

Managing Conflict after Civil War

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The Power-Sharing and Power-Dividing Approaches

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MANAGING CONFLICT AFTER CIVIL WAR

THE POWER-SHARING AND POWER-DIVIDING APPROACHES

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EXECUTIVE SUMMARY

This paper considers two institutional alternatives for managing conflict following the negotiated settlement of civil war. The most common set of institutional structures that former civil war combatants adopt are associated with power sharing. These power-sharing institutions may be constructed across the political, military, territorial, and economic dimensions of state power. Recent research suggests that post-civil war states that specify greater numbers of power-sharing institutions within their peace agreements tend to have a lower risk of the re-initiation of conflict. At the same time, critics of power sharing emphasize that these mechanisms lack a capacity to foster common identities among rivals and have characteristics that are inconsistent with the principles of democracy.

An alternative to power sharing for states that are emerging from civil war is the adoption of power-dividing institutions. The core features of the power-dividing approach are limiting the scope of government authority and establishing a wide-ranging system of checks and balances intended to manage the competing interests within a country. In many respects, these institutional structures parallel those established by the constitution of the United States. Those who are sceptical about the power-dividing approach, however, point out that these institutions have not yet been adopted in any state emerging from civil war. It thus remains unclear how effective these structures would be at managing conflict within this particularly challenging environment.

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On March 27, 2014, the government of the Philippines signed a peace agreement with the Moro Islamic Liberation Front (MILF).¹ Based on the island of Mindanao, the MILF had been engaged in an armed rebellion against the government of the Philippines for decades; over 100,000 people had died as a result of the violence.² While other Islamic rebel groups remain committed to continuing their armed resistance, the government's settlement with the MILF is a significant step forward in efforts to bring peace to the island.

A key aspect of this peace agreement is the commitment by the government to share power with members of the MILF. Among the provisions of the settlement consistent with this emphasis on power sharing are the creation of a new autonomous region on Mindanao with its own local parliament and a commitment to integrate MILF troops with the military of the Philippines. The agreement also requires that the central government share funds generated by the exploitation of Mindanao's natural resources with the local government, providing an independent source of revenue for the autonomous region.³

The strategy of creating new power-sharing institutions as a means of bringing civil wars to an end is not unique to the 2014 settlement in the Philippines. The vast majority of recent civil war peace agreements include similar commitments by governments and rebels to share state authority. Promotion of power sharing has now become the standard operation procedure of third-party mediators involved in negotiations intended to bring civil wars to a peaceful end. The status of power sharing as the favoured means of ending civil wars is underscored by the fact that the United Nations now consistently includes a power-sharing expert among

the members of the Department of Political Affairs' Mediation Support Unit Standby Team.⁴

This analysis offers an overview of this dominant strategy for the resolution of civil wars. It identifies the central features of the power-sharing approach and presents the views of proponents and detractors concerning this strategy for post-civil war conflict management. The paper also describes an alternative to power sharing that has garnered a great deal of attention from both academics and policymakers concerned with civil war resolution: the power-dividing approach.

Power-sharing institutions

Although not initially concerned with the resolution of civil wars, the work of Arend Lijphart provides the earliest examination of the value of a power-sharing approach for the management of conflict in deeply-divided societies. Lijphart's research looks to what he terms the consociational democracies of countries such as Austria, Belgium, and the Netherlands in order to identify institutional structures and practices capable of providing minorities with guarantees of representation within the state.

Lijphart suggests that these guarantees prevent democracy from becoming a 'tyranny of the majority' and thus serve to reassure minority communities that their interests can be protected within the context of a democratic state. Among the mechanisms capable of providing these reassurances are grand coalition governments functioning in the context of parliamentary systems and the establishment of territorial autonomy arrangements for regionally-concentrated groups.⁵

More recent work on power sharing considers how mechanisms to protect minority interests might be employed to bring civil wars to

1 New York Times 28 March 2014.

2 Whaley 2014.

3 The Guardian 27 March 2014

4 McCrudden & O'Leary 2013, p. 4.

5 Lijphart 1968; Lijphart 1977.

a peaceful end via negotiated settlement and promote a sustainable peace. Many of the forms of power sharing considered in this literature have obvious connections to those that Lijphart identifies in his earlier studies. However, this research also identifies additional aspects of power sharing that are particularly relevant to states emerging from internal wars.⁶

Paralleling Lijphart's emphasis on sharing power at the political centre in the form of a government by grand coalition, work on civil war settlements identifies a range of opportunities for *political power sharing* within the national government. Among the most common means of assuring political power sharing is the adoption of a proportional representation electoral system for seats within the legislature. This system of voting tends to provide each group with government representation that is proportionate to their size within the population. Other tactics for sharing power at the political centre take the form of distributing administrative appointments within the state based on the criteria of community identity and guaranteeing each group representation within the executive branch. An example of the latter strategy is apparent in the three-person presidency of the post-civil war state of Bosnia and Herzegovina. Executive power is shared among presidents separately elected by the Bosnian Muslim, Serbian, and Croatian communities.⁷

Lijphart's influence is also apparent in the consideration of employing *territorial power sharing* to end civil wars. This form of power sharing is in evidence when groups are provided with opportunities for self-governance within a region, but these arrangements fall short of establishing an independent state. The previously described 2014 peace agreement in the Philippines employs this tactic by providing political autonomy for members of the Muslim community in those territories in which they

form a majority on Mindanao. Similarly, offers of territorial autonomy proved central to the effort to resolve the civil war in Nicaragua. As part of a 1990 agreement, the Contra rebels were provided with 23 self-governing zones where they were expected to demobilize and return to civilian life following the end of the civil war.⁸

An aspect of power sharing that is largely unique to post-civil war states and thus not considered in Lijphart's work is *military power sharing*. Recognizing that resolving questions about how the coercive capacity of the state is to be managed after the civil war is central to the sense of security of groups, peace agreements have at times included provisions specifying the role that rebel forces will have in the post-war state. The most frequent tactic appearing in peace agreements that opt for military power sharing is to integrate either the rebel army's leadership, or a certain percentage of rebel troops, into the government military. An example of the integration of forces following civil war is apparent in South Africa's peace agreement, which mandated the transformation of an exclusively white government force into a multiracial military.⁹ In a small number of settlements to end civil war an alternative form of military power sharing takes the form of allowing opposing military forces to retain their separate armies. This was the case in the 1995 Dayton Accords to end Bosnia Herzegovina's civil war, as Serbs were neither required to fully disarm nor integrate their forces with the government army.¹⁰

Lastly, studies of civil war peace agreements have noted the inclusion of requirements for *economic power sharing*. These provisions are incorporated into the settlement in recognition of the fact that economic grievances

6 This description of four different dimensions of power sharing is based on Hartzell & Hoddie 2007, pp. 28–36.

7 Hunt & Clark 2012.

8 Hartzell & Rothchild 2000, pp. 260–261.

9 A recent edited volume that considers the challenges that emerge with the integration of militaries is Licklider 2014.

10 Hartzell & Hoddie 2007, p. 33.

often play a central role in motivating the conflict. Economic power sharing may take the form of market interventions, such as income redistribution or assigning control over natural resources; the expectation is that these actions will have the effect of narrowing the wealth gap between communities contending for power. The tactic of economic power sharing is reflected in the accords to end Nicaragua's civil war, which included a government commitment to provide aid to each demobilized rebel soldier as well as the offer of stipends to the children and widows of rebels who had died in the conflict.¹¹

Extensive power sharing and the durability of peace

Proponents of the use of power sharing after civil war point to evidence from individual cases indicating that the adoption of power-sharing provisions as part of a civil war settlement heightens the potential for an enduring peace among former combatants. Works by McGarry and O'Leary, for example, contend that the power-sharing provisions associated with Northern Ireland's 1998 Good Friday Agreement are a primary reason why the decades-long violence between Unionists and Republicans has largely come to a peaceful conclusion.¹²

Quantitative research further reinforces the view that power sharing may have a positive influence on the durability of peace. These studies focus on variations in the number of power-sharing provisions included in peace agreements concluded since the end of World War II. In particular, they consider the differences among these settlements in terms of whether they include provisions for power sharing across the previously-described political, territorial, military, and economic dimensions. The key finding of this research

is that the greater the number of dimensions of power sharing included in a peace settlement, the greater the likelihood that peace will endure over months and years. In short, the most robust peace agreements will be those that include provisions across all four of the possible dimensions of power sharing.¹³

This finding does not deny that there have been some examples of civil war peace agreements with extensive requirements for power sharing that have failed to keep the peace, with tragic consequences. The 1994 genocide in Rwanda, for example, was preceded by the Arusha Accords, which were intended to end the country's civil war and required extensive power sharing between the Hutu majority and Tutsi minority. Hutu extremists opposed to sharing authority with the Tutsi were responsible for the settlement's failure and the re-initiation of violence. These cases of power sharing's failure, however, appear to be the exception rather than the rule. The dominant trend apparent in the data is an association between extensive power sharing and an enduring peace.¹⁴

A number of explanations may account for why 'more is better' when it comes to the relationship between power sharing and post-civil war peace. First, multiple aspects of power sharing have the potential to be mutually reinforcing, and thus have a cumulative effect on both a former combatant's sense of security and support for peace. This is apparent in the relationship between political and economic power sharing. While provisions for political power sharing serve to enhance the presence of minority groups in government, economic power sharing has the potential to reinforce this capacity by providing these communities with greater financial resources to compete in future electoral contests. In this sense, a group that benefits from both political and economic power sharing should have a high degree of

11 Hartzell & Hoddie 2007, p. 36.

12 Representative of their work on this topic is McGarry & O'Leary 2006.

13 Hartzell & Hoddie 2003.

14 For a discussion of the consequences of failed peace agreements, see Stedman 2002.

confidence that its voice will not be silenced in the context of the post-war state.¹⁵

A second reason why commitments to multiple aspects of power sharing may enhance the potential for a durable peace is that they serve as protection against the failure to implement any single dimension of an agreement. A study of peace agreements reached between 1980 and 1996 that included commitments to military power-sharing serves to reinforce this point. Among these 16 agreements, military power sharing was fully implemented in only half of the cases.¹⁶ The existence of additional commitments to power sharing thus provides a form of insurance or a ‘safety net’ for groups and offers reassurance that their interests will be protected once the war comes to an end.

A third and final argument as to how multiple forms of power sharing contribute to an enduring peace centres on how agreements to create these mechanisms are an opportunity for former rivals to send one another costly signals of peaceful intent. Costly signals are those in which ‘the act of sending it incurs or creates some cost that the sender would be disinclined to incur or create if he or she were in fact *not* willing to carry out’ the stated obligation.¹⁷ In the process of creating power-sharing structures, elites representing their group commit themselves to enduring costs in the form of abandoning the wartime aim of achieving victory on the battlefield and establishing a monopoly on power. Costs further emerge in the form of challenges to the elite’s leadership from factions within the community who characterize power sharing as ‘selling out’ the interests of the group. This logic suggests that the costliest signals, and hence the most credible commitments to the unfolding peace process, are linked to the creation of power sharing across a range of dimensions.¹⁸

Criticisms of power sharing

With power sharing being the dominant approach of the international community to civil war resolution, there has emerged a growing body of research highlighting some of the limitations and risks associated with this conflict management strategy. For many of the academics and policymakers who articulate these criticisms, the flaws of power sharing suggest the need to consider alternative approaches to institutional design following civil war.

Among the most common of these criticisms of power-sharing arrangements is the claim that these structures serve to reinforce the divisions that first motivated the initiation of civil war. This is the case as authority within government, and access to state resources, is made contingent upon claiming membership in one of the communities recognized by the agreement. An illustration of this dynamic in practice is the well-known European Court of Human Rights (ECHR) case of *Dervo Sejdić and Jakob Finci versus Bosnia Herzegovina*. The two plaintiffs were denied the opportunity to stand as candidates for elections on the basis of the Dayton Accords, which had mandated that state power be distributed exclusively among the three dominant ethnic groups of Bosnians, Serbs, and Croats. Sejdić’s Roma identity and Finci’s Jewish identity barred them from elected office. A 2009 ECHR decision ruled that this aspect of the peace accords was discriminatory.¹⁹

With the privileging of particular wartime groups in power-sharing arrangements, critics contend that these mechanisms fail to provide incentives for what is most needed in post-civil war states: the fostering of new identities that bridge the divisions between communities. In the absence of state support for identities that crosscut those associated with the war, the best that can be hoped for is a ‘cold peace’ in which

15 Hartzell & Hoddie 2003, p. 321.

16 Hoddie & Hartzell 2003.

17 Fearon 1997, p. 69.

18 Hoddie & Hartzell 2005.

19 The description of this case is drawn from McCrudden & O’Leary 2013, which makes the court’s ruling a centrepiece of their study.

groups live within the same country but have little meaningful interaction.²⁰

A second and related criticism of power sharing suggests that these institutional arrangements have the potential to encourage the escalation of crises between former wartime rivals. This expectation is premised on the view that disputes between groups engaged in power sharing will inevitably emerge over their incompatible interpretations of how the arrangement should work in practice or each group's attempt to claim more authority for itself. These crises may take the form of escalations of stakes or escalations of means. Escalations of stakes are increasing demands for more decision-making power by a particular community; escalations of means are the use of more assertive tactics in an effort to seek greater authority. An escalation of means would be indicated by a transition in strategies from the use of rhetoric to more forceful actions such as boycotts and the organizing of public protests.²¹

It is because each community is granted a share of state authority through power sharing that they have an enhanced capacity to initiate these escalations of stakes and means against their rivals. In the short term, these disputes may result in paralysis over government decision-making. In the long term, critics suggest that power sharing has the potential to provoke crises of sufficient significance that they will call into question the viability of these arrangements as a means of conflict management. At least one study adopting this perspective, for example, has argued that regional autonomy arrangements (a form of territorial power sharing) tend towards instability in the long term. It is claimed that over time these autonomous entities either demand their own sovereign state or are reabsorbed by the national government.²²

A final concern about the adoption of power sharing as a means of ending civil wars focuses on its influence on political freedom in the post-war state. Specifically, critics contend that many power-sharing arrangements are associated with government practices that are largely incompatible with democracy. In part, this perspective is based on the view that when power sharing reserves seats in government for particular groups or individuals it has the effect of weakening both the meaning and significance of elections. With guarantees of government representation for the elites of each of the warring communities, voters have diminished opportunities to reward leaders who are performing well in office, or to replace those who are not.²³

It is also the case that power sharing frequently places individuals in government offices who are unlikely to be supporters of the principles of democracy, including its emphasis on the protection of human rights. Both government officials and rebel leaders who engaged in atrocities during the war are sometimes offered government positions through power sharing as part of an effort to gain their support for the postwar peace process.²⁴ Yet there is little to guarantee that these actors will not continue to ignore the principles of democracy once the war is over, taking advantage of the authority they have at their disposal within the post-civil war state.

Foday Sankoh stands as an example of a leader associated with wartime atrocities who was subsequently included in a planned post-civil war power-sharing arrangement. Sankoh's Revolutionary United Front was infamous during the civil war in Sierra Leone for his soldiers terrorizing the civilian population through mass rape and mutilations. Despite this history, the 1999 Lomé Peace Accord included provisions granting the RUF significant powers. Sankoh himself was to be both vice president

20 Rothchild & Roeder 2005, pp. 37–38; Finlay 2011.

21 Roeder 2005, p. 54. For a more developed discussion of these different forms of escalation, see Roeder 2007.

22 Lake & Rothchild 2005.

23 Tull & Mehler 2005; Jarstad 2008.

24 Babbitt & Lutz 2009, p. 10.

and chairman of a new 'Commission for the Management of Strategic Resources' that would oversee the country's extensive gold and diamond resources. With the peace accord signed, Sankoh obstructed its implementation and the peace process largely stalled until after his arrest in 2000 by United Nations forces.²⁵

The power-dividing alternative

An alternative to the adoption of power-sharing mechanisms at the end of civil war that has received significant attention is the power-dividing approach, which is most strongly associated with the work of Philip Roeder and Donald Rothchild. In many important respects, institutional elements of the power-dividing strategy are drawn from the constitution of the United States. Like the American constitution, power dividing emphasizes the virtues of limited government and the importance of establishing a system of checks and balances in order to manage the competing interests that exist within a state.²⁶

In terms of limited government, the power-dividing approach prohibits states from passing legislation concerning identity politics, or which is intended to address the interests of competing communal groups. Through this restriction on government authority, the state no longer plays the role of a forum for controversies over which groups should be officially recognized or the amount of power each should be allocated. Such an approach is apparent in the American constitution's understanding of the relationship between government and religion. The state is prohibited from favouring one religion over another or placing limits on any individual's preferred form of religious expression. As a result, strongly-felt religious

differences do not tend to be the primary source of political divisions within the country.²⁷

The power-dividing approach's emphasis on fostering institutional checks and balances is apparent at both the national and regional levels. At the national level, this system establishes a separation of powers among overlapping and competing government entities. The members of each institution are elected using different methods, and this is anticipated to ensure that '...no single majority is likely to make all decisions.'²⁸ The US constitution again provides an opportunity to observe how this system is intended to work in practice. The majority that selects a president through the Electoral College is distinct from the majorities within congressional districts that select members of the House of Representatives and those of states that select members of the Senate. Competing interests thus have the potential to be represented within the national government, and passing legislation will often require cooperation across these distinct interests.

At the regional level, proponents of the power-dividing approach also believe that dispersing power among multiple institutions is desirable. As a result, they favour the creation of cross-cutting and overlapping entities at the sub-national level such as state governments, school boards, and water districts. The logic behind establishing these institutions at the local level remains the same as was apparent at the national level. By creating competing majorities, the expectation is that it will foster a system of checks and balances that prevents any single group from dominating the political process.

25 Melrose 2009, p. 136.

26 The description of power-dividing institutions that follows is based on Roeder 2005.

27 A recent US Supreme Court decision that allows prayers at the beginning of government meetings was considered particularly controversial, as critics suggest it may be breaking down the established barriers between church and state. For a discussion of this decision, see Liptak 2014.

28 Roeder 2005, p. 61.

Beyond the United States, India serves as another example of a country that employs elements of the power-dividing approach. Institutional structures within the state do not distribute authority or in other ways seek to address one of the country's core political divisions: the competing interests between the country's Hindu majority and Muslim minority. Instead, the establishment of linguistic states following independence had the effect of undermining the potential cohesion of political movements on the basis of religion. According to this interpretation, India's lack of sustained religious conflict can be attributed to '...avoiding the concentration of institutional weapons in the hands of ethnic leaders'.²⁹

How does this power-dividing approach avoid the pitfalls tied to power sharing? Proponents of the power-dividing approach argue that these institutions do not fall into the power-sharing trap of guaranteeing particular communities access to a share of political power. Groups must instead compete in elections for seats in government over a range of institutions that differ in terms of regional jurisdictions and their methods of selecting winning candidates. The fact that this system does not privilege the divisions that existed during the war allows for the possibility of developing new bases for political identification at both the national and regional level. These new forms of identification have the potential to crosscut those divisions that defined the civil war.³⁰

Those in favour of the use of power-dividing institutions following civil war also suggest that these institutional structures limit the potential for crises in the form of escalations of stakes and means. This is accomplished by ensuring

that the power of each government institution's majority is constrained by virtue of being embedded within a system of checks and balances associated with the alternative majorities of other government institutions. Proponents of power-dividing thus anticipate that this arrangement should prevent any single group from accumulating sufficient power to threaten the stability of the system as a whole.³¹

Lastly, power-dividing arrangements are viewed as complementary to democracy through their emphasis on elections rather than guaranteed seats in government for each group's elites. This prioritizing of competitive elections ensures that citizens maintain their capacity to hold leaders accountable for the choices they make while in office. As a result, proponents of power dividing suggest that government officials are much more likely to be responsive to the interests of their citizens under a power-dividing system relative to power sharing.

Criticisms of power dividing

While the idea of establishing power-dividing institutional structures at the end of civil war is intriguing, there are reasons to be sceptical about how this approach might work in practice. Perhaps the most obvious concern is that there are no examples of rivals adopting this strategy following civil war. Former combatants appear to value power sharing as a means of protecting their interests, and mediators should thus find it much more challenging to promote a power-dividing strategy that is largely untested as a means of resolving civil wars. Embracing a power-dividing strategy would, after all, require groups to forego a guaranteed share of government power in favour of the abstraction of relying on the virtues associated with competition among multiple majorities.

29 Roeder 2005, p. 67. Roeder further characterizes some institutional features of both Switzerland and Belgium as being consistent with the power-dividing approach. This interpretation contradicts the conventional wisdom that these states manage conflict through the practices of consociationalism.

30 Roeder 2005, p. 63.

31 Roeder 2005, pp. 63–64.

The fact that the power-dividing approach is untested in the context of post-civil war states also calls into question whether these institutional structures would function as anticipated by their proponents. Although power-dividing institutions have largely proved effective at managing the competing interests of the United States, this tells us little about how these institutions will perform in the context of the unique challenges that define states emerging from violent conflict.³²

One possibility that is unexplored by proponents of power dividing is that post-civil war countries that follow this path will find their political systems more closely resembling that of Russia than that of the United States. Following the collapse of communism, and in keeping with the power-dividing approach, Russia adopted a presidential system in which the power of the executive was to be kept in check by a powerful legislature. However, under the leadership of both President Yeltsin and President Putin, Russia's government has transformed itself over time into one in which the president dominates the political system and the legislature is relatively powerless. Given the weakness and novelty of institutional structures and practices in post-civil war states, it does not seem outside the realm of possibility that power-dividing states will also find themselves at risk of moving in a similar political direction.³³

Conclusions

As the agreement between the government of the Philippines and the MILF illustrates, the creation of new power-sharing institutions is now a popular feature of negotiated settlements intended to end civil wars. These agreements serve as an opportunity for former rivals to

achieve peace through the sharing of authority across the political, territorial, military, and economic dimensions of state power. If the ongoing civil wars in Syria and the Central African Republic are brought to an end through bargained resolutions, it is likely that these agreements will also feature different forms of power sharing.

There remains, however, significant dissatisfaction among some scholars and policymakers concerning the use of power sharing as a means of conflict management. Questions have emerged about the capacity of these institutions to promote both long-term stability and democracy. In large measure, these concerns about power sharing reflect discomfort with an approach that guarantees positions of authority to those same elites who had encouraged their followers to engage in violence during the war. There is justifiable scepticism about the suggestion that wartime leaders will use the post-conflict authority allocated to them through power sharing in order to bridge the divisions between communities and promote democratic practices.

The emergence of the power-dividing approach to civil war resolution is indicative of the current interest in identifying alternatives to power sharing. Such an approach is starkly different from power sharing given its emphasis on limiting the authority of the state and fostering multiple, competing majorities within government institutions. While the adoption of power-dividing structures as a means of ending wars appears promising, this particular mix of institutional mechanisms has not yet been adopted by any country emerging from civil war. It thus remains uncertain whether this approach would work in the manner anticipated by its proponents.

32 For further consideration of some of the limitations of the power-dividing approach, see Cordell & Wolff, 2010 pp. 148–153.

33 O'Donnell 1994.

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