Part I

Introduction and Theory

1 Credible Transitions from Civil Conflict
Provisions for Combatant Participation in Post-Conflict Elections

International attention focused on the Nepalese leaders as they strode onto a stage in 2006 to sign a settlement and end a decade-long civil war. The conflict began in 1996 when a Maoist group attacked the government, aiming to replace the monarchy with a communist state. The war had devastated the country, killing thousands, including civilians as well as combatants on each side. Two previous rounds of negotiations accompanied by ceasefires had failed. But this time, Pushpa "Prachanda" Kamal Dahal, head of the Maoists – a terrorist organization according to the U.S. Department of State and other observers – and Girija Koirala, Nepal's prime minister, signed a peace agreement. The country's hopes for ending the conflict were pinned on this settlement.

Negotiators had carefully designed the settlement with the goal of producing durable peace. In contrast to some previous conflicts with leftist insurgents in other states, whose settlements provided for power-sharing based on fixed formulas or dividing control of territory based on combatant strongholds, the 2006 Nepalese settlement provided for the Maoists to transition from a rebel group to a political party. Despite the institutional challenges in such a transition, this settlement was thereby based on peaceful competition by each side's political parties in elections to distribute political power.

Since 2006, international attention has frequently returned to Nepal, especially in 2008 for the first elections, when the Maoists won, and again in 2013 for the next elections, when the Maoists slipped to third place. Remarkably, despite tension over drafting a new constitution, the former combatants have continued to run candidates and to comply with the other provisions of the settlement. International pressure has helped: the United Nations, the United States, and other external actors have not only monitored the elections, but have also provided incentives for compliance. These external actors have leveraged these incentives, including a trust fund for the Maoists, to help prevent a return to fighting during the difficult 2013 elections. Peace has persisted in Nepal when many worried it would fail.

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4   Credible Transitions from Civil Conflict

The death toll of civil conflicts dwarfs the casualties caused by wars between states in the modern era, and, like the Nepalese case, peace may be precarious even when settlements are signed. Civil conflicts have produced millions of deaths since 1945, five times as many as wars between states in this modern era.[1] Many casualties come after periods of peace: for example, more than 90 percent of all civil conflicts since 2000 have been recurrences of earlier conflicts.[2] Settlements to end fighting are especially hard to secure.[3] Historically, they have tended to fail, giving way to additional fighting.[4] The evidence in this book shows, for instance, that conflict recurred after 40 percent of settlements signed in civil conflicts between 1975 and 2005. Constructing settlements that combatants will sign and sustain has been one of the most difficult challenges in ending civil conflicts.

Some settlements hold, however, such as the one in Nepal. This book identifies electoral participation provisions as a crucial component of why settlements succeed. Peace agreements are increasingly based on provisions that establish former rebel groups as political parties set to participate alongside government parties in post-conflict elections – and, compared to other settlements, these provisions are associated with an 80 percent increase in the chance that a settlement will produce enduring peace. These results emerge from this book's examination of the causes *and* consequences of electoral participation provisions in new cross-national data on 122 peace agreements and 388 civil conflicts (Chapters 3, 4, and 6) and case studies of civil wars that cross the end of the Cold War and that are resolved through peace agreements (including in-depth discussion of Guatemala and El Salvador in Chapters 5 and 7).

This book develops a theory that electoral participation provisions facilitate external engagement to monitor and enforce combatant compliance with negotiated settlements, and, in doing so, produce less precarious settlements and more enduring peace between signatories. Electoral participation provisions may even have contributed to the global decline in civil conflict that has occurred since the end of the Cold War. Successful settlements are now signed more frequently,[5] often with these provisions, reducing the persistence and recurrence of fighting.

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[1] Fearon and Laitin 2003: 75.   [2] For example, see Collier et al. 2003.   [3] Fearon 2004.
[4] See Collier et al. 2003; Walter 2004; Toft 2009.
[5] Evidence on peace agreements is shown in Chapter 3. Extended data are available in Fazal 2015. Mack 2014 discusses similar evidence on peace (17–18) and explains it in part by the rise of an international security administration broadly conceived that can secure bargains (47).

Electoral Participation Provisions

This book is fundamentally about peace, as well as how international intervention works, but its subject is post-conflict elections. Post-conflict elections are a divisive issue. Combatants and democracy activists at times push for elections when negotiating settlements,[6] while intergovernmental officials often supervise elections when they operate in post-conflict contexts.[7] But many studying post-conflict contexts show that elections on the whole do not increase the probability or durability of peace,[8] and some even suggest that elections in which ex-combatant parties participate can reduce the chances for a stable settlement,[9] arguing that, to the extent that post-conflict elections contribute to rapid democratization under weak institutions, they may trigger political violence as they introduce competition.[10] Policymakers and academics alike have focused on the difficult cases of Afghanistan and Iraq, however, and, in doing so, they fail to account for important terms or circumstances of post-conflict elections that may produce different causes or consequences.[11] Many "post-conflict" elections, such as those in Afghanistan in 2009, are held hastily during conflict by incumbent governments – rebel parties do not participate as part of a peace agreement, and they typically do not produce peace. But pessimism is not warranted across cases. There is variation in the causes and – most importantly – the consequences of types of post-conflict elections (as Chapter 6 shows empirically).

This book posits that one particular type of post-conflict elections, those produced by participation provisions in peace agreements, warrant optimism in terms of their effects on peace. *Electoral participation provisions* are defined in this book as clauses in peace agreements that enable both rebel group and government parties to participate in post-conflict

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[6] For example, in one of the earliest cases, the founders of the Umkhonto We Sizwe, the armed wing of the African National Congress in South Africa, demanded in 1985 that the government "treat us like a political party" and provide for open participation in the constitution; see Zartman 1995: 152.

[7] Peacekeeping missions coincide with post-conflict elections so often that some scholars suggest that elections are part of the United Nations' standard operating procedure; see Collier 2009. Others, however, have noted that international actors' procedures evolve across cases; see Ottaway 2003.

[8] Collier et al. 2008; Flores and Nooruddin 2012; Brancati and Snyder 2013.

[9] For example, see Walter 1999.

[10] Snyder 2000; Paris 2004; Cederman et al. 2010; some empirical evidence, however, counters the recurrence argument, as shown in Licklider 2006.

[11] One difference that has been examined is timing: those held later seem to be less dangerous than those held immediately after conflict termination (see Flores and Nooruddin 2012; Brancati and Snyder 2013).

elections.[12] *Peace agreements*[13] are deals signed between two or more opposing sides in civil conflicts to solve, regulate, or outline a process to solve the differences over which the signatories were fighting.[14] During peace agreements, combatants must often disarm and demobilize while also finding a way to distribute power between them, which is risky compared to ceasefires and other mechanisms that reduce but do not end conflict. Rather than employing fixed-formula power-sharing arrangements or territorial divisions between government-held and rebel-held areas, peace agreements increasingly distribute political power among ex-combatant parties through electoral participation provisions.

Peace agreements with electoral participation provisions reflect consensus between the opposing sides in which they agree to hold elections and to allow each side to participate as political parties. In almost all peace agreements, governments conduct post-conflict elections, and so the settlement must legalize the rebel groups as political parties or otherwise establish them as such. In many cases, these provisions are explicit: for example, the 1994 settlement in Djibouti stated that "once the present

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[12] I use the term "combatants," "combatant sides," or just "sides" to refer collectively to the rebel group(s) and the government in conflict with each other. I continue to use these names, as well as "ex-combatant parties," for the actors even after the settlement for simplicity.

   "Rebel groups" are defined here as all non-governmental organizations using violence to achieve a political agenda. The groups are non-governmental in that they are not legally paid by the state to use arms to achieve the political agenda they seek. (However, a group may be pro-state in its aims or even affiliated with some part of the government, such as an elected party.) The group must use violence that seeks to destroy property and/or harm people, and the violence also must have a professed political aim, or it is merely common crime (a criterion used in many definitions of civil conflict; see Gleditsch et al. 2002). Terrorist, insurgent, and other rebel groups sometimes use different specific tactics, but each uses a violent strategy not at the legal behest of the state to pursue their political aims. In initial data collection, I examined electoral participation by all rebel groups, but post-conflict electoral participation was limited to rebel groups that had engaged in at least a "minor" civil conflict (meaning one that resulted in 25 or more battle deaths annually); see Matanock 2016b. The data analysis therefore focuses on these groups.

   "Governments" are the actors that rebel groups oppose. In most cases, where there was an established state before the civil conflict began, it is clear which side is the government. The incumbent or, where none exists, the side that has more control and recognition is considered the "government."

   I generally treat both rebel groups and governments as unitary actors, although they may have different factions with different preferences, and extensions to this work should consider revising this assumption. Indeed, multiple rebel groups may also compose the side that opposes the government, which may change some of the dynamics; empirically, most settlements have a single rebel group, and just splinters outside of it (see Chapter 4), but extensions to this work should also study whether the dynamics are different with multiple rebel groups (signing or not signing onto settlements).

[13] A term used interchangeably in this study with *settlements*.

[14] The concept is described in more depth, and coding choices noted, in Chapter 3. Please also refer to the Online Appendix at https://dataverse.harvard.edu/dataverse/matanock.

Peace agreement has been signed, [the rebel group] will become a legal political party."[15] The expectations that each side will run candidates, and that their electoral participation emerges from the peace agreements, differentiate these elections from other post-conflict elections.

While normatively appealing, the transformation toward participatory elections to secure and stabilize peace agreements is somewhat surprising for several reasons. First, electoral uncertainty can complicate the problem of balancing power in a post-conflict settlement, potentially producing lopsided outcomes that might lead an electoral loser to anticipate greater gains by returning to conflict.[16] But electoral participation provisions only rarely establish fully free and fair contests open to all opposition parties competing for each citizen's equally-weighted vote. Instead, most of these provisions engineer or otherwise constrain the results of elections (using ethnic quotas for example) and thereby distribute power commensurate with combatants' expectations. Because of this, elections may not overcome cleavages that result from conflict, nor enhance democratization. The inclusion of electoral participation provisions should therefore be thought of as distinct from democratization.[17]

Electoral participation provisions were first included in settlements negotiated for seemingly intractable conflicts after the end of the Cold War, including in El Salvador (1992), Mozambique (1992), and Bosnia and Herzegovina (1995). These peace agreements have held, even though the extent to which the subsequent post-conflict elections are democratic is debatable (for example, quotas giving shares of seats to specific ethnic groups were at times employed). In contrast, a peace agreement with electoral participations provisions in Angola failed, and combatants returned to the battlefield after the polls closed in 1992 (see discussion of this case in Chapter 7). Both combatants and the international community seem to believe, however, that electoral participation provisions can help produce peace in many cases, and such provisions continue to be included in settlements. Nepal (2006) is an example, and despite moments when one side or the other fell short of full implementation, but settlement held and peace has endured for at least a decade. This is just one recent example of many in which electoral participation provisions are included to help foster enduring peace between former combatants.

[15] Chapter 3 discusses how to identify these provisions in more depth and also provides a list of all cases.
[16] See Walter 2002.
[17] Electoral participation provisions emerged only after the end of the Cold War with the spread of external engagement, and thus do not appear to be associated with the third wave of democratization, which began in the 1970s.
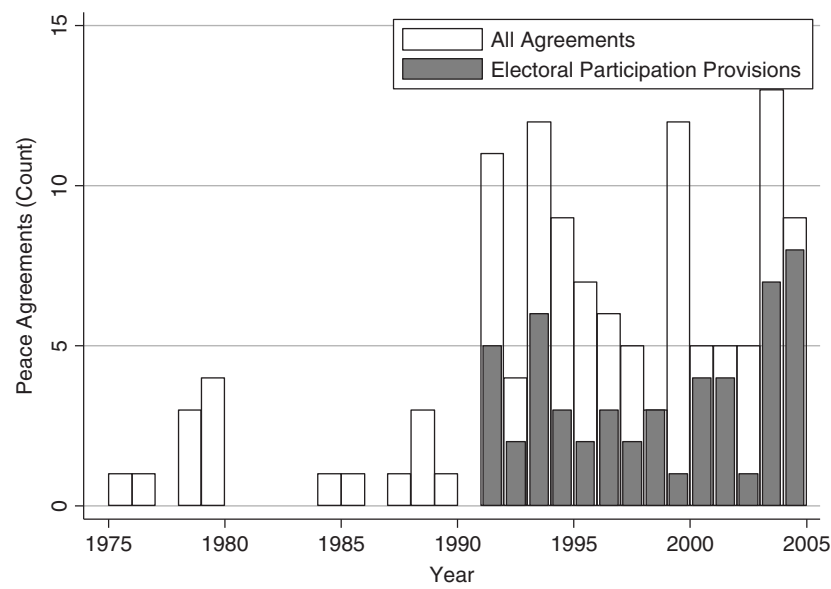
Figure 1.1 Electoral Participation Provisions and Peace Agreements
over Time

Overall, electoral participation provisions have been incorporated into peace agreements to end some of the most dangerous civil wars. The number of peace agreements has increased since the end of the Cold War, and the share with electoral participation provisions has soared. Prior to 1989, not a single peace agreement included electoral participation provisions. Since then, almost half of all signed peace agreements have been based on these provisions (Figure 1.1). This book focuses, first, on the causes of electoral provisions, and, second, on the consequences of these provisions for peace. In particular, what explains the patterns in the inclusion of electoral participation provisions? Do settlements that include electoral participation provisions produce more enduring peace than other settlements, and, if so, why?

External Engagement Theory

Electoral participation provisions are negotiated into settlements by combatants seeking to overcome a central obstacle to end civil conflicts: how to ensure that each side will comply with the terms of a mutually beneficial settlement even as power shifts, making combatants' commitments less credible. I argue that these provisions engage international

actors to monitor and incentivize compliance,[18] facilitated by the benchmarks and milestones of electoral cycles that feature ex-combatant parties, especially as democracy promotion programs spread (see Table 1.1). (The theory is developed in more depth in Chapter 2.)

Commitment problems constitute a crucial constraint on securing and sustaining peace agreements. Combatants must first identify a bargain that benefits all sides, which is often possible relatively soon after fighting starts because bluffing is difficult during war, and conflict is costly in many cases, so combatants should then be able to settle. The risk that one combatant side will become temporarily stronger during the implementation of the peace agreement, giving it an incentive to try to grab more power than was initially allocated, however, can derail plans for peace.[19] Such a power grab may provoke renewed conflict. Or, if any side grows concerned that any other may make such a power grab, it might refuse to sign or return to fighting preemptively or as punishment after signing. These fears, called credible commitment problems, can be resolved by arrangements that reduce the benefit of noncompliance, so that it is not greater than the benefit of compliance. Rebel groups, even more so than governments, may be concerned about their opponents' noncompliance because governments have the advantage of working within state institutions. However, once the combatants can identify a mutually beneficial bargain, all sides have incentives to make noncompliance sufficiently costly to secure the settlement. The question is how to do so.[20]

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[18] The term "international actors" (also "external actors" and "outsiders" interchangeably) refers in this book to the foreign states, intergovernmental organizations, and non-governmental organizations involved in international intervention, either with or without force. The United Nations does the largest share of this international intervention by deploying peacekeeping troops, but also by observing elections and in other ways assisting post-conflict states. Regional intergovernmental organizations, such as the European Union, the Organization of American States, and the African Union also serve some of these functions, often those that do not involve troops, as the case studies show. While these intergovernmental organizations operate most of these missions, the major powers – especially the United States, but also regional powers and former colonial powers – are also important actors. In addition to occasionally leading operations themselves, they hold influence in these organizations (especially those with veto power in the U.N. Security Council) and provide funding, particularly in the form of reconstruction, democracy, and good governance assistance. The International Monetary Fund and the World Bank are also important actors in these contexts. Finally, while intergovernmental organizations monitor many of the first elections that occur post-conflict in these states, a number of non-governmental organizations either assist them or run their own operations. Most notably, these include the Carter Center, the National Democratic Institute, the International Republican Institute, and others that are not based in the United States, such as the Norwegian Helsinki Committee (Hyde 2011b; Kelley 2012).

[19] Fearon 1995; Walter 1997, 1999, 2002.

[20] Enforcing compliance without a central authority is also tackled by the literature on international law and treaties (see Keohane 1984; Simmons 1998; and, on human rights, for instance, Simmons 2009; Hafner-Burton 2005, 2013).

Table 1.1 *Essential Steps of External Engagement Theory*

CIVIL CONFLICTS ARE DIFFICULT TO END WITH SETTLEMENTS:
Government and rebel group(s) seek peace agreements to stop fighting that **distribute power between themselves** based on their relative strength.

　BUT can each side trust the other not to take advantage of the settlement as it is implemented? Combatants on all sides face **credible commitment problems:** each has incentives to grab more power when, during implementation, that side become relatively stronger – and each will be concerned about complying given the other side's incentives for noncompliance. Rebel groups may be most concerned.

OUTSIDERS CAN HELP:
Outsiders with sufficient information and credible leverage can enforce compliance.
Otherwise, combatants may refuse to sign settlements, or settlements may fail with potential noncompliance, and conflict may resume. Outsiders are often needed, but how do they engage?

Electoral participation provisions in a peace agreement facilitate outsiders' involvement because: • **Coordination cycles** produced by elections' unambiguous benchmarks and milestones **increase information and leverage** at moments of power distribution, thereby allowing all actors to signal noncompliance and apply sanctions effectively; • **After the Cold War,** major powers became more willing to get involved with ending civil conflicts, and **democracy promotion programs spread** in many regions of the world, further **facilitating external engagement through these electoral processes**. Election observation and conditional incentives, including funds for political parties, for example, provided mechanisms with sufficient information and credible leverage to enforce compliance by each side.	**Armed actors using military coercion** after a peace agreement can similarly solve the commitment problem as long as they stay. BUT a armed intervention **can be costly for outsiders,** as it involves threat of force or use of force, which risks casualties and expends resources.
THUS **expectations of outsider enforcement based on electoral participation provisions are credible**, because such involvement is low-cost for outsiders, for instance compared to armed intervention, and therefore this mechanism is likely to help overcome combatants' commitment problems.	THUS peace agreements that depend on armed intervention by outsiders alone are relatively rare, and they may fail as credibility of armed interveners falters, weakening prospects of enforcement for combatants.

The theory thus implies that peace agreements should be more likely to include electoral participation provisions **only after the Cold War, spreading by region, and still not in states with special relationships to enforcers**, as international involvement through democracy promotion programs became available gradually.

　The theory thus also implies **more enduring peace** after peace agreements with electoral participation provisions, particularly when they also have clear expectations of external engagement.

A typical solution suggested for combatants to overcome commit-
ment problems is to engage external actors to detect noncompliance
with the settlement and sanction it with force,[21] but armed interna-
tional intervention set to punish with force is infrequent because the
personnel, arms, and materiel required to guarantee a settlement are
costly. Such peacekeeping often does not occur at all. Moreover, even
in the rare cases in which peace is enforced by semi-permanent armed
peacekeepers, most mandates do not allow for restitution or retribu-
tion in the event of a violation, leaving the seizure unchecked by
force. Because armed international actors can rarely credibly threaten
or use force to punish noncompliance with peace agreements, espe-
cially over the implementation period, including when political power
is distributed among combatants, many settlements require other
mechanisms to secure and sustain them.

This book offers a different conception of enforcement, in which
external actors, without using force, change the cost calculation of
noncompliance by former combatant groups.[22] Once combatants have
assessed the cost of continuing conflict and their opponents' capabilities
through fighting, and have identified a mutually beneficial settlement,
they still need enforcement to overcome commitment problems.
Punishment need only be greater than the power or resources that the
temporarily stronger side can grab at any particular moment, and it
needs to be balanced enough that all sides expect enforcement. But
enforcement must cost little enough that the commitment by the inter-
national actor to engage is credible. External enforcement is more
credible if there is a low-cost, long-term mechanism to detect and
sanction noncompliance (which armed peacekeeping often does not
provide).

This book argues that electoral participation provisions can
enable this low-cost, and therefore credible, external enforcement
over time. The provisions establish cycles whose culmination is to
distribute political power between participating ex-combatant parties.
Noncompliance can be difficult to detect because ex-combatants can
often find ways to subtly alter institutions to gain an advantage while
implementing the multiple pieces of most peace agreements.
The public benchmarks tied to regular milestones in these cycles clarify
what is and is not compliance – and enable multiple actors to coordi-
nate to provide information and condition incentives on the

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[21] Walter 1997, 1999, 2002.
[22] Some of the mechanisms described in this section are also employed by armed peace-
keepers (see Fortna 2008).