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RESURGENT ETHNIC VIOLENCE IN POST-WAR SOCIETIES:
A COMPARATIVE ASSESSMENT OF EXTERNALLY
GUARANTEED CONSOCIATIONAL EXPERIMENTS

Saleh Nohad El Machnouk

Robinson College

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Name: Saleh Nohad El Machnouk

Date: 4 December 2018

To my niece and nephews
Sarya, Ghassan, and Karim
The product of that most beautiful, and quintessentially Lebanese, consociational agreement.

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Abstract

This thesis examines why violent ethnic conflict re-emerges following a power-sharing agreement in states that have witnessed civil wars. By surveying the post-war state-building experiences of Lebanon, Iraq, Northern Ireland and Bosnia, it evaluates and compares the record of consociational democracy under foreign supervision when deployed as a tool for conflict regulation. It seeks to build on existing accounts that emphasize exogenous or endogenous factors by contributing a comprehensive theory of post-war ethnic violence in consociational democracies. As such, it focuses on three complementary factors: Whether or not the power sharing agreement was inclusive in nature, whether the foreign guarantor's role was constrained by selfish strategic interests, and whether the surrounding regional environment contributed constructively or destructively to peace and stability.

Through a comparative study of two positive cases, Lebanon and Iraq, as well as two negative cases, Bosnia and Northern Ireland, this thesis will identify the interdependent variables that led to a resurgence of ethnic violence in the former cases while allowing the latter to remain largely stable and peaceful. It thus seeks to challenge the traditional set of conditions required for the success of consociational experiments that have, through a long-established neglect of exogenous variables, produced erroneous predictions as to the possibility of renewed violence. Fundamentally, this thesis argues that three variables coalesce to produce a return to violence; the presence of a foreign guarantor whose selfish strategic interests extend beyond the mere successful implementation of the agreement, the purposeful exclusion of one of the main ethnic groups from the negotiation or implementation of the agreement, and the presence of an unconstructive regional environment in which malign foreign powers disrupt communal equilibrium.

This thesis analyses four case studies in separate chapters, examining the power-sharing agreements within the broader context of the post-war state-building process. Following an overview of the political and historical context of the power-sharing agreement, each chapter proceeds to survey the occurrence of strategic ethnic violence in the post-war era, after which the role of the guarantors, the inclusivity of the agreements, and the regional circumstances are thoroughly examined. An initial chapter provides the theoretical framework for the comparative research on consociational arrangements. The thesis concludes by drawing together the various experiences of consociation and exploring the broader implications of the argument presented.

This thesis makes a significant contribution to the consociational literature by comparatively and cross-regionally exploring the increasingly pervasive phenomenon of post-war power sharing with substantial international involvement. Through its wide-ranging approach combining endogenous and exogenous variables, it furthers the empirical and theoretical understanding of the prospects of successfully regulating ethnic conflicts in the twenty-first century.

Chapter 1: Introduction

During the late twentieth and early twenty-first century, Lebanon, Iraq, Northern Ireland and Bosnia all witnessed ethnic civil conflicts that brought about – or renewed – a consociational structure of government under foreign patronage, whereby guarantor states were entrusted with ensuring the proper implementation of power-sharing agreements. While the former two countries witnessed a reemergence of strategic ethnic violence in the post-war era, the latter two have remained largely stable and peaceful for now over two decades. This thesis seeks to form an understanding of why violence re-erupted in certain cases but not in others, with a particular focus on the role played by foreign guarantors in determining the outcome in the post-war era.

In Lebanon, the civil war ended in 1989 with the Taef Agreement, which restructured the country's original power-sharing agreement and entrusted Syria with the role of guarantor in the post-war era. Since the Syrian Army's withdrawal in 2005, Lebanon has witnessed an escalation in sectarian violence, culminating in the clashes of 2008, which resulted in Hezbollah's military takeover of the capital, Beirut, and the effective overthrow of the pro-Western government. In Iraq, the US invasion of 2003 overturned three decades of Ba'athist rule and led to the enactment of a power-sharing constitutional document, one largely supported by Shi'as and Kurds but unanimously opposed by Sunni Arabs. The ensuing period – managed in large part by the de-facto ruling authority of the US provisional coalition administrator – witnessed large-scale ethnic violence, resulting in tens of thousands of Iraqi casualties.

In Bosnia, the Dayton Agreement of 1995 put an end to more than three years of ethnic violence and instituted a power-sharing formula that divided the former Yugoslav entity along communal lines. The result was a comprehensive political and military international trusteeship of the war-torn state, led by the United States and the European Union. However, despite remaining politically dysfunctional and ethnically polarized, Bosnia has been largely peaceful since the end of the war and now most believe there is little risk of a return to deadly conflict. In Northern Ireland, the Good Friday Agreement of 1998 brought an end to thirty years of protracted sectarian conflict known as “the Troubles.” The agreement set up a power-sharing system to govern the region by cross-community consent under the joint patronage of Britain

and the Republic of Ireland. Despite substantial communal resistance to the deal, and considerable difficulties in its early phases of implementation, Northern Ireland has witnessed no significant instances of ethnic violence for almost two decades.

The patterns of strategic ethnic violence – or lack thereof – that the four above-mentioned cases followed subsequent to their power-sharing agreements have surprised many. Whereas violence was expected to re-emerge in Bosnia in the post-war era, the country is now considered to be stable and peaceful beyond even the hopes of positive forecasts. In Northern Ireland, long believed to be witnessing an intractable conflict, commentators have called the peace process a “miracle” despite epidemic and repeated political malfunction.¹ On the other hand, Lebanon and Iraq were expected, to varying degrees, to be ready for a successful implementation of power sharing. Instead, they not only witnessed instances of strategic ethnic violence in the post-war era, they are now considered fragile states in terms of the possibility of renewed conflict.

Why did Bosnia and Ireland manage to survive for two decades without a significant resurgence of ethnic violence, while Lebanon and Iraq witnessed a descent into violent conflict in the post-war era? This thesis seeks to answer this question, and in doing so, provide an evaluation of how endogenous and exogenous factors influence the prospects of a successful regulation of ethnic conflict in divided societies that have witnessed civil conflict. As such, it shall analyse the use of power sharing in both regions by comparing and contrasting the four agreements pertinent to this thesis and their implementation in the post-war era. It shall do so by examining three complementary factors: Whether the foreign guarantor’s role was constrained by selfish strategic interests, whether or not the power-sharing agreement was inclusive in nature, and whether the surrounding regional environment contributed constructively or destructively to peace and stability. These factors shall be scrutinized not only as independent variables, but also in how they interact and inter-relate to each other, especially the effect of foreign guarantors on inclusivity and its interdependence with the regional environment.

¹ Delaney, Brigid, “Out of trouble: How diplomacy brought peace to Northern Ireland,” *CNN*, 17 Mar 2008, <http://edition.cnn.com/2008/WORLD/europe/03/12/northern.ireland/index.html>. In October 2019, Northern Ireland had been without a devolved government for one-thousand days, due to the inability of its two major parties, the DUP and Sinn Féin, to agree to share power.

This thesis argues that the coalescence of three factors is jointly sufficient to produce a return to violence: the presence of a foreign guarantor whose selfish strategic interests extend beyond the mere successful implementation of the agreement, the purposeful exclusion of one of the main ethnic groups from the negotiation or implementation of the agreement, and the presence of an unconstructive regional environment in which malign foreign powers disrupt the delicate communal equilibrium. It stresses the importance of examining both endogenous and exogenous factors in understanding the success or failure of post-war power-sharing experiences, while highlighting the centrality of the role played by foreign guarantors to the agreements.

This thesis contributes to and elaborates on the literature concerning consociationalism and comparative politics by *comparatively* examining the confluence of endogenous and exogenous factors in determining the prospects for post-war strategic violence in *all four consociational countries* in question. By specifically focusing on the role of foreign guarantors in overseeing power-sharing agreements in post-war settings, it adds new dimensions to the theories of Arend Lijphart and the subsequent theoretical contributions of John McGarry, Brendan O’Leary, and Michael Kerr. Through a cross-regional comparative examination, it provides a new comprehensive analytical approach to understanding the success or failure of power-sharing experiments, viewed mainly through the prism of the re-emergence of ethnic violence.

Questions Addressed and Hypothesis

This thesis endeavours to understand why violent ethnic conflicts resurface following the establishment of a power-sharing agreement in states that have witnessed civil war.² The aim of this work is therefore to highlight the formulations and processes that lead to the resumption of violence among formerly warring parties and thus undermine prospects for peace and democracy after civil wars. As such, it seeks to evaluate and compare the record of consociational democracy under foreign supervision when deployed as a tool for conflict regulation. Through a comparative study of two cases - Lebanon and Iraq - where strategic ethnic violence resurged (positive cases), and two cases - Bosnia and Northern Ireland - where

² The term “ethnic” is used in a broad sense in that it “easily embraces groups differentiated by color, language, and religion; it covers tribes, races, nationalities, and castes as there is need for a concept of ethnicity that is somehow elastic.” Horowitz, Donald, *Ethnic Groups in Conflict*, (Berkeley: University of California Press, 1985), 53.

it did not (negative cases), this thesis will identify the factors that lead to a resurgence in ethnic violence in some countries while enabling others to remain largely stable and peaceful.

Why did Iraq and Lebanon, to varying degrees, witness a return to ethnic violence that threatens the crux of their power-sharing formula, while Northern Ireland and Bosnia have enjoyed, despite endemic political malfunction, relatively little or no violence following the end of their civil wars? What role and impact did “selfish” and “unselfish” foreign guarantors have on the success of the power-sharing experiments in bringing about stability?³ How does the regional environment affect the prospect for stability in war-torn nations following a power-sharing agreement, and in what way do constructive and destructive regional effects manifest themselves? To what extent does constitutional and institutional engineering, and the affiliated degree of consociationalism adopted within the political system affect prospects for the resurgence of ethnic violence? And finally, how can other variables such as culture, length and intensity of the preceding civil war, structural makeup of ethnic groups, as well as previous regime type help us explain the divergence between positive and negative cases?⁴ This thesis aspires to answer these questions and provide an evaluation of how internal and external variables interact to influence prospects for stability.

The main research hypothesis argues that three variables coalesce to produce a return to violence after a power-sharing agreement, with each substantially increasing the probability of conflict. The first is the presence of a foreign guarantor constrained by a variety of considerations, most notably its “selfish” strategic and political interests that extend beyond the mere successful enforcement of the agreement. The second is the purposeful exclusion of one of the main ethnic groups from the negotiation and implementation of the power-sharing agreement, a process in which both foreign and domestic elites are usually involved. The third is the presence of a turbulent and/or undemocratic regional environment that encourages “malign” foreign powers to disrupt the delicate communal equilibrium and pave the way for the

³ The concept of “selfish” and “unselfish” foreign guarantors was briefly developed by Michael Kerr. Kerr writes that states with “selfish interests” have “no primary concern with conflict regulation or consociation other than what they can gain from its implementation.” See Kerr, Michael, “Comparative Power Sharing Agreements in Northern Ireland and Lebanon: An Evaluation of Consociational Government from Sunningdale to Belfast (1973-98), from the National Pact to Ta’if (1943-89),” (Ph.D. diss., London School of Economics and Political Science, 2003), 68. The term was also famously used by the UK in 1991, when it announced that it had no selfish interests in Northern Ireland. Mitchell, George J. *Making Peace*, (New York: Knopf, 1999), 23.

⁴ Quantitative research was conducted on these variables through data examining thirty-eight civil wars. See Hoddie, Matthew and Caroline Hartzell, “Power Sharing in Peace Settlements: Initiating the Transition from Civil War” in *Sustainable Peace: Power and Democracy after Civil Wars*, ed. Philip Roeder and Donald Rothchild, (New York: Cornell University Press, 2005), 83-106.

resurgence of ethnic conflict.⁵ Through a comparative, cross-regional study, the centrality of the role of foreign guarantors in affecting the outcome of power-sharing agreements both independently and in their inter-relationship with the two other variables will be demonstrated.

The thrust of this analysis is to demonstrate that even when the traditionally accepted variables for successful consociationalism – overarching loyalties, a multiple balance of power, cross-cutting cleavages, segmental isolation, small size, multiparty system and a tradition of accommodation – indicate that prospects for stability are higher in certain countries, the confluence of the above-mentioned factors ensures that least-likely states will witness a return to ethnic violence.⁶ Finally, this thesis will serve to emphasize the degree to which consociational theorists have generally undervalued the role of external variables in determining prospects for stability in divided states, particularly with regards to the role of foreign guarantors as essential determinants of the prospects for ethnic peace in divided states coming out of civil conflict.

Exogenous factors, particularly the nature, role, and effects of a foreign guarantor on postwar state-building in ethnically-divided states, form the main building block upon which the originality of this thesis lays. The role of foreign guarantors – more so than other exogenous factors – has traditionally been ignored in the consociational literature, especially given the dearth of cases in which foreign states deployed military and civilian personnel to oversee the implementation of power-sharing agreements in divided states.⁷ Since the end of the Cold War, however, there have been numerous cases where foreign guarantors have played extraordinarily central roles in the post-war state building, thus impacting every aspect of the implementation of power-sharing agreements.

⁵ The distinction between malign and benign foreign powers is briefly discussed in McGarry and O’Leary, “Consociational Theory, Northern Ireland’s Conflict, and its Agreement. Part 1: What Consociationalists can Learn from Northern Ireland,” *Government and Opposition* 41, no. 1 (2006): 48.

⁶ The seven favorable conditions were outlined by Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, (New Haven: Yale University Press, 1977), 53-109. Roeder and Rothchild also list seven “unlikely” preconditions for the success of power sharing after civil wars: Elite dominance, culture of accommodation, sincere commitments, state strength, economic equality, stable demographics, and a constructive relationship with the international community. See Rothchild and Roeder, “Power Sharing as an Impediment to Peace and Democracy,” in *Sustainable Peace: Power and Democracy after Civil Wars*, 41-49.

⁷ Adrian Guelke stresses that the world has witnessed “a steady, if at times disrupted, erosion of the traditional norm of non-intervention” reflected in the growth of doctrines such as the “Responsibility to Protect”. See Guelke, Adrian, *Politics in deeply divided societies*, (Cambridge: Polity, 2012) 143.

Whether in Iraq, Lebanon, Northern Ireland or Bosnia, it is undeniable that foreign guarantors have played a central role – if not *the* central role – in determining the overall trajectory of the post-war state-building process, at times being responsible for key decisions which lay the foundations for the success or failure of the power-sharing experiment. In each of the case studies, this thesis will examine how the foreign guarantors addressed one or more of the three main challenges which they often face while overseeing the implementation of power-sharing agreements: The lack of a forceful mandate for the proper use of military force, the possibility of making faulty strategic decisions which could aggravate tensions, and the prospect of a protracted military presence stimulating nationalistic tendencies and igniting local resistance again it.⁸

While the primary focus-lens of this thesis will be on examining whether the interests of those foreign guarantors in the divided state were “selfish” or “unselfish” – hence analysing whether the implementation of consociation was an end in and of itself for the guarantors or whether their primary concern revolved around what they could gain from its application – it shall also engage in a host of other questions that pertain to the ability of guarantors to execute their roles constructively. These questions shall allow for a broader and more comprehensive understanding of the impact foreign guarantors have on state building, ethnic relations, foreign relations and, ultimately, the reemergence of conflict in those states coming out of civil war.

The first question addresses the structural constraints under which the guarantors operated vis-à-vis other foreign powers with strategic interests in the divided state. As such, it examines whether the guarantors were able to act unilaterally or whether they were constrained in their role as decision makers, and what sort of effect this had on the state-building process and the management of the delicate web of ethnic relations. Did the power-sharing agreement stipulate – whether in writing or implicitly - a co-management of the postwar process? Did the main guarantor(s) seek or oppose the participation of other powers in the decision-making process? And what sort of effect has this had on both the efficiency and the acceptability of the policymaking process administered by the guarantor(s)?

As the country chapters and ensuing analysis will show, multilateral oversight of the post-war political process, however limiting the efficiency of the decision-making process was or is,

⁸ Berdal, *The Peace in Between*, 322-323.

nevertheless contributed heavily to the tolerability of the role of foreign guarantor(s), and consequently the stability of the postwar political and security environment. In Northern Ireland, the process was conveniently triangular, involving the ethnic patrons of the two belligerent factions, in addition to a central role played by the United States, a foreign actor tolerated by both nationalists and republicans. In Bosnia, not only was the United States constrained by the European Union powers (and to a lesser extent, vice versa), but both entities administered the war-torn country through a High Representative accountable to a Peace Implementation Council (PIC) comprised of fifty-five states and international agencies. This Council, established in 1995, embodied the effective participation of the international community as a whole in the implementation of the Dayton Peace Agreement.⁹

Contrastingly, the two case studies in which violence re-emerged were administered through an aggressively unilateral process, in which the guarantor resisted any attempts at sharing decision-making power. In Lebanon, even though the original intent of the Taef Agreement implicitly stipulated a three-way oversight of the implementation of the Agreement, including the United States, Saudi Arabia, and Syria, the latter monopolized the management of Lebanese affairs following the Gulf War and thus entirely subjected it to its own strategic interests. In Iraq, the United States vehemently resisted any role for the United Nations in the administration of the divided state, and thus sidelined the rest of international community from participating in what could have been an inclusive state-building process. This guarantor-led unilateralism, both in Lebanon and Iraq, would have profoundly adverse consequences on peace and stability in the post-war era.

Another question worth exploring is how, and to what effect, does a guarantor's record of historical precedents in post-war interventions inhibit its ability to act constructively in overseeing the implementation of a power-sharing agreement. A central risk emanating from a guarantor's historical precedents is the construction of false analogies. A primary example of that phenomenon is the reliance of US policymakers on their German and Japanese state-building experiences to inspire their course of action in Iraq, whilst purposefully sidelining a substantially more convenient point of reference, namely that of the US's involvement in post-war Bosnia. Concomitantly, this thesis shall investigate how a guarantor's historical precedents

⁹ The PIC comprised all states and organization that contributed to the post-war peace in Bosnia, whether "by assisting financially, providing troops for EUFOR, or directly running operations", in addition to a number of observers. For a full list of participants, see http://www.ohr.int/?page_id=1220.

of intervention in a particular region can create biases both in the minds of policymakers in the intervening state and in those of the populace of the recipient state. A glaring example arises from contrasting the historical record of the United States in Iraq prior to the invasion with its experiences vis-à-vis Tito's Yugoslavia prior to the Dayton Agreement. In the former case, the guarantor runs the risk of becoming an integral part of the problem, as opposed to being responsible for administering solutions amongst belligerent ethnic groups.

A third question revolves around the how the guarantor's domestic political system and its affiliated ideological paradigm affect its role in the divided state: Can a non-democratic political regime be entrusted with overseeing the successful implementation of a power-sharing agreement? If not, does that suggest that democracies inevitably succeed in their role as guarantors in post-war consociations? Using Syria's role in Lebanon as a prime example, this thesis will demonstrate the inherent limits of non-democratic regimes guaranteeing consociational settlements, while contrasting that experiment with that of the United Kingdom and Ireland – two liberal democracies - with regards to Northern Ireland. Nevertheless, using the example of the United States in Iraq, it shall also argue that democracies run the risk of failure in such endeavours, especially as a possible result of their deep attachment to republican ideals and their belief in the existence of a “post-tribal” world.¹⁰

The final question associated with the role of foreign guarantors in post-war scenarios pertains to the inter-relationship between those guarantors and the two other factors examined in this thesis, namely inclusivity and the regional environment. Do they operate independently or inter-dependently of each other? If the latter is the case, what is the nature of the inter-dependence, and how do the foreign guarantors affect the inclusivity and/or regional involvement in post-war consociations? This thesis shall demonstrate that the three factors more often than not operate inter-dependently, and that the centrality of the foreign guarantor is predominant in affecting the outcomes relating to inclusivity and the effects of the regional environment. By contrasting the case studies of Northern Ireland and Lebanon, it shall establish the criticality of the role of foreign guarantors in ensuring inclusivity or exclusivity in the post-war order, sometimes even surpassing the wishes of their co-ethnics in the divided state. Furthermore, it will argue that it is often so that the foreign guarantors are themselves the

¹⁰ Amy Chua, “Tribal World,” Foreign Affairs, 14 Jun 2018, <https://www.foreignaffairs.com/articles/world/2018-06-14/tribal-world>.

regional powers – as was the case in Northern Ireland, Lebanon, and to a lesser extent, Bosnia – which in turn exacerbates the risk of unilateralism, as regional parties are seldom disinterested ones.

Case Selection

This thesis aims to explain why ethno-national violence resurges in states that have witnessed agreements on power-sharing formulas under foreign supervision in a bid to end their domestic conflicts. As such, it will examine the “universe of cases”¹¹ within the set of criteria established for this study. Lebanon, Iraq, Northern Ireland and Bosnia are the only four countries that have witnessed ethnic civil wars, established comprehensive power-sharing agreements under direct foreign patronage, and continue to operate within the framework of the agreements to this day.¹² Moreover, the process of “case selection” achieves three main objectives: It avoids the violation of the logic of explanation,¹³ chooses negative cases according to the “possibility principle,”¹⁴ and increases the number of cases studied to establish some degree of control.¹⁵

First, to prevent biasing conclusions due to the selection of cases on the basis of outcomes on the dependent variable, this thesis chooses both cases where the outcome of interest occurs and where it does not. Hence, to be able to properly establish that the factors identified are a crucial antecedent of the outcome under investigation,¹⁶ negative cases that lack these factors such as Northern Ireland and Bosnia are studied.

¹¹ By examining all cases within a certain universe, we “avoid the problem of how representative one’s limited sample is.” See Lijphart, Arend, “Comparative Politics and the Comparative Method,” *The American Political Science Review* 65, no. 3 (1971): 686.

¹² Northern Ireland is officially a “country” within the UK, although it is not an independent state. However, it is common practice in the comparative literature to treat it as a unit of study similar to other conflicted states. Moreover, irrespective of the criteria used in this thesis, the entire universe of consociational cases is somewhat limited. Lijphart lists only 16 consociational regimes in the twentieth century. “The Wave of Power-Sharing Democracy,” in *The Architecture of Democracy: Institutional Design, Conflict Management, and Democracy in the Late 20th Century*, ed. Andrew Reynolds, 37-54. (Oxford: Oxford University Press, 2002).

¹³ Geddes, Barbara, “How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics,” *Political Analysis* 2, no. 1 (1990): 131-150

¹⁴ James Mahoney and Gary Goertz, “The Possibility Principle: Choosing Negative Cases in Comparative Research,” *American Political Science Review* 98, no. 4 (2004): 653-669.

¹⁵ Peter Hall, “Systematic Process Analysis: When and how to use it,” *European Political Science* 7, no. 3 (2008), 304-317.

¹⁶ Geddes, 142.

Second, the choice of Northern Ireland and Bosnia as “negative cases” where ethnic violence did not resurge following the power-sharing agreement fits within the “possibility principle” model suggested by Mahoney and Goertz.¹⁷ This model assumes that for negative cases to be valid, there must be a significant probability that the outcome of interest takes place within them. It therefore suggests that negative cases should be “theoretically relevant.”¹⁸ As a consequence of observing these variables, numerous studies had predicted – following the signing of the Good Friday and Dayton Agreements –, that violence would most likely recur in the near future.¹⁹ Furthermore, it does not seem evident that any variable at play in any of the two countries provided a *de facto* guarantee *against* renewed ethnic violence.

Third, this thesis purposefully seeks to enlarge the number of cases being studied because this expansion “increases the investigator’s confidence that the causal process observed is not idiosyncratic to one of them.”²⁰ To reduce the probability of chance correlations, this thesis examines one secondary negative case (Northern Ireland) and one secondary positive case (Iraq), although similar conclusions could have been reached through comparing the primary negative case (Bosnia) and the primary positive case (Lebanon).

The reason for which the two primary case studies have been assessed differently than the two secondary ones relates to both the time constraint associated with the thesis as well as the word limit to which this thesis is entitled. As such, the difference between the primary and secondary case study examinations is twofold. Firstly, the broader historical and political context relating to the post-war era is examined more thoroughly in the primary cases than in the secondary ones. The primary case studies include an extensive historical overview of the ethnic conflict the countries in question witnessed, a broad discussion of the political context

¹⁷ Mahoney and Goertz, 653.

¹⁸ Mahoney and Goertz, 655.

¹⁹ In 2003, Wilson and Wilford argued that the number of violent incidents in Northern Ireland was “on a rising trend” and that there had been no “peace dividend.” Wilford, Rick and Robin Wilson, “A route to stability: the review of the Belfast agreement,” Democratic Dialogue, <http://cain.ulst.ac.uk/dd/papers/dd03agreview.pdf>, 9. The GFA’s leading mediator, Senator George Mitchell, warned that the agreement “might not still be in existence in eighteen months’ time” and commented on “the complete lack of trust (and) ‘a presumption of bad faith’ between unionists and republicans.” “Preface,” Ruane, Joseph and Jennifer Todd, ed. *After the Good Friday Agreement*, viii. Noted Balkan expert Susan Woodward predicted a breakdown in law and order given the stresses that Bosnia was under in the immediate post-war period. Susan Woodward, *Implementing Peace in Bosnia and Herzegovina: A Post-Dayton Primer and Memorandum of Warning* (The Brookings Institution, 1996), 89. Mearsheimer and Van Evera (1995) predicted that “unless the US moves to repair the Dayton Accord, the defects (of the flawed peace) will lead to a new war” John Mearsheimer and Stephen Van Evera, “When Peace Means War,” *The New Republic*, December 1995, 16-17.

²⁰ Hall, 315.

surrounding the advent of the power-sharing agreement, an examination of the consociational agreement from a political and constitutional perspective, as well as an investigation of the issue of national identity in those countries at the onset of the post-war era. The secondary case studies, by contrast, delve directly into an exploration of the post-war violence and the explanations for why this violence occurred or did not occur.

Secondly, the primary case studies include extensive fieldwork conducted in the countries in question between 2016 and 2017. As a result, they include interviews conducted with politicians, policymakers, international officials, constitutional experts, activists, and academics. These interviews provide an in-depth perspective to the analysis by offering first-hand accounts from individuals that were involved in both the making of the power-sharing agreement as well as the management of the post-war era. By contrast, secondary case studies rely solely on available sources.

Whereas ideally all four cases would have been examined in a comprehensive manner, including interviews which serve to fill the gaps in the available literature, the above-mentioned constraints prevented the realization of such an ambitious project. Instead, this thesis chose to combine both primary and secondary case studies, assuming that a higher number of cases would compensate for the depth that would have been possible had it relied solely on two case studies. In other words, it prioritized the added value of secondary cases confirming the main hypothesis – hence decreasing chance correlations – over a more comprehensive analysis that would have existed under a two-case study.

The set of criteria established to define the “universe of cases” is significant because it allows for a focus on the particular nature of power-sharing agreements operationalized under direct foreign patronage, which in turn permits an emphasis on the central role played by third parties in divided states. Additionally, it differentiates between the cases being studied and cases of power sharing in states that have not witnessed civil wars (e.g. Belgium, the Netherlands) as well as those that do maintain some features of consociationalism but do not adopt comprehensive power-sharing structures (e.g. India). While numerous studies have examined all these cases collectively under the rubric of “power sharing,” no study has scrutinized states that hold the above-mentioned criteria as a separate category.

That said, the cases of Lebanon, Iraq, Northern Ireland and Bosnia are particularly interesting due to the similarity of their ethno-national conflicts and the blatant contrast in the dynamics of their regional environments. Bosnia and Northern Ireland are located in a peaceful, largely democratic and integrated geo-strategic environment. Lebanon and Iraq, on the other hand, are positioned in a largely undemocratic region, where centres of powers, operating in an environment which lacks a rules-based order, aggressively compete for spheres of influence. Given the particular focus of this thesis on the role of the foreign guarantors and the influence of the regional environment, this contrast allows for a pertinent examination of exogenous factors.

Another interesting feature of this comparison is that the presence of overarching national loyalties, a central component for the success of consociational experiments, is more salient in the cases that have witnessed a resurgence of ethnic violence in the post-war period. This is predominantly expressed in the absence of feelings of national belonging among key communal segments in Bosnia and Northern Ireland, which in turn repeatedly manifests itself through strong secessionist tendencies.²¹ This counter-intuitive phenomenon will be explored throughout the thesis's case studies, as it furthers the argument that the three aforementioned factors supersede favourable conditions for the success of consociationalism.

Finally, the two positive case studies have adopted political systems that are relatively more orthodox in their consociational aspects than have the two negative case studies. In other words, while Bosnia and Northern Ireland have solidly entrenched ethnic identities as the basis for their political arrangements, Lebanon and Iraq have opted for more integrationist features.²² This overlap between orthodox consociationalism and the avoidance of ethnic

²¹ For example, 79% of Croats and 87% of Serbs consider that Croatia and Serbia's hymns, not Bosnia's, "reflect their feeling toward the homeland." International Crisis Group, "Bosnia's Future," *Europe Report*, no. 232 (July 2014): 17. In 2002, High Commissioner Wolfgang Petritsch dismissed the Croatian member of the joint presidency, Ante Jelavic, for violating the Dayton Agreement by promising a referendum for the independence of the Croatian regions within the federation. In Northern Ireland, Republican Party Sinn Féin continuously calls for a referendum to leave the UK. See "Sinn Féin wants vote on Northern Ireland leaving UK 'as soon as possible,'" *Reuters*, 13 Mar 2017, <https://www.reuters.com/article/us-britain-eu-nireland/sinn-fein-wants-vote-on-northern-ireland-leaving-uk-as-soon-as-possible-idUSKBN16K28M>. In the positive case studies, the Kurds of Iraq have continuously expressed a desire for secession. However, this does not affect the argument, as the Kurds were largely exempt from violence in the post-war era.

²² While this thesis will make the argument that Iraq and Lebanon have more lenient consociational structures, the suggestion is debatable. Unlike Lebanon, Northern Ireland does not assign seats to particular groups, even though it secures the right of all elected parties to participate in government and the right of the strongest ethnic parties to the co-premiership. Iraq has given Kurds ethno-territorial federalism similar to that of Bosnia's Serb

violence makes this double-comparison even more relevant, as it raises the question of whether rigid power sharing is the key to ensuring peace after civil wars.

Scope of Research

Undoubtedly, ethnic violence cannot be considered a sole indicator for the success or failure of a power-sharing experiment. Far from simply silencing the sound of bullets and cannons, power-sharing agreements aim to help war-torn states recover, build a functional, stable, and democratic political system, as well as promote an overarching national identity that goes beyond primordial connections like ethnicity. Even fierce proponents of consociationalism such as Arend Lijphart – who once advocated “voluntary apartheid”²³ as a solution for ethnically-divided states – believe that communal separation is a temporary arrangement in the hope that ethnic identities in a successful consociational context “can be biodegradable.”²⁴

However, this thesis contends that even though a lack of ethnic violence does not entail “success” of the power-sharing experiment *per se*, the strategic resurgence of ethnic violence is unquestionably an indicator that the power-sharing experiment has failed. For example, while it is uncommon for experts and analysts to laud Bosnia’s post-war political process as “successful,” ethnic violence in Iraq and Lebanon definitely constitutes a major handicap for the development of a sound political and economic trajectory. In other words, while political achievements and stability are both *necessary* conditions for success, pervasive ethnic violence is in itself a *sufficient* condition for failure.

This study is solely concerned with the study of *strategic ethnic violence*. As such, violence is assumed to be strategic and ethnic if it fulfils three central conditions. First, it must be undertaken by a collectivity and involve a substantial degree of coordination. Second, it must have well-defined political objectives, in that it seeks to overturn, challenge, or forcefully impose the post-war political order as established by the power-sharing agreement. Third, it must be undertaken by opposing ethnic groups, or at the very least have a significant ethnic undertone associated with it, as in the case with ethnically-dominated official “security forces”

community, but the study of violence in post-war Iraq is predominantly concerned with the Sunni and Shi’a Arab communities.

²³ Lijphart, Arend, “Cultural Diversity and Theories of Political Integration,” *Canadian Journal of Political Science* 4, no. 1 (1971), 11.

²⁴ McGarry, John and Brendan O’Leary, “Power shared after the deaths of thousands,” in *Consociational Theory: McGarry & O’Leary and the Northern Ireland Conflict*, ed. Rupert Taylor, 15-84. 1st ed. (London: Routledge, 2009), 68.

engaging in violence against members of an opposing ethnic group. In that sense, strategic ethnic violence fundamentally differs from what Charles Tilly calls “collective violence,” which also assumes synchronized activity but may include “ordinary” crimes such as robberies and murders, which are often associated with criminal gangs.²⁵

Additionally, in differentiating between its cases where violence resurged (positive cases) and its cases where it did not (negative cases), this study puts ethnic violence in its broader context, going beyond the mere statistical body count of victims. For example, the number of victims of post-war ethnic violence in Northern Ireland and Lebanon are dissimilar, but not to the extent which would allow us to categorize them entirely differently relying solely on body counts. Northern Ireland’s number of death victims due to post-war ethnic violence cannot be exactly verified - given that the ethnic and political motives behind many of the killings are not entirely clear - but it stands around one hundred.²⁶ Lebanon’s post-war ethnic violence, on the other hand, has caused 299 deaths.²⁷ Admittedly, given the nature of the violence, the number of Lebanese injured runs at around one thousand, and is therefore much higher than Northern Ireland’s.²⁸ Nevertheless, both countries stand in wide contrast to Iraq, where tens of thousands of people have lost their lives as a result of ethnic warfare in the post-war era.²⁹

²⁵ Tilly, Charles, *The Politics of Collective Violence*, (Cambridge: Cambridge University Press, 2003). Two recent studies have comparatively explored the phenomenon of violence after civil wars, Michael Boyle’s *Violence After War: Explaining Instability in Post-Conflict States*, (Baltimore: Johns Hopkins University Press, 2014) and *The Peace in Between: Post-War Violence and Peacebuilding*, edited by Astri Suhrke and Mats Berdal, (London: Routledge, 2012). Both include “ordinary” violence in their analyses.

²⁶ It’s near-impossible to obtain accurate data for post-war ethnic violence in Northern Ireland. The reason for this is that for a significant number of the killings, no group or organization declared responsibility. Thus, numerous killings are only *suspected* to have had an ethno-political motive behind them, whereas the reason could have been related to drug gangs or personal vendetta. Others, such as the Omagh bombing of 1998, and the assassination of a prison officer by the New IRA in 2016, have clear ethnic and political motive behind them. If one adds the killings that have a clear ethnic motive to the ones where the case for an ethnic motive is trustworthy, the total number of deaths is 102. For a complete list of the killings since 1998, see <https://cain.ulster.ac.uk/issues/violence/deathsfrom2002draft.htm>.

²⁷ 82 Lebanese were killed in the assassinations and assassination attempts that occurred between 2004 and 2012, many of which were bystanders. There were 80 Lebanese killed and around 200 injured in clashes between Hezbollah and Sunni militias in Beirut in 2008. “Lebanon: Hezbollah’s Weapons Turn Inward,” *International Crisis Group*, Briefing no. 23, May 15, 2008, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/lebanon/lebanon-hizbollah-s-weapons-turn-inward>. In 19 different rounds of fighting between Alawites and Sunnis in Tripoli, 95 people lost their lives between 2008 and 2015. In 2013, a bomb placed outside a mosque in Tripoli killed 42 and injured 350. See <https://www.reuters.com/article/us-lebanon-explosion-deaths/bombs-kill-42-outside-mosques-in-lebanons-tripoli-idUSBRE97M0FL20130823>.

²⁸ In 2005, the Hariri assassination caused 220 injuries. The number of injured for the Tripoli bombings stands at 350. The clashes of 2008 have left 220 injured. Other events, such as the Tripoli clashes, have left tens of people injured, although the exact number is unconfirmed.

²⁹ The number of documented civilian deaths from violence in post-war Iraq ranges from 181,563 to 203,694, with a total number of violent deaths including combatants of 288,000. Official body count published as of 28 Jun 2018. <https://www.iraqbodycount.org/>

That said, several factors make Lebanon a “positive” case and Northern Ireland a “negative” one. Chief among these is the fact that violence in Northern Ireland has been on an almost steady path towards extinction – fifty-one victims in 1998 as opposed to only two in 2016 and none in 2017 - whereas Lebanon’s levels of ethnic violence have not witnessed any such clear-cut pattern. Moreover, the nature of ethno-political violence differs widely between the two cases: in Northern Ireland, a solid majority of the violence has been sporadic and carried out by breakaway Republican groups, and therefore not strategic, whereas Lebanon witnessed military-style fighting between ethnic groups, high level political assassinations and major bombings.

This thesis defines post-war violence not in quantitative terms but rather in its political context; in that it must emerge following the establishment of a power-sharing agreement that supposedly ends the official state of “war” and promises a state of “peace.” It thus differs from studies which, using widely-referenced data sets on internal wars, assume that a state of post-war violence “would conceptually speaking be located somewhere in between ‘war’ and ‘peace.’”³⁰ For example, post-war violence in Iraq is numerically more significant than that of the US invasion and overthrow of the Ba’ath regime and does not differ extensively from the levels of violence witnessed earlier in the internal wars between Saddam Hussein’s regime and its opponents. It did grow, however, both in the aftermath and as a consequence of the power-sharing agreement that had supposedly ended the state of “war” in Iraq.

As for the question of when a post-war period ends, this thesis adopts an explicitly causal approach that “seeks to trace the lineage of violence evident in the legacy of the war and the conditions of peace.”³¹ As a matter of analytical perspective and methodology, it rejects the common cut-off points used in quantitative studies, which are typically one five-year period (Archer and Gartner 1976) or two five-year periods (Collier and Hoeffler 2004), and approaches the temporal matter with a certain degree of flexibility. For example, post-war violence in Lebanon occurred almost two decades following the power-sharing agreement at Taef, but the political context in which it took place is a *direct* consequence of the post-war political order.

³⁰ Suhrke, Astri, “The Peace in Between,” in *The Peace in Between*, ed. by Suhrke and Berdal, 6.

³¹ Ibid 7.

Consequently, the case studies will limit their theoretical parameters and analysis to a different set of crucial years depending on the country in question. Following a brief historical background and an analysis of the period leading up to the power-sharing agreement, it will focus much of its analysis on the period ranging from the establishment of the consociational accord up to the year in which ethnic violence considerably resurfaced or the country was deemed to be largely pacified. Given the relatively large number of cases under scrutiny, thorough examination is best limited to the crucial periods that have led to either stability or violence, as this will allow for a more robust and reliable investigation than one that extends to the present day. Nevertheless, it will attest to any later happenings or patterns that might put into question the findings of the relevant chapter.

Contribution

The main purpose of this study is to trace the trajectories through which states, following the conclusion of their civil wars and the establishment of their power-sharing agreements, find themselves either at peace or once again experiencing ethnic violence. This phenomenon is one of increasing concern in the twenty-first century. Since the end of the Cold War, the world witnessed a drastic change in the expression of large-scale conflict towards internal violence, and the trend keeps growing.³² Furthermore, power sharing with massive international involvement is an increasingly pervasive phenomenon for the resolution of civil wars, an occurrence which renders this study's particular – and original – focus on the role of foreign guarantors to consociational agreement particularly relevant. This in-depth examination of the multi-faceted role played by these guarantors in post-war environments thus contributes to an ever-growing and inescapable dimension in the resolution of ethnic conflicts and the management of post-war political landscapes.

Before 1990, no civil conflict ended with a consociational arrangement centred on territorial decentralization.³³ This tendency has since reversed. The international community now errs “in privileging consociational and communal solutions.”³⁴ The growing trend of international

³² Reilly, Benjamin, “Identity Politics: Democratic Institutions in Ethnically Divided States,” *World Politics Review*, 8 Oct 2013, 9-14.

³³ Lake, David and Donald Rothchild, “Territorial Decentralization and Civil War Settlements,” in *Sustainable Peace*, 111.

³⁴ Reilly, “Identity Politics: Democratic Institutions in Ethnically Divided States,” 9. For example, when discussing the conflict in Syria, United Nations Secretary General Ban Ki-moon recently lauded the Lebanese consociational system by stating that “Lebanon continues to be a model of coexistence.” Full text of the speech

involvement, humanitarian intervention, and increasing adoption of power-sharing formulas to resolve ethnic conflicts make this comparative study particularly pertinent, as it examines the “universe of cases” according to a particular set of criteria – power sharing under foreign supervision following ethnic civil wars. These criteria render this study profoundly different from other comparative studies that have either focused on post-civil-war settlements irrespective of ethnic divides, resolutions to ethnic civil wars that have not instituted power sharing or post-conflict situations that had not witnessed direct foreign supervision.

The latter dimension – that of direct supervision of the implementation of consociational agreements in post-war settings – is not just explored comparatively with regards to the four case studies but also by looking at its various facets: How does the intervening power’s ‘selfish’ or ‘unselfish’ interests in the divided state affect its ability to succeed in its role as a foreign guarantor? Is consociationalism the preferred method of political organization amongst foreign guarantors, and do they play a role in ‘imposing’ it upon divided states? What system of checks and balances restrains foreign guarantors operating in a post-war environment, and what are the advantages and disadvantages of guarantors acting unilaterally as opposed to a multilateral supervision of consociational agreements? Does the guarantor’s historical record of intervention and state building affect its ability to carry out its responsibilities in maintaining the precarious ethnic balance within a state coming out of ethnic conflict, and in what ways? How does the guarantor’s domestic political environment guide its role in the recipient state, and does the democratic or non-democratic nature of its political system influence the outcome vis-à-vis the consociational arrangement? These questions, investigated both comparatively and throughout the country chapters, help define the original contribution of the thesis to a field that has traditionally suffered a dearth of analysis with regards to exogenous factors in general, and the role of foreign guarantors in particular.

Two main studies have specifically and comparatively analysed the phenomenon of post-war violence, generally but not exclusively within the framework of power-sharing experiments. The first is *The Peace in Between*, edited by Astri Shurke and Mats Berdal (2012), while the second is Michael Boyle’s *Violence After War* (2014). Both have examined post-war

can be found at

http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=2554#.VTvm3q1Viko. Academics have also agreed with recommending the “Lebanese model” to neighboring Syria. See Rosiny, Stephan, “Power Sharing in Syria: Lessons from Lebanon’s Taif experience,” *Middle East Policy* 20, no. 3 (2013), 41-55.

environments in countries which overlap with the case studies in this thesis.³⁵ Unlike this thesis, however, both neglect the centrality of exogenous factors in ensuring peace and stability – or causing an outbreak of violence - in the post-war era, and do not approach the role of foreign guarantors as an essential, stand-alone category.

The Peace in Between explores post-war violence in a number of countries – including Bosnia, Iraq, and Lebanon – with the aim of sorting out “different types of post-war environments”, or what they call “different kinds of post-war peace”. They identify four different post-war ideal type “peaces”: Victor’s Peace, Loser’s Peace, Divided Peace and Pacified Peace. They conclude that societal culture emanating from the war, state weakness and faltering institutions, and inadequate outside intervention are potential causes for post-war violence, while cautioning against the production of “general theories of post-war violence”. *The Peace in Between* is fundamentally differentiated from this thesis in that it does not examine ethnic post-war violence within the framework of democratic consociationalism and foreign guarantors, but rather explores cases of post-war ‘peace’ such as Cambodia and Guatemala that were neither consociational nor guaranteed by a foreign power. Shurke and Berdal’s work also explores the phenomenon of post-war violence in broad-based terms thus including in its analysis ordinary crimes and sexual violence.

Violence After War goes further in its focus on endogenous elements, and seeks to explain “the complex mix of personal, criminal, and political violence that appears in post-conflict states” by “focusing on the local dynamics of each case, specifically the shifts in incentives and organizational fractures and realignments that occur in the post-conflict period”. Exploring the cases of Iraq, Kosovo, Bosnia, East Timor and Rwanda, the central argument of the book is that there are two causal pathways that can explain the onset of violence in post-conflict states. The first is the direct pathway, where existing combatants begin to employ strategic violence to spoil a peace settlement, hence displaying a continuity of purpose with the violence of the civil war. The second, the indirect pathway, has original combatant groups disintegrating into an array of splinter groups that compete with one another for power and resources in post-conflict states. Thus, the book concludes, that there must be a broad acceptance of the peace settlement from and internal unity within former

³⁵ Shurke and Berdal’s work features chapters on Lebanon, Iraq, and Bosnia, whereas Boyle’s study includes chapters on Bosnia and Iraq. Neither examine Northern Ireland as a case study in post-war violence or lack thereof.

combatant groups in order to achieve post-conflict peace. Similarly to Shurke and Bernal, Boyle's work is not predominantly concerned with strategic ethnic violence but rather considers violence in all its forms, including ordinary and gang-related crimes. More importantly, it is vastly differentiated from this thesis in that it focuses predominantly – if not solely - on the endogenous factors that lead to post-war violence.

This research situates itself into the debates on civil wars, international intervention, and the use of constitutional and institutional engineering to regulate ethno-national conflict. It will conduct its analysis through the lens of the liberal consociational approach – developed by O'Leary and McGarry –, which presupposes that ethnic identities should be dealt with as they are, and not as they should ostensibly be, but also contends that ethnic affiliations ought not to be superimposed on unwilling citizens of a particular state. While sympathizing with the normative aspirations of the civic society model, it strives to avoid its dangerous integrationist “naïveté,” which holds that the institutionalization of ethnic identities is the mother of all ills and the cause of all violence in divided states.

As far as the corpus of literature on consociationalism in the twenty-first century is concerned, this study builds on the theoretical contributions made by O'Leary, McGarry, and Kerr by developing a comprehensive theory for the understanding of the success or failure of power-sharing experiments. It stresses the *primacy of exogenous variables*, thoroughly examining the normative and empirical role of the foreign guarantors to power-sharing agreements as well as the effects of regional environments. As such, it challenges the predominant paradigm in the literature on power sharing which overemphasizes endogenous variables in its understanding of the chances for consociational success.³⁶

Furthermore, no extensive comparative analysis of power sharing in Lebanon, Iraq, Northern Ireland and Bosnia has been undertaken.³⁷ In fact, power sharing from a comparative perspective in all four case studies has been largely neglected by historians and political scientists, despite the fact that much policy-making could have been guided by comparing, for

³⁶ Only one of Lijphart's conditions for the success of consociationalism has an external dimension. He argues that the direct external effect of a country's small size is the increased likelihood of it feeling threatened by other powers, which in turn could lead to inter-ethnic unity. See Lijphart's *Democracy in Plural Societies*, 66.

³⁷ The only book-length comparative study of consociationalism in any of these countries is Michael Kerr's *Imposing Power-Sharing: Conflict and Coexistence in Northern Ireland and Lebanon*, (Dublin: Irish Academic Press, 2006).

example, two power-sharing agreements that resulted from US-led wars and occurred under US supervision, as was the case in Bosnia and Iraq. Moreover, this study differs from other regional comparative works on the subject as it contrasts consociational experiments in two regions that differ both culturally and in terms of the prevalence of democracy within them. Going beyond the regional framework prevalent in the literature allows this study to appreciate the role played – if any – by cultural factors and examine how different regional environments affect the prospects for stability in societies that have undergone civil conflict.³⁸

Methodology and Sources

This thesis will draw on various methodological approaches, adopting a multi-method approach, while embracing the positivist, empirically-based tradition. Through the use of these methods, it will “attempt to identify invariant causal configurations that necessarily combine to produce the outcome of interest.”³⁹

First, given the limited number of units in the universe of cases and their diverse and complex pathways, this thesis will rely on congruence analysis in order to try and identify the causal factors that lead to the resurgence of ethnic violence after civil wars. It is therefore not strictly case-centric as it seeks to investigate whether the cases under study falsify or certify theoretical assertions concerning power sharing and the resurgence of ethnic violence.

Second, the fundamental lens through which the research will be conducted is that of “process tracing” or “systemic process analysis” for testing causal inference.⁴⁰ Although small-n research is sometimes considered the “weak sister” of statistical methods, it best fits this thesis because of the preponderance of causal factors and the dearth of relevant cases. By examining various facets of the causal chain through systemic process analysis, causal propositions can be appropriately tested.

³⁸ Horowitz contends that what differentiates European ethnic conflicts from non-European ones is that the former are “less exclusive in their commands of loyalty and less preemptive of other forms of conflict.” Horowitz, *Ethnic Groups in Conflict*, 472.

³⁹ Skocpol, Theda, *Vision and Method in Historical Sociology*, (Cambridge: Cambridge University Press, 1984), 378.

⁴⁰ Hall, 304.

This thesis contends that a combination of “smoking gun observations, narratives with a dense storyline of motivations, and a fine-grained picture of critical juncture” can provide a cohesive explanation for why ethnic violence resurfaced in some cases but not in others.⁴¹ The numerous details and circumstantial evidence that will be examined will provide a sense of certainty about causality. Consequently, this thesis does not subscribe to the one-dimensional distinction between sceptic “splitters” who believe in case particularism and “lumpers” who attempt broad-based generalizations.⁴² Rather, it aims at establishing typological or configurative generalizations that act as soft laws regarding states that enter power-sharing agreements after ethnic civil wars.

Although the cases being observed are not similar enough on every level to offer the opportunity for controlled comparisons in the traditional sense, they fall squarely within the rubric of Lijphart’s “comparative cases.” The number of operative variables is reduced by an analysis of their effect on the outcome of interest, and which leaves a reasonable set of controlled conditions. Variables that differ across the four cases, such as the level of economic development, ethno-demographic configuration, and the nature of the pre-conflict political system, will be shown to be inoperative in a way that contradicts findings.

This thesis relies on both qualitative and quantitative sources. First, it consists of a thorough content analysis of primary sources, such as political manifestos and constitutional documents, negotiation minutes, as well as statements of key actors throughout the political process. This is supplemented by an examination of the secondary literature that covers the history and political process associated with the power-sharing agreements in all four countries, in addition to analyses that review the foreign policy strategies and priorities of the foreign powers involved in the oversight of the agreements.

Additionally, as Betts and Orchard note, “one of the hallmarks of ‘implementation research’ is likely to be that it goes beyond ‘armchair’ research and engages in in-depth fieldwork in order to examine the micro-mechanisms through which norms adapt at national and local

⁴¹ See Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis*, (Princeton: Princeton University Press, 2004).

⁴² Gerring, John, *Case Study Research: Principles and Practices* (Cambridge: Cambridge University Press, 2007), 77.

levels.”⁴³ This thesis draws upon forty-seven elite interviews conducted with forty-five respondents.⁴⁴ These interviews were gathered through fieldwork in Beirut (twenty-five interviews conducted in May-June 2016 and September-October 2016), Paris (two interviews conducted in April 2016), Sarajevo (eighteen interviews conducted in January-February 2017 and May 2017), as well as by phone/Skype (two interviews conducted in May 2017) and written correspondence (one interview conducted in February 2017). As certain domestic political actors and former international officials were not present in the country in question at the time of the fieldwork, interviews were conducted over the phone and via Skype. One interview was conducted through written correspondence, as the interviewee is serving a twenty-five-year sentence for war crimes committed during the Bosnian conflict.

Interviewees were selected based on their first-hand knowledge of the political-constitutional context of the power-sharing agreements and the processes of their implementation in the post-war era, forming a fairly small “sample universe.”⁴⁵ Interviewees included current and former government officials and opposition leaders, former peace-negotiators, leaders of political parties and paramilitary organizations, international officials and officials from guarantor states, civil society activists and academic experts.

The interviewees were carefully chosen to include not only top-level officials whose statements, even concerning historical events, are generally more reserved, but also second-tier participants who often provide a less formal and more informative perspective. This applies to both domestic actors as well as those who represented international bodies or guarantor states. They were also chosen to represent – as accurately as possible - all sides of the political and ethnic divide in both Lebanon and Bosnia, as to ensure that multiple points of view are appropriately articulated and defended. As the interviewees did not form part of a clear and predetermined category of individuals, the “snowball sampling” method helped identify other relevant contacts. This method is particularly useful in accessing interviewees in light of the sensitivity of the research topic, as a chain of referrals increases rapport and trust.⁴⁶

⁴³ Betts, Alexander, and Phil Orchard. “Introduction.” In *Implementation and World Politics: How International Norms Change Practice*, edited by Alexander Betts and Phil Orchard (Oxford: Oxford University Press, 2014), 19.

⁴⁴ Interviewees were sometimes interviewed several times in light of their in-depth knowledge of the subject.

⁴⁵ Robinson, O, “Sampling in Interview-Based Qualitative Research: A Theoretical and Practical Guide.” *Qualitative Research in Psychology* 11, no. 1, 2014, 25.

⁴⁶ Clark, Janine A. 2006. “Field Research Methods in the Middle East.” *PS, Political Science & Politics* 39, (3), 2006, 417 – 424.

The interviews were semi-structured, as these diverse actors all had unique positions and areas of expertise. Depending on their perspective, interviewees were mostly asked to comment upon events they were personally involved in, explain the intentions and thought processes behind their conduct, and corroborate or challenge other interpretations of events.⁴⁷ In many instances, especially when interviewing foreign officials – whether it be those representing international bodies or guarantor states – the interviewees were asked to assess their understanding of events from a comparative perspective, in order to better serve the approach of the thesis. The questions focused on areas or events that were not covered appropriately in either the primary or secondary sources in the literature.

Unlike in Western policy circles, very few former Lebanese officials have written memoirs, and those who have done so in Bosnia have had it written in their native language. As such, the interviews helped fill a major gap because of the dearth of first-hand accounts from local actors. As ‘insiders,’ certain interviewees were also asked to help access helpful data sources, such as draft versions of peace agreements and policy and legal documents. The data generated through primary and secondary sources were, wherever possible, cross-validated and triangulated to optimise the analytical accuracy and verifiability. Contrastingly, civil society activists and academics were probed about their own interpretation of both constitutional texts and political events, which helped add an out-of-the-box perspective to that of government officials and policymakers.

The interviews were conducted in English and Arabic by the author without translators. In light of the sensitivity of certain information, the conversations were tape-recorded only when the interviewee explicitly agreed to the recording. Equally, some interviewees’ identities are kept anonymous as they may not have been authorised to disclose such information or when the publication of such information could have negative consequences. When including contextual details, the date, or the location of the interview would divulge identifying information, this information is omitted from the reference.

⁴⁷ Moyser. 2006. “Elite Interviewing.” In *The SAGE Dictionary of Social Research Methods*, edited by Victor Jupp. (London: SAGE Publishing), 85. When appropriate, interviewees were also invited to distinguish between the official accounts of their affiliated institution as well as their personal interpretation.

Finally, quantitative material such as public opinion polls, census figures, electoral statistics and referendum results were all used to provide a better understanding of public attitudes towards national identity, coexistence and power sharing.

Chapter Structure

The introduction presented the research hypothesis and methodology, explained the logic behind the case selection, set the parameters of the research project, and drew together the comparative framework to which this thesis contributes.

Chapter two briefly reviews the literature which pertains to the main theoretical currents in the study of ethnic conflict, and explores the various approaches to constitutional design in divided states. It begins by contrasting the two central schools of ethnic conflict management, consociation and integration, and then proceeds to tackle the debate within the consociational tradition as to the primacy of endogenous factors as opposed to exogenous ones. It establishes the thesis's contribution to that debate by placing it within the framework of recent scholarship which stresses the traditionally under-examined role of external factors in the success or failure of power sharing. Particularly, it defines the thesis's original contribution to that literature as emanating from its focus on the central role of foreign guarantors in post-war environments.

Chapter three analyses the resurgence of ethnic violence in Lebanon following the Taef Agreement and the withdrawal of Syria's military forces in 2005. It argues that after the conclusion of the civil war, the Lebanese were exceptionally readied for a peaceful and democratic post-war power-sharing experience. This chapter demonstrates how Syria's interpretation and implementation of the Taef Agreement in the post-war era significantly undermined the prospects for a sustained peace in Lebanon, as its strategic priorities differed from those needed to ensure continuous stability in the long term. It concludes that Syria's selfish role as a guarantor to the Taef Agreement, combined with the marginalization of Lebanon's Christian community, and the volatile regional environment in the Middle East resulted in the partial breakdown of the power-sharing experiment and the return to ethnic violence.

Chapter four explains how, despite many predictions to the contrary, Bosnia's post-war experience did not witness a return to the kind of ethnic violence that ravaged the country between 1992 and 1995. It highlights how the deeply problematic nature of divided identities in post-war Bosnia, as exemplified by the ethno-territorial segmentation agreed upon in the Dayton Agreement, could have led to the breakdown of peace and order. It demonstrates, however, that notwithstanding the immediate violent aftershocks following the end of the war, Bosnia as an international protectorate not only succeeded in preserving stability, but also witnessed promising prospects for prosperity. It concludes that the unlikely post-war peace was the result of the unselfish role of the international guarantors, namely the US and the EU, the genuinely inclusive post-war political process as well as the increasingly constructive roles played by the regional co-signatories to the power-sharing agreement, Serbia and Croatia.

Chapter five accounts for the complete breakdown of peace and stability in post-war Iraq following the power-sharing agreement embodied in the constitution of 2005. It traces the transformation of violence from one directed against US forces to that of an all-out ethnic civil war between the country's Sunni and Shi'a Arabs. While it acknowledges certain structural difficulties to consociationalism following the fall of Saddam Hussein's regime, it demonstrates how the widespread violence that ensued was not predetermined, but rather the direct consequence of punitive policy decisions made by the US guarantor and its Iraqi allies. It concludes that the failure of power sharing in post-war Iraq was instigated by the failure of the US to play the role of a fair guarantor, the exclusionary post-war political order built at the expense of Iraq's Arab Sunnis, and the malicious roles played by Iraq's neighbours opposed to the nascent political order.

Chapter six analyses the unexpected ethnic peace witnessed in Northern Ireland following the Good Friday Agreement, which has lasted for over two decades despite recurring political crises. After accounting for the structural and ideological impediments that have long prevented the resolution of the region's conflict, it examines the power-sharing agreement's particularly inclusionary nature and highlights the central role played by Britain and the Republic of Ireland in brokering the compromise. It demonstrates how those two key variables ensured that the GFA avoided the fate of its doomed predecessor, the Sunningdale Agreement of 1973. It further evaluates the role played by both guarantors, in addition to the mediation effort of the United States, in ensuring the proper implementation of the

agreement. It concludes that it was these positive exogenous variables in addition to the guaranteed inclusion of both ethno-national groups in the decision making process that has allowed Northern Ireland to enjoy continued peace and stability.

Through comparative analysis, chapter seven draws together the lessons learnt from the four post-war consociational experiments under foreign supervision. It comparatively examines the role of the foreign guarantors in all of the case studies, and investigates how factors such as unilateral oversight, previous experiences of intervention, and the domestic political system affect their ability to remain impartial and effective. It also compares and contrasts the power-sharing agreements and their implementation by observing how the phenomenon of foreign guarantors intersected and interacted with the two others factors examined in this study, namely inclusivity of the power-sharing agreement and the broader regional environment, noting that all three more often than not do not operate as independent variables.

Moreover, this chapter evaluates the future potential for successful regulation of ethno-national conflicts in Lebanon, Bosnia, Iraq and Northern Ireland. It concludes that although consociationalism in Bosnia and Northern Ireland faces some challenges, as evidenced by the increasingly malign Russian interventionism in support of secessionist Bosnian Serbs as well as growing political obstinacy amongst Northern Ireland's parties and the challenges of Brexit, prospects for continued stability remain positive. In Lebanon and Iraq, however, the inability of leaders to both devise a more inclusive political order and dissociate their countries from the broader rivalries taking place across the Middle East suggests that the prospect for successfully implementing and stabilizing consociational arrangements remains grim.

Chapter 2: Consociationalism: An internal-external theoretical framework

This chapter discusses and evaluates the theoretical constructs of the power-sharing model and its literature, as well as the contribution this thesis makes to it. It shall begin by exploring the two dominant paradigms in the debate over the management of ethnically-divided states, consociation and integration, while clarifying the differentiation in the former between corporate and liberal consociation. It will then situate the thesis in the consociational tradition, arguing that the recognition of the realities of ethnic divides ought to constitute the main defining feature of constitutional design in states coming out of civil war. While refuting the civil society model, it contends that certain integrationist prescriptions can be inserted into a progressive, liberal and bespoke model of consociational government.

Following from that, this chapter explores the debate in the consociational literature as to the primacy of endogenous factors as opposed to exogenous ones. It establishes that traditional literature has focused predominantly on endogenous factors, whereas more recent literature has gradually shifted towards a deeper understanding of exogenous ones. It places the thesis within that framework of recent literature which aims to further investigate the role of outsiders in the establishment and implementations of power-sharing agreements, while firmly retaining the centrality of endogenous factors to the process. As such, it establishes the various ways in which the thesis contributes to the theoretical constructs of consociationalism initiated by Arend Lijphart, developed by Brendan O’Leary and John McGarry, and expanded upon by Michael Kerr.

Consociation and Integration

The choice of institutional framework intended to foster civil peace after ethnic wars can oftentimes make the difference between continued warfare and stability. In the traditional literature on the engineering of political systems to regulate ethnic conflict, two main conceptual poles have dominated both empirical and theoretical debates. Lijphart’s *Democracy in Plural Societies* (1977) and Horowitz’s *Ethnic Groups in Conflict* (1985) have constituted the main building blocks of the competing models of conflict regulation: the consociational

approach advocating a political system which seeks to accommodate ethnic groups,⁴⁸ and the integrationist approach espousing political structures that transcend ethnic divisions.⁴⁹

Consociation

Even though consociational theory has a “long pedigree,” traced all the way to the sixteenth century Protestant philosopher Johannes Althusius (1557-1738), and has often been invented (and reinvented) by politicians without explicit schooling in political theory seeking practical responses to communal antagonisms, it is undeniably associated in our times with the prolific work of Arend Lijphart, its contemporary “creator and sculptor.”⁵⁰ Lijphart’s theoretical framework for power sharing rests on four basic foundations: (a) the involvement of all sizable communities in executive institutions through the formation of grand coalition cabinets; (b) proportional representation of the communal groups in the state structure, not just the executive and the legislature but also in other strategic areas such as the bureaucracy, the police and the army; (c) group autonomy allowing for self-governance predominantly but not exclusively in the field of culture, whether of the territorial or non-territorial variety; and (d) granting of minority veto rights, especially in domains which are of strategic and existential significance to communal groups.⁵¹

⁴⁸ For instances of consociational thinking, see Nordlinger, Eric A. *Conflict Regulation in Divided Societies*. Vol. no. 29. Cambridge, Mass: Harvard University, Center for International Affairs, 1972. O’Leary, Brendan. “Debating Consociational Politics: Normative and Explanatory Arguments.” In 3: MQUP, 2005; and McGarry, John and Brendan O’Leary. *The Northern Ireland Conflict: Consociational Engagements*. Oxford: Oxford University Press, 2004.

⁴⁹ For examples of integrationist thinking, see Barry, Brian M. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press, 2001; Brass, Paul R. *Ethnicity and Nationalism: Theory and Comparison*. New Delhi, India: Sage Publications, 1991; Horowitz, Donald P. *A Democratic South Africa?: Constitutional Engineering in a Divided Society*. Oakland: University of California Press, 1992; Reilly, Benjamin. *Democracy in Divided Societies: Electoral Engineering for Conflict Management*. Cambridge: Cambridge University Press, 2001.

⁵⁰ See O’Leary, “Debating consociational politics,” in Noel, S. J. R. *From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies*. Vol. 2. Montreal: McGill-Queen’s University Press, 2005, 3. For example, the world’s most renowned (or infamous) consociational agreement, the Lebanese National Pact of 1943, was engineered less than a decade after Lijphart was born. It is the case with consociationalism that in many instances practice precedes theory. For more of Lijphart’s work, see the Lijphart, Arend. *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*. 2nd rev. ed. Berkeley, CA: University of California Press, 1975; Lijphart, Arend. *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press, 1977; Lijphart, Arend. “The Wave of Power-Sharing Democracy.” Oxford: Oxford University Press, 2002.

⁵¹ Lijphart, *Democracy in Plural Societies*, 24-44. Defining consociationalism and its parameters has long been a subject of contention. McGarry and O’Leary correctly note that consociationalism has “off the peg” but also “bespoke” features, McGarry and O’Leary, 2006, 261. Dixon criticizes the different varieties of consociationalism, arguing that its proponents have expanded or reduced its defining features to fit more cases. See Dixon P, “Is Consociational Theory the Answer to Global Conflict? From the Netherlands to Northern Ireland and Iraq,” *Political Studies Review* (9) 2011, 312.

Critically and controversially, advocates of consociationalism contend – as realists – that “certain collective identities, especially those based on nationality, ethnicity, language and religion, are generally fairly durable once formed,” although not necessarily primordial or immutable as the Hobbesian or Machiavellian stereotype suggests.⁵² Hence, Lijphart’s theory is based on the assumption that successful accommodation of ethnic differences is only possible through inter-ethnic elite cooperation in institutions that explicitly recognize the ethnic divisions and make them the basis of the rules for decision-making, territorial division of power and public policies. These constitute, according to Lijphart, the “only democratic model to have much chance of being adopted” in divided societies⁵³. In his most radical expression, he advocates a “voluntary apartheid policy” between ethnic groups – the creation of “good social fences” separating members of different ethnic groups - on the assumption that “political autonomy for the different subcultures is crucially important” as it helps “reduce contacts, and hence strain and hostility, among the subcultures at the mass level.”⁵⁴

Consociational theory has not been without its many detractors, however, one of whom accuses its proponents of “racism, anti-enlightenment thoughts, institutionalizing fallacious ethnic identities, promoting apartheid, and even condoning ethnic cleansing.”⁵⁵ O’Leary accurately summarizes critiques of consociationalism as being distributed into four categories: futility, perversity, jeopardy, and denial.⁵⁶ Conservatives, such as Horowitz, argue that it does not have a significant long-run impact on divided societies, and is only expedient as “the product of resolved struggles” or to address “relatively moderate cleavages.”⁵⁷ This would make consociationalism somewhat redundant, in that it aims to solve a conundrum that does not really exist. Northern Ireland and Bosnia, arguably two of the world’s most divided societies, adopted complex and deeply consociational structures to end their civil wars, a fact which casts doubts on Horowitz’s claims.

⁵² O’Leary, “Debating,” 8.

⁵³ Lijphart A, “Constitutional Design for Divided Societies,” *Journal of Democracy* 15 (2), 2004, p. 99

⁵⁴ Lijphart A, “Cultural Diversity and Theories of Political Integration,” *Canadian Journal of Political Science* 4(1), 1971, p.11

⁵⁵ O’Leary, “Debating,” 4.

⁵⁶ Ibid.

⁵⁷ Horowitz D, *Ethnic Groups in Conflict* (California University Press 2005), 256.

The second objection – deemed by O’Leary as the “strongest normative objection” – revolves around consociationalism ostensibly being undemocratic, in that it excludes opposition, is inherently elitist and promotes insider clubism. It is undeniable that the creation of a consociational “cartel” is a reality of power-sharing regimes with recurrent perverse effects on the democratic functioning of divided states. Nevertheless, the contention that consociations are undemocratic – in that they feature no opposition that “sheds light on the dark corners of government” – runs against any basic observation of the actual political mechanics of consociational regimes, as the cases of Northern Ireland, Bosnia, Lebanon and Iraq clearly demonstrate. A last argument against consociation, and self-evidently the weakest, is “one of outright denial of its existence,” as it is based on so rigid a definition of the concept that almost no society fits the criteria.⁵⁸ In fact, one of the most central tenants to understanding consociationalism and constructively critiquing it is the ability to recognize its complex and diverse applications. The four case studies in this thesis shall serve to emphasize this point.

In what is perhaps the most endlessly recycled argument against consociationalism, liberals contend that consociational prescriptions are *perverse* in that they achieve the opposite of their ostensible purposes by institutionally privileging (undesirable) collective identities at the expense of more progressive ones, such as class or gender. While specific consociational arrangements might indeed serve to worsen ethnic tensions, this contention ignores two essential realities of constitutional design. The first is that more often than not, consociational structures are adopted to accommodate deeply and aggressively entrenched ethnic identities that grew as such irrespective of institutional arrangements. The objective here, therefore, is the pacification of the means of expression of such identities, as opposed to a futile and idealistic attempt at social change. The second is that liberals often ignore the role that well-meaning (or ethnically-driven) non-consociational structures have in aggravating ethnic tensions by enabling a dictatorship of the ethnic majority, as will be shown to have been the case in Iraq. Liberal design and ethnic warfare might seem like a contradiction, but the reality is much more complex.

Furthermore, overlooked in much of this criticism is the distinction between corporate and liberal forms of consociationalism, alternatively premised on the ‘self-determination’ or ‘pre-

⁵⁸ O’Leary, “Debating,” 7.

determination' of the groups involved in the practice of power sharing in a divided state.⁵⁹ The distinction “turns on the question of whether to constitutionally identify the group entitled to a share of power”.⁶⁰ Corporate consociation “accommodates groups according to ascriptive criteria, such as ethnicity or religion” – as is the case with 6:6 legislative representation of Christians and Muslims in Lebanon or the 6:4 representation of Flemish and Walloons in Belgium - whereas liberal consociation “rewards whatever salient political identities emerge in democratic elections, whether they are based on ethnic or religious groups, or on subgroup or transgroup identities”⁶¹, and thus “avoids constitutional entrenchment by leaving the question of who shares power in the hands of voters”, as is the case in Northern Ireland’s use of proportionality for the selection of cabinet members based on a self-determination process in parliament.⁶² Stephen Wolff has argued poignantly that the development of liberal consociationalism is “an important modification to consociational theory that addresses one of its most profound, and empirically more valid, criticisms, namely that (corporate) consociations further entrench and institutionalize pre-existing and often conflict hardened, ethnic identities, this decreasing the incentives for elites to moderate”.⁶³

Whereas most of the aforementioned criticism towards consociationalism addresses features of – and issues associated with - corporate consociationalism, “academic proponents of consociation display a strong preference for the liberal version”⁶⁴, and largely “eschew corporate devices”.⁶⁵ The concept of self-determination as opposed to pre-determination with regards to consociation was initially developed by Arend Lijphart in his writings about power sharing in South Africa following the fall of the apartheid regime.⁶⁶ Recognizing that “the identification of the segments (in South Africa) is both objectively difficult and politically controversial”, he prescribed that the segments “define themselves” through elections on the basis of proportional representation which “treats all groups in a completely equal and even-handed way”.⁶⁷ This self-determination system would then – according the Lijphart – spread to

⁵⁹ McCulloch A, “Consociational settlements in deeply divided societies: the liberal-corporate distinction,” *Democratization* 23 (1), 2014, pp. 501

⁶⁰ *Ibid*, 502.

⁶¹ McGarry and O’Leary, “Iraq’s constitution,” 675.

⁶² McCulloch, *Consociational Settlements*, 503.

⁶³ Wolff, “Post-Conflict State Building”, 1783.

⁶⁴ McCulloch, *Consociational Settlements*, 502

⁶⁵ McGarry and O’Leary, *Power shared* 72

⁶⁶ Lijphart A, *Thinking About Democracy* (Routledge 2008).

⁶⁷ *Ibid*, 68-69.

define all aspects of the consociational system: The grand coalition would manifest itself through a cabinet composed of all parties with a specified minimum size in parliament, and vetoes would be given to any group of legislators above a certain specified percentage.⁶⁸

Stating that one of the most important choices constitutional engineers have to make is the choice between a consociation based on pre-determination or one based on self-determination, Lijphart strongly advocates for the latter based on a number of perceived advantages: it avoids the problem of discriminatory choices with regards to the identity of groups which get recognition, it circumvents the assignment of individuals to specific groups, which could be unacceptable to many citizens, it gives equal chances not only to all ethnic segments but also to groups who reject the idea of segmentation, and it naturally accounts for demographic changes by being flexible and hence “continuously self-adjusting”.⁶⁹

Lijphart’s argument has since been furthered by a number of academics, most notably Brendan O’Leary and John McGarry, who coined the term “liberal consociation”, and robustly defended its use in both Northern Ireland and Iraq. In defending the Iraqi constitution of 2005, O’Leary and McGarry point specifically to the contentious federation clause which allows for all governorates, except Baghdad, to amalgamate and form regions following a referendum in each governorate. They argue that unlike the corporate consociational approach which requires ascriptive communities to adopt self-government “in advance of clear evidence that all of the relevant communities seek it”, the liberal approach – which “leaves to local democratic constituencies to decide if they want to amalgamate” – is “both prudent and democratic”, as it enables “a voluntary federation tailored to whatever legitimate preference exist”.⁷⁰

The broad-based support among academic consociationalists, however, has not readily transferred over to practice. One explanation for this, according to McCulloch, is that “consociational settlements are negotiated at the very point at which group identities are the most politically salient and polarized”, which renders “groups unlikely to settle for anything other than a strong guarantee of their share in power regardless of electoral prospects”.⁷¹ She lists five cases that explicitly entail corporate provisions – Belgium, Bosnia, Burundi, South

⁶⁸ Ibid, 69-70.

⁶⁹ Ibid, 71-73.

⁷⁰ McGarry and O’Leary, “Iraq’s constitution,” 678-687.

⁷¹ McCulloch, *Consociational Settlements*, 502.

Tyrol, and Lebanon – as opposed to four hybrid cases which combine liberal and corporate provisions, namely Northern Ireland, Macedonia, Kenya, and Switzerland.⁷² Moreover, critics have questioned whether liberal consociationalism offers tangible benefits in divided states as opposed to normative ones, especially as it relates to the lessening of ethnic divisions.⁷³ In Northern Ireland, despite it being largely – although not entirely - governed by liberal consociational rules, Nationalists and Unionists have averaged a combined 90% of the vote in all elections since 1998.⁷⁴

Finally, liberal consociationalism faces challenges of adoptability. What factors induce belligerent groups to agree to liberal rules, as opposed to the more traditionally and widely-adopted corporate structures? McCulloch outlines four main considerations. The first concerns group demographics. She argues that “the adoption of liberal rules is more likely to occur when the demographic balance between majority and minority is about to tip” as was the case in Northern Ireland.⁷⁵ This logic contends that majorities in decline have an intrinsic preference for corporate rules, whereas growing minorities favour non-consociational formula, and that a possible compromise between the two entails liberal consociationalism. One missing element from this analysis, as the chapters on Northern Ireland and Iraq shall demonstrate, is that communities that are relatively large in number – above one-third of the population – do not fear liberal rules because they offer “natural veto powers” irrespective of corporate guarantees. The second consideration revolves around the group’s perception of its connection to the states, whereby secessionist groups – less concerned with what happens at the level of the central government – may accept liberal rules in return for devolution. One example of this is the Kurds in Iraq, who displayed a striking lack of interest in the state’s post-war constitutional design beyond the issue of Kurdish federalism.

The third factor which affects the chances of adoptability is the predominance, within each ethnic group, of moderates “who may be more inclined to support liberal consociationalism” even though “it offers fewer guarantees”.⁷⁶ While this interpretation is in line with the

⁷² Ibid, 506.

⁷³ McCulloch, *Consociational Settlements*, 509.

⁷⁴ Members of parliament who are registered as “Nationalist” or “Unionist” carry more weight than those registered as “other” when it comes to voting on certain key decisions. It has been argued that this discourages people from casting their vote outside the traditional divide.

⁷⁵ McCulloch, *Consociational Settlements*, 512.

⁷⁶ Ibid.

conventional wisdom which presupposes that liberal consociation offers only “soft” guarantees as opposed to corporate consociation “hard” guarantees, this thesis’s case studies shall demonstrate that the reality is in fact more complex. One example is the Bosnian Croats’ long-standing complaint that the occupant of the Croat seat in the three-person presidency is in fact chosen by Bosniaks, who form a majority in the federation.

McCulloch’s final determinant of adoptability, which is of particular interest to this thesis, is the “increasingly significant role of third parties in negotiations”; in other words, the potentially constructive role of foreign guarantors to the power-sharing agreements. She argues that while “outsiders may not be able to force liberal rules on negotiating parties”, they can in fact “encourage it”.⁷⁷ And while she contends that the empirical record points in a different direction – naming the international role in Bosnia’s Dayton Agreement and Annan’s plan for Cyprus as primary examples of corporate preference – she cites Northern Ireland as a “moment of positive external influence” vis-à-vis the support for liberal consociation.⁷⁸ This thesis will examine the role played by foreign guarantors in determining the constitutional design of states coming out of ethnic conflict, while demonstrating the potential drawbacks of liberal consociation in certain contexts, as was the case in Iraq.

Integration

By contrast to consociationalists, integrationists – oftentimes referred to as centralists – contend that the key to enable the democratization of deeply-divided societies is the adoption of electoral and governmental structures that incentivise politicians to behave moderately;⁷⁹ in other words, to “make moderation pay”.⁸⁰ Pioneered by scholars such as Donald Horowitz and Benjamin Reilly, integrationism acknowledges that ethnic majority rule in severely polarization societies is a precursor for conflict, and therefore attempts to “create incentives, principally electoral incentives, for moderates to compromise on competing group claims, to form inter-ethnic coalitions, and to establish a regime of *interethnic* majority rule”.⁸¹

⁷⁷ McCulloch, *Consociational Settlements*, 513.

⁷⁸ Ibid.

⁷⁹ Horowitz D. “The Challenge of Ethnic Conflict: Democracy in Divided Societies.” *Journal of Democracy*, vol. 4 no. 4, 1993, p. 35.

⁸⁰ Horowitz D, “Making moderation pay: the comparative politics of ethnic conflict management”, *Conflict and Peacemaking in Multiethnic Societies*, 1990, pp. 451–475.

⁸¹ Horowitz D. “Ethnic Power Sharing: Three Big Problems.” *Journal of Democracy* 25, no. 2 (2014): 5.

Integrationists argue that consociational democracy underestimates the fluidity of identity, and that the socio-political opportunities for transforming identities in a progressive direction are more promising than the primordial cynicism of consociation suggests. By their account, identities are not rigid, but rather malleable, transformable, soft, or fluid, and non-ethnic cleavages can be made salient.⁸² Rupert Taylor buttresses this by arguing that “the point that consociationalism has not grasped, but that has been central to both liberalism and Marxism, is that human freedom is a power, a promethean force.”⁸³ Therefore, institutional mechanisms should be designed to create incentives for moderation and multi-ethnicity. The foundational term of this theoretical construct is therefore incentivising: Structures should be designed whereby it become in politicians’ self-interest to moderate their behaviour; after all, politicians are rational actors; “they like being elected and re-elected”.⁸⁴

In addition to the conceptual divide regarding the fluidity of identities, Horowitz argues that consociationalism suffers from three main procedural flaws. The first is that it is motivationally inadequate, as majority groups – save for a few exceptions of “consociational generosity” – have no incentives to relinquish some of their power to minority groups. The second is the embedded assumption within consociational theory which relies on statesmanship and elite tolerance – as opposed to self-interest - a proposition Horowitz describes as “extremely dubious” in divided societies. The third is the consociational postulation that ethnic groups are politically homogenous entities led by all-encompassing leaders, which disregards the presence of counter-elites who oftentimes undermine moderate “sell-outs”.⁸⁵ Therefore, although both consociationalists and centripalists recognize that ethnic groups will be represented by ethnic parties, and both seek some form of inter-ethnic power sharing, advocates of the latter suggest that “post-electoral governing coalitions of ethnic antagonists”, which inevitably leads to immobilism, be supplanted with a “voluntary interethnic coalition of moderates”.⁸⁶

⁸² Horowitz D, “Constitutional Design: Proposals versus Processes” in Andrew Reynolds, eds. *The Architecture of Democracy* (Oxford University Press, 2002), 15-36.

⁸³ Taylor, Rupert. “Northern Ireland: Consociation Or Social Transformation?” in *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*, ed. John McGarry (Oxford: Oxford University Press, 2001), 40.

⁸⁴ Horowitz D., *A Democratic South Africa? Constitutional Engineering in a Divided Society*. (Berkeley: University of California Press, 1991). 97.

⁸⁵ Horowitz, “Constitutional Design,” 21-22.

⁸⁶ Horowitz, *Ethnic Power Sharing*,” 5.

The “central feature” of the incentives approach to accommodation is the electoral system.⁸⁷ In divergence to proportional electoral systems which supposedly facilitate communal appeals, Horowitz prescribes an electoral system in which a candidate attracts votes from outside their ethnic group, which will give ethnic parties incentives to moderate their position and engage in cross-ethnic appeal. He specifically recommends the Alternative Vote (AV), which is a majoritarian preference system used in single member districts for legislative elections.⁸⁸ The constituencies ought to be as heterogeneous as possible.⁸⁹ Voters rank the candidates (e.g. 1,2,3...) and the winning candidate must receive at least fifty-percent plus one in order to be elected. The candidate with the lowest number of first preferences is eliminated and their preference votes distributed to the remaining candidates. This is done until someone reaches the fifty-percent threshold.

Centripalists are not idealists but pragmatists; they do not argue that politicians will get first preference votes from members of other groups, but that they will be incentivised to win lower-order preference votes from outside their ethnic group, and therefore moderate their stances on the issues in conflict.⁹⁰ Within that electoral process, “multi-ethnic coalitions of moderate parties of the respective groups will form to exchange votes from their supporters”.⁹¹ Beyond legislative elections, Horowitz recommends a directly elected single-person presidency with territorial distribution requirements.⁹² The winning candidate must have at least plurality support across the country and must surmount specific regional thresholds; centripalist logic suggests that this would necessarily lead to a moderate, pan-ethnic head of state since leaders presenting themselves as guardians of a particular ethnic group would not be able to achieve the necessary cross-regional threshold.

Horowitz’s “coherent package of conflict-reducing techniques” is elections-centric but also extends to include regional autonomy, on the strict conditionality that boundaries are not drawn in a way which reinforces ethnic segregation. In that sense, it forms the antithesis of the

⁸⁷ Horowitz, “Constitutional Design,” 24.

⁸⁸ Horowitz D, *A Democratic South Africa?* 163-189.

⁸⁹ Horowitz, “Constitutional Design,” 26.

⁹⁰ Reilly B, “The alternative vote and ethnic accommodation: new evidence from Papua New Guinea”, *Electoral Studies*, 16(1), 1997, pp. 1–11.

⁹¹ Horowitz D, *A Democratic South Africa?* 170.

⁹² Horowitz, D, “Conciliatory institutions and constitutional processes in post-conflict states”, *William and Mary Law Review*, 49(4), 2008, pp. 1217.

consociational view of territorial autonomy for ethnically-defined groups. The numerous territorial units prescribed by centripalists would serve a dual purpose: the *many* homogenous units would foster intra-group competition at the expense of inter-group competition, and the heterogeneous ones would provide an experience in political socialization for aspiring politicians of different groups, which would eventually reinforce moderate behaviour in the central government.⁹³ In sum, therefore, integrationists seek to engage in institutional and constitutional engineering that purposefully builds cross-communal bridges and helps establish a solid, moderate centre. The objective is the creation of a moderate, impartial, unitary and centralized state that will serve as the embodiment of a single overarching public identity, and as such constitute a bulwark against the ethnic conflicts arising from group-based partisanship.

Even though centripetalism presents a stronger normative case than consociationalism, it runs into its own set of complications, especially vis-à-vis its ability to achieve its declared objectives, namely moderation and political stability. McCulloch examined the effects of twenty-four centripetal elections (both legislative and presidential) in seven countries: Northern Ireland, Bosnia, Kenya, Papua New Guinea, Nigeria, Indonesia, and Sri Lanka.⁹⁴ Of the twenty-four elections, only four achieved the anticipated intended centripetal result of moderation and stability: Nigeria in 1979, Indonesia in 2004 and 2009, and Papua New Guinea in 2007. Of these, three were presidential elections. Another nine elections did manage to elect moderates but were unable to translate moderate victories into greater stability. One relevant example to this thesis is Northern Ireland's 1973 legislative elections, which resulted in moderate victories but less stability. The remaining eleven elections had end results combining extremist victories with political instability, as was the case in Republika Srpska's 2000 elections.⁹⁵

Centripalism, even by its proponents' own admission, also suffers from an intrinsic dependence on two contextual factors: the presence of moderate tendencies at the voter level, and the presence of ethnically-diverse constituencies, both of which are hard to find especially in post-war environments. Benjamin Reilly concedes that centripalism "cannot invent moderation where none exists", and as such presupposes the existence of moderate tendencies within the

⁹³ Horowitz, "Constitutional Design," 26.

⁹⁴ McCulloch A, "Does Moderation Pay? Centripetalism in Deeply Divided Societies", *Ethnopolitics*, 12:2, 2013, p.111-132

⁹⁵ Ibid, 113.

electorate.⁹⁶ Yet it should not be expected that voters in deeply-divided societies, especially in post-war scenarios, be forthcoming with such moderation, as inter-ethnic trust would have been largely eroded, assuming it existed in the first place. Hence, as McCulloch contends, “prescribing majoritarian institutions in deeply divided societies overlooks the basic mistrust and insecurity that characterize inter-group relations”.⁹⁷

The second element which limits the applicability of centripetal recommendations is that they are highly sensitive to ethno-demographic contexts.⁹⁸ Vote-pooling and cross-group electoral appeals are extraneous when ethnic groups exist in largely homogenous areas, as ethnic parties would be able to capture a majority of first preferences without appealing to second-preference votes from other ethnic groups. In post-war contexts, especially following conflicts that witnessed ethnic cleansing, centripetal propositions become increasingly unsuitable. Ironically, the opposite is true for the centripetal proposals regarding presidential elections: If ethnic groups reside in ethnically-heterogeneous areas, presidential candidates no longer need to appeal to cross-community support, as they can secure the minimum threshold necessary by simply appealing to the members of their community. The referendum on the Iraqi constitution of 2005, which adopted a centripetal logic by stipulating that a supermajority in three governorates would be sufficient to defeat the proposal, is but one example; Arab Sunnis overwhelmingly rejected the constitution, but they did not have the two-thirds majority in three governorates because Kurds form a significant segment of two areas in which Sunnis form a majority.

This thesis situates itself within the consociational tradition, albeit the reformist, liberal, and evolving version of it. McGarry and O’Leary describe themselves as “revisionist consociationalists,” as opposed to anti-consociationalists, and the spirit of this work broadly conforms to that theoretical positioning.⁹⁹ Nevertheless, two caveats ought to be mentioned in this regard. The first is practical, in that the adoption of consociationalism needs to be addressed on a case-by-case basis, and account for the particular historical, social, structural, and ethno-national circumstances of a particular state at a particular time. The second is

⁹⁶ Reilly B, “Electoral systems for divided societies”, *Journal of Democracy*, 13(2), pp. 167.

⁹⁷ McCulloch A, “Does Moderation Pay?” 125.

⁹⁸ Ibid.

⁹⁹ McGarry, John and Brendan O’Leary, “Consociational Theory, Northern Ireland’s Conflict, and its Agreement. Part 1: What Consociationalists Can Learn from Northern Ireland,” *Government and Opposition* 41, no. 1 (2006): 45.

normative, in that consociationalists, especially those personally steeped in the liberal tradition, must maintain a modicum of faith in the ability of people to aspire for progress towards a civic tradition, and acknowledge that this evolution remains the ultimate principled aim of divided societies. As such, the words of liberal political scientists and critics of consociation such as Paul Brass ought to resonate: “Keep some possibility for change, internal division (of communities), and secularization open, for the sake of the ultimate integration of the people into common political order and to preserve individual rights and the future prospects of individual autonomy.”¹⁰⁰

The Internal-External Debate

In the first decade of the twenty-first century, Lebanon, Bosnia, Northern Ireland and Iraq were all governed under consociational arrangements administered predominantly by foreign guarantors, with significant influence being exercised by powerful regional players with tangible strategic interests in those divided states. This section argues that a comprehensive understanding of the success or failure of these power-sharing experiments – defined in this research through the prism of a return to violence or lack thereof – can only be undertaken by focusing on exogenous factors, and more specifically on the role of the foreign guarantor, on which the end result of consociation ultimately depends. This exogenous-focused approach, which accounts for certain endogenous variables in the examination of the factors that lead to success, seeks to build on the literature and debate initiated by Lijphart, add to the continuously evolving theory building of McGarry and O’Leary, and expand on the exogenous-centric theoretical contributions made by Michael Kerr.

Traditionally, the consociational literature has suffered from an over-reliance on internal factors. Kerr argues that “consociational theorists have consistently underestimated the significance of the critical role played by external factors in the establishment, maintenance and prospects of consociations in states or regions divided by ethno-national conflicts.”¹⁰¹ Nina Caspersen points out in her study of Bosnia that one important variable that is absent

¹⁰⁰ Brass, *ethnic conflict in multi-ethnic societies* 346n.11.

¹⁰¹ Kerr, Michael, “Comparative Power Sharing Agreements in Northern Ireland and Lebanon: An Evaluation of Consociational Government from Sunningdale to Belfast (1973-98), from the National Pact to Ta’if (1943-89).” PhD. Dissertation for the London School of Economics, 2003, 57.

from traditional approaches of consociationalism is the international dimension.¹⁰² This is evident in the way many traditional theorists have defined consociationalism or identified the central factors to its success. Nordlinger has suggested that “successful or unsuccessful regulation will be largely dependent on the purposeful behaviour of political elites.”¹⁰³ Meanwhile, O’Leary defined political consociation as “a state or region within which two or more cultural or ethnic or national communities peaceably coexists, with none being institutionally superior to the other, and in which the relevant communities cooperate politically through self-government and shared government.”¹⁰⁴

These definitions fall short of fully accounting for the nature of what O’Leary later termed “complex consociations,” ones in which external powers – in this thesis referred to as guarantors - are enlisted in “the making, implementation, and maintenance of the settlement.”¹⁰⁵ As such, they are unable to properly describe the consociational settlements that arose following the conflicts in any of our case studies, and consequently do not provide a sound basis for an understanding of the causes of the re-emergence of ethnic violence in the post-war era. In Lebanon, Bosnia, Northern Ireland and Iraq – all of which potentially fall in the classification of “complex consociations” - the arrangement was not dependent only on the goodwill and cooperative behaviour of internal elites or relevant communities, as guarantors and other regional powers played a central and defining role in either ensuring cooperation or encouraging ethnic violence. Furthermore, the principle of “self-government” as defined by O’Leary is questionable at best given the weighted influence of guarantors in determining various aspects of the state-building and power-sharing processes. By treating the four case studies as “complex consociations”, and thus highlighting the central role played by foreign guarantors in the success or failure of the settlement, this thesis presents an original contribution to an increasingly multi-dimensional literature on consociationalism.

In defining his favourable conditions for the success of consociation, Lijphart also focused predominantly on endogenous political variables as opposed to exogenous ones. As his theory building work progressed, his list of conditions altered continuously, but the general

¹⁰² Caspersen N, Supra Note 38, p. 569.

¹⁰³ Nordlinger, *Conflict Regulation*, 4.

¹⁰⁴ O’Leary, “Consociation: what we know or think we know and what we need to know,” 2003 (Paper presented to the conference on National and Ethnic Conflict Regulation at the University of Western Ontario, 8-10 November 2002)

¹⁰⁵ O’Leary, “Debating Consociational Politics,” 35.

guiding principle remained static.¹⁰⁶ His most central favourable factors are: (1) Segmental isolation of the ethnic communities; (2) Overarching national loyalties to the state; (3) A tradition of elite accommodation; (4) Socio-economic equality among ethnic groups; (5) A multiple balance of power among the subcultures; (6) Small population size providing low load on the system; (7) Moderate multi-party system with segmental parties; and (8) External threats common to the ethnic communities. Of the eight aforementioned factors, only one – the external threat – has a direct exogenous identity, whereas the other seven are predominantly, if not strictly, endogenous. Given the case studies with which Lijphart was historically concerned, the list disregards the role of foreign guarantors as a favourable condition.

O’Leary notes that Lijphart distinguishes four possible effects of small size, two of which contain an exogenous dimension. The first is that a state’s small size makes it *more likely* to feel externally threatened. While O’Leary argues that “the direct external effect surely operates independently of size” as “shared external threats give domestic elites significant incentives to accommodate one another’s communities whatever the state’s population may be,” he does acknowledge that size may matter as smaller countries are geopolitically weaker and thus more prone to be victims of their neighbours’ expansionist ambitions.¹⁰⁷ He does add, however, that threats have to be shared, as was the case with the Lebanese National Pact in 1943 vis-à-vis the French, whereas in divided states they are more often unshared, as was the case vis-à-vis the PLO in 1975.

The second possible effect of small size is that the country’s low salience creates a lighter foreign policy load, hence reducing the opportunity for ethnic divide as a result of disputes related to foreign policy. Here, O’Leary counterintuitively argues that “a light foreign policy load might make the domestic indulgence of political antagonisms easier,” citing the example of Ulster Unionists in Northern Ireland who blocked power sharing even though they have no international responsibilities.¹⁰⁸ This example, however, ignores the fact that Ulster Unionists’ opposition to power sharing was intrinsically related to their fear of nationalist aspirations, at the centre of which stood the issue of the region’s relationship with Ireland. A

¹⁰⁶ For a table demonstrating the changes in Lijphart’s list of favourable conditions between 1968 and 1985, see Bogaards, Matthijs, “The favourable factors for consociational democracy: A review,” *European Journal of Political Research*, 33, 1998, 475.

¹⁰⁷ O’Leary, “Debating Consociational Politics,” 31.

¹⁰⁸ *Ibid.*, 32.

lighter foreign policy load does more often than not suggest the diminution of ethnic antagonisms, although, as the case of Lebanon shall demonstrate, small size in and of itself does not necessarily entail reduced foreign policy responsibilities.

As an analysis of this thesis's case studies shall demonstrate, Lijphart's list of favourable conditions, although surely worth heeding, is fundamentally insufficient when it comes to understanding the success or failure of power-sharing experiments under foreign supervision after civil wars. The two cases which have witnessed a return to ethnic violence, Lebanon and Iraq, rated largely favourably on at least a majority of Lijphart's conditions. This is more the case for Lebanon than Iraq, since unlike the former, the latter did not have a tradition of elite accommodation or a small size. Conversely, even though both are small in size, Bosnia and Northern feature largely negatively as it relates to Lijphart's conditions, especially in regards to overarching national loyalties and a tradition of elite accommodation.¹⁰⁹

The above does not suggest that all of Lijphart's favourable conditions are taken at face value for example, is it highly debatable whether segmental isolation – highly salient in Bosnia and to a lesser extent Northern Ireland – is in fact a positive factor enabling the success of consociational democracies. The internal effects of small size have also been somewhat discredited by O'Leary. While Lijphart claims that small countries are easier to govern since political elites all know each other and interact regularly, O'Leary rightly notes that "successful elite interaction and political closeness" matter more than "geographical distance."¹¹⁰ Northern Ireland is an example in point, best embodied in William Butler Yeats's memorable line about intra-Irish ethnic relations: "Great hatreds, little room." Therefore, it is this work's contention that factors such as overarching national loyalties, a multiple balance of power, socio-economic equality and a tradition of accommodation at least carry more weight than debatable factors such as small size or segmental isolation.

In addition to Lijphart, McGarry and O'Leary highlight three conditions that they consider central to the success of consociational government: (1) Elites require sufficient motivation to engage in power sharing and take the tough decisions conducive to inter-ethnic political

¹⁰⁹ This does not entail that there aren't sections of the populations in Northern Ireland and Bosnia that ascribe to an overarching, common identity. For example, in the 2011 census, over a fifth of the population of Northern Ireland considered themselves "Northern Irish". See Devenport, "Opinion poll indicates NI voters would reject Irish unity."

¹¹⁰ O'Leary, "Debating Consociational Politics," 31.

accommodation; (2) elites must be free to negotiate and lead their electorate where they might not want to go; and (3) the existence of a multiple balance of power amongst the subcultures.¹¹¹ The first two are add-ons to Lijphart's list of conditions, and are undoubtedly crucial to the ability of power-sharing agreements to be inclusive, both textually and in terms of implementation. Nevertheless, their list fails to consider exogenous factors, such as the role of an impartial guarantor and a constructive regional environment, in ensuring the establishment of a democratic and stable consociation in the post-war era. This thesis serves to fill this gap in the literature by accounting for the endogenous elements while contributing two additional exogenous ones.

Building on classic theories of consociation and accounting for their undervaluing of the critical role played by external elements, Michael Kerr has written the most authoritative account on the central role of exogenous factors in establishing and maintaining power sharing in divided states.¹¹² Kerr adopted a new analytical approach to thinking about elements that contribute to the successful establishment of consociation by highlighting the prominence of external factors in determining the possibility for regulation of ethno-national conflicts. Using Northern Ireland and Lebanon as case studies “due to the similarity of their ethno-national conflicts and the stark contrast of their regional environments,”¹¹³ he comparatively examined four consociational experiments – the National Pact of 1943, the Sunningdale Agreement of 1974, the Taef Accords of 1989, and the Good Friday Agreement of 1998 – and consequently argued that “a successful implementation of consociational government was largely dependent on the presence of the external actors that held an interest in regulating the conflict.”¹¹⁴ He thus concluded that the consociational model cannot provide long-term conflict regulations to the ethno-national conflicts of both countries in the absence of coercive exogenous pressures.

This thesis seeks to expand on Kerr's theoretical construct by further developing our understanding of the central role of exogenous factors in the success of consociational experiments, especially with regards to the centrality of the role of the foreign guarantor. It does so in three different ways. First, it assesses the role of exogenous elements by

¹¹¹ McGarry and O'Leary, *Explaining Northern Ireland*, 1995, 338-44.

¹¹² See Kerr, “Comparative Power Sharing Agreements in Northern Ireland and Lebanon.” Dissert.

¹¹³ *Ibid.*, 16.

¹¹⁴ *Ibid.*, 57.

compartmentalizing them into two separate and strictly-defined segments, that of the foreign guarantors and the regional environment. This allows for a clearer examination of the different contributions made by non-endogenous players, as opposed to grouping them in one broadly-defined grouping. Naturally, in some case studies such as Northern Ireland, especially before the significant development of EU-structures, the guarantors and the regional environment were largely one and the same, which could have made the classification redundant.

The second is that this thesis expands the array of case-study examination by adding two cases, Bosnia and Iraq, which largely fit into Kerr's characterization as cases with similar ethno-national conflicts but radically varying regional settings. By doing so, it allows for a more robust verification of the theory which emphasizes exogenous factors by enlarging the set of observable data. The third is that this thesis enjoys the benefit of hindsight as it is written decades following the Taef and Good Friday Agreements, and thus is able to evaluate their success or failure beyond the first few years of their implementation. Especially in regards to Lebanon, much has changed since the days of Syrian tutelage, and Taef and its supposed "successful imposition" ought to be revisited in that light.

That said, this thesis differs from Kerr's theoretical construct in that it regards the nature of the guarantor as essential to the long-term success or failure of the power-sharing experiment. Kerr argues that "the external elite influences do not have to be strictly positive, in the sense that they are conducive to producing democratic political consociation...non-democratic exogenous pressures can regulate ethno-national conflict under a form of weak or virtual consociation, as Lebanon's Taef agreement demonstrates."¹¹⁵ He also contends that "the case of Lebanon illustrates that exogenous pressures do not have to be unselfish to impose consociation."¹¹⁶ Lebanon's experience effectively demonstrates that even in the short term, what was "imposed" was not consociation but rather short-term stability, and that such an imposition by a selfish and undemocratic guarantor has severe consequences for consociation in the medium and long term. Thus, this thesis will seek to contribute to the body of theory generated by Kerr by emphasizing the central role the guarantor's selfish and undemocratic nature has on the prospects for successful consociation.

¹¹⁵ Kerr "Comparative Power Sharing Agreements in Northern Ireland and Lebanon," 68-69.

¹¹⁶ Ibid., 64.

In sum, this thesis situates itself within the growing academic predisposition to move beyond the focus on endogenous factors and investigate “complex consociations”, whereby exogenous factors are acknowledged as central to the success or failure of power-sharing agreements in divided states. It contributes to that body of literature by focusing on one dimension which has not been properly examined but is nevertheless increasingly relevant, namely that of the role played by foreign guarantors in post-war environments. By comparatively and comprehensively scrutinizing the different factors which affect the guarantor’s ability to ensure the peaceful implementation of power-sharing agreements, as well as by defining the inter-relationship between foreign guarantors, inclusivity, and the regional environment, it aims to contribute to the reorientation of the debate towards a more comprehensive understanding of consociational settlements.

Chapter 3: Lebanon

Introduction

Throughout its modern history, Lebanon has both been lauded as a model for the management of multi-ethnic states, and cited as a warning against the perils of ethnic-based consociationalism. It has been commended for its ability to maintain a unique democratic tradition amid a challenging regional environment, and criticized for its inability to remain unaffected by regional turbulences.¹¹⁷ As the country descended into conflict in 1975, ‘Lebanonization’ became synonymous with civil war, ethnic conflict, chaos, and destruction. The 15-year war resulted in the deaths of not only tens of thousands of Lebanese, but also Palestinians, Syrians, and Israelis. In 1989, Lebanese parliamentarians met in the city of Taef, Saudi Arabia, to negotiate a comprehensive agreement that put an end to a war that had exhausted itself.

Following the Taef Agreement, hopes were high that after such tremendous suffering, the people of Lebanon would be able to emerge united, putting aside the differences that had contributed to their country’s descent into conflict. Some argued that the war’s only real victor was the palpable sense of nationhood that emerged not only out of the tragedy, but also because of it.¹¹⁸ Soon enough, however, these hopes began to fade, as Syria – entrusted by the international community to oversee the implementation of the Taef Agreement – tightened its grip on Lebanon’s post-war political process. Consequently, democracy was undermined, sovereignty was compromised, and the state of conflict in South Lebanon continued unabated. Nevertheless, some hailed Taef’s process as a success simply for having brought peace and stability to Lebanon.¹¹⁹ After all, even at the expense of sovereignty, many valued short-term stability as an end in and of itself, especially after the war had caused such senseless destruction.

As Syria was forced to withdraw its troops from Lebanon in 2005, political violence re-emerged – first in the form of recurrent political assassinations, and then as armed

¹¹⁷ For a positive view of the Lebanese system in the pre-war years, see Leonard Binder, ed., *Politics in Lebanon* (New York: John Wiley & Sons, 1966). For a largely negative view, see Michael Hudson, *The Precarious Republic: Political Modernization in Lebanon* (New York: Random House, 1968).

¹¹⁸ This theory was developed based on extensive surveys by Theodor Hanf, *Coexistence in Wartime Lebanon* (London: IB Tauris, 1993), Chapters 7 and 8.

¹¹⁹ Albert Mansour (Former Lebanese Minister of Defence) in a discussion with the author, June 2016.

confrontations between different Lebanon's Sunni and Shia Muslims. The same period also witnessed a war between Israel and Hezbollah, as well as a battle between the Lebanese Army and a militant Palestinian group, Fatah Al Islam. Why did Lebanon experience a resurgence of violence in the years following Syria's withdrawal? Why did the state-building and reconciliation processes enshrined in the Taef Agreement fail to properly materialise? This chapter argues that the return of violence and lack of state consolidation can be attributed to three factors: (1) Syria's 'selfish' management of post-war Lebanon, predominantly evident in its continued sponsorship of Hezbollah's arsenal that has essentially created a 'state within a state'; (2) the marginalisation by Syria and its Lebanese allies of the Christian community, undermining participatory consociationalism and paving the way for the imposition of political choices rejected by a significant segment of the Lebanese people; and (3) unfavourable regional circumstances, namely the predominance of undemocratic regimes, the emergence of ethnic conflict in Iraq, and the policies of Syria and Iran towards Lebanon.

This chapter is organized into three sections. It will first offer a brief description of the history of the Lebanese conflict leading up to the peace negotiations in Taef, supplemented by an examination of the major facets of the Document of National Understanding, popularly termed the 'Taef Agreement'. It will then examine the post-war political process in Lebanon, with special attention given to the role of the third-party guarantor, Syria, in administering Lebanese affairs and giving preference to its strategic interests rather than to effectively rebuilding the Lebanese state. The chapter will conclude with a presentation of the various instances of political violence in post-war Lebanon, accompanied by an explanation of the reasons that led to the resurgence of conflict following the withdrawal of Syrian troops in 2005.

The Taef Agreement

Lebanon's fifteen-year civil war destroyed much of the country's infrastructure, reconfigured a substantial part of its demographic makeup, and caused the death of approximately 70,000 of its citizens.¹²⁰ The war officially ended in 1989 following the adoption of the Taef Agreement by Lebanese parliamentarians in Saudi Arabia. The agreement preserved the historical continuity of the Lebanese power-sharing formula, while amending some of its

¹²⁰ Traboulsi, *A History of Modern Lebanon*, 244

basic tenants, namely the Christian-Muslim balance of power and the duality of authority previously shared by the Maronite President and the Sunni Prime Minister. The accord also established temporary Syrian quasi-suzerainty over Lebanon in order to monitor and enforce the terms of the settlement. Recognizing the interconnected roles of identity, foreign policy, and power-sharing, Taef negotiators – both foreign and domestic – attempted to address the issues that had paved the way for the ‘events’ of 1975-1990.¹²¹

With the arrival of the Palestine Liberation Organization (PLO) in Lebanon after the group’s ouster from Jordan in 1970, a dispute ensued about whether Palestinian guerrillas should be able to wage war against Israel from Lebanese territory.¹²² The majority of Muslims argued that Lebanon should stand in solidarity with the Palestinians at any cost,¹²³ while the majority of Christians demanded that support for them be restricted to the political realm and that military action be prevented.¹²⁴ Lebanon, a fragile, multi-ethnic consociational democracy, was not only being challenged to determine the nature of its identity as a state, but it was also being forced to pay the price of the ‘secession’ the Maronites had orchestrated in 1920. Since “state and revolution cannot coexist,” it was only a matter of time before open conflict broke out.¹²⁵

The outbreak of hostilities reflected the dispute over Lebanon’s National Pact, the 1943 gentlemen’s agreement that laid the foundation for the emergence of modern Lebanon. With the fall of the Ottoman Empire, the Maronite Christians sought to establish a state in which they would form a majority, hence acquiring significant political power in an otherwise

¹²¹ The euphemism, ‘the events’, is frequently used among Lebanese to describe the war. Are Knudsen and Nasser Yassin, “Political Violence in Post-Civil War Lebanon”, in *The Peace In Between: Post-War Violence and Peacebuilding*, ed. Astri Suhrke and Mats Berdal (London: Routledge, 2012), 121.

¹²² The PLO had established a political and military presence in Lebanon since the mid-1960’s, but only became wholly based there after it was expelled from Jordan following clashes with King Hussein’s army in 1970.

¹²³ The Israelis considered the Lebanese government responsible for any attacks emanating from its territory, and responded accordingly. In December 1968, in retaliation for the PLO’s hijacking of an El Al plane, an Israeli commando unit raided Beirut’s international airport. Itamar Rabinovich, *The War for Lebanon, 1970-1985* (Ithaca: Cornell University Press, 1985), 41.

¹²⁴ Categorizing parties to the conflict is as controversial as the conflict itself. Analysts have used the phrases right wing vs. left wing, Muslims vs. Christians, and status quo vs. revolutionary to describe parties to the conflict. To varying degrees, all of these hold true. For the purpose of this research, the “official” names of political alliances will be used: The Lebanese National Movement, headed by Druze Leader Kamal Jumblatt, included left-wing and pan-Arab parties and consisted of a predominantly Muslim constituency, while the Lebanese Front included all of the main Christian parties.

¹²⁵ Joseph Abou Khalil, *Qissat El Mawarina Fil Harb: Sira Dhatiyya* (Beirut: Sharikat al-Matbu’at, 1990), 26.

Muslim-dominated region. In 1920, French General Henri Gouraud declared the establishment of *L'État du Grand Liban*, albeit under French mandate.

The borders of the newly created state were controversial from the outset. The country's Sunni Muslims were largely opposed to the creation of this "unnatural" state, which they viewed as "meaningless" and "unacceptable."¹²⁶ In general, they remained loyal to the idea of an Arab nation and a Syrian Arab state. However, whether out of opportunism, realism, or conviction, Muslim elites eventually came around to the idea, and participated alongside Christians in the political process under the French mandate.¹²⁷ In 1943, leaders of Lebanon's two largest and most influential ethnic communities, the Sunni Muslims and Maronite Christians, agreed to the National Pact,¹²⁸ which defined the country's character, its foreign policy, and the fundamentals of its power-sharing agreement.¹²⁹

The pact – Lebanon's "unwritten constitution"¹³⁰ – formed the basis of the country's political contract for the following three decades. The first pillar of the pact focused on the structure of Lebanon's political system. It devised a power-sharing formula whereby the President of the Republic would be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of Parliament a Shi'ite Muslim.¹³¹ Additionally, seats in parliament were distributed proportionally among Lebanese communities, in which the ratio of Christians to Muslims was set at six to five. A similar formula was adopted to make appointments in the state bureaucracy.¹³² The Christians, owing to their slight numerical advantage as evidenced by the census of 1932,¹³³ as well as to the fact that modern-day Lebanon was established 'of them,

¹²⁶ See Kamal Salibi, *A House of Many Mansions: The History of Lebanon Reconsidered* (Berkeley: University of California Press, 1988), 169.

¹²⁷ Farid El Khazen argues that the Syrians abandoned their Lebanese allies by not supporting their claims and their acceptance of the 1936 French-Syrian treaty. Farid El Khazen, "The Communal Pact of National Identities", *Center for Lebanese Studies* (1991): 39-54.

¹²⁸ Although the National Pact is not a written document, Solh's ministerial declaration is considered to be the first verbal enunciation of the pact. The text of the speech is available in Hannah Ziadeh, *Sectarianism and Inter-Communal Nation-Building in Lebanon* (Hurst & Company, 2006), 281.

¹²⁹ Hanf, *Coexistence*, 73.

¹³⁰ Ibid.

¹³¹ The speakership of the parliament only came to be reserved for the Shi'ites in 1947. In the original pact, the Shi'ite community's considerable presence in the country was not properly taken into account. Salibi, *A House of Many Mansions*, 186.

¹³² The bureaucracy ratio was altered into strict Christian-Muslim parity in 1958. Hanf, *Coexistence*, 95.

¹³³ The census of 1932 established that Christians had a slight majority with 402,000 whereas Muslims were 383,000. Maronites were 28%, Sunnis 22%, Shi'as 20% and Druze 7%. Fawwaz Traboulsi, *A History of Modern Lebanon* (Ann Arbor: Pluto Press, 2007), 269.

by them, and for them', ¹³⁴ gained the upper hand in government, especially with the expansive powers designated to the Maronite president. ¹³⁵

The second, possibly more central element of the National Pact concerned Lebanon's neutrality in foreign policy. Under the slogan of "No East, No West", Lebanese elites agreed to maintain a "special relationship" with the Arab world¹³⁶ in addition to "most favourable relations" with the West.¹³⁷ Broadly interpreted, this suggested that Lebanon would adopt a posture of neutrality in foreign policy, shielding it from regional and international conflicts.¹³⁸ In this sense, it was understood that Lebanon would have an "Arab face" – a term meant to signal a compromise between embracing and negating the country's Arab identity.

Before 'Lebanonization' became a household term signalling the challenges faced by many multi-communal states,¹³⁹ the National Pact provided the country with "an ideal framework for a working democracy"¹⁴⁰ that allowed Lebanon to be the "only genuine parliamentary system that functioned in the post-World War II Arab world."¹⁴¹ For the following three decades (1943-1973), Lebanon came to be viewed as a pluralistic oasis amid a regional political environment rife with authoritarianism, radical ideologies, and military conflicts: "a happy phenomenon, unique in the third world, a prosperous liberal country."¹⁴² It was known as the "Switzerland of the Middle East" – small, prosperous, pluralistic, consociational and neutral in foreign policy.¹⁴³

¹³⁴ Kataeb leader Abou Khalil uses a slightly milder version, stating that Lebanon is the state that was created for Christians by Christians. See Abou Khalil, *Qissat El Mawarina Fil Harb*, 27.

¹³⁵ The symbolic overrepresentation of Christians was meant to "assuage their fears of being assimilated in Arab-Islamic surroundings." Ziadeh, *Sectarianism*, 118. Jurist Antoine Khayr argues that presidential powers were that of "an autocrat, a republican monarch." However, more often than not, the Lebanese president adhered to the spirit of the National Pact and ruled by consensus. Hence, the prime minister became, by virtue of custom, an "almost equal partner." Ziadeh, *Sectarianism*, 95.

¹³⁶ The slogan, "No East No West," which came to be known as Lebanon's "double negation," featured prominently in Bechara el-Khoury's speeches and declarations. Basem Al-Jisr, *Mithaq 1943* (Beirut: Dar al-Nahar, 1979), 105-129.

¹³⁷ See full text of Solh's speech in Ziadeh, *Sectarianism*, 281.

¹³⁸ Hanf calls Lebanon's neutrality *de facto*, as opposed to Switzerland's *de jure*. Hanf, *Coexistence*, 160.

¹³⁹ *Ibid.*, 40.

¹⁴⁰ Salibi, *A House of Many Mansions*, 192.

¹⁴¹ Rabinovich, *The War for Lebanon*, 13.

¹⁴² Edward Shills, "The Prospect for Lebanese Civility," in *Politics in Lebanon*, ed. Leonard Binder, 1.

¹⁴³ Hanf, *Coexistence*, 93. Traboulsi attributes this analogy to both countries' banking sectors, federal structures, and vibrant tourist sectors. Lebanon's success story of peaceful ethnic coexistence was briefly

The Lebanese War (1975-1990)

The reasons for which the Lebanese War broke out in 1975 are contentiously debated among academics, but three principal theories abound. The first attributes the conflict to socioeconomic reasons, namely the ‘myth’ of poor Muslims fighting wealthy Christians in the name of economic justice.¹⁴⁴ The addendum to this theory suggests a social reform dimension to the interpretation of the conflict, arguing that the Lebanese National Movement (LNM) used the PLO to seek “reform by arms.”¹⁴⁵ The second theory contends that it began as a conflict over the disproportionate representation of Muslims in government, especially given the community’s growing demographic weight compared to Christians. Lastly, the third theory argues that the consociational system itself is simply conducive to ethnic conflict.¹⁴⁶

Nevertheless, objective analysis of available evidence largely discredits these three interpretations. While the socioeconomic argument is popular in left-leaning academic circles, data has shown that Lebanon as a whole was not witnessing acute levels of socioeconomic inequality. The gini coefficient from Lebanon in the 1970s shows that there were equal levels of inequality in Lebanon as there were in France.¹⁴⁷ Additionally, data gathered by Hanf (1993) and Dekmejian (1978) demonstrate that Muslims as a whole were not significantly poorer than Christians, despite being considerably less educated.¹⁴⁸ Furthermore, in regards to the second theory, Christian resistance to sharing equal power with Muslims in government was mainly rooted in the latter’s unwillingness to abide by the terms

interrupted in July of 1958 with the advent of its “unusually pacific civil war.” Shills, “The Prospect for Lebanese Civility”, 2.

¹⁴⁴ Traboulsi, *A History of Modern Lebanon*, 156-187. Also see Suad Joseph and Barbara Pillsbury, eds., *Muslim-Christian Conflicts: Economic, Political and Social Origins* (Colorado: Westview Press, 1978).

¹⁴⁵ Traboulsi, *A History of Modern Lebanon*, 187-205.

¹⁴⁶ For example, see Michael Hudson, “The Lebanese Crisis: The Limits of Consociational Democracy,” *Journal of Palestine Studies* 5 (1976): 114; and Marie-Joelle Zahar, “Power Sharing in Lebanon: Foreign Protectors, Domestic Peace, and Democratic Failure,” in *Sustainable Peace: Power and Democracy after Civil Wars*, eds. Donald Rothchild and Philip Roeder (Ithaca: Cornell University Press, 2005), 219-240.

¹⁴⁷ Hanf, *Coexistence*, 100. This is based on the GINI index. Lebanon’s was 0.55, and France’s was 0.5.

¹⁴⁸ 56% of Muslims and 67% of Christians belonged to the middle class, whereas 23% and 21%, respectively, belonged to the “proletariat.” These two categories included 82.7% of the population. Hanf, *Coexistence*, 106. In 1961, only one quarter of university students were Muslim. Hanf, *Coexistence*, 94. Also see Richard Dekmejian, “Consociational Democracy in Crisis: The Case of Lebanon,” *Comparative Politics* 10, no. 2 (1978): 251-265.

of the National Pact, as the Sunni community's "unconditional support for the PLO made it impossible to dissociate reforms from Palestinian militarism."¹⁴⁹

Lebanese Muslims regularly felt they needed to overcompensate in their adherence to pan-Arabism, owing to their "profound sense of guilt" towards belonging to the "secessionist state."¹⁵⁰ Even more consequential, when clashes broke out in 1975, Lebanese President Suleiman Frangieh, through Syrian mediation, suggested amending the constitution to give Muslims equal rights to Christians by establishing parity in parliament and empowering the Sunni Prime Minister vis-à-vis the Maronite President.¹⁵¹ The leadership of the LNM refused, insisting on a complete annulment of the proportional quotas and the continuation of armed Palestinian activity in Lebanon.¹⁵² Finally, the third theory is undermined by three decades of political stability on the one hand, and the fact that Jordan, a non-consociational monarchy, witnessed a "civil war" as the Palestinian guerrilla movement emerged following the Arab defeat of 1967.¹⁵³

How, then, can the breakdown of the National Pact and outbreak of war be explained? As a newly established, fragile consociational democracy in a hostile, turbulent, and authoritarian regional environment, Lebanon proved unable to navigate divisive foreign policy challenges that touched upon the very nature of its identity. In this sense, the country became a "surrogate battlefield for Palestine."¹⁵⁴ The arrival of Palestinian guerrillas to Lebanon and the fervent support they garnered among Lebanese Muslims,¹⁵⁵ the weakness of the Lebanese

¹⁴⁹ El Khazen, "The Communal Pact of National Identities," 54.

¹⁵⁰ "For Sunni Muslims, acceptance of the regime is a profound and disturbing sense of guilt...for not demanding immediate pan-Arab unity...this feeling is strong enough to prevent all but a few Sunni Muslims from offering wholehearted allegiance to Lebanon." Binder, *Politics in Lebanon*, 310-311.

¹⁵¹ In his speech of 1976, President Assad asserted that the "constitutional document included at least ninety-five percent of what was demanded by the nationalist parties." See full speech in Rabinovich, *The War for Lebanon*, 201-236.

¹⁵² The document presented by Frangieh came to be known as the "constitutional document." Its terms were substantially similar to those agreed upon in the Taef Agreement 15 years later, including equal parliamentary representation, a prime minister elected by parliament, and the abolishment of "political confessionalism" except in the upper echelons of the bureaucracy. Ziadeh, *Sectarianism*, 287. It is essential to point out that the LNM was led by Kamal Jumblatt, a Druze leader with insatiable political aspirations. Any reorganization of the consociational arrangement short of abolishing it altogether would in no way serve his personal aspiration to become head of state, since the Druze community only constituted 7% of the Lebanese population.

¹⁵³ Surprisingly, most analyses of the Lebanese Civil War fail to consider the Jordanian experience when interpreting Lebanon's descent into conflict. The Jordanian-PLO clashes lasted for over a year and caused thousands of casualties.

¹⁵⁴ Hanf, *Coexistence*, 558.

¹⁵⁵ The rise of the PLO is a direct consequence of the cataclysmic Arab defeat in 1967. It is no coincidence that the PLO came to Lebanon following its ouster from Jordan, as Lebanon in the 1970s was "the playground for all

Army,¹⁵⁶ the radical leadership of Kamal Jumblatt,¹⁵⁷ the unconditional support given to the PLO by Arab leaders,¹⁵⁸ and the negative role played by Syria,¹⁵⁹ all contributed to Lebanon's descent into chaos. There is no conclusive evidence to suggest that Lebanon's domestic ills in the 1970s would have led to years of bitter ethnic conflict if it were not for the role played by the Palestinians guerrillas.¹⁶⁰ The Lebanese model, therefore, had a long, happy life. As Hanf (1993) insists, "Lebanon did not die, it was murdered; the murder victim is not guilty, but it is not innocent of complicity, either."¹⁶¹

There are numerous accounts that describe in intricate detail the political history of the Lebanese conflict.¹⁶² Nevertheless, it can essentially be split into two distinct phases: one that extends from the beginning of the war in 1975 until the Israeli invasion of 1982, and the other that begins with the Israeli withdrawal in 1983 and ends with the signing of the Taef Agreement in 1989. In both phases, the crux of the conflict centred on a severe divide over the country's foreign policy orientation.

The first phase of the war was predominantly a conflict between the nationalist Christian militias of the Lebanese Front on one hand, and the PLO as well as the Muslim-majority LNM forces on the other. The first episode of that phase, the so-called "two-years war," was essentially a Christian-Palestinian battle, rather than an inter-Lebanese one.¹⁶³ The Syrian role during this period is particularly telling, and relevant for an understanding of the unfolding of events in the post-conflict phase. Having sent irregular troops in support of the

the Middle East dictators' revolutionary fantasies." Fouad Ajami, *The Vanished Imam: Musa Al Sadr and the Shi'a of Lebanon* (Ithaca: Cornell University Press, 1986), 65.

¹⁵⁶ In the 1970s, Lebanon had a professional army of only 15,000 soldiers. Politicians feared a *coup d'état* and believed that "Lebanon's strength lies in its weakness." Hanf, *Coexistence*, 162.

¹⁵⁷ Jumblatt's role was so central to the PLO that Abou Hasan Salameh, chief of PLO intelligence, declared that if "the Palestinians had a Kamal Jumblatt in Jordan, black September would not have happened." Abou Khalil, *Qissat El Mawarina Fil Harb*, 30.

¹⁵⁸ The unanimity of Arab support for the PLO led Christians to feel "suffocated." Abou Khalil, *Qissat El Mawarina Fil Harb*, 34.

¹⁵⁹ Syria was only able to advance its claim over Lebanon with the emergence of a stable and effective regime in 1970. Rabinovich, *The War for Lebanon*, 36.

¹⁶⁰ There was far less discord among the political elite in 1975 than there was in 1958, at least on domestic matters. Hanf, *Coexistence*, 558.

¹⁶¹ *Ibid.*, 140.

¹⁶² For instance, see Traboulsi, *A History of Modern Lebanon*; Hanf, *Coexistence*; and Latif Abul-Husn, *The Lebanese Conflict: Looking Inward* (Lynne Rienner Publishers, 1998).

¹⁶³ Traboulsi, *A History of Modern Lebanon*, 93.

PLO in the early phases of the war,¹⁶⁴ Syria officially intervened in 1976 when it became evident that the PLO and its Muslim allies were about to emerge victorious.¹⁶⁵ Hafez El Assad, the Alawite authoritarian ruler of Syria since 1970, wanted to ensure defeat of the Christian “isolationist forces,”¹⁶⁶ but at the same time could not tolerate a ruling alliance between Palestinian militants and Jumblatt’s LNM – both of which remained outside his control and proved threatening to the stability of his regime in Damascus.¹⁶⁷ Syria’s entry was interpreted as an expression of its desire to ensure a balance of power in Lebanon (*tawa’zun al Quwa’*), which would allow Assad to maintain the upper hand.¹⁶⁸ Its aim of enforcing a stalemate was largely successful, as the all-out fighting of the previous 18 months came to an end. However, the beginning of Egyptian-Israeli negotiations in 1978 forced Assad to switch sides and to once again ally with the Palestinians.¹⁶⁹

Damascus’ interests in Lebanon could thus be viewed as threefold.¹⁷⁰ The first dimension is ideological. The radical pan-Arab Ba’ath Party perceived Lebanon as a “historical mistake”, a product of western-colonial conspiracy that was cut off from the motherland with an aim to weaken Syria in its struggle against foreign enemies.¹⁷¹ The second dimension is strategic, in that Syria needed Lebanon in its fight against Israel in order to maintain an alternative venue of confrontation to the Golan Heights following the armistice agreement of 1974,¹⁷² since “fighting through the Golan meant starting a regional war Syria could not sustain.”¹⁷³ The

¹⁶⁴ In his 1976 speech, President Assad claimed, “one day the Palestinian resistance collapsed... (they told us) the Phalangists will outflank west Beirut...we decided to go in under the name of the PLA.” Rabinovich, *The War for Lebanon*, 209-211.

¹⁶⁵ President Assad pointed out that he later realized that “Palestinian resistance is fighting for the goals of others,” and that Jumblatt’s “mask had fallen” when the latter made it clear “the matter is one of revenge which dates back 140 years.” He also said that the LNM’s insistence on continued fighting would lead to the “the creation of a state more hostile than Israel.” Rabinovich, *The War for Lebanon*, 201-236.

¹⁶⁶ This is a term used by pan-Arabists (*in ’izaliyyun*), in reference to “unpatriotic Maronites” who are “insensitive to pan-Arab aspirations.” Salibi, *A House of Many Mansions*, 198.

¹⁶⁷ Rabinovich, *The War for Lebanon*, 48.

¹⁶⁸ Charles Waterman, “Syria’s Shifting Alliances in Lebanon,” *Washington Report on Middle East Affairs* (April 1987): 6-7.

¹⁶⁹ Traboulsi, *A History of Modern Lebanon*, 211.

¹⁷⁰ Hanf is correct that Syrian policy towards Lebanon did not start out with a “general plan,” and grasped opportunities as they arose. Hanf, *Coexistence*, 563. However, Syria always operated within the confines of the three sets of interests outlined above.

¹⁷¹ In a 1976 speech, President Assad stated that throughout history, Lebanon and Syria have been one country and one people. Rabinovich, *The War for Lebanon*, 205-206. Until 2008, Syria refused to have diplomatic relations or delimitate its international border with Lebanon.

¹⁷² President Assad wanted to negotiate with Israel on behalf of “three countries and four people.” Arafat repeatedly clashed with Assad over the PLO’s right to “independent Palestinian decision making.” Traboulsi, *A History of Modern Lebanon*, 212.

¹⁷³ Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016.

third and final dimension is domestic: Syria's leadership perceived Lebanon as its "soft underbelly", and feared that a "hostile" regime in Lebanon – regardless of its ideology – would threaten regime stability in Damascus.¹⁷⁴ In echoing this sentiment, former Syrian Vice President Abdul Halim Khaddam insisted that his country's "national security is only achieved through its domination of Lebanon...[since] at many instances Lebanon was the channel for instability in Syria."¹⁷⁵

The second phase of the war predominantly involved efforts by Syria to secure a comeback and establish uncontested dominance over Lebanese affairs, as Israel withdrew to occupy a narrow strip in South Lebanon it called the "security belt."¹⁷⁶ Supported by a new Soviet leadership¹⁷⁷ and encouraged by the Islamic Revolution in Iran, President Assad launched a counter-attack in which Syria and its Lebanese allies quickly achieved a multitude of strategic objectives. By 1985, Syria had annulled the Lebanese-Israeli peace agreement,¹⁷⁸ expelled the multi-national peacekeeping forces, subdued all remnants of the PLO,¹⁷⁹ weakened President Amine Gemayel,¹⁸⁰ and defeated a fundamentalist Sunni insurgency in North Lebanon.¹⁸¹ It was clear that Assad had come more than full-circle in Lebanon.¹⁸²

Feeling confident, Syria attempted to extend its authority to Christian-dominated areas. Elie Hobeika, then the leader of the anti-Syrian Lebanese Forces, was enticed into signing the Tripartite Accord, a Syrian-backed political agreement between the three leading militias – the Shi'ite Amal, the Druze PSP, and the Christian Lebanese Forces. The agreement stipulated a permanent Syrian military presence on Lebanese territory, thus amounting to a

¹⁷⁴ Rabinovich argues that as an open political society, Lebanon constituted a threat to Syria's closed political society, *The War for Lebanon*, 36.

¹⁷⁵ Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016.

¹⁷⁶ The security belt comprised 10% of Lebanon's territory. It was controlled by 2,500 members of the South Lebanon Army, supported by 1,500 members of the IDF.

¹⁷⁷ With Yuri Andropov's ascension to power, new ground-to-air missiles and Soviet personnel were dispatched to Syria. This boosted Assad's self-confidence. Rabinovich, *The War for Lebanon*, 155.

¹⁷⁸ According to Khaddam, Syria "summoned Berri and Jubmlatt to Damascus and told them they needed to start a battle that would lead to the downfall of the agreement." Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016.

¹⁷⁹ Two thousand PLO fighters stayed behind when Arafat and his troops left for Tunis, leading to the "war of the camps" between the PLO and Amal in 1985.

¹⁸⁰ For details of the process in which Syria managed to enforce Gemayel's political U-turn, see Abou Khalil, *Qissat El Mawarina Fil Harb*, 265-321.

¹⁸¹ On the rise and fall of *Al-Tawheed*, a radical Islamic group that took control of Tripoli in 1982-84, see Raphaël Lefèvre, "The Transformations of Sunni Islamic Militancy in Northern Lebanon and Syria since the 1980s" (PhD diss., University of Cambridge), 2015.

¹⁸² Rabinovich, *The War for Lebanon*, 189.

quasi-annexation of the country by the Assad regime. It also established Lebanon as a state of “resistance”, and commanded “strategic complementarity between the two states” on “all levels”.¹⁸³ To Assad’s dismay, however, Hobeika was quickly overthrown as leader of the Lebanese Forces and replaced by a more ideologically committed leader, Samir Geagea.

The negotiation and adoption of the Taef Agreement

By 1988, the Lebanese conflict had exhausted the ideological fantasies of all involved parties.¹⁸⁴ Domestically, the parameters of the consociational agreement had been more or less established since the “constitutional declaration” of 1976. Regionally, Israel had grown disillusioned with the conflict and wanted nothing more than security in the strictest sense possible – the prevention of armed attacks emanating from Lebanese territory – as opposed to its earlier ambitions of helping the ascent of a pro-Israeli leadership to power. The PLO – until 1982, “the main obstacle to a deal” – had been completely subdued by Syria and left powerless in its Tunisian exile.¹⁸⁵ Syria, although standing firm in its control of Muslim-dominated areas, failed to extend its reach into Christian-dominated territories. Internationally, by the late twentieth century, the Soviet Union had ceased to exist as an active player in the Middle East. The United States became disenchanted with the war, having unceremoniously withdrawn its troops years earlier, and was fully “inclined to accept Lebanon as a Syrian sphere of influence.”¹⁸⁶ Perhaps unsurprisingly, civil wars often end when all communities realize that none of them is strong enough to gain a clear victory, yet none so weak as to be permanently vanquished – in other words, when a stalemate prevails.¹⁸⁷

While the political environment proved opportune to achieving a settlement, all that was needed was a cataclysmic event that could jumpstart the process of restoring peace to Lebanon. When Michel Aoun, the interim Prime Minister and former Army Commander, launched his “war of liberation” against Syrian forces occupying Muslim areas, the “dramatic

¹⁸³ For a full text of the agreement, see Ziadeh, *Sectarianism*, 290-301.

¹⁸⁴ Albert Mansour (Former Lebanese Minister of Defense) in a discussion with the author, June 2016.

¹⁸⁵ Ibid. The 1987 Algiers Conference also witnessed the PLO’s formal acceptance of a two-state solution based on UNSCR 242, ending the PLO’s long held consideration of armed struggle as the only means to liberate Palestine. Imad Salamey, *The Government and Politics of Lebanon* (Routledge 2014), 56.

¹⁸⁶ Beginning in 1988, Syria and the US began acting as a team when it came to Lebanon, even nominating a joint candidate for the Presidency, Michael Daher. Hanf, *Coexistence*, 569.

¹⁸⁷ Ibid., 37.

escalation of events”¹⁸⁸ led to an intensive Arab effort aimed at putting an end to the Lebanese crisis once and for all.¹⁸⁹ Hence, the Arab Tripartite Commission, composed of Saudi, Moroccan, and Algerian representatives, was formed to “achieve reconciliation.”¹⁹⁰ On October 22, 1989, members of Lebanon’s parliament announced that they had signed the Taef Agreement.

In Taef, Saudi Arabia, Lebanon’s members of parliament had three primary challenges to overcome: defining Lebanon’s national identity, addressing the nature of the post-conflict political system, and dealing with the country’s relationship with Syria, specifically the presence of Syrian troops on Lebanese soil.¹⁹¹ Furthermore, the agreement clearly had to address the restoration of state sovereignty by stipulating the disbandment “of all Lebanese and non-Lebanese militias and the transfer of their weapons to the Lebanese state within six months.”¹⁹² The Arab “Troika”, as it came to be known, presented Lebanese lawmakers with a comprehensive draft agreement, which recognized the interconnectedness of all the different issues at hand.¹⁹³

As stated earlier, the issue of Lebanon’s identity had been the cause of much intellectual and political debate. Lebanon’s Christians, offended by what they saw as an encroachment on Lebanese sovereignty in the name of pan-Arabism, attempted to promote a historical narrative centred on the legacy of Phoenicianism.¹⁹⁴ The real debate, however, was not over whether or not Lebanon was an Arab country; it was about what ought to be expected of Lebanon, a small and fragile multi-ethnic democracy, in the service of the ever-elusive pan-

¹⁸⁸ Joseph Maila, *The Document of National Understanding: A Commentary* (Oxford: Centre for Lebanese Studies, 1992), 1.

¹⁸⁹ Traboulsi, *A History of Modern Lebanon*, 248. According to Lakhdar Brahimi, Arab leaders genuinely feared that Lebanon was on the verge of disintegration. *The War of Lebanon*, produced by Al Jazeera (2001: Arab Film Production), DVD. The committee was formed in response to the “Syrian affront” and vowed to “restore the sovereignty of Lebanon over all its territory.” Hanf, *Coexistence*, 578.

¹⁹⁰ Maila, *Document of National Understanding*, 2. Starting in 1976, Syria formally rejected the “Arabization” of the Lebanese crisis, given that by Syrian ideological standards, events in Lebanon were of a “domestic nature.” Rabinovich, *The War for Lebanon*, 201-236.

¹⁹¹ The Taef Agreement is divided into four main sections: 1) General Principles and Reforms, 2) Spreading State Sovereignty over all of Lebanon’s Territory, 3) Liberating Lebanon from Israeli Occupation, and 4) Lebanese-Syrian Relations.

¹⁹² Albert Mansour, *Al Inkilab ‘ala el Taef* (Beirut: Dar al-Jadid, 1993), 61. By using the term “non-Lebanese militias,” the agreement was addressing the presence of Palestinian armed groups. Mansour adds that the text is clear about including *all* Lebanese militias, and that there was no discussion whatsoever between those present at Taef about any exceptions to be made.

¹⁹³ Maila, *Document of National Understanding*, 3.

¹⁹⁴ This provided a pre-Arab antiquity for Lebanon around which a superficially appealing Phoenicianist theory of the Lebanese past could be developed. Salibi, *A House of Many Mansions*, 171.

Arab ideal. In other words, why would Lebanon be expected to sacrifice substantially more than all of the other “authentically Arab” states combined in the name of the Arab cause? In Taef, the parliamentarians decided to reformulate the compromise that was reached in the National Pact of 1943 by enlarging the size of parliament and granting equal representation to Christians and Muslims. Thus, instead of having just an “Arab face”, Lebanon would be both “Arab in its belonging” and a “final homeland for all its people”.¹⁹⁵ Even though it has been argued that this section signifies an implicit reorganization of the National Pact, what was still missing from the agreement was a statement in support of Lebanon’s neutrality in foreign affairs – an oversight that would come to have grave consequences in the post-war period.¹⁹⁶

In terms of the consociational arrangement, Lebanon preserved its power-sharing formula by “recycling the sectarian political system in a manner reflecting new demographic and political realities.”¹⁹⁷ After all, Lebanon’s ethnic-based, power-sharing prescription dates back to the *Nizam Shakib Afandi* of 1845,¹⁹⁸ and has since gradually become a *sine qua non* of Lebanese political life.¹⁹⁹ Taef reinforced the notion that consociationalism was the “natural choice” for Lebanon, a state not simply composed of ethnic minorities, but created *for* them. Indeed, *l’asile du Liban* was a political entity whose very *raison d’être* was to serve as a safe haven for persecuted minorities across the Middle East.²⁰⁰

Nevertheless, the formula witnessed a substantial redistribution of powers as it introduced amendments to accommodate long-standing Muslim concerns over inequitable representation.²⁰¹ The new arrangement took away the president’s extensive powers and

¹⁹⁵ The phrase, “final homeland for all its people,” was not included in the original draft presented by the Troika. It was added based on the request of Christian deputies in Taef. In fact, the comparison between the original draft and the final product is a useful way to properly understand Taef. The two versions are available in Mansour, *Al Inkilab ‘ala el Taef*, 250-264.

¹⁹⁶ In a discussion with the author, Boutros Harb (Lebanese Minister of Telecommunications) said his biggest regret as a negotiator at Taef was not insisting on neutrality, May 2016.

¹⁹⁷ Bassel Salloukh et al., *The Politics of Sectarianism in Post-war Lebanon* (Pluto Press, 2015), 21.

¹⁹⁸ Ziadeh, *Sectarianism*, 53.

¹⁹⁹ Malcolm Kerr, “Political Decision-Making in a Confessional Democracy,” in *Politics in Lebanon*, ed. Leonard Binder, 189.

²⁰⁰ Salibi, *A House of Many Mansions*, 134-138.

²⁰¹ Taef’s rectification of perceived communal imbalances to address Muslim grievances – however necessary in its own right - does not entail that those grievances were a major contributing factor to the war, or that the conflict could have been avoided by addressing those concerns earlier. If that were the case, the war would have ended in 1976 when the Christians agreed to share power as later ordained by Taef. The Muslims’ support of the PLO was the consequence of an entrenched ideological belief in Arab nationalism, one not possibly remedied

placed them in the hands of a government in which all communities would be fairly represented. It also empowered the prime minister by entrusting his selection to parliament. Consequently, the agreement transformed the political system from “a hierarchical communal partnership among the major communities into a consociational, intercommunal collective partnership.”²⁰² Both the weakened president and the empowered prime minister would have equally inconsiderable influence,²⁰³ whereas the council of ministers – a “collegial authority”²⁰⁴ – would exercise supreme executive authority.²⁰⁵ The ratio of Christians to Muslims in parliament would change from 6:5 to 5:5. Although the practical significance of this change is negligible, its symbolic consequences are significant. Its “genius” resides in the fact that it did not rely on an updated census, but rather enshrined a formula of equality “for all times”, irrespective of ever-changing communal demographics.

The power-sharing formula negotiated at Taef thus represents a form of “soft consociationalism”, which differs from Lijphart’s consociational regimes in three key ways. First, the Lebanese Constitution does not require the formation of permanent grand coalitions, but rather allows for governments formed by parliamentary majorities on the condition that they include representatives from all of Lebanon’s “spiritual families.”²⁰⁶ Second, even though the constitution encourages consensual practices, it does not grant ethnic groups veto power over decisions made by the executive or the legislature.²⁰⁷ Third,

by empowering the Prime Minister or adding a few seats to parliament. This thesis is further evidenced by the resurgence of communal violence in the aftermath of the war, despite Taef having addressed earlier complaints.

²⁰² Mansour, *Al Inkilab ‘ala el Taef*, 249.

²⁰³ Many scholars, such as Joseph Maila, have argued that the presidential powers now appear “more formal than real,” whereas the position of the prime minister has “become essential by virtue of being head of the executive.” Maila, *Document of National Understanding*, 28. Factually, however, all the prerogatives of the prime minister are shared with the president, namely the formation of the government and setting the cabinet’s agenda. The president’s term is also fixed at six years, whereas prime ministers are regularly replaced due to the breakdown of coalitions. For a similar view that considers the premier’s powers “non-essential,” see Mansour, *Al Inkilab ‘ala el Taef*, 89.

²⁰⁴ Taef encourages the cabinet to decide on matters “by consent” and in the absence of consensus, “then by vote.” A vote of two-thirds is required for “essential issues,” such as war and peace and appointment of top-level civil service personnel.

²⁰⁵ Maila, *Document of National Understanding*, 40.

²⁰⁶ Naturally, this gives rise to the controversy of the “authentic representatives” of any community. What should happen when the “authentic representatives” condition their participation on a veto right in government?

²⁰⁷ Article 65 of the Lebanese constitution does require a two-thirds majority for the executive to vote on specified “basic issues,” such as war and peace, the state budget, and electoral laws. This entails a form of indirect veto power for Muslim and Christian cabinet ministers, assuming they vote *en bloc* to reject a decision. Additionally, the Sunni Prime Minister has the ability not to approve a decision made by the cabinet, although this is considered a violation of the *spirit* of the constitution and has happened only once since the Taef Agreement.

unlike Lijphart's proportionalism, Lebanon's communal quotas extend to all levels of the bureaucracy.²⁰⁸

Furthermore, Taef represents a form of "progressive consociationalism" as it "recognized the chronic instability of confessionalism and called for devising a national strategy for its political demise."²⁰⁹ Even though many view the agreement's stated objective of eliminating confessionalism as somewhat utopic and reminiscent of Riad El Solh's 1943 speech,²¹⁰ it nevertheless lays out a realistic, institutionalized road map for the abolition of sectarian quotas in the legislature through the reinstatement of Lebanon's long-lost bicameral system.²¹¹ In such a system, the lower house of parliament would be elected irrespective of communal quotas, while the upper house would represent communal groups and have a say only in existential matters. While it is true that asking communal elites to willingly abolish communalism may seem unrealistic,²¹² the role of a powerful and well-intentioned guarantor could have proved vital in securing this reform.

All in all, the constitutional design devised in Taef for Lebanon's power-sharing formula constitutes a noteworthy accomplishment. It is a realistic, albeit progressive and clever attempt to "regulate that part of the Lebanese conflict that was a civil war."²¹³ Undoubtedly, it will continue to generate only "neutral support," as does any attempt to remodel the widely detested consociational formula. However, aside from the ideological, customary and somewhat redundant critique of the "confessional system" in its entirety,²¹⁴ one has yet to encounter credible suggestions for how the agreement could have been designed with a better chance of establishing a modern, functional state.²¹⁵ Perhaps the one unfortunate aspect of

²⁰⁸ In the case of mass employment in state institutions, particularly in the Armed Forces and the Internal Security Forces, Christian-Muslim parity would be respected. Mansour, *Al Inkilab 'ala el Taef*, 54.

²⁰⁹ Imad Salamey, *The Government and Politics of Lebanon*, 57.

²¹⁰ Apart from the creation of the senate, Taef does not put forth a plan or a timeline for the abolishment of confessionalism. It does, however, stipulate the removal of one's confession from the national ID cards. Maila, 50.

²¹¹ Lebanon's constitution of 1926 included a bicameral system. The senate was annulled in 1927.

²¹² Maila, *Document of National Understanding*, 175-176.

²¹³ Hanf, *Coexistence*, 589.

²¹⁴ The most ardent opponents of "confessionalism" are Islamic parties who are themselves inherently confessional and want to use de-confessionalisation as a springboard to achieve the domination of one confessional group. Mansour, *Al Inkilab 'ala el Taef*, 57.

²¹⁵ Maila, for example, calls the arrangement "unimaginative" without suggesting what imaginative ideas could have been put forth, *Document of National Understanding*, 54. Salloukh has suggested that the introduction of a PR electoral system to Lebanese consociationalism would "increase the peace-building and state-building effectiveness of power sharing institutions," Bassel Salloukh and Renko A. Verheij, "Transforming Power

these consociational changes is how undeserving they were of a conflict that led to the death of 71,328 Lebanese citizens and the injury of 97,184 others.²¹⁶

Moreover, the third section in the Taef Agreement focuses on “liberating Lebanon from Israeli occupation.”²¹⁷ In addition to calling for the implementation of UN Resolution 425 and the withdrawal of Israeli forces, it affirms the right of Lebanon to “take all necessary measures to liberate all Lebanese territories from Israeli occupation.”²¹⁸ It then stipulates that the Lebanese Armed Forces be sent to the “internationally recognized borders” in order to “ensure Israel’s withdrawal and the return of security and stability to the border region.”²¹⁹ Finally, it reiterates Lebanon’s adherence to the 1949 armistice agreement with Israel. In other words, the agreement assumes that the presence of the Lebanese Army on the border will inevitably lead to Israel’s withdrawal since it will have no reason to stay.²²⁰ As “most parties to Taef were opposed to the resistance”, armed groups fighting Israel in the south had little hope that the agreement would legitimise their actions.²²¹ It should be noted that this is a fundamentally different approach from the one Syria adopted in the Tripartite Accord, which states:

The continuation in escalation in *resistance* to liberate Lebanon from Israeli occupation and liquidate its direct and indirect presence...and the *resistance* of any domestic tool associated or collaborating with it...provide all the abilities...to support the *national resistance* in the south...as it represents the main basis for liberation.²²²

Sharing: From Corporate to Hybrid Consociation in Post-war Lebanon,” *Middle East Law and Governance* (9, no. 2 2017): 171. Architects of the Taef Agreement, such as former speaker Hussein Al Hussein, have argued that the accord in fact stipulates a proportional electoral law, see Saleh El Machnouk, “Electoral System Reform in Lebanon: Dilemmas of a Consociational State,” *Ethnopolitics* (17, no 1 , 2018), <https://www.tandfonline.com/doi/abs/10.1080/17449057.2017.1303161>.

²¹⁶ Traboulsi, *A History of Modern Lebanon*, 244. During the war, 75% of all dead and 86% of all injured were civilians. Hanf, *Coexistence*, 339.

²¹⁷ For the full text of the Taef Agreement, see “The Taif Agreement (English Version)”, Permanent Mission of Lebanon to the United Nations, accessed January 18, 2017, <https://www.un.int/lebanon/lebanon/about-lebanon>.

²¹⁸ In a discussion with the author, Boutros Harb (Lebanese Minister of Telecommunications) was unequivocal in asserting that “taking all measures” refers to the state of Lebanon taking the measures, and that the question of armed struggle “was out of the question at Taef,” May 2016.

²¹⁹ The Taif Agreement.

²²⁰ Albert Mansour (Former Lebanese Minister of Defense) in a discussion with the author, June 2016.

²²¹ “There was no way of Taef legitimizing our resistance as most parties there were opposed to it.” Subhi El Tufaili (First Secretary-General of Hezbollah) in a discussion with the author, May 2016.

²²² The Tripartite Accord, December 28, 1985, <http://www.oocities.org/CapitolHill/Parliament/2587/tri.html> [emphasis added].

Furthermore, unlike other sections in the Taef Agreement that generated little debate, the two concerning Lebanese sovereignty and Lebanese-Syrian relations were the subject of much controversy. In general, Syria wanted the Taef Agreement to legitimise its unrivalled supremacy in Lebanese affairs. To this end, any settlement would ideally closely mirror the text of the Tripartite Accord (also known as the “Damascus Agreement”), but the balance of power at the time required a broad consensus of all key domestic and regional players. Given that it retained thousands of troops in Lebanon at the time of negotiations, Syria was nevertheless able to effectively veto any arrangement that contradicted its interests.²²³ As a result, it presented a version of the two sections that were “not revisable” and were to be “voted on verbatim.”²²⁴ In order to preserve the entire enterprise, Saudi Minister of Foreign Affairs Saud bin Faysal proposed the sections to Lebanese parliamentarians as part of a “take it or leave it” deal.²²⁵ The Saudis were also under pressure from the United States to help push forward an agreement that would appease Syria.

The final agreement thus included two key tenets of Syria’s approach to post-war Lebanon: a “security period” of “up to two years” in which its army would “assist the legitimate Lebanese forces in spreading state sovereignty”, and an undetermined “strategic period” where Syrian forces would relocate to the Bekaa Valley and “at other points if necessary.”²²⁶ The Arab leaders of the Troika promised their Lebanese counterparts that they would ensure a Syrian withdrawal to the Bekaa within six months, and urged them to agree on the proposed settlement.²²⁷ They also reassured parliamentarians that Syria’s presence in the Bekaa Valley would resemble the “presence of US troops in Germany”, and therefore have no effect on

²²³ The Arab League Special Envoy to Lebanon, Lakhdar Brahimi, stated that whenever the committee stood up to Syria, the latter behaved more aggressively in Lebanon. The committee therefore “realized it had to accommodate Syria” in order to reach an agreement. *The War of Lebanon*, produced by Al Jazeera (2001: Arab Film Production), DVD.

²²⁴ The original proposal states that Syrian forces would help restore sovereignty only in areas in which they are currently present. It adds that six months later, they would automatically withdraw to the Bekaa Valley, and that the Arab Troika would oversee the agreement between Lebanon and Syria on the size and duration of Syria’s presence there. All of these suggestions were rejected and amended by Syria. Mansour, *Al Inkilab ‘ala el Taef*, 38.

²²⁵ Maila, *Document of National Understanding*, 73.

²²⁶ The final text of the Taef Agreement states that after the two-year period, “both governments decide on the relocation of Syrian forces to the Bekaa...and if necessary other areas that are to be determined by a joint Syrian-Lebanese military committee.” It adds that “both governments shall agree to the size and timeline of Syrian forces in these areas,” and concludes by asserting that “the Arab tripartite commission is willing to help both states to reach this agreement,” but only “if both states so desire.” The Taif Agreement.

²²⁷ This has been confirmed by George Adwan (Deputy Leader of the Lebanese Forces) and Albert Mansour (Former Lebanese Minister of Defense) in discussions with the author, June 2016. Boutros Harb (Lebanese Minister of Telecommunications) in a May 2016 discussion with the author stated that he thought of the two-year period as nothing more than a “consolation prize” to Syria.

Lebanese independence.²²⁸ These Arab reassurances were meant to assuage Lebanese fears that “the mechanisms which guarantee that the agreement would be respected appear very weak.”²²⁹

Even though the Taef Agreement differed from the Damascus Agreement in fundamental ways, it nevertheless legalised Syrian military occupation of Lebanese territory – a presence that had been made illegal in 1983.²³⁰ Moreover, it entrusted Syria with the restoration of stability and security in Lebanon, despite the inherent paradox that Syria at the time was at war with at least half of Lebanon’s population, or that its troops had been a primary source of instability over the previous 13 years. While the text stipulates Syria’s withdrawal following a period of no more than two years, Syria managed to insert several “ambiguity traps” that would, according to former Syrian Vice President Khaddam, allow it to control the shape and timing of its exit from Lebanon.²³¹ Although they bowed to Syrian coerciveness, the Arab Troika – especially the Saudis – offered explicit guarantees that they, as “moral guarantors”, would not allow Syria to misinterpret the agreement and extend its occupation of Lebanon.²³² In a press release following the agreement, the Troika explicitly stated that it had “reached a total agreement with Syria by which (Syria’s) security role would end in a period of no more than two years after which it will relocate its troops.”²³³

This last section of the Taef Agreement concerned with Lebanese-Syrian relations thus “represents an abduction of Lebanon’s national will.”²³⁴ While the agreement was meant to address what was essentially considered a civil war, Syria managed to include an entire section dedicated to the “special relationship” between the two states, reflected through “agreements in all fields.” Given the history of Lebanese-Syrians relations, the adoption of a

²²⁸ Albert Mansour (Former Lebanese Minister of Defense), in a discussion with the author, insisted that as a member of parliament from the Bekaa area, he would not have accepted that arrangement without such Arab reassurances. He also insisted that believing such reassurances were “foolish,” June 2016. Maila rightfully points out that “the stationing of troops in the Bekaa renders Lebanon totally dependent, subordinated and subjected, in its future stability, to the hazards of Israeli-Syrian confrontation,” 90.

²²⁹ Ibid.

²³⁰ In 1983, Lebanon’s Parliament voted on a recommendation requesting the government to start preparing the requirements for the withdrawal of all non-Lebanese troops. Maila, *Document of National Understanding*, 83.

²³¹ Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016. For example, Syria insisted on terms such as “both governments decide” on withdrawal and the possibility of deployment “in other points” instead of restricting it to the Bekaa area.

²³² Hanf, *Coexistence*, 583. The Algerian Foreign Minister also told *Al Hayat* that the agreement “leads to no other possibilities than that of the withdrawal of the Syrian forces”. *Al Hayat*, November 21, 1989.

²³³ Mansour, *Al Inkilab ‘ala el Taef*, 66.

²³⁴ Maila, *Document of National Understanding*, 93.

text by which Lebanon commits itself to treaties “in all domains” with Syria can only be interpreted as the prelude to the formation of one single state through the fusion of the two states’ homogenized policies.²³⁵ At the very least, the establishment of “unique relations of mutuality” deeply “legitimized (Syria’s) guardianship” of its smaller neighbour.²³⁶

Decline of a State, Rise of a Nation

By 1990, the Lebanese seemed exceptionally ready to embark on a successful state-building enterprise. Paradoxically, while the war virtually destroyed the state they controversially established in 1920, the Lebanese people emerged from 15 years of conflict as a nation – one with “greater consensus to preserve Lebanon than there was at the time of independence.”²³⁷ Some scholars regard multi-communal states as Hobbesian societies (*Homo Homini Lupus*), with each community always ready to devour the other.²³⁸ Others contend that following ethnic civil wars, the prevalent sense of insecurity makes it such that only complete ethnic segregation can ensure the state’s ability to survive as one political entity.²³⁹

Among Lebanese, however, the conflict had the opposite effect. As Kamal Salibi noted in 1988:

Disgraced and abandoned by the world, it is possible that the Lebanese are finally beginning to discover themselves...there is noticeable consensus among all but the more committed extremists today that all are Lebanese, sharing the same national identity, regardless of other, secondary, group affiliations and loyalties... [Thus,] there are clear indications that the country, despite all appearances to the contrary, has somehow arrived at a stage of fundamental political consensus...its continued existence as a sovereign and independent state within its present borders...would now be possible regardless of whether or not there was such a thing as Lebanon before 1920.²⁴⁰

²³⁵ Ibid., 94.

²³⁶ Imad Salamey, *The Government and Politics of Lebanon*, 57.

²³⁷ Hanf, *Coexistence*, 646.

²³⁸ Ibid., 33.

²³⁹ Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” *International Security* 20, no. 4 (Spring 1996): 136-175.

²⁴⁰ Salibi, *A House of Many Mansions*, 3 and 221.

This assessment was not simply the product of the social and intellectual elite's antipathy towards the increasingly meaningless conflict, or the effect of wishful thinking. In 1987, German political scientist Theodor Hanf ran a monumental survey of the attitude of "economically active" Lebanese concerning issues such as coexistence, diversity, identity, and democracy.²⁴¹ Strikingly, his survey showed that "fundamental elements of Lebanese political culture – a willingness to coexist, tolerance and the search for consensus in diversity have survived the war years more or less intact," meaning that "the war and civil war were not the wars of the majority of the Lebanese."²⁴²

The first part of the survey focused on religion and politics. It started by asking Lebanese if they thought that "coexistence between the communities would be easier if each community had its own region." Eighteen percent of respondents agreed, a five-point reduction from 1984. It then asked if "the identity and uniqueness of my community are more important to me than loyalty to the country," to which only 12% agreed. The survey also asked whether respondents agreed with the following statement: "Most regions in Lebanon are mixed, all Lebanon is for the Lebanese," to which 70% of respondents answered affirmatively. On economic decentralization, it stated: "During the crisis, each region had to get by on its own. Perhaps economic decentralization is a good thing." Thirty-one percent of respondents agreed, down from 52% in 1981.

The second part of the survey investigated Lebanese public opinion on "forms of conflict regulation."²⁴³ Even after 12 years of war, only 4% of Lebanese agreed that "the country must be partitioned and each group should find its own state." Additionally, most Lebanese were still democrats: only 6% agreed that "the numerically strongest group should govern and the other groups must accept what this group decides." Those surveyed also opposed both inflexible majority voting and inflexible proportionality: 80% agreed that "important decisions need the agreement of all large communities," while 71% percent stressed that following elections, "the parties that win form the government, [and] the others remain in the

²⁴¹ The survey included 2,003 people. Some questions included in the survey were also asked in 1981 and 1984. When the difference is politically significant, it shall be pointed out, especially when respondents display more desire for unity and tolerance in 1987 than they did in 1981.

²⁴² Hanf, *Coexistence*, 550.

²⁴³ Ibid.

opposition.”²⁴⁴ In terms of coexistence, 86% of respondents believed that “in spite of the terrible events of the past few months, coexistence between the communities is still possible,” up by 4% from 1984.

Many elements contributed to this enthusiasm for a promising post-conflict era. Unlike other civil wars, the Lebanese conflict was not a case in which one group was primarily responsible for targeting another group or groups.²⁴⁵ All ethnic communities throughout the 15 years of warfare were responsible for atrocities committed against the other side.²⁴⁶ Moreover, in the later years of the war, intra-communal fighting had become more recurrent and deadly than inter-communal fighting, namely with the mini civil wars that occurred within the Shi’ite and Christian communities.²⁴⁷ This led to a growing perception that the communal “other” could be more of a reliable partner than the assumed “brother.” Additionally, out of the 26 serious military confrontations that occurred during the Lebanese war, only nine were primarily inter-Lebanese, and six of these were cases of intra-block warfare. The rest involved foreign forces or an alliance of Lebanese and foreign forces. Therefore, in only 11% of the confrontations between 1975 and 1991 did Lebanese parties across the religious divide exclusively face one another.²⁴⁸

Furthermore, even at the height of the conflict, ethnic federalism was never seriously considered by the leadership of any Lebanese community.²⁴⁹ The idea was actively promoted by think tanks associated with the Lebanese Front,²⁵⁰ but for the political leadership, it constituted no more than “a way to let off steam.”²⁵¹ This allowed the idea to be quickly

²⁴⁴ This helps explain why it was relatively easy for parties to reach an agreement in Taef over the political system.

²⁴⁵ Daniel Byman suggests that Lebanon, unlike Iraq, is worth maintaining as a unitary state because no one party was chiefly responsible for the violence, making it more prone for stability in the post-war era. Daniel Byman, “Divided They Stand: Lessons About Partition from Iraq and Lebanon”, *Security Studies* 7 (1997): 1-29.

²⁴⁶ This is compared to Bosnia, for example, where 86% of civilian casualties were killed at the hands of Serbian military forces. The Lebanese conflict witnessed one case of mass “organized” ethnic cleansing – the eviction of Christians from the “Druze Mountain” by the PSP in 1983.

²⁴⁷ Hanf, *Coexistence*, 560.

²⁴⁸ Ibid., 559.

²⁴⁹ Fares Souaid asserts that Christians retreat to the idea of federalism in time of high tension, but quickly revert back to the mind-set of the National Pact once tensions subside. Fares Souaid (Secretary of March 14 Movement) in a discussion with the author, May 2016.

²⁵⁰ This was most actively done in Kaslik University, the intellectual hub of the Lebanese Front. Abou Khalil, *Qissat El Mawarina Fil Harb*, 33.

²⁵¹ Pierre Gemayel, the “Godfather” of the Lebanese Front, repeatedly warned his colleagues that ethnic federalism was “a prelude to the breakup of the country.” Abou Khalil, *Qissat El Mawarina Fil Harb*, 138.

discarded during negotiations in Taef.²⁵² The Lebanese state apparatus, for its part, remained largely intact during the war, even though its reach and efficiency were considerably reduced.²⁵³ Even in the midst of civil conflict, certain key elements of Lebanese democracy functioned properly; parliament elected five presidents, although two were assassinated. The Lebanese Armed Forces, albeit divided in half, were still largely considered a “neutral,” “national,” and “professional” force, and were quickly reunited following the Taef Agreement.²⁵⁴ Moreover, for better or for worse, the Lebanese had equalised in many areas where their inequality had previously been considered a source of conflict. The war years had greatly reduced communal differences in terms of income,²⁵⁵ education,²⁵⁶ and fertility rates.²⁵⁷

Most importantly, very few Lebanese remained committed to supra-national, ideologically charged aspirations. By in large, the Sunni community had given up on its dream of unity with Syria²⁵⁸ as well as on its unconditional support of the PLO in its quest to liberate Palestine through Lebanon’s southern borders.²⁵⁹ The main Shi’ite party, the Amal movement, while having contributed to the annulment of the peace accord with Israel,²⁶⁰

²⁵² The Christians in Taef demanded that the agreement include a provision for extensive decentralization, a euphemism for soft federalism. The Muslims agreed, on condition that it be restricted to “administrative decentralization” (i.e. non-political), and that it be comprised of small territorial units so that no community would be entirely engulfed in one administrative unit, exacerbating the potential appetite for secession. The Christians agreed. Mansour, *Al Inkilab ‘ala el Taef*, 128.

²⁵³ “At the height of the crisis in 1988, the Lebanese central bank maintained its unitary character and financed the expenditures of both governments,” Hanf, *Coexistence*, 571.

²⁵⁴ Hanf, *Coexistence*, 559. On the other hand, the segment of the army under Muslim control had not been enthusiastic about removing Aoun from Baabda militarily. Albert Mansour (Former Lebanese Minister of Defense) in a discussion with the author, June 2016.

²⁵⁵ Theodor Hanf, “The Sceptical Nation: Opinions and Attitudes Twelve Years After the End of the War,” in *Lebanon in Limbo: Post-war Society and State in an Uncertain Regional Environment*, eds. Theodor Hanf and Nawaf Salam (Baden-Baden: Nomos Publishers, 2003), 208.

²⁵⁶ Ibid.

²⁵⁷ In 1971, the average Muslim fertility rate was 5.44 and the Christian was 3.56. By 2004, it became 1.82 for Muslims and 1.53 for Christians. Youssef Courbage, “The Lebanese Demographic Reality,” Lebanese Information Centre, January 14, 2013.

²⁵⁸ Nawaf Salam, “Prospects for Lebanon: An Essay on Political Opportunities and Constraints,” Centre for Lebanese Studies, December 1987, <http://www.lebanesestudies.com/papers/prospects-for-lebanon/416e7f31-an-essay-on-political-opportunities-and-constraints-nawaf-salam/>.

²⁵⁹ Sunni support for militancy in general dwindled after the PLO defeat in 1982. Hanf, *Coexistence*, 505.

²⁶⁰ The Druze PSP and the Amal Movement defeated the Lebanese Army in West Beirut in February 1984 under Syrian guidance. This greatly weakened President Gemayel, who then backtracked on the peace agreement and refused to sign it. Hanf, *Coexistence*, 284.

nevertheless maintained predominantly domestic aspirations.²⁶¹ Following the assassination of Kamal Jumblatt, the Druze leadership had gradually lost its leftist credentials along with its ability to represent the larger Muslim community, leading the PSP to harbour purely domestic-communal ambitions. Thus, in general, Lebanon's "revolutionary mood" had faded by the late 1980s,²⁶² as people grew tired of grand schemes and botched ideological fantasies. In addition, both the regional and international circumstances proved helpful to reconciliation. The Cold War had finally ended, and the Arabs and Israelis were entering a US-led peace process. For these reasons, many believed that Lebanon at the end of the war was better poised to pursue a comprehensive state-building agenda than at any other time in its history. Tellingly, in the post-war period, "people did not take justice into their own hands and retributive killings were rare," despite the lack of a comprehensive national reconciliation process.²⁶³

Among Arend Lijphart's (1977) conditions for a successful consociational democracy, only two does not apply to post-war Lebanon – the external threat common to all ethnic communities, and a moderate multi-party system with segmental parties.²⁶⁴ On the external threat, while there was very little sympathy for Israel across communities, the Muslim-Christian divide regarding Syria remained prevalent, which affected how each group conceptualised the Israeli threat.²⁶⁵ In regards to intra-segmental stability, the Christian community emerged from the civil war bitterly divided between supporters of the exiled army commander Michel Aoun and the leader of the Lebanese Forces, Samir Geagea. And despite finding common cause vis-à-vis the Syrian regime's policies in Lebanon between 1994 and 2005, the dispute re-emerged as Syrian troops withdrew and gradually became a fixture of Christian political life.

Nevertheless, all of Lijphart's other conditions were indeed present. Lebanon had a small population, and its state had a limited workload. The different communities, although poorer in totality, had achieved socioeconomic equality in relation to each other after the war.

²⁶¹ Amal had been called the "most Lebanese party" in the civil conflict. After 1985, however, it became increasingly reliant on Syria. Mohammad Abel-Hamid Beydoun (former Amal leader) in a discussion with the author, June 2016.

²⁶² Hanf, *Coexistence*, 540.

²⁶³ Knudsen and Yassin, "Political Violence," 121.

²⁶⁴ Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977), 53-109.

²⁶⁵ Hanf, "The Sceptical Nation," 217.

Theodor Hanf indicates that his surveys in the 1980s demonstrated that although all communities were stratified by income, there was one community – the Shia’s – which was underrepresented in the highest income group. However, in his post-war study conducted in 2002, he came to the conclusion that “the connection between communal and religious affiliation on the one hand and income stratification on the other is statistically insignificant...in other words, although the distribution of income as a whole may have grown more unequal, there are no longer rich communities and poor communities”.²⁶⁶ There was also a strong tradition of elite accommodation that survived the war, which was evident during the Taef negotiations. Finally, the Lebanese people had developed overreaching national loyalties, and the notion of a multiple balance of power had been consolidated with the rise of the Shi’ite community. The segmental isolation of communities had, unfortunately, been enhanced by the war.²⁶⁷

Victor’s Peace: A “Selfish” Pax Syriana

The Taef Agreement, negotiated by the “foxes” of Lebanese politics in Saudi Arabia, still had to earn the endorsement of the “lions” back in Beirut.²⁶⁸ Sunni leaders, partly discouraged following the assassination of Mufti Hasan Khaled, and partly emboldened by the strengthening of the prime minister’s prerogatives, welcomed the agreement.²⁶⁹ Among Shi’ites, although Amal complained about the “preservation of the communal system” and the exclusion of the community from a top executive position, the party was nevertheless satisfied with the enhanced powers of the speaker of parliament as well as Syria’s role, and therefore applauded the agreement.²⁷⁰ Hezbollah opposed the “preservation of Maronite power,” the “reinforcement of the sectarian system,” and the “lack of support for the resistance,” but kept its opposition verbal and relatively mild.²⁷¹ The Druze leadership of Walid Jumblatt, having re-established himself as a strictly communal figure, opted for

²⁶⁶ Theodor Hanf, “The Sceptical Nation: Opinions and Attitudes Twelve Years After the End of the War,” in *Lebanon in Limbo: Post-war Society and State in an Uncertain Regional Environment*, eds. Theodor Hanf and Nawaf Salam (Baden-Baden: Nomos Publishers, 2003), 208.

²⁶⁷ Approximately 600,000 Christians were displaced by the war and moved from Muslim-majority areas to the Christian heartland.

²⁶⁸ Hanf, *Coexistence*, 361. The term “Foxes” refers to the politicians of the old school, namely the deputies elected in 1972 – products of the National Pact of 1943. “Lions” refers to politicians created by the wartime era.

²⁶⁹ Hanf, *Coexistence*, 610.

²⁷⁰ Ali Hasan Khalil (Lebanese Minister of Finance) in a discussion with the author, May 2016.

²⁷¹ Amal Saad-Ghorayeb, *Hezbollah: Politics and Religion* (London: Pluto Press, 2002).

“realism” and accepted the agreement.²⁷² The raging conflict with Aoun and the desire to “get rid of him at any cost,” as well as Arab guarantees that Syria would implement the agreement in good faith, led the Lebanese Forces to accept what would have previously been unimaginable.²⁷³ Just as the war had largely – although by no means exclusively – been perceived as a Christian-Muslim conflict, the peace agreement could now claim Christian-Muslim support. A peace settlement to a non-conclusive civil conflict is never any party’s first choice; Taef, however, seemed to fit almost everyone’s second choice.

Despite General Aoun’s obstinacy, the Taef process garnered tremendous international support and proceeded as planned. On November 5, 1989, Rene Mouawad, an astute *za’im* of the old school and the man behind numerous wartime compromises, was elected president. It quickly became apparent, however, that Mouawad did not subscribe to Syria’s interpretation of the spirit of the agreement. He refused to use force against Aoun, insisting on dialogue despite Syrian directives to eliminate any “obstacle to the agreement.”²⁷⁴ Two weeks after his election, Mouawad was assassinated. This was the first indication that the Syrian leadership was intent on implementing the Taef Agreement through the lens of the Damascus Agreement, and that supposed Arab guarantees mattered little in practical terms.

Marginalisation of the Christian community

The election of Mouawad’s successor proved to be an indicator of things to come. Lebanon’s deputies met at the headquarters of Syrian military intelligence in the Bekaa to elect Elias Hrawi, the sole candidate and “Syria’s man,” as the new president. Radio Damascus announced the results before the presidential election had even taken place.²⁷⁵ Although Hrawi attempted to form a “government of national unity,” as stipulated by the Taef Agreement, no authentically representative Christian figure agreed to join.²⁷⁶ Thus, instead of

²⁷² Hanf, *Coexistence*, 610.

²⁷³ George Adwan (Deputy Leader of the Lebanese Forces) in a discussion with the author, June 2016.

²⁷⁴ Hanf, *Coexistence*, 594.

²⁷⁵ Ibid., 595. For details on the process of selecting Hrawi in Damascus, see Mansour, *Al Inkilab ‘ala el Taef*, 110.

²⁷⁶ Rothchild (1999) develops the concept of “authentic” communal representatives in elite cartels, 97. The concept presupposes that significant ethnic segments ought to be represented in the executive by parties that have *meaningful* support within the community. Brendan O’Leary’s (2005) categorization of consociations into three types helps develop this concept further. He distinguishes between complete consociations (where leaders of all significant segments are represented), concurrent consociations (where leaders representing majorities of all segments are included) and weak consociations (where leaders representing a plurality of voters within each

a post-conflict consociation, Lebanon was quickly evolving into an undemocratic protectorate where half the population, namely the Christian community, would have no share in power. To make matters worse, following the Lebanese Forces' tacit support of the Taef Agreement, General Aoun declared war on his Christian nemesis, launching the "war of annihilation"²⁷⁷ – a "conflict more intense and bitter than any Lebanon had experienced since the outbreak of the war."²⁷⁸ Both the Lebanese Forces and Lebanese Army were greatly weakened as a result, tilting the "Taef balance" in favour of Syria's allies.²⁷⁹ As the Christian community began to fractionalize, earlier hopes of a successful transition to peace quickly evaporated.

It was not until August 1990, however, that the die was cast irrevocably in favour of unchallenged Syrian rule. As Saddam Hussein invaded Kuwait, Assad made the strategic choice of joining the international coalition led by the United States.²⁸⁰ In return, Syria was allowed to use air power against Aoun, which sealed the Christian leader's defeat after just eight hours of confrontation.²⁸¹ As the Gulf War ended, what was intended as a joint US-Syrian-Saudi-sponsored peace agreement transformed into international endorsement of direct, open-ended, and unbounded Syrian tutelage of Lebanon. As one senior legislator remarked, "The US green light for Syria was the death sentence of the Taef Agreement."²⁸² The stage was set for a "victor's peace," whereby the nature of the conflict would be

segment are included). As such, for leaders of ethnic segments to be authentic representatives of their community, they should at least have plurality support within that community. That said, this concept should be adopted with a certain degree of flexibility, as it would be unreasonable to suggest that a party representing 49% of an ethnic community – as opposed to another representing 51% – would be unable to authentically represent its community in a consociational executive. Nevertheless, as was the case in Lebanon and Iraq, parties that represent less than a fifth of a particular community cannot be said to be authentic representatives of their community in a consociational executive.

²⁷⁷ The Lebanese Forces accused Michel Aoun of wanting to eliminate their political and military presence.

²⁷⁸ Hanf, *Coexistence*, 600. In total, during the intra-Christian battles of 1990 between Michel Aoun and Samir Geagea, 100,000 people fled the Christian enclave of east Beirut, 800 people were killed, 6,000 homes were hit by artillery, and 20,000 cars burned. Elaine Larwood, "Christians vs. Christian: Downward Spiral or Prelude to Rebirth?" *Washington Report on Middle East Affairs* (June 1990): 15-49.

²⁷⁹ Mansour, *Al Inkilab 'ala el Taef*, 126.

²⁸⁰ The US urgently needed Syrian cover for the military operation, especially since the Egyptians conditioned their participation on Syrian involvement. Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016.

²⁸¹ Karim Pakradouni (Chief Political Adviser to Lebanese President Michel Aoun) in a discussion with the author, June 2016. The Syrian Army was allowed to use its air force against Aoun in contradiction to the "red lines" agreement with Israel. The United States made sure all obstacles were removed, including Israel. Mohsin Dalloul (Former Lebanese Minister of Defense) in a discussion with the author, June 2016.

²⁸² Boutros Harb (Lebanese Minister of Telecommunications) in a discussion with the author, May 2016.

perceived as “total in an ideological sense.”²⁸³ Sovereignty would be “unconstrained by international law or sanctions, with the primary aim focused on “consolidat[ing] victory and ‘cleans[ing]’ society of ‘the enemy’ through physical coercion.”²⁸⁴ As a result of such a precarious post-war environment, the eventual breakdown of the peace settlement and return to ethnic conflict were all but guaranteed.

As quickly became evident, Syria was the quintessential “selfish” guarantor of the peace agreement. Ideologically, the Ba’athist regime was vehemently opposed to the recognition of Lebanon as an independent nation-state, and it long resisted the establishment of formal diplomatic relations between the two countries,²⁸⁵ even though in practice its leadership had long accepted the reality of partition. Its constitution, school curriculum, and political rhetoric treated Lebanon as no more than a “part of the Arab nation dismembered by colonial powers.”²⁸⁶ Hence, Syria harboured a deep-seated animosity towards those Lebanese that had “conspired with the colonial powers,” namely the vast majority of the Christian political establishment. Strategically, Syria was preparing to participate in the US-led peace process. As such, it needed to first ensure that Lebanon did not sign a unilateral peace treaty with Israel, and that Lebanon’s southern border remained a card that could be used in negotiations. Lebanon thus “provided Damascus with so-called ‘plausible deniability’ that allow[ed] it to avoid accountability for the actions it [undertook] there and elsewhere by proxy.”²⁸⁷ As a Jacobinist military dictatorship, Syria was not only unqualified to administer a transition to peace in a democratic-consociational democracy, but it was also incapable of doing so dispassionately, considering the success of such a model would endanger its own regime

²⁸³ Suhrke and Berdal, *The Peace in Between*, 9. He distinguishes between four types of post-war violence: Victor’s Peace, Loser’s Peace, Divided Peace, and Unified Peace. For an account of Syria’s use of violence and coercion in the 1991-2005 period, see Knudsen and Yassin, “Political Violence”, 122-123.

²⁸⁴ Suhrke and Berdal, *The Peace in Between*, 9.

²⁸⁵ As a result of continuous international pressure, Syria finally agreed to establish diplomatic relations with Lebanon in 2009, more than six decades after both countries had gained their independence.

²⁸⁶ In a CNN interview on September 28, 1996, President Assad flatly stated that Lebanon is “an extension of Syrian territory.” Habib Malik, “Between Damascus and Jerusalem: Lebanon and Middle East Peace,” The Washington Institute for Near Eastern Studies, Policy Paper no. 45 (2000): 80. On January 7, 1976, Syrian Vice President Khaddam told a Kuwaiti newspaper that “Lebanon was part of Syria and we shall reclaim it as soon as it actually attempts to split up...it should be made clear that we are referring to the four provinces and not only to the coast, and, furthermore, we are referring also to Mount Lebanon.” For the full English text, see Reuven Avi-Ran, *The Syrian Involvement in Lebanon since 1975* (Boulder: Westview Press, 1991), 6.

²⁸⁷ Malik, “Between Damascus and Jerusalem,” 87.

security.²⁸⁸ Consequently, Syria maintained a core interest in ensuring that democratic consociationalism thrived in its smaller neighbour.

In sum, since 1975, Syria had “fought everyone and allied with everyone”²⁸⁹ in Lebanon, even designing its own peace agreement to end the Lebanese crisis. In this sense, therefore, Syria resembled a “pyromaniac turned firefighter.”²⁹⁰ The nature of its involvement in post-war Lebanon was not limited to enforcing the terms of the Taef Agreement, extending instead to all realms of governance, security, and the economy. Indeed, the international community seemed to submit to the idea that perhaps the best way to ensure stability in Lebanon was to allow the Syrians to maintain a strong presence in the country.

Thus, following the conclusion of the Taef Agreement and defeat of Michel Aoun, the Syrian regime’s primary objective was the consolidation of its strategic regional position ahead of the October 1991 Madrid Conference. In March of that year, the Lebanese government made the decision that all militias had to disband and disarm by April. As the process began, Syria’s vice president announced that as long as Israel occupied South Lebanon, “the resistance had to continue,”²⁹¹ thus paving the way for the “Hezbollah exception.” Accordingly, while all other militias disarmed, the Islamist fundamentalist group Hezbollah, an outpost of the Iranian revolutionary guards, kept its weapons under the pretext of “fighting Israel,” despite protests from President Hrawi.²⁹² At the same time, Syria blocked all efforts by the Lebanese government to send the army to South Lebanon as a prelude to Israel’s withdrawal.²⁹³ By pursuing such a policy, Assad aimed to “preserve his credibility

²⁸⁸ Patrick Seale sums it up nicely when he writes that “the political temperature of the one could not but affect that of the other.” Patrick Seale, *Asad: The Struggle for the Middle East* (Berkeley: University of California Press, 1990), 269. For a discussion of the domestic considerations that have motivated Syria’s involvement in Lebanon, see Fred Lawson, *Why Syria Goes to War: Thirty Years of Confrontation* (Ithaca: Cornell University Press, 1996), 76-97. For more on the comparison between Jacobinist and consociational strategies for managing ethnically diverse states, see Hanf, *Coexistence*, 7-44.

²⁸⁹ Karim Pakradouni (Chief Political Adviser to Lebanese President Michel Aoun) in a discussion with the author, June 2016.

²⁹⁰ Malik, “Between Damascus and Jerusalem,” 88.

²⁹¹ Hanf, *Coexistence*, 623.

²⁹² President Hrawi voiced similar objections after the Israeli-Hezbollah confrontation of 1993, this time supported by Prime Minister Hariri. Army Commander Emile Lahoud refused to rein in Hezbollah and deploy the army in South Lebanon, earning the appreciation of Damascus. Karim Pakradouni, *Years of Resistance: The Mandate of Émile Lahoud, the Former President of Lebanon* (Garnet Press, 2012), 25-27.

²⁹³ Farès Boueiz (Former Lebanese Minister of Foreign Affairs and Emigrants) in a discussion with the author, June 2016.

concerning the Golan and PLO pledges he had made to the international community...leaving him with one card, Hezbollah.”²⁹⁴

For its part, the Israeli government repeatedly declared that it had no strategic or ideological interests in Lebanon beyond the maintenance of the security of its northern frontier, and it made numerous offers to withdraw in return for security guarantees.²⁹⁵ Since 1985, Israel had maintained an armed presence in a strip of land comprising 10% of Lebanon’s territory, which it called the “security belt.” The South Lebanon Army, a splinter group that had broken away from the Lebanese Armed Forces (LAF) and allied with Israel to fight the PLO in the 1970s, largely controlled the area.²⁹⁶ By forcibly preventing the deployment of the Lebanese Army in the south, Syria was tacitly signalling to the Israelis that a withdrawal of their forces would lead to renewed attacks against their northern settlements, an area they had invaded Lebanon twice to protect. To feed further into the Israeli security paranoia, Syrian diplomats informed the United States that an Israeli withdrawal from Lebanon would only benefit forces loyal to Arafat, who would take control of the border region.²⁹⁷ Thus, for the “resistance” to continue, the Israeli occupation had to stay.

Furthermore, in order to avoid criticism of its complete abandonment of the Taef Agreement, the Syrian regime had to subdue the remaining pockets of political opposition.²⁹⁸ Even though the Lebanese Forces had militarily aided Syria in its war against Aoun, President Assad still regarded the right-wing Christian organization as its “natural enemy.”²⁹⁹ In the “government of national unity” that was formed by Prime Minister Omar Karame in December 1990, the Lebanese Forces insisted that parties opposed to Syrian tutelage be given

²⁹⁴ Ibid.

²⁹⁵ During an interview on Israel television on July 29, 1993, then Foreign Minister Shimon Perez stated, “We have no ambitions in Lebanon – neither territorial nor political...Not an inch of Lebanese soil will be taken, not a drop of water.” During a speech at the Washington Institute on February 14, 1997, Prime Minister Benjamin Netanyahu declared, “Israel seeks security arrangements that will enable us to withdraw from Lebanon.” Malik, “Between Damascus and Jerusalem,” 80.

²⁹⁶ “The depth of this zone ranged between three and twelve miles, depending on the terrain. Forty-five SLA and IDF outposts were built in strategic locations to obstruct the free movement of would-be infiltrators. The number of Israeli soldiers deployed in the security zone ranged between 1,000 and 1,500. The SLA was 2,500 strong.” Gal Luft, “Israel’s Security Zone in Lebanon – A Tragedy,” *The Middle East Quarterly* 7, no. 3 (September 2000): 13-20.

²⁹⁷ See minutes of the meeting between Saudi Foreign Minister, Saoud El Faysal, and US Secretary of State, James Baker, in Mansour, *Al Inkilab ‘ala el Taef*, 279-282.

²⁹⁸ By 1992, there were “two Taef Agreements: the written agreement and the applied one.” Mansour, *Al Inkilab ‘ala el Taef*, 245.

²⁹⁹ Toufic Hindi (Co-Founder of Qornet Chehwan Gathering) in a discussion with the author, May 2016.

a blocking third of cabinet positions. Karame countered with the proposal of just eight ministerships, and the negotiations collapsed.³⁰⁰ As a result, the first post-war government did not include any cabinet minister *authentically* representative of the Christian community.

The supposed date for Syria's military withdrawal to the Bekaa Valley was September 1992. However, Syrian Vice President Khaddam declared that Syria would not withdraw until the Lebanese de-confessionalize their political system "according to the Taef Agreement."³⁰¹ Syria's Lebanese allies went further by insisting that Syria's continued military presence was "legitimate, necessary and temporary," citing justifications ranging from the prevention of renewed violence to the need to strategically balance Israel's occupation of South Lebanon.³⁰² The United States, for its part, was supportive of the arrangement, and exhibited a "marked reluctance" to challenge Syria's stranglehold over Lebanon "for fear of jeopardizing an eventual peace deal between Syria and Israel."³⁰³ Saudi Arabia, greatly weakened by the Gulf War, completely withdrew from the Lebanese political scene.³⁰⁴

In such a favourable international climate, Assad further entrenched his position in Lebanon and pursued a process of "Syrianization" through "a string of 'bilateral agreements' designed to lead toward the gradual merger of Lebanon with Syria at all levels."³⁰⁵ Most notably, prior to the 1992 elections, the regime engaged in excessive gerrymandering with the express aim of "marginalizing Lebanon's Christian community" and boosting the representative power of its allies.³⁰⁶ After having established control over both the army and presidency, Syria still

³⁰⁰ Hanf, *Coexistence*, 615.

³⁰¹ See Vice President Khaddam's statement on the matter in Mansour, *Al Inkilab 'ala el Taef*, 216. This pretext "was quite fitting for Syria because it hit two birds with one stone; indefinitely postponed Syrian withdrawal, and gave the Christians an ultimatum of choosing between de-confessionalisation or support for Syria." Muhammad Baydoun (Former Lebanese Minister of Electrical and Water Resources) in a discussion with the author, June 2016.

³⁰² Other pretexts included the spread of Islamic fundamentalism in Lebanon, and Syria's role in preventing a US-inspired effort to naturalise Palestinian refugees. Pakradouni, *Years of Resistance*, 84.

³⁰³ Malik, "Between Damascus and Jerusalem," 23. Israel, for its part, supported Syria's ascension in Lebanon as a "bulwark against the PLO's military power." Karim Pakradouni (Chief Political Adviser to Lebanese President Michel Aoun) in a discussion with the author, June 2016.

³⁰⁴ "The Saudis were very supportive of our role in Lebanon and our cooperation was very positive." Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016. With the ascent of Rafik El Hariri – a dual Lebanese-Saudi national – to the premiership in 1992, Saudi Arabia regained considerable leverage, but its influence remained largely confined to the economic sphere.

³⁰⁵ Malik, "Between Damascus and Jerusalem," 23.

³⁰⁶ "The 1992 parliamentary elections...produced the least representative parliament since independence, had the lowest voter turnout, and brought to office the largest number of unopposed candidates in the history of Lebanon's parliamentary elections." For a complete overview of Syria's role and intentions in the 1992

needed to find a way to dominate parliament.³⁰⁷ The elections, however, were a political catastrophe, as only 20% of Lebanese voted, compared to 52% in 1972.³⁰⁸ In the Christian community, an effective boycott movement ensured that no more than 10% of Christians participated. In the Christian heartland of Jbeil, for example, the winning candidate only got 42 votes.³⁰⁹ Nevertheless, Syria still managed to get a subservient parliament, thereby emerging as “the real winner” of the elections.³¹⁰

The series of events that began with the ouster of General Aoun in 1990 from the Presidential Palace culminated in 1994 with the arrest and imprisonment of the leader of the Lebanese Forces, Samir Geagea. As an influential leader in the Christian community, Geagea refused to join the governments of Karame and Hariri, or to even participate in parliamentary elections, arguing that his support of the Taef Agreement did not translate into acquiescence to Syria’s evolving tutelage.³¹¹ Given that Amine Gemayel had passively gone into exile in 1988 following the end of his presidential term, Lebanon by the mid-1990s did not have an *authentically* representative Christian who remained part of the political process.³¹² This void caused the emergence of the so-called Christian *ihbat*³¹³ and the role of communal leadership was passed on to Maronite Patriarch Nasrallah Boutros Sfeir, whose clerical status allowed him to speak freely, albeit cautiously, in the name of Lebanese Christians.³¹⁴

elections, see Farid El Khazen, “Lebanon’s First Post-war Parliamentary Election, 1992: An Imposed Choice,” *Al Mashriq* in Collaboration with AUB, 1994, <http://almashriq.hiof.no/ddc/projects/pspa/elections92.html>.

³⁰⁷ Elections were not scheduled to take place before 1994, when the parliament’s term expired. However, the Syrians wanted a subservient legislature as soon as possible, especially before the supposed date of their withdrawal. Boutros Harb (Lebanese Minister of Telecommunications) in a discussion with the author, May 2016.

³⁰⁸ El Khazen, “Lebanon’s First Post-war Parliamentary Election.”

³⁰⁹ *Ibid.*

³¹⁰ Hanf, *Coexistence*, 634.

³¹¹ Toufic Hindi (Co-Founder of Qornet Chehwan Gathering) in a discussion with the author, May 2016.

³¹² This is not to suggest that Syria did not have Christian or even Maronite allies in Lebanon. Political leaders, such as Suleiman Frangieh, Army Commander Emile Lahoud, and President Elias Hrawi, were all staunch allies of Syria. However, they were not representative of the broad majority of Lebanese Christians, as the results of the 1992 elections demonstrate. It is also inaccurate to suggest that Syria did not marginalise segments of the Sunni or Shi’a communities opposed to its influence. However, Knudsen and Yassin (2012) rightly indicate that “the post-war period victimized the Maronites individually by selectively targeting their leaders,” 122. This is hardly a coincidence, since the dominant ideological paradigm within the Maronite community had long been at odds with Ba’athist ideology – in that light, the ephemeral 1976 alliance between Maronite leaders and Syria should be viewed as the exception that proves the rule.

³¹³ *Ihbat* is Arabic for “depression.” Nawaf Salam, “Taif Revisited,” in *Lebanon in Limbo: Post-war Society and State in an Uncertain Regional Environment*, eds. Theodor Hanf and Nawaf Salam (Baden-Baden: Nomos Publishers, 2003), 50.

³¹⁴ Most notably, Sfeir refused to visit Syria in 1996 to accompany the Pope, arguing that it could be interpreted as acceptance of Syria’s role in Lebanon. In 2001, he helped establish the Qornet Chehwan Gathering, a political grouping of Christian parties and independent figures fighting Syrian domination.

Syria's support of Hezbollah

As the Arab-Israeli peace process began in October 1991 in Madrid, it became evident that the Lebanese government was participating as “part and parcel of the Syrian delegation,” and was not allowed to negotiate beyond the confines of Syrian strategic interests.³¹⁵ According to some observers, Lebanon “was not at the table, but on the table.”³¹⁶ As the Madrid process came to an end, Syria pursued its negotiations with Israel, while Lebanon resumed its “resistance” against Israeli occupation. It seemed as if “Syria was negotiating on Lebanon’s behalf, while Lebanon was resisting on Syria’s behalf.”³¹⁷ The Syrian leadership “did not seek the opinion” of the Lebanese government as to whether it wanted to resume negotiations with Israel.³¹⁸ Repeated Israeli overtures, first in 1993 and again in 1996, were simply ignored under the pretext of the need for “unconditional Israeli withdrawal.”³¹⁹ Given that the entire period of instability in Lebanon from 1969 to 1989 related primarily to the issue of Lebanon’s relationship with Israel vis-à-vis Palestinian resistance along their shared border, the Syrian regime’s continued obstruction of an Israeli withdrawal and peace agreement emphasized the extent of its self-serving strategy in post-war Lebanon.

Although the decade following the Taef Agreement did not witness any inter-communal violence,³²⁰ Hezbollah and Israel twice engaged in armed conflict with one another, first in 1993 and again in 1996. The first confrontation, known as “Operation Accountability,” erupted after Hezbollah launched Katyusha rockets into Israel’s northern settlements. The conflict lasted seven days and resulted in the death of 140 Lebanese citizens.³²¹ The second

³¹⁵ Farès Boueiz (Former Lebanese Minister of Foreign Affairs and Emigrants) in a discussion with the author, June 2016. Also see the anecdote of Barak and Boueiz in Malik, “Between Damascus and Jerusalem,” 79.

³¹⁶ Malik, “Between Damascus and Jerusalem,” 80.

³¹⁷ Ibid. Boueiz argues that Lebanese Muslims would not have agreed to Lebanon pursuing negotiations with Israel.

³¹⁸ Fouad Siniora (Former Lebanese Prime Minister) in a discussion with the author, May 2016.

³¹⁹ Most notable of these proposals was Israeli Prime Minister Netanyahu’s “Lebanon first” plan in August 1996, which envisioned an Israeli withdrawal in return for the deployment of the Lebanese Army in the south and the dismantling of Hezbollah’s military wing. For more on “Lebanon first,” see David Makovsky, “Leaving Lebanon,” *Jerusalem Post*, 9 August 1996.

³²⁰ The author asked numerous Christian politicians why Christians had not fought Syria’s occupation militarily. The response was unanimous: They lacked sufficient international support, there was no appetite within the Christian community, and they feared the efficiency of Syrian manoeuvres. As Malik (2000) says, “Christians suffered from a combination of “ennui, demoralization, a sense of abandonment, and intimidation” (13).

³²¹ Naim Kassem, *Hizbullah: The Story from Within* (London: Saqi Books, 2010), 170.

confrontation – “Operation Grapes of Wrath” – occurred in 1996 and resulted in 165 casualties after 16 days of war.³²² The end of hostilities was finally negotiated in Damascus, not Beirut, where “no fewer than seven foreign ministers were present to conduct consultations with Assad.”³²³ Meanwhile, Hezbollah’s domestic and regional credibility as a “resistance” movement was increasing. Accordingly, Israel’s leadership realized that its military presence inside Lebanese territory only served to strengthen such radical groups,³²⁴ and that the nature and magnitude of violence directed against it was orchestrated not by Lebanon or any Lebanese group, but by the Assad regime in Syria.³²⁵

In 2000, Israel unilaterally and unconditionally withdrew its army to the international border, much to the dismay of Syria and its Lebanese allies who had gone to enormous lengths to discourage such a move, including making the threat that a withdrawal from Lebanon but not the Golan would cause a “regional war,” a “civil war,” and a “vacuum that would threaten Israel’s security.”³²⁶ Hezbollah claimed victory, arguing that it had achieved what negotiations had always failed to achieve in regards to the “Zionist entity.” However, especially because Syria had previously agreed to US demands to prevent Hezbollah from entering government, the Assad regime wanted its proxy militant organization to maintain a presence in the country even amid Israel’s withdrawal. As such, Syria and its Lebanese allies falsified official maps to argue that Israel still occupied the Shebaa Farms, a tiny piece of territory comprising the triangle linking the Golan Heights, Lebanon, and Israel.³²⁷ While the international community argued that Israel had completed its withdrawal from Lebanese

³²² Judith Palmer Harik, *Hezbollah: The Changing Face of Terrorism* (London: I.B. Tauris, 1994), 97.

³²³ Ibid., 122. The agreement, known as the “April understanding,” established rules of engagement whereby both sides would not target civilians. This was a triumph for Hezbollah, who earned de-facto international recognition of its right to fight Israeli troops in South Lebanon.

³²⁴ See former Israeli Prime Minister Ehud Barak’s statement in Augustus Richard Norton, *Hezbollah: A Short History* (Princeton University Press, 2007), 33.

³²⁵ Earlier in 1991, the Israelis became convinced that the “treaty of brotherhood and cooperation” between Lebanon and Syria made Syria directly responsible in the eyes of the world for security on the Lebanese-Israeli border. Malik, “Between Damascus and Jerusalem,” 33. While that was partly true, the Israelis drew the wrong conclusion, namely that the Lebanese borders would become as quiet as the Golan even if they did not withdraw.

³²⁶ According to Lahoud’s advisor, the Lebanese president told his French counterpart that Israeli withdrawal from Lebanon but not the Golan would “cause a war.” Lahoud later told the UN representative that the “Lebanese state would not be responsible for any attack on Israel emanating from Lebanon” in the case of an Israeli withdrawal. Pakradouni, *Years of Resistance*, 78 and 136.

³²⁷ The Shebaa Farms constitutes 2% of Lebanon’s territory, according to Harik, *Hezbollah*, 139. And furthermore, “the Shebaa Farms area is not in Lebanon; all international records clearly show it is part of Syria. When it was clear in 2000 that the Israelis were going to withdraw from Lebanon, Syrian and Lebanese officials circulated in the United Nations a crudely altered map purporting to show the area in Lebanon.” Nancy Soderberg, “Peacekeepers not peacemakers,” *The New York Times*, 2 Aug 2006, <https://www.nytimes.com/2006/08/02/opinion/02soderberg.html>.

territory,³²⁸ the Lebanese government contended that its land was still occupied. In any case, Hezbollah maintained that even if the Israelis withdrew from the Shebaa Farms, the arms of the “resistance” were needed to protect Lebanon and “perpetuate its struggle against Israel.”³²⁹ While Israel had left Lebanon, Hezbollah and its weapons were here to stay.³³⁰

Hezbollah, a fundamentalist and militant Shi’ite organization, was effectively created in the early 1980s as part of Iran’s “realization of the revolutionary state’s zealous campaign to spread the message of the self-styled ‘Islamic Revolution.’”³³¹ According to Hezbollah Deputy Secretary-General Naim Kassem, the group was founded based on three pillars: adopting Islam as a comprehensive ideology, resisting Israeli occupation, and recognizing the guidance of the Supreme Leader (*Wali’ El Fakih*) as the heir of the prophet whose commands must be obeyed.³³² In 1982, Iran dispatched “1,500 revolutionary guards (*pasdaran*) to the Biqa’ in the wake of Israel’s invasion” in an effort to “propagate Khomeini’s pan-Islamic ideology” through the organization of various groups into a single organizational framework. Although the creation of Hezbollah coincided with the Israeli invasion, a factor that has greatly contributed to its narrative, evidence shows that “even if Israel had not launched its invasion...the young would-be revolutionaries among the Shi’a would have pursued their path of emulating Iran’s Islamic revolution.”³³³

Hezbollah issued its founding manifesto in 1985.³³⁴ The platform pledged allegiance to the supreme ruler,³³⁵ urged the establishment of an Islamic state, identified the US and its

³²⁸ A UN Representative asserted that all existing maps clearly indicated that Shebaa was part of Syria, including the mandate map of 1923, the Andof map of 1974, and the UNIFIL map of 1978. Pakradouni, *Years of Resistance*, 134.

³²⁹ Saad-Ghorayeb, *Hezbollah*, 189.

³³⁰ Even Kassem (2010) recognizes that the Shebaa Farms “have a political nature that supersedes other areas in south Lebanon before Lebanon. Shebaa is an expression of the continuity of resistance...and its suitable for sending messages of support (to the Palestinians),” as what happened in 2002 (209).

³³¹ Norton, *Hezbollah*, 35.

³³² Kassem, *Hizbullah*, 37.

³³³ Norton, *Hezbollah*, 33.

³³⁴ The 1985 letter is divided into four parts: identity, struggles, objectives, and “a word to the Christians.” Harik, *Hezbollah*, 67. Hezbollah’s first officially declared “martyrdom operation” was conducted in 1984. Kassem, *Hizbullah*, 121.

³³⁵ According to Kassem (2010), Hezbollah’s relationship with Iran is centred on the belief that the *faqih* is the “supreme authority” who in turn, derives his authority from being “an extension of the *wilayat* of prophets and imams” and as such “a sacrosanct character,” 43, 64. The *faqih* issues binding rulings (*fatwa*) on both strategic issues, such as “*jihad*, political rule and the classification of friends and enemies,” to tactical issues, such as politically motivated suicide and participation in elections (67). In addition, the decisions related to *jihad* are connected to the *walayat el fakih*, who examines the cases to which defensive *jihad* applies, and determines the guidelines of confrontation, 64.

western allies as the world's major "abomination", and begrudged the Zionist entity's usurping the holy land of Palestine. Notably, it explicitly called for the destruction of the state of Israel. During that period, Hezbollah considered itself "not a Lebanese party, but an Islamic party" in Lebanon,³³⁶ and repeatedly voiced its rejection of the Lebanese entity, which it referred to as a French architectural box.³³⁷

In the 1980s, Hezbollah was accused of engaging in countless acts of terrorism, including the 1983 bombing of the US embassy, Marine barracks, and the French contingent of the Multinational Force in Lebanon.³³⁸ The group was also responsible for the 1985 hijacking of TWA Flight 847³³⁹ as well as the kidnapping of numerous western citizens in Lebanon.³⁴⁰ During that period, Hezbollah's relationship with Syria witnessed instances of cooperation,³⁴¹ but also of conflict, most notably when the Syrian Army executed two dozen Hezbollah members in Beirut as the result of a dispute over a checkpoint.³⁴² Former Syrian Vice President Khaddam explained the alliance as based "strictly on Syrian interests and adhered to Syrian rules...In 1987, we disciplined them and told Iran they don't have any special treatment in Lebanon."³⁴³ Hezbollah's former Secretary General Subhi El Tufaili stated the Syrians "were very anxious about ensuring complete subservience from anyone in Lebanon ...They would even shoot at us on checkpoints as the fighters were coming back from operations against Israel."³⁴⁴ Consequently, many Lebanese leaders involved in the Taef process were under the impression that Syria would keep Hezbollah in check, rather than serve as a conduit to the group's empowerment.³⁴⁵

³³⁶ Saad-Ghorayeb, *Hezbollah*, 76.

³³⁷ *Ibid.*, 77.

³³⁸ Harik, *Hezbollah*, 36.

³³⁹ A member of the US Navy was murdered in the operation. Harik, *Hezbollah*, 38.

³⁴⁰ Saad-Ghorayeb, *Hezbollah*, 1.

³⁴¹ Syria allowed the *Pasdaran* into its zone of influence, as it viewed the militant party as a "fortuitous instrument for preserving Syrian interests...(through which it) gains the means for striking at both Israel and the United States." Norton, *Hezbollah*, 35.

³⁴² Harik, *Hezbollah*, 40.

³⁴³ Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016.

³⁴⁴ Subhi El Tufaili (First Secretary-General of Hezbollah) in a discussion with the author, May 2016.

³⁴⁵ "We believed that Syrian-Iranian rivalry would ensure that Hezbollah be disarmed." Karim Pakradouni (Chief Political Adviser to Lebanese President Michel Aoun) in a discussion with the author, June 2016. Muhammad Baydoun (Former Lebanese Minister of Electrical and Water Resources) made a similar claim in a discussion with the author, even arguing to Amal's frustration that "the continuation of resistance in the south was an Iranian idea that Assad accepted," June 2016. Boutros Harb (Lebanese Minister of Telecommunications) also said he assumed that "Hezbollah would not be part of Syria's strategy," May 2016.

As Syrian rule over Lebanon solidified in the early 1990s, Hezbollah began adopting a “gradualist-pragmatic” approach in which it worked within the confines of Lebanon’s political system while still pursuing its jihadist objectives.³⁴⁶ It participated in the 1992 parliamentary elections, establishing itself as a “legitimate political party” with 12 members in parliament.³⁴⁷ Concurrently, it developed an immense social services network that earned the party considerable support in underprivileged communities.³⁴⁸ While some argued that Hezbollah was undergoing a process of “Lebanonization,”³⁴⁹ others contended that the party’s goals remained the same irrespective of the *modus operandi* adopted in specific circumstances.³⁵⁰ Given the nature of Hezbollah’s ideological substructure, its commitment to a sanctified global mission under the guidance of *Wali El Faqi*’, and the centrality of its military arsenal in the realisation of that project, it would have been naive to expect Hezbollah to disarm following the Israeli withdrawal from Lebanon in 2000. A return to violence was only a matter of time.

The emergence of an anti-Syrian coalition

The Israeli withdrawal generated a renewed impetus within the Christian political and religious establishment to resume its demands for the implementation of Taef, now widely used as a euphemism for Syrian military withdrawal.³⁵¹ However, unlike a decade earlier, Christians were no longer alone in demanding a change to the status quo. The heavy-handed approach adopted by the new ruling clique in Syria since 1998 – when Hafez El Assad’s son Bashar took over the “Lebanese file” – created increased frustration among Syria’s Sunni and Druze allies.³⁵² Rafik El Hariri, the Lebanese-Saudi billionaire who headed the government between 1992 and 1998, partnered with the Syrian leadership on the condition that they

³⁴⁶ Ahmad Nizar Hamzeh, *In the Path of Hizbullah* (Syracuse: Syracuse University Press, 2004), 109. Harik (1994) argues that Syria and Iran worked out a deal whereby Syrian strategists would handle the timing and targets of attacks while Iran would provide fighters with training and salaries (39).

³⁴⁷ For details of the debate within Hezbollah over participation, see Kassem, *Hizbullah*, Chapter 5.

³⁴⁸ For details on Hezbollah’s social network apparatus, see Harik, *Hezbollah* and Hamzeh, *In the Path of Hizbullah*.

³⁴⁹ Magnus Ranstorp, “Hezbollah’s Calculus after the Iran Nuclear Deal,” *CTC Sentinel* 9, no. 15 (2016): 68.

³⁵⁰ Hamzeh, *In the Path of Hizbullah*, 39.

³⁵¹ Mentioning Taef in general became a source of annoyance for Syria.

³⁵² Beginning in 1998, a new, young, mainly Alawite component of the Syrian regime took charge of Syria’s Lebanon policy. As such, it ousted the older, mainly Sunni, contemporaries of Hafez El Assad, namely Vice President Abdul Halim Khaddam and Army Chief of Staff Hikmat Chahabi. “The powerful Alawite faction saw in Lahoud a figure who could puncture Hariri’s aura of Sunni omnipotence, which they regarded as a threatening trait given the Alawite’s minority status in Sunni-dominated Syria.” Nicholas Blanford, *Killing Mr. Lebanon: The Assassination of Rafik Hariri and its Impact on the Middle East* (London: I.B. Tauris, 2006), 55.

would facilitate his plans for reconstruction of Lebanon along the “Hong Kong” model, while he would provide political cover for their “Hanoi” enterprise.³⁵³

This “marriage of convenience,” however, did not last long,³⁵⁴ as Hariri’s “popular appeal among Sunnis frightened the Syrian regime.”³⁵⁵ By 1998, Syria’s “new guard” forced Lebanon’s army commander, Emile Lahoud, into the presidency in a “peaceful coup d’état.”³⁵⁶ Bashar El Assad aspired to duplicate the Syrian “police state” model in which a subservient Lebanese military autocracy ruled Lebanon like a “military camp,” while displaying profound disdain for the traditional political class.³⁵⁷ Hariri’s relationship with Lahoud was “impossible,” especially after the US invasion of Iraq, as “Syria became much more aggressive.”³⁵⁸ Adding to Syrian concerns was an effort by Maronite Patriarch Nasrallah Boutros Sfeir and Druze leader Walid Jumblatt to reconcile and move beyond the wounds of the civil war.³⁵⁹ Considering that the potential for renewed civil war was one of the main pretexts for continued Syrian presence, elite reconciliation threatened to undermine Syria’s entire project in Lebanon.³⁶⁰

International support for Syrian tutelage was also faltering. Following the attacks of 9/11 in the United States, the focus shifted from the Arab-Israeli peace process to the war on terrorism. Syria’s lack of cooperation with the US in toppling Saddam Hussein’s regime, as well as its role in encouraging jihadist networks oriented towards Iraq,³⁶¹ further exacerbated

³⁵³ Ghattas Khoury (Senior Official of the Future Movement) in a discussion with the author, May 2016. Hong Kong symbolizes economic growth and prosperity, while Hanoi symbolizes struggle and sacrifice. For a while, “the older Assad viewed Hariri as Syria’s real foreign minister.” Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016. For Hezbollah’s sceptical view of Hariri in regards to the “peace plan with Israel,” see Kassem, *Hizbullah*, 353-357.

³⁵⁴ “On every occasion, it was apparent that Hariri’s capitalist consumerism and big business style could not co-exist for long with the ‘death wish’ culture and martyr mentality peddled by Hezbollah.” Malik, “Between Damascus and Jerusalem,” 48.

³⁵⁵ Abdul Halim Khaddam (Former Syrian Vice President) in a discussion with the author, May 2016.

³⁵⁶ Pakradouni, *Years of Resistance*, 40.

³⁵⁷ Abdul Halim Khaddam (Former Syrian Vice President) in discussion with the author, May 2016.

³⁵⁸ Ghattas Khoury (Senior Official of the Future Movement) in a discussion with the author, May 2016.

³⁵⁹ LAF intelligence, under orders from President Lahoud, arrested an unprecedented number of political activists during the Patriarch’s visit to the Chouf. William W. Harris, *Lebanon: A History, 600-2011* (Oxford: Oxford University Press, 2012), 294.

³⁶⁰ Waterman (1987) stresses that “attempts by major communities to negotiate settlements among themselves without Syrian participation are viewed with suspicion,” 6.

³⁶¹ Bernard Rougier, *The Sunni Tragedy in the Middle East: Northern Lebanon from al-Qaeda to ISIS* (New Jersey: Princeton University Press, 2015), 103.

tensions.³⁶² In 2004, as Syria was once again trying to force the hand of the Lebanese to extend President Lahoud's term in contravention of the constitution, the United States and France sponsored UNSC Resolution 1559, stipulating the withdrawal of all foreign forces from Lebanon, the disarmament of militias, and a free and fair electoral process.³⁶³ Thus, 14 years after it received the international community's blessing for a far-reaching mandate in single-handedly managing Lebanese affairs, Syria was now widely viewed as an "occupation force."³⁶⁴

A "selfish" foreign guarantor *par excellence*, Syria was entrusted – for all the unfitting reasons – with overseeing and administering the implementation of the Taef Agreement and the restoration of peace and security in Lebanon. By the end of the conflict, the Lebanese people were tired of war, destruction, sectarianism, and foreign interference. Through tragedy, they had acquired a sense of nationhood – a common identity and common purpose that they had previously not experienced in their short history of statehood. As Michael Kerr states, in 1989 there was "more agreement on what it was to be Lebanese" as "most Lebanese came to accept that foreign influences had undermined their state".³⁶⁵ Thus, there was a real opportunity for Lebanon to regain the glory of the sixties, albeit equipped with more experience and more faith. Alas, "Syrian control in Lebanon [contributed] to temporary stability but not to an actual reconciliation of the political tensions that [had] led to civil war"³⁶⁶ – thus producing a "sceptical nation" whose citizens were more concerned and more sectarian than they had been 15 years prior.³⁶⁷ The international community and the Arab states' abandonment of their respective responsibilities at Taef, as well as Syria's consequent monopoly over Lebanon's destiny, could only have produced a return to the past: a country divided over foreign policy, a militia stronger than the national army, and an uncertain future.

³⁶² President Assad allowed Syrians and other "volunteers" into Iraq to fight US forces. Harris, *Lebanon*, 296.

³⁶³ In October 2003, the US Congress passed the Syria Accountability Act.

³⁶⁴ US Secretary of State Colin Powell first used the term in March 2003. Harris, *Lebanon*, 296.

³⁶⁵ Kerr, Michael, *Imposing Power-Sharing: Conflict and Coexistence in Northern Ireland and Lebanon*, (Dublin: Irish Academic Press, 2006), 186-188

³⁶⁶ Rola Hussein, *Pax Syriana: Elite Politics in Post-war Lebanon* (Syracuse: Syracuse University Press, 2012), 21.

³⁶⁷ Hanf conducted a follow-up poll again in 2002, and comparatively the results were telling. In 1987, only 12% believed that their communal identity is more important than loyalty to their country, whereas in 2002, the number was 34%. Support for ethnic partition increased from 4% to 11%, and belief in the difficulty of coexistence increased from 21% to 43%. Hanf, "The Sceptical Nation", 200-225.

Violence Following the 2005 Syrian Withdrawal

Between the first assassination attempt of a high-profile Lebanese political figure on October 1, 2004, and the signing of the Doha Accords on May 21, 2008, Lebanon witnessed numerous instances of political violence. These can broadly be divided into four major categories. The first is a “reign of terror” in the form of a string of assassination attempts targeting 13 political figures aligned with the anti-Syrian coalition, including a prime minister, cabinet ministers, members of parliament, security officials, and journalists³⁶⁸ – marking a period of “unprecedented” violence in Lebanon’s history.³⁶⁹ The second is the 2006 July War, which took place over 34 days between Hezbollah and Israel and resulted in the death of 1,191 Lebanese citizens, including approximately 500 Hezbollah militants. The third is the confrontation between the Lebanese Armed Forces and the radical militant group Fatah Al-Islam, based in the Palestinian camp of Naher El Bared, which led to the death of around 179 Lebanese soldiers.³⁷⁰ The fourth, and most relevant category of political violence, is the one-week mini-civil war that pitted Hezbollah against the Sunni Future Movement in Beirut and the Druze PSP in the Chouf, leaving over 80 dead and 200 wounded.³⁷¹ This episode witnessed the “biggest sectarian clashes in Beirut since the end of the civil war.”³⁷²

For the purposes of this analysis, only the first and last categories shall be thoroughly examined, as they constitute an evident “resurgence of ethnic violence,” in contrast to the two other groupings in which one of the warring parties in both cases was a foreign entity. This, however, does not diminish their significance as instances of massive *political* violence, the reasons for which could similarly be attributed to Syria’s mismanagement of post-conflict Lebanon. Had it not been for the “Hezbollah exception” and the perpetuation of a Palestinian

³⁶⁸ Imad Salamey, *The Government and Politics of Lebanon*, 65.

³⁶⁹ Knudsen and Yassin, “Political Violence,” 127.

³⁷⁰ Many viewed the battle as “an existential crisis between pro-Syrian and pro-government forces” in which Syria sought to “undermine the country’s stability and unseat the March 14th government.” Are Knudsen and Michael Kerr, “Introduction: The Cedar Revolution and Beyond,” in *Lebanon After the Cedar Revolution*, eds. Are Knudsen and Michael Kerr (London: C. Hurst & Co., 2012), 9. Harris (2012) contends that “Syrian military intelligence manipulated so-called Al Qaeda elements in a refugee camp in Northern Lebanon...to destabilize Lebanon, debilitate its army, and disrupt Lebanon’s Sunni community,” 19.

³⁷¹ Elizabeth Picard, “Lebanon in Search of Sovereignty: Post 2005 Security Dilemmas”, in *Lebanon: After the Cedar Revolution*, eds. Knudsen and Kerr, 101. Earlier in 2007, street violence between opposition and government supporters left eight people dead. Harris, *Lebanon*, 77.

³⁷² Knudsen and Yassin, “Political Violence,” 126.

armed presence inside the camps, both the 2006 war and the Naher El Bared conflict would arguably not have occurred.³⁷³

Political assassinations

By 2004, mounting international pressure on the Syrian regime to withdraw from Lebanon and halt its support of Hezbollah, in addition to an emboldened and progressively cross-confessional Lebanese opposition, led the regime to assume an increasingly antagonistic posture. In the last meeting between Hariri and Assad, the latter reportedly told the prime minister, “If you and Chirac want to get me out of Lebanon, I will destroy the country over your heads.”³⁷⁴ A defiant Syria proceeded with the extension of President Lahoud’s mandate, despite rising protestation both in Lebanon and internationally. One of the vocal opponents of Syrian rule, who had voted against the extension of Lahoud’s mandate, was Druze MP Marwan Hamade. On October 1, he was badly injured after a car bomb exploded next to his motorcade. A few months later, on February 14, 2005, a huge explosion killed Rafik El Hariri, by then the de-facto leader of the opposition to Syria.

In retaliation, Hariri’s allies launched a full-fledged effort to enforce a Syrian military withdrawal from Lebanon.³⁷⁵ They also demanded that an international tribunal be set up to investigate Hariri’s assassination, given the Lebanese judiciary’s dismal record in investigating political assassinations.³⁷⁶ On March 8, pro-Syrian parties such as Hezbollah, the Amal movement, the Syrian Socialist National Party and others took to the streets of Beirut in support of Lebanon’s strategic alliance with Syria, raising the slogan of “loyalty to Syria”.³⁷⁷ This led shortly after, on March 14, to a counter-demonstration in which anti-Syrian parties – the Future Movement, the Lebanese Forces, the Kataeb Party, the Progressive Socialist Party, and others - succeeded in staging the largest demonstration in

³⁷³ Hezbollah is supportive of Palestinians in Lebanon keeping their weapons. Kassem (2010) expresses his disagreement with the international community’s efforts to disarm Hezbollah “independently of the Palestinian cause in the region,” 244. Muhammad Baydoun (Former Lebanese Minister of Electrical and Water Resources) in a discussion with the author argued that Hezbollah considers that “withdrawing Palestinian weapons is a prelude to withdrawing its weapons,” June 2016.

³⁷⁴ Peter FitzGerald, “Report of the Fact-finding Mission to Lebanon inquiring into the causes, circumstances and consequences of the assassination of former Prime Minister Rafik Hariri,” *United Nations*, February 25 - March 24, 2005, 5.

³⁷⁵ Knudsen and Kerr, “Introduction,” 4.

³⁷⁶ “Lebanon has a long history of political assassination dating back to the 1950s...most of these killings were unexamined...(which) has contributed to widespread impunity.” Knudsen and Kerr, “Introduction”, 13.

³⁷⁷ Harris, *Lebanon*, 67.

Lebanon's history, gathering over one million people in support of their demands in what came to be known as the "Cedar Revolution." Since then, the two rival political coalitions have been identified by the dates in which they protested, March 8 and March 14, marking the political fault line that would define Lebanese politics for the next decade. This division "later took the form of two rival coalitions promoting conflicting visions of Lebanon's place in the Middle East."³⁷⁸

On April 7th, the UN Security Council approved Resolution 1595, establishing a commission to assist Lebanese authorities in their investigation of the assassination of Hariri.³⁷⁹ By late April, Syria withdrew its forces from Lebanon, and in May, general parliamentary elections were held in which the March 14 alliance won a solid majority. This series of events was "viewed by many as a new beginning for Lebanon, ending the injustice caused by the civil war and Syria's oppressive control."³⁸⁰ This optimistic outlook was grounded largely in the Sunni community's break with its traditional "Arabist" allegiances in favour of strengthening the Lebanese state.³⁸¹ Syria's exit was perceived as a "post-civil war moment" where Lebanon would at last reclaim its independence.³⁸²

The main Sunni party, the Future Movement, adopted the traditionally Christian slogan, "Lebanon First", which would have previously been unthinkable.³⁸³ As the Bohemian saying goes, "A nation is a number of people who either share a fallacy about common origins or dislike the same neighbours."³⁸⁴ In Lebanon, displeasure with the Syrian regime, which had brought together large segments of previously antagonistic Lebanese Christians and Muslims, seemed to generate a new era of hope for the country.

Nevertheless, not all parties shared this outlook. Before the end of the election cycle, two more prominent March 14 figures were assassinated: anti-Syrian journalist Samir Kassir, and

³⁷⁸ Knudsen and Kerr, "Introduction," 5.

³⁷⁹ The establishment of the commission further "internationalized Lebanon's domestic conflicts." Knudsen and Kerr, "Introduction," 11.

³⁸⁰ Knudsen and Kerr, "Introduction," 4.

³⁸¹ Ibid., 11.

³⁸² Michael Kerr, "Before the Revolution," in *Lebanon: After the Cedar Revolution*, 26.

³⁸³ "Lebanon's Politics: The Sunni Community and Hariri's Future Current," *International Crisis Group*, Report no. 96, May 26, 2010, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/lebanon/lebanon-s-politics-sunni-community-and-hariri-s-future-current>.

³⁸⁴ Hanf, *Coexistence*, 638.

the former head of the communist party George Hawi. Both were high-ranking members of the Democratic Left Movement.

In an attempt to encourage the “Lebanonization” of Hezbollah and weaken the party’s association with Syria, March 14 supported the establishment of a government of national unity that encompassed most of the parties in parliament,³⁸⁵ an approach it later described as “naïve” for “not displaying a proper understanding of Hezbollah’s regional role.”³⁸⁶ The pro-Syrian segment of the government, comprising ministers loyal to Hezbollah, Amal, and President Lahoud, had veto power with eight ministers, or one-third of the cabinet. The killings, however, continued – before the end of 2005, three more March 14 figures were the target of assassination attempts; Defence Minister Elias El Murr and prominent anti-Syrian journalist May Chidiac were badly injured but survived, whereas independent MP Gebran Tueini was killed instantly.

The conflict over Hezbollah’s arsenal

In July 2006, Hezbollah abducted two Israeli soldiers from inside the blue line with the aim of exchanging them with Samir El Quntar, who had been imprisoned in Israel since 1976 for killing two Israeli civilians in a terrorist attack.³⁸⁷ The ensuing conflict, which lasted 34 days, resulted in the death of hundreds of civilians and the destruction of important infrastructure throughout Lebanon. The July War ended with a cease-fire and the issuance of UNSC Resolution 1701, stipulating the deployment of the Lebanese Armed forces in South Lebanon and the enlargement of the UNIFIL contingent.³⁸⁸ Given the poor performance by the Israeli Defence Forces, Hezbollah emerged from the war emboldened for simply having survived,

³⁸⁵ “It was not in our interest to fight an enemy within and an enemy without, so we tried to convince them that Syria’s withdrawal was not at their expense. Our gamble was a faulty one.” Fares Souaid (Secretary of March 14 Movement) in a discussion with the author, May 2016.

³⁸⁶ George Adwan (Deputy Leader of the Lebanese Forces) in a discussion with the author, June 2016. Ghattas Khoury (Senior Official of the Future Movement) in a discussion with the author added that March 14 failed to realize that Hezbollah, Iran, and Syria were one body politic, May 2016.

³⁸⁷ Kerr, “Before the Revolution,” 27. Some analysts have gone further in interpreting the motives behind Hezbollah’s attack: “When Hezbollah raided the Lebanon-Israel boundary it presumably calculated a response that would truncate Lebanese criticism of ‘resistance weapons’, destabilize the ‘new majority’, and refocus world attention on Lebanon’s problems with Israel, side-lining problems with Syria.” Harris, *Lebanon*, 64.

³⁸⁸ UNIFIL’s presence increased from 2000 to 15,000 foreign soldiers. The resolution also prohibited private weapons between the Litani River and the borders, but had no enforcement mechanism to search for and confiscate weapons. Consequently, it represented a verbal setback for Hezbollah, but factually nothing had changed.

immediately declaring a “divine victory.”³⁸⁹ Secretary General Hasan Nasrallah – now able to “significantly shift the centre of gravity in Lebanon’s inter-confessional system towards Tehran”³⁹⁰ – declared that a new government needed to be formed, one in which the March 8 alliance would re-establish its long-lost veto right over executive decisions. Many Lebanese, however, viewed the war as destructive and costly ideological adventurism on the part of Hezbollah – a “virtual coup d’état in taking the country to war with no consultation.”³⁹¹ Consequently, the war “increased domestic tensions over Hezbollah’s arms,”³⁹² even though the Siniora government worked tirelessly throughout August to “stop the Israeli assault.”³⁹³ Following the conflict, “the right of Shi’a Hezbollah to arms and, subsequently, to initiate military conflict without state consent became the major divisive aspect of Lebanese politics.”³⁹⁴

Having lost any hope for a smooth transition to a new government, and faced with an imminent decision over the establishment of a UN tribunal to try the suspects in the Hariri assassination, the five Shi’ite ministers representing Amal and Hezbollah resigned from government. Although their parties declared the government “unconstitutional” and “illegitimate,”³⁹⁵ parliament retained two-thirds of its members, and thus continued to operate ordinarily. Given that Syria had pressured the Lebanese parliament not to allow the Constitutional Court to interpret the constitution, no definitive resolution was made on the matter.³⁹⁶ For Amal and Hezbollah, their primary objectives were to end Lebanon’s

³⁸⁹ Knudsen and Kerr (2012) state that in “street-wise perspective”, the party won because it did not lose, whereas Israel lost because it did not win,” 8-9. This impression was further exacerbated due to overly ambitious statements that did not match their wartime performance.

³⁹⁰ Kerr, “Before the Revolution,” 28.

³⁹¹ William Harris, “Lebanon’s Roller Coaster Ride”, in *Lebanon: Liberation, Conflict and Crisis*, ed. Barry Rubin (New York: Palgrave MacMillan, 2009), 74.

³⁹² Knudsen and Kerr, “Introduction,” 9.

³⁹³ Ghattas Khoury (Senior Official of the Future Movement) in a discussion with the author stated that, “Our number one goal was to stop the destruction. We didn’t make the best choice at the time. Our enthusiasm to end the war backfired on us after the cessation of hostilities,” May 2016. Fouad Siniora (Former Lebanese Prime Minister) maintained he would do it the same way, even knowing what he knows now, declaring, “I couldn’t possibly stand with Israel against my countrymen,” May 2016.

³⁹⁴ Imad Salamey, *The Government and Politics of Lebanon*, 69.

³⁹⁵ Both claims are dubious and useful solely for political consumption. No legal ruling could possibly support such a claim, for it would effectively mean that any community’s representatives could in fact delegitimise a standing government by withdrawing from it – a concept that runs contrary to both the letter and spirit of Taef.

³⁹⁶ The Taef agreement stipulates that “a constitutional council shall be created to interpret the constitution.” This was not included in the constitutional amendments on 1991 per Syrian request, as it is easier to subdue politicians than judges.

collaboration with the tribunal,³⁹⁷ initiate a custom whereby all decisions would be taken by consensus, and enforce a government declaration stating that Hezbollah was not a militia but a “resistance party” and hence not bound by UNSC Resolution 1559.³⁹⁸ As Prime Minister Siniora stood his ground, the assassination attempts continued. ISF Deputy Chief of Intelligence Samir Chehade survived a car bomb attack in September 2006, while Minister of Industry Pierre Gemayel was killed by gunfire in November 2006. The motive was unmistakable, for just two more resignations (or assassinations) would have resulted in the government losing 1/3 of its members, and thus being in violation of the constitution.

Over the course of 2007 and 2008, the Lebanese crisis “metastasized.”³⁹⁹ Syria and its allies “paralyzed the Lebanese state, declaring the government illegitimate, refusing to allow parliament to meet, and blocking the election of a new president.”⁴⁰⁰ Concurrently, two members of parliament in the March 14 alliance were assassinated: Walid Eido from the Future Movement and Antoine Ghanem from the Kataeb Party. In addition, Captain Wissam Eid, the officer in charge of investigating telecommunications data related to the Hariri assassination, was himself assassinated. All in all, ten prominent figures were assassinated and four were badly injured, but not much else had changed: the government of Fouad Siniora remained steadfast, and the Special Tribunal for Lebanon (STL) continued to proceed on schedule.

During this period, the March 14 alliance repeatedly accused Syria of being behind the assassination attempts, despite there being no definitive or concrete evidence to that effect.⁴⁰¹ In 2011, however, the STL issued arrest warrants for Hezbollah operatives who had allegedly planned and executed the assassination of Prime Minister Hariri. The Tribunal also indicated that Hezbollah operatives were linked to the assassination attempts of Hawi, Murr and

³⁹⁷ Knudsen and Kerr, “Introduction,” 14. For a comprehensive critique of the STL, see Are Knudsen, “Special Tribunal for Lebanon: Homage to Hariri?” in *Lebanon: After the Cedar Revolution*. He argues that the tribunal has “entrenched political divisions, drummed up sectarian tensions and caused successive governance crises,” 220.

³⁹⁸ Pakradouni, *Years of Resistance*, 413.

³⁹⁹ William Harris, “Reflections on Lebanon”, in *Lebanon: Liberation, Conflict and Crisis*, ed. Barry Rubin (New York: Palgrave MacMillan, 2009), 19.

⁴⁰⁰ Ibid.

⁴⁰¹ March 14 politicians also accused pro-Syrian Lebanese security officials of having been complicit in the crime. In late August 2005, at the recommendation of the UN Commission, Lebanese authorities detained four commanders of the Lebanese security apparatus on suspicion of involvement in the Hariri murder. In his first interim report in late October, Prosecutor Detlev Mehlis noted “converging evidence” that the Syrian-Lebanese security machine, including top officials in the Syrian regime, had organized the assassination. Harris, “Lebanon’s Roller Coaster Ride,” 68.

Hamade. As a result, there remained little evidence suggesting any other group was behind the violence. These revelations hence rendered the attacks that occurred clear instances of domestic political violence, and certainly ones with strong ethnic undertones.

By 2008, the political process had reached an impasse. The term of President Lahoud ended in 2007, rendering the Siniora government a caretaker institution. Hezbollah was growing increasingly impatient, given that its efforts to alter the status quo through the use of surgical violence had not achieved any results. Its attempt to coerce the government's resignation by staging a permanent sit-in in the capital's downtown area, crippling economic activity in Beirut, also proved unsuccessful.⁴⁰² To make matters worse, the government had been operating for two years without the March 8 ministers, and was thus only restrained by the fear of intensified political violence. Even though Hezbollah had performed phenomenally well in its war with Israel, earning wide acclaim in the broader Arab and Islamic worlds, it was still unable to earn veto power in the Lebanese government, causing the party to consider drastic measures. When rumour spread that the party was about to militarily storm the Grand Serail, where the ministers had been on lockdown for a year, King Abdullah of Saudi Arabia phoned Prime Minister Siniora and spoke with every cabinet minister individually to assure them of regional support for the government.⁴⁰³ The operation never took place.

On May 5, 2008, the Siniora government – challenging the “creeping subversion of state authority”⁴⁰⁴ – held an eight-hour meeting where it made two controversial decisions. The first was to dismantle the “illegal” private telecommunications network of Hezbollah, and the second was to replace the officer in charge of airport security, Wafik Choucair, known for his pro-Hezbollah sympathies.⁴⁰⁵ Hezbollah announced that they viewed these decisions as a “declaration of war on the resistance” that “served the Israeli enemy,” and warned there would be grave consequences if the government did not rescind its decisions.⁴⁰⁶ Realistically, Hezbollah knew that the decision to dismantle its network was symbolic and could not be enforced. The government had entrusted the Lebanese Armed Forces (LAF) with carrying out

⁴⁰² Harris, “Lebanon’s Roller Coaster Ride,” 76.

⁴⁰³ Fouad Siniora (Former Lebanese Prime Minister) in a discussion with the author, May 2016.

⁴⁰⁴ Ibid., 79.

⁴⁰⁵ There were intelligence reports that Hezbollah had placed cameras around the airport to observe private planes, with the possibility of using them to conduct assassinations. Choucair was accused of not acting against Hezbollah’s cameras.

⁴⁰⁶ Nadia Bakry and Graham Bowley, “Confrontation in Lebanon Appears to Escalate,” *The New York Times*, 8 May 2008, <https://www.nytimes.com/2008/05/08/world/middleeast/09lebanon.html>.

the mission but it was well-established that the LAF, whose leadership had long been allied with the “resistance,” would not risk a confrontation with Hezbollah over one of their strategic military assets.

But with all other alternatives for shifting the status quo exhausted, Hezbollah seized the opportunity and executed a military takeover of Beirut. Given that Beirut’s residents were ill-prepared to defend the city, Hezbollah’s onslaught succeeded in less than 70 hours.⁴⁰⁷ The Lebanese Armed Forces were nowhere to be seen, at times acting in coordination with Hezbollah militants,⁴⁰⁸ and hence driving “the final nail in the coffin of the Lebanese state’s deterrence capability.”⁴⁰⁹ Simultaneously, on May 11, clashes erupted in the Chouf Mountains between Hezbollah and members of the Druze Progressive Socialist Party led by Walid Jumblatt. The Druze, battle-hardened and united, fought a fierce battle that ended in a stalemate. All in all, the one-week civil war – reminiscent of the conflict that ended fifteen years earlier – had left more than 80 dead and 200 injured, most of them civilians.

By the end of the fifth day of clashes, Qatar – backed by Saudi Arabia, Syria, Iran and the USA⁴¹⁰ – invited Lebanon’s political leaders to Doha to negotiate an end to the 18-month political crisis. With the shadow of Hezbollah’s military preponderance looming in Beirut, the parties agreed on the formation of a new government in which Hezbollah and its allies would hold veto power. They also decided to elect Army Commander Michel Suleiman as President, and to pass a new electoral law which divided the country into twenty-six smaller districts while maintaining the majoritarian, first-past-the-post (FPTP) electoral system.⁴¹¹ This distribution of districts – largely but not exclusively based on the administrative

⁴⁰⁷ “Lebanon: Hezbollah’s Weapons Turn Inward,” *International Crisis Group*, Briefing no. 23, May 15, 2008, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/lebanon/lebanon-hizbollah-s-weapons-turn-inward>. In 2007, Hariri’s Future Movement began hastily recruiting *shabab* (young men) from deprived northern mountain areas and organizing them into private companies, such as Future Security Plus, in order to be able to defend Beirut’s Sunni population. Picard, “Lebanon in Search of Sovereignty,” 100. The party officially denies it ever attempted to form a militia.

⁴⁰⁸ Picard, “Lebanon in Search of Sovereignty,” 101. Zahar (2005) argues rightfully that the post-war Lebanese military is risk-averse and seeks to preserve cross-sectarian unity among its ranks, 69. This unity, however, was threatened when dozens of Sunni officers presented their resignations in protest over the army’s unwillingness to confront Hezbollah. Nayla Moussa, “Loyalties and Group Formation in the Lebanese Officer Corps,” *Carnegie Institute Report*, 3 Feb 2016, <https://carnegieeurope.eu/2016/02/03/loyalties-and-group-formation-in-lebanese-officer-corps-pub-62560>.

⁴⁰⁹ Zahar, “Power Sharing in Lebanon,” 69.

⁴¹⁰ Amal Hamdan, “**The Limits of Corporate Consociation: Taif and the Crisis of Power-Sharing in Lebanon Since 2005**,” in *Lebanon: After the Cedar Revolution*, 133-134.

⁴¹¹ *Ibid.*, 135.

boundaries of the *Qada* – was aimed at satisfying Christian concerns that larger districts allowed Muslims majorities to elect candidates running for seats reserved by law to Christians.

This agreement, known as the Doha Accords, not only put a temporary end to the political crisis that had plagued Lebanon since 2005, but also established new, post-Taef rules of the game. While many policymakers contend that the Doha Accord could not – and should not – be equated with the Taef Agreement,⁴¹² the terms set forth in Doha undeniably helped shape a new political process by providing legitimation for the “Hezbollah exception.”⁴¹³ As Salamey argues, “the settlement ended the standoff and altered, in various aspects, tenants of the Taef Agreement especially by giving the opposition an ‘obstructional’ or ‘guaranteeing’ veto in the council of ministers.”⁴¹⁴ In less than three years, Lebanon had come full-circle – except this time, the status-quo was enforced by Hezbollah militiamen rather than Syrian troops.

Explanations

How can we explain the resurgence of political violence in Lebanon 15 years following the end of its civil war? Why did Lebanon, a country with a promising post-war environment characterized by hope and optimism, find itself once again embroiled in the violent turbulences of civil conflict? A prevalent theory suggests that since the 2005 Syrian withdrawal, Lebanon has been witnessing a “system crisis” (*azmit nizam*) that inevitably leads to ethnic violence. This theory has been most exhaustively claimed by Lebanese researcher Amal Hamdan as well as Hezbollah’s leading theorist, Ali Fayyad.⁴¹⁵ Hamdan argues:

Rifts over Taef’s texts and practice mask a deeper political conflict resulting from communal grievances of unequal power sharing...the current crisis is a

⁴¹² Boutros Harb (Lebanese Minister of Telecommunications) in a discussion with the author argued that Doha is the temporary exception, not the rule, whereas Taef is a constitutional document, May 2016.

⁴¹³ “Doha convinced us that we should no longer poke the bear if we wish to avoid humiliation, which made us more realistic.” Ghattas Khoury (Senior Official of the Future Movement) in a discussion with the author, May 2016.

⁴¹⁴ Imad Salamey, *The Government and Politics of Lebanon*, 74.

⁴¹⁵ Hamdan’s chapter is particularly interesting because of the candour with which Hezbollah and Amal representatives she interviewed addressed their demands to amend the constitution. Generally, Hezbollah is careful about how it addresses the matter for fear of inflaming sectarian tensions and consequently endangering its relationship with its allies, namely the Christians. Hamdan, “[The Limits of Corporate Consociation](#)”, 39-59.

struggle over the distribution of power between the Sunni and Shi'a communities...which has resulted in Shi'a grievances that power-sharing is unequal with the Sunni...Although divisive disputes such as the disarmament of Hezbollah and the United Nations-backed special tribunal for Lebanon formed to investigate Hariri's assassination are widely believed to be the root of political polarization since 2005, rival factions concur that these disputes are symptoms of a deeper conflict...The political struggle since 2005 is rooted within the aspirations of both Hezbollah and Amal to mend Taef's power-sharing formula in order to increase the Shi'a community's authority within the Lebanese system.⁴¹⁶

These assertions are corroborated by Amal spokesman, Ali Hamdan, who states that modifying the power-sharing agreement will solve the ongoing crisis by 90%,⁴¹⁷ and by Hezbollah's theorist, Ali Fayyad, who asserts that "the only way to implement consensual democracy...is through a genuine participation in the government's decision-making process by granting each of the parties the right of veto."⁴¹⁸

Put simply, this line of thinking identifies Taef's failure to give the Shi'a community its fair share of executive power in a consociational formula as the principal cause of Lebanon's three-year cycle of violence. Specifically, proponents argue that Shi'a representatives should have veto power over all governmental decisions. In order to avoid appearing as though he was making a sectarian argument, Fayad suggests that stability in Lebanon's "fragile state"⁴¹⁹ requires "guaranteeing one-third of the cabinet's seats to major political alliances at the heart of political divisions in Lebanon."⁴²⁰ However, this diagnosis is the result of deceptively misleading analysis, for it ignores the very *raison d'être* for which Hezbollah continues to exist as a jihadist movement that maintains a political party.⁴²¹ Careful examination of

⁴¹⁶ Hamdan, "[The Limits of Corporate Consociation](#)," 40. Ali Fayyad somewhat contradicts this statement, stating that the crisis is "at its heart" over disagreements relating to "the international court and various other disagreements such as the disarmament of the resistance and the position of Lebanon vis-à-vis Syria," but that "it soon turned into an institutional crisis." Ali Fayyad, *Fragile States: Dilemmas of Stability in Lebanon and the Arab World* (INTRAC, 2007), 53.

⁴¹⁷ See Hamdan, "The Limits of Corporate Consociation: Taif and the Crisis of Power-Sharing in Lebanon Since 2005," 47.

⁴¹⁸ Fayyad, *Fragile States*, 67. Hezbollah has long demonized consociationalism as "one of the gravest ills" of the Lebanese system. In practice, however, the party is one of the main beneficiaries of the system as it seeks to maintain veto power over executive decision-making.

⁴¹⁹ Fayyad (2007) defines Lebanon as a "fragile state" in that "influential foreign factors coincide with a local political and social environment vulnerable to damage," 51.

⁴²⁰ Fayyad, *Fragile States*, 65. He argues that this does not entail the establishment of a new political system, but rather a shared understanding of the spirit of the constitution.

⁴²¹ Hamzeh (2004) accurately describes Hezbollah as a "jihadist movement that engages in politics, not a political party that conducts jihad," 107. Kassem (2010) indicates that military training is a precondition to join the party, 105.

Hezbollah's ideology, recent history, and rhetoric reveals that while the party does indeed wish to acquire a permanent veto right in government, it does so not as an *end in and of itself* but merely as a guarantee for the perpetuation of its military arsenal and freedom of movement.⁴²² In other words, *Hezbollah wants veto rights to protect its weapons; it does not hold or use the means of violence in order to acquire veto rights*. This is implicitly acknowledged by Hamdan, who states that Hezbollah has "no intention" of meeting the condition of disarmament "within the context of power sharing."⁴²³ As confirmed by another Hezbollah source, "the party would not trade its weapons for all of government, perhaps all of the world, for these weapons are sacred!"⁴²⁴

One could certainly argue, however misleadingly, that had Hezbollah been given veto rights in government from 2005 to 2008 – and had its opponents forgone investigating the Hariri assassination – there would not have been any instance of domestic political violence. In fact, no assassination took place in Lebanon during periods in which Hezbollah held veto power in government.⁴²⁵ However, this veto was not given to Hezbollah in order to address Shi'a grievances concerning inequity within *consociational power-sharing* structures, but rather as an "extraordinary" veto given *only* to Hezbollah with the sole purpose of avoiding retaliatory violence – a form of *dictatorship of the minority*. Indeed, per Hezbollah's understanding, Lebanon's other religious communities are not entitled to veto power over issues pertaining to the party's military activities, including waging war against Israel, training Hamas militants,⁴²⁶ providing military support for Shi'ite militias in Iraq,⁴²⁷ or participating in the Syrian conflict. Hence, Hezbollah does not believe it deserves veto rights as a communal group, for this would entail other groups to acquire similar rights. Rather, the party believes it should hold such power because of its unique "resistance status."

⁴²² Karim Pakradouni (Chief Political Adviser to Lebanese President Michel Aoun) in a discussion with the author argued that "for Hezbollah, veto power is compensation for the absence of Syria's army as a guarantee for its weapons," June 2016.

⁴²³ Hamdan, "The Limits of Corporate Consociation," 55. Fares Souaid (Secretary of March 14 Movement) in a discussion with the author argued that when Jumblatt offered Hezbollah more constitutional powers in return for their weapons, they replied that they are entitled to both, May 2016.

⁴²⁴ Hezbollah member (anonymous) in a discussion with the author, May 2016.

⁴²⁵ "Political murder takes an undoubtedly calculated vacation" when Hezbollah has veto power. Harris, "Lebanon's Roller Coaster Ride," 80.

⁴²⁶ Ibid., 71.

⁴²⁷ Michael R. Gordon and Dexter Filkins, "Hezbollah said to help Shi'ite army in Iraq," *New York Times*, November 28, 2006.

This logic was further substantiated in 2011 when Hezbollah, feeling empowered by the reinvigoration of Syrian power,⁴²⁸ forced the collapse of the government of national unity under Hariri and formed a new government in which March 14 was not represented. Having conceded in Doha its right to withdraw from government and force its collapse, the party reneged and formed a government in which Sunnis were not authentically represented.⁴²⁹ Instead of entrenching the principle of communal veto, Hezbollah established a precedent whereby the authentic representatives of a major Lebanese community, the Sunnis, would not even be offered representation in the executive. Additionally, Hezbollah's lack of interest in attaining government seats as an end *in and of itself* appeared evident when it led the formation of the Mikati government, reserving just two insignificant cabinet seats for itself and distributing the rest to its allies. This further substantiates the argument that Hezbollah's primary, if not sole interest, lies in the protection of its military arsenal and the regional role for which it was initially established.

While it is essential to understand what causes political violence, it is also vital to acknowledge what prevents such conflict. While Fayad and Hamdan have both insisted that the "Shi'a right" to the Ministry of Finance sits at the top of their list of communal grievances, it has now become evident that acquiring this "right" has not in any way reduced the possibility of violence.⁴³⁰ This is due to the fact that the disagreements that have erupted into violence were unrelated to financial matters, such as taxation, economic policy, or subsidies. They were also not connected to the issue of proper confessional representation *per se*, considering that Christians, since 2005, have repeatedly complained about inadequate representation in all levels of government, yet their grievances have not led to any form of violence. While excluded from the Mikati government, Sunnis also did not resort to violence, despite repeated complaints that the government was the product of a "coup" and

⁴²⁸ The Syrian regime in 2007 "seemed to have new international prospects," driven mainly by French President Nicolas Sarkozy's "realist" approach to Syria and Turkish Prime Minister Recep Erdogan's hosting of indirect Syrian-Israeli talks in Istanbul. Harris, "Lebanon's Roller Coaster Ride," 78. Hezbollah argues that President Assad was successfully using negotiations with Israel to repair his relations with France, not to end the conflict. Kassem, *Hizbullah*.

⁴²⁹ Rothchild (1999) develops the concept of "authentic" communal representatives in elite cartels. Since Hariri's Future Movement received over two thirds of the Sunni community's vote in 2009, excluding it from government would certainly entail that the Sunnis were no longer "authentically" represented in the executive, 97.

⁴³⁰ Fayyad, *Fragile States*, 66. Shi'a parties argue that during consultations at Taef, they were promised the Finance Ministry since it effectively constitutes veto power over all government decisions that require spending. Hussein Hussein (Former Speaker of Parliament in Lebanon) in a discussion with the author argued that such an agreement indeed took place, but that it wasn't "a rule per se," May 2016.

“unrepresentative of the Sunni community.”⁴³¹ This begs the question, why are the Shi’a able to form a government without the Sunnis, but not the Sunnis without the Shi’a?⁴³²

One particularly peculiar feature of Hezbollah’s weapons arsenal is that its goals are inherently boundless. Unlike other armed organizations – both in Lebanon and abroad – whose goals are intrinsically national in nature, tangible in function, and realistic in design, the party of God’s arsenal aims to achieve objectives that are continuous by definition: the eradication of Israel, the confrontation of Israeli threats, the defeat of the US and other ‘imperialist’ influences, and the spread of *Wali’ El Fakih’s* authority over all the world’s Muslims.⁴³³ When asked at what point – if ever – Hezbollah will give up its arms, party officials are purposefully ambiguous: “We refuse to answer the questions as to what would happen to Hezbollah’s arms if Israel withdraws from Lebanon completely... as any answer would serve Israeli interests.”⁴³⁴ Consequently, no amount of consociational representation given to Hezbollah in particular, or Shi’ites in general, will solve the inherent problem that resides in the fact that Hezbollah wants to implement political-military policies to which the majority of Lebanese object.⁴³⁵ Moreover, just as enhanced constitutional prerogatives as stipulated by Taef did not necessarily strengthen the Lebanese identity or reduce the Sunni community’s affiliation with pan-Arab ideals, increased constitutional powers for the Shi’a community will similarly not diminish Hezbollah’s resolve to pursue a pan-Islamic, militant ideological agenda.

If not due to handicaps in the consociational formula adopted at Taef, what then can explain the resurgence of ethnic violence in post-conflict Lebanon? The answer lies in the conglomeration of three factors: a “selfish” peace guarantor, a marginalized ethnic community, and an unfavourable geopolitical environment.

⁴³¹ “Lebanon March 14 coalition vows to confront Hezbollah ‘coup’”, *Lebanonwire.com*, January 25, 2011, <http://www.lebanonwire.com/1101MLN/11012506DS.asp>.

⁴³² When rumours began circulating that Siniora was considering replacing the Shi’a minister who had resigned from his government, Shi’a cleric and head of the Shi’a religious scholars of Jabal Amil issued a *fatwa* (religious edict) that effectively prohibited any Shi’a individual or group from replacing Amal and Hezbollah’s ministers.

⁴³³ Kassem, *Hizbullah*, 479.

⁴³⁴ *Ibid.*, 448. Hezbollah considers ambiguity a source of strength: “Will the Lebanese borders be opened to fight alongside the Palestinians? We will not answer this question as it serves Israeli interest.” Kassem, *Hizbullah*, 451.

⁴³⁵ In April 2006, an opinion poll conducted for the newspaper *An-Nahar* sampled 400 residents throughout Lebanon. Among them, 78% percent answered affirmatively when asked: “Do you think the Lebanese Army should be the only armed force in Lebanon?” More than 80% of Christians and Sunnis answered affirmatively, compared with 40% of Shi’a. *An-Nahar*, April 25, 2006.

Selfish Guarantor, Exclusive Order

To start, during the 1990s, Syria made a mockery of Taef and prioritized its own strategic interests at the expense of promoting sustainable peace and democracy in Lebanon. It continuously undermined democratic practices, sabotaged efforts at ethnic reconciliation, promoted the entrenchment of sectarianism, and further elaborated on the historical and ideological divisions that have continuously plagued the Lebanese people. Furthermore, Syria worked to ensure that the Lebanese Army would not be able to challenge its hegemonic status in Lebanon, hence weakening its long-term ability to guarantee peace among the country's different groups. Indeed, the army's relative lack of training and support, in addition to the high number of officers sympathetic to Syria and Hezbollah, reduced its ability to effectively manage and prevent the events of May 2008.

More importantly, Syria sustained the development of a radical, sectarian militia that would become an intrinsic part of the "axis of resistance" in the region, and whose very existence as an armed group guaranteed the resurgence of ethnic violence in the post-Pax Syria period.⁴³⁶ Hezbollah's intrinsically transnational character proved especially destabilizing, given the country's history with other transnational movements, such as Nasserism in the 1950s and the PLO in the 1970s.⁴³⁷ As demonstrated earlier, Hezbollah's military capabilities are part of a much broader Iranian network of proxies that seek to create a balance against the threats posed by Washington and Israel.⁴³⁸ Iranian military commanders have gone as far as to declare that Hezbollah constitutes the Islamic Republic's "strategic depth," and that the party will respond to any military attack against the Iranian regime.⁴³⁹

In addition, in order to achieve its strategic objectives, Syria had to eliminate all opposition to its Lebanon policy, represented most fervently by the Christian community. Had the Christian community been allowed its rightful share of participation in the post-Taef period,

⁴³⁶ When Bashar El Assad inherited power from his father in 2000, Syrian support for Hezbollah increased: "The new Syrian president treated Hasan Nasrallah as a confidant rather than, as his father had, a hired client." Harris, "Lebanon's Roller Coaster Ride," 71.

⁴³⁷ Farid El Khazen, *The Breakdown of the State in Lebanon, 1967-1976* (Cambridge: Harvard University Press, 2000).

⁴³⁸ Aram Nerguizian, "Assessing the Consequences of Hezbollah's Necessary War of Choice in Syria", Center for Strategic and International Studies, June 17, 2013, <https://www.csis.org/analysis/assessing-consequences-hezbollah%E2%80%99s-necessary-war-choice-syria>.

⁴³⁹ See comments by General Yahya Rahim Safavi, Senior Military Adviser to Ayatollah Khamenei in *As-Safir*, September 10, 2012.

it would have likely guaranteed a different path than the one ordained by Syria and its Lebanese allies. The main Christian parties would have insisted on the LAF's deployment in South Lebanon, the disarmament of Hezbollah, and the pursuit of the Lebanese-Israeli peace process alongside – yet independent of – Syrian-Israeli efforts.⁴⁴⁰ Thus, the marginalization of the Christian community not only eroded Lebanon's consociational character, but it also allowed the country to drift down a path conducive to the resurgence of ethnic conflict.

Unconstructive regional environment

Finally, the regional circumstances that surrounded Lebanon in the 2005-2008 period were unhelpful in ensuring peace and stability. First and foremost, having been forced to withdraw from Lebanon and fearing that its strategic interests and regime security were at stake, Syria adopted a belligerent posture towards its smaller neighbour. On November 10, 2005, Bashar El Assad accused Lebanon's new government majority of "moving towards Israel" and being a "factory" for conspiracies against Syria.⁴⁴¹ Concerned about the proceeding of the STL, he "personally threatened UN Secretary General Ban Ki moon", telling him that "instability would intensify if the special tribunal were established", which could easily ignite a new "civil war in Lebanon."⁴⁴² Syria continued to supply Hezbollah with arms and ammunition, a practice that escalated following the 2006 July War.

Emboldened by the fall of Saddam Hussein in Iraq, the Iranian regime spearheaded an assertive "Shi'a revival," the ramifications of which reverberated across the region. Detractors warned of a "Shi'a crescent" that extended from Tehran to Baghdad, and Damascus to Beirut. Accordingly, Iran amplified its political, military, and financial support of Hezbollah. In order to stave off the effects of this policy, the United States and Saudi Arabia began fervently supporting the March 14 coalition and the government of Fouad Siniora. This support took on many forms, including political, diplomatic, military, and financial. Lebanon became the centrepiece in which two competing visions of the Middle East – the "resistance axis" and the "axis of moderation" – battled for supremacy.⁴⁴³

⁴⁴⁰ George Adwan (Deputy Leader of the Lebanese Forces) in a discussion with the author, June 2016.

⁴⁴¹ Harris, "Lebanon's Roller Coaster Ride," 68.

⁴⁴² Harris, "Reflections on Lebanon," 19.

⁴⁴³ Fayyad, *Fragile States*, 57.

Hezbollah theorist Ali Fayyad contends that “Lebanon is at the receiving end of three major contradictions: Those relevant to the conflict with Israel, to inter-Arab relations, and to Arab-Western relations.”⁴⁴⁴ While acknowledging that some have argued for Lebanon to disentangle itself from regional conflicts by adopting a posture of neutrality, he nevertheless calls such demands “unrealistic and unachievable” and contrary to “obligations Lebanon has undertaken, under the terms of the Taef Accord, regarding its relationship with Syria.”⁴⁴⁵ He therefore concludes that attempts at neutrality will “unearth new sources of instability linked to the particularities of Lebanon’s relationship with Syria.”⁴⁴⁶ Deputy Secretary General Naim Kassem adds that “Lebanon cannot be neutral...its geographical and political position imposes on it to either be with Syria or Israel.”⁴⁴⁷

Concurrently, since 2003, Iraq had been embroiled in a civil war that pitted Sunnis against Shi’as, with the United States, Iran, Saudi Arabia, and Syria all backing different groups. While some argued that the country was undergoing a process of “Lebanonization,” Iraq’s conflict – particularly the Sunni versus Shi’a dynamic – only served to exacerbate ethnic tensions in Lebanon. All in all, regional circumstances played a negative role in the resurgence of ethnic violence in Lebanon – not only in relation to historical factors, such as Syrian hostility, US-Iranian enmity, and the lack of democratic norms in the Arab world, but also to novel dynamics resulting from the war in Iraq. A Lebanese folk tale adequately sums up this predicament: the first Lebanese had been anxious to thank God for everything the latter had given Lebanon – a beautiful landscape, magnificent mountains, an exquisite climate – but God told him to wait to see what kind of neighbours Lebanon was about to get.

Conclusion

Expectedly, the events of May 2008 and subsequent Doha Accords did not put an end to the series of violent events that have affected Lebanon since the Cedar Revolution in 2005. While targeted violence took an understandable “leave of absence” following the 2009 elections, it soon resurfaced with the assassination of General Wissam El Hasan, head of

⁴⁴⁴ Ibid.

⁴⁴⁵ Fayyad, *Fragile States*, 62.

⁴⁴⁶ Ibid, 63.

⁴⁴⁷ Kassem, *Hizbullah*, 206.

police intelligence, in October 2012.⁴⁴⁸ In June 2013, clashes erupted between supporters of anti-Hezbollah cleric Ahmad El Assir and the Lebanese Army in which 16 Lebanese soldiers, 13 Assir supporters, and four Hezbollah members died.⁴⁴⁹ In July of the same year, a car bomb exploded in a predominantly Shi'a suburb of Beirut in retaliation for Hezbollah's involvement in the Syrian war, injuring fifty-three people.⁴⁵⁰ In August, two Sunni Mosques in Tripoli were bombed, leaving 47 dead and hundreds injured.⁴⁵¹ In December, a bomb killed Mohammad Chatah, a former cabinet minister of the Future Movement.⁴⁵²

This ongoing violence is not what the architects of the Taef Agreement had planned for or expected as they helped put an end to Lebanon's 15-year conflict. By the end of the war, the Lebanese people were fatigued, having experienced scores of botched ideological adventures, numerous foreign interventions, recurrent intra-sectarian wars, and countless targeted communal killings. While the war had destroyed Lebanon's infrastructure, wrecked the economy, and redistributed people into sectarian enclaves, the Lebanese population emerged from the conflict with a peculiar sense of hope; they had lost their state, but gained the prospect of a nation. Common tragedy had brought them together, determined that the mistakes of the past would not be repeated.

It took no longer than a few hours for Lebanese parliamentarians in Taef to agree on a reformed power-sharing formula, which was designed to balance the consociational spirit with the mechanism of democratic majority-rule. It was a realistic yet ambitiously progressive prescription, one that relied on a body politic uninhibited by the divisive foreign policy issues of the past. Yet despite so many favourable elements on the domestic level, the odds were once again stacked against Lebanon on a regional level.

⁴⁴⁸ El Hasan had weeks earlier arrested Michel Samaha, an Assad advisor and close ally of Hezbollah. Thomas El Basha, "Top Security Official Killed in Beirut Bombings," *The Daily Star*, October 19, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Oct-19/192029-sound-of-large-explosion-in-ashrafieh-beirut.ashx>.

⁴⁴⁹ "Lebanon Clashes: At least 17 Soldiers Killed in Sidon," *BBC News*, June 24, 2013, <http://www.bbc.co.uk/news/world-middle-east-23025136>.

⁴⁵⁰ "Car Bomb hit Beirut's Southern Suburb on First Day of Ramadan," *TIME.com*, June 9, 2013, <http://world.time.com/2013/07/09/car-bomb-hits-beirut-southern-suburbs-on-first-day-of-ramadan/>.

⁴⁵¹ Antoine Amrieh, "Car Bombs Kill 42, Wound 400 at Northern Lebanon Mosque," *The Daily Star*, August 23, 2013, <http://www.dailystar.com.lb/News/Lebanon-News/2013/Aug-23/228408-explosion-heard-in-north-lebanon.ashx>.

⁴⁵² Josh Wood, "Lebanon: Hezbollah Critic Mohammad Chatah's Murder Blamed on Shi'a Militant Movement," *The Independent*, December 27, 2013, <http://www.independent.co.uk/news/world/middle-east/beirut-bomb-blast-kills-six-including-anti-assad-ex-minister-9027038.html>.

Having gained a sizeable yet measured upper hand in the Taef negotiations, Syria was eventually able to leverage its regional status and emerge as the sole patron and overseer of Lebanon's state-building process. Unsurprisingly, Syria's "selfish" management of post-war Lebanon left the latter vulnerable to regional turmoil and crises. For 15 years, Syria substituted state-building in Lebanon for ideological expansionism, regional confrontations, and regime security. By the time it was ousted in 2005, Syria had firmly planted the seeds for renewed violent conflict, most significantly through its sponsorship of Hezbollah as a "state within a state." In addition, as an important external player even after 2005, Syria continued to breed instability as a way to prevent Lebanon from establishing itself as an independent, sovereign nation-state. Hence, as a result of Syria's "selfish" management, the continued marginalization of some communities from "war and peace" related decisions, and the unfavourable regional circumstances, the "Lebanese crisis" re-emerged in 2008, a reality unlikely to change for the foreseeable future.

Chapter 4: Bosnia

Introduction

Throughout decades of communist rule in the former Yugoslavia, Bosnia was widely portrayed as the quintessential embodiment of Tito's "brotherhood and unity" slogan, a multi-ethnic state where Muslims, Croats, Serbs, and 'others' lived side by side peacefully.⁴⁵³ As Yugoslavia's dissolution began with the declarations of independence on the part of Slovenia and Croatia, Bosnia descended into a brutal, multi-sided three-year civil war in which Europe witnessed some of the worst atrocities it has seen since the end of the Second World War.⁴⁵⁴ The conflict – aptly described by US Secretary of State Warren Christopher as a "problem from hell" for its ruthlessness and complexity⁴⁵⁵ – involved conventional forces and local militia representing each of the three ethnic groups, as well as troops from Serbia and Croatia claiming to defend their ethnic kin. By the war's end in 1995, an estimated 80,000 to 100,000 people had been killed and between 900,000 and 1,200,000 had been forced to flee, excluding 1.3 to 1.5 million people who were internally displaced.⁴⁵⁶

The presidents of Serbia, Croatia, and Bosnia in December 1995 finally signed a peace accord, the General Framework for Peace in Bosnia and Herzegovina, more commonly known as the Dayton Peace Agreement (DPA). The agreement came after eight previously failed attempts, and followed a NATO air campaign against the Bosnian Serb army, significant Muslim-Croat military advancements, and coercive diplomacy on the part of the United States and the European Union. The DPA created a multi-faceted federal state composed of two entities, the Federation of Bosnia-Herzegovina and the Republika Srpska (RS), loosely connected on the level of an exceptionally weak central state. The far reaching and radical consociational structures put in place made Bosnia's government "the most

⁴⁵³ Geoffrey Swain, *Tito: A Biography* (London: I.B. Tauris, 2011).

⁴⁵⁴ As with many domestic ethnic conflicts, the nature and appellation of the Bosnian war is widely contested. Serbs refer to it as a civil war, Bosniaks as a war of aggression, and Croats as the "homeland war." Damir Kapidzic (Professor of Political Science, University of Sarajevo) in a discussion with the author, January 2017.

⁴⁵⁵ Thomas L. Friedman, "Bosnia Reconsidered; Where Candidate Clinton Saw a Challenge The President Sees an Insoluble Quagmire," *The New York Times*, April 8, 1993, <http://www.nytimes.com/1993/04/08/world/bosnia-reconsidered-where-candidate-clinton-saw-challenge-president-sees.html?pagewanted=all>.

⁴⁵⁶ Data of victims of the Bosnian war is highly controversial and politicized. In 2013, independent research by the Sarajevo-based Investigation and Documentation Center (IDC) released the most comprehensive analysis yet, which put the number of victims at 95,940. Half the victims were civilians. For the number of displaced, see "Humanitarian costs of the fighting in the Balkans," unclassified CIA memorandum, November 25, 1995.

complicated in the world.”⁴⁵⁷ This was accompanied by a massive international military and civilian presence to help Bosnia’s transition, as NATO deployed 60,000 troops, and a range of organizations led by the UN, the Organization for Security and Cooperation in Europe (OSCE), and the Office of the High Representative (OHR), were entrusted to help build a peaceful, functional, and democratic state.

Given the severity and duration of the war, the post-war constitutional structures, the preservation of distinct ethnic armies, and the enduring lack of a unifying identity among Bosnians, many experts predicted that a return to violence was simply a matter of time.⁴⁵⁸ However, for more than 20 years, Bosnia has remained an “unexpectedly soft post-conflict environment, with no organized attempt to restart the war or widespread factional violence.”⁴⁵⁹ Hence, despite there being “good grounds to expect a violent peace,”⁴⁶⁰ Bosnia has not witnessed any instance of strategic political violence since the signing of the DPA, despite the gradual political and military retreat of the international community.⁴⁶¹ Undoubtedly, this does not render Bosnia’s post-war state-building process a success per se, considering the country is largely viewed as dysfunctional, inefficient, and corrupt.⁴⁶² However, the lack of violence does qualify as an achievement in and of itself, especially given the opportunity it offers for political progress, as happened between 2002 and 2006.

What explains the soft post-war environment in Bosnia and the lack of ethnic violence for over 20 years? Why did the Muslims not attempt to use force to dismantle the Dayton

⁴⁵⁷ Alberto Nardelli, Denis Dzidic and Elvira Jukic, “Bosnia and Herzegovina: the world's most complicated system of government?” *The Guardian*, October 8, 2014, <https://www.theguardian.com/news/datablog/2014/oct/08/bosnia-herzegovina-elections-the-worlds-most-complicated-system-of-government>.

⁴⁵⁸ Noted Balkan expert Susan Woodward predicted a breakdown in law and order given the stresses that Bosnia was under in the immediate post-war period. Susan Woodward, *Implementing Peace in Bosnia and Herzegovina: A Post-Dayton Primer and Memorandum of Warning* (The Brookings Institution, 1996), 89. Mearsheimer and Van Evera (1995) predicted that “unless the US moves to repair the Dayton Accord, the defects (of the flawed peace) will lead to a new war, this time with American troops caught in the middle.” This war, they envisage, would come as a result of US failure to separate Croats and Bosniaks, who will “inevitably part ways” since Croats can “destroy the federation at will.” John Mearsheimer and Stephen Van Evera, “When Peace Means War,” *The New Republic*, December 1995, 16-17.

⁴⁵⁹ Michael Boyle, *Violence After War: Explaining Instability in Post-Conflict States* (Baltimore: Johns Hopkins University Press, 2014), 101.

⁴⁶⁰ Astri Suhrke and Mats Berdal (eds.), *The Peace in Between: Post-War Violence and Peacebuilding* (New York: Routledge, 2012), 75.

⁴⁶¹ By the time EUFOR took over from SFOR in 2004, fewer than 7000 foreign troops remained in Bosnia. By 2012, the number had decreased to 900.

⁴⁶² See for example, Patrice C. McMahon and Jon Western, “The Death of Dayton: How to Stop Bosnia from Falling Apart,” *Foreign Affairs*, August 17, 2009, <https://www.foreignaffairs.com/articles/bosnia-herzegovina/2009-08-17/death-dayton>.

framework and impose a unitary state, or to recreate the Croatian experience by driving out the Serbs? Why did the Serbs not pursue their aspiration towards secession by using military means? Why did the Croats not engage in violence in order to create their so-called “third entity”? This chapter argues that the absence of ethnic violence in Bosnia following the DPA can be attributed to three main factors: (1) The constructive and “benevolent” role played by the international community, which, led by the United States and Western European powers, largely acted as an unselfish, balanced, and reformist guarantor whose interests lay primarily in the establishment of a multi-ethnic, inclusive, and democratic state in Bosnia; (2) the inclusive nature of the DPA and the consequent participation of Bosnia’s main ethnic groups in the post-war state-building process, including the “authentic” representatives of the Serb community; and (3) the favourable regional environment and the fact that Serbia and Croatia – co-signatories of the DPA – increasingly behaved as constructive and responsible partners to the agreement, especially as a result of their quest to join the European Union.

This chapter is organized into five sections. It first provides a short history of the conflict in Bosnia followed by an overview of the Dayton Agreement, with special reference to the inherent challenges and opportunities in the post-war state building process. The second part examines the structural impediments to the success of Bosnia’s post-war consociational experiment, most notably the lack of an overarching sense of national identity among different ethnic groups. Third, it will discuss the post-war political process in Bosnia, with a focus on the role of the international community in implementing the Dayton Agreement according to liberal principles and thus mitigating the possibility of post-war violence. Moreover, the fourth section surveys the nature and extent of post-war violence in Bosnia, namely sporadic efforts to prevent the return of refugees through a range of non-lethal attacks. Lastly, the final section puts forth an explanation for the lack of post-war ethnic violence, with an emphasis on the role of the international community, the inclusive nature of post-war politics, and the surrounding regional environment.

The Dayton Peace Agreement

The Dayton Agreement, signed in the US at the Wright-Patterson Air Force Base near Dayton, Ohio, marked the end of a three-year civil war in Bosnia that had left most of the country lying in ruins and its population traumatised. The war had been so violent that it gave

rise to the wide usage of the term “ethnic cleansing.”⁴⁶³ Nevertheless, through its internal contradictions, the agreement seemed to satisfy the basic demands of the three warring parties: The Serbs were granted federal autonomy, the Bosniaks an internationally recognised and “unified” state within the “historic borders,” and the Croats extensive decentralisation that would allow them majority-status in several cantons within the Federation. And yet questions remained as to whether the Dayton Agreement resolved the underlying issues that had initially given rise to the conflict.

The war in Bosnia and Herzegovina constituted the longest and bloodiest of a series of regional ethno-national conflicts that had engulfed the former Yugoslavia in the early 1990s. The first Yugoslav state had been established after World War One on the ruins of the Ottoman and Hapsburg empires, embodying the 19th century aspiration for unity for South Slav people that had been nurtured by intellectuals yearning for liberation from foreign – namely Ottoman and Austrian – domination. At its foundation in 1918, it was called the Kingdom of Serbs, Croats, and Slovenes, only to be later renamed Yugoslavia. It was ruled by the Serbian dynasty Karadjordjevic, which moved quickly to establish a centralised state, redefining internal boundaries in a way which would intentionally disregard ethnically defined territories or historic pre-war borders.⁴⁶⁴ This alienated non-Serbs, which viewed it as an attempt to establish Serb control over all other national groups and gradually grew embittered and disillusioned.⁴⁶⁵ The first attempt at overturning the status-quo came, unsurprisingly, from the second largest group – the Croats – who managed to establish the Banovina of Croatia in 1939, an autonomous region with a significant degree of self-government.

In 1941, Yugoslavia was occupied and split up by the Axis powers. The Independent State of Croatia was established as a Nazi satellite state, ruled by the fascist militia known as the Ustaše. German troops occupied Bosnia as well as part of Serbia and Slovenia. The defeat

⁴⁶³ The “Bassiouni report,” which at the request of the UN Security Council investigated “violations of international humanitarian law committed in the territory of the former Yugoslavia,” indicated that the expression “ethnic cleansing” is “relatively new.” Although it had been used in the past, the conflict in Bosnia popularised its use both in academic literature and the western media. United Nations, *Letter Dated 24 May 1994 from the Secretary-General to the President of the Security Council*, S/1994/674, May 27, 1994, http://www.icty.org/x/file/About/OTP/un_commission_of_experts_report1994_en.pdf.

⁴⁶⁴ From 1929, the Kingdom was subdivided into nine new provinces called *banovinas*. They were designed and named after various geographic features, especially rivers.

⁴⁶⁵ Silber and Little, *The Death of Yugoslavia*, 28-29.

of Yugoslavia at the onset of the war, however, took on the dimension of a violent civil conflict in which the three ethnic communities fought a war not only against the occupation forces but again one another as well.⁴⁶⁶ In particular, the excesses committed in Bosnia during world war II by the occupying powers and by the ethnic communities against one another stood out, and later left deep scars on the region. The massacres of Serbs in Bosnia-Herzegovina, in which hundreds of thousands perishes, were largely the work of the Croatian Ustaše, but Muslims also participated in the atrocities as part of the German trained, largely Muslim SS Handzar division.⁴⁶⁷

As World War II drew to an end, the Axis powers were defeated and expelled from Yugoslavia by the Yugoslav Partisans, officially known as the National Liberation Army and Partisan Detachments of Yugoslavia, a resistance group led by the Communist Party of Yugoslavia and its commander Marshal Josip Broz Tito. As Yugoslavia's new communist leader, Tito initially remained loyal to the Soviet Union, but his relationship with Moscow slowly deteriorated and Yugoslavia was expelled from the common institutions of the Eastern Bloc in 1948. Given that the Yugoslavs has "liberated themselves", and were led by "the only communist leader in post-war Europe that had built his position from the bottom up", they were viewed by Moscow as "too ambitious and dangerously independent".⁴⁶⁸ After his split with Moscow, Tito steered Yugoslavia between East and West, establishing the Non-aligned Movement in 1961, and benefitting from his newly-found status in Cold War Western Europe as an anti-Moscow communist. This allowed him to benefit from his country's unique position to secure financial backing from the West, enabling Yugoslavia's economy to prosper.

Throughout his stewardship of Yugoslavia, Tito worked to ensure that competing nationalisms were pacified, and did so with a carefully balanced combination of appeasement and repression. As such, successive postwar constitutions – in 1946, 1953, 1963, and finally 1974 – were designed to "balance institutional power between the republics, as a way of spreading power among the nations".⁴⁶⁹ Born to a Croat father and Slovene Mother, Tito aimed at preventing his newly-founded republic from suffering the safe fate at its predecessor

⁴⁶⁶ Steven L. Burg and Pail S. Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk: M. E. Sharpe, Inc., 1999), 38.

⁴⁶⁷ Ibid.

⁴⁶⁸ Silber and Little, *The Death of Yugoslavia*, 28.

⁴⁶⁹ Ibid, 29.

by falling under the hegemony of the biggest nation, the Serbs. Nevertheless, he established Belgrade as the federal capital, in recognition of the predominance of the Serbs both in terms of demographics and as having constituted the majority in the resistance of the partisans during World War II.

The first constitution of the Socialist Federal Republic of Yugoslavia, which came into effect in 1946, established six republics: Serbia, Croatia, Bosnia and Herzegovina, Macedonia, Slovenia, and Montenegro. The republics were, however nominally, endowed with the right to self-determination, including the right to secede from the federation.⁴⁷⁰ The constitution also established two autonomous province, Kosovo and Vojvodina, which were part of the Social Republic of Serbia, and aimed at recognizing the specific national interests of Albanians and Magyars. Despite this apparent federal decentralization, however, the constitution had power held firmly by Tito's Communist Party of Yugoslavia and as such was closely modelled on that of the Soviet Union.

A central part of Tito's strategy to pacify nationalistic aspirations relied on ruthless suppression of resurgent nationalism. In order to enforce his doctrine of "Brotherhood and Unity", he carried out numerous purges, "balancing his repression of any one nation against that of the others".⁴⁷¹ Nationalists were either jailed or exiled, and the latter group "nurtured their resentment in expatriate communities that proved fertile breeding grounds for extreme nationalism".⁴⁷² Tito was thus "frequently compared to a giant oak tree, in the shade on whose immense branches nothing else could grow".⁴⁷³ Burg and Shoup appropriately classify his regime as one of "authoritarian consociationalism".⁴⁷⁴

In the spirit of furthering consociationalism and decentralisation, moving away from the rigid centralism of the Soviet Union, and establishing self-management as a cornerstone of the Yugoslav model, Tito's once again redesigned the political system in Yugoslavia in 1963 with his second major constitutional amendment. In the now renamed Socialist Federal Republic of Yugoslavia, each republic and province had its own constitution, supreme court,

⁴⁷⁰ See Ivo Lapenna, "Main Features of the Yugoslav Constitution 1946-1971," *The International and Comparative Law Quarterly*, Vol. 21, No. 2 (Apr., 1972), pp. 209-229

⁴⁷¹ Silber and Little, *The Death of Yugoslavia*, 28.

⁴⁷² Ibid.

⁴⁷³ Ibid.

⁴⁷⁴ Burg and Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*, 43.

parliament, president and prime minister. At the top of the Yugoslav government were the President, the federal Prime Minister, and the federal Parliament.⁴⁷⁵ Moreover, in response to the growing nationalisms of the 1950s and 1960s, especially given an increasingly anti-communist trend within the Muslim community, the 1963 constitution now established the official recognition of the Muslims as a nation, equal in status to the other nations in Yugoslavia.⁴⁷⁶

In the so-called “Croatian Spring” of 1970-71, where students organized mass demonstrations calling for greater national autonomy, demands for furthering national rights were once again met with a combination of suppression and appeasement. On the one hand, nationalist leaders were incarcerated and public protests stifled. On the other hand, the country witnessed its third and final constitutional change in the direction of further empowering individual republics. By the time of Tito’s last promulgation of a new constitution, in 1974, Yugoslavia was “decentralized to an unprecedented extent”.⁴⁷⁷ Naturally, while Tito was still alive, this decentralization of power was more notional than real, as “there were no doubt about who held power”.⁴⁷⁸ Nevertheless, Tito created a “hopelessly inefficient inheritor of his mantle”: The collective head of state which was to replace him was an eight-member presidency, comprising one representative from each of the six republics and one from each of the two provinces, Kosovo and Vojvodina.⁴⁷⁹ Many would later blame this constitutional system for the breakup of Yugoslavia. Warren Zimmerman, the US’s last ambassador to the Socialist Republic, wrote that “Tito, through the 1974 constitution, which took full effect upon his death in 1980, had effectively destroyed the center of Yugoslavia...the result was that power flowed down to the republics where, in the hands of republican leaders, it could be used to foment nationalism.”⁴⁸⁰

Following the death of Marshal Tito, founder of the Federal Republic of Yugoslavia and its ruler since the Second World War, as well as the downfall of communism in the late 1980s, Yugoslavia had lost its unifying elements and its *raison d’être* as a geostrategic buffer state

⁴⁷⁵ Ivo Lapenna, “Main Features of the Yugoslav Constitution 1946-1971,” 220.

⁴⁷⁶ Burg and Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*, 41-42.

⁴⁷⁷ Silber and Little, *The Death of Yugoslavia*, 29.

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid.

⁴⁸⁰ Warren Zimmerman, *Origins of a Catastrophe: America's Last Ambassador to Yugoslavia* (Times Books, 1999), 16.

between Soviet Russia and the West.⁴⁸¹ Given its precarious federal composition and bloodstained modern history, it would have required a miracle of exceptional political leadership, fervent international support, and good fortune for Yugoslavia to remain a unified state. The choice, therefore, was between a peaceful, negotiated breakup and a series of ethno-national wars.

The first blow to the possibility of a negotiated breakup or continued confederal arrangement came with the ascent of radical Serbian nationalism to power in Belgrade, represented by Slobodan Milosevic.⁴⁸² Milosevic engaged in an effort to recentralise the Yugoslav state, in which the Serbs represented 36% of the population⁴⁸³ and 60% of the Officer Corps of the Yugoslav People's Army (JNA).⁴⁸⁴ He also claimed the right to represent all ethnic Serbs throughout Yugoslavia, two million of which lived outside Serbia proper.⁴⁸⁵ Unsurprisingly, his contradictory appeals to both Yugoslav and Serbian nationalism effectively alienated both Slovenian and Croatian leaderships.

Within the broader drive towards democratisation that had engulfed Eastern Europe with the fall of the Berlin wall in 1989, Slovenia's communist leadership was the first to stand up to Milosevic by espousing a confederal arrangement for Yugoslavia. When discussions on reform failed due to Serbian obstinacy, Slovenia and Croatia opted for independence.⁴⁸⁶ Two days after their declaration of independence, the JNA dispatched tanks to Slovenia.⁴⁸⁷ The conflict, however, lasted only 10 days, as the Serb-controlled JNA found little reason to fight given the absence of ethnic Serbs in Slovenia.⁴⁸⁸ Meanwhile, in Croatia, Serb forces

⁴⁸¹ Christopher Bennett, *Bosnia's Paralysed Peace* (London: C. Hurst & Co. Ltd., 2016), 49-50. This does not mean that the Western powers, as many nationalist Serbs believe, sought to "destroy Yugoslavia," but rather that incentives to keep it together at all costs began to wane during that period.

⁴⁸² For a telling expose on the opportunistic nature of Milosevic's nationalism, see Warren Zimmerman, *Origins of a Catastrophe: America's Last Ambassador to Yugoslavia* (Times Books, 1999), 25-26.

⁴⁸³ Bennett, *Bosnia's Paralysed Peace*, 36.

⁴⁸⁴ James Gow, *Legitimacy and the Military: The Yugoslav Crisis* (Palgrave Macmillan, 1992), 142. If one adds the 'Yugoslav' officers (5.4%) and the Montenegrin officers (6.2%), the total percentage amounts to approximately 72%.

⁴⁸⁵ Bennett, *Bosnia's Paralysed Peace*, 36.

⁴⁸⁶ *Ibid.*, 44.

⁴⁸⁷ For an overview of the ten-day war in Slovenia, see Laura Silber and Allan Little, *The Death of Yugoslavia* (London: Penguin, BBC Books, 1995), Chapter 12.

⁴⁸⁸ Serbia and Slovenia reached an agreement whereby an independent Slovenia would acquiesce to Serbian efforts to redraw borders. In a meeting between President Kucan and President Milosevic, the former asserted the right of Serbs to "live in one state" and stated that "the future Yugoslav accord should respect this interest." Steven L. Burg and Paul S. Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk: M. E. Sharpe, Inc., 1999), 80.

supported by the JNA had declared the independent Republic of Serbian Krajina, encompassing a quarter of Croatian territory.⁴⁸⁹ Following months of clashes with the Croatian military, a cease-fire was declared on January 2, 1990, and 14,000 UN peacekeepers were deployed to the area.

Simultaneously, the European Community (EC) had established a peace conference on Yugoslavia under the chairmanship of Lord Peter Carrington, the former British Foreign Minister. Participants at the conference presented a proposal whereby Yugoslavia's successor states would form a loose confederation consisting of the former republics within their existing boundaries – a 'Europeanization' of Yugoslavia – including the possibility of redrawing borders through negotiations. Serbia rejected the proposal, arguing that Serbs would become minorities in their respective states.⁴⁹⁰ Consequently, the conference's legal advice commission, which became known as the Badinter commission, issued a series of legal opinions. The first determined that Yugoslavia was "in the process of dissolution."⁴⁹¹ The second, and most consequential, determined that "the boundaries between Yugoslav states may not be altered except by agreement freely arrived at...[meaning that] the boundaries become frontiers protected by international law."⁴⁹² This was based on the international legal principle of *uti possidetis*, meaning as you possess in Latin, which had been used to set the borders of newly independent states following decolonisation.⁴⁹³

Competing views over the Yugoslav conflict revolved around the principle of self-determination and the concept of sovereignty, undoubtedly one of the most challenging and unresolved issues of international law. Did the concept of sovereignty lie in the state of Yugoslavia, or in its successor states? Who possessed a legitimate claim to self-determination, the states or ethno-national groups?⁴⁹⁴ Who were the "secessionists" – Croats

⁴⁸⁹ The JNA quickly overran the Croatian army and was only 15 miles from Zagreb when it was ordered by Milosevic to restrict its operations to areas inhabited by Serbs. Silber and Little, *The Death of Yugoslavia*, 186-87. However, JNA generals complained of their inability to mobilise Serbs from Serbia proper to fight in Croatia, casting the first doubts on the "greater Serbia" project. Burg and Shoup, *The War in Bosnia-Herzegovina*, 84.

⁴⁹⁰ Burg and Shoup, *The War in Bosnia-Herzegovina*, 87.

⁴⁹¹ Snežana Trifunovska (ed.), *Yugoslavia Through Documents: From Its Creation to Its Dissolution* (Dordrecht: Martinus Nijhoff Publishers, 1994), 415-417.

⁴⁹² Ibid, 474-475.

⁴⁹³ Bennett, *Bosnia's Paralysed Peace*, 59.

⁴⁹⁴ Serbia maintained that sovereignty lies with the ethno-national group; however, this understanding of sovereignty did not extend to non-Serb minorities within Serbia, such as the Albanians of Kosovo who not only had a "defined territory" for which to claim sovereignty but also suffered from conditions comparably worse

and Slovenes seeking independence from Yugoslavia, or Serbs pursuing independence from Croatia? Given that the EC had attempted to maintain Yugoslav unity, and accounting for the fact that the federal state was in fact in “process of dissolution” irrespective of international policy, the Badinter commission’s legal opinion that defined sovereignty as residing in already established states with a set territory and population was the most logical and feasible approach. Connecting the concept of sovereignty to ethno-national concerns would have opened a Pandora’s Box of irresolvable, competing claims over the “legitimate territory” of each ethnic group. For example, the territory claimed by Bosnian Serbs, which later became Republika Srpska, had only a 54.3% Serb majority in 1991.⁴⁹⁵ The validity of the EC’s ruling was further enhanced by linking recognition of statehood with the fulfilment of certain requirements related to providing ethnic minorities with “all the human rights and fundamental freedom recognized in international law.”⁴⁹⁶

In January 1992, the EC, led by Germany, recognised the independence of Croatia and Slovenia, a move that generated widespread criticism as having caused the bloodshed that followed.⁴⁹⁷ However, there is little evidence to suggest that a lack of recognition would have allowed for a negotiated solution, as “the forces of violence in the region were to a large degree operating independently of the factor of recognition.”⁴⁹⁸ Rather, as Richard Caplan suggests, it was the failure of the international community to pursue the opportunities provided by recognition – namely the protection of independent states against violations of sovereignty – that best explains the events that followed.⁴⁹⁹

Bosnia Descends into war

As developments unfolded in the rest of Yugoslavia, political tensions in Bosnia – the most multi-ethnic of Yugoslav states and the scene of the bloodiest events of the Second World

than those claimed by Serbs in Croatia. Serbs argued that the right to self-determination extended only to “national groups” and not to minorities. Burg and Shoup, *The War in Bosnia-Herzegovina*, 190-192.

⁴⁹⁵ Bennett, *Bosnia’s Paralysed Peace*, 101.

⁴⁹⁶ Richard Caplan, *Europe and the Recognition of New States in Yugoslavia* (Cambridge, Cambridge University Press, 2005), 20

⁴⁹⁷ Chairman of the EC conference on Yugoslavia, Lord Peter Carrington, and UN special envoy, Cyrus Vance, argued that withholding recognition was the only way to compel the former republics to reach a solution. They also feared that recognition of Croatia and Slovenia would necessitate the recognition of Bosnia, which in turn would spark a civil war. Silber and Little, *The Death of Yugoslavia*, 199-200.

⁴⁹⁸ Caplan, *Europe*, 97.

⁴⁹⁹ *Ibid*, 98.

War – began to flare. Until the independence of Croatia and Slovenia, Muslims in Bosnia were not adamant about secession; President Alija Izetbegovic bluntly stated that a federal Yugoslavia would in fact be acceptable to Bosniaks. He warned, however, that Bosnia “would not remain in a truncated Yugoslavia” as it would “not tolerate staying in a greater Serbia.”⁵⁰⁰ As the Croats and the Slovenes respectively gained independence, the EC concluded that only following evidence of the state of public opinion, “possibly by means of a referendum,” could a Bosnian declaration of independence be acceptable to the European Community.⁵⁰¹

Consequently, Muslims and Croats in Bosnia began setting the ground for a referendum on independence, despite massive opposition from the Serbs who wished to remain part of Yugoslavia. In 1992, between February 29 and March 1, a referendum was held in which 99.7% supported independence with a turnout of 64.4%, roughly the proportion of Muslims and Croats in Bosnia.⁵⁰² In other words, whereas Muslims and Croats – for diametrically opposed purposes – almost unanimously came out in support of independence, Serbs overwhelmingly boycotted the process as they expressed concern over a “tyranny of the majority” on the part of the Muslims,⁵⁰³ whose leadership they accused of being associated with “fundamentalist Islam” and favourable of a “one man, one vote” system.⁵⁰⁴

The war in Bosnia broke out in early April 1992,⁵⁰⁵ around the time when the EC and the United States recognised Bosnia as an independent state. Whereas detailed accounts of the conflict are widely available and fervently debated, it can be argued that the war had three main, strategically defining features. The first is the Serb *blitzkrieg* campaign, reminiscent of

⁵⁰⁰ Burg and Shoup, *The War in Bosnia-Herzegovina*, 47.

⁵⁰¹ Ibid, 96.

⁵⁰² Bennett, *Bosnia's Paralysed Peace*, 64.

⁵⁰³ Svetlana Cenik (former Minister of Finance, Republika Srpska), in a discussion with the author, January 2017.

⁵⁰⁴ Silber and Little, *The Death of Yugoslavia*, 115. Whether or not Izetbegovic was an Islamic fundamentalist is the subject of much controversy. For many Serbs, *Islamic Declaration* – a book Izetbegovic published in the 1970s that advocated “the creation of a united Islamic community from Morocco to Indonesia” – irrevocably demonstrated that he wished to transform Bosnia into an Islamic state. Burg and Shoup, *The War in Bosnia-Herzegovina*, 67. Others have argued that it would be nonsensical to hold Izetbegovic to writings he had published in the 70s, when other leaders, such as Milosevic and Tudjman, were ardent communists. David Owen, *Balkan Odyssey* (Harcourt Brace, 1995), 39-40.

⁵⁰⁵ The debate over when exactly the war started is directly correlated with accusations of culpability in the eruption of violence. Serbs claim March 1, the day in which a Serb was killed at a wedding. The more commonly held view is April 6, the day the EC and the United States recognised Bosnia as an independent state and “full-scale hostilities had broken out.” Kledja Mulaj, *Politics of Ethnic Cleansing: Nation-State Building and Provision of In/security in Twentieth-Century Balkans* (Lanham: Lexington Books, 2008), 53.

the war in Croatia, which was aimed at creating ethnically pure Serb territory and managed to solidify control over about 70% of Bosnia's territory early in the war.⁵⁰⁶ The objective was to present the international community with a *fait accompli* that would serve as a prelude to the recognition of Republika Srpska's independence. In this sense, it was largely successful due to the military superiority enjoyed by the Serbs who benefitted from the JNA's arsenal,⁵⁰⁷ unlike the Muslims and Croats who struggled under the weight of the international arms embargo imposed by the UN Security Council.⁵⁰⁸

The second defining feature of the war was the series of sieges imposed by the Bosnian Serb army on urban centres, most notably Sarajevo, which suffered under the longest siege in modern military history. The siege of Sarajevo and the resulting carnage were widely broadcasted around the world, garnering sizable international support for the Bosnian government, whose forces were able to prevent a Serb takeover of the city. Finally, the third feature is the outstanding brutality of the war, including the existence of concentration camps and widespread, systematic rape and genocide – most notably the massacre of Srebrenica, a Muslim-majority “safe area” within Republika Srpska where thousands of men were killed at the hands of General Ratko Mladic's forces.⁵⁰⁹ While Muslim and Croat forces also engaged in war crimes, it is widely established that the Serb army was responsible for a vast majority of the ethnic cleansing and crimes against humanity that occurred during the Bosnian war.⁵¹⁰

From the earliest days of the conflict, there were numerous international attempts at brokering a peace agreement between the warring factions, of which two particularly stand out. The first, which came to be known as the Cutileiro plan,⁵¹¹ was proposed by the EC in March 1992, and suggested a three-way ethnic “cantonization” of Bosnia “based on national

⁵⁰⁶ Bennett, *Bosnia's Paralysed Peace*, 67-69.

⁵⁰⁷ JNA troops participated in the crucial first six weeks of the war, only to withdraw after a cease-fire had been reached by May 18. Burg and Shoup, *The War in Bosnia-Herzegovina*, 130-131.

⁵⁰⁸ With the outbreak of hostilities in Yugoslavia, the UN Security Council adopted Resolution 713 imposing, under Chapter VII, an arms embargo on the socialist federal republic of Yugoslavia. The consequences for Bosnia were drastic; Izetbegovic's Green Berets, numbering around 35,000, were left poorly armed while the Bosnian Serbs received their weapons from Serbia. Burg and Shoup, *The War in Bosnia-Herzegovina*, 130.

⁵⁰⁹ Burg and Shoup, *The War in Bosnia-Herzegovina*, 324. For an analysis of the massacre, see Jan Willem Honig, *Srebrenica: Record of a War Crime* (Penguin Books, 1996).

⁵¹⁰ According to the Bosnian “book of the dead,” 83.3% of civilian deaths were Muslim (33,070), whereas 10.2% (4,075) were Serbs. 51.6% of Muslims killed were civilians, as opposed to 28.7% Croats and 16.4% of Serbs.

⁵¹¹ The plan became known as such in reference to the Portuguese EC mediator in Lisbon, Jose Cutileiro.

principles and taking into account economic, geographic, and other criteria.”⁵¹² As such, it amounted to little more than Europe’s adoption of minimal Serb demands; in fact, Radovan Karadzic “asserted that it...set the seal on three separate Bosnias.”⁵¹³ The agreement was rejected by the SDA on account of “Bosnia’s indivisibility into ethnic cantons”⁵¹⁴ even though the Bosniaks were in favour of power-sharing and federalism.⁵¹⁵ Historians and politicians favourable to the Bosnian Serb position frequently cite the Cutileiro plan as evidence of how Muslim obstinacy bears responsibility in causing a conflict that would have otherwise been avoided.⁵¹⁶

The second attempt at international mediation, known as the Vance-Owen plan, was proposed in January 1993 and consisted of dividing Bosnia into 10 semi-autonomous regions, with Sarajevo earning special status as capital and the remaining nine provinces enjoying power-sharing structures.⁵¹⁷ While the Vance-Owen plan also sought to accommodate ethnic diversity through ‘cantonization,’ its division of Bosnia was not ethnically defined *per se*, and its constituent units were not ethnically contiguous. Hence, the plan would have discouraged both the aspirations for an independent ethno-national state in the future and the incentives for ethnic cleansing during the remaining months of the war. It would have also potentially established a viable, highly decentralised yet unified Bosnian state. However, the plan was rejected by the Bosnian Serb parliament, despite robust pressure from Belgrade to agree to the settlement.⁵¹⁸ Washington, for its part, showed little enthusiasm for the plan, which it

⁵¹² “Statement of Principles for new Constitutional Arrangements for Bosnia and Herzegovina,” March 1992, <https://www.liverpool.ac.uk/library/sca/collidescs/owen/boda/ecco3.pdf>.

⁵¹³ Burg and Shoup, *The War in Bosnia-Herzegovina*, 111.

⁵¹⁴ Izetbegovic first agreed to the plan, but then withdrew his consent. His advisors indicate that his initial position was subject to the approval of his party, the collective presidency, and the Bosnian people. Ejup Ganic (former President of the Federation of Bosnia and Herzegovina) in a discussion with the author, February 2017. Serbs contend that Izetbegovic withdrew his support after having been encouraged by US Ambassador Zimmerman to hold his ground, pending US support for the new state. Burg and Shoup, *The War in Bosnia-Herzegovina*, 113. Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author confirmed that “some in the US administration encouraged the president to renege,” February 2017.

⁵¹⁵ Ejup Ganic (former President of the Federation of Bosnia and Herzegovina) in a discussion with the author contended that the Bosniaks “favored power-sharing of any kind” and a “federal structure that did not amount to ethnic cantonization of Bosnia,” February 2017.

⁵¹⁶ *Yugoslavia: The Avoidable War*, directed by George Bogdanich (New York: Hargrove Entertainment, 1999). Some Bosniak politicians also wonder, in retrospect, whether the plan should have been accepted in 1992. Ejup Ganic (former President of the Federation of Bosnia and Herzegovina) in a discussion with the author stated that if he had known of the atrocities that would be committed, he would have viewed the plan differently, February 2017.

⁵¹⁷ Bennett, *Bosnia’s Paralysed Peace*, 71.

⁵¹⁸ *Ibid.*, 72. Milosevic personally attended the voting session of the Bosnian Serb parliament to lend support to the Vance-Owen plan, but it ultimately failed.

viewed as a betrayal of the Bosnian government and the Muslims of Bosnia, a bitter irony given its later support for less favourable, alternative peace proposals.⁵¹⁹

Getting to Dayton

Following more than three years of reluctance to get involved in a potential quagmire – most thoroughly expressed by US Secretary of State James Baker’s statement that America had “no dog in this fight”⁵²⁰ – the US finally decided to focus on putting an end to the war in Bosnia amid rising tensions within NATO, the rippling effects of the Srebrenica massacre, and Serb aggressions against UN peacekeeping forces.⁵²¹ NATO’s Operation Deliberate Force began on August 30, 1995, and targeted Bosnian Serb positions, alleviating the siege of Sarajevo and aiding the advancement of the joint Bosnian-Croat offensive that began earlier that month as the result of the US-sponsored Washington Agreement.⁵²²

A year earlier, the “contact group” – consisting of the US, France, the UK, Russia and Germany – had devised a peace proposal for Bosnia that suggested a 49:51 federal division of the country.⁵²³ As NATO continued targeting Bosnian Serb positions and the joint offensive made further gains, the US “locked itself” in the contact group plan as the foundational characteristic of a Bosnian peace agreement.⁵²⁴ As such, it wanted developments on the ground to reflect the territorial divisions on the map. Whereas joint Croat and Muslim forces could have potentially taken over the capital of Republika Srpska, Banja Luka,⁵²⁵ or at the very least, laid siege to it and forced a renegotiation of the terms of a potential agreement, US

⁵¹⁹ David Owen writes in his memoirs that had Washington robustly supported the plan, it would have been enforced upon the parties. Owen, *Balkan Odyssey*, 113-115.

⁵²⁰ George F. Will, “A Dog in that Fight?,” *Newsweek*, June 11, 1995, <http://www.newsweek.com/dog-fight-183518>. Baker also said that Bosnia did not concern the vital interests of the US. Burg and Shoup, *The War in Bosnia-Herzegovina*, 265.

⁵²¹ For a comprehensive account of the debate in the United States regarding Bosnia policy, see Ivo H. Daalder, *Getting to Dayton: The Making of America’s Bosnia Policy* (Brookings Institution Press, 2000).

⁵²² The Washington Agreement, formally signed on March 18, 1994, ended the Croat-Muslim war in Bosnia and established the Federation as a first step towards a more comprehensive agreement. Bennett, *Bosnia’s Paralyzed Peace*, 75. For all practical intents and purposes, it allowed the consolidation of the war effort vis-à-vis the Serbs, and enabled the Croatian army to legally intervene in Bosnia based on the Bosnian government’s request.

⁵²³ Burg and Shoup, *The War in Bosnia-Herzegovina*, 301.

⁵²⁴ Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017. The territorial divisions were repeatedly amended during the Dayton negotiations. The 49:51 proportional distribution, however, was seen as “irreversible.”

⁵²⁵ During the war, Pale operated as the nominal administrative headquarters for the government of Republika Srpska, whereas the entity’s largest city, Banja Luka, functioned as its de-facto capital.

pressure forced the coalition to halt the offensive, citing concerns about the destabilising effects of a refugee crisis in Serbia.⁵²⁶ Consequently, a ceasefire went into effect on October 10, 1995, and proximity talks got underway about a month later at the Wright-Patterson Air Force Base in Dayton, Ohio – a symbol of US muscle-flexing. Crucially, the Bosnian Serbs were represented at the negotiations by Slobodan Milosevic, who was eager to reach an agreement to relieve Serbia of economic sanctions.⁵²⁷ The Bosnian Serbs' political and military leaders had been indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY), and thus were not able to participate.

At Dayton, it was the Bosnian government's delegation, headed by Izetbegovic, which showed the highest level of intransigence.⁵²⁸ In the early days of the negotiations, the Bosnian president argued that it seems the parties had 'slept through the recent military victories'.⁵²⁹ As such, faced with a Serb leadership eager to end the war, the Muslims were able to extract a number of strategic concessions, including that a federation territory would be linked to Gorazde, a Muslim-majority enclave in eastern Bosnia, through a US-constructed dual carriageway. The Serbs also agreed to give up control of Serb-held suburbs of Sarajevo, uniting the city under federation control, and that the fate of Breko, the town that cuts through the eastern and western segments of Republika Srpska, would be decided through binding international arbitration.⁵³⁰ The US also added a final inducement to enable the Muslims to swallow the bitter pill of shadowed partition: a train-and-equip program that would provide the Bosnian army with training, equipment, and facilities and consequently redress the military imbalance it suffered during the course of the war.⁵³¹

⁵²⁶ US officials were concerned that a refugee crisis in Serbia would lead to the overthrow of Milosevic, hence empowering radicals and ending the chance for a peace agreement. Mirza Hajric (former advisor to President Alija Izetbegovic) in a discussion with the author, February 2017.

⁵²⁷ The Patriarch paper gave Milosevic the right to negotiate on behalf of Bosnian Serbs. Richard Holbrooke, *How To End a War*, (New York: Penguin Random House 1999), 105-108.

⁵²⁸ Bennett, *Bosnia's Paralysed Peace*, 78.

⁵²⁹ *The Death of Yugoslavia*, directed by Angus Macqueen and Paul Mitchell (London: BBC, 1995).

⁵³⁰ Holbrooke, *To End a War*, 303-308.

⁵³¹ The US used not only carrots but also sticks with the Muslims. Mirza Hajric (former advisor to President Alija Izetbegovic) in a discussion with the author contended that Izetbegovic was concerned about US threats that NATO would strike Muslim targets to halt their military advance in case the latter refused to cooperate at Dayton, February 2017.

Assessment of the Dayton Agreement

Ever since it was signed in Paris on December 14, 1995, the Dayton Agreement has been the subject of controversy. In regards to its effects on the preservation of peace and stability in post-war Bosnia, the document contains elements that have positively contributed to stability, such as inclusive constitutional frameworks, a substantial human rights component, and a comprehensive and deep-seated international involvement. However, it also embodies several components that run counter to the stated goal of creating a functional and sustainable political entity. These include the codification of ethnic-based territorial partition, an unnecessarily rigid sectarianization of the political system, and a costly administrative decentralization within the federation. Hence, it can be argued that Bosnia preserved its post-war stability *despite* these components, which in turn testifies to the overwhelming effects of the three aforementioned variables: an unselfish guarantor, ethnic inclusion, and a constructive regional environment.

From its inception, the General Framework Agreement for Peace in Bosnia plainly suffered from an “original sin.” As such, its defining feature remains the recognition of Republika Srpska: a “unique, indivisible, and unalienable” entity,⁵³² ethnically identified through its name as a republic that united all Serbs in a quasi-continuous stretch of land. In other words, it was a state within a state. Hence, it “acknowledges and confirms the effective ethnic division of the country,” despite its “formal commitments to the sovereignty, territorial integrity, and political independence of Bosnia and Herzegovina.”⁵³³ Critics have long argued that the legalisation of the existence of Republika Srpska as a separate entity rewarded ethnic cleansing and compensated for military aggression.⁵³⁴ As the Dayton Agreement provided the Bosnian Serbs more than what they had agreed to on the eve of the war,⁵³⁵ it could be inferred that despite losing the moral high ground, NATO bombings, Muslim-Croat military advancements, and US arm-twisting, the Bosnian Serbs emerged as the victors of the conflict.

⁵³² Constitution of Republika Srpska, accessed at <http://rai-see.org/wp-content/uploads/2015/08/constitution-of-RS-en.pdf>.

⁵³³ Boyle, *Violence After War*, 104.

⁵³⁴ For example, see Bennett (1995), Owen (1995), and Boyle (2014), among others. Holbrooke acknowledges that he regretted not making enough of an effort to at least change the entity’s name. Holbrooke, *To End a War*, 135.

⁵³⁵ Compared to the Cutiliero plan, which did not recognise a continuous entity strictly defined as Serb, Dayton did in fact legitimise what the Bosnian Serb army had militarily achieved during the course of the three-year conflict.

The ramifications of the establishment of Republika Srpska as a “constituent unit,” however, go far beyond the ethical concerns outlined above or the widely expressed alarm at setting the wrong example for other secessionist movements in multi-ethnic states. By conceding that the RS would possess all the legitimate attributes of a state – armed forces, national bank, constitutional court, supreme court, parliament, government and president – Dayton severely jeopardised any possibility of successful Bosnian state-building in the future. Contrary to the division previously envisioned in the Vance-Owen plan, the Dayton territorial structure incontestably disincentivised cross-ethnic cooperation, the development of a national identity, the emergence of moderate political figures, or a constructive relationship between federal units and the central government.⁵³⁶ It ensured that Serbs would unceasingly vie for more autonomy, Bosniaks would continuously attempt to centralise power, and Croats would incessantly seek to create a third entity – dynamics that overshadowed all other attempts, both international and domestic, at creating a functional state. By literally adopting the idiom that “good fences make good neighbours,”⁵³⁷ the architects of Dayton all but guaranteed a limited post-war state-building process, regardless of efforts otherwise to promote integration and multi-ethnicity.

Nevertheless, the Dayton Agreement sought to compensate for the territorial division of Bosnia into two “constituent entities,” one of which is ethnically defined, by engaging in an effort to recreate multi-ethnicity through the return of refugees to their pre-war homes. By the end of the war, the territory of Republika Srpska barely contained any non-Serbs, who only numbered a mere 3.21%, down from 46.21% in 1991.⁵³⁸ The architects of Dayton believed that if the post-war process involved a substantial return of refugees to their homes, they would have not only overturned the effects of ethnic cleansing but also ensured that the

⁵³⁶ For more on the incentives created by this sort of constitutional arrangement in federal, multi-ethnic states, see Chapter V in Philip G. Roeder and Donald S. Rothchild, *Sustainable Peace: Power and Democracy after Civil Wars* (Ithaca: Cornell University Press, 2005). Consequently, Bennett concludes that the only way to make progress in Bosnia’s “paralysed peace” is to rethink the Dayton structure altogether, paving the way for a “double-confederation” with Serbia and Croatia while recentralising the Bosnian state. Bennett, *Bosnia’s Paralysed Peace*, Chapter 9.

⁵³⁷ Nina Caspersen, “Good Fences Make Good Neighbours? A Comparison of Conflict-Regulation Strategies in Post-war Bosnia,” *Journal of Peace Research* 41, no. 5 (2004): 569-588.

⁵³⁸ In 1991, the territory that was to become Republika Srpska had a population that was 28.77% Bosniak, 9.99% Croat, 54.3% Serb and 7.53% “other.” By the end of the war, the figures were 96.79% Serb, 1.02 % Croat and 2.19% Bosniak. Although not the result of an organised ethnic cleansing campaign similar to the one undertaken by the Serbs, the Serb presence in the federation also decreased from 17.62% to 2.32% between 1991 and 1995. Bennett, *Bosnia’s Paralysed Peace*, 101.

politics of the RS would be largely defined by the presence of a moderating non-Serb electorate within the federal unit.⁵³⁹

As such, the opening segment of Annex 7, dedicated to “the agreement on refugees and displaced persons,” clearly states that “the early return of refugees and displaced persons is an *important objective* of the settlement of the conflict in Bosnia and Herzegovina.” [emphasis added]⁵⁴⁰ Subsequently, the annex includes a number of strong provisions that are intended to ensure that the parties “take all necessary steps” to facilitate the return of refugees, including repatriation assistance, amnesty for common crimes, the prevention of verbal incitement, and the repeal of discriminatory legislation. Whereas the architects of Dayton viewed refugee returns as a bulwark against the ethnification of Republika Srpska, they failed to acknowledge the sustainability of such an approach; in the words of one Bosnian Serb politician: “What non-Serb would actually want to go back to an entity called Republika Srpska?”⁵⁴¹

Whereas it is generally recognised that some form of power-sharing needs to be in place following ethnic civil wars, the Dayton Agreement represents an exceptionally orthodox and rigid understanding of consociational theory. At the state level, the structure of government strictly operates based on the recognition of the political rights of the three “constituent peoples” – the Muslims, Serbs, and Croats. The bicameral structure of parliament is composed of a House of Peoples and a House of Representatives. The former is made up of 15 members, equally split between the three constituent peoples. More significant in terms of consociational rigidity, however, is that the Croat and Bosniak delegates of the House of Representatives shall be selected, respectively, by the Croat and Bosniak delegates to the House of Peoples, while the Serb delegates of the House of Representatives are selected by the National Assembly of the RS.⁵⁴² While this formula ensures that perfectly “authentic” representatives of the ethnic groups ascend to the legislature – a vital element in promoting stability in the post-war era – it leaves little room for cross-ethnic representation and hence hinders prospects for political moderation.

⁵³⁹ The goal of “reversing ethnic cleansing” dates back to the early months of the war, and has been at the centre of international attempts to put an end to the conflict. Owen, *Balkan Odyssey*, 370.

⁵⁴⁰ See Annex 7 of *The General Framework Agreement for Peace in Bosnia and Herzegovina* (known as the Dayton Agreement), November 21, 1995, <https://www.state.gov/p/eur/rls/or/dayton/52592.htm>.

⁵⁴¹ Svetlana Cenic (former Minister of Finance, Republika Srpska) in a discussion with the author, January 2017.

⁵⁴² See the Dayton Agreement.

In the House of Representatives, ethnic quotas are not directly defined but it is ordained that out of its 42 members, two-thirds are to be elected from the federation and one-third from Republika Srpska. The members are elected through a system of proportional representation in each of the two constituent units, the federation and the RS.⁵⁴³ In terms of consociational orthodoxy, two elements in regards to the legislature stand out. The first is that all legislation needs to go through both houses, whereas it could be expected that the House of Peoples, as a bastion of ethnic representation, would be strictly concerned with amending the constitution, or, at most, a set of clearly defined matters of central significance.⁵⁴⁴ The second is the veto powers granted to the ethnic groups, as two-thirds of the delegates of either the federation or the RS can veto any proposed bill in the House of Representatives. In addition, three members of any of the constituent groups in the House of Peoples can prevent a quorum, hence impeding its ability to legislate on a certain matter. Less officially, a majority of the delegates of any of the constituent peoples may declare a proposed decision of the parliamentary assembly as “destructive of a vital interest,” the extent of which is not defined and left to the parliamentarians to determine.⁵⁴⁵ Consequently, the matter is referred to the constitutional court, thus “transforming the political process into a legal decision.”

At the executive level of government, the consociational structure is noticeably softer. This is particularly the case since the constitution does not mandate the formation of a grand coalition government that represents all the parties of the legislature. According to the Dayton Agreement, no more than two-thirds of all ministers can be appointed from federation territory, and for every ministry the chair is to nominate two deputy ministers who are not of the same constituent people as each other or their ministers. However, this does not entail that only nationalist parties can be represented in government, or that certain representative parties cannot be excluded from government. For example, after the Alliance for Change – a diverse group of 10 non-nationalist parties – secured a narrow parliamentary majority in 2000, it respected the ethnic composition of cabinet ministers but appointed its own members

⁵⁴³ Representatives are elected through eight multi-member districts, five in the Federation and three in Republika Srpska.

⁵⁴⁴ This is the case of the bicameral legislative structure envisioned in the Lebanese Taef Agreement that ended the conflict. A non-denominational parliament would legislate on day-to-day affairs, while a senate in which “spiritual families” are represented shall decide on “crucial issues.”

⁵⁴⁵ For criticism of the term “vital interest” being too broad, see Bennett, *Bosnia’s Paralysed Peace*, 128-130.

to government, leaving parties such as the SDS, SDA, and HDZ in the opposition.⁵⁴⁶ As the authentic representatives of the three main ethnic groups were ousted from government in conjunction, no particular group could claim to have been discriminated against.

Furthermore, the Dayton Agreement also mandated that there be a directly elected three-person presidency, composed of a Muslim, Serb, and Croat. The presidency is concerned solely with foreign affairs, diplomatic representation, and the budget of state-level institutions. The electoral procedures of the presidency contain both hard and soft consociational elements. The Serb president is elected in Republika Srpska, whereas the Bosniak and Croat presidents are elected in the federation. Furthermore, each president can declare any decision taken by the other two members to be “destructive of a vital interest” and, with the support of two-thirds of his ethnic kin in the legislature, ensure that the decision does not take effect.

Nevertheless, it should be noted that the three members of the presidency are elected by all voters of their respective federal entities and not strictly by members of their own ethnic groups. This has practical consequences, for Bosniaks in the federation can choose to vote for a Croat member of the presidency, thereby providing the Bosniak community with a “majoritarian advantage” that has caused tension within the Croat community. The election of the Social Democratic candidate Zeljko Komsic in 2006, for example, was considered an example of inauthentic communal representation.⁵⁴⁷ In Republika Srpska, Bosniaks helped elect the more moderate Serb candidate Mladen Ivanic, who narrowly defeated the more radical Alliance of Independent Social Democrats (SNSD) candidate Zeljka Cvijanovic in 2014.⁵⁴⁸

In its totality, the constitutional structure of the central government of Bosnia meant that “the system required broad agreement and consensus to function.”⁵⁴⁹ Given the brutality of three

⁵⁴⁶ Adis Merdzanovic, *Democracy by Decree: Prospects and Limits of Imposed Consociational Democracy in Bosnia and Herzegovina* (Stuttgart: Ibidem-Verlag Press, 2015), 177.

⁵⁴⁷ Merdzanovic, *Democracy by Decree*, 177.

⁵⁴⁸ Mladen Ivanic narrowly beat the more radical SNSD candidate Zeljka Cvijanovic by 1.15% (7,538 votes) in the 2014 presidential elections. “Bosnia and Herzegovina,” *The International Foundation for Electoral Systems*, accessed June 8, 2017, <http://www.electionguide.org/elections/id/2407/>.

⁵⁴⁹ Bennett, *Bosnia's Paralysed Peace*, 91.

and a half years of conflict, the fact that Dayton was “half imposed, half negotiated,”⁵⁵⁰ and in light of the persistent desire of Serbs and Croats to not remain part of Bosnia, the orthodoxy of the consociational formula all but ensured years of dysfunctionality and immobility. To the extent that consociationalism can be viewed as a matter of degree, several key components of the Bosnian constitution can be said to figure at the higher end of the spectrum. Highly mindful of the possibility of renewed violence as a result of ethnic marginalisation, and reflecting the hardened ethnic loyalties of the Bosnian populace, the architects of Dayton went to great lengths to prioritise stability over functionality.

The essence of power-sharing in the Dayton Agreement, however, rests not in the central government but in the exceptional degree of decentralisation and devolution of power away from the federal administration. According to Annex 4 of the agreement, the federal government is in charge of foreign policy, monetary policy, immigration and refugee policy as well as inter-entity criminal law enforcement. As such, it leaves any powers not explicitly given to the central government to the entities, namely the federation and Republika Srpska. Even though devolution of power in a multi-ethnic state carries certain advantages, the ethnic nature of the federal partition in Bosnia, as well as the degree to which the central government is dispossessed of the ability to make policy, has jeopardised Bosnia’s ability to engage in successful post-war state-building.

This is particularly the case with Dayton’s acquiescence to the preservation of three separate ethnic armies within Bosnia.⁵⁵¹ Irrespective of the reforms painstakingly undertaken years later to unite the three distinct armed groups, Dayton enshrined the ethnic partition of the country by adding a military component to it, and organizing it according to a 2:1 ratio in favour of the federation. Consequently, the agreement was more akin to a permanent cease-fire agreement *between* two separate states, rather than a permanent peace agreement *within* one country.

The federation and Republika Srpska have each administered the devolution of power in radically different ways “as a product of their respective creations.”⁵⁵² Whereas Republika

⁵⁵⁰ Derek Chollet, *The Road to the Dayton Accords: A Study of American Statecraft* (New York: Palgrave MacMillan, 2005), 197.

⁵⁵¹ As a result, the central Bosnian government is not responsible for defence policy.

⁵⁵² Bennett, *Bosnia’s Paralysed Peace*, 144.

Srpska was conceptualised as a centralised state for the Serb people, the federation's constitution was drawn up by the end of the Bosniak-Croat war, and was intended to balance the interests of its two constituent communities. The federation is composed of 10 cantons – five predominantly Bosniak, three predominantly Croat, and two “mixed” – that all have their own constitution, parliament, government, police force, and judiciary. This state-like status – the federation has approximately 160 ministers in ten cantons – created the costly anomaly of a detrimentally oversized bureaucracy; by one estimate, “the public sector – especially salaries for government officials – constituted fifty percent of Bosnia's Gross Domestic Product.”⁵⁵³

While Dayton undeniably understood the role of the central Bosnian government as limited, it provided for the eventual development of the state into a more centralised unit. It specifically states that the Bosnian government “shall assume responsibility for such other matters...to preserve the sovereignty, territorial integrity, political independence and international personality of Bosnia.”⁵⁵⁴ Therefore, Bosnia's institutions “had the possibility to become considerably more significant,”⁵⁵⁵ a prospect that was not lost on certain legislators in the post-war era. As such, the powers ascribed to the central government can be considered “the floor, not the ceiling,” as Bosnians began to rebuild their state following the Dayton Agreement.⁵⁵⁶

Moreover, for all their complexity, Dayton's structural elements constitute only one defining aspect of the agreement. The other is the unprecedented scope and character of international involvement it prescribes for keeping peace in Bosnia and aiding its transition to a self-sustaining, democratic, and multi-ethnic state. The Bosnian experiment came at the height of US unilateralism and the perceived triumph of internationalist liberal ideas. Consequently, Western powers at Dayton essentially shaped Bosnia into a protectorate of the international

⁵⁵³ Steven Woehrel, “Bosnia and Herzegovina: Current Issues and U.S. Policy,” *Congressional Research Service Report for Congress* (January 2013), 5.

⁵⁵⁴ The Dayton Agreement, Article III, Point 13: “Responsibilities of and Relations between the Institutions of Bosnia and Herzegovina and the Entities,” <http://www.osce.org/bih/126173?download=true>.

⁵⁵⁵ Bennett, *Bosnia's Paralysed Peace*, 86.

⁵⁵⁶ Mirza Hajric (former advisor to President Alija Izetbegovic) in a discussion with the author, February 2017. Additionally, Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author contends that Dayton was the starting point, never the end point, January 2017.

community.⁵⁵⁷ The guiding principle was that only through robust international involvement, even at the expense of the representative process and state sovereignty in the short-term, could peace and democracy thrive in Bosnia in the long-term.⁵⁵⁸

The international involvement in Bosnia prescribed in the Dayton Agreement had two facets. The first was the military dimension: NATO would send 60,000 of its forces as part of a multi-national Implementation Force (IFOR), which included forces from non-NATO member states.⁵⁵⁹ IFOR would have a one-year mandate – with unlimited authority in theatre – in which it would oversee the implementation of Dayton, namely the cessation of military hostilities, the creation of a separation zone along the inter-entity line, and the cantonment of heavy weapons.⁵⁶⁰ Additionally, it was given the mandate to create the conditions through which the civilian implementation of the agreement could proceed, namely the prevention of interference with the movement of refugees and displaced persons.⁵⁶¹

The second facet of international involvement was the coordination of civilian participation by a high representative, who in turn would report to the Peace Implementation Council, a collection of 55 countries and agencies involved in supporting the post-war peace process in Bosnia.⁵⁶² This involvement would take on two forms. The first was the range of international organisations that would be operating in Bosnia. The International Police Task Force (IPTF), established by the United Nations and consisting of 1,500 unarmed police officers, was to monitor, observe, and inspect law enforcement activities as well as advise and train law enforcement personnel.⁵⁶³ The office of the UN High Commissioner for Refugees (UNHCR) would develop a repatriation plan that would allow for the early,

⁵⁵⁷ Critics of the international involvement in Bosnia have called it a “creeping protectorate” and a “trusteeship in all but name.” Elizabeth M. Cousens, “From Missed Opportunities to Overcompensation: Implementing the Dayton Agreement on Bosnia,” in *Ending Civil Wars: The Implementation of Peace Agreements*, ed. Stephen John Stedman, Donald S. Rothchild, and Elizabeth M. Cousens (Boulder: Lynne Rienner Publishers, 2002), 554.

⁵⁵⁸ Susan Woodward, “Compromised Sovereignty to Create Sovereignty,” in *Problematic Sovereignty: Contested Rules and Political Possibilities*, ed. Stephen D. Krasner (New York: Columbia University Press, 2001).

⁵⁵⁹ This model has been called “NATO-plus” since it included 18 non-NATO member states, including the Russian Federation. *Institutions for the Management of Ethnopolitical Conflict in Central and Eastern Europe* (Strasbourg: Council of Europe, 2008), 70.

⁵⁶⁰ The Dayton Agreement, Annex 1a, <http://www.osce.org/bih/126173?download=true>.

⁵⁶¹ Bennett, *Bosnia's Paralysed Peace*, 82.

⁵⁶² The Dayton Agreement, Annex 10, “Agreement on Civilian Implementation of the Peace Settlement,” <http://www.osce.org/bih/126173?download=true>.

⁵⁶³ The Dayton Agreement, Annex 11, “Agreement on International Police Task Force,” <http://www.osce.org/bih/126173?download=true>.

peaceful, orderly, and phased return of refugees and displaced persons.⁵⁶⁴ The Organization for Security and Cooperation in Europe (OSCE) was entrusted with managing and supervising the elections at all levels of government, as well as overseeing arms reduction negotiations.⁵⁶⁵

The other form of international involvement was the active and unparalleled participation of international personnel in the management of a set of key Bosnian institutions. The governor of the Central Bank, for example, was a foreign national appointed by the International Monetary Fund (IMF) for the first six years of peace implementation, while a human rights ombudsman was appointed by the chairman-in-office of the OSCE for the first five years. Three of the nine judges on the constitutional court are foreign nationals appointed by the president of the European Court for Human Rights, and three of the nine members of the Commission for Real Property Claims of Displaced Persons and Refugees were foreigners appointed by the president of the European Court for Human Rights.⁵⁶⁶ These provisions were put in place to ensure that no member of a constituent people in a sensitive position would discriminate against members of the other communities, and that no two constituent people could align against a third in making foundational decisions, such as a ruling by the constitutional court.⁵⁶⁷

Still, the Dayton Agreement has been controversial from its outset. It has been described as a “remarkable document” by some,⁵⁶⁸ while being criticised for enshrining ethnic partition by others.⁵⁶⁹ There can be little doubt that Dayton’s enhanced focus on ethnic inclusion, human rights, the return of refugees, reparative justice, and international contribution are progressive elements intended to end a brutal and divisive war. However, the Dayton Agreement also

⁵⁶⁴ The Dayton Agreement, Annex 7, “Agreement on Refugees and Displaced Persons,” <http://www.osce.org/bih/126173?download=true>.

⁵⁶⁵ The Dayton Agreement, Annex 3, “Agreement on Elections,” and Annex 1b, “Agreement on Regional Stabilization,” <http://www.osce.org/bih/126173?download=true>. Although supervising the elections was usually entrusted to the United Nations, the organization was seen as having lost credibility throughout the war.

⁵⁶⁶ Similar arrangements were made for the Human Rights Chamber, the Commission to Preserve National Monuments, and the Commission on Public Corporations. Bennett, *Bosnia’s Paralysed Peace*, 91-92.

⁵⁶⁷ For example, the court’s “constituent peoples ruling,” which ruled that federal constitutions need to conform to Bosnia’s constitution, was voted upon with a narrow majority of 5 to 4. Serb and Croat judges voted against the decision, but the international judges tilted the balance in favour of the applicant, Bosniak Chair of the Presidency Alija Izetbegovic. Roberto Belloni, *State Building and International Intervention in Bosnia* (Routledge, 2008), 181.

⁵⁶⁸ Bennett, *Bosnia’s Paralysed Peace*, 85.

⁵⁶⁹ Owen, *Balkan Odyssey*, 370.

provided a blueprint on “how not to end a civil war,”⁵⁷⁰ for it has vastly catered to the same segregationist mind-set that was largely responsible for the outbreak of war in the first place. Such criticism is further validated given that the balance of power by the end of the war should have allowed for a different arrangement to be agreed upon, were the international community more willing to take bold action.⁵⁷¹

Indeed, it has been argued that the drafters of the Dayton Agreement did not intend it “as a permanent solution to the Bosnian Question,”⁵⁷² but rather as an agreement to end a war and a “starting point for a process that in theory had the potential to lead to a functional and self-sustaining state.”⁵⁷³ Eventually, it was believed, there would be another agreement – “Dayton II” – that would rectify the territorial and structural power-sharing excesses enshrined in the original agreement, paving the way for a more sustainable state-building process.⁵⁷⁴ However, what proponents of an “evolving Dayton” failed to realise is that some of the foundational elements of peace agreements – such as the ethno-federal structure – are by their very nature irreversible, while others, such as the powers entrusted to the central government, inevitably face an excruciatingly uphill battle to enhance, one that requires an infrequently obtained long-term, focused, and robust international effort.

Bosnia: The Impossible Nation?

Irrespective of the debate over whether Bosnia had historically existed as an independent political entity,⁵⁷⁵ or over the legitimacy of creating an independent Bosnian state using the administrative Yugoslav borders as a reference point, Bosnia’s ability to thrive as a united, consociational state was, from the very start, highly unlikely. Almost all the essential criteria required for a state to succeed were missing in Bosnia even before the war took place. In addition, unlike Lebanon, the nature and course of the war in Bosnia rendered this near-impossible task even more problematic. Among Arend Lijphart’s six conditions for the

⁵⁷⁰ Susan Woodward, “Bosnia and Herzegovina: How not to end civil war,” in *Civil wars, insecurity, and intervention*, ed. Barbara F. Walter and Jack L. Snyder (New York: Columbia University Press, 1999).

⁵⁷¹ One logical argument is that the balance of power should have allowed for a return to the Vance-Owen peace plan that was rejected by Serbs in 1993.

⁵⁷² Bennett, *Bosnia’s Paralysed Peace*, 85.

⁵⁷³ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author.

⁵⁷⁴ Ibid.

⁵⁷⁵ Henry Kissinger famously said that Bosnia is a “mythical entity” with no language or culture of its own, an “administrative entity created by Tito” and “foolishly recognized by western powers,” News Interview with Former Secretary of State Kissinger, available at <https://www.youtube.com/watch?v=KCNxXET2gZs>

success of consociational democracy, Bosnia lacks overarching loyalties, a multiple balance of power, prior tradition of accommodation, and the presence of cross-cutting cleavages.⁵⁷⁶

First, the absence of “overarching loyalties” in Bosnia is staggering, and there is a particularly weak sense of Bosnian nationhood, especially among Serbs and Croats. Prior to the war, this was most clearly evident in the result of the independence referendum conducted by the Bosnian state between February 29 and March 1, 1992,⁵⁷⁷ and the result of the referendum organised by the SDS in Serb-majority regions.⁵⁷⁸ While Bosniaks and Croats voted overwhelmingly for independence, Serbs voted to remain part of Yugoslavia. Twenty years after the war, following tremendous efforts by the international community to nurture a common identity among citizens of Bosnia, only 10% of Serbs and 20% of Croats say they take pride in Bosnian state symbols, such as the flag and coat of arms.

Additionally, 79% of Croats and 87% of Serbs consider that Croatia and Serbia’s hymns, not Bosnia’s, “reflect their feeling toward the homeland.”⁵⁷⁹ This was boldly reflected by Bosnia’s Serb president who asserted that “over 90% of Serbs would rather not be part of a Bosnian state,”⁵⁸⁰ and that Bosnia’s communities have “three fundamentally different views for the country.” Even Muslims, who before the war strongly stood in favour of a multi-ethnic Bosnia, were hardened by the war experience. It has been claimed that Bosniaks throughout the war fell into the trap of the ‘anti-Bosnian’ project when they acquiesced to the “ethnification of political identity”⁵⁸¹; however, Bosniaks have counter-argued that “the abuse they were subjected to simply because they were Muslims left them with little choice” in that regard.⁵⁸²

⁵⁷⁶ Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (Yale University Press, 1977), 54-104. Lijphart lists two additional conditions: segmental isolation of the ethnic groups and the size of the country being small. While the arguments in favour of the latter are relatively weak, the former has been thoroughly debunked by Hanf (1993) who convincingly argues that the determinants for stability in that respect emanate from the amount of interaction between members of ethnic groups within geographical boundaries. Theodor Hanf, *Coexistence in Wartime Lebanon* (London: IB Tauris, 1993).

⁵⁷⁷ Bennett, *Bosnia’s Paralysed Peace*, 63.

⁵⁷⁸ Burg and Shoup, *The War in Bosnia-Herzegovina*, 74.

⁵⁷⁹ International Crisis Group, “Bosnia’s Future,” *Europe Report*, no. 232 (July 2014): 17.

⁵⁸⁰ Mladen Ivanic (Serb member of the Presidency of Bosnia and Herzegovina) in a discussion with the author, January 2017.

⁵⁸¹ Rusmir Mahmutcehajic (former Deputy Prime Minister of Bosnia and Herzegovina and Muslim scholar) in a discussion with the author argued that Muslims began to “help the enemy by discounting the idea of coexistence” and as such, were “disconnecting from their own history,” January 2017.

⁵⁸² Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author.

In terms of a multiple balance of power, Lijphart suggests that this notion contains two separate elements: (1) an approximate equilibrium among segments, and (2) the presence of at least three segments. Together, he states, “these two elements mean that all segments are minorities.”⁵⁸³ In Bosnia, the Muslim community constitutes approximately 50% of the population,⁵⁸⁴ a fact that has long inspired fear among the Serbs and Croats of a scheme to enforce a majoritarian system of “one person, one vote.” In fact, it has often been argued that this was one of the main reasons behind the war.⁵⁸⁵ Therefore, although Bosnia has three separate ethnic segments, not all three are minorities. As a result, it could be said that Bosnia suffers from the inherent instability of a two-party system in a divided society, where “a gain for one is easily perceived as a loss for the other.”⁵⁸⁶

In addition, there exists a wide-ranging debate as to whether, historically, Bosnia was an oasis for communal coexistence or a land of “fear and hate.”⁵⁸⁷ This debate was exacerbated in the midst of the war, as it was claimed that President Bill Clinton had read Robert Kaplan’s *Balkan Ghosts*, and concluded that nothing could be done about Bosnia since ethnic antagonisms in the Balkan state were historic and irremediable.⁵⁸⁸ Indeed, irrespective of the various facets of Bosnian communal history, both cooperative and antagonistic, it is challenging to argue that Bosnia had enjoyed a “prior tradition of ethnic accommodation.”, especially given that political accommodation among ethnic groups was not entirely voluntary.⁵⁸⁹

⁵⁸³ Lijphart, *Democracy in Plural Societies*, 56.

⁵⁸⁴ In 1991, the Bosniak community made up 43.5% of the population. According to the census conducted by Bosnia’s state statistics agency in 2013, Bosniaks now make up 50.11%, Serbs 30.78% and Croats 15.43% of the population. Valery Perry (former OSCE official in Bosnia and independent researcher) in a discussion with the author argued that the Croat numbers are exaggerated and probably around the 7% mark, as it is not possible that their numbers have only decreased by 2% since 1991, February 2017. Serb representatives disputed the results on methodological grounds. Rodolfo Toe, “Census Reveals Bosnia's Changed Demography,” *Balkan Insight*, June 30, 2016, <http://www.balkaninsight.com/en/article/new-demographic-picture-of-bosnia-finally-revealed-06-30-2016>.

⁵⁸⁵ Laura Silber and Allan Little, *The Death of Yugoslavia*, 115.

⁵⁸⁶ Hans Daalder, “The Netherlands: Opposition in a Segmented Society,” in *Political Oppositions in Western Democracies*, ed. Robert Alan Dahl (New Haven: Yale University Press, 1966), 219.

⁵⁸⁷ Term is from a short story, “Letter dated 1920,” written by Nobel literature prize winner, Ivo Andric, about what he termed his “dark country.” in Owen, *Balkan Odyssey*, 39.

⁵⁸⁸ See Robert D. Kaplan, *Balkan Ghosts: A Journey Through History* (New York: Pan Macmillan, 1993).

⁵⁸⁹ Kapidzic notes that ethnic accommodation among the masses has a “long history” in Bosnia, initially as accommodation of religious differences. This manifested itself predominantly in the cosmopolitanism of cities such as Sarajevo, which long prided itself with its a city centre which includes an Orthodox Church, a Catholic church, a mosque and a synagogue. He concedes, however, that voluntary elite accommodation is not a prominent feature of Bosnia’s political history. Damir Kapidzic (Professor of Political Science, University of Sarajevo) in a discussion with the author, January 2017.

On a social level, certain parts of Bosnia can be said to have witnessed significant levels of inter-ethnic cooperation. Central Bosnia, including Sarajevo, was known before the war as “strongholds of multiculturalism”.⁵⁹⁰ Burg and Shoup note that “from the 1960s on, Bosnia Herzegovina witnessed a remarkable social and cultural renaissance, focused on Sarajevo...mixed marriages accounted for 15.3% of marriages in the republic in 1981...whereas if children of all mixed marriages were calculated, over half of the population of Bosnia had a close relative of a different nationality.”⁵⁹¹

Politically, however, even though the Yugoslav state’s legitimacy relied in part on the accommodation on ethnic groups within the established power structure, ethnic power-sharing during the days of communist Yugoslavia were by and large enforced by the leadership of the communist party and, as became evident with the collapse of communism in the late 1980s, did little to solidify a genuine sense of ethnic accommodation. As such, whatever tradition of ethnic accommodation existed in Yugoslavia cannot be classified alongside experiments of voluntary and democratic consociations, as was the case in Lebanon. It also became clear that memories of the Second World War, at least from a Serb perspective, were much stronger than any recollection of ethnic cooperation during Tito’s Yugoslavia.

More specifically, Bosnia itself did not follow the general paradigm of political consociationalism that established itself in other republics of Yugoslavia. Burg and Shoup further clarify this dichotomy:

As Yugoslavia emerged into a complex, and initially successful, model of authoritarian consociationalism, the political elite in Bosnia remained highly orthodox, with a reputation for repression of political dissent...responsibility for resolving ethnic disputes rested with this small group of communists, for whom national feeling appeared secondary to power and control...Bosnia was thus rigidly governed, and its broader social elites were left without any experience in genuine power sharing.⁵⁹²

⁵⁹⁰ Burg and Shoup, *The War in Bosnia-Herzegovina*, 25.

⁵⁹¹ Ibid, 42.

⁵⁹² Burg and Shoup, *The War in Bosnia-Herzegovina*, 43.

Finally, cross-cutting cleavages remain absent in Bosnian society; national, ethnic, religious and linguistic groups perfectly overlap, and discussion of the role of class cleavages is not present in literature on Bosnian consociationalism.⁵⁹³

Furthermore, three war-related realities also contribute to the negative view of Bosnian consociationalism and state-building. The first is the distribution of war-related civilian deaths among the three ethnic communities. Studies have shown that 83% of civilian deaths during the war were members of the Muslim community, versus 14% from the Croat community and 8% from the Serb community.⁵⁹⁴ This blatantly unequal distribution of civilian deaths contributes to a sense of victimisation that hinders true reconciliation, especially given an unrepentant post-war Bosnian Serb political leadership.⁵⁹⁵ The second is that unlike a majority of other civil wars, the Bosnian conflict did not end with a “mutually hurting stalemate,” but rather with a “coerced compromise” forced upon all three parties to the conflict.⁵⁹⁶ This left the Muslims bitter about the lost potential for a military victory that may have been possible “had the war continued for a few more weeks.”⁵⁹⁷ For the Serbs, they argued that the agreement had been imposed on them by NATO bombing and Milosevic’s acquiescence.

The third factor contributing to negative perceptions of the post-war period is inherent in the Dayton Agreement that establishes Republika Srpska as an ethnically defined federal entity that encompasses almost all of Bosnia’s Serb population and shares common borders with neighbouring Serbia.⁵⁹⁸ As Lake and Rothchild (2005) demonstrate, this type of constitutional arrangement carries enormous risks of disintegration, one most likely to occur

⁵⁹³ A telling anecdote recollected by Holbrooke is significant in this respect. Even though Bosniaks, Serbs and Croats speak different dialects of the same language, Serbo-Croatian, Croat and Serb representatives at the peace conference requested that there be interpreters to translate speeches into “their language.” Holbrooke, *To End a War*, 232.

⁵⁹⁴ Bennett, *Bosnia’s Paralysed Peace*, 68.

⁵⁹⁵ For example, in 2004, the RS government of Prime Minister Dodik initiated a revision of the 2004 report by a previous government that established that Bosnian Serb forces killed around 8,000 Muslims in Srebrenica. Dodik insisted that what occurred “did not constitute genocide” and that the “number of killed was exaggerated” for political purposes. “Envoy Slams Bosnia Serbs for Questioning Srebrenica,” *Reuters*, April 21, 2010, <http://www.reuters.com/article/idUSLDE63K0E2>.

⁵⁹⁶ Cousens, “From Missed Opportunities,” 538.

⁵⁹⁷ Mirza Hajric (former advisor to President Alija Izetbegovic) in a discussion with the author, February 2017. Izetbegovic called the Dayton Agreement an “unjust peace.” Bennett, *Bosnia’s Paralysed Peace*, 79.

⁵⁹⁸ As of 2013, 92.11% of Bosnian Serbs lived in Republika Srpska. Toe, “Census Reveals Bosnia’s Changed Demography,” June 30, 2016.

as a result of violence.⁵⁹⁹ This is due to the fact that the incentives for both the federal entity and the central government would naturally progress towards the attempted acquisition of more power, especially as the former would increasingly become convinced of the futility of a continued association with the centre. This dynamic has been observed in the experiences of Sudan, Cyprus, and others.⁶⁰⁰

By the end of the war, Bosnia was perhaps the world's most divided state. Its three separate ethnic mini-states had their own armed forces, police, media, administration, and official documentation. It had no unified vehicle license plates, telecommunications lines, postal services, national flag, national anthem, or currency. A large segment of the population did not wish to be part of a unified, internationally recognized Bosnian state. Some in the Bosnian Serb leadership believed they "had to be patient as Bosnia would be dismembered within three years."⁶⁰¹ Therefore, the task of building a functional democratic state, as well as guaranteeing peace and stability in Bosnia, were indeed monumental tasks.

Post-War Bosnia: Stabilisation, State-building and Retreat (1995-2015)

Building peace in the post-war period in Bosnia proved to be no easy task for the international community. Given the inherent contradictions of the Dayton Agreement, and the deep schisms that marked Bosnian society by the end of the war in 1995, it was to be expected that the process of building a functional democratic state in Bosnia would be a long and arduous one. Hence, the country's post-war period went through three distinct phases. The first was the process of stabilisation, which extended from 1995 to 2002, and which early on suffered severe deficiencies that were slowly corrected with the establishment of the Bonn powers in 1997. The second was the state-building process led by "Bosnia's viceroy," Paddy Ashdown, in which efforts were concentrated on the development of central institutions that would sustain Bosnia's infrastructure in the long run. The third phase, beginning in 2006, witnessed the premature political and military retreat of the international community from Bosnia, resulting in the erosion of much of the progress that had been made during the state-building phase. However, given that more than a decade had passed since the guns fell silent in Bosnia, a period in which the international community had largely stabilized the war-torn

⁵⁹⁹ Roeder and Rothchild, *Sustainable Peace*, 109-133.

⁶⁰⁰ Ibid.

⁶⁰¹ Slavisa Rakovic (former Chief of Staff to President of Republika Srpska Radovan Karadzic) in a discussion with the author, January 2017.

state as well as ensured ethnic inclusiveness within the political system, its untimely – if partial – departure did not usher a return to violence.

Stabilisation (1995-2002)

The first months after a cease-fire are often considered the most critical period after any conflict.⁶⁰² In this respect, the assessment of the early period of Bosnia's peace-building experience is mixed. In the words of former US Dayton negotiator Richard Holbrooke, Bosnia got off to a "slow start."⁶⁰³

On one hand, the "domination of the security space"⁶⁰⁴ by more than 60,000 NATO forces was a resolute success. NATO's involvement was exceptional and crucial, as Ashdown argued that "there are no mistakes more regularly made or more dearly paid for than failing to dominate the security space after the fighting has stopped."⁶⁰⁵ NATO succeeded in consolidating the cease-fire "almost to the letter of Dayton," as military forces were "separated, cantoned, and progressively demobilized."⁶⁰⁶

However, the civilian dimension's record was markedly different. While the military side met every possible deadline, the civilian side "met almost none."⁶⁰⁷ The reasons for this were numerous. First, they lacked the necessary capabilities; the first High Representative, Carl Bildt, had few resources beyond his cell phone, and had to operate without an office of his own.⁶⁰⁸ Second, although the High Representative was entrusted at Dayton with coordinating the entire civilian operation in Bosnia, he had no powers to enforce this. Hence, a whole host of UN and other agencies were "brought in to deal with specific tasks," most of which had

⁶⁰² United Nations, *Report of the Panel on United Nations Peace Operations (Brahimi Report)*, S/2000/809, August 17, 2000, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/55/305.

⁶⁰³ Holbrooke, *To End a War*, 315.

⁶⁰⁴ Paddy Ashdown, *Swords and Ploughshares: Bringing Peace to the 21st Century*. (London: Weidenfeld & Nicolson, 2007), 69.

⁶⁰⁵ Ashdown, *Swords*, 69.

⁶⁰⁶ Elizabeth M. K. Cater, *Toward Peace in Bosnia: Implementing the Cousins and Charles Dayton Accords* (Boulder: Lynne Rienner Publishers, 2001), 54. Active duty troops were reduced from a wartime high of more than 300,000 to 86,000 in 1997, according to the Dayton ratio of 2 (federation) to 1 (Republika Srpska).

⁶⁰⁷ *Ibid.*, 324.

⁶⁰⁸ *Ibid.* The Europeans had insisted that the high representative would be European, while his deputy would be American.

“muddled and overlapping mandates.”⁶⁰⁹ The result was duplication, confusion, and the “dissipation of the energies of the overall international effort.”⁶¹⁰

Yet the most notable failure of the international community was not a civilian one *per se*. Given the creation of a “completely separate structure for the security aspects of peace implementation,”⁶¹¹ IFOR it adopted a “minimalist approach”⁶¹² based on “force protection.”⁶¹³ Although some, such as Holbrooke, had hoped that IFOR’s commander “would use his authority to do substantially more than he was obligated to do,” such aspirations were shattered as time progressed.⁶¹⁴

This dynamic was particularly damaging on two levels. First, IFOR’s unwillingness to apprehend indicted war criminals sent “unfortunate signals of reassurance” to elements keen on disrupting the Dayton process. Second, IFOR’s unwillingness to ensure the safety of returnees and to prevent further ethnic cleansing proved both tragic and counterproductive. In what Holbrooke refers to as the “worst moment of the first two years after Dayton,”⁶¹⁵ the first major setback came when at the height of “one of Dayton’s greatest achievements,” the unification of Sarajevo, a group of “young arsonists from Pale” forced the evacuation of some 70,000 Serbs from Sarajevo.⁶¹⁶

IFOR, calling the events “unfortunate,” kept its own firefighting equipment inside its compound as Serbs burned down their own houses.⁶¹⁷ These events would have far-reaching consequences on peace-building beyond the continued ethnic partition of Bosnia. Until the exodus of Sarajevo, “all three ethnic groups, awed by the sight of sixty thousand heavily armed IFOR soldiers, were prepared to do almost anything IFOR asked for.”⁶¹⁸ Following the

⁶⁰⁹ Paddy Ashdown, *Swords*, 36.

⁶¹⁰ *Ibid.*

⁶¹¹ *Ibid.*, 35.

⁶¹² Boyle, *Violence After War*, 108.

⁶¹³ The main objective was to ensure that “our boys did not get killed.” Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017.

⁶¹⁴ Holbrooke, *To End a War*, 328.

⁶¹⁵ Holbrooke, *To End a War*, 337.

⁶¹⁶ Admittedly, most of those were not forced but encouraged to leave by the Pale authorities. However, the UN High Commissioner for Refugees estimates that at least 30,000 of those would have wanted to stay if it were not for the intimidation and threat of violence. Holbrooke, *To End a War*, 336.

⁶¹⁷ Holbrooke, *To End a War*, 336. Ejup Ganic (former President of the Federation of Bosnia and Herzegovina) in a discussion with the author contends that these events “ruined the post-Dayton” momentum, February 2017.

⁶¹⁸ Holbrooke, *To End a War*, 337.

incident, however, Serbs “began to resist on every non-military issue.”⁶¹⁹ Thus, in sum, until late 1997, apart from the purely military aspects of Dayton, the process in place hardly seemed to be laying the appropriate groundwork for the emergence of a multi-ethnic, democratic, and functional state in Bosnia.

Having failed to “make a first impression,”⁶²⁰ and yet frustrated with the pace of progress in implementing Dayton and the level of obstructionism from nationalist parties, the Peace Implementation Council (PIC) agreed to strengthen the Office of the High Representative (OHR) with what became known as the “Bonn powers.” The Bonn powers conferred real authority on the OHR, as the PIC “welcomed the High Representative’s intention to use his final authority in theatre...by making *binding decisions*” on the promulgation of laws and the removal of public officials violating the Dayton agreement [emphasis added].⁶²¹ The PIC also entrusted the OHR with ensuring the “smooth running of the common institutions.”⁶²² Finally, it welcomed “NATO’s plans to consider options for a multinational follow-on force” to the Stabilisation Force in *Bosnia* and Herzegovina (*SFOR*), hence putting an end to the damaging effects on NATO’s original one-year mandate.⁶²³ From that point onwards, the stabilisation phase took on a different course as high representatives became increasingly assertive. Carlos Westendorp, for example, “imposed forty-five decisions and laws on the parties,” whereas Wolfgang Petritsch “fired twenty-two Bosnian officials in one day” in November 1999, and went on to dismiss another 46 before the end of his tenure in 2002,⁶²⁴ including the Croatian member of the joint presidency, Ante Jelavic.⁶²⁵

⁶¹⁹ Ibid., 338.

⁶²⁰ Ashdown argues that intervening states do not get a second chance to make a first impression, hence the importance of early action following a ceasefire. Ashdown, *Swords*, 213.

⁶²¹ “The High Representative Decision Enacting the Law on Amendments to the Law on State Investigation and Protection Agency,” *Official Gazette of Bosnia and Herzegovina*, 63/04, December 23, 2004, <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/016%20-%20Police%20Legislation/SIPA/HR%20DECISION%20ON%20AMENDMENTS%20TO%20SIPA%20LAW.pdf>.

⁶²² “Bosnia and Herzegovina 1998: Self-sustaining Structures,” *Office of the High Representative*, December 10, 1997, <http://www.ohr.int/?p=54137>.

⁶²³ Although necessary for the purpose of domestic public opinion, setting timelines for withdrawal enables obstructionist forces to “sit it out.” Ashdown, *Swords*, 74. Bennett argues that there were “plans to return to war once foreign troops left” and that whenever the mandate was coming to an end “tensions would rise.” Christopher Bennett (Communications Director and the Deputy High Representative, Office of the High Representative in Bosnia-Herzegovina) in a discussion with the author, January 2017.

⁶²⁴ Boyle, *Violence After War*, 112-113.

⁶²⁵ Jelavic had violated the Dayton Agreement by promising a referendum for the independence of the Croatian regions within the federation.

The results of the PIC's robust approach quickly became apparent as Bosnia witnessed a steady reversal of the negative course that had marked the early months of the post-war process. In 1998, OHR's unification of the license plate system undermined the check point system and led to a 50% increase in inter-entity crossing.⁶²⁶ In 2001, bowing to international pressure, the main Bosnian Serb nationalist party, the SDS, voted to expel all war crimes suspects, including the party's founder, Radovan Karadzic.⁶²⁷ All in all, based on "the time scales of peace building," Bosnia's progress by 2001 was miraculous, especially from such a devastating war, and the country had made "extraordinary progress."⁶²⁸ One million of the two million displaced had returned, elections to the highest international standards were being regularly held, and freedom of movement was complete. Most importantly, the international community succeeded in the crucial, immediate post-war period in acting as a fair and balanced guarantor, a reality that offset some of the early missteps that had characterized its Bosnia mission.

State-building (2002-2006)

Building on the Bonn powers of 1997, the PIC in 2002 engaged in what would become its most significant strategic decision to date: the appointment of Paddy Ashdown, a British parliamentarian, to the post of High Representative for Bosnia and Herzegovina. Ashdown's set of characteristics positioned him to play a role fundamentally different from any of his predecessors. To start, he originates from the United Kingdom, a leading member of the NATO Alliance. Although multidisciplinary in his professional career, he is first and foremost a politician, and prone to tackle challenges as such.⁶²⁹ He is also exceptionally well-connected in international politics, with an ability to directly engage world leaders in his endeavours.⁶³⁰ He is a firm believer in the overwhelmingly interventionist trusteeship role of

⁶²⁶ Suhrke and Berdal, *The Peace in Between*, 82.

⁶²⁷ Holbrooke, *To End a War*, 343.

⁶²⁸ "I know of no country, save perhaps East Timor, which has moved so rapidly from war to peace," Ashdown, *Swords*, 220. This assessment, although disputed at the time by many in the international community as well as Bosnia's intellectual elite, is particularly noteworthy originating from a high representative whose obvious interests lay in belittling the work of his predecessors.

⁶²⁹ In *Swords*, Ashdown makes a forceful case for why a politician, not a diplomat, should be in charge of peace-building in post-conflict states. He argues that "running these missions is a quintessentially political one," 176. As high representative, he made the decision to hand over the managerial side of OHR to his deputy, Don Hayes, in order to focus on political and strategy, 229.

⁶³⁰ One example is his relationship with then-US Secretary of State Colin Powell who told him he "could call at any time for help." Ashdown, *Swords*, 242.

the international community in post-conflict states.⁶³¹ Consequently, Ashdown was well-positioned to engage in state-building on a massive and unprecedented scale, reinventing the “Dayton Monster”⁶³² by treating it as “the floor but never the ceiling”⁶³³ and thus redefining the role of the international community seven years after the peace-building project had begun.

By the time Ashdown arrived in Bosnia in 2002, the country was largely peaceful and stable. However, only 50% of state ministries authorised by Dayton were in place, while the rest were subject to obstructionism.⁶³⁴ Moreover, per the requirements of Dayton – the high representative’s “first enemy to moving fast” – Bosnia had “three armies, two customs services, effectively three intelligence services, five presidents, twelve prime ministers, thirteen police forces, no effective central government, no state taxation system, no single judicial structure and no single economic space.”⁶³⁵ Furthermore, “endemic corruption” had “brought the country very close to the status of a criminally captured state,” and the economy was “in a dire state” as it was held back by “old communist business destroying laws and punitively high taxation.”⁶³⁶ Ashdown decided that the best way for state-building to move forward in Bosnia was to set a clearly defined and outlined “intervention end state” for post-conflict reconstruction.⁶³⁷ Bosnia’s full membership in the Euro-Atlantic structure, namely the EU and NATO.⁶³⁸ The “era of Brussels” was to replace the “era of Dayton.”⁶³⁹

Beyond determining the “intervention end state” of the OHR, Ashdown set out to unite the efforts of the international community, the various organs of which had been “fractured, divisive, bad tempered” and “spent most of their time criticizing each other.”⁶⁴⁰ He

⁶³¹ For example, Ashdown forcefully argues for reviving the obsolete UN “trusteeship council,” abolished in 1994, to make sovereign post-conflict states official “protectorates” of the international community, *Swords*, 174.

⁶³² Ashdown *Swords*, 221.

⁶³³ Paddy Ashdown, “Twenty Years After Dayton: The Future of Bosnia and Herzegovina” (panel discussion, Chatham House, London, December 9, 2015), <https://www.chathamhouse.org/event/twenty-years-after-dayton-future-bosnia-and-herzegovina>.

⁶³⁴ Ashdown *Swords*, 220.

⁶³⁵ *Ibid.*, 222.

⁶³⁶ *Ibid.*, 223. He argues that “rule of law” and “economic reform” should have been the first order of business after the war ended.

⁶³⁷ Ashdown argues that every intervening project should make a public case for a clearly defined “end state,” *Swords*, 148.

⁶³⁸ *Ibid.*, 221.

⁶³⁹ Bennett, *Bosnia's Paralysed Peace*, 166.

⁶⁴⁰ Ashdown, *Swords*, 224.

established a system whereby all decisions of the Steering Board Ambassadors that were taken on a consensus basis would be abided by in public.⁶⁴¹ He founded the Board of Principals, consisting of the heads of the various international organs operating in Bosnia, enabling the international community to speak with one voice.⁶⁴² He also developed the “closest possible relationship” with his “fellow Dayton implementer,” NATO’s SFOR commander, in an attempt to circumvent the “mistake” of Bosnia’s post-war military structure.⁶⁴³

In his three and a half-year mandate, Ashdown did not simply wish to oversee the implementation of the Dayton Agreement, which he believed was designed to “end a war, not build a state.”⁶⁴⁴ At worst, he could be said to have widely enlarged the interpretation of the liberal dimension of the Dayton project, stretching the role of the high representative to its conceivable limit by “interfere[ing] in anything.”⁶⁴⁵ At best, he reinvented Dayton and, unable to completely discard the “monster” agreement, reinterpreted his role as more related to building Bosnia as a state, or what one could call “Dayton Plus.”⁶⁴⁶

As such, he forcefully pursued the twin objectives of reinvigorating the crippled economy and strengthening the rule of law. As part of the “justice and jobs” program,⁶⁴⁷ the OHR embarked on implementing a series of reforms, most controversial of which was the introduction of a state-wide VAT that would give the central government an assured revenue stream and combine the country’s two customs services into one.⁶⁴⁸ These measures were anathema to the political leadership in Republika Srpska, as they challenged the very economic foundations on which their separate “statehood” was based. Eventually, however, Ashdown managed to pressure and cajole the RS into accepting both measures.

⁶⁴¹ The steering board of the PIC included the ambassadors of France, Germany, Russia, the US, Italy, the UK, the EC, Turkey, and the Netherlands, as well as the representatives of the EU, Canada, and Japan.

⁶⁴² The board consisted of the heads of SFOR, the UN, UNMIBH, UNDP, UNHCR, OSCE, the EC, the World Bank, and the IMF.

⁶⁴³ Ashdown, *Swords*, 228.

⁶⁴⁴ Ashdown, “Twenty Years After Dayton,” Chatham House panel discussion.

⁶⁴⁵ Ashdown, *Swords*, 217.

⁶⁴⁶ Some Ashdown associates, such as Mark Wheeler, argue that the OHR during the Ashdown period believed it could “get rid of Dayton and create a real constitution in its place.” Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017.

⁶⁴⁷ Ashdown, *Swords*, 230.

⁶⁴⁸ Ashdown, *Swords*, 245

The OHR also set out to reform Bosnia's judicial sector by "reviewing all the judges and replacing all the bad apples," as well as establishing a partnership between its newly formed "anti-crime and corruption and criminal intelligence units" and local Bosnian prosecutors to uncover high-level corruption in the country.⁶⁴⁹ Tellingly, when Croat President Dragan Covic was indicted on corruption charges, Ashdown used his Bonn Powers and removed him from office.⁶⁵⁰

Most importantly, the OHR set out to tackle the most egregious contradiction between the Dayton Agreement and state-building in Bosnia, namely the presence of three separate, ethnically defined armies and intelligence services. Benefitting from a series of scandals involving the RS military and the Muslim head of intelligence in the federation,⁶⁵¹ Ashdown was able to push forward the creation of the first single state-wide intelligence service, "established on European standards" and "accountable to parliament" in the Balkans.⁶⁵² By 2004, Bosnia officially made NATO accession a central foreign policy objective, establishing the Ministry of Defence of Bosnia and Herzegovina. In 2005, the armed forces of the federation and the RS were finally merged together, creating the Armed Forces of Bosnia and Herzegovina, and "dramatically reducing the potential for violence especially on the part of the Serbs."⁶⁵³

Nonetheless, one major obstacle remained in the way of Bosnia's Stabilization and Association Agreement (SAA) with the EU and its membership in NATO's Partnership for Peace (PfP) program. By 2004 the RS had not arrested a single Hague-indicted war criminal since the Dayton Agreement was signed, and as such, Bosnia was deemed uncooperative with the ICTY. In June of that year, Ashdown removed 59 Serb officials and politicians for lack of cooperation with the ICTY, and in December, he followed up by removing nine additional

⁶⁴⁹ Ashdown, *Swords*, 257

⁶⁵⁰ Ashdown, *Swords*, 295. This move was clearly not within the classical understanding of the powers of the OHR, as removing an elected president from office due to corruption can hardly be said to be within the scope of ensuring the "smooth running of common institutions."

⁶⁵¹ Orao, a firm controlled by the RS government, was caught supplying aircraft spare parts to Iraq despite the UN embargo, Ashdown, *Swords*, 248. It was also revealed that the RS army provided support for Mladic, Ashdown, *Swords*, 294. In October 2003, Ashdown removed the Muslim head of intelligence for interfering in the elections, Ashdown, *Swords*, 250.

⁶⁵² Ashdown, *Swords*, 283.

⁶⁵³ Damir Kapidzic (Professor of Political Science, University of Sarajevo) in a discussion with the author, January 2017.

officials and freezing the account of the SDS, which had been in contact with Karadzic.⁶⁵⁴ Shortly afterwards, Banja Luka arrested and transferred a “steady stream of ICTY indictees” to the Hague, and Bosnia was declared to be in cooperation with the ICTY, bringing it one step closer to signing the PfP and SAA agreements.⁶⁵⁵

Ashdown’s forceful interventionist policy was not, however, without its limitations and its detractors. He was also unsuccessful in pushing forward significant police reform, a major requirement for Bosnia to join the EU, as the RS “regarded exclusive control of their own police as being even more important than the continued existence of their own army or intelligence,”⁶⁵⁶ and consequently resisted the reform. A “watered down” agreement was eventually reached that finally enabled the EC to recommend the start of SAA negotiations on October 21, 2005.⁶⁵⁷

Moreover, Ashdown’s objectives and style occasionally caused widespread frustration, particularly but not exclusively among Bosnian Serbs who naturally considered themselves targets of his “unification scheme.”⁶⁵⁸ State President Mladen Ivanic, who repeatedly clashed with Ashdown over VAT reforms, called the High Representative an “arrogant bully” and a “dictator” who wanted to “undemocratically impose democracy.”⁶⁵⁹ Former Minister of Finance for the RS Svetlana Cenic described him as an “elephant in a glass shop” who did not “know when and how to stop.”⁶⁶⁰ Ashdown also managed to infuriate Bosnia’s other constituent communities; for example, the Muslims were appalled when he prevented them from appointing a civil servant on a political basis, removed their intelligence chief from office for meddling in the elections, and prevented them from naming Sarajevo’s

⁶⁵⁴ Ashdown, *Swords*, 294.

⁶⁵⁵ Bosnia eventually joined the PfP program in December 2006.

⁶⁵⁶ Ashdown, *Swords*, 295.

⁶⁵⁷ Thomas Muehlmann, “Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-led Security Sector Reform,” *Journal of Intervention and Statebuilding* 2, no. 1 (2008).

⁶⁵⁸ Mladen Ivanic (Serb member of the Presidency of Bosnia and Herzegovina) in a discussion with the author, January 2017.

⁶⁵⁹ Ibid. This view is shared by many in the Bosnian Serb community, and conspiracy theories abound. Slavisa Rakovic: (former Chief of Staff, President of Republika Srpska Radovan Karadzic) in a discussion with the author claims that Ashdown “had a map to restructure Bosnia into five administrative regions,” January 2017.

⁶⁶⁰ Svetlana Cenic (former Minister of Finance, Republika Srpska), in a discussion with the author, January 2017.

international airport after their war time hero Alija Izetbegovic.⁶⁶¹ Thus, in this sense, he became known by ordinary Bosnians as an “equal opportunity dictator.”⁶⁶²

Many challenges plagued Ashdown’s mandate, most notably the massive reduction in NATO forces⁶⁶³ and the diversion of the international community’s focus towards the Iraq war,⁶⁶⁴ Nevertheless, Bosnia achieved considerable success between 2002 and 2006, arguably making it “the world’s first major successful peace-stabilization mission.”⁶⁶⁵ Through the strategic use of his Bonn powers,⁶⁶⁶ the steady accumulation of regional and international support for his agenda,⁶⁶⁷ persuasive engagement on the prospect of EU and NATO accession,⁶⁶⁸ and the exploitation of the “means within Dayton to change Dayton,”⁶⁶⁹ Ashdown was able to not only implement the agreement, but to further engage in more robust state-building by strengthening central institutions.⁶⁷⁰ Hence, by 2006, Bosnia was “a glorious example of success in international intervention and state building.”⁶⁷¹

Retreat (2006-2015)

⁶⁶¹ Ashdown, *Swords*, 296.

⁶⁶² Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author.

⁶⁶³ When EUFOR took over from SFOR in 2004, it had around 7,000 soldiers, approximately 10% of the original NATO force of 60,000.

⁶⁶⁴ The Iraq war not only diverted time and money, but also caused significant damage to transatlantic relations, especially between France and the US.

⁶⁶⁵ Paddy Ashdown, “Historic Change in the Balkans,” *NATO Review* (2004), <http://www.nato.int/docu/review/2004/historic-changes-balkans/lord-ashdown-bosnian-high-representative/en/index.htm>.

⁶⁶⁶ Ashdown considered at the beginning of his mandate that the OHR had become “too used to relying on the Bonn powers” and thus set a policy of regarding their use as a sign of failure, not success. Ashdown, *Swords*, 238. His use of the Bonn powers to impose legislation decreased in the second half of his term. Merdzanovic, *Democracy by Decree*, 309.

⁶⁶⁷ Apart from the usual suspects, Ashdown received tremendous support from Croatia, Serbia, and Russia. The Russian leadership only deviated from this rule once, when the OHR dismissed nine Serb officials because of illegal contacts with Karadzic. Ashdown, *Swords*, 294. The president of Croatia, Stjepan Mesic, repeatedly told Ashdown that he is strongly in favour of what the latter was doing and offered his help in dealing with the Croats. Ashdown regarded Mesic as one of the few Balkan politicians with “real moral force.” Ashdown, *Swords*, 256.

⁶⁶⁸ Joining the EU or NATO related to “the belief of citizens in the prospect of joining the land of milk and honey.” Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017. This dynamic became known as the “pull of Brussels” as opposed to the “push of Dayton.”

⁶⁶⁹ Gabriel Partos, “Bosnia to Build on Ashdown Legacy,” *BBC News*, January 31, 2006, <http://news.bbc.co.uk/1/hi/world/europe/4663168.stm>.

⁶⁷⁰ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author pointed out that although Dayton spoke of two ministries, foreign affairs and foreign trade, Bosnia now had 10, February 2017. Furthermore, Dayton spoke of 9 central institutions, whereas Bosnia now had 75.

⁶⁷¹ Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017.

By the end of Ashdown's tenure, he made two prescient observations. The first was that Bosnia's first decade of success was not irreversible,⁶⁷² and the second was that of all the mistakes the international community had committed in post-conflict settings, withdrawing too early was the most common and damaging.⁶⁷³ The second decade of peace-building in Bosnia would become the very embodiment of this set of predictions. In 2006, a disordered international community promptly retreated from Bosnian political life under the guise of "local ownership," enabling the return of Bosnian politics to institutional paralysis, reform stagnation, and rising tensions. As the US retreated, the process was "handed over to the EU" who adopted "EU accession, not conflict resolution" mechanisms that resulted in "dismal failure."⁶⁷⁴ By 2015, Ashdown begrudgingly concluded that the second 10 years of the Dayton Agreement resulted in the "tragic unravelling" of all the successes that had been achieved during the first 10 years.⁶⁷⁵

The debate in 2006 among PIC members centred on "when and how the Dayton process should come to an end."⁶⁷⁶ The newly appointed High Representative, Christian Schwartz-Schilling, a 74 year-old former German minister,⁶⁷⁷ came into office "committed to overseeing a transfer to local ownership of the peace process."⁶⁷⁸ He also advised the PIC that the OHR should be closed by June 2007, a recommendation that the PIC – increasingly frustrated with time and money spent on Bosnia, given rising challenges elsewhere – agreed would be duly considered in early 2007.

⁶⁷² Specifically, he said that Bosnia's "success will only become irreversible when Bosnia and Herzegovina passes into the Partnership for Peace and into Europe," which it eventually did in 2006. Ashdown, "Historic Change in the Balkans," *NATO Review*.

⁶⁷³ Ashdown, *Swords*, 113. Even though Ashdown cautions against early withdrawal from intervening powers, in Bosnia he is partly guilty of engaging in this "common" practice. In a 2004 interview, he argued that "it is time to discuss whether the continuation of international engagement in its current form will have more upside than downside....[it] has to move away from the current heavyweight interventionist role and to evolve into something else." "Farewell, Sarajevo," *The Guardian*, November 2, 2005, <https://www.theguardian.com/world/2005/nov/02/warcrimes.politics>.

While in office, he reduced OHR staff from 700 to below 300 in two rounds of cuts in 2004 and 2005. Bennett, *Bosnia's Paralysed Peace*, 167.

⁶⁷⁴ Christopher Bennett (Communications Director and the Deputy High Representative, Office of the High Representative in Bosnia-Herzegovina) in a discussion with the author argued that EU accession tools are not fit for conflict management in Bosnia, January 2017.

⁶⁷⁵ Ashdown, "Twenty Years After Dayton," Chatham House panel discussion.

⁶⁷⁶ Bennett, *Bosnia's Paralysed Peace*, 165.

⁶⁷⁷ Ashdown criticises the procedures by which international peace building representatives are chosen as based on "corridor conversations" and "who knows whom in the UN" without any interview process or job description, *Swords*, 177.

⁶⁷⁸ Bennett, *Bosnia's Paralysed Peace*, 166.

The immediate implications of Schwartz-Shilling's approach were not lost on Bosnia's ethno-national political class. Milorad Dodik, a former darling of the international community, "reacted to the new climate" by adopting a staunchly nationalist rhetoric, soon becoming head of the Republika Srpska government in February 2006.⁶⁷⁹ The centripetal forces that had previously played such a prominent role in state-building were increasingly becoming centrifugal forces.⁶⁸⁰ Soon enough, a heavily criticized Schwartz-Shilling was removed from office, with OSCE envoy to Montenegro Miroslav Lajcak taking his place.

In contrast to his predecessor, Lajcak "cut a forceful figure" and made it clear that he would "use his authority if and when necessary."⁶⁸¹ However, with a resurgent Russia and a divided and confused PIC, he had little international backing to enforce his initiatives and increasingly found himself "isolated and cornered."⁶⁸² As Lajcak left his post in 2009, he characterized the international community as a "dead horse."⁶⁸³

The new high representative, Austrian diplomat Valentin Inzko, inherited a "poisoned chalice," as he came into Bosnia with "fewer resources than any of his predecessors," an institution "lacking credibility and morale," and a "failing transition policy."⁶⁸⁴ Amid European ambivalence and disagreement over the process by which the OHR would shut down, Inzko soon found himself side-lined even by his patrons in the international community as the OHR became "little more than an observer."⁶⁸⁵

For now, Bosnia remains the unfortunate victim of an international community that "tragically, disastrously, stupidly took their foot off the brake."⁶⁸⁶ Amid little oversight, Bosnia's political elites failed to rise to the difficult challenges of multi-ethnic state-building. Nevertheless, although the Balkan state remains a "black hole of dysfunctionality, [and]

⁶⁷⁹ Ibid., 170. Dodik called Bosnia "one unhappy country that needs to be split into three parts." Gianluca Mezzofiore, "Paddy Ashdown: Bosnia Failure is Fault of EU," *International Business Times*, April 11, 2014, <http://www.ibtimes.co.uk/paddy-ashdown-bosnia-failure-fault-eu-1442932>.

⁶⁸⁰ Ashdown, "Twenty Years After Dayton," Chatham House panel discussion.

⁶⁸¹ Ibid., 187. Lajcak is accused by some of being "pro-Serb" and undermining the project of an ethnically mixed Bosnia. Valery Perry (former OSCE official in Bosnia and independent researcher) in a discussion with the author, February 2017.

⁶⁸² Bennett, *Bosnia's Paralysed Peace*, 188.

⁶⁸³ Ibid., 201.

⁶⁸⁴ Ibid., 201-202. By then, EUFOR had been reduced to around 2,000 soldiers.

⁶⁸⁵ Bennett, *Bosnia's Paralysed Peace*, 209. One exception to the impotence of the PIC was when an emboldened Dodik went too far by proposing a referendum on the "anti-constitutional laws and activities of the high representative." Apart from Russia, the international community reacted forcefully and Dodik backed down. Bennett, *Bosnia's Paralysed Peace*, 215.

⁶⁸⁶ Mezzofiore, "Paddy Ashdown," *International Business Times*.

corruption,”⁶⁸⁷ the early retreat of the international community did not lead to a return in ethnic violence. This is predominantly due to the effective role it played in the decade following the end of the conflict, a testimony to the centrality of the guarantor’s role in the immediate post-war years. Furthermore, even as its influence diminished beginning in 2006, its contribution remained that of an unselfish and even-handed guarantor, albeit one that could have had a more long-lasting influence on the eventual success of Bosnia as a functional, democratic and pluralist state.

Violence in Post-War Bosnia

In a January 1997 poll, 68% of Bosnian Muslims and 82% of Croats believed the war would resume in a few years.⁶⁸⁸ This view was supported by a wide range of factors that could have prompted a renewal of violence, namely widespread discontent with the Dayton Agreement, persistent ethnic antagonisms, nationalist electoral victories, and continued political deadlock. Nevertheless, despite initial scepticism, Bosnia has not witnessed instances of strategic ethnic violence since the signing of the DPA, leading one former Bosniak official to make the case that “despite all the hate, the dysfunction, the divisions that have plagued Bosnia, the fact that no single shot was fired for more than twenty years is indeed a Bosnian miracle.”⁶⁸⁹ This does not suggest, however, that post-war Bosnia has been free of any politically or ethnically motivated violence. In the first few years after the DPA, violence mainly manifested itself in the form of attacks on returnees in order to cement gains perceived to have been achieved by the war.⁶⁹⁰ This led the former president of the federation, Ejup Ganic, to argue that Dayton federal structures “should have been conditional on refugee returns; without them, we would redraw borders.”⁶⁹¹

⁶⁸⁷ Peter Beaumont, “Bosnia Lurches into a New Crisis,” *The Guardian*, May 3, 2009, <https://www.theguardian.com/world/2009/may/03/bosnia-war-nationalism-poor-economy>.

⁶⁸⁸ Woodward, “Bosnia and Herzegovina,” 95.

⁶⁸⁹ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author.

⁶⁹⁰ In his overview of the different peace proposals over the course of the Bosnian conflict, EU negotiator David Owen differentiates them mainly by whether or not they would help reverse ethnic cleansing. Owen, *Balkan Odyssey*. From this perspective, Dayton attempted to square a circle: structurally, it helped cement ethnic cleansing, while it made refugee returns aimed at reversing ethnic cleansing a central tenant of the agreement.

⁶⁹¹ Ejup Ganic (former President of the Federation of Bosnia and Herzegovina) in a discussion with the author, February 2017. He stressed that preventing refugee returns was the number one goal of Bosnian Serbs after Dayton, as partition would have been meaningless if 30% of the RS was composed of non-Serbs.

While post-war violence gradually decreased in the years after the DPA, the initial violence was not simply the inevitable aftermath of a bloody conflict, but also a product of the excessively cautious policy adopted by NATO forces.⁶⁹² Hence, NATO's hands-off policy, especially in the first months after the DPA, caused damage that the international community would spend years trying to overcome.

Significant political violence in post-war Bosnia can be grouped into two main categories: self-inflicted post-war ethnic cleansing, and violence against returnees.⁶⁹³ Before surveying in detail each of these categories, it is essential to point out that examining the extent and types of post-war violence in Bosnia requires "a cautionary note about the problems of sources and data," as any discussion of numbers is bound to become "politically fraught and emotionally charged."⁶⁹⁴ This is exemplified by the long running debate about the number of war deaths all throughout the Bosnian conflict.⁶⁹⁵ One must also be guarded against "various attempts by societal actors to stir up nationalistic sentiment by deliberately mischaracterizing petty crime and 'conventional' criminal behaviour as ethnically motivated."⁶⁹⁶ Notwithstanding these limitations, it remains possible to survey general trends of post-war violence in Bosnia by using the available data collected by outside agencies and observers.

⁶⁹² Although Dayton allowed for a different approach, IFOR's "obsession with avoiding causalities" led it to choose "to interpret its mandate in limited terms." Bennett, *Bosnia's Paralysed Peace*, 82.

⁶⁹³ In his study of post-war violence in Bosnia, Boyle (2014) includes several additional categories: revenge violence, riots, opportunistic violence, and post-war attacks against NATO/IPTF. Since Boyle's analysis expands to include non-political violence, he also adds a section on "criminal violence." Boyle, *Violence After War*, Chapter 4. Berdal et al. (2012) also analyses political violence in post-war Bosnia by dividing events into three categories: (1) "Unfinished ethnic cleansing," mainly focused on the Serb exodus from Sarajevo; (2) "violence targeting refugee returns"; and (3) "intimidation and discrimination" by police forces at illegal checkpoints between the entities. Mats Berdal, Gemma Collantes-Celador, and Merima Zupcevic Buzadzic, "Post-War Violence in Bosnia-Herzegovina," in *The Peace in Between: Post-War Violence and Peacebuilding*, ed. Astri Suhrke and Mats Berdal (New York: Routledge, 2012).

⁶⁹⁴ Berdal et al., "Post-War Violence," 78.

⁶⁹⁵ Up until the Bosnian book of the dead largely settled that debate in 2013, (the book was published in semi-final format in 2007), which named the 97,207 persons killed during the war (in addition to 5,100 whose cause of death could not be fully confirmed), the number of causalities in the Bosnian war was a highly controversial issue. The former head of the Yugoslavia desk at the US State Department, writing in 1995, said the "easy answer" provided by the Bosnian government and the international media was 200,000, but that the real number was between 25,000 and 60,000. The truth lay somewhere in between. George Kinney, "The Bosnian Calculation," *The New York Times*, April 23, 1995. <http://www.nytimes.com/1995/04/23/magazine/the-bosnian-calculation.html?pagewanted=all>.

⁶⁹⁶ Berdal et al., "Post-War Violence," 78.

Post-War ethnic cleansing

While episodes of ethnic cleansing during the civil war sought to create “ethnically pure” areas, such action took on an alternate form in the early post-war period. Directed by Croat and Serb militias against their ethnic kin, “self-inflicted cleansing” aimed at cementing the final division of Bosnia into “defensible territory.”⁶⁹⁷ Hence, instead of prioritising refugee return as a first order of business after the DPA, the “outcome of the peace implementation process in its first three months [was] further partition.”⁶⁹⁸

The most striking example of this policy of self-cleansing occurred when the Bosnian Serb leadership in Pale forced Serb inhabitants of Sarajevo to burn down their own apartments and flee the city shortly before the Suburbs were transferred to Federation control in February 1996. Many were forced to leave under the threat of death and some were killed for disobeying orders.⁶⁹⁹ Gojko Klicovic, head of the Bosnian Serb resettlement office, declared that the goal was “to not allow a single Serb to remain in the territories which fall under Muslim-Croat control.”⁷⁰⁰ An estimated 60,000 Serbs evacuated the city and were conveniently relocated to the strategic town of Brcko, the status of which was left for international arbitration.

Further instances of minorities being forced out of their homes “despite the Dayton Agreement – or perhaps *because* of it” abounded in this period, including when Croat troops arrived with 20 trucks and began to forcibly relocate hundreds of Croat civilians out of the village of Madjan that was to come under Serb control.⁷⁰¹ These events “locked into place the last piece of a jigsaw puzzle that complete the ethnic map of Bosnia.”⁷⁰² In both the aforementioned instances, IFOR refused to intervene, even “keeping its own firefighting equipment inside the IFOR compound.”⁷⁰³ An IFOR spokesman said that while the fires were

⁶⁹⁷ Boyle, *Violence After War*, 131.

⁶⁹⁸ Woodward, *Implementing Peace in Bosnia and Herzegovina*, 17.

⁶⁹⁹ Louis Sell, “The Serb Flight from Sarajevo: Dayton's First Failure,” *East European Politics and Society* 14, no. 1 (2000): 183, 193-197. Berdal et al. assert that Bosniak leaders, for their part, did much to stoke the fears of local Serbs in the days before the transfer, “Post-War Violence,” 80.

⁷⁰⁰ Holbrooke, *To End a War*, 336.

⁷⁰¹ “Northwestern Bosnia: Human Rights Abuses during a Cease-Fire and Peace Negotiations,” *Human Rights Watch* 8, no. 1 (February 1996), <https://www.hrw.org/legacy/summaries/s.bosnia962.html>.

⁷⁰² Sell, “The Serb Flight from Sarajevo,” 171.

⁷⁰³ Holbrooke, *To End a War*, 336.

“unfortunate,” Serbs had the right “to burn their own houses.”⁷⁰⁴ This was in line with the overall policy of avoiding NATO and IFOR casualties, a policy contested by the deputy high representative, Michael Steiner, who contended he was “ashamed to be associated with it.”⁷⁰⁵

Violence against returnees

Refugee return constituted the cornerstone of the Dayton Agreement’s attempt to reverse the effects of the war and enable the establishment of a multi-ethnic, unified state in Bosnia. As such, it was resisted by those parties that sought to cement their wartime gains and many viewed the DPA as having frustrated their right to an ethnically defined state. Consequently, violence against returnees became the predominant form of political violence in the post-war period. By the time the war ended, the refugee crisis was of enormous proportions, as half of Bosnia’s population (2.2 million) was displaced either within or outside the country.⁷⁰⁶

Between 1995 and 2001, Bosnia witnessed recurrent attacks on returnees, both orchestrated and sporadic. In April 1996, Serb mobs attacked 300 Croat refugees who had returned to check on their homes.⁷⁰⁷ By the end of the year, over 300 homes were destroyed throughout Bosnia to “discourage cross-ethnic returns.”⁷⁰⁸ In 1997, 25 Serb houses in Croat-controlled Drvar were burned down as returnees attempted to reoccupy their residences.⁷⁰⁹ In May 1999, Serbs threatened to “cut the throats of returnees,” and launched grenades and rockets against their homes.⁷¹⁰ Since 2002, such violence has gradually diminished, though “without ever completely disappearing.”⁷¹¹

Refugees were also discouraged from returning to their homes through ethnically based intimidation policies practiced at illegal checkpoints, in which travellers seeking to cross the

⁷⁰⁴ Ibid., 336-337.

⁷⁰⁵ Ibid.

⁷⁰⁶ Boyle, *Violence After War*, 131. Also see Tjasa Leskovic Vendramin, “The Right to Return of Refugees in International Law: The Case Study of Bosnia and Herzegovina” (Master’s Thesis, International University Institute for European Studies, 2008-2008), 45.

⁷⁰⁷ Boyle, *Violence After War*, 134.

⁷⁰⁸ Berdal et al., “Post-War Violence,” 81.

⁷⁰⁹ Ibid.

⁷¹⁰ “Returnee Monitoring Study: Minority Returnees to the Republika Srpska-Bosnia and Herzegovina,” UNHCR, June 2000, <http://www.unhcr.org/news/updates/2000/6/3c3b02994/returnee-monitoring-study-minority-returnees-republika-srpska.html>.

⁷¹¹ Berdal et al., “Post-War Violence,” 80. These attacks were thoroughly documented in Human Rights Watch’s 2002 annual world report, <https://www.hrw.org/legacy/wr2k2/europe5.html>.

Inter-Entity Boundary Line (IEBL) were subjected to beatings, threats, and arrests.⁷¹² This practice was prevalent up until the introduction by the OHR of the unified license plate system in 1998, which constituted the “death knell of the check point system.”⁷¹³ Within a month of the introduction of this system, inter-entity traffic increased by 50%.⁷¹⁴ Less direct forms of intimidation were also used, namely attacks against religious symbols of particular ethnic groups. Bombs were often placed near rebuilt churches or mosques to indicate to members of that group that they were not welcome.⁷¹⁵

Two main features of violence against returnees particularly stand out. The first is the complicity of local police forces, still ethnically organised, in attempts to prevent refugee returns, whether through turning a blind eye or failing to investigate. For example, when approximately 700 returning families were threatened and expelled by mobs from the Croat town of Jajce, an IPTF investigation found that the police response was “deliberately negligent.”⁷¹⁶ The second is that attacks on returnees were twice as high in the RS than in the Federation during the 2000-2002 period, despite the fact that the number refugee returns to the federation were significantly higher than those returning to the RS.⁷¹⁷ This attests to the interrelationship between the wartime projects of nationalist parties and the post-war violence on returnees following the DPA.

By 2004, approximately one million refugees and internally displaced persons had returned to their homes, nearly three quarters of which returned to the federation and one quarter to Republika Srpska.⁷¹⁸ While some called this an “impressive accomplishment,”⁷¹⁹ the lasting effects of the effort to ethnically cleanse certain regions, notably Republika Srpska, remain evident. According to the most recent census taken in 2013, there are approximately 171,839

⁷¹² Berdal et al., “Post-War Violence,” 81-82.

⁷¹³ Ibid.

⁷¹⁴ Ibid.

⁷¹⁵ Boyle, *Violence After War*, 134.

⁷¹⁶ International Crisis Group, “A Tale of Two Cities: Return of Displaced Persons to Jajce and Travnik,” Bosnia Project, no. 3 (June 1998), https://www.files.ethz.ch/isn/27950/034_jajce_travnik_return_of_dps.pdf. The report also found that the mobs have been affiliated with HDZ officials, attesting to the politically organised nature of some of these attacks.

⁷¹⁷ Boyle, *Violence After War*, 134. The total number of minority-related incidents in the RS during that period was 229, versus 113 in the federation. On balance, almost five times as many refugees and IDPs returned home in the federation (575,719) compared to the RS (142,685).

⁷¹⁸ “Returns to Bosnia and Herzegovina reach 1 million,” *UNHCR Briefing Notes*, September 21, 2004, <http://www.unhcr.org/uk/news/briefing/2004/9/414ffeb44/returns-bosnia-herzegovina-reach-1-million.html>.

⁷¹⁹ Boyle, *Violence After War*, 133.

Muslims in the RS out of a total of 1,228,423 residents (14%). In 1991, there were 440,746 Muslims out of 1,569,332 residents (28%). Hence, almost two decades after the Dayton Agreement, the number of Muslims still constituted no more than half of what they amounted to before the conflict began.⁷²⁰

Explanations

Despite expectations to the contrary, Bosnia managed to avoid large-scale strategic ethnic violence in its post-war years. While nationalist parties, specifically the SDS and the HDZ, “sought to obstruct international efforts to encourage minority returns in areas controlled by a single ethnic group in the hopes of preserving the territorial gains that they made during the war,” the “residual strategic violence” that took place was “largely non-lethal.”⁷²¹ Thus, how can we explain Bosnia’s relative stability despite growing political dysfunction? How can one, given the irreparably destructive legacies of the conflict, account for the absence of meaningful strategic ethnic violence in post-war Bosnia?

This chapter argues that Bosnia’s post-war stability can be attributed to three main factors. The first is the “benevolent” role played by the international community, namely but not exclusively, the Western powers that had a deep interest in ensuring the success of the Bosnian democratic power-sharing experiment. The second is the constructive role played by neighbouring powers, namely Dayton co-signatories Serbia and Croatia, as well as the political and military contribution of influential states such as Russia and Turkey. The third is the inclusive nature of the Dayton Agreement, which allowed for all three ethnic groups to have a say in the affairs of government, thereby ensuring against the marginalisation of any particular group.

Before exploring these three factors further, however, this chapter examines the validity of some of the most common arguments made to explain post-war peace and stability in Bosnia, namely those put forth by Berdal et al. (2012) and Boyle (2014). Both Berdal et al. and Boyle make two similar arguments that, once assessed in depth and with the hindsight of time, do not hold up to scrutiny. The first argument is that peace and stability in post-war Bosnia can

⁷²⁰ The numbers are even worse for the Croats of the RS. In 1991, they numbered 144,238 (9%). In 2013, only 29,645 Croats live in the RS (2.5%). On the flip side, the number of Serbs living in the federation also declined from 17.6% in 1991 to 2.4% in 2013, and consequently the proportion of Bosniaks increased from 52.3% to 70.4%.

⁷²¹ Boyle, *Violence After War*, 132.

mainly be attributed to the “substantial international presence in the country,” predominantly embodied in the “intervention of sixty thousand IFOR/SFOR troops.”⁷²² While the initial size of NATO’s deployment – 20 soldiers for every 1,000 citizens – was considered to be the appropriate size for such an ambitious peacekeeping mission,⁷²³ and certainly had the intended “shock-effect” on Bosnia’s numerous militias, it is essential to recognise that these troops were cut in half as IFOR was replaced by SFOR only one year after the Dayton Agreement.⁷²⁴ This is not to say that the initial deployment’s size did not contribute to stabilising the country directly after the war, but rather that the number of troops cannot alone account for the lack of violence, especially after 1996.

Hence, Boyle’s assertion that, “even those dissatisfied with Dayton...realized that attempts to challenge the terms of the peace settlement were unlikely to succeed with such a substantial international presence,” begs the question as to why those same actors did not attempt to challenge Dayton violently after 1996. Paradoxically, a much smaller but more active NATO presence managed to reduce the occurrence of residual violence, especially after the decision by the US to adopt a more proactive interpretation of the role of SFOR in 1997.⁷²⁵ In sum, it can be argued that while the size of the initial NATO deployment effectively dominated the security space in the early months after the cease-fire, it would be misguided to attribute the lack of post-war strategic violence in general to international military intervention. Moreover, the legitimacy bestowed upon NATO’s military presence by broad political and legal support, as well as the troops’ behaviour as neutral arbiters among formerly warring parties, mattered just as much for stability in Bosnia as the sheer number of foreign individuals in uniform.

The second, more contentious argument made by both Berdal et al. and Boyle suggests that the lack of post-war violence can be attributed to ‘the lack of a sustained effort to reverse the facts created by war’, thus ensuring “that levels of ‘minority’ returns remained low.”⁷²⁶

⁷²² Boyle, *Violence After War*, 137. Berdal et al. (2012) refer to the “scale and resources of international intervention,” namely the 60,000 NATO troops, which had a “violence-mitigating effect,” 77.

⁷²³ The total number of troops would have to stay in the country for a period of five to eight years. “Report of the Defense Science Board 2004 Summer Study on Transition to and from Hostilities,” *Defense Science Board*, December 2004, <http://www.acq.osd.mil/dsb/reports/2000s/ADA430116.pdf>. If the goals are less ambitious, 10 soldiers per 1000 population may be sufficient.

⁷²⁴ Under UN Security Council Resolution 1088 (December 12, 1996), SFOR was authorized to implement the military aspects of the Peace Agreement as the legal successor to IFOR. It consisted of 32,000 troops. By the end of 2002, it consisted of 12,000 troops.

⁷²⁵ Berdal et al., “Post-War Violence,” 89.

⁷²⁶ *Ibid.*, 76

According to this logic, “overall levels of strategic violence were low because the Dayton Accords implicitly accepted the consequences of ethnic cleansing and because most of the country consisted of mono-ethnic regions.”⁷²⁷ This line of thinking, however, relies on an ideological paradigm based on the idea that “good fences make good neighbours,” and that the only feasible outcome of an ethnic civil war is the division of territory into ethnic cantons with “defensible borders.”⁷²⁸

In relation to Bosnia, this argument is supposedly supported by the fact that early waves of minority returns were countered by acts of violence aiming to curb the number of refugees returning to their homes. Hence, as the thinking goes, more refugee returns would have meant more violence, possibly even a complete outbreak of war to preserve wartime gains. However, the initial wave of violence against refugee returns was expected, given both the objectives and legacies of the Bosnian conflict. It was the initial NATO acquiescence to such violence that allowed it to become formalised. After 1997, the rate of refugee returns increased as NATO and the OHR became empowered with a new political mandate and SFOR’s mission became open-ended. By 2004, the number of refugee returns reached one million (out of the initial 2.2 million), one quarter of which had returned to Republika Srpska.⁷²⁹

Therefore, according to the aforementioned “segregationist logic,” ethnic warfare should have re-emerged in the first decade after Dayton, as the “negligible numbers of minorities present” in “homogenous pockets of territory”⁷³⁰ increased throughout different parts of Bosnia.⁷³¹ However, it did not. Moreover, it can be argued that substantial refugee returns may actually mitigate prospects for ethnic secession and promote moderate political attitudes,⁷³² thereby lessening the potential for violence in the long-term. In sum, while it is true that “most of the strategic violence” revolved around international efforts to foster minority returns,⁷³³ this cannot be used as evidence to argue that the international

⁷²⁷ Boyle, *Violence After War*, 137.

⁷²⁸ Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” *International Security* 20, no. 4 (1996).

⁷²⁹ “Returns to Bosnia and Herzegovina reach 1 million,” *UNHCR Briefing Notes*, September 21, 2004.

⁷³⁰ Boyle, *Violence After War*, 137.

⁷³¹ By 2013, Republika Srpska had 171, 839 Muslims and 29,645 Croats.

⁷³² For example, the election of the Serb member of the presidency.

⁷³³ Boyle, *Violence After War*, 137.

community's determination to ensure that "minority returns remained low" has been the primary driver of stability in Bosnia.⁷³⁴

'Unselfish' International Intervention

The international intervention in Bosnia can be described as "unselfish" in that its primary – if not sole – purpose lay in ending the conflict and establishing a stable, functional, and democratic state. The intervention's "unselfish" character enabled it to acquire legal status, earn broad international legitimacy, and play a balanced and constructive role in managing domestic ethnic dynamics. As a result, there was an effective mix of "authority, legitimacy and credibility."⁷³⁵ This, in turn, was central to ensuring post-war peace and stability and preventing the return of ethnic violence.

The lack of Western, namely American, military appetite for intervention in Bosnia is well-documented.⁷³⁶ From the early days of the war, US officials argued that their country had "no dog" in the fight,⁷³⁷ and that its "vital interests" were not jeopardised by the continuation of the Bosnian war.⁷³⁸ Consequently, for three years, there was stiff resistance in Washington, both in the Bush and Clinton Administrations, to getting involved in what US Secretary of State Warren Christopher called a "problem from hell."⁷³⁹ This was exacerbated by French and British reluctance to support military intervention due to concerns primarily relating to the safety of their peacekeepers in the United Nations Peacekeeping Force (UNPROFOR),

⁷³⁴ Berdal et al., "Post-War Violence," 76. They also argue that the international community's acquiescence to the weak federal structure and the three-army structure created by Dayton contributed to stability. This argument is undermined by Ashdown's policies that helped bolster the power of the central government and unite the different armies while maintaining stability despite minimal NATO military presence.

⁷³⁵ Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017.

⁷³⁶ For a detailed overview of US policymaking in Bosnia between 1992 and 1995, see Daalder, *Getting to Dayton*. He chronicles deliberations within successive US administrations in Bosnia, demonstrating the continuous resistance and hesitations for military involvement.

⁷³⁷ Peter Maass, "It's Risky to Talk Tough on Kosovo," *The New York Times*, March 10, 1998, <http://www.nytimes.com/1998/03/10/opinion/it-s-risky-to-talk-tough-on-kosovo.html>.

⁷³⁸ Steven A. Holmes, "Backing Away Again, Christopher Says Bosnia Is Not a Vital Interest," *The New York Times*, June 4, 1993, <http://www.nytimes.com/1993/06/04/world/backing-away-again-christopher-says-bosnia-is-not-a-vital-interest.html>.

⁷³⁹ For years, "America's policy was characterized by an extreme reluctance to get too deeply involved," as the Bush Administration "effectively deferred the design and implementation of Western policy to the Europeans" and the Clinton Administration "failed to back its forceful campaign rhetoric with concrete action," opting instead for a policy of containment. See Daalder, *Getting to Dayton*, 6-7. In 1994 Clinton acknowledged that the US had "no clear mission." Daalder, *Getting to Dayton*, 84-91.

which had deployed to Croatia and Bosnia from 1992-1995.⁷⁴⁰ Thus, there was little doubt over the purely “humanitarian” nature of any potential military intervention by the US and its partners in Bosnia, given the lack of strategic interests.

By the time NATO intervened in Bosnia in 1995, the intervention had acquired both legality and legitimacy. Adopted in 1993, UNSCR 836 expanded the UNPROFOR mandate by allowing it to deter attacks against UN “safe areas,” and authorised states to use air power to “support UNPROFOR in the performance of its duties.”⁷⁴¹ Furthermore, because the NATO military intervention followed egregious war crimes committed by the Bosnian Serbs, it quickly gained international backing to enforce a ceasefire and implement a political solution. The consequent post-war international presence in Bosnia, legitimised by the Dayton Agreement, even included Russian troops working alongside NATO, which allowed for the mission to operate freely without any contestation from major powers.⁷⁴² In fact, during that period, Russia was “hugely cooperative as well as particularly weak.”⁷⁴³ According to one Bosnian Serb official, this was a “fundamentally crucial” dimension that allowed the post-war military presence to be “shielded from potential disruption,”⁷⁴⁴ in contrast to Iraq where “there was no agreement among the major powers.”⁷⁴⁵ Hence, while the sheer size of the NATO force in the early days of post-war Bosnia allowed for a robust “first impression” that would proceed undisturbed, it is the level of legitimacy bestowed upon that force that allowed it to operate effectively.

On the civilian level, the international intervention in post-war Bosnia was premised on the Peace Implementation Council (PIC), an international body of 55 countries charged with

⁷⁴⁰ The UK and France warned they would “pull out their troops from Bosnia altogether if Washington insisted on bombing Serb forces.” Daalder, *Getting to Dayton*, 7. The European allies refused to take even “the most minimal coercive steps for fear of retaliation against their peacekeepers.” Daalder, *Getting to Dayton*, 84.

⁷⁴¹ The resolution essentially enables UNPROFOR to “take all the necessary measures, including the use of force, in reply to bombardments against the safe areas.” For a text of the resolution, see [http://undocs.org/S/RES/836\(1993\)](http://undocs.org/S/RES/836(1993)).

⁷⁴² Russian troop participation was symbolic, numbering only 150 troops. However, the symbolism was enhanced in that although they took their orders from a Russian general, the US commander in Bosnia coordinated their activities. Raymond Bonner, “New Buddies for the Yanks: Russian Troops in Bosnia,” *The New York Times*, January 13, 1996, <http://www.nytimes.com/1996/01/13/world/new-buddies-for-the-yanks-russian-troops-in-bosnia.html>.

⁷⁴³ Mark Wheeler (former political advisor to the High Representative in Bosnia) in a discussion with the author, January 2017.

⁷⁴⁴ Mladen Ivanic (Serb member of the Presidency of Bosnia and Herzegovina) in a discussion with the author, January 2017.

⁷⁴⁵ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author.

overseeing the implementation of the Dayton Agreement, both before and after the Bonn powers came into effect.⁷⁴⁶ In his memoirs, Lord Ashdown recounts the regular involvement of the Steering Board Ambassadors (SBA) in overseeing the work of the OHR on every level.⁷⁴⁷ Crucially, no major regional or international power was excluded or dissented from the PIC, and the coalition's decisions were taken by consensus without recourse to voting procedures.⁷⁴⁸

The “unselfish” nature of the post-war intervention allowed the international community to play a balanced and constructive role in peace-building. As such, it did not seek to adopt a punitive or retributive policy towards the Bosnian Serbs, nor did it endorse the desire among certain segments of the Bosniak leadership for “righting the wrongs of the Dayton Agreement.”⁷⁴⁹ For example, the train-and-equip program, undertaken by the US to help strengthen the military capabilities of the Muslim forces following the cease-fire, did not seek to provide the Bosniaks with a military advantage capable of enforcing political changes, but rather establish a delicate balance of power that would guarantee peace in the long-term.⁷⁵⁰

Many Bosniak politicians have thus testified to the role of the US in preventing a Muslim overreach in the post-war era,⁷⁵¹ especially as certain Muslim circles began pushing for a repeat of the Croatian-Serb scenario in Bosnia.⁷⁵² Indeed, according to former Izetbegovic advisor Mirza Hajric, the international community played a significant role in preventing radicals within the Bosniak leadership from being able to act upon plans to overtake Republika Srpska, especially as the train-and-equip program helped rebuild their military capabilities.⁷⁵³ Although high-ranking Bosnian Serb officials argued that external powers favoured the Bosniaks, the OHR contended that it was the result of “traditional bureaucratic

⁷⁴⁶ Bennett, *Bosnia's Paralysed Peace*, 92.

⁷⁴⁷ Ashdown, *Swords*, Appendix B.

⁷⁴⁸ Ibid., 228-229. Croatia and Serbia were not, given their disposition, members of the PIC.

⁷⁴⁹ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author, February 2017.

⁷⁵⁰ Bennett, *Bosnia's Paralysed Peace*, 81.

⁷⁵¹ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author.

⁷⁵² The Bosnian government “had taken note of the way in which Zagreb had captured Serb-held territory in Croatia and believed that it would be able to achieve similar victories.” Bennett, *Bosnia's Paralysed Peace*, 83.

⁷⁵³ Mirza Hajric (former adviser to President Alija Izetbegovic) in a discussion with the author, February 2017. Hajric spoke of the high level of efficiency in the train and equip program, as “US professionalism and financial support” enabled the Bosniaks to make substantial progress “few years after the war.”

preference for majority rule” and not due to “malicious intentions.”⁷⁵⁴ Indeed, the international presence acted forcefully when Croat separatists challenged the Dayton structure. Thus, Bosnia confirmed Sisk’s (2001) contention that a robust international presence would limit the options on the agenda to inclusive solutions, namely democratic rule within the existing state that does not serve one group at the expense of another.

Beyond the strict implementation of the Dayton Agreement, the OHR’s state-building efforts ensured that it received substantial and widespread support from the international community. Whereas measures that went beyond the text of Dayton, such as the unification of the Bosnian military and the introduction of a state-wide custom service, were agreed upon by domestic actors,⁷⁵⁵ there was also “little opposition” to the use of the Bonn powers in the “imposition of legislation, removal of obstructionist officials, dismantling of parallel power structures and arrest of war criminals.”⁷⁵⁶ Internationally, PIC support for OHR measures was largely constant and unanimous during its first decade.⁷⁵⁷

The international community’s intervention in Bosnia, through its “unselfish” nature, was able to play a central role in preventing the resurgence of ethnic violence. It was neither the subject of military attacks seeking to disrupt its efforts, nor was it caught in the crossfire of ethnic violence among the formerly warring parties. Its strategic interests remained focused on ensuring the success of the Bosnian experiment, and through a mix of legitimacy, legality, and balanced domestic management, the post-war international intervention was able to ensure peace and stability in Bosnia even after most of its military and civilian structures had been dismantled.

Constructive Regional Environment

Writing about the international community’s experience in Iraq and Afghanistan, Ashdown argued that we often forget “that it is difficult – almost impossible – to build a state broken

⁷⁵⁴ Mladen Ivanic (Serb member of the Presidency of Bosnia and Herzegovina) in a discussion with the author, January 2017.

⁷⁵⁵ Ashdown recognizes that he exercised “great pressure,” but that the parties eventually acquiesced. Ashdown, “Twenty Years After Dayton,” Chatham House.

⁷⁵⁶ Kapidzic argues that this depiction is exaggerated, as “open threats were widespread throughout many decisions, whereas others were attached as conditions to international loan and agreements.” Damir Kapidzic (Professor of Political Science, University of Sarajevo) in a discussion with the author, January 2017.

⁷⁵⁷ Ashdown, *Swords*, 294.

by war, without the active and constructive engagement of its neighbours.”⁷⁵⁸ This sentiment holds true more so than ever in the case of Bosnia. Even though the Bosnian conflict was indeed a civil war, in that most of the fighting was done by domestic groups, it was also Serbia and Croatia’s war. The Yugoslav People’s Army (JNA) was directly involved in the fighting in the early stages of the war,⁷⁵⁹ and Croatia’s military directly aided the advance of the federation’s army in the final stages before the Dayton Agreement.⁷⁶⁰ More significantly, the agreement was signed not by the Bosnian Serb or Croat leadership, but by Franjo Tudjman and Slobodan Milosevic, who thus became legally mandated guardians of peace and stability in Bosnia.⁷⁶¹

Given the amount of influence Serbia and Croatia held over their co-ethnics in Bosnia, and the fact that the root cause of conflict centred on ethnically driven secessionist sentiments, the largely constructive role played by both neighbours in ensuring peace and stability in Bosnia can hardly be overstated. Over time, both states have demonstrated moderation that far exceeds that of their co-ethnics in Bosnia.⁷⁶² In that respect, it is useful to distinguish between two dissimilar periods of constructive post-war engagement in which the driving mechanisms at play differed substantially. In the crucial first five-year phase following the end of the Bosnian conflict, the “founding fathers” in both states – Milosevic and Tudjman – had a vested strategic interest in rational and sensible behaviour towards Bosnia, as it had become “a liability to their respective states.”⁷⁶³ As such, the international community “looked to Belgrade and Zeghebre to keep their respective co-ethnics in check.”⁷⁶⁴ In the decade that followed, democratic leaders in both states were driven by their desire to join the European

⁷⁵⁸ Ashdown, *Swords*, 41.

⁷⁵⁹ The JNA officially left Bosnia in May 1992, shortly after the war had begun.

⁷⁶⁰ On July 22, 1995, President Izetbegovic officially asked the Croatian army to intervene in Bosnia. By September, the Croatian army was “bearing down on Banja Luka” and “in a position to capture it” before a cease-fire went into effect. Bennett, *Bosnia’s Paralyse Peace*, 75-76.

⁷⁶¹ The Patriarch’s paper, which allowed Milosevic to negotiate and conclude an agreement on behalf of the Bosnian Serbs, was considered by US negotiator Richard Holbrooke to be one of the most significant breakthroughs in over three years of negotiations. Holbrooke, *To End a War*, 105-111. This is particularly the case because the Bosnian Serbs were considered irrational, whereas Milosevic was considered a pragmatist who was desperate for sanctions on the rump Yugoslavia to be lifted.

⁷⁶² Damir Kapidzic (Professor of Political Science, University of Sarajevo) in a discussion with the author, January 2017. Kapidzic points to the security and economic interests of both states in the stability of Bosnia. They are hence “benevolent players” whose behaviour is largely influenced by their desire to become EU member states.

⁷⁶³ Slavisa Rakovic: (former Chief of Staff, President of Republika Srpska Radovan Karadzic) in a discussion with the author, January 2017.

⁷⁶⁴ Svetlana Cenik (former Minister of Finance, Republika Srpska) in a discussion with the author, January 2017.

Union, meaning that their policies were influenced by the “EU incentive structure” that valued responsible regional behaviour.⁷⁶⁵

Although largely blamed for igniting the war in Yugoslavia, Milosevic was from the early days of the conflict considered a pragmatist who manipulated nationalism to achieve personal political goals.⁷⁶⁶ By 1993, it was widely held that he had given up his dreams of creating a Greater Serbia, and instead began to demonstrate a penchant for compromise, evidenced by his adoption of the Vance-Owen proposal despite Bosnian Serb intransigence.⁷⁶⁷ Following sharp disagreement with the rest of the Bosnian Serb leadership in the final stages of the war, Milosevic shocked US negotiators in Dayton by his seemingly relentless desire to reach an agreement, culminating in his surrendering of Sarajevo to the federation.⁷⁶⁸ As a result of the peace accord, the UN Security Council lifted crippling economic sanctions that had been imposed on Serbia since 1992, thus fulfilling one of Milosevic’s key objectives.⁷⁶⁹

In the three years following Dayton, Milosevic was primarily concerned with economic recovery as well as normalisation with the international community, and therefore had little patience for the kind of nationalism exhibited by his co-ethnics in Pale that threatened “the vital interests not only of Republika Srpska but also of the whole of former Yugoslavia.”⁷⁷⁰ Repeatedly threatened with renewed sanctions and criminal indictments for his wartime conduct, Milosevic played a central role in bringing Bosnian Serb leaders “back in line,”⁷⁷¹ and he became increasingly aware that “whatever happened in the RS would come back to haunt him.”⁷⁷²

⁷⁶⁵ Ejup Ganic (former President of the Federation of Bosnia and Herzegovina) in a discussion with the author, February 2017. He added that Croatia views the existence of Bosnia as a buffer zone against potential Serbian aggression.

⁷⁶⁶ This was in contrast to Tudjman, believed by foreign ambassadors to be an ideologue. See Owen (1995).

⁷⁶⁷ It has been argued that from the early days of the war in Croatia, Milosevic came to the realisation that Greater Serbia was nothing but a myth as his generals failed to recruit ethnic Serbs from different states to fight in defence of each other. Burg and Shoup, *The War in Bosnia-Herzegovina*, 217.

⁷⁶⁸ Holbrooke, *To End a War*, 298.

⁷⁶⁹ The sanctions had a significant impact on Serbia, as its GDP dropped from \$24 billion in 1990 to under \$10 billion in 1993.

⁷⁷⁰ See official statement issued by Milosevic, as well as Bosnian Serb leaders Plavsic and Koljevic, in the midst of the Bosnian Serb parliamentary meeting to discuss international pressure of Karadzic to step down as president of Bosnia. Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (Weidenfeld and Nicolson, 1998), 233.

⁷⁷¹ Bildt, *Peace Journey*, 361.

⁷⁷² Svetlana Cenec (former Minister of Finance, Republika Srpska) in a discussion with the author, January 2017.

In his memoirs, former High Representative Carl Bildt recounts how on three defining issues – the resignation of Karadzic as RS president,⁷⁷³ the acceptance of arbitration over Brcko,⁷⁷⁴ and the agreement over a common foreign policy and common external tariff⁷⁷⁵ – Milosevic twisted the arm of Bosnian Serb leaders into acquiescing to international demands. In fact, he went so far in appeasing the international community on Bosnia that he became perceived in Banja Luka “as a traitor with absolutely no principles.”⁷⁷⁶ By late 1997, however, Milosevic “dissociated himself from developments in Bosnia,”⁷⁷⁷ as Serbia was “emerging as the sick man of Europe, with an immediate political battle with new reformist forces in Montenegro, and signs of growing potential for open violence in Kosovo.”⁷⁷⁸ A year later, war erupted in Kosovo and Milosevic was charged by the ICTY for war crimes and extradited to The Hague in June 2001.⁷⁷⁹ A new era in Serbia was about to begin.

In neighbouring Croatia, Franco Tudjman, a nationalist ideologue par excellence,⁷⁸⁰ emerged as perhaps the only real victor of the Balkan tragedy, having established an independent, western-oriented Croatia largely devoid of its 600,000 strong Serb minority.⁷⁸¹ Since 1991, Tudjman’s effort rested on the complementary objectives of establishing sovereignty over all of Croatia’s internationally recognised territory, while maintaining and strengthening the new state’s relationship with the United States. His subsequent approach to the Bosnian conflict rested on these two priorities, despite the fact that he harboured ideological ambitions to carve up Bosnia into two components where one would join Croatia and the other Serbia.⁷⁸²

⁷⁷³ Bildt, *Peace Journey*, 233-239.

⁷⁷⁴ On this issue, Milosevic went as far as to give the US a free hand to take a unilateral decision if the tribunal failed to reach a decision. Bildt, *Peace Journey*, 330.

⁷⁷⁵ Bildt, *Peace Journey*, 361-365.

⁷⁷⁶ Ibid., 330.

⁷⁷⁷ Ibid., 334.

⁷⁷⁸ Ibid., 341.

⁷⁷⁹ The war in Kosovo lasted a mere ten weeks and ended with Milosevic’s resounding defeat. As such, it did not alter the overall course of Bosnia’s “constructive regional environment” and its effects on peace and stability.

⁷⁸⁰ He has been called a “nationalist zealot.” He is widely known in Croatia as the “father of the nation.” Carl Bildt, however, blames him for the whole war in Yugoslavia.

⁷⁸¹ A pre-war census had reported 581,663 Serbs living in Croatia, or 12.2% of the total population. Following the Croatian Army’s “Operation Storm” against the Republic of Serbian Krajina, about 200,000 Serbs fled the area in the largest exodus of the wars of former Yugoslavia. In 2011, 186,633 Serbs were still living in Croatia, about 4.4% of the population.

⁷⁸² The Muslims to him were “nothing but degenerate Croats” who would “eventually thank him.” Holbrooke, *To End a War*, 162.

In 1994, under US auspices, Tudjman signed the Washington Agreement establishing the joint Croat-Muslim federation amid growing enmity between the two communities. A year later, he agreed to US demands for a ceasefire despite being on the verge of overtaking Baja Luka.⁷⁸³ During the Dayton negotiations, he acted as a facilitator and insisted that Western Slavonia, not Bosnia, was his priority.⁷⁸⁴ In the five years following Dayton, despite continued ambitions to overthrow Dayton and revive plans to carve up Bosnia,⁷⁸⁵ Tudjman cooperated with the international community. Under pressure from the US, he even compelled an indicted Croat war criminal to “voluntarily” surrender.⁷⁸⁶ Tudjman passed away in 1999, paving the way for the opposition to ascend to power later that year.

The simultaneous end of the Tudjman-Milosevic era – nothing short of regime change – ushered in a new era of democratic rule in both countries, one predominantly defined by the abundant desire of both states to join the European Union.⁷⁸⁷ This, in turn, had strategic consequences in terms of their respective policies towards Bosnia, leading to a less interventionist and more constructive approach in dealing with the state they had previously sought to divide. Before long, the “hard-line Croats and Serbs” were “undercut” by “curtailing the financial flows necessary to [maintaining] para-states,”⁷⁸⁸ as Zagreb and Belgrade realised “their future as part of Europe [was] linked to [Bosnia’s] success.”⁷⁸⁹

In Serbia, the overthrow of Milosevic enabled the ascent to power of Zoran Djindjic, a pro-western reformist who preached that Serbs ought to “find a solution by finding [their] place in Europe, not by seeking historical rights.”⁷⁹⁰ In the long standing divide between Brussels

⁷⁸³ Holbrooke told Tudjman, “I urge you to go as far as you can,” but insisted on not taking Banja Luka. Holbrooke, *To End a War*, 160.

⁷⁸⁴ In the initial meetings, Tudjman did not even mention Bosnia. Holbrooke, *To End a War*, 236.

⁷⁸⁵ The Tudjman tapes are revealing in this respect. In one conversation Tudjman told an official, “Let’s make a deal with the Serbs...Neither history nor emotion in the Balkans will permit multinationalism. We have to give up on the illusion of the last eight years...Dayton isn’t working.” Paul Lashmar, Cabell Bruce and John Cookson, “Secret Recordings Link Dead Dictator to Bosnia Crimes,” *Independent*, November 1, 2000, <http://www.independent.co.uk/news/world/europe/secret-recordings-link-dead-dictator-to-bosnia-crimes-635184.html>. Blidt (1998) also confirms this.

⁷⁸⁶ Holbrooke, *To End a War*, 351.

⁷⁸⁷ Ashdown, *Swords*, 301. In his inaugural speech, Ashdown stated, “Serbia and Croatia are now focused on European integration, not territorial expansion.”

⁷⁸⁸ Bennett, *Bosnia’s Paralysed Peace*, 120.

⁷⁸⁹ Ashdown, *Swords*, 303.

⁷⁹⁰ Elizabeth Pond, *Endgame in the Balkans: Regime Change, European Style* (Washington, D.C.: Brookings Institution Press, 2006), 215.

and Kosovo, Dindjic had clearly opted for Brussels.⁷⁹¹ Most relevantly, Dindjic was “uncompromising in his calls for his country to co-operate with the UN trials of alleged Serbian war criminals.”⁷⁹² He spearheaded the “Bosnian-Serbian normalization” process and, in the words of one Serbian diplomat, strived for “reconciliation” with the Bosniaks who appeared ready to pay the price of forgiveness “on their way to Europe.”⁷⁹³

Following Dindjic’s assassination by the Serbian mafia-intelligence nexus in 2003,⁷⁹⁴ the process of normalisation with Bosnia continued as the Serbian legislature “passed a new law on full and unconditional cooperation” with the ICTY.⁷⁹⁵ However, the failure to arrest Bosnian war criminals Karadzic and Mladic continued to obstruct and delay Serbia’s negotiations with the EU on accession.⁷⁹⁶ Eventually, the Serbian Special Forces arrested Karadzic in 2008 and Mladic in 2011, making Serbia’s EU prospects “brighter than ever” and putting an end to the long chronicle of pursuing war criminals of the Bosnian conflict.⁷⁹⁷ In 2016, as Republika Srpska’s nationalist Prime Minister Dodik called for a referendum on whether the semi-autonomous region should celebrate its own national day,⁷⁹⁸ Serbia’s pro-European Prime Minister Alexander Vucic opposed the plebiscite and asked Dodik to reconsider his decision.⁷⁹⁹

⁷⁹¹ Holbrooke stated that Belgrade would have to choose between Brussels and Kosovo, Brussels being “code word for the EU,” and Kosovo for “nursing the memory of the 14th century blackbird field and refusing access to the international trial of Karadzic and Mladic.” Pond, *Endgame in the Balkans*, 211.

⁷⁹² “Obituary: Zoran Djindjic,” *BBC News*, March 13, 2003, <http://news.bbc.co.uk/1/hi/world/europe/2844081.stm>.

⁷⁹³ Pond, *Endgame in the Balkans*, 218.

⁷⁹⁴ For a brief description of this mafia-intelligence alliance, of which Serbia presented the “most dramatic case” throughout the Balkans, see Pond, *Endgame in the Balkans*, 217-219.

⁷⁹⁵ Pond, *Endgame in the Balkans*, 219. There was a brief pause in 2003 and 2004 of Serbian cooperation with the ICTY, as the incoming Prime Minister, Vojislav Kastunica, rejected EU conditionality and refused to classify cooperation as a priority. However, due to EU and US pressure, he changed course in late 2004 and sixteen Serb indictees went to the Hague “voluntarily.” Pond, *Endgame in the Balkans*, 220-221.

⁷⁹⁶ For example, in May 2006, the EU suspended SAA talks with Serbia over its failure to arrest Ratko Mladic, stating that Serbia failed to fulfil its commitment to fully co-operate with the ICTY. Teresa Kuchler, “EU Suspends Talks with Serbia,” *EU Observer*, May 3, 2006, <https://euobserver.com/enlargement/21498>.

⁷⁹⁷ After Mladic’s arrest, only one of the 161 indictees of the ICTY remained at large, former President of the [Republic of Serbian Krajina](#), Goran Hadzic. He was arrested in Serbia in July 2011 and transferred to The Hague.

⁷⁹⁸ The decision to hold the referendum was ruled unconstitutional by Bosnia’s constitutional court, who judged that the holiday discriminated against the RS’s Bosniaks and Croats. Gordana Katana, “Bosnian Serbs vote overwhelmingly for holiday disputed by a top court,” *Reuters*, 25 Sep 2016, <http://www.reuters.com/article/us-bosnia-serbs-referendum-idUSKCN11V00F>.

⁷⁹⁹ See “PM Vučić asked Dodik to reconsider the Decision on Referendum,” *Sarjevo Times*, 18 Jul 2015, <http://www.sarajevotimes.com/?p=80470>. The referendum was, however, supported by Russian president Vladimir Putin who invited Dodik to Moscow for consultations.

In neighbouring Croatia, the death of Tudjman prompted an even more pronounced change in the country's strategic priorities as well as its policy towards Bosnia. Between 2000 and 2010, Croatian President Sjetepan Mesic rejected Tudjman's "authoritarian and nationalistic" approach and focused instead on the country's integration into Euro-Atlantic structures, namely the EU and NATO.⁸⁰⁰ In March 2000, he visited Bosnia to assure its leadership that Croatia would stop intervening in its domestic affairs,⁸⁰¹ and told Bosnian Croats that "Bosnia is your country and Sarajevo your capital."⁸⁰² As a fierce opponent of a Croat third entity – which he described as "being in line with those who carried out ethnic cleansing and genocide" – Mesic exercised a moderating influence on his co-ethnics in Bosnia.

Between 2002 and 2005, he played a central role in aiding Ashdown's efforts with the Bosnian Croat leadership, leading Ashdown to describe him as "one of the few politicians in the Balkans with real moral force."⁸⁰³ Particularly in 2001, when the Bosnian Croats' drive for self-rule posed "the most serious challenge to the Dayton settlement since the end of the war," Mesic was instrumental in isolating Bosnian HDZ leaders and enabling the OHR to dismiss the Croat member of the state presidency, Ante Jelavic, who had orchestrated the affair.⁸⁰⁴ In 2013, Croatia was the first Balkan state following Slovenia to join the EU, opening the door for further accession of its neighbouring states.

In conclusion, there can be little doubt that both Croatia and Serbia played "overwhelmingly positive roles" that were instrumental in the preservation of peace and stability in post-war Bosnia.⁸⁰⁵ This was particularly the case of Zagreb's policy towards its smaller neighbour, whereas Belgrade's approach was more nuanced and complicated. While the former acted benignly out of political conviction, the latter was, for the most part, either cajoled or strong-

⁸⁰⁰ Mesic had resigned from the HDZ in 1994 over differences with Tudjman concerning Croatia's Bosnia policy. Sven Milekic, "Croatia Ex-President Warns of Plan to Break Up Bosnia," *Balkan Insight*, October 2, 2016, <http://www.balkaninsight.com/en/article/ex-croatian-president-thinks-bosnia-s-reshaping-leads-to-war-10-25-2016#sthash.RIOQuEmD.dpuf>.

⁸⁰¹ Robert Bideleux and Ian Jeffries, *The Balkans: A Post-Communist History* (Abingdon: Routledge, 2007), 218.

⁸⁰² Valery Perry (former OSCE official in Bosnia and independent researcher) in a discussion with the author, February 2017.

⁸⁰³ Ashdown, *Swords*, 256. Ashdown states that Mesic's "promise to help, especially with the Croats, was one I called in on several occasions."

⁸⁰⁴ Bennett, *Bosnia's Paralysed Peace*, 120. Following the 2000 elections, the HDZ created the Croat's People's Assembly as a prelude to the establishment of a third entity.

⁸⁰⁵ Christopher Bennett (Communications Director and the Deputy High Representative, Office of the High Representative in Bosnia-Herzegovina) in a discussion with the author, January 2017.

armed into behaving cooperatively.⁸⁰⁶ Nevertheless, beginning with the Dayton Agreement and culminating with the advent of reformist, democratic, and EU-oriented leaders in both countries, Croatia and Serbia not only ceased acting upon their historical territorial ambitions in Bosnia, but also helped undercut the ability of radical forces within the country to cause instability and renewed violence.⁸⁰⁷ Given the supra-national roots of conflict in Bosnia, the regional political environment that emerged after Dayton increasingly became defined by the European project, and undoubtedly contributed to Bosnia's ability to avoid a much-anticipated return to ethnic violence.

Inclusive 'De-Nazification'

One of the most widespread criticisms of the international community after Dayton was that it missed the opportunity to 'de-Nazify' Bosnia.⁸⁰⁸ This argument, however, is misguided both in its understanding of the original 'de-Nazification' process and in its failure to recognise the hazards of such a policy in post-war multi-ethnic states.⁸⁰⁹ While it is possible and indeed logical to argue that 'de-Nazification' should have taken place in the last phase of the war through the deconstruction of Republika Srpska as a separate entity, the way in which the international community and a majority of its domestic partners handled SDS 'de-Nazification' in the post-war era proved constructive.⁸¹⁰ Undeniably, this policy was central to building an inclusive post-war political process and avoiding the return to ethnic conflict.

Firstly, the Dayton Agreement provided safeguards to ensure that none of the three Bosnian ethnic groups would be marginalised in the process of making strategic decisions that could

⁸⁰⁶ Whereas the policy consequences of both neighbours were largely similar, it would be a historical fallacy to assume that the leaders of Croatia and Serbia had similar intents towards Bosnia, or that they operated within identical ideological paradigms.

⁸⁰⁷ Some in the Bosniak community are unconvinced that Serbia and Croatia have fundamentally changed. They argue that both states are simply "on a leash" because the EU accession goals, but that their objectives towards Bosnia remain unchanged as evidenced by "their refusal to limit their dealing with Bosnia to the central government." Rusmir Mahmutcehajic (former Deputy Prime Minister of Bosnia and Herzegovina and Muslim scholar) in a discussion with the author, January 2017.

⁸⁰⁸ Ashdown, *Swords*, 92. While some consider that this process should have exclusively targeted the SDS as "main culprits of genocide and ethnic cleansing," others believe that the international community should have marginalised all those who ran the war in the three ethnic communities.

⁸⁰⁹ In Germany, only 3% of the original 3,623,112 people considered to be chargeable under de-Nazification laws in Germany were convicted. Germany's third post-war president, Kurt Kiesinger, had been a Nazi and served as deputy head of the Foreign Office's broadcasting department. James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (RAND Corporation, 200), 14.

⁸¹⁰ Damir Kapidzik (Professor of Political Science, University of Sarajevo), in a discussion with the author, argued that no collective guilt was placed on the Serbs, in contrast to the Sunnis of Iraq. He specifically pointed to the decision not to ban the SDS party, January 2017.

affect their “vital interests.”⁸¹¹ As such, it ensured that Serb fears of their collective will being side-lined – which some analysts insist caused the Bosnian conflict – would be assuaged.⁸¹² Additionally, it also alleviated a substantial portion of Croat concerns amid their dwindling demographics.⁸¹³ Through a bicameral parliamentary system, Dayton ensured that the numerical imbalance between ethnic groups – reflected in the parliamentary assembly – would be mitigated by the equal representation of the three communities in the House of Peoples.⁸¹⁴ An additional series of safeguards to prevent ethnic marginalisation were instated in institutions such as the presidency, the constitutional court, and the central bank.⁸¹⁵

Secondly, despite the fact that NATO’s Operation Deliberate Force exclusively targeted the Bosnian Serb Army (VRS), thus making the VRS and its affiliated party, the SDS, official adversaries of the Western powers, the Dayton Agreement was not a punitive document in that it did not seek to marginalise or eliminate either the VRS or the SDS. First, the agreement did not single out the Bosnian Serb army for dissolution, as the VRS was acknowledged as one of the three armies that would gradually demobilise in Bosnia. More importantly, there was no banning of the SDS party from the post-war political process, and its leadership was allowed to compete in the elections that followed the agreement.

The only ‘de-Nazification’ element in the Dayton Agreement related to international processes of transitional justice that did not target any specific community or party. In its

⁸¹¹ This does not negate the argument that Dayton’s ethnic safeguards went too far, therefore impeding the ability of the state to function. One example is the ability of the House of Peoples to obstruct all legislation, whereas its composition should have limited its influence to decisions of strategic importance. Another is the failure to define what constitutes a community’s “vital interests.”

⁸¹² For this point of view, see Bennett, *Bosnia’s Paralysed Peace*, 63-64.

⁸¹³ Croats complain, however, of the ability of the numerically superior Muslims to affect the election of their member of the state presidency, since the election takes place in the federation as a whole.

⁸¹⁴ The House of Peoples is composed of 15 members, five for each of the three ethnic groups. Significantly, the designated Croat and Bosniak delegates from the federation shall be selected, respectively, by the Croat and Bosniak delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska. This ensures that the 15 members are “authentic” representatives of their respective communities.

⁸¹⁵ In his analysis of the causes for the lack of violence, Boyle (2014) makes a similar “inclusivity” argument except his is focused not on strategic guarantees, but rather on the fact that the “flexible and open institutions produced by the Dayton Accords” allowed the nationalist parties to reward their loyalists with “patronage appointments” in the bureaucracy and the police. Hence, this logic contends, they did not want to risk losing their “wartime gains” by provoking violence. Boyle, *Violence After War*, 138-139. This argument is undermined by three main factors. First, the over-amplified size of the bureaucracy contributes to the decay of the Bosnian state and economy, hence enhancing prospects for violence. Second, when Ashdown disabled the patronage networks in the bureaucracy and the police, this did not give rise to violence. Lastly, the patronage appointments in the police corps in the early post-war period actually increased the level of violence. In 1996, the UN found that 70% of human rights violations were committed by the police. Berdal et al., “Post-War Violence,” 87.

General Provisions (Article IX), the agreement states that “no person who is under indictment by the tribunal and who has failed to comply with an order to appear before the tribunal [for former Yugoslavia] may stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia –Herzegovina.”⁸¹⁶

The limited nature of this provision quickly became evident in the post-war era. Momčilo Krajišnik, co-founder of the SDS and former speaker of the people’s assembly of Republika Srpska during the war,⁸¹⁷ was elected as the Serb member of the tripartite presidency in 1996 and served in that capacity until 1998. Two years after he stepped down from power, he was arrested by French troops following his secret indictment by the ICTY for genocide and crimes against humanity.⁸¹⁸ This demonstrates that even Serb wartime officials who were generally suspected by the international community of having been involved in atrocities between 1992 and 1995 were not barred from holding power up until they were indicted by the ICTY.

Significantly, the list of convictions in the ICTY was both limited in scope to the top-echelons and did not exclusively target war criminals from the Bosnian Serb community.⁸¹⁹ In total, 161 people were indicted for war crimes in the whole of former Yugoslavia by the ICTY, of which only 83 were sentenced.⁸²⁰ Of the Bosnians accused by the court, five Muslims were convicted and served a prison sentence, including Rasim Delic, former chief of staff of the army of Bosnia and Herzegovina and a war hero to his fellow Bosniaks.⁸²¹ Additionally, 19 Bosnian Croats were also convicted of ethnic cleansing and war crimes. In

⁸¹⁶ See the Dayton Agreement.

⁸¹⁷ Krajisnik was known as “Mr. No” during the Dayton negotiations for his obstinacy, especially regarding Sarajevo. He was regarded as “more difficult” than Karadzic. Holbrooke, *To End a War*, 255.

⁸¹⁸ The indictment was not announced to facilitate his arrest. In 2006 he was found guilty by the ICTY of crimes against humanity and sentenced to 20 years in prison. The court found no sufficient evidence to charge him with genocide.

⁸¹⁹ This assessment is not shared by many in the Bosnian Serb community. Slavisa Rakovic (former Chief of Staff to President of Republika Srpska Radovan Karadzic) in a discussion with the author argued that the “main downside of the peace-building era is the amount of Serbs tried for war crimes, sometimes just for slapping a prisoner,” January 2017.

⁸²⁰ “Key Figures of the Cases,” United Nations International Criminal Tribunal for the Former Yugoslavia, last modified August 2, 2016, <http://www.icty.org/sid/24>. Of the 83 that were sentenced, 50 were from Bosnia.

⁸²¹ Delic was initially charged with four counts of war crimes, but was only found guilty of failure to prevent or punish the cruel treatment of Serb soldiers by the Mujahideen. He received a three-year sentence. Gabriel Partos, “General Rasim Delic Obituary,” *The Guardian*, May 19, 2010, <https://www.theguardian.com/world/2010/may/19/general-rasim-delic-obituary>.

total, 49 Bosnian Serbs were sentenced by the ICTY.⁸²² Unsurprisingly, nationalist Bosnian Serbs accused the court of having an anti-Serb bias and being a tool of NATO;⁸²³ however, defendants of the court argued that the disproportionate number of Serbs convicted accurately reflected the disproportionate amount of war crimes committed by the Serbs.⁸²⁴

In the post-war period, the ‘de-Nazification’ that took place after the introduction of the Bonn powers in 1997 was strictly concerned with the obstructionism of Bosnian officials in implementing Dayton and not their wartime records. Again, the process was in no way confined to Bosnian Serb officials. In fact, the first act of dismissal by the OHR of a public official was when Westendorp removed Pero Raguz, a member of the HDZ and mayor of Stolac, for hindering the return of Bosniak refugees to the town.⁸²⁵ Between 1998 and 2008, a “considerable number of Bosnian Croat and Bosniak ethnic nationalists were removed,” most notably two Bosnian Croat members of the state presidency – Ante Jelavic in 2001 for promoting a Croat third entity, and Dragan Covic in 2005 for corruption. When High Representative Westendorp sacked 22 officials in 1999, nine were Serbs, seven were Muslims, and six were Croat.⁸²⁶ Nevertheless, the majority of dismissals were connected to the lack of cooperation with the ICTY, as when Ashdown removed 59 Serb officials in 2004, making it inevitable that “most of the officials removed from office were Bosnian Serbs.”⁸²⁷ Hence, even though not numerically equal in totality, post-war ‘de-Nazification’ held officials from all three communities to the same standards, and remained focused on ensuring adherence to the terms of the peace agreement.⁸²⁸

⁸²² The number constitutes approximately 60% of the total number of sentences issued by the ICTY. Six were convicted to serve a life sentence. Twelve of the Bosnian Serb cases are related to the infamous Srebrenica massacre. The case of Ratko Mladic is still under trial, but the total is expected to be 50.

⁸²³ RS president Dodik accused the ICTY of practicing “selective justice.” Julian Borger, “Radovan Karadžić faces verdicts in war crimes trial at The Hague,” *The Guardian*, March 24, 2016, <https://www.theguardian.com/world/2016/mar/23/radovan-karadzic-expects-icty-acquittal-genocide-bosnian-war-verdict>. Serbia’s President Tomislav Nikolic claims that Serbs were sentenced to 1,150 years collectively, while those who committed crimes against Serbs received only 55. Aleksandar Fatic and Klaus Bachmann, *The UN International Criminal Tribunals: Transition Without Justice?* (Abingdon: Routledge, 2015), 81. Nikolic’s statement is misleading, as it is unclear how he calculates life sentences.

⁸²⁴ In Bosnia, the book of the dead provides ample evidence of this disproportionality. Only 16.4% of the Serb dead were civilians (4,075), as opposed to 51.6% for Muslims (33,070). For a discussion on the validity of claims of ICTY bias, see Fatic and Bachmann, see *The UN International Criminal Tribunals*, 85-95.

⁸²⁵ Niels van Willigen, *Peacebuilding and International Administration: The Cases of Bosnia and Herzegovina and Kosovo* (Abingdon: Routledge, 2013), 78.

⁸²⁶ David P. Chandler, *Bosnia: Faking Democracy After Dayton* (London: Pluto Press, 2000), 202.

⁸²⁷ Willigen, *Peacebuilding and International Administration*, 78.

⁸²⁸ Undoubtedly, the heavy-handed approach of the OHR in dismissing officials after 1997 was not without its critics. For example, see Chandler (2000).

Both the text of the Dayton Agreement and the post-war implementation overseen by the international community ensured that ethnic marginalisation would not be a potential cause for the renewal of strategic violence in Bosnia. The agreement itself guaranteed that no ethnic community would be side-lined in the decision-making process. It also provided for inclusive ‘de-Nazification’ by guaranteeing that the process of accountability for war crimes would be restrained in scope and not target a specific community out of political vendetta. Finally, the OHR’s post-war ‘de-Nazification’ procedure, though broader in scope, was an “equal ethnic-opportunity” process in which obstructing peace-building, not wartime political bias, determined the fate of Bosnian officials.

Conclusion

The end of the conflict in Bosnia produced not only a devastated country with a largely displaced population and infrastructure that had been destroyed, but also an “impossible nation” for which the future seemed all but certain. Numerous predictions were made both at the end of the war and throughout the post-war era foreseeing the return of Bosnia to ethnic violence.⁸²⁹ Especially during the first year of the post-war period, and later with the deterioration of the political environment in 2006, the level of concern was especially high. However, 20 years following the Dayton Peace Agreement, these predictions have proven misguided, as Bosnia – “against expectations” – remains peaceful and stable.⁸³⁰

The fact that Bosnia has only witnessed low levels of organized violence since the end of the war,⁸³¹ most of which targeted refugee returns in the early post-war period, was not predestined. As Berdal et al. argue, “given the ferocity, the polarization and the open wounds left by the war of 1992-95, this achievement should not be undervalued.”⁸³² In addition to the legacy of the war, many elements of the Dayton Agreement, most notably the ethno-federal structure and the preservation of separate armies, also contributed to legitimate anxieties over the possibility of ethnic violence returning.

⁸²⁹ Bennett, *Bosnia’s Paralysed Peace*, PAGE.

⁸³⁰ Boyle, *Violence After War*, 142.

⁸³¹ Ibid.

⁸³² Berdal et al., “Post-War Violence,” 90.

Why, then, did strategic violence not erupt in post-war Bosnia? As this chapter has demonstrated, the lack of resurgence in ethnic violence can be attributed to factors at play both within the state and outside its borders. The crucial role of both Serbia and Croatia testifies to the importance of constructive regional behaviour towards ethnically conflicted post-war states, especially given both the formal and informal associations between Bosnia's neighbours and their co-ethnics. The 'unselfish' presence and role of the international community, combined with an inclusive 'de-Nazification' policy adopted by the OHR, serves as a model to follow in future peace-building and state-building projects. This does not, however, suggest that the international community's Bosnia experiment was flawless. As many early policy choices in the post-war period demonstrate, some mistakes contributed to decelerating the rise of a self-sustaining, democratic, and multi-ethnic state. Nevertheless, the "benevolent" character of the international guarantor to the Dayton Peace Agreement, and its role in ensuring domestic actors adopted constructive policy choices, provide valuable lessons to policymakers involved in the rebuilding of ethnically divided states.

Chapter 5: Iraq

Introduction

“Major combat operations have ended. In the battle of Iraq, the United States and our allies have prevailed,” announced President George Bush on 1 May 2003, as he triumphantly addressed the American people from the flight deck of the *USS Abraham Lincoln*.⁸³³ By then, the US had defied expectations by swiftly and successfully overthrowing the regime of Saddam Hussein and occupying Baghdad, having suffered only 139 casualties to relatively limited resistance.⁸³⁴ As the brief period of post-war stability began to wane, however, the president came to regret the “mission accomplished” banner under which he delivered his speech.⁸³⁵ By 2004, despite official US assertions to the contrary, Iraq was witnessing a full-fledged insurgency against US forces, most notably led by Sunni insurgents in the north western city of Fallujah and, to a lesser extent, by Muqtada Al Sadr’s Shi’a militia across the South of the country.⁸³⁶ During that year, the United States suffered 719 military casualties from hostile incidents, as the consequences of its failed policy choices and its inability to control the post-war security environment began to materialise.⁸³⁷

Beginning in 2005, the United States and its allies enforced a punitively exclusive post-war order, one which saw the systematic marginalization of Sunni Arabs from the nascent state-

⁸³³ Later known as the “Mission Accomplished” speech in reference to the banner that decorated the flight deck, the theatrics of Bush’s address quickly became a focal point for critics arguing the administration was misguided about prospects for Iraq’s war. See Bash, Dana, “White House pressed on ‘Mission Accomplished’ Sign,” *CNN Inside Politics*, 29 Oct 2003, <http://edition.cnn.com/2003/ALLPOLITICS/10/28/mission.accomplished/>

⁸³⁴ Dodge, Toby, “From regime change to civil war: Violence in post-invasion Iraq,” in *The Peace in Between: Post-War Violence and Peacebuilding*, ed. Astri Suhrke and Mats Berdal, (London: Routledge, 2012), 133. By contrast, the invasion caused the death of 7,299 Iraqi civilians, 6,882 of which were killed by the coalition, see www.iraqbodycount.org. The unofficial US military’s estimate for the number of Iraqi military casualties stands at 30,000 (also Dodge, 133).

⁸³⁵ Ahead of leaving office in 2008, Bush confessed the banner had “conveyed the wrong message.” See Hurwitz, Macy, “Bush Regrets ‘Mission Accomplished’ Banner,” *The Telegraph*, 12 Nov 2008, <https://www.telegraph.co.uk/news/worldnews/middleeast/iraq/3447776/Bush-Regrets-Mission-Accomplished-Banner.html>.

⁸³⁶ Bush administration officials became notorious for their refusal to acknowledge that an insurgency was taking place in Iraq. In June 2003, US Secretary of Defense, Donald Rumsfeld described Iraqis engaged in military confrontation with the US as “dead-enders.” Even after the insurgency became undeniable in 2005, Vice-President Cheney announced that it “will clearly decline” and it was in its “last throes,” see “Iraq insurgency in ‘last throes,’ Cheney says,” *CNN News*, 20 Jun 2005.

⁸³⁷ O’Hanlon, Michael and Adriana Lins de Albuquerque, “Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,” The Brookings Institute, 15 December 2004, 3, <https://www.brookings.edu/wp-content/uploads/2017/11/index20041215.pdf>.

building process.⁸³⁸ In response, what began as a fervently nationalist and cross-sectarian insurgency against a perceived occupying force gradually transformed into an intra-communal conflict between those seeking to impose a victor's peace and those fighting for a loser's peace.⁸³⁹ The death toll steadily increased from 16,800 civilians in 2004, to 20,200 in 2005 and 34,500 in 2006.⁸⁴⁰ By the time of the infamous Askari shrine bombing in February 2006 – a date frequently used by analysts to indicate the beginning of the sectarianization of the conflict⁸⁴¹ – Iraq had entered into an all-out sectarian civil war, with thousands of casualties dying each month, a trend that reached its peak with 3,709 murdered in October of that year.⁸⁴² By then, it was evident the United States' political project was in complete disarray: it had won the war, but lost the peace.

Iraq had been ruled by the ruthless and highly personalized dictatorship of Saddam Hussein ever since the Ba'ath party staged a bloodless coup in 1968, ousting the Arab nationalist military ruler Abdul Rahman Arif.⁸⁴³ Beginning in the early months of his *de jure* presidency in 1979, Saddam launched a war against the nascent regime in neighboring Iran, one that flared up as a “direct result of the Iranian revolution and Saddam's tendency to pursue his personal ambitions with reckless abandon.”⁸⁴⁴ Ayatollah Khomeini, the leader of the Islamic Republic in Iran, had wasted little time since his arrival to power in “attempting to export the revolution to Iraq by calling for the overthrow of the ‘atheist Ba'ath’ regime.” Khomeini used his allies in the Dawah party to carry out a series of assassinations of top government officials, an activity to which the Iraqi state responded with severe crackdowns.⁸⁴⁵

⁸³⁸ “Taken together, Bremer's approach had for many Iraqis a punitive feel, whereas ‘democracies that have achieved a military victory ought to refrain from seeking revenge,’ said Fred Ikle, an academic long associated with the US defence policy establishment. US officials adopted a ‘Neanderthal strategy,’ one ‘obsessed with a desire to punish and revenge.’” Ricks, Thomas E. *Fiasco: The American Military Adventure in Iraq*, (New York: Penguin Press, 2006), 166.

⁸³⁹ Dodge, Toby, “From regime change to civil war: Violence in post-invasion Iraq,” in *The Peace in Between: Post-War Violence and Peacebuilding*, edited by Astri Suhrke and Mats Berdal, (London: Routledge, 2012), 144.

⁸⁴⁰ Dodge, Toby, *Iraq: From War to a New Authoritarianism*, (London: Routledge, 2013), 133.

⁸⁴¹ Galbraith succinctly refers to the bombing as “Iraq's deadliest terrorist attack that killed no one.” In the week that followed the bombing, 184 Sunni Mosques were either destroyed or vandalized. Galbraith, Peter W. *The End of Iraq*, (London: Simon & Schuster, 2006), 1-2.

⁸⁴² O'Hanlon, Michael and Ian S. Livingstone, “Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,” The Brookings Institute, 28 July 2010, 4, <https://www.brookings.edu/wp-content/uploads/2016/07/index20100728.pdf>.

⁸⁴³ Officially Saddam Hussein served as vice-president from 1968 to 1979; however, he is widely considered to have been in charge *de-facto* beginning in the mid-1970s.

⁸⁴⁴ Abdullah, Thabit, *A Short History of Iraq*, (2nd ed. London: Routledge, 2013), 139.

⁸⁴⁵ Abdullah, *A Short History*, 137.

Even though the early days of the war witnessed successful Iraqi incursions into Iranian territory, the attack solidified Khomeini's rule in Iran and allowed the Islamic Republic to turn to the offensive, declaring that only the overthrow of Saddam Hussein would constitute an acceptable end to the conflict. Eight years later, having benefitted from substantial material support from the United States, Iraq was able to achieve a stalemate, leading Ayatollah Khomeini to declare his acceptance of UNSCR 598, putting an end to the conflict.⁸⁴⁶ Having vowed not to end the "holy war" without unconditional victory, Khomeini likened his acceptance of the cease-fire resolution to "drinking poison," and the two states returned to the *status quo ante bellum* as Saddam Hussein "trumpeted the victory of Iraq."⁸⁴⁷

Having emerged from the war with a heightened view of Iraq's leading position in the Gulf region, Saddam Hussein's regime – now governing a highly militarized society – nevertheless suffered from the daunting costs of reconstruction amidst a declining price of oil as well as a vast amount of foreign debt primarily owed to the Arab states that had supported Iraq's war effort, namely Saudi Arabia and Kuwait. Iraq repeatedly, but unsuccessfully asked both neighbors to declare the \$40 billion in financial aid they had given a grant, instead of a loan.⁸⁴⁸ Additionally, they were asked to help Iraq in its financial plight by maintaining a high price of oil through exercising restraint on their own production. Having received disappointing answers on both fronts, Iraq's army invaded and annexed oil-rich Kuwait in August 1990, a strategic mistake that "shared many features with the decision ten years earlier to use force against Iran."⁸⁴⁹

Far from facing an apathetic Arab world or an acquiescent international community, Iraq promptly found itself isolated, as the United States led a thirty-five-state coalition that managed to oust the Iraqi army from Kuwaiti territory within the span of five weeks. As Iraq's humiliated army retreated from Kuwait, US president George Bush called on the Iraqis to revolt, stating that one way for the bloodshed to stop was for "the Iraqi military and the Iraqi people to take matters into their own hands and force Saddam Hussein, the dictator, to step

⁸⁴⁶ Tripp, Charles, *A History of Iraq*, 3rd ed. (Cambridge: Cambridge University Press, 2007), 231.

⁸⁴⁷ Tripp, *A History of Iraq*, 238.

⁸⁴⁸ Tripp, *A History of Iraq*, 242.

⁸⁴⁹ Tripp, *A History of Iraq*, 243.

aside.”⁸⁵⁰ In March 1991 a rebellion broke out, centred predominantly on the Shi’a cities of the South and the Kurdish areas to the North, leaving the government in sole control of Baghdad and areas north of the capital. However, the US – fearing the “Lebanonization of Iraq” – failed to support the insurgents.⁸⁵¹ This allowed the regime to launch a brutal counter-attack, and by April all resistance had collapsed. As the war ended, the United Nations Security Council imposed a strict regime of punitive sanctions on Iraq, one buttressed by a stringent weapons inspections program designed to rid Iraq of its nuclear, chemical, and biological capabilities.⁸⁵²

Throughout the two decades of his rule and beyond, the ethno-sectarian character of Saddam Hussein’s regime has been the subject of debate. Many have characterized his rule as one of a Sunni leadership which excluded and oppressed Shi’as and Kurds. Others have stressed the secular identity of the regime, arguing that its Ba’athist, pan-Arab identity naturally included Iraqi Shi’as even as it potentially excluded the Kurds. Another alternative hypothesis suggests that real political power in Iraq lay in the hands of one particular tribe emanating from Saddam’s hometown, the Al-bu Nasir, a system that discriminated against all other Iraqis, including numerous Arab Sunnis.⁸⁵³ All three propositions hold certain degrees of credibility to them, and at various times during the two-decade period distinctive arrangements have predominated.

Characterizing Saddam Hussein’s regime as “Sunni” – akin to *Protestant* rule in Northern Ireland between 1921 and 1969 – is broadly inaccurate and potentially misleading. The regime’s political ideology, a mixture of Iraqi nationalism and pan-Arabism, was rigidly secular, and “in many symbolically prominent positions, as well as in local organizations, the whole range of Iraq’s diverse population was represented.”⁸⁵⁴ And even though Saddam had inherited an army and a bureaucracy whose top-tiers were Sunni-dominated, a historical legacy of Ottoman and monarchical rule, his regime engaged in a systematic effort to broaden the

⁸⁵⁰ Galbraith, *End of Iraq*, 44.

⁸⁵¹ A broadly accepted theory is that the US had “betrayed” Iraqi rebels after having urged them to revolt. For an alternative view arguing that the US had only hoped senior military commanders would push Saddam aside, see Lev Grossman’s “Did the U.S. Betray Iraqis in 1991?” *CNN: Inside Politics*, 7 Apr 2003, <http://edition.cnn.com/2003/ALLPOLITICS/04/07/timep.betray.tm/>.

⁸⁵² For an overview of Iraq under international sanctions, see Tripp, *History of Iraq*, 250-254.

⁸⁵³ See Tripp, 191.

⁸⁵⁴ Tripp, 219.

Ba'ath party's support beyond traditional circles.⁸⁵⁵ Amatzia Baram demonstrates how Saddam Hussein brought about drastic changes in the Ba'ath leadership's ethnic origins, whereby by 1986 "they came from most parts of Iraq" and "Shi'i Arabs had gained a perceptible foothold in the corridors of power."⁸⁵⁶

This is not to deny that "most of the commanders of (Saddam's) shadowy services came from the provincial towns in the so-called Arab-Sunni triangle,"⁸⁵⁷ or that the "tribal grouping of the Al-Bu Nasir" were "disproportionally represented in the regime,"⁸⁵⁸ or that following the Gulf War the discredited and insecure regime became "more dependent on elements drawn from Saddam's tribe."⁸⁵⁹ It does, however, serve to stress crucial nuances within the oversimplified framework of a Sunni regime oppressing all other ethno-national groups. This is particularly the case when comparing the regime's relationship with Iraq's Shi'as and Kurds, two groups with fundamentally different standings vis-à-vis Saddam's regime.

The Kurds of Iraq have had a historically contentious relationship with the central government in Baghdad; throughout much of the 20th century, they rebelled against Britain's decision in 1921 to include them in Arab Iraq.⁸⁶⁰ Characterized with their co-ethnics in Iran, Turkey, and Syria as being the largest ethnic group in the world with no state of their own, Iraqi Kurds – comprising approximately one-fifth of the population – have repeatedly resisted the central authorities' continuous attempts to curb their secessionist aspirations. As early as 1960, two-thirds of the Iraqi army was bogged down in the mountains of the north in order to quell the rebellion of Mullah Mustafa Barazani.⁸⁶¹ With Saddam Hussein's *de facto* ascent to power in 1970, secret talks led to an agreement in which the government recognized far-reaching Kurdish autonomous rights; however, the agreement promptly collapsed as "issues of defence, finance and oil were out of bounds" for the central authorities.⁸⁶² War broke out in 1974, and

⁸⁵⁵ For a comprehensive overview of the sectarian composition of the Iraqi Ba'ath between 1979 and 1986 see Baram, Amatzia, "The Ruling Political Elite in Bathi Iraq, 1968–1986: The Changing Features of a Collective Profile," *International Journal of Middle East Studies* 21, no. 4 (1989): 447-493.

⁸⁵⁶ Baram, "Ruling Political Elite," 447.

⁸⁵⁷ Abdullah, *Short History*, 132.

⁸⁵⁸ Tripp, *History of Iraq*, 186.

⁸⁵⁹ Abdallah, 144.

⁸⁶⁰ Galbraith, *End of Iraq*, 6.

⁸⁶¹ Abdullah, 123.

⁸⁶² Tripp, 193.

the government pursued a “ruthless policy of ethnic cleansing that was designed to remove all Kurdish villages from the border areas of Turkey and Iran.”⁸⁶³

Certainly, the guiding ideological principles of Saddam Hussein’s militaristic, pan-Arab ideology left little space for peaceful coexistence with Kurdish nationalism in Iraq. This predicament was further exacerbated by the Iraq-Iran war, as the Kurds received material support from the Islamic Republic and aided Iranian forces in their military incursions into northern Iraq. In February 1998, Iraqi forces began the *Al Anfal* campaign in which they “carried out a scorched earth policy in all areas associated with Kurdish guerrilla organizations,” whereby about eighty percent of Kurdish villages were destroyed.⁸⁶⁴ The campaign – considered by some states as genocidal – “shocked the world” and led the United States and its allies to create a “safe havens” for Iraqi Kurds by enforcing a no-fly zone extending from the 36th parallel northwards.⁸⁶⁵ Over the next decade, the Kurds established a de-facto “virtually independent state” in the north under international protection.⁸⁶⁶ Although repeatedly marred by internecine fighting between the two largest Kurdish parties, the KPD and the PUK, the region provided for satisfactory Kurdish self-rule to the point where some Kurdish leaders were unenthusiastic about the prospective overthrow of Saddam Hussein, fearing a potential loss of their overreaching autonomous status within the new arrangement.⁸⁶⁷

The nature of the relationship between the Saddam Hussein’s government and Iraq’s Shi’a community is infinitely more nuanced than that of the Kurds. The Shi’a, comprising a numerical majority, are ethnically Arab and did not historically harbour secessionist tendencies; as such, Saddam’s secular, Arab nationalist regime viewed them as a potential pool for loyalist recruits. Before the war with Iran, Saddam attempted to redress the historic disenfranchisement of the Shi’a from the ruling elite by bringing a number of them into the Revolutionary Command Council (RCC) for the first time.⁸⁶⁸ He also endeavoured to

⁸⁶³ Abdullah, 133.

⁸⁶⁴ The Kurdish government estimates that 182,000 died between 1987 and 1990 in the Anfal. Galbraith, *End of Iraq*, 27. More objective assessments put the number closer to 50,000. See “Iraq’s Crime of Genocide: The Anfal Campaign Against the Kurds,” Human Rights Watch Report, 1 May 1994. <https://www.hrw.org/report/1994/05/01/iraqs-crime-genocide-anfal-campaign-against-kurds>. Many states, including the UK, consider the Anfal Campaign as genocide against the Kurds.

⁸⁶⁵ Galbraith, *End of Iraq*, 55. The no-fly zone did not cover all of Iraqi Kurdistan, only Dohuk and Erbil. Mosul was included in the no-fly zone but controlled by Saddam’s army.

⁸⁶⁶ Galbraith, 5.

⁸⁶⁷ Galbraith, 157.

⁸⁶⁸ Tripp, *History of Iraq*, 209.

undermine the potential for anti-establishment communal solidarity by channelling considerable resources towards the Shi'a community, drawing many of them into the circle of the newly established order in Iraq.⁸⁶⁹ As the war with Iran began, Ayatollah Khomeini attempted to capitalize on the potential for a common sectarian cause between Iran and Iraq's Shi'a and thus created a Tehran-based organization, the Supreme Council for the Islamic Revolution in Iraq (SCIRI), which served as an umbrella organization for all Iraqi Shi'a Islamic parties.

Saddam Hussein's response was twin-faceted. On the one hand, he further engaged the Shi'a by promoting a growing number of their officers to positions of prestige and responsibility while simultaneously maintaining a powerful propaganda campaign which stressed the Arab identity of Iraq's Shi'a. The result was that "with the notable exception of the Kurds, Iraq's communities remained loyal," as "rates of desertion among Shi'a conscripts were little different than those of their Sunni counterparts."⁸⁷⁰ On the other hand, Saddam's efforts at inclusion were accompanied by "the suppression of distinctly Shi'a political organizations," especially as the latter became part and parcel of the Iranian war effort against Iraq.⁸⁷¹

The relationship between the regime and Iraq's Shi'a was to alter drastically, however, as the rebellion of March 1991 broke out across the predominantly Shi'a cities in Southern Iraq. Led by Tehran-based groups such as Dawah and the Badr Brigades of SCIRI, as well as numerous army deserters, the uprising was hastily and brutally crushed by Saddam's Republican Guard divisions, in a campaign that took on severe sectarian undertones.⁸⁷² The United States, believed to have encouraged the rebels, was nowhere to be seen.⁸⁷³ Over the next decade, the regime's diminishing legitimacy and shrinking capabilities led it to increasingly rely on sectarianism and tribalism to maintain its grip on power.⁸⁷⁴ On the eve of the US invasion in

⁸⁶⁹ Ibid, 197.

⁸⁷⁰ Ibid, 238.

⁸⁷¹ Ibid, 237.

⁸⁷² Reports flourished after the rebellion was crushed that Ba'athist tanks were painted with sectarian messages such as "No Shi'ites after today," although those reports have not been confirmed. See Kifner, John, "Iraqi Refugees Tell U.S. Soldiers of Brutal Repression of Rebellion," *The New York Times*, 28 Mar 1991, <https://www.nytimes.com/1991/03/28/world/after-the-war-iraqi-refugees-tell-us-soldiers-of-brutal-repression-of-rebellion.html>.

⁸⁷³ Some analysts have concluded that "America's indifference to the slaughter of Iraqi Shi'ites drove them to the embrace of Iran," Galbraith, *End of Iraq*, 60.

⁸⁷⁴ Abdullah, *Short History*, 150. This was accompanied by the *Faith Campaign* launched in 1993 by the regime, aimed at gaining legitimacy through the pursuit of an overtly Islamist agenda. For an overview of the campaign, See Baram, Amatzia, "From Militant Secularism to Islamism: The Iraqi Ba'th Regime 1968-2003,"

2003, Saddam's initial aspiration at being the patron of all diverse sections of Iraqi society was a long-lost memory.

Expectations for strategic violence in the post-war era varied immensely.⁸⁷⁵ On one end of the spectrum, US administration officials – deliberately unaware of sectarian dynamics and misguided by Iraqi exiles – expected to be greeted as liberators by “grateful” victims of Saddam's brutality, after which a soft security environment would prevail amidst a burgeoning democratic setting.⁸⁷⁶ Understanding this helps explain their failure to comprehensively plan for the war's aftermath and their unwillingness to send more than a third of the required troop numbers for the occupation of a country the size of Iraq.⁸⁷⁷ On the other end of the spectrum, the Iraqi *fatalists* contended that violence was inevitable and advocated for the partition of Iraq as the only path through which peace and stability might be ensured. They argued that given Iraq's history of one-sided killing, its limited number of highly nationalistic groups living homogenously, its abundant natural resources, its aggressive neighbours and the nature of its former Ba'athist regime, no amount of power sharing could ensure peace and stability in Iraq.⁸⁷⁸ While acknowledging the inescapable impact of some of these structural drawbacks,⁸⁷⁹ Iraqi *realists* rely on a stream of available data to suggest that Iraq's Sunnis and Shi'as have overwhelmingly expressed a desire to live together in a unified state.⁸⁸⁰ And while the Kurds'

Woodrow Wilson International Center for Scholars, History and Public Policy Program Occasional Paper, Oct 2011, <https://www.wilsoncenter.org/sites/default/files/From%20Militant%20Secularism%20to%20Islamism.pdf>

⁸⁷⁵ In the Iraq case study, the term post-war is used more loosely than is the case in Lebanon, Bosnia, and Northern Ireland. Before the US invasion of Iraq, the last instances of widespread violence occurred a decade earlier, and the conflict had since been contained. Nevertheless, a new, post-conflict era only begun after the overthrow of Saddam Hussein's regime and the establishment of the power sharing agreement embodied in the new Iraqi constitution.

⁸⁷⁶ After meeting with Iraqi exiles, Paul Wolfowitz, US Deputy Secretary of Defense, stated that he was “reasonably certain that they will greet us as liberators and that will help keep requirements down,” Ricks, *Fiasco*, 92.

⁸⁷⁷ US commanders who had served in Bosnia asserted that the US needed one soldier for every fifty citizens, which equates to 300,000 troops for Iraq once the peaceful region of Kurdistan was discounted. Ricks, *Fiasco*, 96. Rumsfeld, however, wanted to invade Iraq with 10,000 troops. Ricks, *Fiasco*, 37.

⁸⁷⁸ Daniel Byman compared Lebanon and Iraq, arguing that “only repression will keep Sunni Arabs, Shi'a Arabs, and Kurds together in one state.” He recommended that the international community allow Iraq to split along ethno-national lines. See Byman, Daniel L. “Divided they Stand Lessons about Partition from Iraq and Lebanon.” *Security Studies* 7, no. 1 (1997): 4-14. For a similar argument, see Galbraith, *End of Iraq*, 8 and Gelb, Leslie, “The Three State Solution,” *The New York Times*, 25 Nov 2003, <http://www.nytimes.com/2003/11/25/opinion/the-three-state-solution.html>.

⁸⁷⁹ The main weakness in Byman's argument rests in the fact that unlike for the Kurds, there is no dominant secessionist tendencies in either the Shi'a or Sunni communities in Iraq. He is correct, however, in contending that none of the three dominant groups in Lebanon have an outright majority, as is the case with the Shi'as of Iraq.

⁸⁸⁰ Phebe Marr correctly argues that poll results on Iraqi identity run counter to voting patterns or discussions with party leaders, see Marr's *The Modern History of Iraq*, 3rd ed. (Boulder, CO: Westview Press, 2012), 43.

long-standing appetite for secession might lead some to legitimately question the viability of a unified Iraqi state, post-conflict violence in Iraq rarely involved the Kurds, who managed to establish a stable, self-governing federal region with the consent of both Sunni and Shi'a Arabs. As such, realists consider that the ensuing carnage – “specifically driven forward” by the policy decisions of “those who thought they had won the early stages of the war” – could have been avoided.⁸⁸¹

What factors account for Iraq's descent into a protracted, sectarian and particularly bloody civil conflict that has ravaged the country since 2004? Is it the inevitable result, as some have argued, of “three distinct and sectarian communities” forcibly locked into an artificial state?⁸⁸² Or have numerous, deliberate post-war policy choices turned a potentially viable political entity into the regional epicentre of a seemingly endless ethnic war? This chapter argues that the eruption and continuation of ethnic conflict in Iraq, particularly but not exclusively between the Shi'a and Sunni communities, can be attributed to three inter-related factors: (1) the “selfish” nature of the United States as a de-facto guarantor following the invasion and occupation of Iraq, the result of which were policies highly influenced by ideological preferences and sectarian biases as well as a dearth of local, regional, and international allies which stripped the US presence of much-needed legitimization; (2) the fundamentally exclusive and punitive nature of the post-war political settlement enacted by the US and its Iraqi allies, both of which systematically sought to marginalize the Arab Sunni community in a continuous attempt to impose a “victor's peace,” as most notably exemplified through the dissolution of the Iraqi Army, the overbearing de-Ba'athification program, and the Shi'a-Kurd dominated constitution-writing process; and (3) the profoundly unconstructive regional environment, whereby neighbouring states such as Syria and Iran – fearing that the US would

However, a poll in February 2004 showed that only 14% of population supported either the idea of living in federal regions or outright independence. See “Poll Finds Broad Optimism in Iraq, But Also Deep Divisions Among Ground,” ABC News Poll: Iraq – Where Things Stand, Released 12 Dec 2005, <https://abcnews.go.com/images/Politics/1000a1IraqWhereThingsStand.pdf>, 21. This is understandable. As a majority, Shi'as have little appetite for secession, while the Sunnis oppose it on ideological grounds. Kurds have a distinctly different view. In 2006, only 16% “strongly disagreed” that Iraqis should be segregated by sect, in contrast to 82% in Sunni provinces and 67% in the South. “Survey of Iraqi Public Opinion,” International Republican Institute. 14-24 Jun 2006. <http://www.iri.org/sites/default/files/2006%20July%2019%20Survey%20of%20Iraqi%20Public%20Opinion.%20June%2014-24.%202006.pdf>

⁸⁸¹ Dodge, *Iraq: From War to a New Authoritarianism*, 132.

⁸⁸² Leslie Gelb and Peter Galbraith have been the most prominent proponents of this idea: See Galbraith, Peter W. “The Case for Dividing Iraq,” *TIME*. 5 Nov 2006, <http://time.com/2900025/the-case-for-dividing-iraq/>, and Gelb's article, “The Three State Solution.”

use its Iraqi success to target their regimes – sought both to empower radicals in the service of their strategic objectives and to keep the US politically and militarily bogged down in Iraq.

The chapter focuses on the violence that ensued in the early post-conflict period, beginning with the establishment of the Iraqi constitution in 2005 and ending with the US troop surge and nascent alliance with Sunni tribes in 2008. Nevertheless, it shall also briefly examine the reasons for the decline in levels of violence between 2010 and 2012, as the US adopted a more inclusive approach, as well as the causes behind the dramatic return of violence after the withdrawal of US forces and the reinstatement of the exclusive bargain by Prime Minister Nuri El Maliki.

Violence in Post-War Iraq

Compared to other cases of post-war violence, Iraq particularly stands out as “an outlier in terms of the levels of violence that it experienced.”⁸⁸³ In the immediate post-war period between 2003 and 2008, 106,321 Iraqis were killed due to violence, alongside 4,216 casualties amongst US troops.⁸⁸⁴ Thus the sheer scale of the violence, especially between 2006 and 2008, would “classify it as an armed conflict rather than a hard post-conflict environment.”⁸⁸⁵

Throughout the post-war period, two parallel yet interconnected general patterns of violence can be discerned. The first pattern dominated the primary phase (2003-2006), and was centred around an insurgency armed with IEDs, snipers and car bombs whose primary objective was the disruption of US military and political control over Iraq. While the first pattern sustained itself, an alternate pattern picked up steam in the secondary phase (2006-2008). As the US’s Shi’a allies became the embodiment of the new political order in Iraq, and as radical Islamic factions came to dominate large segments of the insurgency, violence took on a predominantly sectarian nature whose main targets were Iraqi civilians. Figure 1 below demonstrates how both violent conflicts were being waged simultaneously and illustrates the dramatic increase in attacks against civilians beginning in early 2006. Concurrently, insurgent attacks against Iraqi Security Forces, perceived as enforcers of the new exclusive political order in Iraq, increased

⁸⁸³ Boyle, Michael J. *Violence After War: Explaining Instability in Post-Conflict States*, (Baltimore: Johns Hopkins University Press, 2014), 282.

⁸⁸⁴ Ibid 283. For the number of Iraqi deaths, see Table: “Monthly civilian deaths from violence, 2003 onwards,” Iraq Body Count, <https://www.iraqbodycount.org/database/>, accessed 1 Jun 2018.

⁸⁸⁵ Boyle, *Violence After War*, 258-259.

substantially. By August 2008, 13,754 Iraqi Security Forces members had been killed.⁸⁸⁶ Only after strenuous US attempts at reversing the exclusive elite pact and incorporating Arab Sunni tribes in the battle against Al Qaeda in 2007-2008 was the number of casualties, both in terms of US troops, Iraqi Security Forces and Iraqi civilians, dramatically reduced.⁸⁸⁷

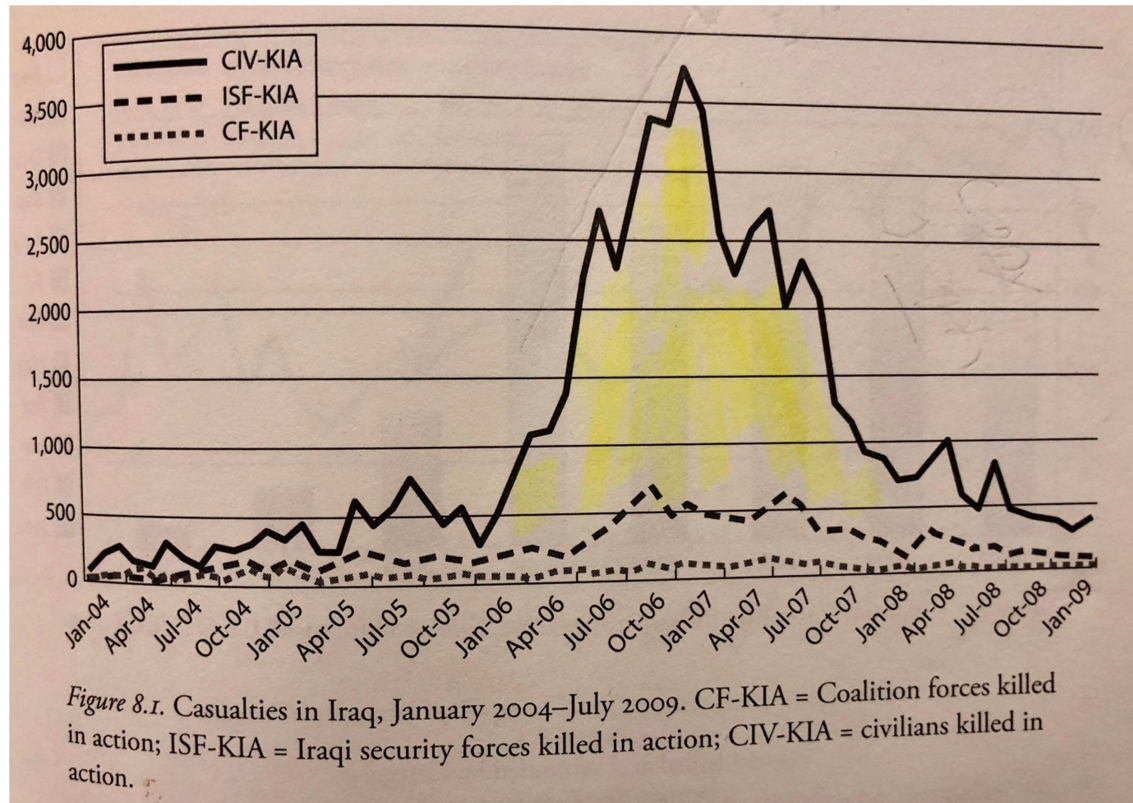


Figure 1. From Boyle, *Violence After War*, 283.

Furthermore, a substantial segment of the sectarian violence directed against civilians was undertaken by Shi'a militias, such as Jaysh Al Mahdi (JAM) led by the firebrand Muqtada Al Sadr, as well as by the official Iraqi state security agencies, largely known to have been taken over by the Badr brigades, the Iranian-trained armed wing of the Supreme Council for the Islamic Revolution in Iraq (SCIRI). While initially focused on armed resistance against the US and British forces, and alleged to have cooperated across the sectarian divide with Sunni-led insurgent groups, the 50,000 strong JAM forces “became the main group murdering Sunnis” as they “used Sadr city as a platform from which to drive Sunnis out of Baghdad” following the

⁸⁸⁶ Ibid, 284.

⁸⁸⁷ The number of Iraqi civilian deaths dropped from 26,078 in 2007 to 5,376 in 2009. See “Monthly civilian deaths,” Iraqbodycount.org. The number of US military casualties dropped from 904 in 2007 to 149 in 2009. See “Number of US Soldiers Killed in the Iraq War from 2003 to 2017” Statista, 2018, <https://www.statista.com/statistics/263798/american-soldiers-killed-in-iraq/>

Al-Askari shrine bombing in 2006.⁸⁸⁸ For their part, the Special Police Commandos, led by former Badr Brigade commander and Minister of Interior, Bayan Jabr, “acted as a sectarian death squad” that “frequently resorted to extra-judicial execution and torture.”⁸⁸⁹ In November 2005, US forces raided a Ministry of Interior detention facility and found 170 detainees (166 of whom were Sunnis) in “appalling conditions.”⁸⁹⁰ James Danley, a US troop commander, described the National Police as “sectarian murderers” who would “go into a Sunni neighbourhood” and “simply shoot everything they could.”⁸⁹¹

The variations in the levels of violence across the 2003-2008 period were also accompanied by significant regional variations. Research conducted by Michael Boyle in coordination with CENTCOM indicates that the highest proportion of violence – 37.42% of total attacks – took place in Baghdad.⁸⁹² This is understandable, both given the ethnically mixed composition of the city and the heavy US military presence in the capital. Apart from the Sunni dominated areas that formed the epicentre of the insurgency and hence witnessed substantial amounts of violence,⁸⁹³ the data shows that “where one group is dominant, the number of attacks was almost negligible.”⁸⁹⁴ This is particularly the case in the three Kurdish, Peshmerga-controlled northern regions where only 0.25% of attacks took place.⁸⁹⁵ Unsurprisingly, this phenomenon was continuously emphasized by those advocating a three-way division of Iraq, as they argued that only self-contained communities could coexist peacefully.

In sum, violence in post-war Iraq was characterized by two overlapping conflicts that were broadly believed to be mutually reinforcing—a counter-occupation insurgency targeting American forces and a specific and strategic campaign of sectarian violence targeting Iraqi civilians. What initially began as a fiercely nationalist insurgency against foreign occupation

⁸⁸⁸ Dodge, *Iraq*, 145.

⁸⁸⁹ Dodge, *Iraq*, 144. Moreover, a US official estimated that 90% of the 35,000 police officers working in northeast Baghdad were affiliated with the Mahdi Army. Former Defence Minister Allawi stated that “it was common knowledge” that the 60,000 strong police force was divided between the Mahdi army and the Badr organization. Allawi, Ali A. *The Occupation of Iraq: Winning the War, Losing the Peace*, (New Haven: Yale University Press, 2007), 423.

⁸⁹⁰ “Beyond Abu Ghraib: detention and torture in Iraq” Amnesty International Report, 6 Mar 2006, 4.

⁸⁹¹ James Danley quoted in “Secret Iraq” (2010) Part 2, BBC 2, 6 October. Online, available at: www.bbc.co.uk/iplayer/episode/b00v8t2t/Secret_Iraq_Awakening/, 11 Apr 2018.

⁸⁹² Boyle, *Violence After War*, 289.

⁸⁹³ Between 2004 and 2008, Baghdad witnessed 60,972 attacks, the Sunni regions of Anbar, Diyala, Ninawa and Salah Ad Din 77,926, and all of the other regions of Iraq 24,034 attacks. See Boyle, *Violence After War*, Table 8.5, 291.

⁸⁹⁴ Boyle, *Violence After War*, 286.

⁸⁹⁵ Ibid 286. See Table 8.3.

quickly morphed into a sectarian confrontation of uncontrollable brutality. While some analysts had urged the US to withdraw its troops in the hope that it would lead to a reduction in the overall levels of violence, the exit of US forces in 2011 conversely led to a dramatic increase in violence. Whereas the number of casualties had stabilized at an average of 4,581 victims per year for the post-surge period between 2009 and 2012, the average metamorphosed to 16,010 for the period between 2013 and 2016.⁸⁹⁶ What explains this seemingly endless stream of strategic sectarian violence in Iraq? How did a potentially promising post-regime change era transform into a sectarian civil war that has far outlasted the global average for civil conflicts?

Explanations

To date, over the course of fourteen years, the conflict in Iraq has cost the lives of 288,000 individuals, including approximately 200,000 civilians, almost half of which were killed after the US troop withdrawal of 2011.⁸⁹⁷ By the standard of one thousand annual casualties, it could have been considered a civil war as early as 2004.⁸⁹⁸ And by 2007, it was already the ninth most deadly civil war in terms of annual casualties.⁸⁹⁹ This makes Iraq a staggering case of post-war violence after power sharing, as the intensity and scale of the hostilities defy the very classification of “post-war state.”⁹⁰⁰ Nevertheless, this chapter shall examine the drivers of violence following the US invasion of Iraq based on three main factors: The foreign guarantor, the power-sharing arrangement, and the regional environment.

The US in Iraq: Perceptions and realities of a “selfish” guarantor

Following the attacks on 11 September 2001, the United States began to dramatically alter its attitude towards Saddam Hussein’s regime in Iraq.⁹⁰¹ As early as January 2002, President Bush

⁸⁹⁶ “Monthly civilian deaths from violence, 2003 onwards,” <https://www.iraqbodycount.org/>

⁸⁹⁷ The number of documented civilian deaths from violence in post-war Iraq ranges from 181,563 to 203,694, with a total number of violent deaths including combatants of 288,000. Official body count published as of 28 Jun 2018. <https://www.iraqbodycount.org/>

⁸⁹⁸ Boyle, *Violence After War*, 259.

⁸⁹⁹ Fearon, James D. “Iraq’s Civil War,” *Foreign Affairs*, (Mar/Apr 2007) <https://www.foreignaffairs.com/articles/iraq/2007-03-01/iraqs-civil-war>.

⁹⁰⁰ Despite the marginalization of one of Iraq’s three leading communities, the Sunni Arabs, it is undeniable that the political system in post-war Iraq was one in which power was effectively shared, predominantly between Iraqi Shi’as and Iraqi Kurds.

⁹⁰¹ It has been argued that influential elements inside the Bush administration made the issue of Saddam Hussein “a plank of the administration’s policy” from “the very beginning.” According to Bush’s Secretary of the Treasury, Paul O’Neil, it was “almost immediately after the inauguration that Saddam become ‘Topic A’ in

designated Iraq as part of an “axis of evil” – alongside Iran and North Korea – in what became the starting point of a concentrated effort to rid Iraq of its weapons program. The US argued that given Saddam’s presumed links to Al Qaeda, it feared the transfer of biological and chemical materials to the terrorist organization. In the words of President Bush, the US had to act imminently as it could not afford to wait for “the final proof – the smoking gun – that could come in the form of a mushroom cloud.”⁹⁰² Nevertheless, instead of gathering intelligence to inform policy on issues such as the WMD threat and Iraq’s relationship with Al Qaeda, the Bush administration “selectively applied potentially damaging, but inconclusive, intelligence information to strengthen its case against the Ba’ath regime.”⁹⁰³

Subsequently, despite its strenuous efforts to make the case for the invasion’s legitimacy, the US was largely and consistently considered – in the lead-up to the war, its early phases, and during its later management of Iraqi affairs – as a “selfish” power whose interests lay far apart from its professed objectives of protecting its national security or liberating the “rogue state” from a brutal dictator. A myriad of allegations of “selfishness” would continue to haunt the US mission in Iraq for years to come as “cynicism ran deep regarding America’s motives.”⁹⁰⁴ The desire for imperial expansion, the pursuit of oil wealth, the protection of Israel’s security, the quest for further military bases in the Middle East, among others, were held up as “the real motives behind America’s push to Iraq.”⁹⁰⁵ As such, it lacked widespread legitimacy and credibility in orchestrating a successful post-war nation or state-building enterprise. This, in turn, would have direct and harmful consequences for the re-emergence of post-war violence.⁹⁰⁶

The Bush administration’s case for going to war with Iraq was dubious at best. As the efforts to make the case for war progressed, it increasingly became clear that the Bush administration,

meetings of the National Security Council.” See Dawisha, Adeed, *Iraq: A Political History*, (Princeton University Press, 2013), 243. Larry Diamond also claims that many top administration officials, like Paul Wolfowitz and Vice-President Dick Cheney, came into office in January 2001 determined to remove Saddam by force. Diamond, Larry, *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq*, (New York: Henry Holt, 2006), 292. In 1998, Wolfowitz and others issued a letter to President Clinton urging him to take “regime change in Iraq seriously.” Ricks, *Fiasco*, 17.

⁹⁰² “Bush: Don’t wait for the mushroom cloud,” Text of President Bush’s Speech, CNN Inside Politics, 8 Oct 2002, <http://edition.cnn.com/2002/ALLPOLITICS/10/07/bush.transcript/>.

⁹⁰³ Allawi, *The Occupation of Iraq*, 81.

⁹⁰⁴ Allawi, 459.

⁹⁰⁵ Ibid.

⁹⁰⁶ Although he argues that the US had “no colonial ambition,” Diamond does admit the US invaded and managed Iraq with an “imperial approach,” which in turn caused enormous shortages of funds and legitimacy. *Squandered Victory*, 311.

intent on going to war, was pressuring the intelligence community to provide the necessary ex-post facto “evidence” to legitimize the invasion. This was most clearly demonstrated in Secretary of State Powell’s UN speech making the case for war, an address he later referred to as a “great intelligence failure.”⁹⁰⁷ As a result, global opposition to the invasion was ubiquitous. French political scientist, Dominique Renie, estimated that between January and April 2003, 36 million people across the globe took part in almost 3,000 protests in opposition to the war, leading commentators to argue that public opinion now rivalled the US as a global superpower.⁹⁰⁸

Apart from unprecedented public opposition – signalling the lack of a legitimate case for war – the legality of the US invasion of Iraq was also widely contested. Unable to secure the UN Security Council’s endorsement of military action against Iraq, due to the opposition of not only traditional foes such as Russia and China but also long-time allies such as France and Germany, the Bush administration simply bypassed the organization, unconvincingly arguing that UNSCR 1441 provided enough legal justification for removing Saddam from power.⁹⁰⁹ Politically isolated at the top-tier international level – except for the support of the United Kingdom – the US nevertheless proceeded with a “Coalition of the Willing” which included no more than two additional countries’ troops, namely Australia and Poland.⁹¹⁰ Tellingly, only a few months later, Coalition Provisional Authority (CPA) administrator Bremer would refer to it as the “coalition of the not-at-all willing.”⁹¹¹ The invasion itself thus constituted the “original

⁹⁰⁷ Breslow, Jason M. “Colin Powell: U.N. Speech ‘Was a Great Intelligence Failure’”, *Frontline PBS*. 17 May 2016. <https://www.pbs.org/wgbh/frontline/article/colin-powell-u-n-speech-was-a-great-intelligence-failure/>

⁹⁰⁸ See “Cities jammed in worldwide protest of war in Iraq,” CNN Special Report, 16 Feb 2003, <http://edition.cnn.com/2003/US/02/15/spri.iqr.protests.main/> and Tyler, Patrick E., “Threats and responses: News analysis; A new power in the streets,” 17 Feb 2003, <http://www.nytimes.com/2003/02/17/world/threats-and-responses-news-analysis-a-new-power-in-the-streets.html>.

⁹⁰⁹ UNSCR 1441 offered Saddam’s regime a “final opportunity to comply with its disarmament obligations.” However, as US ambassador to the UN, John Negroponte, stated following the adoption of the resolution, there was “no automaticity” to the use of force in case of Iraq’s non-compliance, and the matter then returns to the council for discussion. For the text of Negroponte’s speech, see the official record of the UN Security Council’s 4644th Meeting available at http://www.un.org/ga/search/view_doc.asp?symbol=S/PV.4644.

⁹¹⁰ Only the UK, Australia and Poland contributed troops to the invasion, but many states were involved in the aftermath. Bush insisted in March 2003 that the US assembled a “huge coalition” that was “larger than the one assembled in 1991 in terms of nations participating.” However, in contrast to the 1991 coalition, US allies in 2003 participated as a largely symbolic “favour to the US government” and failed to provide any meaningful combat assistance to the US military effort. The troop contributions of 31 coalition partners amounted to less than twenty-four thousand. Moreover, the US’s most enthusiastic European allies, such as Spain, Italy, and Poland had withdrawn under pressure by 2005. See Ricks, *Fiasco*, 346-347.

⁹¹¹ Bremer, L. Paul and Malcolm McConnell, *My Year in Iraq: The Struggle to Build a Future of Hope*, (New York: Simon & Schuster, 2006), 319.

sin” – “hasty and unilateral, without international authorization, and without the support of much of the world.”⁹¹²

At the onset of the invasion, US policy – or lack thereof – further contributed to it being perceived as a “selfish” superpower. As US forces took control of Baghdad, looting raged across the Iraqi capital, with Iraqi government offices, state ministries, and even the Iraqi National Museum being ransacked. The losses were later estimated at about \$12 billion. The Iraqis began to view the US “as either too incompetent to keep order or so evil as to desire to country’s physical destruction,” with either view “making resistance the logical response.”⁹¹³ Adding insult to injury, the only Iraqi government institution that was actively protected by US forces was the Ministry of Oil, which aggressively contributed to long established and pervasive theories attributing the invasion to an imperialistic desire to control Iraq’s large oil reserves.⁹¹⁴

Moreover, as the US occupation solidified several months following the invasion, coalition intelligence agencies were not able to locate one credible piece of evidence suggesting Saddam’s regime was pursuing a WMD program or had active links to terror groups such as Al Qaeda. This further weakened the credibility of the occupying forces, exposing the case for war as a deliberate fabrication. Furthermore, whereas the original intent had been to hand over power to a group of US-selected Iraqis to act as a provisional government with sovereign power, the advent of US presidential envoy, Ambassador Paul Bremer, to Iraq stipulated a change of direction – the CPA would directly manage the Iraqi state for a period of one year.⁹¹⁵

⁹¹² Diamond, *Squandered Victory*, 280. A US-friendly Middle Eastern diplomat who spoke those words to Diamond further argued that “when you commit a sin as cardinal as that, you are bound to get a lot of things wrong,” *Squandered Victory*, 280.

⁹¹³ Galbraith, *End of Iraq*, 113. He adds that it is “no exaggeration that the US may have lost the war the very day it took Baghdad on April 9, 2003.”

⁹¹⁴ The looting of institutions such as the museum and the national library “confirmed fears that the American occupation deliberately targeted Iraqi or Islamic civilization,” a matter exacerbated by “the speed and efficiency with which US forces protected the Ministry of Oil,” Abdullah, *A Short History*, 162. By November 2003, almost half of Iraqis thought the US had invaded their country to “rob it” of its oil. See Pincus, Walter, “Skepticism About US Deep, Iraq Poll Shows” *The Washington Post*, 12 Nov 2003, https://www.washingtonpost.com/archive/politics/2003/11/12/skepticism-about-us-deep-iraq-poll-shows/54a8c6b7-759e-4c46-a578-7fc5775e83c6/?utm_term=.4bfb76bffc9

⁹¹⁵ Bremer arrived to Iraq “as an American viceroy in the tradition of McArthur in Japan, determined to assert control” Diamond, *Squandered Victory*, 39. Bremer argues in his book that he needed to hold on to power because the Group of Seven has “no mandate to rule Iraq,” its members “have little support” and “lack credibility in large sections of the population.” He told his superiors in Washington that “the GC can’t take action without ‘handholding by the CPA’ and that the members ‘can’t organize a parade, let alone run a country,’” Bremer, *My Year in Iraq*, 143-171.

This ill-advised decision to micro-manage Iraq's domestic affairs, designed as if to confirm suspicions of imperialistic Western designs, broadened opposition to the US and cemented its image as a "selfish" occupying power. Years later, CPA advisor Larry Diamond argued that the US "established itself as an occupying power in every respect and so ensured that we would face a dedicated, violent resistance."⁹¹⁶ Numerous Iraqi leaders would later characterize this shift in policy as the one that "changed the US from being seen by many as liberator to being universally regarded as occupier."⁹¹⁷ By March 2004 71% of Iraqis viewed US forces as occupiers, whereas only 43% did at the time of the invasion.⁹¹⁸

The most detrimental aspect of US "selfishness," however, was the US administration's deeply held bias against the Iraqi Armed Forces, the Ba'ath Party of Iraq, and the Arab Sunni population as a whole. Although the reasons for which the US went to war are numerous and complex, one understated aspect is that the invasion of Iraq was a "logical" continuation of the unfinished war Bush's father, George H.W. Bush, had launched to get Saddam out of Kuwait in 1991. As such, Iraq's army and its Ba'ath party were long-time sworn enemies of the United States, and particularly of Republicans associated with both of the Bush administrations.⁹¹⁹ Whereas numerous analysts have established that the dismantling of the Iraqi army and, to a lesser extent, the banning of the Ba'ath Party were foundational mistakes committed by CPA administrator Bremer, there is negligible analysis as to why the US engaged in what proved to be evidently erroneous decisions. This analysis becomes particularly pertinent when the Iraqi experience is contrasted with that of Bosnia. After all, it was the same global superpower who, less than a decade before, allowed the Bosnian Serbs to maintain their sectarian armed forces and preserve their secessionist party, even though leaders of both institutions had been indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia (ICTY)⁹²⁰.

⁹¹⁶ Diamond, *Squandered Victory*, 290.

⁹¹⁷ Galbraith, *End of Iraq*, 122.

⁹¹⁸ <https://news.gallup.com/poll/11527/gallup-poll-iraq-liberated-occupied-limbo.aspx>.

⁹¹⁹ Allawi argues that another unstated premise behind the decision to dissolve the old Iraqi army was the belief held by many neo-conservative circles in the US that the army was both an instrument of control and the propagator of an ideology that was aggressive and disruptive to both stability and peace in the middle east. *The Occupation of Iraq*, 155.

⁹²⁰ US officials such as Wolfowitz were routinely dismissive of any comparison with the Bosnian experience, stating that 'I think the ethnic differences in Iraq are there but they're exaggerated... there has been none of the record in Iraq of ethnic militias fighting one another that produced so much bloodshed and permanent scars as Bosnia', Ricks, *Fiasco*, 98. Instead, they obsessively focused on the US experience in Germany and Japan, despite the significant differences both countries had with Iraq.

The bias of the US administration against Iraq's Arab Sunni population, though tempered at times by some in the administration arguing for more Sunni inclusion, had various origins. On the one hand, especially after the uprising of 1991, Saddam came to be perceived – however erroneously – as a sectarian Sunni leader ruling over oppressed Shi'a and Kurd populations.⁹²¹ Concurrently, in the period between 1991 and 2003, the US intelligence community built an extensive network of relationships with exiled Iraqi political leadership, one that had no meaningful Sunni component, “probably reflecting their paucity of numbers in the diaspora and their association, rightly or wrongly, with the policies of the Ba'ath in power.”⁹²² This partnership had the expressed objective of overthrowing Saddam's regime, and some Iraqi exiles, such as the now infamous Ahmad El Chalabi, played a crucial role in convincing the Bush administration of the righteousness and feasibility of a US invasion to enable regime change in Iraq.⁹²³

Last but not least, US policy in the post 9-11 era was highly prejudiced by the fact that nineteen Sunni extremists, professing a militant Salafi ideology, had launched the deadliest attack in history against the US mainland.⁹²⁴ This led some highly influential commentators to argue that unlike Sunni Muslims, Shi'a Muslims – as Middle Eastern “outsiders” and “bearers of modernism” – were “natural allies” of the United States.⁹²⁵ For example, one of the Bush administration's “informal advisors” who were “regularly summoned to the White House” in the run-up to the war in Iraq, Middle East scholar Fouad Ajami⁹²⁶, argued that the US “should not be frightened of radical Shi'ism”, given that “the 19 (who committed 9/11) were not Shi'a

⁹²¹ Tripp correctly argues that the Ba'ath regime in Iraq was “not a communal regime in any sense,” even though “the vast majority of the inner circle came from distinct groups within the Sunni Arab population.” Tripp, Charles, *A History of Iraq*. 3rd ed. (Cambridge: Cambridge University Press, 2007), 318.

⁹²² Allawi, *Occupation*, 72.

⁹²³ On the role of Chalabi in cementing US misconceptions about Iraq, see Galbraith, *End of Iraq*, 84-86.

⁹²⁴ Allawi argues that neo-conservatives in the Bush administration considered Saudi Arabia an “un-indicted co-conspirator” in the 9-11 attacks, which could explain the “decided tilt towards the Shi'a” in post-war Iraq, *Occupation*, 398. This was complemented by a delusional yet omnipresent belief that Najaf would replace Qom as the global pivot of Shi'a Islam, *Occupation*, 208.

⁹²⁵ Some theorists, such as Bernard Lewis, incorrectly linked the supposedly “heterodox” nature of Shi'a Islam with modernism, thus ignoring the weight of the Islamist factor among Iraqi Shi'as that had grown immensely in the 1990s. See Allawi, *Occupation*, 11. For a similarly misguided argument of Shi'as as bearers of modernism in contrast to Sunnis, see Nasr, Seyyed Vali Reza, *The Shi'a Revival: How Conflicts within Islam Will Shape the Future*, (New York: W.W. Norton, 2006), 250-251.

⁹²⁶ Adam Scatz describes Ajami as the Pentagon's “favorite Arab”, as well as a close associate of Secretary of State Rice and Deputy Secretary of Defense Wolfowitz. Shatz, Adam, “The Native Informant, Fouad Ajami is the Pentagon's Favorite Arab”, *The Nation*, 28 Apr 2003, <https://www.thenation.com/article/native-informant/>.

(but) good Sunni boys.”⁹²⁷ This in turn would influence US policy choices in Iraq in the post-war era, most notable among which was Vice-President Dick Cheney’s 80 percent solution that would “write off reconciliation with the Sunni Arabs on the grounds that they are intractable and focus on supporting the 80 percent of Iraqis who are Shi’ite and Kurdish.”⁹²⁸

Iraq’s post-war settlement: An exclusive-punitive elite bargain

In describing the ensuing outcome of exclusive post-war elite settlements, Shurke analyses the conflict that arises in terms of “victor’s peace” versus “loser’s peace.” In the former, the victors – perceiving the struggle in stark ideological terms as between good and evil – deploy state power to “cleanse” society of the defeated antagonist by purging all political and social organization associated with the old order. This unavoidably gives rise to a “loser’s peace,” one in which excluded local elites orchestrate a campaign of grass root, asymmetrical violence intended on overthrowing the post-war settlement.⁹²⁹ The violence in post-war Iraq is a textbook example of the clash between “victor’s peace” and “loser’s peace,” further aggravated by the fact that the winners and losers in this case are, in essence, ethnic communities. And while the chief culprits of the exclusive-punitive elite bargain were the main sectarian Shi’a parties and, to a lesser extent, their Kurdish counterparts,⁹³⁰ the US’s role as a “selfish” guarantor of the post-war order actively contributed to the losers’ marginalization and the eruption of sectarian violence on a massive scale.

In the immediate post-war period, the US and their Iraqi allies adopted a series of exclusive-punitive policies that led to the comprehensive expulsion of Arab Sunnis from the political framework. Although initially the Sunnis attempted to bargain their way into the new order,

⁹²⁷ Walker, Martin, “The Revenge of the Shi’a,” *The Wilson Quarterly*, Autumn 2006, <http://archive.wilsonquarterly.com/essays/revenge-Shi'a>.

⁹²⁸ Galbraith, *End of Iraq*, 238

⁹²⁹ Dodge, “From regime change to civil war: Violence in post-invasion Iraq,” in *The Peace in Between*, 144.

⁹³⁰ Kurds are less responsible for the exclusive-punitive post-war bargain by mere virtue of their disinterest in the Iraqi state as a whole. Their predominant objective in 2003 was to “formalize the independence they had effectively enjoyed for more than a decade,” Diamond, *Squandered Victory*, 22. In the words of US diplomat Peter Galbraith: “For the older generation, Iraq [was] a bad memory, while a younger generation...[had] no sense of being Iraqi.” “How to get out of Iraq,” *The New York Review of Books*, 13 May 2004, <http://www.nybooks.com/articles/2004/05/13/how-to-get-out-of-iraq/>, 8. For more on the development of Kurdish ethno-nationalism, especially with the birth of *Kurdistan* identity in the 1991-2003 period, see Aziz, Mahir, *The Kurds of Iraq: Ethnonationalism and National Identity in Iraqi Kurdistan*, (London: I.B. Tauris, 2011). In chapter 7 and 8, Aziz demonstrates through surveys – especially of younger Iraqi Kurds – that they now view themselves as exclusively Kurd, as opposed to Iraqis or Iraqi Kurds. For a consistently sympathetic view of the Iraqi Kurds, see Galbraith, *End of Iraq*.

they gradually developed a deep sense of embitterment owing to their collective castigation as “Saddamist” and repeated attempts at the imposition of a full-fledged sectarian regime under the guise of “majoritarian democracy.”⁹³¹ As exclusionary policies progressed and feelings of embitterment solidified, Sunnis increasingly resorted to violence, sectarianism and radicalism in a desperate and often confused attempt at overhauling the emerging political order.⁹³²

The first and perhaps most consequential exclusionary decision made by CPA administrator Bremer was the de-Ba’athification of Iraqi society. CPA executive order number one “banned the top four levels of the Ba’ath party’s membership from holding government jobs” and “banned any former member of the Ba’ath from occupying jobs in the top three management levels of government institutions.” While Bremer claimed intelligence indicating that the ban effectively affected a mere 20,000 Iraqis, CIA estimates assessed that the order drove over 50,000 Ba’athists underground overnight.⁹³³ Apart from the far-reaching political implications, this led to the crippling of the Iraqi state whose administration depended in large part on the thousands of alleged Ba’athists, most of whom had joined the party in the hope of professional advancement. In the words of an Iraqi observer: “The Ba’ath party was the state. When you dissolve the party you dissolve the state, depriving kids of teachers, people of doctors, and the country of engineers.”⁹³⁴

Bremer’s decision to de-Ba’athify Iraqi society was allegedly modelled around the De-Nazification experiment. However, its extent went far beyond that of its German counterpart, even when discounting the fact that applying de-Nazification to a multi-ethnic society ought to prudently account for that particularity.⁹³⁵ Making matters worse, the de-Ba’athification

⁹³¹ One major proponent of majoritarianism was Ayatollah Sistani, the highest Shi’a clerical figure in Iraq who, in effect, held enormous sway over the drafting of the constitution. For example, Sistani opposed the three-member presidency, arguing in favour of a Shi’a controlled five-member body, and he also stood firmly against the provision which allowed a two-third majority in three provinces to put down the constitution. On both issues, he ended up caving to the Kurds. Diamond, *Squandered Victory*, 175.

⁹³² Some analysts argue that Sunnis simply could not accept losing the privileged status they had acquired under the previous regime, and thus were fighting a revisionist war. For example, Dawisha claims that the Sunnis “who had ruled Iraq since 1921,” seemed “unable to accept the investable loss of their status and the eclipse of their political fortunes.” Dawisha, *Iraq*, 244.

⁹³³ Terrill, W. Andrew, *Lessons of the Iraqi De-Ba’athification Program for Iraq’s Future and the Arab Revolutions*, US Army War College Strategic Studies Institute, 1 May 2012, 17.

⁹³⁴ Diamond, *Squandered Victory*, 295. The extent and depth of de-Ba’athification was unprecedented in the history of democratic transitional justice. In one go, nearly 300 members of Baghdad University’s academic staff were sacked, Allawi, *Occupation*, 376.

⁹³⁵ Experts who had been consulted (by Bremer) on the process of de-Nazification... had been cautious in their advocacy of such a policy... warning of serious divisions if such a policy was to be enforced, Allawi, *Occupation*, 151.

process was further politicized and sectarianized as Bremer handed over this responsibility to the Iraqi Governing Council, who in turn formed the High National De-Ba'athification Commission. Members of the opposition, such as Chalabi, had been pushing for stronger de-Ba'athification predominantly out of “a sense of vengeance or ideological distaste.”⁹³⁶ The commission imposed even stricter restrictions than the ones adopted by Bremer, and concurrently transformed de-Ba'athification into a tool of selective political and sectarian persecution.⁹³⁷ As a result, “the campaign came to be viewed as a campaign against Sunni Arabs in general, adding fuel to the growing sectarian divide”⁹³⁸ and de-Ba'athification was equated with de-Sunnification.⁹³⁹ As late as 2010, the de-Ba'athification commission banned 511 candidates from running for office for alleged – but undisclosed – links to the Ba'ath party. Unsurprisingly, almost all were Sunni Arabs.⁹⁴⁰ De-Ba'athification hence became “regularly cited as among the worst transitional justice processes in living memory.”⁹⁴¹

The second exclusionary decision made by the CPA was the dissolution of the Iraqi Army, security and intelligence infrastructure. The Army, unlike the intelligence and the Republican guard, was an institution that generated “considerable sympathy throughout Iraq,” with the notable exception of a large segment of the Kurdish population.⁹⁴² Even though the original US plan, recognizing the dangers inherent in the disbanding of the army, favoured limiting the dissolution to the notorious Republican Guard units and “bringing back the Iraqi Army,” Bremer's takeover of the CPA led to a change in strategy.⁹⁴³ CPA order number 2 entitled

⁹³⁶ Allawi, *Occupation*, 151.

⁹³⁷ Even Bremer was appalled at the extent to which Chalabi broadened de-Ba'athification to include depriving, for example, ten thousand teachers of their jobs. In a rare instance of mea culpa, he confesses that it had been “wrong to give a political body like the GC responsibility for overseeing de-Ba'athification policy,” *Year in Iraq*, 297.

⁹³⁸ Abdullah, *Short History*, 163.

⁹³⁹ Allawi, *Occupation*, 152.

⁹⁴⁰ Al-Ali notes that Shi'a ex-Ba'athists that were close to the Prime Minister “were allowed to continue with their duties,” Al-Ali, Zaid, *The Struggle for Iraq's Future: How Corruption, Incompetence and Sectarianism Have Undermined Democracy*, (New Haven: Yale University Press, 2014), 125.

⁹⁴¹ Al-Ali, *The Struggle for Iraq's Future*, 68.

⁹⁴² Former Defence Minister Allawi states that unlike the intelligence and Republican Guards, the army was not loathed except in Kurdistan, *Occupation*, 157. Some have argued that another issue with disbanding the army was that – contrary to the Japanese and German armies – the latter was not in fact “defeated” in the classic sense of the term. Defying expectations, it simply did not fight the invading forces. See Stansfield, Gareth R. V. *Iraq: People, History, Politics*, (Cambridge: Polity, 2007), 162. However, they also did not “switch sides,” as the CIA had predicted that Iraqi commanders and their troops in the South would. Not one commander did so. Ricks, *Fiasco*, 118.

⁹⁴³ The US National Security Council had decided prior to the invasion that the regular army's soldiers would be called back to duty. Since the invasion, CENTCOM had been working on reconstituting Iraqi Army units.

“dissolution of entities” and left approximately 500,000 well-trained and well-armed men jobless and embittered overnight. As such, it not only led to the dissolution of the only potentially unifying national institution, a complete collapse of state capacity, and a detrimental security vacuum through Iraq, it also resulted in thousands of high level, mainly Arab Sunni army officers being humiliatingly side-lined from their previously held social status.⁹⁴⁴

Unsurprisingly, instead of being tasked with repressing any potential unrest, these officers would go on to form the backbone of the insurgency, even though many of them had earlier expressed willingness to work alongside the coalition.⁹⁴⁵ In his memoirs, Bremer attempts to justify what several commentators described as “the single biggest mistake after Saddam’s ouster” by arguing that there was “no Iraqi army left to reconstitute” after it had practically “self-demobilized”, a claim that does not stand up to scrutiny and was eagerly challenged by US officers that had been working on recalling Iraqi troops.⁹⁴⁶ Moreover, he ironically claims that “recalling the old army” was a “recipe for civil war.”⁹⁴⁷ Unsurprisingly, the “professional and non-political” New Iraqi Corps the US intended to create not only took years to materialize but, given the exclusive-punitive post-war order, ended up being sectarian in nature and composition, further alienating Iraq’s Arab Sunnis.⁹⁴⁸

Kaplan, Fred, “Who Disbanded the Iraqi Army? And why was nobody held accountable?,” Slate, 7 Sep 2007, http://www.slate.com/articles/news_and_politics/war_stories/2007/09/who_disbanded_the_iraqi_army.html. For further insight into this decision, see the 2007 documentary film *No End in Sight*, directed by Charles Ferguson, which interviews key US officials involved in the decision to disband the army. Notably, neither Bremer, Wolfowitz nor Rumsfeld consented to be interviewed for this film.

⁹⁴⁴ The disbandment of the army constituted a “gratuitous humiliation” for “Sunni Arab officers,” who dominated all ranks higher than Captain and formed over half of the officer corps. Galbraith, *End of Iraq*, 122. A study by the Army War College’s Strategic Studies Institute argued in February 2003 that the Iraqi Army could serve as a unifying force in the post-war period, and that demobilized soldiers would certainly affiliate with violent elements if the army were disbanded. Diamond, *Squandered Victory*, 283.

⁹⁴⁵ “When we disbanded the Iraqi Army, we created a significant part of the insurgency” said Colonel Hughes, who worked for Bremer on strategy issues. Colonel Hughes had been part of negotiating the reconstitution of the Iraqi Army, where he had collected over 137,000 registration statements from the “independent military gathering,” a group of officers willing to work alongside the coalition. Ricks, *Fiasco*, 161.

⁹⁴⁶ Bremer argues that contrary to US expectations, army units did not surrender “en masse” to US forces, and they didn’t follow US orders to “remain in uniform and maintain unit integrity” either. Bremer, *Year in Iraq*, 26-27. While this is largely accurate, it conveniently ignores subsequent efforts to reorganize Iraqi units by US commanders.

⁹⁴⁷ Bremer, *Year in Iraq*, 56. In hindsight, it is hard to imagine how a civil conflict of more dire proportions could have emerged.

⁹⁴⁸ Galbraith, *End of Iraq*, 132-135. Shi’ite troops in the army aggravated this feeling by scrawling religious graffiti where they bivouac and displaying pictures of their clerics, *End of Iraq*, 187. Given that 70% of officers in the new army were holdovers from Saddam’s army, “those seeking to impose victor’s peace inserted the so-called *dimaj* officers into the seniors ranks of the military... these were leaders of party affiliated militias and owed their allegiance to sectarian political parties,” Dodge, *Iraq*, 124.

The third exclusionary decision made by the CPA concerned the formation of the Interim Governing Council (IGC), the provisional government of Iraq that served in the crucial period between July 2003 and the handover of sovereignty in June 2004. While the US occupation authorities claimed that the politicians on the council represented the ethnically diverse nature of Iraqi society, a description that earned them the ire of numerous analysts for supposedly sectarianizing Iraqi politics, the flaw inherent in the council's formation was not that it classified representatives per their ethnic affiliation but that it was not sufficiently consociational.⁹⁴⁹

On the one hand, although the council originally agreed that its decisions be made by consensus, the Shi'a parties quickly resorted to demanding majority rule in decision-making.⁹⁵⁰ On the other hand, of the five members supposedly representing the Arab Sunnis of Iraq – unlike the Shi'a and Kurdish members – none were *authentic* representatives of the community.⁹⁵¹ Only two, Naseer al-Chaderchi and Mohsen Abdel Hamid, were members of organized political parties; the former's party was formed by his father in the 50s and 60s but “quickly lapsed into political irrelevance after regime change” and the latter was secretary general of the Iraqi Islamic Party, an organization supposedly charged with delivering the “Sunni vote” but one that has “singularly failed to do so” since the IIP “were not representative of their social constituency.”⁹⁵² Naturally, this exclusive arrangement was passed on to the Iraqi Interim government, who continued the process of Arab Sunni marginalization. In his memoirs, Bremer consistently decries the US's inability to “find Sunni politicians to work with” given that Saddam had “either killed or incorporated them,” a claim that is disingenuous at best and has been refuted by later US efforts to incorporate *authentic* Sunnis into the post-war arrangement.

⁹⁴⁹ Speaking of the IGC, Bremer argued that “democracy is great, but democracy is not rule by consensus which can lead to paralysis,” *Year in Iraq*, 213.

⁹⁵⁰ The Shi'a in the governing council, prompted by the Shi'a Islamists, started a caucus called Al Bayt Al Shi'i (The Shi'a house) that aimed at uniting the Shi'a votes along sectarian, majoritarian lines. Allawi, *Occupation*, 205. As early as 1992, the first major conference for the Iraqi National Congress “developed an explicit formula whereby seats on the various executive bodies were allocated according to sectarian, ethnic and ideological affinities.” Allawi, *Occupation*, 53. This largely discredits overly abundant claims that the US sectarianized the governing council.

⁹⁵¹ CPA advisor, Larry Diamond, recounts how the UN representative, Sergio De Mello, failed to convince Bremer to include any of the authentic representatives of the Sunni community, *Squandered Victory*, 57. He goes on to assert that US officials proved “unwilling to incorporate the players – Ba'athists and Arab nationalists – who would have been capable of diffusing the Sunni-based resistance, and who were sending signals they wanted to talk directly to the United States,” Diamond, *Squandered Victory*, 295. Galbraith further asserts that “not one of them had significant electoral support among fellow Sunni Arabs,” *End of Iraq*, 124.

⁹⁵² Dodge, “From regime change to civil war,” in *The Peace in Between*, 141.

The fourth exclusionary policy adopted by the CPA and its Iraqi allies concerned the creation of the post-war constitution for the “new Iraq.” Whereas the creation of the foundational document establishing the socio-political contract amongst Iraqis should have been highly inclusive, the process of drafting the document and the procedure for voting upon the constitution were exclusive-punitive in nature. Firstly, the text of the constitution was developed without any meaningful Arab Sunni participation.⁹⁵³ Whereas the US tried to include some Sunnis in the constitutional drafting committee despite the latter’s boycott of the parliamentary elections,⁹⁵⁴ the members of the assembly, “though legally charged with responsibility for writing the draft, were not involved.”⁹⁵⁵ Instead, they were replaced by the main parties to the punitive-exclusive bargain, who “created a leadership council” consisting of the main Shi’a and Kurdish leaders.⁹⁵⁶

Secondly, the constitution was approved in a referendum despite overwhelming Arab Sunni opposition. The Sunni leadership objected to several aspects of the proposed document, namely de-Ba’athification and the option of creating ethno-federal regions enabling a future Shi’a mega-region in the South, which would leave them with resource poor, rump provinces.⁹⁵⁷ Additionally, they protested the provisions regarding the distribution of oil wealth, which stipulated that “current fields” would be jointly managed by federal and regional governments, but any future fields would fall strictly within the prerogatives of the regional governments. In

⁹⁵³ The elections of 2005, boycotted by the Sunni Arabs, “formed the assembly that was to draft and submit the constitution to the Iraqi electorate.” As the Sunnis were “virtually unrepresented” in the assembly, the constitutional committee that was established had fifty-five members, only two of which were Sunni Arabs. Tripp, *History of Iraq*, 296. Of parliament’s 275 members, only 17 (6 percent) were Sunnis. Dawisha, *Iraq*, 249.

⁹⁵⁴ At the insistence of the US embassy, fifteen additional Sunni members were allowed to join the committee. Tripp, *History of Iraq*, 300. This was done despite Shi’a opposition to “accepting anything other than symbolic” Sunni participation. Allawi, *Occupation*, 405.

⁹⁵⁵ Morrow, Jonathan, “Iraq’s Constitutional Process II: An Opportunity Lost,” US Institute of Peace Special Report 155, (November 2005), <https://www.usip.org/sites/default/files/sr155.pdf>, 15.

⁹⁵⁶ The Sunnis were “entirely excluded” from the meetings. Diamond, *Squandered Victory*, 344. The “informal drafting committee” consisted of two Kurdish members, two Shi’a Islamists and three legal officers from the US embassy. Al-Ali, *The Struggle for Iraq’s Future*, 88.

⁹⁵⁷ Allawi, *Occupation*, 409. This mega-region would control 80% of Iraq’s oil. Conversely, they acquiesced to the right of the Kurds for autonomy “because of its historical, geographical and cultural specificities,” Dawisha, *Iraq*, 256. For a defence of the constitution’s “liberal consociationalist” approach to federalism, see McGarry, John and Brendan O’Leary, “Iraq’s Constitution of 2005: Liberal Consociation as Political Prescription,” *International Journal of Constitutional Law* 5, no. 4 (2007): 170-176.

ethno-sectarian terms, Sunnis would not be able to benefit from the revenues of yet undiscovered fields.⁹⁵⁸

Whereas compromise could have been reached on these issues,⁹⁵⁹ even the fifteen Sunni members whom the US appointed to the committee could not declare their support for the proposed draft.⁹⁶⁰ Subsequently, Sunni-majority governorates voted en-masse against the referendum; in Al-Anbar, 96.9% of voters rejected the proposed constitution, in stark contrast to similar majorities in favour of the draft in Shi'a and Kurdish dominated governorates such as Najaf (95.8%) and Erbil (99.3%).⁹⁶¹

Earlier in the negotiations, the Shi'a clerical leadership, who had consistently argued in favour of a "majoritarian democracy" and rejected any formula that would enable minorities to have a say in the proposed constitution, agreed to a concession that would appease its Kurdish partners whereby a two-thirds majority in three governorates would be able to defeat the referendum.⁹⁶² Ironically, it was the Arab Sunnis who sought to benefit from that clause after securing resounding majorities in Salah El Din and Al Anbar; however, they fell short of a two-thirds majority in the province of Ninawa, where a substantial Kurdish minority resides. In sum, the creation of the Iraqi constitution constituted the epitome of the exclusive-punitive post-war order. Having been approved despite an overwhelming rejection from one of its three main ethnic communities, it hardly represented an encouraging start for a power sharing system in post-war Iraq. On the contrary, it "contributed to a sense of division and distrust."⁹⁶³

⁹⁵⁸ See Al-Ali, *The Struggle for Iraq's Future*, 96. Kenan Makiya described the constitution as a "punitive" document that penalizes Sunnis for "living in regions without oil." See his article "Present at the Disintegration," *The New York Times*, 11 Dec 2005, <https://www.nytimes.com/2005/12/11/opinion/present-at-the-disintegration.html>.

⁹⁵⁹ This is not to ascertain that all Sunni demands were righteous or even logical. Some demands by the Arab Sunnis were driven purely by long-standing ideological considerations that failed to secure their interests as an ethnic minority. For example, Sunnis argued in favour of a strong central government without ethnic vetoes, as they were unaccustomed to "thinking in communal terms." Tripp, *History of Iraq*, 286.

⁹⁶⁰ Only 3 of the 15 attended the ceremony in which the draft was read to the National Assembly. Allawi, *Occupation*, 414.

⁹⁶¹ Morrow, "Iraq's Constitutional Process II: An Opportunity Lost," 3.

⁹⁶² Not only was the Shi'a clerical leadership avowedly committed to ethno-sectarian majoritarianism, but the Shi'a members negotiating the TAL were also reportedly furious at the "undemocratic" clause allowing two-thirds of the voters in three provinces to reject the constitutional draft. Al-Ali, *The Struggle for Iraq's Future*, 81.

⁹⁶³ Al-Ali, *The Struggle for Iraq's Future*, 101.

When applying Stefan Lindemann's distinction between inclusive elite bargains that lead to stability and exclusive ones that foster "antagonism and violent conflict," the post-war political settlement in Iraq was "clearly a highly exclusive and excluding elite bargain." From the Sunni view, "dismantling of the army, de-Ba'athification and the formation of the Interim Governing Council (IGC) are all regarded as measures especially directed against them" and felt "deeply humiliated by the collective punishment the US has meted out their community."⁹⁶⁴ Led by a "selfish" foreign guarantor whose role was highly marred by a lack of credibility and a series of detrimental biases, as well as by a highly partisan and intolerant Iraqi political elite driven by a sense of sectarian retribution, the exclusive-punitive post-war order inevitably led to a violent confrontation between the patrons of the "victor's peace" and those intent on fighting the battle of the "loser's peace." And whereas the violence was initially directed towards the occupying power, the decreasing military and political visibility of the US meant that it was only a matter of time before that violence sectarianized as the new order – dominated by the new Iraqi elites – solidified its control over the "new Iraq."⁹⁶⁵

Post-war Iraq: Unconstructive regional environment

One of the central but often understated reasons for the failure of the post-war power-sharing experiment in Iraq is the unconstructive role played by Iraq's neighbours – some by commission, other by omission – which undermined the state-building process after 2003.⁹⁶⁶ Writing about the international community's role in rebuilding war-torn states, the former High Representative for Bosnia, Paddy Ashdown, singled out Iraq as a case study for how central a post-war state's neighbours are to its political reconstruction, arguing that we often forget "that it is difficult – almost impossible – to build a state broken by war, without the active and

⁹⁶⁴ Meijer, Roel, "Sunni Factions and the 'Political Process'", in *Iraq: Preventing a New Generation of Conflict*, ed. Markus E. Bouillon, David M. Malone, and Ben Rowsell (Boulder, CO: Lynne Rienner Publishers, Inc., 2007), 89.

⁹⁶⁵ Galbraith, generally unsympathetic to Sunni Arabs, correctly states that "even Sunni Arabs who reconciled to the loss of their dominant position found it impossible to accept that Iraq should become a Shi'ite state... had Iraq's new political regime been secular in character, many would have accepted being in the religious minority," *End of Iraq*, 173.

⁹⁶⁶ In the early days of the insurgency, US failure to understand the role of foreign powers in supporting insurgents led it to downplay their potential. Wolfowitz stated that Iraqis intent on fighting the US "lacked the two classical ingredients of guerrilla war... sympathy of the population and any serious source of external support." Ricks, *Fiasco*, 170.

constructive engagement of its neighbours.”⁹⁶⁷ Whereas Iraq’s three largest and most influential neighbours – Iran, Syria, and Saudi Arabia – each had a vital role to play in actively assisting Iraq’s state building process, their contributions had the opposite effect.⁹⁶⁸ As Alterman argues, “Iraq’s neighbours did not want a strong and united Iraq to emerge as a beacon of freedom... an inspirational Iraq would cause insurrection from within their borders and a strong Iraq could threaten their borders.”⁹⁶⁹ Additionally, the broader regional environment was “hostile,” as “the sixteen Arab states constituted the only major cultural and regional group in the world that did not have a single democratic government.”⁹⁷⁰

As a long-time foe of Saddam Hussein’s regime, the Islamic Republic of Iran viewed the US invasion of Iraq as both a strategic threat and a strategic opportunity. On the one hand, Iran feared that the solidification of US interests and influence in the Middle East and the stable presence of US troops on its western border would threaten both the stability of its regime and its ability to project power in the region. Whereas their principal concern was that “the US would use Iraq as a platform for targeting Iran,” the Iranian leadership sought to demonstrate a credible deterrent against a possible US strike against its nuclear facilities.⁹⁷¹ After all, in his State of the Union address prior to the invasion, President Bush had classified Iran alongside Iraq and North Korea as parts of a global axis of evil.⁹⁷²

On the other hand, the fall of the Ba’ath regime in Iraq would not only rid them of their most loathed adversary but would also enable the emancipation of its Shi’a majority with which Iran had cultivated strong political ties over the preceding two decades, with some parties even having fought in Iranian-armed military units against Iraqi forces during the long, bloody Iran-

⁹⁶⁷ Ashdown cite

⁹⁶⁸ Larry Diamond argues that given the three states’ “highly authoritarian” nature, they were expected to “sabotage the democratization process” in Iraq in one way or another. *Squandered Victory*, 21.

⁹⁶⁹ Alterman, Jon B., “Iraq and the Gulf States: Balance of Fear,” *Special Report: Iraq and Its Neighbors*, United States Institute of Peace, Special Report 189, August 2007, <https://www.usip.org/sites/default/files/sr189.pdf>, 3.

⁹⁷⁰ Larry Diamond compares Iraq’s democratization attempt within the broader regional environment to the former communist states, East Asia and Africa, and concludes that the latter examples all had regional models available for inspiration and support. *Squandered Victory*, 21.

⁹⁷¹ Felter, Joseph and Brian Fishman, “Iranian Strategy in Iraq: Politics and ‘Other Means’”, Occasional Paper Series, (Combating Terrorism Center at West Point, 13 Oct 2008) 85.

⁹⁷² Ironically, with the invasion of Iraq, Bush ended up empowering Iran. “Thanks to George W. Bush, Iran has no closer ally in the world than the Iraq of the Ayatollah.” Galbraith, *End of Iraq*, 6.

Iraq War.⁹⁷³ The main pillars of this strategic association were the Islamic Supreme Council of Iraq (ISCI), its affiliated militia, the Badr Organization, and the Dawah political party.⁹⁷⁴ In turn, this “Shi’a revival” would provide them with a unique opportunity to fulfil their long-standing ambition of successfully exporting the Islamic revolution to one of the region’s central powers.⁹⁷⁵ Thus, following Iran’s initial accommodation of the US invasion and its allies’ cooperation with US forces,⁹⁷⁶ it soon began to pursue a policy of “managed chaos” through which it could reconcile both of its aforementioned objectives.⁹⁷⁷

To fulfil its first objective, the Islamic Republic used its Revolutionary Guard Corps (IRGC) and Qods Forces (QF) to “provide aid in the form of paramilitary training, weapons, and equipment to various Iraqi militant groups,” hence rendering US troops “hostage to Iran and its Shi’ite allies.”⁹⁷⁸ Initially, it provided vital support to Muqtada Al Sadr’s Jaysh Al Mahdi militia in the hope that the latter’s military campaign against coalition forces would leave the US destabilized and demoralized.⁹⁷⁹ The goal was “to keep [US forces] tied down and not available for use in Iran.”⁹⁸⁰ However, given that Sadr remained hostile to Iranian political influence, he was increasingly perceived – especially after the Najaf crisis of 2004 – as an “unreliable proxy for achieving (Iran’s) long term political goals.”⁹⁸¹ Consequently, Iran began cultivating its own proxy groups such as *Asaib Ahl El Haq* and *Kata’ib Hezbollah*, known within US military circles as Special Criminal Groups (SCG).⁹⁸² These groups not only

⁹⁷³ Throughout the Iran-Iraq war, SCIRI “acted as an adjunct to Iranian objectives and plans” whereby it mobilized Iraqi prisoners of war (so-called Tawabin) into a well-equipped military unit of the Iranian Revolutionary Guard. The unit would be known as the Badr corps. See Allawi, *Occupation*, 44.

⁹⁷⁴ There are central differences in the degree of affiliation between these parties and the Islamic Republic of Iran. Whereas SCIRI recognized Ayatollah Khomeini’s doctrine, guardianship of the jurist – Wilayat el Faqih – the Dawah party was bitterly split on the issue of whether Khomeini was their supreme leader.

⁹⁷⁵ Galbraith would later argue that the US enabled Iran to achieve its “historic ambitions in the Shi’ite Arab world,” *End of Iraq*, 11.

⁹⁷⁶ Allawi, *Occupation*, 303.

⁹⁷⁷ “Iran in Iraq: How Much Influence?” Middle East Report No. 38, International Crisis Group, 21 March 2005, 22-23.

⁹⁷⁸ Galbraith, *End of Iraq*, 75.

⁹⁷⁹ AP reported that Mahdi Army leaders claimed that as many as 4000 of their militia members had trained in Iran, “Iran may be helping Iraqis build bombs: U.S. army,” *Associated Press*, 11 Apr 2007, <https://www.ctvnews.ca/iran-may-be-helping-iraqis-build-bombs-u-s-army-1.236968>.

⁹⁸⁰ Beehner, Lionel, “Backgrounder: Iran’s Goals in Iraq,” *Council on Foreign Relations*, (23 Feb 2006) <https://www.cfr.org/backgrounder/irans-goals-iraq>.

⁹⁸¹ Felter and Fishman, “Iranian Strategy in Iraq,” 13.

⁹⁸² JAM splinter movement who were “little more than neighbourhood militias” and “lacked a cohesive ideology.” For Iran these “prospective weaknesses may have been attractive” as they posed “few political complications,” Felter and Fishman, “Iranian Strategy,” 35.

received Iranian weapons, but also a variety of training skills including use of EFPs, sniper operations, vehicular ambushes, and kidnapping.⁹⁸³

Those groups were key in employing the “most lethal of improvised explosive devises (IEDs), known as explosively Formed Penetrators,” against coalition forces in Iraq, especially during the surge of 2007-2008.⁹⁸⁴ In his confirmation hearing, incoming US Chief of Staff General Dunford stated that Iran was responsible for approximately 500 US military deaths in Iraq, 196 of which were killed by EFP’s.⁹⁸⁵ Of a less direct concern to US forces, however, was the support Iran provided to organizations key in instigating civil war in Iraq, such as the Badr corps, who became notorious for their infiltration of Iraq’s state police and formation of “death squads” that targeted Arab Sunni dissidents. Other “deaths squads” were also formed by Iran-sponsored JAM splinter groups, such as the one led by Abu Dura who became known as the “Shi’a Zarqawi.”⁹⁸⁶ In the words of a Tehran-based EU diplomat: “Iranians are trying to balance between chaos and civil war, but they do not have a clear idea where the balance lies.”⁹⁸⁷

Iran’s fundamental long-term objective, however, was to emplace its allies – namely SCIRI and the Dawah party – in leading positions within the new Iraqi government through the formal political process.⁹⁸⁸ To achieve this goal, the two parties “maintained their reputation with the US as forces of stability” and avoided any confrontation with the coalition forces.⁹⁸⁹ Following the elections of January 2005, Iran became complicit in the exclusionary-punitive post-war order by encouraging its allies to pursue divisive policies. Most notably, Iran favoured

⁹⁸³ Ibid, 62.

⁹⁸⁴ Ibid, 77.

⁹⁸⁵ Scarborough, Rowan, “Iran Responsible for deaths of 500 American service members in Iraq,” *The Washington Times*, (13 Sep 2005) <https://www.washingtontimes.com/news/2015/sep/13/iran-responsible-for-deaths-of-500-us-service-memb/>.

⁹⁸⁶ Felter and Fishman, “Iranian Strategy,” 43.

⁹⁸⁷ See Allawi, *Occupation*, 307.

⁹⁸⁸ Iran’s support for majoritarianism does not entail support for democracy per se. Just days before the 2005 elections, Iraqi border police interdicted a tanker truck from Iran filled with thousands of forged ballots. Filkins Dexter, “Police Seize Forged Ballots Headed to Iraq From Iran,” *The New York Times*, 14 Dec 2005, <https://www.nytimes.com/2005/12/14/world/middleeast/police-seize-forged-ballots-headed-to-iraq-from-iran.html>.

⁹⁸⁹ Felter and Fishman, “Iranian Strategy,” 30.

enshrining the principle of Shi'a ethno-territorial autonomy in southern Iraq, one of the most contentious clauses of the new Iraqi constitution.⁹⁹⁰

By adopting a “two-tacked strategy,” Iran managed to “increase violence in Iraq and then to benefit whenever violence subsided.”⁹⁹¹ Its policy towards Iraq following the US invasion combined sectarian support for allied parties exercising exclusionary policies and lethal aid for proxy militias who would both combat US presence and play a central role in the civil war. As such, its influence on the post-war setting remained predominantly unconstructive, and contributed to the resurgence of ethnic violence after 2003. By 2008, former commanding General of the Multi-National Forces in Iraq (MNF-I), David Petraeus, stressed in his senate testimony that “malign Iranian influence” is the “most significant long-term threat to the security of Iraq.”⁹⁹²

Saddam Hussein's other regional adversary, the Ba'ath Party of Syria, viewed the US invasion and occupation of Iraq with suspicion and alarm. Despite having been engulfed in an Arab Cold War with its nemesis sister-party for over three decades, the regime in Syria had long ceased to view Saddam's Iraq as a strategic threat or a rival for regional influence. Instead, Assad predominantly considered his regime a target of growing US hostility, and feared that he could be next on the list of US objectives, especially as “the Bush administration ‘trumpeted’ how ‘inspirational a new regime would be to Arabs living under tyranny’”.⁹⁹³ As such, Assad's primary objective was for the post-invasion Iraqi political experiment to fail, and for US forces to either be bogged down in Iraq or leave the country in defeat.

As a result, Assad's regime played a central role in the launch, solidification, and radicalization of the Sunni insurgency in Iraq. After the US invasion, Syria became a haven for high-ranking Ba'athists from Saddam's government, many of whom were fugitives wanted by the American

⁹⁹⁰ Logically, decentralization should have been the demand of the Sunni minority, and as such would have been considered as a positive step towards equitable power sharing. However, for historical and ideological reasons, Sunnis resisted it and a significant segment of the Shi'a's endorsed it. They were supported by Iran, who considered that a decentralized, federal Iraq was less capable of threatening Iran in the future and more easily undermined from within. Moreover, the prospect of a self-regulating southern region offers Iran the opportunity to exert influence without bothering with Sunni opposition in Baghdad.

⁹⁹¹ Felter and Fishman, “Iranian Strategy,” 6.

⁹⁹² Ibid, 81. For a more sympathetic, albeit balanced view of Iran's interests in Iraq, see Allawi, *Occupation*, 305.

⁹⁹³ Alterman, Jon B., “Iraq and the Gulf States: Balance of Fear,” 2.

military.⁹⁹⁴ By 2007, some 75-80% of foreign suicide bombers, who proved central to driving Iraq into civil war, entered from Syria.⁹⁹⁵ The regime in Damascus made no secret of its sympathy for the insurgents: “Syria looks to the resistance as freedom fighters, like George Washington fighting the British,” said Mahdi Dahlala, a former Syrian Minister of Information. “We understand that the rising up against occupation is a natural phenomenon.”⁹⁹⁶ It organized and sponsored several conferences with the aim of uniting insurgent groups to better confront coalition forces. Concurrently, Syria emerged as the main transit point for foreign jihadists into Iraq. These radical Islamist fighters would organize themselves under the supervision of Syria’s intelligence services, and later move into Iraq to conduct military operations against US forces and, after 2006, the Iraqi government and sectarian Shi’a targets. The US Department of Defense’s report in March 2007 provided the most comprehensive criticism of the Syrian role in Iraq’s insurgency:

*Damascus appears unwilling to cooperate fully with the GOI [Government of Iraq] on bilateral security initiatives. Syria continues to provide safe haven, border transit, and limited logistical support to some Iraqi insurgents... Syria remains the primary foreign fighter gateway into Iraq. Despite its heightened scrutiny of extremists and suspected insurgents, Damascus appears to want to appease Islamist extremist groups. Damascus also recognizes that Islamist extremists and elements of the former Iraqi regime share Syria’s desire to undermine Coalition efforts in Iraq.*⁹⁹⁷

Despite an overlapping set of geopolitical interests with its long-time regional partner, Iran, Syria’s approach towards the insurgency in Iraq led to a momentary divergence between the two allies. As radical Islamist insurgents began targeting the Iraqi Security Forces and sectarian Shi’a targets – as opposed to US forces – the Iraqi government of Nuri El Maliki appealed to

⁹⁹⁴ Two of the most prominent Ba’athists thought to be leading the initial stages of the insurgency, Mohamad Younes and Izzat Ibrahim El Douri, were in exile in Damascus. Dodge, *Iraq*, 193.

⁹⁹⁵ Dodge, *Iraq*, 193.

⁹⁹⁶ Naylor, Hugh, “Syria is Said to be Strengthening Ties to Opponents of Iraq’s Government,” *The New York Times*, 7 Oct 2007, <https://www.nytimes.com/2007/10/07/world/middleeast/07syria.html>.

⁹⁹⁷ “Measuring Stability and Security in Iraq,” U.S. Department of Defense Report to Congress, March 2007, full text available at http://archive.defense.gov/home/pdf/9010_March_2007_Final_Signed.pdf, 17. Two reports later, in the September 2007 instalment of “Measuring Stability and Security in Iraq,” the Pentagon provided instructive metrics: “Approximately 90% of suicide bombers in Iraq are foreign fighters, and most continue to use Syria as their main transit route to Iraq. This network funnels about 50 to 80 suicide bombers per month into Iraq to conduct operations. Since January, there have been nearly 280 suicide attacks, accounting for nearly 5,500 deaths, mostly of innocent Iraqi civilians,” U.S. Department of Defense Report to Congress, Sep 2007, <https://www.hsdl.org/?abstract&did=481824>, 7.

the UN Security Council to set up an international tribunal to prosecute crimes carried out in Iraq but assisted by foreign states. While Iraqi government officials broadcasted a video of what they said was a confession by a suspected Al Qaeda militant claiming to have been trained by Syrian intelligence, Maliki stated that 90 percent of “foreign terrorist who infiltrate Iraq did so via Syria” and demanded that Damascus “expel the terrorists, Ba’athists and Takfiris (extremists) who take Syria as a base to launch criminal activity inside Iraq.” Iraq also recalled its ambassador in Damascus and Syria retaliated by withdrawing its envoy from Baghdad.⁹⁹⁸

In sum, it can hardly be argued that Syria’s role in Iraq following the fall of Saddam’s regime amounted to “active and constructive engagement” in ensuring that its neighbour’s state building experiment succeeded. On the contrary, fearing for his regime’s security, Assad shelved previously espoused ideological notions both against Iraqi Ba’athists and radical Islamists and abetted the insurgency even as the latter became focused on Iraqi rather than US targets. As such, Assad played a central role in the radicalization of the initially “nationalist” uprising against US occupation and the new Iraqi order, as Syria became the focal point for the organization and training of foreign jihadists who would go on to fight in Iraq. Importantly, Syria’s role was not the result of its support for a more equitable power sharing formula or a more inclusive post-war order, but rather arose out of a perceived need to sabotage the US’s state-building enterprise in Iraq and prevent the rise of a stable, democratic and US-friendly regime next door.

Iraq’s third large neighbour, Saudi Arabia, was also considered by the Bush administration to be playing an unhelpful role in post-war Iraq. Although the US typically voiced these concerns privately given its long-standing strategic partnership with Saudi Arabia, the US ambassador to Iraq, Zalmay Khalilzad, opined in 2007 that “several of Iraq’s neighbours — not only Syria and Iran but also some friends of the United States — are pursuing destabilizing policies.”⁹⁹⁹ This was in clear reference to what the US saw as its traditional ally’s nefarious role in Iraq. The Saudis were disgruntled over what they perceived as US acquiescence to Iranian influence in Iraq and the marginalization of their co-ethnics, the Sunni Arabs. They therefore abstained

⁹⁹⁸ “Maliki blames Syria for attacks, Assad denies claim,” France 24, 4 Sep 2009,

<http://www.france24.com/en/20090901-maliki-blames-syria-attacks-assad-denies-claim->

⁹⁹⁹ Cooper, Helene, “Saudi’s Role in Iraq Frustrates U.S. Officials,” *The New York Times*, 27 Jul 2007, <https://www.nytimes.com/2007/07/27/world/middleeast/27saudi.html>.

from re-establishing an embassy in Iraq in the post-war era, and King Abdullah referred to coalition troops in 2007 as an “illegal foreign occupation.”¹⁰⁰⁰

Even though Saudi policy towards Iraq after 2003 was predominantly characterized by retreat and a lack of power projection strategy, the US administration voiced tangible concerns over issues which they believed were contributing to the destabilization of Iraq.¹⁰⁰¹ The first issue was Saudi financial support to Arab Sunni groups, which may have ended up in the hands of insurgents fighting coalition troops and the Iraqi government. When asked whether Saudi funding ended up in the hands of insurgents, a senior US official declined to comment, as this would entail “getting into disagreement over who is an insurgent and who is not.”¹⁰⁰² Another issue of concern to the coalition was that forty-percent of foreign fighters and the majority of suicide bombers in Iraq were of Saudi origin, and US officials suspected Saudi authorities were not doing enough to stop the flow of fighters into Iraq, although they stressed that “the Saudi government does not endorse the idea of fighters from Saudi Arabia going to Iraq.”¹⁰⁰³

Conclusion

The US invasion of Iraq and the toppling of Saddam Hussein’s regime unleashed a relentless stream of ethnic violence, one largely caused by policy mistakes on the part of the occupation authorities and their Iraqi partners. By 2007, approximately one hundred thousand civilians had died since the day the coalition troops had entered triumphantly into Baghdad. Faced with political confusion and a looming sense of defeat, the US changed its strategic direction under the political auspices of General David Petraeus, commander of the multinational force in Iraq, by “attempting to restructure the political formula at the centre of the victor’s peace.”¹⁰⁰⁴ Simultaneously, Petraeus oversaw a US troop surge to pacify areas captured by insurgents and engineered an alliance with Iraq’s marginalized Sunni Muslim

¹⁰⁰⁰ Fattah, Hassan M., “U.S. Iraq Role is Called Illegal by Saudi King,” *The New York Times*, 29 Mar 2007, <https://www.nytimes.com/2007/03/29/world/middleeast/29saudi.html>.

¹⁰⁰¹ For an overview of Saudi Arabia’s “passivity” on Iraq, combined with resentment as to the US’s role, see “Iraq, its Neighbors, and the Obama Administration: Syrian and Saudi Perspectives,” A Joint Report by the US Institute of Peace and the Stimson Center, 9 Feb 2009, https://www.usip.org/sites/default/files/February2009_2.pdf.

¹⁰⁰² Cooper, “Saudi’s Role in Iraq Frustrates U.S. Officials.”

¹⁰⁰³ Ibid.

¹⁰⁰⁴ Dodge, *Iraq*, 89.

community who had grown wary of the indiscriminate violence of radical insurgent groups.¹⁰⁰⁵ By doing so, the US seemed to be correcting two of the major policy blunders it had engaged in as an occupying power: Committing insufficient troops on the ground and the systematic sidelining of Iraq's Sunnis. As such, it was acting as a partial arbitrator of a power sharing arrangement, through which it had to overrule some of the severe reservations voiced by its Shi'a allies in Iraq. And even though it had not yet managed to overthrow the punitive-exclusive post-war political setting it had helped established five years earlier, its policy yielded immediate and concrete results on the levels of violence in the country.¹⁰⁰⁶ Whereas the number of civilian casualties in 2007 was approximately 26,000, it declined dramatically and steadily over the next years, stabilizing at around 4,000 for 2010, 2011, and 2012.

However, given that the aforementioned arrangement was both incomprehensive and subject to the US's ability to enforce its will as an unselfish guarantor, it was only a matter of time before outspread violence returned to Iraq. As an occupying power with no real allies outside the Kurdish political establishment in the north of Iraq, the US was forced by its Shi'a partners to schedule a troop pull-out according to which coalition troops would leave Iraq by the end of 2011.¹⁰⁰⁷ Ironically, in the years following the shift in the US's strategic direction, the Sunnis came to regard US troops as a guarantee against Shi'a sectarianism whereas the Shi'as began viewing the US's military and political weight as an obstacle in the way of their unhinged domination of the new Iraq. Salman Jumaili, leader of the Sunni Tawafuq, stated that he "would refuse the withdrawal of US forces" and that the latter "have to fix what they destroyed and guarantee that no sect would dominate."¹⁰⁰⁸

Following the withdrawal of US troops, the increasingly dictatorial and sectarian Prime Minister of Iraq, Nuri El Maliki, exponentially asserted the punitive-exclusive post-war

¹⁰⁰⁵ The "surge" involved sending a total of 39,000 extra US troops to Iraq and deploying them amongst Iraqi society. Dodge, *Iraq*, 17. Additionally, President Bush attempted to reverse some of the effect of the US's earlier policies by asking the Iraqi government to "reform de-Ba'athification laws" and "establish a fair process for considering amendments to the constitution." Dodge, *Iraq*, 20.

¹⁰⁰⁶ As early as 2008, "the security situation improved greatly," and a survey by the Iraq Center for Research and Strategic Studies showed that 68.4% of Iraqis felt "very safe" about security in their district. See Abdullah, *Short History*, 173.

¹⁰⁰⁷ The US wanted to keep a minimum of 8000 soldiers in the country to train Iraqi forces, but "Iraq's ruling elite would not tolerate this... American troops would be forced out of Iraq," Dodge, *Iraq*, 14. It is noteworthy that at the height of the insurgency at the end of 2006, 60% of Iraqis declared their support for military operations against the Americans. Abdullah, *Short History*, 165. Roughly speaking, if one discounts the twenty-percent of Iraqis who are Kurds, about 75% of Arabs in Iraq supported the insurgency.

¹⁰⁰⁸ Allawi, *Occupation*, 444. His statement illustrates how even the most dedicated opponents of the US invasion came to view US forces as a guarantee against Shi'a revanchism.

arrangement, including criminalizing those who had fought Al Qaeda and other radical insurgent groups alongside US forces. Maliki arrested the Awakening leaders, broke its organizational capacity and demobilized its rank and file, hence systematically breaking the Awakening's ability to become a "viable vehicle for political representation."¹⁰⁰⁹ Inevitably, this led to a second return of drastic ethnic violence to Iraq: By the end 2014, the level of civilian casualties had returned to 20,000, compounded with the capture of Iraq's second largest city, Mosul, by Al Qaeda successor, the Islamic State of Iraq and the Levant (ISIL). Once again in the span of a decade, the pursuit of a victor's peace had led to a struggle to fight for a loser's peace.

The resurgence of ethnic violence in Iraq was essentially the result of a confluence of three interrelated factors: The selfish nature of the US intervention and occupation of Iraq, whether real or perceived, eventually culminating in "one of the major overseas blunders in US history"¹⁰¹⁰ where the "original sin" of the war created a "path of dependence" resulting in numerous faulty decisions¹⁰¹¹; the exclusive nature of the post-war political arrangement orchestrated by the US and its Iraqi allies, which not only excluded Sunni Arabs from the newly established state but also collectively punished them for supposedly being responsible for the former regime's dictatorial rule; and the unfavourable regional environment, in which Iraq's main neighbouring states sought to undermine both the US military and political presence in Iraq as well as destabilize the nascent political process by either boosting exclusionary policies or encouraging extremist violence.

However, this analysis does not seek to dismiss or discount the role played by other, often-mentioned factors that also played a role in the failure of the US mission to pacify and democratize Iraq. Of these, the most noteworthy are the weakness of US troop presence after the invasion,¹⁰¹² the failure to prepare for the management of post-war political

¹⁰⁰⁹ Dodge, *Iraq*, 100-107. On December 15th 2011, the same day as the ceremony to mark the final withdrawal of US troops from Iraq, Maliki sent "troops and tanks" to surround the houses of Vice-President Hashemi, Minister of Finance Issawi and Deputy Prime Minister Saleh El Mutlak. Dodge, *Iraq*, 165. For a detailed account of Maliki's descent into abject authoritarianism and sectarianism following the 2010 elections, see Al-Ali, *The Struggle for Iraq's Future*, 130-140

¹⁰¹⁰ Diamond, *Squandered Victory*, 277.

¹⁰¹¹ Diamond, *Squandered Victory*, 280. As demonstrated above with the invasion, the dissolution of the army, de-Ba'athification, and other policies, Iraq is probably a textbook case of path dependence where, in the words of the economic historian Paul Davis, "one damn thing follows another."

¹⁰¹² Colonel Kevin Benson, chief planner at CFLCC (Coalition Forces Land Component Command), argued that the decision not to send additional troops "was the tipping point that led to the subsequent insurgency."

developments,¹⁰¹³ the heavy-handed and misguided approach of the US military in dealing with the insurgency,¹⁰¹⁴ the highly politicized staffing of the CPA at the expense of political and regional expertise,¹⁰¹⁵ the inattentiveness to the centrality of sealing Iraq's borders, the reluctance to involving the UN in post-war political management,¹⁰¹⁶ and the prioritization of US companies for reconstruction at the expense of domestic actors.¹⁰¹⁷ These second-order explanations, in large part, serve to complement the three aforementioned factors, or form tactical addendums that exacerbated an already detrimental situation.

Conversely, this analysis does not endorse another widely propagated reason for the failure of state-building in post-war Iraq, namely the claim that the US introduced sectarianism to Iraqi political society by distributing seats of the governing council on an ethnic basis.¹⁰¹⁸ For example, Abdullah argues that the "CPA's simplistic understanding of Iraqi society as being essentially divided into three antagonistic communities... tended to deepen the rising ethno-sectarian mood." He goes on to claim that the CPA's appointments in the IGC "did away with any semblance of national unity" which had been "the goal of the modern Iraqi state since 1921."¹⁰¹⁹ Abdullah ignores the fact that in 2003, all of Iraq's organized political parties were highly sectarian, which testifies to the failure of Iraq's Jacobinist strategies under Saddam and his predecessors. Moreover, his argument dismisses the fact that the IGC also sought to

Ricks, *Fiasco*, 122. This affected not only the ability to fight insurgents, but also protect the border, train Iraqis, and managing detainees. See Ricks, *Fiasco*, 147.

¹⁰¹³ Boyle argues that by late April 2003, "it was increasingly clear that the United States had an effective plan for the war, but none for the post-conflict period." Boyle, *Violence After War*, 263. Tripp adds that the Pentagon, "which had won the internal political struggle in Washington to shape the US occupation of Iraq, had done little to plan for its future," Tripp, *History of Iraq*, 278. Bremer affirms that he had a "57-page strategic plan delivered to Congress in July 2003," *Year in Iraq*, 172.

¹⁰¹⁴ For example, in late summer 2003, US commanders tried to counter the insurgency with "indiscriminate cordon-and-sweep operations" that involved "grabbing whole villages," Ricks, *Fiasco*, 195-200.

¹⁰¹⁵ According the Rajiv Chandrasekaran, a senior Baghdad correspondent, applicants to the lucrative CPA posts were "asked questions that would have gotten an employer in the private sector hauled into court," such as whether they "voted for George W. Bush." See Abdullah, *Short History*, 162.

¹⁰¹⁶ Diamond, *Squandered Victory*, 56-57. Diamond that Bremer's inner circle "worried that the UN would tilt the balance too far back to the Sunnis," *Squandered Victory*, 133. Convincingly, he claims that if the US had asked the UN to convene a conference and choose an interim government, "the political corner might have been turned," *Squandered Victory*, 302.

¹⁰¹⁷ Of the 1.5 billion in contracts awarded from Iraqi funds, "74% went to US firms and only 2 percent to Iraqi contractors, with little competitive bidding." Tripp, *History of Iraq*, 290.

¹⁰¹⁸ There is an array of evidence suggesting the US, in general, favoured the non-recognition of ethnic identities, which regularly led to confrontations with the Kurds. See Galbraith, *End of Iraq*, 165. For arguments criticizing the CPA for the "institutionalization of ethno-sectarianism," see Dawisha, *Iraq*, 245, Dodge, *Iraq*, 42 and Al-Ali, *Struggle for Iraq's Future*, 77. For an opposing view, see Stansfield, *Iraq*, 169.

¹⁰¹⁹ Abdullah, *Short History*, 164.

represent Iraq's political and gender diversity, as evident by the inclusion of several women as well as a communist "Shi'a" leader.

In fact, given that in 2005 eighty-five percent of Iraqis voted for parties with a "clear ethnic base of support"¹⁰²⁰ and that Iraq has a numerically dominant ethnic majority, the political system in Iraq should have been more consociational in nature in order to ensure minority participation and avoid the catastrophic consequences of majority rule.¹⁰²¹ In the words of John McGarry and Brendan O'Leary:

*The problem with the integrationist position is that it assumes that the central government will be ethnically impartial... whereas comparative experience shows otherwise; in Eastern Europe in the 1990s, the almost universal pattern was for the dominant community to seek to "nationalize" the state in its image and to exclude others... If Iraq's executive arrangements are problematic, it may be because they are insufficiently consociational. They do not, after all, offer guarantees of inclusiveness, as many consociational systems do, including those in Bosnia and Northern Ireland.*¹⁰²²

Going forward, it is increasingly clear that for the "orgy of killing" in Iraq to come to an end, the exclusive elite bargain at the centre of the victor's peace that had "consciously excluded, indeed demonized, not only the old ruling elite, but also the whole Sunni section of Iraqi society" needs to make way for the negotiation of a more inclusive, consociational settlement.¹⁰²³ In turn, this arrangement would only properly function amidst a broader regional compromise, which would include the redefinition of the role of Iraq's most influential neighbours.

¹⁰²⁰ Ibid, 170.

¹⁰²¹ It is an unmistakable irony that many analysts – in addition to US officials – warned against the "Lebanonization" of Iraq by entrenching "ethnically based power sharing formulas," given how ethnically polarized and violent Iraq turned out to be compared to Lebanon. For more on the US position in favour of "integration" see Diamond, *Squandered Victory*, 162.

¹⁰²² McGarry and O'Leary, "Iraq's Constitution of 2005," 174-181.

¹⁰²³ Dodge, *Iraq*, 47.

Chapter 6: Northern Ireland

Introduction

Following decades of ethno-national conflict in Northern Ireland, the British and Irish governments, as well as the region's main rival political parties, reached an agreement on devolved power sharing that came to be known as the Good Friday Agreement (GFA).¹⁰²⁴ Against a backdrop of continuing ethnic antagonism, recurrent political crises, and grave concerns over the sustainability of the agreement and the potential for a return to violence, the GFA ushered in a remarkably sustained period of peace and stability in Northern Ireland. Even critics of consociationalism acknowledged in the years following the GFA that the agreement has seen "sporadic yet increasingly positive implementation"¹⁰²⁵ as Northern Ireland "shines as the new brightest star in the consociational universe."¹⁰²⁶ On the twentieth anniversary of the GFA in April 2018, the agreement's leading US mediator George Mitchell declared that "in its principal purpose, the elimination of political violence... it has been remarkably successful."¹⁰²⁷

For over twenty years, since negotiations were concluded under US patronage in 1998, the region did not witness a return to strategic ethnic violence, and there seems to be "no immediate prospects of resumption" of hostilities,¹⁰²⁸ even as the two "extreme" parties – the Democratic Unionist Party (DUP) and Sinn Féin – solidified their parliamentary status as ethnic representatives of their respective communities at the expense of their "moderate" challengers – the Social Democratic and Labour party (SDLP) and the Ulster Unionist Party

¹⁰²⁴ The official name of the agreement is the "Belfast Agreement." It is more commonly known as the Good Friday Agreement, since it was signed on Good Friday, 10 April 1998, and given the symbolism of ending a conflict between Catholics and Protestants.

¹⁰²⁵ Taylor, Rupert, "The promise of consociational theory," in *Consociational Theory: McGarry & O'Leary and the Northern Ireland Conflict*, ed. Rupert Taylor, (London: Routledge, 2009), 8.

¹⁰²⁶ Ibid, 7. The political process came to a halt in January 2017 as a bitter dispute between the Democratic Unionist Party (DUP) and Sinn Féin led to the collapse of government. At the time of this writing, the executive has not met for 16 months. However, on the 20th anniversary of the GFA, George Mitchell told the audience the Northern Ireland of today was positively "unrecognisable" from the one he worked in 20 years ago. See "Good Friday Agreement was 'work of genius,'" *BBC News*, 10 April 2018, <http://www.bbc.com/news/uk-northern-ireland-43660970>.

¹⁰²⁷ Ibid. This from George Mitchell's remarks at the Belfast conference marking the 20th anniversary of the Good Friday Agreement, video clip embedded in BBC article, "Good Friday Agreement was 'work of genius,'" 10 April 2018.

¹⁰²⁸ McGarry, John, "Asymmetric Autonomy in the United Kingdom," in *Asymmetric Autonomy and the Settlement of Ethnic Conflicts*, ed. Katherine Nobbs and Marc Weller, (Philadelphia: University of Pennsylvania Press, 2010) 168.

(UUP) - who had effectively concluded the peace accord.¹⁰²⁹ The entrenchment of peace and stability in Northern Ireland, however, was rarely foreseen as a guaranteed prospect given its complex history of antagonisms and its seemingly intractable conflict as an “ethnic frontier” between the United Kingdom and Ireland.¹⁰³⁰

For several decades in the latter part of the 20th century, Northern Ireland was considered to be “the most unambiguous instance of a plural society... in the western world.”¹⁰³¹ Following the partition of Ireland in 1921, its six northern counties grew fundamentally divided between predominantly Protestant unionists (including loyalists), favouring the maintenance of the union with Britain, and overwhelmingly Catholic nationalists (including republicans), advocating a unification of the Island of Ireland.¹⁰³² Between 1921 and 1969, Northern Ireland was ruled by a system of “hegemonic control,”¹⁰³³ in which the Protestant majority – having established a “Protestant parliament for a Protestant people”¹⁰³⁴ – dominated the state to the extent that no Catholic was appointed cabinet minister up until the regime was on the verge of collapse in 1968.¹⁰³⁵ Northern Catholics, dismayed by what they perceived as widespread

¹⁰²⁹ As the Social Democrat and Labour Party (SDLP) and Ulster Unionist Party (UUP) lost their bloc leadership positions to the DUP and Sinn Féin, the elections of the new century were said to reflect “a dramatic shift to more polarized communal politics,” (Taylor, Rupert, ‘The Belfast Agreement and the Politics of Consociationalism: A Critique’, *The Political Quarterly* 77, no. 2 (2006): 219.) See McGarry and O’Leary, “Power shared after the death of thousands,” in *Consociational Theory*, ed. Rupert Taylor.

¹⁰³⁰ The term “ethnic frontier” was coined by Frank Wright in his book, *Northern Ireland: A Comparative Analysis*, (Dublin: Gill and Macmillan, 1988). For Wright, Northern Ireland is best understood as an “ethnic frontier,” a site of contested sovereignty where conflict is crucially affected by the actions of external powers beyond the frontier.

¹⁰³¹ Lijphart, Arend, *Democracy in Plural Societies: A Comparative Exploration*, (New Haven: Yale University Press, 1977), 134.

¹⁰³² Protestants who support the maintenance of the union with Great Britain are divided between “unionists” and “loyalists.” The term “loyalist” has been commonly used to describe working class unionists who support paramilitary violence. Contrastingly, Catholics who support unification with Ireland are divided between “nationalists” and “republicans,” with the latter group adopting a more hard-line approach in support of paramilitary violence. Northern Ireland’s four main political parties embody this categorization: The UUP represents unionists, the DUP loyalists, SDLP nationalists, and Sinn Féin the republicans.

¹⁰³³ McGarry, John, “Asymmetric Autonomy in the United Kingdom,” in *Asymmetric Autonomy*, 151.

¹⁰³⁴ The expression “protestant parliament for a protestant people” was used by James Craig, the first Prime Minister of Northern Ireland, in a speech in parliament in 1934. Mitchell, George J. *Making Peace*, (New York: Knopf, 1999), 14.

¹⁰³⁵ McGarry, John, “Northern Ireland, Civic Nationalism, and the Good Friday Agreement,” in *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*, ed. John McGarry (Oxford: Oxford University Press, 2001), 113. Catholics in Northern Ireland claimed widespread discrimination, including in the economic sector. According to Brendan O’Duffy “systematic and non-systematic discrimination” led to Catholics being “under-represented in higher management positions... Catholic males are 2.5 times more likely to be unemployed than protestant males,” O’Duffy, Brendan, “Containment or regulation? The British approach to ethnic conflict in Northern Ireland,” in *The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts*, ed. McGarry and O’Leary (London: Routledge, 1993) 131. Sinn Féin leader Gerry Adams takes the accusation a step further, arguing that “the unionist regime in the Northern six counties depended upon sectarianism... Discrimination in employment and

systematic and institutional discrimination by the ruling majority, emulated the US model by launching a civil rights campaign principally focused on civil disobedience and peaceful protest marches.¹⁰³⁶ The Stormont government, viewing the agitation as a front for the militant IRA (Irish Republican Army) that seeks to disband the union, responded with repressive measures. Widespread violence ensued, and consequently the British government suspended the Northern Ireland parliament and imposed direct rule from London.

Over the next thirty years, Northern Ireland would witness what came to be known as “the troubles,” an ethno-national low intensity war in which republican militants fought the security forces and loyalist paramilitaries. The scale of the killings perpetrated by all sides eventually exceeded 3,600, with as many as 50,000 people physically maimed or injured, amounting to 2% of the population.¹⁰³⁷ Even though the statistics do not comparatively suggest widespread or pervasive violence, Paul Arthur correctly points out that sheer numbers are “an inadequate reflection of the nature of the violence... (as) they were not as important as the impact.”¹⁰³⁸ As the violence persisted, ideological positions hardened, and the long process of finding a lasting political solution to the conflict in Northern Ireland began.

Throughout the conflict, “few scholars thought that consociationalism could successfully take root” in Northern Ireland,¹⁰³⁹ a society which – as McGarry and O’Leary indicate – lacks almost all of the necessary components enumerated by Lijphart for a successful implementation of power sharing in a divided state, especially sufficient elite predominance and intra-segmental stability.¹⁰⁴⁰ In 1973, the British and Irish governments orchestrated the first major attempt at power sharing, known as the Sunningdale Agreement, which provided for a devolved administration based on a “coalition of moderates”¹⁰⁴¹ and included a role for the Irish government in the internal affairs of Northern Ireland – the so-called “Irish

housing was endemic. It was an apartheid state.” Adams, Gerry, *Before the Dawn, An Autobiography*, (London: Brandon, 1996), 131.

¹⁰³⁶ See McGarry, John, “Comparable Northern Ireland,” *Northern Ireland and the Divided World*, 4.

¹⁰³⁷ Dixon, Paul, *Northern Ireland: The Politics of War and Peace*, 2nd ed. (London: Macmillan, 2008), 28.

0.22% of the population has been killed and 1.78% has been injured, Ibid.

¹⁰³⁸ Arthur, Paul, *Special Relationships: Britain, Ireland and the Northern Ireland Problem*, (Belfast: Blackstaff, 2000), 67.

¹⁰³⁹ Taylor, “The promise of consociational theory,” in *Consociational Theory*, 8-9.

¹⁰⁴⁰ McGarry and O’Leary, *Explaining Northern Ireland: Broken Images*, (Oxford: Wiley Blackwell, 1995),

322.

¹⁰⁴¹ McGarry and O’Leary, “Power shared after the death of thousands,” in *Consociational Theory*, ed. Rupert Taylor, 59.

dimension.”¹⁰⁴² However, Sunningdale’s political institutions collapsed a few months later, under pressure from a loyalist strike conducted by the Ulster Workers Council (UWC) through which Northern Ireland “largely ceased to function.”¹⁰⁴³ This occurred “against a background of consistent IRA bombings and violence,” adding impetus to anti-agreement unionists.¹⁰⁴⁴ As a result, even committed consociationalists such as Arend Lijphart rejected consociational democracy as a realistic option for the region, suggesting partition – a demographically near-impossible arrangement – as a possible alternative.¹⁰⁴⁵

Nevertheless, many years of British-Irish cooperation, beginning with the Sunningdale Agreement, fortified through the Anglo-Irish Agreement (AIA) of 1985 and culminating with the Downing Street Declaration (DSD) of 1993 as well as the Framework Documents of 1995, resulted in a continuously “evolving unity of purpose” that eventually brought about the GFA.¹⁰⁴⁶ Combined with other factors such as the military stalemate,¹⁰⁴⁷ the ideological evolution within the Nationalist community,¹⁰⁴⁸ the end of the Cold War and US involvement,¹⁰⁴⁹ the declining demographic advantage of the Protestants,¹⁰⁵⁰ and the developing framework of the European Union,¹⁰⁵¹ the British and the Irish finalized the comprehensive agreement that brought an end to the “long war.”

The GFA was comprised of three strands: Strand One set up the power-sharing assembly which operated according to parallel consent and weighted majority rules as well as the executive

¹⁰⁴² Dixon, *Northern Ireland*, 14.

¹⁰⁴³ Kerr, Michael, *Imposing Power-Sharing: Conflict and Coexistence in Northern Ireland and Lebanon*, (Dublin: Irish Academic Press, 2006), 51.

¹⁰⁴⁴ Kerr, 68. For a review of Sunningdale, see Kerr, 40-62.

¹⁰⁴⁵ Kerr, 8-9.

¹⁰⁴⁶ Ibid, 72.

¹⁰⁴⁷ Republicans had concluded that they could not achieve their goals by violence, and the British realized they could not defeat the IRA militarily. Ruane, Joseph and Jennifer Todd, “The Belfast Agreement: Context, content, consequences,” in *After the Good Friday Agreement: Analysing Political Change in Northern Ireland*, ed. Joseph Ruane and Jennifer Todd (Dublin: University College Dublin Press, 1999), 2.

¹⁰⁴⁸ For the ideological evolution of the SDLP prioritizing “democracy and equality” as opposed to “Irish unity,” see Todd, Jennifer, “Nationalism, republicanism and the Good Friday Agreement” in *After the Good Friday Agreement*, 53-55.

¹⁰⁴⁹ For the effects of the end of the Cold War on republican strategy see Dixon, *Northern Ireland*, 329. For its effects on US strategy, see Kerr, *Imposing Power-Sharing*, 92.

¹⁰⁵⁰ The demographic balance of Protestants to Catholics has altered from 63-37 in 1971 to 58-42 in 1991, Kennedy, Liam, *People and Population Change: A Comparative Study of Population Change in Northern Ireland and the Republic of Ireland*, (Dublin: Cooperation North, 1994), 9. Given changing demographics, advisers to the UUP pointed out that... unionists might soon be “grateful” they had agreed to mandatory power sharing. McGarry, “Northern Ireland, Civic Nationalism, and the Good Friday Agreement,” 119.

¹⁰⁵¹ Arthur, *Special Relationships*, 117.

which was to be formed following the inclusive D'Hondt formula that guaranteed the participation of any party represented in parliament. Strand Two was concerned with the North-South ministerial council – the “Irish dimension” – and included six areas of cooperation and six implementation bodies. Strand Three consisted of the British-Irish intergovernmental conference – the “East-West” dimension – which served as a counter-weight to Irish involvement in Northern Ireland’s affairs. Additionally, the GFA ordained the reform of the police and the criminal system, induced political parties to do everything in their power to enforce the decommissioning of the paramilitaries within two years and committed both the British and Irish governments to put in place an accelerated program for the release of prisoners.¹⁰⁵²

Despite its comprehensive and inclusive nature, the implementation of the agreement got off to an unpromising start. On the political front, the dispute over the decommissioning of paramilitaries led the British government to unilaterally suspend the assembly at Stormont.¹⁰⁵³ Dixon argues that while unionists “felt the spirit of the agreement involved decommissioning,” republicans “claimed the letter of the GFA involved no decommissioning before entering the executive.”¹⁰⁵⁴ This led both to a political impasse and to considerable doubts as to British “neutrality” in the Northern Irish question.¹⁰⁵⁵ More worryingly, on the security front, the immediate post-GFA period witnessed the attack by a splinter IRA group which caused the largest number of casualties since the beginning of the troubles more than three decades earlier. Expectations of renewed violence soared, and many critics expressed the view that Northern Ireland’s peace agreement was doomed from the start. In 1999, Robin Wilson stated that the year of the agreement was far more lethally violent than the preceding three.¹⁰⁵⁶ In 2003, Wilson and Wilford argued that the number of violent incidents was “on a rising trend” and

¹⁰⁵² The full text of the GFA is available at <https://www.gov.uk/government/publications/the-belfast-agreement>.

¹⁰⁵³ To help assuage unionist intransigence over decommissioning at the negotiations, British Prime Minister Tony Blair wrote a letter to the UUP assuring them that it is the British view that “the process of decommissioning should begin straight away,” even though the text of the agreement stated that it should happen within two years and did not link any party’s participation in the executive to the decommissioning of weapons. Mitchell, *Making Peace*, 118.

¹⁰⁵⁴ Dixon, *Northern Ireland*, 331.

¹⁰⁵⁵ For a sharp critique of the British government’s suspension of Stormont as an “unconstitutional and partisan act,” see O’Leary, Brendan, “Comparative political science and the British-Irish agreement,” in *Northern Ireland and the Divided World*, 64-67.

¹⁰⁵⁶ Wilson, Robin, “Making the agreement stick: Prospects for peace in Northern Ireland,” *Renewal: A Journal of Labour Politics*. 17(1), 1999, 20. Between 1995 and 1997, 49 people were killed in Northern Ireland, around ten percent less than those killed in 1998.

that there had been no “peace dividend.”¹⁰⁵⁷ The GFA’s leading mediator, Senator George Mitchell, warned that the agreement “might not still be in existence in eighteen months’ time” and commented on “the complete lack of trust (and) ‘a presumption of bad faith’ between unionists and republicans.”¹⁰⁵⁸

Nevertheless, despite expectations to the contrary, Northern Ireland has, for over twenty years following the GFA, witnessed a prolonged period of calm and stability with respect to ethnic violence, despite recurrent political deadlock, most recently manifested in the absence of a government since January 2017. The region has not witnessed a return to strategic ethnic violence nor have the main political parties reneged on their pledge to use strictly democratic means in pursuit of their political objectives. What explains the unforeseen success of the GFA in cementing peace and stability in a country whose conflict was long believed to be intractable? How did Northern Ireland, despite witnessing – as some have argued – a deterioration in communal relations¹⁰⁵⁹, implement the GFA in a way that is “clearly causally associated with a highly significant reduction in political violence”?¹⁰⁶⁰

This chapter argues that the maintenance of peace and stability in Northern Ireland following the signing of the GFA in 1998 can be attributed to three inter-related factors: (1) the “unselfish” nature of the agreement’s signatories and guarantors, the United Kingdom and the Republic of Ireland whose primary, if not sole, strategic interest lay in the pacification of the Northern Irish question, and whose continuous cooperation since the Anglo-Irish Agreement of 1985 in addition to their increasing exasperation with the conflict between Protestants and Catholics helped reign in their respective co-ethnic belligerents; (2) the particularly inclusive nature of the GFA which, in contrast with its predecessor, the Sunningdale Agreement, recognized the legitimacy of both communities’ national aspirations and ensured that all parties involved in the Northern Irish conflict – including the “extremes” – would be assured fair and

¹⁰⁵⁷ Wilford, Rick and Robin Wilson, “A route to stability: the review of the Belfast agreement,” Democratic Dialogue, <http://cain.ulst.ac.uk/dd/papers/dd03agreview.pdf>, 9.

¹⁰⁵⁸ “Preface,” Ruane, Joseph and Jennifer Todd, ed. *After the Good Friday Agreement*, viii.

¹⁰⁵⁹ Neil Jarman points out that “at least 17 (more peace) barriers have been built, extended or heightened in Belfast since the ceasefires of 1994...and none removed,” Jarman, Neil, “No Longer a Problem? Sectarian Violence in Northern Ireland,” *Institute for Conflict Research*, March 2005, 3, 27. He also indicates that people in mixed neighborhoods are more likely to face intimidation. He writes that “since the paramilitary ceasefires were declared nearly 14,000 people have sought rehousing due to intimidation,” “No Longer a Problem?” 24. Finally, Hughes and Donnelly point out that fewer Protestants and Catholics are prepared to “live in a mixed religion neighborhood.” Hughes, Joanne and Caitlin Donnelly, “Community relations in Northern Ireland: A shift in attitudes?,” *Journal of Ethnic and Migrations Studies*, 29(4), 652.

¹⁰⁶⁰ McGarry and O’Leary, “Power shared after the death of thousands,” 51.

meaningful representation in the executive, legislative, and security organs of the state, including substantial veto-rights for the two ethno-national groups on “key decisions”; and (3) the critically constructive regional environment, due not only to fundamental changes within the political societies of the two guarantors – the UK and the Republic of Ireland – but also to the increasingly vital role played by the development of the European Union’s cooperative structures. The chapter broadly covers the twenty-year period that followed the peace process in Northern Ireland. And while it focuses on the immediate post-conflict period between the GFA and the St. Andrews Agreement (1998-2007), it concludes with a brief discussion of the political deadlock that has left Northern Ireland without a devolved government since January 2017.

Violence in Post-Conflict Northern Ireland

During the thirty-year conflict known as the “troubles,”¹⁰⁶¹ violence in Northern Ireland was categorized as a “low-intensity war” as the relatively limited number of casualties was attributed to the cordial and cooperative relationship between the Republic of Ireland and the United Kingdom.¹⁰⁶² Compared to cases of ethnic conflict in other small countries such as Lebanon and Bosnia, the number of casualties in Northern Ireland is certainly limited.¹⁰⁶³ Between 1968 and 1998 3,411 people were killed as a result of conflict.¹⁰⁶⁴ Of those, 497 were killed in 1972, and 1,638 lost their lives between 1972 and 1976 (an average of 328 a year), representing 44% of all those who died in the conflict.¹⁰⁶⁵ From 1976 up until the Good Friday Agreement, the average yearly death toll in Northern Ireland was 80, a far cry from what is considered the necessary casualty toll required to classify a conflict as a “civil war.”¹⁰⁶⁶

¹⁰⁶¹ As is the case in the other ethnically driven conflicts in Lebanon and Bosnia, Northern Ireland’s political parties disagree sharply on how to classify their conflict. Throughout the troubles, unionists claimed they were dealing with criminal activity and a breakdown of law and order in Northern Ireland, not a war. See “Troubles ‘Not War’ Motion Passed,” *BBC News*, 18 February 2008, http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/7249681.stm.

¹⁰⁶² Kerr argues that the lack of fluctuation in the levels of violence during the troubles was due to both Ireland and the UK consistently pursuing a policy aimed at containing the violence. Kerr, *Imposing Power-Sharing*, 37.

¹⁰⁶³ The death toll from the Lebanese conflict that lasted 15 years is approximately 70,000 (an average of 4,600 a year), whereas the 3-year conflict in Bosnia caused the death of 97,000 Bosnians (an average of 32,000 a year). By the end of their respective conflicts, Lebanon’s population totalled 2.7 million to Bosnia’s 3.9 million.

¹⁰⁶⁴ Sutton, Malcolm, “Deaths from the Conflict in Ireland by year and status,” from *An Index of Deaths from the Conflict in Ireland*, *CAIN* (Conflict Archive on the Internet), <https://docs.google.com/spreadsheets/d/1hRidYe3-avd7gvlZWVv1YZB7QY6dKhekPS1I1kbFTnY/edit#gid=0>.

¹⁰⁶⁵ Dixon, *Northern Ireland*, 27.

¹⁰⁶⁶ An average of 1000 death per year is the widely accepted standard to classify a conflict as a civil war. See Boyle, Michael J. *Violence After War: Explaining Instability in Post-Conflict States*, (Baltimore: Johns Hopkins University Press, 2014), 259.

Nevertheless, analysts such as O'Leary and McGarry have argued that, comparatively, the Northern Ireland conflict is "very intense," given that 2% of the population has either been killed (0.22%) or injured (1.78%) as a result of hostilities.¹⁰⁶⁷ This view is corroborated by Fey et Al, who demonstrate that around 100,000 people in Northern Ireland live in households where someone has been injured in a troubles-related incident.¹⁰⁶⁸

The immediate period following the signing of the Good Friday Agreement in 1998 got off to a discouraging start. In August of that year, a provisional IRA splinter group called the Real Irish Republic Army who opposed the GFA placed a bomb in Omagh, killing 29 people and injuring 220 others. This was to be the largest death toll of any attack conducted since the beginning of the troubles three decades earlier. The total number of conflict-related deaths in 1998 reached 55 casualties, approximately the same number as those who died in 1985, before the signing of the Anglo-Irish Agreement and the beginning of substantial Irish-British cooperation in Northern Ireland. This led critics to argue that the peace accord was at best flawed and at worse that it "comprehensively failed."¹⁰⁶⁹

However, this sombre interpretation of the correlation between the GFA and the rise in ethno-political violence proved to be both premature and misguided. In fact, the anomalous level of violence in 1998 gave further impetus to the peace process and the rejection of non-democratic means to further political objectives.¹⁰⁷⁰ Even though the data on casualties can be somewhat controversial given various interpretations on the background motives of certain killings,¹⁰⁷¹ it is undeniably clear that the level of violence declined sharply and steadily beginning in 2000, and from 2005 onwards was virtually non-existent.¹⁰⁷²

According to the statistics of Northern Ireland's police service, "lethal political violence dropped from 509 in the nine-years before the agreement (1989-1997) to 134 in the nine years

¹⁰⁶⁷ Dixon, *Northern Ireland*, 28.

¹⁰⁶⁸ Fay, Marie-Therese, Michael Morrissey, and Marie Smyth, *Northern Ireland's Troubles: The Human Costs*, (London: Pluto Press, 1999), 204.

¹⁰⁶⁹ For the argument that the peace process has failed see Peatling, Gary, *The Failure of the Northern Ireland Peace Process*, (Dublin: Irish Academic Press, 2004).

¹⁰⁷⁰ Within days of the Omagh atrocity, the few dissident groups which had, until then, opposed the agreement announced the cessation of violence. Mitchell, *Making Peace*, 184.

¹⁰⁷¹ In several instances following the GFA the line separating criminal motives from ethno-political motives was blurred, which resulted in different data sets for the number of political casualties.

¹⁰⁷² Conflict-related deaths were 19 in 2000, 16 in 2001, 11 in 2002, 10 in 2003, 4 in 2004, 8 in 2005, 3 in 2006 and 2 in 2007. In 2008 there were zero conflict-related deaths in Northern Ireland. McGarry and O'Leary, "Power shared after the death of thousands," Table 1.1, 52.

following the agreement (1997-2006), a decline of three quarters.”¹⁰⁷³ Furthermore, O’Leary and McGarry demonstrate that of the 121 deaths between 1998 and 2007, 80 (66%) were “within community” in that they did not involve cross-community violence.¹⁰⁷⁴ If one discounts the Omagh anomaly, only 12 people were killed as a result of cross-community violence during that period, an average of about one person per year. Between 2003 and 2008, there have been no deaths from cross-community conflict. Writing in 2008, they additionally indicate that not one member of the security forces was killed since 1999, compared to 105 in the 1989-1997 period;¹⁰⁷⁵ however, this momentum was repeatedly interrupted with the killing of two off-duty British soldiers by the Real IRA in 2009, one PSNI officer in 2011, as well as one prison officer in 2012 and another in 2016, both for alleged mistreatment of Republican prisoners. Additionally, between 2009 and 2018, dissident Republican groups claimed responsibility for the murder of four civilians.¹⁰⁷⁶ During that period, a few other murders were believed to have been possibly connected to the conflict, although this could not be verified.¹⁰⁷⁷

Overall, the post-war period in Northern Ireland witnessed a remarkable level of peace and stability, despite many early predictions to the contrary. Irrespective of the few violent incidents that took place in the two decades that followed the signing of the GFA, Northern Ireland did not witness a return to strategic levels of ethnic violence and should be regarded – at least in terms of stability – as a successful enterprise in post-war power sharing between two antagonistic ethno-national communities. Furthermore, this post-war stability happened despite continuous political dysfunction between 1998 and 2006, a British suspension of Stormont on four separate occasions, disputes over decommissioning of the IRA, the “victory of the extremes” in the elections¹⁰⁷⁸ and a “dramatic shift to more polarized communal politics,”¹⁰⁷⁹ a unionist community sharply divided over the GFA and power-sharing with republicans,¹⁰⁸⁰ the

¹⁰⁷³ Ibid, 51.

¹⁰⁷⁴ Ibid.

¹⁰⁷⁵ Ibid.

¹⁰⁷⁶ For a complete list of deaths related to the conflict in the 2002-2019 period, see <https://cain.ulster.ac.uk/issues/violence/deathsfrom2002draft.htm>. Cadwallader, Anne, “Police hunt Real IRA after soldiers killed,” *Reuters*, 8 Mar 2009, <https://uk.reuters.com/article/uk-irish-army-shooting/police-hunt-real-ira-after-soldiers-killed-idUKTRE52700320090308?pageNumber=2&virtualBrandChannel=0>.

¹⁰⁷⁷ The uncertainty lies in that no group claimed responsibility for the murder, and it is believed some of the violence was related to drug trafficking as opposed to sectarian motives.

¹⁰⁷⁸ Patterson, “What Victory of the Extremes Means for All of Us.”

¹⁰⁷⁹ Taylor, “The Belfast Agreement,” 219.

¹⁰⁸⁰ Kerr, *Imposing Power-Sharing*, 107. On the unionist side support for a settlement had decreased since the 1970s. Dixon points out that in October 2002, 61.7% of Protestants said that if a referendum were held today, they would vote no. *Northern Ireland*, 288.

challenges related to Brexit that have been ongoing since June 2016, and a political crisis resulting in the absence of a government since January 2017.

Explanations

Peaceful Northern Ireland: Neighbours as “unselfish” guarantors

Through the lens of linkage theory, McGarry and O’Leary have long argued that the troubles in Northern Ireland were a result of dual British and Irish failure in nation building later reinforced by actions on both sides that have helped fuel the conflict.¹⁰⁸¹ By 1998, with Anglo-Irish relations “at their zenith,” supported by the “absolutely unprecedented” partnership between British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern, the two countries’ leaders led the process that brought about the end of three decades of conflict.¹⁰⁸² Following the GFA, Northern Ireland’s two neighbouring states and guarantors of the peace agreement helped – through a continuing “unity of purpose”¹⁰⁸³ – preserve peace and stability in Ulster by maintaining their predominantly active yet “unselfish” or “neutral” posture, through which they cooperatively reigned in their respective co-ethnics, a process which culminated in the previously unthinkable Democratic Unionist Party (DUP)-Sinn Féin agreement to share power in 2007.

As a site of contested sovereignty between the British and Irish national communities, the conflict is crucially affected by the actions of its two neighbours, and the best that can be hoped for is constructive cooperation between them. In other words, the Northern Ireland problem is “but Anglo-Irish relations writ small.”¹⁰⁸⁴ Between 1921 and 1969, “relations between London and Belfast were benign, if not soporific” given the relative stability in Northern Ireland.¹⁰⁸⁵ In Ireland, leaders eager to prove their own autonomy vis-à-vis Britain focused on nation building, whereas “the ‘historic’ nation had to take a back seat” as the Irish political elite

¹⁰⁸¹ Kerr, *Imposing Power-Sharing*, 104.

¹⁰⁸² Kerr, *Imposing Power-Sharing*, 103. George Mitchell attests to that, stressing that “Blair and Ahern developed a warm personal relationship and an ease and candour in working together that would prove to be essential to the agreement reached on Good Friday.” Mitchell, *Making Peace*, 106.

¹⁰⁸³ Kerr, *Imposing Power-Sharing*, 183.

¹⁰⁸⁴ Arthur, *Special Relationships*, 2.

¹⁰⁸⁵ Ibid, 22. Frank Wright described the situation in Northern Ireland during that period as “a tranquillity of communal deterrence,” Wright, Frank, *Northern Ireland: A Comparative Analysis*, (Dublin: Gill and Macmillan, 1988), 13.

“settled into a form of passivity” regarding the North.¹⁰⁸⁶ Dublin’s approach towards unity remained aspirational in character, and contacts with the North’s Nationalist leaders were kept to a minimum. For its part, Britain’s leadership largely disengaged from political matters in Ulster, for “as long as they could keep Northern Ireland in relative tranquillity the Home Office was prepared to let the sleeping dogs lie.”¹⁰⁸⁷ As the troubles began, London and Dublin attempted to lay the conflict to rest by sponsoring a power-sharing accord, which became known as the “Sunningdale Agreement.”

However, the attempt at establishing peace in Northern Ireland quickly faltered, under pressure from both rebellious unionists – ultra-loyalists prepared to demonstrate their loyalty through acts of disloyalty¹⁰⁸⁸ – who vehemently opposed its “Irish dimension” warning that “Dublin is just a Sunningdale away,” as well as Republicans who maintained their armed campaign throughout the short-lived tenure of the coalition government.¹⁰⁸⁹ Michael Kerr argues forcefully that the brevity of Sunningdale can be largely attributed to the fact that Anglo-Irish relations were still at an “embryonic stage,” which resulted in their inability to coordinate a successful process of “coercive consociationalism.”¹⁰⁹⁰ The British government hesitated in containing the unionist strike, while the Irish leadership did not display the needed flexibility regarding the “Irish dimension.”¹⁰⁹¹ Nevertheless, despite the fact that the remaining years of

¹⁰⁸⁶ Arthur, *Special Relationships*, 10.

¹⁰⁸⁷ Ibid, 23.

¹⁰⁸⁸ Ibid, 14. The relationship between loyalist Protestants in Northern Ireland and England is peculiar in that it does not properly conform to ethnically defined patron-client dynamics. McGarry and O’Leary suggest that loyalists “display settler insecurity” and “their primary imagined community is themselves,” *Explaining Northern Ireland: Broken Images*, (Oxford: Wiley Blackwell, 1995), 112. Dixon argues that “the defeat of British policy 1972-4 by unionists was hardly compatible with the strand of republican ideology which suggested that unionists were merely the puppets of British imperialism.” Dixon, *Northern Ireland*, 325.

¹⁰⁸⁹ “Dublin is just a Sunningdale away” was the official slogan for the UUP campaign devised in opposition to the Sunningdale Agreement. The poster can be found at

https://www.reddit.com/r/ukpolitics/comments/4hiku8/dublin_is_just_a_sunningdale_away_ulster_unionist/ During that period between December 1973 and May 1974, the IRA pursued its campaign of bombings and violence, “adding strength to the anti-agreement unionists,” Kerr, *Imposing Power-Sharing*, 68.

¹⁰⁹⁰ Kerr, *Imposing Power-Sharing*, 41. He adds that “an agreement such as Sunningdale needed intergovernmental political synchronization, a deep understanding of the issue and time. Anglo-Irish relations in the 1970s lacked all three things,” 59.

¹⁰⁹¹ Kerr asserts that “almost all political actors agree that if the army and the RUC had been deployed in the first few days, they would have carried out their duties and the strike might well have collapsed...(instead), Northern Ireland had largely ceased to function,” *Imposing Power-Sharing*, 51.

the decade were marked by a “lack of coordination,”¹⁰⁹² Sunningdale itself represented “the beginning of the Anglo-Irish political process that culminated in 1998” with the GFA.¹⁰⁹³

In contrast to the previous decade, the 1980s began with the joint Anglo-Irish communiqué which stressed the “unique relationship” between the two countries.¹⁰⁹⁴ Starting with the Haughey-Thatcher summit, the two governments “attempted to bypass unionist intransigence by negotiating among themselves,” a process that led to the establishment of the British-Irish intergovernmental summit.¹⁰⁹⁵ This was paired with a new approach among the Irish political elite, who in 1983 founded the New Ireland Forum that recognized the requirement of unionist consent to unity and adopted compromise scenarios based on joint British-Irish “condominium rule” over Northern Ireland.¹⁰⁹⁶ According to O’Duffy, the intergovernmental summit and the forum declaration signified a transition from voluntary to coercive political initiatives aimed at achieving a consociational compromise.¹⁰⁹⁷

Having come to perceive the troubles as a “regional conflict” that could only be solved within the context of an agreement between two “honest brokers,” Britain and Ireland signed the Anglo-Irish Agreement (AIA) in 1985.¹⁰⁹⁸ The AIA “for the first time recognized the Irish government as a representative of Northern Nationalists” by granting it an advisory role in the affairs of Northern Ireland. It also set out conditions for the establishment of a devolved power-sharing government in the region.¹⁰⁹⁹ Thus, by giving the republic a central role in policy making in Northern Ireland and offering to reduce it in the case of devolution, “the default to

¹⁰⁹² Arthur, *Special Relationships*, 96.

¹⁰⁹³ This is Kerr’s view. (*Imposing Power-Sharing*, 61.) The more dominant view considers the AIA to be the beginning of steadfast Anglo-Irish cooperation.

¹⁰⁹⁴ Arthur, *Special Relationships*, 177.

¹⁰⁹⁵ O’Duffy, Brendan, “Containment or regulation?” 146.

¹⁰⁹⁶ Ibid.

¹⁰⁹⁷ Ibid, 147.

¹⁰⁹⁸ Hayes, Bernadette and Ian McAllister, “Ethnonationalism, Public Opinion and the Good Friday Agreement,” in *After the Good Friday Agreement*, 32. The contention that the UK and Ireland were both entirely honest brokers is not shared by everyone. McGarry and O’Leary, although refuting imperialist considerations for Britain’s involvement, nevertheless argue that the Conservative party’s approach towards unity with Northern Ireland as well as the British’s security policy which targeted primarily republicans cast doubts on the validity of British neutrality, *Explaining Northern Ireland*, 57. Republicans, such as Sinn Féin’s Gerry Adams, dismiss this notion altogether. See Adams, *Before the Dawn*, “Foreword.” On the other hand, unionists accused the Irish government of offering safe haven for terrorists and refusing to provide adequate security on the border, McGarry and O’Leary, *Explaining Northern Ireland*, 102. The dismissal from the Fianna Fail government in May 1970 of the Ministers of Agriculture and Finance for their alleged conspiracy to smuggle arms into the North is often cited as proof of malign intervention by certain members of the Irish elite. Arthur, *Special Relationships*, 51.

¹⁰⁹⁹ Ruane and Todd, “The Belfast Agreement: Context, content, consequences,” 5.

compromise shifted from direct rule from Westminster to London-Dublin cooperation.”¹¹⁰⁰ Consequently, for unionists, this represented a direct threat to their continued refusal to share power, as the British would inevitably revert to an extended role for Dublin in the North’s affairs.

While the AIA drew the ire of committed loyalists, even leading DUP leader, Ian Paisley, to describe British Prime Minister Margaret Thatcher as “the greatest aider and abettor of the destruction of the union that Dublin and the IRA ever had,”¹¹⁰¹ it helped unionists view the British role in a new light. Social Democrat and Labour Party (SDLP) leader John Hume thus declared that since the AIA, the British government has become “formally *neutral* of the national question.”¹¹⁰² Following the signing of the AIA, an Ulster Unionist Party (UUP) Member of Parliament summed up that view succinctly when he expressed his regret for having “brought up his children to believe in British traditions” as “the only thing that motivates an Englishman is his self-interest and comforts.”¹¹⁰³ Beginning in 1969, as the British “fitfully endeavoured to promote power sharing” and repeatedly “considered independence for the North as a way of extricating itself from the conflict,”¹¹⁰⁴ unionists came to regard Britain’s policy in the North as “interference,” which they actively resented.

In fact, British and Irish “unselfish” approaches were largely driven by their respective domestic constituencies, both of which developed a growing apprehension at being burdened by the Northern Irish question. In Britain, support for unionism was on the wane. In December 1981, 63% of respondents to a survey published by the Sunday Times said that if a referendum were held on whether Northern Ireland should remain part of the UK, they would vote for its expulsion.¹¹⁰⁵ By 1993 only 23% believed that Northern Ireland should remain part of the UK and 52% preferred solutions that loosened up the link with Britain.¹¹⁰⁶ In a 1994 Gallup poll conducted for the Daily Telegraph nearly half of the British, 44%, regarded events in Northern

¹¹⁰⁰ McGarry, “Northern Ireland, Civic Nationalism, and the Good Friday Agreement,” 119.

¹¹⁰¹ Mitchell, *Making Peace*, 52.

¹¹⁰² McGarry and O’Leary, *Explaining Northern Ireland*, 57.

¹¹⁰³ Arthur, *Special Relationships*, 224-225.

¹¹⁰⁴ Dixon, *Northern Ireland*, 325. One theory for why the British, especially the Labour party, did not withdraw from the North after Sunningdale despite having no “selfish” strategic interests there is that a withdrawal would have likely resulted in “civil war with serious overspill effects for the UK.” See Dixon, *Northern Ireland*, 325.

¹¹⁰⁵ Ibid.

¹¹⁰⁶ Arthur, *Special Relationships*, 226.

Ireland as occurring “mainly in some other country.”¹¹⁰⁷ Opinion polls have consistently indicated that, since the mid-1970s, a majority of the British public supports withdrawal from the North. Consequently, Dixon argues that since the beginning of the troubles, “the British government has had no overriding selfish, strategic, economic or political interests in Northern Ireland, and both of the major British parties have considered Irish unity and independence. British politicians and public opinion have often excluded Northern Ireland from Britain’s ‘imagined community.’”¹¹⁰⁸ Interestingly, this feeling of disconnect is somewhat mutual, as Ulster’s Protestants also largely view their co-religionists in England as “much different than themselves.”¹¹⁰⁹

A similar trend could be discerned in the Republic. The Irish political elite increasingly saw the IRA as a direct threat to the stability of the Republic. Containing the IRA and preventing civil war in the north from spreading into the Republic has thus led to the emergence of a partitionist, twenty-six county nationalism.¹¹¹⁰ Surveys by Hayes and McAllister indicated Irish opinion had gradually changed “in favour of a much-reduced preference for unity.”¹¹¹¹ In 1991, Irish unity was only 18 percentage points ahead of the union as the preferred option for the people of the Republic.¹¹¹² Thus, the authors conclude that “continued disinterest by British public opinion, coupled with new flexibility in Irish public opinion, may well create the best preconditions for the resolution of the problem.”¹¹¹³

In the 1990s, these changes were reflected not only in an “overriding unity of purpose between London and Dublin” but also in active diplomacy which signalled an unrelenting drive among the two countries towards working together to regulate the conflict, “with or without the

¹¹⁰⁷ McGarry and O’Leary, *Explaining Northern Ireland*, 114.

¹¹⁰⁸ Dixon, *Northern Ireland*, 333.

¹¹⁰⁹ In a 1968 survey, 66% of Protestants in Northern Ireland declared that Protestants in England were “much different than themselves,” Arthur, *Special Relationships*, 20. This feeling is aptly expressed by the former Prime Minister of Northern Ireland who proclaimed that since he “became an Ulsterman,” he “hates the English even more,” *ibid.*

¹¹¹⁰ Dixon, *Northern Ireland*, 335. In 2011, Martin McGuinness ran for the presidential elections in the Republic of Ireland. In a telling interaction with young members of the audience, he was asked why he had decided “to come to this country” and bring all of the baggage of the troubles with him. The interaction can be seen here <https://www.youtube.com/watch?v=Iq8IqTY5ZBc>. By 2018, however, Sinn Féin had grown to become the third largest party in the Republic, with around ten percent of members of parliament.

¹¹¹¹ Hayes, Bernadette and Ian McAllister. “British and Irish public opinion towards the Northern Ireland Problem.” *Irish Political Studies*. 11:1, 1996, 75.

¹¹¹² *Ibid.*

¹¹¹³ *Ibid.*, 80.

consent of Northern Ireland's parties."¹¹¹⁴ The decade began with the statement by British Secretary of State for Northern Ireland in 1991 confirming that Britain had "no *selfish* strategic or economic interests" in Ulster.¹¹¹⁵ This was first echoed in the "Framework Documents," published in February 1993, which "showed the two governments' sophisticated commitment to regulating the conflict."¹¹¹⁶ The Documents "adjusted constitutive sovereignty claims, with the Irish marking a recognition of consent and promising to change articles 2 and 3, and the British undertaking to amend the government of Ireland Act 1920."¹¹¹⁷

The Framework Documents were followed in December 1993 with the Downing Street Declaration (DSD), which "marked a turning point and established an internationally legitimized political platform for moving Northern Ireland towards a constitutional settlement" as it "laid down the parameters for any future agreement."¹¹¹⁸ Most importantly, the DSD marked a huge shift in British policy to an inclusive process that "recognizes (the Republican movement's) potential role once it had renounced violence" and it reaffirmed the British government's lack of "selfish strategic or economic interests" in Northern Ireland.¹¹¹⁹

By the mid-1990s, "the consolidation of Anglo-Irish intergovernmental structures, fortified by a synchronization of efforts from London and Dublin in regulating the conflict, led directly to the materialization of a unity of purpose that had become the driving force behind the peace process."¹¹²⁰ With relations between London and Dublin at "their zenith" following fundamental political and ideological changes in both countries,¹¹²¹ the Clinton administration began a three-year mediation process between different parties in Northern Ireland that eventually brought about the conclusion of the Good Friday Agreement. According to leading US mediator Senator George Mitchell, "the cooperative effort" between the two neighbours

¹¹¹⁴ Kerr, *Imposing Power-Sharing*, 74.

¹¹¹⁵ Mitchell, *Making Peace*, 23.

¹¹¹⁶ Kerr, 84.

¹¹¹⁷ Ibid.

¹¹¹⁸ Kerr, 83.

¹¹¹⁹ Kerr, 79.

¹¹²⁰ Kerr, 110.

¹¹²¹ Kerr, 103. The 1990s were a decade of exceptional change in the Republic. Charles Haughey – the *bête noire* of unionism – resigned and was followed by two moderate nationalist figures. The Catholic Church also experienced substantial erosion. The effect of these changes was to moderate unionist aversion to the south. Changes also occurred in the UK. The return of New Labour to power in 1997 marked a radical change in British politics. The constitutional referendum allowing for Scottish and Welsh devolution paved the way for separate arrangements to be made for Northern Ireland without it appearing wholly anomalous. See Ruane and Todd, *After the Good Friday Agreement*, 8-9.

“was the foundation upon which the entire peace process was built” as their respective leaders, having developed a “warm personal relationship,” didn’t just supervise the negotiations but “conducted them.”¹¹²²

Both Britain and Ireland’s “unselfish” approaches were key to the success of the negotiations. Irish Taoiseach Ahern, in an effort to appease unionist rejection of the heavy-handedness of the “Irish dimension,” agreed to renegotiate Strand Two of the agreement, in what Mitchell described as a “big decision by a big man” which “made possible everything that followed.”¹¹²³ British Prime Minister Blair conducted the negotiations in a manner which suggested that “unionist MPs at Westminster did not have a veto on British policy.”¹¹²⁴ Instead, they had to negotiate “with growing anger” as “the British government, *their* government, made what they saw as unprincipled concessions to terrorism.”¹¹²⁵ Michael Kerr, comparing the GFA to the Sunningdale Agreement, concludes that the two governments were not only central in leading the way towards a peaceful settlement in Northern Ireland; in fact, they “imposed” the agreement on a largely unreceptive political setting, both at the level of the elites and that of public opinion:

*(The GFA was concluded) largely in the absence of McGarry and O’Leary’s second and third variables (elite ability to lead and stability between subcultures) ... The key difference between 1998 and 1973-4 amounted to coercive inclusive consociationalism and exogenous incentives, as the intra-communal competition was greater within both sub-cultures in 1998 than in 1973-4... this was not the result of any great shift in public opinion favouring a consociational settlement.*¹¹²⁶

As soon as the two governments guaranteed the agreement, and embedded it in an international treaty, there began a joint effort aimed at securing the peace in Northern Ireland and facilitating the political conditions aimed at enabling the sharing of power between the belligerent parties. Even though the principle of power sharing in and of itself was not a subject of substantial

¹¹²² Mitchell, *Making Peace*, 150-175.

¹¹²³ Ibid, 171.

¹¹²⁴ Dixon, *Northern Ireland*, 249.

¹¹²⁵ Mitchell, *Making Peace*, 174.

¹¹²⁶ Kerr, *Imposing Power-Sharing*, 28-29, 70-87. Horowitz argues otherwise, claiming that the conflict in Northern Ireland had become softer over time. He points to a 1996 survey which showed that half the respondents refused to identify with either unionism or nationalism as well as an increasing willingness to perceive members of other groups as “ordinary people.” “Explaining the Northern Ireland Agreement,” 199.

contention in post-GFA Northern Ireland, there remained two disputes – so-called “law and democracy” issues – that were the subject of considerable controversy. The first issue was the reform of the police and Sinn Féin’s acceptance of the legitimacy of its authority. The GFA had dedicated an entire segment to “policing and justice.” It states that “the agreement provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.”¹¹²⁷ As such, the GFA establishes an independent commission “to make recommendations for future policing arrangements” which “should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from... the community as a whole.”¹¹²⁸

The second, more central and contentious issue, was that of the decommissioning of paramilitaries. The GFA had simply stated that “all participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organization... and to use any influence they may have to achieve the decommissioning of all paramilitary arms within two years,” hence theoretically enabling Republican participation in the executive for two years prior to decommissioning.¹¹²⁹ However, in an attempt to overcome unionist intransigence over such participation, British Prime Minister Tony Blair had – during the negotiations – assured unionists in writing that he shall not allow Sinn Féin to participate in government prior to IRA decommissioning.¹¹³⁰ Consequently, the agreement’s “constructive ambiguity” on decommissioning allowed Sinn Féin and the UUP to sign on to it by interpreting its

¹¹²⁷ “Section 9: Policing and Justice,” The Agreement (known as The Belfast Agreement or the GFA), 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>.

¹¹²⁸ Ibid. Historically, the Royal Ulster Constabulary was perceived as the security arm of the “Protestant State.” Catholics, who represented about 40% of the population of Northern Ireland, comprised just 8% of its workforce. Following the GFA, a controversial 50/50 recruitment policy was adopted, and the number of Catholics in the PSNI increased to 31%. After the policy was dropped in 2011, the number of Catholics reverted back to 19%, mainly due to the fact that only 30% of those who apply are from a Catholic background. See <https://www.belfasttelegraph.co.uk/news/northern-ireland/psni-orders-investigation-into-low-number-of-catholic-recruits-35023903.html>. For official PSNI statistics, see <https://www.psni.police.uk/inside-psni/Statistics/workforce-composition-statistics/>.

¹¹²⁹ “Section 7: Decommissioning,” The Belfast Agreement (GFA), 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>.

¹¹³⁰ This was supposedly in line with the “spirit” of the agreement as opposed to its “text.” See Mitchell, *Making Peace*, 172-180. Letter of Blair to Trimble: “This letter is to let you know that... we will support changes to these provisions to enable them to be made properly effective in preventing such people from holding office... I confirm that in our view... the process of decommissioning should begin straight away.” Mitchell, *Making Peace*, 180.

decommissioning section very differently, but this “stored up problems for the future when it became clear what was the dominant interpretation.”¹¹³¹

Despite its contentious beginnings, the British and Irish government pursued their efforts aimed at implementing the different facets of the GFA. Within days of the Omagh atrocity, under pressure from London and Dublin, the “few dissident groups which had, until then, opposed the agreement announced the cessation of violence.”¹¹³² The British and Irish Prime Ministers clearly stated that “people had now to choose between violence or democracy,” and “called for the IRA to be dismantled.”¹¹³³ In July 1999, the two governments produced “The Way Forward,” which favoured establishing devolution but with IRA decommissioning to follow soon afterwards.¹¹³⁴ The Irish Taoiseach, for his part, increased pressure on the IRA by insisting that failure to decommission was incompatible with participation in the executive.¹¹³⁵ In this, Dublin was aligned with London’s interpretation of “the spirit of the agreement,” even though the letter of the GFA – which favoured Republicans – did not entail immediate decommissioning.

Even though Republicans accused Britain of reneging on the GFA by insisting on prior decommissioning, Dixon argues that the impasse caused by the issue of IRA weapons “was not an artificial barrier erected by the British,” but rather the result of unionist alarm at “the British government’s apparent failure to defend the union and its assertions of neutrality.”¹¹³⁶ Following only seventy-two days of devolution at Stormont, the UK government reinstated direct rule on 11 February 2000, with Northern Ireland Secretary Peter Mandelson declaring that “we have got to clear up this issue of decommissioning once and for all.”¹¹³⁷ The British government was concerned about the declining popularity of moderate unionists in the UUP, who had suffered significant erosion in popular support due to increasing loyalist bitterness

¹¹³¹ Dixon, *Northern Ireland*, 265.

¹¹³² Mitchell, *Making Peace*, 184.

¹¹³³ Dixon, *Northern Ireland*, 301.

¹¹³⁴ Ruane and Todd, “The Belfast Agreement: Context, content, consequences,” 26. The proposal, however, failed to win UUP support and consequently an executive with cross-community support could not be formed.

¹¹³⁵ Dixon, *Northern Ireland*, 293.

¹¹³⁶ *Ibid.*, 330.

¹¹³⁷ See Mullin, John, “Ulster goes back to direct rule: Farce as Sinn Féin announces IRA initiative only after power move,” *The Guardian*, 12 Feb 2000, <https://www.theguardian.com/uk/2000/feb/12/northernireland.johnmullin1>.

over “law and democracy” issues. As such, Blair was attempting to save the GFA by rescuing UUP leader David Trimble from a fate similar to that of Brian Faulkner in 1974.¹¹³⁸

Moderate Nationalists criticized the UK’s suspension of Stormont as “partisan,” even though they admitted that the Secretary of State’s motives might have been “well meaning” and “entirely benign.” McGarry argued that the suspension was “a breach of the agreement” and it “helped to prevent the IRA from decommissioning and Sinn Féin from recognizing Northern Ireland’s new police force.”¹¹³⁹ O’Leary criticized the suspension as partisan “because neither the agreement nor the Mitchell review required Sinn Féin to deliver material decommissioning by the IRA on the basis of a deadline set by the leader of the UUP.”¹¹⁴⁰ He further argued that “the Westminster parliament has affirmed that it regards its sovereignty as unconstrained by the agreement” and that Mandelson’s decision to suspend Stormont “destroyed the assumptions (of neutrality) of nearly a decade of negotiations.”¹¹⁴¹ Nevertheless, the Irish government, Sinn Féin and the IRA did not view the UK’s government actions as “selfish” enough to warrant renewed confrontation, and there was no resumption of violence in Northern Ireland following the suspension of Stormont.

After 2003, the co-guarantors of the GFA, namely Britain and Ireland, resumed their concentrated efforts aimed at strong-arming their co-ethnics into sharing power in a devolved government, despite of the fact that the moderate parties who had been at the centre of the GFA, the SDLP and the UUP, had lost political ground to their more radical rivals, Sinn Féin and the DUP.¹¹⁴² The UK government “formally repudiated its approach to security” as the security issues were “slowly and successfully dealt with” through an amended Police Act.¹¹⁴³ In a joint declaration in 2003, the British Government “promised to support the devolution of policing and justice powers” and “detailed steps towards the normalization of security

¹¹³⁸ McGarry and O’Leary, “Power shared after the death of thousands,” 43.

¹¹³⁹ McGarry, “Asymmetric Autonomy in the United Kingdom,” in *Asymmetric Autonomy and the Settlement of Ethnic Conflicts*, 157.

¹¹⁴⁰ O’Leary, Brendan, “Comparative political science and the British-Irish agreement,” 67.

¹¹⁴¹ Ibid, 68. While this might have been factually correct, it is difficult to argue that the IRA’s approach to decommissioning following the GFA was in line with the spirit of the agreement, or that the UK’s policy towards Ulster was purposefully malign. Whether one agrees or disagrees with the suspension of Stormont, it is undeniable that the UK’s intention was to extend a lifeline to the GFA, a fact implicitly recognized by both McGarry and O’Leary.

¹¹⁴² The DUP won 30 seats (27.7%) to the UUP’s 27 (25%), whereas Sinn Féin won 24 seats (22.2%) to the SDLP’s 18 (16.6%).

¹¹⁴³ McGarry and O’Leary, “Power shared after the death of thousands,” 43.

arrangements.”¹¹⁴⁴ These “acts of completion” were to be implemented amid matching acts by the paramilitaries. In 2004, both governments announced that British-Irish cooperation would increase significantly if there were no deal on power-sharing.¹¹⁴⁵

By September 2005, the IRA had decommissioned all of its weapons. The decommissioning was certified by Canadian General John De Chastelain, who had been responsible for overseeing the process since the signing of the GFA. Nevertheless, loyalist intransigence remained static, with Ian Paisley declaring on July 12th 2006 that “no unionist who is a unionist will go into partnership with IRA/Sinn Féin ... it will be over our dead bodies... there can be no compromise.”¹¹⁴⁶ Despite the DUP’s refusal to share power with the largest Nationalist party, the British and Irish governments pursued their efforts, using both sticks and carrots in order to enforce a compromise. On the one hand, they promised a lucrative financial package for Northern Ireland as well as enhanced ethnic safeguards for Protestants.¹¹⁴⁷ On the other hand, they threatened an “unspecified approach” in case of failure to reach a deal, a euphemism for an enhanced role for Ireland in the North’s affairs.¹¹⁴⁸ In October 2006, these efforts resulted in the signing of the St. Andrews Agreement – “the Belfast Agreement for slow learners” – in which the DUP and Sinn Féin agreed to share power.¹¹⁴⁹

The St. Andrews Agreement provided a timetable for the devolution of policing and criminal justice, stipulated extra safeguards to allow three ministers to require cross-community vote, suspended the UK’s right to repeal devolution, and devised a revised pledge of office which committed ministers to support policing, courts, and the rule of law.¹¹⁵⁰ As McGarry and O’Leary assert, there is little doubt that “the firm postures and inducements by the two governments were productive and confirm the positive roles that outside powers can play in

¹¹⁴⁴ Ibid, 46.

¹¹⁴⁵ Ibid, 43.

¹¹⁴⁶ Dixon, *Northern Ireland*, 310.

¹¹⁴⁷ McGarry and O’Leary, “Power shared after the death of thousands,” 44.

¹¹⁴⁸ Ibid, 43.

¹¹⁴⁹ Following the GFA, SDLP leaders Seamus Mallon described the agreement as “Sunningdale for slow learners,” in a dig at Sinn Féin and the IRA who had rejected power-sharing almost three decades earlier. Following the St. Andrews Agreement in 2006, Ulster Unionist Party leader Reg Empey described the agreement as the “Belfast Agreement for slow learners,” in reference to the DUP’s rejection of the GFA eight years earlier.

¹¹⁵⁰ The text of the St. Andrews agreement can be found at <https://www.gov.uk/government/publications/the-st-andrews-agreement-october-2006>.

facilitating power sharing agreements.”¹¹⁵¹ DUP leader Ian Paisley, who had not long ago explicitly refused to share power with Sinn Féin, explained that the danger of increased British-Irish cooperation him to accept power sharing.¹¹⁵²

Hence, it can be concluded that the sustained and cooperative “unselfish” behaviour of both governments had played a central role promoting political cooperation in Northern Ireland. As such, McGarry and O’Leary accurately argue that the Northern Ireland case highlights the traditional lacuna in consociational theory which neglects the role of outsiders in the implementation of power sharing agreements.¹¹⁵³ This relationship between the two neighbours, as well as their respective influence on Northern Ireland’s affairs, evolved starting with the Sunningdale agreement, developed in the 1980s with the AIA, solidified in the 1990s with the Framework Documents and the DSD, and culminated with the signing of the GFA. Following the GFA, Britain and Ireland pursued their collaborative efforts aimed at securing the peace in Ulster and promoting power sharing, an enterprise that climaxed with the St. Andrews Agreement in 2006. Devolution was restored in 2007, ending almost five years of suspended government which, despite the political difficulties, witnessed no return to strategic ethnic violence in Northern Ireland. Ironically, and in further testament to the Republic’s unselfish behaviour towards the North, political parties in Dublin still refused to accept coalition government with Republicans, even though Ian Paisley of the DUP and Martin McGuinness of Sinn Féin shared power amicably as co-first ministers in Belfast.¹¹⁵⁴

Finally, even though Britain and Ireland were the two essential players in the Northern Ireland peace process and its aftermath, an examination of the “benign external interventions” that brought about stability in Ulster would not be complete without a brief review of the US role as the primary “international guarantor” of that process.¹¹⁵⁵ The active US role in the pursuit of Irish-British cooperation in the 1980s and its direct and effective involvement in the peace

¹¹⁵¹ McGarry and O’Leary, “Power shared after the death of thousands,” 44.

¹¹⁵² Ibid.

¹¹⁵³ McGarry, John and Brendan O’Leary, “Consociational Theory, Northern Ireland’s Conflict, and its Agreement. Part I: What Consociationalists Can Learn from Northern Ireland,” *Government and Opposition* 41, no. 1 (2006): 53.

¹¹⁵⁴ Dixon, *Northern Ireland*, 315. The two men, historically sharing nothing but a mutual hatred and an involvement in sectarian violence, eventually became close working colleagues, and they forged a relationship so amiable they were dubbed “the Chuckle Brothers.” On the friendship that developed between them see Graham, David, “The Strange Friendship of Martin McGuinness and Ian Paisley,” *The Atlantic*, 21 Mar 2017. <https://www.theatlantic.com/international/archive/2017/03/martin-mcguinness-ian-paisley/520257/>.

¹¹⁵⁵ The term was used by Kerr to describe Clinton’s role, *Imposing Power-Sharing*, 92.

negotiations in the 1990s has provided ample evidence of its unselfish approach towards the conflict, as it regularly attempted to balance Irish influence over US policymaking with its long-standing strategic alliance with the United Kingdom.¹¹⁵⁶

As early as 1985, the Reagan administration helped persuade London to sign the AIA and “contributed directly” to the workings of the agreement.¹¹⁵⁷ With the end of the Cold War, the US was “freed from non-interference in Britain’s handling of Northern Ireland,”¹¹⁵⁸ and began to play a more active “unselfish” role in the pursuit of peace in the region. According to leading US mediator George Mitchell, Clinton was the first US president to make ending the conflict a “high priority for the US government,”¹¹⁵⁹ a policy some analysts have attributed to “the power of Irish Americans in terms of congress, corporate America and the electorate.”¹¹⁶⁰ Mitchell further argues that it is the result of a long-standing Irish effort to “internationalize” the problem of Northern Ireland in order to narrow the gulf between British and Irish negotiating strengths.¹¹⁶¹

In 1995, US President Clinton appointed Senator Mitchell as a Special Envoy for Northern Ireland, initially infuriating the British leadership wary of any international involvement in its “domestic affairs.”¹¹⁶² However, Mitchell’s role eventually led him to painstakingly manage – with the approval of the UK – the negotiations among the different parties to the conflict for the three years leading to the GFA. As such, the agreement was aptly described by one US senator as the signature diplomatic achievement of the Clinton administration.¹¹⁶³ And while the US was heavily criticized by unionists during the negotiations for being biased in favour of Ireland, even leading UUP leader John Taylor to criticize Mitchell’s appointment as “the

¹¹⁵⁶ Historically, Irish republicans were disappointed at their inability to translate Irish influence in America into US support for their struggle. This has been largely attributed to the US’s prioritizing of its historic relationship with Britain, especially among the State Department’s elite. See Arthur, *Special Relationships*, 119.

¹¹⁵⁷ Arthur, *Special Relationships*, 117.

¹¹⁵⁸ Dixon, *Northern Ireland*, 92.

¹¹⁵⁹ Mitchell, *Making Peace*, 26.

¹¹⁶⁰ “The Northern Ireland Peace Process: The International Dimension – Introduction,” *The Cambridge Review of International Affairs*, 11, no. 1 (1997): 3.

¹¹⁶¹ Mitchell, *Making Peace*, 25.

¹¹⁶² See “US policy and Northern Ireland,” *BBC News*, 8 Apr 2003, http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/2927845.stm. Initially, Clinton appointed Mitchell as his economic envoy to Northern Ireland, in an attempt to appease British sensitivities. He then went on to chair the political talks.

¹¹⁶³ See “Press Release - Statement by McCain Campaign on Barack Obama and Northern Ireland,” The American Presidency Project, 27 Aug 2008, <http://www.presidency.ucsb.edu/ws/index.php?pid=94020>

equivalent of appointing an American Serb to preside over talks on the future of Croatia,”¹¹⁶⁴ the party’s leader David Trimble later acknowledged that reassurances from Clinton helped convince him to sign the GFA.¹¹⁶⁵

Having contributed through its strategic political weight to bringing about peace in Northern Ireland, the US pursued its efforts in the post-GFA period to ensure the success of the political process and the maintenance of peace and stability in the region. Mitchell stayed on for another three years as special envoy in order to administer the run-up to devolution, a period in which he lobbied unionists and republicans to exercise restraint in the propaganda in order to help each other manage their audiences.¹¹⁶⁶ President Clinton even visited Northern Ireland on his last trip as president, signifying his aim of making peace in the region a part of his administration’s legacy. In 2001, incoming President Bush appointed Richard Haass as special envoy. His role, however, was largely predicated upon the events of September 11th and the consequent US “war on terror”, and hence different from that of his predecessor in that it focused predominantly on the decommissioning of paramilitaries.¹¹⁶⁷ The introduction of this “selfish” US interest in fighting global terrorism, however, helped balance the view that the US was biased in favour of Republicans.

Within a week of the terrorist attacks on September 11th, Haass warned Republicans that their suspected Colombia link could have “potentially serious consequences for the role of the United States in the peace process.”¹¹⁶⁸ Building on its previous role in helping push for an IRA cease-fire in 1994, and working within the framework of its immeasurable influence in the “war on terror,” the US played a central role in encouraging the Republican paramilitaries to decommission their weapons in 2005, which in turn paved the way for the return of devolution

¹¹⁶⁴ Mitchell, *Making Peace*, 47. The criticism was in reference to Mitchell’s Irish origins, as his grandparents were Irish immigrants. His father, however, was orphaned at a young age and adopted by Lebanese parents.

¹¹⁶⁵ McGarry and O’Leary, “Power shared after the death of thousands,” 41.

¹¹⁶⁶ Dixon, *Northern Ireland*, 295.

¹¹⁶⁷ For a reading of how 9/11 helped shaped US policy towards Irish republicans, see “How 9/11 gave the IRA an exit route from ‘war’”, *The Belfast Telegraph*, 7 Sep 2011, <https://www.belfasttelegraph.co.uk/opinion/news-analysis/how-911-gave-the-ira-an-exit-route-from-war-28654323.html>.

¹¹⁶⁸ See “US policy and Northern Ireland,” *BBC News*, 8 Apr 2003. http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/2927845.stm. Simultaneously, as devolution collapsed, he attacked UUP leader David Trimble for setting a deadline for pulling out of power sharing, accusing him of “adding to a sense of crisis.”

following the St. Andrews Agreement.¹¹⁶⁹ Up until 2011, successive US administrations maintained the presence of a special envoy for Northern Ireland, an involvement that served as an added international layer of “unselfish” guarantors to the GFA.

The Good Friday Agreement: Inclusivity par excellence

Unlike its predecessor – the Sunningdale Agreement – the Good Friday Agreement was first and foremost characterized by being “much more inclusive of the range of political opinion.”¹¹⁷⁰ Learning from the mistake of an exclusive process in 1973, the negotiators of the GFA concluded that positive external pressure in and of itself was a necessary but insufficient factor in ensuring an agreement’s viability.¹¹⁷¹ This fact was further evidenced by the fact that even though Anglo-Irish relations were already in full swing by 1985, the following decade did not witness the conclusion of a peace agreement for Northern Ireland. As the foreign negotiators came to terms with the fact that local players had sufficient independent agency which enables them to obstruct or cause the collapse of an agreement, concentrated efforts were made to either entice or coerce Northern Ireland’s parties into being part of a negotiated compromise.¹¹⁷²

One of the agreement’s leading integrationist opponents, Donald Horowitz, argues that the GFA is “conspicuous in the clarity of its pluralistic commitments.”¹¹⁷³ In addition to the aforementioned roles played by Ireland and the UK in safeguarding peace in Ulster, the GFA’s wide-ranging inclusive nature, which included recognizing the “equal legitimacy”¹¹⁷⁴ of communal aspirations, allowing for the active participation of all parties in the executive and legislative branches of government, as well as enabling the restructuring of the region’s law

¹¹⁶⁹ In February 2007, as the President’s Special Envoy to Northern Ireland, Ambassador Paula Dobriansky received the Secretary of State’s highest honour, the Distinguished Service Medal, for her contribution to the historic devolution of power in Belfast.

¹¹⁷⁰ Ruane and Todd, “The Belfast Agreement: Context, Content and Consequences,” 1.

¹¹⁷¹ Arthur’s assertion that the Northern Ireland conflict is “but Anglo-Irish relations writ small” holds considerable truth but ignores the undeniable reality that loyalist and republican groups are in no way merely puppets of Britain and Ireland. As Dixon asserts, the defeat of the joint British-Irish policy in 1972-74 by the DUP strike and IRA bombings is evidence of the substantial agency held by local players in Northern Ireland. See Dixon, *Northern Ireland*, 325.

¹¹⁷² A significant part of Anglo-Irish cooperation was aimed at implicitly threatening loyalists with an enhanced role for the republic in the North’s affairs in the case of continued obstinacy. See McGarry, “Northern Ireland, Civic Nationalism, and the Good Friday Agreement,” 119.

¹¹⁷³ Horowitz, Donald, “The Northern Ireland Agreement: Clear Consociational, and Risky,” *Northern Ireland and the Divided World*, 91.

¹¹⁷⁴ “Section 9: Policing and Justice,” The Belfast Agreement (GFA), 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>.

enforcement apparatus, actively contributed to the preservation of stability in Northern Ireland in the post-conflict period.

The GFA's steadfast commitment to ethno-political pluralism was a direct consequence of the inclusive procedures according to which the negotiation process was conducted.¹¹⁷⁵ All eight of Northern Ireland's political parties were invited to participate in the peace talks.¹¹⁷⁶ The only barrier to participation was that any party wanting to enter negotiations would have to commit itself to the "principles of democracy and nonviolence" – later known as the "Mitchell principles" – through which they pledged to use "exclusively peaceful means of resolving political issues" and to support "the total disarmament of paramilitary organization."¹¹⁷⁷ Furthermore, the rules for decision-making in the all-party talks involved a complex voting procedure called "sufficient consensus." It required four separate tests for approval of any measure: the support of parties "which together represented at once a majority of the overall electorate and a majority from within both the unionist and nationalist communities"; the support of a majority of the political parties present, and the approval of both governments. As such, it "created four separate vetoes" and guaranteed wide-ranging inclusiveness.¹¹⁷⁸

In 1997, as Sinn Féin joined the talks following their adherence to the Mitchell principles, the two loyalist parties – the DUP and the UK Unionist Party (UKUP) – walked out of the negotiations, vowing to "wreck the process."¹¹⁷⁹ The UUP, the Progressive Unionist Party (PUP) and the Ulster Democratic Party (UDP) remained in the talks, which fulfilled the cross-community requirement by having over fifty-percent of unionists present.¹¹⁸⁰ And while DUP and UKUP could not capitalize on their new positioning outside the talks, their voluntary boycott of the negotiations inadvertently facilitated the process. Leading US mediator, George Mitchell, later stated that the loyalist exit was a "fateful error" on their part, since "reaching agreement without their presence was extremely difficult, it would have been impossible with

¹¹⁷⁵ The use of the term ethno-political is due to the fact that any political party in the assembly, irrespective of its ethnic or secular identity, is entitled to participate in the executive. As such, the executive does not have ethnic quotas per se.

¹¹⁷⁶ Mitchell, *Making Peace*, 6. Of the eight parties, four of them had veto power.

¹¹⁷⁷ There were six principles in total. In addition to the aforementioned two, the parties committed themselves to supporting verifiable disarmament, opposing any effort at using force to influence negotiations, abiding by the terms of any agreement reached, and taking effective steps to end "punishment" killings.

¹¹⁷⁸ For procedural details, see Mitchell, *Making Peace*, 62.

¹¹⁷⁹ Ibid, 63.

¹¹⁸⁰ Ruane and Todd, "The Belfast Agreement," 8. The Progressive Unionist Party (PUP) and the Ulster Democratic Party (UDP) were small loyalist parties in Northern Ireland, both of which had links with paramilitary groups.

them in the room.”¹¹⁸¹ The setting was therefore perfected to enable the success of the negotiations: Sinn Féin was included, hence containing potentially disruptive IRA violence, whereas the DUP was self-excluded, thus greatly enhancing the possibility of reaching a compromise.

The lengthy and arduous process of negotiating the GFA gave way to an agreement that comprehensively reflected the pluralistic commitments of the all-party talks. As Horowitz aptly describes it, the GFA is “mainly consociational...coherent...and maximal in its commitments.” He accurately adds that “few constitutional plans that emerge from a lengthy process of negotiations exhibit such clear and single-minded direction.”¹¹⁸² That direction is one of clear-cut consociationalism, meeting all four criteria laid down by Arend Lijphart, and premised on the foundational idea that nationalists and unionists ought to coexist and recognize the legitimacy of each other’s political aspirations.¹¹⁸³ Having suffered from “hegemonic control” of one community over the other for many decades under the guise of majoritarian democracy, the agreement aimed to ensure that Northern Ireland would no longer be a “cold place” for a national minority, be it predominantly Catholic or Protestant.¹¹⁸⁴

The primary aspect of inclusiveness was the GFA’s assertion that both parties recognize the “equal legitimacy” of their substantially different political aspirations.¹¹⁸⁵ As such, both parties recognize the right of a majority of the people of Northern Ireland to determine their own constitutional future, whether it is “to continue to support the union with Great Britain or a sovereign united Ireland.”¹¹⁸⁶ This inclusive constitutional spirit was then robustly reflected at the level of government, both in terms of the legislature and the executive.¹¹⁸⁷

¹¹⁸¹ Mitchell, *Making Peace*, 110. DUP leader, Ian Paisley, was long-known as the “Dr. No” of Ulster politics, for his repeated refusal to compromise.

¹¹⁸² Horowitz, “The Northern Ireland Agreement: Clear Consociational, and Risky,” 89.

¹¹⁸³ As indicated by O’Leary, the GFA encompassed the four traditional criteria of consociationalism in addition to “critical external institutional dimension,” O’Leary, “Comparative political science and the British-Irish agreement,” 55-56.

¹¹⁸⁴ The term “cold place” was used by Northern Ireland Secretary John Reid, who said in 2001 that “Northern Ireland must not become a cold place for Protestants, or we will have failed.” This was in response to Protestants becoming disillusioned with the GFA. See Dixon, *Northern Ireland*, 299.

¹¹⁸⁵ “Section 9: Policing and Justice,” The Belfast Agreement (GFA), 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>.

¹¹⁸⁶ “Constitutional Issues,” The Agreement, 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>.

¹¹⁸⁷ Some like Ruane and Todd have argued that the GFA is not properly inclusive of unionist aspirations, as it treats the self-determination of the people of the North as part of the self-determination of the Irish people as a whole. As such, it does not include a provision for an independent Northern Ireland. They further indicate that

In parliament, incoming members would have to register as “unionist,” “nationalist” or “other,” in order to allow for major decisions to require at least the consent of a substantial minority of both communities. In other words, no communal group would be able to make a fundamental change on matters of paramount consequence against the will of a substantial majority of the other group. In practice, this entails that major decisions require either parallel consent (the approval of at least fifty-percent of all those voting, including over half of both nationalists and unionists) or a weighted majority (sixty-percent of all those voting including at least forty-percent of both nationalists and unionists).¹¹⁸⁸ Additionally, any thirty members of the assembly could trigger a “petition of concern” regarding a particular decision, which would automatically activate procedures that require special majorities.¹¹⁸⁹

On the level of the executive, the GFA sought to avoid a repeat of the Sunningdale experiment of the “moderate middle” by mandating “consociationalism to the maximum degree” through the inclusion of all parties in government.¹¹⁹⁰ As such, every party that is represented in parliament would have the *right* – not the obligation – to participate in government through a distribution mechanism known as the D’Hondt Rule.¹¹⁹¹ The government is led by a first and deputy-first minister who, in spite of their hierarchical titles, are equal co-premiers. The two members of the “diarchy” – one mandated to be a nationalist and the other a unionist – had “identical powers” as well as “identical symbolic and external representation functions.”¹¹⁹²

while the majority can determine the North’s constitutional status, this principle does not apply to governance. See Ruane and Todd, “The Belfast Agreement,” 20. However, these arguments ignore the fact that an independent North is not viewed in mainstream unionism as a viable option, and that by 1998 it was no longer in the interest of unionism to proscribe majority-rule. Between 2001 and 2012, the Protestant population decreased by 5%, from 52% to 47%, whereas the Catholic population increased from 44% to 45%. In the same year, children aged 4 and below were 50% Catholic to 36% Protestant. See Devenport, Mark, “Census figures: NI Protestant population continuing to decline,” *BBC News*, 11 Dec 2012. <http://www.bbc.com/news/uk-northern-ireland-20673534>.

¹¹⁸⁸ See “Strand One, Democratic Institutions in Northern Ireland,” *The Agreement*, 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>.

¹¹⁸⁹ O’Leary, “Comparative political science and the British-Irish agreement,” 57.

¹¹⁹⁰ The term “consociationalism to a maximum degree” is used critically by Horowitz to describe executive arrangements in the GFA. Horowitz, “The Northern Ireland Agreement: Clear Consociational, and Risky,” 91.

¹¹⁹¹ The D’Hondt method is a [highest averages method](#) for allocating seats. After all the seats in parliament are assigned, successive [quotients](#) are calculated for each party. The formula for the quotient is $Q = V/S + 1$. V is the total number of MLA’s that party received, and s is the number of seats in the executive that party has been allocated so far, initially 0 for all parties. Departments are assigned one at a time, beginning with the party with the highest total. According to O’Leary and McGarry, this method allows parties to avoid entering into endless negotiations which inevitably lead to deadlock, see McGarry and O’Leary, “Consociational Theory, Northern Ireland’s Conflict, and its Agreement. Part 1: What Consociationalists can Learn from Northern Ireland,” *Government and Opposition* 41, no. 1 (2006): 61.

¹¹⁹² O’Leary, “Comparative political science and the British-Irish agreement,” 161.

They were to be elected under the parallel consent rule, in that they had to earn the support of at least fifty-percent of both national communities, thus giving strong incentives for parties to nominate a candidate that would be moderate enough as to be accepted by a majority of the other bloc's members.¹¹⁹³

These maximalist consociational arrangements in the legislature and the executive have been repeatedly criticized for enabling the perpetuation of ethnic divisions, causing political instability and empowering ideologically radical parties.¹¹⁹⁴ In the legislature, it has been argued that the need for national designation institutionalizes divisions by offering nationalists and unionists unfair advantages over "others." One alternative suggestion was for major decisions to require a sizeable majority – say two-thirds or seventy percent – irrespective of national identification. However, given the nature of the ethno-political distribution in Northern Ireland, the agreement's architects, including the US mediator, rejected this alternative on the logical ground of it enabling a minority of chauvinists to facilitate the destruction of the agreement.¹¹⁹⁵ This in turn would have had much greater consequences as to the deepening of ethnic divisions than the simple requirement of national designation. Moreover, it ought to be pointed out that, judging from historical experience, the weakness of centrist parties has little to do with the "unfair advantage" offered through the required designation; the main liberal party, the Alliance Party of Northern Ireland (APNI), received approximately the same share of votes following the GFA as it did when no such designation existed in the elections of 1973.¹¹⁹⁶

In the executive, centripalists have strongly argued that a minimum-winning coalition of moderates would have been more stable than a grand consociational coalition that inevitably includes radicals. Horowitz contends that the broadly accepted theory which suggests Sunningdale collapsed because it excluded radicals is misguided and that the coalition government would have collapsed sooner had it been more inclusive.¹¹⁹⁷ Furthermore, he

¹¹⁹³ In the St. Andrews Agreement of 2006, changes were introduced in that the First Minister and deputy First Minister were nominated separately by the largest parties in each of the two largest community designations in the assembly.

¹¹⁹⁴ The "rise of radicalism" and "extremist outbidding" – exemplified through the strong performances of the DUP and Sinn Féin in 2003 has been attributed to the consociational nature of the GFA. Others, such as McGarry and O'Leary, argue that this is an example of what they call "tribune voting," where voters chose parties that are malleable on policy issues but outspoken on matters of principle. McGarry and O'Leary, "Power shared after the death of thousands," 57.

¹¹⁹⁵ McGarry, "Northern Ireland, Civic Nationalism, and the Good Friday Agreement," 123.

¹¹⁹⁶ The Alliance Party received 9% of the votes in the 1973 elections, and 6% in the 2003 elections.

¹¹⁹⁷ Horowitz, "The Northern Ireland Agreement: Clear Consociational, and Risky," 99.

criticizes the architects of the GFA for “setting their face against a government of the moderate middle... at a time when conditions for a government of the moderate middle had become much more favourable than they had been a quarter of a century earlier.”¹¹⁹⁸ However, irrespective of Horowitz’s contentious analysis regarding the reasons for Sunningdale’s collapse, it remains highly doubtful that the GFA could have resolved the issue of Republican violence had it not been purposefully inclusive of radical elements within the Nationalist community. The expulsion of Sinn Féin from the power-sharing executive would therefore have “more likely resulted in catastrophe than improved stability.”¹¹⁹⁹

Moreover, as McGarry argues, “Horowitz’s objection to Sinn Féin’s presence in the executive is more puzzling as it is in stark tension with his best-known thesis – that the incentive of winning political office is the key to inducing moderation.” Since the 1980s, the remarkable moderation of Republicanism has been closely linked to the argument that “gain can be secured through constitutional politics.”¹²⁰⁰ Following the GFA, this is specifically what happened as Sinn Féin, to the disappointment of Republican dissidents, aspired to expand its base by shifting to positions once associated with the SDLP.

Lastly, this inclusive nature of the GFA expanded beyond the mere machinery of government to include the historically controversial issue of policing in Northern Ireland. Throughout the troubles, the Royal Ulster Constabulary (RUC) was widely perceived among Nationalists to represent the very embodiment of sectarianism and oppression within the system of “hegemonic control” exercised by the state. Consequently, the GFA established a commission on policing for Northern Ireland, one that would be tasked with presenting proposals to ensure that “policing arrangements, including composition, recruitment, training, culture, ethos and symbols” are such that the region’s police can “enjoy widespread support” from the community as a whole.¹²⁰¹ In 1999, the Independent Commission on Policing in Northern Ireland, better known as the Patten Commission, issued its report, recommending that “the name and symbols of the police be freed from ‘any association with either the British or Irish states’” and

¹¹⁹⁸ Horowitz claims that “surveys show that significant fractions of both groups are interested in living together... in a 1996 sample survey half the population refused to agree that it was in sympathy with either ‘unionism’ or ‘nationalism.’” See “The Northern Ireland Agreement: Clear Consociational, and Risky,” 101.

¹¹⁹⁹ McGarry, “Northern Ireland, Civic Nationalism, and the Good Friday Agreement,” in *Northern Ireland and the Divided World*, 125.

¹²⁰⁰ *Ibid.*, 125-126.

¹²⁰¹ “Section 9, Annex A: Commission on Policing for Northern Ireland,” The Agreement, 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>

advocating a 50-50 recruitment policy for Catholics and Protestants.¹²⁰² In the Police Acts of 2000 and 2003, a substantial majority of the recommendations were implemented, and in 2007 Sinn Féin organized a special Ard Fheis which overwhelmingly passed a motion endorsing the police and support for the rule of law.

Following the signing of the GFA in Belfast, its inclusiveness was further substantiated when it was put to a referendum in both the North and South of Ireland. The referendum ensured that the agreement would not be a top-down, elitist process in which the opinion of the larger public – nationalist, unionist, and “other” – was conveniently bypassed. Even though scholars such as Michael Kerr insist that no noticeable change in public opinion in favour of power sharing occurred since Sunningdale, the agreement was approved with a substantial 71.1% majority on a high 81% turnout in the North,¹²⁰³ even exceeding the two-thirds majority needed to give such a settlement irrefutable popular legitimacy. More importantly, however, the agreement was approved with an *absolute majority* within both the Protestant and Catholic communities, even though the latter’s margin overwhelmingly exceeded the former.¹²⁰⁴

Even between 2002 and 2006 – years in which the British government suspended devolution in Northern Ireland – inclusivity still ensured that the region did not witness a return to strategic ethnic violence. Unlike the Sunningdale Agreement, the GFA did not collapse, thus ensuring that its inclusive tenants simply awaited the reinstatement of devolution.¹²⁰⁵ Moreover, during that period, both republicans and loyalists remained engaged in a continuous negotiation process with Britain and the Republic to ensure a prompt return to local rule, a process that resulted in the St. Andrews Agreement of 2006.¹²⁰⁶

¹²⁰² McGarry and O’Leary, “Power shared after the death of thousands,” 33.

¹²⁰³ Dixon, *Northern Ireland*, 273.

¹²⁰⁴ Many critics point out that “only a bare majority” of 51% percent of Protestants voted in favour of the agreement, as if to argue that the unionist community resisted the peace accord. See Hayes and McAllister, “Ethnonationalism,” in *After the Good Friday Agreement*, 31. This argument is strengthened by the fact that 99% of Catholics supported the agreement. Nevertheless, it cannot be ignored that a *majority* of Protestants supported the agreement, a fact of symbolic value which serves to confirm the inclusive nature of the process and its aftermath.

¹²⁰⁵ Between 1998 and 2001, the British government suspended Stormont three times, reinstating devolution every time political progress was made. This indicated that suspension was not a strategic, long-term political decision, but rather a tool to entice local parties to cooperate in implementing the GFA. Even when the assembly was suspended in 2002, Northern Ireland Secretary hoped the suspension was “short term” and pledged that the upcoming elections would go ahead as planned. See Tempest, Mathew, “Fourth suspension for Stormont,” *The Guardian*, 14 Oct 2002, <https://www.theguardian.com/politics/2002/oct/14/northernireland.devolution>

¹²⁰⁶ In May 2000, the IRA released a statement saying that it is ready to begin a process that would “completely and verifiably” put its arms beyond use. “IRA to initiate process to put arms beyond use,” Sinn Féin Press Statement, 6 May 2000, <http://www.sinnfein.ie/contents/15232> The decommissioning process continued until

The agreement, which marked a “turnaround in North Irish politics that was probably as remarkable as the GFA,”¹²⁰⁷ further substantiated inclusiveness by offering the DUP a practical veto of all government decisions in return for sharing power with Sinn Féin.¹²⁰⁸ After devolution was restored in 2007, four parties, with 98% of the 108 assembly seats, received seats in government.¹²⁰⁹ And even though the “radicals” had gained ground following the GFA, leading critics to blame the agreement for the erosion of the potential for political cooperation in Ulster, these “radicals” finally joined their moderate counterparts in a broad-based government that secured the continuation of peace and stability in Northern Ireland. In conclusion, it can be said that despite some difficulties related to “law and democracy” issues, the inclusive nature of the GFA, which addressed the “conflict of communal interests” – Protestants in the union, Catholics in equality¹²¹⁰ – as well as allowed for all parties to have a significant say in the affairs of Northern Ireland, played a central role in ensuring that strategic ethnic violence did not return to Ulster after 1998.

Northern Ireland’s regional environment: Constructive integration

The active and constructive engagement of Northern Ireland’s neighbours in both the peace process and post-conflict stabilization is undoubtedly the central aspect of the relative success witnessed in Ulster after 1998. This is especially the case because, unlike the other cases examined in this study, in the case of Northern Ireland the central “regional players” and the main “guarantors of the peace process” are one and the same.¹²¹¹ Nevertheless, any comprehensive analysis of the development of the peace process in Northern Ireland and the subsequent absence of any return to strategic ethnic violence would not be complete without a thorough examination of the development of the bilateral British-Irish relationship, and also the growth of region-wide European partnerships such as the European Union.

2005, when the IRA's last remaining weapons were put beyond use. In other words, the process of decommissioning continued throughout the period of suspension and its conclusion paved the way for the St. Andrews Agreement.

¹²⁰⁷ Dixon, *Northern Ireland*, 304.

¹²⁰⁸ Ibid, 314.

¹²⁰⁹ McGarry, “Asymmetric Autonomy in the United Kingdom,” 159.

¹²¹⁰ Ruane and Todd argue that the GFA satisfied both sides of the spectrum as Irish unity is an important goal for many nationalists but for most it is not the most pressing issue, “The Belfast Agreement,” 17.

¹²¹¹ In Bosnia and Iraq, the central guarantor of peace was a non-regional player, namely the United States. In Lebanon, the primary guarantor was a regional power; however, other regional powers such as Iran and Saudi Arabia became significantly involved particularly following the Syrian withdrawal in 2005.

The evolution of the “EU factor” following the Maastricht Treaty of 1993 played a significant role in the ability of the “three solitudes” – the UK, Ireland, and Ulster – to reach a compromise that would end the conflict in Northern Ireland.¹²¹² Beginning with the treaty, there was a new surge in European integration which “challenged the type of nationalism that operates in a one state frame of reference”¹²¹³ and “further decreased the emphasis on sovereignty.”¹²¹⁴ This was immediately apparent in the negotiation process; a few months after Maastricht, the Downing Street Declaration included two references to developments within Europe in its attempt to establish the basis for a comprehensive and lasting peace. The first is in paragraph 3, which acknowledges that “the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island.” The second is in paragraph 9, which states that any new structures or institutions that may be set up in Northern Ireland would take account of “newly forged links with the rest of Europe.”¹²¹⁵ As Arthur indicates, placing the declaration in this wider context “allowed for the blurring of boundaries and distancing from the three solitudes.”¹²¹⁶

In 1997, the UK’s relationship with its various “nations” entered a new phase with the onset of devolution. That year, referendums were held in Scotland and Wales, paving the way for the creation of the Scottish Parliament and the National Assembly for Wales. According to McGarry, the UK’s willingness to accommodate its minorities was facilitated primarily by the fact that it exists in a benign neighbourhood, one that is tightly integrated into prestigious supranational organizations like the EU and NATO.¹²¹⁷ As an independent Scotland would be likely to join both the EU and NATO, England would not be “shut out of its current economic markets or faced by a military threat on its frontier.”¹²¹⁸ This process of devolution greatly

¹²¹² Arthur uses the term “three solitudes” to illustrate the isolation of the three entities from each other following the partition of Ireland in 1920. *Special Relationships*, 180.

¹²¹³ Arthur, *Special Relationships*, 117.

¹²¹⁴ Ruane and Todd, “The Belfast Agreement,” 9.

¹²¹⁵ “Joint Declaration on Peace: The Downing Street Declaration,” joint statement issued 15 Dec 1993, accessed via CAIN Web Services, <http://cain.ulst.ac.uk/events/peace/docs/dsd151293.htm>

¹²¹⁶ Arthur, *Special Relationships*, 244.

¹²¹⁷ McGarry, “Asymmetric Autonomy,” 171. This benign environment includes the Republic of Ireland. In 1999, Ireland partly abandoned its long held military neutrality policy and joined NATO’s Partnership for Peace. The 1996 government white paper had recommended joining NATO’s Partnership for Peace but opposed fully joining NATO as incompatible with military neutrality. In January 2015, the British and Irish governments signed their first mutual defence agreement, one mainly centred on the Irish Army training British officers in peacekeeping operations.

¹²¹⁸ McGarry, “Asymmetric Autonomy,” 171.

facilitated the ongoing negotiations for peace on Northern Ireland, as it smoothed the concept of devolving substantial powers to a Stormont government. For the first time in the UK's modern history, the relationship structure between London and Belfast would no longer be the exception.

Furthermore, during the talks that led to the GFA, proposals for North-South bodies were made not only in the context of a more pluralist nationalism in the south but also “within the broader framework of EU cross-border cooperation.”¹²¹⁹ In the text of the agreement, the British and Irish states pledge the development of their bilateral relationship “as partners in the European Union.”¹²²⁰ Additionally, the European Convention on Human Rights (ECHR) – which neither the assembly nor public bodies in Northern Ireland can infringe upon – is viewed in the GFA as a main “safeguard” in the effort to ensure that all members of the community can work together successfully.¹²²¹

In the post-conflict period, the European setting continued to play a significant part in the maintenance of peace and stability in Northern Ireland. The European court of Human Rights performed a role in the protection of human rights that the Irish Minister of Foreign Affairs described as “central to guaranteeing peace and stability in Northern Ireland.”¹²²² For example, in 2001, the ECHR found that the killing of IRA men in 1987 was a human rights violation and ordered the UK government to pay ten thousand pounds to each of their families.¹²²³ Additionally, as Michael Kerr states, the UK and Ireland's joint membership in the EU gave the two governments a commonality on many issues and “granted their successive leaders meeting on the side lines of summits that they would not otherwise have had.”¹²²⁴ This created a framework of cooperation in the post-conflict period which prevented many of the crises that might have arisen.

¹²¹⁹ Ruane and Todd, “The Belfast Agreement,” 2.

¹²²⁰ “Annex A: Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland,” *The Agreement*, 10 April 1998, accessed via <https://www.gov.uk/government/publications/the-belfast-agreement>

¹²²¹ “Section 3: Strand One: Democratic Institutions in Northern Ireland,” *The Agreement*. The ECHR, which entered into force in 1953, is not part of the EU structure.

¹²²² “Brexit, The Good Friday Agreement and the European Convention on Human Rights,” The Institute of International and European Affairs, 9 Jan 2007, <https://www.iiea.com/brexit/brexit-the-good-friday-agreement-and-the-european-convention-on-human-rights/>. The European Court of Human Rights was established by the European convention on human rights.

¹²²³ “Killing of IRA men was ‘human rights violation,’” Special Report: Northern Ireland, *The Guardian*, 4 May 2001, <https://www.theguardian.com/uk/2001/may/04/northernireland>.

¹²²⁴ Kerr, 90.

Finally, in the post-conflict period, the EU contributed to stability and security in Northern Ireland through its PEACE program, aimed primarily at promoting economic and social progress in the region. The program defines its objective as “addressing the specific problems caused by the conflict” through encouraging “cohesion between communities involved in the conflict in Northern Ireland and the border counties of Ireland.” In the 1995-2013 period, the EU has spent \$1.3 billion in enabling shared education, creating shared spaces and services, and building positive relations at a local level. It has funded a wide range of projects, including projects to support victims and survivors, infrastructure and urban regeneration projects, as well as projects celebrating the ethnic diversity of society as a whole.¹²²⁵

Conclusion

Two decades following the GFA, Northern Ireland remains a largely peaceful region, despite the recurrent political crises, the impasse of Brexit, and intermittent warnings about the potential for renewed ethnic violence. Despite the discouraging signs in the first two years following the agreement, the level of violence declined steadily beginning in 2000 and by 2005 had become a rarity. By then, the major paramilitary groups had disarmed, and no substantive political groups expressed support for the use of violence to achieve political objective. This chapter has demonstrated the impact of three interrelated factors that have contributed to the establishment of stability in what had historically been considered an intractable region: the constructive and unselfish role played by the two co-guarantors of the GFA, namely the UK and Ireland, the highly inclusive constitutional design which allowed for the “extremes” to be part of government and which insured that major decisions earn cross-community support,¹²²⁶ as well as the helpful regional environment buttressed by the EU dimension. Those three factors had been either absent or weak during the first failed attempt at power sharing in 1974, and in the following two decades the accumulated “lessons of history” enabled all negotiating

¹²²⁵ For details on the EU PEACE program for Northern Ireland, see http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_3.1.9.html.

¹²²⁶ From 1998 till 2001, Northern Ireland operated as a “concurrent consociation” – in that a majority within each segment was represented – and not as a unanimous consociation. This is because the DUP refused to participate alongside Sinn Féin before IRA decommissioning. See McGarry and O’Leary, “Consociational Theory, Northern Ireland’s Conflict, and its Agreement,” 63.

parties to recognize what were the necessary ingredients of a successful consociational enterprise.¹²²⁷

An additional factor that has contributed to the stabilization of post-conflict Northern Ireland is the fact that the ticking time-bomb enshrined in the GFA – the right of the majority to secede from the UK – has not materialized; two decades later, a substantial majority in the region still favours the maintenance of the union with Britain. It has been argued that republicans accepted the GFA on the premise that given ever-changing demographics, a Catholic majority would be able to achieve reunification through a democratic referendum in the near future. US president Bill Clinton is said to have jokingly used that argument in last-minute peace talk deliberations by telling Sin Féin leader Gerry Adams: “Don’t worry, Gerry, your numbers are getting better all the time!”¹²²⁸ The demographic data supports that presumption; in the 1961 census, 35% of Northern Ireland was Catholic. In the 2011 census, the Catholic share of the total population had increased to 45%. Meanwhile, the share of Protestants in the general population dropped from 53% in 2001 to 48% in 2011.¹²²⁹ Moreover, in the assembly elections of 2017, the two main nationalist parties received 39 seats, surpassing the unionist parties’ 38 seats.¹²³⁰ For the first time in the history of Northern Ireland, unionists no longer held the majority at Stormont.

Yet opinion polls have continuously indicated that a substantial majority in Northern Ireland would vote to maintain the status quo in an upcoming referendum. In an IPSOS-MORI poll conducted in 2013, 65% chose to remain in the union while only 17% opted for reunification with Ireland.¹²³¹ While it is unsurprising that 90% of declared Protestants voted in favour of

¹²²⁷ Horowitz explains the success of the GFA by arguing that throughout the 1974-1998 period, “natural selection” had allowed some ideas to survive period and others not. He also highlights the limited number of negotiators, the lack of a clear ethnic majority and the softening of public opinion as significant factors. “Explaining the Northern Ireland Agreement: The Sources of Unlikely Constitutional Consensus,” 204.

¹²²⁸ [Lloyd, John, “Ulster enters the endgame,” *New Statesman*, 20 Aug 2001, https://www.newstatesman.com/node/194126.](https://www.newstatesman.com/node/194126)

¹²²⁹ [Census 2011: Key Statistics for Northern Ireland. *Northern Ireland Statistics and Research Agency*, December 2012, https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf.](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf)

¹²³⁰ On the unionist side, the DUP received 28 seats and the UUP 10 seats. On the nationalist side, Sinn Féin receive 27 seats and the SDLP 12 seats. Turnout was considerably high at 64.78%.

¹²³¹ Devenport, Mark. “Opinion poll indicates NI voters would reject Irish unity.” BBC News, 5 Feb 2013. <http://www.bbc.com/news/uk-northern-ireland-21345997>. Poll data available at <http://downloads.bbc.co.uk/tv/spotlight/survey.pdf>. In a similar poll conducted in 2017, support for Irish unification increased 5 points to 22%. Ferguson, Amanda, “Sharp rise in support for united Ireland, survey reveals,” *The Irish Times*, 8 Sep 2016, <https://www.irishtimes.com/news/ireland/irish-news/sharp-rise-in-support-for-united-ireland-survey-reveals-1.2784882>

remaining in the UK, 38% of declared Catholics also affirmed their support for the union.¹²³² Of the one-fifth who declared themselves “Northern Irish” – as opposed to British or Irish – 72% favoured staying in the UK.¹²³³ The inability to persuade a majority of the people of the North on the merits of Irish unification, despite the demographic advantage of Catholics and parliamentary lead of nationalist parties, has potentially contributed to the maintenance of peace and stability in the region following the GFA.¹²³⁴ Had a referendum in the North produced a majority in favour of reunification with Ireland, there might have been a resumption of violence on the part of beleaguered unionists.

Nevertheless, the stabilization of the region has not continuously enabled the smooth functioning of the political process. In 2017, Northern Ireland entered a phase of political deadlock as a result of a bitter row between the two main governing parties – the DUP and Sinn Féin – over a botched Green energy scheme.¹²³⁵ The deputy first minister, Sinn Féin’s Martin McGuinness, resigned from his post, leading to the government’s automatic dissolution, and months of negotiations have not produced a return to power-sharing. The Deputy leader of the Alliance, Stephen Farry, has described it as the “most profound crisis” Northern Ireland has had in the past twenty years.¹²³⁶ Given the current constitutional arrangement agreed upon in the St. Andrews agreement, the two largest nationalist and unionist parties respectively elect the first and deputy first minister, which effectively means that without a political bargain between the DUP and Sinn Féin, no devolved administration can be formed.¹²³⁷

¹²³² This included 23% of Sinn Féin supporters and 56% of SDLP supporters.

¹²³³ Only 7% of those favoured unification with Ireland. Devenport, “Opinion poll indicates NI voters would reject Irish unity.”

¹²³⁴ Despite the almost unanimous support for the union in opinion polls, Sinn Féin continues to call for a referendum. See “Sinn Féin wants vote on Northern Ireland leaving UK ‘as soon as possible,’” *Reuters*, 13 Mar 2017, <https://www.reuters.com/article/us-britain-eu-nireland/sinn-fein-wants-vote-on-northern-ireland-leaving-uk-as-soon-as-possible-idUSKBN16K28M>.

¹²³⁵ Whereas the crisis began because of disputes over a botched energy scheme and allegations of corruption directed at the DUP, the main issues now preventing a return to power-sharing are disagreements over the Irish Language Act and same-sex marriage legislation, both of which are championed by Sinn Féin and rejected by the DUP. See Booth, William and Amanda Ferguson, “A battle for language is at the heart of the Northern Ireland crisis,” *The Washington Post*, 9 Feb 2018, https://www.washingtonpost.com/world/europe/a-battle-over-language-is-at-the-heart-of-northern-irelands-governance-crisis/2018/02/08/2546cc62-0526-11e8-aa61-f3391373867e_story.html?noredirect=on&utm_term=.cb9f12b7fa2f.

¹²³⁶ Kingsley, Patrick, “Northern Ireland is Sinking into a ‘Profound Crisis,’” *The New York Times*, 20 Nov 2017, <https://www.nytimes.com/2017/11/20/world/europe/northern-ireland-stormont-adams.html>. The DUP has called for a return to direct rule from Westminster. Merrick, Rob, “Direct rule from Westminster should be imposed within weeks if Northern Ireland crisis cannot be solved, says DUP,” *The Independent*, 1 Jan 2018, <https://www.independent.co.uk/news/uk/politics/northern-ireland-power-sharing-latest-direct-rule-arlene-foster-sinn-fein-dup-theresa-may-stormont-a8136801.html>.

¹²³⁷ The amended Northern Ireland Act of 1998 states that “the nominating officer of the largest political party of the largest political designation shall nominate a member of the Assembly to be the First Minister” and “the

This impasse has given rise to proposals to amend the formula by which government is formed in Northern Ireland; admittedly, in the balance between inclusivity and efficiency of management, the St. Andrews Agreement's prescription is a recipe for continued crisis. One reasonable suggestion would be for both the First Minister and the Deputy First Minister to require 60% of MLAs in addition to 40% of their respective communities.¹²³⁸ Given that all of Northern Ireland's parties are entitled to seats in government roughly proportional to their representation in the assembly, it would be difficult to argue that any community – whether nationalists or unionist – would in fact be “excluded” from the power sharing arrangement.

Adding to the crisis in Northern Ireland is Britain's decision to exit the European Union. When the British government withdraws from the EU, the two parts of Ireland will lose their shared membership in the bloc, a connection that has softened the nationalists' drive to forcefully break away from the union with the UK. Moreover, the reinstatement of a “hard border,” which would entail the return of armed guards, checkpoints and border tariffs could cause considerable political damage to the peace that has governed the region since 1998. Denis Bradley, the former vice-chairman of the Northern Ireland policing board, argued that by supporting Brexit, the DUP “made no recognition of the fact that we are European and that was part of the settlement...[Brexit] broke the bond between nationalism and the possibility of Northern Ireland remaining as a political entity [within the UK].”¹²³⁹

This twin-crisis – government deadlock and Brexit – has reignited concerns over the possibility of renewed violence in Northern Ireland. Richard Hass, former US representative in the region, has expressed his hopes that these events “do not lead to a resumption of violence.”¹²⁴⁰ The

nominating officer of the largest political party of the second largest political designation shall nominate a member of the Assembly to be the deputy First Minister.” “Section 16A: Appointment of First Minister, deputy First Minister and Northern Ireland Ministers following Assembly election,” available at <http://www.legislation.gov.uk/ukpga/1998/47/section/16A>

¹²³⁸ McGarry and O'Leary, *The Northern Ireland Conflict: Consociational Engagements*, (Oxford: Oxford University Press, 2004), 222. Given the current distribution of seats in the assembly, however, this formula would not resolve the impasse. The moderate parties – SDLP and UUP – have less than 30% support within their respective communities. An alternative formula, however contentious, would be to adopt the D'Hondt process for the co-premiers' posts irrespective of the weight of communal representation.

¹²³⁹ Beesley, Arthur, “Brexit threatens and end to Northern Ireland's era of ‘civility,’” *Financial Times*, 27 Mar 2018, <https://www.ft.com/content/615e0b3c-2ec2-11e8-9b4b-bc4b9f08f381>.

¹²⁴⁰ “Northern Ireland at crisis point, says Richard Haass,” *BBC News*, 22 Nov 2017, <http://www.bbc.com/news/uk-northern-ireland-42075368>.

DUP has warned of a “political vacuum” that could be exploited by violent organizations.¹²⁴¹ These concerns are not entirely without merit; since the demise of power sharing in 2017, Northern Ireland has witnessed a rise in paramilitary intimidation].¹²⁴² Nevertheless, a return to strategic forms of ethnic violence remains highly unlikely. The British government seems intent on mitigating the effects of Brexit and maintaining a “soft border” between the two parts of Ireland and negotiations to form a power-sharing government continue.¹²⁴³ Absent the adoption of a staunchly “selfish” approach on the part of either Britain or Ireland, and without the purposeful exclusion of one of Northern Ireland’s main communities, peace and stability will continue to reign supreme in the region.

¹²⁴¹ O’Neill, Leona, “DUP claims deadlock could cause violent ‘vacuum’ in Northern Ireland,” *The Belfast Telegraph*, 4 Apr 2018, <https://www.belfasttelegraph.co.uk/news/northern-ireland/dup-claims-deadlock-could-cause-violent-vacuum-in-northern-ireland-36772060.html>.

¹²⁴² Kingsley, Patrick, “A New Street Was Meant to Bridge Belfast’s Sectarian Divide. Then the Doorbell Rang,” *The New York Times*, 11 Oct 2017, <https://www.nytimes.com/2017/10/11/world/europe/belfast-catholics-protestants-cantrell-close.html>.

¹²⁴³ “May: ‘Nobody wants to return to the borders of the past,’” *The Irish Times*, Video, 17 Jan 2017, <https://www.irishtimes.com/news/ireland/irish-news/may-nobody-wants-to-return-to-the-borders-of-the-past-1.2940087>.

Chapter 7: Comparative post-war consociations

Introduction

This final chapter draws together and comparatively analyses the post-war consociational experiments of the four case studies, offering an assessment of why and how certain countries witnessed a return to violence while others did not. It does so predominantly through the lens of the three factors examined in this thesis, hence contrasting the experiences of guarantors, power-sharing agreements, and regional environments in Lebanon, Bosnia, Iraq and Northern Ireland. The aim of this chapter is to refocus the analysis away from the intricacies of individual case studies and reorient it towards a broader understanding of the elements which help determine whether violence re-emerges after civil wars. After comparing the experiences of the four case studies within the framework of thematic factors, it concludes by examining how guarantors, power sharing agreements, and regional environments do not operate as entirely autonomous variables but, rather, are often interdependent.

Furthermore, in the context of the comparative analysis, this chapter seeks to address some of the associated questions that arise as a result of the individual case studies but can only be tackled through a collective understanding of the universe of cases. How do previous foreign policy experiences, especially as they relate to humanitarian intervention or nation-building, affect a guarantor's ability to be neutral and efficient? How do the domestic political environment and its affiliated ideas affect the guarantor's perspective in managing the post-war politics of divided states? Is more orthodox consociationalism inherently correlated with more stability following the conclusion of ethnic conflicts? Alternatively, is liberal consociationalism, as some theorists have suggested, the answer for the seemingly intractable conflict between ensuring inclusion on the one hand and resisting sectarianism on the other? And do the premises of liberal consociationalism apply in all cases where politics is severely divided along ethnic fault lines? Finally, does an unconstructive regional environment in and of itself guarantee instability in divided states, or is there empirical evidence of ethnically conflicted states weathering the regional storm?

By addressing these questions, the aim is to broaden our understanding of the challenges faced by players central to the stabilization of states following power-sharing agreements, as well as deepen our consideration of the available array of possible solutions to structural and

constitutional dilemmas. Before tackling them, however, this chapter shall examine and contrast the four different power-sharing agreements and their consequent interpretation and implementation, both with respect to the internal as well their external dynamics. It shall do this not by proceeding by case study, as the previous chapters have done, but by analysing the cases in sections on comparative guarantors, comparative power-sharing agreements, and comparative regional environments.

Comparative guarantors

Since the end of the Cold War, there has been an increased focus on the potential for a constructive role for foreign states in resolving ethnic conflicts in divided states. Concurrently, there has been a steady, if at times disrupted, erosion of the traditional norm of non-intervention, reflected predominantly in the growth of influence of doctrines such as the “Responsibility to Protect.”¹²⁴⁴ At one end of the spectrum, this has translated into the direct management of divided states by the international community, hence transforming them into de-facto international protectorates. At the other end, foreign states have had indirect roles in ensuring the maintenance of peace agreements and the preservation of ethnic harmony.

Even more so than other exogenous factors, the role of foreign guarantors had been ignored in the traditional consociational literature, especially as it relates to foreign powers having military and civilian personnel in the divided state. This is understandable, given the dearth of such cases in the decades that preceded the end of the Cold War. However, in the decades that followed, the role of foreign states has been central to state-building after civil wars, to the point where it can be argued that in certain cases guarantors can either make or break the process. In the cases examined here, foreign guarantors played extraordinarily essential roles, and thus impacted every aspect of post-war state-building, most notably the inclusive or exclusive nature of the process. Their impact was examined predominantly, though not exclusively, through the lens of whether they were selfish or unselfish guarantors.

Undoubtedly, the most recent wave of ethnic conflict has been resolved in ways which included both foreign intervention and consociational mechanisms. This has led some academics, such as Adrian Guelke, to argue that in contrast to Lijphart’s original cases, where consociationalism served as a “means of preserving the independence of small states,” in the

¹²⁴⁴ See Guelke, Adrian, *Politics in Deeply Divided Societies*, (Cambridge: Polity, 2012) 143.

new wave “the initiative for the employment of consociational devices has come from outside society... making them an instrument of external conflict management.”¹²⁴⁵

Although it is certain that consociational practices are now central to the toolbox with which the international community approaches ethnically conflicted states, it is ahistorical to suggest that consociational ideas and mechanisms have been “imported” into these divided states by “outside society.” For example, Bosnia – and Yugoslavia in general – have a long history of ethnically-based power-sharing, even within the confines of Tito’s authoritarian rule and the broad ideological umbrella of the communist party. In the early days of republican Iraq, following the collapse of the monarchy, the state was ruled by a three-person consortium, made up of one Sunni, one Shi’a, and one Kurd. Northern Ireland’s first attempt at consociationalism in 1974 was not the result of a foreign preference for ethnic power sharing but rather the result of the failure of the Westminster model as applied to an ethnically divided society. The subsequent agreement was simply, as SDLP leaders Seamus Mallon put it, “Sunningdale for slow learners.” Lebanon has experimented with power sharing in one form or another since the nineteenth century, and the “colonial” involvement in its first consociational constitution centred on instilling a degree of Jacobinist civic nationalism to counterbalance ethno-national tendencies.

Without a doubt, foreign interventions in post-war environments run tremendous risks, which in turn could help destabilize the precarious ethnic peace. In addition to having an adequate number of troops to fill the security vacuum, Berdal points to three specific challenges faced by foreign guarantors in post-war situations: the lack of a forceful political mandate which allows for the proper use of military force, the possibility of making faulty strategic decisions which could aggravate tensions, and the prospect of a protracted foreign military presence stimulating nationalistic tendencies and igniting local resistance against it.¹²⁴⁶ Given the central role of the guarantor in carefully managing the delicate web of ethnic relations, especially in post-war environments, decisions made by and the perceptions of those foreign states is crucial to the success of the state building enterprise they oversee.

¹²⁴⁵ Guelke, *Politics in Deeply Divided Societies*, 119.

¹²⁴⁶ Berdal, *The Peace in Between*, 322-323.

Guarantors in perspective

In order to draw comparative lessons from the various post-war consociational experiments, this section compares and contrasts the roles of the different guarantors and their effects on peace and stability in divided states following power sharing agreements. Of the four guarantors, the Syrian undertaking in Lebanon was the most likely to fail. The Syrian regime's strategic objectives were so fundamentally opposed to the idea of a successful consociational experiment that it perfectly embodied the concept of a selfish guarantor. Neither Syria's history in Lebanon, nor the nature of its regime or its regional ambitions allowed for the possibility of it being the safeguard of a state-building enterprise centred on inclusiveness, reconciliation, and the ending of conflict with Israel, a central building block of continued instability ever since the advent of the PLO to Beirut in the late 1960s. Following the Gulf War, the supposed co-guarantors of the Taef Agreement – Saudi Arabia and the United States – relinquished their roles in favour of a Syrian "imposition" of the agreement, a venture that prioritized short term stability over long term peace. Ironically, the country with the most selfish guarantor was also the one with the most promising potential for successful post-war consociational state-building process, as the Lebanese elites were "largely realistic in sharing the view that no other form of government was viable" and were "willing to re-engage in consociation without being forced into it."¹²⁴⁷ Nevertheless, the extent of the Syrian selfishness in its patronage role as well as the extent of the free hand it was given in exercising that role enabled it to create the conditions that would lead to violence following its withdrawal in 2005.

Contrastingly, the United States and its European partners in Bosnia epitomized the principle of selfless, successful guarantors. This occurred despite the fact that NATO had militarily coerced Bosnian Serbs into signing the Dayton Agreement, which could have potentially resulted in swaying Western powers away from their ability to act as effective mediators. Additionally, beginning in 1998, the High Representative of the international community in Bosnia possessed and exercised such extensive powers, that the concern regarding potentially damaging bias became tangible. Nevertheless, Western powers managed to instil a steady democratic process in a vastly uncompromising ethno-political environment. Unlike Syria's patronage over Lebanese affairs, the strategic interests of the US and the EU in Bosnia focused primarily on a common desire for the success of the post-war experiment in power sharing;

¹²⁴⁷ Kerr, *Imposing Power-Sharing*, 183.

there was no marginalization of ethnic groups, one-sided collective punishment over war crimes, or the use of Bosnian political landscape to further regional objectives.

In addition to managing consociationalism, there was a concerted effort – especially during the Ashdown years – at state-building beyond the mere coexistence of three warring “states.” The result was a focused and well-balanced endeavour that did not result in coerced majoritarianism, but rather defused some of the elements that could have led to renewed conflict, such as the presence of three separate armies. In Bosnia’s case, it was the guarantors, battling against largely unfavourable circumstances – both in terms of governmental structures and public opinion – who managed to ensure that violence did not re-erupt even after they had largely exited the Bosnian political landscape.

Even though the case of the United States’ failure in Iraq was relatively less deterministic than that of Syria in Lebanon, it does constitute a textbook case of what to avoid as a guarantor in a post-war, divided state. Ironically, instead of adopting an approach largely similar in spirit to the one it had assumed along with its European partners in Bosnia, the US engaged in policies which frequently resembled that of Syria in Lebanon. Broadly speaking, the Arab Sunnis of Iraq and the Bosnian Serbs had numerous traits in common vis-à-vis the US, yet the latter’s attitude towards their incorporation within the political system and holding them collectively accountable for past crimes differed radically. The most striking example of this is that the Iraqi Army, a largely national institution, was disbanded, whereas the Bosnian Serb Army, an ethnic paramilitary group responsible for numerous war crimes, was allowed to remain fully operational even after the Dayton agreement went into effect. The Bush administration’s unilateral, divisive, and biased policy as a guarantor in post-war Iraq committed every conceivable error, except for a brief period in which it revised and recalibrated its policy under the leadership of General Petraeus. From 2003 up until that period, however, the US’s political and military presence became in and of itself part and parcel of the problem in Iraq, and thus actively contributed to the worsening of the ethnic warfare.

Northern Ireland’s case is particularly interesting because of the co-guarantors’ relationship with their co-ethnics. Unlike Bosnia and Iraq, Northern Ireland’s post-war power-sharing agreement was predominantly overseen by the region’s two immediate neighbours. And unlike Lebanon, the guarantors – acting as partners – were responsible for reigning in their respective co-ethnics. The closest analogous setting is that of Serbia and Croatia with respect to the

Dayton Agreement; however, the two states' role was effectively secondary when compared to that of the US and the EU, and the effect of Serb-Croat cooperation was in and of itself minimal. Leading up to and following the Good Friday Agreement, the UK and Ireland effectively owned and led the process of peace building in Northern Ireland, despite increasingly growing extremism within the domestic ethno-political divide. As such, they set an exemplary precedent for the stabilization of conflicts in which ethnic groups are intrinsically associated with regional patrons. Critically, the British-Irish partnership was bolstered by the political clout and impartiality of the United States adding a much-needed element of continuous mediation and arbitration. Unlike the UK or Ireland, the US's role was valued by both nationalists and unionists, which helped stabilize the situation in what was regularly seen as one of the world's most intractable ethnic conflicts.

Guarantors' historical precedents

One particular aspect worth exploring beyond whether guarantors were acting selfishly or unselfishly is what kind of effect their previous experiences of post-war interventions had on their interventions in the cases studied here, and what that signifies for states entrusted with a guarantor's role in divided societies. The states' record of state-building abroad, as will be demonstrated, can have advantageous or disadvantageous effects on their perceptions and consequent policy choices in the countries whose post-war experience they oversee. It can also substantially affect how these guarantors are viewed by the local populations of these states, which in turn affects their ability to fulfil their role appropriately. One particularly telling example of this phenomenon is the United States in Iraq.

The United States had been involved in a number of post-war state-building experiences following the end of the Second World War. Most notably, it had directly overseen and managed the post-war reconstruction of Germany and Japan following their defeat in 1945, a process that was particularly intrusive and uncontestedly successful. In other words, the German and Japanese experiences were the "gold standard" of the US's foreign state building record. As the Bush Administration prepared to govern Iraq, a severely divided, multi-ethnic state that had witnessed massive war crimes with ethnic undertones less than a decade ago, its officials ill-advisedly turned to the exceptionally homogenous examples of Germany and Japan for reference. This is particularly striking, given that one of the pillars of the ideological

foundation upon which Germany and Japan had fought the war was their belief in the uniformity and superiority of their respective ethnicities.

Nevertheless, these two precedents remained the primary points of reference. Noah Feldman, a New York University law professor who advised Garner on constitutional issues in the occupation's early days, describes flying to Iraq in May 2003 with his fellow recruits: "No one seemed to need a refresher on Iraq or the Gulf region. Without exception, they were reading new books on the American occupation and reconstruction of Germany and Japan."¹²⁴⁸ This apparent fixation affected many US policy choices in Iraq, most infamous of which was the decision to outlaw the Iraqi Ba'ath Party in a way reminiscent of de-Nazification in post-war Germany, although the latter was done in a less draconian manner. Had the US policymakers viewed Iraq primarily through the lens of a divided state, their approach to de-Ba'athification might have been different. Moreover, US officials "dreamt of a non-ethnic Iraq," as evident by their attitude towards certain basic and self-evident autonomy rights for the Kurds.¹²⁴⁹ As Peter Galbraith indicates, the White House "wanted to eliminate a provision from the January Agreement making Kurdish an official language of Iraq along with Arabic."¹²⁵⁰ Such policy choices are clearly misguided, to the point that even Arabs, both Sunni and Shi'a, did not publicly voice objections to an official recognition of the Kurdish language, a right with precedent in Iraqi constitutional history.

Perhaps ironically, the US had in far more recent history massively contributed to a post-war reconstruction and state-building experience, one from which it could have drawn particularly useful lessons for Iraq. In Bosnia, the US had invested a substantially larger military force per capita, properly accounted for the sensitivities of ethnic divides, managed to evade the temptation of taking sides in a domestic conflict even as it had just militarily confronted Bosnian Serbs, and co-orchestrated a targeted "de-Nazification" process that did not cripple the state or marginalize an ethnic group. However, at the eve of the US invasion of Iraq, Bush administration officials fiercely opposed comparative referencing to the Bosnian case. Some, such as Deputy Secretary of Defence Paul Wolfowitz, were routinely dismissive of any comparison with the Bosnian experience, stating that "I think the ethnic differences in Iraq are there but they're exaggerated... there has been none of the record in Iraq of ethnic militias

¹²⁴⁸ Galbraith, *End of Iraq*, 97.

¹²⁴⁹ Ibid.

¹²⁵⁰ Ibid.

fighting one another that produced so much bloodshed and permanent scars as Bosnia.”¹²⁵¹ This statement showed a poignant ignorance of both the Bosnian and Iraqi experiences; in expressly formal terms, Bosnia also did not have “ethnic militias fighting one another,” but rather it witnessed a conflict between the Bosnian Serb Army and the official armed forces of the internationally recognized government of Bosnia Herzegovina.

Why US policymakers chose as points of reference Germany and Japan, homogenous post-war experiences that occurred in the 1950s, as opposed to Bosnia, a divided state whose war ended less than a decade before the Iraq War, is a matter for speculation. One explanation could rest in the psychological needs to simplify the task at hand both to themselves and the wider US public. Another lies in the conservative ideological paradigms dominant in the Bush administration following the attacks of 9/11.¹²⁵² In any case, the aforementioned example goes to show how a foreign guarantor’s use of its past foreign policy experiences affects its ability to play a constructive role in administering the affairs of the divided state in question. In the US’s case, referencing and building upon the incorrect historical precedent had detrimental effects on its role in Iraq after 2003.

Another way in which one state’s historical record of foreign policy interventions affects its role as guarantor in post-war situations is whether or not it had previously intervened in that region, and to what effect. Previous interventions naturally create biases, both in the minds of policymakers in the intervening state and in those of the populace of the recipient state. Again, one apt example is the historical record of intervention of the United States in Iraq and the Middle East more generally, as opposed to Yugoslavia and more particularly Bosnia. The US had intervened militarily to oust Iraq out of Kuwait in 1991, and then politically to encourage the overthrow of Saddam Hussein through a popular rebellion, and finally through the imposition of crippling UN sanctions on the Iraqi regime.

As demonstrated in the chapter on Iraq, this record of intervention, however well-intentioned, greatly affected both the US administration’s approach in post-war Iraq as well as the unfavourable perception of the US among numerous Iraqis. Contrastingly, the US had not actively intervened in Yugoslavia prior to its military confrontation with the Bosnian Serb Army, and it was generally well regarded in the country given its historically friendly relations

¹²⁵¹ Ricks, *Fiasco*, 98.

¹²⁵² Glabraith, *End of Iraq*, 84.

with Tito. As such, US officials carried no heavy baggage at the time of their intervention and subsequent military and political role in Bosnia, both within the US policy circles and among Bosnians in general. This in turn created the necessary breathing space required for a more balanced and constructive role as guarantors in the post-war era.

Guarantors' domestic politics

In regards to the role of the foreign guarantor in solidifying or hindering peace in post-war societies, our case studies have focused predominantly on whether the guarantors in question behaved selfishly or selflessly. As such, what was examined was how the foreign states viewed their strategic interests in the divided states, and how those interests were articulated and translated into policy. Did the guarantors perceive interests in those states that went beyond the mere success of the power sharing experiment and the preservation of peace and stability? Did they hold ideological baggage that stood in the way of them exercising their role as fair arbitrators of the ethnic disputes? While those questions remain at the core of what defines a fruitful process of foreign oversight over consociational state-building enterprises, another issue which deserves attention is whether the nature of the domestic political process in those foreign states affects their ability to oversee power-sharing experiments. In other words, does it matter whether the foreign state is democratic or not? Can a non-democratic state supervise what is essentially a democratic sharing of political power among ethnic groups in a divided state?

While Michael Kerr is correct to suggest that the “imposition” of power-sharing agreements can be done by foreign powers irrespective of their domestic status as liberal or democratic, the actual management of oversight by these states is fundamentally hindered by their inability to grasp the basic values upon which consociationalism is based. Many theorists, relying on the Westminster model of governance as an ideal type, have opined that consociationalism limits the democratic credentials of a political system; in fact, the opposite is true. Regardless of rightfully debateable normative considerations, consociational systems add to the original individualistic dimension another layer of popular representation – that of ethnic groups – and as such require more acceptance and understanding of democratic spirit. Moreover, although consociationalism is often partly based on “grand coalitions” and thus the frequent absence of official parliamentary opposition, it is unmistakeable that the intensity of political dispute in

power-sharing democracies equals or exceeds that of Westminster models of parliamentary government.

When undemocratic states are entrusted with guaranteeing the proper functioning of consociational democracies, especially given the delicate nature associated with post-war environments, it is profoundly unlikely that they succeed. At best, they will be unable to manage the sensitive balancing act required for sustainable stability, and at worse, they will attempt to export characteristics of their model of governance. An archetypal example of this is Syria's management of post-war Lebanon. The Assad regime in Damascus was not only authoritarian in a classical sense, but also a Jacobinist minoritarian government in which an ethnic minority ruled over its ethnic majority with an iron fist. As such, they were not only unsympathetic to democratic governance, but also particularly opposed to consociational ideals. The ideologues of the Ba'ath party had historically derided the Lebanese power-sharing model as a reactionary remnant of colonialism, and continuously prided themselves on supposedly eliminating secondary identities in favour of an all-encompassing Arab or Syria identity. As Kerr observed, "the paradox of the minority Alawite government running an authoritarian state in Damascus and a fig-leaf consociational democracy in Beirut was extraordinary."¹²⁵³

At first, after successfully eliminating representatives of the Christian community from political life, Syria accommodated a semblance of inter-Muslim power-sharing as part of their divide-and-rule strategy. Soon enough, however, they grew exasperated with the intricacies of the model altogether, and imposed army commander Emile Lahoud as president in an attempt to emulate the Syrian model, raising questions as to whether Lebanon still exhibited any aspect of consociational power sharing.¹²⁵⁴ Lahoud adopted a softened Lebanese version of the Syrian regime's ideological dialect in respect to the so-called "sectarian threat," and mimicked his Syrian counterparts' police-state methods by greatly expanding the role of security services' intervention in political affairs. This became known to detractors as the "joint Lebanese-Syrian Security Regime." Expectedly, this imposition provoked a cross-sectarian counter reaction which ultimately resulted in UNSCR 1559, Syria's withdrawal from the country and the subsequent violence that ensued. By contrast, Northern Ireland's post-war state-building process was supervised by two liberal democracies who, although unsympathetic to the often-

¹²⁵³ Kerr, *Imposing Power-Sharing*, 199.

¹²⁵⁴ *Ibid*, 181.

exaggerated demands of the region's sectarian political landscape, successfully navigated throughout the repeated crises with an enshrined sense of political liberalism. Unlike Syria vis-à-vis Lebanon, the United Kingdom and Ireland perceived a vested interest in the success of consociationalism in Northern Ireland.

This is not to suggest that foreign guarantors succeed at overseeing consociational state-building after civil wars by mere fact of being democracies. Liberal states, too, can drastically fail at fulfilling their role as unselfish guarantors, with severe consequences for divided states. One notable factor which could lead democratic states to fail in such a mission is their deep domestic commitment to republican ideals, such as individualism and civic identity, in their national politics. As Amy Chua points out, “the power of tribalism rarely factors into high-level discussions of politics and international affairs, especially in the United States....in seeking to explain global politics, U.S. analysts and policymakers usually focus on the role of ideology and economics and tend to see nation-states as the most important units of organization.”¹²⁵⁵ She ascribes this phenomenon to the tendency of cosmopolitan elites in developed countries, especially the United States, to “imagine they live in a post-tribal world,” where political struggle is defined as capitalism versus communism, democracy versus authoritarianism, “the free world” versus “the axis of evil.”¹²⁵⁶

This failure to consider foreign political conflict in tribal terms, born out of a deep sense of obligation towards domestic US political values, contributed to the failure of the United States' guarantor mission in Iraq. Galbraith correctly notes that “even in 2006, with civil war well under way in Iraq, the president and his top advisors speak of an Iraqi people, as if there were a single people akin to the French or even the American people...there was a belief that Iraq was a blank state on which the United States could impose its vision of a pluralistic democratic society.”¹²⁵⁷ The US was so wedded to its system of values and institutions that it pushed forward an institution previously unheard of in the Arab world, the Iraqi Supreme Court, and naturally instilled it with nine judges per its American counterpart. When discussing the Kurds' demands for federalism, the US “wanted federal units based on geography,” as opposed to

¹²⁵⁵ Amy Chua, “Tribal World,” *Foreign Affairs*, 14 Jun 2018, <https://www.foreignaffairs.com/articles/world/2018-06-14/tribal-world>.

¹²⁵⁶ Ibid.

¹²⁵⁷ Galbraith, *End of Iraq*, 83-84.

ethno-territorial units, “as if Iraqi provinces should resemble US states.”¹²⁵⁸ This naïveté, alongside other detrimental biases previously enumerated, helped disable the US’s role as effective arbiter between the warring factions of Iraq.

In sum, whereas the guarantors’ strategic foreign policy objectives vis-à-vis divided states is the main determinant of whether their mission is likely to succeed, the shape of their domestic political system, and by extension the nature of their political culture, plays a central role in their approach towards guaranteeing peace and stability. Syria’s role in post-war Lebanon and the role of the United States in post-war Iraq provide valuable insights into the potential effects of the guarantors’ domestic politics on their ability to administer divided states after civil wars. The lesson learned is that while the authoritarian nature of certain guarantors all but ensures failure in fomenting peace and stability, the democratic and liberal identity of others does not in and of itself guarantee success.

Comparative Power Sharing

Traditionally, inclusion has formed the cornerstone of power sharing in the consociational literature. All of Lijphart’s four requirements for a consociational democracy – a grand coalition, mutual veto, proportionality and segmental autonomy – can be categorized under the rubric of inclusion. The grand coalition ensures that ethnic groups that form a demographic majority are not perpetually in power at the expense of the ethnic minority, under the guise of classical Westminster-style majoritarian democracy. Mutual vetoes guarantee that the ethnic minority’s presence in government is not merely symbolic, but that it is entitled to the use of veto power in order to protect its strategic and foundational interests. Proportionality ensures that each group earns its “fair share” of representation relative to its size through the use of proportional electoral systems, and that inclusion goes beyond participation in government to include a substantial presence in other branches of government, such as the armed forces or the bureaucracy. Segmental autonomy allows ethnic groups to be included in running their own “internal” affairs, in fields such as education and personal status laws.

The exclusion of ethnic groups has often been a problematic defining issue for divided states, especially in ones where one ethnic group commands an absolute numerical majority. Commonly, the dominant ideological paradigm within ethnic minority groups is used as

¹²⁵⁸ Ibid, 166.

justification for the exclusion of its members from positions of power. It is argued that the concern is not the mere presence of members of the ethnic minority in positions of power, but rather how this power would be used to push the state in directions which are deemed disloyal. This concern could be defensible, exaggerated, or imagined. In terms of historical record of exclusion, Northern Ireland has the most severe experience among the four case studies. For five decades, Northern Ireland was ruled by the unionist majority in a manner so exclusionary that no Catholic was made cabinet minister between 1922 and 1972, a happening unimaginable in Lebanon, Bosnia, or Iraq. Northern Ireland's police forces – the Royal Ulster Constabulary – were widely viewed by nationalists as the armed wing of Unionism; even by 1999, only 8% of its force was from the Catholic minority, who by then comprised 42% of the population.¹²⁵⁹ The predominant defence for this policy was the Catholics' perceived disloyalty to the union, in that they would use any position of empowerment to advance their goal of a united Ireland.

Even though it is particularly challenging to measure ethnic exclusion in authoritarian regimes – as the entirety of the population is naturally “excluded” from political power – it is possible to argue that Iraq under the Ba’ath regime was second to Northern Ireland in terms of ethnic marginalisation. Almost by definition, a regime ruled by one over-empowered member of an ethnic minority is tantamount to ethnic exclusion, even if it is hard to empirically demonstrate that the “secular” Iraqi regime in fact operated through a severe ethnic bias. In the early years of his rule, Saddam Hussein largely enhanced the presence of Iraqi Shi’as within the halls of power, in part to weaken the appeal of Iran’s Islamic Revolution among its co-ethnics. This was never to be the case for Iraqi Kurds, whose very *raison d’être* disallowed their inclusion into an Arab nationalist regime. With time, Saddam’s regime – suffering from a rise in paranoia and a reduction in the appeal of ideological rhetoric – became increasingly exclusionary and came to rely strictly on tribal loyalties to secure its rule.

Lebanon and Bosnia’s pre-war regimes were far more inclusionary than those of Northern Ireland and Iraq. Even though at the time of independence Lebanon’s Christians commanded a similar majority to that of Northern Ireland’s Protestants, they opted for the power-sharing formula enshrined within the National Pact as opposed to the ethno-majoritarian democracy of Ulster. Similarly to Iraq, Bosnia was governed by single-party authoritarianism, but within that

¹²⁵⁹ <https://www.theguardian.com/uk/1999/sep/09/northernireland.johnmullin>. Today the official proportion of “perceived Roman Catholics” in the officer corps is 32.13%, a four-fold increase in less than two decades. See <https://www.psni.police.uk/inside-psni/Statistics/workforce-composition-statistics/>

broader framework a considerable degree of ethno-national representation was respected. Nevertheless, in both Lebanon and Bosnia numerous academics have argued that ethnic exclusion was one of the main factors for the conflict that broke out. In the former, it was argued that the Christians' failure to entrust Muslims with political power proportional to their growing demographics contributed to the breakdown of violence, whereas in the latter it was argued that the Muslims' perceived unwillingness to share power with the Serb minority following the first free elections contributed to the Serbs' desire for secession.

In a post-war context, the issue of ethnic inclusion and exclusion becomes even more relevant. Civil conflicts amplify racial tensions, ethnic revanchism, security dilemmas, and secessionist tendencies. Some, such as Kaufmann, have pushed forward the radical idea that the experience of ethnic conflict categorically prevents communities from having a shared and democratic political future.¹²⁶⁰ Parties that have triumphed in the military conflict, especially when they form a numerical majority, are tempted by the prospect of a victor's peace in which the defeated are excluded from political power. Victor's peace could then easily turn into a losers' peace, where the defeated community, galvanized by its marginalization, seeks to actively disrupt the post-war order.

As argued through the case studies, inclusion is an essential pillar in the triad of factors that congregate to ensure sustainable peace and stability after civil wars. *Ceteris paribus*, it could even be considered the primary element among the three. Post-war inclusion can come about through a number of different configurations, and does not necessarily subscribe to a one-size-fits-all model. For example, while one state might adopt a highly decentralized model of governance, allowing self-rule for ethnic groups away from a disempowered central government, another could centralize decision-making but enforce power sharing in the national government. In any case, what is essential for post-war stability is that, no matter the formula, all of the main ethnic groups hold a stake in the post-war political order, and that their fundamental strategic interests are not jeopardized. This holds true both in the text of the power-sharing agreement and in its consequent interpretation and implementation.

¹²⁶⁰ See Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars."

Inclusion in perspective

Acknowledging its substantial effects on post-war peace and stability, this section compares and contrasts the experiences of the four case studies with regards to ethnic inclusion and exclusion. It does so by accounting for the probable effects of a history of voluntary power sharing in the case studies as well as for the potentially advantageous influence of an overarching national identity. Northern Ireland's case is particularly significant. Historically, Northern Ireland was an ideal type for a democracy that was ethnically exclusionary, as the protestant majority continuously ruled over the Catholic minority for five consecutive decades. It was also sharply divided in terms of national identity. A substantial majority of Protestants were unionists, considering themselves first and foremost British citizens. Conversely, Catholics viewed themselves as Irish nationalists, separated from their co-nationals by an unnatural, colonially-imposed border. As such, there was little space for the development of a "Northern Irish" identity, the only potentially common space for both communities, and the region was deemed to have peculiar intractability.

Northern Ireland's first attempt at power-sharing in 1974 failed in part due to the unwillingness of political elites to broaden inclusion to encompass "extremist" parties such as Sinn Féin. With the advent of the Good Friday Agreement, the history of exclusion, the failure of the Sunningdale Agreement, and the particular demographic makeup of the region paved the way for the perfectly inclusionary political system. This included not only a right for all parties to participate in the executive branch of government proportionally to their size in the legislature, as well as guarantees to ensure that the co-premiers were representative of their ethnic communities, but also a whole range of ethnic veto-rights that ensured that the era of marginalization became a thing of the past. Moreover, inclusion crucially stretched beyond the structure of government to encompass the region's police force, so as to enable it to become representative of Northern Ireland's diverse ethnic makeup.¹²⁶¹ Controversially and counter-intuitively, however, the years following the power-sharing agreement witnessed a gradual yet steady radicalisation of ethno-political identities, culminating in the rise in popularity of loyalist and republican parties at the expense of their unionist and nationalist rivals.

¹²⁶¹ On its official website, the PSNI explicitly states that it aims "to have a workforce representative of the community we serve," and thus provides "a breakdown of police officers and staff by community background, gender and ethnicity." See <https://www.psni.police.uk/inside-psni/Statistics/workforce-composition-statistics/>.

Nevertheless, the inclusive system was maintained under the direct supervision of the UK and Ireland, contributing to continued peace and stability in the region.

The diametrically opposing image to the Northern Irish experience is that of Lebanon. In 1943 Lebanese Christian and Muslim leaders voluntarily reached an understanding whereby they would share political power in a manner roughly proportionally to their demographic size, as well as adopt a largely neutral foreign policy based on the principle of “No East, No West.” This neutrality arrangement was inclusive in that it accounted for and negated the exogenous preferences of both parties to the pact – France and the West for Christians, Syria and the Arab world for Muslims. Following the war, the Lebanese, having “undergone a collective learning process” inspired by previous consociational experiences and the trauma of destructive conflict, were ideally suited for a successful post-war state-building experiment based on inclusion and reconciliation.¹²⁶² Moreover, the Taef agreement had rectified some of the inadequacies of representation for the Muslims, resolving the debate over ethnic inclusion that had grown as a result of demographic changes in the 1960s and 1970s. Regrettably, Syria’s management of Lebanese consociationalism ensured that its strategic opponents – predominately but not exclusively Christians – were marginalized in such a way that would allow it perpetuate conditions similar to those that had paved the way for the conflict in 1975. It did so by going far beyond anything sanctioned by Taef, even though it must be stated that the agreement in and of itself did not provide for ethnic guarantees similar to those present in the GFA.

The other two cases, Bosnia and Iraq, also offer an example of diametrically opposed experiences as it relates to post-war inclusion. Having been authoritarian states – albeit in different forms – the two countries did not have a history of consociationalism *per se*, even though Bosnia had operated within a party-controlled power sharing structure and Iraq had very briefly experimented with ethnic power sharing in its early republican period. In the post-war period, however, their experiences – and outcomes in regards to ethnic violence – could not have been more different, despite of the fact that they bore many common traits. Both had three major communities, one of which constituted an absolute numeric majority, while one of the two smaller communities was widely regarded as the villain in preceding ethnic conflicts. Both also had the United States as the main guarantor of their power sharing agreements.

¹²⁶² Kerr, *Imposing Power-Sharing*, 194.

Bosnia's constitutional structure was similar to Northern Ireland's in spirit but fundamentally different in form. In contrast to Northern Ireland's powerful central government, Bosnia's orthodox consociationalism centred around the idea of decentralization, with a weak federal government in which a tripartite presidency symbolized shared power among the three communities. In parliament, each community chose its own representatives to the upper house which operated according to a series of ethnic vetoes. The Bosnian Serbs were allowed their own ethnically-cleansed region, while Bosnian Croats enjoyed a very high degree of self-rule within the federation they shared with Muslims. The federal government had unorthodox consociational features as it could exclude any or all of the representatives of the three major ethnic groups, but did not enjoy considerable power, especially within Republika Sprska. In sum, none of the three major ethnic groups felt marginalized from decision-making at a local or national level, despite some grievances intermittently voiced by nationalist Serbs and Croat politicians.

Contrastingly, Iraq's post-war experience centred around the exclusion of Arab Sunnis from the decision-making process. From the onset of the post-war political order, Iraq was ruled with a mindset that was both majoritarian and revanchist. Contrary to the numerous accusations aimed at the United States for having "sectarianized" Iraq's political system, the post-war setting contained no substantial ethnic vetoes of any kind, and its consociational facets are informal and largely insignificant. While it is a fact that the Arab Sunni minority – unlike the Bosnian Serbs – failed to forcefully demand ethnically-based minority rights, it is highly doubtful they would have obtained them even had they been far-sighted enough to do so. One example is when Arab Sunni governorates asked to become a federal region during Maliki's reign – initially a Shi'a demand in the constitution rebuffed by Sunnis – the Shi'a-led central government simply ignored them.

That said, more significant for Bosnia and Iraq than governmental structures, especially as it relates to post-war peace and stability, was the way in which the defeated army and ethnic party were dealt with. Whereas in Iraq the cross-sectarian national army was dissolved for ostensibly being a remnant of the old regime, the Bosnian Serb army was allowed to remain active even after the end of hostilities. Furthermore, whereas the Iraqi Ba'ath Party was dissolved in sweeping fashion that left thousands of administrators unemployed, members of the Serb Democratic Party (SDS) who had not yet been indicted by the ICTY occupied some of the highest positions in the state in the post-war era. In sum, despite public opinion in Iraq

being more favourable to coexistence than Bosnia at the onset of the post-war order, the aforementioned comparison perfectly embodies the contrasting approaches to post-war inclusion, and largely explains the discrepancy in the ethnic violence that followed.

Orthodox consociationalism and violence

The experience of the four case studies and the role inclusive power-sharing agreements have had in solidifying peace and security in the post-war era seem to suggest that there might be a positive correlation between a rise in the level of consociational orthodoxy and a decline in levels of violence following power-sharing agreements. However, the relationship between those two variables is not as linear and straightforward as the variation in levels of violence between the two positive cases and the two negative ones implies.

Consociational arrangements are certainly not a fixed set of provisions, and their diverse application prevents a clear-cut categorization of them by order of degree. In that sense, there can be a reasonable debate as to whether, *ceteris paribus*, a state with ethno-federal territorial arrangements is more or less consociational than another where power sharing at the level of the executive is constitutionally mandated. Nevertheless, it is equally sensible to broadly classify states in terms of the degree of consociational orthodoxy they adopt, whether textually or as a matter of political custom. At the lower end of the spectrum, it is well established that states not conventionally classified as “consociational democracies” nonetheless adopt certain consociational practice, as is the case of Canada. At the higher end are states broadly understood to fully fit within the realm of consociational politics, such as Lebanon or Bosnia.

Among the case studies examined, Bosnia and Northern Ireland can be considered to have adopted more consociational orthodoxy than Lebanon and Iraq. Bosnia has established ethno-territorial federalism for its Serb-majority area, one of the most orthodox forms of consociational arrangements. In the federation, executive power is heavily devolved to entities which are dominated by either a Bosniak or Croat majority. The federal executive is headed by a three-person presidency, one from each of the major ethnic groups, and has limited power which functions only as an outcome of consensus. The central government, technically the least consociational body of administration, has extremely restricted prerogatives, especially as it relates to Republika Srpska. Northern Ireland has the only constitutionally mandated national unity government in the world, in addition to a series of constitutional formulas which provide

nationalists and unionists with ethnic vetoes over virtually every issue of consequence. This arguably makes Northern Ireland the “ideal” case of consociational democracy or, as Horowitz describes it, “consociationalism to a maximum degree.”¹²⁶³

Lebanon and Iraq, on the other hand, have adopted more unorthodox consociational structures in their post-war power-sharing agreements. Lebanon has a highly centralized government, but unlike Northern Ireland, the ability of the “authentic” representatives of major ethnic groups to participate in the executive is not constitutionally guaranteed. Comparably to the government in Belfast, the Lebanese President and Prime Minister are co-heads of state and nominally represent their respective communities, but they differ in that they are not necessarily the largest representatives of their communal groups.¹²⁶⁴ Iraq’s case is a peculiar case in its contradictions, in that it combines ethno-territorial federalism with a centralized, majoritarian political structure at the federal level. The fundamentally consociational arrangement awarded to the Kurds, however, is of little interest to the study of violence in post-war Iraq, as the Kurds remained largely on the side-lines of the ethnic strife that ravaged the country. Outside the Kurdish-majority zone, the consociational arrangements were largely of unofficial and symbolic nature, and failed to establish significant limits on the ethno-majoritarian domination of the Shi’a majority.

Given these discrepancies, the resurgence of violence in Lebanon and Iraq, as opposed to Bosnia and Northern Ireland, would seem to suggest that there is a direct correlation between the level of consociational orthodoxy and the potential for a return to violence. This deduction is partly misleading, with risky practical consequences. Although the overall inclusiveness of a power sharing agreement – both textually and in practice – is a central component of stability in post-war eras, this does not necessarily entail that every orthodox practice of consociationalism contributes to stability, or that instability is invariably caused by unorthodox constitutional structures. This pertains to both the analysis of the causes of violence or lack thereof in the cases studied here as well as the relevance of the lessons learned to future cases of consociationalism after civil wars.

¹²⁶³ Horowitz, “The Northern Ireland Agreement: Clear Consociational, and Risky,” 91.

¹²⁶⁴ This requirement was not part of the original agreement on Good Friday, but rather was added later to the St. Andrews Agreement of 2006. See Section 8, Part 1: [First Minister, Deputy First Minister and Northern Ireland Ministers](#).

In Bosnia, the post-war era did not witness a resurgence of violence *despite* ethno-territorial federalism, not because of it. The ethno-territorial arrangement agreed upon at Dayton perpetuated secessionist nationalism among Bosnian Serbs, prolonged and obstructed the return of refugees, and, as of recently, allowed for the partial re-militarization of the Bosnia Serb police force.¹²⁶⁵ This is not to suggest that other inclusive policies, such as soft “de-Nazification,” did not play a central role in maintaining stability. In Northern Ireland, certain consociational mechanisms, such as the automatic resignation of one co-premier when the other resigns, contributed to interminable government deadlock and can hardly be said to have helped the preservation of ethnic peace. In other words, mechanisms that embolden sectarianism and enable perpetual executive inefficiency ought not to be conceived of as necessary components of the inclusive design that allows for sustainable peace and stability after civil wars.

Conversely, in regards to inclusion, Lebanon’s post-war violence was the result of exclusionary policies orchestrated by the Syrian guarantor in the post-war era and not the natural consequence of a lack of consociational orthodoxy in constitutional design *per se*. While it is factual that the way in which the Syrian government interpreted and implemented the Taef accords was fundamentally exclusive – which in turn allowed for the continued militarization of Hezbollah – this was not the result of a flaw in constitutional design but rather the misinterpretation of the agreement to suit strategic Syrian objectives. Moreover, by the time the Syrian army left Lebanon in 2005, the divide over Hezbollah’s arsenal had gone beyond the debate over the inclusive or exclusive nature of the Lebanese political system. Iraq’s case is a classic example of violence arising out of the exclusion of one major ethnic group, both in political practice and as a matter of constitutional design. In that sense, post-war Iraq could have benefitted from the Bosnian and Northern Irish experience of inclusion. Interestingly, however, the Kurdish independence referendum in 2017 almost resulted in considerable violence between the central government and the ethnic group that was central to the “victor’s peace” that emerged after 2003.

¹²⁶⁵ In 2018, the purchase of 2,500 automatic rifles by the secessionist government in Republika Srpska raised concerns among EU members as to Russia’s influence in the region. See Julien Borger, “Arms shipment to Bosnian Serbs stokes EU fears,” *The Guardian*, 13 Feb 2018, <https://www.theguardian.com/world/2018/feb/13/bosnian-serb-police-arms-purchase-stokes-eu-fears>.

In sum, the argument that inclusion is central to the success of post-war state-building experiments, in terms of ensuring that marginalized groups do not re-engage in violence, should not entail the adoption of deeply orthodox consociational arrangements after civil war. Undoubtedly, inclusion – defined in a broad sense – is a necessary component of establishing sustainable peace, as the case studies have demonstrated. As such, no major ethnic groups ought to be confronted with a “victor’s peace,” one in which they have no stake in the overall direction of the state and which purposefully excludes them from their fair share of power. Nevertheless, certain far-reaching consociational practices might, at best, be insignificant to preserving peace or, at worst, inadvertently contribute to undermining the foundations of a viable political system. This therefore suggests that although there can be no peace without inclusion, the causal relationship between consociational orthodoxy and peace after civil wars is a complex and multi-faceted one.

Liberal consociationalism

In exploring the options available to democracies for managing ethnic, national, and religious diversity, McGarry and O’Leary argue that beyond the classical, broad based prescriptions of “integration” and “consociation,” there is an essential distinction to be made between “corporate consociation” and “liberal consociation.” The former, relying on “predetermination,” accommodates groups based on ascriptive criteria based on the assumption that group identities are fixed, which in turn “privileges such identities at the expense of those group identities that are not accommodated.”¹²⁶⁶ Contrastingly, they claim, liberal consociation rewards whatever salient political identities emerge in democratic elections, and as such are less rigid and more accommodating of demographic changes.

A primary example of liberal consociationalism is the government formation process in Northern Ireland, where any party – regardless of ethnic criteria – has the right to participate in the executive roughly proportionally to its size. This gives small cross-ethnic groups such as the Alliance Party the opportunity to participate in government, and they’ve taken up this opportunity repeatedly since the GFA.¹²⁶⁷ At the other end of the spectrum is Lebanon’s corporate consociationalism, where seats in government are constitutionally and proportionally

¹²⁶⁶ McGarry O’Leary, “Iraq’s Constitution of 2005,” 675.

¹²⁶⁷ In 2016 the alliance, along with the SDLP and the UUP, chose to remain in opposition and not join the government which later collapsed a year later.

ascribed to members of specific ethnic groups. Ironically, in comparing those two cases, it becomes counter-intuitively clear that the “authentic representatives” of ethnic groups are more certain to attain seats in government in Northern Ireland than they are in Lebanon.

Years following the GFA, McGarry and O’Leary have moved beyond the Northern Irish example to defend the Iraqi constitution of 2005 – which they helped design on behalf of the Kurdish Regional Government – as “reflecting a liberal form of consociation that accommodates Iraq’s democratically mobilized communities” and representing a “reasonable way forward for all of Iraq’s citizens and peoples.”¹²⁶⁸ But does Iraq really constitute a model for liberal consociationalism? And if so, does the Iraqi experience certify the merits of this approach, or does it serve to highlight its troubling shortcomings? Does liberal consociationalism, regardless of the specific makeup of certain divided states, ensure that all sizable communities are not excluded from the post-war political order?

Undoubtedly, the liberal consociational model has significant advantages over its corporate counterpart. From a normative perspective, it facilitates the legitimization of consociationalism as it decouples it from the concept of enforced sectarian identities. For decades, integrationists have argued that consociationalism imposes sectarian identities on otherwise unwilling citizens, hence unfairly barring the institutional progress of other cross-sectarian identities. Practically, liberal consociationalism eliminates the incentives supposedly associated with empowering sectarian politicians, while enabling representatives of other transgroup identities to thrive. Finally, the liberal model has the advantage of being considerably more flexible than its corporate counterpart, in that it allows for the “natural” adjustment of the system to demographic changes.

Nevertheless, the model as supposedly applied to Iraq raises significant questions as to its tenets as well as to its wide-ranging applicability. The liberal consociational model, as proscribed by McGarry and O’Leary, does not profess to be oblivious to the ethnic nature of the conflict in divided states such as Northern Ireland or Iraq. Hence, the prevention of ethnic marginalization remains at the core of the objectives of the liberal consociational model, albeit in different form to its corporate counterpart. The Iraqi constitution of 2005, which both authors defend as a model of liberal consociationalism, differs fundamentally from its Northern

¹²⁶⁸ McGarry and O’Leary, “Iraq’s Constitution of 2005,” 670.

Irish counterpart, and does not serve to protect the rights of minorities that do not wish to ethno-territorially amalgamate and dissociate themselves from the central government, as was the case with the Kurds.

In order to succeed as a liberal consociational example, the Northern Irish power-sharing agreement relied on three basic tenants. The first was that the two ethnic groups in Northern Ireland – unionists and nationalists – both command a significant demographic minority upwards of 40%. This allowed for some of the guarantees to be non-ascriptive in nature, as both communities earned their veto powers by mere virtue of their demographic size. The second element was that the GFA allowed through the use of the D'Hondt formula for all parliamentary groups to be represented in the executive roughly proportional to their size, a method which also prevented the majority group from monopolizing all vital portfolios in the government. The third was that it included additional explicitly corporate “safeguards” to ensure that key decisions are taken on a cross-community basis, such as the need for parallel consent or the method for choosing the first and deputy first minister.

McGarry and O'Leary stress that “the provisions of Iraq's constitution relating to shared rule have a liberal consociational flavour.”¹²⁶⁹ In fact, most of the provisions of shared rule in Iraq's constitution are strongly ethno-majoritarian, as is evident by a mere comparison of government formation in Iraq as opposed to Northern Ireland. Furthermore, even the liberal consociationalist elements mentioned by McGarry and O'Leary – such as the ability to block the formation of government by commanding a *one-third* majority in parliament – are in and of themselves problematic. A well-intentioned liberal consociational approach cannot ignore the nature of ethno-demographic distribution in a divided state, as is the case in Iraq where Arab Sunnis represent about *one-fifth* of the population, and as such to add extra corporate safeguards to account for this reality. One particularly relevant example relating to the weakness of McGarry and O'Leary's approach towards Iraq is the referendum on the constitution itself; it was successfully adopted despite the fact that over ninety-percent of Arab Sunnis voted against it, as the standard for rejection was geographical as opposed to ethnic.

In sum, there can be no denying that there are numerous merits to the liberalization of consociational settlements. This is especially the case when the presence of corporate

¹²⁶⁹ McGarry O'Leary, “Iraq's Constitution of 2005,” 670.

safeguards is simply redundant. For example, given the advent of proportionality in Lebanon's election and the formation of largely ethnically-defined districts, the presence of corporate distribution requirements in parliament is no longer a necessity.¹²⁷⁰ Lebanon could also benefit from Northern Ireland's approach to the formation of government, using the D'Hondt formula to allow the inclusion of all parties in the executive irrespective of sectarian quotas. Nevertheless, as the Iraqi case shows, liberal consociationalism should account for both the contextual specifics of ethno-demographic distributions as well as guarantee that the participation rights and veto rights of ethnic groups are, however indirectly, preserved. If not, it runs the risk of being a façade for anti-consociational majoritarianism, which both McGarry and O'Leary denounce.

Comparative Regional Environment

Even more so than the role of foreign guarantors in ensuring peace and stability after civil wars, the role of the regional environment and its effects has been secondary in the consociational literature. This is partly the case because of a recurrent overlap between the two, since the guarantors are often essential players in the region surrounding the divided states. Hence, even in recent literature that has focused on exogenous factors crucial to the success of consociational experiments, there has not been a clearly defined category dedicated to the effect of regional environments on divided states.

Unlike in Lebanon and Northern Ireland, Bosnia and Iraq's guarantors did not originate from the political or geographic region surrounding the divided state. Iraq's sole and unilateral guarantor was the United States, with little or no support from any of the strategically significant states in the Middle East. Bosnia's post-war process was overseen in tandem between the United States and the European powers; Croatia and Serbia were also official "co-guarantors" as signatories to the Dayton Agreement, although their roles as such are different and do not resemble that of the US in Bosnia or of the UK and Ireland in the case of Northern Ireland. Therefore, a wholly separate examination of the role of regional factors in those two cases was warranted. Moreover, in the case of Lebanon and Northern Ireland, other regional players and dynamics beyond the established regional guarantors played key roles in the

¹²⁷⁰ For more on this, see El Machnouk, "Electoral System Reform in Lebanon: Dilemmas of a Consociational State," *Ethnopolitics*, 17, no 1 (2018), <https://www.tandfonline.com/doi/abs/10.1080/17449057.2017.1303161>.

outcomes of the post-war era. In other words, while both categories can regularly be intertwined, it is essential that they be scrutinized separately.

Former High Representative to Bosnia, Paddy Ashdown, correctly noted that we often forget “that it is difficult – almost impossible – to build a state broken by war, without the active and constructive engagement of its neighbours.”¹²⁷¹ That holds particularly true for states divided by ethnic conflict. More often than not, there is a continuous, ethnically defined patron-client relationship between regional powers and their co-ethnics in the divided state, one in which the former holds tremendous sway over strategic choices made by the latter. This relationship includes ideological guidance, political backing, financial and logistical assistance, as well as military support in times of crisis. Recurrently, ethnic civil wars in divided states have been considered “proxy wars” of regional powers in which local players were mere “pawns” of their ethnic patrons. Furthermore, those regional powers have often not refrained from direct military intervention in order to protect what they view as their strategic interests.

Historically, all four cases studies have had significant regional military interventions in their domestic conflicts. The Lebanese war is the most evident example of this phenomenon. The PLO, Syria, Israel, and Iran all sent combat forces to Lebanon during the war, although the Iranian Revolutionary Guards were on a training mission to what would eventually become Hezbollah. Theodor Hanf calculated that out of the sixteen main battles fought during the war, more battles were fought by foreign forces than by domestic ones.¹²⁷² This lends credence to the reluctance of certain Lebanese to characterize their war as “civil,” and to the “war of others” theory arguing that this was a regional war fought on Lebanese soil. Bosnia’s conflict was similar in that respect, and many characterize the war as one in which the Bosnian state resisted Serb and Croat military aggression against a sovereign country. However, while it is factual that in the early stages of the war that characterization is largely accurate, the conflict quickly evolved into an ethno-national war fought predominantly between, and led by, members of various Bosnian communities.

Iraq’s conflict was fought simultaneously as the war with Iran raged on, in that Iranian military intervention would have occurred irrespective of Saddam’s conflict with Kurdish and Shi’a militias. Nevertheless, Iranian military intervention became part and parcel of the domestic

¹²⁷¹ Ashdown, *Swords*, 41.

¹²⁷² Hanf, *Coexistence*, 550.

conflict, and provided military assistance to groups fighting against the Ba'ath government. Northern Ireland's case is most particular in that it is both accurately characterized as an "ethnic frontier" between the UK and Ireland, hence making it a regional conflict *par excellence*, and one that did not witness any direct regional military intervention apart from the intervention by British troops in 1972 in what is British territory under international law.

In the examination of the case studies, the role of the regional environment was carefully considered as one of the three essential pillars on which post-war peace and stability relied. The focus was on whether the main strategic elements in the regional environment – whether it be surrounding states, political alliances, dominant ideological paradigms, or ongoing conflicts – had a constructive contribution to make to the post-war order. Given the history of these divided states with conflict being variably, but largely, impacted by regional conditions, and given the susceptibility of post-war states to foreign influence, a further comparative examination of these regional environments is warranted.

Regional environments in perspective

In the four case studies examined, the main unquestionable fault line is that which regionally separates the two cases which witnessed violence from those two which did not. The two positive cases, Lebanon and Iraq, are located in the Middle East, and as such are subject to the effects of the largely undemocratic and ideologically charged political environment which surrounds them. By contrast, Bosnia and Northern Ireland are in Europe, and as such greatly benefitted from the post-Cold War environment of peace and cooperation, especially with the rise and enlargement of the European Union. Given the four countries' level of internal disposition towards ethnic coexistence, it is safe to assume that had their regional environments been reversed, Iraq and Lebanon's post-war consociational experiments would have been more successful than Bosnia's and Northern Ireland's.

Some, such as Horowitz, has suggested that this regional divide bears cultural characteristics that affect prospects for peace and security. He argues that ethnic groups in Europe tend to be "less exclusive in their commands of loyalty and less pre-emptive of other forms of conflict" than non-European ones.¹²⁷³ Irrespective of the merits of the argument in a broader sense, our

¹²⁷³ Horowitz D, *Ethnic Groups in Conflict* (California University Press 2005), 472.

case studies do not reflect that differentiation; in the European cases studied, ethnic loyalties were as high, if not higher, than in those of the Middle Eastern cases.

In Lebanon, the regional environment was crucial in the descent to violence following the Cedar Revolution and the withdrawal of Syria's military forces. The violent events, beginning with targeted political assassinations and culminating in Hezbollah's takeover of the capital, Beirut, occurred within the larger framework of the regional cold war between the so-called "axis of moderation" led by Saudi Arabia and the so-called "axis of resistance" led by Iran. Concurrently, coalitions on both sides of the political divide had their ongoing confrontations – political and military – with foreign states; Hezbollah fought a war with Israel in 2006 and the March 14th coalition engaged in political battles with Syria's Assad. As demonstrated in chapter three, both had immediate repercussions on the ongoing domestic violence.

Unsurprisingly, Iraq's predicament centred on the same regional powers and the complications that arise as a result of the lack of a rule-based order in the Middle East. Syria's drive to undermine the post-war experiment and its orchestration of fundamentalist incursions into Iraq as well as Iran's substantial involvement in supporting radical Shi'a militias had a direct role in intensifying the ethnic violence that gradually amplified especially after 2006. While both countries were highly unsympathetic to the idea of inclusive power sharing, each for their own reasons, they were also driven by what they perceived as a threat emanating from the success of the US in managing Iraq after the fall of the regime. In sum, it can be said that Lebanon and Iraq are partial victims of their political geography, one that is particularly unsuitable to aid in the success of post-war power-sharing experiments.

Contrastingly, Bosnia and to a lesser degree, Northern Ireland, are direct beneficiaries of the democratization of their regional environment and the development of an EU-incentive structure for aspiring members. As such, it is particularly difficult to imagine both countries' ability to reap the benefits of a stable post-war environment had it not been for the extensively positive impact of exogenous factors on the political and security process. In other words, had both countries and their intrinsic inability to forge a domestic consensus over power sharing been located in an unfavourable environment such as the Middle East, one could reasonably expect outcomes significantly worse than those of Lebanon and Iraq.

Bosnia's constructive regional environment rested primarily on the changing nature and attitude of its two neighbours, Serbia and Croatia, who had been both participants in the war and signatories of the Dayton agreement. With the fall of Milosevic and the death of Tudjman, both nationalist strongmen in their respective countries, Serbia and Croatia began the simultaneous processes of democratization and accession into the European Union, consequently adjusting their approach towards power sharing in Bosnia and gradually evolving into constructive stakeholders in the post-war state-building process. There was no such equivalent in the case of Lebanon with neighbouring Syria, whose authoritarian regime remained static and faced a fundamentally different incentive structure with the US occupation of Iraq. Instead of arming their allies in Bosnia, as Syria continued to do in Lebanon, EU-aspirants Serbia and Croatia restrained the ethnically polarizing politics of their Serb and Croat co-ethnics, a practice which eventually culminated in the handing over of war criminals to the ICTY.

Northern Ireland's regional environment centred predominantly on the two main guarantors of the peace process, the United Kingdom and Ireland, as there was minimal intervention from other states in Western Europe in the crisis. This had been Northern Ireland's historical blessing even throughout the period known as the troubles, as no regional actors were playing decisive roles in fuelling the conflict. Nevertheless, with the signing of the GFA, the development of Irish-British relations had been buttressed by their common partnership in the European Union, a forum which helped both partners coordinate their efforts towards peace and stability in Northern Ireland. In 2018, the centrality of this EU factor became amply evident with the planned exit of Britain from the union, with the North-South border issue taking central stage between the EU and British negotiators. By contrast, while the dominant paradigm among states in the Middle East in regards to post-war Iraq was the failure of power sharing, the EU's primary goal towards Northern Ireland centred on the success of the consociational experiment.

Exploring neutrality

The centrality of constructive regional factors might appear deterministic in nature. Given the effects generated by regional players on the inclusiveness of the post-war political process and, when overlapping, the approach adopted by the foreign guarantor to the peace process, it seems

safe to assume that when a country's regional environment is unconstructive, the post-war state-building process is doomed to failure. This argument, however, fails to appreciate the role of political actors' agency in determining the levels of influence malicious regional actors are able to exercise within the country's borders. While the role of political agency has often been neglected in the study of helpful factors in the establishment of consociational democracies, it remains valuable in this context to analyse the value of neutrality in stabilizing ethnically conflicted societies.¹²⁷⁴

In his study of the stability of consociational democracies in Europe, Arend Lijphart points out that "one of the indirect external effects of small size" is a state's tendency to abstain from an active foreign policy and, as a result, its great chance of avoiding difficult choices." He further adds that "this advantage is maximized when a small country follows a policy of neutrality" as all four European consociational democracies – Switzerland, Austria, the Netherlands, and Belgium – have done.¹²⁷⁵ Even though it seems self-evident that consociational democracies adopt a policy of neutrality in foreign policy given the veto rights granted to major ethnic groups on fundamental issues, as opposing views would neutralize each other in favour of a nonaligned approach, some consociational democracies have fractured or collapsed due to foreign policy disputes. This is most evident in the case of Lebanon's consociational democracy and its collapse in 1975 as well as its return to violence in 2008, after the Syrian army had withdrawn.

Lebanon has historically drawn out active comparisons to Switzerland, traditionally being dubbed the "Switzerland of the Middle East." This was due to several factors, including its size, geographical landscape, and banking system, as well as to the concept of neutrality that was a central pillar of both countries' foreign policy, although Switzerland's neutrality is more firmly entrenched as a defining aspect of political identity and has historically been formally guaranteed by European powers. Lebanon's neutrality was informally spelled out in the "no east, no west" compromise of the National Pact of 1943, and also further entrenched in the agreement to categorize Lebanon as a country with "Arab features" in the constitution, but it was repeatedly and actively challenged by Muslims who sought a more active role in Arab-

¹²⁷⁴ For a through argument in favour of placing "voluntarism" as opposed to "determinism" at the center of political analysis regarding consociations, see Bogaards, Matthijs, "The favourable factors for consociational democracy: A review," *European Journal of Political Research*, 33, 1998, 475-496.

¹²⁷⁵ Lijphart, *Democracy in Plural Societies*, 69.

Israeli and inter-Arab conflicts. The foreign policy approach lasted decades and survived a string of Arab-Israel wars, but with the advent of the PLO to Lebanon in 1969 it finally collapsed.

In the Taef Agreement, even though most Lebanese had come to “accept that foreign influences had undermined their state and that its future could only be secured by putting Lebanese coexistence above pan-Arab causes,”¹²⁷⁶ Lebanese neutrality was further undermined by Syria’s successful introduction of a section in which Lebanon’s foreign policy would be subservient to its own, although not to the extent previously envisioned by Assad in the Tripartite Agreement of 1985. Lebanon’s “Arab identity” was explicitly recognized, but with the caveat that stated that the nation-state was to be its citizens “final nation.” This was meant as a counterbalance to possible interpretations of its Arab identity as legitimizing pan-Arab unification projects with Syria. In any case, Syria’s own interpretation of Taef wildly exceeded the margin spelled out by the agreement, and it quickly managed to impose its “unity of course and destiny” slogan on Lebanon’s foreign policy.

Switzerland’s historical experience does serve as an illustration of the benefits of neutrality in foreign policy even amidst the more unconstructive of regional circumstances. While Michael Kerr is correct in pointing out that “if Lebanon had enjoyed a democratic environment such as Switzerland’s, it would almost certainly have avoided the collapse of power sharing and the slide into civil war,” this argument does not account for the fact that Swiss neutrality – and democratic consociationalism – survived decades of European regional turbulence that included two world wars.¹²⁷⁷ And whereas historical circumstances – such as Napoleon’s defeat in 1815 – might have aided the gradual consolidation of neutrality as an uncontested principle among the people of Switzerland, the lesson to be drawn is not that Lebanon is unfortunate with its undemocratic regional environment but that the Lebanese would be well served by emulating the Swiss’ attachment to neutrality in the most challenging of circumstances, even at the expense of their co-ethnics in regional states.

It has been established in the preceding chapters that Lebanon’s unconstructive regional environment has been a major determining factor in the failure of the post-war state building process and the return to ethnic violence. Nevertheless, this outcome ought not to be interpreted

¹²⁷⁶ Kerr, *Imposing Power-Sharing*, 188.

¹²⁷⁷ Kerr, *Imposing Power-Sharing*, 187.

as pre-determined, in that these conditions – present beyond Lebanon’s control – in fact guarantee a breakdown of consociationalism. An alternative explanation considers possibilities experienced by various consociational democracies that, in the midst of regional breakdowns in order, internally managed to shield their power-sharing structure from foreign influences even as the guarantees previously given to their “perpetual neutrality” were no longer respected.

Conclusion

In the analysis of the three factors that congregate to create the necessary conditions for peace or violence in post-war states, they were largely approached as independent variables. The guarantor’s policies, the inclusiveness of power sharing, and the regional environment were surveyed in all four countries to understand how they have individually impacted the post-war environment, especially as it relates to the resurgence of violence or lack thereof. The case studies examined, however, have demonstrated that the three levels are in fact highly interdependent, and more often than not do not operate independently of each other. Understanding how they work in tandem, therefore, is crucial to a deeper understanding of their singular effects on post-war violence.

The most evident and significant example of intersection is the expansive role guarantors have in ensuring inclusiveness in power sharing. As we have seen, guarantors – especially empowered ones with a significant military presence in divided states – have the ability to exclude certain parties which they deem unfavourable to the post-war order. Contrastingly, if the guarantor is acting as an impartial mediator, it is difficult to imagine an exclusionary post-war process. This does not necessarily entail that domestic parties are necessarily secondary to the inclusion process, as the share of influence endogenous players command is case dependent.

For example, the UK and Ireland consciously decided to include republicans in the power sharing agreement and the post-war order against the predominant wishes of a majority of Protestants. In what was a substantially guarantor-dominated process, especially after the instatement of the Bonn Powers, the US and the EU ensured the Bosnian Serbs would not be excluded from the post-war order. Syria was more adamant than its Lebanese allies in excluding Christian representatives, as they represented strategic obstacles to its policy objectives. In Iraq, the disbanding of the army and the de-Ba’athification law was originally a

US-led process, but its Shi'a partners later played a more central role in excluding Arab Sunnis from the post-war order, especially following the US's withdrawal in 2011.

Furthermore, the regional environment and guarantors can overlap, as it is generally expected that regional players play a significant role in maintaining peace in divided states. Their proximity to the conflict as well as the development of political, economic, and cultural relations often makes them "natural" candidates for the role of peacemakers in post-war societies. This history of interaction can translate into positive influence especially over their co-ethnics, when it so happens that their general disposition towards ethno-nationalism has changed since wartime. As regional players are seldom uninterested parties, however, the role of guarantor is most efficient when more than one regional player is involved in the process, hence creating a balancing act. Therefore, if the regional players acting as guarantors represent the main power bases in the region, balance each other and hold potential for cooperation, the expected dividends on post-war peace and stability are promising.

This was the case with the UK and Ireland in regards to Northern Ireland, and to a lesser extent that of Serbia and Croatia in regards to Bosnia. Contrastingly, Syria was singlehandedly awarded the role of guarantor in Lebanon after it participated alongside the US in the liberation of Kuwait. In Bosnian terms, that would be the equivalent of Milosevic being unilaterally awarded the right to manage the divided state's post-war affairs due to Serbia's ability to "stabilize" Bosnia. As previously argued, this was not the original plan at Taef; had the initial scheme of joint Saudi-Syrian supervision taken place, including a withdrawal of Syrian forces and continued US involvement, post-war Lebanon might have gone in a fundamentally different direction. When Syria withdrew in 2005, its role transferred from contested guarantor to being at the centre of the unconstructive regional environment fuelling the violence in Lebanon.

The regional environment, for its part, is not detached from whether the divided state's post-war environment is inclusive or exclusive. Regional players can encourage or discourage inclusiveness depending on how they perceive their strategic interests, irrespective of whether they are entrusted with the role of guarantor. For example, Iran pushed forward a majoritarian system in Iraq so that its Shi'a allies – united under Iranian patronage and guidance – could have the upper hand in the future direction of the country. As a quintessentially sectarian state, Iran had perceived its conflict with Ba'athist Iraq partly in denominational terms, and as such

was exercising retribution towards those who had upheld and supported the fallen regime, namely the Arab Sunnis. By contrast, EU standards as applied to Northern Ireland and Bosnia clearly operate in favour of inclusion, even though certain consociational mechanisms were successfully challenged in European courts as discriminatory.¹²⁷⁸

This analysis does not intend to suggest that regional effects on groups in divided states are one-directional. It would be erroneous to assume that domestic actors are simply bystanders or blameless recipients of regional influence, especially of the unconstructive kind. Very often, it is the local actors who encourage and incite their regional patrons to intervene with the intent of overpowering domestic foes. The examination of the four case studies has shown that more often than not, popular opinion and ethno-national leaders in divided states have an even stronger sense of ethnic identity than those of their patrons in large homogenous states. This is clearly the case in Northern Ireland, where loyalists and republicans have a more entrenched sense of ethno-national identity compared to the rest of Britain or the Republic of Ireland. This is also the case in Bosnia, where Bosnian Serbs and Croats maintained and even amplified their siege mentality even as their patron states drifted towards more liberal understanding of ethnic identity. As a result, it is not common to witness deep-seated complaints on behalf of ethnic groups in divided states as to the lack of the patron state's involvement in upholding the ethno-nationalist project they ferociously champion.

Now that the interdependency of the three factors has been established, it is imperative to examine whether they individually carry the same weight in terms of enhancing the chances of peace and stability in post-war situations. Evidently, the comparison is limited not only by the fact that they operate in tandem but also given that the weight of each factor is largely determined by the context of the case study in question. Nevertheless, certain observations can still be made in that regard. *Ceteris paribus*, it is sensible to argue that regional circumstances are the least central component of the equation, as they could be offset by the other two factors skewing in a different direction.

¹²⁷⁸ In 2009, the European Court of Human Rights ruled in favour of a Bosnian Jew and a Bosnian Roma who, given Bosnia's constitution, were barred from running for the presidency or the upper house of parliament. See "[Bosnian Jew and Roma win challenge in European Court of Human Rights against bar on running for public office](https://minorityrights.org/2009/12/22/bosnian-jew-and-roma-win-challenge-in-european-court-of-human-rights-against-bar-on-running-for-public-office/)," Minority Rights Group International, Press Release, 22 Dec 2009, <https://minorityrights.org/2009/12/22/bosnian-jew-and-roma-win-challenge-in-european-court-of-human-rights-against-bar-on-running-for-public-office/>

This, of course, largely depends on the level of involvement of regional players and the susceptibility of the domestic environment to their influences. In second rank is the behaviour of the guarantor to the power-sharing agreement. Naturally, this depends on the level of influence the guarantor holds over the post-war process. The United States in Iraq had tremendous influence over the course of events, especially before it became the target of violence. Syria's role in Lebanon was fundamentally unchecked, especially as it did not have to abide by legal or human rights standards of any kind. Bosnia's high representative was awarded substantive determining powers, but the use and efficiency of these powers decreased over time. The UK and Ireland had less of an ability to impose solutions to the problems of Northern Ireland, as evident by their inability to control the course of events following the GFA.

That said, it remains a matter of fact that in most cases the guarantor ends up leaving the divided state in question, as happened in Lebanon, Iraq and to a relative extent Bosnia. When that happens, the responsibility to maintain peace and stability rests predominantly upon the shoulders of domestic actors. As such, the primary factor in the long run remains the ability to maintain and uphold an inclusive power-sharing arrangement, one ideally buttressed by a benign if not advantageous regional environment. While inclusiveness in and of itself might not guarantee that ethnic groups will peacefully coexist in a divided state, it remains the most sustainable guarantee against the resurgence of ethnic violence in the long run.

Conclusion

Drawing together the examination of those four cases of consociation after civil war – their negotiation, interpretation, and implementation under foreign supervision – it has been firmly established that the coalescence of the three factors is central to the determination of whether the power sharing experiments enable divided states to forgo their violent pasts. As we have seen, however, the lack of resurgence in ethnic violence does not necessarily entail a successful functioning of the political system per se, or the overall mollification of ethnic tensions. Ethnically divided states require considerably more than the silencing of the guns to be able to overcome the legacy of their civil wars, build functional modern machineries of government, and thrive politically and economically. Even if that is hypothetically achieved, the task of maintaining ethnically peaceful relations and the benefits thereof is a continuous and arduous one. By contrast, states that witness a resurgence of violence, especially if on a large-scale and recurrent basis, are self-evidently classified as failures; it is near-impossible for these states to operate effectively or reap economic rewards as ethnic violence continues to undermine their current and future prospects.

It is clear that there is no such thing as an entirely generic post-war environment. Lebanon, Bosnia, Northern Ireland and Iraq all witnessed different post-war consociational experiments. Just as their civil wars differed, so did their power sharing agreements, and the state-building efforts of the ensuing period. Nevertheless, it was the level of inclusion, the relative benevolence of their guarantors, and the constructive nature of their regional environment that determined which category these states can be classified into. Bosnia and Northern Ireland's post-war experiments were clearly marked by inclusive power-sharing agreements, both textually and in implementation, largely unselfish guarantors to power sharing, and increasingly constructive regional environments. Though they differed in many aspects, including the levels of violence in their civil wars, their structural ethnic makeup, and the consociational formula they adopted, they both enjoyed over two decades of peace and stability. How much of an overall success story their post-war consociation was, however, remains the subject of debate, although both countries admittedly witnessed periods of relative prosperity over the past twenty years.

Lebanon and Iraq's experiences, on the other hand, were clearly defined by exclusive post-war orders, selfish guarantors to power sharing, and an unconstructive regional environment. Even though they too differed on numerous levels, including their history of conflict and accommodation, the textual nature of their consociational agreements, and the demographic composition of their ethnic groups, they both witnessed recurrent instances of ethnic violence following their power sharing agreements. Admittedly, the level of violence in Iraq far surpassed that of Lebanon, even accounting for the considerable sevenfold difference in population size. This brings back to light some of the factors enumerated by Lijphart, such as the role of a history of accommodation and the disadvantage of having an ethnic group represent a numerical majority, both of which at least partially account for the varying degrees of violence in Lebanon and Iraq.¹²⁷⁹

Now that we've established the factors which coalesced to lead to violence or stability in Lebanon, Bosnia, Northern Ireland and Iraq, what sort of prospects for power sharing does the future hold in all four of the case studies? In Lebanon, violence and its immediate prospects have subsided following the return of power sharing in government in 2013. Hezbollah, wary of the spillover effects of the Syrian civil war and the growing ability of fundamentalist Sunni groups to target its strategic assets, orchestrated the downfall of the non-inclusive government it had helped form in 2011. The objective was to reinstate authentic representatives of the Sunni community in an effort to prevent a scenario in which a Shia-led government faced off with Sunni extremists, an assured recipe for civil conflict. This inclusive approach extended further with the election of Free Patriotic Movement leader Michel Aoun as President and the reinstatement of Saad Hariri as Prime Minister in 2016, a compromise which continued unabated following the parliamentary elections of 2018, even though it took close to nine months for the Lebanese parties to agree on the distribution of seats in the new, all-inclusive cabinet.¹²⁸⁰

¹²⁷⁹ In Iraq, the Shias hold an absolute majority, estimated by the Central Intelligence Agency (CIA) at around 65%, which explains their drive towards majoritarianism and the ensuing disputes related to power-sharing. In Lebanon, no ethnic group commands an absolute majority, if the Shia and Sunnis Muslims are accounted for as distinct groups. The CIA estimates that Sunni and Shia Lebanese each represent around 28% of the population, whereas the Druze represent around 5%. Christians in various denominations account for the remaining 36%. See <https://www.cia.gov/library/publications/the-world-factbook/geos/le.html>

¹²⁸⁰ Unlike Northern Ireland, Lebanon does not have a constitutional mechanism by which seats in the executive are distributed quasi-proportionally to the parties' strength in the legislature. This inevitably leads to months of horse-trading between the different parties in order to form a government. Of the political parties which traditionally occupied seats in so-called governments of national unity, only the Kataeb and the SSNP, each with three members of parliament, were unable to secure spots in the government of 2019.

Moreover, starting in 2013, representatives of the different Lebanese ethnic groups agreed to adopt an official policy of disassociation vis-à-vis the Syrian conflict, effectively reducing the potential for an extension of the Syrian conflict into neighbouring Lebanon. The implementation of this policy of soft neutrality was disingenuous at best, as Hezbollah sent its forces to fight alongside Assad's army in a successful bid to prevent his regime's downfall. Nevertheless, the policies of inclusion and dissociation, combined with the fatigue of the anti-Hezbollah camp, ensured that little to no violence has plagued the divided state over the past five years. This does not entail that the current status-quo is necessarily sustainable. Hezbollah's growing military arsenal, a product of Syria's selfish role in the post-war era and Iran's aggressive interventionist policies, continues to raise prospects of both an internal ethnic conflict and war with Israel. As such, the renewal of violence is merely on hold and future outlooks remain gloomy.

In Iraq, the recent military defeat of ISIS put a temporary halt to all-out conflict – nearly three-thousand Iraqis have been killed in 2018, as opposed to approximately thirteen-thousand the preceding year - but the underlying causes of ethnic strife remain intact. In fact, one could argue that the war against the Islamic militant group has worsened ethnic relations and future prospects for reconciliation and inclusion, given the ad-hoc creation of the *Popular Mobilization Forces*, an agglomeration of Shia militias created in 2014 with the purpose of combatting the rise of ISIS. The PMF has been repeatedly accused by human rights groups of gross violations against Arab Sunnis, especially in the aftermath of the liberation of areas such as Mosul. With inclusion remaining elusive, and no significant changes in the regional environment, Iraq's future prospects are unpromising.

Even though Bosnia and Northern Ireland have enjoyed considerable peace and stability for over two decades since the end of their civil conflicts, and fears related to the reemergence of violence have largely subsided, both states now face significant challenges to their stability, which emanate from ongoing changes in the regional environments. Britain's exit from the European Union has raised concerns as to the possibility of erecting a hard border between the Northern and Southern parts of Ireland. However, these apprehensions have been central to the ongoing negotiations between the UK and the EU, and it is highly likely that a compromise arrangement will be agreed upon to preserve the status quo. Therefore, despite both Brexit and the fact that Northern Ireland has been unable to form a government for over

two years, the possibility of a meaningful renewal of violence remains slim. The case of Bosnia raises more legitimate and pressing concerns than that of Northern Ireland. Emboldened by a resurgent Russia actively keen on undermining the expansion of the transatlantic alliance, and vitalised by the rise of nationalist parties throughout Europe, secessionist Bosnian Serbs leaders have militarized Republika Srpska's police force and increased calls for the entity's secession from Bosnia. Unless contained through a reinvigorated Western presence and fruitful dialogue with Russia, a repetition of Bosnia's dark days might loom large on the horizon.

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Walid Jumblatt, leader of the Progressive Socialist Party, September 2016.

Ali El Amine, former Mufti of Tyre and leader in the Shi'a opposition, September 2016.

Mar Nasrallah Boutros Sfeir, former Maronite Patriarch, June 2016.

Nicholas Nassif, Senior editor at *Al-Akhbar* newspaper and historian, June 2016.

Samir Frangieh, Deputy Head of March 14 Secretariat, June 2016.

Brahim Al Musawi, former Hezbollah spokesman, June 2016.

Bassel Salloukh, Professor of Politics at the Lebanese American University, September 2016.

Hassan Olleik, Senior Editor at *Al-Akhbar* newspaper, June 2016.

Albert Mansour, Former Lebanese Minister of Defence, June 2016.

Abdul Halim Khaddam, Former Syrian Vice President, September 2016.

Marwan Hamade, Cabinet Minister of education and Senior figure in PSP, June 2016.

Boutros Harb, Lebanese Minister of Telecommunications, May 2016.

Subhi El Tufaili, First Secretary-General of Hezbollah, May 2016.

George Adwan, Deputy Leader of the Lebanese Forces, June 2016.

Fares Souaid, Secretary of March 14 Movement, May 2016.

Mohammad Abel-Hamid Beydoun, former Amal leader, June 2016.

Karim Pakradouni, Chief Political Adviser to Lebanese President Michel Aoun, June 2016.

Mohsin Dalloul, Former Lebanese Minister of Defense, June 2016.

Farès Boueiz, Former Lebanese Minister of Foreign Affairs and Emigrants, June 2016.

Toufic Hindi, Co-Founder of Qornet Chehwan Gathering, May 2016.

Fouad Siniora, Former Lebanese Prime Minister, May 2016.

Ghattas Khoury, Senior Official of the Future Movement, May 2016.

Anonymous Senior Hezbollah official, May 2016.

Anonymous former Senior officer in Syrian intelligence, May 2016.

Hussein Husseini, Former Speaker of Parliament in Lebanon, May 2016.

Bosnia Interview List

Damir Kapidzic, Professor of Political Science at the University of Sarajevo, January 2017.

Svetlana Cenic, former Minister of Finance, Republika Srpska, January 2017.

Ejup Ganic, former President of the Federation of Bosnia and Herzegovina, February 2017.

Mirza Hajric, former adviser to President Alija Izetbegovic, February 2017.

Hikmat Carcic, activist and genocide researcher, February 2017.

Mark Wheeler, former political advisor to the High Representative in Bosnia, January 2017.

Mladen Ivanic, Serb member of the Presidency of Bosnia and Herzegovina, January 2017.

Rusmir Mahmutcehajic, former Deputy Prime Minister of Bosnia and Herzegovina and Muslim scholar, January 2017.

Slavisa Rakovic, former Chief of Staff to President of Republika Srpska Radovan Karadzic, January 2017.

Christopher Bennett, Communications Director and the Deputy High Representative, Office of the High Representative in Bosnia-Herzegovina, January 2017.

Valery Perry, former OSCE official in Bosnia and independent researcher, February 2017.

Jakob Finci, Bosnian Jew, former activist to reform Dayton, February 2017.

Jadranko Prlic, former Prime Minister of the unrecognized Croatian Republic of Herzeg-Bosnia, former Defense and Foreign Minister of Bosnia and Herzegovina, February 2017.

Martin Raguž, Former chairman of the Council of Ministers of Bosnia and Herzegovina and leader of Croat Party HDZ 1990, February 2017.

Arlett Stojanovic, Democratisation and Public Administration Reform Department, OSCE Mission to BiH, May 2017.

Muhamed Sacirbey, former Bosnian Foreign Minister and UN ambassador, and Dayton negotiator May 2017.

Haris Silajdzic, former Bosnian Prime Minister and Dayton negotiator, May 2017.

Sead Turcalo, Professor at the Faculty of Political Science, University of Sarajevo, May 2017.

Jasmin Mujanovic, Bosnian-American scholar and author, May 2017.