reilly (2011) for a more recent discussion and defence of centripetalist theory.

federalism, at least in the sense that there should be more federal entities than ethnic groups, even if a majority of those entities would be more or less ethnically homogeneous or be dominated by one ethnic group. Furthermore, 'a strong minority rights regime at the central level, a powerful independent judiciary system and effective enforcement mechanisms are needed', according to Wimmer (2003: 125).

In what remains a classic work in the field of ethnic conflict and conflict resolution theories, Donald L. Horowitz (1985) discusses a range of structural techniques and preferential policies to reduce ethnic conflict. Among them, he emphasises that 'the most potent way to assure that federalism or autonomy will not become just a step to secession is to reinforce those specific interests that groups have in the undivided state' (Horowitz, 1985: 628). Horowitz also makes an explicit case for territorial self-governance (i.e., federalism) in his proposals for constitutional design in post-apartheid South Africa (Horowitz, 1991: 214-26) and argues, not dissimilar to power dividing advocates, for federalism based on ethnically heterogeneous entities. In a later study, more explicitly focused on federation as a mechanism for conflict reduction, Horowitz (2007) accepts that homogeneous provinces, too, can prove useful for this purpose, but his argument differs from that of consociationalists (who aim to facilitate group autonomy). For him, the use of homogeneous provinces is to offer the possibility to foster intra-group competition (Horowitz, 2007: 960-1; 2008: 1218). In an earlier contribution to the debate, Horowitz had recognized the need for federal or autonomy provisions, but cautioned that they could only contribute to mitigating secessionist demands if '[c]ombined with policies that give regionally concentrated groups a strong stake in the center' (Horowitz, 1993: 36). This is a point that consociationalists can agree on, albeit for a slightly different rationale. Central to the success of consociational designs is a balance of self-rule (territorial or other forms of self-governance) and shared rule (power sharing).<sup>15</sup> Similar to Wimmer

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<sup>15</sup> O'Leary (2005b) develops this argument in great detail in the context of constitutional design in Iraq. Lijphart (2002: 39–45) made a similar point when revising his original theory and treating power sharing and autonomy (i.e., grand coalition government and segmental autonomy) as primary characteristics of consociationalism. Weller and Wolff (2005b), in their conclusion to a collection of essays on *Autonomy, Self-governance and Conflict Resolution* also emphasise the need for balance between self-governance and joint governance.

(2003: see above), Horowitz, citing the Nigerian experience, sees utility in splitting large ethnic groups into several provinces, as this potentially encourages the proliferation of political parties within one ethnic group, resulting in intra-group competition and a lessened impact of relative numerical superiority of one group over others (Horowitz, 1985: 602-4; 2007: 960-1; 2008: 1218).

While centripetalism is thus open to engaging with, among others, territorial approaches to conflict settlement, 'its principal tool is [...] the provision of incentives, usually *electoral incentives*, that accord an advantage to ethnically based parties that are willing to appeal, at the margin and usually through coalition partners of other ethnic groups, to voters other than their own' (Horowitz, 2008: 1217, my emphasis). In particular, Horowitz emphasizes the utility of electoral systems that are most likely to produce a Condorcet winner, i.e. a candidate who would have been victorious in a two-way contest with every other candidate in a given constituency. The most prominent such electoral system is the alternative vote (AV), a preferential majoritarian electoral system, that is said to induce moderation among parties and their candidates as they require electoral support from beyond their own ethnic group in heterogeneous, single-seat constituencies (Horowitz, 2003: 122-5).

### *Power Dividing*

In the context of conflict resolution, the theory of power dividing has been put forward most comprehensively by Philip G. Roeder and the late Donald Rothchild in their co-edited volume *Sustainable Peace: Power and Democracy after Civil Wars* (Roeder and Rothchild, 2005).<sup>16</sup> Power dividing is seen as 'an overlooked alternative to majoritarian democracy and power sharing' as institutional options in ethnically divided societies (Rothchild and Roeder, 2005a: 6). Three strategies that are said to be central to power dividing—civil liberties, multiple majorities, and checks and balances—in practice result in an allocation of power between government and civil society such that 'strong, enforceable civil liberties ... take many responsibilities out of the hands of government', while those that are left there are distributed 'among separate, independent organs that represent alternative, cross-cutting majorities', thus 'balanc[ing] one decisionmaking centre against another so

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<sup>16</sup> Roeder (2011) provides a recent update of power dividing theory.

as to check each majority ... [f]or the most important issues that divide ethnic groups, but must be decided by a government common to all ethnic groups' (Rothchild and Roeder, 2005a: 15).

The key institutional instruments by which power dividing is meant to be realised are, first of all, extensive human rights bills that are meant to leave 'key decisions to the private sphere and civil society' (Rothchild and Roeder, 2005a: 15). Second, separation of powers between the branches of government and a range of specialised agencies dealing with specific, and clearly delimited, policy areas are to create multiple and changing majorities, thus 'increas[ing] the likelihood that members of ethnic minorities will be parts of political majorities on some issues and members of any ethnic majority will be members of political minorities on some issues' (Rothchild and Roeder, 2005a: 17). Third, checks and balances are needed 'to keep each of these decisionmaking centres that represents a specific majority from overreaching its authority' (Rothchild and Roeder, 2005a: 17). Thus, the power dividing approach favours presidential over parliamentary systems, bicameral over unicameral legislatures, and independent judiciaries with powers of judicial review extending to acts of both legislative and executive branches. As a general rule, power dividing as a strategy to keep the peace in ethnically divided societies requires that 'decisions [that] can threaten the stability of the constitutional order, such as amendments to peace settlements' be made by 'concurrent approval by multiple organs empowering different majorities' (Rothchild and Roeder, 2005a: 17).

Theoretically not without some appeal, power-dividing theory has few practical examples to rely on as far as its application to ethno-nationalist conflicts is concerned. In a more recent essay, Roeder (2011) cites practices in Switzerland and some of the western US states as empirical evidence. While Switzerland resembles more closely a society divided along ethnic and national lines, it is also more commonly associated with a consociational institutional design, being, in fact, one of Lijphart's original cases. The western US states, particularly California, display many features of power dividing as conceived by Roeder and Rothchild (2005), but divisions here are more along ideological and party-political lines, rather than ethno-national.

## *The Different Theories Compared*

The preceding overview of three major theories of conflict resolution, summarized in Table 1, illustrates that while there is agreement on certain institutional arrangements that complement the basic prescriptions of each approach (independent judiciary, legal entrenchment of settlement provisions), a fundamental difference in the underlying assumptions about how such settlements can succeed persists and manifests itself in two specific dimensions of institutional design in particular: power sharing<sup>17</sup> and territorial self-governance<sup>18</sup>.

**Table 1.** Main Institutional Arrangements Recommended by Different Theories of Conflict

Management

<<Table 1 about here>>

The difference in approach to power sharing and territorial self-governance permeates all three dimensions of institutional design and rests on differences in underlying assumptions about the nature of ethno-national identities<sup>19</sup> that have permeated the literature on ethnicity for some time. As they are fundamental to understanding, at least in part, the different prescriptions offered by liberal consociationalists, centripetalists and power dividers for the management of ethno-national conflict and for assessing their feasibility and viability in specific cases, some further reflection in this debate is appropriate.<sup>20</sup>

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<sup>17</sup> For the purpose of this contribution, power sharing is defined as a governance arrangement whereby representatives of different groups make decisions jointly in one or more branches of government. Power sharing can occur as a result of guaranteed arrangements, e.g., particular parliamentary election (reserved seats, quotas) and/or government appointment procedures (d'Hondt mechanism, guaranteed posts for members of particular groups) in combination with specific decision making procedures in relevant branches of the government (qualified or concurrent majorities) or emerge as a result of the electoral process as part of coalition formation.

<sup>18</sup> Following Wolff and Weller (2005), I define territorial self-governance as the legally entrenched power of territorially delimited entities within the internationally recognized boundaries of existing states to exercise public policy functions independently of other sources of authority in this state, but subject to its overall legal order. Conceptually, this definition of TSG applies its meaning as a tool of statecraft to the specific context of conflict management in divided societies and encompasses five distinct governance arrangements—confederation, federation, autonomy, devolution, and decentralisation.

<sup>19</sup> Cf. also O'Duffy's contribution below which deals with the way approaches to nationality have influenced choice (and rejection) of specific conflict management mechanisms in the case of Northern Ireland.

<sup>20</sup> For a more detailed discussion of this, see Cordell and Wolff (2009: ch. 2).

There is general agreement among most scholars that there are two ideal types of theories of ethnicity – primordialism and constructivism.<sup>21</sup> It is also generally agreed that constructivism has developed into the more prominent discourse on ethnicity and that there is no longer much debate questioning which of the two schools offers the more credible approach to the study of ethnicity. Yet, in the same way as there are virtually no ‘pure’ primordialists left, there are also only very few ‘pure’ constructivists around.<sup>22</sup> The reason for this degree of convergence – albeit a convergence with strong constructivist tendencies – is easy to see if one considers the core assumptions of the ideal-typical versions of primordialism and constructivism. The former holds that ‘ethnicity is so deeply rooted in historical experience that it should properly be treated as a given in human relations’, while constructivists argue that ‘ethnicity is not a historical given at all, but in fact a highly adaptive and malleable phenomenon’ and that it is ‘primarily a practical resource that individuals and groups deploy opportunistically to promote their more fundamental security and economic interests and that they may even discard when alternative affiliations promise a better return’ (Esman, 1994: 10-1). In other words, both individual and collective identities are seen as fluid; individuals are said to be able to choose them more or less at will and to instrumentalize them opportunistically for themselves, as well as manipulate the identities of others because they either feel a heightened need of cultural identification or seek to pursue specific political mobilization agendas.<sup>23</sup>

There are, of course, schools of thought that seek to overcome the primordialist/constructivist dichotomy, with ethnosymbolism the most prominent among them. Initially developed by Crawford Young (1976), it then became associated primarily with Anthony D. Smith (1991) and Walker Connor (1994), as well as more recently, in the form of symbolic politics

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<sup>21</sup> Occasionally, the following terms are used synonymously: essentialism and perennialism for primordialism, and instrumentalism or modernism for constructivism.

<sup>22</sup> Rogers Brubaker (e.g., , 1996) and Russell Hardin (e.g., , 1995) may be the two most prominent exceptions here. Arguably, Collier and Hoefler (1998) and Fearon and Laitin (2000) also subscribe to a very strong constructivist tradition.

<sup>23</sup> On the role of ethnic activists and political entrepreneurs, see Lake and Rothchild (1996). More general examples of this kind of constructivist approach are Aronoff (1998), Brass (1985) and Laitin (1998).

theory, with Stuart Kaufman (2001).<sup>24</sup> The essence of the ethnosymbolist synthesis is well captured in Smith's (1991: 20) description of an ethnic group as 'a type of cultural collectivity, one that emphasizes the role of myths of descent and historical memories, and that is recognized by one or more cultural differences like religion, customs, language, or institutions.' As self-defined communities, ethnic groups are distinguishable by a collective proper name, a myth of common ancestry, shared historical memories, one or more differentiating elements of common culture, the association with a specific homeland, and a sense of solidarity for significant sectors of the population (Smith, 1991: 21). This link between tangible and intangible aspects is key to understanding the political implications of ethnic identity and of the formation of conflict groups. Connor has noted that tangible characteristics are important only inasmuch as they 'contribute to this notion or sense of a group's self-identity and uniqueness' (Connor, 1994: 104). In turn, a threat to, or opportunity for, these tangibles, real or perceived, is considered as a threat to, or opportunity for, self-identity and uniqueness. Confronting this threat or taking this opportunity leads to the ethnic group becoming a political actor by virtue of its shared ethnic identity. As such, ethno-national identity 'can be located on a spectrum between primordial historic continuities and instrumental opportunistic adaptations' (Esman, 1994: 15).

Such a definition that draws on both tangible and intangible aspects of ethno-national group identities and emphasizes both their objective and subjective elements is particularly useful for the study of ethno-national conflict. This synthetic definition, therefore, allows meaningful comparative research. It sees ethnicity as a quasi-universal phenomenon, despite certain contextual differences, in terms of which criteria may be more relevant in specific cases precisely because it leaves room for subjective interpretation on the part of those who ascribe a certain identity to themselves (and often also to others with whom they feel to be in competition). Including both the tangible (e.g., customs, traditions, language or religion) and intangible (e.g., sense of solidarity among group members, feeling of uniqueness) aspects of ethnicity, as well as their social and political

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<sup>24</sup> Among some US-based political scientists, Connor and Smith are not considered mainstream constructivists, but rather find themselves at the '[e]xtremes within this general perspective' of constructivism. See Lustick (Lustick, 2000: § 1.1).

implications, makes it possible to explain the intense emotions that identities can generate and to account for the often excessive violence and wilful humiliation that can be observed in many of today's ethno-national conflicts.

Proponents of all three approaches to ethno-national conflict management discussed here, broadly fall into the constructivist camp when it comes to their assumptions about ethno-national identities in the sense that they agree that such identities are shaped by both historical experience and their contemporary, contextually dependent and often instrumentalized interpretations. However, beyond this, there are important differences. Liberal consociationalists take the view that, once formed in the context of an ethno-national conflict, such identities are relatively hardened and difficult, if not impossible, to change, at least in the short to medium term. Centripetalists and power dividers, on the other hand, consider ethno-national identities in principle to be always more malleable, and thus possible to be transformed such that they become politically less salient. Liberal consociationalists, based on their views, advocate institutions that accommodate group identities (executive and legislative power sharing, territorial self-governance in entities determined along the boundaries between groups, as well as PR or PR preferential voting systems), while centripetalists and power dividers favour institutions that make it harder for ethno-national group identities to maintain a hold on the political process (temporary/transitional power sharing or on the basis of substantive policy overlap, territorial self-governance cutting across, rather than reinforcing group boundaries, as well as plurality or plurality preferential voting systems).

Two core dimensions of institutional design—power sharing and territorial self-governance—thus dominate the debate on ethno-national conflict management. This debate takes place within and between the three schools of thought previously discussed, and it thus forms a useful focus for considering the different factors that condition the success of ethno-national conflict management, in particular when it comes to the relationship between the context in which a conflict and conflict management process unfold and the content of the agreement that stands at its end. This is a two-fold relationship in the sense that, as noted earlier, context determines content (as part

of the negotiation process) while the viability of this content (i.e., the degree to which agreed institutions reflect the conflict environment in such a way that conflict parties prefer a political process to the use of violence) is also dependent on a broader context that shapes the implementation and operation of an agreed settlement.

## **How Context and Content Matter: From Conflict Settlement to Sustainable Peace**

As noted earlier, the core of my argument centres around the contention that the success of conflict management depends on the dynamic relationship between the content of an agreement on institutional structures and the context within which it is achieved: the long-term success of an agreement is determined by the degree to which content appropriately reflects structural and agency-related factors of the context. Figure 1 illustrates this model.

**Figure 1.** Context, Content, and the Success of Ethno-national Conflict Management

<<Figure 1 about here>>

The two core dimensions of institutional design—power sharing and territorial self-governance—that dominate the debate on conflict management within and between the three schools of thought discussed previously can thus be looked at from two different angles to determine whether they are appropriate mechanisms to channel ethno-national conflict into an institutional framework that enables conflict parties to settle their disputes without recourse to violence. The first is about the primarily structural conditions under which different forms of power sharing and territorial self-governance, and combinations thereof, appropriately reflect the preferences of the immediate conflict parties. In other words, the question is about the (structural) factors that determine the (institutional) outcome of negotiations. The second question is about the degree to which a negotiated outcome (i.e., a set of institutions agreed between the conflict parties)

in actual fact addresses the core demands and concerns of each conflict party to such an extent that they do not take recourse to violence but rather engage in a political process within the agreed institutional framework. As this second question is thus about the degree to which the parties are able to implement and operate their agreement sustainably, it also needs to consider factors in the broader conflict environment, including the role of third parties.

While this contribution is primarily a theoretical reflection on ethno-national conflict management, a measure of empirical observation has necessarily informed the development of my analytical framework, not least because empirical observation of ethno-national conflict management practice reveals that a significant number of actual and potential real-world conflict settlements include forms of territorial self-governance and power sharing crafted along (increasingly liberal) consociational lines of thinking.<sup>25</sup>

From a more theoretical perspective, this, however, is not particularly surprising: in societies in which ethno-national group identities have formed and become salient, the availability of self-governance and power sharing to different segments of society is often seen by the members of these segments as directly related to the legitimacy of an overall institutional framework of the state in which they live. In this sense, there is thus a very strong link between the ethno-national 'nature' of a particular conflict, as discussed above and in the introduction by Kaufmann, Schertzer and Woods, and the specific kind of conflict management strategy adopted and its success.

The choice of governance arrangements, including power-sharing and self-governance regimes is thus meant to provide institutional solutions that allow the different segments of diverse societies to realise their aspirations for self-determination while simultaneously preserving the overall social and territorial integrity of existing states. In doing so, they offer mechanisms for conflict parties to manage their disputes by peaceful means (Weller and Wolff, 2005a), and thus ensure that an overall stable and durable settlement can be achieved (Wolff, 2010b). Within this context, the relationship between territorial self-governance and power sharing has only recently

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<sup>25</sup> An empirical discussion of this point is provided in Csergo and Wolff (2009), Weller and Metzger (2008), and Wolff (2009). See also McGarry and O'Leary (2004b) and Taylor (2009).

been discussed in greater detail theoretically,<sup>26</sup> especially by proponents of (liberal) consociational power sharing who have pointed out the important connections between, and complementarity of, consociational power sharing and territorial forms of self-governance,<sup>27</sup> thus seeking to fill a significant gap in conflict management theory.<sup>28</sup>

The key structural factor to consider in relation to territorial self-governance are the territorial patterns of ethnic demography. Among the proponents of territorial self-governance,<sup>29</sup> there is relative consensus that such institutions are generally needed in conflict situations involving territorially compact communities<sup>30</sup> willing to accept self-governance in the region they inhabit as the way in which they express their right to self-determination. Territorial self-governance, in this view, thus offers an acceptable compromise to conflict parties. Gurr (1993: 301) argues that the ‘recent historical track record shows that, on balance, autonomy arrangements can be an effective means for managing regional conflicts.’ Wallensteen (2007: 175, 9) concurs with such a positive assessment, pointing out that ‘since the Cold War, autonomy solutions have been of increasing interest’ and that ‘[t]hus far, the territorial solutions negotiated since the end of the Cold War using autonomy or federation have not failed.’ Saideman et al. (2002: 118) find that ‘federalism reduces the level of ethnic violence’, Bermeo (2002: 97) concludes that ‘federal institutions promote

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<sup>26</sup> The practical manifestation of conflict settlements of this kind have been termed ‘complex power-sharing’ Kettley, Sullivan and Fyfe (2001). O’Leary (2005a: 34-5) uses the term ‘complex consociation’ in a similar manner. For an empirical analysis, see the contributions in Weller and Metzger (2008). Gurr (1993: 292) offered the initial empirical evidence that “some combination of [...] autonomy and power sharing” offers reasonable prospects to accommodate minority demands.

<sup>27</sup> See Lijphart (1995, 2002), McGarry (2007b), McGarry and O’Leary (2004b), O’Leary (2005a, 2005b), and Weller and Wolff (2005b). Wolff (2011) discusses consociationalism as a theory of both power sharing and (territorial) self-governance.

<sup>28</sup> Advocates of centripetalism and power dividing generally reject the idea of territorial self-governance for communities seeking self-determination as destabilising, and variably propose ‘non-ethnic’ federalism or at least splitting communities across several territorial entities for a more nuanced account of the utility of federalism. See, for example Horowitz (1985, 1990), Reilly (2001), Roeder and Rothchild (2005), Sisk (1996), and Wimmer (2003). But see Horowitz (2007) for a more nuanced account of the utility of federalism.

<sup>29</sup> As noted earlier, there is no universal consensus on the utility of territorial approaches to conflict management. For example, Cornell (2002: 252) in his analysis of ethnic conflicts in the Caucasus argues that the “institution of autonomous regions is conducive to secessionism”, a point that Roeder (1991) made more than a decade earlier in relation to Soviet ethnofederalism and later reiterated in a broader empirical study Roeder (2007), in line with similar findings by Hale (2000, 2004) and Treisman (1997).

<sup>30</sup> By “territorially compact communities” I refer to groups of people who share a sense of identity that is distinct from other communities in the same state, who are neither dominant nor a numerical majority, and who live predominantly in their historic homeland or an otherwise delineated territory. Apart from adding the characteristic of territorially compact settlement, I thus rely primarily on the definition by Capotorti (1979) who defines a minority as “... a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language.”

successful accommodation’ in cases of ethnic conflict. Rothchild and Hartzell (2000: 269) find that ‘territorial autonomy ... combined with other safeguards ... can be used to reassure groups in deeply divided societies about their security and ability to exercise a limited authority’ and that such ‘arrangements may help to lay the foundation for a stable, accommodative politics.’ Hartzell and Hoddie (2007: 169) offer statistical evidence that ‘[d]esigning a negotiated settlement or negotiated agreement to include [territorial power sharing] lowers the risk of a return to war’. Cohen (1997) and Schneckener (2002) similarly endorse the use of territorial approaches to resolving self-determination conflicts, while Harff and Gurr (2004: 186) argue that ‘if no autonomy options are open to regionally concentrated groups, armed conflict may occur.’

In two types of situations power sharing mechanisms are required either in addition or instead of territorial self-governance arrangements: to accommodate local, politically relevant heterogeneity in the self-governing territory and/or to reflect the significance of the self-governing territory relative to the rest of the state.

Power sharing as a result of efforts to accommodate local population diversity in the self-governing territory takes the form of a regional consociation, such as in Brussels, South Tyrol, and Northern Ireland.<sup>31</sup> If the significance of the territory (or territories) in question relative to the rest of the state is high and necessitates power sharing at the centre, the institutional outcome is a sovereign consociation, such as in Belgium or Switzerland, or Iraq.<sup>32</sup> Regional and sovereign consociations are not mutually exclusive but can occur together. Empirical evidence for this, exists, for example, in the Iraqi constitution of 2005 or the Dayton Accords for Bosnia and Herzegovina, as well as in the arrangements in Brussels and Belgium.<sup>33</sup>

‘Significance’ is one of the less straightforward, but nonetheless important, key concepts of this analytical framework and relates to several dimensions of what can be gained from control over,

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<sup>31</sup> Cf. Wolff (2004) for a comparative analysis of these three cases.

<sup>32</sup> Sovereign consociations are also possible without provisions for territorial self-governance, e.g. Lebanon.

<sup>33</sup> The Constitution of Iraq, [http://portal.unesco.org/ci/en/files/20704/11332732681iraqi\\_constitution\\_en.pdf/iraqi\\_constitution\\_en.pdf](http://portal.unesco.org/ci/en/files/20704/11332732681iraqi_constitution_en.pdf/iraqi_constitution_en.pdf); General Framework Agreement for Peace in Bosnia and Herzegovina,” [www.intstudies.cam.ac.uk/centre/cps/documents\\_bosnia\\_dayton.html](http://www.intstudies.cam.ac.uk/centre/cps/documents_bosnia_dayton.html).

or possession of, a particular territory. For states, territory possesses certain value in and of itself, including natural resources, the goods and services produced there and the tax revenue generated from them, and military or strategic advantages in terms of natural boundaries, access to the open sea, and control over transport routes and waterways. Additionally, for identity groups, territory very often is also important in a different way – as a crucial component of their identity. Territory is then conceptualised more appropriately as place, bearing significance in relation to the group’s history, collective memories, and ‘character’. Yet, for identity groups, too, territory is, or can become, a valuable commodity as it provides resources and a potential power base, including in electoral terms in relation to the state overall if they are sizeable and party-politically united enough to make an electoral impact at the centre. In other words, significance can arise from the size of the local population (of the identity group concerned), the wealth locally generated (as expressed in GDP per capita), natural resource presence, strategic location, and cultural importance. If three or more of these indicators matter, I define significance as ‘high’, for two indicators as ‘medium’ and for one or none as ‘low’. The relevance of a medium level of significance for institutional design outcomes is initially difficult to assess, whereas it is more intuitively logical to hypothesise a particular (non-) outcome in relation to high and low significance. In Figure 1 below, I therefore operate only with the latter two levels of significance.

On the basis of the foregoing discussion, three key contextual characteristics, thus, emerge as crucial in answer to the question about the structural conditions under which different forms of power sharing and territorial self-governance, and combinations thereof, are likely to shape the outcome of negotiations, reflecting the preferences of the immediate conflict parties (see Figure 2): the compactness of groups’ settlement patterns in a given state; the degree of ethnic heterogeneity in the territorial entities to which powers and competences of self-governance are to be assigned; and their significance relative to the rest of the state.<sup>34</sup>

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<sup>34</sup> Transnational links potentially also shape institutional design as an additional contextual factor. For reasons of space, this cannot be discussed in greater detail here, but see Wolff (2007b) for a more in-depth reflection on ‘para-diplomacy’.

## Figure 2. From Context to Content:

Power Sharing and Territorial Self-governance in Ethno-national Conflict Management<sup>35</sup>

<<Figure 2 about here>>

As my argument is more broadly about how settlements that are achieved under specific contextual conditions can prove sustainable in the long term, an answer to the second question posited above needs to be sought as well: which content- and context-related factors determine the degree to which the parties are able to implement and operate their agreement sustainably. In other words, in my theoretical perspective on ethno-national conflict management I am primarily interested in why settlements agreed are sustainable, and not why a particular settlement was agreed. In other words, my focus is on the extent to which agreed institutions provide an appropriate framework for conflict management.<sup>36</sup>

As a starting point to answer this second question, I take the observation that institutions designed to resolve ethno-national conflicts in practice work as a package; that is, they 'interact in complex ways' (Belmont, Mainwaring, and Reynolds, 2002: 4). What matters, therefore, is that different dimensions of institutional design fit each other and the context in which they are to be implemented to enable overall outcomes that are conducive to the success of conflict settlements. The existing literature on conflict management offers some insights on what contextual conditions need to be in place to enable sustainable settlements.<sup>37</sup> While these differ at times quite significantly between different schools of thought and different methodological approaches, there is some agreement on broad trends. As far as territorial self-governance is concerned, the consensus

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<sup>35</sup> Note that my focus here is on the two most contested dimensions of institutional design (power sharing and territorial self-governance), not on the broader range of possible or likely governance arrangements, which would include, among others, also human and minority rights regimes and non-territorial self-governance (or 'cultural autonomy').

<sup>36</sup> If the focus was instead on why a set of institutions was established under a given settlement, a whole raft of other factors would need to be considered in addition to the structural factors I am focusing on, including especially questions related to the nature and structure of the negotiations process leading to an agreement (cf., e.g., Bercovitch, 1991; Bercovitch, Anagnoson, and Wille, 1991; Gartner and Bercovitch, 2006; Jackson, 2000; Kydd, 2006).

<sup>37</sup> For a detailed discussion of two such factors—the distribution of labour and capital—see Green's contribution below. While I cannot discuss them at greater length here, they do, however, underscore my general point that context does, and should, inform the choice of specific conflict management mechanisms.

generally extends to the need for institutional arrangements to address the key conflict issues (including assignment of substantive powers to the self-governing entity, adequate financing for their discharge, clear delineation of competences held by the territorial entity and by the centre), to entrench the settlement achieved constitutionally, and to provide for effective dispute resolution mechanisms (Weller and Wolff, 2005a). Moreover, the establishment of appropriate power-sharing arrangements has a direct bearing on the success of territorial self-governance: governance arrangements within the self-governing territory must contribute to the local workability of the settlement, and relations with the centre must be structured in such a way that they adequately reflect the significance of the self-governing entity relative to the rest of the state. Yet, power sharing institutions have their own 'success conditions', too.

Lijphart (1977: 53-103) identified several such 'favourable factors', based on his study of sovereign consociations in the 1960s and 1970s, but his focus was not primarily on consociations as an arrangement for the management of ethno-national conflicts, and his favourable factors include both factors that enable the emergence of consociational arrangements as the outcome of a negotiation process and those that can ensure their subsequent success in managing ethno-national conflicts (Wolff, 2011). More relevant in the context of this contribution, therefore, is the work by McGarry and O'Leary, who specifically develop consociationalism as a theory for the management of ethno-national conflict (e.g., McGarry and O'Leary, 2009a; 2004b; 1993; 2003). Refining Lijphart's consideration of agency-related factors, they argue that for consociationalism to work, three conditions need to be in place: integration or assimilation of the respective other group must not be on the agenda of either of the ethnic groups in conflict with each other in the short or medium term; successive elites must be motivated to work for the preservation of the consociational settlement; and elites must enjoy a sufficient degree of autonomy within their communities enabling them to make compromises and concessions without fear of outbidding and outflanking by ethno-centric radicals. Critics of consociationalism, too, have engaged with its success conditions. Rothchild and Roeder (2005b: 41-9), for example, identify elite dominance, a culture of accommodation, sincere

commitments, state strength, economic prosperity and equality, stable demographics, and a constructive relationship with the international community as necessary conditions for the success of consociations.<sup>38</sup>

In addition, the literature also acknowledges that favourable domestic factors are rarely enough to make a settlement work. At a minimum, a favourable, or at least non-hostile, external environment is required, i.e., external actors must not seek to undermine an existing settlement and, as necessary, support its implementation, for example financially and/or with security guarantees (Brown, 1996; McGarry and O'Leary, 2004b; Rothchild and Roeder, 2005b; Stedman, Rothchild, and Cousens, 2003; Walter, 1999b; Weller and Wolff, 2005a, 2008; Wolff, 2003). This consideration of the external context of settlement sustainability applies equally to territorial self-governance and power-sharing designs.<sup>39</sup>

**Table 2.** Content and Context as Success Conditions for Ethno-national Conflict Management

<<Table 2 about here>>

The factors that account for the viability of conflict settlements are summarised in Table 2. As far as the impact of the content of any agreement goes, two dimensions matter, namely the degree to which the institutional bargain struck during negotiations reflects the structural conditions of each conflict situation (as illustrated by Figure 2, above) and the degree to which substantive assignment of powers to territorially self-governing entities addresses the concerns and demands of the conflict parties.<sup>40</sup> In addition, appropriate dispute resolution mechanisms should be part of an agreement and translated into institutional mechanisms. The proper financing of self-governance and the constitutional entrenchment of the agreement's provisions are two factors that are

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<sup>38</sup> This long list of conditions, of course, is central to their critique of consociationalism, arguing that the presence of these conditions is highly unlikely, at least in post-civil war settings, thus dooming consociational approaches.

<sup>39</sup> This point is made forcefully in O'Duffy's analysis of Northern Ireland below.

<sup>40</sup> Pearson (2001) uses the notion of 'quality' in a similar context and meaning: "whether they made sense from a social, geographic, or political perspective".

somewhat in a grey area between content and context. As they are quite frequently written into agreements, I consider them as part of the content factors for settlement stability, while acknowledging that they are also part of its broader context.

In terms of context factors beyond the structural aspects that shape, to a significant degree, the content of an agreed institutional design, I focus on two aspects in particular: elite agendas and behaviour and the external environment. Concerning elite agendas and behaviour, three issues appear to matter most (Bogaards, 1998; Lijphart, 1977, 2002; McGarry and O'Leary, 2009a, 2004b; Nordlinger, 1972; Putnam, 1988). First, integration or assimilation of the respective other group must not be on the agenda of either of the conflict parties. In other words, 'the mutual understanding and acceptance of each side's concerns about survival, status, legitimacy, and cultural and political rights' needs to be reflected in settlements (Pearson, 2001: 278). Parties thus need to acknowledge and protect institutionally each other's right to be part of the common state with their distinct identity. Second, elites need to be motivated to work for the preservation of the agreement. That is, they must commit in word and deed to its full implementation and subsequent operation, they must be prepared to revisit the settlement, or individual parts of it, in good faith if specific provisions in the original agreement do not or no longer work or if there is an expectation that a changing context might affect the effectiveness of specific provisions,<sup>41</sup> and they must make sure that they retain as widely as possible the support of their constituents for the settlement. This latter point is closely related to the third issue, namely that elites must have sufficient autonomy within their communities. This is often related to the degree of political heterogeneity within each conflict party, but rather than that what matters specifically is the extent to which all relevant political elites within each conflict party adopt a non-partisan approach when it comes to preserving the settlement and do not engage in mutual ethnic outbidding predicated on 'defending' communal interests rather than an inter-communal peace. Crucial for the success of any settlement (and process leading up to it) is thus the absence of effective spoilers at the domestic level.

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<sup>41</sup> This point is also made by Beardsley (2008), Werner (1999), Werner and Yuen (2005).

Apart from these primarily domestic factors, it has been increasingly recognised that there is also an external dimension to the sustainability of any settlement (Brown, 1996; Lake and Rothchild, 1996; McGarry and O'Leary, 2004b; Rothchild and Roeder, 2005b; Walter, 1999a, 1999b, 2002; Walter and Snyder, 1999; Weller and Wolff, 2005a, 2008; Wolff, 2003). Here I limit myself to two factors widely accepted in the existing literature: the absence of effective external spoilers<sup>42</sup> and broad international support for the implementation (and operation) of agreements, including through donor funding and international/regional security guarantees.<sup>43</sup>

There is, of course, another external dimension to the sustainability of conflict settlements, but one that is only partly a context factor in the sense this notion is used here. External actors, such as international governmental (e.g., UN, EU, AU, OSCE, OIC, etc.) and non-governmental organisations (Centre for Humanitarian Dialogue, Conciliation Resources, Concordis, Kreddha, Initiative on Quite Diplomacy, etc.), individual states (e.g., United States, Norway, etc.), and prominent individuals (e.g., Jimmy Carter, Martti Ahtisaari, George Mitchell, etc.) play a major role in mediating between the conflict parties during the negotiation phase of a conflict management process<sup>44</sup> and thus have a significant impact on the content of any settlement. Their involvement, on the one hand, often commits them to long-term engagement beyond the negotiation phase, for example, by extending security guarantees or offering monitoring and verification of agreement implementation (Stedman, Rothchild, and Cousens, 2003; Walter, 2002; Werner, 1999; Werner and Yuen, 2005; Zartman, 1989; Zartman and Touval, 1985). On the other hand, however, external involvement in peace negotiations is not entirely unproblematic. There is often a danger that settlements achieved are as much, if not more, the result of particular agendas driven by external mediators than they are that of a genuine compromise between the conflict parties. The issue here is less one of external self-interest or malign intent but rather one of an asymmetry of knowledge

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<sup>42</sup> On the 'spoiler problem' more generally, see Stedman (1997).

<sup>43</sup> Northern Ireland is a key case in point in this context. See O'Duffy below, as well as more generally the work by McGarry and O'Leary (e.g., , 2004a). However, as Rampton's contribution on Sri Lanka shows below, there are also cases in which domestic factors are so powerful that they can override any external factors.

<sup>44</sup> Zartman (2007: 476) goes as far as stating that "Peacemaking rests squarely in the hands of third parties."

and understanding. While external mediators often have long-standing experience in conflict management and can draw on a wide range of settlement mechanisms from other negotiations they were involved with or know of, the 'lessons' learned there may not be directly or easily transferable to another conflict situation. Local parties often lack such wide comparative knowledge, but have a better, if at times biased, understanding of the specific local context of their conflict. External involvement in the negotiation phase of conflict management processes can thus also create a formulaic, one-size-fits-all approach as Daley (2006: 304) notes: 'Efforts to bring peace and reconstruction have been fashioned by universalistic conflict resolution models that have a standard formula of peace negotiations, with a trajectory of ceasefire agreements, transitional governments, demilitarization, constitutional reform and democratic elections.' Unless external actors are sensitive to the specific local context they confront and allow local conflict parties to play a full role in negotiations, there is a danger of settlements being imposed rather than genuinely agreed.

## **Conclusion**

Context and content are both important dimensions if we want to understand the success of ethno-national conflict management. As illustrated in Table 2, there is a variety of different factors that have an impact on the outcome of a conflict management process.

**Table 2.** Content and Context as Success Conditions for Ethno-national Conflict Management

<<Table 2 about here>>

While the distinction between content and context is important, the dynamic and mutually constitutive relationship between them is equally significant. As illustrated above (Figure 1), the preferences that agents (conflict parties) develop in the presence or absence of certain structural conditions shape, in part, the institutional arrangements agreed between them in the course of the conflict management process. At the same time, these institutional arrangements also depend on the balance of power between the parties, the quality of their leadership and the nature and quality

of international mediation. Within this multidimensional framework, my particular focus here was on the structural conditions in the conflict context and the way in which they influence two specific institutional outcomes—power sharing and territorial self-governance. These two governance arrangements are at the heart of a large number of contemporary conflict settlements, they are severely contested in negotiations, and there is little or no agreement on their utility in the literature on ethno-national conflict management. In fact, there is a fundamental disagreement in three highly influential schools of thought (consociationalism, centripetalism, and power dividing) about both their utility and the conditions under which they can contribute to the success of conflict settlements.

Resolving this long-standing debate was not the purpose of the foregoing discussion. Rather, what I sought to establish was an analytical framework that can help us understand why specific settlements emerge and why they succeed or fail. The main argument that I developed is about the importance of the relationship between the content and context of conflict settlements. On the one hand, it is essential that the content of agreements reflect key structural conditions of a specific conflict situation and address the parties' core concerns when establishing a set of institutions in which they agree to commit to a political process instead of relying on the use of violence. The content of the agreement is also shaped by a range of other, agent-related domestic and external context factors, and these also have an impact when it comes to assessing the long-term stability of a settlement. Content and context thus matter beyond the signature that parties put to their agreement.

The framework that I have developed is not partial towards any specific theory of ethno-national conflict management, neither in terms of their institutional recommendations (it can explain both the emergence and the success and failure of power sharing and territorial self-governance), nor in relation to their underlying assumptions (it can account for both changing and stable agent preferences in relation to institutional structures and the degree to which they accommodate conflict parties' interests and identities).

Applying this framework to concrete case studies will enable us to understand success and failure in particular cases of ethno-national conflict management, as well as enhance our knowledge of the conditions under which ethno-national conflicts can be successfully managed more generally.

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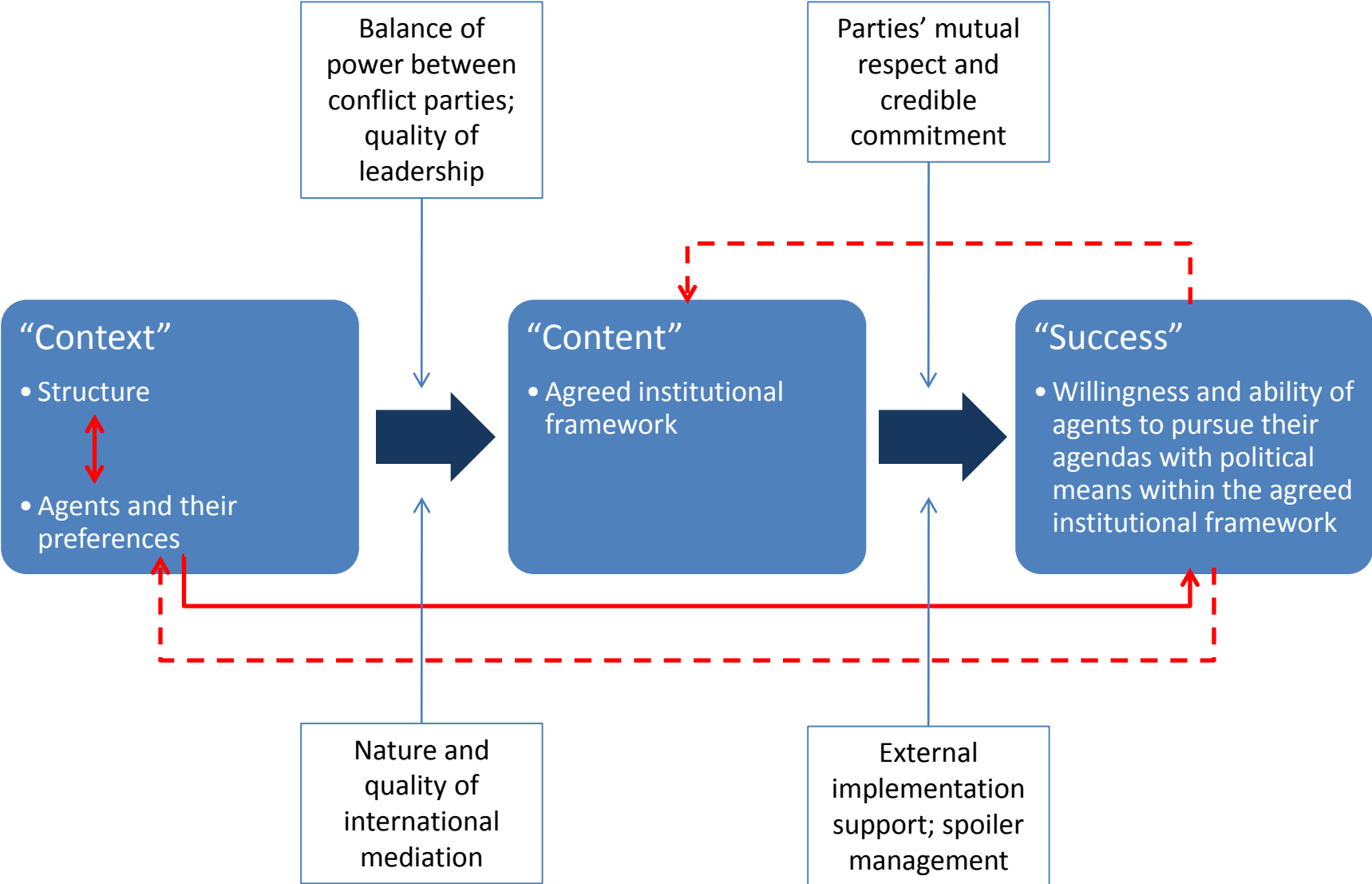
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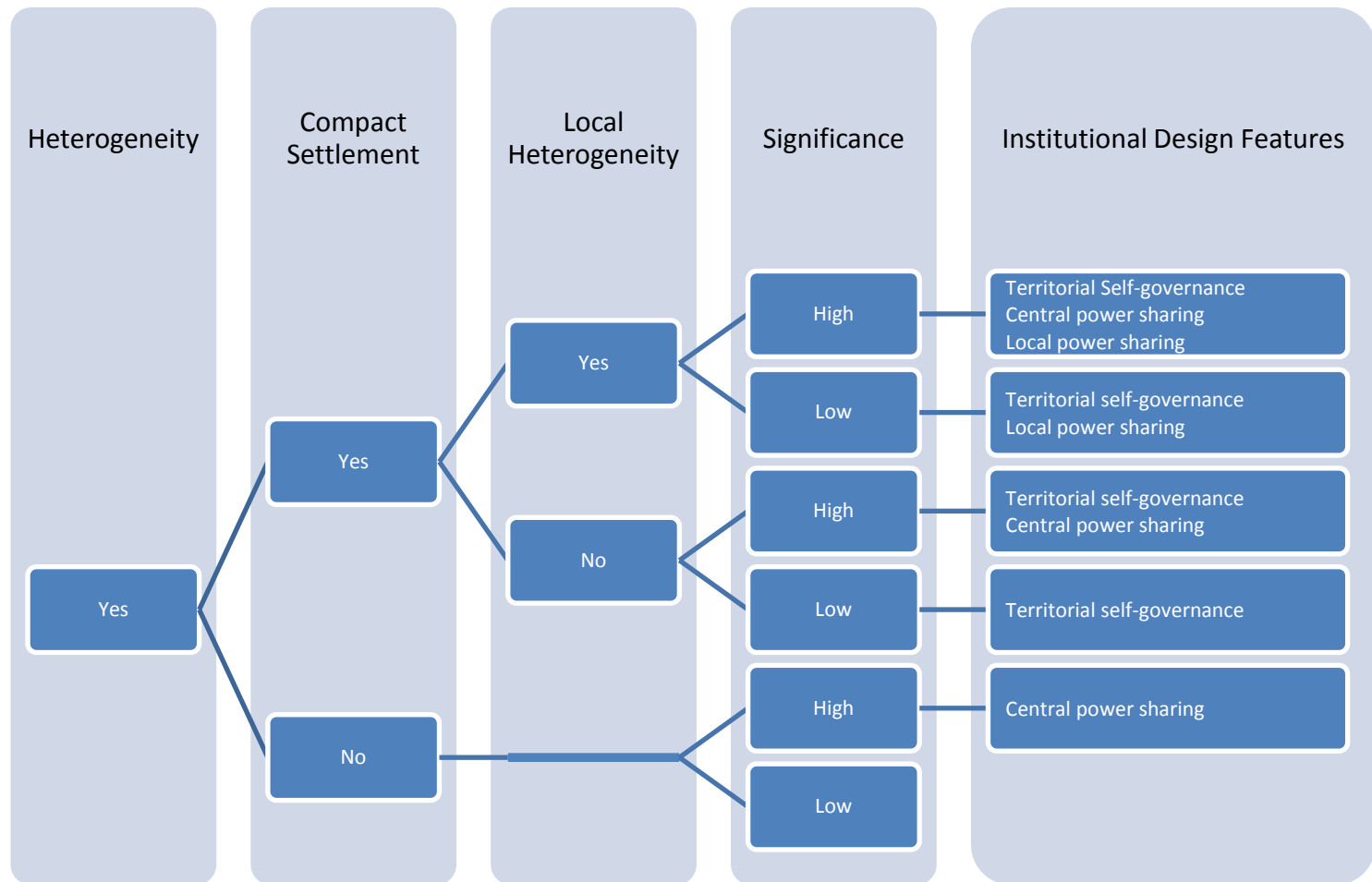
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**Figure 1.** Context, Content, and the Success of Ethno-national Conflict Management



**Figure 2. From Context to Content:**  
Power Sharing and Territorial Self-governance in Ethno-national Conflict Management



**Table 1.** Main Institutional Arrangements Recommended by Different Theories of Conflict Management

		<b>Liberal Consociational Power sharing</b>	<b>Centripetalism</b>	<b>Power dividing</b>
<b>Principal recommendation</b>		Interethnic cooperation at elite level induced by institutional structure requiring jointness of executive decision making	Interethnic cooperation and moderation induced by electoral system design encouraging vote pooling	Cooperation between different, changing coalitions of interest induced by separation of powers
<b>State Construction</b>	<b>Heterogeneity vs. homogeneity of federal units (if any)</b>	Preference for units based on self-determining communities	Preference for heterogeneous units <sup>1</sup>	Preference for heterogeneous units
	<b>Number of units relative to number of groups</b>	Preference for units equal to numbers of groups	Preference for more units than groups	No explicit connection between number of groups and units
<b>The Institutions of Government</b>	<b>Government system</b>	Parliamentary or Collective/Rotating Presidential system <sup>2</sup>	Presidential <sup>3</sup>	Presidential
	<b>Executive power sharing</b>	Yes: guaranteed	Yes: voluntary	No, except transition phase after civil wars
	<b>Legislative power sharing</b>	Yes: guaranteed	Yes: voluntary	No, except transition phase after civil wars
	<b>Electoral system (for parliament)</b>	PR-List or PR preferential	Plurality preferential	Plurality
	<b>Judicial branch</b>	Independent and representative <sup>4</sup>	Independent	Independent
	<b>Legal entrenchment</b>	Yes	Yes	Yes
<b>Rights and Identities</b>	<b>Individual vs. group rights</b>	Emphasis on combination of individual and group rights	Emphasis on individual rights	Emphasis on individual rights
	<b>Recognition of distinct identities</b>	Yes, as private and public matter	Yes, primarily as private matter	Yes, primarily as private matter

<sup>1</sup> Note that Horowitz is more flexible here and accepts that sometimes homogeneous units are as useful as heterogeneous units. Personal communication from Donald Horowitz.

<sup>2</sup> Lijphart is a strong advocate of parliamentary systems, while McGarry and O'Leary are open to other arrangements, insisting that what is crucial for consociation is not whether powers are fused or divided, but whether the different communities are represented in core institutions of the state. This view is supported empirically by the cases of Bosnia and Herzegovina and Switzerland which are both presidential and consociational. Personal communication from John McGarry.

<sup>3</sup> Horowitz does not insist that presidential systems are always best and argues that for his recommendations to work it is not essential that governments be presidential. Personal communication from Donald Horowitz.

<sup>4</sup> Liberal consociationalists recognise that it is more difficult to make the judiciary representative than an elected body, but nonetheless note the importance of its representativeness. Personal communication from John McGarry.

**Table 2.** Content and Context as Success Conditions for Ethno-national Conflict Management

Content		Match of institutional bargain to structural conditions
		Match of institutional arrangements to conflict issues
		Appropriate dispute resolution mechanisms
		Constitutional entrenchment
		Proper financing
Context	Domestic	Parties' acknowledgement of each other's right to be part of the common state with their distinct identity
		Parties' credible commitment to implementation
		Absence of effective domestic spoilers
	External	Absence of effective external spoilers
		International support for implementation