

Introductory chapter for Bruno Coppieters, Pierre Du Toit and Anthony Oberschall eds., **Peace Making and Post Conflict Reconstruction.**

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Conflict and Peacemaking in Divided Societies

Protracted Religious, Ethnic and Nationality (REN) Conflicts

Peace making is but a phase in a longer process of changing relationships among adversaries. There are relatively stable periods when the conflict lies dormant, unorganized, with low levels of violence (Crocker et al 2001). Events initiated by either group create an unstable peace that may escalate into a confrontation-crisis mode. It is not difficult to imagine how this happens. The weaker party in an asymmetric relationship – the challenger – has only three means of inducing the stronger party – the target – to change the relationship. It can offer something valuable in exchange for changing the status quo; it can persuade with moral appeals; and it can engage in some form of non-cooperation, i.e. create a cost to the target, which it will terminate when changes are conceded. Because the challenger lacks power and resources, it can offer little in exchange. Moral appeals in an asymmetric relationship tend to fall on deaf ears, as Thucydides recorded close to three thousand years ago in the dialogue between the Athenians and the Melians. Non-cooperation tends to be the only option for the challenger, from non-violent protest all the way to armed insurgency. What starts at the non-violent end often escalates to protracted and violent conflict.

The stronger adversary, too, may precipitate confrontation with measures that consolidate domination, more intense resource extraction, arbitrary and corrupt rule, and other measures too numerous to list. Alternatively there are exogenous sources of destabilization, e.g. when a challenger perceives opportunities from other successful challengers in its political environment, or help from allies.

In the course of destructive conflict, the adversaries may eventually realize that they will not impose a unilateral outcome by coercion alone, and turn to conciliation. Informal meetings, negotiations, cease fires, and other conciliatory moves will follow amid failed mediation attempts, cease fire violations, further violence, recriminations, talks breakdown, and more peacemaking attempts (Darby and Mac Ginty 2000). After several such cycles a peace accord may be reached, followed by implementation, disarming of combatants, institutional reforms, refugee return, restoration of law and state authority, and economic reconstruction, which also may be punctuated by violations and noncompliance, spoiler violence, additional negotiations, and so on, before conflicts are managed in a non-violent mode (Crocker et al 2001). Peacemaking is more accurately

“peacemaking embedded in protracted conflict.” That realization is at the core of conflict and conciliation dynamics

There is an abundance of theories on the origins and causes of REN (religious, ethnic and national) conflicts, some theorizing about the character and conduct of armed conflict, much less on peacemaking and even less on reconstruction. Although we focus on peace making and reconstruction, we integrate theories about causes with those on peacemaking because REN conflict is a continuous contention and conciliation process – a mix of “contentious conflict” and “turbulent peace” – during which a variety of conflict modes and conflict management practices coexist in changing configurations and intensities (Crocker et al 2001). We seek an integrate theory because explaining and understanding the original causes of REN conflicts is different from explaining and understanding peace making.

A useful conceptualization of the changing configuration of conflict and conciliation comes from the Minorities at Risk (MAR) project (Marshall and Gurr 2003): conventional politics, militant politics, armed confrontations (of different intensity and character), talk/fight, cease fire, peace agreements (contested to varying degree), and implementation, with a lot of reversing and recycling over these configurations, until a stable, self-sustaining peace or some other outcome is achieved. Some conciliation may take place even at the height of armed struggle; some spoiler violence may keep disrupting implementation after peace accords. There are no clear cut boundaries to the configurations, the process is not unidirectional, some armed conflicts persist for decades and become a way of life for combatants, some REN conflicts end after negotiations and peace accords and others with unilateral imposition by the winners, some repeat after years of quiescence. This way of thinking about REN conflict we refer to as “conflict and conciliation dynamics” (CCD) which serves as the organizing principle of this volume.

In CCD, the salient issues, key players and their strategies keep changing, and may be quite different during conventional politics, armed struggle, conciliation for a peace accord, and implementation.

The cast of players changes: some by-standers and neutrals get to be active participants, moderates become extremists, adversaries split into internal factions, some players form alliances, others get destroyed or exit as refugees, external players (states, international organizations, humanitarian NGOs, diaspora, transnational mercenaries and terrorists) intervene with weapons, resources and refuge for combatants, or on the contrary actively participate in conflict management, peace making, and reconstruction. Issues change: at start the core issues may have been minority rights, autonomy, and self-determination. Winding down an armed conflict and negotiating a peace accord brings up new issues such as disarming the fighters, the status of combatants and prisoners, the fate of refugees, security, isolating the peace process from hostile internal and external groups. To settle core issues requires agreements on constitutional design and internal governance followed by legitimating the peace accords in the population at large. Implementation cannot avoid settling additional issues linked to monitoring and enforcing peace accords; physical and

economic reconstruction; truth and justice for victims and offenders; dealing with the culture of violence, fear and hatred with institutions for trust, tolerance and cooperation. Strategies change from conventional politics to armed hostilities, and other modes of conflict and conciliation in between.

Theories of REN conflict

There is no shortage of theories about the causes of REN conflict. They are not mutually exclusive and all have advocates who have marshaled some empirical evidence to argue their merits. They assume a set of original or core issues (grievances, economic stagnation); opportunities for challenger insurgency (low cost mobilization, access to weapons and funds); blocking variables (state social control apparatus, reform policies); process measures (casualties, conflict duration); and final outcome (secession, peace accord, successful repression). *Ancient Hatreds* (AH) assumes REN identities and group membership are primordial, sharply distinct, resilient to change, salient across all activities and institutions, and at high risk of repeated destructive conflicts (Kaplan 1994) They resist assimilation and erosion, as might be expected from education, secularization and modernization. They are burdened with myths, fears, and hostile emotions. Embedded in culture and socialization, their histories highlight past conflicts and dangers from outsiders. Even after peaceful cooperation, incidents can spark hostilities that escalate rapidly to destructive conflicts. AH is a grievance driven conflict theory pessimistic about preventing and stopping REN conflict escalation, and about establishing lasting peace.

Manipulative Elites (ME) assumes social construction of identities rather than primordial origins (Gagnon 1994/95). Elites contend for power by manipulating REN divisions and blowing them out of all proportion with fear and hate propaganda and with aggressive crisis mobilization and politics. ME is an opportunity centered conflict theory because elites seize or create opportunities to advance their interests with REN conflicts. Conciliation becomes difficult when rival leaders demonize opponents who can never be trusted and must therefore be defeated, ethnically cleansed, or dominated.

Identity Politics (IP), also known as *Symbolic Politics* (SP), assumes that divisive ethnic myths, symbols, stereotypes and fears are embedded in culture, socialization and institutions of divided societies, become activated for aggression at the onset of REN conflicts, and resonate with broad segments of the population (Kaufman 2001). IP highlights rage, fear, suspicion and hatred characteristic of brutal massacres, ethnic cleansing, rape, and atrocities committed on civilians, and sometimes also by civilians, in some REN conflicts. It is critical of the rationality and purposive action assumptions of most conflict theories, including ER and ME. It builds on a long tradition in the social sciences originating with the classic LeBon and later theories of the crowd and mass society. It has some affinity with AH but rejects the assumption of primordial, permanent REN identities and group affiliations.

Economic Roots (ER) holds that the root causes of major destructive conflicts are on the demand side poverty, economic stagnation, unemployment, corruption and a failed state, and on the supply side, unemployed young men, opportunities for making a living by aggression and robbery, trafficking in narcotics, controlling natural resources like oil and diamonds (or extorting funds from international corporations), kidnapping foreign nationals, and the like (Collier et al 2003; Fearon and Laitin 2003). Access to weapons, a terrain favoring insurgency, external state or diaspora sponsorship, etc. contribute to the likelihood of civil war, its duration, and rebel success. ER builds on a decade of work on the economics of civil wars and the “greed and grievance” literature (Jean and Ruffin 1996; Berdal and Malone 2000). Because it comes down on the supply side for the causes of REN, it is an opportunity driven theory with an accent on “greed,” and is critical of competing REN theories. However, it is easily combined with ME theory in as much as warlords driven by greed and allied to grievance entrepreneurs legitimate violence with victimization stories for “bleeding hearts” publics and intellectual circles.

To what extent these theories are valid, and all of them could be partly true, is not of decisive importance for understanding peace making. Whether or not ancient hatred is a root cause, it is likely that REN groups that managed to cooperate for decades before violent conflict will come to fear, hate and mistrust one another as a consequence of destructive conflict. Whether or not manipulative elites instigated REN conflict it is likely that during confrontation moderate leaders become eclipsed by manipulative extremists who gain power. Whether or not poverty and lack of development is a root cause, it is likely that protracted conflict destroys the economy and the material underpinnings of life and institutions. Whether or not divisive ethnic myths, symbols and identities preceded the conflict, during confrontation they become widely believed and accepted at the expense of shared identities and unifying symbols and institutions. Destructive conflict generates REN hatreds, manipulative elites, economic dislocation, and divisive identities and symbols, and peace makers must face them squarely. But that is not all. New players are created, additional issues accumulate, and the strategies of players change during confrontation beyond what existed at the start, usually complicating and obstructing peace making. Highlighting only the causes and origins of REN conflicts risks underestimating and misunderstanding the complexities of peace making and reconstruction.

REN armed conflict

The character of armed conflict and insurgencies in contemporary REN conflicts combines elements of conventional interstate warfare with elements of guerrilla war in national liberation struggles, warlordism and banditry, terrorism, and communal rioting (Jean and Ruffin 1996; Kaldor 1999; Berdal and Malone 2000; Mueller 2001). Civilians more than combatants are targets and victims; militias, paramilitaries, death squads and other armed formations without a unified command and accountability to superior authority conduct much of the fighting, and are allied to and promoted by conventional armies and police forces. In addition to self-determination and other core REN goals, the motivation of combatants may include ideological and religious crusade (jihad), self-defense, loot and enrichment, lack of exit option, and others.

Guerilla war and terrorism pose a moral and legal dilemma to adversaries. Livingstone (1989, p.85) writes that “fighting terrorism is a dirty kind of warfare that has more in common with a murderous encounter in a dark alley than a classic military engagement.” On the insurgent side it raises questions on what is permissible against an oppressive and tyrannical regime, and on limits to the right to rebellion (Ignatieff 2002). Do the weak have a right to fight a dirty war, including terrorism, in the name of justice? When is violence a last resort rather than a phony claim? On the government side, realistically anti-terrorism measures will inevitably roll back basic liberties (Holmes 2002), and run afoul of the Geneva War Conventions on proportionality of response, the rights of captured belligerents, and discrimination between civilians from combatants, to mention the most obvious. International law on pre-emptive strikes and on deterrence in the name of self-defense and national security against suspected aggressors, and “just war” justification for humanitarian intervention against regimes that commit mass atrocities against their own people are the subjects of intense controversy (Walzer 2002).

There is no clear cut termination scenario, as with conclusion of conventional war: some armed groups are not bound by the decisions of political and military commanders and continue armed struggle or violent actions. Thus the cessation of armed combat, the demilitarization of the conflict, gaining control of violence and continued security concerns are a formidable problem in peace making. We agree with Lederach (1997) that because of these attributes of contemporary civil wars and insurgencies and the means to combat them, the conventional scholarly approach to war and peace making is incomplete. One also has to comprehend a deeply divided society, the political economy of war, the failed state syndrome, peace making during continued armed conflicts, economic and civic reconstruction. These are topics taken up by the authors of this volume.

Conflict and conciliation dynamics (CCD)

Conflict and conciliation dynamics (CCD) integrates both into one theory and applies it to REN conflicts. There are issues, players, and strategies, and they keep changing. Issues are what the conflict is about. It starts with core or original issues, but additional issues accumulate. Opportunities for the challenger to attain goals using different modes of contention are captured in mobilization theory, a component of CCD. Social control (or blocking variables) by the target creates costs to challenger for various modes of contention. The intersection of mobilization and social control explains the strategies of the adversaries that result in a particular state of the conflict (conventional politics, militant politics, armed conflict), and a sequence of such states describes a process (escalation, peace making) until some stable outcome is reached (successful repression, self sustaining peace). The mechanisms in CCD that link players, issues, strategies, mobilization and social control to process and outcome are issue accumulation, the mobilization paradox, the security dilemma, the repression paradox, the trust deficit, and the dilemma of peace making. Each mechanism is a hypothesis that can be empirically studies and tested. Each can be unpacked into more detailed configurations of causes: in

the mobilization paradox, demonization of the adversary can be further specified with the social psychology of persuasive communication that explains why propaganda is believed.

Issue accumulation helps explain the protracted character of conflict and conciliation. The conflict starts over *core* issues such as discrimination and oppressive rule. When challenger mounts unconventional confrontations, be they non-violent or coercive, *derivative* issues (so named because they derive from confrontations) about police over use of force, justified arrests, fair trials, etc and police and justice reform may surface as a new issue beyond core demands. Bystander publics not engaged on core issues may become partisans on derivative issues, thus new players join the original adversaries. In confrontations, the actions and statements of the parties are subject to uncertainties and disagreements, e.g. was a cease fire violated or not, was it provoked or unprovoked, who was responsible? Both sides blame one another. *Trust* becomes a casualty, and lack of trust makes conciliation more problematic. From core issues at the start there are now derivative and trust issues.

When the adversaries decide on conciliation to escape a mutually destructive stalemate, *procedural* issues arise: preconditions to talks, negotiating with advocates and perpetrators of violence, are some issues non-negotiable. Of these the recognition issue is the most contentious, since it publicly legitimizes “murderers” and “terrorists.” *Security* issues surface because adversaries do not control their extreme factions and death squads who continue spoiler violence. Lack of control raises doubts on negotiators’ capability and willingness to deliver on accord *implementation*. Security issues get entangled in prisoner release, weapons decommissioning, amnesty for political crimes, the so-called DDR (disarmament, demobilization and reconstruction) issues. Finally there is a *legitimation* issue after political leaders sign a peace agreement. How is popular consent expressed and achieved? Is it prepared to accept and conform to its terms?

What at the start looked like conflict over *core* issues becomes entangled with further issues: *derivative*, *trust*, *procedural*, *recognition*, *security*, *legitimation*, and *implementation*. Peace making can break down over any or several of them, and each breakdown requires further crisis management. Dealing with core issues remains important, yet the other issues have to be dealt with as well.

During confrontation there is a ***mobilization dilemma*** for leaders and activists. A low cost mobilization strategy is to exaggerate grievances, raise fears, demonize adversaries, sharpen distinctive and exclusive collective identities and promote in-group solidarities. Such strategy will be met by opponents’ matching counter-strategy. Relationships between adversaries become more hostile, the population gets polarized, strategies less cooperative and more coercive. Conciliation and peace making will be more problematic with adversaries one has accused of being hostile, untrustworthy, and malevolent. The dilemma is that the more successful mobilization for contention, the more difficult later conciliation and peacemaking become. Mobilization continues during peacemaking as leaders jockey to negotiate from strength and to outbid rivals in their own group. Even during

peacemaking, elections become contests for ethnic mobilization and extremism, not ethnic moderation.

Ordinary people initially may not be engaged partisans on the issues raised by activists. As mobilization advances and confrontations become more coercive, moderates lose and extremists gain. The state and its agents' capacity and willingness to protect life and property weakens. Ordinary people are caught in a *security dilemma*, seek the protection of armed groups and become partisan because of security concerns. Ethnic encapsulation sharpens polarization and fosters extremism. The dilemma is that a moderate constituency for peace making diminishes as a consequence of security fears. The dilemma continues during peacemaking because the culture of violence and polarization are not easily reversed and because spoiler violence against peace continues.

As conciliation fails and the security dilemma deepens, the state or target group adopts the strategy of repression. Repression raises the cost of opposition and thus is expected to discourage conflict, yet it also has a stimulating effect on previously unmobilized publics by offending and outraging them. The *repression paradox* is the dual and contradictory mix of incentives and disincentives for conflict participation and uncertainty of outcome. It is chosen because incumbents believe it is less costly than concessions on core issues and because they expect it to work, yet it may fuel rather than dampen the conflict. Repression can suck both adversaries into tit-for-tat coercive retaliation that ends in an escalation trap with both players paying a higher price for a continuing standoff, as in an arms race. Repression creates new issues that accumulate and divide players, e.g. over detainees that engage in a hunger strike in prison.

Destructive conflict creates a *trust deficit*, yet peacemaking requires trust between adversaries. Are accords and reforms entered in good faith? Will they be enforced or evaded? Is a cease fire a prelude to more lasting peace or a tactic for resting and rearming one's forces? The answers will hinge on mutual trust between adversaries. Yet the very processes that make for a powerful challenger (successful mobilization, providing security) and for a powerful target (efficient repression) destroy trust and make conciliation more uncertain and less attractive than one-sided victory.

Short of one sided imposing an outcome unilaterally, the adversaries in internal war will have to live in the same society and state, albeit under changed political institutions. Because there is no outright winner, the political leaders who initiated and sustained destructive conflict remain in power and become responsible for peace making. They are tempted to salvage what they lost in battle and in negotiations by obstructing implementation, e.g. refugee return. Factions within each adversary gain or lose differently from peace accords, stall on accord implementation, and contest one another for power in elections. Mobilization for and against peacemaking continues after a peace accord. Some rejectionists engage in spoiler violence. Compared to armed combat, in peace making there are more players, more issues, and more strategies. The *paradox of peace making* is that two principal adversaries in one original confrontation tend to grow into six adversaries in three confrontations, i.e. two internal confrontations are added to the

principal one, and two factions within each adversary are added to the original opponents. Peacemaking faces a formidable challenge after an accord is signed, as great or even greater than before.

External players intervene in many internal civil wars and insurgencies, some to help one or the other adversary achieve success in combat, and some to alleviate the plight and suffering of victims and to channel the conflict into peace making. Partisan intervention on one side is often countered by partisan intervention on the other side, thus cancels advantage while raising the destructive capacity of both. Non-partisan intervention, e.g. assuming external responsibility for feeding and protecting refugees and displaced persons, enables adversaries not to assume the full costs of destructive conflict, thus postponing a “mutually costly stalemate” that might drive them to conciliation. Moreover humanitarian relief gets appropriated by combatants. The unintended consequence of *External intervention*, partisan or non-partisan, is that on balance it prolong combat, destruction and suffering instead of hastening unilateral victory or peacemaking.

These dilemmas and paradoxes of issue accumulation, mobilization, security, repression, trust, external intervention, and peace making, are hypothetical and linked causal models derived from the vast literature on group conflict and conciliation. They can be, and undoubtedly will be supplemented by further mechanisms as CCD theory is elaborated and fine tuned. They add a dynamic causal element, mechanisms in ordinary parlance, for explaining how a conflict moves back and forth over various stages with a variable mix of conflict and conciliation, and with a changing cast of players, issues and strategies. It does not assume permanent, homogeneous ethno-national categories, as AH does. To the contrary CCD is comfortable with internal factions and shifting coalitions. The conflict process is not driven from the top down alone, as in ME, but from both the elite and the grassroots, since mobilization, the security dilemma, and legitimation are reciprocal rather than one-way. Unlike the primacy of emotional attachment to symbols of identity for achieving solidarity in IP, CCD recognizes the importance of fear and coercion in participation, partisanship, and group formation as well. Unlike ER with its accent on opportunity dimensions in conflict, CCD balances grievance and opportunity variables. It recognizes impaired information and cognitive distortions in choice and the uncertainties of strategic interaction. Both are manifest in the paradoxical consequences of repression and external intervention. It recognizes original core issues and causes, but supplements them with derivative issues and additional paradoxes and dilemmas that grow out of confrontation and peacemaking. It joins conflict and conciliation into a single dynamic theory.

Empirical Checks

Quantitative and qualitative findings on civil war and armed conflicts shows that CCD captures their salient attributes. The MAR project monitors REN minority self determination movements (Marshall and Gurr 2003). Of 161 active movements in 1998-2000, 25% engaged in armed conflict. The factors that most differentiate armed challenges from conventional politics are “past rebellion”, military support by external state (and to a

lesser degree, any external support), and severity of repression. In CCD, past rebellion is associated with the accumulation of unresolved issues and mobilization capacity. Cutting external support to combatants and avoiding the repression paradox are a major dimension of successful conflict management in our analysis as well. The authors conclude that their findings “clearly delineate the reinforcing cycle of violence and counter violence that characterizes many protracted separatist wars.” In the “dynamics of contention” these cycles result from the escalation trap, trust deficit, and continued spoiler violence and security concerns during peace making. The authors believe “forceful external intervention... and external pressure” to break the cycle of violence are necessary. We too highlight the external dimension of peace making, both on the negative side of fueling the conflict and on the positive side of preventive diplomacy, conciliation, accord implementation and reconstruction.

The ER researchers at the World Bank (Collier et al 2003) report findings on 52 major civil wars from 1960-1999. In view of their methodology (see above), not surprisingly, they find that lack of development and economic collapse are preexisting conditions to major civil war. Though using a different methodology and different armed conflicts from MAR, they too highlight the self-sustaining character of violent conflict, e.g. “once a rebellion has started it appears to develop a momentum of its own” (p.79). The authors conclude that about half of the risk of repeat conflict is due to “things that happen during the conflict” (p.88), which they refer to as the “conflict trap” and which they have omitted from their research design. What “happens during the conflict” is at the core of the several mechanisms that make up CCD.

Why is peacemaking so difficult? Studies of intra-state armed conflict termination and peacemaking (Doyle and Sambanis 2000; Marshall and Gurr 2003; Collier et al 2003; Licklider 1995; King 1997; Regan 2002), indicate that about half REN self-determination movements and groups entail some armed conflict, and of those more end in military victory or unilateral imposition than with a negotiated accord. In major armed conflicts, those that end with a negotiated settlement have a high risk of renewed armed conflict. Most armed conflicts experience external military and economic intervention (e.g. sanctions), or as King (1997, p.17) put it, “No civil war today is ever wholly internal”, and these tend to prolong, not shorten conflict duration. Many such interventions are not for peacemaking and peace keeping but for helping an adversary to achieve victory. Diplomatic interventions for conflict management and peacemaking are of course extremely numerous and varied, and have a mixed success for halting the fighting (McCanless and Schwobel 2002). The UN is a major actor in contemporary peace processes, under varied mandates, rules of engagement and resources (Encyclopedia 1999). UN involvement in some form occurs in about a third of civil wars, but much of it consists of mediation efforts, ceasefire monitoring, buffer zone patrolling and the like. More comprehensive UN peacekeeping operations that make a positive difference to lasting peace have been undertaken in only 6% of 124 cases studied (Doyle and Sambanis 2000). These modest results are in line with the external intervention and peace making paradox models described above. One study based on 41 civil wars since 1940 found that although only 20% ended with peace accords, external guarantees for enforcing

the terms of the accord increased the chances of success for negotiated peace (Walter 1997). Another study (King 1997) found that a credible guarantee by external agents of the physical survival for belligerent leaders has a similar effect. Different conclusions on external intervention are due to differences in criteria for success and failure, case selection, data sets, and methodologies.

In summary, CCD and empirical findings highlight the following obstacles to peacemaking in internal armed conflict:

1. The polity, economy, and society changes during armed conflict. Peacemaking institutions and capabilities weaken, and violence making institutions and capabilities strengthen.
2. Leadership groups and the population tend to change so as to make peacemaking more problematic. Hardline leaders displace moderates; splits between conciliators and rejectionists create factions within each adversary; bystander publics are mobilized, polarized and encapsulated in militant subcultures; external players are added to internal adversaries.
3. External military and economic intervention tends to increase the conflict, and not the peace making, because, on balance, it tends to be partisan. Intervention for conciliation and peace has some positive impact, but the most effective modes of peace intervention are seldom used.
4. Issues accumulate. On top of the original core issues, more result from the armed conflict itself: on the conduct of armed conflict and responsibility for killings and losses, on the fate of the combatants, on refugees, on continued violence and security.
5. The stakes in a peace accord are very high since adversaries will live in the same state and need to cooperate for peace, yet the relationship between adversaries changes for the worse during armed conflict (i.e. hostility, mistrust, victimization grow) and tend to persist during peacemaking.

Peace Making

There now exists a huge and growing literature on all aspects of peace processes (Boutros-Ghali 1997; Doyle et al 1997; Muscat 2002; Kumar 1997; Aspen Institute 1997, Carnegie Commission 1997; Zartman 2001; Stedman et al. 2002, Darby and Mac Ginty 2000; Darby and Mac Ginty 2003, and some already mentioned above). By and large they categorize stages and topics during peace processes in similar fashion . It is useful to examine specific obstacles to conflict management at different stages of protracted conflict and peacemaking.

- a. cessation of (major) violence and getting negotiations started

- b. the negotiation process itself, strategies of negotiation, the terms and substance of peace accords, and legitimation of accords.
- c. implementation of the terms of the accords, sequencing, accord monitoring and enforcement, short term economic reconstruction
- d. long term changes for self-sustaining peace and reconstruction
- e. prevention and deterrence of armed conflict or its recurrence, external intervention for peace

a. Getting started

Getting negotiations started, even assuming good faith on both sides, raises contentious procedural issues (Oberschall 1973 pp. chapter 7). Are there conditions or preconditions (e.g. stopping violence)? Who to negotiate with (e.g. who actually represents a factionalized adversary, do we negotiate with “terrorists”)? What issues to negotiate (e.g. are there non-negotiable issues)? The mode of negotiation itself (e.g. road map vs. final status, track I and track II, degree of transparency, presence of mediators, etc.)? How is the peace accord ratified (e.g. elite pact, ratifying elections, referendum, treaty, several of these)? There may be talks about talks (“frameworks negotiations”) on resolving negotiation issues, which themselves contain some of these very same issues. Getting started inevitably produces issue accumulation. Negotiations are partly embedded in the strategy of conflict and positioning for advantage and partly in the strategy for peacemaking. It is thus full of ambiguities and requires confidence building steps at a time when trust is in short supply. Adversaries want signals on genuine commitment to peacemaking. Disagreements on negotiations can further strain relations between adversaries for the worse.

b. Negotiations

A study of twenty-six recent REN armed conflict peace accords (Darby and Rae 1999) found that they cover (beyond the cease fire itself) institutional reforms and change (constitutional design, power sharing), rights issues (for minorities, refugees), security issues (weapons, combatants, prisoners), legitimation mechanisms, and less frequently, economic reconstruction.

Issues have certain dimensions or properties that influence the difficulty for agreement and compromise (Oberschall 1973 pp.49-64). If outcomes are divisible, reversible, have calculable consequences, and have non-zero sum properties, they are more amenable to give and take bargaining and compromise than if they are non-divisible, permanent, uncertain on consequences, and zero-sum.

Looking at core issues in peace making, state sovereignty (stateness) has non-divisible, permanent, zero-sum properties with uncertain consequences (e.g. as in Chechnya and Kosovo, will a new state be hostile and a base for further inter-state armed conflict, what precedent is set for other self-determination movements?). Though borders are permanent, they can be adjusted and territorial swaps can be made; thus divisibility allows

compromise on borders. Power sharing can be divided into various electoral , legislative and executive institution reforms for bargaining and fine-tuning for particular circumstances. Refugee return (as in Israel/Palestine) is fraught with uncertainty on consequences, yet can be made divisible (categories within refugee population with varying claims to physical return and compensation can be negotiated), and more calculable, and thus subject to compromise (Rabinowitz 2003). In this volume, Coppieters, Follesdal, Du Toit, and Oberschall analyze the options and properties of core issues in a variety of peace accords.

Derivative issues that prove very contentious and sometimes intractable, such as decommissioning of weapons and demobilization of combatants, tend to possess permanence and uncertainty properties, as Darby and Stojanovski analyze in this volume. Will released detainees and prisoners return to insurgency? Will the authorities, despite assurances to the contrary, prosecute the combatants after they have laid down their weapons? If the issues are made divisible, i.e. only some weapons are turned in and only some of the prisoners are released and in a step by step process in confidence building, violence cessation, the major benefit expected, is jeopardized by the continued capacity for armed combat. External assistance with monitoring and enforcement is a mechanism for reducing such uncertainties.

Peace accords have to be feasible and legitimate, lest they be maintained with permanent coercion. What lacks feasibility has uncertain consequences and is of questionable benefit. The constitutional status of Kosovo comes to mind, where only Kosovar independence (with border adjustments) looks feasible because other options risk renewing the civil war and/or require permanent coercion of the Kosovars. Without a normative dimension conferring legitimacy, a peace accord would simply ratify a status quo achieved by threat and force. Actual peace accords conform to some extent to international norms on state formation and on human rights protection, as well as to fairness, reciprocity and proportionality norms. Oberschall, in this volume, compares how contentious issues over stateness and constitutional design were dealt with successfully in the Northern Ireland peace process and unsuccessfully during the Oslo process and Camp David negotiations for Palestine. When there is asymmetry of power between a majority and a minority, as in Northern Ireland, some protection on vital matters for the minority in power sharing institutions with parallel consent, veto, or supermajority voting based on such norms is generally accepted. On statehood, in the Northern Ireland Peace Agreement, the two democratic states U.K. and Eire conformed to shared democratic consent principles. During the Oslo peace process there was a lack of non-partisan external intervention for legitimizing stateness norms and pressuring acceptance on the adversaries.

c. Implementation

Darby in this volume and in several earlier publications (Darby and Mac Ginty 2000; 2002; 2003) has identified the most common and contentious implementation obstacle as continuation and/or resumption of violence and other security issues. His research shows

that continued violence and security problems result from state violence, from insurgent/militant violence, community violence, and crime. State violence and insurgent violence are due to fractionalized adversaries (cf. obstacle 2. above): the government has to bring under control elements in the security forces that continue repression, which it earlier promoted, and spoiler violence continues from militants who did not sign on to the peace accords. If these persist, public opinion support for the peace accord erodes because it fails to deliver security and peace.

Community violence and crime are facilitated by a culture of violence that becomes entrenched during protracted conflict (cf. obstacle 1 above). For instance, ethnic solidarity and identity during conflict are mobilized with marches and celebrations during which symbols, songs, insults, and taunts offensive to the dignity of adversaries are displayed prominently, and which precipitate communal rioting. These practices don't stop suddenly on their own just because a peace accord has been signed and prominent leaders have gotten the Nobel peace prize. The violence capability inherited from internal war continues. Insurgents established transnational organizations and networks for smuggling weapons, combatants and resources for violence. They are capable of doing the same for narcotics, contraband, illegal aliens, prostitutes, etc., when armed conflict subsides. A consequence of ethnic encapsulation in wartime is that paramilitaries continue control in such enclaves in peacetime. Absent law abiding alternatives for making a living, organized and individual crime are likely to continue. Much cutting edge research on DDR (disarmament, demobilization and reconstruction) is currently on-going on these topics and is the subject of Mika's chapter in this volume. He proposes a novel approach to demilitarization of former combatants that views them as agents of societal regeneration within a peacebuilding framework rather than as dangerous outlaws.

Economic issues for peacemaking are the neglected step child of peace accords. What better opportunity for competing with the predatory economy and with massive unemployment than to put the demobilized combatants, refugees, and dislocated families to work on infrastructure reconstruction? A review of the post cold war record of external intervention with economic programs and development aid in states after armed conflict finds a mixed record of exacerbation and amelioration for conflict management (Muscat 2002). In the longer run, economic development and economic justice concerns will have to be addressed as well for self-sustaining peace. External donors play a key role in economic reconstruction but risk entangling post-accord implementation with the politics and policies of the global economy. Rajasingham-Senanayake in this volume examines post-conflict economic policy for reconstruction in the context of global networks, trade liberalization and structural adjustment advocated by international agencies. Focusing on Sri Lanka where external analysts tend to attribute economic cleavages to ethnicity and identity conflicts, she examines the role of economic inequality and calls for a more culturally nuanced understanding of inequality and local ownership concerns in economic reconstruction.

Sequencing and timing of reforms during implementation can derail reforms and peace making. Research on constitutional design and political reforms in the final stages of

authoritarian regimes that try to reform themselves such as Franco Spain and the Soviet and Yugoslav exit from communism has shown that the sequence of constitutional design, first democratic elections, ratification of the constitution, and formation of a post-authoritarian government can have important consequences for war and peace (Linz and Stepan 1992; Snyder 2000). In Spain, the political process first addressed the stateness issue on an all Spain basis. Political parties and leaders had to formulate an attractive democracy and constitution package with appeal throughout the country, and not just a narrow segment or a single province. After stateness and democracy had been decided further constitutional changes and elections on regional autonomy, especially critical in the Catalan and Basque region, were conducted. Thus the state did not break up and the ethno-national issues were decided democratically, not by violence. In the Yugoslav case, the entire electorate never had a chance to vote for maintaining all-Yugoslav unity, in a confederal mode, despite opinion polls indicating most support for that option (Oberschall, 2000). The top political leaders manipulated each Republic into separate post-communism elections that became little more than ethno-national identity affirmations with independence/ secession programs that touched off a series of armed conflicts.

d. Self-sustaining peace

How to implement long term reforms and consolidate self-sustaining peace (nation building, democratization, civil society) have generated lots of controversy and debate (Ottaway 2002). Lederach (1997) has summarized much useful knowledge on these topics. The reconstruction of culture, in particular replacing or toning down divisive identities, symbols and rituals that intensify conflict with more tolerant and integrative alternatives, is necessary for self-sustaining peace. Research on education, media reform and public opinion in deeply divided societies during and after protracted conflict needs attending to and assessed for lasting impact. Around the world numerous NGO, state and international activities and funding engage in spreading human rights, civil society, and ethnic cooperation. As far as we know there does not exist an overall global assessment of their impact, nor is it known whether they are gaining or losing ground to those who promote REN divisions, hatreds and aggression (states, extremist organizations, media, religious and social movements) instead of conciliation. In this connection one should carefully study Spain after Franco, French-German reconciliation after World War II, the aftermath of the Eastern Nigeria secession war, and other instances of reconciliation after long enmity and destructive wars (Aguilar 2002).

New opportunities exist for peaceful management of REN conflicts with supra-state and sub-state constitutional and institutional innovation as a result of the erosion Westphalian state sovereignty in Europe. Coppieters in this volume examines how the European Union, in collaboration with OSCE, the Council of Europe, and NATO, are exploring the reach and limits of Europeanization on its periphery, i.e. making indigenous institutions and civic culture more compatible with those EU members. The incentives for Europeanization in peripheral states like Cyprus, Moldova and Georgia are eventual admission to the Union. The incentives to the EU is that they want to avoid unviable mini state secessions or coerced unitary states with ethnic cleansing on its Eastern borders.

Within Europe itself, as supra state agencies and institutions gain in governance authority and responsibility at the expense of state and nation, Follesdal highlights in his contribution to this volume that trust in unfamiliar and distant institutions has to increase, as does double identity to complement loyalty for own nation with loyalty to supra-state, European, federal institutions. He analyzes a number of options and innovations for accomplishing these goals, and argues that the trust deficit between citizens and supra-national authority can be made up by the application of human rights law in EU governance.

e. Prevention, deterrence and intervention

Intense debate and controversy surround external intervention in armed conflict, preventive humanitarian intervention to protect or rescue victims of a repressive regime, and preemptive and retaliatory measures against terrorists and their state sponsors. An international movement for human rights and global justice, joined more recently by the U.S. government war on terrorism, argues the case for intervention in the affairs of sovereign states, using force if necessary, for a variety of reasons ranging from prosecuting offenders in crimes against humanity and war crimes to transnational terrorists and their protectors. The primacy of traditional diplomacy as the principal non-coercive instrument of influence and persuasion in international relations is being challenged from many quarters. International law has rested on the consent of a state which exercises restraint according to its government's definition of national interest. External intervention against non-conforming states is caught in a number of dilemmas and contradictions. Who decides external intervention, what are its justifications, what are the legitimate means for intervention actions and what agency implements them, who is responsible for the consequences of intervention?

The fundamental rights of states are political sovereignty and territorial integrity. A state that threatens one or the other in another state is committing aggression, and that justifies self-defense and intervention by the international community to punish aggression, as is authorized in chapter 7 of the UN charter. International law however also recognizes the right of people to self-determination and legitimizes humanitarian intervention when a government commits crimes against humanity against its own people (Walzer 1977). International norms on sovereignty and intervention are inconsistent (Gottlieb,1993).

To be sure, the doctrine of just war limits humanitarian intervention. It should be decided by an appropriate authority, usually the UN Security Council. There has to be a just cause, i.e. stopping crimes against humanity. Military intervention should be last resort, the chances of success should be favorable, there should be a minimum of force to achieve success. Critics have deplored the recent politicization of humanitarian intervention in international conflict management (Rieff 2002).

The Geneva Conventions and the customary rules of war sharply distinguish combatants from civilians, and each have specific rights. Combatants have to wear visible markers, like uniforms and insignia, and display their weapons. If they do not, they can be treated as

criminals, not soldiers who have a right to kill enemy soldiers in combat. Civilians also have clear rights, e.g. they should not be attacked any time; collateral damage from military operations has to be limited and justified; they are protected against reprisals and collective punishment.

Unconventional war purposely blurs the civilian-combatant distinction, and among civilians themselves the distinction between those that actively give assistance to the combatants, those that do it under coercion, and those who are trapped in combat are difficult to make in actual combat situations. In Walzer's words (1970 p.192) "anti-guerrilla war is a terrible strain on conventional troops" and that is even more so in anti-terrorist warfare. Although there will always be clear cut instances of war crimes such as the unprovoked massacre of innocent civilians by soldiers, the legality (under the war convention) of many actions by combatants and civilians will be uncertain and contentious, quite aside the problem of establishing what actually did happen

Prevention by military intervention has been researched in the case of major crimes against humanity such as genocides because they were not prevented in Cambodia, Rwanda, Bosnia and elsewhere (Brugnola, Fein and Spierer 1998). Prevention requires an early warning mechanism that identifies states and groups at risk, monitoring of indicators (e.g., organization of militias for killing and mass media hate campaigns) that signal intent, an intervention force to deter and/ or stop the mass killing, and a decision institution that authorizes military intervention.

Research on early warning and indicators shows promise on putting a reasonably accurate system in place (Harff and Gurr 1998; www.usc.edu/dept/LAS/ir/cis/cews). A permanent, well armed Rapid Deployment Force (or Rapid Response Force) of about 5000 troops for protecting potential victims could be put in place in a matter of days and serve until a larger peace keeping force can be deployed. It would be quite expensive: estimates have ranged from 1.5 to 3 billion a year. The RDF would not be a realistic deterrent for states with large, efficient armies against their will, but most REN groups at risk are not located in these states. The core of the prevention problem is decision institutions. It is not knowledge of impending large conflict that is lacking, but doing something about it. What mechanism would decide intervention and trigger it?

The UN Security Council tends to intervene in interstate conflicts that threaten international peace and security, and has avoided intra-state armed conflicts. It is hostage to great power veto. It failed miserably in Rwanda. General Delaire, head of UN peacekeeping force before and during the Rwanda genocide, estimated that about five thousand UN troops deployed in Kigali at the very start of genocide could have deterred it, although his views are disputed (Des Forges and Kupeman 2000). The US government refused to acknowledge the genocide in order to justify inaction. Powers (2002) believes the US will not act to deter crimes against humanity when it has no national interest for doing so and absent a domestic constituency demanding action. Radovan Karadzic, the Bosnian Serb leader, told Timothy Gorton Ash that ten thousand NATO soldiers would have deterred the Bosnian war in 1992 (Ash 1995). After failure to act in Bosnia in 1992,

NATO intervened with an air war in Kosovo and Serbia when diplomacy did not stop civil war and ethnic cleansing. However, that intervention precipitated an even more massive ethnic cleansing.

In this volume Stojanovski describes the steps taken by the Macedonian government and international agencies to prevent a recurrence of Albanian insurgency after the Ohrid Agreement in 2001 that granted the Albanian minority substantial political rights. He reviews how human rights legislation has impacted on police and internal security reforms, and examines to what extent trust between citizen and state and between nationalities is reestablished after violent internal conflict. He also describes early warning indicators for nationality conflict in Macedonia. Du Toit explains why the 1979 peace accord ending the Zimbabwe war for independence broke down after twenty years and failed to prevent renewal of internal violence. One core issue of the constitutional settlement had been land reform and equity, but land redistribution institutions and financing fell far short of goals and African aspirations during twenty years of implementation. President Mugabe and ZANU-PF seized the land equity issue for provoking a political crisis that would counteract regime unpopularity and overturn impending electoral defeat. Du Toit also evaluates other institutions of land redistribution assisted with external intervention which would settle the land issue more satisfactorily.

What of deterrence from judicial intervention? The global justice movement has argued the case for universal jurisdiction on crimes against humanity. Deterrence is a function of the certainty, severity and swiftness of punishment. The International War Crimes Tribunals (on Rwanda and former Yugoslavia) are aimed at the principal political leaders and commanders and have been slow and very expensive. Wald (2002) points out that of twenty to fifty thousand estimated potential prosecutions for war crimes and crimes against humanity stemming from the Bosnian war, it is feasible to prosecute only the leading offenders. In the Bosnian war, the two main indicted war criminals have so far evaded capture, eight years after the end of fighting. The International Criminal Court has been established only a year ago. The U.S. has refused to participate. The ICC is meant to act only if the states themselves don't prosecute crimes against humanity committed by their own citizens. How will the ICC mandate be enforced when states refuse to do so, or do it superficially? Justice Goldstone (2002) argues that to be effective, humanitarian law has to be enforced by an international court, despite shortcomings. Looking at the history of bringing war criminals to justice since the end of World War Two, Neier (2002) argues that justice will eventually function as a deterrent to war crimes. Unlike economic sanctions that hurt entire populations, judicial deterrence is directed only at offenders (Roth 2002).

National judicial inquiries into war crimes, e.g. the UK inquiry on the events of "Bloody Sunday" in Londonderry, are not an encouraging and practical model for justice and for victim compensation. It has spent over one hundred million pounds on thirteen deaths committed 32 years ago, is far from over, and has collected contradictory testimony on whether the IRA used civilian protesters as a cover to shoot at soldiers or on the contrary soldiers opened fire unprovoked against unarmed civilians, precisely the type of issue that

comes up in unconventional warfare. Whatever justice the inquiry will yield, whether it will have a deterrent effect on soldier conduct in unconventional warfare is unknown.

Humanitarian intervention and judicial deterrence on behalf of peace making have serious limits. Though they should be and will be used, diplomatic intervention for peace will remain the principal mechanism of external intervention and conflict management for REN conflicts. They are more likely conciliated with preventive diplomacy and negotiated peace accords backed by external monitoring and implementation assistance than resolved through armed conflicts and external military intervention (Gurr 2000). Russia successfully negotiated power sharing agreements with Tatarstan, Bashkiria, and some 40 other regions in the Russian Federation, and only Chechnya is a conspicuous REN conflict failure. Our contributions put the accent on preventive diplomacy and peace accord implementation, our research ranges over Europe, Asia and Africa, and our approach integrates conflict and conciliation in peace processes.

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