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Civil War Outcomes

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Abstract

This paper attempts to summarize the rapidly expanding literature on civil war outcomes, organizing it around three central questions, all of which remain under debate: (1) what are civil wars, (2) how do we know when they end, and (3) what can outsiders do to help end them and prevent their recurrence?   It focuses on the normative and ethical issues involved in negotiated settlements to civil wars: do they reduce violence or not, do they encourage democracy or not, the conflict between amnesty and justice which they often raise, and, if they are seen as desirable, when are they likely to occur and how, if at all, can outsiders support them.

At one level it seems impossible that civil wars can end. The strongest theoretical argument that civil wars are different from other forms of political violence is that the stakes are different. In interstate wars the victor is likely to eventually go away, especially because modern nationalism and sectarianism make the cost of continued occupation very high, as seen in Afghanistan and Iraq. But, except for the relatively few cases of partition, civil war termination means that people who have been killing one another with considerable skill and enthusiasm will somehow agree to live in the same country under the same government without further large-scale violence. Typically they do this in a country whose social, political, and economic structures have been torn apart and traditional animosities have been greatly heightened by the killing, much of which has been aimed at civilians. This sounds like a recipe for starting a civil war rather than ending it.

And yet we know that it happens all the time. Western Europeans no longer kill one another over different varieties of Christianity. England is no longer crisscrossed by warring armies representing York and Lancaster or King and Parliament. The French no longer kill one another over the divine right of kings. Americans seem to have agreed on independence from English rule, that the South should not secede, and that slavery will not be allowed. Argentines seem reconciled to living in a single state rather than several. The ideologies of the Spanish Civil War now seem irrelevant, and even the separatist issues there are not being resolved by mass violence. India doesn't seem interested in regaining the secessionist state of Pakistan, and Pakistan seems have accepted the secession of Bangladesh. Nigeria experienced one of the most brutal civil wars of our time, but the major divisions within the country are now different. Other countries which have experienced a civil war since 1945 but where resumption seems unlikely include Bolivia, Cambodia, Chad, Costa Rica, Cyprus, Dominican Republic, El Salvador, Greece, Jordan, Laos, Malaysia, Morocco, Mozambique, Paraguay, South Africa, and Syria.

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Presumably the process works differently in different countries, but it seems likely that there are common elements which we can use to make predictions about future outcomes and prescriptions to shape them. Some years ago it made sense to say that the literature on civil wars, like that on interstate wars, focused on how they began rather than how they ended (Licklider 1993, 7-8), despite a few exceptions (Iklé 1971 and 1995; Gurr 1988). This seemed odd, since civil wars usually became a foreign policy problem only after they had begun and the question of how they ended was precisely the point for most outsiders. Thankfully in the intervening decade this imbalance has been repaired as a new generation of young scholars has tackled the issue with a wonderful combination of skills and enthusiasm. Important work has been done in a variety of academic disciplines as well as governmental and non-governmental organizations in countries around the world, appearing in a many different publications and sources; indeed it is practically impossible for any single individual to keep track of the literature of this burgeoning and very exciting field of study. This necessarily terse summary will try to structure this work around a few central questions and briefly describe some of its ongoing controversies.

The central focus of much of this work has been to better understand why civil wars begin, evolve, and end as they do. The concern, then, is not the classic historian's problem of what has happened in any given civil war and why it has occurred, but to try to establish the plausibility of generalizations which will apply to other such episodes, including those which have not yet occurred. There are two parts to this activity, developing general theories or explanations and testing these theories against a large number of cases to see if they correspond to reality. One hallmark of the best recent work in the field is that it is multi-method. Nonetheless much of this work has necessarily been quantitative, analyzing a large number of wars and looking for patterns, often using the one or two hundred episodes since 1945 which different

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criteria have identified as civil wars. These analyses are not without their drawbacks (Kalyvas 2004; Ward and Bakke 2005), but the process forces scholars to pay particular attention to problems of definition although, as we will see, it has not led to consensus on these issues.

It seems useful to organize this chapter around three questions, all of which remain under debate. (1) What do we mean by civil wars? (2) How do we know when they end? (3) What can outsiders do to end them? I also distinguish between normative and empirical issues, what should be done and what will happen if certain things are done. As we will see, the concerns are often closely related in particular issues, but they require different modes of analysis. It is particularly important to raise and debate ethical issues because work in this field is not simply an academic exercise; it is directed at influencing policymakers. Policy issues combine both ethical and empirical issues, and one of the obligations of outsider commentators is precisely to tease out these different questions so they can be confronted directly rather than simply assumed.

1. WHAT IS A CIVIL WAR?

At one level, this seems a simple question. If interstate wars are wars between states, then civil wars are wars between combatants within states. But in fact things are more complex. The American Civil War is a civil war, but what about the Indian wars in the United States? How about colonial wars such as the French in Algeria or the British in Kenya? What if there isn't a state at all, as in Somalia? Should genocides and terrorist actions be included? What about coups d'etat? Is the West Bank part of the State of Israel, and, if not, how should we classify political violence there? Is communal conflict in India or violence by drug rings in Colombia a civil war?

When we are talking about a particular conflict, the problem of definition is usually not serious. But if we want to do systematic comparisons, it becomes essential to develop operational definitions, those which are so clear that anyone else, given the same set of facts, would classify them in the same way. Thus the problem of defining terms has been quite severe for analysts who use statistical techniques to look for patterns among civil wars. In a seminal article which I have used extensively for this analysis, Nicholas Sambanis (2004) demonstrated that different definitions of the same terms in different datasets in fact sometimes produce substantially different results (see also Fearon 2004).

One way to approach the question is to break it down into two separate issues: what is a war and what is a state? Analysis of this sort starts with the Correlates of War Project (COW), the monumental data project developed by J. David Singer over the past few decades which has shaped the quantitative study of war in political science. Civil war was defined as military action within a state, with the government as a combatant (so communal conflicts don't count), at least 1,000 battle deaths per year, and effective resistance by both sides (no genocide) (Small and Singer 1982, 210). States were defined as any government recognized by France and Great Britain before 1945 and a member of the United Nations after that. The project created a database of civil wars from 1815; these definitions and data have been the basis for most of the quantitative work in the field (Sambanis 2004).

This definition is certainly helpful, but, as Sambanis and others have noted, it leaves some interesting questions unanswered. Like most operational definitions, it is arbitrary to some extent. The 1,000 deaths has probably gotten the most attention. Obviously the figure is arbitrary. COW itself seems to have vacillated between 1,000 per year and 1,000 for the total war (Sambanis 2004, 817). Fearon and Laitin (2003, 76) use a criteria of 1,000 deaths for the total war with at least 100 in each year. Sambanis

(2004, 820-821) suggests using a range of 500 to 1,000 in combination with other defining qualities of a civil war. Moreover, violence on this scale will have very different effects in countries with different populations; India, for example, is often classified as having several civil wars in progress at the same time, but since they are small and on the periphery they have practically no impact on the country as a whole. The violence in Northern Ireland, on the other hand, has obviously convulsed that area but has never crossed the 1,000 deaths per year threshold. Perhaps a per capita figure would be more appropriate, although no less arbitrary; Sambanis (2004, 821) suggests .001. The recent PRIO/Uppsala dataset (Gleditsch et. al. 2002) includes violent conflicts which have casualties as low as 25 in a year, which may allow us to determine the utility of the 1,000 death figure (a first pass at this is Sambanis 2004, 847).

In addition it isn't clear whether civilian deaths should be counted, a particularly important point in current civil wars where such deaths may be as much as 90% of the total. What about genocide or massacres that occur during a civil war, or the death of political prisoners, or indirect casualties such as those from starvation or disease (for estimates of the latter, see Ghobarah, Huth, and Russett)? And this, of course, ignores the fact that any figures on deaths during civil wars are likely to be incomplete, unreliable, and disputed, regardless of the definition used.

A second problem is how to define the combatants. Small and Singer (1982) say that at least one government must be involved for the violence to be a civil war; thus communal rioting would presumably be excluded. But what is a government? Their definition is any group either (before 1945) recognized by both France and Britain or (after 1945) a member of the United Nations. Leaving aside some issues of the first criterion, the second is something of a problem as well. The People's Republic of China was not a member of the United Nations until 1971. Does this mean that the violence between Tibetan rebels and the Peoples

Liberation Army in the 1950s was not a civil war, since the Republic of China on Taiwan was not involved? Fortunately there has been no similar violence in Switzerland, another non-member, avoiding the problem there (an interesting history of an earlier civil war there is Remak 1993).

The Korean War is another difficult case. North Korea and South Korea were separate states in 1950, although neither was a member of the United Nations; should the North Korean invasion of South Korea be classified as a civil war or an interstate war? Of course this was the central issue of the war– North Korea argued that it was trying to reunify Korea (that it was a civil war) while South Korea, while also committed to reunification, contended that the invasion was a violation of its status as a sovereign state. Intuitively, given that the division was only five years old and that the two sides shared a common history, language and commitment to reunification, it seems more plausible to call it a civil war, but it is a pretty rough fit to the usual definitions. When Saddam Hussein invaded Kuwait, he argued that he was simply regaining control of the nineteenth province of Iraq which had been stolen by the British during colonial times; the amount of time makes this considerably more of a stretch, but it is not completely ridiculous. One attempt to avoid some of these problems is to say that a civil war is one in which one or more of the contestants is seriously concerned about the consequences of living in the same state as the other (Licklider 1993, 9). This would include wars of conquest such as Kuwait as well; James Fearon (2004, 279n) solves this problem by including only cases where violence follows the conquest. However, developing operational coding rules for "serious concern" and similar terms would be challenging.

Most definitions assume a political component to the conflict; a battle between a government and a drug cartel, for example, would usually not be considered a civil war unless the cartel wanted to replace the government. Similarly a riot between ethnic groups in a country would probably also not be included.

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Actions by a group like Al Qaeda should probably be included since its leadership has articulated political goals.

This in turn raises the issue of "outsiders." The attacks of September 11 would probably not be included because the attackers were foreigners, but if they had been Americans it might have been seen as part of a civil war. (Presumably the critical point is the nationality of the individuals rather than the location of the combat.) But in fact many civil wars involve outsiders as well. Was the Vietnam War a civil war or an interstate war? Does the classification change over time as the French leave and the Americans arrive and depart? I would prefer to classify it both as a civil war, since locals on both sides seem to have been killing one another sufficiently to meet the definition, and as an interstate war as well. Depending on what you are studying, it would then be either a civil war with a lot of outside involvement or an interstate war with the Viet Cong possibly being considered an independent non-state actor for some period of time. Again there is no real agreement on how to handle this problem.

Nor can we assume that there is only one civil war going on in one country at one time. India has often been coded as undergoing several at the same time; this classification is fairly straightforward since there isn't much coordination between the opponents. But Burma, Bosnia, and Ethiopia are more complex, with a number of different sides interacting with one another in changing patterns over an extended period of time; different analysts classify them as one or many civil wars (Sambanis 2004, 819).

To put it simply, there is no consensus on how to answer any of these individual questions, much less how these answers should be amalgamated to produce a single definition of civil war. This itself isn't a problem; similar problems can be found in defining most important concepts in political science such as

democracy or justice.   Indeed it can be seen as a research opportunity; if different definitions produce different answers to the same question (and we will see that they do), this tells us that some of the dimensions we are measuring may be important explanatory variables (Ruggie 1996).   However, it is imperative that analysts be careful to specify what definitions they are using, something that has often not been done very well.

2. HOW DO WE KNOW A CIVIL WAR HAS ENDED?

When talking about civil war termination, Americans often say that the American Civil War has not ended yet. But there is a fundamental distinction, often obscured, between conflict and war. Conflict is a disagreement, which may or may not result in violence; war involves large-scale killing. Ending a war usually does not end the underlying conflict. If two ethnic groups are suspicious of one another, mass killing is unlikely to increase amity; if a country is poor, a war is unlikely to make it rich. Unfortunately our vocabulary encourages this confusion. We often use the term "conflict" in referring to violence rather than the underlying dispute, and we label efforts to reduce violence "conflict resolution" when "conflict management" is more appropriate.

But if violence is an essential part of war, how do we know when the war starts or ends?   In interstate wars there are often events which signal the formal beginning and ending of the violence. These events are less common in civil wars; dating the American Civil War from 1861, for instance, ignores the organized mass violence in Kansas and other areas before that.   Similarly Appomattox marked the surrender of the largest Confederate army, not the formal end of the war. Indeed it is not much of a stretch to see the violence of Reconstruction as a continuation of the war, ending only in 1876 in what was

essentially a negotiated settlement, with Southern whites abandoning secession and slavery but being allowed to control blacks for almost a century (Stedman 1993a).

If the conflict precedes and often follows the war, presumably war is the time during the conflict when mass violence occurs. Since 1945 the typical pattern has been for violence to occur at a fairly low level and then escalate and decline over time; it is only in retrospect that the earlier violence is seen as the precursor or initiation of civil war. If we accept the threshold of 1,000 battle deaths a year, how do we classify examples where the casualties are below this level for several years, rise to this point for a year or two, drop below for a few years, and then rise again? Presumably, if the participants or the issues change, it is a new civil war. But if not, how much peace must ensue before we say that the first war has ended and a new one has begun? Some use two years (Fearon and Laitin 2003, 76n), others five years (Licklider 1995); not surprisingly this results in different lists of civil wars and differences over their length and intensity.

Moreover, if the definition of civil war termination centers on the resumption of violence, we are back to the question of why civil wars begin in the first place, which has been discussed in an earlier chapter. We can think of civil war resumption as a special case of civil war initiation, among states which have recently experienced civil war. We have evidence that such states (even when we are talking about separate wars whether because the first wars ended long enough ago or because the new violence involves new combatants and/or issues) are particularly vulnerable to such wars. In fact, however, there has been so far been relatively little quantitative work focusing on post-violence states as a separate category.

Much research distinguishes between civil war termination and state formation after civil war. But if we are concerned about the resumption of civil war, then termination and state formation cannot be separated; a successful example of civil war termination almost inevitably involves either the formation of a new state or the drastic reformation of the old. (For a discussion of this process after the American Civil War, see Benzel 1990.)   The classic learning experience of this dogma was Somalia, where the U.S. intervened with the limited aim of ending the violence and relieving the famine but inevitably found its aims widening in an ultimately failed attempt to prevent the renewal of violence after its departure.

To summarize, there are serious problems of definition of civil war, particularly when we attempt to aggregate information about different ones to draw generalizations. As a result we have several civil war datasets which often differ in their definitions and classifications. At this point the major ones are those of Sambanis (2004), Fearon and Laitin (2003), and PRIO/Uppsala (Gleditsch 2002). As noted earlier, Sambanis (2004) has shown that these differences matter, that when the same issues are addressed with different datasets, the answers differ in important ways. At this point there is no obvious reason to privilege one dataset over the others. A better strategy is probably to use more than one dataset in our analyses and look for findings which are robust across them. Moreover, we need to expand our concept of civil war termination to include state formation after the organized violence ends.

3. HOW CAN OUTSIDERS HELP END CIVIL WARS?

Most of the literature in this field focuses not so much on how civil wars end but on how outsiders can facilitate this process. It is thus implicitly written as policy guidance to such outsiders. Policy choices are particularly difficult both because they usually involve a unique case, while academic work usually focuses on broad patterns, and because they include both ethical and empirical elements which are often

conflated in debate and which often depend on one another. It is thus particularly important that outside advisors make every effort to clarify the ethical as well as the empirical complexities of the problems in their analysis. Such arguments need to focus on two separate issues, what are the appropriate *goals* and what are the *means* which should be used to achieve them.

In the past few decades, and particularly since the end of the Cold War, we have seen the growth of a new international industry dedicated to discouraging large-scale violence. It includes non-governmental organizations concerned with humanitarian assistance and conflict management as well as international governmental organizations such as the United Nations which were now sometimes freed to address such issues and occasionally act. It has been supported by a number of governments in significant ways at different times as well. We often refer to this rather inchoate group as the "international community;" the term "peace industry" may also be appropriate. Its common ideology is that violence is a bad thing which should be avoided or terminated if at all possible. In practice this meant that the community usually supports ending civil wars through negotiation resulting in powersharing and democratic governments. It has sought to facilitate such outcomes in a variety of ways and with some success.

As an example, compare the settlement of the civil wars in Colombia in 1957 and El Salvador in 1992. In Colombia no outsiders were involved; the two groups made their own arrangements for negotiations, reached an agreement on their own, and instituted a powersharing agreement in which the parties rotated in and out of public office for two decades (Hartlyn 1993). In El Salvador a whole variety of outsiders were involved at various stages: the Contadora Group of Central American governments; the Soviet, American, Mexican, Spanish, Colombian, and Venezuelan governments; the International Monetary Fund, the World Bank, and the Food and Agriculture Organization; non-profit organizations of all sorts; and

the United Nations (Call 2002; Orr 2001). I think the major explanation for this difference is simply the times in which they occurred; the El Salvador pattern has become typical in post-Cold War civil wars.

3.1 Negotiated Settlements vs. Military Victories

In part as a result of all this activity, the percentage of civil wars ending in negotiated settlements has greatly increased since the end of the Cold War (Toft 2006; Hartzell and Hoddie 2007, chapter 1; Fortna 2007). This certainly seems like a good thing; it seems obvious that peace is better than war. But is this really true? Intervention in someone else's civil war raises a set of very difficult moral and ethical questions which have not been well explored. It's not hard to agree that, all other things being equal, it is better to not kill people than to do so. It's much harder to agree on what sort of outcome is desirable or, to put it differently, what outcome is worth killing people to attain. Disagreement on this question is, after all, the reason for the civil war, and the resulting mass killing seems unlikely to have created consensus among the combatants. If outsiders commit significant resources, possibly including the lives of their own citizens, they want some influence over the outcome. However, this is someone else's country, and Western ethics at both the personal and national level (individual freedom and self-determination) imply that the locals should be making this decision by themselves. In traditional peacekeeping missions, this was not a particular problem; if one or the other side asked the outsiders to leave, they did so. However, more recently the international community has felt it appropriate to intervene regardless of the wishes of some of the locals in order to prevent humanitarian tragedies (International Commission on Intervention and State Sovereignty 2001) and/or for national interest.

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This proposition seems to assume that no issues are worth large-scale killing. Phrased this way, this is not a position which would be acceptable to most people in most countries. Perhaps sixty million people died in World War II, but very few would argue it should not have been fought after the Japanese and German wars of conquest had begun. If France and Britain had intervened in the American Civil War in 1862 and offered a compromise peace, guaranteeing the survival of slavery and saving much of a generation of American men, I hope I would have opposed it (as did the Union Army when its members provided the margin of victory for Abraham Lincoln's election in 1864). More to the point, presumably the combatants on both sides of any current civil war do not agree or there would have not been a war in the first place. We must distinguish between developing strategies which may be useful in ending civil wars (or wars of any kind for that matter) and the assumption that these should always be used. This is particularly true when outsiders are deciding to intervene in someone else's war.

3.1.1 Negotiated Settlements vs. Military Victories: Fewer Casualties?

Interventions leading to negotiated settlements are usually justified in terms of the welfare of the people in the target area. In particular the argument is that local casualties will be reduced by negotiating a settlement in two ways–the killing will stop sooner, and the resumption of large-scale violence will be less likely than the alternative of allowing the war to continue until one side wins. The moral argument hinges on these empirical propositions.

Do negotiated settlements really save lives in the long run? These two empirical assumptions are subject to testing. The first seems fairly straightforward; Carolyn Hartzell and Matthew Hoddie found that, between 1945 and 1999, the average number of battle deaths for civil wars ending in military victories was

roughly twice the same number for those ending in negotiated settlements (Hartzell and Hoddie 2007, chapter 1).

However, if peace from negotiated settlements does not last as long as peace from military victories, negotiated settlements may in fact be associated with higher casualties over time as violence returns. Is there any reason to think this might be true? Negotiated settlements are by definition second-best solutions for everyone (each side would prefer to win) so no one is likely to be very happy with them. Harrison Wagner (1993) has argued that the critical resource in a civil war is organization and that negotiated settlements leave in place the organizations on both sides, making it relatively easy to return to violence. Moreover, a powersharing government (which is a common result of a negotiated settlement– why else should both sides accept it?) may simply give veto powers to everyone, making it impossible to make major changes in a society which probably badly needs them (Roeder and Rothchild .

One recent study of powersharing concludes that it contributes to peace when it is associated with a military victory but that it makes civil war resumption more likely when it is the result of a stalemate, that is, a negotiated settlement (Mukherjee 2006). This directly contradicts the conventional wisdom of using powersharing as part of a negotiated settlement. Hoddie and Hartzell conclude that powersharing is most useful for the few years after the civil war to establish trust and that after that period its drawbacks outweigh its advantages (Hartzell and Hoddie 2007, chapter 7).

On the other hand, there are several plausible reasons that democracy and powersharing (which are not necessarily the same thing since powersharing implies that some groups will keep some positions regardless of election results) might make renewed civil war less likely. All of the major groups have a

share of power, presumably limiting the threat that their former enemies will be able to use the power of the state against them and therefore making them feel secure. Leaders of both sides will have paid a substantial price in the disaffection of their subordinates; this demonstrates to the other side that they sincerely desire peace (Sisk 1996; Hoddie and Hartzell 2007). Moreover, even a military victory need not mean the end of violence; even if leaders have been captured or exiled, it is not at all clear when their followers will decide to obey and perhaps even cooperate with their former enemies. Civil war organizations, especially those of the losers, are often quite weak; it is unreasonable to expect that all or most members will automatically obey their leaders, even if told to surrender. Resistance is always possible, especially when you inhabit the same society as your adversary. Thus a negotiated settlement seems a more attractive alternative.

Several different analysts have studied whether negotiated settlements "hold" better than military victories, using different databases; most have concluded that the hypothesis is false (Licklider 1995; Carment and Harvey; Toft 2006), others find no significant difference (Doyle and Sambanis 2006, chapter 3; Hartzell 2004), but to my knowledge no one has confirmed that negotiated settlements actually make the resumption of civil war less likely than military victories. If in fact negotiated settlements do not hold very well, then the most "efficient" way to end the violence and save lives in the long run may be to simply support the stronger side to win the war quickly to, as Edward Luttwak puts it, "give war a chance" (Luttwak 1999). Of course this would have involved supporting the Serbs in Bosnia and Kosovo, Saddam Hussein in his battles with the Kurds, and several other comparable cases. Clearly this would present a major ethical problem. Empirically it's unclear whether Western democratic leaders would be able to sell this policy to their publics for any length of time.

Recent scholarship has sought to move beyond the simple military victory/negotiated settlement dichotomy. Hartzell and Hoddie (2007, chapter 4) distinguish powersharing agreements on the basis of the issues involved: political, military, territorial, and economic. They argue that settlements which involve powersharing in more of these areas are more stable than those which include only one or two both because of the commitment shown by leaders in negotiating them and because groups now have some security even if powersharing in one sector breaks down; a separate analysis suggests that such institutionalized settlements reduce the likelihood of renewed civil war almost as well as military victories (Hartzell 2004).

Philip Roeder and Donald Rothchild (2005, 336-346) contend that the problems of powersharing are so serious that it should be used only to end the violence. They support what they call nation-state stewardship (what others have called trusteeship) whereby outsiders exert long-term control over the state, developing electoral institutions from the local level, limiting the political stakes by moving controversial issues to non-political venues, encouraging new institutions controlled by alternative majorities to reduce the power of factional leaders, and delaying national elections and the formation of national governments for at least a decade. Whether outsiders have the willpower to carry out such a strategy is not clear.

Monica Toft (2006, 16-17) distinguishes military victories by the identity of the victors. Her analysis finds that military victories by rebels are more stable than either negotiated settlements or military victories by governments. Given that a substantial number of rebel groups these days are Islamist, this suggests some difficult policy prescriptions if our major value is avoiding civil war recurrence, another possible conflict between peace and justice.

3.1.2 Negotiated Settlements vs. Military Victories: Democracy?

Another moral argument in favor of negotiated settlements is that they make life better for locals, even if casualties are not reduced, because they are more likely to produce democratic governments than are military victories. (There are actually three separate issues here: do negotiated settlements in fact produce more democracies than military victories, are such regimes are better or worse for the locals, and are they are more or less likely to result in resumption of civil violence.) Again, this is an empirical issue and one on which we have relatively little information. There are certainly cases of victories being followed by extreme repression; Spain (Richards 1998; Aguilar 2002) and Greece (Iatrides 1993) are excellent examples, and an early analysis found that military victories were more likely to be followed by genocide than negotiated settlements (Licklider 1995, 686-687). On the other hand, Nigeria is one fascinating example of a military victory followed by a remarkably magnanimous peace; rebel leaders were brought back into politics, some property was restored, etc. (O'Connell 1993; Anthony 2002).

Monica Toft has done one of the very few studies on the outcomes of military victories. She compares the democracy scores of countries before and after civil wars to see the impact of the violence. Five years after the end of the war, countries with negotiated settlements do have higher democracy change scores than those with military victories. However, by ten years after the war the scores are approximately even, and after that the military victory scores hold roughly constant while those for negotiated settlements plummet. She concludes that negotiated settlements do not produce democracy after the first few years (Toft 2006, 25). These figures have to be taken with some care since the settlements arrived at after the Cold War have not lasted long enough to be included, but they cannot simply be ignored either. Indeed, as we will see below, the link between democracy and peace remains controversial. Clearly we cannot simply assume that in fact negotiated settlements will reduce casualties in

the long run or will produce more repression and less democracy. It is not certain that military victories will produce "better" outcomes, but it is not impossible. It seems unreasonable to base policy which will affect thousands of people on empirical assumptions which are debatable at best.

3.1.3   Amnesty and Justice in Negotiated Settlements

Morally one of the hardest issues in negotiating settlements to civil wars is the issue of amnesty. During civil wars combatants do terrible things to one another and increasingly to civilians as well so it seems reasonable to establish some system to judge and punish some of these individuals. However, these are often also people in charge of organizations which have the capacity to undermine any peace settlement.

The conflict management perspective holds that the goal is to end the violence as quickly and with as few casualties as possible, with "justice" if possible, without it if necessary. This means negotiations with people and organizations with blood on their hands, not because we approve of them but because they often have the power to continue the war. Excluding powerful people from negotiations because you don't like them is akin to the drunk who loses his keys in the dark but looks for them under the lamppost because the light is better there. It may be appropriate to accede to their demands (which will certainly include amnesty and may well include future restrictions on human rights) if this is the only way to end the fighting, with the hope that, after the violence ends, progress on these other issues may be made (Baker 2001).

The human rights perspective holds that civil war settlements without human rights provisions are flawed because such settlements will not last and will simply result in delaying rather than ending the

violence. Thus combatants should be strongly pressured to include them in the settlement. The extreme

position is that agreements without such provisions should be rejected, even at the cost of continued civil

war.

Again there is an empirical question here–do settlements which give amnesty to human rights

violators last as long as those which do not do so. As far as I know, this proposition has not been tested.

On the other hand, we can be fairly sure that settlements without major players will fail, resulting in more

short-term casualties. Under the circumstances it seems to me that outsiders should be prepared to accept

settlements with amnesty if the locals generally support them.

3.1.4 Can Settlements Be Negotiated?

Assuming for the moment that negotiated settlements are desirable, how can they be facilitated? It

seems likely to be difficult. One of the justifications for studying civil war as a distinctive form of political

violence is that the stakes are so high. Interstate war may involve conquest, but recently this is likely to be

fairly short-term. Civil war, however, determines the government(s) the protagonists will live with

indefinitely and to which they and their families and friends will be subject. In his classic book, *Every War*

Must End, Fred Iklé argued that compromise was more difficult to arrange after civil wars than interstate

ones.

> In conflicts that are predominately civil wars...outcomes intermediate between victory and
> defeat are difficult to construct. If partition is not a feasible outcome because the belligerents are
> not geographically separable, one side has to get all, or nearly so, since there cannot be two
> governments ruling over one country, and since the passions aroused and the political cleavages
> opened render a sharing of power unworkable. (Iklé 1971, 95).

Several quantitative analyses have confirmed that negotiated settlements are much less common

in civil wars than in interstate wars (Pillar 1983, 25; Miall 1992, 124; Stedman 1991, 9; Licklider 1995, 684).

However, we also know there has been a radical change in this pattern. Before 1990 negotiated settlements were relatively rare, but after the Cold War many more civil wars ended than in previous decades and these endings were divided roughly evenly between negotiated settlements and military victories (Toft 2006, 10-11; Hartzell and Hoddie 2007, chapter 1).

The classic explanation for negotiated settlements is William Zartman's notion of a mutual hurting stalemate (Zartman, 1985, 1993, and 2001). The argument is that settlement will only be possible when each side believes that it will be worse off if the war continues than if it ends and that a single outcome will satisfy each side more than continued war. Settlement is always a second-best solution; each side would prefer to win. Settlement can thus become more likely either if war becomes more costly or if a settlement becomes more attractive or, to be more precise, if both sides believe either of these things to be true at the same time. Thus the notion of mutual hurting stalemate–if only one side believes this, it is most unlikely that any negotiated settlement can be reached since the other side will press for very favorable terms. Hartzell and Hoddie (2007, chapter 3) develop this argument; their statistical analysis concludes that powersharing agreements are more likely when the war has lasted for a long time (presumably because of stalemate), has caused relatively few casualties (perhaps reducing the level of animosity), and when outside peacekeepers are available (perhaps by reducing the mutual concern about security which dominates civil war endings).

Since 1945 most civil wars have taken place in poor countries. Government presumably can finance themselves by access to international credits, but a new and intriguing line of research by economists has sprung up about how rebel groups are able to maintain armed forces strong enough to prevent government victories. This research, led by Paul Collier and his colleagues at the World Bank,

concludes that it will be more difficult to end civil wars in countries in which "lootable" resources are available. Examples of such resources would be drugs and alluvial diamonds, the so-called "resource curse" (Collier and Hoeffler 2004; Berdahl and Malone 2000; Ross 2004a and 2004b; Fearon 2005; Humphreys 2005; Collier and Sambanis 2005).

But the "resource curse" only works if outsiders buy the resource. This in turn points up a larger point, that outsiders may be able to decisively shape both the prospects of future war and the attractiveness of an alternative settlement. The end of the Cold War seems to have drastically reduced resources to a number of governments and rebel groups as the Soviet Union went out of business and the United States reduced aid; thus there was an outbreak of peace in a variety of places from Mozambique to El Salvador. Other qualities of the international system may also have been involved such as the disappearance of an alternative form of government, the decrease in unilateral military interventions, which some scholars have linked to longer wars, and changes in international norms (Hironaka 2005). In addition the United Nations and other international organizations were able to mount a series of efforts such as economic sanctions and, in a few cases, military forces to raise the cost of continued warfare substantially.

Outsiders can do several things to end civil wars and make negotiated settlements more likely to occur. One possibility is to bring pressure to bear on one or both sides, making it more costly to continue the war. A striking example was the support for economic sanctions against South Africa's apartheid regime over decades. At the time there was little evidence that they were making a difference, but after the fact, most South Africans seem to believe that the sanctions were in fact a major factor in bringing about change. Since economic sanctions are widely thought to be ineffective in persuading a government to

change important policies (Daoudi and Dajani 1983; Licklider 1988, 6-7 and 21-25; Hufbauer, Schott, and Elliot 1990; Pape 1997), this is a counterintuitive conclusion.

A less successful initiative has been to try to control the flow of "light weapons" throughout the world (Boutwell and Klare 1999; Dahinden, Dahlitz, and Fischer 2002; United Nations Institute for Disarmament Research 2003; Kurlantzick 2006). The Kimberley Process campaign against "conflict diamonds" attempts to restrict the resources of rebels in some countries (Goreux 2001; Campbell 2002; Tamm 2004; Grant and Taylor 2004; Smillie 2005; Winer 2005); the idea is innovative and interesting, but it is too soon to judge its success. Moreover, Hegre (2004, 249) notes that this strategy only works when goods are legally traded; it will not be useful against commodities such as illegal drugs. The reverse of this process is to offer concessions and promises to support if the combatants can reach a settlement. Often these promises focus on economic assistance after the war ends. In other cases the incentives can look very close to bribes for particular individuals and groups; in cases such as Mozambique, this may be money well spent (Ottaway 2003, 316).

At another level, it is often difficult to get negotiations started in a civil war. Aside from the usual problems of trust, governments feel with some justification that the act of negotiating concedes the major demand of the rebels. Outsiders can serve as private intermediaries to establish contacts with the other side, provide a venue, and sometimes provide resources of money and expertise to balance the sides. Once the negotiations are underway, they may be able to suggest novel solutions to difficult problems or increase confidence that the opponents are honest. Andrew Kydd (2006) notes that neutrality must mean both a preference for moderate outcomes and a concern about the issue; this should help prevent the exploitation of either side, which is essential for credibility. Prominent examples include the World Council

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of Churches and the All Africa Conference of Churches in Sudan in 1972 (Rothchild and Hartzell 1993, 76-83), the Community of Sant'Egidio in Mozambique (Bartoli 1999), and the Norwegian Institute for Applied Social Sciences (FAFO) in the Oslo Accords between the Palestinians and Israelis (Crocker, Hampson and Aall 2004, 45-71). These mediators must be neutral and non-threatening, and non-governmental organizations are often better able to do this than governments.

Another approach is "mediation with muscle," something which usually only governments can do. In this case the mediators may well be threatening and not neutral. The key, however, is that the mediators must pressure their own allies to agree to terms that otherwise would not be acceptable; this ability to deliver one's ally is what gets credibility with the other side. Interesting examples include the behavior of the Ethiopian government in the 1972 Sudan agreements (Rothchild and Hartzell 1993, 83-85), the ultimatum from Mozambique to Robert Mugabe to end the war in Rhodesia (Stedman 1993b, 157), and the actions of the United States over the past few decades vis-a-vis Israel.

One of the most intractable problems in reaching a negotiated settlement is trust. Ending a civil war means disarmament by someone, but, even if your adversary has agreed to an acceptable settlement, disarmament means putting yourself and your family and friends at the mercy of your enemies if they cheat. Outsiders can play an important role by verifying disarmament and monitoring other activities which might be seen as threatening. They may also make violations less likely by threatening sanctions against violators; military coups to overturn peace settlements in Latin America, for example, have been defeated in part because of such responses. Barbara Walter (2002) has argued that these external commitments are essential to successfully peace settlements.

The most extreme forms of intervention to end civil wars have involved committing military forces, sometimes essentially taking over a country and trying to bring about major changes in a fairly short period of time; prominent cases include Somalia, Cambodia, Bosnia, and Kosovo. (Iraq is an interesting case, but there was no civil war when the U.S. intervened, although there may be one when it leaves.) The success of these actions has been mixed at best. In Somalia mass starvation was ended and, until for over a decade, there was no resumption of mass violence. However, no government was formed either, and recently violence has flared again. In Cambodia the war ended, but the new government set up by the United Nations and elected by the population was overthrown in a coup; the result has been an unjust peace. In Bosnia and Kosovo the violence has ended and new governments were set up, but it is unclear when external forces will be able to leave without the resumption of violence. One result has been a series of very critical analyses of such efforts (Callahan 1997; Dempsey 2001; Paris 2004). Hartzell and Hoddie (2007, chapter 5) suggest that we should not assume that outside militaries will necessarily be strong enough to control countries in civil war; multinational forces are not usually composed of troops from the major powers, and the problems in Afghanistan and Iraq show the military problems even when such troops are involved. Andrea Talentino (2007) finds that state building by outsiders has helped end the violence but has failed to construct working states that can function independently.

However, it is hard to evaluate the success of these missions without comparing them to similar situations where there was no intervention. There has been an interesting argument about whether the United Nations in particular intervenes in difficult or easy cases; if it only goes to easy ones, this is a bad record, but if the cases are hard, maybe it's not so bad. Some analysts have attempted to control for the "degree of difficulty" of the cases and have concluded that, compared to similar cases, multinational peace forces seem to have been helpful when they are part of larger, multidimensional interventions; more limited

interventions, even if international, seem to have less effect (Doyle and Sambanis 2000 and 2006; Fortna 2004). On the other hand, unilateral intervention has been associated with more violence and longer civil wars (Regan 2000; Elbadawi and Sambanis 2000; Balch-Lindsay and Enterline, 2000); Afghanistan and Iraq presumably would fall into this category. Nonetheless, given the high costs and apparent difficulty of exit, it seems likely that most civil wars will have to end without the benefit of this large-scale activity.

3.2   Partition

An entirely separate issue from negotiated settlement is partition. A substantial number of civil wars are waged by groups which wish to separate from their current government. The international community has generally opposed such actions, which is probably one reason why so few secessionist civil wars have succeeded. Apparently the major reason for this position is the opposition of most governments to secession since they might be vulnerable to similar efforts, although there has been some mention of the casualties of partition particularly in India.

On the other hand, Chaim Kaufmann (1996, 1998) has argued strongly that in some cases of ethnic violence, particularly when a large enough number of civilians have been killed, the animosity between the groups is so great that they cannot live together without periodically engaging in further large-scale violence. He contends that this is particularly true when the groups are intermingled; each group sees itself as vulnerable and therefore justified in striking first. In such situations Kaufmann argues that the only solution is to physically separate the two groups into different states, allowing each to regain security by being able to defend itself and that, in order to make the occur, the international community should be prepared to move people apart, forcibly if necessary. Since this strategy is contrary to the rhetoric of the international community, it has created quite a stir, with critics contending that partition would simply

change civil wars into interstate wars, would encourage similar movements elsewhere, and was essentially ethnic cleansing and therefore unacceptable on moral grounds (Licklider and Bloom 2006). Interestingly, Roeder and Rothchild (2005, 10-12 and 320) argue that partition may be the best alternative when ethnic groups are deeply divided.

3.3 Democracy

As noted above, the international community has generally supported the establishment of democratic governments after civil wars. It is reasonable to ask whether this is appropriate, particularly since many of these countries were not democratic before the war. On the other hand, the prewar political system almost certainly helped bring about the civil war, so reconstructing it is probably not a good idea.

Democracy is usually justified as a good way to prevent the resumption of civil war and therefore good for the local population. The evidence often cited is the democratic peace, the assertion that democracies do not fight one another, a hypothesis which has been remarkably robust in a number of different statistical tests (Levy 2002). However, while this may explain foreign policy, it's not clear how it applies to renewed civil war. Certainly both sides are not usually democratic. The more precise hypothesis would be that democratic post-war governments are less likely to experience renewed civil war than non-democratic governments.

The theoretical arguments in favor of this hypothesis are fairly straightforward, as noted earlier; a democratic government should allow all parties to believe they can gain power and, if they do not, be secure nevertheless. Such governments are more likely to support human rights policies which make life easier and more secure for all, thus reducing the tensions which might produce renewed violence.

On the other hand there is some theoretical reason to think the hypothesis may be false. Winning elections requires mobilizing large numbers of people to participate; particularly after a civil war this may encourage candidates to appeal to their deepest fears, deepening the cleavages and leading to renewed violence, particularly in countries which lack long-term traditions of tolerating political dissent (Lyons 2005). Minorities may see themselves threatened by permanent majorities (whether justly or not) and feel impelled to strike first (Fearon 1993; Posen 1993). Sectarian parties and venial politicians may undercut trust in government, which in any event is likely to be in short supply. Weak democratic governments may be unable to deliver the critical public goods of security and economic progress, encouraging the revival of old tensions.

Do postwar democratic governments last longer than non-democratic ones? Recent scholarship confirms the intuition that civil war rarely breaks out in established democracies. However, established autocracies seem similarly resistant to civil war. Civil war seems most common among the countries in the middle which are undergoing transition; interestingly it's not clear that it matters much whether the transitions are from democracy to autocracy or the reverse (Mansfield and Snyder 2005; Hegre. et. al. 2001; Jakobsen 1998; Fearon and Laitin 2003; Fearon 2004; Sambanis 2004, 847). However, our real concern is with a somewhat different set of states, those which have recently emerged from civil war. Attempts to test the hypothesis on these cases have yielded mixed results; some have supported the hypothesis (Dubey 2002); others have not (Toft 2006); still others are indeterminate (Mukherjee 2006). Given this record, it seems inappropriate to simply assume that democratic governments will necessarily prevent the resumption of civil war.

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Even if democracy is desirable, is it realistic to try to create it, particularly in countries which do not have many of the conventional preconditions of democracy such as high literacy levels, civil society, an independent middle class, etc.? Building on earlier work by Elisabeth Wood on El Salvador and South Africa (2001), Leonard Wantchekon (2004) presents an intriguing theoretical argument that under certain conditions contending leaders of non-democratic factions within a country will agree on democracy, that is allowing citizens to make choices, when their economic interests require investments from citizens, popular preferences are not too biased, and an external agency is available to monitor the process. Certainly the example of former rebel leaders as senior politicians in countries like El Salvador, South Africa, and Mozambique suggests that something like this can happen.

However, Marina Ottaway (2003) argues that the model of democratization has escalated substantially over time. It started as a way to leave countries after the war was over and stressed demobilization of the competing forces and the formation of a new army and the establishment of a constitution and an election in two years. However, this model had obvious problems, and over time additional tasks were added: reforming the police and judicial system, building up civil society, strengthening the media, and improving local and regional governments. None of these is a bad thing but no postwar country has the ability to do all of them at the same time. Moreover, the international community has not been willing to give resources or time to actually make it work. Even in Bosnia, which has gotten a lot of resources over a considerable time period, there has been very little progress, and the major problems in Afghanistan and Iraq show the difficulty of applying the model in practice (Donini, Niland and Wermester, 2004; Diamond 2005). Thomas Carothers (1999, 351) argues that democracy promoters are learning what does work and what doesn't but that "no dramatic results should be expected from democracy promotion efforts."

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3.4   Security

Widespread violence is a problem in most post-civil war societies; the U.S. case is particularly notable in this regard, both in the South during Reconstruction and in the West where it became a staple of American myth and entertainment. Usually you have large numbers of former fighters on all sides, often still armed, not well suited to enter a peacetime economy which has its own problems (see below), and not in the habit of obeying authority. Indeed in negotiated settlements two or more armed forces may continue to exist, perhaps covertly. There are thus two separate security problems in such cases: (1) making former warring elites secure to reduce their incentives to restart the war and (2) making civilians secure so they will not feel dependent on their wartime organizations, which would make resumption of civil war easier.

Security for elites is difficult because the disarmament involved in the settlement necessarily leaves them vulnerable to cheating by their opponents. Several analysts, borrowing from international relations, have used the concept of security dilemma to describe this situation; each side is insecure because of disarmament, but building up their own forces frightens the other side into doing the same (Posen 1993; Fearon 1998; Walter and Snyder 1999). Outsiders can help by monitoring (and in many cases developing and executing) a strategy of disarmament, demobilization, and reintegration into society (DDR) which will reduce the competing forces proportionally and transparently. This is often a very demanding and difficult process, but we do know a fair amount about the it (Ball 1996; Berdal 1996; Colletta, Kostner and Wiederhofer 1996; Knight 2004).

Another strategy, complementary rather than competitive, is a security guarantee by outside powers backed up by troops on the ground, one aspect of peacekeeping as it is now understood. There is

some dispute as to the utility of such intervention; Barbara Walter (2001, chapters 4 and 5) found that third-party guarantees were associated with successful negotiated settlements of civil wars ending between 1940 and 1990; two other studies, looking at 1945-1997 and 1815-1992 respectively, found that such guarantees were not especially useful (Hartzell 1999; Werner 1999). A major study found that they were not very effective by themselves but when used as part of a multi-purpose intervention the overall effort was likely to be successful (Doyle and Sambanis 2006).

Security for civilians has traditionally received somewhat less attention; one study noted that out of eighteen negotiated settlements of civil war, only twelve even mentioned the subject, and in most cases there were no details at all (Call and Stanley 2002, 304). Nonetheless it is of fundamental importance.

> In communities tormented by repeated violence...safety is the most compelling motive for action. Unstable conditions tend to be exacerbated by the return of community members who fled during earlier bouts of fighting; land disputes, threats, retribution, and intimidation are common. Individuals may be frightened by other individuals or gangs, identity groups as a whole may be afraid of large-scale retribution of attacks based on association, and the community at large may be threatened by other regions, the military, or government persecution. Healing under these conditions can be extremely difficult. Therefore, freedom of movement within the community, absence of personal or group threats or attacks, property security, and access to community resources are necessary first steps on the path to recovery. The principle of safety must apply to all members of the community, regardless of status. (Maynard 1999, 132)

Civil war usually undercuts the legitimacy of the local police and security forces; a negotiated settlement is likely to also reduce their resources and resolve. This is not necessarily a bad thing since they have often been forces of simple repression rather than providers of real security, but without some sort of force in the streets, violence can escalate quickly. Clearly local forces are necessary in the long run, but they often are simply not available immediately after a settlement. Michael Dziedzic (2002) calls this problem the deployment gap.

Call and Stanley (2002, 312-316) suggest four alternatives. The first is a new, quick-start local force, but in practice it is usually impossible for such a group to be effective; they cite one partial success, police cadets in El Salvador, but they were working in a rural area with public support and no organized crime.

The second is to use preexisting forces with international monitoring. Especially if they are drawn from former combat forces, they may be effectively organized, but they are also likely to have relatively little legitimacy and to treat their former opponents harshly. It is also common for governments to transfer soldiers into police units to avoid disarmament. Reforming and retraining the police should be a high priority item, but many international donors have been reluctant to get involved. It looks better to give food to starving children rather than support a justice system which might reduce corruption and allow them to get food on their own. As a holdover from the Vietnam War, the U.S. military is normally not allowed to train police. Some organizations such as the International Criminal Investigative Training Assistance Program, sponsored by the U.S. Department of Justice, have provided training for police, but at best this is a slow process.

A third alternative is the use of international military forces. However, most militaries dislike this task, and their training of using high levels of violence is inappropriate for police tasks. For illustration consider a possibly apocryphal but telling vignette. In an American city troops had been brought in to help suppress rioting. A policeman asked his military colleagues to "cover him" as he entered a building; in his terms this meant being ready to fire if he was fired upon. The soldiers, however, immediate hosed down the building with bullets to prevent any possible resistance.

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Kosovo proved an interesting example of national differences on these issues. American soldiers in particular resisted this mission and wanted to turn it over to locals as soon as possible. British forces, perhaps because of extensive experience in Northern Ireland, seemed more comfortable using their military to do it. The Italian Carabinieri and the French Gendarmerie Nationale are examples of forces combining police and military skills; as a result the Italian and French NATO contingents in Kosovo were willing to use these groups to do local policing (Dziedzic and Hawley, 261). Interestingly, however, the same author who has strongly argued that an international gendarmerie force should be created for just such situations also suggests that in Kosovo even the Italian and French military did not really understand their capabilities or know how to best use them (Perito 2004, 181). Any such forces, of course, are likely to face formidable barriers of language and culture in an unfamiliar land.

The fourth strategy is the use of international civilian police personnel. The most prominent supplier has been the United Nations CIVPOL program, which recruits police personnel from around the world and dispatches them to areas of need. However, the inevitable problems of language and culture are accentuated by differences among CIVPOL personnel themselves. Good police are in demand in most countries so recruitment is difficult, and the quality of the personnel has been questionable. Moreover, in general they have functioned as monitors of the local police rather than as independent forces. Lastly the process of recruitment, training, and deployment into country has often been painfully slow.

Obviously all of these strategies for dealing with the deployment gap have their own drawbacks. But Dziedzic (2002) notes that the deployment gap is succeeded by the enforcement gap. The lack of police is only one part of a much larger issue of establishing an efficient and fair justice system. Police require laws to enforce, but often the preexisting laws are totally inappropriate for a new situation and have

no legitimacy with much of the population. Without a fully functioning government, it's not clear who should decide how the laws should be changed. In Somalia it was decided to reinstitute a pre-war set of laws, and old manuals and books were reprinted to facilitate the process (Hirsch and Oakley 1995, 60-61, 87-95, and 103-106). In another case,

> …the applicable law in Kosovo became an almost unfathomable combination of old law, international and European human rights conventions, UNMIK (United Nations Mission in Kosovo) regulations, and police directives (Perito 2002, 207-208)

Moreover, reform of the police forces is often easier than dealing with the judicial system of prosecutors, defense lawyers, judges, and the prisons. After a civil war the number of personnel with even minimal qualifications for these demanding tasks is likely to be small indeed. Judicial reform is not usually a high priority item in peace settlements so incumbents are often left in office to obstruct reforms indefinitely. Alternatively, in Kosovo Albanian judges were quickly put in place, but this resulted in unfair treatment of Serbs, and international judges had to be brought in for some time (Hartz, Mercean and Williamson 2005, 182-183 and 186-187).

This in turn leads to Dziedzic's (2002) institutional gap, the ability to build permanent legal institutions which can continue to function well after foreigners leave. The key elements to build in are transparency and accountability (Hartz, Mercean and Williamson 2005, 165). The lack of outside support for such reform efforts is particularly ironic given the recent concern for "rule of law" as a criterion for these new governments. One intriguing suggested remedy is the Stanley Foundation's call for an International Legal Assistance Consortium, a group of lawyers and judicial specialists who could be mobilized on short notice to help bring about judicial reforms when called upon (Stanley Foundation 2000).

3.5 Economic Growth

Peace is usually expensive. Typically the country, probably not very rich to begin with, is economically prostrate and has massive human and organizational needs which it cannot satisfy with its own resources. One cost estimate of yearly needs in the early 1990s suggests $250 million for El Salvador, and $750 million for Mozambique (de Soto and del Castillo 1994); obviously these figures would be much higher today. Outsiders can provide resources and expertise to assist in creating a functioning economy, although the combination of prewar economic problems and wartime damage makes this a formidable task.

The central need is to create employment opportunities, both for those unemployed by the war and for former combatants who are (or should be) being demobilized. One of the first and most expensive tasks is to rebuild the infrastructure which has usually been devastated by the war; such things as schools, roads, bridges, electrical systems, running war, and waste disposal are immediate priorities. In the middle term, the destruction or flight of capital, low level of savings, and displacement of skilled labor become important. Corruption is often a major problem as well. The banking system has usually collapsed or been taken over by criminals. Coping with such problems requires a skilled civil service which often does not exist (Junne and Verkoren, 2005).

However, as in the case of supporting democracy, it is not clear that outsiders will provide sufficient resources to actually create an economy strong enough to reduce the likelihood of renewed civil war. Part of the problem is a lack of political will in the developed countries to make such an open-ended commitment to states which often seem fairly insignificant, especially when the number of potential candidates seems to increase over time. Aid promises are often not kept, and aid is often given slowly and

in ways which are less than efficient. We also know that aid agencies and NGOs often inadvertently harm the economy by creating inflation by spending large amounts of money and by hiring skilled locals for their own use, making it more difficult for both private and public local organizations to function well. Coordination among the many organizations, each independently funded, is always weak and often nonexistent (Anderson 1999; Jones 2002; Covey 2005).

It is also true that we do not know the proper strategy to create successful economies in poor countries in general (as witness the problems of development programs for the past fifty years), let alone those which have been ravaged by wars. One prominent example is macroeconomic policy.   The tax bases of postwar countries have usually been decimated, and their tax collections systems are practically nonexistent, so they have very little domestic revenue and are necessarily dependent on foreign assistance. The International Monetary Fund and other organizations, based on the perfectly reasonable assumption that economic development requires a strong currency and a solid trade balance, require them to not spend much more than they take in. But this means that the governments cannot respond to the desperate needs of their population, making a resumption of large-scale violence more likely. Unfortunately there is no easy solution to this problem unless outsiders are prepared to underwrite the country's economy for some time (Carbonnier 1998; Harris 1999; Woodward 2002; Tabb 2004; Jeong 2005, 123-153; Blair et. al. 2005)

3.6 Transitional Justice and Memory

Combatants in civil wars often do terrible things to one another and increasingly to civilians as well. Often, indeed, these actions trigger the intervention of outsiders. Actions by the government were probably legal at the time so its members are presumably immune from normal justice proceedings, even assuming

that the court systems are functioning. The term "transitional justice" has been developed to cover policies to deal with human rights violations during the civil war and perhaps earlier.

In practice there have been several different approaches to the problem. (1) An international court can take jurisdiction. Special international tribunals have been set up to deal with cases from Former Yugoslavia and Rwanda. It is expected that the International Criminal Court will eventually take jurisdiction over some cases as well. They are run by international judges applying international law, often outside the country. (2) Special criminal proceedings can be set up within the country, sometimes with international as well as local judges. Examples are in Kosovo (Perriello and Wierda 2006a), Sierra Leone (Perriello and Wierda 2006b), and Timor-Leste (Reiger and Wierda 2006). (3) Truth commissions are another strategy. While they vary widely (Hayner 2001), they generally do not have the power to punish; instead their task is to determine what happened and make the facts public. (4) Another strategy is simply to ignore the issue altogether. Often all sides feel they would be vulnerable to such proceedings and are concerned that they may stir up old enmities just when peace seems to be at hand.

The institutions in the first three categories share a common purpose–to shape a memory of the previous events which will reduce the level of enmity among the combatant groups and make the renewal of mass violence less likely. The arguments in favor of war crimes tribunals and truth commissions are psychological, that the victims (and perhaps the perpetrators) will be more able to accept the past and work together in the future if guilt is acknowledged and compensation of some sort is offered.   This is expected to occur because victims will have a sense of justice, reducing grievances and healing psychological trauma (Mendeloff 2006, 4). The theory is not implausible, but it is drawn from ideas which have been applied with somewhat mixed success to individuals in Western cultures. (At least in my family, at holidays

some subjects are "forgotten" for the sake of harmony.) And Western psychology usually would not simply

ask people in grief to tell their story once in public and then go away, which is what courts and truth

commissions usually do; it would recommend a more gradual process, followed by support of various

types.

> There has been no study to date of the psychological impact of truth commissions on
> survivors, but the evidence that is available is enough to raise some serious questions....The
> assumption that knowing the facts about what happened will always contribute to healing is too
> simplistic, and is sometimes just not true (Hayner 2001, 135 and 142; cf. Minow 1998, 70-74;
> Mendeloff 2004, 363-369; and Stover 2005).

Mendeloff (2006, 7-15) reaches a similar conclusion based on a summary of a number of clinical

studies from South Africa and Former Yugoslavia.

Do settlements which include provisions for transitional justice last longer than those which do not?

To put it simply, there is absolutely no evidence that this is true, since we have basically no historic

examples to draw on. (More detailed and sophisticated critiques of the arguments for "truth telling," which

have received much less attention than they deserve, are Mendeloff 2004 and 2006.) Such provisions

have not been included in negotiated settlements to civil wars (which have themselves been fairly scarce)

until the past few years. Interestingly we have somewhat more evidence of a related topic; apology does

seem to be useful in interstate relations (Barkan; Feldman; Wolffsohn; Lavy; Lind; Berger), although here it

is usually between groups of people who no longer live in close proximity.

Of course we do have some indirect evidence. If transitional justice is necessary for reconciliation,

then presumably no prior civil wars has ever ended since "transitional justice" institutions have not been

built into their settlements. In fact this is not true; most civil wars do end and are not resumed (Licklider

1995a, 683-684). That is not to say that the conflicts which "caused" the war have been solved, but people

all over the world for hundreds of years have somehow managed to live together without killing one another in large numbers, not a trivial achievement, without the assistance of transitional justice. "There can be no peace without justice" is a plausible slogan; unfortunately there is no evidence that it is true.

Transitional justice, punishing people guilty of terrible deeds, is undeniably attractive. The uncertainty about its utility would not be so troubling if it did not sometimes come at a high price for conflict management. No leaders are likely to agree to a civil war settlement which would put them and their followers at risk, so their first (and probably nonnegotiable) demand for a settlement is likely to be amnesty. Since the definition of a negotiated settlement is one which either side can reject and continue the war, the choice may be to grant their request or continue the war. Hilary Putnam (2002, 240) lists Angola, Guatemala, Namibia, Sierra Leone, and Bosnia as cases where amnesty has been critical in getting settlements; South Africa might be another candidate. (She also notes that amnesty is recognized in international law as an appropriate response to internal war, citing Dinstein and Tabory 1996, 319.) In practice this has been resolved by two strategies: (a) agreeing on truth commissions and similar institutions which will not penalize individuals for their prior actions, even though even this in turn may undercut the already tenuous hope that they will aid in reconciliation, and (b) giving amnesty and then reneging on the promise when the political system allows it.

The poster child of the first strategy is South Africa's Truth and Reconciliation Commission. It has justly attracted attention and admiration around the world. In a stunning series of public hearings, held all over the country and televised almost nightly for years throughout South Africa, the historical record of human rights violations on both sides under apartheid was written for all to see. Fortunately an extraordinarily sophisticated study is under way to attempt to determine its impact. Presumably the

underlying theory of the TRC was that by persuading people of its version of what had actually happened ("truth"), they would become less hostile toward members of other races ("reconciliation"). The study shows quite clearly that whites who have accepted this "truth" are less hostile to blacks than whites who have not done so, confirming the value of the strategy. However, it also shows no relationship whatsoever among blacks; accepting the "truth" of the TRC is quite unrelated to their attitudes toward whites. (Better predictors turn out to be close contact with whites and religion; interestingly age and education are also unrelated (Gibson 2004).) There are many reasons to admire the work of the TRC, in particular for creating a record of the apartheid regime, but aiding reconciliation of blacks toward whites does not seem to be among them.

One of the critiques of the TRC has been that it does not have the power to actually punish evildoers. It is not clear that simply revealing the truth about terrible atrocities and then seeing the perpetrators go free will lead to reconciliation. Gibson's work suggests that it has not, at least among South African blacks. We do not know if a different system, in which the malefactors were punished, would have different psychological effects. We do know that we are unlikely to have a more favorable environment than South Africa for a truth commission; if it does not succeed here, the strategy is unlikely to work in less favored locations.

It remains an open question whether through taking testimony and publishing reports, a truth commission can also help to reconcile groups that have been warring or otherwise engaged in deep animosities. (Minow 1998, 79)

We badly need more research on this topic.

The second strategy is to promise amnesty to get peace and then break the promise when it becomes politically possible. This seems a dubious strategy to me. It raises several different issues. (a) I

understand the argument that it is morally acceptable to break promises to people who have done evil deeds in order to end those actions. (b) However, within the country this involves violating the terms of a negotiated settlement of a civil war as well as risking triggering similar repudiations on all sides and reigniting the conflict. Still, presumably the local people doing it can make reasonable judgements about this, and so far this hasn't happened. (c) However, it's hard to believe that this strategy will not make it more difficult to reach negotiated settlements to other civil wars in the future. Prosecutions by third parties such as the Spanish case against Pinochet raise the same difficulty. If leaders cannot count on amnesty, they have little reason to end the war short of military defeat, which may be very costly, although probably not for the outsiders who recommend the policy. And if war crimes trials are supposed to deter future human rights violations, it's hard to believe that breaking amnesty promises will not deter the same people from believing in accepting settlements based on such promises.

CONCLUSION

We have examined a number of ethical issues about the role of outsiders in ending civil wars. In many of these cases, however, the real issue seems to be empirical. If military victories establish longer-lasting peace and are more likely to produce democracy over time, how strong is the moral case for negotiated settlements? If partition will reduce casualties, what is the moral argument for opposing it? If postwar democracy makes renewed violence more likely, why should it be encouraged? If following conventional macroeconomic theory undermines the ability of postwar governments to survive and makes renewed violence more likely, why should we support it? If transitional justice strategies do not have their desired effect, why should we encourage others to adopt them?

All of these empirical questions remain open to debate. And so, at one level this paper is about another failure of social science. The task of social science is to establish generalizations buttressed so solidly with replicable evidence that they will be widely accepted, even by people who initially disbelieve them. We don't do this very well for a variety of reasons. This is only one of many issues in which the critical questions are empirical and for which we have no unanimous, persuasive answers.

The moral implications of this failure are substantial. As human rights and conflict management have become more prominent in foreign policy, the research in those fields takes on a new importance. We are not just engaged in academic debates now; we are talking about other people's countries and other people's lives. And we do not know, in such a manner as to persuade others, what is true, what will work, even in general, much less in particular situations which may not follow the general patterns we seek to trace.

And yet, we cannot simply stand aside from the debate. Many years ago, when I was presenting a paper on economic sanctions, someone asked about the food blockade by the Allies of Germany after World War I, and I said truthfully that I didn't know anything about it. A senior scholar jumped up in the audience and demanded that I answer the question, saying that I knew a lot and that if I didn't answer people who knew less and were less careful would answer the question instead. We were both right; that is our dilemma.

I have no magic answer to this problem, although I think (or at least hope) that more research would be helpful. But I do think that, when making recommendations about war and peace in other people's countries on the basis of empirical assumptions which are not well substantiated, a lot of humility

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on our part is appropriate. It is particularly troubling that many of the assumptions underlying the generally accepted policies of how to deal with civil wars cannot be substantiated and may well be incorrect. Social science, of course, deals with generalizations; policymakers often deal with individual cases. But policymakers deal with those specific cases on the basis of generalizations, and if those generalizations are wrong, the policy is not likely to be helpful. At a minimum we need to be very careful in assuming that we know the likely outcomes of our policies.

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