A Practical Analysis of Governance Models

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Foreword

DPI aims to foster an environment in which different parties share information, ideas, kn ment of a pluralistic political arena capable of generating consensus and ownership over work on key issues surrounding democratic solutions at political and local levels.

We focus on providing expertise and practical frameworks to encourage stronger public debates and involvements in promoting peace and democracy building internationally. Within this context DPI aims to contribute to the establishment of a structured public dialogue on peace and democratic advancement, as well as to create new and widen existing platforms for discussions on peace and democracy building. In order to achieve this we seek to encourage an environment of inclusive, frank, structured discussions whereby different parties are in the position to openly share knowledge, concerns and suggestions for democracy building and strengthening across multiple levels. DPI's objective throughout this process is to identify common priorities and develop innovative approaches to participate in and influence the process of finding democratic solutions. DPI also aims to support and strengthen collaboration between academics, civil society and policy-makers through its projects and output. Comparative studies of relevant situations are seen as an effective tool for ensuring that the mistakes of others are not repeated or perpetuated. Therefore we see comparative analysis of models of peace and democracy building to be central to the achievement of our aims and objectives.

Democracy plays a crucial role in post-conflict societies and most societies emerging from conflict adopt some form of democratic government. Even though differences in societies and patterns of conflict pose complex challenges for the post-conflict reconstruction, democratic governance can lead to long-term reconciliation of warring parties by transferring the fight to the halls of politics.

Introduction

Governance in countries newly emerging from conflict faces different challenges to governance in a peaceful and stable environment. In today's world many different forms of conflict exist: internal conflict or civil war, external conflict between states, and interventions by external actors due to political or humanitarian reasons. The notion of humanitarian intervention, based on the norm of 'responsibility to protect'[1] has been developed over the last two decades and has been strongly advocated by the international community and intergovernmental organisations, such as the United Nations (UN) and the North Atlantic Treaty Organisation (NATO). Different forms of conflict also have a direct influence on the process of rebuilding states, the actors involved in the reconstruction of political institutions, and also on civil society as well. The importance of reconciliation between the different warring parties and the inclusion of ethnic and sectarian minority groups into democratic dialogue is therefore closely linked to the reconstruction or reformation of political systems in a post-conflict society.

The first part of this paper will define key terms such as political institutions, governance models, and civil society. The second part will analyse the different governance models: democracies,

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1 Its aim is to protect the citizens from abusive regimes and ensure the establishment of human rights laws in the concerned countries. Reinhold, Theresa (2010), 'The Responsibility to Protect – Much Ado about Nothing', *Review of International Studies*, Vol. 36, p. 55

transitional democracies or hybrid regimes, and non-democracies. In the third part, case studies of post-conflict societies will be used to analyse the different steps of post-conflict governance reconstruction: re-establishment of security, rebuilding the effectiveness of state institutions and reconstructing the legitimacy of the government within the civil society. The case studies chosen cover the period from the early 1990s to today. The earliest example is South Africa, where the transition to majority rule ended the era of apartheid. This will be followed by an analysis of Northern Ireland and its political reconciliation after the Belfast Agreement in 1998, and Iraq with the US-led post-war reconstruction after the 2003 invasion, showing how different forms of conflict can have different outcomes. What all cases have in common is their struggle for transition or reformation toward effective democracy.

The influence of outside actors such as states, intergovernmental organisations, non-governmental organisations and transnational corporations, on political governance plays a crucial role in peace and democracy building. Furthermore, the role of civil society and ethnic and religious minority groups will be analysed, as they are important for democratic consolidation and maintaining peace in a post-conflict society. Traditions and social ties that existed before the outbreak of conflict are important for the process of rebuilding, as they allow people to reconnect with their history and build a new identity in the social and political dimension. Hope, identity and trust are often destroyed during conflict and need to be re-established in the process of reconstructing civil society, especially

in a democratic context where civil society plays an active role in the political sphere.

This paper will show that the transition towards democracy or further democratic reform is closely linked to the form of conflict experienced, the historical background of a country, and its ethnic and/or sectarian divisions. Every country has to be seen in a wider context when analysing its model of governance. In most post-conflict situations today the governance model implemented is that of a democracy. The extent to which a state will come to be considered democratic is among other things heavily dependent on local cultural and historical factors. In the best case, democracy can help stabilise a country by integrating the warring parties into the political system.

I. Definition of Key Terms

a. Political Institutions

The term 'political institution', is widely used in academic literature and very complex. In general, institutions are defined as 'a set of traditions and practices, whether written or unwritten', which reflect norms and habits of society.[2] These informal rules and practices, which are not enforced by formal sanctions but 'maintained through force of habit and by the use of informal sanctions', are called 'soft' institutions.[3] The formal rules, which are

2 Rhodes, R.A.W., Binder, Sarah A. and Rockman, Bert A. (2008), *The Oxford Handbook of Political Institutions*, Oxford: Oxford University Press, p. XIII
3 Bara, Judith and Pennington, Mark (2009), *Comparative Politics*, London: SAGE, p. 15

called 'hard' institutions, often characterise a political system and constitute the 'hard' aspects of politics, such as electoral processes enforced by formal law. In this paper, the basic classification of institution defined as an 'enduring collection of rules and organized practices embedded in structures of meaning and resources' will be presupposed.[4] This definition includes both soft and hard institutions, which possess an inherent characteristic to actively change over time depending on the given set of rules. These rules are often a reflection of cultural development and local history.

The aim of elections is to choose a person or group to represent society. This 'hard' institution is one of the main characteristics of a democracy and has two main objectives. First, elections allow politicians to impose some degree of influence over voters and vice versa.[5] Secondly, elections expand the authority of the government within civil society.[6] Closely linked to elections is the electoral system that defines the rules and the framework in which those elections take place. Elections therefore constitute an important linking point between civil society and government.

Civil society can be seen as comprising citizens of a certain state, independent of nationality, ethnicity and education. Civil society is often further divided into different interest groups such as religious bodies, women's rights groups and civic organisations such as

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4 March and Olson (1995), *Democratic Governance*, New York: The Free Press

5 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 21

6 Hague, Rod, Harrop, Martin (2001), *Comparative Government and Politics. An Intro-duction* (5th edition), Basingstoke: Palgrave, p. 130

trade unions.[7] Interest groups interact with governments and can therefore be understood as a connection between civil society and the ruling authority.

This connection happens within political society or the political sphere, which is considered to be the place in which political parties act. Political parties are defined as 'permanent organisations that contest elections, usually because they seek to occupy the decisive positions of authority within the state.'[8] While the aim of interest groups is to influence government, serious parties reach for power within the government as well. In other words, political parties are the foundational pillars of a state's government, as they aggregate and weigh the demands of competing interest groups against one another; a crucial component of any functioning democracy. Furthermore, parties fulfil four different types of functions towards the government,[9] as they

- Influence a government's direction
- Help recruit future aspirants to public office
- Help to convert demands into 'sets of manageable proposals', acting as a filter of demands between state and society
- Enhance the political knowledge and participation of their supporters and voters, mainly in established democracies

7 Kaldor, Mary (2003), 'The Idea of Global Civil Society', *International Affairs*, Vol. 79:3, p. 585
8 Hague, Rod, Harrop, Martin (2001), *Comparative Government and Politics. An Introduction* (5th edition), Basingstoke: Palgrave, p. 167
9 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 25

Consequently, political parties and political society fulfil different functions towards the government of a particular state. Constitutions and legal frameworks make up another important institution. They encompass legislative-executive relations by focusing on the legislative process and executive powers, as well as the constitution of a nation-state. For a definition of the role of the legislature and executive, this report will draw on Montesquieu's (1748) division of the different administrative powers of a state into legislative, executive and judicial functions.[10] The function of the legislature is to debate and make laws, the executive is responsible for implementing and enforcing these laws, while judiciaries are tasked with their interpretation and direct application. The term 'constitution' has no fixed definition; hence, this paper will take on a broad and generic definition: 'a constitution is a body of meta-norms, those higher order legal rules and principles that specify how all other legal norms are to be produced, applied, enforced, and interpreted.'[11] Constitutions are therefore considered to be the 'formal source of state authority' because they establish governmental institutions, such as legislatures, executives and courts. Furthermore, they can dictate how the various institutions interact with one another.

b. Different Governance Models

There are mainly three different types of political governance in contemporary Western discourse; democracies, transitional

10 Bara, Judith and Pennington, Mark (2009), *Comparative Politics*, London: SAGE, p. 121
11 Stone Sweet, Alec (2008), 'Constitutionalism and Judicial Power', in: Caramani, Daniele, *Comparative Politics*, Oxford: Oxford University Press, p. 219

democracies and non-democracies. International bodies such as the World Bank, the United Nations Development Programme (UNDP) and the Organisation for Economic Co-operation and Development (OECD) define governance differently. In general, there is sectorial governance, good governance, corporate governance and public / administrative governance. In this paper the term 'governance' will be used as political governance, applied on a territorial and political level and used synonymously with 'government.'[12]

The broad definition of 'government' encompasses 'all public institutions that make or implement political decisions and that can be spread over several tiers, being called federal, state, and local government.'[13] Included in this definition are the executive, legislative, and judicial branches. Generally, governance or government can be seen as associated 'with a system of national administration' and defined as a 'method of government or regulation' applied in states.[14] Some definitions focus more on the link between government and economic and social resources, while others see it in a broader sense as the use of political authority in all different sectors, which is the meaning used in this paper.

12 Brunnengräber, Achim, et.al. (2004), *'Interdisziplinarität in der Governance-Forschung'*, Discussion Paper Nr. 14/04, p. 5
13 Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press, p. 190
14 Weiss, Thomas G. (2010), 'Governance, Good Governance and Global Governance: Conceptual and Actual Challenges', *Third World Quarterly*, Vol.: 21:5, p. 795

In order to give an overview of the structure of the world in terms of governance models, one of the useful sources to consider is the Democracy Index generated by the Economist Intelligence Unit.[15] In 2011 they observed 25 'full democracies', 53 'flawed democracies', 37 'hybrid regimes' and 52 'authoritarian regimes'. They analysed a total of 167 countries, 165 of which are independent states and two are territories,[16] only excluding microstates[17] from the study. Constituted of five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture, the index analyses how 'democratic' and 'free' a country is.[18] However, it has to be noted that these results undergo thorough evaluations and subsequent changes, thus highlighting the importance of understanding it as a relatively novel, theoretic Western - and thus by no means perfect – tool of measuring the democratic nature of individual regimes. [19]

As with many other terms, there is no simple and universal definition of democracy. A highly influential procedural definition of democracy was given in 1947 by Schumpeter, who stated that the democratic method is an institutional arrangement for 'arriving at political decisions in which individuals acquire the power to

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15 Economist Intelligence Unit (2011), Democracy Index 2011: Democracies Under Stress, available at: https://www.eiu.com/public/topical_report.aspx?campaignid=Demo cracyIndex2011 (accessed: 24.04.2012)

16 Territories which are not (yet) states such as Palestine

17 Micro states are very small states such as Vatican City

18 Economist Intelligence Unit (2011), Democracy Index 2011: Democracies Under Stress, available at: https://www.eiu.com/public/topical_report.aspx?campaignid=Demo cracyIndex2011 (accessed: 24.04.2012)

19 Gerken, Heather K. (2009). The Democracy Index: Why Our Election System is Failing and How to Fix It, Princeton: Princeton University Press, p. 99

decide by means of a competitive struggle for the people's vote.'[20] Democracy is not used as a generalised term; it can be called liberal democracy, electoral democracy, delegative democracy, illiberal democracy, deliberative democracy, and so on.[21]

The second category, termed in this paper 'transitional democracies' or 'hybrid regimes', consists of different forms of governance, such as democracies in transition, competitive authoritarian systems, hegemonic-party systems, or some form of hybrid regimes. Authoritarian regimes often adopt some form of elections, which makes them electoral democracies in theory. However, they mostly fail to meet liberal democratic principals and therefore cannot be considered 'full democracies.'[22] For the purpose of this paper, those hybrid regimes are defined as a combination of democratic and authoritarian elements in governance. The difference between hybrid regimes and transitional democracies is that transitional democracies are expected to democratise further, while this is not necessarily the case for hybrid regimes.

The third category encompasses all types of non-democracies, mainly totalitarian and authoritarian regimes. An authoritarian regime is characterised as 'any form of organisation or attitude which claims to have the right to impose its values and decisions on recipients who do not have the right or means of responding or

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20 Schumpeter, J.A. (1947), *Capitalism, Socialism and Democracy*, London: Henderson and Spalding p. 269
21 Mair, Peter (2008), 'Democracies', in: Caramani, Daniele, *Comparative Politics*, Oxford: Oxford University Press, p. 113
22 Diamond, Larry (2002), 'Thinking about Hybrid Regimes', *Journal of Democracy,* Vol. 13:2, p. 22

reacting freely.'[23] Totalitarian regimes, in contrast, imply that the state strongly controls political and social systems.[24] In sum, non-democratic systems include the following factors:

- Power is in the hands of a powerful individual and/or small elite group. One leader, faction or party rules, typically without the institutionalised participation of groups from outside the elite group.

- Political systems deny a political voice to ordinary citizens and at least some sectional interests, other than perhaps via an infrequently expressed symbolic vote.

- The armed forces have a significant political voice.

- Regime legitimacy is primarily measured in terms of economic success rather than democratic accountability or representativeness.[25]

c. Civil Society

i. General Definition

In general, 'civil society' refers to individuals who form a voluntary collective by sharing the same interests, values and purposes.[26] As mentioned earlier, they can form different associations based on those interests, values and purposes.

Two different kinds of civil society can be perceived today. One is 'global civil society' and the other one is 'local civil society'. The

23 Bealey, F. (1999), The Blackwell Dictionary of Political Science, Oxford: Blackwell, p. 21, p. 223

24 Wintrobe, Ronald (1990), 'The Tinpot and the Totalitarian: An Economic Theory of Dictatorship', *American Political Science Review*, Vol. 84:3, p. 849

25 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 57

26 Taylor, Charles (1990), 'Modes of Civil Society', *Public Culture Fall*, Vol. 3:1, p. 111

associations of people on the national level, within a single state or on regional or sub-regional levels, are normally referred to as 'local civil society'. Local civil societies have the possibility, through monitoring or lobbying activities, to push the local state to fulfil its responsibility towards its citizens.[27] These responsibilities include the implementation of the rule of law and the protection of human rights. Local civil societies are often part of global civil society, which connects people across the globe through collective interests and values.

The term 'global civil society' has only emerged in the last two decades with the phenomenon of transnational activist networks who came together for supporting particular issues such as human rights, climate change, and so on.[28] In today's globalised environment, individuals in different parts of the world are strongly interconnected and even local civil associations often refer to global laws, regulatory institutions and global social structures.[29] In contrast to its local counterpart, global civil society has no specific territory to which it belongs; however, every activity in global civil society has regional, national and local aspects and implications.

ii. Post-Conflict Civil Society

Civil unrest and conflict strongly shape and transform local, as well as global, civil society. Therefore it is important to look

27 Pouligny, Béatrice (2005), 'Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building 'New' Societies, *Security Dialogue,* Vol. 36:4, p. 596

28 Kaldor, Mary (2003), 'The Idea of Global Civil Society', *International Affairs*, Vol. 79:3, p. 587

29 Scholte, Jan Aart (2007), 'Global Civil Society – Opportunity or Obstacle for Democracy?', *Development Dialogue,* Vol. 49, p. 19

at the characteristics of a society in a post-conflict context. The transformations that occur during conflict situations influence the future of local civil society and its governments, which are constituted by members of civil society. Conflict generally changes societies by destroying social ties, families, identity, trust and hope.[30] Feelings of security among communities are lost and have to be rebuilt as a precondition for the successful rebuilding of the state. Another problem is the lack of infrastructure, such as schools and hospitals, which would help normalise civil society actions after conflict. A further challenge in post-conflict situations is the reintegration of former soldiers within civil society. DDR (Disarmament, Demobilisation, Reintegration) programmes need to take care of the special needs of such persons in order to allow for their successful reintegration into society.[31] This is often hindered by a weak post-conflict civil society that first has to be established in order to secure and facilitate reintegration.

The community often appears to be a last resort of survival for individuals in post-conflict states coping with the problem of insecurity as injury and death rates remain significant.

Communities are often the first associations of civil society to recover from conflict, as they can reconnect with traditional forms of organisation that previously existed. Traditions are even more

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30 Collier, Paul (2000), *'Policy for Post-conflict Societies: Reducing the Risks of Renewed Conflict'*, Economics of Political Violence Conference, p. 2 – 3
31 Ball, Nicole (2006), 'Disarmament, Demobilization and Reintegration: Mapping Issues, Dilemmas and Guiding Principles', *Netherlands Institute of International Relations*, p. 4 – 5

important in post-conflict situations where 'the mechanisms of regulation have been weakened by years of violence, repression and the negative impact of international interventions.'[32] Therefore, the reintegration of former combatants into recovering communities and within civil society is a crucial step.

The rebuilding of civil society after a conflict is important, as it strongly influence the state's ability to govern due to the close connection between civil society and the state. Post-conflict civil societies therefore need strong governance to (re)gain a sense of security and to avoid further conflicts.[33]

d. Interaction between Civil Society and Political Governance

There are two different approaches towards a definition that links civil society to political governance. The first emphasizes that associations formed by people shape the actions of citizens in the democratic sphere. The second argues that civil society is independent of the state, which makes it possible for interest groups to show resistance to tyrannical regimes.[34] For the purposes of this paper, civil society will encompass the political space where associations of citizens seek to shape the rules that determine areas of social life through political party participation. In this

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32 Pouligny, Béatrice (2005), 'Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building 'New' Societies, *Security Dialogue,* Vol. 36:4, p. 598

33 Pouligny, Béatrice (2005), 'Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building 'New' Societies, *Security Dialogue,* Vol. 36:4, p. 596

34 Foley, Michael W., Edwards, Bob (1996), 'The Paradox of Civil Society', *Journal of Democracy*, Vol. 7:3, p. 1 – 2

sense there is no clear distinction between state and civil society, as civil society associations such as solidarity groups, think tanks, women's networks, human rights advocates, labour unions and local community groups are able to influence governance.

The influence of civil society is of importance in the process of rebuilding state institutions. Civil society participants fulfil their responsibilities 'as members of a given polity' and engage in practices through which they claim their rights and 'mobilise around a particular problem of public affairs.' [35] This mainly refers to political parties, which are used by civil society to shape governance. Political participation is defined as 'those legal activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take.'[36] Political parties can therefore be considered to be the strongest link between governance and civil society. In the context of democracies, in particular, they have a strong influence on the government through electoral processes.[37]

There is another kind of participation that focuses on community or social participation in the civil society sphere. Participants here are 'beneficiaries of government programmes, which provide them

35 Scholte, Jan Aart (2007), 'Global Civil Society – Opportunity or Obstacle for Democracy?', *Development Dialogue,* Vol. 49, p. 17

36 Nie and Verba (1972), *Participation in America: Political Democracy and Social Equality,* Chicaco: University of Chicago Press (1972), p. 2

37 Bara, Judith and Pennington, Mark (2009)*, Comparative Politics,* London: SAGE*,* p. 229

with different types of services and possibilities to participate, mostly in the field of development.'[38] Therefore, there is both an active and a passive link between civil society and government, which is either characterised through participants' dynamic involvement in political affairs or their benefit of government activities.

By providing basic services, such as medical treatment, emergency relief, education and security, they help strengthen society. It is especially important after conflict to gain political legitimacy and ameliorate the situation of citizens, as well as to reduce the risk of a relapse into conflict.[39] In post-conflict situations, the role of outside actors is important, as donors often pressure governments to enhance the political participation of citizens.[40]

II. Models of Governance

a. Established Democracies
i. Characteristics

While democracies prior to the 1970s were often considered to be a small, 'homogeneous group' with less than one out of four states being democratic, we have come to witness an increase in the

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38 Gaventa, John, Valderrama, Camilo (1999), 'Participation, Citizenship and Local Governance', *Institute of Development Studies,* June 21 – 24, 1999, available at: http://www.pnet.ids.ac.uk/docs/Other/participation%20citzienship%20and%20local%20governance_gaventa.pdf (accessed 03.07.2012), p. 2

39 Pouligny, Béatrice (2005), 'Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building 'New' Societies, *Security Dialogue,* Vol. 36:4, p. 596

40 Gaventa, John, Valderrama, Camilo (1999), 'Participation, Citizenship and Local Governance', *Institute of Development Studies,* June 21 – 24, 1999, available at: http://www.pnet.ids.ac.uk/docs/Other/participation%20citzienship%20and%20local%20governance_gaventa.pdf (accessed 03.07.2012), p. 3

number and diversity of democratic regimes, thus forming a largely heterogeneous group. In other words, democracies in the modern world can take on many different forms that make it possible to compare them against one another. Nevertheless, it is possible, according to Haynes, to identify a few general core characteristics that should apply in any contemporary political system that considers itself to be democratic:[41]

- Possession of democratic institutions, including elected legislatures.
- Maintenance of democratic principles, such as relative political equality among citizens and a popularly elected, controlled government,[42] free and non-discriminatory elections, freedom of expression, and the right of individuals to run for office.
- Institutionalised linkages between the state and society (e.g. through elections)
- Armed forces that have comparatively little or no impact on national policy making
- Existing levels of interdependence and alliances with other democratic regimes within the regional and/or international community that share similar economic goals and political concerns.

The second challenge in defining a democracy is to determine the point at which a democracy may be considered 'established' or 'consolidated'. Linz and Stepan argue that 'democratic consolidation

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41 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 18 – 19
42 Beetham, D. (1999), *Democracy and Human Rights*, Cambridge: Polity

comprises behavioural, attitudinal and constitutional aspects.'[43] Behaviourally, a democracy is consolidated when no actor spends substantial resources on attempting to create a nondemocratic regime. Additionally, the majority of citizens need to believe that the best means for governing collective life are democratic procedures and institutions. Constitutionally, democracy is adopted when governmental and nongovernmental forces resolve conflict within 'the specific laws, procedures, and institutions' through the 'new democratic process.'[44] These classifications lead us to the assumption that political stability is one vital aspect of established democracies, which is accepted as legitimate by all international state and non-state actors.

ii. Political Institutions

The definition of political institutions will be continued by analysing the different elections and electoral systems, political parties and party systems, constitutions and legal framework.

The constitutions and the legal framework are institutions necessary to govern a state successfully by providing a set of formal written rules bringing together law and politics. Those rules 'specify how all other legal norms are to be produced, applied, enforced, and interpreted.'[45] Furthermore, they can be considered the 'formal source of state authority' because they establish legislatures,

43 Linz, J., Stepan, A. (1996), *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe,* Baltimore and London: Johns Hopkins University Press, p. 6
44 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 19
45 Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press , 219

executives and courts and therefore give the government power for making, applying, enforcing and interpreting laws. In established democracies, constitutions and the legal framework form a pillar of the state by legally restraining 'the uncontrolled wielding of power by those who rule'[46] and ascertaining the rights of protection against 'governmental incursion in the form of a supreme or constitutional court.'[47] This constitutional court is responsible for exercising caretaker responsibilities over the constitution, and can play an important role in the process of democratisation, as it was the case in South Africa with the Truth and Reconciliation Commission.[48] Other institutional structures characterising established democracies are elections and electoral systems.

Elections and electoral systems: the existence of genuinely competitive free and fair elections is a democratic principle. The role of the electoral system is to define how elections are contested, how votes are transferred to results and which outcomes are expected, including stating the type of government to be formed.[49] The range of electoral systems is complex and the creation of a typology is therefore difficult. For the purposes of this report it is sufficient to use a simple classification that separates electoral systems into categories according to 'proportional' outcomes or 'non-proportional' outcomes. The proportional systems guarantee

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46 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 29
47 Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press, p. 219
48 See chapter IV.b.iv.
49 Boix, Carles (1999), 'Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies', *The American Political Science Review,* Vol. 93:3, p. 609

that the number of seats each party wins in an election corresponds to the number of votes received. [50] The proportional electoral system is also called 'proportional representation' and constitutes the most common form in Central and Eastern Europe and Latin America. This system shifts the focus of the election and the structure of the ballot 'from a candidate-based vote to a party-based vote.'[51] In a non-proportional system, in contrast, it is more important to ensure that one of the parties has a clear majority of seats over the others, which increases the prospect of stable and strong governance.[52]

Within the classification of non-proportional outcomes, two different electoral formulas tend to be used: plurality and majority. The plurality system[53] is the most commonly used of the two and is characterised by the fact that the winner does not need the majority of votes, but needs to have more than any other candidate. In the majority formula[54] the winner needs the majority of votes, obtained in a second ballot if necessary. The type of electoral system chosen can influence the number of parties that exist in a state and also

50 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 22

51 Bara, Judith and Pennington, Mark (2009), *Comparative Politics*, London: SAGE, p. 100

52 Leduc, Lawrence, Niemi, Richard G. and Norris Pippa (2010), *Comparing Democracies 3: Elections and Voting in the 21st Century,* London: SAGE, p. 26

53 The plurality formula is used by approximately 20% of the countries, among others by the United States and the United Kingdom. Leduc, Lawrence, Niemi, Richard G. and Norris Pippa (2010), *Comparing Democracies 3: Elections and Voting in the 21st Century,* London: SAGE, p. 27

54 The majority formula is used by approximately 13% of the countries and although it is less popular than the plurality system, it is used by two leading stable democracies – Australia and France. Leduc, Lawrence, Niemi, Richard G. and Norris Pippa (2010), *Comparing Democracies 3: Elections and Voting in the 21st Century,* London: SAGE, p. 28

have a negative impact on the representation of women and minorities in government, since a two-party system such as the one used in the US for example, does not provide additional space for minority interests outside of their incorporation into one of the two dominant parties' agendas.

Political parties and party systems: Political parties and party systems must be defined because they are central not only to democracies but also to many authoritarian and totalitarian regimes. Among other things, they influence the government directly or indirectly and encourage the involvement of civil society by supporting active participation. In democracies, political parties are the central actors because they constitute the government. They are responsible for sustaining competitive elections and providing the candidates and issues of interest for the voters to choose from. Moreover, political parties and party systems play a crucial role in stabilising democracy through the integration of new citizens into the already existing political system.[55]

Comparative research usually distinguishes between four different types of party systems: effective party systems, minimal party systems, mass-dominated party systems and elite-dominated party systems.[56] Effective party systems possess high levels of control and representation. Minimal party systems, on the contrary, have low levels of control and representation. Mass-dominated party systems hold low control and high representation and elite-dominated

55 Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press, p. 314
56 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 28

party systems have low representation with high levels of control. These different types of parties can be grouped into three different systems, which are commonly used in democracies.

First there is the dominant-party system, where one party dominates in government over all others for a longer period of time. Second, there is the two-party system, where usually two main parties compete for power. The third example comprises multiparty systems, which are characterised by proportional representation.

iii. Government Structures

In established democracies, government structures can be organised in different ways. The three main types of executive branch are presidentialism, parliamentarism and semi-presidentialism, always based on the premise that these governments are connected to the electoral process and constrained by constitutions.

Parliamentary systems are characterised by a 'responsible government', whose members are at the same time sitting in parliament, which merges the distinction between executive and legislative powers. This often results in a more stable and effective government. In parliamentary systems the 'head of government' (prime minister, chancellor, etc.) is normally different from the 'head of state' (president or monarch). The head of government is usually elected either by parliament or appointed by the head

of state in different processes. Additionally, the prime minister and the cabinet can be removed from the office by the parliament in a 'vote of no-confidence' and in some countries it must be replaced with an alternative government in the same vote.[57] The head of state in most parliamentary systems is allowed to dissolve parliament, typically following a proposal from the prime minister or the government.

Presidential systems characterised by a 'one-person executive' including the president's cabinet as a 'government'. One of the key features of regimes with a president is that the executive and the legislature are separate. Furthermore, the president is elected directly or quasi-directly by the people for a fixed period of time and appoints the members of government after his election, mostly with the consent of the legislature. However, the president is not 'politically accountable to the legislature.'[58] Another aspect worthy of mentioning is that in states where the president relies on an 'interparty coalition' for his support, which can be the case in multiparty governments. His presidentialism can lead to a paralysis of the legislative due to a hostile majority. If they reach the number of votes they need in the government to overcome the presidential vetoes, the legislative cannot function anymore.[59]

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57 Lijphart, Arend (2004), 'Constitutional Design for Divided Societies', *Journal of Democracy*, Vol. 15:2, pp. 103 – 104
58 Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press, p. 193
59 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 35

Semi-presidential systems, also known as hybrid systems, are a mixture between a parliamentary and a presidential system. The main feature of this system is the dual executive 'consisting of an elected president with a defined political role and a prime minister and cabinet responsible to the assembly.'[60] Furthermore, the prime minister is responsible to parliament and sits in the legislature.[61] The main weakness of this system is the possibility of a disagreement between the president, possessing 'considerable constitutive authority,'[62] and the prime minister, supported by the parliamentary majority.

b.Transitional Democracies and Hybrid Regimes
i. Characteristics

'Hybrid regime' is used to describe a government system that can be situated between an established democracy and an authoritarian regime. The term is often distinguished from 'transitional democracy' by the fact that the state is not democratising further. The notions of hybrid regimes and transitional democracies have been chosen because they allow a more general approach to and definition of governance models that combine democratic and non-democratic elements rather.

One of the key characteristics of a hybrid regime is that states with hybrid regimes only allow for limited accessibility and are thus

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60 Calvert, P. (2002), Comparative Politics. An Introduction, Harlow: Longman, p. 61
61 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 35
62 Soberg Shugart, Mathew (2005), 'Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns', French Politics, Vol. 3, p. 324

considered to be only partly 'free'; often they mix 'relatively free and fair elections with forms of strong, centralized government.'[63] However, the fact that citizens are only partly free does not necessarily mean that those political systems are unstable. Their stability can often be traced back to the foundation of long-established power monopolies, which were enhanced with democratic elements such as elections. Therefore, the historical background of states plays an important role in their transformation towards democratic governance.

ii. Political Institutions

As democracies, transitional democracies and hybrid regimes have a number of political institutions, which in this case often complement other non-democratic elements of the governance system.

Constitutions and legal frameworks can be considered the foundation for a transition towards democracy. Often the former source of power has to be removed and new political processes established; a development that usually starts with constitutional reforms. 'A democratic constitution underpins and formalizes' the process of becoming democratic by defining the rules for democratic political institutions and their working.[64] One recent example is the case of Iraq, where the first free elections in 2005 led to an interim government, which was able to draft a constitution for further

63 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 38 – 39
64 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 48

democratisation and political stabilisation of the country.[65] Crucial is the constitution's ability to implement 'checks and balances' that deny the president the possibility of accumulating more power than in a common democracy.[66]

Elections and electoral systems are one of the main characteristics of democracies. In order for an election to be considered democratic, the common Western premise is for it to be conducted in a transparent, accessible, and competitive manner. Usually the first elections after the fall of an authoritarian or totalitarian system are signified by a high turnout of voters, marking 'the launch of a new, post-authoritarian regime.'[67] Today, Western ideas presuppose that elections need to be 'free and fair' and preferably contain universal suffrage in order for them to be considered truly democratic. Yet authoritarian regimes often adopt some type of election or rhetoric of such to create the illusion of democratic principles.[68] Several authors argue that the introduction of elections into authoritarian systems can be seen as a way to improve democratic trends. Others disagree, arguing that repeated elections alone do not necessarily lead to an improvement of democratic elements and a transition to democracy.[69]

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65 Katzmann, Kenneth (2011), 'Iraq: Politics, Governance, and Human Rights', *Congressional Research Service*, pp. 1 – 2
66 Padovano, Fabio, Sgarra, Grazia and Fiorino, Nadia (2003), 'Judicial Branch, Checks and Balances and Political Accountability', *Constitutional Political Economy,* Vol. 14, pp. 47 – 48
67 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 41
68 Schedler, A. (2002), 'The Menu of Manipulation. Elections without Democracy', Journal of Democracy, Vol. 13:2, pp. 37 – 38
69 Morse, Yonatan L. (2012), 'The Era of Electoral Authoritarianism', *World Politics*,

Political society and party systems are important in transitional democracies, as they are one of the foundations of democracy. The political landscape of a country has to be multifaceted and competitive in order to ensure participation in democratic, free and competitive elections. Especially in states that change their political system after an intrastate conflict, the reconstruction of political parties and a political society is crucial for stabilisation. However, it is easier to establish political party systems in countries with prior democratic experience.

One of the main differences between established democracies and transitional democracies and/or hybrid regimes is often the aim political parties compete for. While political parties in established democracies compete to win elections, their motivation in transitional democracies is 'the fair implementation of political rules.'[70]

There is evidence that most transitional democracies chose a multiparty system based on proportional representation instead of a two-party system founded on the plurality method.[71] The main reason for favouring the multiparty system is that it offers more inclusion for minorities within the state and therefore reduces the risk of a relapse into conflict or a political destabilisation of the

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Vol. 64:1, p. 173

70 Morse, Yonatan L. (2012), 'The Era of Electoral Authoritarianism', *World Politics*, Vol. 64:1, p. 166

71 The case studies of South Africa, Northern Ireland and Iraq serve as examples. Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 45

country during the transition phase. Despite comparatively high levels of on-going violence and insurgencies, Iraq presents one case in which a multiparty system was introduced based on proportional representation for participation in elections.[72]

iii. Government Structures

In transitional democracies, the establishment of a subnational government is of importance to becoming fully democratic. Former communist countries in Central and Eastern Europe made their transition to democracy by implementing subnational government structures. Hungary, Poland and the Czech Republic in particular have been successful in introducing 'viable structures of subnational government', mainly because they already had a pluralist tradition.[73] Those subnational government structures serve at the same time as a means to decentralise power. The importance of a decentralisation of power can be seen in the case of Iraq, where subnational government was created in the rebuilding of the state after the U.S. invasion of 2003. Outside of Iraq, local governance has generally been associated with a variety of positive effects such as increased speed of service delivery, dealing with ethnic or regional conflict and enhancing the legitimacy of the national government on a subnational level.[74]

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72 Katzmann, Kenneth (2011), 'Iraq: Politics, Governance, and Human Rights', *Congressional Research Service*, pp. 1 – 2.
73 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 49
74 Brinkerhoff, Derick W., Johnson, Ronald W. (2009), 'Decentralized Local Governance in Fragile States: Learning from Iraq', *International Review of Administrative Sciences*, Vol. 75:4, p. 586

The national government can be organised in transitional democracies and hybrid regimes in many different ways. Several countries in post-authoritarian Latin America for example have traditionally tended to adopt presidential systems, which can be explained in part by their history of strong political leaders. One of the main problems with this kind of political executive is the question of how to avoid an 'excess of presidential power.'[75] In many cases, especially in Central and Eastern Europe, the parliamentary dimension grew stronger over time while the power of the president steadily decreased; examples include Hungary, the Czech Republic and Slovakia.[76] However, 'parliamentary-type institutions' are often considered to 'have a better chance of democratic consolidation' than countries 'with unrepresentative presidential systems.'[77] This is due to several problems that can arise out of presidentialism, such as the potential for paralysis of the legislature, growing corruption in underused state institutions, and the fact that the independence of the judiciary is crucial to forming a counterweight to the president.[78] Another problem is the one of military support. In presidential systems the president can in some cases gain support from the military to an extent that allows him to accumulate dangerously excessive levels of power.[79]

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75 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 52
76 Hague, Rod, Harrop, Martin (2001), *Comparative Government and Politics. An Introduction* (5th edition), Basingstoke: Palgrave, pp. 251-253
77 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 54
78 Pérez-Liñán, Aníbal (2003), 'Pugna de Poderes y Crisis de Gobernabilidad: ¿Hacia un nuevo presidencialismo?', *Latin American Research Review*, Vol. 38:3, p. 150
79 Nagle, J. and Mahr, A. (1999), Democracy and Democratization. Post-Communist Europe in Comparative Perspective, London: SAGE, p. 248

c. Non-Democracies
i. Characteristics

According to the Freedom House survey from 2012, there are still 48 countries worldwide considered 'not free.' While the mere concept of measuring freedom is a very Western concept, it is worth noting that Freedom House's definition of societies that are not free focuses on the lack of basic political rights and the systematic denial of 'basic civil liberties.'[80] Among the countries with the worst scores are Syria, Saudi Arabia, and Somalia, which are widely considered to be a dictatorship, absolute monarchy and failed state respectively. Furthermore, non-democratic countries appear to be a common trend in regions such as the Middle East, North Africa, Sub-Saharan Africa and Pacific Asia.[81] Countries in this category frequently lack democratic elements and tend to consist of mostly authoritarian or totalitarian regimes. Yet it would be wrong to perceive such totalitarian tendencies as inherently endemic to any of these regions without at least acknowledging the role that colonizing Western interests have played historically in perpetuating non-democratic ruling elites[82]. Authoritarian regimes are characterised by any form of organisation or attitude, which imposes 'its values and decisions on recipients who do not have the right or means of responding or reacting freely.'[83] In other words,

80 Freedom House (2012), *Freedom in the World 2012: The Arab Spring Uprisings and their Global Repercussions*, p. 4
81 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 56
82 Jones, Adam (2006), *Genocide: A Comprehensive Introduction*, New York: Routledge.
83 Bealey, F. (1999), *The Blackwell Dictionary of Political Science*, Oxford: Blackwell, pp. 21, 122

authoritarian regimes are not dependent on an ideology used to legitimise their rule.[84] Totalitarian rule is signified by a state, which dominates the society through its instruments, they are therefore 'strongly state-controlled political and social systems.'[85]

States can have different forms of authoritarian or totalitarian rulers; they can be monarchs, dictators or military leaders. Their motivations for seizing power are as different as their titles. In today's world, ideology can often replace religious claims to legitimacy.. Therefore the main distinction between totalitarian and authoritarian regimes is the fact that totalitarian rule uses control mechanisms to enforce political loyalty and policy implementation, while authoritarian regimes are 'diverse in their policies and policy making as well as their ideology and institutions.'[86]

ii. Political Institutions

Democratic political institutions are barely existent in non-democracies. The differences can be seen in economic, social and foreign policies. Historically, one of the most famous examples was Stalin's communist regime, which came up with a radically different economic structure, the 'centrally planned stated owned economy.'[87] The way of policy making in this case differs strongly

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84 Caramani, Daniele (2008), Comparative Politics, Oxford: Oxford University Press, p. 149

85 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 56

86 Caramani, Daniele (2008), *Comparative Politics, Oxford:* Oxford University Press, p. 153

87 Caramani, Daniele (2008), *Comparative Politics, Oxford:* Oxford University Press, p. 152

from the process in democratic states, as no sort of democratic election had an influence. It is mainly the ruler who decides on new policies and their implementation. However, elections can take place even though their aim is not to elect a representative, but rather to serve as a corrupt form of legitimising the regime in power.[88]

Constitutions and the legal framework, if they exist at all, are often weak documents in non-democracies, ignored by those in power. One of the reasons is that the ruler wishes to avoid being constrained by any kind of document. Furthermore, they keep the 'judiciary on a tight leash', which demonstrates that authoritarian rule is not underpinned by an impartial judiciary but rather dominates it by overriding decisions.[89] The authoritarian executive therefore often dominates the judicial order and processes, as authoritarianism and the rule of law are seen as incompatible.

Political parties and party systems are of less significance in non-democracies, as they have no role to play in the political arena. In communist regimes the 'Party is a pivotal political instrument through which government seeks to achieve total control over society', while in other kinds of non-democratic regimes, such as military dominated states, political parties might even be dispensed with completely.[90]

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88 Fjelde, Hanne (2010), 'Generals, Dictators, and Kings: Authoritarian Regimes and Civil Conflict, 1973-2004', *Conflict Management and Peace Science*, Vol. 27:3, p. 213
89 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 67
90 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 61

iii. Government Structures

The structure of the government in non-democracies can mainly be divided into three types: personal rule, military rule and one-party rule. **Personal rule** is defined as 'one person ruling the state' and this person can be either a monarch or a dictator. When considering the term monarch, it has to be clarified that there are two types of monarchs, ruling monarchs and reigning monarchs. While the ruling monarch is exercising the same power as a personal dictator, the reigning monarch is largely a ceremonial head of state.[91]

Military dictatorships are another way of ruling in non-democratic states. The military can be seen as a 'distinctive' organisation, which is well organised, having their 'own uniforms, barracks, career structure, and even legal system.'[92] Within this category of military rule different forms can be perceived, such as the open form, disguised forms, and civilianized or indirect rule through a civilian government. The establishment of a military government is usually preceded by a coup d'état.[93]

One-party rule is the third form of government in non-democracies. This form can be further divided into one-party states that ban all other parties, states that disguise their one-party rule with different means. Most of the contemporary single-party states

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91 Lijphart, Arend (2004), 'Constitutional Design for Divided Societies', *Journal of Democracy,* Vol. 15:2, p. 104
92 Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press, p. 142
93 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 60

were established based on Marxist-Leninist ideology (e.g. Cuba, China or North Korea). These governments often try to build their legitimacy on positive economic and developmental abilities.[94]

d. Conclusion

Democracies, even though there are many different forms, have several characteristics in common. The main features of a democracy are: the possession of democratic institutions; a foundation on democratic principles such as political equality, free and fair elections and freedom of expression. It seems that the upward trend towards democratisation is set to continue in the near future.[95] Some countries are in a transitional state towards becoming fully established democracies as they have adopted several democratic institutions but still retain authoritarian elements, which consequently leads us to recognise them as only partly free. Apart from transitional democracies, there are hybrid regimes, which are stagnant in their democratisation process and tend to use democratic institutions to legitimise their authoritarian rule as opposed to promoting democratic values.

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94 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 59

95 Economist Intelligence Unit (2011), Democracy Index 2011: Democracies Under Stress, available at: https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2011 (accessed: 24.04.2012), p. 3

III. The Reconstruction of Political Governance in Post-Conflict Countries

a. Background Information about the Case Studies
i. South Africa

The Republic of South Africa is but one of several countries on the African continent that has had to deal with a troubled history of conflict. Yet, it is also one of the most remarkable cases of conflict resolution in the post-Cold War era,[96] in which it has distinguished itself despite being comprised of a population characterised by multi-ethnicity and a wide range of spoken languages, eleven of which are officially recognised. In 2011 the majority of the South African population, 79.4 per cent, was of black African ancestry, while only 9.1 per cent were of white origin.[97] Its history is diverse; in 1948 elections, accessible to whites only, put the National Party into power and led to the subsequent implementation of a policy of apartheid, characterised by racial segregation. In 1961 a whites-only referendum led to political transformation toward a republic governance model. A fundamental debate before the 1980s about forming a tripartite parliamentary system, for white people,[98] Indians,[99] and coloureds,[100] marginalized the black majority

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96 Ramsbotham, Oliver, Woodhouse, Tom and Miall, Hugh (2011*), Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts*, (3rd Edition), Cambridge: Polity Press, p. 193
97 Statistics South Africa (2011), 'Mid-year Population Estimate 2011', available at: http://www.statssa.gov.za/publications/statsdownload.asp?PPN=P0302&SCH=4986 (accessed: 08.06.2012), p. 3
98 Of European ancestry.
99 People of Indian descent.
100 Coloureds refer in the context of South Africa to a heterogenic group with ancestry form Europe, diverse tribes from different parts of the world.

population and reinforced the system of apartheid.[101] The African National Congress (ANC) Party strongly opposed apartheid and fought for equality. One of their main leaders was Nelson Mandela, who spent years in South African prisons.[102]

Civil unrest, a decline in the economic situation and international pressure exercised by Western nations and institutions ultimately led to negotiations and a transition to majority rule in 1994.[103] One of the main reasons for a successful transition in the case of South Africa was the moderate Mandela-led ANC Party, which posed no existential threat to the white population, allowing them to 'retain private power while (slowly) releasing their grip on the public variety.'[104] Political participation and institutions were crucial during this transition period. In addition, the establishment of a Truth and Reconciliation Commission spearheaded by Desmond Tutu, which is widely regarded as the most successful example of its kind today[105], further aided in bringing about a comparatively

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101 Southall, Roger (1994), 'The South African Elections of 1994: the Remaking of a Dominant-Party State, *Journal of Modern African Studies,* Vol. 32:4, p. 630

102 Nelson Mandela was first arrested in 1956 and charged with treason for his fight against apartheid. In 1961, Mandela became leader of the ANC's armed wing and was arrested a second time in 1962 after he lived on the run for 17 months. In total he spent 27 years in South African prisons and was released after the ban on the ANC and other anti-apartheid organisations was lifted. Mandela, Nelson (2005), *The Struggle is My Life*, Mumbai: Popular Prakashan

103 Central Intelligence Agency (2012), *The World Factbook: South Africa*, updated June 20, 2012, available at: https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html (accessed 27.06.2012)

104 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 214

105 Grunebaum-Ralph, Heidi (2001), 'Re-Placing Pasts, Forgetting Present: Narrative, Place, and Memory in the Time of the Truth and Reconciliaiton Commission', *African Literatures Vol. 32:3*, p. 198-212.

peaceful transitioning process.

A consolidated party system supported democratic progress in South Africa by providing a varied political sphere for citizens to participate in political action. In the first democratic elections of 1994, the ANC won nearly 63 per cent of the vote with an enormous turnout[106] and the newly elected Assembly voted Mandela in as president after the foundation of an interim constitution.[107] Further national elections were held in 1999, 2004 and in 2009, and the ANC was able to reach a two-thirds majority in all of them despite signs of internal disputes.[108]

The governance model used in South Africa since the end of apartheid is that of a republic with a 'list system of proportional representation with no constituencies at both national and provincial levels.'[109] According to the new national constitution, the president is at the same time head of state and head of the national executive.[110] The Democracy Index 2011 classifies South Africa as a 'flawed democracy'; it is on 28th position and seems to be on the way to becoming an established democracy.[111] While

106 86.87% voters turnout for the 1994 elections. http://www.idea.int/vt/country_view.cfm?CountryCode=ZA (accessed. 28.06.2012)
107 Lodge, Tom (1995), 'The South African General Election, April 1994: Results, Analysis and Elections', *African Affairs*, Vol. 37:377, p. 417
108 Lemon, Anthony (2009), 'The General Election in South Africa, April 2009', Electoral Studies, Vol. 28, p. 673
109 Lemon, Anthony (2009), 'The General Election in South Africa, April 2009', Electoral Studies, Vol. 28, p. 670
110 http://www.info.gov.za/documents/constitution/1996/96cons5.htm#88 (accessed 08.06.2012)
111 Economist Intelligence Unit (2011), Democracy Index 2011: Democracies Under Stress, available at: https://www.eiu.com/public/topical_report.aspx?campaignid=Demo

this ranking may strike some as surprisingly low for what could arguably be considered the most successful case of democracy on the continent, it does underscore the need to address the continued trends of high levels of corruption, poverty, social stratification, and racial inequality[112].

ii. Northern Ireland

After the separation of Ireland in 1921, Northern Ireland provisionally became an autonomous part of the independent Irish Free State, though a decision was made to drop out of the agreement and become part of the United Kingdom shortly after. In the late 1960s a dispute between elements of Northern Ireland's nationalist community, which was mainly Catholic, and the unionist community, which was mainly Protestant, led to an outbreak of violence lasting approximately 30 years. In its most simplistic version, the core issue of the conflict has been between those wishing to see a reunification of the island of Ireland and those who want to see Northern Ireland remain as part of the United Kingdom.[113]

Underpinned by sectarian, historical, religious, political, economic, and psychological elements, this was an extremely complex conflict. In 1994, a peace process led to the declaration of ceasefires, which put an end to the violent struggle and in the end led to a political settlement, the Belfast Agreement, signed in 1998.[114] The Belfast

cracyIndex2011 (accessed: 24.04.2012), p. 4

112 Grunebaum-Ralph, Heidi (2001), 'Re-Placing Pasts, Forgetting Present: Narrative, Place, and Memory in the Time of the Truth and Reconciliaiton Commission', *African Literatures Vol. 32:3*, p. 198-212.

113 Cairns, Ed, Darby, John (1998), 'The Conflict in Northern Ireland: Causes, Consequences, and Controls, American Psychologist, Vol. 53:7, p. 754

114 Gallagher, Tony (2006), 'Balancing Difference and the Common Good: Lessons

Agreement, commonly known as the 'Good Friday Agreement', led to the establishment of a consociational, multi-party Northern Ireland Assembly, North-South Ministerial Council and British-Irish Council, which were created in order to address the individual interests of Northern Ireland, the Republic of Ireland and the United Kingdom respectively.[115] Since the implementation of the Belfast Agreement, violence has decreased but many problematic issues related to governance, sectarianism and community relations remain, which in turn perpetuate a continuity of the highly fragile post-conflict state in Northern Ireland.[116] The case of Northern Ireland is a special in the sense that it is not an independent state, but rather a part of the United Kingdom, therefore suggesting that some elements of the process of reconstructing governance need to be examined in light of said context. The electoral system Northern Ireland adopted is one of proportional representation with a Single Transferable Vote (STV),[117]designed to allow voters to choose candidates representing their interests directly as opposed to voting for closed party lists.

iii. Iraq

The Republic of Iraq has a long and complicated history of

from a Post-conflict Society', *Compare: A Journal of Comparative and International Education,* Vol. 35:4, p. 429

115 Gilligan, Chris (2008), 'Northern Ireland Ten Years after the Agreement', *Ethnopolitics: Formerly Global Review of Ethnopolitics,* Vol. 7:1, pp. 5-7

116 Mac Ginty, Roger Mac, Muldoon, Orla T. and Ferguson, Neil (2007), 'No War, No Peace: Northern Ireland after the Agreement', *Political Psychology*, Vol. 28:1, p. 1

117 STV means that every voter has a single vote but can transfer it from one candidate to another to avoid it being wasted. See: Northern Ireland Office (2006), *Frequently Asked Questions – PR/STV Voting System,* available at: http://www.eoni.org.uk/index/faqs/pr-stv-voting-system-faqs.htm (accessed: 20.06.2012)

domestic issues, stemming from its diverse ethnic makeup, and external conflicts. These include among others the Iraq-Iran war, the Gulf War and most recently, the U.S.-led invasion of 2003.[118] Iraq is a multi-ethnic state with a mostly Arab population (75 to 80 per cent) and a significant minority of Kurds, which account for roughly 15 to 20 per cent. Its two official languages are Arabic and Kurdish, which is spoken in the Kurdish regions in the north of the country. There is also a religious division between Shia Muslims (50 to 65 per cent) and Sunni Muslims (32 to 37%),[119] which became increasingly important during the reconstruction of Iraq after 2003, following the dictatorship by Saddam Hussein, whose reign oversaw the oppression of the country's Shia majority and persecution of Kurdish communities. The US-led invasion was subsequently a major and simultaneously troublesome turning point in the history of Iraq, as the state had to be rebuilt in political, social and economic dimensions after the removal of Hussein.

Following the invasion, the US set up an occupation structure to overcome the immediate concern that the return of Iraqi sovereignty would create major factions instead of successfully promoting democracy.[120] In May 2003 President Bush decided to name the US Ambassador to Iraq, L. Paul Bremer III, as head of a

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118 Fawcett, Louise (2005), *International Relations of the Middle East*, Oxford: Oxford University Press, p. 268
119 Central Intelligence Agency (2012), *The World Factbook: Iraq*, updated June 20, 2012, available at: https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html (accessed 26.06.2012)
120 Katzmann, Kenneth (2011), 'Iraq: Politics, Governance, and Human Rights', *Congressional Research Service*, p. 1

'Coalition Provisional Authority' (CPA), which was later recognised by the United Nations as an occupation authority. After one year, on June 28 2004, the US decided to hand over sovereignty to an appointed Iraqi interim government in response to pressure from the increasingly dissatisfied local population. With the successful removal of Saddam Hussein his Ba'ath party from power,[121] the US had created a power vacuum, which had to be filled with qualified and experienced Iraqi politicians; a difficult task considering the near total destruction of the local infrastructure and political system.

The Iraqi interim government, called the Iraqi Governing Council (IGC), consisted of 25 members and was appointed in July 2003. However, it took the US another year to hand over sovereignty and officially end its state of occupation.[122] On January 30 2005, the first democratic elections in Iraqi history took place to vote on a 275-seat transitional National Assembly for a four-year term.[123] The main task assigned to the transitional National Assembly was that of drafting a new democratic constitution by August 15 2005. The election system used was one of proportional representation, meaning proportional distribution of seats according to the persons, parties and groups elected.[124] By October 15 2005, the

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121 Also called process of de-ba'athification.
122 Diamond, Larry (2005), 'Lessons from Iraq', Journal of Democracy, Vol. 16:1, pp. 9 – 23.
123 Unique for an Arab country is that the quote of 25 per cent female members of the National Assembly was implemented. Fürtig, Henner (2006), 'Irak: Ein Modell externer Demokratisierung auf dem Prüfstand', *International Politics and Society*, Vol. 3, p. 55
124 As noted above the proportional multi-party electoral system is preferably used by transitional democracies.

newly drafted constitution was put to a referendum, which would have failed if in any three provinces a two-thirds majority had voted against it.[125] The second elections took place in 2010, when the Iraqi population voted for the first time under their new permanent constitution, which had been implemented in 2006.[126] The process of democratisation and the many challenges Iraq dealt with during this time and continues to face today will be analysed later on in this paper. Nevertheless, one aspect that has to be mentioned in the context of Iraq is the fact that it has large oil reserves, which have the potential to lead the country to economic prosperity in the near future, but also bear the danger of attracting continued Western and international interests that – as history has shown - can be counterproductive to the development of a stable democracy long term. Furthermore, the immediate wealth promised by the possession of a valuable resource such as oil, increases the likelihood of economic exploitation through external actor, authoritarianism and corruption; all of which pose major challenges for Iraq.[127] Due to the focus of this paper on the model of governance, the economic factors of oil and corruption will only be mentioned briefly but not analysed in detail.

In summary, Iraq is classified as a parliamentary democracy on paper, and ranked as a transitional democracy / hybrid regime

125 Katzmann, Kenneth (2011), 'Iraq: Politics, Governance, and Human Rights', *Congressional Research Service*, p. 1

126 Trumbull, Charles P., Martin, Julie B. (2011), 'Elections and Government Formation in Iraq: An Analysis of the Judiciary's Role', Vanderbilt Journal of Transnational Law, Vol. 44, p. 339

127 LeBillon, Philippe (2008), 'Corruption, Reconstruction and Oil Governance in Iraq', *Third World Quarterly,* Vol. 26:4-5, p. 686 – 7

taking 112th position in the Democracy Index 2011. Yet Iraq's performance in the area of political participation with a grading of 7.22 (on par with Finland, an established democracy which ranked 10[th)]) is surprisingly impressive. However, this trend could also be indicative of the population's increasing desperation. As of right now, the main challenge for Iraq on its way to becoming an established democracy is the creation of functioning government institutions, since this is an area in which Iraq currently ranks lower than states such as Afghanistan, Yemen and Liberia with a grading of 0.43.[128]

b. (Re-) Construction of Governance
i. The Process

The process of reconstruction or construction of successful governance in fragile and post-conflict states is a complex task; in essence it consists of three steps, which are closely interlinked and not temporally divided. In any case, the starting point should be the re-establishment of security within the state in order to provide the population with a regained feeling of safety. The second step should then focus on rebuilding the effectiveness of the state by offering basic services, including health care, education, access to water and sanitation. This encompasses the reconstruction of destroyed infrastructure on a national and sub-national level. The last step, which happens mostly in parallel to the rebuilding of effectiveness, is the restoration of government legitimacy within

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128 Economist Intelligence Unit (2011), Democracy Index 2011: Democracies Under Stress, available at: https://www.eiu.com/public/topical_report.aspx?campaignid=Demo cracyIndex2011 (accessed: 24.04.2012), p. 6 – 9

the country.[129]

These steps are founded on the assumption that the state has been through a period of conflict that destroyed most of the infrastructure, led to a political transition and left the people with a feeling of insecurity. For a more straightforward approach, the term 'reconstruction' will encompass 'construction' and 'reconstruction', signifying both the building and rebuilding of political institutions, infrastructure and security. The case studies introduced over the course of this study will serve to demonstrate that the process of reconstructing governance after or even during conflict situations has to be adapted to the social, economic, political and historical context of each country in order to be successful.

ii. Re-Establishing Security

The re-establishment of security after a conflict is one of the most important challenges, and a precondition for the steps necessary to re-establish the effectiveness and legitimacy of a state. With a lack of security, most governance functions and institutions are not able to work properly.[130] One of the key steps within the re-establishment of security is the disarmament, demobilisation and reintegration (DDR) of former combatants back into civil society.[131]

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129 Brinkerhoff, Derick W., Brinkerhoff, Jennifer M. (2002), 'Governance Reforms and Failed States: Challenges and Implications', *International Review of Administrative Sciences,* Vol. 68, p. 511 – 512
130 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States*, London and New York: Routledge, p. 5
131 Brzoska, Michael (2005), 'Embedding DDR Programmes in Security Sector Reconstruction', in: Hänggi, Heiner, et. al., *Security Governance in Post-Conflict Peacebuilding*, p. 1

The disarmament of civilians is crucial to re-establishing the rule of law and the power of national police forces. This includes dealing in different ways with military or paramilitary units and private militias to guarantee security. Moreover, it is important to consider the future of internally displaced persons (IDPs), who have to flee their home during conflict, often living in refugee camps in different parts of the country. In order for IDPs to return to their homes, the destroyed infrastructure needs to be restored. Another important point for the re-establishment of a feeling of security among the population is the restoration of economic activity, which is usually disrupted during conflict.[132] The creation of workplaces, linked to the restoration of the economy, is also important for the reintegration of ex-combatants into civil society, as it gives them the possibility to support themselves and their families financially. This further reduces the risk that ex-combatants could join insurgent or terrorist groups again.[133]

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132 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States*, London and New York: Routledge, p. 5
133 McLeod, Darryl, Davalos, Maria E. (2008), *'Post-Conflict Employment Creation for Stabilization and Poverty Reduction'*, p. 4

South Africa

During the period of apartheid, violence was a serious issue in South Africa and it continued to be a factor even after its abolition.[134] However, in almost all cases, political transition from an authoritarian to a democratic regime has 'been accompanied by equally dramatic changes in economic and social circumstances, some of which have resulted in higher levels of crime'.[135] Subsequently, while South Africa did suffer from comparatively high levels of violence during the first few years of political transition, this was by all accounts an expected phenomenon. The issue of security and police transformation is a highly difficult and contested process in transitional societies since it poses a very important question: 'How can old instruments of political oppression be effectively transformed to face new criminal threats'?[136]

While the original task of the police force under the apartheid regime was one of 'reinforcers of spatial boundaries', i.e. securing and promoting racial and spatial segregation[137], it now had to be transformed into a mutually acceptable and functioning symbol of domestic securitization. As a result, throughout the entire period of peace negotiations, the mitigation of violence was one of the main objectives, seen as necessary to secure a peaceful future.[138]

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134 Access the actual South African police reports at: http://www.saps.gov.za/
135 Shaw et al. (2000), 'Crime and Policing in Transitional Societies', Jan Smuts House/University of the Witwatersrand Johannesburg Conference, p. 7
136 Ibid
137 Shaw, Mark and Shearing, Clifford (1998), 'Reshaping Security: An Examination of the Governance of Security in South Africa', African Security Review, Vol. 7:3, p. 1
138 Lyman, Princeton N. (2002), *Partner to History: The U.S. Role in South Africa's Transition to Democracy*, Washington D.C.: United States Institute of Peace Press, p. 182

The Truth and Reconciliation Commission (TRC), was central in helping to bring about a peaceful transition. The TRC was divided into three sub-sections dealing with different complaints; the Human Rights Violations Committee, the Reparations and Rehabilitation Committee and the Amnesty Committee. All of them essentially bypassed the legal order by naming perpetrators before they had been indicted or convicted.[139] Having the power to grant amnesty for confessions made during the HRV hearings, incentivised a certain level of confession and repentance for crimes that would otherwise not have been acknowledged by the state and could be consequently silenced and forgotten due to lack of physical proof. As such, the core theme of the TRC discourse was one of a 'religious-redemptive vision of reconciliation' with a focus on public confession, thus encouraging 'the forsaking of revenge'.[140]

Overall, the example of South Africa shows that it is possible to secure a country after a violent era through a process of reforms and by establishing the legitimacy of the domestic security forces. It shows, moreover, that context and history play an important role in re-establishing security, as in South Africa's case qualitative national forces already existed, but required a rigorous reformation and restructuring by the new government in order to function properly and be recognized as a legitimate state force by its citizens.

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139 Wilson, Richard A. (2001), The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Cambridge: Cambridge Studies in Law and Society, p. 19
140 Wilson, Richard A. (2001), The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Cambridge: Cambridge Studies in Law and Society, p. xix

This stands in crucial contrast to the case of Iraq, where security forces had to be completely rebuilt, not only reformed.

Northern Ireland

In Northern Ireland the re-establishment of security has been strongly influenced by the broader peace process and the transitional post-conflict society. As in other cases, national security forces in Northern Ireland were accused of misconduct and murder. One of the most important examples is the incident known as 'Bloody Sunday', when on January 30, 1972 security forces killed 13 people.[141] More recent are the assassinations of human rights lawyers Pat Finucane in 1989 and Rosemary Nelson in 1999; the murders were 'claimed by paramilitaries yet from the beginning there were concerns over police (and army) collusion in the murders.'[142]

In contrast to other countries that installed bodies to reinstate justice for past human rights abuses, the Belfast Agreement of 1998 did not provide for anything similar to be installed in Northern Ireland. It is argued that the reason for this understated approach to the past results from Northern Ireland's different history. There have been no mass human rights violations, such as torture or even genocide, and no major displacement of people.[143] At the same time, we need to acknowledge that – as opposed to most other

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141 British Soldiers, paratroops opened fire on civilians marching for civil rights in Londonderry, Northern Ireland. BBC News Foyle & West, *'Bloody Sunday – What Happened?'*, available at: http://www.bbc.co.uk/news/10283900 (accessed 28.06.2012)
142 Engel, Steven T. (2006), 'Human Rights and Democratic Police Reform in Northern Ireland', in: Pino, Nathan, Waitrowski, Michael D., *Democratic Policing in Transitional and Developing Countries*, Aldershot: Ashgate, p. 169
143 Bell, Christine (2002), 'Dealing With the Past in Northern Ireland', *Fordham International Law Journal,* Vol. 26:4, p. 1097

cases – members of the radical elements on both sides (e.g. Sinn Féin) were incorporated into the new political structures and as such, no party was particularly interested in punishing its own members; not to mention that an insistence on such actions would have likely shattered the already highly fragile peace agreement.

Furthermore, democratic institutions were in place during the conflict, which also makes Northern Ireland a special case. In October 1997 a 'Victim's Commission' was put in place to recognise and deal with the pain and suffering of victims during the 30 years of conflict.[144] The case of Northern Ireland also shows the importance of re-integrating former combatants into civil society. With the release of prisoners after the Belfast Agreement, a system for reintegration was established.[145]

After the Belfast Agreement, Northern Ireland reformed and restructured policing within its borders through the Independent Commission on Policing in Northern Ireland. While a general sense that 'the police behaved in a biased manner toward people in nationalist/republican/Catholic communities' was perceived before the reform, a survey after reform gave more positive feedback.[146] A 1999 survey showed that public perception of the police in general became positive, which demonstrates that the re-

144 Lundy, Patricia, McGovern, Mark (2010), 'The Politics of Memory in Post-Conflict Northern Ireland', *Peace Review,* Vol. 13:1, p. 29
145 McEvoy, Kieran (1998), 'Prisoners, the Agreement, and the Political Character of the Northern Ireland Conflict', *Fordham International Law Journal,* Vol. 22:4, p. 1539
146 Shanafelt, Robert (2006), 'Crime, Power, and Policing in South Africa: Beyond Protected Privilege and Privileged Protection', in: Pino, Nathan, Wiatrowski, Michael D., *Democratic Policing in Transitional and Developing Countries*, Aldershot: Ashgate, p. 169

establishment and the rebuilding of the legitimacy of the security forces in Northern Ireland was successful.[147] In November 2000 a new Police Ombudsman office opened its doors to deal with complaints against the police and this mechanism was also used to investigate the murder of Rosemary Nelson.[148] However, a recent survey showed that 'the majority of young people had negative experiences and perceptions of the police.'[149]

This points to an important factor, namely the danger of a society developing increasingly radicalized younger generations that have grown up to internalize the conflict and make it part of their identity (e.g. Palestine, Lebanon, Northern Ireland). As highlighted by McEvoy-Levy, the new generation's mindset and interpretation of their own situation and national history will ultimately 'determine the success or failure of any peace process in the long term'.[150] In Northern Ireland, such attitudes resulted in occasional violent clashes between young nationalists and the police forces, as was the case in 2011 during marches when loyalist rioters tried to attack national homes.[151] Nevertheless, Northern Ireland can be seen as successful in achieving a decrease in violent conflict situations by re-establishing security after the Belfast Agreement in 1998. A

147 Independent Commission on Policing for Northern Ireland (1999), *A New Beginning: Policing in Northern Ireland,* available at: http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf (accessed: 28.06.2012) , pp. 13 – 16

148 Bell, Christine (2002), 'Dealing With the Past in Northern Ireland', *Fordham International Law Journal,* Vol. 26:4, p. 1120

149 Byrne, Jonny, Jarman, Neil (2010), 'Ten Years After Patten: Young People and Policing in Northern Ireland', Youth Society, Vol. 43:2, p. 441

150 McEvoy-Levy, Siobhan (2001), 'Youth Violence and Conflict Transformation. *Peace Review*, Vol. 13:1, p. 89

151 The Guardian (2011), 'Northern Ireland Violence Drives Out Immigrant Families', 16 July, http://www.guardian.co.uk/uk/2011/jul/16/east-timor-immigrants-fled-northern-ireland-violence (accessed: 13.06.2012)

different, silent approach towards providing transitional justice was taken, which shows that each case has to be considered individually, and there is no universal model that can be applied.

Iraq

The example of Iraq has a different background from other post-conflict societies. Throughout the US-led invasion, external actors were much more involved than in the other case studies discussed. Security in Iraq was, for a long time, the main point on the coalition's agenda. Its 'large-scale insurgencies, massive international terrorism, and widespread, organized criminality' led to the prioritisation of security over other issues.[152] In 2005, Oxford Research International conducted a National Survey of Iraq, which showed that in the opinion of the population at the time, the most important thing to be achieved was security (33.3 per cent) and peace and stability (19.3 per cent).[153] This demonstrates the importance of re-establishing security in post-conflict situations before considering political transformation, effectiveness and legitimacy.

After the failure of national Iraqi forces in combating insurgencies, the US decided to increase the number of troops in Iraq to secure and stabilise the country.[154] Furthermore, they decided to rely on

152 Mullick, Rehand, Nusrat, Rabia (2006), 'Policing and Insittution Building in Iraq', in: Pino, Nathan, Wiatrowski, Michael D., *Democratic Policing in Transitional and Developing Countries*, Aldershot: Ashgate, p. 144

153 Oxford Research International (2004), *National Survey of Iraq: February 2004*, available at: http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/15_03_04_iraqsurvey.pdf (accessed 11.06.2012), p. 4

154 Amara, Jomana (2012), 'Implications of Military Stabilization Efforts on Economic Development and Security: The Case of Iraq', *Journal of Development Economics*, February 2012, p. 2

contracting private security companies (PSCs) to increase security within Iraq and to fight armed non-state actors, such as rebel groups, warlords and different militia groups. The main problem with PSCs in Iraq and elsewhere is that they pay higher wages, which makes them more attractive than state police forces, which should be in charge of securing the country.[155] For a long time during the presence of the US military forces in Iraq, PSCs were considered to be, in practice, above Iraqi law, which led to incidents such as the controversial Blackwater shooting, where security guards of Blackwater USA were involved in the death of Iraqi civilians.[156]

The PSCs were installed to help the US military in securing Iraq, especially because the national police force was at the beginning of the occupation an object of controversy due to their history of corruption[157] and the authoritarian nature of Hussein's regime. One of the main tasks of PSCs was to protect the new national government, international organisations, private companies and non-governmental organisations.[158] The inclusion of PSCs simultaneously helped to gradually improve the legitimacy of the national police force and continued their training in Iraq even after

155 Holmqvist, Caroline (2005), 'Engaging Armed Non-State Actors in Post-Conflict Settings', in: Hänggi, Heiner, et. al., *Security Governance in Post-Conflict Peacebuilding*, Geneva: DCAF, p. 53

156 Karadsheh, Jomana (2007), *'Survivors of Blackwater Shooting in Iraq tell FBI their Stories'*, CNN World, available at: http://edition.cnn.com/2007/WORLD/meast/10/13/blackwater.witnesses/index.html (accessed 13.06.2012)

157 Perito, Robert (2009), 'Policing Iraq: Protecting Iraqis from Criminal Violence', *United States Institute of Peace, p. 1*

158 Mullick, Rehand, Nusrat, Rabia (2006), 'Policing and Institution Building in Iraq', in: Pino, Nathan, Wiatrowski, Michael D., *Democratic Policing in Transitional and Developing Countries*, Aldershot: Ashgate, p. 145

the US troops left in 2011.[159]

These case studies have highlighted the need to re-establish security and connected to it, transitional justice, within a post-conflict state. In the cases of Northern Ireland and South Africa, it was demonstrated that it is easier to re-establish security in societies with previously functioning security and political institutions, which only have to be amended in order to reach the aim. The case of Iraq is a very unique example of the re-establishment of security, as it strongly involved and continues to rely on the aid of external actors. During or after the establishment of security, the rebuilding of effective political institutions, infrastructure and basic services is crucial for the process of reconstructing governance in post-conflict societies.

iii. Rebuilding Effectiveness

The second step of the process of rebuilding governance in post-conflict societies includes enhancing or building effective institutions that deliver basic services to the local population. It concerns the rebuilding of the capacity of the state, the development of political and social institutions, administration and the implementation of a plan for transition to a democratic new political order.[160] Good governance in the area of restoring effectiveness is considered to include? 'a functioning civil service, basic management systems, control of corruption, adequate municipal infrastructure, widely

159 Crawford, Jamie (2011), 'Left Behind in Iraq: Thousands of Contractors', CNN Security Clearance, available at: http://security.blogs.cnn.com/2011/10/21/left-behind-in-iraq-thousands-of-contractors/ (accessed 13.06.2012)
160 Diamond, Larry (2005), 'Lessons from Iraq', *Journal of Democracy*, Vol. 16:1, p. 95

available health care and schooling, provision of roads and transportation networks, and attention to social safety nets.'[161] Furthermore, effectiveness often includes the implementation of democratic principles through the creation of democratic political institutions. In countries with no previous working democratic institutions, such as Iraq, the challenge differs from a society such as Northern Ireland, where democratic institutions were in place even during the conflict. Closely linked to the step of rebuilding effectiveness is the claim of a government to be viewed as legitimate.

Violent conflict often destroys the infrastructure necessary to provide basic services, such as health care, education, water and sanitation. If a post-conflict government is not able to rebuild infrastructure and service delivery, the population in return has no reason to accept its legitimacy and support the government. Therefore the dimension of 'service delivery and economic development effectiveness relates to legitimacy in that citizens tend to withdraw support from governments that cannot or will not provide basic services, limit corrupt practices, and generate some level of economic opportunity.' [162]

To better the prospects of citizens for welfare, reduce poverty, and facilitate socio-economic growth is one of the key functions a government must fulfil. In the case of a democratic governance model, rebuilding effectiveness encompasses political institutions.

161 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States*, London and New York: Routledge, p. 6
162 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States*, London and New York: Routledge, p. 6

Examples are the building of a new post-conflict constitution, the re-establishment of democratic elections, building of a multi-party sphere and the spread of democratic values and principles. The building of a new constitution is a crucial step, which provides a forum for negotiations between different parties and can help construct the political transition and shape state institutions. As much as it can help to build peace, if the constitution does not reflect the population's opinion as a result of public consultation, the legitimacy of the government and peace are at risk. [163] 'Without the people's agreement to accept the government as their own and its laws as binding upon them, no effective governance is possible.'[164] Moreover, citizens with hopes of improvement in their well-being are less likely to engage in 'crime or be recruited into insurgency', which links the rebuilding of effectiveness closely to the re-establishment of security within a state.[165]

South Africa

The Republic of South Africa already had established political institutions prior to the period of conflict, even though they were not democratic in the sense that they were based on racial segregation and consequently only allowed access to white people during apartheid. However, the fact that political institutions

163 Samuels, Kristi (2009), 'Postwar Constitution Building: Opportunities and Challenges', in: Paris, Roland, Sisk, Timothy D., The Dilemmas of Statebuilding: Confronting The Contradictions of Postwar Peace Operations, London and New York: Routledge, p. 174

164 Belman Inbal, Aliza, Lerner, Hanna (2007), 'Constitutional Design, identity, and Legitimacy in Post-Conflict Reconstruction', in: Brinkerhoff, Derick W., *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 45

165 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 6

did exist made the transition period easier as they could undergo a comparatively simple process of reformation that made them accessible to the rest of the population. The peaceful transition from minority to majority rule is often called the 'miracle' of South Africa.[166] In 1993, the Independent Electoral Commission (IEC) was established to organise elections in 1994.[167] To ensure that the elections were democratic, different bodies of electoral observers were brought in the country, among others an observer mission from the UN.[168] It was expected that the elections in 1994 would be accompanied by outbreaks of violence, although they ultimately ended up being surprisingly peaceful.

The drafting of the permanent constitution by the Assembly after the 1994 elections helped in different ways to restore political effectiveness. Constitutions give a framework of how institutions must work, which includes effectiveness, and provides the government with legitimacy if it includes the views of the population. In South Africa the population was involved in the process of drafting the constitution, and could submit suggestions of what should be included. Furthermore, the negotiations about the interim and the permanent constitution were part of the peace process. Instead of talking about peace, parties negotiated over the new constitution.[169]

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166 Vale, Peter, Maseko, Sipho (1998), 'South Africa and the African Renaissance', International Affairs, Vol. 74:2, p. 279
167 Alence, Rod (2004), 'South Africa After Apartheid: The First Decade', Journal of Democracy, Vol. 15:3, pp. 78-79
168 Lyman, Princeton N. (2002), *Partner to History: The U.S. Role in South Africa's Transition to Democracy,* Washington D.C.: United States Institute of Peace Press, p. 186
169 Gross, Aeyal M. (2004), 'The Constitution, Reconciliation, and Transitional Justice: Lessons from South Africa and Israel', *Stan. J. Int'l* L., Vol. 40:47, p. 56

The new South African constitution and legislation has 'explicitly sought to empower local government and task it with the pressing mandate of redistribution and service delivery.'[170] The distribution of power often leads to more efficient service delivery and a deepening of democracy as it prompts more people to actively take a role in the democratic state. South Africa can be considered a special case because the ANC inherited the technical capabilities and infrastructural powers on par with a first world state, despite the needed transformation.[171] The example of South Africa demonstrates the importance of constitution building and accessible democratic elections in connection with a decentralisation of power to a sub-national level. Furthermore, it emphasizes the importance of political and cultural background to the process of transition and the effectiveness of institutions.

Northern Ireland

The case of Northern Ireland must be viewed in its historical and geographical context. As a small part of the United Kingdom,[172] Northern Ireland faced different challenges in providing effective basic services to the population. One of the key topics concerning the provision of basic services in Northern Ireland is the education system. It is widely argued that schools play an important role in peace education and in maintaining peace in post-conflict

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170 Heller, Patrick (2001), 'Moving the State: The Politics of Democratic Decentralization in Kerala, South Africa, and Porto Alegre', *Politics & Society*, Vol. 29:1, p. 140
171 Heller, Patrick (2001), 'Moving the State: The Politics of Democratic Decentralization in Kerala, South Africa, and Porto Alegre', *Politics & Society*, Vol. 29:1, p. 144
172 With a population of approximately 1,8 million. http://www.nisra.gov.uk/

societies.[173] The schools in Northern Ireland remained segregated according to religion throughout the conflict.[174] Even today only 10 per cent of pupils attend mixed religion schools.[175] This segregation according to religion was also reflected in the Belfast Agreement, which led to the creation of the Northern Ireland Assembly. Members elected to the legislative assembly even had to designate themselves as 'unionists' or 'nationalists' or 'neither.'[176]

In the tradition of British and Irish consociational thinking, the Northern Irish government uses a parliamentary democracy model for governing. The Executive consists of 12 ministers and two junior ministers that are drawn from the Legislative Assembly's 108 members. An important aspect of a consociational government is the proportional representation of all the parties, which is achieved by the use of Single Transferable Vote. Following the 2007 Assembly, creating additional committees to the Assembly, such as joint committees, enhanced the effectiveness of political institutions.[177]

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173 Duffy, Terence (2000), 'Peace Education in a Divided Society: Creating a Culture of Peace in Northern Ireland', Prospects, Vol. 30:1, pp. 15 – 29 and The World Bank (2005), 'Reshaping the Future: Education and Postconflict Reconstruction', available at: http://reliefweb.int/node/22239 (accessed 03.07.2012)

174 Gallagher, Tony (2006), 'Balancing Difference and the Common Good: Lessons from a Post-conflict Society', *Compare: A Journal of Comparative and International Education*, Vol. 35:4, p. 431

175 Gallagher, Tony (2006), 'Balancing Difference and the Common Good: Lessons from a Post-conflict Society', *Compare: A Journal of Comparative and International Education,* Vol. 35:4, p. 429

176 Archick, Kristin (2012), 'Northern Ireland: The Peace Process', Congressional Research Service, March 6, 2012, p. 1

177 Wilford, Rick (2010), 'Northern Ireland: The Politics of Constraint', Parliamentary Affairs, Vol. 63:1, p. 141

Iraq

The Truth and Reconciliation Commission (TRC), was central in helping to bring about a peaceful transition. The TRC was divided into three sub-sections dealing with different complaints; the Human Rights Violations Committee, the Reparations and Rehabilitation Committee and the Amnesty Committee. All of them essentially bypassed the legal order by naming perpetrators before they had been indicted or convicted.[178] Having the power to grant amnesty for confessions made during the HRV hearings, incentivised a certain level of confession and repentance for crimes that would otherwise not have been acknowledged by the state and could be consequently silenced and forgotten due to lack of physical proof. As such, the core theme of the TRC discourse was one of a 'religious-redemptive vision of reconciliation' with a focus on public confession, thus encouraging 'the forsaking of revenge'.[179]

Scholars argue that Iraq needs further decentralisation of power to a sub-national level in order to rebuild the local infrastructure and increase the 'speed of service delivery to citizens.'[180] Attempts to decentralise power were made in 2006. During the implementation of the new constitution, Iraq worked towards the creation of a

178   Wilson, Richard A. (2001), The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Cambridge: Cambridge Studies in Law and Society, p. 19

179   Wilson, Richard A. (2001), The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Cambridge: Cambridge Studies in Law and Society, p. xix

180 Brinkerhoff, Derick W., Johnson, Ronald W. (2009), 'Decentralized Local Governance in Fragile States: Learning from Iraq', *International Review of Administrative Sciences*, Vol. 75:4, p. 595

sub-national policy framework for enhancing service delivery.[181] This mainly led to a budget transfer process to the provinces, which were able to use the money for small-scale projects, such as building schools and health clinics. Smaller construction projects are much easier to implement from a local level than from national government. Apart from rebuilding infrastructure, which was not in good condition before the US invasion due to years of sanctions, the building of capacities is crucial.[182]

The skills needed on a national, central level are related to 'policy analysis, regulation and oversight, and policy implementation.'[183] On sub-national level, in contrast, more basic administration and technical skills are required for service delivery to the local population. Iraq, therefore, serves as an example of a state that struggles to deliver effective services to its population. With the implementation of democracy, the most important development is the political participation and consultation of the people, even though the government does not work as effectively as necessary.

iv. Rebuilding Legitimacy

The third step in the process of reconstructing governance in post-conflict societies is that of rebuilding the legitimacy of the

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181 Williams, Paul R., Simpson, Matthew T. (2008-2009), 'Rethinking the Political Future: An Alternative to the Ethno-Sectarian Division of Iraq', AM. U. Int'l L. Rev., Vol. 24, p. 231 – 2

182 Tripp, Charles (2007), A History of Iraq, 3rd edition, Cambridge: Cambridge University Press, p. 289

183 Brinkerhoff, Derick W., Johnson, Ronald W. (2009), 'Decentralized Local Governance in Fragile States: Learning from Iraq', *International Review of Administrative Sciences*, Vol. 75:4, p. 601

new government. The societal acceptance of a governing regime that is considered the 'right' one, i.e. that works correctly and in accordance with pre-existing cultural norms is crucial in democracies, where governance is founded on the legitimacy and the support of the population. Without legitimacy, a democratic government has difficulties in working properly.[184] In a post-conflict context, legitimacy is of great importance to maintaining or building stable and sustainable peace. If warring parties do not accept the change in governance within their country, the risk of a relapse into conflict is high.[185] During and after a peace process, all sides need to accept the change of 'the battlefield for the halls of government' as the location for disputes. [186]

Western scholars generally divide the method of rebuilding the legitimacy of a government after conflict in two ways. One is 'output-oriented legitimacy', which concentrates on the outputs a government creates by functioning in a certain way. In this case, one example of 'visible outputs' is the provision of basic services coming from government action, which serves to further legitimize the government among the population. The second direction is 'input-oriented legitimacy', where the consent of government is supported by voluntary submissions to, and political participation in the governing body. This political support from the population

184 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 7
185 Collier, Paul, Hoeffler, Anke (2004), 'Aid, Policy, and Growth in Post-Conflict Societies', European *Economic Review*, Vol. 48
186 Belman Inbal, Aliza, Lerner, Hanna (2007), 'Constitutional Design, identity, and Legitimacy in Post-Conflict Reconstruction', in: Brinkerhoff, Derick W., *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 45

generates an input-oriented legitimacy, which in turn generates outputs that legitimate the authority of the government. To generate input-oriented legitimacy, civil society needs to share a similar set of norms and values, or no effect will be visible on the governmental level.[187]

In summary, the most important key tasks required from a democratic government in order to legitimize itself are:[188]

- The delivery of basic services
- Constitutional reform or new constitution drafting
- The re-establishment of the rule of law
- Civil society development

The delivery of basic services, such as health care, education, water and sanitation can lead to greater acceptance of a government among the population. Constitution building can have the same effect, as long as the new constitution represents the views of the local civil society and is preceded by democratic and free elections.[189] Re-establishment of the rule of law is closely connected to the re-establishment of security, which was analysed as step one in the process of reconstructing governance in post-conflict societies. Lastly, civil society development is crucial, as transition towards democracy requires the spread of democratic principles and

187 Kjaer, M. (2004), *Governance*, Cambridge: Polity Press, p. 46
188 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States*, London and New York: Routledge, p. 7
189 Samuels, Kristi (2009), 'Postwar Constitution Building: Opportunities and Challenges', in: Paris, Roland, Sisk, Timothy D., The Dilemmas of Statebuilding: Confronting The Contradictions of Postwar Peace Operations, London and New York: Routledge, p. 174

education among the people. Moreover, the political institution of the party system needs to be established in order to guarantee fair and competitive elections.

In addition to the key tasks mentioned, the political involvement of the population is as important as the reduction of inequalities, the creation of accountability, the combating of corruption and the introduction of elections.[190] Elections are often the first step towards legitimising a government; hence conducting a public vote automatically increasing legitimacy for ruling party. Through the implementation of more democratic values and principals, inequalities within a state are decreased to allow citizens equal access to voting and access to basic services such as health care and education. Contemporary academic studies show that the governance form with the most legitimacy is the democratic model.[191] However, it must be highlighted that democratic transition is, especially in post-conflict settings, a complex and difficult process due to the high number of tasks involved.[192] Nevertheless, recent examples have shown that it is in fact possible to emerge as a stable democracy from a post-conflict situation.

South Africa

In the case of South Africa, the process of legitimising the new

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190 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 7
191 Diamond, Larry, Plattner, Marc F. (1996), *Civil-Military Relations and Democracy*, Baltimore: John Hopkins University Press
192 Brinkerhoff, Derick W. (2007), *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 7

governance model was characterised by different steps. One of the most important of these was that of legitimising the country's justice system by dealing with past violent events. This step is closely linked to capacity building of the criminal justice system, which is a crucial step in post-conflict societies, in order for a government to gain full legitimacy in the eyes of the population. In order to reinstate a new rule of law, infrastructure and the capacity of the courts had to be enhanced to enable the system to respond to the demands of the people.[193] Of particular interest in the South African case is the implementation of a Truth and Reconciliation Commission (TRC), Human Rights Commission and a Commission for Gender Equality, which was central for the restoration of justice and the legitimacy of the government.[194]

Since its creation, 'the TRC has been instrumental in listening to, validating, archiving, and offering institutional acknowledgment to stories of violence, inconsolable loss, suffering, and oppression through, specifically, the Human Rights Violations (HRV) hearings'.[195] Additionally, although the TRC was not able to carry out prosecutions or sentence, it could make recommendations for the prosecution of perpetrators who had not been granted amnesty by the committee. Ultimately, the TRC was one of the most

193 Wilson, Richard A. (2001), The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Cambridge: Cambridge Studies in Law and Society, pp. 17-18

194 Sarkin, Jeremy (1998), 'The Development of a Human Rights Culture in South Africa', Human Rights Quarterly, Vol. 20, p. 630

195 Grunebaum-Ralph, Heidi (2001), 'Re-Placing Pasts, Forgetting Present: Narrative, Place, and Memory in the Time of the Truth and Reconciliation Commission', African Literatures Vol. 32:3, p. 198

important institutions in post-apartheid South Africa for dealing with past injustices. In its final report published in October 1998, the TRC produced findings on the majority of the 21,298 cases brought before it and it named perpetrators in hundreds of cases.[196]

As mentioned above, constitution building is important for legitimising a new government. In South Africa the drafting of the new constitution by the newly elected National Assembly included and incorporated public opinion. A massive public campaign led to over two million submissions from individuals, professional associations, advocacy groups and others to contribute to the constitution-writing process.[197] The case of South Africa therefore exemplifies the importance of analysing the history of the conflict and the social context in which the rebuilding of governance legitimacy takes place. Dealing with the past was important in post-apartheid South Africa, helping to re-establish security, justice and to legitimise the new government's actions.

Northern Ireland

In the case of Northern Ireland the legitimacy of the National Assembly relies heavily on consent between the parties and population. During the first phase of devolution there were only two executive sub-committees created due to a lack of inter-party trust.

196 Wilson, Richard A. (2001), The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State, Cambridge: Cambridge Studies in Law and Society, p. 21

197 Belman Inbal, Aliza, Lerner, Hanna (2007), 'Constitutional Design, identity, and Legitimacy in Post-Conflict Reconstruction', in: Brinkerhoff, Derick W., *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 47

The parties were not willing to delegate issues to sub-committees. Moreover, the Northern Ireland Act, which implemented the Belfast Agreement in 1998, enabled the ministers of the executive to 'go on solo policy runs', leading to lack of 'cohesion, direction and a collectivist style.'[198] Until their breakdown in 2002, the institutions operated on a dysfunctional basis, resulting in a lack of public support. After the restoration of the new Assembly, following a period of direct rule between 2003 and 2007, it began to modernise and implement reforms, which led to higher efficiency for political institutions. The example of Northern Ireland shows the importance of dialogue between all parties to finally achieve mutual consent on how government institutions should work. This consent is also important on a local community level, as a democratic government relies on political participation and the acceptance and ownership of civil society.

For reaching consent on government, the communities therefore played an important role. The fact that each person in the democratic process had the right to choose a national identity that is 'British', 'Irish' or 'both' aided legitimacy.[199] The main factor, which led to the acceptance of the Belfast Agreement by the population, and the reform processes that followed, was the consent among the population. 'The top down nature of the institutions of representative democracy in Northern Ireland…does not connect

198 Wilford, Rick (2010), 'Northern Ireland: The Politics of Constraint', Parliamentary Affairs, Vol. 63:1, p. 144
199 Campbell, Colm, Ní Aoláin and Harvey, Colin (2003), 'The Frontiers of Legal Analysis: Reframing the Transition in Northern Ireland', The Modern Law Review, Vol. 66:3, p. 332

with the creativity of people at the local community levels, but instead tries to utilize those local communities to promote the interests and agendas of those at the level of political elites. These features of representative democracy in Northern Ireland may help to account for the higher levels of distrust of political institutions in Northern Ireland when compared with the rest of the UK'.[200] The legitimacy of the Belfast Agreement further relied on the re-establishment of security. Northern Ireland, therefore, achieved government legitimacy through intensive peace negotiations and the consent of the population.

Iraq

In Iraq one of the main challenges in reaching legitimisation of the government has its roots in the de-ba'athification process,[201] initiated by the US-led invasion of the coalition forces. The US decided not only to remove Saddam Hussein from power, but also the members of his Ba'ath Party, to ensure a transition to democracy. Unfortunately this process also resulted in a lack of politically experienced and knowledgeable people with the skills to govern. In the end, this circumstance became another obstacle that prolonged US involvement in rebuilding the Iraqi state.[202] The national Council of Representatives (COR), the Iraqi unicameral parliament, was thus dominated either by members from the

200 Acheson, Nicholas, Milofsky, Carl (2008), 'Peace Building and Participation in Northern Ireland: Local Social Movements and the Policy Process since the "Good Friday" Agreement', *Ethnopolitics: Formerly Global Review of Ethnopolitics,* Vol. 7:1, p. 76 – 77
201 The removal of members of the Ba'ath Party, see chapter IV.a.iii
202 Diamond, Larry (2005), 'Lessons from Iraq', *Journal of Democracy*, Vol. 16:1, p, 9

diaspora, who lived much of their adult lives abroad, or by Kurdish minority from the North. The population strongly felt that many national government officials did not suffer with them during the brutal regime of Saddam Hussein. Moreover, 20 per cent of the population considered the new Iraqi government after the transition of power 'as a hostile administration in the service of foreign powers.'[203] The on-going demoralisation, corruption and waste perceived by the population further decreased government authority. On the sub-national level the situation was different, as most of the local officials suffered the same fate, which led to an 'initial reservoir of legitimacy.'[204]

A second issue that increased the problem of legitimacy, especially in the initial phase of governance in Iraq, was the Sunni party boycott of the national assembly and provincial council elections in January 2005, leading to an underrepresentation of Sunni parties in three provinces.[205] The reason for this was that ex-dictator Saddam Hussein was a Sunni Muslim, which ensured his communities stayed in power throughout his rule. Boycotting the elections in return was seen to be a way of voicing disagreement with Shiite rule. Fearing political marginalisation and further violence form insurgents, the Sunni boycotted the elections when their request for postponing the elections was denied. In combination with high

203 Tripp, Charles (2007), A History of Iraq, 3rd edition, Cambridge: Cambridge University Press, p. 297

204 Brinkerhoff, Derick W., Johnson, Ronald W. (2009), 'Decentralized Local Governance in Fragile States: Learning from Iraq', *International Review of Administrative Sciences*, Vol. 75:4, p. 598

205 Tripp, Charles (2007), A History of Iraq, 3rd edition, Cambridge: Cambridge University Press, p. 295

Kurdish participation in the 2005 elections, Kurds dominated some of the northern councils. The lack of legitimacy could be perceived in the events that followed the elections. In the Anbar province 11 of the 41 democratically elected council members were killed within the next six months. To address the issue of restoring legitimacy in this council, the seats were filled by representatives of the major Sunni tribes that were formerly underrepresented due to their boycott of the elections.[206]

The situation improved for the second election in 2009 as groups that refused to participate in the 2005 elections voted in large numbers, which led to a more favourable outcome 'for secular-oriented parties and factions.'[207] The fact that provincial elections were held before the first national elections in 2005 further helped to improve legitimacy on the national level, as the population already felt as if they were a part of the new democracy.

Iraq suffered a complete breakdown of its already poor basic infrastructure during the 2003 invasion. During Saddam Hussein's rule, particular regions and regime loyalists were favoured over the years with privileges such as access to electric power for example, while other areas had no access to electricity at all.[208] The provision of basic services for the local population initially proved

206 Dawisha, A. I., Diamond, Larry Jay (2006), 'Iraq's Year of Voting Dangerously', Journal of Democracy, Vol. 17:2, p. 93

207 Brinkerhoff, Derick W., Johnson, Ronald W. (2009), 'Decentralized Local Governance in Fragile States: Learning from Iraq', *International Review of Administrative Sciences*, Vol. 75:4, p. 599

208 Tripp, Charles (2007), A History of Iraq, 3rd edition, Cambridge: Cambridge University Press, p. 289

difficult and did not lead to enhanced political legitimisation of the national government. Even though the occupation authority, as well as the newly elected Iraqi government, sought a way to distribute resources more equitably, it was initially only able to restore capacities to their pre-war state.[209] Some steps have been taken in post-invasion Iraq towards a decentralisation of power, which would increase the speed of service delivery and facilitate the reconstruction of destroyed infrastructure. Some scholars argue that the few steps taken in Iraq towards a decentralisation of the government helped to improve the legitimacy of the national government in the provinces. This is mainly because governance on a sub-national level allows for quicker service delivery, which in turn improves legitimacy not only on a local level, but also on a national one.

c. The Role of Democracy

The case studies presented above provide evidence that in most post-conflict situations attempts are made towards democracy, either by rebuilding pre-conflict democratic institutions or by completing a transitional phase to build democratic institutions and spread democratic principles and values. In post-conflict societies the spread of democracy can have positive and negative effects on the stability of a state. In any case, it is worth supporting the trend of democratisation as it furthers democratic principles such as equality, freedom of speech and political participation.

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209 Brinkerhoff, Derick W., Johnson, Ronald W. (2009), 'Decentralized Local Governance in Fragile States: Learning from Iraq', *International Review of Administrative Sciences*, Vol. 75:4, p. 596

Crucial to performing the transition to democracy after a conflict situation are basic conditions such as the existence of a state with borders and some kind of government. Authoritarian state leaders often challenge the promotion of democracy in failed states, and it is difficult to attain the legitimacy needed for a democratic transitional government.[210] There are three distinct types of cases: states emerging from conflict; states still involved in a conflict and states which are at risk of conflict due to weak state authority and capacity, privatised violence and high levels of crime. In general there are different ways to democratise after conflict. In the cases of Northern Ireland and South Africa, working political institutions were already in place and mainly required transformation, while the case of Iraq is different, due to the forced change by external actors.

There are several preconditions to be stressed for a successful process of democratisation in post-conflict societies. There must be order; where violence is present and causes fear among the population, using up governance resources for countering it, democratic transition will be difficult to achieve. Closely linked to the restoration of order is the rebuilding of efficient service delivery, leading to the necessary legitimacy of the government. It is quite common in post-conflict situations that the tasks of democratisation and peace building are closely linked and can only be successful when executed side-by-side for 'it is possible to

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210 Diamond, Larry (2005), 'Lessons from Iraq', *Journal of Democracy*, Vol. 16:1, p. 94

implement peace without democracy, but not democracy without peace.'[211]

d. The Influence of External Actors

In general, external actors can be defined as state actors, international governmental organisations (IGOs), international non-governmental organisations (INGOs) and transnational corporations (TNCs). IGOs are most common in North America and Western Europe and are known to use their influence in transitional democracies. Examples of INGOs, which are cross-border bodies, are Amnesty International, Greenpeace International and also the Roman Catholic Church. Some of these INGOs seek to change state behaviour in political, social or economic areas. In transitional democracies and non-democracies INGOs can have different functions, such as providing aid, replacing the lack of national health care and by taking advantage of new communications technologies to help anti-state groups to access wider regional and global networks.[212]

TNCs are bound to the 'increasingly interdependent global economy [that] affect[s] politics within national boundaries.'[213] There are direct and indirect ways TNCs can influence governments. Indirectly, they can ask their own governments to put pressure on foreign governments or ask general policy questions of international

211 Diamond, Larry (2005), 'Lessons from Iraq', *Journal of Democracy*, Vol. 16:1, p. 96
212 Haynes, Jeffrey (2005), *Comparative Politics in a Globalizing World*, Polity Press: Cambridge, p. 109
213 Hague, Rod, Harrop, Martin (2001), *Comparative Government and Politics. An Introduction* (5th edition), Basingstoke: Palgrave, p. 56-7

organisations, to bring focus to the topic. They can either lobby directly at home by targeting appropriate diplomatic embassies, or lobby government ministries in foreign countries.[214] It is widely argued that the influence of external actors on democracies is most visible in transitional democracies and post-conflict states. The reason for this can be seen in the dependence of transitional democracies on external actors providing foreign aid and/or political support.[215] Moreover, in fragile and post-conflict states, access to domestic political institutions is far easier for external actors.

South Africa

In the case of South Africa outside actors played a role in the process of mediation before the first elections in 1994. After a long period of negotiation the ANC finally agreed to invite different foreign governments to assist with mediation; unfortunately there was no agreement present on the exact purpose and extent of international involvement. The United States linked its participation in mediation to three conditions: '(a) the request would come from all three major parties, Inkatha, ANC and the government; (b) there would be an understanding that the mediation would involve any change in the election date; and (c) there would be some indications that the parties were willing to consider compromises in their respective positions'.[216] After many efforts by the parties themselves failed, the

214 Willetts, P. (2001), 'Transnational actors and international organizations in global politics', in: Baylis, J. Smith, S. (eds.), *The Globalization of World Politics. An Introduction to International Relations*, Oxford: Oxford University Press, p. 362
215 Diamond, Larry, Plattner, Marc F. (1996), *Civil-Military Relations and Democracy*, Baltimore: John Hopkins University Press, p. 360-361
216 Lyman, Princeton N. (2002), *Partner to History: The U.S. Role in South Africa's Transition to Democracy*, Washington D.C.: United States Institute of Peace Press, p. 203

international mediation team arrived on April 12 1994, consisting of Henry Kissinger, Baron Carrington and four constitutional lawyers. However, as there was still no agreement on the issues of mediating, the international team departed. In the end, it was Washington Okumu, an enigmatic Kenyan, who managed to secure an agreement from all parties to resume international mediation on the remaining differences after the elections, and his success was in all likelihood due to the collapse of the international mediation efforts. Nevertheless, international actors were involved in mediation on the constitution and therefore actively assisted in shaping the new political system.

Iraq

The case of Iraq is different from the South African case. Because the US-led coalition forces were actively involved in the removal of Saddam Hussein and his authoritarian regime in Iraq, they also had the responsibility of filling the power vacuum afterwards. Therefore they played a strong political role in addition to their military objectives. However, in states with weak state capacities such as Iraq, the involvement of external actors has a tendency to turn from the role of nation-builder to quasi-colonial ruler. International actors, therefore, will always face intense legitimacy problems by rebuilding state structures before handing over sovereignty.[217] Ultimately, such was the fate of the hastily established CPA in Iraq, which was in effect an occupation administration, led by former American diplomat L. Paul Bremer III. The US faced

217 Diamond, Larry (2005), 'Lessons from Iraq', *Journal of Democracy*, Vol. 16:1, p. 13

several challenges in Iraq; the main one was the reconstruction of a democratic and stable state, able to provide its citizens with basic services and functioning political institutions. Due to the lack of legitimacy that the occupational administration faced, the US had to hand over sovereignty to the newly established Transitional National Assembly. They would then appoint a prime minister, a cabinet and a three-member presidency council. Even though the US ended the political occupation, many Iraqis remained suspicious of the continuing military operations.[218] The example of Iraq exemplifies a case of very direct involvement by external actors in another state's politics. When determining the transition to democracy, the US had to ensure that a certain criteria of factors were met such as safety, renewed legitimacy and the effectiveness of the political institutions. This happened with the help of many other international actors, such as PSCs, INGOs and other foreign governments. Iraq can therefore be considered as an example of arguably the most substantial foreign involvement in a post-conflict society in recent history.

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218 Diamond, Larry (2005), 'Lessons from Iraq', *Journal of Democracy*, Vol. 16:1, p. 15 – 19

IV. The role of civil society and ethnic/religious minority groups

The role of civil society becomes increasingly important where military interventions and formal diplomatic conflicts exert limited influence in post-conflict societies. It has been repeatedly stated by researchers that in peacemaking, solutions cannot be imposed from top to bottom but have to be legitimated and adopted by local actors. As demonstrated above in the chapter on governance legitimacy, civil society and its participation in the political sphere are crucial in reconstructing governance in post-conflict societies. A dominant international approach to peace building is that of 'liberal peace,' whereby the process of peacemaking is closely linked to (Western style) system of democratisation and free market development.[219] Advocates of this system generally argue that the increase of foreign aid to civil society peace work has enhanced the importance of civil society actors in post-conflict situations, who are thereby able to put pressure on key actors, improve relations among local groups emerging from conflict, build peace, and mediate between ordinary people and key actors in politics.[220]

Closely linked to the inclusion of civil society in peace building are ethnic and religious minority groups. All of the case studies analysed have a component relating to minority groups as a reason for conflict, which are either based on an ethnic or a religious background.

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219 Orjuela, Camilla (2008), *The Identity Politics of Peacebuilding: Civil Society in War-torn Sri Lanka*, London: SAGE, p. 24
220 Orjuela, Camilla (2008), *The Identity Politics of Peacebuilding: Civil Society in War-torn Sri Lanka*, London: SAGE, p. 31

Post-conflict societies are 'almost invariably characterized by deep religious, ethnic, national, or ideological divisions'.[221] In order to establish peace and a successful government, post-conflict society subsequently needs to be reconciled, and warring parties need to exchange the battlefield for the halls of government. Otherwise, conflict may re-emerge and threaten the security, legitimacy and efficacy of a new government.

Northern Ireland

In the case of Northern Ireland, civil society organisations have played a crucial role in shaping politics throughout and after the conclusion of the peace process. However, tensions between civil society and representative political institutions still exist. In the early 1990s, civil society organisations in Northern Ireland boosted a process of network building cross-community, project development, and reconciliation that was integral to ending the violence.[222] In the last half of the decade public investment helped to extend civil society initiatives and to create similar interests between the government and many voluntary and community organisations. The method of reconciling the interethnic differences within society in Northern Ireland shifted after the Northern Ireland Agreement of 1998.

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221 Belman Inbal, Aliza, Lerner, Hanna (2007), 'Constitutional Design, identity, and Legitimacy in Post-Conflict Reconstruction', in: Brinkerhoff, Derick W., *Governance in Post-Conflict Societies: Rebuilding Fragile States,* London and New York: Routledge, p. 45
222 McCarron, JJ (2006), 'Civil Society in Northern Ireland: A New Beginning?', *CIVICUS Civil Society Index Report for Northern Ireland,* available at: http://www.nicva. org/publications/civicus-civil-society-northern-ireland (accessed 03.07.12)

In general there are two main approaches for reconciliation in strongly divided societies, which are both based on democratic ideals. One approach recommends that the ethnic parties willing to compromise should join together and become stronger than their unwilling counterparts. This method was used in Northern Ireland in 1973-74 with the 'power-sharing' government where moderate unionists and moderate nationalists were supposed to work together to counterbalance uncooperative radical elements. None of the attempts using this first approach were particularly successful, leading to the Good Friday agreement and the adoption of the second approach. This second approach does not try to marginalise the extremes but rather includes them as participants of the compromise and allows them to benefit from it. This more maximal and inclusive approach was used in Northern Ireland after the Good Friday agreement, and turned out to be remarkably successful.[223]

Iraq

In Iraq the 'ethnic and sectarian political infighting continues', mainly based on the assumption that holding political power leads to prosperity, while no power is synonymous with poverty.[224] The dictatorship of Saddam Hussein favoured parts of the country due to their tribal and religious relations. The divide between ethnic and religious groups has not been reconciled in the transitional

223 Horowitz, Donald L. (2002), 'Explaining the Northern Ireland Agreement: The Sources of an unlikely Constitutional Consensus', *British Journal of Political Science*, Vol. 32:2, p. 193 – 4
224 Katzmann, Kenneth (2011), 'Iraq: Politics, Governance, and Human Rights', *Congressional Research Service*, p. 1

years. This was highlighted in the elections of 2010, where the schism delayed an agreement for a new government. Ultimately only diplomatic US pressure managed to get 'the major ethnic and sectarian factions to finally agree on a framework for a new government under which Prime Minister Nuri al-Maliki is serving a second term.'[225] However, there is fading optimism concerning the withdrawal of the US military forces, and fears that relations between factions will not improve. In Iraq there is not only a division between Sunni and Shia Muslims, but Kurdish and Christian minorities as well. This facilitates insurgencies within the country and could lead to a further destabilisation of the security and political situation in Iraq. Therefore the question of how to reconcile ethnic and sectarian factions remains a pressing one in Iraq today.

In South Africa the main problem was not the inclusion of ethnic minority groups but rather the exclusion of the ethnic majority group of black African origin. Reconciliation was made possible through democratic transition, increased accessibility, and the restoration of justice through the TRC. What all these cases have in common is their background of conflict based on ethnic issues. Their approaches to resolving conflict differ according to each country's respective background, history and the level of involvement of external actors in their politics. Nevertheless, the reconciliation of ethnic and sectarian divides is crucial for a post-conflict society in order to restore security, governmental legitimacy and the promotion of the democratic rights of minority groups.

225 Katzmann, Kenneth (2011), 'Iraq: Politics, Governance, and Human Rights', *Congressional Research Service,* p. 1

V. Conclusion

Political institutions such as a constitution and framework, electoral systems and elections, civil society and interest groups, and political parties and party systems are crucial for analysing the different forms of government. Most states today have adopted some form of democracy or a governance model that lies between democracy and non-democracy, called either transitional democracy or hybrid regimes. The analysis of case studies focusing on South Africa, Northern Ireland and Iraq has demonstrated that the majority of post-conflict societies are trying to adopt some form of democratic government.

Transitional periods are often characterised by the complex challenges facing a new government. In most post-conflict states, the three-step process of reconstructing governance can be applied to show the difficulties encountered. The re-establishment of security and order is the crucial foundation for the establishment of every new government. This includes the reconciliation between warring parties and the democratic inclusion of minority groups. The second step, the reconstruction of the effectiveness of political institutions, needs to restore the delivery of basic services to the population, such as health care and education. In general, the level to which a transitional government is able to legitimise itself is intricately connected to the overall level of satisfaction in its civil society. The third step is therefore the restoration of government legitimacy on a national and subnational level. The inclusion

of ethnic and sectarian minority groups is crucial to enhancing peace building capacities within the post-conflict society and to reconstructing a society that experienced violence over a long period of time. With regard to political participation, the restoration of a politically active civil society, which will participate in political parties and elections, is crucial.

All of these reconstruction steps are closely linked to each other and whether all of them ought to be implemented or not needs to be decided on an individual case basis. What this paper has aimed to highlight is the importance of democracy building in post-conflict societies as a means of peacebuilding, even though the challenges certainly vary and can be highly complex depending on each case. Democratisation can lead to a long-term stabilisation of the political system of post-conflict states. However, the historical and cultural background of a country needs to be taken into consideration when deciding on the form of democracy and governance model used. Finally, democracy can only succeed in post-conflict societies and states that manage to restore a certain level of order and security.

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British diplomat, Downing Street Chief of Staff under Prime Minister Tony Blair between 1997- 2007. Chief negotiator in Northern Ireland peace talks, leading to the Good Friday Agreement in 1998. Currently CEO of Inter Mediate, a United Kingdom -based non-state mediation organization.

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