**Political Stability in Deeply Divided Societies**

June 8, 2018

11 Bedford Square, London, WC1B 3RF

Room BEDAQ-1-01

—Programme—

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| 09:00 – 09:45 | Registration (tea and coffee will be provided) |
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| 09:45 – 10:00 | Welcome address |
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| 10:00 – 12:00 | Conflict in flux: Towards a political economy of (in)security  *Chair*: Julia Gallagher (Royal Holloway)  Ndubuisi Nwokolo (University of Birmingham)  Demystifying grievance, greed and rent-seeking in oil communities’ conflicts in Nigeria  Shyamal Kataria (University of Sharjah)  The re-territorialization of persecuted identity: How refugee arrival generates ethno-national conflict  Cheng Xu (University of Toronto) “This land is my land”: Peasant land tenure and (counter)insurgency in lowland Philippines  Ivica Petrikova (Royal Holloway) Water security, ethnic identification, and social conflict in Lake Chad Countries |
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| 12:00 – 13:00 | Lunch (a light lunch will be provided) |
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| 13:00 – 15:00 | Representation, participation, and regime survival: New data for perennial problems  *Chair*: Thomas Stubbs (Royal Holloway)  Dimitrios Xefteris (University of Cyprus)  Identity and redistribution in representative democracies: An experimental analysis  Luca Andriani (Birkbeck)  Corruption aversion, social capital, and institutional trust in a dysfunctional institutional framework: Evidence from a Palestinian survey  Sanja Hajdinjak (University of Vienna)  Tourism natural resources, corruption and political stability: The role of civil society in dismantling partitocracy in Montenegro  Barry Maydom (London School of Economics and Political Science) Remittances, public security and voter turnout  Marlene Jugl (Hertie School of Governance) Country size matters: Why monarchy survived in Jordan and failed in Egypt |
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| 15:00 – 15:30 | Coffee break |
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| 15:30 – 17:30 | Legislating peace: The challenges of political settlements  *Chair*: Ivica Petrikova (Royal Holloway)  Chi Zhang (University of Leeds)  “Make terrorists like rats scurrying across the street”: Stability maintenance in the context of counter-terrorism strategy  Dennis Quilala (University of the Philippines Diliman)  Peace at all costs: When peace processes marginalize other minority groups  Andras Gal (Central European University) Beyond ‘unwinding’: Understanding judicial strategies in post-conflict consociations  Henry Jarrett (University of Exeter) A consociational solution for Syria? Lessons from Northern Ireland |
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| 17:30 – 18:00 | Concluding remarks |

# Panel 1. Conflict in flux: Towards a political economy of (in)security

## Demystifying grievance, greed and rent- seeking in oil communities’ conflicts in Nigeria

Ndubuisi N. Nwokolo

This article analyses oil resource fuelled grievance, greed, rent-seeking in Nigeria’s local oil communities, articulating that such political behaviours are ubiquitous in natural resources conflict societies. As defined by Claude Ake “Political stability is the regularity of the flow of political exchanges. The more regular the flow of political exchanges, the more stability” (1975:273). Grievance is mainly dominant within the latent to emergency stages of oil conflicts, greed and rent-seeking most often lead to escalation, conflict negotiation and settlement; and in most cases, the re-escalation of the conflicts. The paper draws on empirical data (qualitative) generated in Delta State, Nigeria, and literature to illustrate that although grievance, greed and rent-seeking in oil conflicts are seen as inter-linked and acting within the same continuum, they are determined by different opportunity structures and each produces a different type of political stability or instability. This paper in reviewing the three explanations concludes that the above political behaviours are driven by the age-long primitive accumulation of the state, while the power relation between oil communities and the Nigerian state determines the approach and response (political behaviour) use by the former in accessing oil resource benefits.

## The re-territorialization of persecuted identity: How refugee arrival generates ethno-national conflict

Shyamal Kataria

The term ‘refugee’—defined as ‘someone who has been forced to flee his or her country because of persecution, war, or violence’—carries with it many connotations, be ‘victim’, ‘helpless’, ‘destitute’, ‘homeless’, ‘societal burden’ etc. In this vein, the link between ‘refugees’ and ‘ethno-national conflict’, for the most part, seems a fairly obvious one, principally that refugees are the victim, or product, of ethno-national conflict in their homelands. This linkage is by no means a controversial one, nor one that this paper seeks to dispute. Rather, what this paper aims to do is convey that the relationship between refugees and ethno-national conflict is by no means one-directional, by instead demonstrating, albeit rather controversially, that refugee arrival, under certain conditions, actually generates ethno-national conflict.

In order to do so, this paper presents an original conceptual framework for understanding how, and in which ways, refugee arrival generates ethno-national conflict. The conceptual framework assumes that refugees bring with them two predetermined outcomes into their host societies—first, a ‘victimhood-rich’ collective memory of their exile; and second, a re-territorialization of their persecuted identity—which together, subject to the condition of certain associated variables, serve conducive toward the rise of ethnic tensions, and eventually conflict, vis-à-vis out-groups. To test the claim, and of course the robustness of the conceptual framework, this paper selects three separate case studies of refugee arrival, in the Balkans, the Middle East and the Indian Subcontinent.

## “This Land Is My Land”: Peasant Land Tenure and (Counter)Insurgency in Lowland Philippines

Cheng Xu

Classic theories of insurgency warfare stress the importance of the role of the peasantry in the success of such movements. Theorists and practitioners like Mao, Vo, and Guevara saw the peasantry as a class that requires mass mobilization in order to wage a successful guerrilla movement. However, history has shown that rebel leaders notoriously encounter difficulties in mobilizing the rural peasantry, from the Guerrilla Army of the Poor in Guatemala against the Montt regime, to the Taliban in Afghanistan against the Western-backed Kabul government. Often, these movements fail to capture the diverse interests of peasants because they treat them as a monolithic class. As a result, the movement lacks a captive audience and its ideologies are hastily grafted onto disinterested populations.

Land tenure has significant impacts on peasant modes of production. This paper therefore explores state actions that directly affect land tenure and how they relate to levels of grievance and resistance. I argue insurgent movements that best capture the complexities of land tenure within its overarching ideology see the highest levels of participation. Land tenure affects both how the state relates to peasant communities as well as how peasants relate to each other. This therefore highlights the relevance of what Stathis Kalyvas calls a “joint-production” of violence between the conflict at the local and the national levels. Furthermore, it will be argued that the nature of land tenure should also affect the strategies employed by the state, since counterinsurgency can be seen as a continuation of the state-building project.

Lowland Philippines offers an interesting case study to this effect. The resistance of the Bangsamoro people has been widely attributed to the particular way in which the state-building project approached the issues of land distribution and settlement in Mindanao and the surrounding regions, from the Spanish to American Colonial eras through to the modern Philippine state. Furthermore, the Bangsamoro consists of numerous ethnicities, with diverse interests, yet the reification of a single Islamic identity may therefore contribute to the fractionalization of resistance movements into various armed groups (e.g. the Moro National Liberation Front, the Moro Islamic Liberation Front, Abu Sayyef, the Maute Group, and the Bangsamoro Islamic Freedom Fighters). More interestingly, how the Philippine state prosecutes counterinsurgency operations seems to be directly related to how land distribution and tenure was envisioned in the state-building process in this particular region.

This paper will mainly conduct a review of both the literature on the theories of insurgency and the peasantry. I will then provide an overview of the resistance movements as well as the characteristics of land tenure in Mindanao in order to explore the viability of this theoretical linkage and applicability to this case study. I intend to conclude with areas for further investigation, as this paper may provide promising areas for future research such as exploring, through qualitative fieldwork, the processes of insurgency and counterinsurgency in relation to peasant modes of production.

# Water insecurity, ethnic identification, and social conflict in Lake Chad countries

Ivica Petrikova, Royal Holloway University of London

The rise of the Boko Haram insurgency and subsequent political instability in North-Eastern Nigeria has been connected by some existing research with the gradual evaporation of Lake Chad. The surface area of Lake Chad shrank by more than 90 per cent between 1960 and 2010, exposing millions of people in the area to heightened water and food insecurity. Some researchers have described this event as one of the chief contributing factors to the rise of the Boko Haram militancy (e.g. Ifabiyi, 2013; Mahmood, 2013) whilst others have disputed such claims (e.g. McGrann, 2017). The empirical basis for the claims remains thin to date, however.

This study contributes to existing research on this question specifically – and on the question about the relationship between climate change-induced water insecurity and conflict more broadly – by examining the link between household water insecurity/stress in the region – plausibly attributable also to the evaporation of the Lake – and social conflict occurrence, with ethnic identification as a mediating factor. Water stress is indeed found to raise ethnic identification and ethnic identification in turn significantly increases the likelihood of social conflict; nevertheless, on its own water stress actually reduces the likelihood of social conflict. The overall effect of water stress through ethnic identification on social conflict is thus largely insignificant, at least in the short term. It is however possible that the effect of water stress on ethnic identification is cumulative and that over time heightened water insecurity could translate into higher social-conflict occurrence.

# Panel 2. Representation, participation, and regime survival: New data for perennial problems

## Identity and Redistribution in Representative Democracies: An Experimental Analysis

Emma Manifold (Leicester University), Konstantinos Matakos (King’s College London), Shaun P. Hargreaves-Heap (King’s College London), and Dimitrios Xefteris (University of Cyprus)

The recent electoral success of Donald Trump in the US and the vote for Brexit in the UK have reignited the debate as to whether voters –and in particular the poorer ones— vote against their economic interests when issues of (cultural, religious, ethnic etc.) identity become salient during the electoral competition. In the context of a representative democracy, where candidates who stand for election represent particular (economic) policies but also carry specific non-economic identities, do identity-related matters dominate over class-related ones? In other words, is the economic theory of democracy (Downs 1957) still relevant?

The potential conflict between class and identity has been explored extensively in the theoretical literature (see e.g., Roemer 1998, 1999; Krasa and Polborn 2014; Matakos and Xefteris 2016) and the possibility of strong spill-over effects from non-economic matters (such as identity) to economic ones, namely redistribution, has been established (Krasa and Polborn 2014). For example, as those papers show (e.g., Matakos and Xefteris 2016), if two candidates of different (ethnic, religious, racial or cultural) backgrounds compete against each other, it might no longer be the case that the median in the economic dimensions is relevant: it is the relatively more homogenous (and less divided) group as far as the non-economic (identity) dimension is concerned whose redistributive preferences are represented by the democratic process. Yet, while the theoretical predictions are pretty robust the empirical evidence in their support is scant and inconclusive –at best. Not only it is difficult to obtain sufficiently many data from observed electoral outcomes, but at the same time, in a representative democracy framework candidate identity is endogenous to issues of class, inequality and redistribution. Simply put candidate selection might be endogenous to income inequality: minority (ethnic, racial, religious or otherwise) candidates might choose to stand in elections when inequality is high (low). As a result, it is hard to obtain causal evidence that support (or refute) the theoretical predictions of the models of redistributive politics and it is, therefore, still an open question as to whether matters of identity overshadow inequality and class issues when voters elect their representatives.

To answer this question, we conduct a laboratory experiment where we simulate the choices voters make in a representative democracy. That is, in contrast with previous experimental studies (e.g., Klor and Shayo 2009), in our set-up subjects can act both as voters and candidates. Using an experimental framework, we induce a minimal group identity to determine the effects of non-economic characteristics (such as identity) on subject’s preferences over redistribution when these non-economic characteristics conflict with subject’s economic self-interest. Group identity is structured in such a way as to create a homogeneous rich group- where all subjects belong to the same identity and a heterogeneous poor group where identity is mixed. Thus essentially creating a poor ethnic minority. The experiment is structured to elicit both subject’s true preferences over redistribution with and without the presence of group identity through dictator allocations and to elicit subject’s behaviour in a democratic election, where the electoral mechanism has subjects behave both as candidates and as voters, and is repeated nine times. Candidates cast their votes in a series of potential elections to allow us to elicit a full strategy when subjects behave as voters. Subjects are not informed of the policy that will be implemented until the final stage of the game. Although subjects are uniformed of the realised election we do give feedback on the outcome of the majority votes in each potential election to allow for potential learning effects. In each stage subjects choose between three income distributions- high redistribution, low redistribution and the status quo. Each of these decisions are made under three scenarios. Each scenario appears in the dictator allocation three times (both before and after the introduction of group identity) and three times in the election stage. These three scenarios allow us to disentangle the effects of efficiency and equity by varying the relationship between the two.

In the first distributional scenario all the redistribution levels leave the level of efficiency in the society, as a whole, unchanged, whilst lower levels of redistribution are beneficial for the total wealth of the majority group. The second distribution allows for a negative relationship between equity and efficiency – higher inequity results in higher efficiency. Here maximising the wealth of the majority group also maximises societal wealth. The final distribution has monotonically increasing relationship between equality and wealth for society as a whole. However the trade-off here for the majority group members differs. To maximise the majority group wealth the subjects must implement the status quo income. These distributions allow us to disentangle the effects the inequity aversion and efficiency maximisation may have on subject’s preferences.

The introduction of identity shifts subjects’ preferences over redistribution, where the subjects move towards maximising their group income rather than their own interests in the dictator allocation, both in the case when there is a trade-off between equity and efficiency but also in the case where equity and efficiency move in the same direction. Whilst in the first two distributions majority group maximisation and societal maximisation are aligned, this is not the case for the third. Decisions in the third distribution offer insight into how the rich majority group members behave. The rich majority types in the third distribution are willing to forgo the income maximising level of redistribution in favour of the group wealth maximising distribution- in this case the status quo (Wilcoxon Signed Rank p = 0.0105). Whilst for the poor income majority group members, the interesting effects occur in the high inequity high efficiency distribution. Compared to the third scenario poor subjects choose significantly lower levels of redistribution to maximise their group wealth (Wilcoxon Signed Rank p = 0.0003). We suggest that this result is not driven by the society efficiency maximising redistribution level, as the poor ethnic minority consistently select as their preference the individual maximising option.

We find overwhelming evidence for changes in candidate’s policies for the rich majority subjects when facing an electoral opponent of the ethnic minority as opposed to a member of the majority group (Wilcoxon Signed Rank p < 0.000 for all three distributional scenarios). With the rich subjects proposing policies of significantly lower levels of redistribution when facing an ingroup member than an out group member. Whilst there are no effects on the policy proposal of candidates between the no efficiency trade-off and the positive inequity and efficiency distributions we do find that a pairwise comparison of the positive inequity and efficiency and the distribution in which high equality aligns with high efficiency that subjects choose to propose as candidates a higher level of redistribution in the latter distribution scenario.

Additionally, we find that the high types in the heterogeneous majority group switch their voting behaviour in favour of the high level of redistribution when faced with an own group candidate proposing the high redistribution rate and an out-group candidate proposing the redistribution level that is closer matched to their economic self-interest. This finding is robust to changing the distribution scenario in which subjects are making decisions. These findings suggest that group identity has significant effects on the behaviour of the rich types, whilst having little effect on the low-income subjects in electoral decision making. That is, identity matters do not cause poor voters to vote against their economic interest as many observers have suggested.

## Corruption Aversion, Social Capital and Institutional Trust in a Dysfunctional Institutional Framework: Evidence from a Palestinian Survey

Luca Andriani

The presence of dysfunctional public institutions in the Palestinian Territories might drive social aspects and social groups to play a key role in the governance of the Territories. Under these circumstances the set of informal institutions embedded in the social capital of the Palestinian community might help explain the Palestinians attitude towards corruption aversion. Hence, by using a unique Palestinian survey conducted in 2007 in the West Bank and Gaza Strip, we analyse the relationship between social capital and Palestinians attitude towards corruption aversion. The variables of social capital refer to voluntary activities and civic spirit while corruption aversion is captured by the Palestinians’ attitudes towards the use of bribes at work and the importance of fighting corruption. A bivariate probit model reports that corruption aversion increases with civic spirit and is lower among Palestinians involved in voluntary activities. Further analysis also reports that corruption aversions and social capital increase with trust towards public institutions and with the perception of the importance in the rule of law.

Addressing our research focus on such a context inevitably enriches the debate on the role of social capital and social values in combating corruption and in improving the design of mechanisms of governance in two complementary key perspectives. Firstly, is the perspective that social capital is built on values of responsibility and loyalty enhancing a sense of justice and shared rules for redistribution and fairness in the socio-economic process (Christoforou 2013). Secondly, legal conformity requires public authorities to be accepted as legitimate by citizens. In a state capacity building context, like the Palestinian one, this is more likely to occur if citizens perceive that the values about right and wrong embraced by the legal authorities are consistent with the group’s normative values.

Furthermore, the corruption environment is one of the key factors undermining the solution of the Palestinian question along with the division between Gaza and West bank and the fanaticism (Saghieh 2012). Hence, shading light on the inter-play between social capital and corruption aversion can contribute to better understand the Palestinian question. In this regard, in addition to the achievement of peace, the building of a functional public institutional framework in the Territories is essential. As in the Western democracies, this passes through the establishment of a complement system of formal and informal institutions promoting prosocial behaviour, inclusivity and respect towards the diversity outside the individual’s reference group (Nikitas and Kyriazis 2016).

Beyond the Palestinian question, regional case studies as such might represent an additional source of information able to capture relational realities in different localities, and to investigate and generalise on the dynamics of diversity and transformation across time and space (Callahan 2005; Reinikka and Svensson 2005; Tavits 2010).

## Tourism Natural Resources, Corruption and Political Stability: The Role of Civil Society in Dismantling Partitocracy in Montenegro

Sanja Hajdinjak

The paper researches the links between tourism natural resource endowments, corruption and political stability by focusing on the case study of Montenegro. As a theoretical innovation, the paper explores the relationship between tourism beauties, corruption and regime stability, a link that has so far been neglected in the literature. The focus of the paper is further on the role of the civil society and the media in controlling resource-related pathologies in the non-fully-democratised economies. I research the conditions under which broadly defined social engagement can be successful in preventing resource rent-seeking and in undermining the autocratic regime. Theoretically, the paper builds on the resource curse and collective action literature. The project employs an in-depth case study analysis of a tourism dependent Montenegro. I rely on a qualitative analysis of an original Tourism Projects Dataset which encompasses all 22 occurrences of social engagement against tourism-related rent-seeking that occurred between 2000 and 2016 in Montenegro. The preliminary results from the analysis are following. Tourism resources, i.e. natural beauties provide rent-seeking incentives similar to oil, gas, forest or mineral rich economies. As observed in Montenegro, tourism resources and the rent extracted through the sales of valuable coastal land have supported development of a stabile dominant party regime in Montenegro. As a result, Democratic Party of Socialist (DPS) has enjoyed undisputed political monopoly over Montenegro in the last 27 years. The paper further researches the role of the various types of the civil society in undermining DPS’ political control and tourism-related rent-seeking. In Montenegro, civil society lacks coordination and expert groups are not actively involved in the social engagement which makes collective action aimed at protecting resources less likely. The NGO network in Montenegro is poorly connected and the civil society focuses primarily on developing catch-all strategies targeted at “repairing” the heterogeneous negative consequences of the partitocratic regime. Moreover, despite widespread corruption in tourism urbanization schemes, community-based organisations count few supporters. The diffuse type of natural resource endowments ensures that the local population also benefits from the sectoral development. Therefore, even if tourism resources incentivise corruption and ensure significant resource windfalls for the dominant political party, the diffuse character of the resources also ensures political stability of the partitocratic regime. Results of the analysis further suggest that the media can have an important role in preventing resource misuse, even in partitocratic and non-fully democratised regimes. Despite relatively low freedom of press scores, Montenegrin media outlets are the real watchdogs assisting the social engagement by investigating corrupt and environmentally harmful investments.

## Remittances, Public Security and Voter Turnout

Barry Maydom

How do financial remittances influence electoral participation? Previous work has focused on the ‘substitution effect,’ the use of remittances to purchase welfare goods on the private market. If recipients depend on remittances for welfare rather than the state, they become disengaged from formal political processes and less likely to vote in elections. While remittances can be used to substitute for state provision of welfare goods such as health and education, however, they cannot substitute for public security. In this paper, we propose that experiences and perceptions of insecurity condition the effect of remittances on political participation. Specifically, we argue that experiencing or fearing violence makes remittance-recipients more likely to vote by negating the substitution effect. We test this theory by analysing municipality-level data from Mexico and individual-level data from Latin America and sub-Saharan Africa. We find that both receiving remittances and experiencing violence significantly reduce individuals’ propensity to vote and that aggregate remittances and crime rates are correlated with lower turnout. Remittances can, however, negate the turnout-suppressing effects of crime, and crime can negate the turnout-suppressing effects of remittances. Our results suggest a need to account for government provision of both substitutable and non-substitutable goods when investigating the effects of remittances on political participation.

## Country Size Matters: Why Monarchy Survived in Jordan and Failed in Egypt

Marlene Jugl

While the small state literature argues that small countries tend to be democratic, it overlooks that authoritarian monarchies also persist primarily in small countries. I argue that monarchy is more likely to survive in small countries because the psychological vulnerability, social proximity and institutional centralization, which are typically ascribed to small country size, facilitate the stability of monarchic regimes. To empirically test this hypothesis, I first inspect all cases of authoritarian monarchies between 1946 and 2008 and find that countries with monarchic survival have a significantly smaller population size than countries in which monarchy broke down. Second, I compare two most similar cases of monarchies with diverging outcomes in the 1950s: Jordan, whose monarchic survival remains unexplained by previous theories, and Egypt, whose monarchic breakdown is largely understudied. Based on historical evidence, Jordan appears as an ideal-typical small country, where a shared feeling of vulnerability, social homogeneity and proximity, as well as institutional and economic centralization tied the majority of the population, the elites and the military to the monarchy and ensured its survival, while the opposite features facilitated the overthrow of the Egyptian monarchy in 1952.

**Panel 3. Legislating peace: The challenges of political settlements**

## Make Terrorists Like Rats Scurrying across a Street”: stability maintenance in the context of counter-terrorism strategy

Chi Zhang

This paper examines the counter-terrorism strategy employed by the Chinese Communist Party (CCP) through the lens of the frame and discourse of terrorism-related issues. In particular, it examines the ways in which the Chinese Communist Party navigated its way through intensifying ethnic relations, a reinforced dichotomy between the “Us” and “Them” in the context of counter-terrorism strategy. It starts by investigating the scope of counter-terrorism that allows a broad interpretation of relevant policies in order to gain maximum control over potential threats to political stability. A discussion on the tactics of counter-terrorism at the strategic level further captures the dynamics that reinforced the “Us and Them” dichotomy. The CCP’s efforts to unite the “masses”, “occupy the ideological battlefield”, and combat “illegal religious activities” largely reflect its political culture shaped by Marxism-Leninism-Maoism. Within this framework, the Party-State’s focus on stability maintenance has resulted in a series of religious and ethnic policies that are regarded as repressive by human rights activists outside China. Two specific case studies will be discussed to understand the interaction between the counter-terrorism discourse presented on the state media and the nationalist responses of the people. Based on the analysis of the counter-terrorism tactics embedded in the unique Chinese political culture, this paper seeks to improve the understanding of the trade-off between civil liberty and political stability through the discussion over mass surveillance, countless checkpoints, and the collection of biological data in Xinjiang.

## Peace at All Costs: When Peace Processes Marginalize other Minority Groups

Dennis Quilala

In divided societies, peace agreements signal the end to armed conflict and the emergence of a particular formula for political stability. The peace agreements are products of tedious negotiations between two parties which usually include the national government and a non-state armed group. The peace process is usually supported by international actors. The negotiating table usually involves a few individuals with some observers but it is not open to the public. Usually, negotiators “consult” constituencies to provide input to the negotiations as it is claimed. The exclusive nature of the negotiations are more efficient but risks marginalizing other groups in the process.

This paper will argue that the peace process between the Philippine government under the Benigno S. Aquino administration and the Moro Islamic Liberation Front (MILF) was partly successful due to the failure of the passage of the enabling law that would put flesh into the negotiated political settlement. This failure was brought about by many factors but the marginalization of other minority groups in the Philippines is a concern that need to be addressed in order to establish sustainable peace and political stability in the island of Mindanao. The peace process between the Philippine government and the MILF accelerated during the B.S. Aquino administration because of the trust developed between the two major actors. It culminated in the signing of the Comprehensive Agreement on the Bangsamoro in 2014. This peace process was supported by many international actors but playing an important role was the Malaysian government that facilitated the negotiations. Many mechanisms were established in order to support the future government in Mindanao. It was hoped that the Philippine Congress will pass an enabling law called the Bangsamoro Basic Law (BBL) before 2016 when B.S. Aquino ends his term as president. The BBL would allow the implementation of the negotiated agreement and allot the necessary funds for the autonomous government. The BBL was not passed because of the Mamasapano incident, the questions on its constitutionality, and also because of the concerns of minority groups that will be within the territory of the autonomous government. The proponents of the peace agreement and the BBL wanted peace at all costs. They lobbied Congress to pass the draft law. The international actors continued to support the whole peace process.

Using an institutional perspective, peace at all costs with the MILF is not possible. The negotiations and the draft law have constitutional infirmities and therefore might face rejection in the Supreme Court of the Philippines. It also has implications on the rights of other minority groups in Mindanao. These rights are enshrined in the Philippine Constitution and supported by the Indigenous Peoples Rights Act. It is therefore important to learn from the Philippine government-MILF peace process that the formula for peace and political stability need to conform with existing political institutions for sustainable peace and genuine political stability.

## Beyond ‘unwinding’: understanding judicial strategies in post-conflict consociations

Andras Gal

The role of constitutional courts in consociational democracies is a relatively small, but increasingly growing area of scholarship within the literature on democracy in divided societies, where scholars has been primarily concerned with two main questions. The first is focusing on how constitutional courts balance between promoting universalistic human right norms and adjusting to the peculiarities of consociational settlements, which often result in giving primacy to group-specific rights at the expense of individual rights. The second is concerning the role these constitutional courts play in the dynamics of the respective regimes, whether they contribute to the preservation of these settlements, or could potentially undermine them. The key term in the relevant literature has been the notion of ‘unwinding’, which refers to the gradual promotion of universalistic norms with a sense of strategic cautiousness, respecting the sensitivity of political bargains.

This paper aims to contribute to this literature both conceptually and empirically. First, the inquiry on how courts affect the dynamics of consociational regimes can be extended with the question of how they do so; whether they follow a more conservative reading of constitutional adjudication, or they embrace a more activist approach. This question is important for two reasons. On the one hand, for the clearer conceptual understanding on the nature of judicial activism in these settings, separating its political and legalistic dimensions. On the other hand, gaining a deeper understanding on how these constitutional courts treat the constitutional texts which constitute the basis of their authority can provide a valuable insight to the predictability of these bodies as well as the importance of constitutional design in these settings. The second aspect of contribution is concerning the empirical scope of the investigation: while the key concepts in the literature are based on studies linked to the Belgian, Bosnian and the interim South African settlements, I aim to address all possible consociations with an arrangement for judicial review, which means the inclusion of Lebanon, Northern Ireland and South Tyrol. Furthermore, I do not only aim to include more countries in my studies, but also to address a largely neglected aspect of the institutional design of these courts and its impact on their expectable behaviour.

The paper consists of four main parts. First, the relevant theories of constitutionalism and constitutional adjudication are reviewed. Second, the institutional design of constitutional courts, or their functional equivalents are compared. Third, selected landmark decisions from two cases (Bosnia and Herzegovina, Northern Ireland) are analysed. Finally, the theoretical and practical implications are discussed, focusing on the topics of judicial strategies, institutional design and constitution-making in deeply divided societies. Though the empirical scope of the paper is only loosely related to the Global South, certain conceptual inferences might still be valuable for scholars dealing with the issues of institutions and rights protection in divided societies.

## A consociational solution for Syria? Lessons from Northern Ireland

Henry Jarrett

Northern Ireland is heralded by many as a success story of conflict management and it is the consociational character of the Good Friday (Belfast) Agreement of 1998 that is credited with achieving the transformation from a violent to a primarily non-violent society. Drawing on Northern Ireland, this paper seeks to analyse the possibility of consociationalism bringing about successful conflict management between opposing groups in Syria. Building on the conditions set out by the founder of consociationalism, Arend Lijphart, that are required in order for the approach to effectively regulate conflict, it argues that it is necessary for a ceasefire to be in place and for all major participants in the conflict to be included in negotiations for a settlement. Ultimately, it was because these conditions were not met that explains the failure of the consociational Sunningdale Agreement of 1973 in Northern Ireland, whilst the Good Friday Agreement, which was facilitated during a ceasefire and included all major participants in negotiations, achieved a lasting solution. This paper concludes that although the consociational model offers the greatest potential for conflict management in Syria, at present it does not have any significant likelihood of success as violence remains ongoing and the probability of all participants being willing to negotiate with one another is very low. Until these conditions are met, a consociational settlement remains unachievable and violent conflict is likely to continue in Syria.