Addressing Ethnic Divisions in Post-Conflict Institution-Building: Lessons from Recent Cases

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Where the lines of an armed conflict coincide with ethnic boundaries, the political salience of ethnicity increases. In post-conflict situations that may seem defined by 'ancient hatreds', the political salience and character of ethnic identities remain dynamic. Bringing together contributions from the comparative politics literature on power-sharing and the policy-dominated field of post-conflict peacebuilding, this article examines how ethnic divisions have been addressed in recent cases of institution-building directed by international forces following military intervention – in Bosnia, Kosovo, Afghanistan, and Iraq. It finds that an 'assumption of intransigence' has often influenced decisions on institutional design, and that the institutionalization of ethnicity has become an important hindrance to peacebuilding. Against this background, the article argues in favor of institutional designs that do not fixate the accentuation on ethnicity in politics: more flexible ways should be sought to assure inclusivity and representativeness for different ethnic groups. There exists a wide range of institutional-design options that can be combined, on the basis of in-depth assessments of each individual conflict, to de-ethnicize politics and build sustainable peace.

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ETHNIC IDENTITIES ARE DYNAMIC both in their salience and in their character, even when an armed conflict has deepened divisions between groups and seen ethnicity rise to become an all-dominant social marker. Important opportunities for peacebuilding may be lost if intervening actors fail to acknowledge the dynamic nature of ethnicity and opt for policies that institutionalize ethnic differences. From Bosnia to Kosovo, from Afghanistan to Iraq, transformative movement towards reconciliation, albeit slow, can be enabled by policies that are flexible with regard to ethnic divides – or blocked by ones that are rigid.

Approaches to institution-building in the wake of armed ethnic conflict vary in terms of ambition. Some treat the current level of conflict as a fixed condition and aim merely to contain the situation so that violence does not break out again. A more ambitious approach, however, might aim to reduce the level of conflict by affecting existing conflict patterns in a more profound way. This article is in agreement with the latter approach. In order to manage ethnic conflict, the current face of a particular conflict must be addressed; this is important for the legitimacy of institutions, and consequently for social stability. However, there is a danger that institutions are built on an implicit *assumption of intransigence* – an assumption that the nature and intensity of ethnic divisions are beyond transformation. Accordingly, it is argued here that the level of sensitivity to conflict patterns on the part of the authorities designing new institutions is critical to a peace process. Ethnic divisions must be addressed, but attempts should be made to reduce their salience. This may be achieved through the creation of institutions that, while providing for proportional ethnic representation in the immediate post-conflict setting, do not fixate the accentuation on ethnicity in politics or counteract achievements towards a de-ethnicization in other sectors of society. Moreover, each institution should ideally contribute towards a long-term de-ethnicization of politics, by encouraging contacts and trust-building across ethnic boundaries.

In developing this argument, I will begin with a section that spells out and exemplifies the claim that ethnicity tends to gain in salience during armed conflict. Then, the article will bring together findings from researchers and practitioners on how external administrators have addressed ethnic divisions through various approaches to institutional design in a number of post-conflict societies since the mid-1990s – and the problems they have encountered.[1] Thereafter, a number of recommendations for institutional design, inspired by these experiences, will be developed and contextualized in relation to the main scholarly approaches to power-sharing: consociationalism and the integrative approach. Extending this discussion, the article will then introduce the model of multiculturalism. While this model has been strangely absent in major works on post-conflict reconstruction and peacebuilding, it can both identify aims and prescribe mechanisms for peacebuilding after armed conflict.

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[1] 'External administration' is used in this article to encompass both 'international administrations' – understood as UN-led administrations such as UNMIK in Kosovo or UNTAET in East Timor – and political authorities such as those established by the United States in Iraq. It is also assumed that the formal transfer of power to local authorities, such as the Afghanistan Transitional Authority or the interim government in Iraq, should not necessarily be seen as the end of *de facto* external administration.

Ethno-Accentuation in Post-Conflict Societies

Where the lines of an armed conflict coincide with ethnic boundaries, the salience of ethnicity increases. The boundaries between ethnic groups may have been clearly delineated long before a conflict breaks out, with low inter-action between groups and low rates of ethnic re-identification or marriage across ethnic boundaries; still, much is destroyed when the social dynamics of armed conflict start to unfold. Other identities – such as regional, gender, or class identities – fade in significance, and ethnicity, when it marks the line between warring parties, becomes the all-dominant marker. Furthermore, armed conflicts often have the effect of merging smaller groups into larger ones. Several mechanisms bring this about. The existence of a common enemy – and one who treats different groups as being one and the same – is one such mechanism. Conversely, when an armed conflict is over, the absence (or reduced presence) of a common enemy can cause old internal divisions to resurface.[2]

Once a conflict has escalated to the point of war, it is easy to forget that rela-tions between ethnic groups may have been significantly more relaxed in the preceding years. In Bosnia and Herzegovina, for example, the post-World War II history tells of inter-ethnic relations with high levels of accommoda-tion, contact, and trust. Another good illustration of how ethnic identities are not static is the case of Afghanistan's wars. In Afghanistan, the ethnicization of conflict since the late 1970s has been explicitly identified by several scholars. Olivier Roy (1995: 105), for example, has described how a 'process of ethnicization' played out in Afghanistan during and after the fight against the Soviets.

As Diamond, Linz & Lipset (1995: 43) have pointed out, the presence and even generation of cross-cutting cleavages is one of the means by which democracies 'manage, soften, complicate, and contain conflict'. However, as they have also stated, such cross-cutting cleavages tend to be scarce or weakly felt in the deeply divided societies of Africa and Asia. In post-conflict societies, non-ethnic identities are even weaker and fostering them is diffi-cult, because the fabric of society has been torn by the previous conflict. In some cases, those who are most unwilling to transcend ethnic boundaries or allow for their salience to be reduced again are the political leaders them-selves, who have little incentive to appeal outside their own groups. Furthermore, such leaders may themselves be among those who actively encouraged an ethnicization of conflict, and it remains in their rational self-interest to present themselves as representatives and defenders of their particular ethnic groups.

[2] A recent example of this can be seen in East Timor, where prejudices between Firacos and Caladis – people from the eastern and western regions of East Timor – have gained in prominence since 1999. In particu-lar, this has been an issue in the creation of new military and police forces. See Simonsen (forthcoming).

A particularly important expression of the all-dominant role of ethnicity is the pattern of voting in elections – the so-called ethnic-census outcome – where support for parties or candidates closely follows ethnic lines. Underlying an individual's choice to vote in ethnic terms are both a fundamental lack of *trust* and an expectation that someone from his or her own group will represent his or her interests better than someone from a different group. (An alternative view would hold that representation is not determined by likeness, but by issues. A male politician could thus represent the interests of female citizens, and a black politician the interests of white citizens.) The idea of representation at play here is not one of *delegation*, but rather one of *embodiment*. And the one variable that is seen as critical for representation in the highly conflictual post-conflict setting is ethnicity. Priorities that follow from such a categorization thus overrule political issues that might otherwise define voting preferences. Thus, Serbs will vote for Serb parties and Albanians for Albanian parties in Kosovo. In Afghanistan, presidential candidate Hamid Karzai can, as a Pashtun, expect broad support from the large Pashtun electorate. In Iraq, a similar pattern is intensifying between different religious, ethnic, and tribal groups. An assembly elected under such circumstances may come to resemble a microcosm of the population – but primarily in relation to the single variable of ethnicity.

A political system with a pronounced pattern of 'ethnic census' voting can be highly unstable. Where one ethnic group is clearly larger than the others, the relative distribution of population groups does not allow for uncertainty in elections. In a direct presidential election, for example, it is difficult for someone from outside the majority group to be elected. Similarly, the majority group will easily be able to overrule the minority in parliament. In much of the Balkans, for example, the ethnic census is a regular feature of elections. Kosovo provides a very clear illustration of the problem of permanent exclusion. Here, although Serbs and other minorities hold twice as many seats in the assembly as their share of the population would suggest, Albanian parties (representing some 90% of the population) still control 80% of the seats and have no need to accommodate the minority parties. As long as voting follows ethnic lines, minorities may have representation but little or no real political influence. When such an extreme scenario plays out, quotas are not enough to realize UNMIK's ambition of rooting 'multi-ethnicity' in Kosovo. Simple mathematics suggest that part of the solution must be to de-ethnicize politics.

Institutionalizing Ethnic Divisions: Risks for External Administrations

Recent cases of external administration offer a number of interesting insights into the dynamics of post-conflict institution-building and peacebuilding. Whereas the reasons for the use of force by external actors may have varied in cases spanning from Bosnia to Iraq,[3] establishing and maintaining peace and stability has been an essential criterion for success: for many, the events of 11 September 2001 demonstrated the risks involved in leaving failed states to themselves. This desire for peace and stability and the involvement of broad international missions within the various local administrations would suggest that we could expect a longer-term, disinterested orientation in these cases. In turn, this should express itself in efforts to address deep societal divisions. In Bosnia, Kosovo, East Timor, Afghanistan, and Iraq, new administrations have assumed power following the defeat of regimes of oppression with an ethnic dimension. However, while the new administrations have come about as a result of military victories, the solutions they advance in institutional design in many ways remind one more of negotiated conflict settlements in terms of how different ethnic groups (if not political parties) have been included. In these cases, external international forces have a leverage that makes it possible to break the pattern of zero-sum games, sanction extremist behavior, and enforce a level of accommodation that might not otherwise have occurred. This potential leverage is particularly strong because of the scale of the operations involved and the fact that new institutions are often being built up from scratch. Without such leverage, a victor's peace might have had the internationals give up on the efforts to promote multi-ethnicity in Kosovo, while the United States and its allies in Afghanistan might not have been too concerned about changes in the power balance between ethnic groups following the fall of the (Pashtun-dominated) Taliban. In both of these cases, however, there is much that points to the existence of a desire for inclusion and integration on the part of the external forces, if not necessarily to success (or coherence) in their endeavors.

This push for inclusiveness from international actors should be seen as part of broader efforts towards democratization in these societies. An exclusionary system can hardly be stable in the long run without substantial regime control/coercion, something that cannot be sustained in a more democratic system. If the political system has previously been maintained only through the suppression of opposition, then liberalization and democratization will not easily occur without new instability, as parties that previously had no

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[3] What constitutes a military 'intervention' is a matter of dispute, and the applicability of the term has been questioned for each of the cases discussed here – most properly, in this author's opinion, for the cases of Afghanistan and Iraq.

voice begin to demand representation and a shift in power relations. Thus, while inclusiveness may well be the main factor called for in a democratization process, it may also complicate the political process severely. Inclusion – understood in this case as fair representation of categories of citizens defined by societal cleavages – is essential for the legitimacy of political institutions in divided societies and contributes towards stability. However, the process of shifting from exclusion to inclusion can also drive a stable society towards instability.

Emphasizing inclusiveness in post-conflict institutions is an important part of any long-term peacebuilding strategy. It has also become a prominent part of the policies of external administrations from Bosnia to Iraq. The approach has also been pursued in places where it runs counter to the wishes of the ethnic group or groups that have gained from the outcome of the conflict, and internationals have thus found themselves sacrificing local goodwill in the attempt to include the conflict's losers. The *methods* by which the policy of ethnic inclusion has been pursued in the various cases, however, may be questioned. What we have seen in several cases of external administration since Bosnia is that ethnic divisions have become institutionalized in many sectors. This has reflected the necessity to somehow address divisions that have defined a recent conflict, along with the predominant attitude among the public that only leaders from their own ethnic groups can be trusted to represent them. However, institutionalization of ethnic difference has also taken place on an assumption of intransigence. In Afghanistan in 2001–02, it seems that those in charge felt compelled to make institutions 'ethnic' on the basis of their reading of the post-conflict situation – which, in turn, may well have been influenced by the rhetoric of nationalist political actors. The December 2001 Bonn agreement spoke to the ambition to facilitate peacebuilding in part by referring to the proportional representation of different groups, including ethnic ones, in state organs.[4] After Bonn, the international leverage brought about a government, and government commissions, that were diverse primarily in terms of ethnicity. In Kosovo, the electoral system implies that a party that wishes to benefit from the overrepresentation of Serb (or other minority) parties in the assembly has to pre-register as an ethnically Serb (or other minority) party – a system that is clearly not conducive to cross-ethnic appeals. Minority overrepresentation can only go so far in creating loyalty to institutions. This is particularly clear for the Serbs, who have an ethnic 'kin state' across the border. Not securing a minority voice in the new institutions would represent a lost opportunity for social cohesion in Kosovo, but the continuous focus on percentages is gradually becoming part of the problem. Hopes for a longer-term de-ethnicization of politics

[4] See the Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, Bonn, 5 December 2001.

through the nourishing of integrative, alternative identities or a sense of community through civic allegiance to the new political institutions do not feature in this framework. As Kirsti Samuels & Sebastian von Einsiedel have pointed out, strategies to ensure inclusiveness and representativeness in state-building have thus far been 'rather blunt attempts to achieve some kind of proportional representation' in the transitional government, often by the use of quotas. In Iraq, this dimension of the Interim Governing Council was strongly emphasized by the US interim authority. However, the explicit equation of ethnic or religious identity with civic participation – notably through the use of quotas – runs the risk of 'entrenching or even radicalizing existing ethnic or religious tension' (Samuels & von Einsiedel, 2004: 8).

Still, post-Dayton Bosnia probably remains the best example of how efforts to secure fair representation in a volatile post-conflict situation have institutionalized ethnic divisions, and in turn served to uphold them. So far, there has been scant progress towards de-ethnicizing Bosnian politics, and the institutional framework has been identified as a major hindrance. The Dayton Accord insisted on the territorial integrity of the republic and created a political system that aims to balance the power of the three main ethnic groups – Bosniaks, Croats, and Serbs – with reference to a series of different parameters. Nine years after the peace accord, some successes can be noted: most importantly, as many as one million refugees and displaced persons have returned to their prewar homes – among them, 390,000 to places controlled by an ethnic group other than their own (US Committee for Refugees, 2003: 184). In Sarajevo, roadblocks along the edges of Republika Srpska are gone and inter-ethnic business relations are on the rise. Ironically, it is in the political arena that ethnic divisions are upheld most vigorously. There is little evidence of voting across ethnic boundaries: parties and candidates are above all still 'ethnic', and popular support for nationalist hardliners is not in decline. The international presence, led by the High Representative, can still intervene in Bosnian politics and annul undesirable decisions, but it is significantly less effective in transforming the character of the political process. In the opinion of Ken Booth, democratic elections in Bosnia have indeed 'reinforced ethnic divisions': 'All the signs point to the top-down imposition of elections resulting in the institutionalization of ethnicism' (Booth, 2001: 13, 18). Roberto Belloni (2004: 336–337) has called the post-Dayton peace settlement a classic consociational arrangement, and has described how ethnic quotas 'reinforced the salience of ethnic identity and cleavages, entrenched many of the ethnic divisions that international intervention was supposed to soften and eventually overcome, and risked perpetuating instability'. Florian Bieber (2002: 215) found that the existing power-sharing structures had created 'a curious situation where multi-ethnic parties and candidates promoting a more inclusive conception of political processes are discouraged by the structures of the political institutions, but

promoted by those who designed and defended them'. In sum, there is now a broad academic consensus that, in terms of long-term peacebuilding, Bosnia today looks much like a failure, and it does so specifically because of the across-the-board institutionalization of ethnicity that was part of the Dayton agreement.

An Alternative Approach: Flexible Solutions for Conflict Transformation

So far, the main argument presented here has been expressed primarily in the negative: pointing to the risks involved in institutionalizing ethnic divisions. Such an approach to conflict may be described as conflict *containment*. In this section, I will frame the argument in a positive way, arguing in favor of addressing ethnic divisions using a more flexible model that may facilitate conflict *transformation* – specifically, the reduction of the political salience of ethnicity after armed conflict. Here, the focus is on ethnic identities: not their *character* but rather their *salience* relative to other identities. In this section, I will first introduce what I consider to be two possible entry points for such conflict transformation. Then – while it should be emphasized that this article does not argue in favor of only one specific institutional arrangement – I will provide examples of flexible options within the main categories of political institution design. Finally, I will discuss how my recommendations relate to the academic perspectives of consociationalism, the integrative approach, and multiculturalism. In that discussion, the aim will not be to cover the full range of recommendations of the consociational/integrative perspectives or to detail the disagreements between them. Rather, I am entering the debate between the two from a more specific perspective: the reification of ethnic identities as a consequence of institutional design.

  Identity-based conflict is widely seen to be particularly difficult to manage. Indeed, ethnicity 'represents the most difficult type of cleavage for a democracy to manage', according to Larry Diamond, Juan J. Linz & Seymour Martin Lipset (1995: 42). Consequently, any success here would be important for the purpose of peacebuilding and democratization. Just how realistic it is to aim for such results is disputed. In his seminal *Ethnic Groups in Conflict*, a key work in the integrative strand of theory that was first published in 1985, Donald Horowitz identified several methods of conflict management (notably regional autonomy models), but dismissed others: 'Between the naiveté of those who would abolish ethnic differences in short order through "nation-building", the cynicism of those who would simply suppress those differences, and the pessimism of those who would counsel costly and disruptive partition as the only way out – between these goals, there lurk

passages that are at once less dramatic, less visionary, and more realistic.' Horowitz also spoke of 'measures to contain, limit, channel, and manage ethnic conflict rather than to eradicate it or to aim at either a massive transfer of loyalties or the achievement of some consensus. They involve living with ethnic differences and not moving beyond them' (Horowitz, 2000 [1985]: 599–600). This may seem like a swift rejection of a more optimistic approach. However, incentives towards moderation are a critical part of Horowitz's own prescription for divided societies, and he has (as a criticism of the consociational model) repeatedly highlighted how context impacts on the nature of group identities. By acknowledging 'the plasticity of group identities', he argues, 'the incentives approach can prevent the crystallization of identities of more severe conflict' (Horowitz, 2002: 25). In other words, there is no strong contradiction between Horowitz's perspective and the reasoning presented in this article: that ethnic divisions need not be eradicated for (further) armed conflict to be prevented; believing that patterns of ethnic division can disappear is naïve, but reducing the significance of such divisions *is* possible; and processes to this effect are at play even in the most conflict-ridden societies.

Elsewhere, this author has argued that (post-conflict) nation-building – understood as efforts at and/or a process of (re)building a sense of community within the population of a polity – should be seen as a wide spectrum of processes. This could range from facilitation of refugee returns and the creation of security for minority members to the facilitation of inter-ethnic contacts to promote the development of common interests and loyalty to (even pride in) the same institutions. At the high end of the spectrum, we can envisage processes that maintain the bonds between individuals who already feel a deep sense of community (Simonsen, 2004a: 290). This span of processes is *not* one that signifies an alteration of the character of existing ethnic identities – which, if successful, would eventually lead to ethnic *re*-identification (assimilation) – but rather could be described as *de-ethnicizing* politics, making ethnicity less salient. In deeply divided societies, the salience is already high; in societies that have recently undergone ethnic conflict, it is even higher. If we perceive the salience of ethnicity as a phenomenon of degrees, its reduction no longer appears as utopian, but as a useful and realistic approach that should be integrated into the complex of mechanisms employed for peacebuilding in a post-conflict situation. The development of an overarching national identity is one way in which the political salience of ethnicity can be reduced through the fostering of alternative identities that cut across ethnic divisions – and it may well be a crucial one for the long-term viability of a multi-ethnic state. But cross-cutting identities can take many different forms: this transformational perspective of ethnic identity rests in part on the widely accepted notion that every individual has many identities. Some span wider than others, and the different

identities do not necessarily overlap to any significant degree. In less ethnic-ally divided societies, political parties and other groups organize around economic, regional, gender, and many other issues or interests. Individuals' positions on a number of such issues define their self-perception. Thus, the political salience of ethnicity can be influenced by individuals' pursuit of self-interest in a wide range of fields not directly related to their ethnic identities.

Entry Points

It is helpful at this point to introduce a distinction between what I consider to be the *two main entry points* for the reduction of the political salience of ethnicity in post-conflict societies. The promotion of cleavages *cross-cutting* ethnic ones is the first of these. While this can be very difficult to achieve in a post-conflict reality, the potential arenas in which it can happen are numerous: indeed, virtually every contact and shared interest across ethnic boundaries can serve this purpose. Often, the fault lines are already present; what is required is to make individuals aware of interests that they share with people of other ethnic groups, and to facilitate the crossing of ethnic boundaries so they can pursue their common interests. Already, conflict transformation is taking place when inter-ethnic contacts are developing, with the minimum of trust that requires. But, in turn, the perception of shared interests, of commonality, may contribute towards the generation of a web – albeit a fragile one – of alternative identities that can reduce the salience of ethnicity.

  The mechanism at play here first affects the individual as a political actor: a person identifies him- or herself as having a position in society not solely by virtue of his or her ethnicity, and identifies his or her interests accord-ingly; or, in the pursuit of certain interests, the individual acknowledges that he or she does not share these interests with all members of his or her ethnic group. In turn, this individual's political behavior (such as voting) will not be determined solely by his or her ethnic affiliation. In such a case, we may say that a first step is recognizing that there may be conflicting interests within one's ethnic group, and a second step is recognizing that one's own interests may be shared by someone of a different ethnicity. A sequence like this could be common in a case such as Kosovo, where the minorities are very small and contact with the majority is scarce. Here, the first step of de-ethnicizing politics among Albanians would be a loosening-up of any 'us against the others' cohesion by focusing on intra-Albanian issues that cannot easily be framed in an Albanian *vs*. Serb context. However, xenophobic rhetoric can play a prominent role in a society's political discourse, even when minorities are very small and inconsequential. For this reason, peace-building initiatives focusing on having representatives from different groups

solving common problems together may more directly affect the level of trust across ethnic boundaries.

The second entry point to reduce the political salience of ethnicity focuses on the behavior of political *elites* competing for political support. More specifically, the focus here is on the design of political institutions and the way in which they may encourage elites to transcend ethnic boundaries even in a context of deep ethnic divisions. As political leaders attempt to appeal for support outside their own ethnic groups, they will also have an impact on perceptions among voters. Earlier, I argued that political institutions can be designed in such a way that they not only do not facilitate such a process, but also, by institutionalizing ethnic divisions, in fact prevent movement towards a lesser political salience of ethnicity. Because of this possibility, as well as the fact that the design of political institutions is one factor on which intervening actors have considerable influence, we should deal with the questions of institutional design in some depth.

Political Institutions: A Matrix of Design Options

In the building of political institutions, it is critically important that every potential for reducing the political salience of ethnicity in society is maintained. At a minimum, such a process should not be *prevented* through the institutionalization of ethnic divisions, and it should ideally be actively *encouraged* through policies and institutional design. As we have seen above, institutionalized ethnic-affirmative systems do address the lack of trust in a post-conflict situation, but they cannot solve every problem that emerges from deep divisions. Thus, it becomes important to establish affirmative systems that are not fixed but flexible, and that will adjust themselves as conflict lines are softened. For this to happen, one must go beyond arranging a census and ensuring decimal precision in every instance of representation and allocation of goods. To have minorities buy into the political process, and to increase the legitimacy of that process, it is essential to address the very boundaries between groups. Barring major demographic shifts, minorities will remain minorities; their permanent sense of being under-privileged is dangerous. The one approach that could make a difference in such a situation involves taking a view of ethnicity opposite to the one that holds ethnicity to be static in character and intensity. This alternative approach can play on many different strings, but its thrust is always to reduce the salience of ethnic identities in politics. It is an approach that presupposes a broad, comprehensive, and sophisticated effort to facilitate contact and confidence-building across ethnic boundaries.

We may distinguish between three main categories of options in the design of political institutions: constitutional design, electoral system design, and (de)centralization/federalism. Within each of these, academic discussions

often tend to focus on a few strict categories – presidential vs. parliamentarian systems; proportional vs. majoritarian representation; federalism vs. unitarianism. However, as Katharine Belmont, Scott Mainwaring & Andrew Reynolds (2002) have pointed out, the real range of options is better seen as a matrix, where combinations along these three variables provide a large number of possible institutional ways of addressing deep divisions within a society. And, as Scott Mainwaring & Matthew Soberg Shugart (1997) have demonstrated, the interplay between the different components of institutional design is often a lot more complex than a series of dichotomies might suggest. Within each of the three main categories exist design options that provide more or less flexible solutions for our particular concern. With an eye to local specifics, a political system for a post-conflict society can be tailored to address challenges arising from a given political culture, demographic structure (where the ratio between ethnic groups may be 90:10, 50:50, 33:33:33, etc.), or geographic distribution of groups. The following examples illustrate how design options that circumvent the risks of institutionalizing ethnicity can be found within each of the three.

As to *structure of government*, the literature offers some compelling evidence that a presidential system is far from what a divided society might need. A number of analysts have suggested that a presidential system may come out as less fair and less stable than a parliamentary system, first and foremost because it will bring about solutions more of the 'win–lose' kind, whereas a parliamentary system forces upon the parties a more consensual approach to conflict. Adam Przeworski and others have concluded that 'the survival of democracies depends on their institutional systems. Parliamentary regimes last longer, much longer, than presidential ones' (Przeworski et al., 1996: 47; see also Linz, 1990). Przeworski referred precisely to the 'win–lose' dimension of presidential systems as providing one explanation for their lesser durability. Others have challenged this conclusion, arguing that the short life-spans of many presidential regimes reflect conditions external to the institution as such (see, for example, Cheibub, 2003). Afghanistan's recent constitutional process highlights several of these issues – and suggests some possible ways to modify the 'win–lose' outcome of a presidential election. In October 2004, Karzai – from the dominant Pashtun group – was elected president in a process marked by an ethnic-census voting pattern. The January 2004 Constitution determines that the president will select two vice-presidents. In the event, Karzai chose (Tajik) Ahmad Zia Massood and (Hazara) Karim Khalili as vice-presidents. The appointment of vice-presidents from other ethnic groups thus modifies the image of a presidency representing only one group, but the implicit ethnicization of the presidency is not formalized in the Constitution.

With regard to *federalism vs. unitarianism*, the former has often been used as a means of achieving a devolution of power aimed at defusing separatist

claims. In determining the success of such a solution, many factors come into play. For example, if the separatism is on behalf of an ethnic group, a relationship with an 'ethnic homeland' across the border is one important factor, as are the level of trust in relation to the federal centre (determined, inter alia, by how far a conflict has escalated before decentralization is implemented), issues of resource allocation, and the distribution of members of the group in question (that is, whether they are more or less concentrated geographically). In this context, too, the issue of institutionalizing ethnic differences appears again: once federalism defined by ethnicity is implemented, any development towards a reduced salience for ethnicity is made much more difficult. And, as to the assumption of intransigence, local leaders might be pleased to gain legitimacy as representatives of their respective ethnic groups. In Afghanistan, several powerful warlords advocated federalism prior to the Constitutional Loya Jirga that convened in late 2003. Had the power balance that existed at the time been confirmed institutionally, the country would have seen the creation of 8–10 federal subjects, each with a clear ethnic profile (see Simonsen, 2004b).[5] Importantly, though, federalism and decentralization also present opportunities for a de-ethnicization of politics. One way through which this can happen is the implementation of *territorial,* rather than ethnic, federalism. Within such a model, one can imagine the various members of an ethnically diverse population joining forces to claim more resources for a common federal entity. This is one model that Andreas Wimmer (2003) has seen as presenting an opportunity for today's Iraq. Among the circumstances improving the chances for such a model, he argued, is the split of the Kurds in the north between two fiefdoms.

As far as *electoral system* is concerned, the choice between proportional and majority systems in their different formats can make an immense difference as to how voters' preferences are translated into political institutions. Similarly, the requirements of post-conflict situations can be addressed through various mechanisms, such as guaranteed minority representation through quotas, thresholds, and other arrangements. In terms of electoral-systems design, there are a range of different models that have been employed to address ethnic diversity in elections: from the prohibition of ethnically defined parties (e.g. in Nigeria) to the overrepresentation of ethnic minorities secured by quota systems (e.g. in Kosovo). A 'toolbox' for electoral design in deeply divided societies thus exists. But, even when experts agree on what they want an electoral system to achieve, they are not uniform in the kind of system they recommend. Of particular relevance to the conflict-transformation approach presented in this article is the degree to which a given system may serve to fixate the prominent position of ethnicity in politics, or whether it encourages – or at least provides for – a gradual reduction of its salience.

[5] In the end, the January 2004 Constitution opted conclusively for a unitary model.

Consociationalism, Centripetalism, and Multiculturalism

A highly influential set of recommendations for institutional design in (ethnically) divided societies is that of consociationalism, distilled by Arend Lijphart from his reading of political practices in several European states. Consociationalism emphasizes the role of various forms of power-sharing between political elites, such as grand coalition governments and proportional representation in the legislative. It is defined by two principal and complementary characteristics: grand coalitions and segmental autonomy – shared decisionmaking by representatives of all significant segments with regard to matters of common concern and autonomous decisionmaking by and for each separate segment on all other issues. Two additional characteristics are proportionality (or deliberate minority representation) in political representation, civil service appointments and the allocation of public funds, and the minority veto for the protection of vital minority interests (Lijphart, 2001: 172).

It is a widely held view on electoral system design – and one at the heart of consociationalism – that proportional representation (PR) systems are preferable for divided societies, given that majoritarian solutions may lead to the permanent exclusion of minorities. Few would disagree that fair representation is essential for social stability in post-conflict situations. However, just as the merits of presidentialism are disputed, so is the case for PR systems. In a large-N study, Pippa Norris (2003) tested the fundamental assumption that such systems are most likely to facilitate accommodation between diverse ethnic groups and are thus the best option for legitimacy and stability in transitional and consolidating democracies with deeply divided populations – and found it 'not confirmed'. Norris's conclusion, like the academic disagreement over the merits of other tools of institutional design, reflects the importance of being attentive to the specifics of each society: in this respect, every case should be seen as unique. Timothy D. Sisk (1998) has illustrated the challenge by suggesting that ethnic representation may be good for Niger, while most scholars agree that it would not be good for Nigeria. For democratization and conflict management, he has recommended that mediators conduct specialized assessments of the cleavages in a given society, and of how the introduction of democratic institutions relates to those cleavages.

While unqualified majoritarian solutions generally do not appear as a better option than PR in deeply divided societies, extreme cases such as that of Kosovo, where minorities risk permanent exclusion from real influence, indicate the limits of PR. Under such circumstances, 'integrative' or 'centripetal' mechanisms, associated first and foremost with Donald Horowitz, may still have the power to make a positive difference. The centripetal approach shares with consociationalism the basic assumption that certain

institutional designs can facilitate peaceful coexistence in divided societies, and the two also share some of their prescriptions for such societies. However, at the heart of centripetalism are structural arrangements that encourage leaders to 'appeal to underlying moderate sentiments in the electorate and shun the forces of extremism to win elections' (Sisk, 1996: 41). When the structures work to this effect, the self-interest of office-seekers brings both elites and the public closer to a moderate political centre.

What makes integrative mechanisms particularly beneficial in a divided society is that they do not necessarily fixate the divisions they address, but may on the contrary contribute towards a long-term reduction in their salience. This is a critical point where centripetalism differs from consociationalism – and where this study is in agreement with the former. Indeed, the very assumption that it is possible to reduce ethnicity's salience distinguishes the two approaches from each other. As James Fearon & David Laitin (2000: 849) have argued, analyses of consociation 'border on primordialism as they assume unchanging and unchangeable ethnic identities'. Benjamin Reilly (2001: 6), an advocate of centripetal electoral-system design, argues that certain electoral systems, under certain circumstances, 'will provide rational political actors with incentives towards cooperation, moderation and accommodation between themselves and their rivals, while others will lead logically to hostile, uncooperative and non-accommodative behavior if individuals act rationally'. In order to avoid the latter outcome, it is essential to break the pattern whereby parties or candidates have little or no incentive to appeal outside their core (ethnic) audiences. In electoral-system design, Reilly associates centripetal effects with three systems of *preferential* voting – the alternative vote, the supplementary vote, and the single-transferable vote. In these systems, voters not only pick their favorite but also rank-order other candidates. And the centripetal spin emerges when candidates moderate their policies in order to be ranked higher by voters outside their ethnic core electorate.

One would think, however, that the benefits of integrative mechanisms in a deeply divided society would depend in part on the society's demographic structure. Where no single group is very dominant (as, for example, in Bosnia or Afghanistan), a candidate or a party could gain significantly from broadening his or her appeal. However, when minorities are very small (as in Kosovo), attempts at a broader campaign could easily bring about more losses within the majority electorate than gains among the minorities. In such cases, a large majority party will not woo the minority just for the sake of it. Thus, we are back at the issue of international *leverage*: rewards for 'constructive' behavior or sanctions against the opposite may have to come from external actors. This, in turn, introduces problems related to the legitimacy of such actors (such as the High Representative in Bosnia or UNMIK in Kosovo) and the long-term viability of such a political order. Moreover, these

examples again testify to the importance of a broad-spectrum approach towards de-ethnicization of politics – and to peacebuilding in general.

After a period of ethnic conflict, affirmative elements such as the introduction of ethnic quotas within institutions contribute towards consolidating a peace that has been achieved, as well as giving legitimacy to the political process and institutions among the various camps. The alternative to such an approach might be actual exclusion, which in turn would increase the danger of armed conflict erupting again. It might be reasonable to argue that, when there is so little trust in the system, the best way forward is to formalize power-sharing mechanisms – that informal rules may work in Belgium or the Netherlands, where democracy is solidly entrenched and trust is higher, but would be overrun at the first crossroads in the Balkans or many African states. This is an argument that we should not dismiss too readily. But, throughout this discussion, we should also keep our eyes on the particular issue of *flexibility* of institutions. For post-conflict societies, it is particularly important to allow for the political salience of ethnicity to fall back to a lower level again. Indeed, the trust that oils political institutions is often also an issue of trust across ethnic boundaries. And that, in turn, reflects on the issue of reducing the salience of ethnicity, creating small arenas where trust can be generated. An important point that has recently been made by Lijphart, however, is the distinction, in constitutional design, between formal and informal rules. His reading of the evidence is that informal rules of consociationalism generally work better 'because they are more flexible – but perhaps also because they reflect a higher level of trust' (Lijphart, 2002: 54) (an observation that, one might add, could seem to undermine his continued insistence on the virtues of consociationalism). Given the inertia that tends to protect political institutions from major overhauls once they are in operation, it would seem like a good investment for external administrators to fine-tune their methods for securing trust in the representativity of institutions, while maintaining their flexibility.

This article's argument that institutions in post-conflict societies should not institutionalize ethnic divisions is in concurrence with a recommendation that springs from Will Kymlicka's model of *multiculturalism*. Intriguingly, there are extremely few cross-references between Kymlicka's work and the more conflict resolution-oriented works by authors like Horowitz, Lijphart, and others working on institutional design. One explanation for this may be that Kymlicka is a normative philosopher, and that his work is not immediately applicable to the more 'hands on' literature. Nevertheless, conflict-resolution mechanisms can be derived from Kymlicka's work, which highlights a diverse society's need for a shared identity, and for this end recommends accommodation, rather than subordination, of national identities: 'People from different national groups will only share an allegiance to the larger polity if they see it as the context within which their national identity

is nurtured, rather than subordinated', Kymlicka (1995: 189) has argued. Sammy Smooha (2002) has contrasted different constitutional approaches to conflict management, distinguishing between individual-liberal democracy, republican-liberal democracy, multicultural democracy, consociational democracy, and ethnic democracy. Two of these – Kymlicka's multicultural democracy and Lijphart's consociational democracy – are particularly relevant to our discussion. Significantly, these differ on the issue of collective rights: while both provide for such rights, they are legislated for in the consociational model, but not in the multicultural model. In Kymlicka's model (as summarized by Smooha), the mechanisms of integration and conflict management are the equality of individual rights and opportunities, as well as the formation of a common super-community with recognition and cultivation of group cultural differences, with some degree of assimilation (Smooha, 2002: 426).

Another reason why multiculturalism has not been taken up by the conflict-management/institutional-design literature (or vice versa) may be that it is perceived to be a utopian model – Kymlicka (2001: 48) himself points out that, historically, few Western democracies have met the conditions he finds necessary for majority nation-building to be legitimate – and one that is relevant least of all to societies that have just experienced armed conflict. However, if we adopt the perspective put forward earlier in this article – where the salience of ethnicity is seen as something that can be reduced through the nourishing of alternative identities; where this is seen as a process that may start at a level where ethnicity is the single, all-dominant cleavage in society; and where the outcome is not ethnic re-identification but rather (some degree of) de-ethnicization of politics – then what we have is not a static utopia, but on the contrary a dynamic perspective that can inspire policies even in deeply divided societies. It might be utopian to believe that ethnicity can be kept outside of politics in such societies, but it is not so to believe in a development in such a direction, even in small steps and with a risk of reversals.

One more comment should be added here, regarding assimilation as one dimension of multiculturalism. Whereas consociationalism, as Smooha has pointed out, will have an assimilation rate in a given society that is virtually nil, it is not necessarily the case that multiculturalism needs have much assimilation either. If we consider the de-ethnicization of politics in a post-conflict society as a development towards multiculturalism (enabled through the non-institutionalization of ethnicity), such a development could take place without bringing about significant assimilation. Many factors determine whether assimilation – ethnic re-identification into a dominant group – takes place in a society. One is obviously the salience of ethnicity. Starting from a very high level, this could be reduced to a level where renewed armed conflict is less likely, before assimilation and concerns about

'cultural security' become real issues. Of course, this is particularly true in situations of external administration or major international leverage on policy formation.

New Proposals – A New Consensus?

That a de-ethnicization of politics can be seen as a useful strategy for peace-building even in societies with very deep divisions is demonstrated in a proposal by the International Crisis Group for a reorientation of UNMIK's policies in Kosovo (ICG, 2003). Interestingly, the proposal specifically cited both the work of Kymlicka and a report inspired by centripetalism. The ICG argued against the applicability of consociationalism in Kosovo, referring to the minorities' small share of the population as well as the fact that human rights culture has not been internalized by politicians, and political structures are not mature enough to accommodate the mobilization of minority groups. Instead, quoting a report by the Institute for Democracy and Electoral Assistance (IDEA), the ICG argued that UNMIK 'should wager on a *civic* future for Kosovo, rather than seek compromises with collectivist ("ethni-cist") political structures for tactical and short-term advantage . . . it is impossible to build a multiethnic Kosovo by directly implementing multiethnic policies' (ICG, 2003: 17; see also IDEA, 2002). The ICG also recommended that Kosovo's electoral system be altered, retaining the proportional system for the Kosovo Assembly, but within electoral districts based on municipalities or groups of municipalities. The districts would be represented according to the size of their populations, and reserved seats (the current 'ethnic quotas') would be maintained, but allocated to various municipalities (ICG, 2003: 23–24).[6] In Iraq, which 'fulfils all conditions for a pervasive and conflictual politicization of ethnicity', Andreas Wimmer (2003: 13–15) has found important conditions for consociationalism missing. 'The centripetal drive will have to come from the outside', he has argued, suggesting structural approaches to moderate ethnic claims and to have political positions converge at the centre. Wimmer suggested a model similar to Nigeria's, where the most powerful official is elected not only by a majority of the population but also by a majority of states/regions in the country; he also recommended the alternative-vote electoral system (promoted by Horowitz), as well as a system that requires parties to have branches in a minimum of provinces. A similar model – with electoral incentives for parties to appeal across ethnic or sectarian lines, devolution of power on territorial lines, and the establishment of a federal structure – has been recommended by the Minority Rights Group (2003: 39).[7]

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[6] Intriguingly, the report cited a large-scale Kosovo survey on public satisfaction with public services, and found that it shows a potential for multiethnic consensus, 'as ethnic groups share concerns on some of the most urgent priorities for Kosovo such as unemployment and electricity' (ICG, 2003: 19).

[7] Notably, the authors list Donald Horowitz as one of the contributors to their report.

Considering how the situation in Iraq has developed since the US-led invasion of 2003, skeptics would be justified in questioning how much institutional design can contribute to de-ethnicizing politics, even if the insurgency should be fought down: ethnic relations have become more strained, and US legitimacy among the population further reduced. If the situation should improve, it would still be difficult to argue that flexible institutional designs could fast make up for damage done. But, that would be an argument about the limitations of institutional design per se, and would not affect the proposal for the nature of the institutions specifically. The constituent assembly elections in January 2005, which had particularly poor participation in predominantly Sunni regions (and much higher levels of participation among Shiites and Kurds), is a reminder of the need to engage all groups, so as to avoid permanent exclusion (and self-exclusion) and politics that ignore the interests of certain ethnic groups.

Afghanistan is a case in point on both counts: the 2004 Constitution in many ways reflects the recommendations of taking ethnicity into account without institutionalizing it (Rubin, 2003). Indeed, the case of Afghanistan could even indicate the emergence of a new consensus on institutional design within the international community, inspired by the deadlocked situations in places such as Bosnia and Kosovo. Addressing the country's Constitutional Commission as it was finalizing its draft constitution, Afghanistan specialist Barnett Rubin (2004) recommended it make the government inclusive and broad-based 'through the mechanisms by which leaders are chosen, such as systems of election, rather than through complicated rules for governing'. The outcome of that process appears to reflect such advice.

Conclusions

The political salience of ethnicity increases in a society undergoing armed conflict where frontlines coincide with ethnic boundaries. For the purpose of peacebuilding, it is important to acknowledge that what may give the impression of 'ancient hatreds' may well be the result of fairly recent developments. Reversing the ethnicization of political conflict is not as easy as increasing it – that relationship is not symmetrical – but a reversal may nevertheless be possible, and the design of political institutions can play a role in that. This article accepts that ethnic divisions must be addressed in the post-conflict building of new political institutions; this is important for the legitimacy of those institutions, and thus for social stability. However, in the process of doing so, there is a danger that political institutions are formed on the implicit assumption that the current patterns and the current intensity

of divisions are permanent. An examination of recent cases of institution-building under external administration provides many examples that seem to match such an assumption. The design choices may have been influenced by pressures from various parties, or by primordialist impulses on the part of decisionmakers, or both. In any case, they have brought about at least one case where the institutionalization of ethnicity is widely identified as a hindrance to progress in peacebuilding (Bosnia); one case that may be just short of the same verdict (Kosovo); one where the early steps were in the same vein (Afghanistan); and one very recent case that suggests that the tools put to use for facilitating inclusiveness are still very blunt (Iraq).

In order to avoid the risks from institutionalizing ethnicity, this article has argued in favor of institutional-design options that provide for proportional ethnic representation, but enable that through other means than, for example, the use of fixed quotas. Such rigid measures encourage politicians and voters to keep the attention fixed on percentages, rather than on pressing issues of governance. A de-ethnicization of politics is difficult to make happen in a post-conflict situation. At the same time, however, little steps to this effect can take place in a large number of sectors, as suggested in the discussion of cross-cutting cleavages above. Over time, the sum of these little steps can reduce the threat of renewed violence and improve the quality of life for citizens. In such a perspective, it seems counterproductive to maintain a rigid system of ethnicization within political institutions, which may at worst counterweigh progress in other sectors of society.

An essential premise of this article is that even the deepest conflicts have a potential for transformation. On this basis, and drawing on recent cases of post-conflict institution-building by international forces, the article has pointed to problems with the application of several of the tools of consociationalism for post-conflict societies, arguing that they risk merely containing the conflict, freezing the current patterns of conflict in the institutional framework. The article thus recommends that decisionmakers and the international community in general pay more attention to the dynamic perspective of the integrative approach, acknowledging the malleability of ethnic identities.

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