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14. ABSTRACT This course module addresses a longstanding debate, among both academics and practitioners, regarding two opposing strategies of constitutional design. The first, "accommodation," provides guarantees to societal groups based on their distinct identity or geographic location, via institutions such as proportional representation, federalism, autonomy, quotas, economic redistribution, and veto power. The opposing strategy, "integration," aims to erode the political salience of groups that are distinguished by identity or location, via centralized institutions that promote a single, unifying nationality. Between these

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Report Title

Constitutional Reform for Conflict Management

ABSTRACT

This course module addresses a longstanding debate, among both academics and practitioners, regarding two opposing strategies of constitutional design. The first, “accommodation,” provides guarantees to societal groups based on their distinct identity or geographic location, via institutions such as proportional representation, federalism, autonomy, quotas, economic redistribution, and veto power. The opposing strategy, “integration,” aims to erode the political salience of groups that are distinguished by identity or location, via centralized institutions that promote a single, unifying nationality. Between these two ideal-types lies a spectrum of constitutional design strategies, including “centripetalism.” Many experts recommend accommodative constitutional design on grounds that it directly appeases dissatisfied groups and therefore should reduce political conflict. But a growing minority of scholars warns that accommodative institutions are inefficient and may perpetuate societal divisions, thereby exacerbating conflict. Constitutional reform also is hampered by the stickiness of existing institutions, which may result in incomplete reform that actually increases the risk of conflict. Empirical studies reveal that both accommodative and integrative constitutional design can produce political stability, if properly institutionalized, but may lead to instability if improperly institutionalized. Constitutional reformers should first assess the benefits and risks of various paths, based on factors including the following: a country’s existing political institutions, the prospects of successful reform, the dangers of incomplete reform, and the ability of various constitutional designs to promote democracy and political stability.

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Block 13: Supplementary Note

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THE ROBERT S. STRAUSS CENTER™
FOR INTERNATIONAL SECURITY AND LAW



Constitutional Reform for Conflict Management

Alan J. Kuperman, PhD

April 2014

Course Module No. 2

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The Climate Change and African Political Stability (CCAPS) program conducts research in three core areas, seeking to investigate where and how climate change poses threats to stability in Africa, identify strategies to support accountable and effective governance in Africa, and evaluate the effectiveness of international aid to help African societies adapt to climate change. The CCAPS program is a collaborative research program among the University of Texas at Austin, the College of William and Mary, Trinity College Dublin, the University of Denver, and the University of North Texas.

The CCAPS program is funded by the U.S. Department of Defense's Minerva Initiative, a university-based, social science research program focused on areas of strategic importance to national security policy. Through quantitative analysis, GIS mapping, case studies, and field interviews, the program seeks to produce research that provides practical guidance for policy makers and enriches the body of scholarly literature in this field. The CCAPS team seeks to engage Africa policy communities in the United States, Africa, and elsewhere as a critical part of its research.

About the Author

Dr. Alan J. Kuperman is an associate professor at the LBJ School of Public Affairs and distinguished scholar at the Robert S. Strauss Center for International Security and Law at the University of Texas at Austin.

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Abstract of the Module

Can political instability and violence in ethnically divided societies be prevented, or at least significantly reduced, by changing a country's domestic political institutions?

This course module addresses a longstanding debate, among both academics and practitioners, regarding two opposing strategies of constitutional design. The first, “accommodation,” provides guarantees to societal groups based on their distinct identity or geographic location, via institutions such as proportional representation, federalism, autonomy, quotas, economic redistribution, and veto power. The opposing strategy, “integration,” aims to erode the political salience of groups that are distinguished by identity or location, via centralized institutions that promote a single, unifying nationality. Between these two ideal-types lies a spectrum of constitutional design strategies, including “centripetalism.” Many experts recommend accommodative constitutional design on grounds that it directly appeases dissatisfied groups and therefore should reduce political conflict. But a growing minority of scholars warns that accommodative institutions are inefficient and may perpetuate societal divisions, thereby exacerbating conflict. Constitutional reform also is hampered by the stickiness of existing institutions, which may result in incomplete reform that actually increases the risk of conflict. Empirical studies reveal that both accommodative and integrative constitutional design can produce political stability, if properly institutionalized, but may lead to instability if improperly institutionalized. Constitutional reformers should first assess the benefits and risks of various paths, based on factors including the following: a country's existing political institutions, the prospects of successful reform, the dangers of incomplete reform, and the ability of various constitutional designs to promote democracy and political stability.

Rationale for the Sequencing of this Module

The first session presents an overview of constitutional strategies – including integration, accommodation, and centripetalism – and the electoral systems that may be used to promote each. The next three sessions delve one at a time into these three strategies, including the institutions and logic of each, and how proponents critique the opposing strategies. The final session explores empirical findings on constitutional design and conflict management, especially in Africa, and strategies of constitutional reform to promote both democracy and political stability. By the end of the module, students should be conversant in the mechanisms, logic, and pros/cons of various constitutional strategies and their impact on conflict management, both in theory and practice.

Session 1 - Overview

Learning Objectives:

1. The spectrum of constitutional strategies, including integration, accommodation, and centripetalism.
2. Various electoral systems and how in theory they promote the alternative constitutional strategies.

Discussion Questions:

1. What are the three main constitutional strategies for conflict management in divided societies?
2. How in theory does each strategy work to reduce conflict?
3. Which electoral institutions promote each strategy, and how?

Readings:

Milton J. Esman, "Ethnic Pluralism: Strategies for Conflict Management," in *Facing Ethnic Conflicts: Toward A New Realism*, eds. Andreas Wimmer et al. (Lanham: Rowman and Littlefield, 2004): 203-211.

Andrew Reynolds and Timothy D. Sisk, "Elections and Electoral Systems: Implications for Conflict Management," in *Elections and Conflict Management in Africa*, eds. Timothy D. Sisk and Andrew Reynolds (Washington: United States Institute of Peace Press, 1998): 19-28.

ALSO SUGGESTED: John McGarry, Brendan O'Leary, and Richard Simeon, "Integration or Accommodation? The Enduring Debate in Conflict Regulation," in *Constitutional Design for Divided Societies: Integration or Accommodation?* ed. Sujit Choudhry (New York: Oxford University Press, 2008): 41-88.

Session 2 - Accommodation

Learning Objectives:

1. The tactics and logic of accommodation.
2. Critiques of other strategies.

Discussion Questions:

1. How and why in theory does accommodation reduce the risk of conflict in divided societies?
2. What electoral institutions promote accommodation, and how?
3. What other political institutions promote accommodation, and how?
4. What are the four pillars of "consociationalism," and how in theory do they reduce conflict?
5. According to proponents of accommodation, what are the shortcomings of the alternative constitutional strategies of integration and centripetalism?

Readings:

Arend Lijphart, "The Wave of Power-Sharing Democracy," in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, ed. Andrew Reynolds (New York: Oxford University Press, 2002): 37-54.

Andrew Reynolds and Timothy D. Sisk, "Elections and Electoral Systems: Implications for Conflict Management," in *Elections and Conflict Management in Africa*, eds. Timothy D. Sisk and Andrew Reynolds (Washington: United States Institute of Peace Press, 1998): 28-36.

Session 3 - Centripetalism

Learning Objectives:

1. The tactics and logic of centripetalism.
2. Critiques of other strategies.

Discussion Questions:

1. How and why in theory does centripetal constitutional design reduce the risk of conflict in divided societies?
2. What electoral institutions promote centripetalism, and how?
3. What other political institutions promote centripetalism, and how?
4. According to proponents of centripetalism, what are the shortcomings of the alternative constitutional strategy of accommodation?
5. Under what special circumstances do proponents of centripetalism say that accommodative political institutions may be advised, at least temporarily, and why?

Readings:

Donald Horowitz, "Constitutional Design: Proposals Versus Processes," in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, ed. Andrew Reynolds (New York: Oxford University Press, 2002): 15-36.

Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management* (Cambridge: Cambridge University Press, 2001): 7-24. (ALSO SUGGESTED: 149-193.)

ALSO SUGGESTED: Sven Gunnar Simonsen, "Addressing Ethnic Divisions in Post-Conflict Institution-Building: Lessons from Recent Cases," *Security Dialogue* 36, 3 (2005): 297-318.

Session 4 - Integration

Learning Objectives:

1. The tactics and logic of integration.
2. Critiques of other strategies.

Discussion Questions:

1. How and why in theory does integration reduce the risk of conflict in divided societies?
2. What electoral institutions promote integration, and how?
3. What other political institutions promote integration, and how?
4. According to proponents of integration, what are the shortcomings of the alternative constitutional strategy of accommodation?
5. According to proponents of integration, what is the ultimate consequence for a country with a divided society of not pursuing this strategy?

Readings:

Svante E. Cornell, "Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective," *World Politics* 54, 2 (2002): 245-276.

David A. Lake and Donald Rothchild, "Territorial Decentralization and Civil War Settlements," in *Sustainable Peace: Power and Democracy after Civil Wars*, eds. Philip G. Roeder and Donald S. Rothchild (Ithaca: Cornell University Press, 2005): 109-132.

Session 5 - *Constitutional Reform in Practice*

Learning Objectives:

1. Contrast constitutional reform in theory and practice.
2. Develop a prudent approach for constitutional reform in divided societies.

Discussion Questions:

1. What constitutional strategy is typically recommended by scholars and practitioners, and why?
2. What are the obstacles to full implementation of constitutional reform?
3. What are the risks of incomplete or inequitable accommodative reform in divided societies?
4. What political institutions may help promote democracy and stability under an integrative constitutional strategy?
5. What determines the prudent path for constitutional reform?

Readings:

Alan J. Kuperman, "Constitutional Reform & Violent Conflict: Lessons from Africa, for Africa," *CCAPS Research Brief No. 15* (Austin: Robert S. Strauss Center for International Security and Law, 2013), <http://strausscenter.org/ccaps/constitutional-design-publications.html?download=180>.

Alan J. Kuperman, "Rethinking Constitutional Reform for Democracy and Stability," in *Constitutions and Conflict Management in Africa: Preventing Civil War through Institutional Design*, ed. Alan J. Kuperman (Philadelphia: University of Pennsylvania Press, 2014, forthcoming).

ALSO SUGGESTED: Oisín Tansey, "Statebuilding and the Limits of Constitutional Design," in *The Political Economy of State-building*, eds. Mats Berdal and Dominik Zaum (New York: Routledge, 2013): 70-99.

