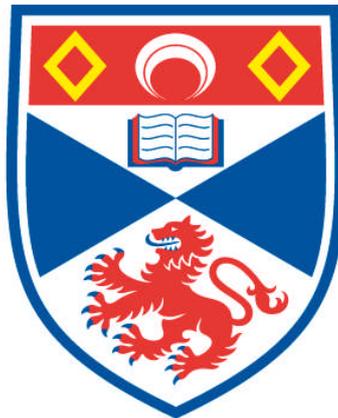


**SPOILER ALERT?  
THE EFFECTS OF PRO-GOVERNMENT MILITIAS ON  
POST-CIVIL WAR PEACE AGREEMENTS**

**Hannah M. Solomon-Strauss**

**A Thesis Submitted for the Degree of MPhil  
at the  
University of St Andrews**



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# Spoiler Alert?

The Effects of Pro-Government Militias on Post-Civil  
War Peace Agreements

Hannah M. Solomon-Strauss



University of  
St Andrews

This thesis is submitted in partial fulfillment for the degree of  
M.Phil in International Relations  
at the University of St Andrews

15 February 2016

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# Acknowledgements

To say that I am indebted to many for their help on this project is to dramatically understate the case.

I am indebted to my parents for supporting my decision to take these two years to explore my interest in international relations, and to explore Scotland. I am so lucky you continue to read my papers and take such an interest in what I learn. Thank you for your support.

I am indebted to my professors and supervisors who were generous with their time and advice. This project could not have come together without your mentorship. Thank you for your guidance.

And I am indebted to my classmates, who pushed me, relentlessly, to think more critically and to be a better scholar. Thank you all for your endless patience, for humoring me, for engaging with every argument, and for—ever so rarely—letting me think I won.

## Abstract

Why do some peace agreements last longer than others? The literature speaks of “spoilers”—parties excluded from the negotiations who turn to violence to undermine the agreement—and identifies the risk that opposition groups excluded from negotiations will become spoilers. But the spoiler does not always fight for the opposition. The government party in these conflicts has erroneously been assumed to be unitary. In fact, pro-government militias—armed, organized groups that support the government but are not part of the regular armed forces—are important actors. This project questions the unitary government assumption that is common in the literature.

I propose to analyze these militias as if they were bureaucracies within the state: either they are delegated power, or they seize autonomy. These two models of bureaucratic behavior illuminate the relationships between militias and their government, and suggest how to manage militias in post-conflict situations.

My project proceeds in two stages. A statistical regression analysis finds that peace agreements fail more often when they are concluded while at least one militia was active. Importantly, militias that are closely tied to their governments, and militias that target noncombatants, are especially detrimental to the likelihood of peace. Case studies illuminate these findings. Two successful peace agreements and one failed agreement illustrate how militias act as spoilers and how negotiators used different approaches to address the spoilers.

These findings advance theoretical and practical knowledge of militias and peace processes. There are of course further questions. When do peace agreements really produce a better state of affairs? When do “spoilers” have legitimate grievances? I express no judgments on these questions. I aim only

to shed light on how peace might be achieved, on the assumption that sometimes it is worth bringing about.

## Acronyms

AMM	Aceh Monitoring Mission
ARENA	Nationalist Republican Alliance <i>(Alianza Republicana Nacionalista)</i>
ASEAN	Association of Southeast Asian Nations
CIA	Central Intelligence Agency
CINC	Composite Index of National Capacity
CoHA	Cessation of Hostilities Agreement
COPAZ	Commission for the Consolidation of Peace
COW	Correlates of War project
DOM	Military Operations Area <i>(Daerah Operasi Militer)</i>
EU	European Union
FAN	Broad National Front <i>(Frente Amplio Nacional)</i>
FMLN	Faramundo Martí National Liberation Front <i>(Frente Farabundo Martí para la Liberación Nacional)</i>
FAO	Food and Agriculture Organization
GAM	Free Aceh Movement <i>(Gerakan Aceh Merdeka)</i>
GN	National Guard <i>(Garda Nacional)</i>
HDC	Henry Dunant Centre (later renamed the Centre for Humanitarian Dialogue)
MoU	Memorandum of Understanding
ONUSAL	United Nations Observer Mission in El Salvador

ORDEN	National Democratic Organization <i>(Organización Democrática Nacionalista)</i>
PGM	Pro-Government Militia
PGMD	Pro-Government Militia Database
PH	Treasury Police <i>(Policia de Hacienda)</i>
PKO	Peacekeeping Operation
PN	National Police <i>(Policia Nacional)</i>
PNC	National Civil Police <i>(Policía Nacional Civil)</i>
PRIO	Peace Research Institute Oslo
SIPRI	Stockholm International Peace Research Institute
TNI	Indonesian National Armed Forces <i>(Tentara Nasional Indonesia)</i>
UCDP	Uppsala Conflict Data Program

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# I. Introduction

In the Istanbul Archeological Museum sit the remnants of clay tablets, on which are inscribed the outlines of what is considered to be the first ever peace treaty. The Treaty of Kadesh, between the Egyptians and Hittites, was concluded in 1259 BCE. In the agreement, the parties agree to a mutual-assistance pact; to keep away from the others' territory; and to ask their gods to call for peace.<sup>1</sup>

In the intervening 3000 years, myriad peace agreements of consequence have been concluded; some have been more successful than others. The Treaty of Westphalia established the state system that persists today, but the Treaty of Versailles created only temporary peace before the horrors of World War II. Peacemaking methods have changed since Kadesh. We no longer ask the God of War to keep us at peace, but the goal remains the same: post-war peace agreements with maximum longevity.

Peace agreements—also called negotiated settlements—represent a moment of consensus in the conflict: a point in time in which the combatants are willing to settle their differences with diplomacy rather than violence.<sup>2</sup> These moments are worth seizing.

Despite ample theoretical debate and plentiful practical experience, one estimate is that 79 percent of post-war peace agreements concluded be-

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<sup>1</sup> Istanbul Archaeological Museums, *Treaty of Kadesh*. <<http://bit.ly/1PTB6wK>>. Accessed 25 Jul 2015.

<sup>2</sup> A brief note on terminology: Here, I will use the term “peace agreement” to refer to “an agreement between two or more primary warring parties in a conflict, which addresses the disputed incompatibility, either by settling all or part of it, or by clearly outlining a process for how the warring parties plan to regulate the incompatibility.” This is the definition used by the Uppsala Conflict Data Program, from which I will ultimately derive my dependent variable. This definition is consistent with most of my source materials, though where authors make deliberate use of the nearly-equivalent phrase “negotiated settlement,” I have not altered their text.

tween 1816 and 1992 failed to prevent a recurrence of conflict.<sup>3</sup> Why do some peace agreements succeed while others fail? What factors contribute to their longevity? The literature seeking to answer these questions tends to use one of two methods: broad, quantitative approaches or more narrow, qualitative case studies. These case studies focus in-depth on a few agreements at a time and do not intend to generate broadly applicable theories. The quantitative literature, by contrast, attempts to form wider-ranging theories about general conditions that contribute to an agreement's success or failure. For example, some authors have argued that an agreement is more likely to last if it is concluded in a country with a relatively democratic regime.<sup>4</sup> Others argue that an agreement is more likely to last if it includes third-party enforcement measures, like peacekeepers.<sup>5</sup>

For its part, the quantitative literature has tended to conceive of conflicts as occurring between two main actors: the government, and the opposition (usually called 'rebels'). Some authors have begun to recognize the arguably excessive parsimony in this formulation, and have moved to consider that each side in the conflict may comprise multiple, not unitary, actors. For example, Nilsson argues, "Whereas case studies within the literature on durable peace emphasize that a refined view of the rebel side is needed, quantitative studies have, so far, mainly focused on two parties—the government and the opposition."<sup>6</sup> But even as Nilsson (rightly) criticizes the quantitative

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<sup>3</sup> Paul D. Senese & Stephen L. Quackenbush, "Sowing the Seeds of Conflict: The Effect of Dispute Settlements on Durations of Peace," *The Journal of Politics* 65.3 (2003): 710.

<sup>4</sup> Caroline Hartzell, Matthew Hoddie, & Donald Rothchild, "Stabilizing the Peace After Civil War: An Investigation of Some Key Variables," *International Organization* 55.1 (2001): 189.

<sup>5</sup> Virginia Page Fortna, "Inside and Out: Peacekeeping and the Duration of Peace after Civil and Interstate Wars," *International Studies Review* 5.4 (2003): 97-114.

<sup>6</sup> Desirée Nilsson, "Partial Peace: Rebel Groups Inside and Outside of Civil War Settlements," *Journal of Peace Research* 45.4 (2008): 480.

literature for failing to disaggregate ‘the rebel side,’ she neglects to make the same conceptual move: in a civil war, the government side also should not be considered a unitary actor in all cases.

This shortcoming in the quantitative literature was the impetus for Carey, Mitchell, and Lowe to create the pro-government militia database (PGMD).<sup>7</sup> Pro-government militias are armed, organized groups that act with the backing of their government, but are not a part of the state’s regular armed forces. But “despite the effect that pro-government militias can have on the political, economic, and social stability and security of civilians...there are currently no systematic measures of these informal violent organizations that act on behalf of the government.”<sup>8</sup> As a result, the quantitative literature “lags behind the case study literature in analyzing the impact of these groups.”<sup>9</sup>

The goal of this thesis is to bring this insight—a focus on the constituent actors within the government party to a conflict—to the conflict-resolution and peacebuilding literatures. Does the presence of a pro-government militia (PGM) affect the odds of success for a peace agreement? If so, are certain types of groups more detrimental to the chances of peace than other groups? If PGMs significantly affect the odds of success for a peace agreement, these literatures should account for a non-unitary government.

This project will therefore attempt to examine the effect of this new independent variable—and with it, a newer way of thinking about parties to conflicts—upon our understanding of the factors that lead to the success or failure of post-civil war peace agreements. This will be a mixed-methods endeavor, first using a large-N quantitative analysis to examine the set of peace

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<sup>7</sup> Sabine C. Carey, Neil J. Mitchell, & Will Lowe, “States, the security sector, and the monopoly of violence: A new database on pro-government militias,” *Journal of Peace Research* 50.2 (2013): 249-258.

<sup>8</sup> *Ibid.*, 250.

<sup>9</sup> *Ibid.*

agreements; and second, exploring in depth the role of specific conflict dynamics in three peace processes.

I will first outline what is meant by ‘pro-government militia’ and explain how the data were compiled. Next, I will establish the academic foundation for the research question, reviewing the literature on peace agreement success and civil war recurrence. I will focus particularly upon theories of ‘spoilers’—excluded or disenchanted parties to conflicts who, seeing not enough benefit from the peace being proposed, deliberately undermine the settlement process. I will argue that PGMs must also be considered capable spoilers, and be accounted for in the peace process.

I will turn to the literature on bureaucracies to explain the mechanism of how, precisely, a militia might spoil an agreement. I argue that the literature on bureaucratic management can explain militia behavior and offer insight into their management. By understanding when states delegate to bureaucracies and when bureaucracies achieve autonomy, we can better understand the behavior of different types of militias.

With this theoretical background, I will turn to the quantitative analysis. I will present the evidence that exists for this undertaking, describe the data that I have used, and define the scope of my inquiry. I will also defend my underlying theoretical and methodological assumptions. I will explain the strengths and limitations of this sort of analysis.

Next, I will explore the history of the three peace processes: two agreements in Indonesia—the 2002 Cessation of Hostilities Agreement and the 2005 Memorandum of Understanding—and the 1992 Chapultepec Accord in El Salvador. I will explain how the history of these cases aligns with the theoretical literature on peace agreements, but also how these cases offer new insights into the specific context of conflicts. Finally, I will offer some conclu-

sions, and I will particularly seek to demonstrate how both the quantitative and qualitative research methods can benefit from insights discovered by using the complementary method.

Ultimately, I find that the data indicate that agreements concluded while at least one militia was active are, statistically, significantly more likely to fail than agreements concluded without active militias. This finding should have implications for how the quantitative literature conceives of 'the government' and considers which variables lead to lasting peace. The history of managing these groups in Indonesia and El Salvador sets forth an example for future peace processes.

This empirical finding should push us to consider what drives a government to outsource its violence and repression, and how to more systematically settle the grievances that drive these conflicts. Developing a better understanding of each individual peace process is a necessary but not sufficient step, as it will only address the symptoms, and not the root of the illness of the current structure of the international system.

## II. Pro-Government Militias

To discuss the shortcomings in the quantitative literature on peace agreement durability and post-civil war peacebuilding, it is first necessary to properly define and understand what is meant here by ‘pro-government militia.’

In 2013, Carey, Mitchell, and Lowe introduced the the pro-government militia database (PGMD).<sup>10</sup> Pro-government militias are organized groups that operate with some degree of support from their government, but are not a part of the state’s regular armed forces. The PGMD contains a set of 332 pro-government militias (PGMs) that were active around the world between 1981 and 2007.

Carey, et al. explained why they created the PGMD: “Despite the effect that pro-government militias can have on the political, economic, and social stability and security of civilians...there are currently no systematic measures of these informal violent organizations that act on behalf of the government.”<sup>11</sup> As a result, the quantitative literature “lags behind the case study literature in analyzing the impact of these groups.”<sup>12</sup>

A PGM is defined by Carey, et al. to be a group that:

- “1. is identified as pro-government or sponsored by the government (national or sub-national);
2. is identified as not being part of the regular security forces;
3. is armed; and
4. has some level of organization.”<sup>13</sup>

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<sup>10</sup> Carey, Mitchell, & Lowe, “States, the security sector, and the monopoly of violence,” 249-258.

<sup>11</sup> *Ibid.*, 250.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

PGMs have one of two relationships to their government: either semi-official, or informal. Informal groups are defined as being:

pro-government, government militia, linked to the government, government-backed, or government-allied. They may be armed or trained by the government. The key difference between informal and semi-official PGMs is that the link to informal PGMs is not officially or formally acknowledged. 'Death squads', even when closely linked to the government, are normally informal and clandestine, and are categorized as informal PGMs.<sup>14</sup>

By contrast, semi-official groups are much more closely tied to their governments. Semi-official groups are defined as having:

a formally and/or legally acknowledged status, in contrast to the looser affiliation of informal PGMs. A semi-official PGM might be sub-ordinate [sic] to the regular security forces, but is separate from the regular police and security forces. As such, the link between the PGM and the government is more formal and institutionalized, for example by being recognized and acknowledged in official and legal documents of the state. But the group is identified as a distinct organisation from the regular security forces...<sup>15</sup>

The PGMD also has information about other aspects of these groups: their means of support, their targets, and the constituencies from which they draw their membership. But despite ample variety on these dimensions, all PGMs have the same four primary characteristics defined above.

Carey, et al. note that they do not use the terms 'paramilitary' or 'death squad' as equivalent with PGMs. For other authors, the terms are largely interchangeable. The terminology might reflect, as Campbell notes, that "There

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<sup>14</sup> Neil J. Mitchell & Sabine C. Carey, "Pro-Government Militias Database (PGMD) Codebook," Version 1.1 (June 2013): 11.

<sup>15</sup> Ibid., 12.

is surprisingly little research that deals specifically with death squads.”<sup>16</sup> Mazzei agrees, arguing that this is an “analytical weak spot in the literature on political violence.”<sup>17</sup> Campbell calls these groups ‘death squads’ while Mazzei calls her groups ‘paramilitary groups’ and uses the acronym ‘PMG.’ Though using different terminology, Mazzei and Campbell are discussing PGMs because the groups they describe share the central features of PGMs: these groups are organized and armed; and these groups have the backing of at least some factions within the government.

Campbell defines death squads as being “clandestine and usually irregular organizations, often paramilitary in nature, which carry out extrajudicial executions and other violent acts.”<sup>18</sup> These groups have a very specific relationship to their government. “Death squads operate with the overt support, complicity, or acquiescence of government, or at least some parts of it.”<sup>19</sup> Mazzei has a similar definition of the relationship between these groups and their government.

Paramilitary groups are political, armed organizations that are by definition extramilitary, extra-State, noninstitutional entities, but which mobilize and operate with the assistance of important allies, including factions within the State. Thus while officially illegal, PMGs enjoy some of the resources, access, and status generally exclusive to the State...This paradox is central to the nature of the paramilitary group.<sup>20</sup>

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<sup>16</sup> Bruce B. Campbell, “Death Squads: Definition, Problems, and Historical Context” in *Death Squads in Global Perspective: Murder with Deniability*, eds. Bruce B. Campbell & Arthur D. Brenner (New York: Palgrave Macmillan, 2000), 7.

<sup>17</sup> Julie Mazzei, *Death Squads or Self-Defense Forces?* (Chapel Hill, NC: University of North Carolina Press, 2009), 5.

<sup>18</sup> Campbell, “Death Squads,” 1.

<sup>19</sup> *Ibid.*, 2.

<sup>20</sup> Mazzei, *Death Squads*, 5.

The goal of this project is to apply this insight—a focus on the constituent actors within the government party to a conflict—to the conflict resolution and peacebuilding literatures. The PGMD was not compiled with attention to peace agreements; it merely catalogues and sorts the presence of these groups around the world. But Carey, et al. say they expect the data to be applied to study the effects of PGMs “on the security and stability of their host countries. The data will likely be useful to scholars working on state capacity and control, conflict and repression and collective action more broadly.”<sup>21</sup>

It is my project now to apply the PGMD to produce a more systematic examination of the factors that influence the success or failure of post-civil war peace agreements.

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<sup>21</sup> Carey, Mitchell, & Lowe, “States, the security sector, and the monopoly of violence,” 257.

### III. Literature Review

Much ink has been spilled about how to make post-war peace agreements succeed and provide a permanent solution to the violence. Agreements fail when wars recur in the same territory; agreements succeed when the territory remains at peace. When war does recur despite the conclusion of a peace agreement, theories about civil war recurrence and peace agreement durability both apply, describing two sides of the same phenomenon. This project therefore draws from both the conflict resolution and peacebuilding literatures.

Why do some post-civil war peace agreements succeed in preventing further violence while others unravel? Authors examine a variety of factors, agreeing on the effects of some, and disagreeing vehemently about others. A brief summary of some of the relevant literature will follow. I will argue that considering the role of PGMs in the peace process will yield insights that can help increase the durability of peace agreements. Because I focus on the success or failure of peace agreements, I am concerned specifically with civil war *recurrence* as distinct from *onset*.

There are a few reasons to believe that the causes of civil war and the causes of its recurrence are different, at least in part, even if there is overlap. Call has found a statistically significant difference between the causes of civil war onset and recurrence. He finds that “civil war recurrence is worth studying. Its causes seem to be different from those of onset. These differences are not simply a matter of degree.”<sup>22</sup> This suggests that a focused inquiry into the causes of recurrence, as distinct from onset, is both justified and necessary.

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<sup>22</sup> Charles T. Call, *Why Peace Fails: The Causes and Prevention of Civil War Recurrence* (Washington, DC: Georgetown University Press, 2012), 52.

It is also important to study the recurrence of war in places that were thought to be at peace, even briefly. First, for strategic reasons: if a war is settled by peace agreement but violence returns, it is either because the agreement did not sufficiently address the original incompatibility, or because new incompatibilities emerged. But there was a period, however brief, of consensus. "Peace agreements, whatever the pressures forming them, constitute at least a moment of agreement in a conflict. As such they embody a set of understandings between some of the protagonists to a conflict as to how to resolve or at least manage that conflict."<sup>23</sup> Therefore, it is particularly important to examine the violence that occurs after the conflict was thought to be settled.

Second, there is an important human perspective. Speaking of the recurring war in Liberia, Call writes that many of the casualties of the second war "were women and children who had developed cautious optimism with the end of the prior war, only to see their hopes dashed and their loved ones again threatened, conscripted, or brutally killed."<sup>24</sup> The brief hope of peace that is dashed by recurring conflict is hard to maintain; if war recurs with frequency, the human cost may make lasting peace increasingly difficult to achieve.

Third, successfully ending a conflict on the first attempt is simply a best practice. "Given the expanding investment of troops and international resources to stabilize places like Afghanistan, Sierra Leone, Bosnia, Iraq, and Kosovo, ensuring that peace 'sticks' is more important than ever."<sup>25</sup> There should be lessons learned from previous attempts to construct agreements to prevent recurrence.

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<sup>23</sup> Christine Bell, *Peace Agreements and Human Rights* (Oxford: Oxford University Press, 2000), 6.

<sup>24</sup> Call, *Why Peace Fails*, 1.

<sup>25</sup> *Ibid.*, 1.

To better address why peace agreements fail, I will consider the literature, focusing first and primarily on the spoiler literature. These authors argue that peace fails when an actor undertakes (usually violent) actions to disrupt a peace process or negotiation. I argue that PGMs can act as spoilers to peace processes, but the literature has not developed a framework for considering their spoiler potential. As a result, in practice, these groups are more likely to be overlooked during negotiations. Understanding how, and why, PGMs act as spoilers to negotiations is a necessary step forward for the civil war recurrence and agreement durability literature.

After discussing how PGMs fit into the spoiler framework, I will explore other variables offered by the literature to explain peace agreement durability. In the literature review that follows, I will use Call's template, grouping variables with most-similar items for ease of discussion.<sup>26</sup>

## Process, Inclusion, and Spoilers

Not all settlements to conflicts are created equal. The first issue a negotiating team confronts is the process: how will the peace be won and who will be included in the negotiations? "Process issues range from preliminary issues of who should be at negotiations and the location and format of any talks, to implementation issues of timing, sequencing, and mechanisms for enforcement."<sup>27</sup> In his study of peace agreement durability, Wallensteen focuses particularly on the process by which the agreement was concluded, because "the processes themselves can explain some of the agreements, but also are important for assessing their durability."<sup>28</sup> Process may be important because it is, in

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<sup>26</sup> Ibid., 29.

<sup>27</sup> Bell, *Peace Agreements*, 7.

<sup>28</sup> Peter Wallensteen, *Understanding Conflict Resolution* (London: SAGE Publications, 2002), 7.

a way, a proxy for the larger incompatibility. "Often issues that appear to be about process, or technical in nature, are inextricably intertwined with substantive issues going to the core of the conflict."<sup>29</sup>

Perhaps the most basic process question is about which parties will be included in the negotiation. Including every group with an interest in the process is theoretically possible but, practically, quite difficult. Finding common ground in these "highly inclusive agreements" is challenging, and the difficulty in concluding these agreements may make them less durable.<sup>30</sup> But excluded parties could possibly become "veto groups that will not surrender power for social change whose impact on them is uncertain."<sup>31</sup>

This is the spoiler problem. Stedman first defined the phenomenon in 1997. Spoilers are "parties who are excluded from a peace process...and use violence to attack the peace process."<sup>32</sup> Since this seminal article, others have advanced the theory with minor changes to this definition. Perlman defines spoilers in a slightly broader way: "Those who use violence or other means to undermine negotiations in the expectation that a settlement will threaten their power or interests."<sup>33</sup>

The literature debates two main aspects of spoilers: which parties can be considered (potential) spoilers, and what outcome of spoiler behavior is of interest. I will outline these schools of thought, and then present some criticism of the spoiler theory.

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<sup>29</sup> Bell, *Peace Agreements*, 7.

<sup>30</sup> Lisa Blaydes & Jennifer De Maio, "Spoiling the Peace? Peace Process Exclusivity and Political Violence in North-Central Africa," *Civil Wars* 12.1 (2010): 4.

<sup>31</sup> Roy Licklider, "The Consequences of Negotiated Settlements in Civil Wars, 1945-1993," *The American Political Science Review* 89.3 (1995): 685.

<sup>32</sup> Stephen John Stedman, "Spoiler Problems in Peace Processes," *International Security* 22.2 (1997): 6.

<sup>33</sup> Wendy Pearlman, "Spoiling Inside and Out: Internal Political Contestation and the Middle East Peace Process," *International Security* 33.3 (2009-09): 79.

*What makes a spoiler?*

By Stedman's first definition, spoilers are "leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it."<sup>34</sup> These spoilers can be either included in the peace process but still unsatisfied (inside spoilers) or excluded from the process (outside spoilers). Stedman argues that there must be a peace to spoil for the concept to apply: either an agreement has been signed, or two or more parties have publicly committed themselves to seeking a peaceful settlement. Violence outside this context is part of the conflict itself, rather than spoiler behavior, according to Stedman.<sup>35</sup>

Though Stedman's arguments set the course of much of the future research on spoiler behavior, his theories have been modified over the years. One critique is that, under his framework, spoilers could be identified only post hoc: that is, only after a party disrupted a peace process could it be labeled a spoiler. Greenhill and Major argue that, in order for the theory to be useful for practitioners, it needs to be possible to identify *potential* spoilers before they act, and not just apply a label after-the-fact.<sup>36</sup> One modification that Stedman made in response is to acknowledge that any potential spoiler must possess not only the *intent* to spoil, but also the *capacity* to do so. "[T]oo much attention to spoiler motivation and intent detracts from the much more important considerations of capability and opportunity to spoil."<sup>37</sup> Refining the

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<sup>34</sup> Stedman, "Spoiler Problems," 5.

<sup>35</sup> *Ibid.*, 6-8.

<sup>36</sup> Kelly M. Greenhill & Solomon Major, "The Perils of Profiling: Civil War Spoilers and the Collapse of Intrastate Peace Accords," *International Security* 31.3 (2006-07): 10.

<sup>37</sup> Stephen John Stedman, "Introduction" in *Ending Civil Wars*, eds. Stephen John Stedman, Donald Rothchild, & Elizabeth M. Cousens (London: Lynne Rienner Publishers, 2002), 14.

theory this way acknowledges that some potential spoilers are a greater threat than others.

Nilsson argues that Stedman fails to sufficiently distinguish between inside spoilers and outside spoilers. Applying bargaining theory, Nilsson argues that when parties to an agreement begin the negotiation process, they consider the likelihood of violence from a group that is not party to the negotiations.<sup>38</sup> Therefore, agreements would not proceed as far or as fully if parties suspected that there might be a spoiler. Nilsson argues that the literature conflates violence *between signatories* to an agreement and *other violence* in the same location. Her data indicate that the presence of an excluded party does not make war between the signatories any more likely. But this is small consolation to places that have been war-torn perhaps for years: whether between signatories or not, continued violence means peace has failed.

Other authors also argue for greater focus on actors beyond the central, conflicting parties. Blaydes and de Maio argue that “exclusivity in peace negotiations can breed political violence as outside spoilers seek representation at the bargaining table” and so argue for the broadest definition of inclusion, seeking the involvement of as many parties as possible.<sup>39</sup> Newman and Richmond also argue for a broader definition of inclusiveness. They argue that geographically distant groups can be spoilers if they support the spoiler behavior of groups closer to the conflict. These might include “ethnic or national diaspora groups, states, political allies, multinational corporations or any others who might benefit from violent conflict or holding-out.”<sup>40</sup>

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<sup>38</sup> Nilsson, “Partial Peace.”

<sup>39</sup> Blaydes & De Maio, “Spoiling the Peace?,” 22.

<sup>40</sup> Edward Newman & Oliver Richmond, “Peace building and spoilers,” *Conflict, Security and Development* 6.1 (2006): 102.

Stedman offers the narrowest frame, and Newman and Richmond the broadest; Nilsson and Söderberg Kovacs offer a definition somewhere in between. They focus on the “former warring parties during the civil war, both state-related actors and nonstate actors, splinter factions from these groups, and new armed groups that may have emerged.”<sup>41</sup> This is the definition I will apply here because it is most likely to be useful in understanding how to structure peace agreements so that they last. If ‘spoiler’ can mean nearly any group with an interest in disrupting the peace, it will be difficult or impossible to include all the possible ‘spoilers’ in the process. On the other hand, as Stedman’s critics point out, his narrow definition of ‘spoiler’ cannot be applied ahead of time to potential spoilers so that they can be considered when structuring the process.<sup>42</sup>

*What is the outcome of interest?*

When studying spoilers, are we more interested in spoiler behavior for its own sake, or in how those actions affect the outcomes of peace processes? Stedman was concerned with managing spoiler behavior in order to produce better outcomes from peace processes.<sup>43</sup> But he, like many authors who followed on his ideas, does not make a firm theoretical link between spoiler theories and peace process outcomes.<sup>44</sup> For example, Blaydes and De Maio do not distinguish whether spoiler violence explains peace process failure, or whether it is merely an indicator of its failure—or whether it can, or should,

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<sup>41</sup> Desirée Nilsson & Mimmi Söderberg Kovacs, “Revisiting an Elusive Concept: A Review of the Debate on Spoilers in Peace Processes,” *International Studies Review* 13.4 (2011): 610.

<sup>42</sup> *Ibid.*, 610

<sup>43</sup> Stedman, “Spoiler Problems,” 6.

<sup>44</sup> Nilsson & Söderberg Kovacs, “Revisiting an Elusive Concept,” 613.

be both.<sup>45</sup> Other authors neglect to discuss how, precisely, spoiler violence undermines the peace process.<sup>46</sup>

Newman and Richmond offer one explanation that counters the seemingly self-evident conclusion that violence by those who do not agree with a peace process succeeds when it disrupts that process. They argue that violence during a peace process is not necessarily meant to *disrupt* it but rather to *shape* it: violence is their attempt to “influence the process in their favor.”<sup>47</sup> These groups see the peace process as “undermining their rights, privileges, or access to resources,” and so seek to alter its course with violence.<sup>48</sup>

I have chosen to study the effects of spoiler behavior on the peace process to better manage spoiler behavior, specifically, the spoiler potential of PGMs. The theoretical link I make here is to consider PGMs as bureaucracies within the state and then to apply theories of principal-agent behavior and bureaucratic autonomy to understand and manage PGM behavior. I will expand on these theories in a later section, but this link is not unprecedented in the literature. Nilsson and Söderberg Kovacs hint at this when they argue that “actors do not engage in spoiling [only] because they can, but also because they want to. Importantly, they want different things.”<sup>49</sup> As I will explain, delegation and autonomy theories of bureaucracies take as their starting place that elements within the state may have diverging goals, as PGMs may have different goals from the state. And PGMs—as armed and organized groups—also have the capacity to spoil.

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<sup>45</sup> Blaydes & De Maio, “Spoiling the Peace?,” 7; Nilsson & Söderberg Kovacs, “Revisiting an Elusive Concept,” 613.

<sup>46</sup> Nilsson & Söderberg Kovacs, “Revisiting an Elusive Concept,” 613.

<sup>47</sup> *Ibid.*, 613.

<sup>48</sup> Newman & Richmond, “Peace building and spoilers,” 108.

<sup>49</sup> Nilsson & Söderberg Kovacs, “Revisiting an Elusive Concept,” 613.

Thus, my outcome of interest is on management of peace processes, and the results thereof. I will fill the theoretical and explanatory gap in the literature on spoilers by reference to the literature on bureaucratic delegation and autonomy.

### *Criticism*

There are two main critiques necessary of the spoiler literature. The first is an argument I have already made above, but bears repeating. If, when devising a settlement to a civil war, it is important to account for armed groups that may veto any settlement, it is surely important to consider that these veto groups might be fighting for the government. Stedman comes closest to understanding this point when he says, “The first step toward successful management of spoiler problems in civil wars is to recognize that parties in civil wars differ in their goals and commitment—dimensions that are crucial for understanding why some parties undermine peace agreements.”<sup>50</sup> But his theory and analysis still do not adequately deconstruct the government to thoroughly examine the constituent parts that may have competing interests.

When the government is present at a negotiation, third party observers may believe that it speaks for all affiliated groups. Indeed, this has been the literature’s assumption. But some PGMs are only loosely affiliated with, and controlled by, the government. In such an instance, the militia may not feel that the government adequately represents its interests and may still have an incentive to spoil the agreement. Moreover, if the militia has not been disarmed, it may also maintain the capability to spoil.

Despite the extensive literature on spoilers, the unitary government assumption remains dominant and there has not been a systematic treatment of

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<sup>50</sup> Stedman, “Spoiler Problems,” 10.

spoiling behavior by actors within the state. While Conversi explores why ETA spoiled peace processes between the Spanish government and the Basque separatists, this is not precisely the same question as PGM violence because ETA does not fit the PGMD definition.<sup>51</sup>

Höglund and Zartman's discussion of spoiling by the state is a better treatment of these questions. They define the 'state spoiler' as "the destructive use of violence by the state actor or elements associated with the state."<sup>52</sup> They note several important factors of state-sponsored violence that make these sorts of spoilers particularly important to account for. First, the state is generally assumed to be in a position of greater cohesion and control.<sup>53</sup> This makes state-side spoiling both more rare and more interesting. Second, because the state maintains a hold on the legitimate use of coercive violence, state-side actors cannot be disarmed completely.<sup>54</sup> This complicates 'textbook' spoiler-management techniques.

State actors may choose to keep 'the conflict track' open as a policy option for many reasons. Elements within the state may perceive peace as a threat, perhaps because they are running a protection-racket that profits on violence. Militias, in particular, are in a precarious place during a peace process because they have the "greatest degree of operational autonomy... Their irregularity, assured under conflict, has no cover under peace."<sup>55</sup> Militias are "the most likely to continue the conflict," because of a rational calcula-

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<sup>51</sup> Daniele Conversi, "Why do peace processes collapse? The Basque conflict and the three-spoilers perspective," in *Challenges to peacebuilding: Managing spoilers during conflict resolution*, eds. Edward Newman and Oliver Richmond (New York: United Nations University Press, 2006).

<sup>52</sup> Kristine Höglund & I. William Zartman, "Violence by the State: Official Spoilers and their Allies," in *Violence and Reconstruction*, ed. John Darby (Notre Dame, IN: Notre Dame University Press, 2006), 13.

<sup>53</sup> *Ibid.*, 12.

<sup>54</sup> *Ibid.*, 12.

<sup>55</sup> *Ibid.*, 14.

tion about what life after peace likely entails.<sup>56</sup> Militias are unlikely to be included in an official way in the settlement process, and they are “notoriously difficult to control.”<sup>57</sup>

For all these reasons, a systematic look at the role of PGMs as spoilers in peace processes is necessary. Höglund and Zartman do consider several peace processes, but admit that, “because of the nature of the cases cited, the conclusions of this investigation are merely supported hypotheses rather than firm findings.”<sup>58</sup> Beyond their arguments, a thorough consideration of the role of PGMs is lacking.

Scholars in the Critical tradition challenge the root of our understanding of spoilers, and of peace. Newman and Richmond argue that “spoiler” is a loaded, normative term. Saying that an actor seeks to ‘spoil’ the peace rests on an assumption that the peace process is a ‘good’ one, or that peace is worth working toward. “At least in the West,” they argue, there is a “pervasive understanding...about what a peace process should ‘look like.’”<sup>59</sup> Those who disrupt the liberal peace, the consensus, are demeaned as spoilers. In fact, these actors may have a legitimate grievance with a structure that is being imposed upon them by outside actors—a structure that is not value-neutral but instead carries with it ideas about ‘good governance,’ open markets, and human rights. Understood in its context, ‘spoiling’ may be a legitimate response.<sup>60</sup> Pugh, similarly, asserts that modern peacekeeping constitutes

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<sup>56</sup> Ibid., 16.

<sup>57</sup> Ibid., 17.

<sup>58</sup> Ibid., 28.

<sup>59</sup> Edward Newman & Oliver Richmond, “Obstacles to peace processes: Understanding Spoiling,” in Edward Newman and Oliver Richmond, eds. *Challenges to peacebuilding: Managing spoilers during conflict resolution* (New York: United Nations University Press, 2006), 2.

<sup>60</sup> Ibid., 5.

“crowd control directed against the unruly parts of the world to uphold the liberal peace.”<sup>61</sup> Mac Ginty argues that peace is not a “normative good.”<sup>62</sup>

This is correct, and I do not pretend here to be value-neutral. I take the normative position that, despite the problems with the liberal peace paradigm, peace is at least sometimes worth seeking, and peace processes are worth understanding for that reason. Actions undertaken to disrupt the peace are thus spoiling the process. In defining this as an analytical category, I follow the lead of Nilsson and Söderberg Kovacs, who argue that, “as long as this inherent normative bias is recognized and discussed, the spoiler concept can still prove meaningful as a descriptive device.”<sup>63</sup>

But it remains true that there will be instances in which peace may not be the most important or most worthy objective. Conflict and the presence of spoilers may reflect that there are underlying grievances that should be addressed and may legitimately take priority over the peace process. Possibly these grievances concern the underlying problematic assumptions of the value of the liberal peace and the dominant world order. There is a risk that the favorable connotations of terms like ‘peace’ and the negative connotations of ‘spoilers’ will obscure these points. But here my explicit assumption is that sometimes peace is a worthwhile objective, and that it is therefore important to understand more about the conditions in which it can be achieved. I will return to these issues in my last chapter.

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<sup>61</sup> Michael Pugh, “Peacekeeping and critical theory,” *International Peacekeeping* 11.1 (2004): 41.

<sup>62</sup> Roger Mac Ginty, *International Peacebuilding and Local Resistance* (London: Palgrave MacMillan, 2011), 25.

<sup>63</sup> Nilsson & Söderberg Kovacs, “Revisiting an Elusive Concept,” 610.

## *Conclusion*

Stedman's theory of spoilers has been modified over time, but the essential meaning has remained the same: parties who take deliberate steps to unravel a peace process that does not align with their incentives. Generally, this term has been used to describe members of the opposition who are excluded from the settlement process. But because these authors assume the government party to the conflict is a unitary actor, there may be a confounding variable that explains agreement failure. Testing for the presence and character of PGMs during these settlement processes will further refine the spoiler theory and increase its explanatory power. My outcome of interest here is how to manage spoilers during the peace process because, even if elements of the liberal peace paradigm are problematic, it is still worth understanding how to keep these processes from unraveling.

## Other Factors

The spoiler literature argues that excluding certain important parties from negotiations can adversely affect the durability of a peace agreement. The conflict resolution literature offers further explanations for why some agreements persist while others fail. I will here summarize the other factors that these authors say affect the success of peace agreements. My statistical study will control for these variables.

### *Political Factors*

The political dynamics within a country can affect the odds that a peace agreement succeeds. There is, however, disagreement about the optimal design of a political system. Call, for example, finds that "*political exclusion*, rather than economic or social factors, plays the decisive role in most cases of

civil war recurrence: political exclusion acts as a trigger for renewed armed conflict.”<sup>64</sup> Call defines political exclusion as being “the perceived or actual deprivation of an expected opportunity for former warring parties, or the social groups associated with them, to participate in state administration.”<sup>65</sup> Importantly, political exclusion is about “processes rather than substantive policy outcomes” and refers to “participation in political or policy processes.”<sup>66</sup> This is a separate concept from inclusion or exclusion in the negotiation or settlement process, though the two may be related.

The converse of exclusion is political inclusion, which might be accomplished through a power-sharing arrangement. Many authors argue that some variety of power-sharing can help prevent civil war recurrence. The idea is that power-sharing institutions “promote moderate and cooperative behavior among contending groups by fostering a positive-sum perception of political interactions...Power-sharing serves as the mechanism that offers this protection by guaranteeing all groups a share of state power.”<sup>67</sup> Hartzell and Hoddie study thirty-eight agreements and find that “the most effective means of addressing these common security concerns is for parties to agree to create multifaceted power-sharing arrangements.”<sup>68</sup>

DeRouen et al. also argue that power-sharing can reduce the odds of recurrence, but that not all power-sharing measures are equally effective. “Power-sharing provisions that are costlier to government and more difficult

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<sup>64</sup> Call, *Why Peace Fails*, 4; emphasis in the original.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Caroline Hartzell & Matthew Hoddie, “Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management,” *American Journal of Political Science* 47.2 (2003): 318-19.

<sup>68</sup> Hartzell & Hoddie, “Institutionalizing Peace,” 330.

to implement will decrease the life span of the peace agreement.”<sup>69</sup> Conversely, there is some indication that less-costly measures might increase the odds of peace. Agreements that are costly to the government increase the government’s incentive to renegotiate. Knowing this, the opposition has an incentive to preemptively engage in violence before the government does, or may resort to violence out of frustration at the delay in implementing difficult provisions. Bekoe agrees, but formulates the prescription differently. She argues that new political and military provisions need to be distributed such that both sides make—or are perceived to make—equal sacrifices. “[T]he implementation process will advance only when the faction leaders do not feel unequally vulnerable.”<sup>70</sup>

Whereas these authors question power-sharing but ultimately argue it can have utility in some cases, other authors find no merit in the idea. Rothchild and Roeder argue that, in cases of ethnic conflict, “power-sharing may get ethnic leaders to leave the battlefield, but then after a short lull transforms the bargaining room into a new battlefield.”<sup>71</sup> Roeder instead argues for ‘power dividing,’ which decentralizes, checks, and balances state power in favor of individual rights. “Power dividing institutions provide more credible commitments to the rights of all minorities—whether based on ethnicity or other identities—by balancing and checking a majority in one governmental organ against several majorities in other organs.”<sup>72</sup> The advantage of power

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<sup>69</sup> Karl deRouen, Jr, Jenna Lea, & Peter Wallenstein, “The Duration of Civil War Peace Agreements,” *Conflict Management and Peace Science* 26.4 (2009): 367.

<sup>70</sup> Dorina A. Bekoe, *Implementing Peace Agreements* (New York: Palgrave, 2008), 2.

<sup>71</sup> Donald Rothchild & Philip G. Roeder, “Dilemmas of State-Building in Divided Societies” in *Sustainable Peace: Power and Democracy after Civil Wars*, eds. Philip G. Roeder and Donald Rothchild (London: Cornell University Press, 2005), 9.

<sup>72</sup> Philip G. Roeder, “Power Dividing as an Alternative to Ethnic Power Sharing” in *Sustainable Peace: Power and Democracy after Civil Wars*, eds. Philip G. Roeder and Donald Rothchild (London: Cornell University Press, 2005), 53.

dividing policies is that, in multiethnic societies, these policies “take seriously the constructivists’ evidence that for individual identities, including ethnic identities, tend to be multiple, situation-specific, and fluid over time.”<sup>73</sup> Power-dividing policies therefore seek to avoid solidifying into institutions the divisions that may have caused the war in the first place.

Of course, political settlements do not occur in a vacuum. Hartzell et al. hypothesize that agreements concluded after the Cold War ended are more likely to last, which is an argument about political dynamics in the broadest sense.<sup>74</sup> Mukherjee thinks more narrowly, arguing that power-sharing agreements tend to last longer when they follow the clear military defeat of one side by the other, and tend to fail more often when they follow “military stalemate.”<sup>75</sup> This may be because a stalemate leaves both sides with a lingering hope of victory and the incentive persists to break the agreement and return to war.

Though there is no consensus on precisely the sort of political arrangement that is most likely to prevent civil war recurrence, the preponderance of these authors argue that political considerations are necessary but not sufficient.

### *Conflict Dynamics*

Wallensteen argues that conflict dynamics are the crucial factor in peace agreement durability. “Agreements...are particularly dependent on the central issues of contention, the incompatibilities.”<sup>76</sup> Conflict dynamics affect

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<sup>73</sup> Roeder, “Power Dividing,” 61.

<sup>74</sup> Hartzell et al, “Stabilizing the Peace,” 189.

<sup>75</sup> Bumba Mukherjee, “Why Political Power-Sharing Agreements Lead to Enduring Peaceful Resolution of Some Civil Wars, but Not Others?” *International Studies Quarterly* 50.2 (2006): 501.

<sup>76</sup> Wallensteen, *Understanding Conflict Resolution*, 7.

the durability of peace agreements in three ways: credible commitment concerns, the salience of identity, and the intensity of conflict.

Credible commitment concerns grow out of the security dilemma. This is an acute issue in the context of a civil war. "Ending a civil war calls for the reconstruction of central authority and the exercise of that authority by the state...The state...must now be vested with a monopoly on the legitimate use of force, must reconstitute political power and enforce rules for the management of conflict."<sup>77</sup> But when that very same government was, just a short time before, engaging in a brutal war against the citizens it is now supposed to protect, commitment issues can emerge. "In the hostile environment of protracted social conflicts, antagonisms run deep. There is no socially cohesive society within the borders of the state, but rather a multiplicity of different communal groupings each struggling for power."<sup>78</sup>

Hartzell argues that the most important elements of peace agreements are those that "address the security concerns of the contending parties as they move from the situation of anarchy and self-help that characterizes the end of civil war."<sup>79</sup> Similarly, Walter argues that "designing credible guarantees on the terms of the agreement" is the most important task in a post-conflict situation.<sup>80</sup> "The greatest challenge is to design a treaty that convinces the combatants to shed their partisan armies and surrender conquered territory even though such steps will increase their vulnerability and limit their ability to enforce the treaty's other terms."<sup>81</sup> Agreements that do not address the main

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<sup>77</sup> Caroline Hartzell, "Explaining the Stability of Negotiated Settlements of Intrastate Wars," *Journal of Conflict Resolution* 43.1 (1999): 5.

<sup>78</sup> Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington, DC: United States Institute of Peace Press, 1996), 5.

<sup>79</sup> Hartzell, "Explaining the Stability," 4.

<sup>80</sup> Barbara Walter, "Designing Transitions from Civil War," *International Security* 24.1 (1999): 129.

<sup>81</sup> Walter, "Designing Transitions," 129.

incompatibility may still succeed, Walter argues, as long as these security concerns are addressed.

Another way to address these security concerns is by alleviating the problem of information asymmetry. Mattes and Savun argue that, “peace agreements that contain provisions to reveal information regarding the belligerents’ military capabilities increase the likelihood that peace will endure.”<sup>82</sup> They propose two precise mechanisms: third-party guarantees (addressed in the section on *coercive/military factors*) and institutionalization/power-sharing techniques (*political factors*).

It is logical that the credible commitment problem faced by the government—in this literature, taken to be unitary—would be even more acute if PGMs were considered. The opposition may consider the government incapable of enforcing an agreement if, in their perception, the government was not even capable of controlling all the partisans on its side in the conflict. In cases where an agreement is concluded against the wishes of a PGM, these concerns are well-founded because militias have added incentive to spoil the agreement. The credible commitment problem must therefore be re-examined in the cases of non-unitary governments.

The second relevant conflict dynamic is the salience of identity. Though its accuracy is contested, especially by constructivist and Critical scholars who argue that ‘identity’ is only ever a social construction, there remains a broad literature arguing that identity wars—those along the lines of ethnicity, or religion—are a category unto themselves. Much of this literature

sees [identity] wars as more difficult to resolve than violence motivated by political-economic issues because they provoke deeper levels of commitment, are more intense, and are

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<sup>82</sup> Michaela Mattes & Burcu Savun, “Information, Agreement Design, and the Durability of Civil War Settlements,” *American Journal of Political Science* 54.2 (2010): 511.

therefore harder to resolve by compromise—more broadly, because behavior can be changed more easily than identity.<sup>83</sup>

This ‘common wisdom’ is not uncontested, however, even within the quantitative (positivist) literature: Fearon and Laitin find that ethnic and religious differences are not the “main factors determining...the variation in civil violence.”<sup>84</sup> For purposes of my inquiry, the question is whether, in conflicts involving a PGM organized around an ethnic or religious affiliation, a peace agreement is, other things equal, more likely to fail.

The third relevant conflict dynamic is the intensity of the conflict. The literature is genuinely divided on this question. Hartzell et al. argue that peace agreements should be more likely to last if the war they conclude was longer in duration, and if the agreement “conclude[s] a civil war of high intensity.”<sup>85</sup> They argue this is because “as wars become longer and opponents can do no better than fight each other to a standstill, they are increasingly likely to come to believe that they cannot prevail.”<sup>86</sup> But Doyle and Sambanis<sup>87</sup> are hesitant to argue that there is a broadly applicable relationship between the length of the conflict and the success of the agreement, and Walter finds no relationship between the number of battle deaths and agreement success.<sup>88</sup>

But beyond the disagreement about the political effects of a particularly brutal conflict, the literature also notes a practical concern: it is very difficult to establish, with a high degree of accuracy, the precise number of war

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<sup>83</sup> Licklider, “The Consequences of Negotiated Settlements,” 685.

<sup>84</sup> James D. Fearon & David D. Laitin, “Ethnicity, Insurgency, and Civil War,” *American Political Science Review* 97.1 (2003): 75.

<sup>85</sup> Hartzell et al, “Stabilizing the Peace,” 190.

<sup>86</sup> Ibid.

<sup>87</sup> Michael W. Doyle & Nicholas Sambanis, “International Peacebuilding: A Theoretical and Quantitative Analysis,” *American Political Science Review* 94.4 (2000): 787.

<sup>88</sup> Barbara Walter, “Does Conflict Beget Conflict? Explaining Recurring Civil War,” *Journal of Peace Research* 41.3 (2004): 371-388.

dead. "Accurate measurement of the intensity of human rights abuses in most countries has eluded the social science community so far."<sup>89</sup> This is a distinct problem when the government's tactic of choice has been death squads or other forces that operate in the shadows. "Events data are based on significant incidents reported in the press and therefore tend to undercount the most severe episodes and fail to reflect clandestine forms of state violence. States generally attempt to conceal mass murder by...using such mechanisms as 'death squads' whose connections to the state are kept secret..."<sup>90</sup> Thus in the case of civil war, where a government has particular incentive to conceal the true extent of the damage caused by its security forces, battle deaths and casualty numbers may be unreliable.

#### *Coercive/Military Factors and Capacity Factors*

Finally, the literature suggests that a series of military-based, or otherwise coercive, policies might reduce the chances of recurrence and increase the chance of agreement success. The first of these is a system of third-party guarantees (broadly), or the deployment of peacekeepers (specifically). The argument is that these guarantees can help mitigate the commitment problem (outlined in *conflict dynamics*). Fortna finds that the deployment of peacekeepers increases the odds that peace will hold.<sup>91</sup> Taking that argument even further, some authors propose that international military capacity is necessary to support negotiated settlements.<sup>92</sup>

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<sup>89</sup> William Stanley, *The Protection Racket State: Elite Politics, Military Extortion, and Civil War in El Salvador* (Philadelphia, PA: Temple University Press, 1996), 18.

<sup>90</sup> *Ibid.*, 17.

<sup>91</sup> Fortna, "Inside and Out."

<sup>92</sup> Paul Collier et al, *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, DC: The World Bank, 2003); see also, Doyle & Sambanis, "International Peacebuilding."

Another policy is one of disarmament, demobilization, and reintegration (DDR). Collier et al. argue that DDR programs can have a positive effect on the odds that a peace agreement succeeds.<sup>93</sup> Lyons agrees, arguing that reforming militias by transforming them into political parties can help strengthen a peace agreement.<sup>94</sup>

The literature also indicates that the capacity of the state can affect the success of a peace agreement. Some authors argue that the size and strength of the militaries involved in the conflict can affect the duration of peace. Fortna finds that the larger the military, the less likely peace is to hold,<sup>95</sup> but Hegre and Sambanis find no significant relationship between the size of the state's military and the odds of peace.<sup>96</sup> 'State capacity' can also be understood in political economy terms, including GDP, infant mortality rate, and economic growth.<sup>97</sup> One way in which these political economy indicators affect the odds of recurrence is through motivation and mobilization. Walter argues that because opposition groups do not always have a standing armed group upon which to call (unlike the state, which tends to have standing army at the ready), the incentives must be sufficiently strong for people to abandon their ways of life to take up arms in opposition. These factors align when quality-of-life indicators are sufficiently low. "Enlistment is likely to become attractive [in] a situation of individual hardship or severe dissatisfaction with one's cur-

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<sup>93</sup> Collier et al, *Breaking the Conflict Trap*.

<sup>94</sup> Terrence Lyons, "Soft Intervention and the Transformation of Militias into Political Parties" in *Strengthening the Peace in Post-Civil War States: Transforming Spoilers into Stakeholders*, eds. Matthew Hoddie and Caroline A Hartzell (Chicago: University of Chicago Press, 2010).

<sup>95</sup> Fortna, "Inside and Out."

<sup>96</sup> Håvard Hegre & Nicholas Sambanis, "Sensitivity Analysis of Civil War Onset," *Journal of Conflict Resolution* 50.4 (2006): 531.

<sup>97</sup> Collier et al, *Breaking the Conflict Trap*; Walter, "Does Conflict Beget Conflict?"; Fearon & Laitin, "Ethnicity, Insurgency, and Civil War."

rent situation.”<sup>98</sup> The lack of state capacity to mitigate the dissatisfaction of its citizens through economic or political means is therefore a risk factor for war recurrence, she argues.

Finally, some authors argue that recurrence is less likely when the government party to the conflict is more democratic. Hartzell et al. find that “civil war settlements agreed to by actors in countries whose previous regime was democratic or semi-democratic are more likely to prove stable than those constructed by actors in countries whose regime was authoritarian.”<sup>99</sup> This echoes Call’s argument about the salience of political inclusion and exclusion.

### *Conclusion*

There is a broad literature on the factors believed to affect the longevity of post-war peace agreements. I argue that the government party to these civil wars has for too long been considered a unitary entity. Systematic consideration of the effect of PGMs on the odds of peace will result in a deeper and more accurate understanding of how to best make peace agreements last.

In the chapters that follow, I will examine the effects of PGMs upon a set of peace agreements, and analyze, in depth, their role in three peace processes since the end of the Cold War.

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<sup>98</sup> Walter, “Does Conflict Beget Conflict?,” 374.

<sup>99</sup> Hartzell et al, “Stabilizing the Peace,” 189.

## IV. Theoretical Contributions

My argument is that the quantitative literature on peace agreement durability has tended to lack a systematic focus on the role of intra-state factions—PGMs—as spoilers of a peace process. I will here offer a theoretical explanation of the mechanism by which PGMs may spoil peace agreements. I argue that PGMs can be understood as acting like a bureaucracy within the state, and that by turning to theories of bureaucratic delegation and autonomy, we can better understand and manage spoiling behavior by PGMs.

Understanding and explaining PGM behavior requires an examination of the role of PGMs within a state's structure. Just like the Ministry of Foreign Affairs or the Department of Education, PGMs occupy a niche role within the state: they have an internal organization; they have expertise over their jurisdiction; and they compete with other agencies within the state for resources and power.<sup>100</sup> The bureaucratic model “explore[s] ways in which violence against supposed enemies of the state can serve as a tool for competing factions or agencies within the state.”<sup>101</sup>

This is not an unprecedented application. Stanley makes a similar argument: “To understand state violence in most settings, we need to treat institutions of the state as actors with at least some degree of autonomy of interest and action.”<sup>102</sup> The link I am making here is to use the literature on bureaucracies to understand, explain, and manage PGM behavior. This will allow a systematic consideration of PGMs informed by an already-developed literature on spoilers in peace processes.

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<sup>100</sup> These are some of the characteristics Weber lays out as essential to bureaucracies. See e.g., Max Weber, *From Max Weber: Essays in Sociology*, trans. H. H. Gerth and C. Wright Mills (London: Routledge, 2009).

<sup>101</sup> *Ibid.*, 13.

<sup>102</sup> Stanley, *The Protection Racket State*, 8.

Each of the two theoretical models of bureaucratic behavior—delegation and autonomy—applies to one of the two types of PGMs. The PGMD uses the categories ‘semi-official’ and ‘informal’ to describe how PGMs are related to the government. Semi-official groups are more often openly associated with the government, and are likely to be better organized and armed. Informal groups have more clandestine links with the government. I will argue that theories of delegation explain well how semi-official PGMs operate within the state: these are agencies that act with explicit or implicit permission of the state. Theories of autonomy explain the behavior of informal PGMs, which act with less regard for the state’s decisions about the amount of power they should have.

## Delegation

A state may delegate power or responsibilities to a PGM. Delegation here is “a conditional grant of authority from a *principal* to an *agent* that empowers the latter to act on behalf of the former.”<sup>103</sup> This principal-agent relationship best describes the relationship of a semi-official PGM and its government, for three reasons. First, in a principal-agent relationship, the state retains considerable control over the bureaucracy. The relationship is acknowledged freely because that bureaucracy is often a vital part of the government. And finally, the principal-agent relationship requires an understanding that there is some form of agreement or contract—often an implicit one—

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<sup>103</sup> Darren G. Hawkins, David A. Lake, Daniel L. Nielson, & Michael J. Tierney, “Delegation under anarchy: states, international organizations, and principal-agent theory,” in *Delegation and Agency in International Organizations*, eds. Darren G. Hawkins, David A. Lake, Daniel L. Nielson, and Michael J. Tierney (Cambridge: Cambridge University Press, 2008), 7; emphasis in the original.

between the parties.<sup>104</sup> These three conditions are consistent with the PGMD definition of a semi-official PGM.

In a principal-agent relationship, agents get authority from the principal, but they do not always do precisely what the principal wants. Principals have the power both to initiate and to terminate the relationship. Theoretically, misbehavior by the agent is bounded—because, beyond a certain point, it will be terminated as the agent.<sup>105</sup> A chief assumption<sup>106</sup> of principal-agent theories is that the agents act in their own interests, within the bounds set forth by the principal: they are “self-interest seeking with guile.”<sup>107</sup> This can result in ‘agency loss,’ where the goals of an agent and its principal do not align perfectly.

A state may choose to delegate to a bureaucracy (here, a PGM) to benefit from specialization and externalities. “Rather than performing an act itself, the principal delegates authority to a *specialized agent* with the expertise, time, political ability, or resources to perform a task.”<sup>108</sup> The principal gains from this delegation because it does not have to expend on learning and performing this task. The principal gains most delegating a task that is repeated frequently, or that requires specific skills or training.

The principal is also likely to delegate when there are policy externalities. “An externality is said to exist wherever the utility of one or more individuals is dependent upon, among other things, one or more activities which

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<sup>104</sup> Ibid., 7.

<sup>105</sup> Ibid., 7, 8.

<sup>106</sup> Ibid., 24.

<sup>107</sup> Oliver E. Williamson, *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting* (New York: Free Press, 1985): 30; cited in Hawkins et al., “Delegation under anarchy,” 24.

<sup>108</sup> Hawkins, et al., 13; emphasis in the original.

are under the control of someone else.”<sup>109</sup> A classic example of an externality is pollution. Businesses may pollute water or air resources as part of their production process, but it is the public at-large, not solely that business, that is affected by the pollution.

In the context of militias, PGM behavior affects not just the group’s outcomes but also the state’s outcomes. A specific subset of externalities is even more relevant for our understanding of PGM behavior. A “Pareto-relevant externality” can be understood as one that makes the “externally affected party better off without making the acting party worse off.”<sup>110</sup> This would mean that the state specifically benefits from PGM behavior—behavior that does not adversely affect the PGM itself.

In practical terms, externality-driven delegation to a PGM might take the following form: under pressure from international organizations and donors to behave ‘respectably,’ states engage in ‘subcontracting,’ outsourcing the worst of their repressive behavior to these groups. States delegate to PGMs to “perpetuate violence against State enemies in order to appear ‘clean’ to international sources of development and military aid money.”<sup>111</sup> This subcontracting can have an international audience, but also serves a domestic purpose: “Delegating violence to militias minimizes the potential political cost to the government in the form of losing domestic support.”<sup>112</sup> If a state does not support a particular peace process but must be seen to be acting respectably, it may delegate the role of ‘spoiler’ to a PGM. This scenario is a “jointly beneficial violation where the government refuses rather than loses control of the

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<sup>109</sup> Alan Randall, “Market Solutions to Externality Problems: Theory and Practice,” *American Journal of Agricultural Economics* 54.2 (1972): 175.

<sup>110</sup> James M. Buchanan & William Craig Stubblebine, “Externality,” *Economica* 29 (1962): 374; quoted in Randall, “Market Solutions,” 175.

<sup>111</sup> Mazzei, *Death Squads*, 8.

<sup>112</sup> Sabine Carey, Michael Colaresi, & Neil Mitchell, “Governments’ Informal Links to Militias,” (Working Paper, 2014): 12.

agent.”<sup>113</sup> When PGMs spoil a peace process, externalities accrue: the state benefits from the spoiling and from keeping its hands clean; [and?] the PGM benefits from the spoiling as well.

State delegation of violence to PGMs is a puzzle worth exploring more fully. The commonly accepted “essentially distinguishing feature of states” is the one articulated by Weber: the state is the actor with a monopoly on the legitimate use of violence.<sup>114</sup> “[S]tate organized terror cannot be considered simply a manifestation of the state’s essential nature. It is also a pathology and a perversion of the state.”<sup>115</sup> This is the paradox of PGMs. “In tolerating or using death squads, states inevitably compromise their defining monopoly, often putting their very legitimacy into question.”<sup>116</sup> Understanding why a state might willingly allow such groups to degrade their essential character is part of the puzzle of understanding political violence and state capacity more broadly.

Principal-agent relationships are not without problems. First, there is agency problem—essentially an agent gone rogue—which occurs when “the desires of the principal and agent conflict and...it is difficult or expensive for the principal to verify what the agent is actually doing. The problem here is that the principal cannot verify that the agent has behaved appropriately.”<sup>117</sup> The agency problem can manifest as shirking (when the agent is expending minimal effort to accomplish the principal’s tasks) or as slippage (where the

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<sup>113</sup> Neil J. Mitchell, Sabine C. Carey, & Christopher K. Butler, “The Impact of Pro-Government Militias on Human Rights Violations,” *International Interactions* 40.5 (2014): 820.

<sup>114</sup> P. Timothy Bushnell, Vladimir Shlapentokh, Christopher K. Vanderpool, & Jeyaratnam Sundram, “State Organized Terror: Tragedy of the Modern State,” in *State Organized Terror: The Case of Violent Internal Repression*, eds. P. Timothy Bushnell, et al (Oxford: Westview Press, 1991), 6.

<sup>115</sup> *Ibid.*, 6.

<sup>116</sup> Campbell, “Death Squads,” 5.

<sup>117</sup> Kathleen M. Eisenhardt, “Agency Theory: An Assessment and Review.” *The Academy of Management Review* 14.1 (1989): 58.

agent's actions may slip away from the principal's preferences and toward its own).<sup>118</sup> The second problem with a principal-agent relationship, related to slippage, is that the two parties may have different levels of acceptable risk. The problem of risk sharing occurs when the principal and the agent would "prefer different actions because of the different risk preferences."<sup>119</sup>

Principal-agent dynamics—theories of delegation—thus explain particularly well the relationship between a semi-official PGM and its government. Either as a result of specialization or externalities, states may make the rational calculation to delegate spoiling behavior to PGMs. A peace agreement may be more likely to succeed if its architects can account for the state's incentives in these situations.

## Autonomy

We can also understand PGM spoiling behavior by considering PGMs as an autonomous bureaucracy within the state. This theory describes well the relationship between an informal PGM and its government. Because informal PGMs are less likely to be acknowledged publicly by the state, they are more likely to act autonomously. With a specific focus on the role of the militias in El Salvador, Stanley describes one way in which a PGM might operate autonomously: "[W]here agencies have the autonomous ability to use violence against regime opponents, this power can be used to secure the support of social elites and to scuttle reformist initiatives by other factions and agencies of the state."<sup>120</sup>

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<sup>118</sup> Hawkins et al., "Delegation under anarchy," 8.

<sup>119</sup> Eisenhardt, "Agency Theory," 58.

<sup>120</sup> Stanley, *The Protection Racket State*, 13.

Autonomy, loosely defined, is “the ability to operate in a manner that is insulated from the influence of other political actors—especially states.”<sup>121</sup> Barnett and Finnemore argue that international organizations have autonomy when they have independence from the influence of states.<sup>122</sup> Dahl similarly says that “to be autonomous in a political sense is to be not under the control of another.”<sup>123</sup> As discussed above, describing spoiling behavior by a PGM is necessarily a political project, so PGM autonomy cannot be understood as ‘apolitical.’ But it is possible to understand PGM autonomy as behavior exhibited relatively free from the constraints of state preferences—regardless of whether this is a normative good or not.

Carpenter develops a framework for recognizing when an autonomous bureaucracy emerges. An autonomous bureaucracy must fulfill three requirements. First, bureaucracies must be “politically differentiated,” with distinct preferences from those “who would seek to control them.”<sup>124</sup> Second, bureaucracies must have expertise, with the ability to administer their policies and to act upon their preferences.<sup>125</sup> Third, bureaucracies must have legitimacy and support amongst their base, which may be independent from that of their state.<sup>126</sup>

Carpenter specifically addresses the political effects of an autonomous bureaucracy. He argues that autonomous bureaucracies are able to “make program innovations that elected officials did not direct them to take. At

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<sup>121</sup> Yoram Z. Haftel & Alexander Thompson, “The Independence of International Organizations: Concept and Applications,” *The Journal of Conflict Resolution*, 50.2 (2006): 256.

<sup>122</sup> Michael Barnett & Martha Finnemore, *Rules for the World* (Ithaca: Cornell University Press, 2004).

<sup>123</sup> Robert Dahl, *Dilemmas of Pluralist Democracy* (New Haven: Yale University Press, 1982), 16.

<sup>124</sup> Daniel Carpenter, *The Forging of Bureaucratic Autonomy* (Princeton: Princeton University Press, 2001), 14.

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*

times, they can even make sustained policy choices that flout the preferences of elected officials or organized interests.”<sup>127</sup> His language is that of the American domestic system, but it is clear that Carpenter is describing precisely the ‘spoiler’ phenomenon: when an agency within the state has enough power that it is able to produce outcomes counter to those preferred by the government.

Autonomy does not simply describe an exceptionally independent agent that can nonetheless be understood as operating within a principal-agent relationship. “Bureaucratic autonomy...is external to a contract and cannot be captured in a principal-agent relationship.”<sup>128</sup> This is also why the autonomous model may best capture the relationship of informal PGMs to their government. Unlike agents who remain under the control, however modest, of their principal, autonomous agencies “can change the terms of delegation. They can even alter the electoral strategies of their principals.”<sup>129</sup> Again, Carpenter uses a particular language, but he is describing the phenomenon by which an autonomous agency, operating beyond the control of its principal, changes that principal’s calculations—for example, with respect to concluding a peace agreement.

Autonomous bureaucracies exhibit goal divergence from their government. In the case of PGMs, the more independent the militias, the more likely their specific goals are separate from the goals of the government. Therefore when a PGM spoils an agreement its government may be supporting, this behavior can be understood as a result of goal divergence. Whereas states may strategically delegate to PGMs to spoil agreements they do not favor, autonomous PGMs spoil agreements in direct contradiction to the state’s

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<sup>127</sup> *Ibid.*, 15.

<sup>128</sup> *Ibid.*, 17.

<sup>129</sup> *Ibid.*

goals. The “strategically useful violence” by “informal armed groups” is “attributable to goal variance resulting from the militia members’ private motives rather than to the government itself.”<sup>130</sup>

Thus the particular mechanism by which an informal PGM may spoil a peace agreement is by acting as an autonomous bureaucracy within the state with its own set of interests and incentives. Those wishing to improve the chances that an agreement will succeed will need to account for the interests of the PGM.

### *Hypotheses*

Why do some peace agreements succeed while others fail? I have explained the background for the research questions of this project and the literature to which I hope to contribute. Theories on civil war recurrence and peace agreement durability offer some answers to this question, but I hypothesize that a theoretically and empirically interesting answer can be found by questioning the unitary government assumption that pervades the literature.

Using the literature on bureaucratic delegation and autonomy, I develop three hypotheses to test the precise effect of PGMs on the outcomes of peace agreements.

The first step is to discover whether an active PGM during a settlement process affects the odds of peace. Does the presence of a PGM affect the probability that a peace agreement will succeed? Principal-agent theories suggest that states that are unenthusiastic about ending a conflict might use PGMs to deliberately spoil peace. Theories of bureaucratic autonomy also suggest that PGMs may reduce the likelihood of peace because even if the government fa-

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<sup>130</sup> Mitchell, Carey, & Butler, “The Impact of Pro-Government Militias,” 819.

vors a settlement, it may be unable to control the militia. These theories suggest a first hypothesis.

***Hypothesis 1:** Peace agreements are more likely to fail if concluded while at least one pro-government militia is active.*

Hypothesis 1 treats as equivalent spoiling behavior as a result of either delegation or autonomy. But this assumption is worth examining closely. Does the type of link between the PGM and the government affect the probability that a peace agreement will succeed? The literature suggests that PGMs that are more wholly controlled by their government will be more responsive to the government's wishes: agents are more easily controlled by their principals than are autonomous bureaucracies. I hypothesize that autonomous bureaucracies—that is, informal PGMs—are more likely to spoil agreements their government favors. This may be because they have been excluded deliberately. It may also be that their relative autonomy means that even while the government favors peace, the militia's incentives are in favor of continued conflict. This suggests another hypothesis.

***Hypothesis 2:** Peace agreements are more likely to fail if concluded while at least one informal PGM is active.*

Finally, we must consider the character of the conflict. The literature indicates that certain wars may be more difficult to settle peacefully than others. Examples of such conflicts might include wars where the main incompatibility is a question of identity; or wars where there is systematic and widespread targeting of civilians and other non-combatants. Targeting third parties such as aid workers and peacekeepers is another example. The literature indicates that identity conflicts and conflicts with significant third-party casualties will be more difficult to resolve peacefully. The membership, target, and

support of PGMs offer another way to understand the incompatibilities, deadliness, and conflict dynamics of particular wars. This suggests a final hypothesis.

***Hypothesis 3:** Peace agreements are more likely to fail if concluded while groups whose characteristics indicate that the war is particularly brutal or intractable are active.*

Each of these hypotheses will be tested in turn. Achieving statistically significant results would be important because they would either refute or support the theories advanced by the literature. But even results that are not statistically significant are important, and could expand our understanding of the factors that contribute to an agreement's success or failure. If militias are not a significant factor affecting peace processes, these results could offer alternative explanations about which of the variables tested in the literature retain their significance when the government is no longer assumed to be unitary.

## V. Research Design

### *Research Question*

Why do some peace agreements succeed while others fail? Seeking to contribute to the literatures on civil war recurrence and peace agreement durability, I have proposed deconstructing the government; recognizing that in certain cases, it may be a non-unitary actor; and examining the effects of PGMs upon the success of peace processes.

In this chapter, I will elaborate on the methods used in both my quantitative and qualitative analyses, and I will detail the methodological foundations of the approach I am taking.

### *Synthetic, Comparative Approach*

I have taken a mixed-methods approach, employing both larger-N quantitative analysis and in-depth case studies. In particular, I draw on Ragin's development of the "synthetic" approach, which "selectively unites certain features" of both quantitative and qualitative analysis, seeking to take advantage of the strengths of each. The synthetic approach is characterized by seeking a parsimonious explanation, but it also deliberately seeks out alternative explanations for the phenomena it investigates.<sup>131</sup>

Case studies in isolation tend to be "very sensitive to human agency and to social processes in general."<sup>132</sup> But the qualitative approach, by its very nature, is not suited to dealing with large numbers of cases. Therefore, it cannot easily demonstrate regularities among cases and is less likely to identify "structural" explanations—explanations that emerge when behavior is exam-

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<sup>131</sup> Charles C. Ragin, *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies*, (Berkeley: University of California Press, 1987), 83-84.

<sup>132</sup> *Ibid.*, 70.

ined in the aggregate but that cannot be attributed to the actions of discrete individuals. By contrast, the quantitative approach is “biased in favor of structural explanations” but tends to “obscure” the role of individual agency.<sup>133</sup>

The synthetic approach unites these strengths. From the quantitative approach, it draws the ability to examine a larger number of cases; from the qualitative approach, it “allows assessment of complex patterns of multiple and conjunctural [sic] causation.”<sup>134</sup> This approach allows the study of structural explanations without compromising the “chronological particularities of cases and human agency.”<sup>135</sup>

The quantitative and qualitative analyses are iterative. No case study, no matter how fine-grained, can examine literally every aspect of an event; necessarily, there is some selection involved in deciding, often implicitly, which aspects should be described. A quantitative analysis can help make that selection more explicit and can justify the aspects of the events that the researcher considers significant. That is, the quantitative approach enables the researcher to “narrow the range of hypotheses deserving more-detailed analysis by suggesting that some hypotheses...have little empirical support.”<sup>136</sup> By the same token, no quantitative analysis can consider every possible hypothesis. Unavoidably, only certain hypotheses are selected for testing, and a researcher might overlook, or be blind to, important possible explanations. Qualitative analysis can help address this problem: case studies inform the quantitative analysis when they are used “as a means of stimulating the imagination in order to discern important *new* general problems, iden-

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<sup>133</sup> Ibid.

<sup>134</sup> Ibid., 71.

<sup>135</sup> Ibid.

<sup>136</sup> Lisa L. Martin, *Coercive Cooperation: Explaining Multilateral Economic Sanctions*, (Princeton, NJ: Princeton University Press, 1992), 92.

tify possible theoretical solutions, and formulate potentially generalizable relations that were not previously apparent.”<sup>137</sup>

The goal is to use this synthetic approach for a deeper and broader understanding than would be possible using only one method at a time: to compare “wholes as configurations of parts.”<sup>138</sup>

### *Quantitative Analysis*

I will use a logistic regression to analyze the probability of peace agreement success. My dependent variable will be ‘success of peace agreement,’ measured in a binary fashion: either the agreement succeeded, or it did not. My independent variables are drawn from the PGMD. First, I will focus on whether a PGM was present while the agreement was concluded. Second, I will look at whether those PGMs were ‘informally’ or ‘semi-officially’ related to their government. Third, I will look at the membership, support, and targets of the PGM to consider more thoroughly the precise character of the conflict.

I will control for the variables suggested by the literature, including how democratic the regime was, the state’s capacity to enforce the agreement, and what types of settlement measures were included in the agreement, including but not limited to: military factors, political factors, peacekeepers, and whether all ‘conflict dyads’ were included in the negotiations.

A more detailed discussion of how I gathered and coded these data is in the chapter on the quantitative analysis.

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<sup>137</sup> Alexander L. George, “Case Studies and Theory Development: The Method of Structured, Focused Comparison,” in *Diplomacy: New Approaches in History, Theory, and Policy*, ed. Paul Gordon Lauren (New York: The Free Press, 1979), 51; emphasis in the original.

<sup>138</sup> Ragin, *The Comparative Method*, 84.

### *Case Studies*

I will focus on a set of three peace agreements: 1992 El Salvador, 2002 Indonesia, and 2005 Indonesia. I chose these for a number of reasons. PGMs were active at the time of all three agreements. All were concluded after the Cold War (and subsequent reorganization of international politics), meaning any lessons learned from these agreements can still be applied to present-day negotiations. The two successful agreements (2005 Indonesia and El Salvador) have held for ten and twenty-three years, respectively, as of this writing. The 2002 Indonesia agreement presents a valuable contrast because it lasted only about one year.

A further strength of this set of agreements is the within-case design presented by the first failure in Indonesia. Only a very few factors changed between the initial, failed 2002 agreement and the subsequent, successful agreement in 2005. The two Indonesian cases therefore represent a most-similar design. Studying these agreements side-by-side allows maximum comparison to examine the factors that separate the successful agreement from the earlier failed process. Lessons from the Indonesian cases can be then compared with lessons from the Salvadoran case, which is something of a most-different case: across the world, with a different set of combatants, incompatibilities, political arrangements, and external actors.

I selected these cases on the basis of the scholarly bibliography that exists detailing the violence and the peace processes. As a result of the time, space, and resource constraints of this project, and the resulting inability to conduct my own field work, I was limited to the (English-language) writings and studies of others. Because research on post-conflict zones is often difficult to conduct, and access to victims of systemic violence can be limited at best, many of the conflicts in my dataset are under-studied. Selecting on the bibli-

ography might introduce a few different sources of bias. Conflicts may be more likely to be studied if they were settled with a substantial amount of international involvement. Greater attention might also be paid to conflicts that were exceptionally violent. Agreements that have lasted a long time might also attract scholarly notice. Any of these three factors could affect the odds of peace: in this way, it is possible that the relationship between bibliography and success of peace agreement is a source of some bias.

However, it is important to emphasize that of my three cases, one is a failure. The 2002 Cessation of Hostilities Agreement in Indonesia lasted less than one year. This mitigates in part some of the criticism that selecting on the bibliography biases my study in favor of successes or agreements with longevity. Moreover, this project can still serve at least as the start of a broader investigation of some factors of importance in conflicts with PGMs. Future studies with fewer limitations can expand on the theoretical arguments made here to discover whether these conclusions still hold with respect to cases that are, currently, under-researched.

Lieberman offers a template for “nested analysis,” where cases are selected from within the broader, large-N analysis. Nesting “allows the scholar to identify the particular information that he or she wants to glean from the in-depth analysis of almost any case, and then to assess the potential added value of such analysis relative to a larger body of theory and data.”<sup>139</sup>

This is the goal of my case selection. These are agreements that are relatively well documented, but which have not been examined with particular attention to the role of militias. Their study will indicate the degree to which this is a fruitful thread of analysis to begin. This is also the underlying idea of

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<sup>139</sup> Evan S. Lieberman, “Nested Analysis as a Mixed Method Strategy for Comparative Research,” *American Political Science Review* 99.3 (2005): 448.

the synthetic approach: the case study selection was guided by the quantitative analysis, and the lessons from the cases can inform future such analyses.

I will explain the particular characteristics of each agreement and how each serves to illustrate my broader theoretical arguments in the chapters on the cases.

### *Methodology*

“Like all academic works, this one is based on a series of assumptions, some explicit, some implicit.”<sup>140</sup> In this section, I will outline the assumptions I already know I am making, and the efforts I made to avoid the pitfalls of failing to interrogate my assumptions.

I will broadly be using an approach that “applies scientific method to human affairs.”<sup>141</sup> My research aligns with King, Keohane, and Verba’s template of scientific inquiry: “The goal is inference, the procedures are public, the conclusions are uncertain, and the content is the method.”<sup>142</sup> This is because I believe there is value in both the larger-picture search for patterns and in the smaller-picture in-depth discovery of nuance. This approach stems from “an interest in *both* the exploration of general relationships and explanations and the specific explanations of individual cases and groups of cases.”<sup>143</sup>

I have chosen this approach for a few reasons. First, and necessarily fundamentally, I believe that certain phenomena can be better understood if we are able to discern patterns from analyzing a large-N sample of these phenomena. This is the largest assumption on which my quantitative chapters

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<sup>140</sup> Mac Ginty, *International Peacebuilding*, 3.

<sup>141</sup> Martin Hollis & Steve Smith, *Explaining and Understanding International Relations* (Oxford: Clarendon Press, 1990), 11.

<sup>142</sup> Gary King, Robert O. Keohane, & Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, (Princeton, NJ: Princeton University Press, 1994), 9.

<sup>143</sup> Lieberman, “Nested Analysis,” 436.

will rest. I acknowledge here that I am making this assumption and that the analysis will follow from this foundation. But this does not extend to all phenomena. King, Keohane, and Verba emphasize the importance of “maximizing the validity of measurements.”<sup>144</sup> “Validity refers to measuring what we think we are measuring. The unemployment rate may be a good indicator of the state of the economy, but the two are not synonymous.”<sup>145</sup> One ought to be very careful when attempting to quantify ‘democracy’ for example, or when using gross domestic product as a proxy for ‘quality of life.’ I will do my best to explain how I chose to approximate and quantify my variables and to defend my choices, but I acknowledge that any attempt at quantifying these human elements of the world will be approximate.

Second, I am taking this approach because I believe there is value in a broader, semi-generalizable study. I seek to uncover any broad correlations and probabilities that may exist: ‘when we have tended to see X, we have also historically tended to see Y.’ I will be conscious of the effects of confounding variables, and uncertainty introduced into my models by the mere fact that I am studying human activity. I am hoping only to discover patterns, not make binding rules.

Finally, I seek to remain conscious of the critical peacebuilding literature—for example, Mac Ginty’s criticism of ‘orthodox’ studies of peace processes, which are, he says, “overly reductive, elitist, and ethnocentric and have a bias towards formal forms of political and economic environment.”<sup>146</sup> I will address these concerns in a more general way in my conclusion, but in at least one respect, I believe this study is consistent with, and in fact helps develop, Mac Ginty’s claim. I am questioning a problematic assumption that

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<sup>144</sup> King, Keohane, & Verba, *Designing Social Inquiry*, 25.

<sup>145</sup> *Ibid.*, 25.

<sup>146</sup> Mac Ginty, “International Peacebuilding,” 10.

pervades the literature. Neglecting the role of PGMs and artificially considering the government to be unitary is one example of the reductionist, overly-simplified scholarship that Mac Ginty criticizes. By reintroducing some of the lost nuance, I am taking a step toward approaching the conflicts and their remedies with an appropriate level of complexity.

But in other ways, the difference between my approach and Mac Ginty's is simply the fundamental division within international relations scholarship today: between those who would see value in larger, categorical, data-driven enquiry and those who would dismiss this work as being overly simplified and reductionist at best, and dangerous and imperialist at worst. Within limits, both perspectives have merit. To the extent that there is disagreement about the utility of a data-focused inquiry, I hope to illustrate the utility of my particular use of a mixed-methods approach that is informed both by social science methods and by a respect for the critical tradition. In the end, my only claims are about the value of this particular study and any contribution it may make to our understanding, and not about the issues raised in the more fundamental debate.

## VI. The Quantitative Methods

### *Scope*

This thesis is concerned with the success or failure of peace agreements signed in the aftermath of a civil war. I do not examine whether peace agreements should be used to settle civil wars: the universe of cases is only those where a peace agreement already exists. That is, my question is the probability of peace *conditional on* an agreement. I also do not investigate whether civil wars settled by peace agreement remain peaceful longer than those without an agreement. Rather, I will examine which variables might affect the chances for peace, and for how long, when there is an agreement.

I have focused on peace agreements that follow civil wars for a few reasons. The literature argues that civil wars are particularly difficult to resolve, and therefore, their resolution is a more interesting and important question. As Licklider argues,

Interstate opponents will presumably eventually retreat to their own territories...but in civil wars the members of the two sides must live side by side and work together in a common government after the killing stops. Compromise is particularly difficult because the stake is control of this new government and is thus, literally, life and death for the combatants.<sup>147</sup>

Moreover, interstate wars have declined dramatically since the end of the Cold War, while intrastate conflicts are on the rise.<sup>148</sup> Quinn, Mason, and Gurses note that the number of civil wars in the post-Cold War period exceeds the number of states that have experienced civil war—that is, these con-

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<sup>147</sup> Licklider, "The Consequences of Negotiated Settlements," 681.

<sup>148</sup> Lotta Harbom, Stina Högladh & Peter Wallensteen, "Armed Conflict and Peace Agreements," *Journal of Peace Research* 43.5 (2006): 617-19.

flicts are recurring in the same set of states.<sup>149</sup> Finally, and most simply, the PGMD consists of PGMs that operate within their own borders.<sup>150</sup> To keep the data on militias consistent with the data on agreements, I focus only on post-civil war agreements.

### *The Dependent Variable*

To explore the success rate of peace agreements following civil war, I am using data from the Uppsala Conflict Data Program (UCDP) Peace Agreement Dataset.<sup>151</sup> My dependent variable is *Ended*, a variable in the UCDP. *Ended* is a binary variable: either the agreement ended, or it did not. Agreements that end are coded as 1; else, 0. Colloquially, I also refer to these agreements as ‘failing’ or ‘succeeding,’ respectively.

UCDP defines the variable *Ended*:

Did the peace agreement end, i.e. did the implementation fail? The peace agreement is no longer considered fully implemented if the validity of the agreement is contested by one or more of the warring parties that signed. A peace agreement cannot, from the UCDP perspective, survive if the primary parties are no longer party to it. If a party officially withdraws from a peace agreement, it is considered to have ended.<sup>152</sup>

For UCDP, agreements end when one or more parties withdraw from it, or if the conflict restarts. UCDP defines conflict as “a contested incompatibility that concerns government or territory where the use of armed force between two

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<sup>149</sup> Michael J. Quinn, T. David Mason, & Mehmet Gurses, “Sustaining the Peace: Determinants of Civil War Recurrence,” *International Interactions* 33.2 (2007): 167.

<sup>150</sup> Carey, Mitchell, & Lowe, “States, the security sector, and the monopoly of violence,” 251.

<sup>151</sup> Harbom et al, “Armed Conflict and Peace Agreements.”

<sup>152</sup> Stina Högladh, “Peace Agreements 1975-2011—Updating the UCDP Peace Agreement Dataset” in *States in Armed Conflict 2011*, eds. Pettersson Therése & Lotta Themnér (Uppsala University: Department of Peace and Conflict Research Report, 2011): 5.

parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.”<sup>153</sup>

To maintain consistency, I did not change the UCDP data by changing the time limit on *Ended*. If an agreement failed before the dataset was published in 2011, I considered it to have ended; if an agreement failed after the dataset was published, it is not considered to have ended. Future studies can use the next iteration of UCDP data.

The unit of analysis is the peace agreement, and I have narrowed the UCDP data to fit my scope and definitional constraints. First, because I am considering only post-civil war agreements, I eliminated agreements in the UCDP concluding interstate wars. UCDP listed 173 armed conflicts, of which only 23 were interstate conflicts, accounting for 20 of 216 agreements signed.<sup>154</sup> Excluding interstate conflicts still leaves a large number of cases for analysis. Second, because the PGMD codes militias active between 1981 and 2007, I include only peace agreements that were concluded in that time. I used the resulting set of 166 agreements for statistical analysis, and as the universe from which I selected my case studies.

### *The Independent Variable*

I will explore three questions surrounding how PGMs may affect the probability that a post-civil war peace agreement succeeds.

The first question is whether the simple presence of a PGM affects the probability that an agreement holds. The variable here is *PGM*. *PGM* is a binary variable: if at least one PGM was active in the year in which a peace agreement was concluded, it was coded as 1; else, 0. The agreements compiled differ in the number of PGMs present, from zero to eleven. But number

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<sup>153</sup> *Ibid.*, 3.

<sup>154</sup> *Ibid.*, 43.

of groups is not necessarily an indication of their strength or ability because these groups also differ, for example, in the number of members and the type of weapons to which they have access. Therefore, in order to reduce the amount of speculation introduced, I have kept *PGM* a binary variable.

But PGMs do vary on many dimensions, and we know from the literature that their relationship to the government may affect their behavior and therefore may affect the probability that they can spoil an agreement. Therefore, the second question is how the relationship a PGM has with its government affects the rate at which peace fails. The PGMD divides PGMs into two categories of ‘government-relation’: *Informal* and *Semi-Official*. Coding on these variables was also done in a binary fashion. If at least one group with that relationship was present, it was coded as 1; else, 0. Every PGM is either *Informal* or *Semi-Official*—never both—but multiple groups sometimes operated, and so both types may be active for some agreements.

The third question is whether specific characteristics of the PGMs, beyond their relationship to the government, significantly affect the odds that they spoil a peace agreement. Again, the PGMD offers myriad categories to describe the membership, target, and support of PGMs. But not all of these data are theoretically relevant here (for example, groups of adolescents). I selected categories that, based on the literature, seemed more likely to affect peace agreement success. The remaining variables are all coded in a binary fashion: if at least one active PGM had that characteristic in the year in which an agreement was concluded, it was coded as 1; else, 0. These variables are as follows.

First, I considered the membership of PGMs. Drawing from the literature, there is reason to examine the hypothesis that identity wars may be particularly intractable. For example, PGM membership based on ethnicity or re-

ligion clearly qualifies as identity-based. These are the PGMD's variables *Ethnic* and *Religious*. I combined these into the variable *Membership.Identity* to measure the net effect of 'identity' conflicts and to reduce the degree to which judgements about whether a trait is ethnic or religious affects my results. I also coded for groups based on ideology or whose members are party activists, because the literature indicates that the overlap between ideology and identity is often significant and can sometimes be difficult to distinguish with precision. These are the variables *Party Activists* and *Ideology*. I have combined these to form the variable *Membership.Ideology*. These combinations give the PGMD data a broader, more inclusive scope to better measure the hypotheses that ideology and identity conflicts are of a particular (intractable) sort.

Second, I considered the targets of PGMs. Even if a group is not organized around identity-based principles, a conflict can be still be identity-based if the group's targets are identity-based. I have therefore coded for groups whose targets are ethnic or religious. These are the PGMDs variables *Ethnic Group* and *Religious Group*; I combined these into form *Target.Identity*. The literature also hypothesizes that peacekeepers and third-party guarantees can help ensure the stability of peace; logically, peace is threatened if third-party guarantors are not themselves safe. I therefore coded for groups whose targets include peacekeepers and aid workers. These are the PGMD variables *Aid Workers* and *International Peacekeeping Force*; I combined these to form *Target.PKO*. And finally, because local support is crucial to the success of a rebellion against a government, I coded for groups that target what I am calling 'noncombatants.' There are three PGMD variables that capture this sort of target: *Civilians*, *Journalists*, and *Unarmed Political Opposition, Government Critics*. I combined these into *Target.Noncombat*.

Finally, I considered the support of PGMs. The literature argues that a relevant factor in an agreement's longevity is whether all parties to the conflict were included in the negotiation. I therefore coded for groups supported by entities that are less likely to be included in the negotiations and therefore retain their incentive to spoil. These variables are *Support.Foreign* (support from *Foreign Governments*, the PGMD variable) and *Support.Illegal* (support from *Crime* and *Drugs*, two variables from the PGMD). I also coded for support by a domestic government or the military, as the degree of support received from these constituencies is, logically, directly related to the group's prestige and capability as a PGM. I combined the PGMD variables *Domestic Government* and *Military* to form *Support.Domestic*.

#### *The Control Variables*

The literature outlined above also offers a series of independent variables, separate from PGMs, that are theorized to affect the odds of agreement success. It is important to also test these variables to determine whether they maintain statistical significance after accounting for the activity of PGMs—that is, whether they are still explanatory even when the government is not assumed to be unitary. These control variables are: the presence of military provisions, political provisions, peacekeepers, inclusive negotiations, a measure of GDP per capita, military spending, state capacity, democratic regime, and battle deaths.

The data on military and political provisions; on inclusive negotiations; and on peacekeepers are from the UCDP. The other data are from a variety of sources. I will briefly outline how I obtained and coded these data.

The variable *Military* notes whether at least one military provision was included in the peace agreement, or whether the agreement included zero

military provisions. Examples of military provisions include a ceasefire, DDR programs, integration of the opposition into the army, and the withdrawal of foreign forces. The UCDP codes this in a binary fashion, coding 1 where present, and 0 otherwise.

The variable *Political* is also coded as 1 where present, and 0 otherwise. Examples of political provisions include the transformation of opposition groups into political parties; integration into the civil service; power-sharing provisions; and negotiations about the new, or interim, government.

The UCDP also has data on *Inclusive* and *PKO*. *Inclusive* indicates whether all ‘conflict dyads’—that is, every opposition group in conflict with the government—were included in the negotiation. *PKO* indicates whether the agreement provided for the deployment of peacekeeping forces. Both are coded in keeping with the UCDP standard, with a 1 indicating its presence and a 0 indicating its absence.

The other variables from the literature are not part of the UCDP but are available elsewhere. In each case, the data point is accurate for the year in which the agreement was concluded. *GDP per capita* data was retrieved from the World Bank.<sup>155</sup> I have taken the  $\log_{10}$  of these data in order to better blend with the scale of the other (binary) data. Further, measuring GDP logarithmically better captures the intent of the theory: generally, increases in GDP indicate increases in capacity; the relationship is not thought to be linear.

State capacity, in the literature, is meant to refer broadly to a state’s ability to enforce a peace agreement. Therefore, I have chosen the Composite Index of National Capacity (CINC) data from the Correlates of War project. The variable *CINC* is an aggregate of six factors of a state’s capacity into a single score: military expenditure, military personnel, energy consumption, iron

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<sup>155</sup> The World Bank. “GDP (Current US\$).” Web. Accessed 6 Nov 2014. <<http://bit.ly/1c9UjCx>>

and steel production, urban population, and total population. (Note that because CINC includes military spending, I have not included this as a separate variable). These data seem to be an appropriate proxy to measure the question from the literature: is the state robust enough to enforce an agreement? Further, use of the CINC data allows me to maintain consistency with the literature, where many authors use the CINC data and whose theories I am testing.

Quantifying *Democracy* requires judgment. I have chosen the data from FreedomHouse.<sup>156</sup> FreedomHouse measures democracy in two categories: political rights (which includes electoral process, political pluralism and participation, functioning of government) and civil liberties (freedom of expression, associational and organizational rights, rule of law, individual rights). The literature's concern is with political inclusion, and the inability or disinclination of a government to renege on its agreement or to crack down brutally on the opposition. The two categories from FreedomHouse are thus a fair measure. I averaged the two FreedomHouse scores for the year in which the agreement was concluded.

A more common choice amongst the quantitative literature is to use the Polity data rather than the FreedomHouse indicators. However, I have deliberately chosen to use data from FreedomHouse over Polity in this instance, though I use the Polity data in my robustness check to follow. This is because the coding used by Polity would confound my analysis. Polity codes whether elections take place under conditions of violence. Concept 7 of the Polity data is "transitional or restricted elections," and includes coding about whether "the election takes place in an unstable political environment in which repres-

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<sup>156</sup> FreedomHouse, *Freedom in the World 2015 Methodology*, <<http://bit.ly/1WjJWEr>> (accessed 9 Feb 2015).

sion and violence affect a significant portion of the population.”<sup>157</sup> The authors continue, “If elections are held under conditions of widespread civil war...it is coded here.”<sup>158</sup> This methodology would bias nearly every score in my data set because I have selected only cases of civil war. To avoid this confounding, I have selected the FreedomHouse data instead.

Finally, I collected data on battle deaths (*Deaths*).<sup>159</sup> As discussed in the literature review, battle deaths is a variable about which the literature is genuinely conflicted: some authors theorize that more deaths should entrench hostilities and so make a conflict more difficult to resolve peacefully, while others argue that more deaths increase war weariness and thus increases the odds of peaceful settlement.<sup>160</sup> Still other authors strike a more practical note, noting the difficulties of precisely counting the dead. These difficulties are particularly acute in conflicts where the government has an incentive to hide its atrocities or its failure to provide security, or where irregular methods of warfare were used.<sup>161</sup>

PRIO’s Battle Deaths Dataset was developed to be compatible with the UCDP dataset. I coded the number of deaths in the year in which the agreement was concluded. This was the best practice given many practical limitations. First, though the theory speaks of total deaths in a conflict, the PRIO set does not include deaths for every year of every conflict. I chose final-year deaths on the theory of anchoring: proximate phenomena are weighted more highly in a person’s consciousness and thus can be reasonably expected to

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<sup>157</sup> Monty G. Marshall, Ted Gurr, & Keith Jagers, “Polity IV Project: Data Set Users’ Manual,” *Polity IV Project* (Centre for Systemic Peace, 2012): 51.

<sup>158</sup> *Ibid.*, 51.

<sup>159</sup> Bethany Lacina & Nils Petter Gleditsch, “Monitoring Trends in Global Combat: A New Dataset of Battle Deaths,” *European Journal of Population* 21.2-3 (2005): 145–166.

<sup>160</sup> Hartzell, et al, “Stabilizing the Peace,” 190; Doyle & Sambanis, “International Peacebuilding,” 787; Walter, “Does Conflict Beget Conflict.”

<sup>161</sup> Stanley, *The Protection Racket State*, 17-18.

have an out-sized effect upon the negotiations.<sup>162</sup> Second, the PRIO data are raw numbers, but to achieve comparison across cases, the deaths as a proportion of population would be preferable. Finally, in addition to the many missing observations, there is the necessary caveat about the difficulty of obtaining precise numbers.

These shortcomings should affect every measurement equally—that is, they should not skew the results in any particular direction—and so I include the *Deaths* data with these caveats. Nonetheless, I run every regression twice: once without the variable *Deaths*, and once with it. As with GDP, there is no reason to expect that the relationship between increased deaths and difficulty of settlement is linear; therefore, I again use the  $\log_{10}$  of these data.

### *Analysis*

I used a regression analysis to examine the relationship of my proposed variable of PGMs and the control variables drawn from the literature.

With a dichotomous dependent variable, my model of choice was the logistic regression. This function indicates the probability of any particular distribution of the dependent variable given a set of independent variables. The logistic regression has a range of 0 to 1 because it presents outcomes as a probability, and is thus well suited to answer my questions about the probability of peace agreement success and failure.<sup>163</sup>

My final data set contained 166 peace agreements. Occasionally, data I collected from outside sources suffered from missing observations, but I will

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<sup>162</sup> Amos Tversky & Daniel Kahneman, “Judgement under Uncertainty: Heuristics and Biases,” *Science* 185.4157 (1974): 1124-1131.

<sup>163</sup> All models were run in R (version 2.15.3) using the package Zelig (Imai, King & Lau).

note this where it applies. I tested each hypothesis in turn; the first set of regressions excludes the variable *Deaths*.<sup>164</sup>

***Hypothesis 1:*** *Peace agreements are more likely to fail if concluded while at least one pro-government militia is active.*

To test this, I ran the regression with *PGM* as the independent variable. I find support for Hypothesis 1: the results indicate that agreements are significantly more likely to fail if they are concluded while at least one militia is active.<sup>165</sup> This offers support for the argument that accounting for PGMs, which may disrupt the peace process, improves understanding of agreement success and failure.

In addition, these results suggest that agreements that include the deployment of peacekeepers are statistically more likely to succeed, which supports the literature's theories about third-party guarantees. This hypothesis about peacekeeping should be tested further. The correlation may be the other way around: the international community may be more willing to deploy peacekeepers if it believes the peace process may succeed and their monitors will not be put in danger.

This regression has 158 observations, and suffers the least from missing-data concerns.

***Hypothesis 2:*** *Peace agreements are more likely to fail if concluded while at least one informal PGM is active.*

To test this, I ran the regression as above, replacing *PGM* with the two measures of relationship: *Informal* and *Semi-Official*. The results do not offer support for Hypothesis 2. Only semi-official groups are, statistically, more

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<sup>164</sup> Results for the first set of regressions can be found in Table 1.

<sup>165</sup> 'Statistical significance' here indicates the variable reached at least  $p < 0.05$ . The tables indicate the precise level of significance for each variable, where applicable.

likely to be associated with an agreement's failure; informal groups are not. While my hypothesis was that groups that are more independent may wreak greater havoc on the peace process, the statistics indicate the opposite. This may be because semi-official groups are more likely to be better funded and better organized, and thus more capable spoilers.

When *PGM* is replaced with these two measures, *PKO* is no longer a statistically significant explanation of agreement failure. Perhaps this is because, if a government strategically employs a semi-official group to spoil the agreement, no counterbalancing by a peacekeeping force can make a difference. Or, as above, perhaps the causal mechanism is reversed, and the international community supported these are the processes less because they are seen as more likely to fail.

***Hypothesis 3:** Peace agreements are more likely to fail if concluded while groups whose characteristics indicate that the war is particularly brutal or intractable are active.*

Broadly, I tested whether the literature's theories about brutal and intractable wars, identity-based wars, and inclusion in negotiations had statistical support. I find only partial support for Hypothesis 3. Accounting for characteristics of the militias, agreements are statistically more likely to fail when concluded in the presence of a group that targets what I have termed 'non-combatants.' This supports arguments in the literature that conflicts that are especially deadly for noncombatants are particularly intractable. This may be because this sort of systematic targeting makes third-parties reluctant to offer support for these agreements.

Curiously, inclusive negotiations—those including all the opposition groups—are more likely to fail in this test. This may be because the government's targeting of noncombatants embeds hostility within the population

and erodes the constituency for peace. It may also show that the difficulty of reaching an agreement increases as the number of parties present increases. Other characteristics—including the source of a group’s support; its targets besides non-combatants and peacekeepers; and the membership of the group—are not statistically significant.

### *Battle Deaths*

When these three regressions are re-run to include the variable *Deaths*, with all its caveats, the results are very different.<sup>166</sup> It is important to note here that these regressions were based only on 92 observations—down from 166—and suffer more systematically from missing-variable concerns. Still, these regressions were run in an effort to present a first step—but only that—toward an analysis of the effect of battle deaths upon conflict resolution when PGMs are accounted for.

When accounting for *Deaths*, the first regression (*PGM*) reveals no variables of significance. In the second regression, testing the groups’ relationships, *Semi-Official* and *Deaths* both reach significance. *Semi-Official* thus maintains the significance it had when the regression was run without *Deaths*. It is interesting to think about the interaction of these variables. Perhaps, when government violence is sufficiently state-sponsored and deadly, these phenomena combine to be especially detrimental to the likelihood of peace. These would be the instances of particularly well-organized, well-equipped militias that operate with high levels of state support.

Finally, the third regression produces more new results. In this iteration *Support.Illegal*, *Support.Domestic*, *Membership.Identity*, *Target.Noncombat*, and *CINC* are all significant, but *Deaths* is not. (When the regression was run with-

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<sup>166</sup> The results from these regressions can be found in Table 2.

out *Deaths*, only *Target.Noncombat* was significant). These findings may indicate two things. First, they indicate that peace is hard to maintain in the context of widespread targeting of civilians. Second, they indicate that a more systematic consideration of these variables, with better data on battle deaths, is necessary. The idea that highly deadly, intensely identity-based conflicts are more difficult to settle peacefully is intuitive—and would be important to confirm—but requires better data to investigate fully.

### *Expected Values*

The regression indicates which variables weigh more heavily upon an agreement's success or failure, and the proportion of agreements we expect to succeed or fail given a certain characteristic. It is also possible to calculate an expected value for agreement success. This is a simulation of concluding 100,000 agreements with precisely these characteristics to approximate the probability of success.<sup>167</sup>

Over 100,000 simulations, agreements concluded with at least one active PGM are predicted to succeed 19 percent of the time, compared to a 45 percent success rate in the absence of PGMs. Semi-official groups are associated with a 12 percent success rate (36 percent without such groups) and agreements succeed 24 percent of the time when a militia makes a practice of targeting noncombatants (45 percent without such a target). Other results are more encouraging: agreements succeed 52 percent of the time when peacekeepers are deployed.

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<sup>167</sup> These results can be found in Figure 1.

### *Checking Robustness*

A robustness check is performed to ensure that the statistical significance is related to an empirical phenomenon and not simply a result of the particular methods of measurement. Therefore, alternate measures for variables requiring judgment—democracy and state capacity—were used to re-run the regression.<sup>168</sup>

The initial regression used FreedomHouse scores for democracy; the robustness regression used the Polity measurement, again for the year in which the agreement was concluded. The initial regression used CINC scores for state capacity; the robustness regression approximated state capacity as military spending. This is the measure used by some authors cited in the literature review, and reflects the perspective that state capacity to enforce a peace agreement is related to its military strength. These data are from SIPRI's Military Expenditure Database, and are per capita measures of spending for the year in which the agreement was concluded, in \$US. As with GDP, I have taken the  $\log_{10}$  of these data.

In order to examine the precise effect that variable choice has on the outcome of the regression, I have replaced these variables one at a time.

### *Polity*

The first robustness check includes *Polity* as a replacement for *Democracy*. The first regression (*PGM*) confirms almost exactly the original regression. Hypothesis 1 is again supported: agreements concluded while at least one *PGM* was active are, statistically, significantly more likely to fail. Similarly, *PKO* is again significant. In this iteration, *Polity* is also significant, indicating that some of this variation may be a result of data choice. Recall, however,

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<sup>168</sup> The results of the robustness checks can be found in Tables 3-6.

that the Polity data may be confounded in this context, which is why they were not chosen for the main regression.

The second robustness check only partly replicates earlier findings. Hypothesis 2 is again not supported, with *Semi-Official* militias significantly affecting the odds of success. While this increases the evidence against this particular hypothesis, it also lends support for the broader theory: that PGMs have a significant effect on agreement durability and deserve systematic attention. *Political* and *Polity* also achieve significance. These results indicate that agreements including political measures are more likely to fail—but only when 'democracy' is measured as the Polity data are, with a particular focus on election proceedings. As above, this coding is problematic because I am working in the post-civil war context. This may explain the divergent results for this regression.

The third regression produces further disparate findings. Here, *Support.Foreign*, *PKO*, and *Inclusive* achieve significance. *Inclusive* carries over from the initial test with *Democracy*, but the other two variables are new. This lends support to the idea that all conflict dyads ought to be included in settlement negotiations. It also indicates the need to continue to refine measures of 'democracy' to examine more accurately the effects of particular structures of government on the odds of peace.

### *Spending*

The second robustness check includes *Spending* as a replacement for CINC, as a measure of state capacity to enforce an agreement. Due to some missing data, this regression has only 118 observations. The first regression produces no variables of significance, which means only that we must fail to reject Hypothesis 1. The second regression again indicates significance for

*Semi-Official* and further undermines Hypothesis 2 in favor of the bigger project, of attention to PGMs. The third regression results in significance for three variables: *Target.Noncombat*, *Target.PKO*, and *Inclusive*. *Target.Noncombat* and *Inclusive* were both significant in the original regression, lending support to the original hypothesis, and strengthening the claim beyond the specific choice of measurement; that the same variables emerge as significant beyond the particular choice of data is compelling evidence in the hypothesis' favor.

#### *Robustness with Battle Deaths*

As with the original regression, an additional set of analyses were performed with the inclusion of the *Deaths* variable: first, *Polity* replaced *Democracy* and was run in a regression that included *Deaths* as a variable; next, *Spending* replaced *CINC*. The robustness results here neither supported nor undermined the hypotheses. No new variables were significant, but some variables that had previously been significant (e.g. *Political* when paired with *Polity*) failed to reach significance. Further, these regressions are approaching problematic, as the number of observations has continued to drop: *Polity/Deaths* has 92 observations of the original 166, and *Spending/Deaths* has just 73, of the original 166.

There was not, however, a clear shift in the data toward one variable, or one category of measurement. Including *Deaths* affected the results almost the same regardless of whether *Polity* or *Democracy* was measured; the same is true of *CINC* vs *Spending*. This indicates that the alternate measures are not the source of these results and that there is instead be an underlying pattern that would emerge despite the particular source of proxies.

### *Alternative Explanations*

It is worth discussing the factors that may exist as confounding variables or circumstances.

One argument about confounding might concern the locations in which PGMs have been observed. This is a concern about endogeneity: PGMs may be more likely to exist in places where the central government is weaker than average. In this formulation, PGM presence and agreement failure are correlated, but not as I hypothesize: instead, both are related to a general state incapacity.

The empirical evidence, and the preponderance of the literature, argues otherwise, however. Campbell argues, “the thesis that death squads may exist because a given state is simply too weak to prevent powerful social interests from engaging in murder can be rejected in all but a handful of cases.”<sup>169</sup> Robinson argues that state power does not correlate with the probability of PGM emergence, but rather with the *type* of PGM. “What the evidence...does suggest, however, is that different configurations of state power may facilitate the emergence of different kinds of militia formation.”<sup>170</sup>

But my argument does not actually depend on the empirical record on this point. My main argument is that questioning the unitary government assumption will lead to a better understanding of agreement durability. Thus, that there needs to be an accounting for PGM incentives—indeed, even their existence. This should lead to a more comprehensive and nuanced agreement that will have greater explanatory power. Even if PGM presence and weak state capacity are in fact related, this suggests that agreements should be constructed to account for both, not that the theory is confounded beyond use.

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<sup>169</sup> Campbell, “Death Squads,” 12.

<sup>170</sup> Geoffrey Robinson, “People’s War: Militias in East Timor and Indonesia,” *South East Asia Research* 9.3 (2001), 286.

Another argument might be that there is too much variation between cases to produce such a broad theory. For example, Staniland argues that insurgent groups differ with respect to their degree of organization and centralization.<sup>171</sup> He identifies four types of groups, arguing that a dedicated and appropriate response is needed for each; one-size-fits-all approaches to these different groups is not appropriate. Therefore, in this argument, peace agreements may fail because they are recycled from the previous conflict rather than built for the present circumstances. This is Mac Ginty's argument about "peacebuilding from IKEA, whereby the vision of peace is made off-site, shipped to a foreign location, and reconstructed according to a pre-arranged plan."<sup>172</sup>

These are arguments about classification and categorization, and in the literature they come in two forms: those who contest the *act* of categorization, and those who contest the particular way in which the categorization is accomplished. Staniland argues that the classification may be improperly done, while Mac Ginty tends instead to generally disapprove of the practice of categorization. In the chapters that will follow, I seek to be highly transparent about the way in which I have drawn my categories, to answer the criticism of Staniland and others.

By contrast, the argument against classification is, in my view, overstated. Almost every social science study involves some sort of comparison, and comparisons are impossible unless we use general categories in some way; otherwise we can identify neither similarities nor differences. This relates to Sartori's lament about what he called "conceptual stretching."<sup>173</sup> He

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<sup>171</sup> Paul Staniland, *Networks of Rebellion: Explaining Insurgent Cohesion and Collapse* (London: Cornell University Press, 2014).

<sup>172</sup> Mac Ginty, *International Peacebuilding*, 39.

<sup>173</sup> Giovanni Sartori, "Concept Misformation in Comparative Politics," *The American Political Science Review* 64.4 (1970): 1034.

wrote that, in a “deliberate attempt to make our conceptualizations value free,” we have stretched so many concepts that the terms have come to lack significant meaning and therefore do not contribute to our understanding.<sup>174</sup> While it is always worth questioning which assumptions underlie our definitions and categories, we cannot shy from all categorization. “We do need, ultimately, ‘universal categories,’—concepts which are applicable to any time and place.”<sup>175</sup> If categories are drawn in such a way that they “point to differences in *degree*, then our difficulties can be solved by measurement, and the real problem is precisely how to measure.”<sup>176</sup> I will address this ‘how’ question in the chapters that follow.

## Conclusion

The quantitative literature on peace agreement durability has a consistent shortcoming: failing to disaggregate the government party to a civil war and to consider that various constituent parts of the government may have the incentive to spoil an agreement. By using data from the PGMD, the analysis above has found that peace agreements fail at a rate that is statistically significantly higher when concluded while at least one militia was active. The effect of the militia on agreement failure is even more significant when the militia is semi-official—that is, more closely affiliated with its government. Militias that target non-combatants are also significantly related to agreement failure. Though the variables suggested by the literature—such as political or military reforms, or the degree to which the government is democratic—are still important to consider in any practical setting, these results indicate that

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<sup>174</sup> Ibid.

<sup>175</sup> Ibid., 1035.

<sup>176</sup> Ibid., 1034; emphasis in the original.

they may not be sufficient to create peace. Rather, the presence of a militia with the intent and capacity to spoil an agreement will trump these more familiar approaches.

Of course, militias operate differently in every context. These findings are not deterministic: agreements concluded while militias are active are not guaranteed to fail. But this finding indicates that the literature should engage in a serious way with the proposition that the government may not always be a unitary actor, and to begin to account for the behavior of these various PGMs. By re-thinking power distributions within the state and the incentives of sub-state groups, a more powerful explanation of peace process outcomes emerges.

## VII. The Cases

The analysis above indicates that, statistically, peace agreements concluded while at least one PGM was active are more likely to fail. As noted earlier, the outcome of interest here is precisely *how* spoilers can cause an agreement to unravel. Here I will consider three processes in depth to examine how the potential spoilers were—or weren't—managed and what effect those tactics had on the agreement's durability. This is, as I explained in Chapter V, an effort to use the practical and theoretical approaches to inform each other in an iterative way.

The first two agreements considered here were both concluded in Indonesia. Aceh, the province on the northern end of the island of Sumatra, has its own history and traditions, from the Sultanates who had ruled since the 1500s. After Indonesia won its independence from the Dutch in the 1940s, Aceh thought it would be granted independence from Jakarta—or at least some autonomy—but this was not forthcoming. After struggling to push Indonesia toward a federal system without success, the Free Aceh Movement (*Gerakan Aceh Merdeka*; GAM) organized to agitate for Aceh's independence.

Indonesia presents a natural experiment, a most-similar design for study, because of the two peace processes that took place in quick succession. The first agreement, the Cessation of Hostilities Agreement (CoHA), concluded in 2002, unraveled shortly thereafter. But the second agreement, the Memorandum of Understanding (MoU), concluded in 2005, has held since it was signed.

In part, GAM spoiled the CoHA because it did not grant Aceh independence. In addition, though, PGMs associated with the Indonesian military (*Tentara Nasional Indonesia*; TNI) and TNI itself were convinced they could achieve a military victory and breached the CoHA with precisely this goal. By

2004, however, conditions on the ground had changed, and negotiations restarted. In August 2005, the MoU was concluded, and it addressed the CoHA's shortcomings. GAM gave up on its goal of independence and accepted autonomy; TNI was placed under increased civilian control; and the militias were reined in to prevent spoiling.

The militias in Indonesia dated from colonial times but came under government control when the Suharto regime began centralizing power in the 1960s. After Suharto fell, the militias did not disappear; rather, they persisted, with officially documented ties to Army subdivisions. The government and its militias believed they could still achieve a military victory after the 2002 CoHA and deliberately spoiled the agreement. Understanding how the 2005 MoU successfully neutralized these groups is vital to the story of how peace has held in Indonesia for more than a decade.

The third case, the 1992 Chapultepec Accords, ended El Salvador's civil war. El Salvador's process is a most-different peace process from the agreements in Indonesia: it was concluded across the world, in a different era of politics, with a different set of combatants and incompatibilities.

When El Salvador gained independence from Spain, fourteen families owned the vast majority of the country's wealth. El Salvador's perma-commodity is its fertile soil; those who owned the land owned the wealth. It was easy for this oligarchy to exclude the lower classes simply by refusing any agriculture reform or land transfers. In the late 1800s, these oligarchs organized their own private militias to defend their land, their interests, and this status quo.

The civil war began in earnest in El Salvador in 1980. Several leftist guerrilla groups that had been fighting the government united into the Farabundo Martí National Liberation Front (FMLN). A series of PGMs, oli-

garch-funded death squads, fought for the government to repress the FMLN; the national police, treasury police, and intelligence arms of the government also had death squad elements.

Through the 1980s, neither side was able to achieve victory despite much bloodshed and staggering atrocities. By 1989, conflict dynamics shifted: the FMLN launched an offensive; the death squads murdered six Jesuit priests in cold blood, causing international outrage; and the Cold War ended. Against this backdrop, negotiations began; this UN-mediated process is considered one of the most successful.

The specifics of these three agreements illustrate a variety of variables theorized by the literature to be relevant to the peace prospects. While Aceh has natural resources and thus economic differences from Javanese Indonesia, the main incompatibility was GAM's independence struggle, rooted in what GAM perceived as historical and fundamental differences. By contrast, while the economic classes in El Salvador did often divide along ethnic lines, the FMLN was not waging an ethnic war nor an independence campaign. Rather, the FMLN was seeking the complete overhaul of the government and economy.

Both states struggled with the legacy of colonialism. The islands of Indonesia were a conglomerate of previously-independent peoples, united by a foreign power. El Salvador's oligarchy was created from the remnants of the Spanish ruling class. Both of these colonial arrangements were important accelerants of the conflicts. Both conflicts were also affected by the Cold War, in different ways. The United States supported the Suharto regime in the 1970s and 1980s, so GAM was unable to gain support from the United States for its independence. El Salvador, meanwhile, was a proxy conflict between the US-backed government and associated forces, and the USSR-backed FMLN.

Finally, the militias played different roles in each conflict. In Indonesia, the PGMs had strong government ties, although the army denied their presence and use. In El Salvador, the death squads were more independent from the government; they were an outgrowth of private militias and continued to be funded by the oligarchs, giving them split loyalties. All of these conflict dynamics became relevant during negotiations and peaceful settlement.

The next two chapters will explore these cases in greater detail, explaining how the history of the conflicts and the specific mediation processes helped two of these processes succeed.

## Indonesia

The conflict in Indonesia was the result of an independence struggle by the province of Aceh, seeking to secede from the rest of Indonesia. To understand the final iteration of the conflict, it is necessary to understand Aceh's long history and deeply rooted mythology. The story begins with Aceh's push for independence, which began in earnest in the modern era at the end of World War II.

The legacy of Dutch rule is also the backdrop for the PGMs that would operate essentially with impunity to resist Aceh's secessionism. Therefore, second, I will describe their emergence, ties to the government, and behavior through the independence struggle. I will then explore the conflict's dynamics in greater depth, including how the GAM battled TNI for primacy in Aceh.

With this background, I will describe the two peace processes: first, the failed 2002 CoHA and then the successful 2005 MoU. I will conclude by offering some lessons from peace building in practice, and explore how Indonesia conforms—or doesn't—to our theoretical expectations of conflict resolution.

## History of the Conflict

Aceh, a province on the northern coast of Indonesia, has struggled to assert its independent identity essentially from its beginning. "Though once an important power in the Malay archipelago, Aceh...[never] sat easily as part of the Netherlands East Indies, the foundation for the new postwar state of Indonesia."<sup>177</sup>

The modern history of Aceh's struggle for independence begins with the end of World War II, and has its roots in the history of Dutch colonialism.

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<sup>177</sup> Tim Kell, *The Roots of Acehese Rebellion, 1989-1992* (Ithaca, NY: Cornell Modern Indonesia Project, 1995), 3.

In the inter-war period, the production of pepper plummeted precipitously and reformist agitation began to grow. In 1939, the all-Aceh *Ulama* Association (PUSA) was established. The Dutch had struggled to keep the *ulama* (Islamic scholars or teachers) out of politics, but felt less threatened by PUSA as an Acehese organization because Indonesian nationalists were a bigger concern at the time.<sup>178</sup>

PUSA welcomed the Japanese invasion in 1942, which it thought would help them overthrow Dutch.<sup>179</sup> After the Japanese surrender, Aceh joined the struggle for Indonesian independence. While the central government of Indonesia (GOI) fought the Dutch, leaders in Aceh were consolidating their power and “operated with almost complete autonomy” for the rest of the 1940s.<sup>180</sup>

But the leaders of Aceh and GOI were soon in conflict again, as they had been for centuries. Aceh was unhappy that Indonesia had not been established as an Islamic state; as the central government grew in power, Acehese leaders became increasingly concerned about again being governed by what they perceived to be an outside power. “From an Acehese separatist perspective, aspirations to a high degree of autonomy or independence are driven by clumsy and often brutal responses by Jakarta...to claims for equity.”<sup>181</sup> Some of Aceh’s grievances are more imagined than others, but the end result—hostility to perceived repression from Jakarta—is the same. “The cycle of claim and repression has rekindled historical memory of assertions by political

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<sup>178</sup> *Ibid.*, 8-9.

<sup>179</sup> Richard Barber, *Aceh: The Untold Story: An Introduction to the Human Rights Crisis in Aceh* (Bangkok, Thailand: Asian Forum for Human Rights and Development, 2000), 16.

<sup>180</sup> Kell, *The Roots of Acehese Rebellion*, 10.

<sup>181</sup> Damien Kingsbury, “A Mechanism to End Conflict in Aceh,” *Security Challenges* 1.1 (2005): 75.

identity against outsiders, and the gaps in memory have been filled with (often shared) myth.”<sup>182</sup>

GOI soon moved to take power from PUSA and to limit the autonomy of Aceh. In the late 1940s, the Darul Islam movement, seeking the establishment of a federal Islamic state of Indonesia, became prominent; in 1953, rebellion in Aceh broke out and was quickly allied with Darul Islam.<sup>183</sup>

In 1959, Aceh was granted “special autonomy” status, which devolved to Aceh the power over customary law, religion, and education.<sup>184</sup> This was a technical but not a practical victory for Aceh.<sup>185</sup> In the 1960s, a new elite began to rise in Aceh as power shifted from the *ulama* to the more secular, highly educated sector of society, though the *ulama* would remain influential.<sup>186</sup> The 1950s brought a “re-assertion of the Acehnese identity, which has been claimed by GAM as constituting the base of the modern struggle for independence.”<sup>187</sup>

GOI was also facing upheaval. In 1965, the government of Sukarno (now called the Old Order) was overthrown by Suharto, who established the New Order. Suharto’s regime, backed by the armed forces, eliminated the Indonesian communist party. As one of the most anti-communist regions, Aceh was initially pleased by the transition.<sup>188</sup> But it soon became clear that Suharto had no intention of allowing Islam to flourish as a political force in Aceh. Further, Suharto’s regime was characterized by a dramatic centralization of power, brutally enforced, and rendering moot Aceh’s special autonomy status.

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<sup>182</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 75.

<sup>183</sup> Barber, *Aceh: The Untold Story*, 18-19.

<sup>184</sup> *Ibid.*, 19; Kell, *The Roots of Acehnese Rebellion*, 11.

<sup>185</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 76.

<sup>186</sup> Kell, *The Roots of Acehnese Rebellion*, 11.

<sup>187</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 76.

<sup>188</sup> Barber, *Aceh: The Untold Story*, 21.

Meanwhile, Aceh's economic status quo was being transformed. In 1971, Mobil Oil Indonesia announced the discovery of natural gas reserves off the North Aceh coast; by 1977, a refinery was in operation, making Aceh vitally valuable for Indonesia. By the end of the 1980s, Aceh was responsible for 30 percent of Indonesia's oil and gas exports, and by the early 1990s, Aceh was providing 40 percent of the world's liquid natural gas.<sup>189</sup>

Aceh was not rewarded with the revenues from these exports. Aceh's reserves and fertile soil make it the fourth or fifth wealthiest province on the island.<sup>190</sup> But while Indonesia exports "approximately \$1.3 billion worth of oil and gas from Aceh each year,"<sup>191</sup> the government of Indonesia signed a contract with the oil and gas companies that "almost completely excluded Acehnese economic interests."<sup>192</sup> The philosophy in Indonesia at the time was that any resource in any province was the collective wealth of the whole archipelago.<sup>193</sup> This resulted in the profound irony that the wealthy but independence-minded Aceh effectively subsidized the rest of Indonesia, and propped up a government from which it wished to secede.<sup>194</sup> Some reports indicate that as little as one percent of the profits from oil and gas development were returned to Aceh.<sup>195</sup> Further, its "special autonomy" was rolled back *de facto* as a result of Suharto's extreme centralization of power. It is precisely that centralization of power that lends the most insight into under-

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<sup>189</sup> Kell, *The Roots of Acehnese Rebellion*, 14.

<sup>190</sup> Tamara Renee Shie, *Disarming for Peace in Aceh: Lessons Learned* (Monterey, CA: Monterey Institution of International Studies, 2003): 20.

<sup>191</sup> *Ibid.*

<sup>192</sup> Kingsbury, "A Mechanism to End Conflict in Aceh," 76.

<sup>193</sup> Kell, *The Roots of Acehnese Rebellion*, 15.

<sup>194</sup> Barber, *Aceh: The Untold Story*, 23.

<sup>195</sup> Damien Kingsbury, *Peace in Aceh: A Personal Account of the Helsinki Peace Process* (Jakarta: Equinox Publishing Indonesia, 2006), 12.

standing the emergence and behavior of the PGMs active in Indonesia during this time.

## The Pro-Government Militias

In Indonesia, “terrorism by public authority” came in two varieties: crime-preventative, and political-ideological.<sup>196</sup> Like Aceh’s secessionism, the militias had their roots in colonial times. One predecessor is the *jago*, the “notorious rural criminal of late colonial Java.”<sup>197</sup> Just as its modern successors would, “the late 19th century *jago* of Java occupied an odd marginal space in the shadow of a modernizing colonial bureaucracy...the *jago* was both a criminal and an essential bulwark to the colonial system of law and order.”<sup>198</sup>

Another, the *lasykar*, were “homegrown bands of freedom fighters.”<sup>199</sup> The *lasykar* were particularly active during the independence campaign against the Dutch, and “occupied a position at the margins of political power and criminality.”<sup>200</sup> For the *lasykar* and *jago*, the “prime *modus operani*” was terror.<sup>201</sup>

A third militia was the *preman*, the village-level enforcers of law and order. In this way, the *preman* were “potentially both upholders of law and perpetrators of criminal activity.”<sup>202</sup> The *preman* were considered “street hoodlums” and worked “as extortionists, debt-collectors, parking attendants, and

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<sup>196</sup> Justus van der Kroef, “Terrorism by Public Authority: The Case of the Death Squads of Indonesia and the Philippines,” *Current Research on Peace and Violence* 10.4 (1987): 143.

<sup>197</sup> Robinson, “People’s War,” 286.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid., 286-87.

<sup>201</sup> Robert Cribb, “From *Petrus* to *Ninja*,” in *Death Squads in Global Perspective: Murder with Deniability*, eds. Bruce B. Campbell & Arthur D. Brenner (New York: Palgrave Macmillan, 2000), 187.

<sup>202</sup> Robinson, “People’s War,” 287.

nightclub security—when not outright breaking the law.”<sup>203</sup> Over time, the *preman* evolved into “gangs of youth recruited by political, and especially military, authorities and economic élites to serve both criminal and political purposes.”<sup>204</sup>

The relationship of these groups to the government varied as government power waxed and waned: these groups were “a product of and inseparable from state power.”<sup>205</sup> After gaining independence from the Dutch, the government tried to co-opt the militias but “control was always incomplete.”<sup>206</sup> Many militias ran protection racket schemes even as they did the government’s bidding.

After the 1965 coup that brought the New Order to power, the regime’s centralization also brought the militias under government control. Now, “virtually all militia groups were drawn tightly under the army’s authority.”<sup>207</sup> From this point on, no longer were the groups “at the margins of state power but rather were directly mobilized and controlled by the state, and to which end they developed and used a common repertoire of unusual brutality.”<sup>208</sup>

One example of this brutality was when the communist revolt was crushed in 1965. This marked the emergence of the Gestapu militia.<sup>209</sup> “Tens and probably hundreds of thousands” of Indonesian communist party sympathizers—and, likely, many people not associated with the communists—

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<sup>203</sup> Loren Rytter, “Permuda Pancasila: The Last Loyalist Free Men of Suharto’s Order?” *Indonesia* 66 (1998): 46-47.

<sup>204</sup> Robinson, “People’s War,” 287.

<sup>205</sup> *Ibid.*, 288.

<sup>206</sup> *Ibid.*, 289.

<sup>207</sup> *Ibid.*, 290.

<sup>208</sup> *Ibid.*, 291.

<sup>209</sup> Gestapu is an acronym for *Gerakan September Tiga Puluh*, or the Thirty September Movement, commemorating the date on which the communist revolt was attempted.

were “massacred by usually military-supervised youth groups, often Muslim in orientation, by village guards, and other vigilante units.”<sup>210</sup> Gestapu worked in a “highly politicized atmosphere” and perpetrated “fanatic, almost ritualistic slaughter.”<sup>211</sup>

In East Java in 1982, bodies began to appear, the work of a new militia: the Petrus squads, the “mysterious killers.”<sup>212</sup> Petrus was composed of “fairly hastily assembled military police and national police personnel.”<sup>213</sup> Petrus’s main targets were criminals and recidivists and reflected the government’s belief that the people perceived crime as a major driver of instability and economic stagnation. The Petrus squads were blamed for 4,000 deaths in eight months in 1983 and though the exact number of dead is unknown, Petrus activities “continued almost daily.”<sup>214</sup>

Both Gestapu and Petrus were “the product of the practices of government security agencies.”<sup>215</sup> In 1983, there was a “tacit admission that the Petrus squads were government condoned, if not led.”<sup>216</sup> Police in some areas of Indonesia were openly cooperating with Petrus squads, “compiling complete lists of names, with photographs and other particulars, of ex-convicts or suspected criminal elements.”<sup>217</sup> The militias were supposedly spontaneously forming, but there is evidence that they were instead “deliberately organized, trained, and supplied by military authorities.”<sup>218</sup> Military statements from 1990 speak of “a disorganized gang comprised of military deserters, who pos-

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<sup>210</sup> Justus M. van der Kroef, “‘PETRUS’: Patterns of Prophylactic Murder in Indonesia,” *Asian Survey* 25.7 (1985): 755.

<sup>211</sup> van der Kroef, “Terrorism by Public Authority,” 148.

<sup>212</sup> van der Kroef, “PETRUS,” 746; (*penembak misterius*).

<sup>213</sup> van der Kroef, “Terrorism by Public Authority,” 145.

<sup>214</sup> *Ibid.*, 144-45.

<sup>215</sup> *Ibid.*, 153.

<sup>216</sup> van der Kroef, “PETRUS,” 750.

<sup>217</sup> *Ibid.*, 752.

<sup>218</sup> Robinson, “People’s War,” 303.

essed the means and techniques of violence that the Indonesian military should have monopolized.”<sup>219</sup>

There is substantial evidence that these groups were linked to the government. The emergence of new groups coincided with government-launched counterinsurgency campaigns against GAM, peaking in 1989. By 1991, tens of thousands of men were estimated to have joined these militias.<sup>220</sup> There are further clues in the names and rhetoric of the militias. “The Acehese militias bore names reflecting the ideological preoccupations of the armed forces, and were reminiscent of the *lasykar* units of the National Revolution.”<sup>221</sup>

After Petrus’s activities were publicized by an Indonesian newspaper and human rights organization, the United States and the Vatican both expressed concern over the government’s use of death squads. Neither was pleased by GOI’s response. First, GOI banned the newspaper that reported on the militias. Then, the speaker of parliament said that he had “personally approved of the summary killings,”<sup>222</sup> and that this “should be appreciated” because crime and poverty were a result of “too many people”<sup>223</sup> and Petrus squads were mostly targeted criminals and other ne’er-do-wells.

The emergence and proliferation of these militias was likely a result of a few factors. The first was the aligned interests of a centralized, repressive government and its business elite—made rich by natural resources—in enforcing a stable status quo. Journalists in Indonesia noticed that “lower- and middle-ranking military men of middle age might be involved in ‘local

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<sup>219</sup> Elizabeth Drexler, *Aceh, Indonesia: Securing the Insecure State* (Philadelphia: University of Pennsylvania Press, 2008), 38.

<sup>220</sup> Robinson, “People’s War,” 303.

<sup>221</sup> *Ibid.*

<sup>222</sup> van der Kroef, “Terrorism by Public Authority,” 146.

<sup>223</sup> van der Kroef, “PETRUS,” 747.

mafias' in certain regions; these mafias "also included local civilian power brokers, businessmen, and an assortment of criminals."<sup>224</sup>

Second, international pressures and concern in human rights circles made the outsourcing of violence an attractive option for the government. As international scrutiny increased, GOI began to modify earlier statements, denying involvement with Petrus and other militias.<sup>225</sup> GOI calculated that "in view of the growing...criticism of human rights abuses by the Indonesian armed forces,...the use of militias would...[provide] a useful cover...a basis for plausible deniability."<sup>226</sup>

The militias did not disappear when Suharto fell in 1998, but instead, the record indicates that the militias continued to operate in the countryside. The tactics of the militias in 1999 "borrowed heavily from models and antecedents deeply rooted" in history.<sup>227</sup> The *preman*, comprising "the politically connected thugs whose influence became so pronounced in the late New Order," was never disbanded, perhaps in part because their roots were so deep in Indonesia's militarized past.

A leaked TNI memo detailed the number, arms, and strength of these groups. A negotiator who was present outlines the content of the memo in his account of the peace process. By March 2004, according to these documents, nine militias were working in Aceh, with an estimated 165,000 members. "These militia organizations were explicitly linked to local Army" subdivisions.<sup>228</sup> These militias were armed with the standard TNI-issue M-16 rifle but also with SS1 assault rifles, which were manufactured by a TNI-owned

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<sup>224</sup> Robinson, "People's War," 305.

<sup>225</sup> van der Kroef, "PETRUS," 753.

<sup>226</sup> Robinson, "People's War," 305.

<sup>227</sup> *Ibid.*, 313.

<sup>228</sup> Kingsbury, *Peace in Aceh*, 12.

outfit.<sup>229</sup> The memos confirmed the reports elsewhere that the leaders of these militias were community elites: “the leaders of these organizations ranged from local businessmen and government employees to local administrators and local politicians.”<sup>230</sup>

Thus the extrajudicial sector of Indonesian society persisted from before independence through to the signing of the CoHA in 2002, where these groups became more relevant than ever. Understanding the precise role these groups played in the CoHA's unraveling requires first understanding their opposition: the Free Aceh Movement.

## The Free Aceh Movement (GAM)

GAM was established in 1976 by Hasan di Tiro. di Tiro had been working at the Indonesian mission to the United Nations in New York City when he defected and declared Aceh to be an independent state. In the 1950s and 60s, di Tiro argued for a federal system in Indonesia to accommodate the myriad ethnic groups and to fairly distribute economic resources.<sup>231</sup> But as the Suharto regime consolidated its power without any indication of “fundamental change” in Indonesia’s structure, di Tiro began to push for Acehnese independence.<sup>232</sup>

di Tiro saw Indonesia as an accident of history—an “unliquidated colonial empire with Javamen replacing Dutchmen as emperors.”<sup>233</sup> di Tiro was seeking what, legally, should have happened after World War II: the divi-

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<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Barber, *Aceh: The Untold Story*, 28.

<sup>232</sup> Kell, *The Roots of Acehnese Rebellion*, 61.

<sup>233</sup> Ibid., 62.

sion of Indonesia into independent states.<sup>234</sup> di Tiro established GAM to protect Aceh's "political, social, and cultural heritage," which, he charged, the Javanese were destroying.<sup>235</sup> Unlike Darul Islam, GAM was more secular in orientation: the Declaration of Independence "made no mention of religious issues."<sup>236</sup> di Tiro returned from exile in 1976 and GAM began operations in 1977. But its largely secular focus made recruitment lackluster as the *ulama* were unmotivated to support GAM.<sup>237</sup>

GAM's relationship with Islam evolved through the decades as the struggle continued. "Islam as a religion and culture is inextricably intertwined with Acehnese identity and heritage. GAM as a popular movement cannot but reflect this."<sup>238</sup> GAM's attitude toward Islam was "ambiguous": within GAM, "Islam has served as a unifying element for the different *suku* [ethnic group] and as another way of differentiating devout Aceh from syncretistic Java."<sup>239</sup>

di Tiro's main strategy was to internationalize GAM's struggle. He knew, from his time at the United Nations, that statehood is a club where membership is granted by the preexisting members of that club. He therefore made "straightforward appeals for international backing."<sup>240</sup> In his capacity as "head of state," di Tiro wrote to U.S. officials explaining the strategic importance of Aceh, and thus of its independence. Calling the United States "practically my second country," he emphasized that he would "establish

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<sup>234</sup> Barber, *Aceh: The Untold Story*, 30.

<sup>235</sup> Kell, *The Roots of Acehnese Rebellion*, 64.

<sup>236</sup> *Ibid.*

<sup>237</sup> Barber, *Aceh: The Untold Story*, 30.

<sup>238</sup> Kirsten E. Schulze, *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization* (Washington, DC: The East-West Center, 2004): 8.

<sup>239</sup> *Ibid.*

<sup>240</sup> Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, (Stanford, CA: Stanford University Press, 2009), 223.

close relations between Aceh and the United States.”<sup>241</sup> Not finding much success, he would later write of his frustration with “the American frame of reference.”<sup>242</sup> During the Cold War, the United States could not be convinced to support Acehnese independence at the expense of the American-friendly Suharto regime.

di Tiro, by his own account, “having failed to get Western audience, ... had to concentrate on the Islamic World.”<sup>243</sup> Only Libya provided assistance. By the 1990s, GAM was receiving support from the Acehnese diaspora, especially in Malaysia, but it was unable to successfully internationalize the conflict.

There were three phases of GAM’s insurgency. From 1976 to 1979, GAM was a group of seventy highly-educated, heavily ideological men.<sup>244</sup> “These were the people exposed to intellectual thought and debate rather than the state propaganda from Jakarta.”<sup>245</sup> Among other things, this iteration of GAM targeted Western oil and gas companies and their installations.<sup>246</sup> Perhaps unsurprisingly, the centralized and powerful Suharto regime had little difficulty dispatching this incarnation of GAM. By 1982, all its leaders were dead or in exile.<sup>247</sup>

Libya’s assistance arrived at a crucial moment for GAM. From exile in Sweden, di Tiro directed the reorganization, and foot soldiers were sent to Libya for training starting in 1986.<sup>248</sup> Upon their return to Aceh, GAM was

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<sup>241</sup> Ibid.

<sup>242</sup> Ibid., 224.

<sup>243</sup> Ibid.

<sup>244</sup> Schulze, *The Free Aceh Movement*, 4.

<sup>245</sup> Barber, *Aceh: The Untold Story*, 28.

<sup>246</sup> Shie, *Disarming for Peace in Aceh*, 15.

<sup>247</sup> Mohammad Hasan Ansori, “From Insurgency to Bureaucracy: Free Aceh Movement, Aceh Party and the New Face of Conflict,” *Stability* 1.1 (2012): 33; Shie, *Disarming for Peace*, 15.

<sup>248</sup> Ansori, “From Insurgency to Bureaucracy,” 33.

now better equipped and better trained. This iteration of GAM attacked the police and army, civil authorities, and “suspected government informers.”<sup>249</sup> From 1986-89, GAM’s strategy was one of “geographic expansion.”<sup>250</sup>

But GOI still preferred to settle conflicts by military, rather than political, means.<sup>251</sup> In 1989, the government declared Aceh a *Daerah Operasi Militer*, a military operations area (DOM). DOM was “characterized by heavy-handed military reprisals against villages believed to provide logistical help or sanctuary to the insurgents.”<sup>252</sup> Tactics included “arbitrary arrest and detention of hundreds of people...the systematic burning of houses, rape, ‘disappearances,’ and the dumping of unidentified corpses at roadsides.”<sup>253</sup>

DOM was intended as a counterinsurgency strategy but was characterized by such brutality that the government lost the “hearts and minds” of many Acehnese.<sup>254</sup> The military used what it called ‘shock therapy.’ Whole villages of civilians were used to create a ‘fence of legs’ that would insulate the military from the counterinsurgency.<sup>255</sup> Because nearly the entire community was affected by government atrocities, GAM became a “genuinely popular movement.”<sup>256</sup> Recruiting was no longer a problem. Many new GAM members were “merchants and farmers whose existence was economically threatened.”<sup>257</sup> But GAM’s primary constituency was “the ranks of unemployed young men, primarily from rural areas, with limited educational backgrounds.”<sup>258</sup>

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<sup>249</sup> Kell, *The Roots of Acehnese Rebellion*, 72.

<sup>250</sup> Schulze, *The Free Aceh Movement*, 14.

<sup>251</sup> Shie, *Disarming for Peace in Aceh*, 17.

<sup>252</sup> Schulze, *The Free Aceh Movement*, 4.

<sup>253</sup> Kell, *The Roots of Acehnese Rebellion*, 74.

<sup>254</sup> *Ibid.*, 76.

<sup>255</sup> Barber, *Aceh: The Untold Story*, 33.

<sup>256</sup> Schulze, *The Free Aceh Movement*, 5.

<sup>257</sup> *Ibid.*, 15.

<sup>258</sup> Barber, *Aceh: The Untold Story*, 31.

By the end of DOM, between 1200 and 2000 people had been killed, and 3,439 had been tortured.<sup>259</sup> Estimates of the number of disappeared ranged from 500 to 39,000. Other atrocities were also perpetrated in shocking numbers: an estimated 625 rapes of women and children; 16,375 children orphaned; 3,000 women widowed.<sup>260</sup>

Given these losses, by 1991, GAM persisted primarily as an organization with a political goal (independence for Aceh) for three main reasons.<sup>261</sup> First, much of the leadership was safely in exile, running the insurgency from a distance. Second, much of the membership was also safe, having fled to Malaysia to join the sizable Acehnese diaspora already there. And finally, DOM had provided such fertile recruiting grounds. The 'shock therapy' GOI intended to defeat GAM had partially backfired and even more civilians in Aceh were drawn to help GAM.<sup>262</sup> "On an Achenese level, the DOM experience of extrajudicial killings, kidnappings, torture, and rape overshadowed everything. The consequent focus of the Acehnese population on issues of justice was naturally taken up by GAM" and sought to draw international attention to the actions of the government.<sup>263</sup>

## The Beginning of the End

Though GAM persisted in seeking independence and GOI would officially keep DOM in place through 1998, conflict dynamics were shifting. The first big shift was the fall of Suharto and the end of the New Order government. This created a new political space and the potential to transform the

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<sup>259</sup> Schulze, *The Free Aceh Movement*, 5.

<sup>260</sup> Schulze, *The Free Aceh Movement*, 5.

<sup>261</sup> *Ibid.*

<sup>262</sup> Shie, *Disarming for Peace in Aceh*, 17.

<sup>263</sup> Schulze, *The Free Aceh Movement*, 9-10.

conflict in Aceh. The simultaneous Asian financial crisis brought an end to the costly policy of DOM.<sup>264</sup>

The New Order's successor government publicly pledged to resolve the conflict in Aceh and declared itself open to negotiations. But GAM did not perceive the new government, in the transition period, to be attentive enough to the plight of Aceh.<sup>265</sup> Revelations about the extent of the human rights violations during DOM continued to provide GAM with supporters.<sup>266</sup> These factors combined to motivate GAM's second wave of territorial expansion beginning in 1999.

The other shift in conflict dynamics was the end of the Cold War. GAM's resurgence "coincided with a period when important players in the international system were more willing to support conflict resolution and democratic transitions in developing countries. It was the end of the decade of interventionism that followed the Cold War."<sup>267</sup> Further, concerns about the dangers posed by 'failed states'—and then, after 2001, concerns about radical Islam's festering in power vacuums—pushed the international community to greater attention and involvement in Aceh. In 1999, the "liberal minded" Abdurrahman Wahid became president of Indonesia and announced he wanted a negotiated settlement. This prompted American, European, and Japanese leaders to seek to support a peace process.

GAM still sought to internationalize the conflict. International journalists began to visit in increasing numbers—taking advantage of the political opening in the wake of the fall of the New Order—allowing GAM to ramp up their media operations. "[GAM] became sophisticated at handling the media,

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<sup>264</sup> Ansori, *From Insurgency to Bureaucracy*, 33-34.

<sup>265</sup> *Ibid.*, 34.

<sup>266</sup> Schulze, *The Free Aceh Movement*, 16.

<sup>267</sup> Aspinall, *Islam and Nation*, 224.

smuggling conspicuous foreigners behind enemy lines, stage managing photogenic events, and ensuring that civilians were always on hand to tell stories of military brutality. They also made more urgent appeals for foreign intervention."<sup>268</sup> GAM also adjusted its rhetoric to appeal to a broader section of the international audience, dropping the most anti-capitalist stances of its earlier incarnations—perhaps rightly sensing that such stances were increasingly lacking a constituency in the post-Cold War world.<sup>269</sup>

The final important shift was within GAM. di Tiro suffered a debilitating stroke in 1997, leaving the second tier of GAM leaders (also in exile) in charge. In some ways, this may have been the most important development. As Aspinall argues, "it is hard to imagine him acceding to the compromise that was eventually reached."<sup>270</sup>

## Spoiled Process

These shifts led to the first peace process, which began in 1999 when two GAM leaders "indicated interest in negotiating with the Indonesian government."<sup>271</sup> In January 2000, a small, Geneva-based NGO called the Henry Dunant Center (HDC; named for the founder of the Red Cross, it would later be renamed the Centre for Humanitarian Dialogue) contacted GOI and offered itself as a mediator.<sup>272</sup>

The HDC-led process first produced a Humanitarian Pause in 2000 and culminated in the CoHA. The CoHA required both sides to cease all violence, not redeploy their forces, and acknowledge the right of the HDC to facilitate

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<sup>268</sup> Aspinall, *Islam and Nation*, 225.

<sup>269</sup> Schulze, *The Free Aceh Movement*, 8-9.

<sup>270</sup> Aspinall, *Islam and Nation*, 225.

<sup>271</sup> Shie, *Disarming for Peace in Aceh*, 22.

<sup>272</sup> Aspinall, *Islam and Nation*, 226.

the agreement.<sup>273</sup> An extended pause would allow the insertion of third-parties and mediators. Perhaps most indicative of the trajectory of the conflict, the CoHA also called on both sides to “take joint action against third parties violating the agreement.”<sup>274</sup> This clause was aimed at government militias “acting outside of central control.”<sup>275</sup>

Though the CoHA seemed to reduce the violence in places, the situation on the ground felt tenuous. The main problem was the particulars of GAM’s disarmament. GOI wanted GAM fully disarmed, but GAM intended only to put its weapons in the care of the HDC.<sup>276</sup> Three months after the CoHA was concluded, a mob attacked monitors in Central Aceh and burned HDC vehicles. The state news agency reported this violence was the work of GAM, but this was apparently deliberate misinformation. Rather, “the fact that Central Aceh had been a training centre for pro-Indonesian militia for the last two years, and that the attack had come at a time when the HDC was pressuring the military to withdraw to their barracks was not lost on any observers.”<sup>277</sup> The government, for its part, had plausible deniability because of the relative autonomy of the militias.<sup>278</sup> These autonomous militias were doing their best to spoil the agreement, and it worked. “From early May 2003 onwards, there was no longer any doubt that the province would soon be at war again.”<sup>279</sup> The CoHA broke down in 2003 and violence resumed.

Some of the trouble was that GAM was not negotiating in good faith. “From the beginning GAM’s participation in the dialogue was motivated less

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<sup>273</sup> John Martinkus, *Indonesia’s Secret War in Aceh* (New York: Random House Australia, 2004), 167.

<sup>274</sup> *Ibid.*

<sup>275</sup> *Ibid.*

<sup>276</sup> *Ibid.*, 172.

<sup>277</sup> *Ibid.*, 174.

<sup>278</sup> *Ibid.*, 175.

<sup>279</sup> *Ibid.*, 190.

by what GAM could receive from Indonesia than by what it could receive from the international community. GAM displayed little interest in the Indonesian delegation and its position."<sup>280</sup> Seeking international recognition was an end, not a means, for GAM. Bragging that the negotiations were a first step toward independence, GAM did not approach the talks with intent to cede anything.<sup>281</sup>

This strategy quickly ran up against reality. International diplomats were put off by GAM's revolutionary rhetoric and its persistent references to historical wrongs. When meeting with the international representatives to the negotiations, "it was their habit...to convey their standard beliefs about Aceh's past glories, the illegality of Indonesian sovereignty, the perfidy of the Dutch, and the artificiality of Indonesia, finishing with the need to restore Aceh's independence as successor to the sultanate."<sup>282</sup> The mediators were not impressed, and made their position plain. "A U.S. official dismissively told [GAM] that he and his government were not interested in such 'old history' but rather in the current situation under which U.S. recognition of Indonesian suzerainty over Aceh would not be reviewed."<sup>283</sup>

Despite the resumption of the violence, the HDC process was important for several reasons. GAM saw this as the beginning of appropriate international attention to its struggle. The HDC formed a commission of "wise men" including U.S. General Anthony Zinni. Their presence and attention signaled, to GAM, international support for the peace process.<sup>284</sup> This, in turn,

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<sup>280</sup> Schulze, *The Free Aceh Movement*, 51.

<sup>281</sup> *Ibid.*, 53.

<sup>282</sup> Aspinall, *Islam and Nation*, 228.

<sup>283</sup> *Ibid.*

<sup>284</sup> *Ibid.*, 227.

allowed GAM to consolidate its support among the Acehnese. Aspinall argues, “here at last was evidence that the world took them seriously.”<sup>285</sup>

On the other side, the militias were spoilers, too. Analyses of why the CoHA failed emphasizes the actions of those “who undermined the peace process either deliberately or through the unintended consequences of their actions in the field.”<sup>286</sup> In retrospect, it is clear that TNI and its militias were none too eager to see the agreement succeed, still believing they could achieve a military victory.<sup>287</sup> Some militias were tied to TNI, while others had political-party benefactors—some of which objected to the peace process— and these groups grew in prominence in the run up to the 2002 CoHA.<sup>288</sup> The hope of military success deeply affected TNI and militia behavior.

In May 2003, when it became eminently clear that the CoHA was unraveling, GOI mobilized. Military leaders announced a campaign to finally defeat GAM by “isolat[ing] the insurgency from its rural base.”<sup>289</sup> They had a four-point plan, one of which was “the establishment of civilian militias, whose tasks it was to provide intelligence on GAM movements, guard villages at night, and otherwise support the military’s counterinsurgency operations.”<sup>290</sup> Ultimately, GOI and its allies were successful: “it had...been the undermining of the CoHA in 2003 by TNI and militias that led directly to its collapse.”<sup>291</sup> The strategic use of militias allowed GOI to say it was obeying the

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<sup>285</sup> Ibid., 227.

<sup>286</sup> Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* (Washington DC: The East-West Center, 2005): 4.

<sup>287</sup> Schulze, *The Free Aceh Movement*, 45.

<sup>288</sup> Richard Robison & Vedi R. Hadiz, *Reorganizing Power in Indonesia: The Politics of Oligarchy in an Age of Markets* (London: Routledge Curzon, 2004), 225.

<sup>289</sup> Aspinall, *Islam and Nation*, 229.

<sup>290</sup> Aspinall, *The Helsinki Agreement*, 8-9.

<sup>291</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 88.

terms of the CoHA while actively working to spoil it: “they just got someone else to do the killing for them.”<sup>292</sup>

This campaign achieved one quick success—the collapse of the CoHA—and looked set to achieve another: finally defeating GAM. TNI had “abandon[ed] the hesitancy that had characterized much past behavior...and pursued the guerrillas for weeks at a time, leading to what one former GAM commander described as endless games of ‘cat and mouse’ deep in the jungle.”<sup>293</sup> This strategy indicated that the military still believed in “the primacy of the military solution.”<sup>294</sup> GAM sustained unprecedented losses, which had ripple effects on the group’s morale. By this point in the conflict, GAM had such a wide recruiting base that most fighters “were not battle-hardened veterans.”<sup>295</sup>

Though GAM suffered these losses, it was not “disabused of...earlier beliefs that either military victory or independence through negotiation would be possible.”<sup>296</sup> TNI’s latest offensive had made it clear that independence was no longer a realistic goal. But despite TNI’s relative success, it still had not soundly defeated GAM past any return. “The existing strategies applied by both parties had caused a costly stalemate.”<sup>297</sup>

## How the Peace Was Won

This stalemate is the backdrop against which the peace would finally be won. Accounts of the final MoU concluded in 2005 invariably mention the

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<sup>292</sup> Martinkus, *Indonesia’s Secret War*, 29.

<sup>293</sup> Aspinall, *Islam and Nation*, 230.

<sup>294</sup> Rizal Sukma, *Security Operations in Aceh: Goals, Consequences, and Lessons* (Washington, DC: The East-West Center, 2004): 21.

<sup>295</sup> Aspinall, *The Helsinki Agreement*, 9.

<sup>296</sup> Aspinall, *Islam and Nation*, 232.

<sup>297</sup> *Ibid.*

importance of the tsunami that hit Indonesia—and Aceh particularly—on Boxing Day 2004. Upon first glance, this connection is accurate: “almost immediately” after the tsunami, GAM leaders announced a ceasefire.<sup>298</sup>

But the story is more complicated than a single “freakishly disruptive natural disaster.”<sup>299</sup> A few days before the tsunami hit, GAM leaders had tentatively agreed to renewed negotiations.<sup>300</sup> GAM was not eager for these talks, so the tsunami was certainly “an accelerant” to the discussions, but it remains the stalemate, not the weather, that was primarily responsible.<sup>301</sup>

The tsunami brought international attention to Indonesia and Aceh, the kind of attention GAM “had previously only dreamed about.”<sup>302</sup> Indonesia was soon crawling with relief workers and journalists. The tsunami relief work provided a base for a new international push for a negotiated settlement. Early in the process, the EU announced it would provide a stronger guarantee and monitoring presence than before. Maarti Ahtisaari, a former president of Finland, was chosen as the mediator, bringing “a personal authority to the negotiations that had previously been lacking.”<sup>303</sup> Finally, GAM had the chance to internationalize its struggle.

The crucial moment early in the negotiations was when Ahtisaari reversed the HDC-led process status quo. Ahtisaari declared that “nothing is agreed until everything is agreed” and insisted on a comprehensive solution.<sup>304</sup> The analysis was that both sides had used the earlier CoHA as a chance to regroup and rearm without making any political concessions. By accepting no temporary measures, Ahtisaari intended to force movement

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<sup>298</sup> *Ibid.*, 221.

<sup>299</sup> *Ibid.*

<sup>300</sup> Aspinall, *The Helsinki Agreement*, 19.

<sup>301</sup> Aspinall, *Islam and Nation*, 232.

<sup>302</sup> *Ibid.*, 233.

<sup>303</sup> *Ibid.*

<sup>304</sup> *Ibid.*

from both sides toward a political agreement. In particular, Ahtisaari wanted to discover whether a promise of “special autonomy, or self-government, as GAM called it during the talks, offered enough for GAM to give up its claim of independence.”<sup>305</sup>

GAM now faced a choice was between continuing to insist on independence and therefore likely scuttling the talks; and moderating its long-held beliefs and accepting the offer of special autonomy instead. After two days of internal deliberations in Helsinki, GAM leaders accepted a guarantee of autonomy and agreed not to continue to ask for independence. This was not a discussion GAM had prior to Ahtisaari’s ultimatum; this decision was forced entirely by the circumstances at the negotiation.<sup>306</sup>

GAM’s leaders calculated that continuing to insist on independence—and therefore essentially ensuring a return to armed struggle—was not a rational choice, in large part because of the stalemate that had immediately preceded the negotiations.<sup>307</sup> The tsunami also affected this calculation, because GAM was able to present negotiations as a response to the new, post-disaster environment, as opposed to a reversal of a previous policy.<sup>308</sup> Having sought international attention and recognition for literally decades, “the movement was now being offered much of what it had previously desired: praise and honor from foreign government and international agencies, a prolonged international presence in Aceh, and international monitoring of the peace process.”<sup>309</sup> Continuing to press the case for independence could result in the withdrawal of this international attention and good will. GAM chose its means (internationalization) over its ends (independence).

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<sup>305</sup> Ibid.

<sup>306</sup> Aspinall, *Islam and Nation*, 234.

<sup>307</sup> Ibid.

<sup>308</sup> Aspinall, *The Helsinki Agreement*, 21.

<sup>309</sup> Aspinall, *Islam and Nation*, 234.

This was precisely how GAM sold the agreement to the rank-and-file. In the aftermath of the tsunami, leaders explained, continuing armed struggle would cause the international community to accuse GAM of being terrorists.<sup>310</sup> GAM leaders could also count on the group's self-image to assist in this task. A former commander explained, "GAM was 'exactly like a military, whether you're talking of the civilian or the military wings. They follow orders exactly like a military does.'"<sup>311</sup> GAM displayed "remarkable discipline and cohesiveness as an organization, with strong central leadership," which meant the exiled elite could count on the loyalty and obedience of the rank-and-file.<sup>312</sup> These dynamics helped ensure GAM members would not spoil the agreement, which was considerably more comprehensive than the failed CoHA.

### *Political Provisions*

The central provision proposed decentralizing Jakarta's power over Aceh. GAM leaders called it "self-government" and Indonesian officials called it "the broadest possible autonomy." In reality, the provision was nearly identical to the 2001 Special Autonomy Law, but the MoU had one vital difference, laid out in a section called "political participation." This section outlined local elections for Aceh. It also allowed local parties to run in national elections. Previously, only national parties had been permitted to compete at the national level. To run for national office, Acehnese politicians would have to join a national party, something they categorically refused to do. GAM felt

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<sup>310</sup> *Ibid.*, 235.

<sup>311</sup> *Ibid.*

<sup>312</sup> Pieter Feith, "Making Peace Agreements Effective: The Aceh Monitoring Mission Experience," in *From the Ground Up: Perspectives on Post-Tsunami and Post-Conflict Aceh*, eds. Patrick Daly, R. Michael Feener, & Anthony Reid (Singapore: Institute of Southeast Asian Studies, 2012), 215.

strongly enough about the regional and local elections and parties that negotiations almost broke down over these provisions.<sup>313</sup>

### *Military Provisions*

In addition to these political provisions, the MoU detailed provisions for “amnesty, demobilization, disarmament, and reintegration of GAM fighters into society; robust mechanisms for international monitoring of the peace; ...and compensation for ‘all civilians who have suffered a demonstrable loss due to the conflict.’”<sup>314</sup> The disarmament by GAM and the government forces would happen concurrently, at a rate of 25 percent per month for four months.<sup>315</sup> At ten district offices, GAM members (estimated at 1,300 weapons for 4,000 active members) would turn in their weapons for decommissioning. These weapons would be immediately destroyed, a “symbol of ending conflict and to ensure weapons are not re-used.”<sup>316</sup>

### *Third Party Enforcement*

The MoU had a more robust monitoring mechanism than did the CoHA. While CoHA had provided for twenty-five monitors sent by Thailand and the Philippines (the only two states acceptable to GOI)<sup>317</sup> the Aceh Monitoring Mission (AMM) was a joint project of the EU and ASEAN. This arrangement gave the monitors more enforcement capacity than, for example, an NGO might have, which was crucial to the success of the AMM.<sup>318</sup> This was a big adjustment from the CoHA. Recognizing that facilitators of the

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<sup>313</sup> Aspinall, *Islam and Nation*, 237.

<sup>314</sup> *Ibid.*, 236.

<sup>315</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 84.

<sup>316</sup> *Ibid.*

<sup>317</sup> Martinkus, *Indonesia’s Secret War*, 155.

<sup>318</sup> Feith, “Making Peace Agreements Effective,” 216.

agreement would be subpar enforcers, the AMM was given the mandate for enforcement; this was acceptable because the EU and ASEAN were seen as independent in Aceh.<sup>319</sup> Under the MoU, the AMM would have free movement in the country and would not be armed, and GOI would be responsible for the AMM's safety. The AMM was designed to deploy without delay, to begin enforcing the agreement right away, and it was given "proactive monitoring" capabilities to "play more of a leadership role, which allowed [AMM] to address potential problems with the two parties before they escalated and became major issues that could derail the peace process"<sup>320</sup>

The MoU specifically outlined the mandate of the AMM, authorizing it to monitor the demobilization, reintegration, and amnesty of GAM; monitor the human rights situation and legislation; and "establish and maintain liaison and good cooperation with the parties."<sup>321</sup> The AMM was also in constant contact with civil society representatives, to help build local stakeholders for peace.<sup>322</sup> Perhaps most important, it was clear that AMM personnel were "part of a mission that was not under the control or authority" of the government of Indonesia.<sup>323</sup>

### *Spoiler Management*

The agreement also provided for the disarming of TNI-sponsored militias. The government continued to deny their presence, and so these groups were called "illegal parties" in the MoU at the government's insistence.<sup>324</sup>

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<sup>319</sup> Darini Rajasingham-Senanayake, "Transnational Peace Building and Conflict: Lessons from Aceh, Indonesia, and Sri Lanka," *Sojourn: Journal of Social Issues in Southeast Asia* 24.2 (2009): 219.

<sup>320</sup> Feith, "Making Peace Agreements Effective," 219.

<sup>321</sup> *Memorandum of Understanding*.

<sup>322</sup> Feith, "Making Peace Agreements Effective," 220.

<sup>323</sup> Kingsbury, "A Mechanism to End Conflict in Aceh," 83.

<sup>324</sup> *Ibid.*

There were no representatives of the militias at the talks because the government denied their existence.<sup>325</sup> Facing this resistance, it was a victory for the mediators and GAM to have the militias addressed in the agreement at all. Ahtisaari insisted that TNI be limited to “external defense and be under civilian authority.”<sup>326</sup> The last days of the negotiations focused specifically on the language dealing with these militias, where mediators pressed hard to limit the number and power of these groups.<sup>327</sup> In the weeks following the signing, while there remained some reports of TNI proxy militias, the government was working to bring TNI under “civilian control and hence [limit] its capacity or intent to wreck the agreement.”<sup>328</sup>

### *Implementation*

The MoU was signed on 15 August 2005, and was implemented by both sides with “few serious violent incidents.”<sup>329</sup> GAM members demobilized and disarmed, and the Indonesian parliament passed the Law for the Government of Aceh, which implemented the political agreement from the MoU. Certain members of parliament who objected to the negotiations altered the law to allow national legislation affecting Aceh to be passed even without Aceh’s simultaneous approval.

GAM criticized this change, but was unable to abandon the peace process, in large part because it had already disarmed. What is more important, GAM leaders were also busy preparing for local Aceh elections, scheduled for December 2006. Never having actually governed, GAM had to develop comprehensive and coherent policies, and “to offer tangible benefits to

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<sup>325</sup> Kingsbury, *Peace in Aceh*, 167.

<sup>326</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 86.

<sup>327</sup> Kingsbury, *Peace in Aceh*, 166-67.

<sup>328</sup> Kingsbury, “A Mechanism to End Conflict in Aceh,” 87.

<sup>329</sup> Aspinall, *Islam and Nation*, 237.

voters and persuade them that they had the administrative skills and capacity to deliver.”<sup>330</sup> Assuming this responsibility changed GAM’s rhetoric and approach. “Without ever having a sophisticated social or economic program of their own, former GAM leaders simply borrowed whole-scale from the international development agencies that now clustered around the peace process...and [GAM] promised to clean up government administration, introduce transparency and effectiveness in government service delivery, and attract foreign investment.”<sup>331</sup>

Demobilization left unoccupied many GAM members with no skills, means, or occupations. The MoU provided for land transfers as a way of integrating former combatants into the productive economy, which had the unintended effect of creating patronage networks in Aceh.<sup>332</sup> “The entry of a large number of GAM members into bureaucracy, following the incredible winning of Aceh party in the provincial election [created] a new circle of power and lucrative patronage networks in Aceh, thereby deconstructing the existing constellation of political power in the province.”<sup>333</sup> Previously, GAM had been a protection racket: among other practices, it was fond of kidnapping for ransom, trafficking in arms, and other illicit deals.<sup>334</sup> But now it needed to evolve into a government that raised funds only legally, and a general sense of lawfulness needed to be (re)created. The transformation of GAM from opposition to government happened in this context. “The transition from war to peace provided new economic and political resources for the Acehnese people and, in the process, generated a new structure of conflict.”<sup>335</sup>

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<sup>330</sup> *Ibid.*, 239.

<sup>331</sup> *Ibid.*, 239.

<sup>332</sup> Aspinall, *Islam and Nation*, 243.

<sup>333</sup> Ansori, *From Insurgency to Bureaucracy*, 37.

<sup>334</sup> Schulze, *The Free Aceh Movement*, 24.

<sup>335</sup> Ansori, *From Insurgency to Bureaucracy*, 27.

Another minor wrinkle was of GAM's own creation. Unwilling to admit to—and thus surrender—all their weapons, GAM declared only 3,000 fighters. Reintegration provisions thus accounted for 3,000 combatants. But the actual number of GAM fighters was considerably higher, causing trouble with the distribution of government-provided reintegration funds.<sup>336</sup>

Despite these shortcomings, the emphasis on democracy in the MoU—and GAM's subsequent embrace of the process—helped the MoU become self-reinforcing. “Making elections the centerpiece of the deal thus allowed [GOI] to accept a solution whereby Aceh remained part of Indonesia while claiming that they remained bound by their commitment to the Acehnese nation.”<sup>337</sup> This was a crucial understanding of the incompatibility and its solution.

## Lessons from Aceh

After centuries of struggling for independence, Acehnese leaders dropped this central goal under pressure and settled for special autonomy status instead. Though the HDC-led process in 2002 failed, it also established the framework by which the eventual MoU would succeed. Today, the Finnish-mediated process is considered “one of the most successful internationally mediated peace accords in the world.”<sup>338</sup>

GAM accepted DDR measures in exchange for compensation from the government and transformed itself from an opposition group to a legitimate political—and governing—party. GOI allowed regional parties like GAM to compete in national elections, and agreed to keep TNI's footprint in Aceh be-

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<sup>336</sup> Aspinall, *Islam and Nation*, 244.

<sup>337</sup> *Ibid.*, 241.

<sup>338</sup> Rajasingham-Senanyake, “Transnational Peace Building and Conflict,” 212.

low a certain, internationally-monitored level. The role of PGMs in the conflict was specifically addressed. The MoU called for the disbanding and disarming of ‘illegal parties,’ and these militias were *de facto* addressed by limiting TNI’s footprint.

Though turbulence remains—the patronage networks, for example, are a troubling source of conflict—it is worth examining what elements of the settlement worked well to bring this lasting peace, and how the 2005 agreement improved on the 2002 version. Some of these lessons can be applied to further our understanding of how peace agreements, generally, succeed and fail, but other lessons only illustrate the unique quirks of the Indonesian case and tell only the story of this particular success.

It is important to emphasize that these lessons are drawn from empirical observations of the peace process in Indonesia, and are not all intended to be policy prescriptions. In some cases, the human cost is simply too high. In these instances, efforts should be made to approximate the scenario that made space for peace.

### *Process, Inclusion, and Spoilers*

In Helsinki, every party to the conflict was included. GAM was made to disarm, but in exchange was granted amnesty and the right to organize as a legitimate political party. Land transfers were meant to allow a path back to economic self-sufficiency. TNI reduced its footprint in Aceh to the bare essentials and was made to restrict itself to external defense only.

The spoiler potential of the PGMs in Indonesia was directly addressed by provisions in the MoU that clarified the expectations for TNI and GOI with regard to reining in the militias. Ahtisaari emphasized the need for TNI to be responsive to civilian control. And the militias and their spoiling of the CoHA

were also addressed, if not as robustly as GAM may have originally hoped. The party that was perhaps the most silent in the conflict—the international community—was also present and bought into the process and its outcome.

It is not fair or accurate to blame the CoHA's failure entirely on the jumpy TNI. GAM also acted strategically and was not negotiating in good faith. If a party is going to use negotiations strategically in this way, there may be no solution but Ahtisaari's: that nothing is agreed until everything is agreed. The only real antidote to unequal gains in the process is to ensure that the process has no constituent parts but rather is accepted as a package deal.

The process by which all sides were accounted for is just as important as the actual concessions won. Bekoe emphasizes that both sides need to feel that the other is conceding at least as much—if not more—in order to be satisfied with an agreement.<sup>339</sup> Ahtisaari's maxim kept the two sides from sizing up the deal during a mid-negotiation ceasefire, deciding the other side was getting the advantage, and renegeing. Requiring both sides to agree to every detail before anything could be finalized meant that the concessions were clear in real-time and both sides had a sense of victory in the process.

### *Political Exclusion*

Addressing the political exclusion of GAM from Indonesian national politics was at the centre of the final agreement. Political grievances in Aceh had two forms. First, most saliently, Aceh wanted to be independent. But some of that desire for independence was fueled by a perceived difference, and exclusion, from Javanese politics and government. This was exacerbated by the unwillingness of GOI to reform and decentralize. Granting Aceh in-

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<sup>339</sup> Bekoe, *Implementing Peace Agreements*, 2.

creased autonomy was a partial solution because it reduced the sense within Aceh that it was governed by an outside power.

More fundamental political reforms were also essential. GAM was allowed to reconstitute itself as a political party and run for local government in Aceh. Most crucially, Jakarta allowed regional political parties like GAM to compete in national elections. These concessions mitigated the degree to which GAM and Aceh were excluded politically.

The political provisions of the MoU were self-reinforcing. To stay in power, GAM—now a legitimate political party—needed to deliver on its promises. As the standard of living and the political system in Aceh improved, GAM saw return on its involvement. This dynamic helps ensure the longevity of the agreement.

In this case, all these reforms were implemented into the existing political system. There were no agreement-imposed power-sharing or power-dividing measures, and the Indonesian government was not subject to an ethnic or religious quota system. While Indonesia is not precisely the sort of democracy imagined by the theoretical literature which argues that democratic traditions increase the odds that an agreement succeeds, the manner in which these reforms were implemented here shows one path forward even in perhaps less ‘textbook’ democracies.

### *Third Party Enforcement*

In the case of Indonesia, third-party enforcement measures were clearly part of the agreement’s success. Third-party enforcers are not created equal—the failure of the CoHA indicates this acutely. But the AMM had a “clear timeframe and mandate” and was independent of the mediating team—both

factors contributed to its success as an enforcer.<sup>340</sup> After such egregious extra-legal behavior by TNI and its associated forces, general adherence to the rule of law needed to be reintroduced. Further, GAM trust in the government was at its nadir. The AMM was one sign of international support and neutral enforcement of the agreement that helped facilitate its success from its earliest days.

### *Disarmament, Demobilization, and Reintegration*

Along with granting amnesty for GAM fighters, the DDR measures were a central part of the agreement. Some of the success came because every detail was painstakingly spelled out in the agreement. The CoHA had been considerably more vague<sup>341</sup> and mediators seem to have learned from that effort. The disarmament and demobilization numbers and rates were written into the MoU,<sup>342</sup> and these efforts were successful even if GAM was not entirely honest going into the disarmament process. When the legislation passed by the Indonesian parliament failed to meet expectations, being disarmed kept GAM from responding with violence.

One policy that the MoU might teach future processes is tying reintegration funds to disarmament numbers. GAM declared fewer weapons and fighters than actually existed so it would not have to fully disarm, but this meant there were fewer funds than needed for reintegration. Any future group that strategically admits fewer combatants for disarmament purposes will be similarly affected on the reintegration process. Regardless of the particular mechanism, reintegration procedures that allow former combatants a method to rejoin the legitimate economy will be crucial to an agreement's

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<sup>340</sup> Rajasingham-Senanyake, "Transnational Peace Building and Conflict," 219.

<sup>341</sup> Shie, *Disarming for Peace in Aceh*.

<sup>342</sup> Aspinall, *The Helsinki Agreement*, 44-45.

success, in part by reducing the appeal of joining protection rackets, which may be where a group's expertise lies.

The disarmament process in Indonesia might be distinctive. For example, Indonesia does not historically have a gun culture, and weapons do not carry with them local connotations of 'machismo.'<sup>343</sup> A conflict with such factors might make disarmament more difficult—or, in any event, such factors would require mediators to understand the dynamic and work to find agreement even despite their presence.

### *Proximate Goals*

The ideal-type mediation discovers solutions that are acceptable to all sides because no party achieves all they seek at the expense of another. In the case of incompatibilities that are particularly all-or-nothing—for example, independence claims—finding this middle ground requires a talented mediator. Credit goes to Ahtisaari for finding a path forward even amidst two sides with great resolve not to concede, but also for recognizing and exploiting both sides' proximate goals. GAM was seeking international respect and legitimacy and was willing to trade that for autonomy, conceding its goal of independence. GOI had the self-image of being open and democratic, and could not maintain this image if it continued to refuse to allow GAM to organize politically and run for office.<sup>344</sup>

Thus neither side got everything but neither side got nothing—and in the case of an incompatibility as intractable as independence, this is a particular victory. One path to peace may therefore be through recognizing and exploiting each group's proximate—as opposed to central—goals.

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<sup>343</sup> Shie, *Disarming for Peace in Aceh*, 280.

<sup>344</sup> Kingsbury, "A Mechanism to End Conflict in Aceh," 82.

### *Military Stalemate*

The backdrop to all these provisions is that, at least temporarily, a return to armed hostilities was not a rational option for any party. TNI's counterinsurgency was unable to soundly defeat GAM after the CoHA; GAM, in turn, was so worn down that its calculations were beginning to change. This may have been the most important facilitating factor to the agreement: the barriers to restarting the campaigns of violence were high for both sides and so the incentive to keep negotiating remained higher perhaps than usual.

This is not a factor to weigh lightly. The human cost of a stalemate is tremendous, and it is difficult to offer 'military stalemate' as a facilitating factor for peace when it comes only at such a cost. But perhaps the silver lining of such a finding is that when and if a conflict does organically reach such a turning point, the chances for peace are likely never higher.

Because waiting for stalemates to occur naturally is a tremendous cost, it may be possible for third parties intervening in a conflict or the peace process to artificially simulate a stalemate. One policy sometimes considered in these scenarios is an arms embargo. But as conflicts in the former Yugoslavia, for example, demonstrated, embargoes often disproportionately affect the opposition without significantly hindering the government, which is more likely to have stocks of arms and to be able to circumvent the embargo on the black market. Nonetheless, a way to artificially simulate a stalemate—that equally affects both sides, else it will not be a proper stalemate—may be a facilitating factor for peace processes. As their resources disappear, belligerents may be coaxed to the negotiating table without as much loss of life as would accompany a hard-fought stalemate.

### *Distinctive Factors*

Some aspects of the successful Indonesia accord are unlikely to occur again—certainly not in the same combination. This remains a story of nuances that are too important to be elided. International attention to, and appetite for, interventionism in the years following the Cold War no doubt galvanized GAM. Similarly, a new global focus on the Islamic extremism and the perceived dangers of failed states brought Indonesia into the spotlight. These were both facilitating factors on a global scale.

But nothing is so distinctive about this story as the tsunami. Social scientists have published widely about the political aftermath of natural disasters.<sup>345</sup> But such disasters cannot simply be conjured at crucial moments in a settlement process. The tsunami was an important accelerant of peace in Aceh and cannot be overlooked, even while it cannot be counted upon to fulfill the same role in future processes.

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<sup>345</sup> See e.g., Drury & Olson; Pelling & Dill.

## El Salvador

The scale of the violence in El Salvador cannot be overstated. During the civil war, El Salvador “became virtually synonymous with human rights abuse and political terror.”<sup>346</sup> In a region and an era wracked by violence, the scale of the atrocities in El Salvador was still remarkable. Per capita, the terror wreaked by the state was the most severe in the hemisphere.<sup>347</sup> In the most violent regions in the most violent years, “as many as 34 people per week were found beheaded.”<sup>348</sup>

The Chapultepec Accords are all the more remarkable for the scale of violence and destruction that the accords were written to solve. Called “a negotiated revolution,” the Accords established a ceasefire that has never been broken; reformed the military and removed from it the duty of keeping order domestically; established a new, civilian-controlled police force; reintegrated former combatants; and addressed the chief incompatibility of inequality by mandating land transfers.

Part of the peace process was a UN-run Truth Commission, which had a mandate to investigate human rights violations since 1980. Its report was released in 1993 with “tremendous impact.”<sup>349</sup> The report recommended that those named as abusers be prohibited from holding public office for ten years: this was something of a work-around to achieve justice and closure in a system the authors did not expect to be robust enough to prosecute the offenders. Though the government tried to offer blanket amnesty to anyone named, the

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<sup>346</sup> Cynthia J. Arnson, “Window on the Past: A Declassified History of Death Squads in El Salvador” in *Death Squads in Global Perspective: Murder with Deniability*, ed. Bruce B. Campbell & Arthur D. Brenner (New York: Palgrave Macmillan, 2000), 85.

<sup>347</sup> Stanley, *The Protection Racket State*, 3.

<sup>348</sup> *Ibid.*, 2.

<sup>349</sup> Charles T. Call, “Assessing El Salvador’s Transition from Civil War to Peace,” in *Ending Civil Wars*, eds. Stephen John Stedman, Donald Rothchild, & Elizabeth M. Cousens. (London: Lynne Rienner, 2002), 403.

report was still important and it remains “the most important public instrument of truth, accountability, and an end to impunity ever to emerge in El Salvador.”<sup>350</sup>

In El Salvador’s story, themes recur. Class divisions were cemented during colonial times, and wealth remained concentrated in the hands of the oligarchy until the accords in 1992. During the civil war, El Salvador was exceptionally penetrated by outside interests, when the USSR funded the opposition while the United States supported the government.

El Salvador’s civil war also featured a proliferation of PGMs that terrorized the rural countryside. Originally established by the oligarchy as private militias to defend their economic interests, these groups were not abolished when the government created the armed forces: instead, they became the roots of the modern death squads. During the civil war, they colluded with the government to suppress the opposition and support the regime. Changing the calculus of these groups and their financial and logistical supporters was essential to secure the peace in El Salvador.

“The setting for paramilitary emergence is a political environment traditionally ruled by an oligarchy whose monopoly over the country’s resources and wealth has depended on an exclusive right of political participation.”<sup>351</sup> This held true in El Salvador, where the alliance with the elites made the death squads status quo actors, and their violence was intended to enforce that status quo against reform efforts. This alliance would prove particularly deadly in El Salvador.

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<sup>350</sup> Ibid.

<sup>351</sup> Mazzei, *Death Squads*, 17.

## The Death Squads

The death squads are an essential part of the story of El Salvador's civil war. Even in a notably bloody civil war, "perhaps nothing so epitomized the violence in the eyes of the public as the actions of the death squads."<sup>352</sup> The UN-sponsored Truth Commission found that ninety-five percent of "extrajudicial executions, disappearances, and torture were attributable to 'agents of the State, paramilitary groups allied to them, and the death squads.'"<sup>353</sup>

Death squads were active in El Salvador from the beginning of the unrest in 1932. These death squads were "made up of regular police and military personnel, often operating in plain clothes but under the orders of superior officers."<sup>354</sup> The death squads seemed to operate with impunity. "The style and brazenness of operation suggested either state complicity or, at a minimum, because of the frequency of killings and the squads' freedom of operation, state acquiescence."<sup>355</sup> The death squads aimed to terrorize. They "eliminated opponents" and "disfigured" the bodies.<sup>356</sup>

The conflict in El Salvador had its roots in the class structure established by Spanish colonizers. The oligarchs who dominated society came to also dominate politics, creating and using institutions for their benefit. "The military and elite had been building a sort of dysfunctional codependent relationship for decades, and out of that grew the 'official' political party focused on preserving and furthering that relationship."<sup>357</sup> The military had operated as a 'protection racket' [earning] the concession to govern the country (and

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<sup>352</sup> Arnson, "Window on the Past," 86.

<sup>353</sup> *Ibid.*, 88.

<sup>354</sup> Amnesty International, *El Salvador Death Squads: A Government Strategy* (Amnesty International USA, 1988): 1.

<sup>355</sup> Arnson, "Window on the Past," 86.

<sup>356</sup> *Ibid.*, 86.

<sup>357</sup> Mazzei, *Death Squads*, 155.

pillage the state) in exchange for its willingness to use violence against class enemies of the country's relatively small but powerful economic elite."<sup>358</sup> An oligarch explained the relationship like this: "We have traditionally bought the military's guns, and have paid them to pull the trigger."<sup>359</sup> Through the civil war, therefore, the death squads were allied with the anti-reform elements within the government but were also loyal to, and funded by, the oligarchs.

As a result of extensive U.S. (i.e., CIA) involvement in El Salvador during the conflict, and then during the UN-supervised peace process, a catalogue of the death squads and those accused of running these groups exists.<sup>360</sup> In 1981, the CIA described Roberto D'Aubuisson, then a major in the Salvadoran National Guard (GN) and assistant chief of the intelligence agency, as "the principal henchman for wealthy landowners and a coordinator of the right-wing death squads that have murdered several thousand suspected leftists and leftist sympathizers."<sup>361</sup> Journalists on the ground describe D'Aubuisson as being "publicly recognized as the principal promoter of the death squads."<sup>362</sup>

D'Aubuisson was a "political entrepreneur" who organized several groups to target the left.<sup>363</sup> While serving as assistant chief of the intelligence agency, D'Aubuisson founded the Nationalist Republican Alliance (ARENA), a far-right political party intended to protect the interests of the oligarchy after the 1979 coup. ARENA did accomplish one major goal: the "restoration of the traditional Salvadorean regime—the reestablishment of the order of "the

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<sup>358</sup> Stanley, *The Protection Racket State*, 6-7.

<sup>359</sup> Tommie Sue Montgomery, *Revolution in El Salvador: From Civil Strife to Civil Peace*, 2nd ed. (Boulder, CO: Westview Press, 1995), 37.

<sup>360</sup> *Ibid.*, 54-56.

<sup>361</sup> quoted in Arson, "Window on the Past," 94.

<sup>362</sup> Montgomery, *Revolution in El Salvador*, 1.

<sup>363</sup> Mazzei, *Death Squads*, 128.

Fourteen Families.”<sup>364</sup> “The forces whose interests ARENA defends politically not only were principally responsible for the historical situation of injustice that caused the conflict, but over the years they were also the crucial actors in the development of the war.”<sup>365</sup>

Generally, D’Aubuisson’s organizations served as a structure for the oligarchy, which could funnel its “financial and logistical support for D’Aubuisson’s death squads.”<sup>366</sup> ARENA became the “central vehicle for violence” and “part of a multifaceted, overlapping network of terrorists based in and out of the security forces and financed by wealthy civilians.”<sup>367</sup> The death squads that were active in the rural areas were based out of the national security services and cobbled together by D’Aubuisson.

One of these groups was the (GN), which was organized out of D’Aubuisson’s former section in the intelligence agency. The GN death squad was financed by right-wing civilians who also supplied weapons.<sup>368</sup> While the GN actively sought the limelight, the National Police (PN) worked in a more shadowy way. The PN drew its members from three sections of the police: the Criminal Investigation section, the Special Political Investigation section, and the Narcotics Control section but maintained ties with ARENA and D’Aubuisson.<sup>369</sup>

The uniformed divisions of Treasury Police (PH) “were among the most brutal of El Salvador’s established security forces” but there is much less information about the behavior of their death squads. The record indicates that PH director, Colonel Nicolás Carranza, may have been a CIA informant:

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<sup>364</sup> Montgomery, *Revolution in El Salvador*, 2.

<sup>365</sup> *Ibid.*, 3.

<sup>366</sup> Stanley, *The Protection Racket State*, 189; Mazzei, *Death Squads*, 128.

<sup>367</sup> Arnson, “Window on the Past,” 97.

<sup>368</sup> *Ibid.*, 98.

<sup>369</sup> *Ibid.*, 99.

“That the CIA’s landmark 1983 report on death squads contains not a word on the involvement of the Treasury Police suggests that Carranza himself may have been a principal source.”<sup>370</sup> The PH differed from the other death squads because it appears to have had a rivalry with ARENA and D’Aubisson—a rivalry that included kidnappings and executions of each others’ members, though the record also indicates they perceived a shared enemy from leftist forces, and that seems to have motivated most of the violence.<sup>371</sup>

Finally, right-wing elements within the Armed Forces had a role in death squad activities. These forces operated out of military headquarters and were led by senior officers who had been classmates of D’Aubisson and shared his political sentiments.<sup>372</sup>

With their roots in El Salvador’s earliest days as an independent country, these death squads are an integral part of the civil war and its resolution. Their activities are in the background of the violence; a history of that conflict follows.

## The Roots of the Problem

Conquered by Spain in 1541, El Salvador would not become independent until 1821. The roots of El Salvador’s future conflicts were established in the years immediately after independence from Spain. Deep inequality had persisted for centuries, laying the foundation for future class-based struggles.

In El Salvador, “land is the traditional source of wealth and the foundation of the country’s oligarchy.”<sup>373</sup> The oligarchs worked together to oppress the peasantry. The economic divisions became more important than other di-

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<sup>370</sup> *Ibid.*, 100.

<sup>371</sup> *Ibid.*, 100.

<sup>372</sup> *Ibid.*, 101.

<sup>373</sup> Mazzei, *Death Squads*, 131.

visions in society: “Despite the hostility between ethnic oppressor (those of Spanish descent) and ethnic oppressed (indigenous groups), the conflict over land became a unifying force among *campesinos* [peasants] regardless of ethnicity.”<sup>374</sup>

The vast majority of El Salvador’s wealth was concentrated in the hands of only a few families. “El Salvadorans today still refer to ‘Los Catorce,’ the fourteen families who were the elite of the elite.”<sup>375</sup> The top ten percent of landowners owned 78 percent of the land, while the bottom ten percent owned only 0.4 percent.<sup>376</sup> Those not in Los Catorce were desperately poor. Sixty percent of rural families did not earn enough money to feed themselves sufficiently, and ninety-six percent did not earn enough to meet basic needs.

El Salvador had a predictable agricultural and economic boom and bust cycle.<sup>377</sup> El Salvador’s land was notably fertile, and new and profitable crops were often discovered. After the development of the crop, El Salvador would benefit from its subsequent export, but economic stagnation or depression would lead to a desperate search for that crop’s replacement. The downward cycle would end only with the discovery of a new crop, and a new upward cycle would begin.

It was perhaps inevitable, with such wealth in the hands of landowners, that they would emerge as the defenders of the status quo. By the turn of the century, the oligarchy had begun to defend its interests with force. In 1895, the first police forces were created, but they did not completely replace their predecessors, the private militias the oligarchs employed.<sup>378</sup> In 1912, the GN

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<sup>374</sup> Ibid.

<sup>375</sup> Ibid.

<sup>376</sup> Arnson, “Window on the Past,” 86.

<sup>377</sup> Montgomery, *Revolution in El Salvador*, 26.

<sup>378</sup> Mazzei, *Death Squads*, 132.

was established, and the PH was established in 1936.<sup>379</sup> These would become “the instruments of control” used by the wealthy to repress the peasantry.

By 1903, the oligarchs had successfully consolidated their power. Between 1912 and 1927, the presidency was passed around a single family.<sup>380</sup> The elite flourished in this time as coffee, then the main export crop, tripled in value. “The growing cooperation between the State and the oligarchy institutionalized the socioeconomic stratification and political distribution of power that had informally been evolving since independence.”<sup>381</sup>

## The Rise of the Left; the Descent into Juntas

In 1931, then-President Bosque broke with tradition and held the first free and fair elections in El Salvador’s history.<sup>382</sup> Arturo Araujo, “a wealthy renegade landowner” was elected in January 1931 with the support of the organized left, denying the elite the political victory to which they had grown accustomed.<sup>383</sup> Araujo “had become known as a friend of the working class and peasantry.”<sup>384</sup> But Araujo underestimated the degree to which the elites perceived his administration to be a threat to the status quo. As the left agitated for more reforms, the elite felt increasingly threatened. When Araujo announced that the next local elections would be open to all, including the Communist Party, it was the last straw for the oligarchs, who decided to take matters into their own hands. Ten months into his administration, Araujo was

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<sup>379</sup> Montgomery, *Revolution in El Salvador*, 30-31.

<sup>380</sup> Mazzei, *Death Squads*, 132.

<sup>381</sup> *Ibid.*

<sup>382</sup> *Ibid.*, 135.

<sup>383</sup> *Ibid.*

<sup>384</sup> Montgomery, *Revolution in El Salvador*, 35.

ousted in a coup in December 1931.<sup>385</sup> “Thus began the longest unbroken record of military rule in Latin American history.”<sup>386</sup>

Angered by the ouster of a democratically elected president, the left tried to negotiate with the junta, seeking recourse through nonviolent and democratic means, without success<sup>387</sup> “The peasants will win with their machetes the rights you are denying them,” the rebel leaders were said to have warned the administration, which was unmoved.<sup>388</sup>

One of the leaders of the organized left, Farabundo Martí, was arrested just days before the planned siege, but the “rebels did manage to pull off an uprising and had nearly twenty-four hours in some areas before any counter-attack came. Half of the twelve municipalities captured by the opposition remained occupied for four days.”<sup>389</sup> Martínez’s response was swift and brutal. One of the worst single incidents of violence is known as *la matanza*: the slaughter. An estimated 30,000 were killed, as civilians were targeted in rural areas, with specific focus on those carrying machetes or who were dressed in traditional indigenous garb. “*La matanza* marks the point at which an authoritarian alliance between the Salvadoran military and the landed elite turned to an almost exclusive reliance on coercion as a way of preempting further unrest in the countryside.”<sup>390</sup>

With Martínez’s junta, El Salvador would begin a series of political cycles that would continue until the country descended completely into civil

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<sup>385</sup> Mazzei, *Death Squads*, 136.

<sup>386</sup> Montgomery, *Revolution in El Salvador*, 35.

<sup>387</sup> Mazzei, *Death Squads*, 136.

<sup>388</sup> *Ibid.*, 136-37.

<sup>389</sup> *Ibid.*, 137.

<sup>390</sup> T. David Mason & Dale A. Krane, “The Political Economy of Death Squads: Toward a Theory of the Impact of State-Sanctioned Terror,” *International Studies Quarterly* 33.2 (1989): 186.

war in 1980.<sup>391</sup> A new government would sweep to power on the back of systematic repression. But growing agitation against this repression would give rise to progressive elements within the armed forces, which would seek to implement some reforms. The elites, threatened by these reforms, would support the conservative factions within the military, which would return to power on the back of systematic repression.

## Plus ça change

By 1960, “the oligarchy and the Armed Forces had institutionalized their relationship and solidified their respective places in El Salvador.”<sup>392</sup> The 1960s also saw the emergence of new actors who would come to play a crucial role in the civil war. Revolutionary movements and politics elsewhere in Latin and Central America meant that there were a variety of political groups and governments eager to see the leftist opposition succeed in El Salvador. The U.S. was also emerging as a major actor in Latin America, and in the 1960s, the United States “created the story line and wrote the draft for its future role” in the civil war.<sup>393</sup>

After the Cuban revolution, the United States was eager to avoid a similar event in other states in the hemisphere. Beginning in 1963, the United States worked in El Salvador to establish ORDEN.<sup>394</sup> ORDEN (*Organización Democrática Nacional*; ‘order’ in Spanish), established with the goal of “fighting communism” was the “paramilitary central nerve system.”<sup>395</sup> It had both state-supported and informal elements, just as the death squads would. OR-

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<sup>391</sup> Montgomery, *Revolution in El Salvador*, 37.

<sup>392</sup> *Ibid.*, 51.

<sup>393</sup> *Ibid.*

<sup>394</sup> *Ibid.*, 54.

<sup>395</sup> Mazzei, *Death Squads*, 153.

DEN was “directly tied to the State security apparatus from the start, though it operated and evolved in more of a quasi-State fashion.”<sup>396</sup> As much as ten to twenty percent of ORDEN’s manpower came from members of the armed forces, including the GN and PH.<sup>397</sup> In some rural areas, there were people who joined ORDEN out of self-preservation: “to be a member of ORDEN was to be protected from the military because you were seen as one of them.”<sup>398</sup> By March 1983, the regular army boasted 22,400 members, but was supported by 11,000 members of the GN, PH, and PN—and 50,000 members of ORDEN.<sup>399</sup> ORDEN, as a union of state, economic elite, and military factions, epitomized Salvadoran politics between independence and the 1992 peace accords.

This was the pattern in El Salvador. Police and security units were created through the 20th century. These units were supposed to replace the private militias, but never did. During the civil war, the military had become an extrajudicial actor to the extent that it apparently lacked any civilian or institutional check on its power. What was left was “a national security structure focused nearly entirely on the protection of the country’s elite,” and, with the support of the oligarchs, the military and its PGMs defined “any threat to the elite and system of exclusion as a threat to the nation.”<sup>400</sup> These militias would operate essentially unchecked through the rural countryside, terrorizing the lower classes and enforcing the elite’s status quo.

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<sup>396</sup> *Ibid.*, 154.

<sup>397</sup> *Ibid.*

<sup>398</sup> *Ibid.*

<sup>399</sup> Frederick H. Gareau, *State Terrorism and the United States* (London: Zed Books, 2004), 31.

<sup>400</sup> Mazzei, *Death Squads*, 134.

## Preludes to a Coup; the Beginning of the End

In 1979, the political cycle had spun and the reformists seized power. In October, progressive elements within the armed forces overthrew the junta and established a new regime. In an effort to consolidate power, the junta scaled up their repressive policies.

Nineteen-eighty was a bloody year. The Attorney General, Mario Zamora Rivas, was shot at his home. Zamora had been an outspoken critic of the government's repression.<sup>401</sup> Archbishop Oscar Romero was shot in the back while saying Mass; bombs and gunfire killed civilians mourning at his funeral.<sup>402</sup> The "entire leadership of the nonguerilla left" was also assassinated.<sup>403</sup> The left responded by organizing into a united front, the Farabundo Martí National Liberation Front (FMLN), which launched an offensive. The civil war was underway.

The next years would see "high intensity politics and low intensity conflicts" as both war and elections dominated life in El Salvador.<sup>404</sup> But the political system was not equipped to adequately address the grievances of those fighting in the war, however: the power dynamic within El Salvador was as stagnant as ever. While usually it is a "reasonable assumption" that the person "who holds the top office in the land also wields considerable political power," this was not the reality in El Salvador: "in spite of elections, the locus of power—the army and the oligarchy—did not change."<sup>405</sup>

The FMLN and the army would trade offensives for the next several years. International actors saw the conflict as a proxy war and would nursed

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<sup>401</sup> Stanley, *The Protection Racket State*, 178.

<sup>402</sup> *Ibid.*

<sup>403</sup> *Ibid.*

<sup>404</sup> Montgomery, *Revolution in El Salvador*, 155.

<sup>405</sup> *Ibid.*

one side or the other back to strength. By 1987, the human rights situation, never good, had deteriorated dramatically. There were “reports that death squads were reactivating in response to perceived deterioration in the political and security situation in the country.”<sup>406</sup> A U.S. Embassy report explained the evidence: “For the first time in years blindfolded bodies are again beginning to appear in San Salvador with their hands tied behind their backs.”<sup>407</sup>

## How the Peace Was Won

From this nadir, conditions shifted significantly to make space for peace. A confluence of events led the FMLN and the government of El Salvador to the negotiating table in 1989. These shifts—four in total—occurred in both global and local dynamics.

### *ARENA Shifts*

In 1988, ARENA won the local elections and turned its attention to the upcoming 1989 Presidential elections. Alfredo Cristiani was chosen to lead the party. A “political neophyte,” Cristiani had the advantage of being unaffiliated with the military or the death squads.<sup>408</sup> But D’Aubuisson was often seen at Cristiani’s side and “there was little doubt that D’Aubuisson ran the party.”<sup>409</sup> Cristiani made it clear that reaching out to the FMLN in order to bring peace to El Salvador was one of his primary goals. Two days after his election in June 1989, he “called for immediate peace talks” with the FMLN.<sup>410</sup> In his inaugural address, Cristiani “promised to get the economy moving,

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<sup>406</sup> Arnson, “Window on the Past,” 105-06.

<sup>407</sup> *Ibid.*, 106.

<sup>408</sup> Montgomery, *Revolution in El Salvador*, 213.

<sup>409</sup> *Ibid.*

<sup>410</sup> *Ibid.*, 215.

then unveiled a five-point plan for talks with the FLMN, something the opposition themselves had proposed the day before, and did not call for their surrender."<sup>411</sup>

Cristiani's election showed how ARENA's calculations were changing. Representing the elite and the oligarchy, Cristiani was not a military man but a businessman, who had run on a promise to improve the economy. He and his supporters recognized that the continuing violence in El Salvador was bad for the economy and hindered involvement in the global economy. ARENA came to "accept the need for a negotiated settlement mostly out of pragmatic necessity."<sup>412</sup> An observer at the time commented, "ARENA is largely business oriented...They realize things can't continue like this. They really want to get it over with."<sup>413</sup> El Salvador's economy was a shell of its former self after years of violence. "Investment dropped, capital fled the country, and the national economy became increasingly protected and isolated from the world economy."<sup>414</sup> This motivated the elites to push ARENA and Cristiani to find a solution to the violence.

### *Military and Strategic Shifts*

As a result of Cristiani's rise to power, the alliance of the military and the oligarchy became strained. The military was deeply wary of Cristiani's overtures and remained convinced that a military victory over the FMLN was necessary and possible. But ARENA was also suspicious of the military. "Many in the private sector, worried about short- and long-term conse-

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<sup>411</sup> Ibid., 215.

<sup>412</sup> David Holiday & William Stanley, "Building the Peace: Preliminary Lessons from El Salvador," *Journal of International Affairs* 46.2 (1993): 3.

<sup>413</sup> Huguette Byrne, *El Salvador's Civil War* (London: Lynne Rienner Publishers, 1996), 74.

<sup>414</sup> Alvaro de Soto & Graciana del Castillo, "Implementation of Comprehensive Peace Agreements: Staying the Course in El Salvador," *Global Governance* 1.2 (1995): 197.

quences of a corrupt and overgrown military that considered itself above the law, were eager to strip the military of power."<sup>415</sup>

These divisions were exacerbated by the "November Offensive," long-planned by the FMLN and launched in November 1989. The offensive demonstrated to the government and military of El Salvador that the FMLN had no serious weaknesses and that continued engagement would be deeply costly.<sup>416</sup>

The Offensive strained the military. The United States' earlier demand that the government discontinue its use of death squads had, in the military's view, allowed the FMLN to regain its strength. The military believed that "U.S. human rights concerns had forced them to abandon the most successful tools for counterinsurgency: terror, and selective assassination of those who supported the left."<sup>417</sup> Perhaps chafing at the U.S.'s restrictions, the government overreacted in response to the offensive. On 15 November, the Atlacatl Battallion, an especially vicious death squad,<sup>418</sup> entered the University of Central America and murdered six Jesuit priests, their housekeeper, and her daughter. "They then vandalized the priests' residence, detonated grenades and an anti-tank weapon, and wrote graffiti on the walls suggesting that the FMLN had been responsible."<sup>419</sup>

This was an overreaction "so irrational as to seem inexplicable."<sup>420</sup> The American public reacted poorly to press coverage of 'the Jesuit murders.' Shortly after the murders, military aid to El Salvador was up for a vote in the

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<sup>415</sup> Holiday & Stanley, "Building the Peace," 3.

<sup>416</sup> Cynthia J. Arnson, "Introduction" in *Comparative Peace Processes in Latin America*, ed. Cynthia J. Arnson (Washington, DC: Woodrow Wilson Center Press, 1999), 17; Montgomery, *Revolution in El Salvador*, 215.

<sup>417</sup> Stanley, *The Protection Racket State*, 247.

<sup>418</sup> Gareau, *State Terrorism*, 36.

<sup>419</sup> Stanley, *The Protection Racket State*, 247.

<sup>420</sup> *Ibid.*

U.S. Congress. Though Cristiani traveled to Washington to lobby for the budget, his efforts were not successful and funds were cut by fifty percent.<sup>421</sup> Members of Congress voting against the funds said they did so to cause deeper divisions within the Armed Forces, seeking to make it easier for the government to negotiate.<sup>422</sup>

### *Global Shifts*

During the Cold War, the U.S. had supported and funded the government of El Salvador because it valued the stability the government provided against the communist opposition. In 1979, the Sandinistas in Nicaragua overthrew the Somoza government, a U.S. ally and puppet, and the U.S. did not seek to reinstall Somoza.<sup>423</sup> The Salvadoran government read this as a sign that the United States's support was not unconditional. This may explain why the military was temporarily willing to limit its use of the death squads it saw as so effective. Later, with the collapse of the Soviet Union, the U.S. no longer perceived a need to fight the global threat of communism—or to support the regime against the opposition and could instead pressure the government to negotiate.<sup>424</sup>

The end of the Cold War also allowed a series of peacemakers to become involved. Local Latin American governments pushed hard for peace because they could be involved in the peace process and not get caught up in a proxy war between superpowers. The governments of Mexico, Colombia, Venezuela, and Spain became known as “Friends of the Secretary-General” (also

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<sup>421</sup> Montgomery, *Revolution in El Salvador*, 221.

<sup>422</sup> *Ibid.*, 221.

<sup>423</sup> Tricia Juhn, *Negotiating Peace in El Salvador* (London: Macmillan Press, 1998), 1.

<sup>424</sup> Byrne, *El Salvador's Civil War*, 179.

known as the Four Friends) and were instrumental in keeping the belligerents at the negotiating table.<sup>425</sup>

These Four Friends were the UN's proxy in the region, in place of a regional organization such as the Organization of American States. These Friends held sway with one side or the other—Mexico, for example, had long hosted the FMLN High Command<sup>426</sup>—and their informational relationship with the UN was to serve as local sources of pressure, pushing the two sides to make crucial concessions. “During the last-minute negotiations, for example, the four Friends’ diplomats ran back and forth from the parties’ hotels to the UN headquarters,” helping keep negotiations on track.<sup>427</sup>

### *The FMLN Shifts*

The FMLN was also caught up in global dynamics. Their chief financier—the Soviet Union—was collapsing and unable to provide further support. Local calls for peace were also growing louder.<sup>428</sup> The FMLN saw the “staggering economic toll of the contra war in Nicaragua” and knew that a revolutionary government would be met with hostility from the United States.<sup>429</sup> In this way, the social and economic pressures increased on the FMLN to negotiate despite their relatively strong military position.

The November Offensive did highlight some weaknesses of the FMLN. It was unable to successfully occupy the cities, so although it was not defeated by the military, the offensive also illustrated to the FMLN “that a military victory or popular insurrection to overthrow the government was not in the

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<sup>425</sup> Ibid., 182.

<sup>426</sup> Call, “El Salvador’s Transition,” 392.

<sup>427</sup> Ibid.

<sup>428</sup> Montgomery, *Revolution in El Salvador*, 215.

<sup>429</sup> Arnson, “Introduction,” 15.

cards.”<sup>430</sup> The November Offensive set up a military stalemate, where both sides were too weak to win and too strong to lose.

But these are logistical reasons the FMLN changed its position, willingly imposed a unilateral cease-fire, and agreed to negotiate. There was also a philosophical, ideological shift that is harder to explain. “In essence, this revolutionary movement, which had embraced several varieties of a particularly Salvadorean brand of Marxism-Leninism since the early 1970s, chucked it all in favor of democratic socialism.”<sup>431</sup> In some ways, this is not as dramatic a shift as it might have been in other contexts: the FMLN was never against elections and never called for a “completely socialized economy.”<sup>432</sup>

But the magnitude and importance of this shift should not be underestimated. because it shows the FMLN’s shift from ideology to pragmatism. Given the electoral defeat of the Sandinistas, the disintegration of socialist economies in Eastern Europe, and the promises of aid and reconstruction from Latin America and the United States, the FMLN made a utility calculation.

The FMLN first sought wholesale revision to El Salvador’s economy and instead decided, between 1989 and 1991, to seek this through the political system. Though the peace accords would never entirely restructure El Salvador, the FMLN’s decision to self-impose a ceasefire and to negotiate is a reversal of Clausewitz’s maxim: El Salvador after 1992 would have politics that were the continuation, by other means, of warfare.<sup>433</sup>

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<sup>430</sup> Byrne, *El Salvador’s Civil War*, 172.

<sup>431</sup> Montgomery, *Revolution in El Salvador*, 216.

<sup>432</sup> *Ibid.*

<sup>433</sup> Byrne, *El Salvador’s Civil War*, 193.

## “A Negotiated Revolution”

On 31 December 1991, the government and the FMLN agreed to a preliminary peace agreement; the final agreement was signed on 16 January 1992 in Chapultepec Castle. On 1 February 1992, a cease fire took effect, and it has never been broken.<sup>434</sup> The success of the peace process is in large part due to the structure of the negotiations.

The Chapultepec Accords are often called “a negotiated revolution.”<sup>435</sup> This is not hyperbole. The accords marked an “important transformation in Salvadoran reality.”<sup>436</sup> The accords were written with the goal of addressing the central incompatibility in the conflict, and the ceasefire has been “impeccably observed.”<sup>437</sup> So much of the violence in El Salvador was “pseudo-institutional”—that is, occurring in officially-sanctioned state institutions—that creating a new set of institutions for the post-violence reconstruction was vitally important.<sup>438</sup>

The United Nations was deeply involved in the peace process and in the mediation of the immediate post-war environment. This was the first time that the UN had “attempted to broker the end of an internal conflict.”<sup>439</sup> The most novel tactic of the UN Mission was to “facilitate the consolidation of peace by strengthening domestic structures that will prevent the recurrence of conflict”<sup>440</sup>—a policy now known as ‘post-conflict peace-building.’

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<sup>434</sup> Montgomery, *Revolution in El Salvador*, 227.

<sup>435</sup> *Ibid.*, 226.

<sup>436</sup> Antonio Cañas & Héctor Dada, “Political Transition and Institutionalization in El Salvador” in *Comparative Peace Processes in Latin America*, ed. Cynthia J. Arnson (Washington, DC: Woodrow Wilson Center Press, 1999), 70.

<sup>437</sup> de Soto & del Castillo, “Implementation of Comprehensive Peace Agreements,” 189.

<sup>438</sup> Cañas & Dada, “Political Transition,” 70.

<sup>439</sup> Holiday & Stanley, “Building the Peace,” 1.

<sup>440</sup> *Ibid.*, 2.

The conflict in El Salvador had two main dimensions: the extrajudicial and excessive use of the military and death squads in a domestic setting; and the economic and social exclusion of large sectors of society. The accords sought to address each of these concerns.

### *Military Reforms*

El Salvador's military reforms were pioneering. To return the rule of law to El Salvador, it was necessary to create a distinction between national defense—"which involves the organization and maintenance of force and intelligence to defeat potential enemies"—and internal security—"which is the task of protecting the rights of citizens as defined under the norms of liberal democracy."<sup>441</sup>

The FMLN demanded that the military be abolished completely, but the government refused.<sup>442</sup> Still, "the police civilianization project...constituted the most radical attempt to date to put internal security firmly under civilian control."<sup>443</sup> This civilianization was necessary to break the protection racket state that had previously existed. "Removal of the military from internal security functions, at least as a part of its normal duties, reduces its capacity to manipulate perceptions of domestic threat, or to provoke conflicts which then serve to increase elite and middle class demand for military protection."<sup>444</sup>

El Salvador's earlier military transition had been incomplete: the establishment of the armed forces did not entirely replace the private militias.<sup>445</sup>

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<sup>441</sup> William Stanley, "International Tutelage and Domestic Political Will: Building a New Civilian Police Force in El Salvador," *Studies in Comparative International Development* 30.1 (1995): 31.

<sup>442</sup> *Ibid.*, 36.

<sup>443</sup> *Ibid.*, 33.

<sup>444</sup> *Ibid.*, 32.

<sup>445</sup> Arnson, "Window on the Past," 91.

But the FMLN put its capital into military reform, and the Chapultepec Accords were thorough.<sup>446</sup> The accords disbanded the “paramilitary patrol structure in the countryside” along with “the old public security forces” like the National Guard that had colluded with, or even sponsored, the death squads.<sup>447</sup>

Further, the new civilian police “incorporated relatively few personnel from the military controlled security forces it replaced.”<sup>448</sup> The military was restricted to external defense, which “almost completely eliminat[ed] their responsibility for the maintenance of public order.”<sup>449</sup> Organizations that were “military-dominated” and worked domestically were abolished and replaced by “a single, nationwide corps that is strictly civilian in character, structure, management, and doctrine.”<sup>450</sup> In this way, the accords were able to replace the old, political armed forces and establish a new, independent police force for domestic use.

The peace process was temporarily delayed because neither side was willing to unilaterally disarm. The New York Accord, one of the template agreements on the way to Chapultepec, was the breakthrough. In it, the FMLN agreed to gradually disarm; in a secret annex to the agreement, the FMLN agreed to withdraw its demand to participate in the armed forces in exchange for participation in the new civilian police force.<sup>451</sup> In addition, the FMLN was recognized as a legitimate political party and was allowed to stand for election.<sup>452</sup> Both sides made concessions. The military would continue to exist, but the FMLN would be guaranteed participation in the new Na-

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<sup>446</sup> Ibid., 99.

<sup>447</sup> Stanley, “International Tutelage,” 34.

<sup>448</sup> Ibid., 33.

<sup>449</sup> de Soto & del Castillo, “Implementation of Comprehensive Peace Agreements,” 192.

<sup>450</sup> Ibid.

<sup>451</sup> Holiday and Stanley, “Building the Peace,” 5.

<sup>452</sup> Montgomery, *Revolution in El Salvador*, 226.

tional Civilian Police (PNC), which was to replace the military domestically.<sup>453</sup> The FMLN's participation in the PNC was a catalyst for allowing the rest of the process to continue.

Chapter I of the final agreement is devoted to the reform of the armed forces; chapter II lays out the compromise on internal security.<sup>454</sup> Chapter II is extensive and detailed, outlining not just the PNC but also the officers' training and the rules that would govern their behavior.<sup>455</sup> "The police was to be placed at the service of the community and integrated with it, lightly armed, providing security and defending citizens' rights—rather than instilling fear in them."<sup>456</sup>

As part of the compromise, the FMLN would constitute twenty percent of the PNC; women would make up at least fifteen percent. Former National Police would be twenty percent, and civilians would make up the rest of the force.<sup>457</sup> There were further standards introduced. "A ninth-grade education was required for agents; sergeants needed a high school diploma; executive-level officers needed at least three years of college or its equivalent; and superior officers were required to have a university degree."<sup>458</sup>

The inclusion of the FMLN in the PNC was a victory for UN negotiators. The FMLN's participation in the PNC was framed as a "guarantee" of the government's good will, rather than as a power-sharing measure. This spin secured the government's acquiescence.<sup>459</sup>

Thus the military reforms sought by FMLN eventually came to be implemented. The armed forces were restricted from domestic activity by consti-

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<sup>453</sup> Byrne, *El Salvador's Civil War*, 191.

<sup>454</sup> Montgomery, *Revolution in El Salvador*, 237.

<sup>455</sup> de Soto & del Castillo, "Implementation of Comprehensive Peace Agreements," 193.

<sup>456</sup> *Ibid.*

<sup>457</sup> Montgomery, *Revolution in El Salvador*, 237.

<sup>458</sup> *Ibid.*

<sup>459</sup> Holiday & Stanley, "Building the Peace," 5.

tutional reforms and the worst human rights abusers were cut from their ranks. The PNC was created for internal security and the FMLN was guaranteed participation in this reformed, monitored, and more professional force. Overall, El Salvador was returned a sense of the rule of law and was set on the path to recover from a history of authoritarianism and impunity.<sup>460</sup>

The accords did not specifically discuss the role of the PGMs, but addressed them by proxy in a few ways. First, the shifts in the conflict that led to the peace talks also affected the standing of the death squads. The oligarchs no longer wished to continue funding the violence, looking instead to join the international economic system.<sup>461</sup> Second, many of those who directed the death squads were named by the Truth Commission's investigation into the military's abuses; they were subsequently barred from their positions and recommended for prosecution. Separately, the Truth Commission also specifically investigated the actions of the death squads; the embarrassment of this sunlight served as a disinfectant in this case, disgracing the worst offenders.<sup>462</sup>

The creation of the PNC and the delineation between internal and external security was another proxy for addressing the death squads. Though former members of the death squads may have tried to infiltrate the PNC, they were not able to co-opt it entirely.<sup>463</sup> Thus, without their financial backers, without the ability to work through the political process, and without the ability to work through the military to terrorize the domestic population, the death squads were effectively neutralized. This may be one of the most curious things about the success of peace in El Salvador: that it was accomplished

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<sup>460</sup> Montgomery, *Revolution in El Salvador*, 237.

<sup>461</sup> Lisa A. Hall MacLeod, *Constructing Peace* (Oxford: Lexington Books, 2006), 26.

<sup>462</sup> Call, "El Salvador's Transition," 397.

<sup>463</sup> *Ibid.*, 400.

without specific mention of the organizations responsible for much of the violence.

### *Land and Agriculture Reform*

Inequality of opportunity and access to land—and thus, wealth—was the original root of the conflict, and lasting peace would be possible only when this inequality was addressed. Land reform was one mechanism by which the Chapultepec Accords addressed the reintegration of former combatants back into society.

Previously, “any hint of land redistribution was anathema to the oligarchy” but the accords mandated land redistribution.<sup>464</sup> “The purpose was partly to address historical inequities and partly to acknowledge de facto occupation and cultivation in former conflict zones.”<sup>465</sup> This reform has been thought of as an ‘arms for land’ deal. Though it was “the main venue in the agreement through which former combatants and supporters of FMLN would be integrated into the productive life of the country,” it was not a means of redistributing *income*.<sup>466</sup>

The provisions on land transfers were notably vague, especially compared with the chapters on the armed forces and the PNC. This was particularly striking given that economic inequality was the original central incompatibility of the conflict.

Implementation of the land transfers followed the approach for implementing for the rest of the accords: when the process became stalled, the UN and other international organizations intervened to resolve the standoff. And for land reform, intervention particularly necessary because the land re-

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<sup>464</sup> Montgomery, *Revolution in El Salvador*, 232.

<sup>465</sup> *Ibid.*, 233.

<sup>466</sup> de Soto & del Castillo, “Implementation of Comprehensive Peace Agreements,” 195.

form issue was so underdeveloped in the text of the accords. "The lack of specificity regarding land issues and the rigid and unrealistic deadlines in the accords stalled the establishment of land tenure."<sup>467</sup> But the IMF, Food and Agriculture Organization (FAO), and World Bank stepped in, and in October 1992 proposed and implemented a plan to grant land to "15,000 former government soldiers, 7,500 former guerrilla combatants, and 25,000 civilians in conflict zones."<sup>468</sup> The role of the UN made Chapultepec a high-profile process, and neither side wanted to be seen as spoiling the process; thus when international organizations stepped in to offer solutions, it was difficult for either side to refuse the offer.<sup>469</sup> Ironically, this may have given the UN more authority over the land issues than it would have had if the accords' provisions had been more specific.

### *Economic Reform*

Of the three major complaints of the FMLN, economic reform was the one least addressed by the accords. In part, this is because the FMLN so heavily prioritized reform of the armed forces. This was a practical calculation made in the months preceding the negotiations. The FMLN came to realize that while questions of economic policy could be proposed to the population as part of a democratic process, questions of military reform would need to be addressed in the negotiated settlement.<sup>470</sup> It therefore put its capital into military reform—a gamble that paid off—even though it left economic reform to be addressed in the future by the political system.

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<sup>467</sup> Call, "El Salvador's Transition," 394.

<sup>468</sup> *Ibid.*

<sup>469</sup> *Ibid.*, 393-94.

<sup>470</sup> Arnson, "Window on the Past," 19-20.

This is why the Chapultepec Accords are not an economic agreement.<sup>471</sup> And though the agreements cannot be faulted for the dearth of reform in this respect, it is important to emphasize the degree to which the economic status quo persisted. The accords did not address the root causes of exclusion that led to conflict in the first place. The FMLN began as a Marxist-Leninist organization seeking revolution and overthrow of this exclusionary system, but at Chapultepec, “the market economy was not up for debate.”<sup>472</sup>

### *Enforcement*

The Four Friends along with the UN and the U.S. were all deeply involved in the peace process and in keeping the belligerents invested in the negotiation process. For monitoring and implementation, an enforcement body was created. The National Commission for the Consolidation of Peace (COPAZ) was instrumental in ensuring that “the voices of those who had had no voice were heard.”<sup>473</sup> COPAZ was made up of representatives from every political party, the government, and the FMLN, and had responsibility for enforcing every aspect of the peace agreements.

Pro-reform and anti-reform blocs had equal votes in COPAZ, which meant that the two sides were required to compromise and bargain—new skills for some of these politicians “who had been accustomed to getting their own way and steamrolling the minority opposition the process.”<sup>474</sup> In this way, enforcement and democratic transition were mutually reinforcing.

In addition to COPAZ, the UN, other international organizations, and the Four Friends continued to be involved in the implementation process.

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<sup>471</sup> Byrne, *El Salvador's Civil War*, 193.

<sup>472</sup> Cañas & Dada, “Political Transition,” 73.

<sup>473</sup> Montgomery, *Revolution in El Salvador*, 233.

<sup>474</sup> *Ibid.*, 234.

When implementation stalled, these actors were successful at getting the Accords back on track.

## Lessons from El Salvador

From before its independence from Spain, El Salvador had been a deeply unequal society. In the early 1900s, the predecessors of the death squads began to emerge. The landowning elite established private militias to defend its wealth. These militias were folded into the national armed forces that were eventually established, but were never wholly disbanded. Thus began the oligarchs' funding of armed repression to defend the status quo.

During the worst of the civil war, from 1979 to 1992, the death squads were responsible for myriad atrocities in the rural communities that were the main constituency of the left-wing opposition to the government. The FMLN was fighting for the wholesale reorganization of Salvadoran society, and the military and the death squads responded with repression and violence.

The ceasefire has held since it entered into force in 1992 and is widely considered the most successful internationally mediated resolution to a civil war. Many factors contributed to the success of the Chapultepec Accords. Though the agreement took place in a specific context, it can still offer lessons for similar conflicts going forward.

### *Process, Inclusion, and Spoilers*

All parties to the conflict were included in the negotiations, though some in an unorthodox way. The FMLN by this time had become an umbrella group for all the leftist opposition to the government; in this capacity, it was representative of one set of grievances. The Cristiani administration was a conglomeration of both the far-right and the more moderate constituencies of

the ARENA party. The death squads and D'Aubisson's followers were both nominally represented at the negotiations by Cristiani, but so were the business elites who had pushed hard for peace. Had Cristiani tried to withdraw from negotiations, he would have been supported by D'Aubuisson's wing, but roundly criticized by the oligarchs—who, importantly, were the financial support of ARENA. Thus, substantively, all the parties were represented in the peace process.

El Salvador's peace came in bits and pieces as several agreements were concluded in succession. At times, failure to proceed to the next stage of the process jeopardized the whole process. At various stages in the process, the two sides were asked to agree without amendment to an annex that was drawn up. In this way, El Salvador's peace process adhered to a micro version of Ahtisaari's maxim.

Further, each concession from both sides was framed appropriately. The FMLN traded the military for participation in the PNC; the government was told that this was a concession rather than about power-sharing. The FMLN prioritized among its demands and did not receive everything it had been fighting for. In this way, both sides felt the other had lost on a significant demand.

In Indonesia, the agreement called on the belligerents to control the 'third parties' who might be partisans in the conflict. By contrast, the Chapultepec Accords do not specifically address the death squads. Instead, the shifts that led to peace also caused them to disband. The oligarchs were now more interested in peace than in funding clandestine violence. The military was purged of the worst commanders of death squads. The Truth Commission brought some awareness of the atrocities committed during the war. And the military was barred from domestic security, supplanted by the PNC. These

reforms combined to remove both the opportunity and the motive of the death squads. While this is likely a less certain way of addressing the deadly excesses of state power, it is hard to criticize in this instance, as the Chapultepec Accords have never been breached.

The differing approaches to the militias may be partially a result of the different aspects of the groups in each case. In Indonesia, the militias were much more loosely controlled by the government; many were autonomous groups simply given machetes by TNI.<sup>475</sup> Thus the negotiators had to specifically address their role in the conflict. By contrast, the death squads in El Salvador were much more closely tied with the government, and many were funded directly by the government's supporters. The reduced support and effectiveness of the militias was almost a side effect of oligarchy's shift toward peace.

### *Political Reforms*

Though not the main incompatibility of the conflict, nor the main focus of the accords, the political exclusion of the FMLN was still addressed in part. The FMLN was allowed to reconstitute itself as a legitimate political party and to advance its leftist platform in an open political process. In this way, the peace process allowed the FMLN access to a sector from which it had previously been excluded.

The conflict in El Salvador thus migrated from outside the political system to inside the political system. The differences between right and left remain as acute, but now, these disagreements are addressed in the political sphere. "The war has ended in El Salvador, but the schism and hostility between the left and the right...seems not to have been bridged by...the peace

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<sup>475</sup> Martinkus, *Indonesia's Secret War*, 61.

process. What has changed...is that groups now compete to implement their agendas via electoral competitions and political institutions, rather than weapons."<sup>476</sup> It remains a significant development that El Salvador has managed to institutionalize, in political structures, much of what was previously rampant violence.

### *Third Party Enforcement*

The Accords provided for enforcement by the UN and the 'friends of the Secretary-General.' The breakdown of the central authority of the state made this a vital provision: the collusion of the intelligence and military wings of the government to target domestic opposition destroyed trust and needed restoring. Further, a sense of the rule of law had deteriorated generally. Even years after the war ended, Salvadorans were out of the habit of stopping at red lights while driving because during the civil war people were kidnapped or killed while stopped.<sup>477</sup> The central task of the monitors was to facilitate the reconstruction of lawfulness and to oversee compliance with the agreement while trust was rebuilt.

Third parties had also been accelerants in the conflict. The USSR had funded the FMLN but was now defunct. The United States had funded the government until the Jesuit murders were finally too much for public opinion. Now, the United States and other elements of the international community joined the enforcement team to help return peace to El Salvador.

### *Proximate Goals*

As in Indonesia, a major breakthrough in the conflict came when the two sides could be persuaded to accept their proximate, rather than central,

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<sup>476</sup> Mazzei, *Death Squads*, 131.

<sup>477</sup> *Ibid.*, 127.

goals. The FMLN abandoned its violence, and its particular identity as a Marxist-Leninist group, and reconstituted itself as a democratic-social organization that would take the fight to the regular political system. In this way, the FMLN shifted from demanding a complete overhaul of the economic structure of El Salvador to being content with agriculture and land reforms that would gradually shift the wealth from the oligarchy. Because the oligarchy and the government were, at times, the same entity, this was a significant concession from the government's side.

Similarly, the FMLN agreed that the military could continue to exist. In exchange, the military would be placed under more intense civilian oversight, and would be restricted to external defense only. Finally, the PNC would be created, and the FMLN would be allowed to participate. This meant that not every FMLN combatant would be disarmed and demobilized, which was a concession from the government, considering the FMLN had been calling for its overthrow.

### *Military Stalemate*

The November Offensive by the FMLN indicated that it was too strong to be beaten by the government's forces. But the FMLN was also unable to occupy the cities, which left it too weak to declare an outright military victory.<sup>478</sup> The costs to the elites of continuing the conflict were increasing as the Cold War ended and the need for international economic integration became more urgent. It was this stalemate that helped send the parties to the negotiations in the first place and helped keep them there.

El Salvador may offer an example of how a military stalemate may be simulated—with the caveats, as above, of the human cost that comes with

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<sup>478</sup> Montgomery, *Revolution in El Salvador*, 219.

such a stalemate. Neither side truly fought to exhaustion before deigning to negotiate. Rather, support for the FMLN disappeared when the USSR collapsed; after the Jesuit murders, the U.S. reduced military aid for the government. In this way, both sides faced reduced resources to continue their fight and opted for negotiations instead.

### *Distinctive Factors*

The Sandinistas in Nicaragua suffered a resounding loss in an election in 1990, which affected both the morale and the material support of the FMLN. The Jesuit murders were finally enough to convince the American public that supporting the Salvadoran government was an ill-conceived policy and military aid to the government dried up. But mostly, the Cold War ended and allowed the air back in the room. The United States no longer saw every leftist conflict in Latin and South America as a proxy battle against the evils of global communism; no longer was each conflict a potential foothold for the USSR in the Western Hemisphere. For its part, the FMLN was forced to negotiate having lost its chief benefactor when the USSR crumbled at the end of 1989.

As with Indonesia's tsunami, the end of the Cold War and the reopening of global politics cannot be replicated. But neither can it be ignored. As an accelerant, the end of the Cold War was one of the most important factors facilitating the end of the conflict in El Salvador. But 'reorganization of the fundamental structure of the international system' is not something that mediators and practitioners can easily recreate in order to bring peace. The lessons from El Salvador are thus both particular and universal: while shifting alliances, stalemates, and proximate goals may be necessary for peace, the par-

ticular way in which these elements are manifest in any individual peace process may vary tremendously.

## VIII. Conclusion

Why do some post-civil war peace agreements succeed where others fail to preserve the peace? This thesis has argued that the quantitative literature addressing this question overlooks an important factor. This literature too often assumes the government party to a civil war to be a unitary party. Theoretically and empirically, this assumption is incorrect and unhelpful.

This thesis has proposed a new set of independent variables for understanding agreement failure: the presence, type, and characteristics of PGMs. Agreements concluded while at least one militia was active fail at a rate that, statistically, is significantly higher than agreements concluded without active militias. Semi-official militias—those controlled or organized more fully by their government—are particularly detrimental to the chances for peace, as are groups that target noncombatants.

In settlement negotiations, the theoretical literature argues, all opposition groups should be considered and brought in to support a resolution so no actor has an incentive to spoil the agreement. This thesis argues, with support from the data, that PGMs have spoiler capabilities and therefore should be accounted for in the settlement process to increase the likelihood that an agreement will hold.

PGMs can be understood as bureaucracies within the state, with their own constituency, expertise, and incentives. States may delegate to bureaucracies to take advantage of externalities and expertise, or bureaucracies may act autonomously within the state. States delegate to militias to keep plausible deniability despite increased domestic repression, but states may also lose some of their monopoly on violence if militias become increasingly autonomous. These models explain well how a PGM, left out of the negotiation process, retains an incentive to spoil an agreement.

This thesis considered three cases. Peace has held in Indonesia since 2005, despite an agreement that collapsed in 2003. And El Salvador has been at peace since 1992. These agreements illustrate the utility of a variety of policies recommended by the literature, including political reform, third-party enforcement, DDR programs, and acquiescence to proximate goals. These peace processes also demonstrate two tactics for addressing the role of PGMs in the conflict and its settlement. In Indonesia, the military was placed under increased civilian control, which reduced its ability to sponsor militias. This left the militias with less power to spoil the agreement. These proactive steps were necessary because the militias were more loosely affiliated with the government. In El Salvador, the militias' capability to spoil was reduced when their benefactors—the oligarchs—bought into the peace process and ceased funding the violence. The PGMs were effectively controlled by addressing the incentives of their patrons. This worked because the militias were so closely held by the government.

In order to have an accurate understanding of the conflict dynamics in advance of a peace process, it is therefore important to account for these militias, their role in the conflict, and their potential role in helping to ensure peace. These issues will continue to be important. Militias are multiplying in Iraq as the government fights ISIS.<sup>479</sup> Nigeria has reportedly begun to employ PGMs in their fight against Boko Haram.<sup>480</sup> The violence in May 2015 in Burundi threatened the 2000 Arusha Accords, and reports emerged that PGMs

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<sup>479</sup> Nour Malas, "Iraqi Forces, Militias Launch Attacks to Drive Islamic State From Ramadi," *The Wall Street Journal*, 26 May 2015 <<http://on.wsj.com/1LmZwcG>> (Accessed 27 May 2015).

<sup>480</sup> Alexis Okeowo, "Insight the Vigilante Fight Against Boko Haram" *The New York Times*, 5 Nov 2014. <<http://nyti.ms/1PTBfAs>> (Accessed 27 May 2015).

had helped prop up the embattled president.<sup>481</sup> And these are just the militias in the headlines.

The war in Syria, and the fledgling peace process to end it, adheres tragically to the theories outlined above. Pro-regime militias proliferate: journalists traveling through the conflict zones “hardly saw anything of the regular army” but reported on the “militiafication” of the conflict.<sup>482</sup> Other PGMs active in the central corridor of Syria are Iranian-funded, and these groups have helped to alleviate the regime’s manpower shortage in that area.<sup>483</sup> As the United Nations tries to negotiate a settlement, predictable sticking points have emerged: which of these militias to invite to the talks, how to account for meddling external parties, and whether the combatants will negotiate before they fight to a military stalemate.<sup>484</sup>

Of course many other very important issues about civil wars, peace processes, and PGMs remain. While the civil war in El Salvador, for example, is rightly considered to have been resolved by the Chapultepec Accords, there remains significant instability and violence in that country; in June 2015, there were 677 homicides.<sup>485</sup> More broadly, as I noted earlier, a question remains about when, to use Mac Ginty’s term, peace is a ‘normative good.’ One can legitimately ask about “the quality of peace that follows international peace-support interventions.”<sup>486</sup> And one can ask similar questions about the forces

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<sup>481</sup> Ben Makori, “Fearful and desperate, refugees flee Burundi unrest” *Reuters*, 18 May 2015. <<http://reut.rs/1RzJ6UU>> (Accessed 27 May 2015).

<sup>482</sup> Aron Lund, “Who Are the Pro-Assad Militias?” *The Carnegie Endowment for International Peace*, 2 Mar 2015. <[ceip.org/1DWpm2J](http://ceip.org/1DWpm2J)> (Accessed 15 Feb 2016).

<sup>483</sup> Jennifer Cafarella, et al. “Syria Situation Report: March 2-10, 2015.” *The Institute for the Study of War*, 10 Mar 2015. <<http://bit.ly/1Vc9LGs>> (Accessed 27 May 2015).

<sup>484</sup> Karen Zraick, “Syria Talks Are Complicated by Competing Opposition Groups,” *The New York Times*, 29 Jan 2016. <[nyti.ms/1nTPSJr](http://nyti.ms/1nTPSJr)> (Accessed 15 Feb 2016).

<sup>485</sup> Adam Raney, “A murder an hour: El Salvador’s gang violence soars.” *Al-Jazeera*, 30 Jul 2015. <<http://bit.ly/1ItUmJk>> (Accessed 3 Aug 2015).

<sup>486</sup> Mac Ginty, *International Peacebuilding*, 25.

that give rise to PGMs. Because it remains difficult for third-parties to hold militias accountable for their actions,<sup>487</sup> the pressures for regimes to subcontract violence may increase as participation in the international community becomes more essential to a state's flourishing. Perhaps this even suggests that the 'liberal peace' by which states become more fully-fledged members of the international community is part of the problem if that community is, in fact, an "essentially conservative international political system in which the same political and economic interests perpetuate their own domination."<sup>488</sup>

I have not purported to engage these questions. I do believe, though, that PGMs have a significant effect upon the chances that a peace agreement will succeed; that the characteristics of the militias will, in some respects, influence the effect they have; and that both large-N quantitative studies of peace agreements and case studies should take these findings into account and examine them further. Undoubtedly more progress can be made when the roots of the problems that give rise to PGMs and civil wars are more thoroughly addressed. But sometimes at least it is important simply to end the violence, and we must try to learn what we can about how to do that.

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<sup>487</sup> Neil Mitchell & Sabine Carey, "Informal counterinsurgency from Iraq to Nigeria: Who pays the price?" *The Washington Post*, 22 December 2014. <<http://wapo.st/1BhYP00>> (Accessed 27 May 2015).

<sup>488</sup> Mac Ginty, *International Peacebuilding*, 44.

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# Appendix

Appendix 1: Variables

Appendix 2: Tables 1-2 (Regression)

Figure 1 (Expected Values)

Tables 3-6 (Robustness)

## Appendix 1: Variables

Variable Name	Measures	Source
<b>Ended</b>	Agreement Success/ Failure	UCDP
<b>PGM</b>	Presence of PGM	PGMD
<b>Informal</b>	Presence of Informal PGM	PGMD
<b>Semi-Official</b>	Presence of Semi-Official Group	PGMD
<b>Membership.Identity</b>	Identity-based membership: Ethnic or Religious	PGMD
<b>Membership.Ideology</b>	Ideology-based membership: Party Activists or Ideology	PGMD
<b>Target.Identity</b>	Identity-based targets: Ethnic Group or Religious Group	PGMD
<b>Target.PKO</b>	Targets third-parties: International Peacekeeping Force or Aid Workers	PGMD
<b>Target.Noncombat</b>	Targets noncombatants: Civilians or Journalists or 'Unarmed Political Opposition, Government Critics'	PGMD
<b>Support.Foreign</b>	Support from Foreign Governments	PGMD
<b>Support.Illegal</b>	Support from Crime or Drugs	PGMD
<b>Support.Domestic</b>	Support from Domestic Government or Military	PGMD
<b>Military</b>	Contains at least one military provision	UCDP
<b>Political</b>	Contains at least one political provision	UCDP
<b>Inclusive</b>	All conflict dyads were included in the negotiation	UCDP
<b>PKO</b>	The agreement provides for the deployment of peacekeepers	UCDP
<b>GDP</b>	GDP per capita (USD; log <sub>10</sub> )	World Bank
<b>CINC</b>	Composite Index of National Capacity	COW
<b>Democracy</b>	Average of Civil Liberties and Political Rights scores	FreedomHouse
<b>Deaths</b>	Final-year deaths in a conflict (log <sub>10</sub> )	PRIO Battle Deaths database
<b>Polity</b>	Alternate measure of <i>Democracy</i>	Polity IV
<b>Spending</b>	Alternate measure of <i>CINC</i> (USD; log <sub>10</sub> )	SIPRI Military Expenditures

## Appendix 2: Tables and Figures

Table 1: Success of Peace Agreements (Logistic Regression)

	Presence	Relationship	Characteristics
<b>PGM</b>	<b>-1.2341**</b> (0.4327)		
<b>Relationship: Informal</b>		-0.5869 (0.4040)	
<b>Relationship: Semi-Official</b>		<b>-1.5203**</b> (0.5465)	
<b>Support: Foreign</b>			-2.3710 (1.3656)
<b>Support: Illegal</b>			-0.5374 (0.8995)
<b>Support: Domestic</b>			0.4065 (0.6999)
<b>Membership: Identity</b>			0.6737 (0.6153)
<b>Membership: Ideology</b>			-0.2453 (0.6976)
<b>Target: Noncombat</b>			<b>-1.5185*</b> (0.7149)
<b>Target: Identity</b>			0.1840 (0.8206)
<b>Target: PKO</b>			1.5675 (0.9443)
<b>Military</b>	-0.0692 (0.5258)	-0.6311 (0.5263)	0.0120 (0.5449)
<b>Political</b>	-0.6450 (0.5021)	-0.9225 (0.5332)	-0.7328 (0.5462)
<b>PKO</b>	<b>1.0542*</b> (0.5142)	0.9759 (0.5050)	0.9981 (0.5369)
<b>Inclusive</b>	-0.2540 (0.4219)	-0.5290 (0.4330)	<b>-1.0936*</b> (0.5115)
<b>GDP</b>	-1.0375 (0.5735)	-1.0051 (0.5597)	-0.6617 (0.6159)
<b>Democracy</b>	0.1417 (0.1766)	0.1689 (0.1813)	0.1704 (0.2078)
<b>CINC</b>	10.3126 (22.4558)	11.1794 (22.7587)	18.4993 (24.6543)
<b>Intercept</b>	2.2272 (2.1623)	2.332 (2.1450)	1.2935 (2.3238)
<b>Number of Observations</b>	158	158	158
<b>Significance Codes</b>	** = 0.01	* = 0.05	• = 0.1

Significance codes: \*\*\*\*=0 \*\*\* = 0.001 \*\* = 0.01 \* = 0.05 • = 0.1

Dependent variable: Success of peace agreement

Table 2: Success of Peace Agreements (Logistic Regression)

	Presence	Relationship	Characteristics
<b>PGM</b>	-0.7905 (0.5892)		
<b>Relationship: Informal</b>		-0.4940 (0.5710)	
<b>Relationship: Semi-Official</b>		<b>-1.784*</b> <b>(0.7676)</b>	
<b>Support: Foreign</b>			-19.7862 (1543.2170)
<b>Support: Illegal</b>			<b>-2.9081*</b> <b>(1.3847)</b>
<b>Support: Domestic</b>			<b>4.2586*</b> <b>(2.0161)</b>
<b>Membership: Identity</b>			<b>5.5669***</b> <b>(1.6232)</b>
<b>Membership: Ideology</b>			-0.1828 (1.2342)
<b>Target: Noncombat</b>			<b>-5.2991**</b> <b>(2.0398)</b>
<b>Target: Identity</b>			-3.9225 (1.7419)
<b>Target: PKO</b>			1.4974 (1.4603)
<b>Military</b>	0.2321 (0.6471)	-0.0368 (0.6784)	-1.5697 (1.0361)
<b>Political</b>	-0.6472 (0.6509)	-1.1289 (0.7543)	-2.0515 (1.2161)
<b>PKO</b>	0.8289 (0.6819)	0.6389 (0.6895)	0.6578 (0.8903)
<b>Inclusive</b>	0.4007 (0.5358)	0.0650 (0.5696)	-0.0488 (0.8565)
<b>GDP</b>	0.0435 (0.8072)	0.3089 (0.7860)	0.7154 (1.0940)
<b>Democracy</b>	0.0534 (0.2347)	0.1539 (0.2474)	0.0891 (0.3324)
<b>CINC</b>	13.5214 (24.4113)	22.4992 (25.4932)	<b>-82.7830*</b> <b>(39.1971)</b>
<b>Deaths</b>	0.7339 (0.4201)	<b>0.8335*</b> <b>(0.4243)</b>	0.9909 (0.5248)
<b>Intercept</b>	-3.1348 (3.2719)	-3.6231 (3.2442)	-2.8066 (4.1724)
<b>Number of Observations</b>	92	92	92

Significance codes: \*\*\*\*=0 \*\*\* = 0.001 \*\* = 0.01 \* = 0.05 • = 0.1

Dependent variable: Success of peace agreement

Figure 1: Probability of Peace Agreement Success

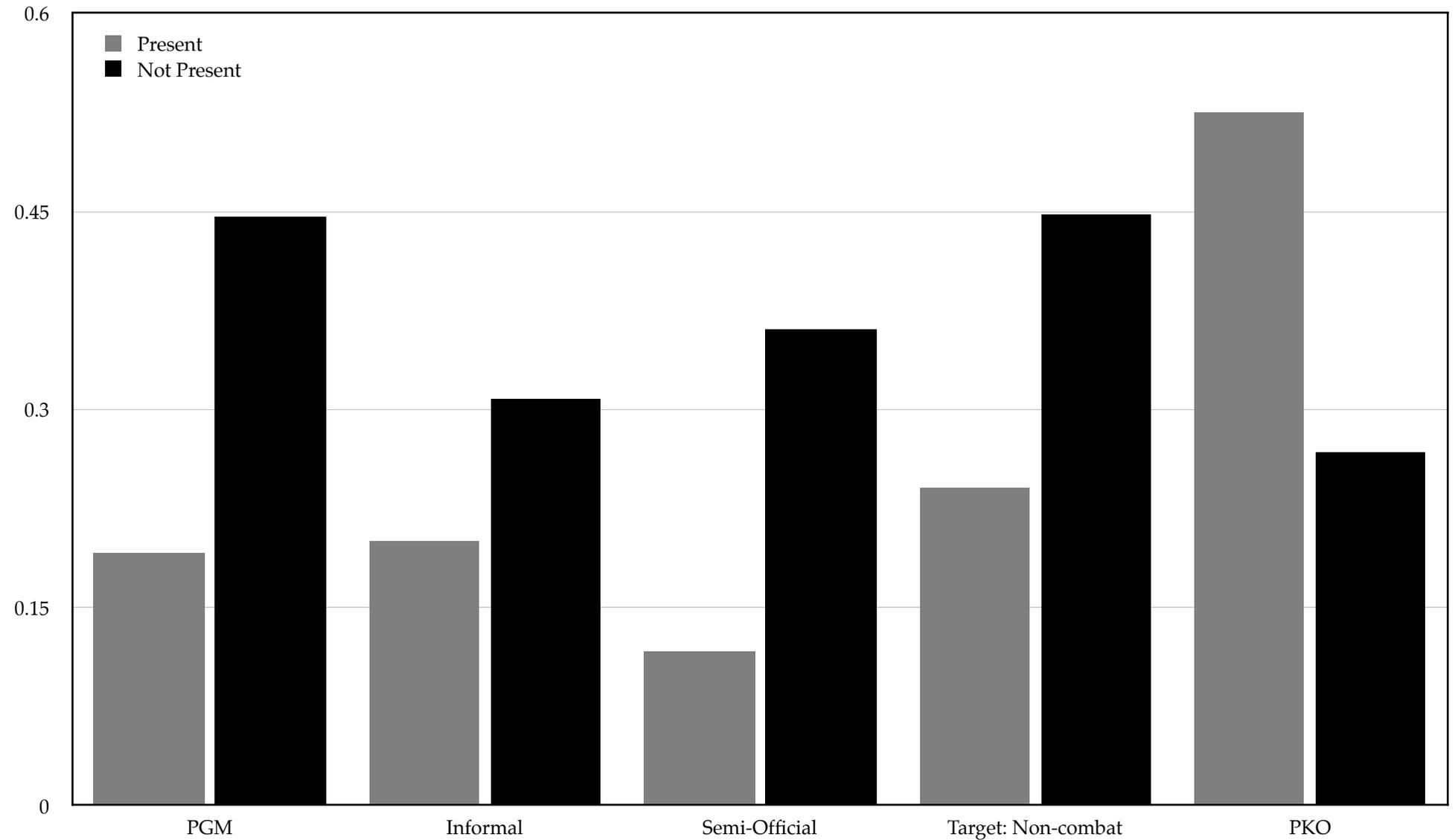


Table 3: Alternative Measures of Success of Peace Agreements  
(Logistic Regression)

	Presence	Relationship	Characteristics
<b>PGM</b>	<b>-1.3612**</b> <b>(0.4433)</b>		
<b>Relationship: Informal</b>		-0.6346 (0.4096)	
<b>Relationship: Semi-Official</b>		<b>-1.6957**</b> <b>(0.5690)</b>	
<b>Support: Foreign</b>			<b>-2.8828*</b> <b>(1.3973)</b>
<b>Support: Illegal</b>			-0.2430 (0.8928)
<b>Support: Domestic</b>			0.3381 (0.7170)
<b>Membership: Identity</b>			0.5517 (0.6198)
<b>Membership: Ideology</b>			-0.5135 (0.6861)
<b>Target: Noncombat</b>			-1.2274 (0.7453)
<b>Target: Identity</b>			0.4382 (0.8409)
<b>Target: PKO</b>			0.9445 (1.0332)
<b>Military</b>	-0.0596 (0.5302)	-0.0232 (0.5326)	0.2194 (0.5554)
<b>Political</b>	-0.8809 (0.5219)	<b>-1.2376*</b> <b>(0.5695)</b>	-0.8972 (0.5659)
<b>PKO</b>	<b>1.2887*</b> <b>(0.5321)</b>	0.9944 (0.5167)	<b>1.0957*</b> <b>(0.5439)</b>
<b>Inclusive</b>	-0.3056 (0.4267)	-0.6263 (0.4428)	<b>-1.1194*</b> <b>(0.5132)</b>
<b>GDP</b>	-0.5980 0.5819	-0.5991 (0.5666)	-0.4337 (0.6210)
<b>Polity</b>	<b>-0.1186*</b> <b>(0.0465)</b>	<b>-0.1291**</b> <b>(0.0478)</b>	-0.1022 (0.0556)
<b>CINC</b>	23.9131 (23.1689)	24.5751 (23.4881)	-7.4490 (25.6055)
<b>Intercept</b>	1.8109 (1.8120)	2.1814 (1.8016)	1.3152 (1.9394)
<b>Number of Observations</b>	158	158	158

Significance codes: \*\*\*\*=0 \*\*\* = 0.001 \*\* = 0.01 \* = 0.05 • = 0.1  
Dependent variable: Success of peace agreement

Table 4: Alternative Measures of Success of Peace Agreements  
(Logistic Regression)

	Presence	Relationship	Characteristics
<b>PGM</b>	-0.9614 (0.5223)		
<b>Relationship: Informal</b>		-0.0732 (0.5108)	
<b>Relationship: Semi-Official</b>		<b>-1.6745**</b> <b>(0.6441)</b>	
<b>Support: Foreign</b>			-2.5456 (1.6271)
<b>Support: Illegal</b>			0.2576 (1.1314)
<b>Support: Domestic</b>			0.4539 (0.8545)
<b>Membership: Identity</b>			0.8497 (0.8216)
<b>Membership: Ideology</b>			0.0781 (0.9521)
<b>Target: Noncombat</b>			<b>-2.2020*</b> <b>(0.9448)</b>
<b>Target: Identity</b>			1.2137 (1.0951)
<b>Target: PKO</b>			<b>3.7536**</b> <b>(1.4124)</b>
<b>Military</b>	-0.4462 (0.5877)	-0.5379 (0.6060)	-0.2268 (0.7269)
<b>Political</b>	-0.2590 (0.5847)	-0.74123 (0.6438)	-0.5051 (0.7183)
<b>PKO</b>	1.1866 (0.6175)	0.8879 (0.6313)	1.5098 (0.8021)
<b>Inclusive</b>	-0.4026 (0.5191)	-0.7512 (0.5253)	<b>-2.0650**</b> <b>(0.7507)</b>
<b>GDP</b>	-0.3380 (0.9067)	-0.5271 (0.9073)	1.2874 (1.2009)
<b>Democracy</b>	0.0981 (0.2167)	0.0448 (0.2314)	0.2725 (0.3132)
<b>Spending</b>	-0.1229 (0.6436)	-0.0958 (0.6405)	-1.3213 (0.8288)
<b>Intercept</b>	0.4740 (2.7543)	1.7813 (2.8852)	-3.3530 (3.7116)
<b>Number of Observations</b>	118	118	118

Significance codes: \*\*\*\*=0 \*\*\* = 0.001 \*\* = 0.01 \* = 0.05 • = 0.1  
Dependent variable: Success of peace agreement

Table 5: Alternative Measures of Success of Peace Agreements  
(Logistic Regression)

	Presence	Relationship	Characteristics
PGM	-0.7225 (0.5987)		
Relationship: Informal		-0.3940 (0.5832)	
Relationship: Semi-Official		<b>-1.8369*</b> <b>(0.7893)</b>	
Support: Foreign			-20.0767 (1532.5942)
Support: Illegal			-2.6078 (1.4490)
Support: Domestic			<b>4.0182*</b> <b>(2.0398)</b>
Membership: Identity			<b>5.3809***</b> <b>(1.6336)</b>
Membership: Ideology			-0.2987 (1.2338)
Target: Noncombat			<b>-4.9690*</b> <b>(2.1085)</b>
Target: Identity			<b>-3.5793*</b> <b>(1.7937)</b>
Target: PKO			1.1247 (1.6382)
Military	0.1455 (0.6482)	-0.0219 (0.6738)	-1.3792 (1.0817)
Political	-0.7498 (0.6744)	-1.3624 (0.8060)	-2.0911 (1.1898)
PKO	1.2585 (0.7411)	1.0247 (0.7466)	0.7155 (0.9029)
Inclusive	0.3806 (0.5420)	-0.0108 (0.5878)	-0.0763 (0.8532)
GDP	0.6987 (0.8420)	0.8097 (0.8353)	0.8777 (1.1219)
<b>Polity</b>	<b>-0.1214</b> <b>(0.0646)</b>	<b>-0.1338*</b> <b>(0.0658)</b>	<b>-0.0608</b> <b>(0.1052)</b>
CINC	29.4802 (25.5006)	36.5291 (26.3385)	-73.2991 (42.8641)
<b>Deaths</b>	<b>0.5335</b> <b>(0.4310)</b>	<b>0.6854</b> <b>(0.4400)</b>	<b>0.9323</b> <b>(0.5423)</b>
Intercept	-4.1686 2.9702	-3.8361 (2.9875)	-2.8381 (3.8502)
Number of Observations	92	92	92

Significance codes: \*\*\*\*=0 \*\*\* = 0.001 \*\* = 0.01 \* = 0.05 • = 0.1  
Dependent variable: Success of peace agreement

Table 6: Alternative Measures of Success of Peace Agreements  
(Logistic Regression)

	Presence	Relationship	Characteristics
<b>PGM</b>	-0.5799 (0.7006)		
<b>Relationship: Informal</b>		0.2496 (0.9048)	
<b>Relationship: Semi-Official</b>		<b>-2.7961*</b> <b>(1.1047)</b>	
<b>Support: Foreign</b>			-20.1305 (2565.6059)
<b>Support: Illegal</b>			-1.4628 (1.4500)
<b>Support: Domestic</b>			1.5533 (1.4564)
<b>Membership: Identity</b>			<b>3.8482*</b> <b>(1.8509)</b>
<b>Membership: Ideology</b>			0.7189 (1.3795)
<b>Target: Noncombat</b>			-2.1205 (1.6058)
<b>Target: Identity</b>			-2.0704 (1.6993)
<b>Target: PKO</b>			19.3820 (2607.1093)
<b>Military</b>	-0.0759 (0.6774)	-0.7362 (0.7772)	-0.6287 (1.2268)
<b>Political</b>	-0.4278 (0.6952)	-1.7216 (0.9513)	-1.4246 (1.3200)
<b>PKO</b>	0.8033 (0.7836)	0.2856 (0.8157)	0.8428 (1.1895)
<b>Inclusive</b>	0.6294 (0.6164)	0.1914 (0.6980)	-0.5171 (0.9587)
<b>GDP</b>	-0.7811 (1.2465)	-0.7260 (1.2959)	1.6258 (2.1872)
<b>Democracy</b>	0.00387 (0.2680)	0.0583 (0.3049)	0.5973 (0.4194)
<b>Spending</b>	1.1317 (0.9571)	1.1776 (1.0488)	-0.4838 (1.6764)
<b>Deaths</b>	0.3290 (0.6301)	0.4356 (0.7758)	-0.4541 (0.8992)
<b>Intercept</b>	-0.7639 (4.0009)	0.4125 (4.4633)	-5.5341 (5.6331)
<b>Number of Observations</b>	73	73	73

Significance codes: \*\*\*\*=0 \*\*\* = 0.001 \*\* = 0.01 \* = 0.05 • = 0.1  
Dependent variable: Success of peace agreement