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### Recommended Citation

Hampson, Fen Osler (1997) "Can Peacebuilding Work," *Cornell International Law Journal*: Vol. 30: Iss. 3, Article 5.  
Available at: <http://scholarship.law.cornell.edu/cilj/vol30/iss3/5>

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# Can Peacebuilding Work?

Fen Osler Hampson\*

## Introduction

There is a new pessimism among scholars and practitioners about the international community's ability to engage in successful peacebuilding after civil conflicts.<sup>1</sup> Part of this pessimism stems from growing concerns about the failure of the Dayton Peace Accord's implementors to get the parties to honor their negotiated commitments.<sup>2</sup> The recent outbreaks of violence in Haiti, Cambodia and elsewhere also raise doubts about the viability of international interventions aimed at restoring civic order, laying the groundwork for democracy, establishing the rule of law, and placing the economies of war-torn societies on sounder footing.

The image of peacebuilding is tarnished partly because of the confusion that surrounds the concept itself. Some claim that the concept of peacebuilding must include efforts to establish democratic institutions and the rule of law because that is the only way to secure a lasting peace.<sup>3</sup> Proponents of this position criticize many peacebuilding efforts as "failures" either because democracy is not restored (or established) in a country, and/or because the rule of law and elections for political office do not meet Western standards. Others argue that including the establishment of democratic institutions and the rule of law in the concept and mission of peacebuilding sets unreasonably high standards for would-be peacebuilders. They argue that such an approach distracts attention from the more pressing tasks of physical, social, and economic reconstruction in a post-conflict environment.

This paper discusses some of the problems and policy dilemmas associated with these different conceptions of peacebuilding. It also discusses

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1. See Roy Licklider, *The Consequences of Negotiated Settlements in Civil Wars, 1945-1993*, 89 AM. POL. SCI. REV. 681, 685-87 (1995); Stephen John Stedman, *Spoiler Problems in Peace Processes*, INT'L SECURITY, Fall 1997, at 5; Chaim Kaufman, *Possible and Impossible Solutions to Ethnic Wars*, INT'L SECURITY, Spring 1996, at 136; John J. Mearsheimer & Stephen Van Evera, *Hateful Neighbors*, N.Y. TIMES, Sept. 24, 1996, at A25; Roland Paris, *Peacebuilding and the Limits of Liberal Internationalism*, INT'L SECURITY, Fall 1997, at 54. See also Benjamin Schwartz, *The Diversity Myth: America's Leading Export*, ATLANTIC MONTHLY, May 1995, at 57, 66-67.

2. Ivo H. Daalder, *Bosnia After SFOR: Options for Continued US Engagement*, SURVIVAL, Winter 1997-98, at 5; see also responses to Daalder from Carl Bildt, Pauline Neville-Jones and Robert A. Page in *Id.* at 19-28.

3. A useful review of these debates can be found in Pauline H. Baker, *Conflict Resolution Versus Democratic Governance: Divergent Paths to Peace*, in MANAGING GLOBAL CHAOS: SOURCES OF AND RESPONSES TO INTERNATIONAL CONFLICT 563-72 (Chester A. Crocker & Fen Osler Hampson eds., 1996).

the inherent tensions between short-term and long-term peacebuilding tasks, and between peacebuilding which occurs within the framework of a peace settlement and peacebuilding which does not. The paper argues that although there are obvious tensions between conflict resolution and democratization in war-torn societies, these tensions are not insurmountable. However, I do concede that there are serious difficulties associated with a more comprehensive approach to peacebuilding, such as deciding when to hold elections or how to promote the rule of law. We should be careful about equating "success" in peacebuilding with the establishment of a stable, democratic political order. Success in the area of peacebuilding is always relative, and our expectations about what peacebuilders can do to promote democratic governance should be modest and based on a realistic appreciation of the difficulties of bringing about social, economic, and political change in war-torn societies.

### I. Definitions of Peacebuilding

Traditionally, peacebuilding covers a wide range of activities and functions associated with political, social, and economic reconstruction in war-torn societies. Former U.N. Secretary-General Boutros Boutros-Ghali, in his *Agenda for Peace*, defines peacebuilding as a broad set of activities which "tend to consolidate peace and advance a sense of confidence and well-being among people."<sup>4</sup> His list of peacebuilding activities includes: "disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, [providing] advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation."<sup>5</sup>

Although Boutros-Ghali suggests that the "United Nations has an obligation to develop and provide . . . support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions," he also recognizes that the "authority of the United Nations system to act in this field would rest on the consensus that social peace is as important as strategic or political peace."<sup>6</sup> However, Boutros-Ghali leaves unanswered the question of how exactly the United Nations and the international community might reach such a consensus. Furthermore, in *Agenda for Peace* and in subsequent statements, the former Secretary-General does not answer the questions of which of his list of peacebuilding activities should be a priority and whether democratizing initiatives should be advanced early on in the peace process.

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4. *An Agenda for Peace—Preventive Diplomacy, Peacemaking and Peace-Keeping: Report of the Secretary General*, U.N. GAOR/SCOR, 47th Sess., Preliminary List Item 10, at 55, U.N. Docs. A/47/277 & S/24111 (1992).

5. *Id.*

6. *Id.* at 59.

If Boutros-Ghali's definition of peacebuilding seems broad, others have argued for an even more expansive definition of the concept. Former Australian Foreign Minister Gareth Evans defines peacebuilding as "a set of strategies which aim to ensure that disputes, armed conflicts and other major crises do not arise in the first place—or if they do arise, that they do not subsequently recur."<sup>7</sup> Evans suggests two broad groups of strategies: international regimes and in-country peacebuilding measures. International regimes are "international laws, norms, agreements and arrangements—[which are] global, regional, or bilateral in scope—designed to minimize threats to security, promote confidence and trust and create frameworks for dialogue and cooperation."<sup>8</sup> In contrast, in-country peacebuilding refers to national and international efforts "aimed at economic development, institution building, and, more generally, the creation or restoration within countries of the conditions necessary to make them stable and viable states."<sup>9</sup>

Evans also identifies several conflict-prevention aspects of peacebuilding. These include "non-military, economic, social and political measures which can help states deal with emerging threats and disputes (for example, measures to tackle problems associated with population pressures, or with scarce water resources shared with a neighbor or with the absence of telecommunications hot-lines to deal with border incidents)."<sup>10</sup> Evans, however, ignores the democratic governance aspects of peacebuilding except to say that "post conflict peace-building' . . . may involve rehabilitation and reconstruction assistance . . . and support for various kinds of institution-building . . ."<sup>11</sup>

Evans' conception of peacebuilding is too broad. He subsumes preventive diplomacy under the concept of peacebuilding so that "peacebuilding" covers nearly every activity associated with the resolution and prevention of interstate and intrastate conflict. Evans' conception blurs operational distinctions among intervention actions directed at different stages or levels of conflict. It also affects the prospects for "success" because the broader the scope of the peacebuilding mission, the more likely it is that one or more aspects of that mission will be "unsuccessful." Another problem with Evans' conception is that it does not clearly explain which kinds of interventions are going to be effective, nor does it indicate when, where, and by whom an effective intervention may be carried out.

While it may be too restrictive to require a negotiated settlement prior to engaging in peacebuilding, in effect making such a settlement a necessary part of the concept of peacebuilding, the terms of an effectively negotiated settlement can minimize the nature and extent to which peacebuilding by external parties is necessary. There are often limits to what these exter-

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7. GARETH EVANS, *COOPERATING FOR PEACE: THE GLOBAL AGENDA FOR THE 1990S AND BEYOND* 9-10 (1993).

8. *Id.* at 9.

9. *Id.*

10. *Id.* at 9-10.

11. *Id.* at 10.

nal parties can do and it is important to recognize and understand these limits. In the absence of a settlement or a clearly defined mandate, the operational difficulties associated with peacebuilding are formidable. Boutros-Ghali offered a candid assessment of these problems in his *Supplement to an Agenda for Peace*:

The more difficult situation is when post-conflict (or preventive) peacebuilding activities are seen to be necessary in a country where the United Nations does not already have a peacemaking or peace-keeping mandate. Who then will identify the need for such measures and propose them to the Government? If the measures are exclusively in the economic, social and humanitarian fields, they are likely to fall within the purview of the resident coordinator. He or she could recommend them to the Government. Even if the resident coordinator has the capacity to monitor and analyze all the indicators of an impending political and security crisis, however, which is rarely the case, can he or she act without inviting the charge of exceeding his or her mandate by assuming political functions, especially if the proposed measures relate to areas such as security, the police, or human rights?<sup>12</sup>

Such interventions, where there is no mandate, should probably be avoided and almost certainly should not be called peacebuilding. This is especially true when there is no peace to keep and there are only slim prospects of achieving a political settlement. Additionally, a growing body of evidence suggests that military and diplomatic interventions by the United Nations or some other body are more likely to succeed when they are linked to an existing genuine political settlement, or to an ongoing, sustained political process for obtaining one.<sup>13</sup>

Humanitarian intervention in Somalia failed because it lacked a political context.<sup>14</sup> No bridge existed from the initial intervention to a political process that could provide the basis for a successful operation and subsequent exit. Efforts to develop such a process were abandoned<sup>15</sup> and this diminished the impact of U.S. and U.N. intervention. In contrast, the more successful international peace operations have occurred where a full-blown settlement was implemented: El Salvador, Mozambique, Namibia, and, until the collapse of the coalition government, Cambodia.<sup>16</sup> In these cases, the provisions for both a cease-fire and a political settlement were extensive, detailed, and, most importantly, were agreed to by all of the parties to the conflict as well as by the concerned regional and global powers.<sup>17</sup> The

12. *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, U.N. GAOR/SCOR, 50th Sess., at 55, U.N. Docs. A/50/60 & S/1995/1 (1995).

13. See FEN OSLER HAMPSON, *NURTURING PEACE: WHY PEACE SETTLEMENTS SUCCEED OR FAIL* 217-21 (1996).

14. See JOHN L. HIRSCH & ROBERT B. OAKLEY, *SOMALIA AND OPERATION RESTORE HOPE: REFLECTIONS ON PEACEMAKING AND PEACEKEEPING* 158-61 (1995).

15. William J. Durch, *Introduction to Anarchy: Humanitarian Intervention and "State-Building" in Somalia*, in U.N. PEACEKEEPING, AMERICAN POLITICS, AND THE UNCIVIL WARS OF THE 1990s 311-66 (William J. Durch ed., 1996).

16. Chester A. Crocker & Fen Osler Hampson, *Making Peace Solutions Work*, FOREIGN POL'Y, Sept. 1, 1996, at 15.

17. HAMPSON, *supra* note 13, at 218-21.

settlements provided for free and fair elections and for far-reaching reforms of the judiciary and security institutions, producing fundamental change in civilian-military relations.<sup>18</sup> In these cases, the settlements also provided for demobilizing combatants and for taking steps towards national reconciliation, particularly in the area of human rights.<sup>19</sup>

A useful first step in understanding the ingredients for successful peacebuilding is to draw a distinction between those activities which are likely to help consolidate the peace in the immediate aftermath of a negotiated settlement and those activities which are likely to ensure a lasting peace. Some of these latter activities, discussed in the next sections, are tied to security considerations, others to governance and democratization, the restoration of political order, and the rule of law, and still others to social and economic concerns.

## II. Military and Security Challenges

The military and security components of peacebuilding are a critical part of the peacemaking process. Peacekeeping—defined as the “use of international military personnel, either in units or as individual observers, as part of an agreed peace settlement or truce, generally to verify and monitor cease-fire lines”<sup>20</sup>—remains essential to international efforts to prevent the renewed outbreak of violence or military hostilities in a country. The early deployment of peacekeepers helps develop confidence in the peace process. However, as we are now seeing in Bosnia-Herzegovina, peacekeepers may also be required to stay on the job for an extended period of time if the situation remains unstable long after the settlement is signed.<sup>21</sup>

We should also note that the actual forms and functions of peacekeeping have varied widely over the years.<sup>22</sup> The U.N. presence in Cyprus is generally viewed as the classic model of a peacekeeping operation. However, the United Nations Force in Cyprus (UNFICYP) has also been involved in activities that go beyond “traditional” peacekeeping. In terms of traditional peacekeeping, UNFICYP troops are deployed in a neutral buffer zone that separates the island’s two communities. Maintenance of the buffer zone has been an important confidence-building measure and has prevented accidental confrontations from escalating to greater levels of conflict.<sup>23</sup> Going beyond “traditional” peacekeeping, UNFIYCP has provided assistance with food distribution, transportation, and maintenance

18. Paris, *supra* note 1, at 64-73.

19. On the important role played by the international community in advancing human rights in El Salvador, see Fen Osler Hampson, *The Pursuit of Human Rights: The United Nations in El Salvador*, in U.N. PEACEKEEPING, AMERICAN POLITICS, AND THE UNCIVIL WARS OF THE 1990s 69-102 (William J. Durch ed., 1996).

20. Denis McLean, *Peace Operations and Common Sense*, in MANAGING GLOBAL CHAOS, *supra* note 3, at 321.

21. See, e.g., Steven Erlanger, *Albright Says Consensus Is Emerging on the Future of U.S. Troops in Bosnia*, N.Y. TIMES, Nov. 6, 1997, at A8.

22. See generally THE EVOLUTION OF U.N. PEACEKEEPING (William J. Durch ed., 1993).

23. See Brian S. Mandell, *The Cyprus Conflict: Explaining Resistance to Resolution*, in CYPRUS: A REGIONAL CONFLICT AND ITS RESOLUTION 201, 221 (Norma Salem ed., 1992).

of basic infrastructure such as power and water supplies.<sup>24</sup>

Although monitoring cease-fire provisions is a key element in any peacekeeping/peacebuilding operation, another equally important function is assisting in the demobilization of local security forces. Demobilization is "the process by which the armed forces (government and/or opposition factional forces such as guerrilla armies) either downsize or completely disband."<sup>25</sup> A restructuring of the armed forces to include an "ethnically and/or politically balanced 'national army,'" may also be part of demobilization.<sup>26</sup> Demobilization, disarmament, and restructuring of armed forces are individually and collectively politically sensitive and challenging tasks. When they are not effectively undertaken, either because they are not included in the initial negotiated settlement or because the job is done poorly, the peace process has a greater chance of breaking down.

Evidence suggests that the generally more successful peace settlements in El Salvador, Mozambique, and Namibia were achieved in part because the complete or partial demobilization of forces occurred and because some effort was made to reintegrate guerrilla factions into a reformed military, and/or into the civilian sector.<sup>27</sup> Where settlements failed and various parties opted out of the peace process, as in the 1991 Bicesse accords in Angola,<sup>28</sup> the suspension or collapse of demobilization plans has been followed by the resumption of fighting.

The case of Cambodia illustrates the problems that arise when demobilization plans go awry. Under the terms of the Paris Peace Accords for Cambodia, the United Nations was to demobilize and disarm seventy percent of each of the four factional armies and supervise the activities of the remaining thirty percent before elections for a new constituent assembly.<sup>29</sup> To help with this task, United Nations Transitional Authority in Cambodia (UNTAC) deployed nearly 16,000 military personnel.<sup>30</sup> However, the Khmer Rouge refused to participate in the peace process and repeatedly failed to meet schedules for cantonment, demobilization, and disarmament. This failure led to the eventual suspension of the second phase of the demobilization program, leaving more than half a million Cambodians

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24. See James H. Wolfe, *The United Nations and the Cyprus Question*, in *CYPRUS: A REGIONAL CONFLICT AND ITS RESOLUTION* 232 (Norma Salem ed., 1992); Adam Roberts, *The Crisis in U.N. Peacekeeping*, in *MANAGING GLOBAL CHAOS*, *supra* note 3, at 300-02.

25. THE WORLD BANK, *DEMOBILIZATION AND REINTEGRATION OF MILITARY PERSONNEL IN AFRICA: THE EVIDENCE FROM SEVEN COUNTRY CASE STUDIES*, Report No. IDP-130, at vi (1993).

26. *Id.* at viii.

27. See ERIC BERMAN, UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH, *MANAGING ARMS IN PEACE PROCESSES: MOZAMBIQUE* 77-81 (1996).

28. For an excellent account of the failure of the Bicesse Accords and peace process, see MARGARET ANSTEE, *ORPHAN OF THE COLD WAR: THE INSIDE STORY OF THE COLLAPSE OF ANGOLAN PEACE PROCESS, 1992-93* (1996).

29. See *Letter Dated 30 October 1991 From the Permanent Representative of France and Indonesia to the United Nations Addressed to the Secretary-General*, U.N. GAOR/SCOR, 46th Sess., Annex 2, Agenda Item 24, art. v, ¶ 1, U.N. Doc. A/46/608 & S/23277 (1991).

30. See Carl Kaysen & George W. Rathjens, *Send in the Troops: A U.N. Foreign Legion*, WASH. Q., Winter 1997, at 207.

armed.<sup>31</sup> Although legitimate national elections were held in an atmosphere that was generally free of violence and political intimidation, the suspension of the demobilization plan mandated by the Paris agreements has continued to plague the restoration of civilian rule in Cambodia.<sup>32</sup>

Similarly, the absence of comprehensive demobilization and disarmament provisions in the Dayton Accord has perpetuated the existence of three armies in Bosnia-Herzegovina—one in the Serb Republic and two others in the Muslim-Croat federation. This has adversely affected the implementation of the Accord.<sup>33</sup> In the post-election drift towards partitioning, the well-armed forces of all three sides present a continued threat to political stability and inter-ethnic relations.

Demobilization and reintegration of former military personnel are key peacebuilding objectives, but achieving them is a highly political process. As a major study by the World Bank notes:

[b]ecause DRP [demobilization and reintegration of military personnel] is essentially a political process, particularly in countries emerging from civil strife, the first step in determining whether investment in reintegration programs is warranted would be to assess the strength of the political settlement preceding demobilization and the commitment of a key stakeholder, the military. Appropriate economic incentives (such as demobilization allowance and targeted reintegration programs) can *facilitate* the DRP process, but sufficient political incentives are key to determining whether demobilization will succeed.<sup>34</sup>

Such a process is ultimately linked to the specific terms of the political settlement as well as to the commitment of previously warring parties to abide by those terms.

### III. "Proxy" Governance Challenges

Restoring the infrastructure and administrative capacity of a war-torn state is a major challenge of peacebuilding. This challenge can be met by what might be termed "proxy governance." Most civil conflicts take a severe toll on the administrative and fiscal capacity of the state and its various institutions. In a "proxy governance" undertaking, an external party<sup>35</sup> takes over some of the key administrative functions of the state until local authorities are able to perform those functions themselves. Proxy governance can help with the administration and governance of the State, contributing to a more stable social, political, and economic order. However, proxy institutions usually lack political legitimacy. Consequently, they lack the trust

31. See JANET E. HEININGER, *PEACEKEEPING IN TRANSITION: THE UNITED NATIONS IN CAMBODIA* 37-38 (1994).

32. See UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH, *MANAGING ARMS IN PEACE PROCESSES: CAMBODIA* 22-30 (1996). Another reason for the failure to restore civilian rule in Cambodia was the inability of the two partners in the coalition government to work effectively together. *Id.* at 46-56.

33. See Crocker & Hampson, *supra* note 16, at 15.

34. THE WORLD BANK, *supra* note 25, at 95.

35. Such as a non-governmental organization (NGO) or an international agency such as the United Nations.



and support of the people. As a result, they often have difficulty performing basic administrative tasks and providing essential services to the people.<sup>36</sup>

The term "proxy" describes well the functions of these external parties, because they are temporary stand-ins for local authorities who are unable or unwilling to perform the needed administrative tasks themselves. Once the situation has stabilized and local authorities have the resources and personnel to provide these services themselves, these responsibilities generally are turned over to those local officials.

In Cambodia, proxy governance by UNTAC was extensive. The elections for a new Cambodian government were organized by UNTAC.<sup>37</sup> The U.N. authority's civil administration unit also took over those government bodies or agencies perceived as vulnerable to outside manipulation because of the risk that control of the agencies would confer power to influence the election process. The proxy-governed agencies included those concerned with foreign affairs, national defense, finance, information, and public security.<sup>38</sup> Once the new government had been established, UNTAC relinquished its control over these bodies.<sup>39</sup>

In Namibia, the United Nations Special Representative had extensive review powers over the activities of the local South African Administrator-General and helped draft electoral laws and plans for a Constituent Assembly.<sup>40</sup> In El Salvador, the United Nations Observer Mission in El Salvador (ONUSAL) was involved in reforming the judiciary, political institutions, armed forces, and police. This involvement was quite extensive, going well beyond ONUSAL's initial mandate.<sup>41</sup> Various U.N. agencies, such as the United Nations Development Program (UNDP) and the United Nations High Commission on Refugees (UNHCR), also played key roles in helping El Salvador with its social, political, and economic reforms.<sup>42</sup>

However, the difficulties experienced by UNTAC's civil administration unit in Cambodia indicate that proxy governance is a difficult undertaking. Successful implementation of proxy governance can be hindered by: delays in deployment; a third party's lack of familiarity with local conditions; culture and forms of government; and the lack of a cease-fire which can upset timetables and thwart cooperation among the parties. There is also the danger that if the external parties become too involved in governing, they will be subject to charges of neocolonialism. The situation in El Salvador, where the United Nations was criticized by some for over-

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36. See Jarat Chopra, *U.N. Civil Governance-in-Trust*, in *THE UNITED NATIONS AND CIVIL WARS* 69, 80-81 (Thomas G. Weiss ed., 1995).

37. See TREVOR FINDLAY, *CAMBODIA: THE LEGACY AND LESSONS OF UNTAC* 15, 55-56 (1995).

38. *Id.* at 32.

39. *Id.* at 97.

40. See NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS, *NATION BUILDING: THE U.N. AND NAMIBIA* 76-77 (1990).

41. See U.N. PEACEKEEPING, *AMERICAN POLITICS, AND THE UNCIVIL WARS OF THE 1990S*, *supra* note 15, at 88-95.

42. See HAMPSON, *supra* note 13, at 161, 232.

staying its welcome, illustrates this risk.<sup>43</sup> Furthermore, if outsiders become too intrusive, they may actually weaken local infrastructure and institutions rather than strengthening them.<sup>44</sup> Therefore, it is important to set clear and realistic peacekeeping and peacebuilding mandates that are sensitive to local conditions, do not unduly compromise local sovereignty and autonomy, and limit intervention to areas where the need is compelling and mandates can be properly executed. Otherwise, outside efforts to develop local governance structures will be counterproductive and possibly self-defeating.

#### IV. Establishing Democracy and the Rule of Law

The third major challenge of peacebuilding is the development of democratic institutions and the establishment of the rule of law. This is perhaps the most difficult challenge because this peacebuilding function directly involves outsiders in the shaping of domestic institutions and political practices. Understandably, this involvement is often perceived by the war-torn nation as a threat to its sovereignty. Additionally, the challenge is at the heart of both the relationship between peace and democracy and the issue of whether a stable political order must also be a "just" one.

One of the major findings of social scientists who have examined the relationship between peace and democracy in recent years is that there is a strong, positive statistical correlation between peace and democratic political institutions: democratic states are more likely to be internally stable and less likely to engage in wars with other democratic states.<sup>45</sup> However, the relationship between peace and democratization is far more problematic. As Edward Mansfield and Jack Snyder argue, there is also a strong statistical correlation between states undergoing the transition to democracy and the outbreak of war:

[C]ountries do not become mature democracies overnight. More typically, they go through a rocky transitional period, where democratic control over foreign policy is partial, where mass politics mixes in a volatile way with authoritarian elite politics, and where democratization suffers reversals. In this transitional phase of democratization, countries become more aggressive and war-prone, not less, and they do fight wars with democratic states.<sup>46</sup>

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43. See Reed Brody, *The United Nations and Human Rights in El Salvador's "Negotiated Revolution,"* 8 HARV. HUM. RTS. J. 153, 160-61 (1995).

44. See Eva Betram, *Reinventing Governments: The Promise and Perils of United Nations Peace Building,* 39 J. CONFL. RES. 387, 390-93 (1995); Alvaro de Soto & Graciana del Castillo, *Obstacles to Peacebuilding,* FOREIGN POL'Y, Spring 1994, at 69.

45. See, e.g., Michael Doyle, *Liberalism and World Politics,* 80 AM. POL. SCI. REV. 1151, 1151-69 (1986); BRUCE RUSSETT, *GRASPING THE DEMOCRATIC PEACE* (1993); Bruce Russett, *And Yet It Moves (Bruce Russett on the Democratic Peace),* INT'L SECURITY, Spring 1995, at 164, 164-67.

46. Edward D. Mansfield & Jack Snyder, *Democratization and the Danger of War,* INT'L SECURITY, Summer 1995, at 5.

The reasons for this instability lie in the fact that popular appeals made by the elites of society to mobilize the newly empowered masses are typically based on a volatile mix of ideology and nationalism.

Mansfield and Snyder's findings have important implications for peacebuilding efforts aimed at promoting democracy via elections, the formation of political parties, and the process of democratization. In the unstable social, economic and political environment of societies that are coming out of a civil war, a too-rapid shift to democracy may actually prove counterproductive if pressures for political participation cannot be accommodated by the newly created political institutions.<sup>47</sup> The result may be more rather than less political instability, resulting in an increased likelihood of intercommunal violence and war.

The decision about when to hold elections in a recently pacified nation illustrates some of these risks. In some circumstances, an election becomes a deadline for an ethnic plebiscite. A poorly prepared and inadequately supervised election in Angola in 1992 was a major factor contributing to escalated warfare.<sup>48</sup> Separate elections in the republics of Yugoslavia in 1990 empowered ethnic nationalists and paved the way for the intercommunal warfare that led to the breakup of the federated union.<sup>49</sup> Also, the Bosnian elections in 1996 arguably strengthened rather than weakened the position of ethnic nationalists in the Muslim-Croat Federation and the Republic of Srpska.<sup>50</sup>

Democratization efforts (whether sponsored externally or promoted indigenously) need not have calamitous results. To avoid calamities, however, more attention has to be paid to the timing of elections and to pairing elections with power-sharing formulas that promote stability amongst competing political factions. There is strong circumstantial evidence to suggest that power-sharing among winners and losers is conducive to successful peacebuilding.<sup>51</sup> Unless there is some form of compensation, those who lose at the ballot box will have a strong incentive to take up arms again and resort to force to achieve their political objectives. For example, the lack of a power-sharing arrangement is one reason why the 1991 Bicesse Accords in Angola fell apart.<sup>52</sup> In contrast, the elections that followed the peace settlement in Cambodia resulted in a coalition government between the ruling Cambodian People's Party and the United National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia, which had

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47. The classic exposition of this thesis is to be found in SAMUEL P. HUNTINGTON, *POLITICAL ORDER IN CHANGING SOCIETIES* 140-91 (1968).

48. See HAMPSON, *supra* note 13, at 108-18.

49. See generally SUSAN WOODWARD, *BALKAN TRAGEDY: CHAOS AND DISSOLUTION AFTER THE COLD WAR* (1995).

50. See James A. Schear, *Bosnia's Post-Dayton Traumas*, *FOREIGN POLICY*, Fall 1996, at 87, 96.

51. See, for example, Donald L. Horowitz, *Making Moderation Pay: The Comparative Politics for Ethnic Conflict Management*, in *CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES* 451, 471 (Joseph V. Montville ed., 1991); Arned Lijphart, *The Power Sharing Approach*, in *id.* 491 *passim* (1991).

52. See HAMPSON, *supra* note 13, at 89.

won the popular vote.<sup>53</sup> In Cambodia, the parties recognized early on that a coalition government was necessary to appease rival factions and advance the process of national reconciliation.<sup>54</sup>

In the absence of power-sharing mechanisms or provisions to develop inclusive coalitions, a settlement must at a minimum establish a level playing field and give access to the political process to formerly excluded groups. Everybody must have a sense that they can participate and that the distribution of political power is not zero-sum game.

When arguing for power-sharing arrangements, we must recognize that there is no single formula or preferred model that can be taken "off the shelf" and applied to any given country. Historically, a wide range of practices and approaches have been used in different power-sharing arrangements.<sup>55</sup> Generally, arrangements imposed from the outside do not work as well as arrangements developed internally and tailored to local conditions. For example, the power-sharing formula devised for Cyprus by British, Greek, and Turkish authorities in the 1959 Zurich-London Accords resulted in a constitution that was too rigid to accommodate the conflicting demands of Greek majority rule and Turkish minority rights.<sup>56</sup> Also, power-sharing arrangements better encourage democratic practices and institutions when they are embraced by moderate political leaders who are able to adapt when faced with conflicts between contending communal interests.

On the issue of human rights, one of the unfortunate characteristics of civil wars is the frequency of atrocities and human rights violations. To fashion a new social order based on the rule of law and accepted principles of justice, respect for human rights and due process in these institutions must be nurtured. The security institutions of the state, namely, the armed forces and the police, are usually suspected of the human rights violations because many view them as instruments of state coercion of some or all of the people.<sup>57</sup> Reform of these institutions is usually fundamental to the peace process and to the consolidation of democratic reforms. However, the dismantling and/or reform of these institutions can lead to anarchy and violence in a society that is unaccustomed to the rule of law and in which elites feel threatened by the proposed democratic changes.<sup>58</sup> Similar problems confront attempts to reform the judiciaries and legal systems of recently pacified nations because some citizens see these institutions as instruments of repression and state-sponsored violence.<sup>59</sup>

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53. *Id.* at 199-200.

54. This is true even though the coalition later broke up when Hun Sen seized power and threw out his coalition partner Crown Prince Norodom Ranariddh Sihanouk. See *Cambodia's Bitter Partnership*, THE ECONOMIST, Feb. 1, 1997, at 37.

55. See TIMOTHY D. SISK, POWER SHARING AND INTERNATIONAL MEDIATION IN ETHNIC CONFLICTS 77-86 (1996).

56. See CHARLES FOLEY & W.I. SCOBIE, THE STRUGGLE FOR CYPRUS 160-63 (1975).

57. See HAMPSON, *supra* note 13, at 229.

58. See *id.* at 21.

59. See *id.* at 229.

In El Salvador, the deployment of ONUSAL's human rights monitoring team before the fighting had ended and the final accords were signed helped instill a sense of confidence among the parties to El Salvador's nascent peace process.<sup>60</sup> ONUSAL investigated situations involving human rights violations and followed up on these investigations with relevant parties in the Salvadoran government.<sup>61</sup> ONUSAL also developed regional and local contacts with the main political, judicial, and military authorities, and maintained ongoing contact with the guerilla resistance movement's (FMLN) leaders inside the country.<sup>62</sup> By working closely with local human rights organizations, ONUSAL was able to design a human rights program for the armed forces, a group responsible for some of the worst human rights abuses in the country.<sup>63</sup> Third parties can help advance the cause of justice by putting parties on notice that certain actions and behaviors will not be tolerated and that human rights violations will be punished. The El Salvador experience illustrates that the promotion of human rights early in the peacebuilding process serves as an important confidence-building measure during later negotiation of a formal settlement.

There is an obvious tension between conflict resolution on the one hand, and, on the other, the promotion of human rights, judicial reform, and the development of legal systems governed by due process. Peace and justice do not always work in tandem. The need to establish power sharing structures that accommodate rival factions and interests may well clash with the desire to punish perpetrators of human rights abuses. Similarly, the need to reform the police and the military may be at odds with the practical need to bring those powerful groups into the peace process. Without peace there can be no justice. Without justice, democratic institutions, and the rule of law, the peace will not last. However, the political requirements for reaching a peace settlement may clash with the desire to lay the foundations for long-term democratic stability. These potential compromises prompt the question of which model works best in a given situation, the power-sharing conflict manager's model,<sup>64</sup> or the democratizer's political justice model?<sup>65</sup> Empirical evidence suggests that a concern for justice must be tempered by the realities of negotiation and by the parties' interests in reaching a political settlement.

In Cambodia, for example, implementation of the human rights provisions in the Paris Peace Accords was weak, not only because of the practical

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60. See *id.* at 167.

61. See *id.* at 138-39.

62. See *id.* at 149.

63. See *id.* at 150; *United Nations Observer Mission in El Salvador: Report of the Secretary-General*, U.N. SCOR, 47th Sess., ¶ 4, U.N. Doc. S/23642 (1992).

64. See generally ELUSIVE PEACE: NEGOTIATING AN END TO CIVIL WARS (I. William Zartman ed., 1995); DONALD K. HOROWITZ, *ETHNIC GROUPS IN CONFLICT* (1985); SISK, *supra* note 55; David A. Lake & Donald Rothchild, *Containing Fear: The Origins and Management of Ethnic Conflict*, INT'L SECURITY, Fall 1996, at 41.

65. See generally TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES 82-103, 292-334, 375-438 (Neil J. Kritz ed., 1995). For a skeptical view of this model, see Timothy D. Mak, *The Case Against an International War Crimes Tribunal for Former Yugoslavia*, 2 INT'L PEACEKEEPING 536 (1995).

difficulties of implementation, but also because "more vigorous pursuit of human rights goals ran the risk of upsetting the delicate political balance that was necessary if the elections were to take place."<sup>66</sup> Moreover, in "a country with a history of human rights abuses that approached genocide, it was going to be an uphill task to educate the population, to develop indigenous human rights organizations, and most [importantly], to develop mechanisms that would truly protect the peoples from human rights abuses."<sup>67</sup> That being said, by opting out of the elections, the Khmer Rouge, which was guilty of the worst human rights in Cambodia, isolated itself and weakened its own political position.<sup>68</sup>

In El Salvador, all of the parties were sensitive to the need to address human rights problems at the outset of the peace process.<sup>69</sup> The success of the Salvadoran peace process is largely attributable to the fact that political reform was linked to the promotion of human rights and to the accountability of those who were guilty of the worst human rights abuses.<sup>70</sup> However, given the volatile conditions in El Salvador and the fact that the local efforts to investigate human rights abuses were not feasible or credible, international authorities were needed to evaluate and assess the evidence assembled by local interests.<sup>71</sup> The Truth Commission helped to develop greater local confidence in the peace process and bolstered efforts to reform the judicial system and the security institutions of the state.<sup>72</sup> However, the slow pace of judicial reform in El Salvador reflects the fact that significant obstacles to such reforms remain.

Other examples of the compromises necessary to enact reforms abound. In Namibia, all parties recognized the need to both develop strong democratic institutions based on the rule of law and to entrench minority rights in the Constitution.<sup>73</sup> In Cambodia, the question of accountability for war crimes committed during the Pol Pot regime was controversial and was further complicated by the struggle for political power between Hun Sen and Ranariddh Sihanouk.<sup>74</sup> The decision by the Cambodian government to grant amnesty to some senior members of the Khmer Rouge showed that the government prioritized accountability for war crimes and genocide behind political stability and national reconciliation.<sup>75</sup> NATO's unwillingness to round up those charged with war crimes in Bosnia at the point when the Implementation Force (IFOR) had strength on the ground

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66. See JANET E. HEINENGER, *PEACEKEEPING IN TRANSITION: THE UNITED NATIONS IN CAMBODIA* 39 (1994).

67. See *id.*

68. See FINDLAY, *supra* note 37, at 87.

69. See HAMPSON, *supra* note 13, at 138-40.

70. See *id.*

71. See *United Nations Observer Mission, supra* note 63.

72. See Mark Ensalaco, *Truth Commissions for Chile and El Salvador: A Report and Assessment*, 16 HUM. RTS. Q. 656 (1994).

73. See HAMPSON, *supra* note 13, at 69.

74. See *Accounting for War Crimes in Cambodia*, PEACE WATCH, (United States Institute of Peace, Wash., D.C.), Oct. 1995, at 2.

75. See Nayan Chanda, *Cambodia: Face the Facts: Interview, Inside Account Links Ieng Sary to Killings*, FAR EASTERN ECON. REV., Sept. 26, 1996, at 22.

adversely affected the peace process and, in the eyes of some, represented a lost opportunity. The failure to address these human rights concerns has further undermined the credibility of the international community and, in particular, those responsible for implementing the Dayton Accord.

The problem in any settlement process is not how to resolve the theoretical tension between human rights, democracy, and power sharing. It is how to work with parties who are reluctant to enter into a settlement that provides significant protection for human rights. The initial challenge for third parties is to advance the cause of human rights without undermining the settlement itself. Once the political situation has stabilized, the challenge remains to foster institutional mechanisms that will advance human rights and democratic development. Third parties should play a substantial role in investigating human rights abuses and other war crimes. They should also evaluate evidence assembled by local authorities before arrests for human rights violations are made. In the fragile political climate that exists following a settlement, the temptation for retribution and revenge are considerable. International commissions and tribunals bring an element of impartiality that is necessary to restore faith in the judicial process and in the rule of law. It is unwise and unreasonable to expect parties to be able to establish or re-establish the rule of law and due process on their own. Therefore, peacebuilding must prioritize third party involvement in this aspect of the peace process.<sup>76</sup>

## V. Social and Economic Challenges

A stable economy and the developed infrastructure upon which it rests are important to the effective performance of representative government. Therefore, successful long-term peacebuilding requires maintenance or development of the infrastructure and economy of a post-conflict nation. International development agencies and nongovernmental organizations can make significant contributions to this particular aspect of post-conflict peacebuilding.

Economic reconstruction involving major infrastructure projects takes months to plan, years to implement, and a level of resources that most nongovernmental organizations (NGOs) cannot provide. Hence, the World Bank and the regional banks, like the Inter-American Development Bank, play a crucial role in economic reconstruction. These banks can provide loans and lines of credit as well as coordinate reconstruction aid.<sup>77</sup> The coordination of donor efforts is increasingly recognized as a fundamental ingredient for successful peacebuilding, even though such coordination is difficult to achieve because of turf battles among competing agencies.<sup>78</sup> Leadership is necessary to establish priorities in social and economic

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76. On the issue of how new societies can redress past abuses and develop the rule of law, see generally TRANSITIONAL JUSTICE, *supra* note 65.

77. See NICOLE BALL & TIMOTHY HALEVY, MAKING PEACE WORK: THE ROLE OF THE INTERNATIONAL DEVELOPMENT COMMUNITY 81-102 (1996).

78. See *id.*

reconstruction efforts and to channel scarce resources to where they will be most effective. But cooperation between donor countries and greater levels of NGO cooperation will accomplish little unless the local security environment is conducive to reconstruction. To be effective, reconstruction and development require a threshold level of security and political order. While some development assistance projects can promote confidence-building and improve social relations at the community level, others may worsen social and political relations if certain groups are "privileged"—i.e. seen to be getting scarce resources at the expense of others.<sup>79</sup> Thus, to be effective in advancing the peace process, development assistance programs have to be established with sensitivity to local conditions.

There are various views about when and how donors should become involved in the peacebuilding process. Nicole Ball argues that

[d]uring the negotiation phase, a relatively modest amount of resources should be devoted to planning and to building collaborative relationships with the parties to the conflict. The speed with which events occur once peace agreements are signed argues very strongly in favor of donor involvement at the earliest possible moment in the peace process.<sup>80</sup>

One of the principal reasons why Ball feels that donors should play a larger role in the negotiation process is that this allows economic issues to be dealt with in a "realistic manner" and helps to downgrade expectations by determining what levels of assistance will be available and forthcoming from potential donors.<sup>81</sup> Ball also recognizes the importance of tying economic and development assistance and programs in war-torn societies to a *negotiated* peace settlement.<sup>82</sup> This further underscores the point made above that peacebuilding activities cannot and should not be carried out in a political vacuum. The real test is whether the parties to the conflict themselves are willing to live up to the terms of a negotiated political settlement and to allow post-conflict reconstruction efforts to move forward. If the parties are not, then all of the assistance in the world will achieve little in the way of social and economic reconstruction.

## Conclusion

The concept of peacebuilding is problematic, in part because of the overly expansive definition given to the concept of peacebuilding. Including in the definition every activity associated with the prevention, management, and resolution of conflict has created considerable conceptual *and* operational confusion. As argued here, the concept of peacebuilding should be linked to the notion of a political settlement and to the idea that there is a peace to be kept and a political process to build upon.

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79. *Id.* at 83-84.

80. Nicole Ball, *The Challenge of Rebuilding War-Torn Societies*, in *MANAGING GLOBAL CHAOS*, *supra* note 3, at 613.

81. *Id.*

82. *Id.* at 621-22.



A second and related difficulty with the concept stems from the definition of "success." At issue is what constitutes successful peacebuilding. For some, the peacebuilding process must produce a set of arrangements that lasts for years (perhaps generations). The problem with this definition is one of infinite regress—that is, exactly when do we conclude definitively that a peace settlement has succeeded? Using this definition, we can never reach such a conclusion because the prospect of failure is always just around the corner. Because success is relative, it is perhaps more useful (certainly in operational terms) to measure success at different phases or stages of the peace process. Because the renunciation of violence by warring factions is clearly a necessary precondition for the restoration of political order, the definition of success begins with the ending of civil violence and armed confrontation. But success, in this sense, is only partial. For a settlement to be durable, institutions and support structures must be put in place so that the parties are discouraged from taking up arms again.

Further or continued success is thus associated with the comprehensiveness and durability of confidence-building measures that are put in place during the post-settlement, or peacebuilding, phase. Beyond keeping the peace itself, the list of tasks includes (1) demobilizing armed forces on all sides; (2) reintegrating combatants and displaced populations into the society and economy of a country; (3) redefining the role of military and police forces in the maintenance of law and order via judicial and institutional reforms which advance the rule of law; (4) building communities and allowing them to survive by coordinating short-term emergency assistance and long-term development assistance; and (5) addressing the needs of particularly vulnerable sectors and groups in society, such as women and children.

The ultimate success of the peacebuilding process in situations of civil conflict is thus directly related to a society's ability to make the transition from a state of war to a state of peace marked by the restoration of civil order, the reemergence of civil society, and the establishment of participatory political institutions. However, we must recognize that this process takes many years and that democratization is fraught with risk. These risks are not insurmountable but prudence is desirable. The fact that we now seem to be entering a period of diminished expectations about the prospects and possibilities of peacebuilding should not deter us from the challenges of rebuilding war-torn societies. Not only can external parties, both governmental and non-governmental, make a difference, but the demands for such assistance are likely to grow, not diminish, in the years ahead.