Introduction

ANNA K. JARSTAD AND TIMOTHY D. SISK

Introducing democracy in the wake of civil war raises a stark question: How can societies shattered by war, with all the deep social enmity, personal suffering, and economic devastation that war brings, simultaneously move toward peace *and* democracy when competitive politics and hard-fought elections exacerbate social and political conflict? This book explores this question from two somewhat disparate strands of scholarly research: *democratic transition theory and practice*, which emphasizes, in the move from authoritarian rule to more democratic politics, elite-negotiated democratization pacts, popular mobilization, political party transformation, constitution making, electoral design, and resurrection of civil society; and *theory and practice of post-war peacebuilding*, with its emphasis on the elite and public negotiation of comprehensive peace agreements, the search for security through ceasefires, demobilization of armed forces, inclusion and reconciliation, external security guarantees, and long-term conflict transformation.

Introducing democracy in the wake of war has become a standard practice: since the 1990s, democratization is an integral part of international peacebuilding missions in the wake of civil war. Democracy and peace – two often-desired goals – are promoted in war-torn societies shattered by war. However, today's headlines – from Afghanistan, Kosovo, Nepal, and the Democratic Republic of Congo (DRC) to name but a few – reflect the evident dilemmas of war-to-democracy transitions. In these and other cases, democracy and peace do not always move forward hand in hand: sometimes, advances in democratization threaten peace, and the compromises necessary for peace restrict or defer democratization.

This book is about the dilemmas that arise in pursuing peace after civil war through processes of democratization. We seek to identify and evaluate the core dilemma of peacebuilding versus democratization, and several manifestations of this dilemma, in six issue areas: peacekeeping, management of violence, power sharing, political

party transformation, elections, civil society, and international reactions to democratization crises. This research effort enhances the understanding of the complex relationship between the two processes, with an eye toward more effective action in peacebuilding.

The book also outlines ways to accommodate the negative effects that occur when the processes of democratization and peacebuilding clash. It proposes designs of peace missions that avoid creating dilemmas, but also identifies situations where dilemmas cannot be overcome and where a choice has to be made between efforts to promote peace or democracy. In this way, the research presented in this volume seeks both to advance theory and to provide policy-relevant findings to facilitate more effective and durable war-to-democracy transitions.

War-to-democracy transitions: patterns and rationales

In bringing armed conflicts in the 1990s and early 2000s to an end, a critical question emerged for policymakers seeking to secure sustainable peace: How can the international community assist societies wracked by internal war to transform in a way that deep-rooted social conflicts can be ameliorated through non-violent means? Two contending answers to this question have been put forward: one is to separate warring parties by creating new sovereign states, especially if the war has been fought among territorially distinct ethnic, linguistic, or national groups (Kaufmann 1997). The other is to end the war by encouraging the parties to negotiate a settlement and to undergo a war-to-democracy transition *within* an existing state, in which conflicts on the battlefield or the street are ended through the sequenced introduction of democracy: elections, parliamentary politics by political parties, independent judicial institutions, and resuscitation of civil society all underpinned by a basic floor of human rights usually enshrined in newly negotiated constitutions.[1]

No post-Cold War civil war has been terminated by a peace agreement stipulating partition, in line with the first plausible outcome. Indeed, of the instances of partition of existing states since the end of the Cold War, none were the outcome of a negotiated peace agreement between the government and the armed opposition group (although

[1] Recent evidence suggests that today's wars are much more likely to end at the peace table than on the battlefield; see Eriksson and Wallensteen (2004).

some settlements involve extensive decentralization that approaches internal partition). The breakup of the former Soviet Union was a disintegrating empire, and it occurred not as a result of a civil war. The breakup of Yugoslavia was a result neither of a peace deal, nor of a civil war. On the contrary, the wars in former Yugoslavia occurred *after* the declaration of independence by the respective former republics. The independence of Eritrea (de facto in 1991 and de jure in 1993) was never agreed in a peace agreement, but proclaimed after the military victory of the opposition, and a subsequent referendum. Timor Leste (formerly East Timor) achieved its independence after an agreement between Portugal and Indonesia; no negotiations took place between the Revolutionary Front of Independent East Timor (FRETILIN) and Indonesia. Also in this case, independence was approved in a referendum (UCDP 2007). Indeed, many of the internal armed conflicts involving territorial claims have been "terminated" by cease-fire agreements but have not advanced to comprehensive peace settlements in part because the international bias against the creation of new states as an outcome of civil war usually takes partition off the table: Cyprus, Azerbaijan (Karabagh), and Georgia are all examples.

The second alternative, to encourage the warring parties to reach a comprehensive, negotiated settlement featuring a transition to democracy, is essentially the default approach of the international community in its response to end contemporary wars. The bias against partition of existing states in the international system is one reason, but it is not the only one. The other is that partition in itself does not solve the problem of contending social groups living together; it only rearranges territorial borders but does not solve the problem of managing social conflict (Chesterman, Farer, and Sisk 2003). Thus, the move toward democracy after war is *the* imperative even in those instances where prior historical legacies have led to newly independent states such as Bosnia and Herzegovina or Timor Leste. War termination today is principally about building anew or to rebuilding functioning, secure, stable, and democratic (or "republican") states (Barnett 2006).

Data generated from the Uppsala Conflict Data Program demonstrate that the most common provision in peace accords for resolving conflicts over government is the holding of elections, while peace accords after conflicts over territory often establish local governance over the disputed territory. After a peak during 1991–1992 when fifty-one armed conflicts were active, the number of conflicts has for the last

couple of years decreased to a level equivalent to the levels of the 1970s (around thirty armed conflicts). Since 2004, all conflicts have been recorded as some type of intrastate conflict.[2] Peace agreements were concluded in one-third of armed conflicts that have been active since the end of World War II, and more conflicts are being settled than new ones are emerging (Harbom and Wallensteen 2005; Harbom, Högbladh, and Wallensteen 2006).

It is not surprising, then, that comprehensive peace agreements in civil wars today – from Namibia in 1990 to more recent cases of Afghanistan, Liberia, or the Ivory Coast – generally envisage democracy as the end-state of a peacebuilding transition process, replete with promises for the full protection of human rights, for electoral processes in lieu of battlefield encounters, for transitional justice mechanisms often lenient to those who have waged violence, and for the promised arbitration of disputes through law instead of the rule of the gun.[3]

Dilemmas: international community perspectives

The actors involved in war-to-democracy transitions view the dilemma of peacebuilding versus democratization from different perspectives. For whom is this dilemma experienced, and how?

The external motives for post-war democratization are compelling. In the cold reality of negotiated peace agreements following civil war today, where the international community's normative and material levers of inducement are ubiquitously brought to bear, the war-termination choice for a process of democratization is today a preferred choice. For the international community democratization is a process by which the root causes and articulated grievances of the parties can be

[2] According to Uppsala Conflict Data Program (UCDP), the conflict between Iraq and the coalition of the United States, the United Kingdom, and Australia was coded as interstate in 2003 and as internationalized internal armed conflict for the years 2004, 2005, and 2006. An armed conflict is defined by UCDP as a contested incompatibility that concerns government or territory or both, where the use of armed force between two parties results in at least twenty-five battle-related deaths. Of these two parties, at least one has to be the government of a state. For detailed definitions of the different categories of armed conflicts, see www.ucdp.uu.se. In this book, the term civil war is used more broadly than the UCDP definition of intrastate war. Here it also refers to minor internal armed conflicts that do not meet the UCDP criteria.

[3] For an evaluation of post-war peacebuilding, see Paris 2004.

negotiated without recourse to bloodshed and, ideally, consistent with the norms and principles outlined in international law (Franck 1992). Likewise, democratization is increasingly linked to state building, for without an electoral process there is no mechanism for generating internal legitimacy for peace agreements. As Benjamin Reilly appropriately observes, "In any transition from conflict to peace, the creation or restoration of some form of legitimate authority is paramount . . . the support of the citizenry must be tested and obtained" (Reilly 2003a: 174). The faith-like belief in an "internal" democratic peace in the post-Cold War era is as strong as international liberalism's devotion to an international democratic peace. Kofi Annan, the seventh Secretary-General of the United Nations (UN), succinctly described the connection between democracy and peace:

> At the center of virtually every civil conflict is the issue of the State and its power – who controls it, and how it is used. No conflict can be resolved without answering those questions, and nowadays the answers almost always have to be democratic ones, at least in form . . . Democracy is practised in many ways, and none of them is perfect. But at its best it provides a method for managing and resolving disputes peacefully, in an atmosphere of mutual trust.[4]

For the international community, a war-to-democracy transition has a certain undeniable appeal: the alternatives of authoritarian control or partition are most often shelved as untenable outcomes for the international community. But at the same time, democratization and peacebuilding introduce acute dilemmas for external actors. Pauline Baker insightfully summarizes the inherent tensions in international action in war termination, stemming from the countervailing pressures within the international community (and, conceivably, within individuals such as policymakers who are internally weighing alternative approaches to war termination):

> [c]onflict managers tend to concentrate on short-term solutions that address the precipitous events that sparked the conflict; above all, they seek a swift and expedient end to the violence. Democratizers tend to concentrate on longer-term solutions that address the root causes of the conflict; they search for enduring democratic stability. The former see peace as a precondition for

[4] UN Secretary-General Kofi Annan, "Why Democracy is an International Issue," Cyril Foster Lecture, Oxford University (UK), June 19, 2001 (available at www.un.org/News/ossg/sg/stories/statements_search_full.asp?statID=11).

democracy; the latter see democracy as a precondition for peace. (Baker 2001: 760)

External actors face perplexing problems, for example whether to include perpetrators of violence in power sharing, to hold elections despite insufficient security (with the hope that violence will ebb), to bargain mostly with elites or to try to engage a wider group of parties (such as political parties or civil societies), or whether to engage rebel forces with a view toward their transformation into political parties. These issues also arise when international actors are considering the extent of their involvement in civil war termination efforts, in how to engage (such as helping parties design the course of events in a war-to-democracy transition, or "sequencing," and when to leave).

Peacebuilders in war-torn societies face the difficult challenges of providing security, fostering resuscitation of civil society, transforming armed actors into human-rights-abiding democrats, providing basic humanitarian relief and "peace-divided" development, and breaking the rent-seeking ties of political economy that fueled the war for states and rebel forces alike (Collier *et al*. 2003). Perhaps the most difficult dilemma faced by international actors, particularly in UN peace operations, are challenging questions over the use of coercive measures such as force. Use of force by peace operations to buttress a negotiated settlement, especially when the legitimacy of action by the international community is disputed or resisted (see the respective chapters by Virginia Page Fortna, Kristine Höglund, Roberto Belloni, and Peter Wallensteen in this volume), is risky and prone to backfire. Should the UN be in the business of ensuring democracy at the barrel of a gun?[5]

When international actors engage, their interests may be insufficiently aligned causing a disconnection among the various types of international actors who – generally with good intent – engage in the efforts to bring peace to war-shattered states. Roberto Belloni shows that coordination problems among international actors have been central barriers to the deepening of peace in efforts to engage civil

[5] Joanne Mariner of Human Rights Watch argues that in the case of Haiti, for instance, it was important for the UN to use its military clout to prevent violent disruption of the country's elections. She writes that "It is crucial for the elections to be credible in the eyes of the Haitian people. Otherwise, instead of advancing much-needed stability they could trigger yet another crisis." See *Haiti: Secure and Credible Elections Crucial for Stability*, available at http://hrw.org/english/docs/2006/02/06/haiti12611.htm.

society in the war-to-democracy transition process in Bosnia and Herzegovina. Peter Wallensteen shows that international responses are episodic in the face of crises in war-to-democracy processes, and that problems of coordination and will inherently limit the ability of the international community to help parties negotiate successfully to overcome the turbulence of such transitions. Moreover, they face difficult choices over the instruments of support and coercion that could potentially be brought to bear.

Finally, there is increasingly concern about the issue of authority in war-to-democracy transitions. The international community has assumed a more authoritative role through extensive international oversight or even transitional administration in cases either where the local authorities fail to prevent crimes against humanity and mass violence (e.g., Sierra Leone, Timor Leste), or when the state itself has been culpable in committing atrocities (e.g., in Cambodia and Kosovo, where government authorities were accused of genocidal crimes). A difficult challenge arises as a result of the need for firm international control of the situation to manage problems of spoiler violence, or to organize elections, while engaging in such a way that empowers local actors (such as electoral management bodies), affirms state sovereignty, and leads to a capable, functioning state when the international community's oversight ends. Simon Chesterman has shown that this challenge is inherent in transitional administrations and that the United Nations, especially, faces the problem of building democracy in war-torn societies in ways that are fundamentally undemocratic (Chesterman 2004).

Dilemmas: protagonist perspectives

The endogenous motives for civil war protagonists is simple: democratization provides a set of rules under which conflict can continue to be waged through formal, rule-oriented institutions such as electoral and parliamentary processes that offer a fundamental floor of human rights in the event one party or another finds itself on the losing side of collective decision-making processes. In John Rawls' classic book *A Theory of Justice* (1971), he postulates hypothetical negotiations among individuals seeking to establish anew a political community while ignorant about their future positions and status. In peace talks, the protagonists negotiate the future through what is essentially a new Rawlsian social contract, albeit without a fully obscured "veil of

ignorance."[6] As Viktor Vanberg and James Buchanan (1989: 61) have argued: "Cooperation can replace conflict only if the differing interests, held with different intensities by different persons, can be traded-off or compromised, actually or symbolically, in a *social contract*."

Civil wars by definition feature factions that have some degree of coherence; indeed, the coherence of a protagonist group, such as a rebel force that seeks to represent an ethnic interest, is a key variable in explaining the likelihood of negotiated settlements to civil wars in the first place. Civil war protagonists view the conclusion of peace agreements through democratization as attractive, but risky; likewise, they view peacebuilding approaches such as power-sharing pacts as less risky, but unattractive. As Mimmi Söderberg Kovacs and Anna K. Jarstad claim in their respective chapters of this volume, protagonists' aversion to democratization and peacebuilding poses severe obstacles for a war-to-democracy transition. Rebels are not always interested and able to transform into political parties, because if they emerge as a political party, they risk losing the election. Power sharing can provide guaranteed inclusion – and thereby an incentive for such transformation – but how does inclusion of former warring parties affect the quality of democracy that emerges?

In turning to the war-to-democracy formula for war termination, protagonists in civil wars face difficult challenges: because the international system fails to adequately and consistently provide for external security guarantees, protagonists face difficult dilemmas of uncertainty. Comprehensive peace agreements do not end conflict (or even violence, as Kristine Höglund demonstrates); they simply set up processes that give peace a chance to unfold over time.

As civil war negotiations ensue, state incumbents or rebel forces find obstacles of democratization due to grave uncertainty for the future: they have an insufficient capacity to determine whether through democratic processes – notably but not only elections – they will be enabled to protect their vital interests into the future. The turbulence of war does not offer a safe place from which to make judgments about whether peace agreement guarantees, constitutional guarantees, laws and institutions will be sufficient protection over time. While there may

[6] In this sense, comprehensive peace agreements can be considered incipient social contracts, based on the principal of reciprocity that links the pursuit of justice and fairness to the establishment of political institutions; see Rawls (1971: 99).

be interest in escaping a conflict trap through a democratization formula,[7] it is a shaky accord upon which to base future prospects. In sum, as several scholars have artfully shown, the long shadow of future competition in elections creates a classic security dilemma for civil war protagonists over time, one that grips them in a thick pall of uncertainty.

On the other hand, peace agreements that limit uncertainty in democratization processes – such as power-sharing pacts – also contain challenges for protagonists in terms of their strategies. Just as during the war parties faced choices over whether to talk or fight, a negotiated peace pact does not alleviate trade-offs related to strategy, it only changes them. That is, in post-war transitions, especially as elections loom and mobilization of constituencies heightens, protagonists must choose strategies that simultaneously can maximize their vote share – often, by emphasizing lines of conflict and difference – while needing to conciliate with opponents in implementation of a peace pact (such as disarmament). Protagonists in war-to-democracy dilemmas face these challenges on a daily basis: cooperation and conflict go side by side as bargainers in implementing peace agreements pursue countervailing pressures of mobilization and conciliation.[8]

The issues of timing and sequencing are both sources of the dilemma between efforts to promote democracy and peace – and key to a possible way to a synchronized war-to-democracy transition. As the chapter by Virginia Page Fortna in this volume indicates, here protagonists respond to the putative assurances of external parties that – through

[7] Formulas are broad principles framed to narrow the parameters of a conflict's outcome; a formula defines an overarching concept that frames the parameters of the solution and defines the terms of trade or establishes a principle under which the conflict can be cooperatively managed. In economist's terms, it defines the contract zone. In order for parties to accept a formula, often but not always proposed by a mediator, it must be seen as just and satisfactory; cover all major issues; incorporate all sides' demands; and contain a basic vision of post-war arrangements. A formula is not a settlement, but rather a statement of the scope of the conflict's outcomes and the general procedures to get the parties to settlement: a formula is an agreement on certain basic conceptual issues needed to be resolved before the bargaining on details can begin in earnest, for example a general declaration of principles or framework agreement. See Druckman (1986).

[8] For a review of the international community's experience in post-war governance, see "Governance in Post-Conflict Situations: Lessons Learned," United Nations Development Program and the Christian Michelsen Institute, May 2004, available at www.cmi.no/events/?undp-2004-governance-in-post-conflict-situations.

the deployment of a peace operation – some of their problems of uncertainty and strategy can be mitigated by the security presence and skillful mediation diplomacy of outside actors, augmented as it normally is through humanitarian relief and pledges of long-term development aid. While engagement with external, international actors by civil war protagonists raises a number of problems and obstacles – the primary one is certainly security. Are the external guarantees for ensuring compliance sufficient to allay protagonists' fears while choosing a peace-through-democratization formula? The commitment problem is especially acute in the long term: today, protagonists well know that peacekeeping missions do not last forever, and indeed there are pressures on the United Nations, for example, to manage a transition quickly so as to move resources on to the next crisis (today, shifting from Liberia to Sudan). Thus, external capacities to resolve protagonists' commitment problems are temporary: over time, this issue, too, cannot be avoided.

Settlements in civil wars reflect the convergence point of the parties' preferences over new rules structures, or institutions, for the state once arms have been laid down. Waterman (1993: 292) argues that "civil wars are conflicts over political order," and settlements in them entail the "re-creation of the conditions for a viable, common political order." Importantly, settlements do not end conflicts: they are simply agreements to continue bargaining under consensually defined rules of interaction. Not surprisingly, settlements in internal conflicts often take the form of new constitutions or significant packages of amendments to existing constitutions. In the course of formal substantive negotiations, parties formulate their positions based on their expectations of how the structure of the new institutions will serve their interests; they exercise "analytical imagination" about the costs and benefits of alternative institutions, such as the electoral system (Sisk 1995). Therefore, settlements do not definitively end civil wars, but instead they are *promises* to end conflicts by creating new democratic rules of the game to which all parties at the table can agree.

Exploring the dilemmas

This book investigates the dilemmas of democratization in war-torn societies. In the first chapter (Part I), Jarstad investigates the tensions between peacebuilding imperatives and democratization more fully;