

# **Liberal Consociationalism in Theory and Practice: Power Sharing and Territorial Self-governance<sup>1</sup>**

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## **Introduction**

Consociationalism as a theory managing conflict in divided societies has two predominant dimensions of institutional design that have emerged most clearly in its liberal consociational version—power sharing and self-governance. Territorial approaches to conflict management in divided societies are occasionally treated as a separate approach in the literature, even though empirically power sharing and (territorial) forms of self-governance frequently coincide, by design or otherwise (Wolff 2009a). However, especially proponents of (liberal) consociational power sharing have pointed out the important connections between, and complementarity of, consociational power sharing and territorial forms of self-governance,<sup>2</sup> thus seeking to fill a significant gap in conflict management theory.<sup>3</sup> While these empirical connections have been obvious for some time, conceptual links have only recently been established more systematically,<sup>4</sup> and I therefore examine them in more detail, including by empirical illustration. Engaging with critics of both power sharing and territorial self-governance, I offer a conditional theoretical and empirical defence of liberal consociationalism thus also contributing further to the development of liberal consociational theory and practice.

## **Power Sharing and Self-governance in Consociational Theory**

In the middle of the 19<sup>th</sup> century, the liberal philosopher John Stuart Mill in his *Considerations on Representative Government* expressed skepticism with regard to the possibility of democracy ‘in a country made up of different nationalities’ (Mill 1861, 230). While there clearly is empirical evidence that any system of government that permanently excludes specific segments of its citizens, on the grounds of race, ethnicity, religion, language or ideology, etc., eventually does so at its peril, democracy is the one system in which population diversity can be effectively accommodated without recourse to repression or assimilation. This is neither always easily accomplished, nor is there a blueprint for doing so. In fact, while Mill’s dictum has been taken up as a challenge by scholars and practitioners of institutional design in divided societies to find ways in which democracy and diversity can be combined in a legitimate system of government, there is little consensus on how to do so. Alongside centripetalism and power dividing,<sup>5</sup>

consociationalism is one of the approaches to make democracy possible in an ethnically diverse country. As a theory and a political practice, it is prominently associated with the work of Arend Lijphart, as well as more recently with that of John McGarry and Brendan O’Leary.

### **The Main Characteristics of the Power-sharing Strategy**

Arend Lijphart began to examine democratic consociational systems in the late 1960s, coining the very term when making reference to the political systems of Scandinavian countries and of the Netherlands and Belgium (Lijphart 1968, 1969). He followed up with further studies of political stability in cases of socially severely fragmented societies, eventually leading to his ground-breaking work *Democracy in Plural Societies* (Lijphart 1977).

The phenomenon Lijphart was describing, however, was not new. As a pattern of social structure, characterizing a society fragmented by religious, linguistic, ideological, or other cultural segmentation, it had existed and been studied (albeit not as extensively) long before the 1960s. These structural aspects, studied among others by Lorwin (1971), were not the primary concern of Lijphart, who was more interested in why, despite their fragmentation, such societies maintained a stable political process, and identified the behaviour of political elites as the main, but not the only, reason for stability. Furthermore, Lijphart (1977, 25-52) identified four features shared by consociational systems – a grand coalition government (between parties from different segments of society), segmental autonomy (in the cultural sector), proportionality (in the voting system and in public sector employment), and minority veto. These characteristics were, more or less prominently, present in all the classic examples of consociationalism: Lebanon, Cyprus, Switzerland, Austria, the Netherlands, Belgium, Fiji, and Malaysia. Some of these consociations have succeeded, such as in Switzerland,<sup>6</sup> Austria, the Netherlands, and Belgium, while others have failed, like Lebanon, Cyprus, Fiji, and Malaysia.

Lijphart’s own thinking on consociational theory has considerably developed over the decades since he first introduced the concept into comparative politics, partly in response to the challenges that other scholars made against his assumptions and prescriptions. Lijphart engaged his critics most comprehensively in his book on *Power Sharing in South Africa* (Lijphart 1985, 83-117) and in his contribution to Andrew Reynolds’s *The Architecture of Democracy* (Lijphart 2002, 39-45). In the latter, he also offers a substantive revision of his original approach, now describing power sharing and autonomy (i.e., grand coalition government and segmental autonomy) as primary characteristics, while proportionality and minority veto are relegated to ‘secondary characteristics’ (Lijphart 2002, 39). Yet, in relation to his grand coalition requirement, Lijphart maintains his earlier position that this form of executive power sharing means ‘participation of representatives of all significant groups in political decision making’ (Lijphart 2002, 41).

Apart from Lijphart, the other main, and today predominant, thinkers on consociational theory and practice are John McGarry and Brendan O’Leary. In order to appreciate fully the current state of consociational theory, it is, therefore, useful to examine a collection of their joint and

individual writings from 1987 to 2002, entitled *The Northern Ireland Conflict: Consociational Engagements* (McGarry and O'Leary 2004a), in particular its co-authored introduction on the lessons that Northern Ireland holds for consociational theory more broadly.<sup>7</sup>

Northern Ireland and its 1998 Agreement, McGarry and O'Leary maintain, 'highlights six important weaknesses in traditional consociational theory' (McGarry and O'Leary 2004, 5). These are the failure to address the role of external actors; the trans-state nature of some self-determination disputes and the necessary institutional arrangements to address them; the increasing complexity of conflict settlements in which consociational arrangements form an important element but require complementary mechanisms to deal with 'the design of the police, demilitarization, the return of exiles to their homes, the management of prisoners, education reform, economic policy, and the promotion of language and other group rights' (McGarry and O'Leary 2004, 13); terminological and conceptual inaccuracies, primarily associated with Lijphart's grand coalition requirement; the merits of preferential proportional electoral systems, i.e. STV; and the allocation of cabinet positions by means of sequential proportionality rules, i.e. the d'Hondt mechanism. In dealing with these weaknesses, McGarry and O'Leary offer both refinements of, and advancements to, traditional consociational theory. The refinements relate, first, to the technical side of consociational institutions, where the authors recommend STV instead of List-PR as an electoral system as it militates against the proliferation of micro-parties. Second, McGarry and O'Leary elaborate the usefulness of sequential proportionality rules, such as the d'Hondt mechanism or the Sainte-Laguë method, in the allocation of cabinet positions in order to avoid protracted bargaining between parties and increase parties' incentives to remain part of cross-communal coalitions.

McGarry's and O'Leary's observations on external actors bring consociational theory in line with an established debate in international relations on the role of third parties in conflict resolution.<sup>8</sup> Equally importantly, their discussion of the provisions in the 1998 Agreement that go beyond domestic institutions and address the specific 'Irish dimension' of the Northern Ireland conflict reflect a growing awareness among scholars and practitioners of conflict resolution that many ethnic conflicts have causes and consequences beyond the boundaries of the states in which they occur and that for settlements to be durable and stable, these dimensions need addressing as well. In the case of the 1998 Agreement for Northern Ireland, McGarry and O'Leary highlight three dimensions: cross-border institutions which formalize co-operation between the Northern Ireland Executive and the Irish government (the so-called North-South Ministerial Council) and renew British-Irish inter-governmental co-operation (the British-Irish Inter-governmental Conference); the explicit recognition by the two governments of the right to self-determination of the people in Northern Ireland and the Republic, i.e. the possibility for them to bring about, in separate referenda, a united Ireland if that is the wish of respective majorities; and new institutions of regional cooperation, incorporating the UK and Irish governments, and the executive organs of the other two devolved regions in the UK and its three dependent island territories in the Channel and the Irish Sea.

A final, and perhaps the most significant, advancement of the power-sharing dimension of consociational theory is McGarry and O'Leary's contention that Lijphart's grand coalition requirement is overstated, as 'what makes consociations feasible and work is joint consent across the significant communities, with the emphasis on jointness' (McGarry and O'Leary 2004, 15). In other words, what matters for a democratic consociation 'is meaningful cross-community executive power sharing in which each significant segment is represented in the government with at least plurality levels of support within its segment' (O'Leary 2005a, 13). On that basis, McGarry and O'Leary distinguish 'unanimous consociations (grand coalitions), concurrent consociations (in which the executive has majority support in each significant segment) and weak consociations (where the executive may have only a plurality level of support amongst one or more segments)' (O'Leary 2005a, 13). The subsequent assertion, also repeated in other writings, that '[c]onsociations become undemocratic when elites govern with factional or lower levels of support within their segments' (McGarry and O'Leary 2004, 15) is not fully convincing, however. Assuming that 'support' means electoral support, a consociation is democratic or not if its executive emerges in free and fair elections, not if it fulfills certain numerical tests. Implicitly, what seems to be at stake is less the democratic credentials of the arrangement, but its consociational nature, especially the criterion of jointness which implies equality and cooperation across blocs and some genuine consent among the relevant mass publics for a democratic consociation and thus excludes just any coalition, as well as co-optation of unrepresentative minority 'leaders.' By extension, an arrangement in which elites govern with low levels of support from within their segments might also prove less stable compared to one in which an executive can rely on broader levels of support. This was certainly true of Lebanon by the early 1970s, where the unreformed consociational mechanisms that had been in place since independence from France could no longer satisfy significant sections of Lebanese society.

The more recent writings by Lijphart, McGarry, and O'Leary also indicate a clear move from corporate toward liberal consociational power sharing. Corporate consociationalism, however, is still evident to some extent in political practice: for example, Bosnia and Herzegovina, under the original Dayton Accords, Northern Ireland under the 1998 Agreement, Lebanon under the National Pact and under the 1989 Ta'if Accord, Cyprus under the 1960 constitution and the proposed (but rejected) Annan Plan all display features of predetermined arrangements based on ascriptive identities. The main difference between the two is that a 'corporate consociation accommodates groups according to ascriptive criteria, and rests on the assumption that group identities are fixed, and that groups are both internally homogeneous and externally bounded,' while 'liberal [...] consociation [...] rewards whatever salient political identities emerge in democratic elections, whether these are based on ethnic groups, or on sub-group or trans-group identities' (McGarry 2007b, 172).<sup>9</sup> This is another important modification of consociational theory that addresses one of its more profound, and empirically more valid, criticisms, namely that (corporate) consociations further entrench and institutionalize preexisting, and often conflict-hardened, ethnic identities, thus decreasing the incentives for elites to moderate (e.g., Horowitz 1985, 1991; Horowitz 2003).

## The Main Characteristics of Self-governance

In consociational theory the term 'autonomy' is frequently used to describe its second main dimension of institutional design alongside power sharing. In this abstract sense, it refers to the whole breadth of self-governance arrangements, be they territorial or non-territorial in nature.

Non-territorial or (national) cultural autonomy is usually advocated in cases where claimant groups are territorially not sufficiently concentrated. Such '[p]ersonal autonomy applies to all members of a certain group within the state, irrespective of their place of residence. It is the right to preserve and promote the religious, linguistic, and cultural character of the group through institutions established by itself' (Lapidoth 1996, 175).<sup>10</sup> It has its modern origins in Austro-Marxism, and is particularly associated with the work of Otto Bauer (1907) and Karl Renner (1918). It was widely applied in the period between the First and Second World Wars, and has seen a degree of resurgence in Central and Eastern Europe after 1991, while also being incorporated into the Belgian federal model (cf. Smith 2010). Neither conceptually nor empirically is it much invoked in the contemporary literature on consociationalism as a strategy for managing conflict in divided societies, and I shall therefore not treat it at any further length here.

Territorial self-governance (TSG), on the other hand, is a strategy of conflict management in divided societies widely and predominantly employed in cases of territorially compact groups (Benedikter 2007; Hannum 1996; Lapidoth 1996; Suksi 1998; Wolff 2009a). Even though it has generated a significant literature within and without the consociational school of conflict management and among its critics, there are considerable conceptual and empirical problems with the definition of TSG as a strategy of conflict management.<sup>11</sup> Moreover, much discussion has focused on just two forms of TSG—autonomy and federation. Conceptually broader and more contested is the term autonomy. Beyond its general use in consociational theory describing both territorial and non-TSG arrangements, in the literature on TSG it often refers simultaneously to the specific territorial status of an entity within an otherwise unitary state (e.g., the Åland Islands in Finland) and the functional status of a particular level of government within a multi-layered system (e.g., the autonomy of a federal state to make certain decisions independent of the federal government). Put differently, autonomy, which is one of the most often employed terms to describe territorial approaches to conflict management in divided societies, is used both in an abstract functional sense in the context of governance arrangements and as a concrete manifestation of TSG in a specific (often singular) sub-state entity in a given state.<sup>12</sup> It is, therefore, useful to trace the academic history of the concept of 'autonomy' and its practical application as this illustrates how TSG as a tool of statecraft and as a tool of conflict management, especially in divided societies, have become more and more intertwined.

Tim Potier (2001, 54) has noted some time ago that '...international lawyers have failed to come to any agreement on a 'stable' workable definition for autonomy. ... it escapes definition

because it is impossible to concretize its scope. It is a loose and disparate concept that contains many threads, but no single strand.' In political science, too, the difficulty to pin down and conceptualize autonomy has been similarly recognized:

Overlapping cantonization and federalization there exists a grey area of territorial management of ethnic differences which is often found in conjunction with external arbitration. International agreements between states can entrench the territorial autonomy of certain ethnic communities, even though the 'host state' does not generally organize itself along either cantonist or federalist principles. (McGarry and O'Leary 1993, 32)<sup>13</sup>

Despite the difficulty to define clearly what autonomy is, political scientists and international lawyers have not hesitated to propose a variety of definitions. In doing so, many focus on the functional aspect of autonomy, rather than its concrete territorial manifestation. Michael Hechter (2000, 114) describes political autonomy as 'a state of affairs falling short of sovereignty'. In Ted Robert Gurr's (1993, 292) understanding 'autonomy means that a minority has a collective power base, usually a regional one, in a plural society', and Harff and Gurr (2004, 221) define autonomy as 'a political arrangement in which an ethnic group has some control over its own territory, people, and resources but does not have independence as a sovereign state.' Hurst Hannum and Richard Lillich (1980, 859) stated in their influential essay on the concept of autonomy in international law that 'autonomy is understood to refer to independence of action on the internal or domestic level, as foreign affairs and defense normally are in the hands of the central or national government, but occasionally power to conclude international agreements concerning cultural or economic matters also may reside with the autonomous entity'. In her extensive study on autonomy, Ruth Lapidot defines territorial political autonomy as 'an arrangement aimed at granting a certain degree of self-identification to a group that differs from the majority of the population in the state, and yet constitutes the majority in a specific region. Autonomy involves a division of powers between the central authorities and the autonomous entity' (Lapidot 1996, 175-175). Daftary (2000, 5) makes a similar point, emphasizing that such arrangements normally mean that 'powers are not merely delegated but transferred; they may thus not be revoked without consulting with the autonomous entity. ... the central government may only interfere with the acts of the autonomous entity in extreme cases (for example when national security is threatened or its powers have been exceeded).'

As a consequence of this wide range of definitions, there is little consensus over what forms of state construction actually qualify as 'autonomies'. Palley, for example, claims that '[p]olitical autonomy may range from devolution of power to small communities, through regionalism, to federal government' (Palley 1991, 5) and cites the examples of South Tyrol, Swedish-speakers in mainland Finland and the Åland Islands, the German minority in Denmark and the Danish minority in Germany, Belgium, Switzerland, and the Netherlands all as cases of autonomy. Elazar, in the introduction to his *Federal Systems of the World: A Handbook of Federal*,

*Confederal and Autonomy Arrangements* identifies 91 ‘functioning examples of autonomy or self-rule, ranging from classic federation to various forms of cultural home-rule’ in 52 different states (Elazar 1991), while Benedikter (2007) counts 58 regions across the world with territorial autonomy.

Regardless of the scope and detail of the above definitions, the one common feature they all share, directly or indirectly, is the transfer of certain powers from a central government to that of the (thereby created) self-governing entity, and the relatively independent exercise of these powers. Such arrangements then can incorporate executive, legislative, and judicial powers to varying degrees. Where they are used as an instrument for conflict prevention and settlement in divided societies, they ideally include such a mix of the three that enables the self-determination movement in question to regulate independently the affairs central to the concerns of its members, which are normally easily identifiable as they manifest themselves in concrete claims. However, because such TSG arrangements fall short of full sovereignty, this often happens within the broader constitutional and legislative framework of the existing state and under the supervision of a central government or similar agencies.

It is important to bear in mind that TSG is seen here as both a tool of statecraft *and* a mechanism of conflict management in divided societies, specifically when compact ethnic groups make demands for self-determination. McGarry and O’Leary’s definition of the broader concept of territorial pluralism is useful in this context:

Territorial pluralism assists geographically concentrated national, ethnic, linguistic, or religious communities. It is not relevant for small, dispersed communities, including immigrant communities, for whom self-government is infeasible or undesirable. Territorial pluralism should be distinguished not just from group-based (non-territorial) autonomy, but also from territorial self-government based on ‘administrative’, or ‘geographic’ criteria, including regional components of the state’s majority community. (McGarry and O’Leary 2010, 250)

Hence, not every form of TSG is relevant to this analysis. Federalism in Australia, Germany or the US, for example, is less relevant than the Swiss confederation; devolution in the UK and regionalization in France have greater significance than the application of the subsidiarity principle to local municipalities in Ireland. Thus, TSG as a tool of state construction employed for managing conflict in divided societies is best defined as the legally entrenched power of territorially delimited entities within the internationally recognized boundaries of existing states to exercise public policy functions independently of other sources of authority in this state, but subject to its overall legal order.<sup>14</sup> As such, TSG encompasses five distinct governance arrangements—confederation, federation, autonomy, devolution, and decentralisation.<sup>15</sup>

- ***Confederation: extensive self-rule without institutionalised shared rule.*** This is an empirically rare form of voluntary association of sovereign member states which pool some competences (e.g., defence, foreign affairs, and currency) by treaty without giving

executive power to the confederal level of government. Relevant examples include Serbia and Montenegro under the terms of the 2003-2006 constitution (which was never fully implemented), Switzerland between 1291 and 1848 (formally Switzerland retains the term confederation in its official name, functionally, however, it is a federation). The relationship between Republika Srpska and the Federation of Bosnia-Herzegovina also resembles a confederal arrangement.

- ***Federation: extensive self-rule with institutionalised shared rule.*** This implies a constitutionally entrenched structure in which the entire territory of a given state is divided into separate political units, all of which enjoy certain exclusive executive, legislative and judicial powers independent of the central government. Most commonly cited examples of federations as tool of conflict management in divided societies include Canada and Belgium, as well as Yugoslavia, the Soviet Union, and Czechoslovakia.
- ***Federacy arrangement: constitutionally entrenched extensive self-rule for specific entities.*** A federacy enjoys similar powers and constitutional protection as federal entities, but does not necessitate territorial sub-divisions across the entire state territory. In other words, federacy arrangements are a feature of otherwise unitary states, such as the Åland Islands (Finland), South Tyrol (Italy), Gagauzia (Moldova) and Crimea (Ukraine).
- ***Devolution: extensive self-rule for specific entities entrenched in ordinary law.*** Devolution can be applied to selected territories in a unitary state. The degree of legal protection is weaker and extends only to protection by ‘regular’ rather than constitutional laws. The primary example here is the United Kingdom with its four devolution settlements (London, Northern Ireland, Scotland, and Wales).
- ***Decentralisation: executive and administrative powers at the local level.*** Guided by the principle of subsidiarity, decentralisation means the delegation of executive and administrative powers to local levels of government. It does not include legislative competences. Recent examples of the application of this form of TSG as a mechanism of conflict management in divided societies include Macedonia (under the 2001 Ohrid Agreement) and Kosovo (under the terms of its 2008 constitution and related ‘Athisaari legislation’).

## **When Are Consociational Institutional Designs Appropriate?**

Discussing the ‘appropriateness’ of consociational institutional designs involves two distinct dimensions—their feasibility and their viability. Feasibility is about the primarily structural conditions under which different forms of power sharing and TSG, and combinations thereof, appropriately reflect the preferences of the immediate conflict parties, i.e., the question is about the (structural) factors that determine the (institutional) outcome of negotiations and does not take account of the dynamics of negotiations that lead to agreement on a specific



settlement.<sup>16</sup> Viability, in contrast, is about the degree to which a negotiated outcome (i.e., a set of institutions agreed between the conflict parties) in actual fact addresses the core demands and concerns of each conflict party to such an extent that they do not take recourse to violence but rather engage in a political process within the agreed institutional framework.

While there is significant overlap in terms of the factors that lead to the emergence of power-sharing and self-governance arrangements, it is useful to treat them initially separately for analytical purposes. The key structural factor to consider in relation to TSG is the territorial pattern of ethnic demography.<sup>17</sup> Among the proponents of TSG, there is relative consensus that such institutions are generally needed in conflict situations involving territorially compact communities willing to accept self-governance in the area they inhabit as the way in which they express their right to self-determination.

In three types of situations power sharing mechanisms are required either in addition or instead of TSG arrangements: to accommodate local, politically relevant heterogeneity in the self-governing territory, to reflect the significance of the self-governing territory relative to the rest of the state, or to account for the significance of particular groups that lack compact settlement patterns. Power sharing as a result of efforts to accommodate local population diversity in the self-governing territory takes the form of a regional consociation, such as in South Tyrol and Northern Ireland. If the significance of the territory (or territories) in question relative to the rest of the state is high and necessitates power sharing at the centre, the institutional outcome is a sovereign consociation, such as in Belgium or Switzerland, or Iraq. Regional and sovereign consociations are not mutually exclusive but can occur together. Empirical evidence for this, exists, for example, in the Dayton Accords for Bosnia and Herzegovina, as well as in the arrangements in Brussels and Belgium. Where groups live dispersed such that territorial self-governance is not an option, yet their significance relative to the rest of the state and its population is high, sovereign consociations emerge, possibly in combination with non-territorial self-governance, such as in Lebanon under the National Pact and the Ta'if Accords, in Rwanda under Arusha Accords, or in Burundi under the Pretoria Protocol.

'Significance' is one of the less straightforward, but nonetheless important, key concepts of this analytical framework and relates to both territory and population. For states, territory possesses certain value in and of itself, including natural resources, the goods and services produced there and the tax revenue generated from them, and military or strategic advantages in terms of natural boundaries, access to the open sea, and control over transport routes and waterways. Additionally, for identity groups, territory very often is also important in a different way – as a crucial component of their identity. Territory is then conceptualised more appropriately as place, bearing significance in relation to the group's history, collective memories, and 'character'. Yet, for identity groups, too, territory is, or can become, a valuable commodity as it provides resources and a potential power base, including natural resource presence, strategic location, and cultural importance. Significance can also arise from the size of a particular population group, the wealth it has and/or generates (as expressed in GDP per capita), its

control of particular sectors (security, public administration, business), and its electoral impact at the centre. If three or more of these indicators matter in relation to either territory or population, I define significance as 'high', for two indicators as 'medium' and for one or none as 'low'. The relevance of a medium level of significance for institutional design outcomes is initially difficult to assess, whereas it is more intuitively logical to hypothesise a particular (non-) outcome in relation to high and low significance.

As a starting point to explain the viability of consociational institutions, I take the observation that institutions designed to manage conflicts in divided societies in practice work as a package; that is, they 'interact in complex ways' (Belmont, Mainwaring, and Reynolds 2002, 4). What matters, therefore, is that different dimensions of institutional design fit each other and the context in which they are to be implemented to enable overall outcomes that are conducive to the success of conflict settlements.

The existing literature on conflict management offers some insights on what contextual conditions need to be in place to enable sustainable settlements. As far as TSG is concerned, the consensus generally extends to the need for institutional arrangements to address the key conflict issues (including assignment of substantive powers to the self-governing entity, adequate financing for their discharge, clear delineation of competences held by the territorial entity and by the centre), to entrench the settlement achieved constitutionally, and to provide for effective dispute resolution mechanisms (e.g., Lapidoth 1996; McGarry and O'Leary 2010; Weller and Wolff 2005a). Moreover, the establishment of appropriate power-sharing arrangements has a direct bearing on the success of TSG: governance arrangements within the self-governing territory must contribute to the local workability of the settlement, and relations with the centre must be structured in such a way that they adequately reflect the significance of the self-governing entity relative to the rest of the state. Yet, power sharing institutions have their own 'success conditions', too.

Lijphart (1977, 53-103) identified several such 'favourable factors', based on his study of sovereign consociations in the 1960s and 1970s, but confusingly his favourable factors include both factors that enable the emergence of consociational arrangements as the outcome of a negotiation process and those that can ensure their subsequent success. Lijphart thus lists overarching loyalties, a small number of political parties in each segment, segments of about equal size, and the existence of some cross-cutting cleavages with otherwise segmental isolation. In addition, the small size of the territory to which a consociational structure is applied and the direct and indirect internal and external consequences of this, as well as a tradition of compromise among political elites are also emphasized by Lijphart as conditions enhancing the stability of the consociational settlement.

Since Lijphart's original analysis of success conditions, the literature on conflict management more broadly has developed various and increasingly sophisticated approaches to determining the factors that condition success. A broad distinction can be made between factors related to

content (of the institutions put in place) and context (of their implementation and operation). As far as the impact of the content of any agreement goes, what matters is the degree to which the institutional bargain achieved reflects the structural conditions of each conflict situation and the degree to which it addresses the concerns and demands of the conflict parties.<sup>18</sup> In addition, appropriate dispute resolution mechanisms should be part of an agreement and translated into institutional mechanisms. The proper financing of self-governance and the constitutional entrenchment of the agreement's provisions are two factors that are somewhat in a grey area between content and context. As they are quite frequently written into agreements, I consider them as part of content, while acknowledging that they are also part of its broader context.

In terms of context factors beyond the structural aspects that shape, to a significant degree, the content of an agreed institutional design, two aspects are of particular significance: elite agendas and behaviour and the external environment. Concerning elite agendas and behaviour, three issues appear to matter most (Bogaards 1998; Lijphart 1977, 2002; McGarry and O'Leary 2004b, 2009a; Nordlinger 1972; Putnam 1988). First, 'the mutual understanding and acceptance of each side's concerns about survival, status, legitimacy, and cultural and political rights' needs to be reflected in settlements (Pearson 2001, 278) and parties need to acknowledge and protect institutionally each other's right to be part of the common state with their distinct identity. Second, elites must commit in word and deed to full implementation and subsequent operation of an agreement, they must be prepared to revisit it in whole or part in good faith if specific provisions in the original agreement do not or no longer work or if there is an expectation that a changing context might affect the effectiveness of specific provisions.<sup>19</sup> Third, elites need to retain as widely as possible the support of their constituents for the settlement thus ensuring that they can interact with each other with a relative degree of autonomy, not having to fear being outflanked within their own community. This is closely related to the extent to which all relevant political elites within each conflict party adopt a non-partisan approach when it comes to preserving the settlement and do not engage in mutual ethnic outbidding predicated on 'defending' communal interests rather than an inter-communal peace. Crucial for the success of any settlement (and process leading up to it) is thus the absence of effective spoilers at the domestic level.

Apart from these primarily domestic factors, it has been increasingly recognised that there is also an external dimension to the sustainability of any settlement (Brown 1996; Lake and Rothchild 1996; McGarry and O'Leary 2004b; Rothchild and Roeder 2005b; Walter 1999a, 1999b, 2002; Walter and Snyder 1999; Weller and Wolff 2005a, 2008; Wolff 2003). Here two factors widely accepted in the existing literature: the absence of effective external spoilers<sup>20</sup> and broad international support for the implementation (and operation) of agreements, including through donor funding and international/regional security guarantees.

Another external dimension affects content more than context: third parties, such as international governmental (e.g., UN, EU, AU, OSCE, OIC, etc.) and non-governmental organisations (Centre for Humanitarian Dialogue, Conciliation Resources, Concordis, Kreddha,

Initiative on Quite Diplomacy, etc.), individual states (e.g., United States, Norway, etc.), and prominent individuals (e.g., Jimmy Carter, Martti Ahtisaari, George Mitchell, etc.) play a major role in mediating between the conflict parties during the negotiation phase of a conflict management process<sup>21</sup> and thus have a significant impact on the content of any settlement. Their involvement often commits them to long-term engagement beyond the negotiation phase, for example, by extending security guarantees or offering monitoring and verification of agreement implementation (Stedman, Rothchild, and Cousens 2003; Walter 2002; Werner 1999; Werner and Yuen 2005; Zartman 1989; Zartman and Touval 1985).

**Table 1.** Content and Context as Success Conditions for Consociational Conflict Management

Content		Match of institutional bargain to structural conditions
		Match of institutional arrangements to conflict issues
		Appropriate dispute resolution mechanisms
		Constitutional entrenchment
		Proper financing
Context	Domestic	Parties' acknowledgement of each other's right to be part of the common state with their distinct identity
		Parties' credible commitment to implementation
		Absence of effective domestic spoilers
	External	Absence of effective external spoilers
		International support for implementation

## Consociationalism in Practice: An Empirical Illustration

As outlined in the previous section, consociational theory is descriptive, predictive and explanatory: it can accurately describe institutions of conflict management in divided societies, predict their emergence and explain their stability. In terms of describing institutional arrangements, three dimensions are of particular importance. First, the nature of any TSG regime in place, second the nature of local power-sharing institutions, and third that of those at the centre. Regarding the predictive value of consociational theory, the contention here is that what matters is the compactness of groups in conflict (for self-governance arrangements), the heterogeneity of contested territories (for local power sharing), and the significance of groups and/or territories (for central power-sharing). The explanatory function of consociational theory also involves three dimensions: the quality of leadership (among the conflict parties), the quality of diplomacy (i.e., the nature of third-party engagement in the conflict), and the quality of Institutional design (i.e., the content of any agreement). Within the scope of this paper, I limit myself to more extensive treatment of the descriptive and predictive functions.

I have selected seventeen cases of divided societies from Europe, Africa and Asia for the following analysis:<sup>22</sup> Brussels, Walloon, and Flanders in Belgium; the District of Brčko, the Federation of Bosnia and Herzegovina, and Republika Srpska in Bosnia and Herzegovina; Aceh in Indonesia; the Kurdistan region in Iraq; South Tyrol in Italy; the districts of the Mitrovica region

in Kosovo; Albanian-dominated districts in western Macedonia; Gagauzia in Moldova; Bougainville in Papua New Guinea; the Autonomous Region of Muslim Mindanao (ARMM) in the Philippines; Crimea in Ukraine; and Northern Ireland and Scotland in the United Kingdom.

As Table 2 indicates, only two of the seventeen regions (with the relevant qualifications) are not heterogeneous: Republika Srpska (BiH), and the Flemish Region (Belgium). With the exception of the Walloon Region (Belgium), all other regions display levels of diversity of at least 5% local minorities.

**Table 2:** Groups and their corresponding territorial entities

Case	Group/s	Territorial Entity	Heterogeneity <sup>23</sup>	Significance
Belgium	Dutch-speakers, French-speakers	Brussels Capital Region	85:15	High
	Dutch-speakers	Flemish Region	No	High
	French-speakers, German-speakers	Walloon Region	98:2	High
Bosnia and Herzegovina <sup>24</sup>	Bosniaks, Croats	Federation of Bosnia and Herzegovina	(60:40)	High
	Serbs	Republika Srpska	No	High
	Serbs, Croats, Bosniaks	District of Brčko	49:51 (35)	Low
Indonesia	Acehnese, Javanese, others	Nanggröe Aceh Darussalam	70:30 (16)	Medium
Iraq	Kurds, Turkoman, Arabs, Assyrians, Chaldeans <sup>25</sup>	Kurdistan Region	95:5	High
Italy	German-speakers, Italian-speakers, Ladin-speakers	Province of South Tyrol/Region of Trentino-Südtirol	64:36 (24)	Medium
Kosovo	Albanians, Serbs <sup>26</sup>	Districts of the Mitrovica Region	88:12 (7)	Medium
Macedonia	Macedonians, Albanians	Local districts in western Macedonia	65:35 (25)	High
Moldova	Gagauz, Moldovans, Bulgarians, Ukrainians, Russians	Territorial Autonomous Unit of Gagauzia	82:18 (5)	Medium
Papua New Guinea	Bougainvilleans	Province of Bougainville (North Solomons)	Yes	Medium
Philippines	Muslims, Catholics, Evangelicals, others	Autonomous Region of Muslim Mindanao	90:10	Medium
Ukraine	Ukrainians, Russians, Crimean Tatars	Crimea	58:42 (24)	High
United Kingdom of Great Britain and Northern Ireland	Protestants, Catholics	Northern Ireland	53:47 (43)	Low
	Scots, British	Scotland	88:12 (7)	Medium

All but two regions are distinct and clearly demarcated territories: only the situation in Macedonia and Kosovo is different inasmuch as the settlement areas of ethnic Albanians and ethnic Serbs, respectively, do not constitute a specific larger territorial entity but comprise relevant local government units only. However, the constitution of Kosovo specifically allows for the establishment of 'horizontal links' between local units of self-government, i.e., greater levels of cooperation on matters devolved into the competence of the local communes. This makes it conceivable that Serb-dominated communes can establish their own quasi-region. In contrast to similar provisions in the Iraqi constitution of 2005 (formation of regions from

provinces/governorates), in the Kosovo case this does not mean a change in status or powers at the disposal of the quasi-region.

As far as the distinctiveness of the territories in question is concerned, two further observations are noteworthy. First, constitutional reforms in Macedonia following the 2001 Ohrid Framework Agreement, which established the principle of far-reaching decentralisation, went hand in hand with redrawing the boundaries of local communes, thus rendering them more ethnically homogeneous. Second, two of the territorial entities—Gagauzia and ARMM—are, in fact not territorially contiguous, but rather a patchwork of territories whose populations decided by referendum that they wanted to be part of the respective territorial entity. In South Tyrol, similarly, the boundaries of the autonomous province were largely determined on the basis of the historical entity of South Tyrol, but some “adjustments” were made to incorporate some predominantly German-speaking municipalities that would have otherwise been part of the province of Trentino. This flexible approach to boundary determination complements the broader liberal consociational approach to emphasise self-determined over pre-determined identities.

Table 3 summarises the predictive ‘success’ of consociational theory as elaborated above along the three dimensions of TSG, and local and central power sharing, while the following three subsections provide an accompanying narrative that briefly describes the nature of the institutions in place.

**Table 3:** Institutional Arrangements

Self-governing Territorial Entity	Heterogeneity	Local Power Sharing	Significance	Central Power Sharing
Brussels Capital Region	85:15	Yes	High	Yes
Flemish Region	No	No	High	Yes
Walloon Region	98:2	No	High	Yes
Federation of Bosnia and Herzegovina	60:40	Yes	High	Yes
Republika Srpska	No	No	High	Yes
District of Brčko	49:51	Yes	Low	No
Nanggröe Aceh Darussalam	70:30	No	Medium	No
Kurdistan Region	95:5	Yes	High	Yes
South Tyrol/Region of Trentino-Südtirol	64:36	Yes	Medium	No
Districts of the Mitrovica Region	95:5	No	Medium	Yes
Local districts in western Macedonia	95:5	No	High	Yes
Territorial Autonomous Unit of Gagauzia	82:18+political	No	Medium	Yes
Province of Bougainville (North Solomons)	Yes (political)	Yes	Medium	Yes
Autonomous Region of Muslim Mindanao	90:10	No	Medium	Yes
Crimea	58:42	No	High	No
Northern Ireland	53:47	Yes	Low	No
Scotland	88:12	No	Medium	No

## **Forms of Territorial Self-government**

With two exceptions, all relevant entities have distinct legal status and enjoy legislative and executive powers of their own and independently of the central government. The exceptions to this rule are Macedonia and Kosovo where territorial self-government exists only qua decentralisation of power to local communes. While the degree of decentralisation is quite substantial, the powers enjoyed by local communes do not include legislative powers.

In all other cases, the specific territories in which the groups reside have legal status as a whole and on their own, as predicted within the framework of consociational theory developed above. This takes different forms:

- a) Devolved government (one country, two cases): Scotland, Northern Ireland;
- b) Federacy (seven countries, seven cases): Brčko, Aceh, South Tyrol, Gagauzia, Bougainville, ARMM, Crimea;
- c) Federation (three countries, six cases): Brussels Capital Region, Flemish Region, Walloon Region, Federation of Bosnia and Herzegovina, Republika Srpska, Kurdistan Region.

## **Forms of Local Power Sharing**

The original assumption of the paper was that ethnic heterogeneity in the self-governing entity leads to the establishment of local institutions that guarantee power sharing between relevant identity groups. The results of the case analysis here are more ambiguous at first sight. Even assuming that heterogeneity is politically relevant only above the level of 10%, there are still several cases that do not confirm this assumption: Aceh, Gagauzia, Crimea, and Scotland. The case of Aceh is the one most difficult to explain, given the relative novelty of the arrangements and lack of data availability. From what little information is available, there are two issues. On the one hand, the majority of the non-Acehnese are migrant Javanese, who are widely seen as privileged representatives of Jakartan domination. Hence a local power sharing arrangement would have given a say to precisely those against whom the Acehnese were rebelling. However, since the settlement, tensions have emerged between the Gayo, the largest 'native' non-Acehnese group, and the Acehnese. Here, future instability might have its sources in the lack of local power sharing institutions.

In Scotland, during the first two terms of devolved government, the pro-union Labour Party governed first in a majority government of its own and then with the support of the Liberal Democrats in a coalition. The only decisively pro-independence Scottish National Party (SNP) achieved a plurality of votes in the 2007 elections (47 out of 129) and has been governing as a minority government since then. From this perspective, the nature of the party system, at least in part, explains the lack of a power sharing government: the SNP is the only decidedly pro-independence party, and none of the other major parties (Labour, Liberal Democrats, and

Conservatives) was keen to join it in government, but the political-ideological differences between them prevented them from forming an (anti-independence) coalition, even though numerically this would have been possible with the three parties commanding a total of 78 (out of 129) seats in the Scottish parliament. However, indirectly, and because of the balance of power in the parliament, the SNP needs to seek support from the other parties for its legislative programme which guarantees the major parties a certain degree of at least indirect influence on government policy.

In Gagauzia and Crimea, the situation is slightly different. In Crimea, coalition governments including ethnic Russians and ethnic Ukrainians have been the norm rather than the exception in regional politics, even though this has meant that the Crimean Tatar population (12.1% of the Crimean population) has been excluded from executive power. Voluntary power sharing coalitions, in this case at least, thus can have a potentially negative impact on inter-ethnic relations inasmuch as they can become a mechanism of exclusion rather than inclusion.

In Gagauzia, on the other hand, the chief executive of the autonomous government is directly elected and appoints his or her own cabinet. This kind of 'presidential system' is combined with a single-member plurality election system that has so far always resulted in a regional assembly that has been relatively representative of Gagauzia's ethnic make-up and has, qua committee scrutiny, checked the powers of the regional governor.

As predicted by the above outline of consociational theory, all other heterogeneous self-governing entities have guaranteed power sharing mechanisms in place:

- a) Guaranteed representation in the regional executive: Brussels Capital Region, Federation of Bosnia and Herzegovina, Brčko, Kurdistan Region, South Tyrol, Bougainville, Northern Ireland;
- b) Parliamentary decision-making procedures (qualified or concurrent majority voting): Brussels Capital Region, Federation of Bosnia and Herzegovina, Brčko, Northern Ireland.

### **Forms of Central Power Sharing**

In cases of highly significant territories power sharing institutions exist at the level of the central government, except in the case of Crimea. Moreover, there are provisions in four cases of medium significance (Kosovo, Gagauzia, Bougainville, and Mindanao), but these arrangements do not amount to power sharing in the sense of jointness in executive decision making between representatives of the self-governing entity and the centre.

In the case of Kosovo, arrangements extend to the guaranteed representation of the Serb and other non-Albanians communities in the government and to concurrent voting procedures on issues of vital interest in parliament. However, while the majority of Serbs lives in the districts of the Mitrovica region, there are other pockets of Serb settlement in central and southern Kosovo,



and thus a guarantee of Serb representation and co-decision making does not equate to these guarantees applying to Serb representatives from Mitrovica per se.

In the cases of Gagauzia and Mindanao, representation of the self-governing entities in the central government is achieved qua cooptation. Central-level power sharing, therefore, is somewhat limited in that it only extends to the mandatory inclusion of members of the regional government into the national government. While regional representatives, thus, can participate in the national executive process, they do not have veto powers nor are there qualified or concurrent majority voting procedures in place that would increase the influence of regional representatives at the centre. Hence, the main benefit of these arrangements needs to be seen in both the symbolic recognition of the region (qua inclusion of its representatives into the national government) and in the establishment of formal channels of communication between regional and central executives (i.e., the institutionalization of a policy coordination mechanism).

The case of Bougainville, local influence on central decisions is generally sought to be achieved through the establishment of consultation mechanisms aimed at establishing consensus between the central and autonomous governments, and by reference to judicial arbitration where such consensus cannot be achieved. Moreover, any changes to the agreed and constitutionally entrenched structure of the institutions created by the 2001 Bougainville peace agreement require the consent of two-thirds of the representatives of Bougainville's parliament and the Bougainville government has to be represented at its request in any international negotiations potentially affecting the constitutional status and powers of Bougainville as per the 2001 peace agreement.

The situation in another case of medium significance is also of interest in this respect. In South Tyrol, no central-level power sharing arrangements exist, but the settlement for South Tyrol creates technically a nested consociation with guaranteed power sharing at the level of the province (South Tyrol) and the region (Trentino-Südtirol), which is the next higher level of authority, and where South Tyrol is clearly of high, rather than medium significance.

In terms of the predictive value of consociational theory, this means that in both low-significance cases no central-level power sharing exists, while for a total of eight cases where the self-governing territory is of high significance, in seven central-level power sharing structures exist. In four out of seven medium significance cases, representation in executive and/or legislative branches of the central government is guaranteed. Where central-level power sharing institutions exist, they take the form of one or both of the following arrangements:

- a) Guaranteed representation in the central executive: Belgium, Bosnia and Herzegovina, Indonesia, Iraq, Kosovo, Macedonia, Moldova, Papua New Guinea;
- b) Parliamentary decision-making procedures (qualified or concurrent majority voting): Belgium, Bosnia and Herzegovina, Iraq, Kosovo, Macedonia, Papua New Guinea.

## **Consociationalism: Critique and Defence**

Consociationalism as an approach to managing conflict in divided societies has been, and continues to be, criticized from three perspectives: a theoretical one that it is built on an uncertain and changing conceptual basis, a normative one that it is undemocratic, and a pragmatic one that it does not lead to stable conflict settlements. All three critiques are interrelated, thematically and in terms of their authors, and they all reflect not only a (partial) rejection of the consociational strategy but also, directly and indirectly, advocacy for its two main rivals: centripetalism and power dividing.

Engaging with critics of consociationalism and offering a defence for it is complicated by the fact that most critiques focus on its power-sharing dimension, while critics of territorial approaches to conflict management equally see them in isolation despite significant empirical evidence to the contrary. This terminological, and to an extent conceptual, imprecision has also not been helped by Lijphart's own use for more than two decades of power-sharing democracy as by and large synonymous to consociational democracy (cf. Lijphart 1998, 100). Thus, I shall engage separately with both sets of critique and defend each approach individually, before offering a more 'joint-up' defence of consociationalism as a whole in the concluding section.

### **Engaging Critics of Power Sharing**

The theoretical critique of power sharing is associated prominently with the work of Mathijs Bogaards (1998, 2000). Bogaards levels two challenges against Lijphart on the basis of conceptual, terminological, and typological problems within consociational theory. His first criticism is 'that Lijphart's recommendation of consociational democracy as against majoritarian democracy for plural societies does not derive from and cannot be supported with his empirical analysis of the performance of these types of democracy in plural societies' (Bogaards 2000, 417). Bogaards' second criticism, again based on a careful examination of Lijphart's writings, is that a 'lack of theoretical coherence [in terms of the underlying assumptions of consociational theory] shows in the considerable changes the favourable factors [for the success of consociational democracy] underwent in both number and content in the course of time' (Bogaards 1998, 476). Bogaards' two-fold critique is well supported by the evidence he presents from Lijphart's writings up until the late 1990s,<sup>27</sup> but requires some qualification in light of Lijphart's own writings in the twenty-first century and in light of McGarry and O'Leary's development of consociational theory.

Lijphart himself responded directly to the first dimension of Bogaards' critique by accepting a degree of conceptual vagueness and re-affirming his definition of consociation as consisting of 'the four characteristics of grand coalition, autonomy, proportionality, and mutual veto' (Lijphart 2000, 425). Perhaps more importantly, Lijphart rejects the claim that because of the lack of overlap between consociation as a normative and an empirical type, no policy recommendations can be derived, emphasizing the 'beneficial character and practical value' of

power sharing in divided societies that derives from the empirical analysis of actual conflicts and their management and the assessment of actual or potential alternatives (Lijphart 2000, 430).<sup>28</sup>

McGarry and O'Leary's early engagement with consociational theory addresses in particular Bogaards' critique of Lijphart's discussion of the conditions conducive to the success of consociation as a strategy to manage conflict in divided societies. Bogaards (1998) points out that Lijphart's 'favourable factors' are essentially deterministic and thus in stark contrast to his otherwise 'voluntaristic stance'. In contrast to Lijphart, McGarry and O'Leary, as noted above, as early as 1993 identified three fundamental conditions for consociational systems to work that put much greater emphasis on elite behavior, precisely what Bogaards (1998, 476) demanded. Part of the confusion here rests with Lijphart, part with Bogaards' focus on just Lijphart and his specific reading of Lijphart's claims. Lijphart's favourable factors mix conditions conducive to the emergence of power-sharing arrangements with those that are conducive to their stability and success in managing conflict in divided societies. McGarry and O'Leary (2004b) make this distinction more clearly, and subsequently (McGarry and O'Leary 2009c) elaborate further on elite motivations with specific reference to Northern Ireland. As I have argued above, systematic analysis of consociational theory (and practice) suggests that a distinction is necessary and possible between its predictive and explanatory functions to determine precisely the factors when consociational structures are likely to emerge and when they provide for sustainable conflict management.

Normative and pragmatic full and partial rejections of the power-sharing strategy as an approach to conflict management in divided societies often go hand-in-hand. They focus on the diminished quality of a consociational democracy; the fact that power sharing entrenches ethnic cleavages; and that such arrangements are essentially unstable and easily end in deadlock. Complete rejectionists of the power-sharing strategy are considerably fewer in number than those who see partial value in it, especially as a means to facilitate a transition after civil war.

By way of illustration, those who generally reject power sharing argue along lines similar to Wilson (2009), Jarstad (2008) and Ghai & Cottrell (2008).

Wilson criticizes consociationalism in the Northern Irish context from the perspective of a counter-proposal: 'an 'intercultural' alternative to consociationalism' that 'has at its heart the idea that one develops one's own complex identity through deliberation with others', in other words focusing on the need for 'reconciliation towards an integrated society conforming to the democratic norm that the individual citizen, rather than the 'community', comprises the social unit, in line with the Universal Declaration of Human Rights' (Wilson 2009, 221). McGarry and O'Leary (2009c, 368-371) provide a robust rebuttal to Wilson's claims, the point I want to focus on, therefore, is more limited, but also stands for a broader and more widely shared criticism of consociational power sharing, namely that it favours and entrenches communal identities at the expense of individual identities and rights. This is a gross misreading of liberal, as opposed to corporate, consociationalism theory and practice. Lijphart (1995a) and McGarry and O'Leary

(McGarry and O'Leary 2008a, 2008b) have convincingly demonstrated theoretically and with reference to practical examples that contemporary power-sharing practice favours self-determined over pre-determined groups in its institutional prescriptions and arrangements.

The broadly corporate assumption of consociational power sharing also permeates Jarstad's criticism which is conceptually narrowly focused on corporate consociations but extrapolates from their shortcomings a broader rejection of power sharing more generally. Thus, the claim that 'all power-sharing systems have to settle the difficult issues of defining which groups should be represented and the share of seats for each group' (Jarstad 2008, 127f.) is empirically not generalisable. It is true, to some extent, for the arrangements in Bosnia and Herzegovina (under the 1995 Dayton constitution), but not as far as other prominent examples go, such as Iraq (2005 constitution), Northern Ireland (1998 and 2006 Agreements), or South Tyrol (1972 Autonomy Statute). These latter cases, among others, are essentially liberal consociational institutional arrangements in the terminology of McGarry and O'Leary (McGarry and O'Leary 2008a, 2008b). As already noted, the body of work by McGarry and O'Leary represents a significant further development of power-sharing theory beyond Lijphart, who is Jarstad's main reference point (cf. Jarstad 2008, 110), but even a closer reading of Lijphart's own work (e.g., Lijphart 1995a) reveals that he has for long argued that 'consociational institutions that follow the principle of ... "self-determination" are superior to those that are based on "pre-determination"' (Lijphart 2008, 6). Moreover, Jarstad's reading and interpretation of existing literature in this field is hardly comprehensive, leading to such a stunning claim that 'previous research on power sharing has underestimated the long-term negative consequences of power sharing on both democracy and peace' (Jarstad 2008, 106) as if there had not been a decades-long debate on the virtues, or lack thereof, of power-sharing arrangements.<sup>29</sup>

Even if one leaves these shortcomings in the conceptualisation of power sharing aside, Jarstad's reservations about the long-term suitability of power sharing need some qualification. First, the claim that 'moderate actors are often excluded from a share of power' (Jarstad 2008, 107) may be empirically true in a number of cases, but it is far more difficult to demonstrate causality here: especially in cases where power-sharing governments emerge from an electoral process, the fact that power is to be shared in the executive is at best an indirect cause of the success of hardliners (cf. Mitchell, Evans, and O'Leary 2009). Lack of popular support, Jarstad's (2008) second reservation, is also rather more context-dependent. In Bosnia and Herzegovina, for example, Serbs are strong supporters of the power-sharing arrangements created under the Dayton constitution, Bosniaks are more likely to advocate for re-centralisation and integration, while Croats to some extent would like to see a different set of reforms, namely those that would give them a greater share of power at the state level than they currently have. Jarstad's (2008) claim that power sharing necessitates external intervention in order to become viable and thereby minimises local ownership is of significant substance. Heavy-handed international intervention and long-term presence may, indeed, not be conducive to building a locally legitimate democratic state after conflict, but as Sisk has noted, 'extended commitments [by the international community] to war-torn societies need to be the norm, not the exception' if

'bringing about lasting peace through democratization in societies shattered by war' is to succeed (Sisk 2008, 256f.). Jarstad's final reservation, that power sharing 'freezes ethnic division by group representation' (Jarstad 2008, 107) has been well-rehearsed in the literature, but applies only to corporate consociations and thus cannot be generalised across the variety of power-sharing regimes established in post-conflict societies.

Ghai & Cottrell's (2008) critique of consociational power sharing, while drawing largely on the experience of Fiji, offers similar observations. It is less generalised in terms of the broader viability of power sharing institutions, but it resonates well with some established critiques in their general concern, including the 'degrading of human rights', the downgrading of 'citizenship rights ... in favour of group rights, with an emphasis of community and custom prevailing over the rights of the individual' (Ghai and Cottrell 2008, 314). In the same way in which Jarstad also cannot but acknowledge that 'in many cases, the alternatives to power sharing are worse' (Jarstad 2008, 133), Ghai & Cottrell offer a significant caveat to their critique when accepting that it would be 'difficult to tell how Fiji would have fared under a different kind of dispensation, one emphasising a non-racial approach and providing incentives for cooperation across racial boundaries' (Ghai and Cottrell 2008, 314). But perhaps such a counter-factual already exists in the consequences of the introduction of the Alternative Vote system (AV) in 1999 which resulted in the two most radical parties in each community (indigenous Fijian and Indo-Fijian) take the largest share in every election since then. AV, generally hailed by centripetalists like Horowitz (1985, 2003, 2004) and Reilly (2001) as inducing moderation and cross-ethnic cooperation has clearly not functioned in Fiji as predicted by its proponents.<sup>30</sup> Having said that, this still leaves the question of whether non-power-sharing institutions would have led to more conciliatory political outcomes in Fiji. While Ghai & Cottrell cannot offer a conclusive answer to this question, their implicit endorsement of doing away with the corporate aspects of power sharing in Fiji, especially the communal electoral rolls, is consistent with the critique that liberal consociationalists like McGarry and O'Leary (2009b, 2009c), as well as centripetalists like Horowitz (1985, 1991, 2003) make.

The second category of 'rejectionists' comprises scholars who accept power sharing as a transitional mechanism, but have serious reservations of its long-term ability to induce stability and democracy in divided societies. Prominent authors here include Philip Roeder and the late Donald Rothchild, who, in the context of their theory of power dividing also assume the frequent necessity of transitional power sharing arrangements as a step towards democratic institutions without power sharing arrangements.<sup>31</sup> Similarly, Horowitz, who provides a centripetalist critique and alternative to power sharing has observed that '[c]ivil wars [...] can sometimes be brought to an end with consociational arrangements, but the desirability and durability of such agreements are often in doubt' (Horowitz 2008, 1220).

As evidenced in recent work by Sisk (2008), Murray and Simeon (2008), and Papagianni (2008), the partial rejection of power sharing, i.e., its acceptance as only a transitional arrangement, is based on the empirically derived insight that such institutional arrangements, especially if

internationally guaranteed, assure conflict parties that it is safe to commit to resolving remaining, and potentially new, disputes by political rather than military means. At the same time, however, the acceptance of power sharing as a transitional mechanism reflects concerns on the part of the advocates of this strategy that power sharing in the long term may not be suitable for successful conflict management. Equally, however, this approach is predicated on the assumption that it is in fact possible to make this transition from a period in which decisions are made in power-sharing institutions to one in which these institutions have been abrogated. One way of achieving this is a sunset or expiry clause according to which power-sharing institutions are limited to a specific period of time after the conflict. Here the primary success case is South Africa, which is analysed in great depth by Murray & Simeon (2008), arguing that the Interim Constitution of 1993 not only provided for power sharing in the period towards the eventual Constitution of South African agreed in 1996 but also included a set of constitutional principles to govern the negotiations of the Constitution, thus providing a double assurance to the parties that their essential concerns would not be neglected.

While South Africa provides empirical evidence that sunset clauses can work and maintain stability beyond the end of formal power-sharing arrangements, such agreements may not always be acceptable, especially to the politically weaker parties in such a deal. Sisk and Papagianni, in their respective contributions to this debate, offer alternatives. Sisk (2008, 254) recommends 'to encourage national dialogue processes on democracy that can allow for supplementary consensus building to occur outside formal institutions' and argues that 'such dialogues have the benefit of creating consensus first on possible institutional or procedural reforms following which implementation of reforms can be less controversial.' In a similar vein, Papagianni sees instrumental value in transitional power-sharing arrangements beyond merely assuring weaker parties in peace settlements: 'the goal of inclusion and elite bargaining in the transitional period is to secure the engagement of key political actors in the process and to channel differences among them through agreed-upon institutions and procedures' (Papagianni 2008, 63).

These critiques of power sharing as a long-term or permanent way of governance in divided societies are not as such rejections of power sharing, but rather attempts to move beyond what are often considered arrangements that are inferior in terms of the long-term stability and quality of democracy they provide. In this sense, they are not an alternative to liberal consociational power-sharing theory but in fact a strong endorsement for it, precisely because the focus on the principle of self-determination rather than pre-determination in liberal consociational theory affords the possibility of the kind of institutional change required by proponents of only transitional power-sharing institutions. Liberal consociationalism is a theory conflict management in divided societies, not one of democracy in plural societies as such. This is an important distinction, one that often goes unappreciated by its critics (and sometimes by its advocates, too).

## Engaging Critics of Territorial Self-governance

Similar to the debate over the utility of power-sharing institutions, the academic and policy communities are equally deeply divided over the issue whether territorial approaches to conflict management in divided societies offer appropriate mechanisms to keep or restore peace while preventing the break-up of an existing state. The critique of TSG, however, is far more simplistic and mono-dimensional than that of power sharing, its main point being the assertion that territorial arrangements empower fundamentally separatist elites and their supporters and endow them with resources to pursue their agenda even more vigorously. For example, Cornell (2002, 252) in his analysis of ethnic conflicts in the Caucasus argues that the 'institution of autonomous regions is conducive to secessionism', a point that Roeder (1991) made more than a decade earlier in relation to Soviet ethnofederalism and later reiterated in a broader empirical study (Roeder 2007), in line with similar findings by Bunce (1999) Hale (2000, 2004) and Treisman (1997).

The failure, in particular of ethnic federations and autonomies, is one of the most frequently voiced objections to the use of TSG arrangements for accommodating self-determination claims. While some of this literature (e.g., Cornell 2002) fails to appreciate that (renewed) conflict is a consequence of the abrogation of TSG arrangements rather than of their prior existence, there is also a more sophisticated recent trend of research on TSG, for example by Chapman and Roeder (2007) and Brancati (2009). Similar to the charge of a democratic deficit levelled against power-sharing institutions, Chapman and Roeder (2007) demonstrate empirically that, from the perspective of long-term stable democratic outcomes, partitions are preferable to any other territorial settlement. Brancati (2009) similarly finds that 'political decentralization' (meaning in her definition, federation) has short-term positive effects; its long-term consequences, however, are more often than not negative for preserving peace, democracy and existing international boundaries.

While the authors referred to above are highly skeptical of TSG as a conflict-management approach, arguing that, rather than being a cure, territorial approaches induce conflict, others have presented empirical evidence to the contrary. TSG, in this view, thus offers an acceptable compromise to conflict parties. Gurr (1993, 301) argues that the 'recent historical track record shows that, on balance, autonomy arrangements can be an effective means for managing regional conflicts.' Wallenstein (2007, 175, 179) concurs with such a positive assessment, pointing out that 'since the Cold War, autonomy solutions have been of increasing interest' and that '[t]hus far, the territorial solutions negotiated since the end of the Cold War using autonomy or federation have not failed.' Saideman et al. (2002, 118) find that 'federalism reduces the level of ethnic violence', Bermeo (2002, 97) concludes that 'federal institutions promote successful accommodation' in cases of ethnic conflict. Rothchild and Hartzell (2000, 269) find that 'territorial autonomy ... combined with other safeguards ... can be used to reassure groups in deeply divided societies about their security and ability to exercise a limited authority' and that such 'arrangements may help to lay the foundation for a stable,

accommodative politics.’ Hartzell and Hoddie (2007, 169) offer statistical evidence that ‘[d]esigning a negotiated settlement or negotiated agreement to include [territorial power sharing] lowers the risk of a return to war’. Cohen (1997) and Schneckener (2002) similarly endorse the use of territorial approaches to resolving self-determination conflicts, while Harff and Gurr (2004, 186) argue that ‘if no autonomy options are open to regionally concentrated groups, armed conflict may occur.’

There is no denying the fact that territorial approaches to conflict management in divided societies have a track record that is far from spotless. In several cases, TSG arrangements have failed to prevent the break-up of multi-national states, in others they have been unable to preserve or sustain peace between the conflict parties, and critics of territorial approaches have documented these cases well empirically and analytically (Bunce 1999; Bunce and Watts 2005; Cornell 2002; Hale 2000, 2004; Nordlinger 1972; Roeder 1991, 2007; Snyder 2000; Suberu 1993; Treisman 1997, 2007). However, many of these critiques are focused on federal arrangements alone and on the post-communist/post-Soviet region.<sup>32</sup>

In contrast, the broader approach to understanding the utility of TSG as a conflict management mechanism in divided societies advocated here emphasizes three aspects that are often neglected in critiques. First, territorial options for conflict management extend beyond federal and federacy (autonomy) arrangements. Devolution and decentralized local government offer viable alternatives that can satisfy self-determination demands without endangering the continued territorial integrity of an existing state. Second, TSG arrangements are adopted not only as negotiated settlements after civil wars fought over minority self-determination demands but also in the course of non-violent self-determination disputes. Hence, many arguments against the viability of TSG arrangements include a selection bias.<sup>33</sup> Third, and most importantly, no claim is made that TSG arrangements are a panacea in themselves, but rather that, when combined with other conflict management mechanisms in a more comprehensive institutional package, they can make an important contribution to maintaining peace and keeping international borders intact.

While the track record of TSG arrangements in managing conflicts in divided societies may be sketchy, it is far less disheartening than some of its critics suggest. TSG will retain its importance as an approach to conflict management also because self-determination movements will continue to demand it, including as a concession from the state in return for their refraining from demands for independence. Moreover, the track record, at least in Europe, of international involvement in the management of conflict in divided societies suggests that TSG is often considered a natural compromise by international mediators that allows states to preserve their territorial integrity and overall sovereignty and gives self-determination movements greater control over their own affairs. At the same time, TSG on its own is unlikely to provide sustainable conflict management, yet it can be a valuable mechanism within a broader package of measures aimed at accommodating the competing demands of different segments in divided societies.



## Conclusion

Consociationalism as an approach to managing conflict in divided society has a long history as a theory and a political practice, and has consequently evolved significantly over time. Today it has two primary dimensions of institutional design (and prescription): power sharing and TSG. While these are obvious in consociational practice, they remain theoretically underexplored in their connections both by supporters and critics of the consociational strategy of conflict management. Those critical of consociationalism as a whole often focus on its power-sharing dimension, while critics of territorial approaches to conflict management in divided societies normally ignore it altogether. Until recently, supporters of consociationalism, too, were largely oblivious to the significance of the (necessary) complementarity of power sharing and TSG. Yet, there is strong empirical evidence that the viability of consociational institutions increases when they combine both dimensions. Hartzell and Hoddie (2003, 2007), for example, argue that conflict settlements (after civil war) are the more stable the more they institutionalize power sharing across four dimensions—political, economic, military, and territorial. Schneckener (2002) reaches similar conclusions in a study that is focused on European consociational democracies. These recent empirical findings confirm the conceptual and empirical links between consociation and federation that had already been established by Lijphart three decades ago, noting two crucial principles, namely that ‘the component units [must] enjoy a secure autonomy in organizing their internal affairs... [and] that they *all* participate in decision-making at the central level of government’ (Lijphart 1979, 506). Thus, McGarry and O’Leary (2010, 260) recently noted that ‘some successful cases of territorial pluralism suggest that, at least with sizable nationalities, autonomy should be accompanied by consociational power sharing within central or federal institutions. Such arrangements prevent majoritarianism by the dominant nationality, and make it more likely that minorities have a stake in the state.’ This is in line with conclusions reached by Weller and Wolff who argue that ‘autonomy can only serve in the stabilization of states facing self-determination conflicts if it is part of a well-balanced approach that draws on elements of consociational techniques, moderated by integrative policies, and tempered by a wider regional outlook’ (Weller and Wolff 2005a, 269).

This phenomenon of power sharing and TSG occurring in combination has been identified by several authors over the past several years. Kettley, Sullivan, Fyfe (2001, 4-5), Weller (2008b), and Wolff (2009a, 2009b) refer to it, albeit in somewhat different ways, as ‘complex power sharing’, O’Leary (2005a, 34-35) uses the term ‘complex consociation’, and Hartzell and Hoddie (2007) conceptualize it as ‘highly institutionalized negotiated settlement’. Analytically, it is possible to explain both why such multi-dimensional institutional arrangements emerge and why they might have a greater chance of success. Empirically, Gurr (1993, 292) offered the initial evidence that “some combination of [...] autonomy and power sharing” offers reasonable prospects to accommodate minority demands. Based on the empirical discussion above, there is clearly some evidence of the sustainability of such arrangements, even though some of them are too recent to assess their longer-term success. A number of consociational arrangements from the cases examined above have proven relatively stable for at least a decade: Belgium

(notwithstanding the recent deadlock over government formation), Bosnia and Herzegovina, Bougainville, Crimea, Gagauzia, Macedonia, Scotland, and South Tyrol. Northern Ireland has, despite significant delays, achieved a remarkable institutional compromise that appears to endure. The settlements for Aceh and the Kurdistan Region, short-lived as they may be, nonetheless have so far provided a degree of institutional stability and peace that neither region had experienced prior to the settlement. Mindanao, on the other hand, has only achieved partial success in bringing peace to a troubled region of the Philippines, while Kosovo's post-independence experience is dominated by quasi-partition.

The empirical evidence that these cases offer also allows a number of conclusions with regard to the practice consociational conflict management. Grand coalitions, proportionality, and minority veto rights continue to play a role even in liberal consociational practice, but when it comes to power sharing, the emphasis has shifted more and more to co-operation and consensus among democratically legitimized elites, regardless of whether they emerge on the basis of group identities, ideology, or other common interest. Institutional prescriptions have also become more flexible: parliamentary systems remain dominant, but the merit of collective or rotating presidencies has been acknowledged; PR list electoral systems are no longer the standard and only recommendation, but proportional preferential electoral systems (e.g., STV) have been tested successfully; power-sharing arrangements have also shifted from an earlier emphasis on representation rules and come to include participation rules (e.g., decision making procedures that require qualified and/or concurrent majorities); and novel procedures to avoid protracted government formation have become part of the liberal consociational menu (e.g., the application of the d'Hondt rule) (Lijphart 2004; Norris 2008; O'Leary 2005a; O'Leary, Grofman, and Elklit 2005; Wolff 2005).

In order to protect individuals and groups against the abuse of power by majorities at the state level or the level of self-governing entities, liberal consociationalism offers three remedies – the establishment of TSG regimes, the replication of its core institutional prescriptions within the self-governing entity, and the establishment and enforcement of strong human and minority rights regimes at both the state and substate levels. The resulting more coherent integration of power sharing and TSG and the consequently greater emphasis on TSG as a complement to power sharing has enriched consociational theory in two ways. On the one hand, it has enhanced the 'menu' of mutually reinforcing institutional options that can provide sustainable conflict management in divided societies. On the other hand, the systematic integration of the territorial and power-sharing strategies in theory and practice addresses a number of justified concerns among critics of either strategy individually. Power sharing within the self-governing entity can prevent abuses of minority groups that might become possible by empowering a local majority populations, while power sharing at the centre ties the elites of self-governing entities to the centre, giving them a stake in the common state and minimizing the appetite for secession. In turn, self-governance for locally compact groups reduces the stakes of political competition at the centre and thus the likelihood of institutional deadlock. Moreover, the focus on self-determined identity groups in liberal consociationalism offers more flexibility and

enables the longer-term change towards politics that are not entirely driven by narrow group interests. This is also reflected in the liberal consociational approach to TSG, which supports the principle of asymmetric devolution of powers, i.e. the possibility for some self-governing entities to enjoy more (or fewer) competences than others, depending on the preferences of their populations (McGarry 2007a).

According to O'Leary (2005b), liberal consociationalists prefer 'pluralist federations' in which co-sovereign substate and central governments have clearly defined exclusive competences (albeit with the possibility of some concurrent competences) whose assignment to either level of authority is constitutionally and, ideally, internationally protected, in which decision making at the centre is consensual (between self-governing entities and the centre, and among elites representing different interest groups), and which recognize, and protect the presence of different self-determined identities. This preference for pluralist federations, however, remains context-dependent, and is not the default liberal consociational institutional design. In some circumstances, e.g., where ethnic communities are not ethnonationalist (i.e. demanding their own governance institutions), it is quite possible that a unitary state with power sharing at the centre will suffice as a mechanism to settle conflicts.

It is this flexibility in institutional design that makes liberal consociationalism an appealing strategy: the emphasis on the protection of self-determined (rather than predetermined) identity groups through ensuring their effective representation and participation in decision making especially in the executive and legislature and combining this with an approach to TSG that allows self-governing territories, too, to be defined from the bottom up, rather than be prescribed top-down. In this sense liberal consociationalism is a truly, rather than deficient democratic strategy of conflict management in divided societies.

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<sup>1</sup> This paper draws, in part, on previously published work, including Cordell and Wolff (2009, 2010), Wolff and Weller (2005) and Wolff (2008a, 2008b, 2009a, 2009b, 2010a, 2010b). This is work in progress not for circulation or citation without author approval.

<sup>2</sup> See Lijphart (2002), McGarry (2007b), McGarry and O'Leary (2004b, 2010), (Norris 2008), O'Leary (2005a, 2005b), O'Leary and McGarry (2010), Weller and Metzger (2008) and Weller and Wolff (2005b). But see Lijphart (1979) for an early example of this observation.

<sup>3</sup> Advocates of centripetalism and power dividing generally reject the idea of territorial self-governance for communities seeking self-determination as destabilising, and variably propose 'non-ethnic' federalism or at least splitting communities across several territorial entities for a more nuanced account of the utility of federalism. See, for example, Horowitz (1985, 1990), Reilly (2001), Roeder and Rothchild (2005b), Sisk (1996), and Wimmer (2003). But see Horowitz (2007) for a more nuanced account of the utility of federalism. Analysts of TSG often neglect the power-sharing dimension of conflict management. See, for example, Benedikter (2007), Lapidoth (1996), and Safran and Máiz (2000). A notable exception focused on South Tyrol is Woelk, Palermo and Marko (2008).

<sup>4</sup> See for example O'Leary (McGarry and O'Leary 2010; O'Leary and McGarry 2010; Weller and Metzger 2008; Weller and Wolff 2005b). But see Lijphart (1979) for an early example of this observation.

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<sup>5</sup> See, for example, Horowitz (1985, 1990, 1991, 1993, 2002, 2003, 2007, 2008) and Reilly (1997, 2001, 2006) on centripetalism, and Roeder and Rothchild (2005b) and contributions therein on power dividing.

<sup>6</sup> Note that Roeder (2011) considers Switzerland an example of the power-dividing strategy for conflict management in divided societies.

<sup>7</sup> The arguments put forward by McGarry and O'Leary in that volume have also been rehearsed elsewhere, e.g., McGarry and O'Leary (2006; 2006); as well as in Taylor's (2009) volume on consociational theory (McGarry and O'Leary 2009b, 2009c).

<sup>8</sup> See, for example, contributions in Otunnu and Doyle (1998), Walter and Snyder (1999), Thakur and Schnabel (2001), Carment and Schnabel (2003), Diehl and Lepgold (2003), Pugh and Singh Sidhu (2003), Weller and Wolff (2008), van Houten and Wolff (2007), and Wolff and van Houten (2008).

<sup>9</sup> Lijphart (1995b) made a similar point earlier, distinguishing between self-determined and pre-determined identities.

<sup>10</sup> This distinction between territorial and non-territorial autonomy is made by a number of other scholars as well, including Heintze (1997, 37-46; 1998, 18-24), Hechter (2000, 72ff.), and Potier (2001, 55-59). For a recent conceptual and empirical study of this phenomenon, see Smith (2010).

<sup>11</sup> There have been a number of attempts in the past to conceptualise 'territorial solutions'. These include especially Benedikter (2007), Brancati (2009), Coakley (2003), Dinstein (1981), Ghai (2000, 2003), Hannum (1996), Lapidoth (1996), McGarry and O'Leary (2010), O'Leary and McGarry (2010), O'Leary (2005b), Nordquist (1998), Wehengama (2000), and Wolff and Weller (2005).

<sup>12</sup> Cf. also the more detailed discussion on the use of the term in Benedikter (2007, 16-20), Elazar (1987, ch. 2), and Ghai (2000, 8-24).

<sup>13</sup> More recently, McGarry and O'Leary (2010) use the term 'federacy' for such arrangements, noting that 'the grant of self-government is constitutionally guaranteed and cannot be revoked by the centre unilaterally' and that it 'normally applies to a part of the state's territory, and normally a small part (in population)', thus setting it apart from both devolution (lack of constitutional guarantee) and federation (application to the entire territory). Elazar (n.d.) defines federacy in similar terms as a relationship '[w]hereby a larger power and a smaller polity are linked asymmetrically in a federal relationship in which the latter has substantial autonomy and in return has a minimal role in the governance of the larger power. Resembling a federation, the relationship between them can be dissolved only by mutual agreement.'

<sup>14</sup> The definition of self-governance has been adapted from Wolff and Weller (2005) and is identical to its usage in Csergo and Wolff (2009) and Wolff (2010a).

<sup>15</sup> Note that as forms of state construction, each of these types of governance arrangement can be applied with their territorial boundaries cutting across or around the settlement areas of ethnic or national minorities. In our conceptualisation of TSG as a simultaneous conflict prevention/management/settlement mechanism, our empirical analysis focuses on arrangements with the latter kind of territorial boundaries.

<sup>16</sup> A more detailed discussion of this goes well beyond the scope of this paper, and beyond consociational theory as such, and would require consideration of a whole raft of other factors in addition to the structural factors I am focusing on, including especially questions related to the nature and structure of the negotiations process leading to an agreement (cf., e.g., Bercovitch 1991; Bercovitch, Anagnoson, and Wille 1991; Gartner and Bercovitch 2006; Jackson 2000; Kydd 2006).

<sup>17</sup> I am particularly interested here in intra-state rather than trans-state demography. The latter also shape institutional design, however, as discussed by McGarry and O'Leary in relation to Northern Ireland (McGarry and O'Leary 2004) and more generally (McGarry and O'Leary 2010). See also Wolff (2007) on 'para-diplomacy' as institutional expression of trans-state ethnic demography.

<sup>18</sup> Pearson (2001) uses the notion of 'quality' in a similar context and meaning: 'whether they made sense from a social, geographic, or political perspective'.

<sup>19</sup> This point is also made by Beardsley (2008), Werner (1999), Werner and Yuen (2005).

<sup>20</sup> On the 'spoiler problem' more generally, see Stedman (1997).

<sup>21</sup> Zartman (2007, 476) goes as far as stating that 'Peacemaking rests squarely in the hands of third parties.'

<sup>22</sup> The selection of cases was based somewhat randomly on availability of relevant data and the degree of prior knowledge. Work on a more comprehensive dataset of cases is ongoing.

<sup>23</sup> This is calculated as the ratio between the largest group and the total of all other groups. If local minorities make up more than 10% of the total, the share of the largest local minority group is indicated in parentheses. I do not examine here the extent to which heterogeneity is a result of recent, state-sponsored e/immigration. All calculations based on latest census data except where indicated otherwise.

<sup>24</sup> There has been no census in Bosnia and Herzegovina since 1991, when the following data were established: total population—4.38 million, Muslims—1.9 million (43.5%), Serbs—1.37 million (31.2%), Croats—761,000 (17.4%).

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Current population estimates set the total resident population at 3.84 million. See <http://www.bhas.ba/Arhiva/2007/TB/Demografija-hr.pdf>.

<sup>25</sup> Estimates according to UNDP data of 2004. See [http://www.reliefweb.int/rw/RWFiles2005.nsf/FilesByRWDocUNIDFileName/KHII-6CC44A-undp-irq-31dec1.pdf/\\$File/undp-irq-31dec1.pdf](http://www.reliefweb.int/rw/RWFiles2005.nsf/FilesByRWDocUNIDFileName/KHII-6CC44A-undp-irq-31dec1.pdf/$File/undp-irq-31dec1.pdf).

<sup>26</sup> Estimates according to Kosovo Government. See <http://www.ks.gov.net/ESK/esk/pdf/english/population/Demographic%20changes%20of%20the%20Kosovo%20population%201948-2006.pdf>.

<sup>27</sup> The latest of Lijphart's writings available to Bogaards when he formulated the second of his critiques (Bogaards 2000) was Lijphart's *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries* (Lijphart 1999).

<sup>28</sup> This point is made in similar vein by Kerr (2005), McGarry (2007b), Norris (2008), O'Leary (2005a), Schneckener (2002), (Weller 2008a), Weller and Wolff (2006), and Wolff (2003), as well as various contributions in Noel (2005) and Weller and Metzger (2008).

<sup>29</sup> Prominent contributors to the debate include Barry (1975a, 1975b, 2000), Bogaards (1998, 2000, 2003), Horowitz (1985, 1990, 1991, 1993, 2008), Lustick (1979), contributions in Noel (2005) and in O'Flynn and Russell (2005), Reilly (2001, 2006), and Wimmer (2003). For more recent manifestations of the debate see contributions in Taylor (2009), and Wolff (2010b).

<sup>30</sup> The broader debate on AV and the implications of the case of Fiji has been carried for the past 5 years by Fraenkel and Grofman (2004, 2006) and Horowitz (2004, 2006; 2008, 1235-1236).

<sup>31</sup> Cf. Roeder (2005), Roeder and Rothchild (2005a), Rothchild and Roeder (2005a, 2005b).

<sup>32</sup> Roeder (2007) is an important exception here in its more comprehensive global analysis.

<sup>33</sup> Lake and Rothchild (2005, 110-111) skeptically argue that '[t]erritorial decentralization is likely to prove a stable and effective long-term solution only under an extraordinary conjunction of conditions ... [which] are unlikely to be present at the end of contemporary civil wars.' However, the more recent study by Hartzell and Hoddie (2007) suggests that even after civil wars TSG arrangements have a significant positive impact by lowering the risk of a return to war.