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Managing Ethnic Conflict: The Menu of Institutional Engineering

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Abstract

The debate on institutional engineering offers options to manage ethnic and other conflicts. This contribution systematically assesses the logic of these institutional designs and the empirical evidence on their functioning. Generally, institutions can work on ethnic conflict by either accommodating ("consociationalists") or denying ("integrationists") ethnicity in politics. Looking at individual and combined institutions (e.g. state structure, electoral system, forms of government), the literature review finds that most designs are theoretically ambivalent and that empirical evidence on their effectiveness is mostly inconclusive. The following questions remain open: a) Is politicized ethnicity really a conflict risk? b) What impact does the whole "menu" (not just single institutions) have? and c) How are effects conditioned by the exact nature of conflict risks?

Keywords: institutional engineering, ethnicity, conflict, conflict management

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Article Outline

1 Introduction

The international wars in Iraq and Afghanistan as well as the related "war on terror" are making the headlines and have attracted special interest in Western media. Yet, the majority of contemporary violent conflict is not international but domestic or civil conflict (e.g. Harbom/Wallensteen 2010). Many of these conflicts are—or are at least labeled—ethnic conflicts. These conflicts are often associated with massive bloodshed, as cases such as Sudan, Rwanda, Sri Lanka and Bosnia exemplify. However, ethnic (and other) conflict is not inevitable. For decades, the problem of ethnic conflict has stimulated a debate in academia on what can be done to resolve, alleviate or avoid such conflicts. A huge body of literature is devoted to what is called "institutional" or "constitutional" engineering (e.g. Horowitz 1985; 2000; Sartori 1994; Dahl 1996; 1998; Reynolds 2002; Norris 2008)—that is, how institutions can be designed in order to work on ethnic conflict. This paper will give a systematic overview of the "menu of institutional engineering" vis-à-vis ethnic conflict and will try to assess whether or not, or to what extent, these measures have proven successful.

The paper will proceed as follows: The first part will clarify a number of concepts. What do we understand ethnicity to be? How can we identify ethnic groups? What is ethnic conflict and what do we know about the relationship between ethnic diversity and conflict? In addition, the first part will also define the term "institutional engineering" and conceptualize what principal institutional options—in the more abstract sense—are available to manage ethnic conflict.

The second part will analyze the different options on the menu of institutional engineering according to different levels of formal political institutions, including the more or less democratic character of the political system as a whole, state structure, electoral and party system, system of government, and a more complex, combined approach: the so-called "consociational" model. For each institutional measure, the logic vis-à-vis ethnic conflict will be discussed and the main empirical results regarding their respective effectiveness will be presented. Finally, the conclusion will sum up the results and discuss challenges for future research and policy recommendations.

2 Clarification of Concepts

2.1 Ethnicity and Ethnic Identity: What Are They?

What is ethnicity? How do we know that there is a distinct ethnic group? Though observers normally have few problems identifying ethnic groups in everyday life, a scientific definition proves more difficult because two basic concepts are opposed. According to an essentialist or primordialist notion of ethnicity, ethnic group identities are stable over time and result from differences in shared identity markers such as clan, community, faith (religion), language, regional provenance, race, sect or tribe, and complexion or other physical appearance (Fearon/Laitin 2000: 849). However, there is no fixed set or number of such "objective" differences. Sometimes many of these different identity markers are present, but often they are not.[1]

Contrary to essentialists, constructivists argue that ethnic identity can change over time and, at the end of the day, it is the result of self-ascription and/or ascription by others (Horowitz 1985; Fearon/Laitin 2000: 851-853). Ethnicity is socially constructed. Yet, it does not seem plausible that ethnic identity changes on a daily or arbitrary basis and is completely independent from "objective" identity markers, though their number and importance may differ from case to case.[2]

1 In the case of Hutu and Tutsi in the Great Lakes region, for instance, there are very few objective differences. Language, religion and regional settlements are identical. However, Tutsi were historically dominant in the pre-colonial Tutsi Kingdoms, (and the colonial administration maintained and even amplified this Tutsi "supremacy"), and it is the belief that Tutsi descend from Hamitic pastoralists while Hutu were originally sedentary Bantu farmers. The resulting differences in physical appearance—tall and thin Tutsi vs. shorter Hutu—are rarely visible at first glance. The *genocidaires* in Rwanda in 1994 often had to check the ethnic affiliation on a person's identity card—where the ethnic identity was noted—before slaying that person.

2 An additional problem arises from different levels of analysis. Do we look at larger groups or subgroups? Sometimes differences within subgroups might be politically more relevant than those between larger groups.

Hence, it seems reasonable to define ethnicity in a combined concept, but one that includes more constructivist ideas than primordialist ones (see also Horowitz 1985; Kasfir 1976[3]): ethnicity and ethnic identity derive from the notion of a common ancestry and are associated with a variable set of objective identity markers such as language, religion, and physical appearance. However, though relatively stable over time, ethnic identity finally results from self- and outside ascription and may be principally subject to change.

2.2 Ethnic Conflicts: What Do We Know About Them?

What do we know about ethnic conflict? To begin with, it seems useful to define it. As it is broadly understood, ethnic conflict denotes any conflict in which at least two ethnic groups are opposed—at least as the main bases of the warring factions—with regard to an incompatibility such as access to power and resources or more symbolic incompatibilities such as discourses on history. Such a conflict can be violent or peaceful.[4]

While many economic, social, and political phenomena may impact ethnic violence, a minimum of ethnic diversity is a precondition for the onset of ethnic violence. But why might ethnic diversity result in interethnic violence? Theoretically, there is a number of ways (see Fearon 2003; Hoeffler, forthcoming; Bussmann/Hasenclever/Schneider 2009: 15-18). Ethnic diversity may be particularly prone to (violent) conflict because of socio-psychological intergroup dynamics. A positive in-group identity is necessarily associated with a more negative perception of the out-group. Thus, negative action against the out-group becomes more likely. Ethnically defined in- and out-groups might be particularly prone to such escalation because often—not always, as argued above—the out-group has many objective differences and its "otherness" can hardly be denied. In a context of economic crisis, individuals tend to seek refuge in ethnic identities (see Bussmann/Hasenclever/Schneider 2009: 15-18). This will be politically relevant all the more when ethnic groups suffer from (perceived) relative deprivation in economic, political, or other terms (Gurr 1970; 2000). In any case, ethnic identities are resources that leaders can draw on for political mobilization.

The quantitatively oriented empirical research on ethnic conflict has focused on the question of whether and what particular constellations of ethnic diversity are especially conflict-prone. There are three basic constellations of ethnic diversity: *Ethnic fractionalization* measures the number of ethnic groups and their relative size. A value of 0 denotes that all individuals belong to the same group, while a value of 1 means that all individuals belong to a different group (Fearon 2003; Collier/Hoeffler 2004). The idea behind this measure is simple:

3 For Kasfir, "ethnicity contains objective characteristics associated with common ancestry, such as language, territory, cultural practices and the like. These are perceived by both insiders and outsiders as important indicators of identity, so that they can become the bases for mobilizing social solidarity and which in certain situations result in political activity" (Kasfir 1976: 77).

4 If not indicated otherwise, ethnic conflict will denote *violent* ethnic conflict.

the more diversity, the more conflict. In contrast, Horowitz (1985) argues that it is not higher fractionalization, but so-called *ethnic polarization* that is most conflict-prone (see also Esteban/Schneider 2008). Polarization does not refer to the quality of the relations—as it may suggest—but to a demographic constellation in which few but bigger groups are opposed, ideally two groups with a 50 percent share of the population each. An index on that (Montalvo/Reynal-Querol 2005) measures how close a demographic constellation is to two groups, each with a share of 50 percent. Since in such a constellation the differences between the groups are more salient and hence easier to mobilize, polarization might be more conflict-prone than fractionalization, in which the large number of groups creates a collective action problem. Finally, a third concept or measure is *ethnic dominance*, in which one ethnic group has a relative or absolute majority within the population of the country, potentially marginalizing smaller groups. Measures differ as to whether the threshold of dominance stands at 40, 50 or 60 percent of the population share of the group in question.

There are many quantitative studies that have tried to test the different measures and their impact on civil war onset (e.g. Collier/Hoeffler 2004; Fearon 2003; 2005; for an overview, see Hegre and Sambanis 2006; Dixon 2009; Hoeffler forthcoming). To make a long story short: There are no robust results. None of the three measures has proven robust in all the different studies. There is just one consensus: ethnic diversity as such is not necessarily associated with civil war or other forms of organized violence.

Certainly, these measures of ethnic diversity have severe disadvantages (Posner 2004; Cederman et al. 2009). First, their reliability might certainly be questioned. Given the lack of comprehensive worldwide data on the ethnic composition of countries, measures rely most of the time on a Soviet atlas from the 1960s, freezing a picture that has obviously evolved since then. Second, critics have noted that behind identical index values for ethnic fractionalization and polarization, very different constellations can be hiding.[5] Third, it may be argued that it is not so much the quantity but the quality of relations that makes the differences. Different measures such as the "politically relevant ethnic groups" proposed by Posner (2004) or the Minorities at Risk Project may thus better capture the salience and quality of ethnic cleavages or deprivation of ethnic groups. For instance, in a setting of a dominant ethnic group, whether the minority rules or is suppressed (or neither/nor) will differ.

Recent research indeed provides support for the view that the quality of relations in the sense of Gurr's relative deprivation thesis matters. A data set compiled by Cederman, Min and Wimmer (2009) on the basis of judgments by country experts has extensively coded the nature of power relations between ethnic groups. Their analysis finds that the political exclusion of ethnic groups is a significant determinant for civil war and ethnic strife (Cederman et al. 2010). This finding seems highly plausible. However, it raises the question of why the exclusion of ethnic groups—or the mobilization and instrumentalization of ethnic identity—

5 For example, three groups of equal size will have the same value, with one group with approximately a 50% population share and a number of smaller groups with less than a 10% population share each.

happens in some cases while it does not in other cases. Apparently, it is not directly related to specific demographic constellations of ethnicity. Generally, we should be aware that if any measure of ethnicity proves significant, other factors such as economic inequalities and political power struggles among elites also have to be taken into account.

2.3 Institutional Engineering: How Can Institutions Manage Conflict?

In a broad sense, institutions are rules governing the behavior of a set of individuals within a given human collectivity (see e.g. North 1990; Helmke/Levitsky 2006: 1-8). This may include informal rules, and indeed these may matter. Often, they might be even more important and effective than formal ones. However, it is beyond the scope of this paper to consider all forms of institutions. This paper will therefore focus on formal or state institutions laid down in constitutions, laws, and other documents. How informal institutions may affect ethnic conflict or the chances of democracy constitutes a research agenda in its own right (for democracy, see Helmke/Levitsky 2006: 5-19).

Regarding institutional engineering, this contribution will deal with all forms of formal institutions that are designed to manage—that is to resolve, alleviate, or avoid—conflict. How can institutions work on *ethnic* conflict? Principally, rules affect the behavioral patterns of actors by reducing the promising legal options of action. To begin with, whether violent ethnic conflict has not (yet) taken place is relevant. When ethnic conflict is manifest, the prime goal is to alleviate and stop it. Once ethnic violence has been ended, in a post-conflict situation, engineering aims to avoid a return of the violence.

The differentiation between the principal techniques, however, seems more important to work on ethnic conflict. There are two principal options (see Table 1; for a roughly similar concept, see Bogaards 2007): So-called "integrationists" *deny ethnicity* as a source of political articulation and aim to remove or at least reduce ethnic identity as a source of political mobilization. The logic is simple. As outlined above, ethnicity in politics may increase the likelihood of violent escalation. Respective measures will try to remove or block ethnicity from politics by, for instance, banning ethnic parties. In a more integrative, positive, or pro-active manner, institutions may prescribe the non-ethnic character of political parties or encourage other forms of non-ethnic institutions in order to overcome ethnicity as a source of political mobilization.

In contrast, the consociational school of thought (e.g. Lijphart 1977) principally accepts ethnicity as a source of political mobilization: it may even be risky to block ethnicity as a vehicle in politics since the denial of the articulation of ethnic interest might marginalize ethnic groups and encourage them to resort to violent and extralegal forms of articulation. Hence, respective institutions will ensure the fair or adequate representation of ethnic groups within political institutions, including, for instance, a federal state structure or a proportional representation electoral system.

In a more integrative or "positive" manner, institutions such as power-sharing agreements may actively encourage the cooperation between the different ethnic groups, while maintaining them as principal vehicles of political mobilization[6]—for example, in the sense of what Bogaards (2007) calls "aggregation." Institutions transform various ethnic interests into broader (multiethnic) formations.

Table 1: Options to Manage Ethnic Conflict through Institutional Engineering

	Ethnicity in politics	
Technical approach	*Accepted ("consociationalists")*	*Denied ("integrationists")*
Passive/negative	Enabling fair and adequate representation of ethnic groups (e.g. proportional representation and compensatory electoral systems, decentralization)	Banning ethnicity as a source of mobilization in politics (e.g. ethnic party bans)
Integrative/proactive	Encouraging cooperation between ethnic groups (e.g. power-sharing governments)	Encouraging/prescribing multi- and non-ethnic structures (e.g. national representation requirements for parties)

Source: Authors' compilation.

Having drawn a line between the two basic and principally opposed options of "integrationists" and "consociationalists" does not mean that the debate and individual authors principally and exclusively identify with one of the schools of thought. Frequently, both options are considered and can be integrated into a sequential model. While ethnicity is accommodated as a first step, institutions, as in the case of "transformation," are designed in order to overcome or at least reduce ethnicity as a source of mobilization. Discussing sequences also reminds us that institutional engineering is not only about the right design but also has to figure out how a change in a given institutional set-up can be implemented. Vested interests of actors who benefit from the present set-up might turn institutional reform into a conflict risk.

Moreover, the whole "menu" consists of many options. In the following, we will discuss a number of options that can be assigned to different levels of (state) institutions and their exact arrangements: the political system as a whole in the sense of its democratic character, the territorial structure of the state, the electoral system, the party system, government, and, finally, a combined approach.

3 The Menu of Institutional Engineering

In this section, I will discuss all the options of institutional engineering one by one, employing the following criteria: First, there will be a brief explanation of the logic of the measure, including possible theoretical ambivalence; second, I would like to outline what existing empirical studies have found (if anything) regarding the effectiveness of these measures.

6 In that sense, they are also principally different from integrative options that deny or aim to overcome ethnicity.

3.1 Political System as a Whole: Democracy versus Autocracy

There is a huge number of different concepts on democracy; this contribution, however, draws on the concept of "polyarchy" by Robert A. Dahl. According to his notion of real world democracy—or polyarchy, as he calls it—democracy is conceptualized as a political system with high degrees of participation and competition (Dahl 1996; 1998). This means that almost the whole adult population regularly elects decision-makers and that the competition for these posts takes place in an environment without coercion or intimidation. All citizens can freely form political groupings, have access to alternative information sources, and enjoy freedom of speech. Additional elements of a democratic political system—exceeding Dahl's criteria—may include effective judicial control and a minimum of functioning state structures (or "statehood"). Along with those, if there are economic differences between citizens, they should not be so massive that they prevent effective equality in participation (e.g. Merkel 1999).

Democracy as such is rarely advocated as a specific measure to work on ethnic conflict. However, it may be argued that a free political system, particularly one where multiparty elections are the core element, will be more adequate to allow ethnic interests to be articulated. Moreover, the legitimacy of an open system—and the prospect of winning the next election—will also facilitate the acceptance of election results on the part of the losing camp (being ethnically defined or not). In contrast, it may be argued that elections will turn out to be ethnic headcounts, opening an "ethnic Pandora's box," as many observers of African politics expect. In ethnically diverse countries, political competition will inevitably organize along ethnic lines. Thus, a political opening will unleash ethnic strife.

The research on the "democratic peace" in general has found that neither stable democracies nor stable autocracies are particularly prone to civil war. A high risk of civil war is found in hybrid systems (Hegre et al. 2001)—that is, political regimes that have both democratic and authoritarian features. Critics, however, point to the fact that some of the measures for hybrid regimes include indirect indicators of unrest (Vreeland 2008). Also, hybrid political regimes are often found in societies in the process of change; it may be not so much the hybrid character of the regime but rather the *change* that impacts the likelihood of civil war and the character of the (hybrid) regime.

These studies, however, do not investigate the effects of the regime type on ethnic conflict. One study (Schneider and Wiesehomeier 2008) has tested the interaction vis-à-vis conflict of the aforementioned different forms of ethnic diversity (polarization, fractionalization, and dominance) and the democratic character of the political system. According to their findings, in an autocratic setting, two forms of ethnic diversity affect the risk of conflict: polarization makes such states more vulnerable to civil unrest, while dominance by one group reduces this risk. Ethnic fractionalization, by contrast, increases the risk of conflict in democracies. These countervailing effects confirm findings according to which political competition in democracies and autocracies follows a fundamentally different logic (Bueno de Mesquita et al. 2003, Keefer 2007). In democracies, political violence seems attractive mainly to small

groups that lack a reasonable chance to influence policy-making at the ballot box, but it is not very attractive to bigger groups. In autocracies, the repressive apparatus is generally so strong that only strong minorities or suppressed majorities may resort to violence with some prospect of success. Indeed, "the results raise the question of whether specific institutional arrangements might be appropriate to reconcile the differences between the leading groups and the militant minorities" (Schneider/Wiesehomeier 2008). The study remains silent, however, on the ethnic character of conflict; it would be interesting to see how the results would look if we included this variable.

3.2 State Structure: Federalism and Decentralization

In contrast to a unitary state, decentralization denotes a state structure in which subnational units enjoy a certain degree of political, financial, and social autonomy. If this autonomy reaches a certain degree,[7] it may be called "federalism" like in the United States of America, the United Mexican States, or the Federal Republic of Germany. We live in a "golden era" of decentralization, as Siegle/Mahony (2007: 1) put it. Particularly in the developing world, many countries have undergone decentralization programs in recent years (see also Crawford/Hartmann 2008).

How is decentralization or federalism believed to work on ethnic conflict from a theoretical perspective (Mehler 2002[8])? Conventionally, one might argue that it may bring government closer to the people, increasing opportunities to participate in government, and giving groups control over their political, social, and economic affairs (Brancati 2006: 651-53). In the sense of my conceptualization, decentralizing allows for a better representation of regional ethnic groups by giving them autonomy, thus avoiding (secessionist) conflict. Critics, however, argue that decentralization intensifies ethnic conflict by reinforcing regionally based ethnic identities, producing legislation that discriminates against certain ethnic or religious groups in a country, and supplying groups at the regional level of government with the resources to engage in ethnic conflict and secessionism.

In fact, empirical studies provide evidence for both effects. Brancati (2006) studies 30 democratic countries with several degrees of decentralization vis-à-vis the levels of anti-regime and intercommunal conflict. She finds that several measures for decentralization, such as the share of subnational expenditure and revenue reduce the likelihood of anti-regime and intercommunal conflict. However, at the same time, decentralization encourages the existence of regional parties which, in turn, also increases the risk for civil conflict. It is easy to think of such examples in Yugoslavia and Nigeria, where bloody secessionist conflicts emerged.

how did she operationalize this?

7 Federalism requires at least two features: the constitution must explicitly mention the autonomy of the subunits (e.g. "federal states"), and the subunits cannot be unilaterally dissolved by the central government.

8 Mehler (2002) develops an extensive list of both the benefits and risks of decentralization.

A worldwide study by Siegle and Mahony (2007) also yields ambiguous results. When decentralization supports increased levels of local government expenditures, employment, and elected leaders, it is apparently less likely to succumb to ethnic conflict. Conversely, countries with higher levels of local government taxes or designated structures of regional autonomy have been more susceptible to ethnic conflict. Contexts with previous ethnic conflict, weak central government control over the security sector, and disproportionate access to natural resource revenues are particularly vulnerable. Schneider and Wiesehomeier (2008) test whether federalism is associated with conflict onset in democracies that are ethnically diverse. They find that federalism is not harmful in polarized or fractionalized countries but increases conflict risk in countries with a dominant ethnic group.

Generally, one can conclude that the success of decentralization or federalism probably depends on the exact nature of the institutional measures as well as the wider context of the countries (see also Crawford/Hartmann 2008; Mehler 2002).

3.2 Electoral Systems

3.2.1 Proportional Representation versus Majoritarian Systems

An electoral system is about how votes are translated into posts and mandates. When talking about electoral systems for parliaments, there is the classical juxtaposition between proportional representation and majority or plurality electoral systems. It was Maurice Duverger (1951), the famous French political scientist, who pointed out that the type of electoral system will impact the configuration of the party system. Proportional representation systems assign seats according to the relative strength in the vote share and are said to lead to a proliferation of political parties, while majoritarian systems, mostly at the level of small constituencies, will give the post to the candidate(s) who succeeds in gathering the absolute or relative majority of the vote. In the classical sense, the British-style, plurality system in single-member constituencies, also called "first-past-the-post," will result in a two-party system while the French-style, absolute majority system will result in moderate pluralism in the party system.

Research on the effects of electoral systems in recent decades has generally confirmed that majoritarian systems tend to have a concentrating effect (Reynolds et al. 2005: 35-37). However, the relationship is apparently less straightforward and simple as originally advocated by Duverger's laws. Contextual conditions such as the geographical dispersion of voting patterns and the nature of politically relevant cleavages will modify the relationship (Nohlen 2000; Sartori 1994). Particularly, electoral systems are far more diverse than the original typology suggests, and it seems more adequate to talk about more or less proportional and majoritarian electoral systems (Nohlen 2000).

With regard to managing ethnic conflict, it seems conventional wisdom that proportional representation is more adequate for ethnically diverse or divided societies. Following the consociational logic of accepting ethnicity as a vehicle of political mobilization, proportional

representation—henceforth PR—will ensure adequate representation and avoid marginalization of ethnic groups better than majoritarian systems. Critics might doubt whether it is a good idea to promote or at least allow the representation of ethnic groups. This may encourage the politicization of ethnicity, with possibly harmful consequences. Moreover, whether majoritarian systems really result in the underrepresentation of ethnic groups is questionable. If ethnic groups are regionally concentrated, they will easily get their share of the seats. Moreover, proportional representation might entail a high fragmentation of the party system, thus rendering the formation of effective government more difficult. Bad governance might then indirectly increase the likelihood of (ethnic) conflict.

Looking at recent quantitative studies, PR electoral systems seem indeed to be associated with a lower likelihood of civil war. Brancati (2006) finds that more majoritarian electoral systems increase the likelihood of intercommunal conflict in democratic countries (but not anti-regime wars). Schneider and Wiesehomeier (2008) find that stronger majoritarian systems lead to more civil war than PR systems do when combined with higher levels of ethnic polarization and fractionalization. Consequently, leading scholars in the institutional engineering literature strongly recommend PR systems (e.g. Reynolds 2002; Lijphart 2008).

3.2.2 Special Designs

As already mentioned, electoral systems are more complex than a typology of two or three types that is often used in political science. The huge number of possible technical elements (district magnitude, thresholds of representation, quotas, number of votes, forms of party lists, etc.) provides an almost indefinite number of possibilities for institutional engineering or manipulation (Nohlen 2000).[9] Three of these special designs deserve brief discussion, though they are employed in only a few cases and hence cannot be systematically tested in larger samples.

One option is to compensate ethnic groups and their respective parties after seats have been assigned according to the "regular" electoral system. For instance, Mauritius, the multicultural island in the Indian Ocean, employs a so-called "best loser" system (Krennerich 1999). This compensatory element is added to the plurality system in three-member constituencies and has strong distorting effects. The general logic is to accept ethnicity but to proactively ensure an adequate representation of all groups: After the seats have been assigned according to the "regular" majoritarian electoral system, a count is taken to determine which ethnic group(s) is underrepresented in the national assembly vis-à-vis the group's share of the population. Up to eight members of parliament are added in order to compensate for possible underrepresentation. Successful candidates for these compensatory seats are drawn from those candidates who belong to the respective underrepresented ethnic group(s) and have been the relatively best losers in the constituencies. It is of course difficult to judge the actual

9 Generally, there is a "dark side" to institutional engineering. Measures may also form part of the "menu of manipulation" (Schedler 2002).

effect this practice has on interethnic relations. However, Mauritius has thus far avoided existing tensions escalating into massive ethnic violence.

Another option, advocated by Donald Horowitz (1985), also accepts ethnicity as a vehicle in politics, at least initially, but tries to design electoral rules that promote reciprocal vote-pooling, bargaining, and accommodation across group lines. According to Reilly (2002), the most powerful electoral systems for encouraging accommodation are those that make politicians reciprocally dependent on votes from groups other than their own. Such innovative rules are so-called *preferential* electoral systems that enable voters to rank-order their choices among different parties or candidates on the ballot paper. All preferential electoral systems share a common, distinguishing feature: they enable electors to indicate how they would vote if their favored candidate was defeated and they had to choose among those remaining. Such systems include the "alternative vote" (AV) and the "single transferable vote" (STV). The exact rules are rather complicated,[10] but as Reilly (2002) puts it, because they enable electors to rank candidates in order of most preferable, such systems can encourage politicians in divided societies to campaign not just for first-preference votes from their own community, but for "second-choice" votes from other groups as well—thus providing parties and candidates with an incentive to "pool votes" across ethnic lines.

Assessing how well these preferential systems work in five countries—Northern Ireland, Estonia, Fiji, Papua New Guinea, and Australia—Reilly (2002) concludes that these cases provide important empirical evidence that preferential electoral systems can, under certain circumstances, promote cooperation among competing groups in divided societies, though similar institutional designs also appear to have had markedly different impacts in other countries.

Another option is advocated by Bogaards (2003) and is called *constituency-pooling*. For that purpose, a given country can be divided into a moderate number of regions or zones that correspond to the settlements of the major identity groups. Candidates in parliamentary elections would have to run in all zones, not only their basic zone, and in order to win would

10 Reilly states: "AV is a majoritarian system used in single-member electoral districts that requires the winning candidate to gain not just a plurality but an absolute majority of votes. If no candidate has an absolute majority of first preferences, the candidate with the lowest number of first-preference votes is eliminated and his or her ballots are redistributed to the remaining candidates according to the lower preferences marked. This process of sequential elimination and transfer of votes continues until a majority winner emerges. STV, by contrast, is a proportional system based around multi-member districts that, depending on the number of members elected in each district, can allow even small minorities access to representation. Voters rank candidates in order of preference on the ballot in the same manner as AV. The count begins by determining the 'quota' of votes required to elect a single candidate. Any candidate who has more first preferences than the quota is immediately elected. If no one has achieved the quota, the candidate with the lowest number of first preferences is eliminated, and his or her second and later preferences are redistributed to the candidates left in the race. At the same time, the 'surplus' votes of elected candidates (that is, their votes above the quota) are redistributed at a reduced value according to the lower preferences on the ballots, until all seats for the constituency are filled" (Reilly 2002: 158).

have to draw support from all over the country. Constituencies should be of roughly equal size, and there should be a fair mix of urban and rural constituencies. In addition, to allow for political learning and to improve accountability, pooling arrangements should change as little as possible over time (Bogaards 2003). This kind of electoral system has never been put into practice. Though, it had been planned in Uganda for the elections in 1971, which never took place because of the military coup led by Idi Amin. Subsequent elections have been held according to the traditional British-style, first-past-the-post system.

A final option to pool support from different groups is distribution requirements in presidential elections. We should be aware that electoral systems are not confined to parliamentary systems. In Nigeria—and similarly in Kenya—successful presidential candidates have to gain votes from all parts of the country (at least 25 percent in two-thirds of the federal states in Nigeria) in order to guarantee nationwide support. Though, it is difficult to assess the success in Nigeria and Kenya. Ethnic violence has erupted several times since the introduction of the regional distribution quota system. However, given the huge number of possible determinants of ethnic conflict, it seems unreasonable to blame this on the malfunctioning of these institutions. One point of criticism against such measures has yet to be mentioned: there is a possibility of institutional deadlock if no candidate manages to meet the requirements. In fact, this almost happened in Nigeria in 1979.

To sum up, there are many options for electoral systems beyond the classical juxtaposition of PR and majoritarian systems. Some of the designs seem promising vis-à-vis ethnic conflict management. Empirically, however, it is difficult to generally evaluate the exact impact of these special designs. There are just too few cases and too few comparative studies.

3.3 Party System: Party Bans

Electoral systems directly impact the nature of political parties—particularly the number of parties represented in the legislature—and the constellation of the party system. The number of parties may have an impact on ethnic conflict (e.g. Schneider/Wiesehomeier 2008) but is not an institutional measure in the strictest sense. However, there are additional and "genuine" institutional options to regulate political parties in order to work on ethnic conflict. Besides legal provisions banning hate speech during electoral campaigns and besides formal or informal inter-party dialogue, the most important measure is banning ethnic parties (Bogaards et al. 2010). There is a purely "negative" option, which simply prohibits parties that are composed of one ethnic group or seek the support of (or act on the behalf or in the interest of) one particular ethnic group. Such parties may be suspended, dissolved, or, if applying to be legally registered, denied official registration. There is also a "positive" option, which prescribes the national character of the party (Bogaards 2007). For instance, like in Ghana and Nigeria (before 2002), the parties in question must have supporters and party offices throughout the country and party committees must have members from different ethnic groups.

In theoretical terms, the banning of political parties representing ethnic groups and/or prescribing a national character follows the integrationist approach. Such bans may force and/or encourage parties to seek support along other lines, thus reducing the salience of ethnicity in politics and—as a consequence—mitigating ethnic conflict.

Again, this measure may also have unintended results. The consociational school and recent studies on ethnic parties claim that particularistic parties might be necessary or at least not always harmful to a peaceful democracy (Birnir 2007; Chandra 2004; Ishiyama 2009; Lijphart 1977). Particularistic party bans may then have an adverse impact on intercommunal relations. Since party bans block certain societal interests from being expressed in the political system, particularistic groups may feel marginalized and seek other, extralegal, and sometimes violent means of expression (see also Birnir 2008: 176). Used as a pretext to marginalize the opposition or not, bans may reduce the legitimacy of the system and hence become subject to conflict themselves (Randall 2008: 246).

In empirical terms, little systematic research has been conducted on this topic. To the best of my knowledge, there is just one project that has systematically collected and analyzed ethnic party bans in sub-Saharan Africa.[11] In this region, only very few countries did *not* adopt legal provisions to ban ethnic parties given the fear that multiparty politics would inevitably result in the ethnicization of party politics and thus intercommunal conflict. Results suggest that neither the provision as such nor the actual implementation has yielded a reduction in ethnic conflict in sub-Saharan Africa, at least generally (Moroff/Basedau 2010; Basedau/Moroff 2011). In individual cases, enforcement may have contributed to conflict reduction, as for instance in Rwanda when two Hutu extremist parties were banned directly after the genocide in 1994. In contrast, the ban of an Islamist party in Kenya in 1993 triggered violence in the coastal town of Mombasa. Generally, findings point to the risk that bans are part of a "menu of manipulation." Sometimes, the option to ban parties is abused to suppress the opposition. Generally, the actual ban of an alleged ethnic—or in more general terms, particularistic—party is very unlikely in a democratic setting. Out of 33 instances (i.e. country years) of implemented party bans, only two took place within a fully democratic setting. The bans in autocratic regimes in Rwanda (2001; 2003), Equatorial Guinea, Kenya, and Mauritania are cases in point.

Aside from the need to investigate the link more globally, at least one particular challenge for future research persists: future studies should carefully investigate the causal chain that presumably links cultural diversity, political parties, and violent conflict. Particularly, two questions deserve further attention: whether or not bans—legally possible or actually implemented—really do avoid the partisan politicization of cultural diversity, and whether

11 The project was generously funded from 2006 to 2008 by the Fritz Thyssen Foundation. It was a collaboration of Jacobs University Bremen (Matthijs Bogaards), the Technical University of Darmstadt (Peter Niesen), the University of Duisburg-Essen (Christof Hartmann), and the GIGA Institute of African Affairs (Matthias Basedau). Junior researchers were Anika Moroff (née Becher, Hamburg) and Jörg Kemmerzell (Darmstadt).

or not a party system composed of particularistic parties renders violent conflict more likely. Though the lack of readily available, reliable, and valid information on the particularistic character of political parties has hindered the study of this causal chain, both claims might be questioned: Recent studies, using representative survey data, have found that ethnicity plays a much less important role in party preference in Africa than commonly assumed (Basedau/Stroh 2009; 2011; Cheeseman/Ford 2007). Moreover, the presence of ethnic parties is not necessarily connected to violent conflict (Ishiyama 2009). A recent, still unpublished study finds that the exact form of party bans—negative or positive—has no apparent impact on the regional or rather national character of parties (Bogaards/Elischer/Moroff forthcoming).

3.4 System of Government

3.4.1 Presidentialism versus Parliamentarism

Regarding the system of government, there is a classical juxtaposition between a presidential and a parliamentary system. The difference derives from the question of whether or not the chief executive, the head of government, is dependent on parliament. In a parliamentary system, the head of government—commonly called the "prime minister"—depends on the national assembly, which elects the prime minister and (usually) can also dismiss him or her. The classical example is the United Kingdom. In contrast, a presidential system is characterized by a head of government—usually called the "president"—who is independent of the national assembly. Commonly, he or she is directly elected by popular vote. The classical example is the United States.[12]

It is not completely clear how these different forms of government relate to ethnic conflict. However, one may argue that presidentialism follows a winner-takes-all logic and is particularly prone to institutional deadlock. Among these "perils of presidentialism," as Juan Linz (1990a; b) puts it, the winner-takes-all logic may result in the marginalization of ethnic groups, thus fostering violent reactions by the losing group. Hence, parliamentary systems may be more suitable for avoiding ethnic conflict. A prime minister depends on the majority of parliament and thus at least on the majority of ethnic groups.

Critics, however, have pointed out that presidential systems can also have multiple institutional arrangements (Nohlen 1991). With regard to ethnic-balancing, there is the option not only to employ national requirements for the electoral system (see above) but also to choose a vice-president from another ethnic or regional camp. In Nigeria, it has become common practice that the president and vice-president represent either the northern or the southern region and vice versa (and that a northern president should follow on a southern one and

12 Aside from numerous typologies, there is also a hybrid system of government called semi-presidentialism, where there is a prime minister, who is dependent on the national assembly, *and* a directly elected president (though exact division of competencies varies). Such a system is employed in France's Fifth Republic.

vice versa). Moreover, a parliamentary majority on which a prime minister in a parliamentary system depends is by no means necessarily ethnically balanced. If there is an ethnic group of more than 50 percent or the electoral system has a strong majoritarian or concentrating effect, marginalization of ethnic groups is equally likely.

What do the empirical results say? In the study of Brancati (2006) on democratic countries, the system of government—either presidential or parliamentary—does not significantly impact anti-regime or intercommunal conflicts. In a study by Schneider and Wiesehomeier (2008), presidentialism increased the risk of civil war onset between 1950 and 2000 but it does not impact civil war when combined with fractionalization, polarization, or dominance. They conclude that in ethnically diverse countries, presidentialism is not a driving force behind conflict. However, generally, presidential government systems are significantly connected to civil war, which may be a spurious relationship since these systems of government are usually found in areas which are conflict-prone for other reasons, such as poverty and prior conflict.

3.5.2 Power-Sharing Agreements[13]

So-called "power-sharing agreements" in government are more specifically designed to work on ethnic conflict, especially in post-conflict situations. Such power-sharing agreements have become fashionable, particularly in Africa, and seem to be the new "magic formula" for resolving conflict (Sriram 2008; Mehler 2009).

Though many different arrangements are possible, the basic logic is simple and embarks on the cooperative or integrative variant of consociationalism. The representatives of the relevant ethnic groups are included in government, thus fostering not only ethnic balance but also cooperation. In contrast, critics such as Mehler (2009) argue that power-sharing arrangements may even be harmful to peace. In post-conflict cabinets that include former warlords, it is obvious that, effectively, taking up arms is rewarded, which in turn makes future unrest more likely. Moreover, inclusive government might not result in cooperation but instead in institutional deadlock and ineffective government or—referring to the cases of Kenya and Zimbabwe—politics of "delusion" and "procrastination" (Cheeseman/Tendi 2009).

In empirical terms, the results are mixed, especially in Africa, where such arrangements are particularly popular (*Africa Spectrum* 2009). Some global studies find evidence for a positive relationship between political power-sharing and durable peace. Binningsbø (2006: 17) reports that the existence of a "grand coalition" has a significant positive impact on post-conflict peace duration, while Walter (2002: 86) concludes that political power-sharing may influence the successful implementation of peace agreements, especially when combined with third party guarantees. Other studies, by contrast, find that political pacts do not increase the likelihood of post-conflict peace duration (Hoddie/Hartzell 2005; Jarstad/Nilsson 2008, Derouen et al. 2009) or may even often collapse early (Mehler 2009).

13 In this and the following section, I owe a lot to an unpublished research proposal mainly authored by Stefan Lindemann.

Beyond political power-sharing, there is no conclusive evidence for whether or not military and territorial power-sharing agreements impact the duration of the peace, let alone the economic dimension. Some evidence has emerged showing that the success of power-sharing agreements depends on contextual conditions such as how the conflict ended (military victory versus agreement, see Mukherjee 2006[14]) as well as the exact nature of the institutional arrangement. Hoddie and Hartzell (Hoddie/Hartzell 2003; Hartzell/Hoddie 2007) find evidence for a "the more, the better hypothesis": the more areas (political, military, territorial, economic) included in a power-sharing peace agreement, the higher the likelihood that peace holds. Other studies, however, find only partial support for this idea (Binningsbø 2006 versus Walter 2002 and Jarstad/Nilsson 2008).

Summing up the findings on the effectiveness of power-sharing agreements as a tool of (ethnic) conflict management, the results remain inconclusive. It seems promising for further studies to take into account both the general context and the exact institutional arrangements. three-way interaction effect?

3.5 A Combined Approach: Consociational Democracy

The most important form of combined approaches is Arend Lijphart's concept of consociational democracy.[15] Consociational democracy may be referred to as a variant of power-sharing, particularly when we keep in mind some of the four dimensions mentioned above (particularly political and territorial elements of power-sharing arrangements); Lijphart himself may have added to the confusion by sometimes using the term "power-sharing" instead of "consociational democracy." However, consociational democracy includes more than power-sharing in the sense described above because it includes elements of the electoral system, the state structure, administration, and government. It can be defined in terms of four characteristics (Lijphart 1977: 25):

- government by a *grand coalition* of the political leaders of all significant segments of the plural society;
- *mutual veto* in government decision-making;
- *proportionality* as the principal standard of political representation, civil service appointments, and allocation of public funds; and
- a high degree of cultural *autonomy* for each segment to run its own internal affairs.

14 It might be argued that a power-sharing agreement after a military victory is hardly a genuine power-sharing agreement given the superiority of the winning faction.

15 Similar theories about the virtues of power-sharing institutions have been developed in the work of Arthur Lewis (1965), Gerhard Lehmbruch (1967), Eric Nordlinger (1972), John McGary and Brendan O'Leary (2004, O'Leary 2005), among others. Despite important differences, the primary idea remains that multiethnic societies require power-sharing institutions that provide communal leaders with a guaranteed stake in the democratic process.

The concept of consociational democracy follows the idea that ethnicity as a base and forum of politics not only has to be recognized but also has to be institutionally accommodated. Consequently, the criticism raised against this concept focuses on this very idea. Theoretically, consociationalism has been challenged by the so-called "integrationist" approach to power-sharing (Horowitz 1985; Sisk 1996; Reilly 2001; Bogaards 2003; Wimmer 2003). Its main proponent, Donald Horowitz (1985: 566-576), has warned that consociationalism as advocated by Lijphart further entrenches ethnic identities, thereby decreasing the incentives for elites to moderate. As a consequence, "integrationists eschew ethnic groups as the main organizing principle for democracy and instead advocate incentives for moderation and cooperation across ethnic divides, mainly by means of electoral engineering."[16]

Empirically, the first finding refers to the fact that consociationalism has been tested only rarely, if at all, with regard to its effect on ethnic conflict. Lijphart (1999) himself has tested mainly democratic performance but also finds that the 36 democracies he has studied also perform slightly better in terms of conflict management. Other quantitative studies also show evidence of a positive relationship between power-sharing institutions and democratization (Linder/Baechtiger 2005; Norris 2008), while still others dispute such a relationship (e.g. Roeder 2005).

Regarding country cases, the Netherlands—Lijphart's country of origin—is the successful blueprint for consociationalism. Lebanon may exemplify the fact that such a system does not always function. The power-sharing agreement (locally called "confessionalism") between the four main religious denominations in the country, Maronite Christians, Sunnite and Shiite Muslims, and Druze, could not halt the repeated outbreaks of massive civil violence. In the future, it will be interesting to see how post-civil war Burundi performs. Its system includes several consociational elements and has been called—correctly or incorrectly—consociational (Lemarchand 2007).

16 Disagreements between consociationalists and integrationists persist (e.g. Noel 2005 vs. O'Flynn and Russel 2005). However, the two approaches agree that some form of joint rule is the only option for democratic governance in ethnically divided societies.

Table 2: The Menu of Institutional Engineering: Logic and Evidence

Measure	Main line of argumentation/logic on how measure works on ethnic conflict*	Empirical evidence (mostly quantitative studies)
1. Political system as a whole		
Democracy vs. autocracy	Somewhat opaque but rather consociational: allowing fair competition of ethnic groups	Mixed: democracies deal better with ethnic polarization; autocracies deal better with fractionalization and dominance
2. State structure		
Federalist/decentralized states vs. unitary states	Consociational: allowing autonomy for regional groups thus avoiding marginalization of ethnic groups	Mixed: some specific arrangements may promote peace, others violence
3. Electoral system		
PR vs. majoritarian systems	Consociational: PR systems avoid marginalization of ethnic groups	Some evidence that PR systems are less conflict-prone
Compensatory systems (e.g. "best loser")	Consociational: after allocation of seats through "regular" electoral system, underrepresented groups get compensatory seats	Rare and only tested for a few cases (e.g. Mauritius)
Preferential voting systems (e.g. AV and STV)	Rather integrationist (complicated): voters express ranking of preferences, candidates with many second (and third, etc.) preferences enjoy advantage; appeal to other communities pays off	Rare and only tested for few cases with mixed results (e.g. Fiji versus Papua New Guinea)
Constituency-pooling	Integrationist: constituencies from different parts of the country, successful candidates have to draw support from different parts of the country	Never put into practice
Distribution requirements in presidential elections	Rather integrationist: successful candidates have to meet certain quotas of nationwide support (e.g. 25% of vote share in 2/3 of federal states in Nigeria)	Rare and thus not systematically tested
4. Party system		
Party bans	Integrationist: banning ethnic parties or prescribing national representation blocks ethnicity from politics thus decreasing ethnic conflict	Only tested for Africa; no evidence that bans are generally effective; used as part of the "menu of manipulation" in particular cases
5. System of government		
Presidentialism vs. parliamentarism	Somewhat opaque but rather consociational: presidentialism follows winner-take-all logic thus potentially excluding ethnic groups	No evidence that presidentialism is harmful in divided societies
Power-sharing agreements	Consociational: including all relevant ethnic groups in government ensures cooperation	Inconclusive: some specific arrangements may foster peace
6. Combined approaches		
Consociational democracy	Consociational: accepting ethnicity and promoting incentives for representation and cooperation (grand coalition, proportional representation, mutual veto and segmental autonomy)	Only partly tested, limited evidence that consociational democracies are less conflict-prone

Source: Authors' compilation.

* For counterarguments, see main text.

4 Summary and Conclusion

Very Good

The literature on institutional engineering has produced numerous and sometimes sophisticated recommendations for how to design formal state institutions in order to avoid, alleviate and resolve ethnic conflict. This paper has presented the most important ones, or at least those that are commonly discussed in the debate on institutional engineering.[17]

Regarding our findings on the institutions under investigation in this paper, remarkably, almost all of the measures are theoretically ambivalent when it comes to their effects on ethnic conflict. Generally, this reflects the unresolved debate between consociationalists and integrationists—that is, whether it is better to recognize and accommodate ethnicity as a means of political mobilization or whether it is better to deny or overcome ethnicity as a factor in politics. In fact, this dispute can be traced back to one fundamental question that has still to be definitively answered: Does the ethnicization of politics or the politicization of ethnicity really promote (ethnic) violence? (If so, under what circumstances?)

In line with the theoretical ambivalence, the empirical results are mostly inconclusive. There is evidence that institutional engineering has worked in some circumstances, but that in others it has not. Often there are no robust results, or findings are confined to certain geographically or politically defined groups of countries (such as African or democratic countries). A number of the more sophisticated measures have remained widely untested.

This is not to say that there are no relatively robust or at least uncontested results at all: First, and unsurprisingly, particular institutional designs are not magic devices that can resolve all ethnic conflict once and for all. Second, certain measures seem to work at least in a probabilistic manner: for instance, PR electoral systems seem more favorable in divided societies. Probably more importantly, some results on the impact of federalism/decentralization and power-sharing arrangements suggest that the effectiveness of institutions depends on the exact nature of the institutional set-up. Also, some findings on ethnic party bans and post-conflict power-sharing agreements point to the fact that the general context matters.

Consequently, the initial question may be wrongly formulated. It is not whether a measure is effective but *under which conditions* it does or does not work. Probably, the effectiveness of institutional measures depends on a) the exact nature of the institutional arrangement as a whole and in relation to b) the ethnic context of the country (e.g. exact ethno-demographic constellation, record of ethnic relations including intensity of interethnic violence, socioeconomic level, and particular obstacles to implementation) and c) the (non-ethnic and non-institutional) surrounding conditions such as the levels of development, external factors, and the behavioral patterns of leaders. In this context, it has to be stressed again that institutional

17 I do not claim to come anywhere near to exhausting the empirical and theoretically possible options. In particular, institutional options in the fields of justice and the security sector have not been discussed and certainly deserve attention. We might think of arrangements of ethnic representation within the security forces, truth and reconciliation commissions after violent ethnic conflict, or traditional systems of conflict management, to mention just a few.

engineering must also consider how a principally promising institutional design can be successfully implemented, and what actors might oppose institutional reform.

In any case, further research remains urgently necessary: we need information and data on the exact character and enforcement of institutions, both formal and informal, as well as on the ethnicization of political parties and other political institutions. This will be time-consuming but indispensable since the quality of existing databases is questionable. Methodologically, approaches that integrate institutional arrangements and the ethnic context (but also other surrounding conditions)—given that their interplay will decisively matter—will certainly advance our knowledge of the functioning of institutional engineering.

Given the rather inconclusive theoretical and empirical state of the art, it seems difficult to make precise and comprehensive policy recommendations. Creating such recommendations, however, remains the very goal of the research on institutional engineering. At least a few cautious recommendations seem safe to make: First, institutions should be designed on the basis of country cases or, depending on future research results, on types of specific challenges. A "one-size-fits-all" approach may even be harmful when applied to a case where it yields unintended negative (side) effects. Second, those interested in institutional engineering should be less ambitious. It does not seem reasonable that overcoming ethnic conflict is simply a matter of employing the right institutional design. There are many determinants of such conflict dynamics other than institutions. This is not to say that institutions do not matter; as Andrew Reynolds (2002) has put it: first, do no harm. Avoiding harmful consequences of institutional designs can be considered a major achievement.

In any case, we should be concerned about ethnic conflict. It is not just about African or Asian countries in which—as the stereotyped view will have it—"tribes have been killing each other for centuries." If current demographic dynamics in many European countries (including France, Germany, the Netherlands, and the United Kingdom) persist, there is little doubt that these countries will develop into ethnically more diverse, if not divided, societies. Institutional engineering offers options to deal with this.

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