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Transformation – Overcoming the Limits of Liberal Peace and Transitional Justice in Deeply Divided Societies: Reconciliation in Liberal Peace Theory

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This article explores the tension between the theoretical conceptualisations of liberal peace, transitional justice and reconciliation by focusing on power sharing as a liberal peace institution-building mechanism. Power sharing is based on the premise that identities in conflict in deeply divided societies are difficult, if not impossible, to change. The article outlines the limitations of liberal peace by demonstrating how the implementation of power-sharing arrangements creates a political reality in which conflict patterns are further entrenched, thus hindering the prospects of conflict transformation. In order to address the limitations of liberal peace, the article draws on models of transformative justice to highlight the growing need for a new conceptualisation of reconciliation as a political and transformative concept, in which both justice and reconciliation are recognised as intrinsic goals for post-conflict societies. Thus, the re-establishment of political structures and institutional reforms is envisaged not only as a tool to promote political stability, but as a means of facilitating transformation in conflict patterns in the political and social spheres.

Keywords: liberal peace, transitional justice, political reconciliation, ethnic conflicts, power sharing

1. Introduction

In the aftermath of conflict, peacebuilding efforts take place in an attempt to solidify peace and avoid relapse into conflict. Peacebuilding, most broadly, is aimed at attaining sustainable peace by addressing the root causes of violent conflicts.[1] The notion of 'liberal peace', the dominant and most influential theoretical peacebuilding framework,[2] was outlined and articulated by UN Secretary-General Boutros Boutros-Ghali in his canonical document 'An Agenda for Peace'.[3] Liberal peacebuilding is focused on attaining political stability through democratisation, based on the understanding, as Ghali noted, that 'there is an obvious connection between democratic practices', such as the rule of law and transparency in decision making, and the achievement of true peace and security in any new and stable political order.[4]

The prominence of liberal peace in peacebuilding praxis has been recognised by scholars, who noted that 'in practice, peacebuilding interventions have largely been premised on a

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[1] Johan Galtung, 'Three Approaches to Peace: Peacekeeping, Peacemaking and Peacebuilding' in Johan Galtung (ed), *Peace, War and Defence: Essays in Peace Research* (Ejlers 1976) 282.
[2] Madhav Joshi, Sung Yong Lee and Roger Mac Ginty, 'Just How Liberal Is the Liberal Peace?' (2014) 21 *International Peacekeeping* 364.
[3] Boutros Boutros-Ghali, 'An Agenda for Peace' (31 January 1995), UN Doc [ST/]DPI/1247; Michael Humphrey, 'Reconciliation and the Therapeutic State' (2005) 26 *Journal of Intercultural Studies* 202.
[4] Boutros-Ghali (n 3) art 59.

model of liberal internationalism that conceives of … Western-style liberal democracy as the unique pathway to peace'.[5] This approach to peacebuilding is often favoured by international organisations and western governments, in various types of conflict, including in the aftermath of internal and ethno-national conflicts in deeply divided societies.[6]

Yet, a question remains: Are liberal peacebuilding and the liberal peace conceptualisation of transitional justice appropriate in deeply divided societies emerging out of violent conflict? This article explores the limitations of liberal peace theory in the context of deeply divided societies. To address these limitations, it focuses on the perspective of political reconciliation as a link between post-conflict liberal peacebuilding efforts and transitional justice processes.

While reconciliation refers to a wide range of practices, with origins in multiple disciplines (emerging as a theological concept and debated within disciplines such as law,[7] psychology,[8] sociology,[9] political science and international relations[10]), political reconciliation can be defined as the public process of conflict transformation from antagonism and violent conflict to a peaceful political rivalry. It includes public acts in the political sphere (such as political discourse, formation of political institutions, constitutional reforms, official reconciliation policies), as well as engagement with the social sphere to overcome divisionism and sectarianism.[11]

1.1. HISTORICAL DEVELOPMENT

Liberal peacebuilding, transitional justice and political reconciliation are interlinked in terms of their historical development. The circumstances through which the three concepts are connected relate to changes in global patterns of conflict in the late twentieth century, from conventional warfare to internal conflict. Both the scholarly interest in and the practices of these fields emerged from an increase in civil wars and internal conflicts, and subsequently their resolution, at the same time as the third wave of democratisation in the 1990s, following the collapse of the Soviet Union and the end of the Cold War.[12]

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[5] Wendy Lambourne, 'Transformative Justice, Reconciliation and Peacebuilding' in Susanne Buckley-Zistel and others (eds), *Transitional Justice Theories* (Routledge 2014) 19.

[6] Mark R Amstutz, *The Healing of Nations: The Promise and Limits of Political Forgiveness* (Rowman & Littlefield 2005) 101; Mark R Amstutz, *International Ethics: Concepts, Theories and Cases in Global Politics* (3rd edn, Rowman & Littlefield 2008) 68.

[7] Jennifer Balint, *Genocide, State Crime and the Law* (Routledge 2012) 14–16; Laurel E Fletcher and Harvey M Weinstein, 'Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation' (2002) 24 *Human Rights Quarterly* 573; Joshi, Lee and Mac Ginty (n 2).

[8] Bruno Charbonneau and Geneviève Parent, 'Introduction: Peacebuilding, Healing, Reconciliation' in Bruno Charbonneau and Geneviève Parent (eds), *Peacebuilding, Memory and Reconciliation: Bridging Top-Down and Bottom-Up Approaches* (Routledge 2012); Barry Hart (ed), *Peacebuilding in Traumatized Societies* (University Press of America 2008); Geneviève Parent, 'Peacebuilding, Healing, Reconciliation: An Analysis of Unseen Connections for Peace' (2014) 18 *International Peacekeeping* 379.

[9] Nicos Trimikliniotis, 'Sociology of Reconciliation: Learning from Comparing Violent Conflicts and Reconciliation Processes (2013) 61(2) *Current Sociology* 244.

[10] Oliver P Richmond, *Peace in International Relations* (Routledge 2008).

[11] Andrew Schaap, *Political Reconciliation* (Routledge 2005) 17.

[12] Daniel Philpott, 'Introduction: Searching for Strategy in an Age of Peacebuilding' in Daniel Philpott and Gerard F Powers (eds), *Strategies of Peace: Transforming Conflict in a Violent World* (Oxford University Press 2010) 3.

In the context of liberal peacebuilding, transitional justice originally developed as a framework for addressing legacies of violence and wrongdoing after internal conflicts, especially when official state agencies were involved in perpetrating violations and atrocities. This includes resolving problems of governance and accountability, establishing rule of law and implementing institutional reform,[13] aims which serve the liberal goal of democratisation and political stability.

In an apparent intersection with transitional justice, Daniel Philpott describes the liberal conception of reconciliation as focused on redressing injuries created by human rights violations, and the restoration of rights, law and democratic institutions.[14]

Within the field of reconciliation, one conceptualisation is especially relevant, and links liberal peacebuilding and transitional justice processes: political reconciliation, which is based on the understanding that reconciliation is an essential and inherently political part of post-conflict peacebuilding.[15] There is, both in theory and in practice, a strong political dimension in reconciliation processes,[16] as such processes take place in the public sphere, often carried out by official political authorities, and are therefore at high risk of being politicised.

Most importantly, as political reconciliation processes take place in post-conflict settings (and at times even during active conflict as part of the peace-making process) they run in parallel with other post-conflict political processes within the realms of liberal peacebuilding (such as democratisation, institution building and state building) as well as transitional justice. This also establishes a link between reconciliation and transitional justice in terms of praxis, as both are implemented in countries emerging out of conflict, in search of ways to address the legacy of violence and atrocities, and socially reconstruct divided societies.

1.2. THEORETICAL DEVELOPMENT

There is a theoretical interconnection between the concepts of liberal peace, transitional justice and political reconciliation. According to the domestic or intrastate variant of the liberal peace theory, liberal democracies are claimed to be more internally stable than non-democracies.[17]

Based on this assumption, the motivations behind peacebuilding efforts tend to be focused more on democratisation than on reconciliation per se, as democratisation is seen as the key to

[13] Ruti G Teitel, *Transitional Justice* (Oxford University Press 2000); Ruti G Teitel, 'Transitional Justice Genealogy' (2003) 16 *Harvard Human Rights Journal* 69.
[14] Daniel Philpott, 'An Ethic of Political Reconciliation' (2009) 23 *Ethics and International Affairs* 389, 393; see also Arthur Paige, 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice' (2009) 31 *Human Rights Quarterly* 321; Schaap (n 11); Richard A Wilson, *The Politics of Truth and Reconciliation in South Africa* (Cambridge University Press 2001).
[15] David Bloomfield, *On Good Terms: Clarifying Reconciliation* (Berghof Research Center for Constructive Conflict Management 2006) 9.
[16] Schaap (n 11) 8.
[17] Anna K Jarstad, 'Introduction' in Anna K Jarstad and Timothy D Sisk (eds), *From War to Democracy: Dilemmas of Peacebuilding* (Cambridge University Press 2008) 1, 3; Edward Newman, Roland Paris and Oliver P Richmond, 'Introduction' in Edward Newman, Roland Paris and Oliver P Richmond (eds), *New Perspectives on Liberal Peacebuilding* (United Nations University Press 2009) 3, 11.

stability.[18] Yet, studies point out that in fact transitional governments are the least stable, compared both with well-established democracies and with authoritarian regimes.[19] These observations confirm the premise that the political and constitutional settings, on which the structure and institutions of the political system are based, have a potentially negative influence on peacebuilding efforts and on the perpetuation of post-conflict peace.[20] Therefore, they highlight an important link between political reconciliation and transitional justice within peacebuilding efforts as a result of the inherent instability of transitional stages.

This instability of post-conflict and transitional settings is also at the heart of the tension between liberal peacebuilding, transitional justice and political reconciliation. At first glance, the aims of the three concepts might seem highly compatible, as all are aimed at achieving lasting peace for divided societies torn by conflict: liberal peacebuilding emphasises stability and democratisation as the basis for lasting peace; transitional justice focuses on addressing past wrongdoing; and political reconciliation focuses on conflict transformation and changing conflict patterns. However, in practice these concepts are often at odds with each other in the fragile transitional stages, as justice and conflict transformation.

Conflict transformation, most broadly, is defined as a process through which the relationships, interests and discourses of society that support the continuation of violent conflict are transformed.[21] Such a process could be highly destabilising from a socio-political perspective because it requires deep social change, and thus is at odds with the aim of stability. Transitional justice processes and mechanisms may also be destabilising in post-conflict societies, as in such settings there is usually little common ground on key issues in the transitional justice process, such as the facts of the conflict, the identification of victims and perpetrators, perceptions of justice and so on.

The rest of this article consists of three parts. In the first part (Section 2), key limitations of liberal peace are explored in the context of deeply divided societies. Such limitations include the universalist application of peacebuilding mechanisms and the utilitarian approach towards parallel processes and measures – in particular, transitional justice and political reconciliation – as well as the consequent neglect for local needs. Section 3 then explores how these limitations are expressed in one of the main liberal peacebuilding models for deeply divided societies: power sharing, or consociationalism. The main observation is that often when power sharing is implemented within post-conflict political systems, the divisions in society are reflected and, in turn, replicated in the political sphere, leading to entrenchment of conflict patterns rather than conflict transformation. The final part (Section 4) outlines the emergence of transformative approaches to peacebuilding and transitional justice, and proposes a need for a similar reconceptualisation of

[18] Jarstad, ibid.

[19] Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge University Press 2004) 45; Benjamin Reilly, 'Post-War Elections: Uncertain Turning Points of Transition' in Jarstad and Sisk (n 17) 157, 157–59.

[20] Anna K Jarstad, 'Dilemmas of War-to-Democracy Transitions: Theories and Concepts' in Jarstad and Sisk (n 17) 17.

[21] Hugh Miall, 'Conflict Transformation: A Multi-Dimensional Task' in Alex Austin, Martina Fischer and Norbert Ropers (eds), *Transforming Ethnopolitical Conflict* (Springer 2004) 70.

political reconciliation in order to better address the need for conflict transformation in post-conflict deeply divided societies.

2. LIMITATIONS OF LIBERAL PEACEBUILDING IN DEEPLY DIVIDED SOCIETIES

Periods of violent internal and ethno-national conflict are accompanied frequently by a breakdown of the political system. Violence often erupts in an environment of low government and political system legitimacy, or owing to high civil discontent and division. Therefore, post-conflict liberal peacebuilding efforts in most cases include an emphasis on the reconstruction of the political system and state institutions, in order to re-establish the legitimacy of the political system as an arena for settlement of disagreements or disputes, and to prevent deterioration back to violence.[22]

The efforts to rebuild political systems and state institutions usually take place within the framework of liberal peace. Especially, they highlight the importance of democratisation processes and electoral and constitutional reforms. Liberal peace has often played a crucial role in ending violence, re-establishing security and the rule of law, and reconstructing political institutions – all of which are key elements in transitioning away from conflict.[23]

However, scholars increasingly criticise liberal peacebuilding for over-emphasising short-term political stability through institution building and democratisation, at the expense of conflict transformation – thus limiting the contribution of transitional justice and the potential for political reconciliation in post-conflict settings. These critiques are especially relevant for peacebuilding in deeply divided societies. It has been argued, for example, that liberal peace has 'a bad track record' in reconstructing societies after war in that it neglects societal reconstruction and the notion that there is a need to address social cleavages in deeply divided post-conflict societies.[24] In this context, liberal peace is failing to initiate a normative change in post-conflict settings, thus rendering it ineffective in affecting social and political transition of ethno-national identities and transcending conflict towards peace.

2.1. UNIVERSALIST AND UTILITARIAN CRITIQUE

One of the main criticisms raised against liberal peacebuilding is its universalist application and failure to adapt to the specific context and circumstances in which such frameworks are implemented.[25] A similar critique is raised against the utilitarian manner in which different

[22] Oliver P Richmond, *Liberal Peace Transitions: Between State Building and Peacebuilding* (Edinburgh University Press 2009) 4.
[23] Oliver P Richmond, 'The Problem of Peace: Understanding the "Liberal Peace"' (2006) 6 *Conflict, Security & Development* 291, 292.
[24] Erin Daly and Jeremy Sarkin, *Reconciliation in Divided Societies: Finding Common Ground* (University of Pennsylvania Press 2007) 21–22; Timothy Donais and Amy C Knorr, 'Peacebuilding from Below vs. the Liberal Peace: The Case of Haiti' (2013) 34 *Canadian Journal of Development Studies* 54, 55; Philpott (n 14) 389.
[25] Dustin N Sharp, 'Positive Peace, Paradox, and Contested Liberalisms' (2020) 22 *International Studies Review* 122, 131.

mechanisms are used to advance liberal peace goals, primarily democratisation, without considering other important elements and goals of post-conflict social reconstruction in deeply divided societies, such as justice, establishing mutual trust, reducing animosity and transforming conflict patterns.

In this context, both transitional justice and political reconciliation are often perceived as 'one more box to tick on the "post-conflict checklist"', universally applied as part of a uniform template,[26] and have been 'most often implemented as a component of larger efforts at liberal state-building'.[27] Rather than being pursued as stand-alone processes with independent (yet interconnected) objectives, they have been utilised as part of the liberal peace toolbox.[28]

Paul Gready and Simon Robins have articulated the utilitarianism within the liberal peacebuilding approach to transitional justice, arguing that 'transitional justice has become part of a hegemonic discourse that links development and peacebuilding to a liberal state-building project that sees liberal democracy as its endpoint'.[29] They conclude that this leads to ambiguous and, at times, disappointing performance and impact.[30]

The limitations of transitional justice, according to this critique, are rooted in the top-down state-centric focus of liberal peace. In particular, the emphasis in liberal peace on elections, procedural democracy, rule of law and preference for constitutionalism has been criticised for prioritising the creation of institutions in fragile transitional contexts, rather than engagement with the welfare of the population, in a manner that creates '"empty" institutions paralysed by a lack of capacity'.[31] This is often as a result of the gap between the rapid pace of the institutional reconstruction and the slower process of normative change within the democratisation process, which creates the risk of establishing democratic institutions without a robust democratic political culture.

In a similar manner, the inclusion of reconciliation as part of the 'liberal peace package' led to an instrumental approach towards political reconciliation, which lacked nuance and contextual attention. For example, in the aftermath of the Truth and Reconciliation Commission (TRC) in deeply divided post-apartheid South Africa, there was a call to implement the model in other post-conflict societies (for example, in Sierra-Leone),[32] often not taking into account significant differences in their political and social settings. These differences could have far-reaching effects on the implementation of TRCs and on their potential impact.

John Paul Lederach criticised the uniform instrumental approach to reconciliation within the liberal peace peacebuilding approach, as he argued that there is a need for a shift from the state-centric traditional paradigm to a framework that is focused on 'restoration and rebuilding

[26] Lambourne (n 5) 34.
[27] Paul Gready and Simon Robins, 'From Transitional to Transformative Justice: A New Agenda for Practice' (2014) 8 *The International Journal of Transitional Justice* 339.
[28] Amstutz (2005) (n 6); Amstutz (2008) (n 6); Paige (n 14) 331–32; Elin Skaar, 'Reconciliation in a Transitional Justice Perspective' (2012) 1 *Transitional Justice Review* 54.
[29] Gready and Robins (n 27) 341.
[30] ibid.
[31] ibid.
[32] Wendy Lambourne, 'Transitional Justice and Peacebuilding after Mass Violence' (2009) 3 *The International Journal of Transitional Justice* 28, 29.

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of relationships', thus highlighting the need for greater consideration of the relational aspects of reconciliation[33] in order to achieve conflict transformation.

2.2. NEGLECT OF LOCAL NEEDS

In many cases liberal peace frameworks have been limited in their scope and have focused mainly on ending violence and institution building, rendering them ineffective in affecting social and political transition of ethno-national identities and transcending conflict towards peace. This is, it is argued, mainly as a result of the neglect of the importance of the local sphere.[34] Thus, despite the creation of liberal political institutions, liberal peacebuilding attempts have had only negligible impact on the everyday life of local populations, and failed to initiate a normative change in post-conflict societies.[35]

This lack of regard for the needs of local populations is also evident in the implementation of both transitional justice and political reconciliation mechanisms, and consequently on their impact. Both political reconciliation and transitional justice run the risk of being externally imposed by international actors intervening in an internal conflict. In these cases their implementation might be inappropriate for the specific local political and legal settings, and their impact on the population could be limited. For example, the proceedings in the special international criminal tribunals in Rwanda (ICTR) and Bosnia-Herzegovina (ICTY) were largely detached from the post-conflict reality of the populations in these countries: the proceedings took place outside the country, in foreign languages, and were largely inaccessible by locals.

In addition, political reconciliation and transitional justice mechanisms could be imposed from the top down without deep consideration of local communities, and the impact that such measures might have on their lives. Yet, in addition to these risks, when transitional justice processes are co-opted by broader peacebuilding practices, they too reflect the dominant liberal peace theory and primarily the creation of a western-style liberal democracy, rather than address the everyday needs, concerns and realities of local populations. This is often done without considering that these efforts might lead to tensions in the immediate aftermath of conflict.[36]

Oliver Richmond argues that instead of providing security, democracy, rule of law and protection of human rights, contemporary liberalism may be socially atomising. Liberal peacebuilding has offered 'manipulable resources to an elaborate structuration of often predatory elites –

[33] John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (United States Institute of Peace Studies 1997) 24–28.
[34] Donais and Knorr (n 24) 54; Oliver P Richmond, 'Introduction – Towards a Post-Liberal Peace: Exploring Hybridity via Everyday Forms of Resistance, Agency and Autonomy' in Oliver P Richmond and Audra Mitchell (eds), *Hybrid Forms of Peace: From Everyday Agency to Post-Liberalism* (Palgrave MacMillan 2012) 1, 5–12.
[35] Stefanie Kappler, 'Liberal Peacebuilding's Presentation of "the Local": The Case of Bosnia and Herzegovina' in Richmond and Mitchell, ibid 260; Adrian Little, *Democracy and Northern Ireland: Beyond the Liberal Paradigm?* (Palgrave MacMillan 2004); Chandra Lekha Sriram, 'Post-Conflict Justice and Hybridity in Peacebuilding: Resistance or Cooptation?' in Richmond and Mitchell, ibid 58.
[36] Lambourne (n 5).

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international and local – but not to the general populations'.[37] As a result, he noted that the local population rarely enjoys the peace dividend, especially in non-western states.[38] Similarly, David Roberts also questioned the relevance and legitimacy of liberal peacebuilding for substantial groups of the population. In his view this lack of local legitimacy is crucial for understanding why peace does not prevail as intended in post-conflict settings. He points out that such legitimacy cannot be generated by institutions that ignore a population's priorities.[39]

This neglect of the social needs of divided communities is based on the failure of liberal peace frameworks to deal with 'a whole range of wounds that dictatorship and civil wars inflict upon people and societies'. Wounds caused by the need to overcome negative emotions of anger, hatred, resentment and fear often lead to revenge and violence, and eventually weaken political institutions and their perceived legitimacy.[40] Thus, the goal of increased legitimacy of the political system is undermined, rather than achieved, by liberal peacebuilding when such processes fail to take the local context into sufficient consideration.

The increasing criticism raised against the main approach to post-conflict peacebuilding – liberal peace, for over-emphasising stability through institution building and democratisation, at the expense of conflict transformation and social change – exposed potential tensions between liberal peace frameworks and both reconciliation and transitional justice, which while advancing conflict transformation, may be potentially destabilising in the short term. Yet, liberal peace, and specifically the establishment of liberal democracy institutions, remains the dominant approach for peacebuilding both in the academic literature and in the practice of major international actors.[41] Despite ongoing criticism, scholars continue to claim that variants of liberal democracy are likely to advance peace by establishing legitimacy and long-term durability of political institutions in divided societies.[42]

3. Power Sharing in Divided Societies

Liberal peacebuilding is a broad concept, encompassing multiple models for post-conflict political and social reconstruction. One of the institution-building models promoted as part of the liberal peacebuilding framework is elite power sharing, also known as consociationalism, which is viewed as highly appropriate for deeply divided societies, in particular. Consequently, since the

[37] Oliver P Richmond, 'Becoming Liberal, Unbecoming Liberalism: Liberal-Local Hybridity via the Everyday as a Response to the Paradoxes of Liberal Peacebuilding' (2009) 3 *Journal of Intervention and State Building* 324, 325.
[38] ibid 326.
[39] David Roberts, 'Post-Conflict Peacebuilding, Liberal Irrelevance and the Locus of Legitimacy' (2011) 18 *International Peacekeeping* 410, 410–11.
[40] Philpott (n 14) 391–92.
[41] Joshi, Lee and Mac Ginty (n 2).
[42] eg, Adrian Guelke (ed), *Democracy and Ethnic Conflict: Advancing Peace in Deeply Divided Societies* (Palgrave MacMillan 2004) 2.

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1970s, power sharing has become a primary model for democratisation and political reconstruction in post-conflict divided societies.[43]

While there are numerous perceptions of power sharing, it is currently most broadly defined as a system that guarantees the participation of representatives of all significant groups in political decision making. This model is helpful in exploring the limitations of liberal peace in advancing conflict transformation through transitional justice and political reconciliation. Power sharing constitutes a key case study for examining these limitations because, as will be demonstrated in this section, the base assumptions at the core of this model relate directly to the centrality of stability in liberal peacebuilding, and its preference over other post-conflict goals – in particular, conflict transformation – which are essential for lasting peace in divided societies.

The notion of power sharing gained scholarly attention and prominence following the works of Arend Lijphart, one of the pioneering and leading scholars in the field of power-sharing democracy. Lijphart's approach is based on a broad agreement among scholars that ethnic divisions, and other deep societal divisions, often present major obstacles to democratisation.[44] In addition, deeply divided nations are expected to be more susceptible to instability and internal conflicts, or more likely to be ruled by a dominant community, which often represses minority groups or discriminates against them.[45] In other words, internal instability stemming from social divisions could hinder democratisation. This argument is an inversion of one of the main theoretical assertions of liberal peace: that a democratic government increases internal stability.

It is important to note that the democratisation process itself could have a destabilising effect – in particular, rapid democratisation – whether involving consociationalism or other institutional and constitutional models.[46] Drastic changes to the political system, power struggles among political elites, and institution building without robust normative support are all contributing to the risk of instability. Yet, in the context of peacebuilding in deeply divided societies the risk of instability is nonetheless heightened as peace processes and political transitions greatly increase group insecurities.[47] Such insecurities are especially counter-productive to peacebuilding as they prevent groups from making any concessions that might benefit the group they perceive as their adversary, and therefore might disadvantage them.[48]

Lijphart argues that there is a high level of agreement among scholars that successful democratisation in divided societies requires two key elements: power sharing and group autonomy (defined as group authority with regard to the running of its internal affairs).[49] Based on this understanding, Lijphart defined consociational democracy according to four basic principles:

[43] Joanne McEvoy and Brendan O'Leary (eds), *Power Sharing in Deeply Divided Places* (University of Pennsylvania Press 2013).
[44] Arend Lijphart, 'Constitutional Design for Divided Societies' (2004) 15(2) *Journal of Democracy* 96, 96–97.
[45] MCP Van Schendelen, 'Critical Comments of Lijphart's Theory of Consociational Democracy' (1983) 10 *Politikon: South African Journal of Political Studies* 6, 6.
[46] Sharp (n 25).
[47] Timothy Sisk, *Statebuilding: Consolidating Peace after Civil War* (Polity Press 2013) 130.
[48] Chandra Lekha Sriram, *Peace as Governance: Power-Sharing, Armed Groups and Contemporary Peace Negotiations* (Palgrave MacMillan 2008) 18–19.
[49] Lijphart (n 44) 97.

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(i) a power-sharing executive with representation from all important societal groups; (ii) cultural autonomy; (iii) proportional representation in politics and civil service appointments; and (iv) minority veto power on crucial and sensitive issues such as minority rights and autonomy.[50] This articulation represents a top-down approach to post-conflict democratisation.

According to the principles of consociational democracy, stability is made possible, despite tension and competition among elites, when leaders of groups and communities deliberately make cooperative efforts. Lijphart sees these efforts as an essential characteristic of consociational democracy. He emphasises the roles that elites and leaders of the various rival groups can play in stabilising the democratic government, as well as their potential contribution to institution building and policymaking. Such contribution could be conducive to political stability by constraining certain forms of extreme democratic competition.[51] Lijphart uses the term 'elite cartel', coined originally by Ralf Dahrendorf, to describe these joint efforts to promote stability.[52] 'Elite cartel' is defined within consociational democracy as 'designed to turn a democracy with a fragmented culture into a stable democracy'.[53]

The elite cartel, which can be seen as pragmatic in nature and utilitarian, is based on four requirements: (i) the ability to accommodate different and, at times, contradicting interests and demands of the communal groups; (ii) the ability to transcend cleavages and to join in a common effort among the leaders of these groups (including a willingness to resolve differences through negotiation and to enforce, within their respective groups, the terms of mutually acceptable compromise); (iii) a shared overarching commitment to the preservation of the political system and its stability; and (iv) acknowledgement of the danger of political fragmentation and instability.[54]

Indeed, cooperation among political elites and taking into account elite preferences are crucial for any peacebuilding process. Yet in power sharing this cooperation is jeopardised by the entrenchment of conflict patterns in the political sphere.

Scholars who advocate power sharing argue that consociational arrangements and institutions are better suited to mitigate ethnic tension and conflict than majoritarian democracy. Power sharing is designed to be reassuring for different rival groups and communities by providing them with 'institutionalised insurance' that discriminatory policies will not be adopted and used against them, and that their interests will be represented in and protected by governing bodies.[55] This is because they are designed to guarantee representation of all major groups in a broad-based grand coalition, elected through proportional representation.[56] This is especially reassuring for minority groups and could help to alleviate their concerns as their involvement in decision

[50] Brian Barry, 'Political Accommodation and Consociational Democracy' (1975) 5 *British Journal of Political Science* 477, 480; Arend Lijphart, *Democracy in Plural Societies* (Yale University Press 1977) 25–44; Arend Lijphart, 'Steps in My Research and Thinking about Power Sharing and Democratic Institutions' (2013) (Special Issue) *Taiwan Journal of Democracy* 1, 3.
[51] Ian S Lustick, 'Lijphart, Lakatos, and Consociationalism' (1997) 50 *World Politics* 88, 94.
[52] Arend Lijphart, 'Consociational Democracy' (1969) 21 *World Politics* 207, 213–15, 222.
[53] Lustick (n 51) 94.
[54] Ian Lustick, 'Stability in Deeply Divided Societies' (1979) 31(3) *World Politics* 325, 328, 334; Lustick (n 51) 95.
[55] Sriram (n 48) 19.
[56] Lijphart (1977) (n 50) 25, 38.

making is secured, thus preventing their control by the majority.[57] According to this approach, a consociational democracy is necessarily stable.[58]

John McGarry and Brendan O'Leary represent a more nuanced view of consociationalism and power sharing in divided societies. They present power sharing as a method for regulation, and even prevention, of ethno-national internal conflicts by organising the political relationship between ethnic communities, based upon the acceptance of national and ethnic pluralism, equality, and in a way that mitigated the risk of forced assimilation.[59]

While acknowledging that not all the attempts to apply consociational models have been successful (Cyprus, NI in 1974), their main argument in favour of consociational models is that they enable self-government for communities and are better than the alternatives, which might include domination, partition, secession or forced population transfers and genocide.[60]

On the other hand, they recognise that consociational arrangements are 'easily destabilised' and require certain conditions, including that groups should not insist on assimilation of other groups into their nation or desire their own nation-state. It also requires political elites to either downplay the role of the state's national identity, or to develop a transcendent national identity. To do so, political leaders must be motivated to engage in conflict regulation and sustain the consociational system; political leaders of the different communities must enjoy political autonomy – that is, being able to make compromises without being accused of treachery by more radical elements from within their own community. This autonomy can be available only where there is no extensive intra-ethnic competition as to who best represents the interests of the community in the form of ethnic outbidding.[61]

Nevertheless, the realities of post-conflict settings – especially given the high levels of social fragmentation, lack of mutual trust and the reluctance of antagonistic groups and their leaderships to cooperate and compromise – raise serious doubts regarding the applicability of McGarry and O'Leary's power-sharing model to divided societies. This is not only because power sharing, by their own acknowledgement, often proves to be destabilising in divided societies, in a manner which paradoxically contradicts the aim of liberal peace to achieve stability, but also the requirements McGarry and O'Leary list rarely apply to deeply and ethnically divided societies.

The consociational approach is based on the assumption that internal gaps and hostility among rival groups are resistant to change and are at least semi-permanent, and therefore divisions over group identity cannot be bridged. Consequently, efforts should be invested not in overcoming divisionism, but rather in constructing a democratic political system that could contain it. It is suggested, therefore, that political reconstruction in deeply divided societies requires the accommodation of the interests and demands of the different communal groups, which could be achieved only by the establishment of power-sharing

[57] Sriram (n 48) 18.
[58] Barry (n 50) 480.
[59] John McGarry and Brendan O'Leary, 'The Political Regulation of National and Ethnic Conflict' (1994) 47 *Parliamentary Affairs* 95, 112–13.
[60] ibid.
[61] ibid 113–14.

arrangements.[62] The result is a political entity consisting of parallel groups living side by side, in different levels of separation, but without an overarching civil identity to complement and balance their group identities.

Since power-sharing political systems are based on political representation by group affiliation (usually ethno-national groups), in practice power-sharing elites lack political incentives to promote conflict transformation, as their electoral base is defined according to social divisions and their political power is based on societal fragmentation. Power sharing in the aftermath of ethnic conflicts often results in ethnicity-based political representation. Political parties in such political settings tend to be more concerned with maintaining the support of their voters than with negotiating, compromising and cooperating with other group leaders as part of the political process.

Consequently, the implementation of power-sharing arrangements in effect creates a post-conflict political reality in which both conflict patterns and antagonistic ethno-national identities are further entrenched in the political and social sphere, hindering the prospects of conflict transformation. With regard to both transitional justice and political reconciliation, the lack of incentive for political elites to collaborate one with another to overcome divisionism presents a significant obstacle for the implementation of transitional justice or political reconciliation measures. Power sharing among ethno-national elites creates a political reality of sectarianism, in which political reconciliation processes, and often meaningful transitional justice processes as well, are stuck.

The entrenchment of conflict patterns on power-sharing settings exposes a core tension between the theoretical conceptualisations of liberal peace, transitional justice and political reconciliation. The next section suggests how this tension could be gapped by recognition of conflict transformation as an intrinsic goal for post-conflict divided societies. Thus, the re-establishment of political democratic structures and institutional reforms is envisaged not only as a tool to promote political stability, but as a means of facilitating transformation in conflict patterns in the political and social spheres in a manner that is conducive to the advancement of justice and reconciliation.

4. Reconceptualising Political Reconciliation

In order to reconcile the tension between the emphasis of the liberal peace framework on short-term stability and the need for conflict transformation, I suggest that political reconciliation be reconceptualised as a political and transformative concept, and as a holistic process combining conflict transformation at the political top-down level, as well as at the social, grassroots level.

4.1. Transformative Approaches to Peacebuilding and Transitional Justice

The reconceptualisation of political reconciliation as a transformative process is in line with similar theoretical developments within the fields of peacebuilding and transitional justice and

[62] Lijphart (n 44) 96; Lijphart (2013) (n 50) 3.

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complements the emergence of the transformative perspective in post-conflict reconstruction in recent years.

While conflict transformation might not always be central in liberal peacebuilding, the idea of transformation as a key aspect of peacebuilding efforts is gaining traction in the works of scholars who research post-conflict societies. In the field of peacebuilding, scholars such as Wendy Lambourne,[63] John Paul Lederach,[64] Rama Mani[65] and Luc Reychler[66] advocate a more holistic notion of transformative peacebuilding.

Within this particular scholarship Lambourne's model of transformative justice is of specific relevance to transitional justice and the ways in which it links to peacebuilding. The transformative justice model includes four key elements: (i) legal justice (accountability); (ii) psychological justice (which she terms truth); (iii) socio-economic justice; and (iv) political justice.[67] The latter, political justice, is highly related to liberal peace as it involves transforming institutions and political relationships and is centred on elements such as ensuring fair representation and the participation of the population in the political system; institutional reform; re-establishing the rule of law and respect for human rights; and ending the culture of impunity that often characterises post-conflict political systems.

Importantly, in addition to these elements, which are shared by both liberal peacebuilding and political justice, the latter also requires the development of political, or civil, identities which are separate from cultural, or ethno-national, identities. Lambourne concludes that '[w]ithout political justice, transformative justice is incomplete and peacebuilding unsustainable'.[68]

Similarly, the conceptualisation of transformative justice of Gready and Robins is a holistic and multi-level approach which also includes an emphasis on conflict transformation.[69] According to their conceptualisation, the transformation process is prioritised rather than preconceived outcomes, and the focus is shifted from top-down state institutions to social and political perspective focused on communities and bottom-up understanding of the lives and needs of populations.[70]

Transformative justice, as a theoretical and conceptual development of transitional justice is focused on addressing the legacy of wrongdoing and violence, accountability and rule of law. These core objectives are different from the objective of political reconciliation, which is to facilitate a transition from a breakdown of the political system towards a peaceful political rivalry,

[63] Lambourne (n 32).
[64] Lederach (n 33); John Paul Lederach, 'Journey from Resolution to Transformative Peacebuilding' in Cynthia Sampson and John Paul Lederach (eds), *From the Ground Up: Mennonite Contributions to International Peacebuilding* (Oxford University Press 2000) 45.
[65] Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Polity Press 2002); Rama Mani, 'Rebuilding an Inclusive Political Community after War' (2005) 36 *Security Dialogue* 511.
[66] Luc Reychler, 'Challenges of Peace Research' (2006) 11 *International Journal of Peace Studies* 1.
[67] Lambourne (n 32) 35, 37–45; Lambourne (n 5).
[68] Lambourne (n 32) 45; Lambourne (n 5).
[69] Gready and Robins (n 27) 351–52.
[70] ibid 340.

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based on political and social reconstruction. In order to address this objective from a transformative perspective, a reconceptualisation of political reconciliation is required.

4.2. Towards a Reconceptualisation of Transformative Political Reconciliation

This article proposes that these models of transformative justice highlight a growing need similarly to develop a concept of transformative political reconciliation, in which conflict transformation in the political and social spheres is the central aim of post-conflict reconciliation processes. The focus on conflict transformation as a core goal of political reconciliation is especially important in ethnically divided societies, where tensions between liberal peacebuilding and conflict transformation are most evident. Transformative political reconciliation could assist in addressing these tensions by mitigating the limitations of liberal peacebuilding, primarily by bridging the gap between stability and conflict transformation.

The focus on conflict transformation in the construction of state institutions and post-conflict political systems could challenge liberal peacebuilding tendencies towards universal and utilitarian application and the lack of local context, as well as balance the over-emphasis on stability by democratisation. The conceptualisation of transformative political reconciliation recognises the necessity of conflict transformation in deeply divided societies in order to overcome conflict patterns, rather than reproduce them within the political system.

This conceptualisation requires a shift from the assumption at the base of power sharing – that ethno-national identities in post-conflict divided societies are practically impossible to change, and therefore conflict transformation is unattainable. While scholars who advocate power sharing argue that consociational arrangements are well suited to mitigate ethnic tensions, they are referring to containment of the conflict within the political system in a less destructive and violent form, rather than a deep societal change of conflict transformation, whereby conflict patterns are changed, and hostility and antagonism within a divided society are reduced.

Transformative political reconciliation suggests that a change in conflict patterns, including in the mutual perceptions of ethno-national groups, is not only a possible and appropriate goal but also necessary for long-term stability. By combining notions of transformative justice with a new conceptualisation of transformative political reconciliation, conflict transformation could be placed not only as an appropriate goal of the peacebuilding process, but also as a crucial element of post-conflict social reconstruction. Conflict transformation is thus viewed as a necessary step towards sustainable peace.

The key feature of transformative political reconciliation is the understanding that long-term stability and sustainable peace require the construction and establishment of political structures and institutions which facilitate conflict transformation in post-conflict societies, and which would enable us to address ongoing and entrenched conflict patterns within the political system. This could be achieved, for example, by changing the incentive patterns within the political sphere, cultivating an overarching civil identity, reducing levels of antagonism among former rival groups, and addressing ongoing patterns of political and social sectarianism and discrimination.

As transformative political reconciliation is aimed at deep societal change, its implementation measures are context based and take into account the social and cultural settings in which they take place. By prioritising the post-conflict needs and concerns of local populations in deeply divided societies, the risk of these processes being externally imposed, blindly applied or overly intrusive is reduced.

5. CONCLUSION

This article explores the limitations of liberal peacebuilding in terms of advancing conflict transformation in the context of power sharing in deeply divided societies. It focuses on two key critiques raised against liberal peacebuilding, which are especially problematic for divided societies: (i) the universalist and utilitarian application of peacebuilding mechanisms – including transitional justice and political reconciliation – to support the democratisation processes; and (ii) the neglect of local needs, which undermines and limits the effectiveness of these mechanisms.

These critiques are not intended to discredit liberal peace altogether, but rather to shed light on the implication of the procedure and process (as opposed to critiques of the liberal peace ideology or substance), in particular, in deeply divided societies.[71]

These limitations raise questions about the appropriateness of power sharing for deeply divided post-conflict societies. This is the case, in particular, when power-sharing mechanisms are implemented in order to advance democratisation and political stability, without taking into account that such measures could become a hindrance to conflict transformation by perpetuating conflict patterns.

The various power-sharing and consociationalism models and prescriptions are based on a shared premise that identities in conflict in deeply divided societies are difficult, if not impossible, to change. Therefore, in order to promote post-conflict peace and stability, local elites should power share, so that political representation is guaranteed to all groups and communities in a manner that will facilitate containment of the conflict and of ethno-national tensions within the political system. In other words, post-conflict power sharing is based on the notion that conflict transformation, in the sense of changing hostile and antagonistic perceptions of the 'other' group and overcoming the fear of domination by it, is not an attainable, practical or appropriate goal in post-conflict settings.

However, it appears that in power-sharing settings political elites have a vested interest in maintaining the social divisions on which their electorate, and political power, are based. In such cases conflict patterns are entrenched in the post-conflict political system, which becomes reluctant to pursue processes that might reduce animosity and divisionism, such as transitional justice and political reconciliation. Paradoxically, in the absence of these processes the unaddressed lingering social fragmentation and festering antagonism might result in destabilisation and even re-escalation of conflict.

[71] Sharp (n 25).

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The article suggests that there is tension between the emphasis in liberal peacebuilding on stability through democratisation (and more specifically in divided societies primarily through power sharing) and the dire need for conflict transformation in divided societies in order for sustainable peace to be achieved. This tension can be addressed by a reconceptualisation of transformative political reconciliation.

Rather than substituting liberal peace with conflict transformation, transformative political reconciliation offers a way in which the two approaches can be balanced. This also reduces the disadvantages and costs of incorporating this reconceptualisation into the post-conflict process in deeply divided communities. Transformative political reconciliation offers a way to promote conflict transformation as part of liberal peacebuilding processes, alongside and not at the expense of political stability and democratisation. It suggests that when constructing new political systems, their impact on society at large must be taken into account and, therefore, they should be reconstructed in a way that facilitates the transition to democracy as well as a long-term change in conflict patterns in the political and social spheres. In this manner, neither short-term stability nor the long-term sustainability of the peace is neglected or jeopardised.