

For a peace

C H A P T E R

The overriding determinant of whether a peace agreement will endure is the extent to which the parties to the conflict must be motivated to avoid a return to bloodshed.

Once agreement has been reached, it must endure – and that is the focus of this chapter. First, this chapter highlights general principles that should underlie a settlement’s implementation; next, it analyses the key issues which can either obstruct or advance the implementation and sustainability of a settlement; finally, it looks at the role of the international community in assisting with the settlement and its implementation process.

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Sustaining the Democratic Settlement

5.1 Introduction

In order for a peace agreement to endure, the overriding determinant is the extent to which the parties to the conflict continue to be motivated to avoid a return to bloodshed. If the parties are motivated to avoid this worst outcome, the settlement is more likely to hold; if any one of them thinks that violence will reap greater rewards than playing the democratic game, the settlement will fail. Democracy offers an alternative model for managing conflicts, but it is not perfect. As discussed in Chapter 4, interim devices such as power-sharing arrangements may be essential to keep the conflicting parties committed to democracy during the crucial early months and years of a settlement, but it is no substitute for an ongoing commitment to democratic values in the long term.

During the design of the settlement, the selection of appropriate institutions or mechanisms will be essential for that settlement to be both viable and sustainable in the long term. This is an area that deserves focused attention: an agreement has little value if it cannot be properly implemented and sustained. Indeed, more harm may be done to the process if an agreement reached does not hold, than if it were never reached in the first place. The consequent failure may result in the breakdown of trust and the apportioning of blame between the parties. This will jeopardize the entire process. In Angola, the consequences of the breakdown of the Bicesse Accords, when Jonas Savimbi refused to accept the result of the first post-conflict election in 1992 and resumed the war in an attempt to gain power by force, resulted in the subsequent death of approximately 300,000 people. In Rwanda in 1994, Hutu extremists rejected the Arusha peace accords; the consequence was the genocide of an estimated 1,000,000 Rwandans. It is therefore imperative to ensure that the settlement persists and is sustained, particularly in the early transitional stage when the process is at its most vulnerable.

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The purpose of this chapter is to examine the challenges and obstacles that may affect the sustainability of structures and of the broader process, once agreement has been reached and implementation of the transition phase has commenced. In some countries, even after agreement has been reached and the violent conflict ended, the manner of the implementation (or non-implementation) of the agreement has weakened the settlement. The Oslo Agreement and the Declaration of Principles signed in Washington DC in 1993 by the PLO and Israel, for example, detailed a framework for the implementation of specific phases that would address the concerns and interests of both parties. Unfortunately, that implementation, including the functioning of several key structures, has virtually ground to a halt since the election of the Likud Government in May 1996. Sustained efforts to revive the peace process continue. The validity and legitimacy of those peace agreements depended on the implementation of the parties' obligations, which is increasingly in doubt.

In certain cases, implementation may become mired in an administrative morass, be threatened by corrupt practices, or lead to an over-centralization or concentration of power. The role of properly constituted democratic institutions becomes central, not only to ensure the functioning of the government and the broader society, but also to act as a check on the power and influence of government. The liberation of Zimbabwe from white minority rule in 1980 as a result of the Lancaster House Agreement in London, for example, was hailed as the dawn of a new era. Eighteen years on, successive scandals involving corruption, nepotism and maladministration have increased the risks of possible civil conflict.

There is also a danger of too much attention being devoted to the *form* of the institutions detailed in the agreement at the expense of the *substance*, or underpinning democratic framework, that ensures these institutions work. For example, an agreement may include provisions for periodic democratic elections. However, elections themselves cannot ensure a democratic outcome. Unless other elements of competitive political process are in place to ensure a "level play-

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ing-field”, the original agreement on elections may be of little consequence.

Similarly, an election that merely confirms previously existing inequalities of power and cements the status quo will not advance the democratic process. As one scholar noted of the wave of democratization in Africa:

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the continent had over-emphasized multi-party elections ... and correspondingly neglected the basic tenets of liberal governance. [Thus,] formal compliance has been commonplace in the continent, but real changes, evidenced in the drastic and fundamental re-composition of structures, institutions, patterns and goals of politics have been very few and far between.

The changing needs and interests of the parties also affect the sustainability of a settlement. The interests which a particular institution was originally structured to address may have altered or dissipated. For example, proportional representation may be necessary and appropriate for a first generation election in ensuring an inclusive legislature for the *transition* to democracy. But the subsequent need for democratic *consolidation* may require a greater degree of geographic representation or electoral accountability, and thus the possible adoption of a mixed or different system. The debate on the choice of a permanent electoral system in South Africa is a good example of the tension between such different needs. Similarly, several mechanisms described in this handbook, such as power-sharing arrangements, can be used temporarily at certain stages of the process and abandoned at others. Preferences and perceptions change over time, and the implementation must be responsive to this by building in an appropriate degree of flexibility.

The responsibility for ongoing assessment and support for an agreement lies firstly with the parties and the constituent sectors of society and, secondly, with the international community. A widespread belief that the international community is primarily responsible for this task has arisen from the frequent lack of internal capacity and resources of countries emerging from a

deep-rooted conflict, and from the perceived impartiality of the international community. But such an abdication of domestic responsibility from the agreement is dangerous: it can lead to a disempowering of the parties, placing distance between them and the agreement, and resulting in neglect of key responsibilities. The international community can help at the initial stages, but it cannot guarantee settlements over the long term. In Haiti in 1995, for example, after the restoration of the Aristide Government to power, elections were planned as part of the normalization of society. The timing and processes leading to these elections caused concern among Haitians, with the result that when it came to the organization of the elections, a common view expressed was that if the international community was so keen on elections, then they should pay for them as well as organize them.

The ownership of and commitment to the democratic peace process by the parties involved is thus crucial in sustaining a settlement. This does not mean that international assistance should be curtailed, but merely that the country or parties involved should bear the onus, as much as their resources and capacity permit, for the implementation and sustenance of their own settlement. The international community tends to support peace settlements for a relatively limited time, quickly scaling down and ultimately ending its assistance as its priorities and interests change. Accordingly, in our examination of the task of sustaining an agreement, we will look at both the internal and external perspectives of building a sustainable settlement. Such a process should be seen as being distinct from sustaining or consolidating *democracy*, a far broader and more complex topic which this handbook, and particularly this chapter, will address only in part.

5.2 Basic Principles

New democracies are inherently fragile. Once a new system of government has been designed, agreed to and implemented, the priority is to consolidate it. Scholars assert that complete consolidation is reached when democratic structures have become so institutionalized in society that alternative types of regime have become unthinkable; in short, when democracy has become “the only game in town”. In terms of *behaviour*, no significant group within society is actively attempting to create any alternative system or to secede from the established one. In terms of *attitude*, society at large has come to believe that what-

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ever problems arise can be handled within the existing parameters of this democratic system. And *constitutionally*, the new sets of norms, laws and institutions for dealing with conflict have embedded themselves in the political structure.

But such an evolution takes time. How do we reach that point where the settlement and the consequent system become effectively self-sustaining? Part of the answer lies in protecting the structures that have been established, so that they have time to root themselves into the fabric of a new society. That protection comes initially from adherence to three guiding principles: *transparency*, *accountability* and *participation*. These principles are not completely new to us at this stage in the handbook; they are also important considerations during the phase of outcome design. But subsequent to a settlement, they become crucial benchmarks to evaluate the continuing health of a settlement.

One of the central aims of installing a democratic structure is to be better able to manage conflict and difference: monitoring its capacity to do so indicates clearly the chances for sustainability. This evaluation procedure is the basis for most of what follows in the next section. We look at the principles behind, and the concerns regarding, various methods of monitoring a new system's ability to handle tension and conflict. This includes not only predictable conflicts along previously existing identity-group lines, but also new, unexpected or unforeseen issues of dispute.

5.2.1 Transparency

Transparency refers to openness of the government system. The process of governing needs to be both visible and understandable to the population. As such, it will reassure them that it is trustworthy, and encourage their support and co-operation, rather than risking their alienation. This is especially important in the early stages of a new settlement. Although the democratic settlement may have been conducted and reached in secrecy, its implementation requires a change in behavior, by opening up the policy-making process and the government to public scrutiny. This change in attitudes is sometimes a major challenge for transitional governments, because it implies the acceptance of criticism and dissidence as a healthy "check and balance". Such scrutiny, however uncomfortable it may be, tends to improve the responsibility and accountability of government, and ultimately contributes to the sustainability of the consolidation process by making it more legitimate.

The degree of transparency, accountability and participation provide three crucial benchmarks to evaluate the continuing health of a settlement.

Transparency implies a two-way dialogue between the government and the governed. It provides feedback mechanisms to the government, which are essential to a government's capacity for self-reform. One of the great fears of the governed is corruption within government. Indeed, there may be good historical reasons for such suspicion. Transparency provides a defense against such assumptions. It also offers a defense against corruption itself, since open government makes corruption more difficult. Finally, transparency in government processes also increases accountability and offers safeguards against the usurping of power (see section 5.3.7 on usurpation).

5.2.2 Accountability

Accountability refers to the *answerability* of government to the law and to the people – an essential ingredient of a new democracy. As long as the government remains, in real terms, answerable to the population, a self-sustaining regulatory process is set in motion. Accountability obviously figures most clearly in elections: if the voters don't like a government's record, they can vote it out of office. But accountability works in at least two other ways as well.

First, in order to maximize accountability it is possible to put institutions in place which monitor a government's progress, and which can review, comment upon and criticize its performance. Such institutions (which will be dealt with in more detail under section 5.3.11; "Checks and Balances") need a substantial degree of independence in order to function as proper watchdogs, to truly make the government accountable and to offer, where necessary, criticisms which will be taken seriously.

Second, accountability is inherent in the separation of powers which characterizes most democratic systems. Most important in this separation is an independent judiciary, which retains both the right and the capacity not only to criticize a government but, where necessary, to place constraints upon it, block possible attempts to over-extend its sphere of influence, and to rule on the legality or otherwise of its behavior. In a democratic system, no one should be above the law, including members of the government. If the source of the rule of law is seen to be separate from the organs of government, even the notion of accountability can serve to constrain possibly retrogressive actions.

There is no shortage of examples of newly installed democracies where the government, either in the form of a president or a ruling party, gradually usurps power by enacting decrees which

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override elements of the constitution or parts of the new structures designed in the settlement process: Russia, Peru, Venezuela, Colombia and Argentina come immediately to mind. The simplest way of protecting against such abuse of power is to share out power beyond government. With a strongly defined judiciary and legal system, such abuses are rendered illegal, and there is a body independent of government that retains the power to call it to account for its actions.

5.2.3 Participation

When people feel a part of the system, they take a share of responsibility for it and play a role in making it work. At a basic level, the electoral process symbolizes such participation. Voting is a fundamental part of being involved in governance by having a real say in the choice of government. But participation must exist *between* elections too. The attraction of many of the power-sharing formulae, electoral system choices, national conferences and other mechanisms outlined in the previous chapter, for example, is precisely the way that they build confidence by ensuring inclusion of all significant stakeholders in the transition process.

A key agent of participation is what social scientists call civil society. Civil society refers to the conglomeration of organizations and associations which spring up in any society, independent of government and reflective of the interests of citizens. It includes advocacy groups, churches, human rights organizations, sports clubs, trade unions, NGOs, professional associations, industry interests, indeed almost any grouping that comes into existence voluntarily in autonomous form among people.

It is extremely difficult to consolidate a new democracy without a healthy civil society. Civil society operates as the intermediary between the basic units of a society – families and individuals – and the state as represented by the government. As such it can be a powerful means for people to participate in, comment upon, and if necessary criticize the government. Its great strength is its autonomy: it becomes simply what the individuals involved want it to become, and takes no direction from government. Civil society acts both as a channel for participation and to provide useful checks and balances on government action, ensuring accountability and transparency, especially in cases where political parties are weak and fail to provide an effective opposition. Ideally, the relationship between government and civil society will be mutually energizing: not only can civil

society engender democratization, but in return democratic structures of government facilitate and encourage lively participation by civil society.

Political solutions are always more likely to succeed when they are owned by the people, rather than imposed upon them. The inclusion of minority groups who were excluded from the negotiation process is central for the sustainability of the agreement, in order to prevent their transformation into spoilers. For example, the December 1996 peace agreement in Guatemala was a two-party negotiation between the government and the URNG, excluding majority indigenous communities, other political parties, trade unions, and many others. These groups, if not included, could obstruct or even derail the process, particularly if (as in Guatemala) there is a perceived disjuncture between elite and popular “ownership” of the process.

The role of political parties, especially opposition parties, as censors on government action, is also a fundamental feature of democratic consolidation. Political parties are the means through which citizens aggregate their political preferences, participate in the government and voice their concerns. In a sense, they serve as the intermediary between government and civil society. The first steps taken towards democracy generally involve the end of the monopoly on power of the government party in single-party states and the legalization of political parties. There is widespread agreement amongst political scientists that broadly based, coherent political parties are among the single most important factors in promoting effective and sustainable democracy. Strong party systems, some contend, are both reflections of and indispensable prerequisites for good democratic performance.

5.3 Issues and Concerns

The implementation and sustaining of a peace settlement is fraught with difficulties and obstacles. There will always be developments, both political and social, that threaten a peace process. These may be difficult to foresee – such as, for example, the subsequent rise of nationalism from a minority group whose needs were not addressed by the settlement. In addition, the activities of “spoilers” are always hard to predict and plan for. Apart from the problems related to the building of trust and reconciliation, there may also be substantial difficulties associated with the construction and development of damaged or shattered economies and infrastructures. Depending on the objec-

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tives of the settlement, such aspects as the redistribution of assets and the transformation of government may well be beyond the resources and capacity of the parties.

There will also have been expectations raised by the settlement process itself, and by the parties in the course of mobilizing the support of their constituencies for the process. These expectations may be realistic or unrealistic, but in either case they place an onus on the parties and the process to deliver. If that does not take place, very soon trust is eroded, recriminations take place, relationships break down and the process stumbles. Particularly in transitions from dictatorships and authoritarian regimes, expectations are often unrealistically high. This results in disappointment, disaffection and loss of constituencies. In some countries, a disillusioned public has even voted leaders from previously undemocratic regimes back into power. The moderation of expectations to a realistic level, and the assessment of delivery in relation to those expectations, is an important part of identifying potential points of breakdown and conflict at this critical stage of the transition process.

To ensure that momentum is not lost, all possible steps need to be taken to remove any possibility, excuse or means for parties to attack the settlement and return to conflict. It is therefore imperative that potential difficulties which may negatively affect the process are identified and acted on at an early stage. We therefore list here some key issues and concerns that may affect the sustainability of a settlement. Some of the issues raised may appear to be relatively straightforward and simple, but it is precisely these issues which have, in practice, hindered or even derailed many nascent peace processes.

5.3.1 Monitoring and evaluation

All settlements require ongoing assessment to check progress and maintain focus. This can comprise keeping to agreed timeframes, ensuring that delivery meets expectations, and guarding against neglect, abuse or manipulation of the process or the institutions that comprise it. Monitoring and evaluation mechanisms should ideally be built into the settlement itself. This was the case in South Africa, where the UN monitored the implementation and maintenance of the 1991 National Peace Accord, which was aimed at ending the political violence that was tearing the country apart and threatening the entire transition. In El Salvador, monitoring of the 1991 Chapultepec Accords was built into the process through the establishment of an

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internal mechanism: the National Commission for the Consolidation of Peace had the task of drafting legislation on agreements and monitoring its implementation, while the United Nations was tasked with monitoring and verification of the peace agreement.

However, the key lies less in external monitoring or even enforcement, and more in maintaining the continued *internal* commitment of the parties by ensuring that the process meets realistic expectations. Optimally, the parties to the agreement, provided they have the resources and capacity, should conduct monitoring and evaluation. They should be supported in this endeavor by the relevant sectors in civil society such as business, trade unions, churches and other groupings. This in itself contributes to the process of building national consensus and the development of social compacts.

There is a major difference between short-term monitoring of key security issues and long-term monitoring of a peace settlement, and of the level of scrutiny required in each case. A particularly important element, such as the decommissioning of weapons, may require an independent evaluation exercise. One example of this was the work carried out by UN peace-keepers in Mozambique in 1994 and again, with much less success, in Angola in 1996 and 1997. One component may be so critical that its non-implementation will undermine the entire settlement. In such situations, effective monitoring and urgent remedial action is critical. Just as important is the evaluation of particular institutions or structures, such as the transformation of the armed forces, the administration of justice or the education system.

The effect of an evaluation will be greatly enhanced if it is seen to have been carried out by an impartial body. This may be a multi-party committee, preferably operating on the basis of consensus, or a body whose composition is agreed to by the key parties, or simply an independent international body such as the UN or some other intergovernmental agency with the necessary authority, independence, expertise and experience. There are also numerous watchdog organizations who have the experience and expertise to assess such specialized areas.

A related issue is the capacity to take action and make reforms in response to concerns expressed in the evaluation process. The obligation to address such concerns and take remedial action must be clear and unambiguous. At the same time, the parties, civil society and the international community need to react

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in a consistent and uniform manner if it appears that a settlement process is being manipulated or abused and is in danger of collapsing. Bearing in mind the limited ability of the international community to react on an urgent basis, it is always preferable to have clear obligations that are understood by all parties in the event of a breach or breakdown in implementation.

5.3.2 *Waning commitment of actors*

The continued support of the parties for the settlement is crucial. The moment that important participants to the agreement start to criticize the settlement or distance themselves from it, the process is in jeopardy. The support of a party will generally be determined by the extent to which it feels that its interests are being met and the extent that it remains bound to the settlement.

One of the greatest risks to the implementation of a peace agreement originates from a recalcitrant party or individual who decides to manipulate or even destroy the settlement. Hun Sen's July 1997 intra-government coup against his coalition partners in Cambodia following the UN-sponsored election in 1993 is an example of how settlements can collapse from within. There are many mechanisms that can be employed to lock a party into an agreement and deal with recalcitrant groupings. They fall into three broad categories:

- The use of incentives, inducements or rewards to try to keep a spoiler in the process by addressing their problems and fears. The simple allocation of senior cabinet posts has satisfied many potential malcontents, in the past, as has the judicious distribution of privilege and status. Accommodatory behavior was applied by the UN and the US, without success, to Savimbi's UNITA in the Angolan conflict in 1992 and 1993.
- Establishing or re-affirming a binding framework to govern conduct by those involved, and designing mechanisms to deal with any breach. This can result in the legitimization or delegitimization of a party. The Khmer Rouge's exclusion from the 1993 Cambodian elections, due to its failure to decommission its weapons, was an example of this.
- The use of coercion, such as the use or threat of force, or threatened withdrawal of support for the new regime. This was used with differing degrees of success in Rwanda and Bosnia.

Other mechanisms include the use of binding agreements with consequent commitments and ongoing obligations; agreed codes of conduct from which a party cannot be seen to walk away; the application of pressure on a party from within its own constituency; and pressure from the international community, via a combination of “carrots and sticks”, involving both incentives (investment, trade, credibility and status) and sanctions (political isolation, economic embargoes of strategic items such as oil, trade boycotts, and armed intervention).

However, the surest way of keeping a party in the settlement process is for that settlement to deliver: to meet interests, to satisfy concerns, and to allay fears. But it is not simply a question of the commitment of the leaders or the parties to the settlement: equally critical to success is the support of their constituencies and of the key sectors in civil society. These sectors must feel that the new regime is *their* regime, and that they have influence over it at both policy and practical levels.

5.3.3 Lack of resources and capacity

The issue of resources and capacities is one that arises at every phase of the process, from pre-negotiation to implementation. In many cases there is such a disparity of resources between the various parties that a crucial actor may be unable to participate fully, if at all. The major consideration to be borne in mind by both internal and external actors is that no party should be placed at a disadvantage in the process purely due to lack of resources.

When crafting the agreement, there needs to be a realistic assessment of resources and capacities to ensure proper implementation. This should include an evaluation of the resources and capacities of the parties themselves, and should be as detailed as possible, as inconsistencies between the political agreement reached and the financial resources available to implement it may undermine the settlement. For example, there is little point in agreeing on substantial mechanisms to address an issue like land redistribution if the incoming government lacks the finances to compensate landowners (if that was agreed), or the capacity to administer the land re-allocation.

New regimes are often in the difficult position of having to undertake dual reforms, political and economic, simultaneously. On the one hand, they may have to rebuild a shattered state and economy, which requires the mobilization of financial resources for short-term recovery, economic stabilization and

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reconstruction. On the other hand, they have to strengthen the state's capacity for public policy management, especially macro-economic policy, and long-term planning. If the internal skills and resources to carry out such reforms are lacking, then this needs to be acknowledged and addressed either by the country itself or by the international community.

The international community itself has a serious obligation to ensure that, in its willingness to assist, it does not allow itself to be an accomplice in the building of unrealistic expectations, or allow itself to bankroll processes that are ultimately beyond the means of the country concerned. In Nicaragua, the first election in 1990 was heavily funded by the international community, a pattern that was repeated in 1996. Now, the international community has stated that such levels of support are unsustainable and that the government of Nicaragua must investigate ways of substantially reducing costs, which places a further burden on a state that already has limited resources. In Mozambique, the cost of the first post-conflict election in 1994 was borne entirely by the international community and was so expensive that the Mozambican Government cannot hope to sustain a similar electoral process without substantial external support. While this is an area where the international community plays one of its most important roles – namely the provision of financial and material resources to sustain the settlement and transition process – it must be careful that it does not encourage the establishment of unsustainable institutions.

5.3.4 Deteriorating economy and development

Economic policy, and in particular a specific policy for economic development, is a central part of any settlement. And, as noted above, a population tends generally to harbour expectations of economic improvement under a new regime. The best and most carefully designed settlement can easily fail without a sound economic underpinning. An economy that fails to deliver either on underwriting the costs of a new dispensation or on the development and improvement of the population's circumstances will soon lead to trouble. This is, of course, very easy to say and very difficult to protect against. In particular, establishing the processes and institutions of a new administration is extremely expensive – the more so if, as is often the case, prolonged pre-settlement violence has resulted in economic and infrastructural devastation. Some vital developments may have to be delayed in a process of prioritization dictated by resources.

The deepening of economic reforms and the consolidation of democratic reforms require time. *First generation* reforms stabilize the economy and initiate its reconstruction. *Second generation* reforms then aim to reform the state and build institutions that will sustain reform and achieve development.

Additionally, if economic resources turn out to be unequally distributed between previously warring groups, this can swiftly feed into a renewed sense of grievance among the underprivileged and undermine the chances of successfully seeing the settlement through its transitional phase. Following Cambodia's 1993 elections, for example, the FUNCINPEC Finance Minister initiated major reforms to the economy, budget and processes for fiscal accountability, with considerable support from the international community. Both his own party and the opposition turned on him, however, accusing him of treason and eventually removing him from office and from party membership. Consequently public confidence plummeted, not only concerning the degree of corruption in government but also regarding the entire settlement implementation. Similarly, in Zimbabwe, Robert Mugabe's pre-election promise of a land redistribution programme – a core element of development policy – ran aground not because the land was unavailable but because the government did not find or make available the resources to buy it.

Peace building also entails strict budgetary planning, especially in fiscal policy. Tax collection is an essential element of any government's economic resources and an effective tax collection system also shows the commitment of the country to contribute financially to its own economic recovery. In Guatemala, the inability of the government to collect taxes at a sufficient level, following the December 1996 peace agreement, has given rise to problems in implementation and concerns within the international community.

The capacity to design, formulate, implement, assess and, if need be, change policies is crucial for economic policy-making and management. This requires the existence of effective parliamentary procedures to enact economic regulations; an efficient judicial system to enforce property or land rights; competent and accountable executives; the supremacy of the rule of law and the existence of an environment of legal security; public sector and public administration reform, especially in terms of human resources management; and transparency and accountability of policy-making and implementation in areas such as public procurement. Monitoring bodies are also necessary to

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measure such relevant economic issues as growth, distribution, and development. Often an economic research institute can play an informed role in monitoring and advising upon such issues.

The credibility and efficiency of state structures in turn affect the credibility and efficiency of economic policy, particularly in convincing economic agents of the coherence, stability and predictability of the policies adopted and the stability of the policies implemented. Often, democratic transitions will themselves generate instability and uncertainty. Here is a contradiction: while democracy is the “institutionalization of uncertainty” in the political realm, economic activity needs a certain degree of certainty and predictability. Hence, basic rules and norms have to be consolidated. Moreover, political instability generated by, for example, fragile government coalitions, can weaken the ability of a government to implement coherent and consistent policies in the long term. However, the predictability of policies is rooted not so much in the stability of governments themselves, but in the consistent application of and respect for the basic norms and rules of good governance and democratic competition for power. The normative framework for democratic governance is thus a key factor in long-term economic development.

5.3.5 Implementation delays

During negotiations to design the settlement, a timetable will have been agreed for the implementation of the various elements. This may involve the establishment or reform of a variety of institutions and events such as elections, parliamentary reform, new security organs, weapons hand-overs, prisoner release and so on. Implementing these core changes is vital to sustaining the momentum of the settlement. Beyond their own substantive value, the achievement of each of these changes acts to build mutual confidence and trust between previous political rivals and to institutionalize further co-operation.

Delays in this process can raise very serious problems, while also serving as warning signs of problems ahead. Some delays may be unavoidable. But others may well imply a reduction of commitment among some parties to the settlement or a reneging on what was agreed. There is great value then, in regularly reviewing the progress of the timetable: How much has been accomplished? How much of that has gone on schedule? Where are the delays developing? What or who is holding up progress, and why? Does the timetable need to be adjusted? Should there be more consultation with the population?

Despite an agreed timetable, delays in Israeli troop withdrawals rang early alarm bells for the progress of the Israeli-Palestinian peace process, including the Oslo Accord and subsequent agreements. The 1998 Northern Ireland agreement built in strict timetables and sanctions to punish delays in implementation of several of its elements, including standing mediation and arbitration mechanisms. Delays, whether for good or bad reasons, breed discontent. A monitoring and implementation team may be needed to assess progress on all the aspects of the agreement, whether formed as a cross-party group or as an international one. A formally appointed all-party agency which meets at agreed regular intervals can function to “take the pulse” of progress, to develop solutions to hold-ups, or to give transparent explanations for unavoidable delays.

5.3.6 Undermining fundamental rights and freedoms

Internationally recognized standards of human rights and fundamental freedoms should be explicitly promoted as part of a new agreement. Promotion of human rights is often the first area of focused support by the international community in the political arena. Efforts to strengthen the rule of law and respect for human rights place emphasis on the institutions that formulate and interpret law and social policy (legislatures and the courts) as well as on those which implement and enforce them (government departments, police forces and the military).

A democratic settlement to a deep-rooted conflict will normally include a mechanism for the protection and guarantee of fundamental human rights. Depending on the context, this may involve a very significant degree of change from the preceding regime. Failure to implement these changes, or continuing curtailment of some rights for some groups, can challenge the effectiveness and status of the new dispensation, threatening the very heart of the agreement.

Human rights watchdogs can be established – or sometimes brought in from outside – to address specific rights abuses. Are press freedoms being infringed? A media watchdog, independent of both government and media business interests, can assess the situation and report. Are prisoners being abused? An independent prison authority could carry out an assessment of grievances and remedies or, if resources preclude that, international NGOs such as the Red Cross or Amnesty International could assist. Official investigatory organs, commissions or tribunals can bring to light the degree of adherence to human rights

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standards. Training in these issues will also contribute to challenging the motivation and origins of rights-related abuses.

5.3.7 Usurpation

This term refers to a type of abuse of power. Specifically, it means that a governing group or individual comes to power on the basis of the agreed settlement but then begins to abrogate more power to itself than was identified in the constitutional basis of the agreement.

Arrangements for the distribution of political power are typically defined in a constitution. Generally, they will include one core protection against this kind of abuse: a formal separation of powers. Usurpation occurs when, subsequent to taking office, a president or ruling party subverts this delicate balance of power and claims for itself the right to, say, appoint the judiciary, declare war, suspend the constitution, or extend its permitted period in office, or begins to draw distributed power back to the centre by dismantling regional legislatures or cutting finance to such bodies.

Many examples of such behavior exist, particularly in relation to presidents who suspend constitutional processes and choose to rule by decree. Russian President Boris Yeltsin, for example, responded in 1993 to illegal acts by the Russian Parliament by suspending the constitutional court, dismantling local government structures, and so on, to effectively create what analyst Fareed Zakaria describes with some trepidation as “a Russian super-presidency”. Presidents Fujimori in Peru, Lukaschenko in Belarus, Menem in Argentina, and many more have – for a variety of motives, not always completely negative ones – made similar usurpations. While not entirely dismantling the democratic structures of the state, they become, in the phrase, “democratic dictators”, damaging at least the spirit and content if not the letter of the settlement. In many cases, democratic stability rests on the opposite process to usurpation: a devolution of power throughout society – to local governments, regional authorities, autonomous agencies, and so on.

Regular assessment, therefore, needs to be made of the distribution of power in the new administration. Changes need to be noted and challenged or consented to by all, particularly constitutional changes. By way of illustration, the extension of a president’s term of office beyond the limit prescribed in the constitution may be a warning of things to come. A drift of power towards the centre is usually symptomatic of a weakening of the

original terms of the negotiated agreement. A constitutional review process, officially installed and independently managed, may be one effective way to institutionalize the business of protecting the ground-rules of the administration. Sometimes, options are relatively limited: in Cambodia, following Hun Sen's "coup" of July 1997, the international community attempted to deal with the usurpation by isolating the government and pushing ahead with election plans, rather than attempting to redress the usurpation directly.

5.3.8 Corruption and nepotism

The holding of political power permits a wide range of nepotistic or possibly corrupt practices: partial policy decisions in return for favours, political appointments as rewards to favored individuals or groups, policy formation aimed at acquiring personal wealth or influence, and so on.

The outcome of such corrupt practices is two-fold. First, it produces a government that governs according to its own narrowly defined and partial interest at the expense of other interests in society. Second, it breeds deep popular cynicism that will inevitably obstruct the business of good government.

Mechanisms that instil public accountability and transparency can put the brakes on corrupt practices. After the South African elections, for the first time in that country, a code of conduct was introduced which set careful limits on behavior relating to the acceptance of gifts and favours, thus reducing the risk of corrupting influences. Similar codes of conduct for politicians, for appointment processes and for lobbying practices can curtail corruption, as can, in the longer term, the establishment of official regulatory mechanisms. In many countries, a parliamentary register exists where politicians must disclose any personal interests that may impinge on their ability to make impartial policy decisions. Such mechanisms do not explicitly prevent corrupt practices by politicians and public servants, but they establish boundaries beyond which behavior can be punished. It is, of course, vital not only that such regulatory processes exist, but that they are enforced in actionable ways.

The judicial system must guarantee and enforce transparency through real mechanisms of monitoring compliance and redressing violation of rights. The oversight function of the judiciary over both the executive and the legislature, and generally of the entire public administration, are important elements in democratic consolidation, especially in the fight against corruption. To

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be able to play this role, the judiciary itself must be fair and impartial, and perceived as such. Access to it must not be limited or curtailed.

5.3.9 Maladministration

While the effects of maladministration may appear similar to those of corrupt government, its cause is more likely to be inability or inexperience, unintentional rather than by design. Whatever the reason, however, incompetent governing will fundamentally undermine the settlement. Maladministration can produce paralysis in government, and can be swiftly taken advantage of by opponents of the peace process. Maladministration also makes the practice of corruption much easier due to confusion and lack of controls or regulating mechanisms.

The same political education programmes mentioned in Chapter 3 as an aid to preparing people for the negotiation process can be extended to the post-settlement situation. Since 1995, for example, the Khmer Institute of Democracy, a Cambodian NGO, has been training government officials in election processes. Additionally, interaction with counterparts from other countries, and with the international community in general, can bolster the confidence and skills of an incipient regime.

It is essential that the parties to the settlement, as well as the international community, carry out a practical and realistic needs assessment of the areas in government administration which require strengthening. Frequently, a new government may be reluctant to admit that it has limited expertise in a given area, and therefore may not ask for assistance. The consequences of this failure to acknowledge a deficiency and request assistance will ultimately have far greater effects on a government than mere embarrassment. Limitations acknowledged and acted on may be forgiven, but incompetence, delays and possible cover-ups all serve to undermine the consolidation of a new regime.

Several mechanisms exist to prevent or redress the consequences of maladministration. The system of the *Inspection Générale de l'Etat* in Francophone countries provides an oversight mechanism within the public administration to address maladministration and corrupt practices. The Ombudperson system, originally developed in Sweden but now a common mechanism world-wide, provides an appeal mechanism for private citizens to redress apparent violation of their rights by the public administration.

5.3.10 Levels of safety and security

Security and justice systems are basic responsibilities of the state and are at the core of sovereignty. A predictable and reliable legal system facilitates the peaceful resolution of disputes and favours the emergence of an environment conducive to economic investment and activity. Security sector reform is also an essential dimension of peace building, via human rights training and respect for the basic principles of humanitarian law, as elaborated in international human rights instruments. Successful reform depends heavily on the existence of a justice system capable of investigating and punishing abuses and misconduct. Thus security and judicial systems are intimately linked.

Often, in the immediate post-settlement or transitional phase, the country may be emerging from a prolonged period in which violence was widespread and general perceptions of security and safety were minimal. For a community or society to rebuild its own self-confidence and develop confidence in its new regime, stability and security need to be recovered.

Part of the settlement agreement may have referred to disarmament and demobilization of opposing armed forces. The timetable for such processes is particularly important. Failure to disarm leaves the country with many weapons, which can all too quickly be turned to other purposes: crime, intimidation, and so on. Likewise, former armies or militias, if not disarmed and demobilized, may descend into banditry. Both of these developments can pose immediate threats to a new regime's ability to maintain law and order and to develop widespread respect for the rule of law.

In Haiti, when President Aristide entered office, no police force existed in any significant form, as the Ton-Ton Macoute and the police of the previous dictatorship, who had been the enforcers of law, had fled. The international community worked with the new government to select around 400 individuals for a law-and-order course in Toronto, Canada. For the first 18 months of the regime, the Haitian State was policed almost entirely by Canadian police officers, until the new Haitian personnel were ready to take control.

While careful monitoring of the timetable for action will alert one to delays or derailments in the decommissioning process, processes to deal with such problems also must be established. The establishment of the rule of law, respect for human and minority rights, civil security and inclusive democratic institutions

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and mechanisms help to encourage the successful return and reintegration of refugees, internally displaced populations and demobilized former combatants. Retraining and rehabilitation, downsizing and demobilizing, and legislation can all be considered effective in dealing with such forces. A disarmament commission can oversee the work, setting principles and procedures for the handing-over of weapons. Often, given the history of antagonism, only a third party will be trusted by all to fulfil the task fairly. UN peace-keepers have played such a role in several post-conflict situations: Mozambique, Angola, El Salvador, and so on. In these cases, they either accepted the hand-over of weapons directly from combatants (sometimes with cash or in-kind payments) or verified their destruction. In Northern Ireland an independent commission from Finland, Canada and the US examined the decommissioning problems, and produced a set of guidelines and principles as a basis for discussion.

On the other hand, the post-war phase may be characterized by a greatly enlarged and still extant national army of the previous administration. The potential for a disgruntled military to oust a democratic regime is well documented around the world. Civilian control of the military, and of the monopoly on the legitimate use of force, is an essential element. This closely relates to the legal status of police forces and the responsibility for maintaining internal security. The privatization of violence, in the form of organized crime (Russia) and paramilitary groups (Congo-Brazzaville, Somalia), can be immensely destabilizing. In many African countries, an unaccountable military is still a major source of political uncertainty and instability.

5.3.11 Checks and balances

In every political process, and particularly in countries in transition or emerging from a conflict, there are often genuine fears and concerns among important constituencies in the society. In general, it is these concerns that motivate positions and negotiation strategies. A party's fears may relate to a broad concern, such as the survival of a language, or to a fundamental freedom such as movement or association. These broad concerns will generally be dealt with in the substance of the main agreement and will reflect the key issues on the table.

There are, however, other smaller issues that may be of a more technical nature or relate to areas of potential administrative abuse and corruption. Where possible, these concerns should be dealt with as part of the negotiation process, and an extensive

exercise should be undertaken by all of the parties involved to try to identify areas where the process could be abused or thwarted in the future. Appropriate mechanisms – “checks and balances” – need to be put in place to protect the transition process. They are usually specific in purpose and directed at a particular sector. Examples of checks and balances would include:

- Ombudsperson offices to redress violation of citizens’ rights;
- Independent broadcasting authorities to address issues relating to the media;
- Judicial services commissions to address issues relating to the selection of judges;
- Civilian secretariats to control or alternatively supervise the transformation of police and defense forces;
- Joint economic policy units to oversee economic policy-making;
- Human rights commissions to address human rights concerns;
- Public protectors to address infringement by security forces;
- Amnesty provisions;
- Land commissions to address issues of allocation and redistribution of land;
- Independent electoral commissions;
- Consensus forums to manage transition processes in key sectors such as health, education, housing and economic policy.

Since credibility is crucial to success, the process by which these mechanisms are instituted is important, as is the selection of persons who will lead and staff them. If these bodies are seen as compliant mechanisms for the government, they will not address the real fears that they were intended to deal with. Any body intended to act as a “check” on the behavior of government or parties must also be invested with the necessary resources, power and authority to carry out its duties. Regulatory authorities have to be above suspicion and fully accountable.

“Check and balance” institutions may be permanent bodies, or they may have a limited life cycle applying only to a specific phase of the process. In South Africa, there was real concern that the Nationalist Government would, during the negotiation process but prior to the first democratic election, make decisions on crucial aspects such as economic policy, monetary loans

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and education that would endure for years. To safeguard against this, a transitional executive authority was established, as well as a number of consensus forums to manage critical areas of government until the time that a new government came into being after the April 1994 election.

There is also a need to have flexibility in the agreement in order to retain the capacity to address issues as they arise (which they inevitably will). In South Africa, it was not foreseen at the time of the national negotiations in 1993 that traditional leaders in the provinces would become a powerful lobby. As a result of sustained political and legal pressure, the Council of Traditional Leaders was established to provide them with political representation and to establish a vehicle to address their interests. A distinctive feature of the peace agreements in both South Africa and Northern Ireland was the proliferation of bargaining institutions created, which enabled issues to be separated out and dealt with in a more devolved and consensus-oriented manner than if all power remained concentrated at the centre.

In this area of checks and balances, Chapter 4 may prove useful, as it details many of the options and comparative experiences that have been utilized in different countries. While the fears and concerns may be real and present a substantial challenge, if there is focused attention devoted to finding a mechanism to address a particular fear, a start will have been made to alleviate it.

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This section examines the international community's approach to building sustainable democracy. It does not cover the various forms of practical on-the-ground assistance that is often rendered by the international community, but rather the context in which such assistance is deployed. First it examines the gradual emergence of a *democratic entitlement*, especially at the regional level: in various locations, regional organizations are increasingly important aid donors and thus setters of aid policies. Many of them now have overt democracy-related criteria for aid and development assistance. Then, it examines the international dimension of *democracy assistance*: the rise of overtly political aid policies and, specifically, of democratic conditionality in those policies.

5.4.1 The United Nations

The United Nations has been the single most influential democracy-promoting organization over the last 50 years. Al-

The international and regional context dramatically affects the internal dynamics of a democratic peace process.

though analysis of the role of the United Nations *per se* is beyond the scope of this handbook, several dimensions of its changing role in relation to democracy-promotion and conflict can be identified. There also exist a number of excellent recent studies and reports on the subject, such as Connie Peck's *Sustainable Peace: The Role of the United Nations and Regional Organizations in Preventing Conflict*.

The scope of the United Nations' democracy-promotion activities has expanded significantly since the late 1980s, especially in the fields of preventive diplomacy, peace-keeping and post-conflict peace building. In the June 1992 *An Agenda for Peace*, then UN Secretary-General Boutros Boutros-Ghali envisioned a comprehensive doctrine for promoting, sustaining and developing peace in the world along a policy continuum from conflict prevention to conflict resolution. This continuum includes: preventive diplomacy, peace-making, peace-keeping, and post-conflict peace building. The 1997 *Agenda for Democratization* tries to set a comprehensive approach to the promotion and consolidation of new or restored democracies.

The UN's tools for the peaceful settlement of disputes are contained in article 33 of the UN Charter. In an effort to institutionalize conflict prevention structures, the UN Secretariat was restructured in the early 1990s and three departments were created to manage preventive diplomacy efforts: the Department of Political Affairs (DPA), including an "early warning" cell, the Department of Humanitarian Affairs (DHA), and the Department of Peacekeeping Operations. DPA was given the primary responsibility regarding conflict prevention and preventive diplomacy, and an Electoral Assistance Division was created specifically to assist in the running of transitional elections. Further reforms initiated in 1997 by Secretary-General Kofi Annan further streamlined the secretariat, consolidating the role of DPA as the focal point for dealing with post-conflict peace building, with DHA activities now handled by an emergency relief coordinator.

In terms of democracy advocacy, there exists a myriad of declarations, resolutions and conventions (detailed in section 4.6 on "Human Rights Instruments") around which member states congregate to reinforce their joint commitment to democracy and human rights. The universal membership of the United Nations, however, restricts its pro-active role in this field. Since 1988, the issue of democracy has appeared annually on the

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agenda of the General Assembly and generated a series of resolutions to promote democratization, and a series of international conferences on “New and Restored Democracies” have been held. The United Nations directly facilitated transitions to democracy in Namibia (1989), Nicaragua (1990), Cambodia (1993), and El Salvador and Mozambique (1994) by assisting contending forces to transform themselves into political parties, and by supervising (and sometimes conducting) free and fair elections. The UN has also played a substantial mediation role in many deep-rooted conflicts around the world, such as in Afghanistan.

5.4.2 Democracy assistance and foreign aid

Since the late 1980s, the international community has introduced a normative and political dimension to its development co-operation policy and introduced new criteria for aid and foreign policy, with *good governance* and *democracy* as core objectives. Reform of the state, strengthening of democratic institutions and the rule of law, respect for human rights and the creation of an enabling environment for economic and political development have become core requirements for external development aid, thus emphasizing the importance of the political context of development. International security organizations, which used to focus on traditional peace-keeping, have broadened their areas of intervention to address conflict prevention and, particularly, post-conflict peace building. Development aid policy, too, has broadened its scope to embrace conflict management and peace building. Traditional conditionality – setting overt political conditions for economic assistance – has been progressively modified. These policies play out along three main themes:

- *democracy assistance*: the promotion of democracy and democratization processes in recipient countries as a main objective of foreign aid;
- a *democratic requirement*: making aid conditional on a democratic political system in a recipient country, or on a commitment by the recipient country to democratic development;
- *democratic conditionality*: the reduction, suspension, or threat of withdrawal of foreign assistance in the event of interruptions to democratic development or reversals of democratic gains.

5.4.3 Regional perspectives

Regional frameworks for security dialogue and co-operation have been steadily evolving in recent decades. There has been increasing development of a new form of regionalism based on a shared commitment to democratization and the defense of democracy. The European Union (EU), the Organization of American States (OAS) and the Organization of African Unity (OAU), in particular, have demonstrated a renewed determination to try to deal with internal conflicts and democratic development.

These regional organizations provide a framework, as well as supporting structures and mechanisms, for strengthening democratization processes. They generate regional synergies, and provide member states with a platform to discuss common problems, craft joint solutions and take collective action. Many now include a *democratic clause* in their membership requirements: member states must abide by certain democratic norms and principles, whose breach may result in suspension of membership or punitive measures.

Most regional blocs – the EU, the OAS, the OAU, the Organization for Security and Co-operation in Europe (OSCE), and so on – have membership criteria which include various forms of commitment to, and evidence of, domestic democratic practices (see, for example, the section on Europe below). Some international organizations, in particular the United Nations, have a wealth of pro-democracy declarations, conventions, covenants and charters around which member states congregate to reinforce their joint commitment to maintaining human rights and so forth. One very powerful example is the OAS's Resolution 1080, which commits its members to communal and immediate action in the face of "any sudden or irregular interruption of the democratic political-institutional process or the legitimate exercise of power by the democratically elected government in any member state". So membership can be a very effective factor in underpinning the commitment to democratic structures, and of course joining the democratic club brings the significant and practical support of fellow-members. Furthermore, the available evidence suggests that the more a country engages in regional and international integration, the less likely it is to become embroiled in armed conflicts with another state. The following sections examine the growth of democracy-promotion policies, institutions and inducements at the regional level.

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Europe

Europe provides the most sophisticated web of interlinked and mutually reinforcing institutions and mechanisms for conflict prevention, management and resolution via norms of democracy. The range of such tools available to parties in conflict has significantly increased in the last decade. European regional organizations provide incentives for democratic development by requiring new members explicitly to adhere to democratic principles, including respect for human and minority rights, the rule of law and good governance.

The pro-democratic influence of such membership criteria is important both before and after a state actually joins the organization. Becoming a member is a long and complex process that requires prior agreements establishing a co-operative framework for strengthening and deepening reform. Once membership is attained, there is continued convergence towards common democratic policies in members' political systems.

European Union (EU). A western European economic organization, the EU has set stringent economic and political criteria for membership. Since the 1993 Copenhagen Summit, these include democracy, respect for human rights, supremacy of the rule of law, and observance of fundamental freedoms. The possibility of EU membership has strongly influenced the countries of eastern and central Europe to further consolidate their democratic gains and sustain momentum for political reform. In addition, the EU has been supporting democratization processes in eastern and central Europe since the early 1990s, providing "positive measures" of support to democratization.

An interesting case is Turkey, which has had a long-standing and comprehensive co-operation agreement with the EU, without so far actually meeting the threshold for membership. Arguably, the prospect of membership, and significant and sustained support from the EU, has helped Turkey to maintain the momentum of its political reform agenda and provided it with a strong incentive to democratize further.

An EU *suspension clause* was added in 1997 which provides for the suspension of some or all membership rights in the event of a violation of the Copenhagen principles. The principles are also at the core of EU foreign policy: democracy and democracy promotion has long been a central plank of its Common Foreign and Security Policy.

Council of Europe. A trans-European institution mandated to promote parliamentary democracy, the Council imposes political conditionality for membership: a member must be a democracy prior to entrance, or at least demonstrate commitment towards democratization and political reform. To qualify for admission, a country must meet tough standards in the realm of human rights, including minority rights, by ratifying the existing conventions. More importantly, the normative work of the Council of Europe (in terms of international conventions) as well as its human rights enforcement mechanisms (the European Court and Commission for Human Rights) has had a significant influence over member states, both in terms of international legal commitments and domestic law. Today, practically all the states of eastern and central Europe are full members, while the remaining countries (e.g., members of the Commonwealth of Independent States) have guest status and can still benefit from various co-operation programmes. Indeed, the transition to democracy in eastern and central Europe after the fall of the Berlin Wall has brought tremendous challenges to the Council of Europe: from 16 member states originally, its constituency has now grown to 40 (as of April 1998). Most of the new members are transitional, and hence fragile, democracies. In 1997, the Council established monitoring and verification mechanisms for assessing a state's compliance with its membership commitments and obligations.

North Atlantic Treaty Organization (NATO). A trans-Atlantic military organization, NATO has declared civilian control of the military a prerequisite for its membership. It refined its structures and mechanisms for conflict prevention and management, confidence building and reform support, by establishing the North Atlantic Co-operation Council (NACC) in 1991 and the *Partnership for Peace* in 1994. NATO membership has been a priority for eastern and central European countries' foreign policy since the break-up of the Warsaw Pact. The Madrid Summit in July 1997, which agreed in principle on the integration of four eastern and central European countries into NATO, and defined a framework for closer co-operation, has demonstrated the significant contribution that regional collective security institutions can have in the internal reform process.

Organization for Security and Co-operation in Europe (OSCE). A trans-Atlantic security organization, the OSCE has strengthened its confidence-building, conflict-prevention and fact-finding mechanisms for investigating threats to stability in

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Europe. While it has neither the structures nor the military capabilities for peace-enforcement and peace-keeping, it is a forum for pan-European discussion and co-operation, especially concerning human and minority rights issues, confidence building and conflict prevention. The OSCE has also facilitated negotiations in deep-rooted conflicts between Azerbaijan, Armenia and Armenian separatists in Karabakh.

Within the OSCE, the Office for Democratic Institutions and Human Rights (ODIHR) – originally known as the Office for Free Elections – is responsible for furthering human rights, democracy and the rule of law, including electoral assistance, observation and monitoring. The High Commissioner on National Minorities also plays a significant role via monitoring and fact-finding missions. The quiet, behind-the-scenes diplomacy by the High Commissioner has played a role in defusing tension and addressing the needs of minorities, particularly in eastern Europe. Other mechanisms include the European Pact on Stability in Europe of 1995, aimed at setting mechanisms for the peaceful resolution of border and minority disputes, and the Convention and Court on Conciliation and Arbitration (which entered into force in 1994), which can be a useful tool for minority conflict prevention (such as in the case of minorities in Hungary and Romania).

Latin America

Organization of American States (OAS). A pan-American security organization, the OAS has adopted a proactive stance in support of democracy. It recognizes that the solidarity of American states requires that each member be a “representative democracy” and that it needs to be proactive in its efforts to preserve democracy among its members. The fact that all OAS members in Latin America have become progressively more democratic in recent years has been a fundamental factor in its development over the last decade.

In 1991, OAS member states met in Santiago, Chile, to endorse a “Commitment to Democracy and the Renewal of the Inter-American System”, which reaffirmed their “firm political commitment to the promotion and protection of human rights and representative democracy, as indispensable conditions for the stability, peace, and development of the region”. This was followed by the adoption of Resolution 1080 in 1993. This enables the secretary-general of the OAS to “call for the immediate convocation of a meeting in the event of any ... sudden or irregular

interruption of the democratic political and institutional process, or of the legitimate exercise of power by the democratically elected government of any of the Organization's member states".

These mechanisms have been invoked in Haiti in 1991, in Peru in 1992, in Guatemala in 1993 and in Paraguay in 1996. In Guatemala, for example, the OAS condemned the attempted "self-coup" by President Serrano, which led to the restoration of constitutional government. In Paraguay, the refusal of the army commander, General Oviedo, to step down led to a constitutional crisis. Swift reaction by the OAS, however, enabled President Wasmosy to regain control.

Resolution 1080 is clearly a valuable mechanism for bringing the regional and international community together for co-ordinated responses to threats to democracy anywhere in the hemisphere. Indeed, Oviedo himself recognized that its arrival may mean the end of the era of military coups in Latin America. A recent additional OAS Protocol allows for the suspension of a member whose democratically elected government is overthrown by force.

A *Unit for the Promotion of Democracy* was established in June 1990 to assist OAS member states in democratic institution building, and to encourage dialogue and consensus. It was mandated "to respond promptly and effectively to member states which, in full exercise of their sovereignty, request advice or assistance to preserve their political institutions and democratic procedures".

MERCOSUR. An interesting phenomenon has been the increasing political assertiveness of regional trading blocs in the defense of democracy. For instance, the decisive influence of MERCOSUR in the 1996 crisis in Paraguay deserves mention. Founded in 1991 by Argentina, Brazil, Paraguay and Uruguay to foster regional integration and trade, MERCOSUR's economic clout makes it influential in non-economic matters as well. In the run up to the May 1998 presidential elections in Paraguay, the possibility of preventive action taken by MERCOSUR members influenced that country's internal political dynamics and helped ensure that the scheduled elections were free, fair and held on time.

Africa

Organization of African Unity (OAU). Progress has been made towards enhanced African capacities for conflict prevention and peace-keeping by the OAU, a pan-African security organization.

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Southern African Development Community (SADC). Sub-regional organizations have taken the lead in the promotion of democracy in the continent. In 1992, SADC endorsed democratic principles and committed its member states to democracy, respect for human rights and the supremacy of the rule of law.

Economic Commission of West African States (ECOWAS). A regional economic organization established in 1975, ECOWAS broadened its mandate in 1993 to include responsibility for preventing regional conflicts, such as in Liberia and Sierra Leone. Since 1990, it has taken an increasingly assertive role in conflict prevention and resolution: of instance, in 1997 it was designated to bring about the restoration of the constitutional government in Sierra Leone. ECOWAS subsequently authorized the intervention of a West African peace-keeping force, ECOMOG, to restore the democratically elected government to power in February 1998.

Asia-Pacific

Developments in the Asia-Pacific region have been more limited.

The **Asia-Pacific Economic Co-operation (APEC)** forum. A regional economic organization established in 1989, and the South Asian Association for Regional Co-operation, founded in 1985, provide regular platforms to broaden dialogue beyond economic matters, but have not as yet specifically addressed the issue of democracy.

The **Association of Southeast Asian Nations (ASEAN).** The most well established regional organization, ASEAN was originally created to promote economic co-operation, and has shied away from more explicit involvement in promoting democracy. However, ongoing democratization in the Philippines and Thailand, and the 1998 transition in Indonesia, ASEAN's largest and most powerful member, may signal the beginning of a more assertive role.

Other

Commonwealth of Nations. A 54-member community of countries most of which were once part of the British Empire, the Commonwealth provides its members with a useful platform for dialogue and collective action. It works to advance democracy within its member states through democracy assistance programmes. It can resort to suspension of membership for flagrant violations of democracy. In the past, the Commonwealth has adopted a proactive anti-apartheid stance and forced South Africa to withdraw its membership in 1961. It imposed sanctions

on Rhodesia in 1965. In 1991, the Harare Declaration committed member states to democracy, good governance, human rights and the rule of law. A Commonwealth Ministerial Action Group (CMAG) was established in 1995 to address breaches of the declaration. In 1995, Nigeria's membership was suspended by the Commonwealth heads of government, and the CMAG engaged in discussions to re-establish democracy in Nigeria. In 1997, the Commonwealth withdrew recognition of the regime in Sierra Leone after the army overthrew the elected government. The same year, Fiji was re-admitted to the Commonwealth after passage of a new, non-racial constitution following a 10-year absence caused by the 1987 coups.

5.4.4 International assistance: democratic governance and development co-operation

The second dimension of international assistance to democracy and democratization is the increasingly strong political conditionality attached to international development co-operation policies by major bilateral and multilateral donors.

The 1990s have witnessed the expansion of *political aid*, especially democracy assistance and the promotion of participatory development and good governance. The debate within the international development community increasingly emphasizes the need to assist parties to resolve conflict and achieve sustainable peace. Although the policies of the different actors reflect sometimes diverging political agendas, there is a growing conviction that sustainable economic development goes hand-in-hand with the promotion of democracy. Support for democratic political development is seen as a fundamental value in itself, a means to achieve inclusive and participatory economic development, and a tool for conflict prevention, management and resolution.

Policy priorities of bilateral donors largely dictate the definition and channelling of international development assistance, and have a decisive impact on multilateral donors' policies and agendas. Provisions for democracy assistance have been more explicitly articulated in, and more effectively implemented by, the bilateral component of foreign aid, directly managed by the donor country's agencies and subject to its foreign policy agenda. Indeed, bilateral development agencies, which respond to a domestic constituency and divergent foreign policy agendas, have been at the forefront of the debate on political conditionality and democracy assistance. However, budgetary pressures in

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donor countries have both reduced and narrowed the scope of their interventions. Under tight budget scrutiny, international development assistance has to be effective, efficient and accountable. Simultaneous pressure on the aid budget and an increasing focus on democratization require that foreign aid itself be transparent, accountable and efficient. Democratic governance, by strengthening the enabling environment for optimal development co-operation, has thus become the focus of most technical co-operation.

The Development Assistance Committee of the Organization for Economic Co-operation and Development (OECD-DAC) has identified a range of approaches for working with developing country partners on participatory development and good governance, on the basis of a common commitment to broadly based economic development. Official DAC guidelines spell out the political dimension of foreign aid, in both *positive* measures (democratic conditionality) and *negative* measures (democratic sanctions). The DAC identifies four dimensions of good governance:

- the rule of law (a predictable legal environment and enforcement regime, with an objective, reliable, and independent judiciary);
- public sector reform (based on efficiency, transparency, accountability, responsiveness and accessibility of government and state institutions, especially public administration);
- improving public sector management (enhancing accounting, budgeting and civil service reform);
- controlling corruption, improving transparency and accountability of public policies and reducing excessive military expenditure.

Although the OECD-DAC draws a distinction between democracy, human rights and good governance (the latter conceived in terms of public sector performance as a sound economic management system), these different dimensions are mutually reinforcing. Sustainable development, according to the DAC, is fostered by enhancing participation, democratization, good governance, respect for human rights and prevalence of the rule of law.

Democratic Structural Stability

Aid and development can contribute vitally to conflict prevention and peace building, by promoting the emergence and progressive consolidation of *democratic structural stability*. An envi-

ronment of structural stability, says the OECD-DAC, is one featuring “dynamic and representative social and political structures capable of managing and resolving disputes without resort to violence. Helping to strengthen the capacity of a society to manage tensions and disputes without violence is a vital part of development work”. By providing incentives for consensus, stressing the inclusive and participatory nature of their interventions and making their financial support conditional on democratic development, development agencies can also be a catalyst for the broader inclusion of social groups in discussion and negotiation processes.

Democratic Conditionality

Many donors emphasize positive measures to support democratization and democratic governance, while maintaining some preparedness to take negative measures – up to and including suspension of aid. Political conditionality, defined as the reduction, suspension, or threat of withdrawal of assistance because of interruptions to democratic development or reversals of democratic gains, has many dimensions. Increasingly, political conditionality is conceived as a complement to economic conditionality, both being mutually reinforcing for the sustainability of economic reforms and the attainment of sound economic development. Evidence suggests that well-institutionalized democracies are more likely to produce efficient and sustainable economic and social policies, because they provide a stable, inclusive, consensual and participatory political-institutional framework.

One example of democratic conditionality was the French Government’s announcement at the France-Africa Summit in 1990 that it would, in the future, tie economic aid to political development. This contributed to the downfall of President Kérékou in Benin, and to the subsequent spread of national conferences for democratic reform in most of Francophone Africa (see Case Study). Democratic transitions occurred in Mali, Niger and Madagascar and more equivocal political openings in Chad, Congo (Brazzaville)—since reversed in 1997—, Côte d’Ivoire, Cameroon and Gabon.

Aid Sanctions

The imposition or threat of sanctions can signify either a donor’s opposition to a particular political regime (such as in Haiti, Kenya and Malawi), or a specific response to more negative political developments (such as in Guatemala, Zambia or Lesotho). In such circumstances, aid sanctions can induce change.

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Donors can “tip the balance” by working with internal opposition movements to induce a political transition (for example Kenya or Malawi), or demand specific reforms before aid is resumed (for example in Guatemala or Zambia). Aid sanctions had a significant impact in Malawi in 1992–1993 where the freezing of a \$US 74 million aid package provided a clear signal that Hastings Banda’s regime could not hold out indefinitely against both national and international pressure. Aid measures in Haiti were part of a broader sanctions package aimed at restoring President Aristide. In Thailand (1991–1992), Lesotho (1994), Sierra Leone (1996) and El Salvador (1990–1992), donors made a less tangible contribution, using aid or the threat of its withdrawal to influence political developments.

The power of international aid donors to induce democratic change or reverse democratic regression through aid conditionality is proportional to the dependence of the aid recipients upon them, and to the unity of the donor community. However, unco-ordinated or inconsistent conditionality policies may have disruptive effects and worsen an already fragile situation. Foreign aid can be used and abused by conflicting parties as a resource to prolong their conflict.

The “Concentration” of Foreign Aid: Democracy Assistance Programmes

While *political conditionality* by donor governments has the stated intention of exerting pressure to implement political reforms, *democracy assistance programmes* are specifically designed to support and strengthen democratic development. Despite their limitations, they may provide an effective stimulus for recipients to strengthen the underpinnings of peace building. For example, Canada has targeted its aid allocations to “favour countries which demonstrate respect for human rights” and consequently suspended, reduced or re-targeted aid to China, Haiti, Indonesia, Sri Lanka and the then Zaire (now the Democratic Republic of Congo).

Concentrating aid on a limited number of recipients committed to democratic reform is increasingly popular among bilateral donors. As budget stringency constrains donors’ overseas development assistance (ODA) expenditure, most agencies are focusing it more sharply on countries most in need and demanding a commitment to sustainable economic development and democratization.

5.4.5 Bilateral development agencies

Within bilateral development agencies, the “*group of like-minded countries*” (the Netherlands, Norway, Sweden, Finland, Denmark and – at times – Canada) are extremely innovative. They exert considerable influence on the international development policy debate, and have been instrumental in mainstreaming democracy-oriented policies, both bilateral and multilateral, into aid programmes.

In 1990, the Norwegian Parliament allocated \$US 10 million of its aid budget to the Norwegian Fund for Democracy. In the same year, Nordic ministers issued the “*Molde Communiqué*”, which stressed the importance of democracy in sustaining economic development, and pledged active support for human rights and democratization. Since 1994 democratization and human rights have also occupied a prominent place in Danish aid policy. Democratic development was explicitly included in Swedish aid policy in 1978. The Swedish International Development Agency (Sida) includes a Department of Democracy and Social Development. In 1997, a special Division for Democratic Governance was created and a first draft of Sida’s *Programme for Peace, Democracy and Human Rights* published. Sida also offers support to political parties in developing countries.

Peace and democracy are similarly core policy priorities for the USA. The US Agency for International Development (USAID) launched an historic reorientation of its mission and mandate with the announcement of the “*Democracy Initiative*” in December 1990. This established the promotion of democracy as a central aim with four components: to strengthen democratic institutions, to integrate democracy into the USAID programme, to reward progress in democratization by increasing country allocations, and to establish rapid-response mechanisms. By one estimate, USAID spent some \$US 500 million in 1996 on democratic governance programmes. For Africa alone, this funding increased from \$US 5.3 million in 1990 to \$US 119 million in 1994.

Other major donors have increasingly followed suit. Canada’s development aid priorities include increasing respect for human rights, promoting democracy and better governance, and strengthening civil society. In 1996, the Canadian Department of Foreign Affairs and International Trade established a “*peace-building initiative*”, including a peace-building fund, demonstrating Canada’s commitment to democratic development and hu-

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man rights. German criteria for the allocation of development aid includes respect for human and legal rights, participatory democracy, the rule of law, the liberalization of economic policy and the adoption of market-oriented economic systems, and development orientation of public policies. Japan, now the world's largest bilateral donor, proclaimed in its 1992 ODA Charter that more attention should be given to "the promotion of democratization, the introduction of a market-oriented economy and respect for human rights", explicitly linking economic development to political reform and the reduction of excessive military expenditures. There is also an emerging trend towards the establishment of specific governmental agencies to promote democracy, such as Canada's International Center for Human Rights and Democratic Development or Australia's Centre for Democratic Institutions.

The EU, which channels over 17 per cent of its member states' total ODA, mainly in grant form, places special emphasis on defending human rights and promoting democracy "to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms". Incentive financing and positive measures in support of human rights and democracy in developing countries have totaled 526 million ECU since 1992. The Lomé Convention, which regulates preferential trading arrangements between the EU and 71 developing countries in Africa, the Caribbean and the Pacific, was revised in 1995 to make the privileged relationship conditional upon the recognition and application of democratic principles, the consolidation of the rule of law and good governance. In addition, an explicit "suspension clause" was included to address violations of "essential elements" of the convention, including democratic principles. Democratic governance became an "objective" of EU aid and a fund for "incentive allocations" was created to support institutional development, good governance, democratization and human rights.

Similarly, the United Nations Development Programme (UNDP) is placing the democratic governance agenda more centrally in its policies, both at the regional level, through regional departments responsible for programme implementation, and at the central strategic policy-planning level with the establishment of a Management Development and Governance Division. As of 1995, one third of UNDP resources are allocated to democratic governance endeavours (\$US 1.3 billion).

5.4.6 Multilateral development banks

According to the standard World Bank definition, governance encompasses (i) the form of political regime; (ii) the process by which authority is exercised in the management of a country's economic and social resources for development; (iii) the capacity of governments to design, formulate and implement policies and discharge functions.

With the exception of the Inter-American Development Bank, which includes democracy in its approach towards governance, most development banks make a distinction between governance as "sound development management" and democracy as a "sound political system". They tend to resist interfering with or taking into account the form of the political regime of the recipient countries in their assessment for economic and financial assistance. Politics and economics are not totally separable, but each bank defines its own distinction between politics and economics in its operational framework according to its constituency and governing statutes. This distinction is often artificial: if economic development is to occur and be sustained, a sound political framework must exist. The political conditionality of *good governance* tries to affect policy-making, to promote effectiveness and efficiency in economic performance and policy.

The thinking behind *democratic governance* is based on a concern with the sustainability of programmes financed by multilateral and bilateral development institutions, especially the international financial institutions and regional development banks: sustainable development requires a predictable and transparent framework for policy design, and an enabling environment for citizens' participation and private initiative. Democracy offers a combination of institutions and processes for the efficient and effective conduct of public policy and participatory and inclusive politics.

The International Monetary Fund

In its balance-of-payments assistance, the International Monetary Fund (IMF) pays attention to the governance context, and reference to good governance is an increasingly important dimension of IMF policies. Given its membership and mandate, the IMF position on the political context in the recipient country is somewhat ambiguous. Nonetheless, the IMF has directly addressed the need for institutional reforms as part of its aid package to countries such as Indonesia during that country's financial and political crisis in 1998.

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Conditionality is often used to address corruption: “Financial assistance from the IMF in the context of completion of a review under a programme or approval of a new IMF arrangement could be suspended or delayed on account of poor governance”. Corrective measures would then be a precondition for a resumption of financial assistance. In July 1997, the IMF suspended its assistance to Kenya, following civil unrest over constitutional and electoral reform, pending the outcome of elections.

The World Bank

The World Bank increasingly emphasizes the need for good, open and inclusive governance. Its first public document on governance in 1989, in the context of sub-Saharan Africa, stressed that the source of Africa’s development problems was a “crisis of governance”: corrupt, coercive, overcentralized and arbitrary rule could not sustain economic development. In 1993, 57 governance-related projects were approved. The World Bank’s *1997 World Development Report* addresses this issue, and refers to democracy as a sound governance system. Given the interdependence of “economic governance” and “political governance”, of economics and politics, the Bank has increasingly been engaged in capacity-building and institutional development activities, addressing corruption, and supporting civil society. Corruption is the main focus of the World Bank’s governance policy. It has identified the following elements as essential criteria for good governance:

- transparency (open policy-making by the legislative arm of the government);
- accountability (accountability of the executive for its actions);
- predictability of policy (professional ethos in the bureaucracy);
- participation (strong civil society role in public affairs);
- rule of law (control of behavior in all public institutions).

The World Bank’s Articles of Agreement inhibit intervention in the political arena, but its endorsement of *good governance* and its anti-corruption programmes indicate an increasing willingness to address institutional frameworks and national governance capacities. Recently, the Bank emphasized the need for open and inclusive governance for sustainable development, stressing the political dimension of its activities. In July 1997, the Bank established a Post-Conflict Unit aimed at increasing the

coherence of the Bank's approach to post-conflict reconstruction, with a strong emphasis on the rebuilding of institutions, with the aim of designing and implementing transitional strategies and early reconstruction.

The Inter-American Development Bank

The Inter-American Development Bank (IDB) employs a broad concept of *democratic governability* in its lending policies. It explicitly endorses and actively supports democratic consolidation processes in Latin America. Among the multilateral development banks, the IDB is clearly the most politically assertive. Today, all 26 borrowing members of the IDB have democratically elected governments. Indeed, both the IDB and the OAS appear to be pushing the democratic agenda in the region more comprehensively than, say, the UN or the World Bank. In its 1996 strategic policy planning, the IDB identified four main areas for attention and support: the executive branch, the legislative branch and democratic institutions, the justice system, and civil society. As of April 1997, 27 projects had been approved in these areas, amounting to approximately \$US 300 million, including support for dispute resolution systems in Nicaragua, for an Arbitration and Conciliation Centre in Uruguay, for the Bolivian National Programme of Governability, and for strengthening democratic institutions in Paraguay.

Other Regional Development Banks

The *Asian Development Bank* (ADB) follows World Bank parameters on good governance, and makes these criteria an explicit element of its development evaluations and activities. Its policy embraces "sound development management" including accountability, predictability and transparency.

The *European Bank for Reconstruction and Development* (EBRD) has, in its Charter, made economic assistance to eastern and central Europe conditional on a commitment to "multi-party democracy, pluralism and market economies".

5.5 Conclusion

The principles of transparency, accountability and particularly participation and inclusiveness are recurrent themes throughout this chapter. If properly adhered to, these principles will serve to protect and insulate a peace settlement from many of the obstacles and issues that have the potential to derail its implementation. The developing international consensus on the importance of the role of democratic institutions and struc-

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tures is reflected in the growing normative emphasis placed on democracy by international and regional actors, lending further weight to these key principles.

The implications of “democratic conditionality” in regional membership and aid policies, and what some commentators have characterized as an “emerging right to democratic government”, need to be considered with caution. Democracy cannot be imposed from the outside, however well-meaning or well-funded those outside interests may be. Sometimes, strict conditionality can actually undermine prospects for moderate reformers. We therefore emphasize in this chapter that the focus of structuring a peace settlement and building a sustainable democracy must place primary responsibility on the parties to the conflict themselves. The role of the international community is to assist and support rather than to prescribe and impose. The commitment has to come, first and foremost, from the domestic parties.

The formulation of a unified and consistent approach to democracy building by the international community is another aspect that requires attention. There are too many occasions when international bodies have pursued a narrow self-interest or been driven by a desire to improve their “market share”, to the neglect of the overall transition process. This implies greater consultation and co-operation, both amongst each other and between the international community and the domestic parties, throughout the process to ensure that the appropriate assistance is given and also to ensure that problems are dealt with jointly. This means that effective evaluation mechanisms need to be built into a settlement in order to detect potential points of breakdown and enable a quick and effective response by all those concerned with its implementation.

There does, however, appear to be a growing recognition by the international community that conflict prevention should not only be confined to preventive diplomacy or early warning systems, important as these may be, but must include settlements that address the root causes of the disputes and manage ongoing sources of conflict in a constructive and structured manner. The challenge for the international community is to translate this renewed awareness and commitment into concrete policy and actions at both an international and domestic level. The precise form that these new policies and actions will take is the primary issue that now confronts all organizations and governments seriously committed to sustainable peace building.

There appears to be a growing recognition by the international community that conflict prevention must address the root causes of disputes and manage ongoing sources of conflict in a constructive and structured manner.

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