

Power-Sharing, Outsiders, and the All-Affected Principle

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“Since the end of the Cold War,” Roland Paris and Timothy Sisk (2009, 1) argue, “an enormous international experiment has been underway.” Between 1989 and 2007, more than 20 complex peace operations involving a range of international, regional, national, and non-governmental actors have been deployed to war-affected societies including Bosnia and Herzegovina, Kosovo, East Timor, Cambodia, Liberia, Afghanistan, and others. The political, economic, and social reach such operations entail make them distinct from traditional peacekeeping operations. Complex peace operations are designed in expansive terms, including not only military engagement in the form of peacekeeping but also economic development projects, attempts at social reconciliation, and statebuilding components. In essence, the intent is to *build* peace, not simply to keep it. That is, the aim is to facilitate the conditions able to create an enduring and ultimately self-sustaining peace.

In particular, such operations are premised on the notion that “achieving security and development in societies emerging from civil war partly depends on the existence of capable, autonomous and legitimate governmental institutions” (Paris and Sisk 2009, 1-2). Both international and domestic actors have an interest in promoting these conditions. Weak institutions impede domestic attempts to realize the twin goals of security and development, and in divided societies the lack of institutional protections puts minority groups at risk. They can similarly undermine international peace and security (fragile states are feared as breeding grounds for terrorism, for example). When sufficient resources are unavailable within the state, the domestic response needs to be supplemented. International actors have a valuable role to play here; they are motivated to assist in peacekeeping efforts, and their actions – because they help to prevent further conflict and bloodshed – are justifiable from a human rights perspective. According to one scholar, “left to their own devices, collapsed and badly governed states will not fix themselves because they have limited administrative capacity” (Krasner 2004, 86). Building state institutions capable of responding to constituent demands, both from members of the majority as well as from any minorities present in the state, is thus seen as a core mechanism in building a lasting peace; since all constituent groups are affected by the institutional design it is important that statebuilding efforts carve out the necessary space for their ongoing participation. Fragile states may be unable or unwilling to accomplish this on their own, particularly as it relates the protection and inclusion of minority groups. As part of this awareness, such missions have tended to put liberal democracy at the forefront of the kind of state being built, with emphasis placed on the holding of elections, liberalization of the economy, and the institutionalization of the rule of law (Paris 2004). As Timothy Donais notes, local constituencies are being asked to commit to, and eventually take ownership over, “a largely predetermined vision of

peacebuilding” (Donais 2009, 6), one that reflects an international commitment to liberal democratic governance.

What is more, international and domestic actors are increasingly turning to power-sharing as a key democratic practice in the statebuilding venture. Power-sharing entails the participation and representation of all major social segments in the processes and institutions of government. At a minimum, it involves the proportional representation of minority groups in executive, legislative, and bureaucratic channels; it often also entails provisions for group autonomy and veto powers on issues that affect the vital interests of minority groups.¹ Power-sharing arrangements are motivated by the belief that “there is more than one people with reasonable claims” (O’Leary 2007, p. xxi) and by the belief that this should inform the design of political institutions. Caroline Hartzell and Matthew Hoddie (2003, 319) note that of 38 negotiated settlements to civil war between 1945 and 1998, 37 contained power-sharing provisions while Anna Jarstad (2009) identifies at least nineteen cases of national power-sharing agreements adopted between 1989 and 2007, many of which, like Bosnia, Kosovo, Liberia, Cambodia, and Afghanistan, entail a strong international presence not only in the negotiations period but also in terms of system maintenance. At least half of the complex peace operations mentioned by Sisk and Paris have institutionalized some degree of power-sharing. Scholarly opinion is divided over the question of power-sharing, with some scholars worrying about its potential to entrench the divisions that prompted conflict in the first place (Jarstad 2009; Paris 2004). Others defend it on pragmatic (as the only thing that can stop the fighting) and on normative grounds (as a way to ensure minority participation in and support for state institutions) (McGarry 2003; O’Leary 2005). We fall into the latter camp. We contend that minorities fare better when they are given the opportunity to represent themselves and to articulate their own interests. A power-sharing framework in which both majority and minority groups participate actively provides insecure groups with the security and self-sufficiency to collectively address contentious issues. This is likely to facilitate greater democratic autonomy, as well as political stability, for all groups over the long-term.

In the case of power-sharing systems, the inclusion of outsiders in post-agreement system maintenance (potentially) complicates an already-complex and intricate balance of power between social segments. Depending on the extent of involvement (outlined in further detail below), outsiders may function as an additional constituency in need of accommodation, particular where they have *de jure* executive and legislative powers. Outsiders may also end up enshrining undemocratic practices by taking important aspects of decision-making out of the hands of local actors. At the same time, however, it is important to recognize that many deeply divided places lack the sort of trust, resources, and social context that makes for reasonable and legitimate deliberation and that outsiders, as such, may play an important role in facilitating democratic deliberation. Yet a critical tension remains unresolved: outsiders may be necessary to bring about short-term political stability, but their sustained involvement, as well as how and the extent to which they are involved, may undermine the pursuit of political equality and democracy.

¹ When all four criteria outline are part of a state’s institutional design, it may be said to be consociational. Power-sharing can be implemented in one of two ways: it can pre-determine the constituent groups, as with reserved seats and ethnic quotas or it can turn the question of who participates in power-sharing over to voters (e.g. party X has X percentage of support among the general population and should thus get X number of executive seats) (McGarry 2007).

In an attempt to address this tension in divided societies with significant international involvement, we turn to two sets of literature: power-sharing and international statebuilding. Emerging work within the power-sharing literature looks to address the difficult relationship between democracy, sovereignty, and stability. In this respect, two areas stand out. Some authors are beginning to sketch the contours of what a deliberative consociation would look like (O’Flynn 2007, 2009; Addis 2009; Drake and McCulloch forthcoming; Dryzek 2005, 2009). O’Flynn, for example, draws from the normative criteria of deliberative democracy in order to design consociational institutions in a way that better accommodates the different social segments. As O’Flynn sets out his account of a deliberative consociation his focus is squarely on the domestic front; looking within the grand coalition he emphasizes the role of the different constituents’ political leaders and looks to the ways they might be able to use consociational institutions to consider the public interest – that is, to look beyond deep divides that separate the constituencies and toward developing cross-ethnic cooperation. In a different vein other authors discuss the relationship between power-sharing and international involvement (McGarry 2003; O’Leary 2005). In this regard, McGarry and O’Leary set out a conceptualization of what they call ‘consociation plus’: an institutional structure that retains the four consociational features but which is adopted as part of a larger peace process (thus containing provisions on security sector reform, refugee repatriation, the disarmament, demobilization, and reintegration of former combatants, etc.) and which entails the involvement of actors beyond the state (cross-border arrangements in some cases; peacekeepers or international transitional administrators in others). Consociation plus, however, remains a descriptive category; it does not make a normative statement about the quality of the democracy being implemented or about the restricted decision-making capability constituent groups have when outsiders are present inside the state. As a result, questions remain about the democratic calibre of power-sharing agreements implemented at the behest of international actors.

Normative considerations of political equality are often given short shrift in post-conflict societies; political stability is often given primacy (and with good reason, considering the dire circumstances at hand). While democracy is seen as an important long-term goal, its principles are often sacrificed in the short-term in the name of political stability.² This is especially prominent with the inclusion of outsiders in the domestic authority structure of the state; this involvement narrows the scope of decision-making as well as the democratic manoeuvrability of local actors, something that we see in actions ranging from peace conditionality to international transitional administrations. While the inclusion of outsiders may stem from a benevolent desire to stabilize war-prone societies,³ the cumulative effect of outsider involvement inside the state is not always benign. The problem, then, is how to balance political equality with political stability, and how to make sure that outsider involvement in divided societies does not hinder the development of the state’s sovereign democratic capacity or the political equality of its constituents. To address these questions we look to connect the new themes that come out of the power-sharing literature via the all-affected principle in order to bring them full circle. We identify the strengths and weaknesses

² Deliberative consociationalism is an important exception. Still, discussions of deliberative consociationalism do not address the role of outsider involvement – even though outsider involvement is common in power-sharing institutions. Given the reasons for outsider involvement we think a discussion of the implications of outsider involvement in this context is necessary to respond to charges that the constituent autonomy in this case might be upset by additional (external) constituents.

³ Other reasons for international actors intervening in the domestic affairs of a state include geopolitical aims, commercial motives, public opinion, and refugee repatriation (Boyce 2002).

of different kinds of outsider involvement, focusing on the contributions (or lack thereof) these make to the prospects for democratic stability. Key to this examination is an analysis of the degrees to which different groups – the divided society, its constituent segments, and various outsiders – are affected by the divided state’s decisions and the implications this has for questions of political equality. The paper is organized accordingly: after sketching out the all-affected principle and explaining its contribution to these literatures, we turn to a discussion of the various roles that outsiders play inside the state. Building on our examination of the effects these outsider roles have upon the democratic capacity of divided societies we then suggest ways to balance the tension between stability, political equality, and democratic autonomy.

The All-Affected Principle

Concerns about the appropriate relationship between the state and outsiders are also present in the democratic theory literature that examines the ‘all-affected’ principle. Defining the demos is a central concern of the all-affected literature. This boundary problem (Arrhenius 2005), particularly when we consider the additional level of instability present in divided societies, has an additional resonance in post-conflict states. In this section we turn our attention to this problem. We pay particular attention to new complexities that arise in post-conflict societies in order to better understand the connection between outsider involvement and democratic equality. To this end, we note the criterion of affectedness as an important measure of democratic equality and we consider the relationship between states and outsiders, and between constituent groups within the divided society.

One of the key components of democratic legitimacy is the idea that all people who are affected by decisions ought to play a role in the decision-making process. The reasoning for this follows from the normative foundations of democracy: that all people are moral and political equals and ought to be treated as such. This respect for political equality may (among other options) take the form of having the opportunity to vote for a representative who will make decisions on a person’s behalf, or direct participation in deliberative democratic processes; either way, the opportunity for people to influence the circumstances that affect their lives is part of what it means to respect people’s autonomy. This is true both on an individual basis and in terms of the mechanisms in place to ensure that groups, as they provide the background conditions necessary for members to pursue their ends, have appropriate institutional recognition. Democratic institutions have a significant effect on the ways that people and groups can pursue their divergent ends. Within this context the recognition of people as moral and political equals requires that they play a role in these decisions – that is, that decisions are not merely justified *to* them, but are also justified *by* them (Abizadeh 2008, 41). Of course, there is significant disagreement in terms of the extent of involvement; at the core, however, there is agreement that part of what it means to respect people as equals is to ensure that they have a role in the democratic processes that affect them. This role is particularly unclear in post-conflict societies.

The normative weight of the all-affected principle, moreover, becomes problematic because the scope of the people who are affected by particular decisions is not limited to the state. Indeed, a key concern in the all-affected literature is that people outside the state are affected – and in significant ways – by domestic decisions; the environmental impact of factories, for example, does not respect state borders, and the impact outside the state may be significant (Näsström 2010, 8). These far-reaching effects give rise to a set of problems

with the scope of the all-affected principle (which democratic theorists, by default, typically apply to processes within a state⁴). When the people affected by decisions do not have any say in what those decisions ought to be, they lack ability to control the conditions that affect their lives – something we understand as key to the normative justification of democratic institutions. The concerns here prompt theorists such as Robert Goodin (2007, 64) to argue that the all-affected principle, when taken to its logical end, implies a global demos. While many theorists (Goodin included) are quick to flag the obstacles to this expansive application, the normative force of the argument for re-examining cross-border participation does raise important questions – some of which, we argue, are unique to post-conflict societies.

As post-conflict societies seek to establish themselves in relation to outsiders involved in peacebuilding efforts, while simultaneously acknowledging the concerns of divided groups within the state, the tricky question of not only defining the demos but determining its scope is of central importance. Outsiders, the post-conflict state, and its constituent groups are all affected by the particular design of the divided state, but the degree to which they are affected varies considerably; minority groups are particularly vulnerable to inequities in power-sharing agreements, whereas outsiders (although they have a stake in some important respect) are relatively unaffected by these inter-constituent relations – and, of course, have the option of exit

Within the all-affected literature there is disagreement about what it means to be relevantly and sufficiently affected. Some focus upon the distinction between those who are affected and those who are subjected (Karlsson 2006; Beckman 2008; Näsström 2010). Others try to rein in the all-affected principle by focusing on the ways that people are relevantly affected, and try to justify a threshold that will allow us to respect the principle but avoid the problems that accompany the erosion of democratic borders (Beckman 2006; Karlsson 2009). The first approach allows us to demarcate degrees of affectedness, acknowledging that people outside borders – and across generations (Heyward 2008) – feel the effects of a state’s policies but arguing that the stronger criterion of being subjected to a state’s rule – having direct legal and political ties to its laws and institutions – is what matters when it comes to determining the demos. The distinction between all-affected and all-subjected, although useful in some respects, sidesteps rather than answers the all-affected question as it uses fixed borders of political authority to carve out a distinct space (those subjected) to focus upon. The problem with this is that it neglects to compare degrees of affectedness within and outside the border.

Within the second approach there is a wide range of disagreement over how best to determine what counts as relevantly affected. Taking an issue-by-issue approach – looking at who a particular issue affects, rather than at where a decision occurs – to this is problematic. As Karlsson (2009, 10) notes, “because the all-affected principle leads to political boundaries that are unstable and issue-area specific, it provides an impractical criterion of legitimacy for political institutions. Political boundaries could change from day to day and it would be hard to consolidate political institutions.” Grounding this critique is the need for a stable demos; indeterminacy here threatens the functionality of the demos. At the core these arguments underscore the need for continuity, a necessary component of the institutional structures that protect people’s political equality.

⁴ Indeed, one of the main criterions of deliberative democracy (usually examined and applied within a polity) is that in order for decisions to be legitimate all those who are affected by the decision ought to participate in the (deliberative) decision-making process.

Where these questions of indeterminacy raise important normative concerns in the all-affected literature, they are even more pronounced in post-conflict societies. Because there are more affected groups in the context of power-sharing with outsider involvement, asking who is affected, how they are affected, and by what authority people affect others raise a new set of issues. Just as in the broader all-affected literature where concerns stem from the complicated ways in which people outside the state are implicated in decisions made in (and by) the state, the different – and at times unclear – levels of involvement in post-conflict societies means that beyond identifying the key groups who need to be accommodated the demos of the state is undefined. When the exact relationship between these groups is still developing, the all-affected principle can help us to think about the way that different institutional configurations affect the kind of democracy that might emerge in divided societies. In this respect our aim is not to resolve the boundary problem that dominates the all-affected literature, but rather to use the normative questions this literature highlights to elucidate issues of legitimacy and autonomy in the democratic aspects of statebuilding. We use the all-affected principle as an important normative tool, differentiating ourselves from those who used the all-subjected principle to make a clear, state-dependent distinction between those who ought and ought not to participate in decision-making. We shift the line of questioning to better understand how the different groups participate in decision-making and the effects this has on democratic equality.

Debates from the broader all-affected literature highlight important distinctions that are particularly beneficial when we apply the principle in post-conflict societies. This context complicates the relevant boundaries that determine who is affected and how. Instead of (simple) state sovereignty in a global context, some divided societies contain two additional main boundaries: 1) the boundary that separates the segments that share power, and 2) the unique relationship between the state and outsiders. Because the relationship between outsiders and the state affects the relationship between the segments, it is important to clarify the role – and effects – of outsider involvement. In the next section we set out different kinds of outsider involvement and examine the roles they have played in post-conflict societies. Moreover, we look at the effect this has upon not only the stability of these societies, but also in terms of their ability to develop as democratic states – both in terms of their capacity to function without outsider assistance and in terms of the groups that share power. Given the various ways that these outsider roles can impact the state's capacity for sovereignty and democracy we note a series of questions that are important to ask when we evaluate the kind of involvement outsiders have.

The Role of Outsiders in Post-Conflict Societies

In this section, we outline a number of emerging trends in the international governance of divided societies. Specifically, we are concerned with the role that outsiders play inside domestic governance structures and the impact this has on the democratic nature of the state. Outsiders, by which we mean foreign actors such as international or regional organizations, collective security organizations, states, and non-governmental organizations, can come to play a range of potential roles in the local affairs of divided states, not all of which are in line with stated goals of democratization. Stefano Recchia (2009, 166), for instance, concedes that while international statebuilding may help to stabilize the country in the short-term, in the long-term it “deliberately restricts the policy options and broader freedom of maneuver of domestic political actors.” Timothy Donais (2009, 15) similarly notes that there is a “serious power imbalance between outsiders and insiders”: “Outsiders control all the resources and frame the decision-making structure concerning what types of

capacity are to be constructed – where and how – and they enjoy considerable flexibility in choosing among local implementing partners.” This power dynamic may produce local dependency on international resources, funds, security provisions, and, in some cases, political decision-making.

Nonetheless, outsiders are often indispensable in getting deeply divided societies to a peace agreement. They also play key roles in the post-agreement period, where they remain active in peace implementation and system maintenance for the purposes of enhancing security and political stability. This entails, as Giulio Venneri (2010, 153) argues, an “inevitable sovereignty paradox” given that statebuilding missions compromise domestic sovereignty in the short-term as a way to build stable, democratic institutions in the long-term. But does this also entail a democracy paradox? What impact does international statebuilding have on the prospects for democracy? One way to assess such involvement is to consider the extent of outsider authority. How much political decision-making authority does the outsider have? Does this political decision-making authority help or hurt the democratization process? To what extent is a state’s democratic capacity compatible with such compromises in state sovereignty? Here we identify some of the ways by which outsiders come to have a political decision-making role inside the state, and we examine the impact each of these forms of outsider involvement have on the democratic capacity and autonomy of the state and its constituent groups.⁵

Aid Donors

Peace is a costly enterprise. Given the economic and social devastation of war, combined with the high risk of reverting to conflict (around 40 per cent of conflicts revert to violence within a decade [Collier 2009, 75]), it is key that peace agreements produce economic dividends – and relatively quickly. Outsiders can play a constructive role in funding development projects, rebuilding infrastructure, and various other forms of economic revitalization. Funds can derive from bilateral agreements between states (e.g., USAID, CIDA, etc.), from international financial institutions (e.g. IMF, World Bank), or from ad hoc collections of states (e.g., the Peace Implementation Council in Bosnia). Many war-affected places rely heavily on such funds; Timor-Leste relied on international assistance for at least 40 percent of its post-independence budget (Bowles and Chopra 2008, 289) while 90 percent of Afghanistan’s 2004-5 budget was externally funded (Suhrke 2009, 231). International funds may be necessary to keep the peace process on track, and donors have often used aid to induce specific peacebuilding aims in recipient countries, what James Boyce (2002) calls ‘peace conditionality.’ These aims include finding ways to motivate divided groups to cooperate, both with each other and with the terms set out in peace accords.

In the early post-war years in Bosnia, for example, almost all reconstruction aid (98% in the first year; 90% in the second) was channelled to the Federation (where Bosniaks and Bosnian Croats share power) and only a token amount to the Republika Srpska (RS) (where the vast majority of Bosnian Serbs live) (Boyce 2002, 1030).⁶ This was the case despite the need for infrastructure in both entities. The original reconstruction plan was to channel

⁵ This list is not meant to be exhaustive. There are, of course, other ways that outsiders become involved in post-conflict states (election monitoring; peacekeeping and other security personnel, etc.); our concern here is with the role that outsiders play in the political decision-making apparatus of the post-conflict state.

⁶ Bosnia has a complex constitutional configuration: three constituent peoples (Bosniaks, Bosnian Croats, and Bosnian Serbs), two Entities (the Federation of Bosnian and Herzegovina and Republika Srpska), the Federation is further divided into ten cantons, shared between Bosniaks and Bosnian Croats. Power-sharing operates at all levels. Such arrangements are spelled out in the Dayton Peace Accords, signed in 1995.

27.5% of all aid to the RS but because the donor community considered RS leadership as obstructionist and anti-Dayton, reconstruction funds were diverted to the Federation, which was seen as more favourable to the peace agreement. Boyce (2002, 1027) details an incident early on when donor funds were used to constrain Bosnian Serb action: at the first post-war elections, Momcilo Krajisnik, a radical Bosnian Serb, was elected to the Serb position of the collective presidency while Alija Izetbegovic was elected to the Bosniak position. Attempts to organize a presidential swearing-in ceremony were nearly derailed: Krajisnik refused to meet in Sarajevo and Izetbegovic refused to meet anywhere but Sarajevo. The impasse was resolved only when donors gave Krajisnik an ultimatum: come to Sarajevo or lose all reconstruction aid. The ceremony proceeded as planned in Sarajevo.

Outsiders, of course, have a stake in the peacebuilding and statebuilding enterprise, given that they are footing large portions of the bill. In this respect they are affected by the state's actions. Their concern, however, is of a fundamentally different nature than that of the divided groups. Outsiders are not affected by the decisions to the same degree that divided groups are – far from it. In this respect, the distinction between the all-affected and all-subjected principle is helpful: the divided society and the groups within it are subjected to peacebuilding decisions, whereas outsiders are not. Although affected, outsiders have less to lose if they withdraw their support and have a greater degree of power when it comes to setting the agenda. The central role that outsiders have in the institutional structures and daily functioning of the post-conflict state, however, means that we cannot make the same clean cut between the all-affected principle and the all-subjected principle: the degree to which outsiders are affected by – and indeed affect – the post-conflict state further complicate these questions. The post-conflict state (and its constituent groups) are, in many important respects, subject to the decisions made by outsiders. In this context the question of justification being by and to the people no longer holds: in their complicated relationship with outsiders the people cannot offer an independent justification. At the same time, outsider involvement may be necessary if all constituent groups wish to contribute (in a meaningful way) to this collective justification.

Mediation and Arbitration

Third-party mediation is most commonly employed as a way to get conflict parties to a peace agreement. It is a voluntary, non-binding process, often agreed to by conflict parties that have reached a hurting stalemate. Mediators, at this pre-agreement stage, can perform a number of confidence-building tasks that may be politically difficult for conflict parties to perform themselves. As Ramsbotham, Woodhouse and Miall (2008, 168) note, “[b]y allowing the parties to present their cases, exploring them in depth, framing and ordering the discussion, and questions the advantages and disadvantages of different options, before the parties have to make a commitment to them, mediation can sometimes perform a valuable role in opening up new political space.”⁷ Arbitration, which has more binding outcomes, plays a similar role, particularly during the implementation of peace agreements. Agreement is, of course, a necessary precondition to a continued power-sharing arrangement in the

⁷ Examples abound: Julius Nyerere and Nelson Mandela's work in Burundi, Norway's involvement in the Israeli-Palestinian and Sri Lanka peace negotiations, Special Representatives and envoys of the Secretary-General in various conflict zones, and the UN Standby Team of Mediation Experts, run out of the UN Department of Political Affairs, in Cyprus, Kenya, Nepal and elsewhere, to name just a few. Many NGOs, like the Carter Center in Ethiopia-Eritrea and International Alert in the Great Lakes region, have also engaged in international mediation.

post-conflict state. The aim of mediation and arbitration is (ideally) to ensure that the basic political infrastructure does not hurt one (or more) of the constituents. In this respect it plays a central role in establishing the kind of democratic power the different groups will have. Indeed, this kind of outsider involvement may be necessary for vulnerable minorities to participate as equals; in this respect setting the foundation for democratic equality may not be possible without outsider assistance.

While most focus on the role of mediation in getting to agreement, mediation and arbitration can be as valuable – and necessary – during the peace implementation period. As Katia Papagianni (2010, 245) suggests, the continuation of mediation after peace agreements serves a number of important functions: “it tries to keep the signatories of the peace agreement engaged, to bring new parties in the process, and to expand as much as possible political participation.” Stephen John Stedman (2002, quoted in Papagianni 2010) similarly notes that because most peace agreements contain purposely-vague language, often entail contradictory statements, and are silent on a number of important issues (all of which may be necessary to reach agreement), post-agreement mediation remains invaluable. This is particularly the case when there are low levels of trust (and a violent history of distrust) between groups. Mediators were integral, for example, in getting all rebel groups to sign onto the peace process in Burundi – the Arusha Accords were signed in 2000 but the last rebel group did not sign on until 2006. Ongoing mediation helped to consolidate the terms of the peace agreement.

Democratic stability requires the continued participation of all affected groups, and the quality of the democratic process depends upon the capacity of groups to deliberate. Without continued outsider involvement, vulnerable minority groups may not be able to use newly-established institutions (no matter how well-designed) in a way that allows them to participate effectively and as equals. In this respect, third-party mediation is especially important in power-sharing systems, which bring together parties already in tension. As Papagianni (2010) notes, there is often a need for mediation when constituent groups allocate cabinet posts and design public policies. Ulrich Schneckener (2002) goes so far as to include mediation and arbitration as key attributes of consociationalism. He writes: “in case of a dispute, it is necessary to develop mechanisms for conflict settlement. Measures include informal meetings among the group leaders, ombudspersons, formalized mediation committees, independent commissions or special arbitration courts in which all sides are represented” (Schneckener 2002, 205). The need for mediation also arises in the deliberative consociationalism literature, and in many ways the aim of these mechanisms is to offer another form of support to divided groups who may need additional institutional protections before agreeing to engage in a democratic exchange (see Drake and McCulloch, forthcoming; O’Flynn 2007; 2009).

Mediation can occur in both political and juridical institutions and can entail domestic or international actors, or a combination of the two (Schneckener 2002). The inclusion of international judges in constitutional courts is one manifestation of juridical arbitration; both Bosnia and Kosovo, for example, have nine judges on their constitutional courts, of which three are international (importantly, judges cannot come from neighbouring states). In Bosnia, each constituent group has two representatives (the Bosnian Croat and Bosniak judges are appointed by the Federation’s House of Representatives while the Bosnian Serb judges are appointed by the RS’s National Assembly); the three international judges are appointed by the President of the European Court of Human Rights in consultation with the members of the tripartite Bosnian presidency. While many of Bosnia’s post-Dayton institutions have been mired by intransigency and deadlock, the Constitutional

Court appears to work relatively smoothly. Stefano Recchia, for one, attributes this to the presence of the international judges: “Numerically in the minority, the international judges have never been able to impose their views. Indeed, experience suggests that the international judges have usually behaved as committed *advocates* of their respective positions, trying to persuade other members of the court as well as the Bosnian public at large” (Recchia 2009, 182, original emphasis). The influence of these international judges is significant, particularly in terms of how they were able to affect the court. This illustrates the compatibility of greater domestic sovereignty (as indicated by the balance of power) with outsider involvement. In terms of transitioning toward greater democratic autonomy, the domestic success of this example highlights the benefits in balancing an outsider presence with greater domestic responsibility. Since the question of power is still very much a concern, with the potential for deadlock on the domestic front, it is important to find external mediators who are neutral to the different constituents, and who can help them work through difficult deliberations. Although the outsider voting block is greater than any block domestically, the symbolic weight of greater domestic control is important. As long as outsiders are not perceived to favour one of the constituencies, the balance of power provides a good check on unstable domestic relations.

Political mediation/arbitration can be either ad hoc or institutionalized depending on what the situation requires. Having these options available allows outsiders to intervene, while enabling them to choose between methods that enable more or less democratic autonomy for the post-conflict state depending on its degree of stability. An ombudsperson’s office is an example of institutionalization. In Kosovo, for example, the OSCE set up (with help from American funds) an Ombudsperson’s Institution, tasked with mediating allegations of human rights violations and abuses of power. Initially led by a Polish national, the institution has now transitioned to local hands, with the first local ombudsperson appointed in June 2009 (OSCE 2011). The continuing mediation role of Nelson Mandela in the immediate period after the signing of the Arusha Accords is an example of ad hoc mediation. One of the major contested issues in the implementation phase was who would actually head the transitional government; because of Mandela’s mediation efforts, a compromise was reached. A Tutsi representative would lead for the first eighteen months to be followed by a Hutu representative for the remaining eighteen months of the transition period (Papagianni 2010, 253).

In order to ensure that constituent groups accept the legitimacy and authority of mediators/arbitrators, it is important that the only thing that outsiders have at stake is the desire to successfully balance the concerns of all sides. There must be no reason for outsiders to prefer the success of one constituent group over the other – beyond the reason to favour outcomes that to treat all people as equals; if one constituent group supports the protection of human rights claims and another does not, then this is a reason to show greater support. The fact remains, however, that this does not favour a group as a group, but rather a general principle that supports the justice-based concerns for the original involvement. While it is important to pay attention to what mediators and arbitrators have at stake (to ensure that the process is not affected by external goals), the focus ought to be upon determining what the constituent groups have at stake and facilitating a process that treats all constituents as equals. Insofar as they are able to, mediators/arbitrators ought to enable local actors in their efforts to seek their own resolution, thereby indirectly working to establish the skills necessary as the post-conflict state transitions to greater democratic autonomy.

Co-decision-making

Another way of looking at levels of affectedness in post-conflict states is by looking at the relationship between outsiders and the state. The use of co-decision-making is particularly illuminating in this respect. In order to focus our attention on this relationship we look at Liberia – which does not entail ethnically-based power-sharing,⁸ but in which we can look at this co-decision-making relationship as a form of power-sharing – in this case between outsiders and locals.

In some places, outsiders are inserted into local state structures, often with important decision-making powers alongside local authorities. Reasons for doing this are twofold. On a practical level, outsiders who share decision-making authority can assist local authorities when they need it. Moreover, if the relations between conflict groups are so volatile that it is unrealistic to expect domestic authorities to cooperate then this kind of outsider involvement may be a way to avoid this concern (while transitioning local officials into a set of processes that, in the future, they might be able to sustain without co-decision-making involvement). This is a strategy beginning to gain traction in the literature on statebuilding (Krasner 2004; Recchia 2009). While this is not common in practice, it is an emerging trend – in part because it is easier than letting the UN take over entirely – with a number of scholars and practitioners coming out in support of it.

In Liberia, donors were wary of getting involved in a peace process they saw likely to be derailed by domestic actors who viewed state resources as spoils for the taking. The Governance and Economic Management Assistance Program (GEMAP), which ran from 2006 to 2010, was designed as a way to not only enhance economic performance, but also to counter endemic corruption, or as Mike McGovern (2008, 336) labels it, the ‘government-as-pillage’ mentality of successive past governments. Preventing funds from being diverted for personal gain is a particularly important goal in post-conflict societies, where the uneven benefits that would otherwise follow will exacerbate power inequalities and undermine future trust and stability. GEMAP deployed internationally recruited controllers and financial experts to work alongside local bureaucrats in key government institutions including the Ministry of Finance, the Ministry of Public Works, and the Central Bank, as well as in state-owned enterprises including the National Port Authority and the Liberia Petroleum Refining Corporation (Anderson 2010; GEMAP website). The program, funded by a mix of international donors including the World Bank, IMF, the EU, and USAID, gave co-signing authority on all financial transactions to local ministers and appointed international counterparts. The relationship is a novel one; rather than simply providing technical assistance, international experts are “line officers with specific tasks and responsibilities needed for the everyday running of the agenc[ies]” (Anderson 2010, 139). GEMAP also set up a number of partnership structures between the state and the international community; the Economic Governance Steering Committee, for example, was co-chaired by the President of Liberia and the US Ambassador to Liberia. One of the EGSC’s primary responsibilities was to arbitrate any disputes between co-signatories, with the Liberian President having final authority.

⁸ The Accra Agreement, which helped to end the civil war, contained temporary provisions on power-sharing between the conflict parties as they formed a transitional government, including the reservation of cabinet posts for the two largest rebel groups and the former Taylor government (Mehler 2009).

The program has received mixed reviews, with some critics labelling it a form of neo-colonialism.⁹ It can also be argued that one of the major defects of the program was that lines of accountability ran in the wrong direction: “the internationally recruited experts answer to the donors that are paying their salaries and not to the Liberian institution they are working in” (Anderson 2010, 134). In addition to the specific mandate that outsiders have (what, for example, their goals should be and who they are accountable to), the success or failure of co-decision-making authority turns on the quality of the interpersonal dynamics between the local and international co-signatories. As Anderson notes, given that each answers to a different authority structure, there are incentives for each to try to take credit for success and to blame the other party for unpopular outcomes. Others point to many of the perceived benefits, including the on-the-job training local representatives received, the ability of international representatives to introduce and codify rules and procedures (i.e., reduce high petty cash funds, transition from paying workers in cash, reduce uncontrolled procurements, etc.), and the ability to inculcate values and practices of accountability and transparency at the national level (USAID 2010). It is also argued that the program helped to empower the president (in her capacity as chair of the EGSC), allowing her to push her reform agenda and to hide behind GEMAP when implementing difficult decisions (such as downsizing the civil service) (Anderson 2010, 144-5). Finally, International Crisis Group (2005) notes that ordinary citizens ultimately desire a state that can deliver resources and services and to the extent that GEMAP facilitated this, it enjoyed popular support.

The co-decision-making relationship between outsiders and locals is a form of power-sharing and one that, it appears, is meant to facilitate a transition toward greater state sovereignty. The success of this – in terms of fostering democracy within the state – depends upon the investment of outsiders, who ultimately do not have nearly as much at stake. In a sense, outsiders here become another constituent group, but one that is not affected in the same way. This could have a positive effect (insofar as locals are unlikely to view outsiders as a constituent that is out to ‘get’ them in the way they may think that other constituent groups are), or a negative one (if locals think that little at stake translates into ambivalence toward the well-being of the state). With GEMAP only recently concluded, it may be too early to assess the long-term implications of the program; however, it appears the balance of power has tilted in favour of the post-conflict state and has helped to keep the peace process on track. Despite some preliminary (context-specific) success, GEMAP-type programs should not be seen as a template for future international involvements (International Crisis Group 2005). Important lessons emerge from this process, but insofar as the program may be used in future endeavours, the balance of power between outsiders and the state must be sensitive to the particularities of the situation. Lessons from traditional power-sharing institutions remind us of the importance of context, and there is no reason to think that the above application should be any different in this respect.

⁹ Indeed, it is important to take seriously allegations that programs like GEMAP represent neo-colonial practice. There exists a real tension between such outsider intrusiveness and the consolidation of peace. A report by the International Crisis Group articulates many of these concerns, noting among other things that the program could create a “visible chasm between privileged expatriate workers and ordinary Liberians,” before arguing that those who are concerned GEMAP is a pretext for colonization need not worry: outsiders are always in search of exit strategies (International Crisis Group 2005).

Final decision-making

The most extreme form of outsider involvement comes about when outsiders are granted final decision-making authority, typically in the capacity of UN Transitional Administrators (as in Kosovo and East Timor) or the establishment of an Office of the High Representative (OHR) as in Bosnia. This kind of involvement, with its obvious distrust of the state's capacity to engage in democratic processes, is in many respects a last resort, reserved for particularly volatile post-conflict states. In Kosovo and East Timor, decision-making was concentrated in the hands of outsiders, with local input only at the discretion of the international administrators. In the case of Bosnia, local institutions existed from the beginning, with international oversight actually become more intrusive as time went on.

United Nations Security Council Resolution 1244 established a transitional administration in Kosovo (UNMIK) which distributed peace- and statebuilding responsibilities between the UN (civil administration and humanitarian assistance), the OSCE (democratization and institution-building) and the European Union (reconstruction and economic development) with NATO (KFOR) maintaining a security presence. UNMIK's mandate – to build autonomous institutions of democratic self-government for Kosovo to which administrative responsibility could eventually be devolved – was complicated by the fact that UNSCR 1244 left the question of Kosovo's final status (reintegration with Serbia or independence) unresolved. Established in 1999, UNMIK vested sweeping powers (executive, legislative and judicial) in the Special Representative of the Secretary-General (SRSG); until 2001, local input was primarily consultative in nature (Narten 2009). During this time, many ministries were co-directed by a Kosovar and an UNMIK official, though as Jens Narten (2009, 265) notes the role of the local counterparts was “limited to giving non-binding and purely consultative advice.” In 2001, the Kosovo Provisional Institutions of Self-Government (PISG) were set up and given authority over ten ministries (including Health, Transport, Education, and Public Services).¹⁰ Relations between UNMIK and PISG, however, were often tense; an International Crisis Group (2003) report noted that “no sense of collective responsibility or shared objectives appeared to be present in either party,” and it outlines a number of clashes between UNMIK and PISG over issues such as PISG representatives not being invited to SRSG quarterly reports to the Security Council, the SRSG's use of veto power to block draft legislation in the Assembly as well as the inability of the Prime Minister to control his own budget (which at one point resulted in a dispute over the amount of money allotted for coffee during official meetings). UNMIK remains operational, though in downsized form, especially since Kosovo's unilateral declaration of independence in 2008. Decision-making power was over time transferred to local representatives but it remains the case that in the early years of UNMIK, power was concentrated in the single person of the SRSG.

UNTAET, the UN mission in East Timor established in the same year as UNMIK takes this logic of outsider authority even further, where the mission was essentially tasked with building a new state from the ground up. Not only did the mission have final decision-making authority in the areas of rule of law, international treaties, and the hiring and training of the civil service, its rule also extended to the design of postage, currency, and other

¹⁰ Notably, however, the SRSG has reserve powers in a number of areas including law and order, international relations, the budget, and protection of minorities (UNMIK 2008).

national symbols.¹¹ The UN was, in fact, the government. As James Traub notes, “at the airport in Dili, a Timorese in a UN uniform puts an ‘UNTAET’ stamp in each passport” (Traub 2000, 74). While Sergio Vieira de Mello, the UN administrator, attempted to engage with local actors – he established a 15-member National Consultative Council¹² early on and attempts at Timorization of the civil service were ongoing during his tenure, many felt his actions did not go far enough. The NCC had only symbolic power (Vieira de Mello took its advice at his own discretion), Vieira de Mello relied heavily on a particular subset of local actors (primarily Xanana Gusmao, who later became Prime Minister, and Jose Ramos Horta, Timor-Leste’s first Foreign Minister) and Timorization lacked effective training and mentorship, entailing instead a direct handover of power at the end of UNTAET’s mandate. Jarat Chopra argues the failure to build effective local capacity and buy-in during the UN administration was a by-product of the international nature of the project: “The Transitional Administrator had always been more concerned with international, strategic-level politics, in the capital cities of the UN member states and donor governments. They were the real constituency, and the source of power and the determination of his future, more than the Timorese people” (Chopra 2002, 998). Similarly, much of the UN staff was reticent to answer to the Timorese, arguing that their salaries were paid by New York and not Dili (Power 2008, 329). While the UNTAET mission is perceived of as a successful case of transitional administration, it remains the case that it is a precarious peace and a relatively frail state that it left in its wake (for details on the post-independence period, see Bowles and Chopra, 2008).

Bosnia and Herzegovina’s Office of the High Representative represents an additional application of final decision-making resting in the hands of outsiders.¹³ Fifteen years since the signing of the Dayton Accords there are still concerns that without outsider involvement fighting may recur. Consequently the international community continues to maintain a strong presence: “In BiH, outsiders actually *set* [the] agenda, *impose* it, and *punish with sanctions* those who refuse to implement it” (Knaus and Martin 2003, 61, original emphasis). Initially granted only supervisory powers (the OHR’s mandate was to be as a neutral monitor of the implementation of Dayton’s civilian aspects and to mediate any potential political disputes between the constituent groups). This strategy, however, changed in 1997 after it became apparent that the transition period would be longer than initially expected; at this point the PIC extended the OHR’s authority to include legislative and veto powers. Since the extension of these “Bonn powers,” there have been about 900 unilateral OHR decisions in the areas of institutional reform, substantial legislation, and the personnel of public office (see OHR website). OHR decisions are often framed in relation to the Dayton framework; any legislation deemed anti-Dayton can be vetoed by the OHR. Several democratically elected politicians have been removed from office, including a number of mayors and Assembly members, as well as a justice minister, the president of the Republika Srpska in

¹¹ The political design in East Timor/Timor-Leste does not include ethnic power-sharing; it is included here as an example of how intrusive outsider involvement can be, where the outsider is not simply affecting political decision-making but is in fact the political decision-maker.

¹² In 2002, the NCC was succeeded by the National Council, which had 33 members. Those appointed to the councils were considered legitimate interlocutors by the international community, but as Bowles and Chopra (2008, 279) point out, less so by the local population. Many failed to gain seats in the elections to the constituent assembly.

¹³ The HR is now doubled-hatted: he simultaneously serves as the EU Special Representative. The Peace Implementation Council (PIC), an ad hoc collection of donors and interested parties, appoints the High Representative.

1999, and the Bosnian Croat representative on the collective presidency in 2001, because they were perceived to be anti-Dayton. Decisions on key national symbols such as the flag, currency, national anthem, and license plates have been taken by the OHR. When the representatives of the constituent groups fail to agree on contentious political issues (such as police or institutional restructuring), the OHR steps in to impose the reforms. Thus, while Bosnia has central state institutions as well as two autonomous entities in which power-sharing operates, and has international legal sovereignty (indeed, it currently sits on the UN Security Council), any decision passed at any of these levels is subject to OHR scrutiny. Nonetheless, prospects for endogenous stability and autonomy are improving: the number of decisions taken out of the OHR is beginning to decline and there has even been talk of closing the OHR.¹⁴

As we note above, outsiders have both positive and negative effects in fostering democracy and autonomy in post-conflict societies (or failing to achieve this result). Some of these problems are due to the problematic ways that outsiders approached their involvement, as in the case of East Timor where the seemingly “real constituency” was not that of the post-conflict state, and where attempts to engage the Timorese (a clear prerequisite for a transition to democracy) were not readily forthcoming, while others appear to result from the failure to establish institutions and processes that allow constituent groups to resolve problems themselves (as is often the case in Bosnia with the Bonn powers).

There is a clear disconnect between outsiders and the post-conflict states. The all-affected principle helps to illustrate some of the problems with final decision-making power. Outsider interests, although they involve the success of the post-conflict state (e.g., the maintenance of political stability), are ones that – due to the degree of power they have – remain unaffected by the involvement of domestic constituents. Because of this, there is no incentive (other than as an exit strategy) to help the post-conflict state transition to democracy. As a result, the divided state’s potential for political autonomy suffers. Similarly, when constituent groups are affected unevenly by outsider involvement (i.e.: when it is perceived to favour particular groups, as in the case of the funding discrepancy in Bosnia), then the political equality between constituents – and the democratic stability of the state – is on shaky ground. Although there may be good reason to favour one constituent group (or, more accurately, one position) over others (after all, the reason the Serbs were not favoured in the distribution of funding was because their anti-Dayton stance), the way that outsiders approach this issue is of particular importance. Anything that is perceived to favour a group as a group is unlikely to foster trust and good-faith democratic participation, whereas emphasizing the protection of constituent groups, along with the institutional conditions necessary to facilitate a democratic transition, will do more to situate final decision-making power in a larger, and ultimately more justifiable, transitional context. Understanding how groups are affected – and differently affected – is a necessary first step if we are serious about identifying ways to improve the democratic capacity of divided societies and to facilitate this transition.

¹⁴ The closing of the OHR is now made contingent on five objectives and two principles. The objectives include resolution of state property, resolution of defence property, completion of the Brcko Final Award, fiscal sustainability of the state, and entrenchment of the rule of law. The two principles, in turn, are the signing of a Stabilisation and Association Agreement with the European Union as the first step toward EU membership, which occurred in June 2008, as well as a positive assessment of the situation in Bosnia by the PIC (OHR 2008).

The All-Affected Principle in Post-Conflict Societies

The all-affected principle turns the question of determining the scope of the people around, doing so not on the basis of the demos of a particular state, but rather by determining “the scope of the people on the basis of the scope of political decision-making” (Näsström 2010, 2). While this “issue-centric” approach is criticized in the broader all-affected literature for the problems that accompany an ever-changing (and unstable) demos, asking this question in the context of post-conflict societies proves beneficial. If, instead of trying to resolve the question of an indeterminate global demos, we accept the fact that (at least for the purpose of our discussion of post-conflict states) fixed borders are important for democratic stability,¹⁵ then we can focus on the remaining questions of affectedness that the principle so usefully elucidates. This approach can also be helpful when fixed borders are what the conflict is about (as in Kosovo, Bosnia, and East Timor), since all ethnic groups seek this kind of fixed jurisdiction. Our starting point – that of outsider involvement in post-conflict societies – has its own kind of indeterminate demos, as there are significant tensions between two distinct and contested boundaries: 1) that which separates group constituents within the divided society, and 2) the boundary between the state and outsiders. (These tensions still apply when we have the additional complication of groups who engage in conflict over the borders themselves.) The challenge for peacebuilding operations and the design of appropriate power-sharing institutions is inextricably caught up in the volatile relationship between constituent groups and affected by the suspicion that post-conflict states have toward outsiders, whose involvement is premised on the notion that their contribution is necessary to the success of the divided society.

In organizing outsider involvement into these four categories (aid donors; mediation and arbitration; co-decision-making authority; and final decision-making authority), our aim was to set out the different ways that outsiders, post-conflict states, and constituent groups are affected, as well as to examine the impact these effects have upon political stability and democratic equality. Underlying this analysis is a bigger question: what makes outsider involvement compatible with democracy? The democratic justification for outsider involvement is that outsiders are necessary to help the post-conflict society create the conditions for a democratic state. Outsider involvement is important not only in terms of developing the necessary infrastructure, but also in terms of ensuring that all constituent groups have a chance to participate (effectively and as equals) in these institutions. Without this minority protection, the post-conflict state’s institutions could lack democratic legitimacy.

When we view this question through the lens of the all-affected principle, outsider involvement brings the “who” and the “how” of the demos into alignment (Goodin 2007, 50). That is, balancing the participation of outsiders with that of constituent groups allows us to see the extent to which different groups are affected, as well as to consider the significance of these decisions on their ability to act autonomously. This in turn allows us to approach the unstable demos of the divided society through its different components – outsiders, states, and constituent groups – as well as the particular ways they can interact with each other. Examining the need and motivation for outsider involvement, identifying the ways that constituent groups might be vulnerable (and vulnerable to whom), and

¹⁵ Our paper, after all, focuses on the relationship between power-sharing and outsiders. We draw from the all-affected principle – which we note has significant value in terms of insights on the democratic implications of different kinds of outsider involvement in post-conflict states – but our aim is not to take a position on the appropriate scope of those affected on a global scale.

identifying the infrastructure necessary for mediating these conflicting concerns will help us to better understand the effects that particular institutional arrangements might have on long-term stability and the state's prospects for democratic autonomy.

While the democratic autonomy of the post-conflict state is clearly important, a state's autonomy does not carry the same normative weight if the state does not respect the autonomy of its constituent groups. If we accept that "all affected interests should have a say" (Goodin 2007, 50), and if this is only possible with outsider involvement, then the decreased autonomy of the post-conflict state (otherwise objectionable on democratic grounds) is saved by this larger democratic goal.¹⁶ Similarly, it is worth noting that not all interests ought to count: if our benchmark is equality, then this rules out malevolent interests (Goodin 2007, 51), thereby lending support to outsider intervention when its aim is to prevent the maltreatment of constituent groups; conversely, it rules out supporting international intervention for self-interested purposes. Similarly, as Abizadeh (2008, 41) argues, "under the democratic strategy, saying that a justification is 'owed to all those over whom power is exercised' is to say something about the process: that all such persons must have the opportunity (1) actually to participate in the political processes that determine how power is exercised, on terms that (2) are consistent with their freedom and equality." Given the history of violent conflict, these conditions may not be possible without outsider involvement. Ironically, democracy may only be feasible after a significant degree of outsider involvement, and this may involve significantly restricting the democratic autonomy of the post-conflict state (as was the case of Liberia), or mediating the state's legal institutions (Bosnia and Kosovo), in order to stabilize ethnic tensions. As O'Flynn (2010, 282) notes, "ethnic groups may simply insist on institutional guarantees of status before agreeing to any new democratic dispensation." Outsider intervention, insofar as it works to institutionalize these conditions, promotes rather than undermines democracy.

Outsiders, however, can only do so much. Too much involvement swings the pendulum the other way, and in assuming too much power restricts the prospects for both autonomy and democracy. In some cases democracy may only be viable as a result of outsider involvement, but it is also true that a democratic state will not be able to survive unless its constituents themselves take a broader view of the state (O'Flynn 2010, 287). Importantly, the (democratic) need for outsider involvement does not mean that outsiders can, after justifying their initial involvement (whether on democratic or justice-based grounds), ignore the democratic concerns of the post-conflict state. The temptation may be to do this (a disregard that is apparent in the case of East Timor, where the outsiders' perceived constituency lay outside the state), but we must not lose sight of the fact that the aim of outsider involvement (beyond the immediate concern for political stability and the cessation of violence) is to transition out of the post-conflict state and leave behind a stable, autonomous, and democratic state. One of the lessons that arise from our discussion is that this transition is less likely to occur if outsiders do not consider the long-term effects of the institutional structures they establish. Constituents, after all, need a reason to continue to use the institutional framework after there is no longer an externally-imposed requirement to do so (a worry that is particularly acute in Bosnia and which is used to explain continuing outsider involvement). As Donais (2009, 10) notes, "[i]nsiders have to live with the outcomes of peace processes in ways that outsiders do not, and externally imposed

¹⁶ It is also justified on justice-based grounds, since without outsider involvement there would not only be the denial of democratic rights, but the significant threat of violence and the violation of human rights.

arrangements – particularly if they are seen as reflecting the vested interests of foreigners – are unlikely to thrive once the influence of external pressure and resources begins to recede.”

We should evaluate the democratic legitimacy of outsider involvement on the basis of whether or not it is compatible with the development of institutional structures that the divided society is likely to accept – and ones that can work – without outsider involvement or enforcement. Importantly, acceptance depends upon not only what constituent groups have at stake, but also what they have invested in the structures. The establishment of power-sharing institutions, which can provide a double buy-in of security and democracy for minorities, is crucial in this regard. Decisions that are made by and for the constituent groups are more likely to sustain their support than are decisions that are justified to them. The all-affected principle allows us to make some important distinctions in terms of different kinds of involvement in statebuilding efforts, as well as the motivations for doing so. It is not enough to acknowledge that a lot is at stake. Indeed, outsiders may have a lot at stake in terms of their involvement, but when an emphasis upon this investment – instead of the substantively different ways that people are involved – overshadows the reason for this involvement, then it is difficult to disentangle justifiable (democracy-promoting) reasons – and methods – of intervention from those that fail to help the divided state and its constituent groups. When this happens, both stability and normative justification begin to suffer. Although final decision-makers in East Timor had a lot at stake, the degeneration of outsider involvement to crude references as to who they are accountable to (ie: those who pay their salaries) is an important reminder that being invested in the outcome is not the same thing as being affected by it.

If the goal is to get the post-conflict state to commit to, and eventually take ownership over the peacebuilding efforts that outsiders try to establish (Donais 2009, 6), then the state needs good reasons for doing so. Assuming the agenda thought up by outsiders – as well as using the institutions they establish – is a lot to ask of states looking to establish their own (autonomous) position in the larger international society. Of course, keeping these outside institutions is not the goal – political stability and democratic equality for all constituent groups are – but the appearance, and genuine risk, of neo-colonialism is an ever-pressing concern. The continued success of complex peace operations depends on the democratic capacity of domestic governmental institutions and the degree to which they can make their own decisions with the (uncoerced) support of their constituent groups. The normative considerations that are usually devalued for the sake of political stability are, we argue, central to the success of complex peace operations. People can understand intervention in the name of protecting human rights, but the continued justification of this involvement must be one that takes people’s autonomy seriously and that looks to building the institutions that will continue to offer these protections, gradually passing the responsibility for oversight to the post-conflict state. Ultimately it is through asking questions about the ways that outsiders present and defend their political involvement that allows us to identify, and remedy, strategies that do not take seriously these democratic concerns. Building the kind of peace that is normatively desirable – and one that is likely to last – involves paying close attention to the ways that people are affected, and the reasons that people have for affecting the lives of others. It is only when people recognize the legitimacy of outsider involvement, and of constituent group claims, that long-term democratic stability is possible.

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