Overcoming a lack of trust to facilitate peace agreements in divided societies

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Abstract

Conflict parties in divided societies often have negative past experiences of interacting with each other. They usually do not have a history of cooperation or reciprocal compromise, rather there may have been atrocities committed by both sides or long-standing patterns of discrimination. This deficit of trust inhibits parties from reaching and implementing peace agreements. Even where the parties feel that the provisions within a peace accord are preferable to continued violence they may not trust that the accord will endure, each conflict party not trusting the others to uphold their commitments.

This paper focuses on peace agreements which include an element of territorial self-government (TSG). Using international examples including Northern Ireland and Bosnia this paper demonstrates that a lack of trust between conflict parties necessitated the inclusion of a range of guarantee mechanisms which increased confidence that the TSG element of the peace agreement would be respected. These guarantees include international guarantees, both hard and soft, domestic guarantees provided in constitutional, special or ordinary domestic legislation.

Tag: Peace agreements, divided societies, territorial self-government.

Introduction

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1 Draft – please do not cite.
A remarkable characteristic of conflict resolution practice is that a large number of actual and proposed peace agreements incorporate ‘complex power-sharing’ arrangements. These arrangements combine a self-governance regime and the sharing of power between different groups. This paper focuses on the territorial self-governance (TSG) provisions in complex power-sharing agreements, arguing that given the lack of trust in post-conflict divided societies a range of guarantee mechanism are necessary to facilitate the establishment and operation of these institutions.

Conflict parties in divided societies often have negative past experiences of interacting with each other. They usually do not have a history of cooperation or reciprocal compromise, rather there may have been atrocities committed by both sides or long-standing patterns of discrimination. This deficit of trust inhibits parties from reaching and implementing peace agreements. Even where the parties feel that the provisions within a peace accord are preferable to continued violence they may not trust that the accord will endure, each conflict party not trusting the others to uphold their commitments.

The fear that institutions agreed in a peace agreement will not endure extends to the TSG element of complex power-sharing. Guarantee mechanisms are vital to help to overcome the lack of trust. They reduce the anxiety that the self-government afforded to regions — with the specific purpose of conflict resolution — will be corroded. Without safeguards against arbitrary central government interference it is unlikely that the conflict parties will develop a sense of satisfactory stability and certainty. Guarantee mechanisms also provide assurances that the number of delegated powers will not increase so as to threaten the viability of the state; countering claims that complex power-sharing is centrifugal.

This paper focuses on peace agreements which include an element of territorial self-governance (TSG). Using international examples including Northern Ireland and Bosnia this paper demonstrates that a lack of trust between conflict parties necessitated the inclusion of a range of guarantee mechanisms which increased confidence that the TSG element of the peace agreement would be respected. These guarantees include international guarantees, both hard and soft, domestic guarantees provided in constitutional, and special

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or ordinary domestic legislation. In order to establish this argument the paper first discusses the concept of trust, how the dynamics of the security dilemma can hinder conflict resolution and Walter’s concept of ‘credible commitments’. It then briefly defines what different types of TSG may be employed and why TSG requires guarantees. The research design used in the research is then summarized and early tentative findings are explored. Finally the additional research which will form part of this project is explained.

Trust, the security dilemma and complex power-sharing agreements

In order for conflict parties to lay down their arms and implement a peace agreement they must be assured that the other side will reciprocate. If trust were present between different parties this assurance would be present as trust is ‘a belief that the other side prefers mutual cooperation to exploiting one’s own cooperation’. However in post-conflict societies mistrust, ‘a belief that the other side prefers exploiting one’s cooperation to returning it’, is much more prevalent. This makes it incredibly difficult for conflict parties to end the violence and implement a peace accord, even when they favour the agreed arrangements over continued conflict.

Perceptions that the other side is not trustworthy, i.e. that it prefers to exploit you rather than cooperate, is advanced by conflicting interpretations of past interactions and by ethnic differences. As Kydd argued conflict between different identity or ethnic groups is often accompanied by dramatically opposing narratives about historical culpability for previous conflicts. These narratives cannot be replaced with a common understanding due to the key role they have played in the construction of the groups’ identities. Drawing on Social Identity Theory Kydd highlighted the unhelpful nature of these narratives. These narratives are commonly constructed in such a way as to vilify the other group and to compliment one’s own group. This results in narratives where each group blames past conflicts on the other groups and highlights wrongs perpetrated by other groups. This impedes attempts to

build trust by highlighting previous occasions of cooperation or reciprocation. It is not possible to achieve cooperation based on a party’s acceptance that they are to blame for a past problem and a commitment not repeat this behaviour as groups do not accept responsibility for previous conflict. This highlights the difficulties of achieving the necessary assurances that a peace accord will be implemented by conflict parties.

Even without the weight of a recent conflict it is challenging to achieve reassurance through trust between different ethnic groups. It is generally accepted that trust is lower between different groups than it is within groups. Common language, religion and/or background are viewed as facilitating trust. This differential is likely to be greatest in ‘highly segmented and hierarchical societies’ rather than societies with numerous cross-cutting divisions which allow the fostering of group identity without the associated negative attitude towards others.6 Kydd modelled trust between different groups and found that it is possible to explain cases where trust is built between different groups. He argued that

...trust can be established across groups by individuals despite out-group hostility and ingroup attachment, as long as individuals have flexible enough beliefs to be persuaded by new information and are not too hostile towards outgroups to preclude reaching out and taking chances on potential cooperation. In addition, individuals must be sufficiently attached to their own group to be able to communicate with ingroup members persuasively...7

While he provided a very useful formal model which can account for trust built across groups Kydd did not provided viable policy recommendations which would allow his model to be used to build trust as the reassurance mechanism necessary to facilitate the implement of peace agreements including TSG. There are no indications by what means we can ensure that individuals who have the necessary characteristics are present in cross-group negotiations. Ethnic conflict often results in the emergence of hard-line ethnic leaders

who are less likely to be prepared to take a risk or to use information to positively re-evaluate the other group.

The uncertainty which accompanies a lack of trust between different groups, particularly those with opposing views of history which have fundamentally contributed to group identity formation, reduces the ability of ethnic groups to reach and implement peace agreements. Uncertainty (and anarchy which also prevails in civil war situations) is a key element of the security dilemma. This raises the question of what role the security dilemma can play in helping us to understand why civil wars are difficult to end. Tang outlined eight key aspects of a security dilemma. 1) It results from the anarchic nature of international politics and 2) is facilitated by uncertainty regarding current and future intentions of states. 3) The security dilemma is unintentional in origin and does not exist where malign intent is present. 4) As a result of uncertainty and fear states resort to the accrual of power or competences as a means of defence, and these abilities unavoidably contain some aggressive capabilities. 5) The dynamics of the security dilemma are self-reinforcing and 6) increasing security through accumulating unnecessary offensive capabilities is self-defeating. 7) This vicious cycle can lead to terrible results, such as unnecessary wars. 8) The severity of the security dilemma can be regulated by both physical factors and social psychological factors. 8

A number of these aspects are often present at the outbreak of civil wars, including those with an ethnic component. However Tang also stressed that the unintentionality of the security dilemma is often missing in such cases, i.e. there is malign intent on the part of one or more of the groups. He argued that such situations are better described as spirals. 9 The debate about whether civil war can break-out without malign intent is an interesting one.10 However this paper argues that even where there is a lack of malign intent and a real desire by the conflicting groups to reach an agreement the anarchy and uncertainty central to the

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security dilemma can thwart this. As Fearon argued ‘the inability to make credible commitments under anarchy can make it impossible for disputants to locate a bargain that would avoid a costly fight’.

Furthermore the reinforcing and self-defeating dynamics of a security dilemma which result in the acquisition of defensive capabilities, which also have offensive capacities, can prevent the implementation of disarmament processes as part of peace agreements because they create such vulnerabilities.

The uncertainty and resulting fear which characterise the security dilemma are heightened during efforts to end civil wars. The past actions of groups make it difficult for other groups to believe their claims that they will not engage in violence in the future and will operate by the rules agreed in peace accords. As Hartzell, Hoodie and Rothchild argued ‘one of the thorniest problems involves reassuring people who have been “killing one another with considerable enthusiasm and success” that conflict is not about to break out again, endangering people’s lives.

The concept of credible commitments, most frequently associated with Walter, is the clearest existing attempt to outline how an inability to trust that another group will faithfully implement a peace agreement hinders the capacity of groups to enter into such arrangements. Walter’s argument is that external guarantees should be used to overcome this inherent lack of trust. She illustrated the dynamics by using the example of disarmament, ‘As groups begin to disarm, they create an increasingly tense situation. The fewer arms they have, the more vulnerable they feel. The more vulnerable they feel, the more sensitive they become to possible violations. And the more sensitive they become to violations, the less likely they are to fulfil their side of the bargain’. She argued that the most difficult obstacle to reaching and implementing a peace agreement is the need to design new institutions in such a manner as to convince the groups that all groups will respect the new arrangements.

This paper develops these recommendations outlining how the need for guarantees is driven by an absence of trust between the different parties attempting to

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reach a complex power-sharing agreement, particularly related to the TSG elements. This paper now turns to the concept of TSG and why guarantees are particularly necessary in relation to TSG.

**Territorial self-governance**

TSG can involve a range of different forms of institutionally allocated powers, most notably: confederation, federation, autonomy, devolution, and decentralisation. Confederation involves extensive self-rule without institutionalised shared rule. Federation offers wide-ranging self-rule with institutionalised shared rule provided to all regions. Federacy arrangements provide for constitutionally entrenched extensive self-rule for specific regions. Devolution entails broad self-rule for specific entities entrenched in ordinary law. Finally, decentralisation affords for executive and administrative powers at the local level. Different TSG arrangements offer different levels of institutional entrenchment. Daftary emphasized that ‘powers ...may thus not be revoked without consulting with the autonomous entity and that the central government may only interfere with the acts of the autonomous entity in extreme cases (for example when national security is threatened or its powers have been exceeded). This suggests that for TSG to be a useful element of conflict resolution the transfer of power must be guaranteed and that traditionally weaker forms such as devolution may not be successful unless they are expressly protected.

**Guarantee Mechanisms**

TSG can only act as an institutional mechanism to manage conflict in divided societies if the arrangements are expected to remain in place for the foreseeable future. Such provisions may represent ‘knife edge equilibrium’ between national government and self-governing communities. Such delicate compromises can easily be undermined by a lack of trust.

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14 In divided societies where the communal groups are not geographically concentrated, autonomy can also be arranged on a non-territorial basis.
which inhibits conflict parties from having confidence in the ability of the agreed arrangements to sustain. Guarantees of institutional structures of horizontal and vertical power-sharing are crucial to preclude the rescindment of transferred competencies and the disturbance of this balance. Guarantees are also key, as new institutions — particularly those which take complex or unconventional forms such as complex power-sharing — only gain legitimacy as they endure over time.¹⁸ This endurance strengthens democratic norms and makes the use of non-democratic means of conflict management less acceptable.

Guarantees can be international or domestic. International guarantees can take the form of hard guarantees (military force, international governance and international treaties) or of ‘soft’ guarantees (policy conditionality and membership of regional organisations). Hard international guarantees usually take the form of legally enforceable international treaties or agreements and can offer strong protection of the complex power-sharing arrangements. Soft international guarantees are offered in the form of the involvement of international organisations in the implementation and potentially operation of a particular peace agreement. Domestic entrenchment can take place either through constitutional assurance or through legislation. Domestically, constitutional guarantees are the strongest. Other special laws, for example those which need supra-majorities to be changed, may also offer strong guarantees.¹⁹ Guarantees provided in ordinary legislation offer the weakest form of entrenchments.

Guarantees are valuable for central governments, they commit all parties to an agreed structure and imply that there can be no unilateral changes outside pre-agreed procedures, such as the referenda provided for in the settlements, and decrease perceptions that TSG contributes to state disintergration. Guarantees are also vital for groups provided with self-government as they mitigate against what appears to be an tendancy towards re-centralization, which would fundamentally undermine complex power-sharing. Rothchild and Roeder warned that where delegation is dependent on possibly shifting government

majorities at the centre recentralisation is a real danger.\textsuperscript{20} Without guarantee mechanisms TSG is dependent not only on trust between current conflict parties but on an understanding that future leaders are also trustworthy. Confidence in future events is extremely difficult to achieve in environments where trust between current leaders is low. This reinforces the need for sufficient guarantee mechanism to overcome these challenges.

Trust can be further hampered by the demographic composition of the state where it contributes to an imbalance in power between different conflict groups. Hale argued that in states where there is a core ethnic region which may possesses the capacity to force the central government to renege, any concessions made by central government are less credible.\textsuperscript{21} In such cases even where a central government wants to uphold TSG arrangements which it has agreed to this may be problematic. This will increase the difficulty which smaller groups have in trusting that TSG will endure and will increase the need for guarantee mechanisms which can overcome these challenges.

Research design
In order to establish that a lack of trust is driving the inclusion of entrenched guarantees have on the success in complex power-sharing arrangements this research examines five cases existing cases of complex power-sharing structures (Northern Ireland, Bosnia, Macedonia, Moldova, and Iraq), which include different forms of TSG and different types of guarantee mechanism. Case selection is key when using this approach. The goal of case selection is to capture the full range of variation along the dimension(s) of interest. In relation to this research the set of cases were selected in order to try and capture a full range of values in relation to levels of trust, types of TSG, and types of guarantees. While the post-conflict and divided nature of the different societies suggests that they will all enjoy relatively low levels on inter-group trust this also varies across the cases. This case


selection methodology reflects the concerns and recommendations made by Gerring in relation to ‘diverse cases’.\textsuperscript{22}

The TSG and guarantees of each of the five cases were first classified using different categories. This project then uses both co-variance and causal process observations methods. Covariance corresponds to the prevailing outlook on case studies research in Political Science. Gerring coherently outlined this approach arguing that ‘a purported cause and effect must be found to covary’.\textsuperscript{23} In keeping with this approach this project examines covariance between its dependent variables (guarantees) and independent variable (a lack of trust). This inferential power of the research is strengthened by incorporating causal process observations (CPOs) as described by Collier, Brady, and Seawright. A causal-process observation (CPO) is ‘an insight or piece of data that provides information about context, process, or mechanism, and that contributes distinctive leverage in causal inference’.\textsuperscript{24}

In order to ascertain whether a lack of trust necessitated the inclusion of guarantees in complex power-sharing arrangements a range of data relating to the different cases was examined. There was a wealth of data in the public domain in the form of official statements, recommendations, and reports. To ensure appropriate interpretation the process of production of these documents, the identities of the authors, the purposes for which they were produced, and the organisational framework in which they operated were all considered.\textsuperscript{25} Interviews will be used to supplement these existing documents. They are a particularly useful source of data for this paper. This is because interviewing is often the most productive approach when influence over a particular outcome of interest was restricted to a small number of decision-makers.\textsuperscript{26}

\textsuperscript{22} Gerring, J. ‘What is a Case Study and What is it Good for?’. \textit{American Political Science Review}, vol. 98, no. 2, 2004, 341-354.
\textsuperscript{23} Gerring, J. ‘What is a Case Study and What is it Good for?’. \textit{American Political Science Review}, vol. 98, no. 2, 2004, 341-354.
\textsuperscript{26} Rathbun. B.C., ‘Interviewing and Qualitative Field Methods: Pragmatism and Practicalities’. In Janet Box-Steffensmeier, Henry Brady and David Collier, eds. \textit{The Oxford Handbook of Political Methodology}, (Oxford: Oxford University Press, 2010), 690.
Interviews will be conducted with civil servants, politicians, international organisation and civil society groups. Where interview transcripts are generated and they will be analysed in the same manner as the other data, as discussed below. In some cases interview transcripts were not available due to interviewees not being comfortable being recorded. In these cases interview notes taken by the researcher were used. The documents were read and any references to trust, TSG or guarantees, and/or of a link between a lack of trust and guarantees were coded. This information was used to draft the findings of the research.

**Initial Findings**

As I have demonstrated in the previous sections a lack of trust between conflict parties in divided societies can greatly inhibit the ability to reach and implement complex power-sharing arrangements limiting the potential to use TSG to manage conflicts. However the use of guarantees can help to overcome this challenge and increase the usefulness of TSG in conflict management. This project is at an early stage and initial analysis has been carried out on two cases, Northern Ireland and Bosnia. This analysis has confirmed three key hypotheses of this project 1) that a lack of trust between the conflict parties is a substantial obstacle to reaching and implementing peace agreements; 2) that this absence of trust has a direct effect on how parties view TSG as a conflict management mechanism in that parties have articulated fears regarding the potential secession, recentralisation or the integration of a territory into another state, and 3) that guarantees are used in an effort to allay these fears.

In both Bosnia and Northern Ireland there are numerous and clear indications that a lack of trust was a barrier during the negotiations which led to the peace agreement. In Northern Ireland the International Body on Decommissioning, convened to try and overcome difficulties around securing disarmament of IRA weapons, explicitly referred to how previous historical interactions had resulted in an atmosphere where trust was lacking and where ‘even well-intentioned acts are viewed with suspicion and hostility’.

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The truth is that there is no confidence on either side about the motives and intentions of the other. The procedural problems are a product of this deep distrust. Each party often seems utterly convinced of the duplicity of all the others’. This confirms an expectation that a dearth of trust will act as an obstacle to securing a peace agreement. The lack of trust that each party is suspicious about the other’s intentions and fears that they are being misled and may be exploited. The same process is indicated in the Bosnian case. Following a trip to Sarajevo in 1992 Lord Owen argued that ‘No party has been willing to make concessions, fearing that others could take advantage of them, but at the same time each party has insisted that the others make the first concession’. At the London Conference of August 1995 Foreign Secretary Douglas Hurd argued that ‘broking agreements entails convincing awkward and highly distrustful people’.

These concerns are not restricted to the negotiation phase of a peace process. Rather they can also be clearly seen in operation during the inevitably challenging and often extended implementation process. Two of Bosnian’s High Representatives referred to the lack of trust as an ongoing obstruction in the peace process. In the High Representative Carlos Westendorp’s sixth report to the Secretary-General of the United Nations he stressed that ‘mutual mistrust and accusations continue to stall the peace process.’ Westendorp’s successor Wolfgang Petritsch similarly noted that ‘In BiH, every politician who proposes a project - no matter how footling - is automatically suspected by his political opponents of a more or less hidden ethnic agenda’.

Again equivalent dynamics can be seen in Northern Ireland. In June 1999, fourteen months after the conclusion of the Good Friday Agreement, the institutions which it provided for, most notably the local Stormont Assembly, was not fully operational. Tony Blair argued that while the constitutional issue had been resolved the issue of trust had not been and that without trust there could be no political settlement.

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32 Blair, T. (1999) Keynote Speech by Tony Blair, then British Prime Minister, at Stranmillis University College Belfast, (15 June 1999), London: Prime Minister’s Office.
The lack of trust can have a direct effect on how TSG operates as a conflict management mechanism. In Bosnia there were clear indications that the TSG institutions established in the Dayton peace accord may not be respected by different conflict parties. There appeared to be genuine mal-intent with Serbians threatening accession and Bosniaks threatening to abolish the Republic Srpska. RS Prime Minister Milorad Dodik said his party would ‘seek the right to self-determination, including the option of secession for the Republika Srpska during upcoming talks on Bosnia and Herzegovina’s constitutional order’. Bosniak leaders countered by questioning the right of the Republic Srpska to exist which ‘served to further undermine inter-ethnic trust’. An apparently substantiated lack of trust that agreed TSG arrangements will operate stably will require a very strong set of guarantees to counter such threats, as will be discussed momentarily.

However there can be a lack of trust that TSG will be sincerely operated by all parties even in the absence of clearly malicious intentions. In Northern Ireland unionists were fearful that any cooperation between a local assembly and the Irish government could lead to re-integration of the region into the Irish republic. As originally enacted in 1937 the Irish Constitution, Article 2 asserted that "the whole island of Ireland, its islands and the territorial seas" formed a single "national territory", while Article 3 asserted that the Oireachtas had a right "to exercise jurisdiction over the whole of that territory". These articles were a source of constant fear and suspicion in the unionist community. They played a role, albeit a minor one, in undermining the 1973 Sunningdale Agreement and were used by unionists in an unsuccessful attempt to undermine the 1985 Anglo-Irish Agreement.

These articles were altered following a successful referendum on the Good Friday agreement in 1998. They were replaced by articles which recognised that unification of the two parts of the island could only occur with the consent of the majority of people in Northern Ireland. However despite this change the unionist community viewed any

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cooperation between a local assembly in Stormont and the Irish government as a potential first step towards reunification against their wishes. This suspicion was sufficiently important to the Democratic Unionist Party (the largest unionist party) for it to insist on a clarification in the 2006 St Andrews Agreement which confirmed that any cooperation between Dublin and Belfast would have to be approved at Stormont, giving unionist an effect protection against the feared reunification. In its 2007 manifesto the DUP highlighted the importance of these new arrangements which removed ‘any danger to the constitutional position of Northern Ireland through nationalist Ministers reaching agreement with their Dublin counterparts’.\(^{35}\)

This agreement was enshrined in UK legislation in the Northern Ireland (St Andrews Agreement) Act 2006. This indicates that a guarantee in ordinary domestic legislation can build confidence that TSG arrangements, and specifically any cross-border cooperation which local assemblies may engage in, are not a threat to the existing territorial integrity of the state. However it is worth noting that it is relatively easy for a government to alter such a guarantee in the future limiting its strength. However the Northern Ireland (St Andrews Agreement) Act 2006 was a supplementary guarantee offered to the unionist community \textit{in addition} to a constitutional guarantee provided by the change in article two and three in the Irish constitution.

This constitutional guarantee provides very strong protection that the TSG and associated cross-border cooperation will not result in an undesired change in the constitutional status of Northern Ireland. A popular referendum is necessary to alter the Irish constitution. There was an extremely high level of support for altering articles two and three in 1999 (over 93% of votes cast were in favour of the change).\(^{36}\) Given this very high level of support for the 1999 and strong support for the peace process in general it seems very unlikely that the Irish people would vote to change the articles to reassert a claim which would undermine the progress made in Northern Ireland.


\(^{36}\) Referendum Results 1937 – 2013 Published by the Department of the Environment, community and local government, Dublin 2013.
There are also comments that the Good Friday Agreement also provided a British constitutional guarantee. Irish Prime Minister Bertie Ahern argued that the agreement involved commitment to constitutional change in both Ireland and Britain and framed Irish constitutional change as balanced by British constitutional change including, ‘including the repeal of the Government of Ireland Act’. While changes to the Government of Ireland Act 1920 were undoubtedly significant they did not in reality provide as strong a guarantee as one would expect a constitutional provision to provide due to the absence of a written British constitution and the ability of the British government to change this act through ordinary parliamentary procedures.

In Bosnia there are also references to the constitutional protection offered to the TSG element of the Dayton peace accord. In efforts to counter separatist efforts by the Republika the High Representative frequently refers to the Bosnian constitution arguing that it provided that the two entities of Bosnia are not states and that it established central state capacities and how additional powers could be transferred it. As well as being the highest legal document of Bosnia the constitution is also Annex Four of the Dayton Peace Agreement and the High Representative and EU Special Representative also referred to it the Dayton Agreement to the argue that ‘the Republika Srpska does not have the right to secede from BiH, at the same time no one can unilaterally abolish Republika Srpska...BiH is an internationally recognised state, its territorial integrity is guaranteed by the Dayton Peace Agreement and its existence cannot be questioned’.

As part of the Dayton Agreement the Bosnian constitution not only provides a strong domestic guarantee but is also part of a larger international guarantee. Given the scale of the violence during the Bosnian conflict it is unsurprising that the conflict parties in addition to domestic guarantees required international guarantees. The international guarantees provided in Bosnia include military and civilian aspects. The military aspects provided

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39 OHR/EUSR Existence of Bosnia and Herzegovina cannot be questioned 30/1/2008.
physical security which was absent as a result of the widespread violence and efforts to disarm and demilitarised that state. This military guarantee was considered vital throughout the peace process in Bosnia, including during the implantation of the Dayton Agreement. High Representative Christian Schwarz-Schilling argued ‘EUFOR is vital to build confidence’.

The military guarantee was necessary to provide physical security and there was little suggestion that it specifically protected the TSG element of the agreement.

The military forces (IFOR and later EUFOR) were also needed to support the High Representative’s mandate. In the first two years post-Dayton Agreement the HR had very limited powers. However these powers were greatly increased and the ‘Bonn powers’ effectively allowed the HR to impose laws at any constitutional level, and to dismiss elected representatives, political party officers and public officials. Again the High Representative’s mandate was not specifically focused on the TSG arrangements. However the HR was the key figure who repeatedly countered separatist activities and rhetoric from the Republika Srpska and threats to abolish the Republika Srpska from Bosniak politicians by stressing the constitutional and international guarantees that the territorial structure of Bosnia would not change.

The international guarantees provided in Northern Ireland were significantly weaker. Given the lower levels of violence and the fact that the conflict almost exclusively occurred within the international border of the UK this is unsurprising. However the Northern Ireland peace process was significantly internationalised, for example the role of the USA in the negotiation of the Good Friday Agreement has been the subject of much comment and research. In keeping with this internationalisation the Good Friday Agreement was an international agreement reached between the UK and Ireland. This may suggest that any changes include interference with the TSG arrangements such as efforts to recentralise powers or suspend the local assembly would have to be agreed between both states. However this has not proven to be the case. The Sinn Féin President Gerry Adams

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highlighted how ‘the failure of the Irish government to prevent the British government from breaching the Agreement through these suspensions has caused difficulties throughout nationalist Ireland’.  

While criticism of the British government by Sinn Féin is to be expected the Irish government also acknowledged how these suspensions posed a problem for it. Prime Minister Bertie Ahern admitted that ‘the British-Irish agreement, terms which do not expressly include provision for suspension’ and ‘in that context, suspension raises issues of concern for the Government and any significant extension of it could make the situation more difficult’. As Wolff has argued

For any violation of the treaty (as has arguably occurred on several occasions with the unilateral suspension of the power-sharing institutions by the UK government) to be addressed one of the signatory parties needs to bring a case before a relevant international legal institution (e.g., the European Court of Justice). If this does not happen, the protection theoretically afforded by the link between the agreement and an international bilateral treaty remains an empty shell.

This finding suggests that any examination of how guarantees can be used to overcome the trust deficit in order to increase the utility of TSG arrangements as a conflict resolution mechanism must focus on their operation and not simply their inclusion in an agreement.

**Conclusion**

Territorial self-government is a commonly used conflict management mechanism. It has been implemented in different varieties in a wide range of conflict, including those with an ethnic or ethnonational component. A dearth of trust between conflict parties increases the implications of two opposing potential problems with TSG connected to the long-term stability of the arrangements. Centripetalist like Horowitz warn that ethnic based TSG is

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43 Wolff, S. Peace by Design? Self-determination and Power-sharing in Divided Societies.
centrifugal while other scholars argue that the autonomy can be rolled back undermining its value of a conflict management mechanism.

The initial findings from this project indicate that a lack of trust is not only a barrier to reach and implementing peace agreements generally but also undermine the utility of TSG as parties fear state disintegration or re-centralisation of powers. They also suggest that a range of international and domestic guarantees can be used in combination to overcome this challenge. Some references to guarantee mechanisms apply directly or primarily to the TSG arrangements while others seem to focus on other elements of the peace agreement.

The findings also highlight the importance of exploring whether guarantees are implemented or enacted rather than focusing solely on their inclusion in an agreement.

This project is at an early stage and the documentary analysis will be supplement with interviews which will be used to ascertain whether the guarantees included in peace agreements were included to overcome a lack of trust between conflict parties and to focus on whether their inclusion was central to the use of TSG or whether this effect was secondary or incidental.
Bibliography


