Rethinking Disarmament: The Role of Weapons in the Resolution of Internal Armed Conflicts

by

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Abstract
Since the end of Cold War there has been an increase in the number internal conflicts and with it a corresponding rise in the number of third party interventions. Third parties, motivated by humanitarian concerns and spillover effects, have sought to create stable conditions for the termination of internal conflicts and the reconstruction of shattered societies. The disarmament of combatants has emerged as a leading practice. Disarmament is based on the arrestingly simple logic that the elimination of weapons removes the means by which combatants fight, thereby forcing them to commit to peace. Despite this emergent practice, however, belligerents consistently retain, and, in some cases, acquire weapons, even after signing peace agreements. Proponents of disarmament tend to view the retention of weapons as evidence of spoiling, yet disarmament leaves actors with little recourse in the likely event that a peace process collapses and conflict resumes. I argue that actors often retain weapons because the risk of violent reversal remains high even after the signing of a peace agreement. In the likely event of the breakdown of peace, weapons can be used to help ensure survival of those who retain them. This research explores the role of weapons and disarmament in internal conflicts with reference to both historical (the American War of Independence) and contemporary examples (Israel-Palestine and El Salvador). Though not all are examples of successful peacemaking, weapons played a productive role not only securing combatants, but also by allowing them to make more credible commitments and take greater risks associated with peace. This research reveals a paradox: while weapons provide belligerents with much-needed insurance, allowing them to take risks associated with peacemaking, retaining weapons appears to magnify the likelihood that an agreement will fail. Nevertheless, belligerents have at their disposal various ways to overcome this problem. I conclude by discussing the ways in which third parties may better support such initiatives.
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Chapter 1 Introduction

“Si vis pacem, para bellum”
(If you want peace, prepare for war)
-variously attributed

Introduction

The end of the Cold War marked a steep decline in the occurrence of inter-state war. Unfortunately, this decline did not mark the “end of history,” as some would have had us believe (Fukuyama, 1992). The reduction of inter-state war was offset by an overwhelming increase in the number of internal conflicts around the globe (T. D. Mason & Fett, 1996, p. 546; T. D. Mason, Weingarten, & Fett, 1999, p. 239). The break-up of the vast Soviet empire and a reduction in military aid precipitated numerous civil wars within the various successor states of the USSR and proxy states of both Superpowers (Gleditsch, 2007; Harbom, Hogbladh, & Wallensteen, 2006, p. 619; K. J. Holsti, 1995). Not only did the end of the Cold War mark an increase in the number of internal conflicts, it also removed a major challenge to their attempted resolution. The end of Cold War rivalries meant that the Superpowers no longer automatically vetoed intervention amongst their proxies and allies. Since then, third parties, such as the UN, EU, AU, and others, have increasingly intervened in internal conflicts in order to stem humanitarian crises, enforce ceasefires and peace agreements, and attempt to reconstruct shattered nations. In fact, more peacekeeping missions have been created since the end of the Cold War than in the previous forty-five years combined. Where previous missions tended to remain passive, coming after a conflict had been resolved, these new missions, broadly termed “second generation peacekeeping”, actively intervened to enforce the peace (Doyle & Higgins, 1995).

With the increase in the number of internal conflicts, and concomitant attempts at their resolution, new norms and practices have emerged. One such example is disarmament (which is often used as a shorthand for disarmament, demobilization, and reintegration of combatants). There is today a well-established consensus amongst theorists and practitioners alike that belligerents must be relieved of their arms in order to reconstruct shattered states and establish a robust and durable peace in the wake of internal armed conflict (c.f., Berdal, 1996; Colletta & Muggah, 2009, p. 3; Cooper, 2006; Council, 2000; Disarmament, 2007; Hartzell & Hoddie,
An emphasis on disarmament has found its way into a diverse range of theoretical literatures dealing with conflict resolution and post-conflict reconstruction, including the democratization literature (c.f., Gowa, 2000 on the bullets to ballots hypothesis; Samuel P Huntington, 1957), the democratic civil peace literature (Ellingsen & Gleditsch, 1997; Hegre, Ellingsen, Gates, & Gleditsch, 2001; Krain & Myers, 1997; David A Lake & Rothchild, 1996, p. 60; Raknerud & Hegre, 1997; Ward & Gleditsch, 1998), and the power sharing literature (D. L. Byman, 2002; Crocker & Hampson, 1996; Lijphart, 2004; Mansfield & Snyder, 1995; McRae, 1990; Nordlinger & Huntington, 1972; N. Sambanis, 2000; Sisk, 1996; J. Snyder & Jervis, 1999, p. 18; B.F. Walter, 1999, p. 141), to name but a few. Moreover, the practice of disarmament has been widely adopted by those attempting to resolve internal conflict on the ground. In fact, the overwhelming majority of peace agreements signed since the conclusion of the Cold War contain within them disarmament provisions, all recent peacekeeping missions established by the UN Security Council have included disarmament provisions in their mandate (Hoglbadh, 2008), and increasingly aid and other forms of international assistance are conditioned on disarmament. Indeed, disarmament has been described as a “growth industry” (Muggah, 2010, p. 2).

This research aims to shed light on both the theory and practice of disarmament, in particular the many difficulties associated with its implementation. Despite the emergence of disarmament as a strong norm, or perhaps because of it, belligerents tend to stubbornly cling to their weapons (Knight, 2004, p. 503). The widespread failure to collect weapons, however, is often neglected or downplayed, and has not prompted a systematic reevaluation of the core assumptions underlying disarmament. In fact, practitioners and theorists alike are often single-mindedly focused on devising new strategies to disarm combatants instead of stopping to question the necessity of disarmament for the successful resolution of internal conflict (these efforts are dubbed the “second generation of disarmament”). For example, the UN Department of Peacekeeping Operations recently released a report based on lessons learned from recent on-the-ground experience ("Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010). In it, the UN recommends, a new focus on disarming women, children, and gangs, not just military structures. While the UN and others have spent considerable time and energy trying to improve the practice of disarmament, these efforts have
done little to remediate one particularly crucial underlying problem: Disarmament often generates rather than resolves feelings of insecurity by leaving belligerents defenseless and vulnerable to attack should conflict resume (as they so often do). The fear of insecurity is often what triggers belligerents to resist or undermine disarmament efforts and withhold weapons. Instead of being a necessary condition for internal conflict resolution, as its proponents hold, disarmament might actually act to constrain the prospects for peace. Rather than trying to improve the practice of disarmament, therefore, this research aims to rethink it altogether. With the aid of elite interviews, historical and contemporary research, and the extensive use of counterfactuals, I will argue that disarmament is neither necessary nor sufficient for the resolution of internal conflict. Conflict can and (to a lesser extent) does get resolved without disarmament. Indeed, weapons have sometimes played a productive and even legitimate role in bridging the difficult transition between war and peace and post-conflict state formation, something that can be seen more clearly when exploring cases that predate the practice of disarmament.

Disarmament and Insecurity

Disarmament rests on two simple assumptions: First, that the state cannot have more than one armed group within its territory (c.f., B.F. Walter, 1999, pp. 133-134) and, second, that weapons are a cause of instability and conflict (c.f., Cooper, 2006, p. 356; Spear, 1999, 2002). These assumptions make intuitive sense. Weapons are, after all, the tools used to prosecute internal conflict. Moreover, the empirical record shows that failures to disarm belligerents in internal conflicts correlate with higher rates of conflict recurrence (c.f., Ashton, 1997; Berdal, 1996; Brahimi, 2000, p. 7; Cooper, 2006; Crocker & Hampson, 1996, p. 67; Hampson, 1996, 1997; Spear, 2002; Stedman, Rothchild, & Cousens, 2002; Toft, 2009, pp. 19-21; Wagner, 1993). Disarmament is, therefore, thought to be necessary for establishing the lasting conditions for peace. By “removing the means by which civil wars have been prosecuted,” it is thought, continued conflict will be impossible, and the state can be reconstructed as a unitary actor with a monopoly over the legitimate use of force (Colletta & Muggah, 2009, pp. 3, 5; Spear, 2002, pp. 141-142; Swarbrick, 2007, p. 14).

In practice, however, disarmament efforts are rarely successful (Knight, 2004, p. 503). Despite the widespread inclusion of disarmament provisions in peace agreements and, in many cases, the
active intervention of the UN or other third parties, belligerents often resist disarmament efforts, seldom fully disarming. In those cases where peace obtains, international organizations often ignore the failures of disarmament, focusing instead on the overall success (c.f., El Salvador). However, in those cases where peace fails to obtain, the lackluster record of disarmament is often blamed on the failure to emulate or institute best practices (c.f., Ashton, 1997; Berdal, 1996; Brahimi, 2000, p. 7; Hampson, 1996, 1997; Spear, 2002; Stedman et al., 2002; Toft, 2009, pp. 19-21; Wagner, 1993) or the ineptitude of international organizations, in particular the United Nations (Knight, 2004; Muggah, 2005). More frequently, proponents of disarmament read the failure of belligerents to disarm as a revealed preference: belligerents who keep their weapons do so because they are determined to undermine peace efforts (Lyons, 1999; Spear, 2002, p. 156; Stedman, 1997; B. F. Walter & Snyder, 1999, p. 40). In other words, those who fail to disarm are spoilers, intent on destroying the peace process, or criminals, out for personal gain (Muggah, 2010, p. 1).\footnote{A significant portion of the disarmament literature discusses the role of individual demobilized combatants as threats to stability and security. The failure to properly disarm and reintegrate demobilized combatants is said to lead to an increase in crime and banditry. This study focuses instead on belligerents as corporate or political actors.} After all, proponents of disarmament ask, why would belligerents wish to retain the tools of war unless they were intent on using them?

In some cases this is undoubtedly true. The UN has been accused of systematically failing to implement best practices and belligerents are often known to deliberately undermine peace agreements. However, these accounts neglect the profound insecurity disarmament can generate and how this insecurity might contribute to the deliberate attempts by combatants to resist or undermine disarmament efforts (Muggah, 2005, p. 246). Because disarmament is rarely balanced, thorough, or durable (Knight, 2004, p. 503), those who do, in fact, disarm risk being left defenseless and vulnerable. Berdal writes, “when combatants are asked to give up their arms, they face a point of no return . . . if it goes wrong they have no defensive capacity” (1996). And it often does go wrong. Nearly fifty percent of peace agreements signed to end internal conflicts fail within five years of signing, returning combatants to a state of armed conflict (Hoglbadh, 2008; see also B.F. Walter, 1999, pp. 128-129). And when it does, the risks are particularly grave. Unlike inter-state conflicts, which rarely wipe states off the map (Fazal, 2004), internal wars are often waged in an effort to completely eliminate rivals (i.e., politicide or genocide). In fact nearly two out of three internal conflicts have ended with the complete

These risks trigger a prisoner’s dilemma-like scenario, according to Walter (B. F. Walter, 1997, 2003; B. F. Walter & Snyder, 1999; B.F. Walter, 1999). Even if belligerents wish to disarm they cannot trust that their interlocutors will do the same. Nor can they trust the state, which is either the object of fighting or has substantially receded as a consequence of the fighting, to enforce the terms of the agreement on their behalf (Hartzell & Hoddie, 2006, p. 156; K. J. Holsti, 1995; Kaufman, 1996a, p. 155; D. A. Lake, 2003; B. F. Walter, 1997, p. 337). The state cannot enforce contracts and its authority is only in the tentative process of being restored. The transitional period between the cessation of conflict and the consolidation of peace of war is, therefore, fraught with difficulty. The result is often cheating. “Neither side can convince the other that they will nobly resist a treaty’s temptations or naively fulfill its terms,” Walter writes, “and so, unable to enforce the agreement or survive exploitation, they avoid cooperation” (B. F. Walter, 1997, p. 337; see also Weingast, 1998). In other words, combatants often retain their weapons for the purposes of self-defense rather than spoiling, as proponents of disarmament would have us believe. “Fearing defection,” Lyons concludes, “nearly all belligerents hold back weapons . . . preventing [them] from being completely vulnerable if the settlement falls apart” (quoted in Spear, 2002, p. 156). Walter refers to this as a ‘security dilemma in reverse’ (1997, 2003; 1999; 1999). She considers it the “critical barrier to civil war settlement.” Unless it can be resolved, peace will not be made.

The prosecution of internal conflict tends to undermine the legitimacy of the government and its attendant institutions, such as the police and judiciary, and, in some cases, destroys them altogether. As a result, the domestic sphere often comes to resemble Hobbesian anarchy. “There are clear parallels” Hartzell and Hoddie write, “between the anarchy that defines the international system and the absence of effective central authority in many states afflicted by civil conflict” (Hartzell & Hoddie, 2006, p. 156). While anarchy is an international phenomenon per se (Jackson, 1990; D. A. Lake, 2003; Waltz, 1979), its effects are said to be approximately domestically when a government is unable or unwilling to guarantee and enforce commitments

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2 Citing several examples, Hartzell and Hoddie similarly argue that combatants regularly fail to disarm and instead hide weapons in contravention of peace agreements (2006, pp. 156-157).
amongst various domestic groups. Given the remarkable similarity between international anarchy and the domestic arena in internal conflict, both of which lack enforcement mechanisms, it is perhaps not surprising that the proposed solutions to the problems generated by disarmament tend to resemble the extant realist and liberal solutions to the problem of cooperation under anarchy that make up much of IR scholarship.

Third Party Enforcement, Power Sharing, and Democratization

Walter provides what might be described as a neo-realist approach to the problem of disarmament (Hartzell & Hoddie, 2006). Walter argues that belligerents require material guarantees that they will survive defection before they will disarm. Because belligerents cannot provide each other with credible commitments that they will not defect, nor can they rely on the state to enforce such commitments, Walter suggests that third parties are a necessary condition for the success of disarmament. Should they make a meaningful commitment to enforcement, and demonstrate it in sufficient strength, third parties, Walter suggests, can provide the credible guarantees that belligerents cannot provide for each other. In other words, third parties play the role of the hegemonic Leviathan, imposing order out of anarchy by enforcing contracts, ensuring compliance, and survival, through force, if necessary. Third parties enable combatants to disarm and forge peace.

On the other hand, Hartzell and Hoddie take a liberal approach to the problems associated with disarmament (2006). They argue that combatants can be convinced to lay down their arms, terminate civil war, and reconstruct the state if power is shared or divided in such a way as to guarantee that they won’t be disenfranchised from power or subject to arbitrary authority in the future (2003; 2006, p. 158). Hartzell and Hoddie view third party guarantees as complimentary, but not necessary for belligerents to disarm (2006, p. 166). Rather than relying on the force of arms to guarantee an agreement, as Walter proposes, Hartzell and Hoddie suggest that power sharing promotes “a positive sum perception of political interactions” through reciprocity, repeated interaction, and common interests (2003, p. 319). In other words, combatants can rely on the same strategy of tit-for-tat reciprocity that is said to make cooperation possible under anarchy (c.f., Axelrod & Hamilton, 1981; Keohane, 1984, 1986a, 1986b; Keohane, 1988; S. D. Krasner, 1983; Oye, 1986).

Perhaps because disarmament presents an immediate challenge to the physical security of
combatants, these accounts focus on narrow materialist approaches to their resolution, neglecting the more sociological approaches favoured elsewhere in IR. Recent work on the democratic civil peace, for example, could enhance Hartzell and Hoddie’s work on power sharing. In addition to democratic structures and institutions, the norms of democracy are said to promote dialogue, moderation, and restraint, allowing for the resolution of grievances without resorting to the use of force (Ellingsen & Gleditsch, 1997; Hegre et al., 2001; Krain & Myers, 1997; Raknerud & Hegre, 1997; Ward & Gleditsch, 1998). If war is politics by other means, democracy is said to restore “regular politics” which would, ostensibly, allow for disarmament (I. W. Zartman, 1995).

The problem, however, with Walter’s approach is that third parties generally have a poor track record at keeping the peace. States are often reluctant to cede important aspects of their sovereignty to outsiders, such as peacekeeping forces. Even when they do, Walter is, perhaps, overly sanguine about the commitment and efficacy of third party enforcement. Third parties are fickle and their guarantees are anemic. Third parties rarely commit the resources necessary nor are they generally willing to suffer the risks associated with peacekeeping. Power sharing and democratization fare little better. Proponents of democratization and power sharing fail to explain how shared institutions or democratic norms prevent parties from defecting from the terms of an agreement. True, cooperation promises to make both parties better off and balancing groups reduces the possibility that one side will have a tactical advantage in returning to combat, but neither guarantees that defection will not occur. Walter writes, “simply guaranteeing that leaders will have a say in a new government will not be enough. Post-civil war factions do not simply fear that they will have little voice in government, they also fear that their very existence will be eliminated or marginalized in the process” (1999, p. 48). Moreover, the pacifying effects of democratic norms are not seen at first, when belligerents are expected to disarm. As with all norms, democratic norms take time to displace preexisting norms of conduct, consolidate, and mature (c.f., Owen, 1994). The process of democratization deconsolidates existing political institutions, creating winners and losers. Without mature democratic norms and institutions in place, social cleavages are often exploited by elites for the purposes of electoral gain (Fearon & Laitin, 2000). The transition to democracy is, therefore, often correlated with increased levels of internal violence, at least in the short term (Hegre et al., 2001; S. P. Huntington, 1991).

In sum, neither power sharing and democratization, nor third party enforcement are likely to fully remediate the trust issues that arise as a consequence of the practice of disarmament. Lake
and Rothchild write that such mechanisms are, “. . . only temporary ‘fixes.’” In the end, . . . groups are left without reliable safety nets. There is no form of insurance sufficient to protect against the dilemmas that produce collective fears and violence” (David A Lake & Rothchild, 1996, pp. 56-57). The risks associated with disarmament are simply too high and the supposed guarantees provided by these mechanisms too modest. Despite its lackluster record, however, disarmament is still promoted as a necessary solution to conflict. Muggah refers to the single minded focus of both theorists and practitioners on disarmament as the “fetishiz[ation of] the gathering of hardware” (2005, p. 246).

Relaxing Disarmaments Hard Core Assumptions

The picture that emerges of the study of disarmament resembles what Lakatos would call a ‘degenerative research program’ (Elman & Elman, 2002). Facing widespread problems implementing disarmament, its proponents have suggested new and better practices rather than question its underlying assumptions. In Lakatosian terms, a series of expendable “auxiliary hypotheses” have been proposed to salvage the “hard core.” At the hard core of disarmament stand at least two assumptions that are neither theoretically tenable nor empirically warranted. First, proponents of disarmament suggest that weapons cause instability and the breakdown of peace (c.f., Cooper, 2006, p. 356; Spear, 1999, 2002). As a result disarmament is a necessary condition for peace and those who retain their weapons in contravention of a peace agreement are considered spoilers. However, fully 21% of conflicts in the Uppsala dataset have reignited despite disarmament and 33% of peace agreements held despite lacking disarmament provisions (Hoglbadh, 2008). This crude, but nevertheless instructive metric, calls into question the necessity of disarmament for peace in the resolution of internal conflict.

Proponents of disarmament insist on something domestically that is rarely countenanced at the international level. Buzan notes that complete disarmament would be a “non-starter” internationally because it would leave states altogether defenseless (1987, p. 250). Similarly, Fellner writes, that it is not advisable for states to disarm “because the potentiality of renewed warfare always exists” (Fellner, 1949, pp. 177, 179). It is, then, idealistic to think that combatants fighting an internal conflict would disarm, leaving them equally exposed and defenseless. “Security is the most highly valued goal [of states],” according to Jervis, “because it is a prerequisite for so many things” (1982, p. 359). So too domestic actors. Moreover,
disarmament threatens to remove highly coveted symbols of social status and political legitimacy and the means with which to rein in potential challengers (Eyre & Suchman, 1996, p. 75; Spear, 1999, 2002). Why, then, must disarmament occur at the sub-state level?

This study proposes to look at weapons in a new light. Weapons are not always destabilizing, as disarmament scholars argue, but may, instead, prove potentially stabilizing and mitigate the insecurity associated with anarchy (Cooper, 2006, p. 356). Where belligerents fear that robust security guarantees are not forthcoming, they may turn to weapons to ensure their survival (Spear, 2002, p. 156; B. F. Walter, 1997, p. 337; Weingast, 1998). Weapons can help actors mitigate their insecurity both by providing deterrence, which should lessen the likelihood of defection, and by providing defensive capabilities should an agreement fail and violence re-erupt. In this way, weapons can be thought of as an insurance policy against their potential annihilation or disenfranchisement from the levers of power. (c.f., Cohen, 2001, p. 48 on insurance policies; Stedman, 1997). Unlike third party guarantees, that can easily be revoked, or the norms and institutions of democracy, which are slow to mature, weapons provide a highly credible last line of defense against a peace agreement that goes horribly wrong. With weapons, belligerents need not trust their survival on the word of another party. Instead, they need rely only on themselves. In other words, weapons are tools of self-help, remarkably similar to those that actors under conditions of international anarchy are said to seek in order to guarantee their survival (Glassmyer & Sambanis, 2008, p. 382; Waltz, 1979). The force of arms can be used to provide protection, repel attacks, hold territory, and extract the resources necessary for long term survival (see C. Tilly, Evans, Rueschemeyer, & Skocpol, 1985; Weber, 1978 on coercion and taxation). Even small numbers of weapons used by highly motivated troops with sufficient knowledge of their surroundings have managed to repel and, in some cases, overcome much stronger adversaries (Arreguin-Toft, 2001; Fearon & Laitin, 2003; Lyall & Wilson, 2009; Mack, 1975; Petraeus & Amos, 2009).

And, where third parties, democratization, and power sharing require belligerents to place their trust in others, weapons are self-enforcing tools of risk management. By providing a last line of defense, weapons allow belligerents the ability to take the risks associated with peacemaking. Without robust guarantees, such as those provided by weapons, belligerents might simply be unwilling to enter into negotiations at all or will likely defect from the terms of the agreement. Hartzell and Hoddie note, “in the absence of assurances that the process of disarmament . . . will
not leave them vulnerable to future aggression, \textit{parties to the conflict often prove reluctant to either reach or honor negotiated settlements.”} (2006, p. 156 emphasis added).

Weapons can, therefore, be thought of as resolving the prisoner-dilemma like scenario outlined by Walter. If combatants retain their weapons post conflict, they can reduce the possibility of surprise attack and the permanent exclusion from power. While it is no doubt true that the tools of war can be used by belligerents to gain strategic advantage, increase bargaining leverage, or generally derail a peace process, weapons also provide insurance against the failure to achieve peace and renewed conflict. Where they do so and peace obtains, they cannot reasonably be considered spoilers. In other words, actors might hold onto their weapons \textit{and} cease fighting. That weapons \textit{correlate} with instability and the failure of peace does not mean that they are the \textit{cause} of instability and failure. In fact, the opposite is often true. Conflict also triggers belligerents to seek weapons. Groups that feel threatened often turn inwards and arm for their own defense (Hartzell & Hoddie, 2006; Kaufman, 1996a; C. Kaufmann, 1996; C. D. Kaufmann, 1998; David A Lake & Rothchild, 1996; Posen, 1993; J. Snyder & Jervis, 1999; Wendt, 1992). Weapons are, paradoxically, both the tools used to wage war as well as the means to avoid it. Context very much matters.

Moreover, armed groups can better enforce discipline amongst their constituents, rein in competitors who might emerge to challenge a peace process, and, in some cases, enforce the rule of law within a specified geographic area. Armed groups can, therefore, better make credible commitments to their interlocutors by helping prevent spoilers from undermining the peace (K. G. Cunningham, 2011). In these examples, weapons contribute to the peace, not by disincentivizing defection or providing an insurance policy against failure, as they do above, but instead by making the environment more stable and conducive to peacemaking.

Finally, weapons not only act to strengthen actors materially—allowing them to rein in competitors, enforce law and order, and ensure their survival—they also have symbolic value. Much like other symbols of sovereignty, such as the flag, weapons are powerful and emotive symbols. They are said to be sources of “prestige” (Eyre & Suchman, 1996; Sagan, 1996), “machismo” (Knight, 2004, p. 505; Özerdem, 2002; Sedra, 2006; Spear, 1999, p. 3), and “resolve” (Eyre & Suchman, 1996, p. 74). The acquisition of weapons may, therefore, be of great importance, particularly for those groups seeking a stable sense of self (ontological
security), recognition and legitimacy for their claims, or those attempting to improve their popularity and shore up domestic support for peacemaking (c.f., Mitzen, 2006 on ontological security).

Second, disarmament is premised on the assumption that the state cannot have more than one armed group within its territory (c.f., Colletta & Muggah, 2009, p. 5; Swarbrick, 2007, p. 14; B.F. Walter, 1999, pp. 133-134). This recalls the Westphalian or Weberian definition of the state as an actor with a monopoly over the legitimate use of force within a given territory (S. D. Krasner, 2001, p. 115; Weber, 1978). But why must this be the case? Sovereignty is rarely absolute and breaches are regular. For proponents of disarmament, however, the Westphalian model of sovereignty is taken uncritically as the standard by which others are measured (K. J. Holsti, 1995, p. 329). It is little more than a normative prescription smuggled into the literature about what a state ought to be. Ruggie argues that such views of sovereignty are in fact deeply Eurocentric (2009, p. 159). If belligerents need not reconstruct a unitary actor with a monopoly over the legitimate use of force, they need not disarm. I refer to this arrangement as an oligopoly over the legitimate use of force within a given territory. By exploring cases that predate the practice of disarmament we find examples of states with multiple legitimate armed groups within their boundaries, allowing us to explore the potentially productive role that weapons can play in the process of conflict resolution and post-conflict state formation.

The stubborn insistence on disarmament may help explain why internal conflict find their way to negotiations less frequently than inter-state conflicts (I. W. Zartman, 1995 finds that only 25% of internal conflicts find their way to negotiations where over half of inter-state conflicts do) and why those negotiations are so rarely successful (Glassmyer & Sambanis, 2008, p. 365 find that of the 140 civil wars fought between 1945 and 1989 only 18% ended in settlement by 1989). Without adequate guarantees for their survival, belligerents might, therefore, simply be unwilling to enter into a peace process or will likely walk away. Where disarmament threatens to leave actors defenseless and vulnerable, causing insecurity and a loss of prestige, arms may help stabilize efforts at conflict resolution. This account offers a via media between partition, which allows groups to retain their defenses within separate states, and disarmament, which proposes to keep the state intact while the defensive capacity of belligerents is removed. This account is compatible with, but more expansive than, proposals to include former rebels in the military
(Glassmyer & Sambanis, 2008) or in delaying disarmament until later in a peace process (Torjesen, 2009).

The Domestic Security Dilemma, Moral Hazard, and Societal Insecurity

Proponents of disarmament suggest that leaving weapons in the hands of belligerents create hostile conditions for a lasting peace. For example, Spear argues that a failure to disarm belligerents leads to moral hazards. If belligerents are allowed to retain their weapons, she argues, they will have less of reason to make peace. Removing their weapons, on the other hand, removes the means for further conflict, thereby leaving belligerents with little alternative but to sue for peace (1999, p. 13). Numerous authors argue that weapons trigger sub-state security dilemmas, not dissimilar to those prevailing under conditions of international anarchy. Sub-state groups cannot provide for their own security, they argue, without making other groups relatively less secure. That is, attempts at securing one’s self can set in motion a cycle in which conflict becomes more likely (Hartzell & Hoddie, 2006; K. J. Holsti, 1995; Job, 1992; C. Kaufmann, 1996; C. D. Kaufmann, 1998; Roe, 1999; J. Snyder & Jervis, 1999; Spear, 1999; B. F. Walter, 1997, p. 360; 2003). Finally, practitioners of disarmament are particularly concerned that weapons that the failure to collect weapons in a fulsome or timely fashion risks fuelling crime and societal insecurity. Unless disarmament succeeds, they argue, weapons may fall into the hands of criminals. And if reintegration fails, former combatants may use their weapons to turn to crime (Berdal, 1996; Disarmament, 2007; Muggah, 2010; Operations, 1999; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010; Stankovic & Torjesen, 2010; Swarbrick, 2007). Though proponents of disarmament provide scarce evidence for all but the latter, these problems are still worth discussing, particularly in those cases where peace fails to obtain.

I will argue that cheating—that is holding back weapons in contravention of an agreement—helps fuel these problems. Weapons that are acquired by foot-dragging or outright noncompliance—as they so often are when belligerents are faced with the prospects of disarmament (Lyons quoted in Spear, 2002, p. 156)—can easily undermine confidence in a peace process, generating spirals of mistrust, and hostility. Moreover, illicit weapons cannot readily be managed, easily subjected to monitoring, and can easily fall into unwanted hands, leading to violence and criminality. But none of these problems are indelible. They may be overcome or at
least managed. Weapons that are acquired by consent, on the other hand, in an open and transparent fashion may avoid these pitfalls. Should weapons be subject to clearly defined rules (such as what types can be retained or acquired, where and when they can be used, by whom, and in what quantities) designed to reduce the possibility of friction and accidents (such as smaller numbers of more defensive weapons, the separation of forces, etc.), and should they be properly surveilled, actors will be better able to distinguish compliance from noncompliance. Where compliance is in evidence actors are able to respond in kind, generating reciprocity, trust and cooperation over time (and, where it is not, they will be able to muster a defense). Where weapons become more tightly controlled and behaviour more predictable the prospects for moral hazard are reduced, the worst effects of the security dilemma moderated, and societal insecurity largely prevented. We might term this an institutional approach to weapons management.

The Superpowers made considerable use of these and other strategies in an effort to deescalate tensions and prevent the Cold War from turning hot. In particular, the Superpowers reduced their weapons stockpiles, eliminated certain classes of destabilizing first strike offensive weapons (e.g., MIRVs), and removed weapons from certain provocative and accident-prone locations (e.g., Turkey, Cuba, outer space, etc.). These concessions were, at times, made unilaterally, in an effort to credibly signal benign intentions, as was the case when Gorbachev announced the withdrawal of intermediate range nuclear weapons from Europe (Andrew Kydd, 1997b, p. 154), and at other times were traded back and forth in the context of institutionalized settings created via negotiation, such as SALT I, SALT II and START (Janice Gross Stein, 1991, p. 444). Moreover, the treaties the Superpowers developed set clear timetables and rules for implementation (such as what types of weapons or deployments that were permitted, when they were permitted, and in what numbers), created clear lines of communication (such as hot lines), and surveillance mechanisms to improve information and ensure compliance. In so doing, their behavior became more predictable and transparent, reducing mistrust, the possibility of accidents, misunderstandings, and miscalculations, allowing them to gradually reduce their nuclear stockpiles and the chance of conflict (Levite & Landau, 1997, pp. 144, 146, 150). In the end, the Superpowers were willing to assume risks in an effort to moderate the security dilemma (i.e., that the other side would defect) both because those risks were limited (i.e., both sides continued to retain sufficient weapons for deterrence and defense) and the alternatives to cooperation were increasingly undesirable (i.e., the possibility of nuclear conflagration)
Weapons may have exacerbated the security dilemma between the Superpowers, but they also provided them with the security to make concessions with which to ameliorate it (Cooper, 2006, p. 356).

That actors can use these strategies does not mean that they will use these strategies. The Superpowers, for example, took decades and suffered numerous reversals and false starts before serious efforts were undertaken. Indeed, it was not before the 1962 Cuban missile crisis, which brought the Superpowers to the brink of nuclear conflict, that they managed to stabilize their relationship. However, third parties have tended to reject strategies of weapons management because of their single-minded commitment to disarmament and because such efforts have proved difficult, costly, and time consuming (c.f., Disarmament, 2007, p. 26; Operations, 1999). Should third parties desire to create more stable conditions in post-conflict societies, as they profess to do, they might focus some of their energies on helping belligerents manage their weapons, much as the Superpowers did, rather than single-mindedly focusing on disarmament, as they currently do. The time has come for them to rethink the theory and practice of disarmament in internal conflict. They might provide surveillance, raise the reputational costs of non-compliance, report violations, act as a tripwire, and provide mechanisms for dispute resolution, thereby helping to resolve some of the problems—real or potential—associated with the retention of weapons in internal conflict.

Methods

The study weapons in the resolution of internal conflict poses a series of methodological and ontological challenges, several of which merit discussion here: there is insufficient data to perform a statistical analysis of the role of weapons in the resolution and attempted resolution of internal conflicts; negotiations are often conducted behind closed doors, often leaving little more than legalistic agreements and self-serving public statements as artifacts, which must be treated cautiously because of the profound incentives decision makers have to misrepresent private information; and, finally, the contingent nature of the social world makes causal theorizing about weapons and disarmament particularly difficult. I will briefly expand on each problem before suggesting that a pragmatic or abductive approach to theorizing provides the best course forward for studying the role of weapons in the resolution of internal conflicts.

First, any study of the role of weapons and disarmament is confounded by a general lack of
quality data, particularly quantitative data (c.f., Hopmman, 2002 on the problems in gathering quantitative data from negotiations). The UN, for example, which is in, perhaps, the best position to collect such data, has proven “allergic” to intelligence gathering and analysis, according to Spear (2002, p. 158). And, while the Uppsala Peace Accord Dataset, which is the most comprehensive of its kind, lists information on disarmament, it is extremely limited. Uppsala records only 146 observations, representing 46 separate conflicts between 1989-2005, only 24 of which were civil wars, and 20 secessionist conflicts (Hoglbadh, 2008). And, much like other datasets, Uppsala suffers from numerous missing variables throughout. My own attempts at augmenting existing data and compiling new quantitative data proved largely fruitless.\(^3\) Because of the limited number of observations captured by such datasets (small-N), and missing variables, the use of inferential or descriptive statistics is limited (for a fulsome discussion of the statistical methods and their limitations see Agresti & Finlay, 1997). Even with the aid of computer-assisted innovations, such as “Bootstrapping,” a tool used to increase the confidence in small samples, my attempts proved inconclusive.

Second, negotiations are often conducted under the cloak of secrecy (Odell & Tingley, 2013, p. 170). Secrecy provides negotiators with the cover of deniability, sometimes allowing for experimentation and innovation. “Insulated from direct political pressure and exposure,” Checkel argues, “negotiators may maneuver more freely” (1999, p. 549; see also Johnston, 2005, p. 1018; Putnam, 1988). However, secrecy also has the effect of confounding research. Because negotiations take place behind closed doors, often the only reliable artifacts that emerge are the agreements themselves, which rarely shed insights into the intent of the parties or the meaning behind specific provisions. Moreover, the accounts that emerge surrounding negotiations are inevitably contradictory and self-serving. Actors often find it in their interest to withhold or misrepresent private information for strategic purposes or other reasons (Fearon, 1995; Schatz, 2009). Public and private utterances by key informants are, therefore, just as likely to spread confusion as they are to shed light on key elements of peace agreements, such as disarmament.

\(^3\) I modified the Uppsala Peace Accord Dataset (c.f., Ashton, 1997; Berdal, 1996; Brahimi, 2000, p. 7; Cooper, 2006; Crocker & Hampson, 1996, p. 67; Hampson, 1996, 1997; Spear, 2002; Stedman et al., 2002; Toft, 2009, pp. 19-21; Wagner, 1993), augmenting it with several other variables after a content analysis of all peace agreements negotiated between 1989-2005, as well as data from the Polity Index (Hoglbadh, 2008), the Correlates of War dataset the Major Episodes of Political Violence: 1946-2012 dataset (Marshall & Jaggers, 2002), and other Uppsala datasets. Other prominent datasets in use in International Relations contain virtually no details on disarmament.
Interviews must be treated with the highest degree of skepticism. In other words, the researcher is left with few reliable or explicit sources of information surrounding the role of weapons and disarmament in the resolution of internal conflict, other than the relevant text of the agreements themselves, which tend to shed little light on the meaning of their contents.

Finally, even where data on weapons is available, or suitable proxies can be found, complex social phenomenon, such as spoiling, insecurity, fear, and others tend to be highly contingent, making causal theorizing about the role of weapons and disarmament in the resolution of internal conflict difficult. Causal theorizing tends to assume a highly mechanistic understanding of the world. Cause precedes effect: that is to say, one or more variables (the independent variable) cause an observed effect (the dependent variable) in a linear fashion. Moreover, variables can be thought of as necessary or sufficient to cause the observed effect. Proponents of disarmament tend to follow this line of reasoning: Weapons cause insecurity. Their removal is, therefore, necessary for peace to obtain. Yet it is hardly the case that weapons cause insecurity or that insecurity causes actors to hide weapons. Weapons are little more than hunks of steel with no intrinsic meaning (Shiping, 2010, p. 219). Indeed, security is a complex and highly contingent phenomenon that is much a product of the material world (i.e., weapons or the lack thereof) as it is of psychological, emotional and social factors. While one may, therefore, count troop levels, the number of type of weapons, or other such material artifacts of conflict (though these are confounded by the problems outlined above), it is their use, the intended consequences of that use, and how they are interpreted that provide meaning. These are conditional, intersubjective, and subject to change and, as such, rarely condition a single appropriate response (Friedrichs & Kratochwil, 2009, p. 705; Müller, 2004; Wendt, 1999). Instead, actors are motivated by multiple and sometimes contradictory logics, and behaviour is often the product of complex bargaining, particularly when undertaken by a corporate entity, like a state or a paramilitary organization, and not a unitary actor. The law-like rules of “Newtonian causality” are unlikely to hold; what applies in one context need not apply in another.

Such problems, however, are not unique to the study of disarmament. Though they are often discounted or ignored, these methodological and ontological problems tend to plague the study of international relations more generally (Schatz, 2009, p. 303). Where there are incentives to misrepresent information, data becomes hard to gather and/or unreliable, making inductive approaches to theorizing problematic. The law-like claims of deductive approaches fair little
better when theorizing highly contingent and sometimes confounding social phenomena. Widely used, though rarely acknowledged, abduction is a pragmatic methodological alternative to inductive and deductive theorizing (Friedrichs & Kratochwil, 2009, p. 709). While abductive inference is widely used in medicine (diagnostics), law (witness testimony), and other fields of inquiry, its use may appear somewhat novel in a discipline where positivist methodologies reign supreme (c.f., King, Keohane, & Verba, 1994; Mahoney, 2010; Ragin, 2008).

Abduction is a mid-level approach to theorizing that stands between induction and deduction. Where inductive reasoning draws probabilistic conclusions from the bottom up (through repeated observation and/or statistical inference) and deductive reasoning proposes propositions of causality from the top down (law-like propositions often derived from logic arguments or truth-claims), testing them against available evidence, abductive reasoning moves between the two. Instead of imposing an abstract theory from the beginning and looking for confirming evidence (deduction), or inferring propositions from repeated observations (induction), the abductive researcher moves back and forth between theory and empirical observation, in which one feeds and helps refine the other over time (Friedrichs & Kratochwil, 2009, pp. 705, 707). This means that data selection and analytical categories often remain fluid, only to be fixed late in the process.

Abduction relies neither on large amounts of data, which are sometimes unavailable, nor on law like statements of causality, which are in many cases ontologically untenable in the social world. Instead, abduction relies on a smaller number of observations to detect patterns of similarity and difference (Friedrichs & Kratochwil, 2009, p. 705). Existing concepts are applied, using may of the same methodological tools found elsewhere, against a smaller subset in order to make sense of the pattern identified. These cases were selected following the “most important” or “most typical” case model (Friedrichs & Kratochwil, 2009, p. 705). Broadly representative cases satisfy the need for generalizability while deviant our outlying cases enable claims to be subjected to hard tests. The marker of explanatory success is not some objective form of “truth” (i.e., statistically significant inference or law-like causal claims); instead validity is assessed based on the relative strength of competing claims. Abductive theorizing does not (or perhaps cannot) aim to draw ironclad causal claims about various phenomena. Instead, abduction aims to provide the best (i.e., most logical or most likely) explanation for an observed pattern given other hypotheses (Friedrichs & Kratochwil, 2009, p. 719). “Given the contingent nature of the social
world,” Friedrichs and Kratochwil write, “the best we can hope for in social science is contingent generalizations” (2009). That is, stylized representations that act to “orient the field” by elucidating the “heuristic value of core concepts and conceptual distinctions . . . [in order to] to increase cognitive understanding and/or practical manipulability” (Friedrichs & Kratochwil, 2009, p. 716). Abduction, therefore, tends to speak in the more modest theoretical language of contributing (i.e., enabling and constraining) conditions, multiple causal pathways, contingent generalizations (i.e., context-specific) (D. Collier & Mahoney, 1996; George & Bennett, 2005), and INUS conditions (i.e., insufficient but non-redundant parts of a condition which is itself unnecessary but sufficient for the occurrence of the effect) (Mackie, 1965). Following the rules set out for discourse scholars by Milliken, an analysis can said to be “complete” or “validated” when adding new cases (texts) generates consistent findings (1999, p. 234). In other words, where results are replicated across a range of cases (King et al., 1994). Were it not for the revised evidentiary standard offered by the abductive method certain areas of inquiry would simply be inaccessible, particularly those topics in which actors have incentives to misrepresent information or data is unavailable (sealed, secret, etc.). In sum, abduction is both an approach to theory building, which does not adhere to the strictures of either deduction or induction, but borrows liberally from both, and to theory testing, in which the goal is to leverage existing theories and methods to identify and explain patterns rather than finding so-called truths.

While its analytical purchase is more modest than inductive and deductive approaches to theorizing, abduction promises to help overcomes many of the ontological and methodological problems that plague the study of disarmament (Friedrichs & Kratochwil, 2009, p. 709). It was as a consequence of incidental abduction that I first discovered the pattern of belligerents retaining and acquiring weapons despite the emergent norm and widespread practice of disarmament in the resolution of internal conflicts, and, in many cases, despite them having signed peace agreements explicitly calling for disarmament.4 This pattern has, however, largely gone unnoticed or otherwise dismissed, without sufficient exploration, as spoiling, the failure to emulate best practices, and others. Though peace did not always obtain in these cases, further

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4 It was actually in conducting alternate research that I came across this phenomenon. Numerous elite interviewees in Israel lamented the weapons provided to the Palestinian Authority as part of the Oslo peace process. Contrary to the disarmament literature, a brief exploration found that weapons were retained or acquired as part of numerous other peace processes.
investigation showed that, in many cases, belligerents retained their weapons without bettering their strategic situation or undermining the prospects for peace. That they did not do so calls into question whether actors who retain weapons are, in fact, spoilers and whether disarmament is a necessary condition for peacemaking, as proponents of the contemporary practice of disarmament tend to argue. Because preexisting theories do not properly account for this phenomenon, the abductive method has us search for other relevant explanatory concepts from the field. Borrowing heavily from the literatures on credible commitments, trust, legitimacy, and others, I propose that weapons are regularly used by belligerents in order to manage the various problems that arise in the resolution, and attempted resolution, of internal conflicts. I then explore this proposition against a smaller subset of available cases selected following the “most important” and “most typical” model.

Where the disarmament literature tends to focus narrowly on a small subset of internal conflict types (i.e., those fought over government at the expense those fought over territory), limited mainly to the post-Cold War era, with small geographic scope (largely in sub-Saharan Africa and Latin America), often black boxes the process of negotiations, and focuses largely on supposedly successful examples of disarmament, this study attempts to go both wider and deeper in its exploration of the role of weapons in the resolution of internal conflicts and the process of post-conflict state formation. Though limited in number, cases were chosen to cover a broad range of internal conflict types (both wars over the control of the government and wars over territory), geography (from North America, Latin America, and the Middle East), temporality (pre- and post-Cold War internal conflicts), and various degrees of success (from failed conflict resolution attempts to those now resolved). In so doing, this study delivers both a depth and breadth not regularly seen in the disarmament literature.

A single case in which peace obtains despite the failure of belligerents to disarm (i.e., evidence of cheating) is sufficient to conclude that disarmament is not a necessary condition for peacemaking in internal conflicts. Furthermore, where peace obtains despite the presence of weapons we may conclude that belligerents who retained their weapons were not spoilers. However, while a contemporary case is required to test the necessity of disarmament for peace, such cases tell us relatively little about the potentially productive role that weapons may play in the process of conflict resolution and post-conflict state reconstruction. In these cases sovereignty isn’t relaxed by agreement, it is done so surreptitiously. Furthermore, cheating
magnifies the information problems outlined above. Belligerents who retain their weapons in contravention of an agreement have profound incentives to misrepresent the reasons they do so, particularly should conflict reignite. I, therefore, turn to cases in which weapons were retained legitimately in order to explore the potentially productive role that weapons play or the manner in which sovereignty is relaxed in the process of conflict resolution and state building post-conflict. Because they did so legitimately, they do not have the same incentives to misrepresent information. Though such cases necessarily fall outside of the scope of the more recent practice of disarmament, they allow us to explore how and why belligerents may keep their weapons in order to resolve the security dilemma in reverse and how sovereignty may be relaxed. Such cases, therefore, enable us to better think about the assumptions built in to the current practice of disarmament.

I rely on a series of familiar qualitative tools to gather and analyze data (c.f., Odell & Tingley, 2013, p. 170 who suggest that the use of multiple methods offers "the best chance for valid answers to our questions"). My research proceeded with a content analyses of documentary evidence, including relevant peace agreements, media reports, and public statements (O. R. Holsti, 1969; Krippendorff, 2012), and semi-structured interviews conducted with key decision makers (Dingwall, 1997; H. J. Rubin & Rubin, 2005; Schaffer, 2006; Soss, 2006). Following the hermeneutical tradition, I treated these resources as texts in need of interpretation. They were read against their social and strategic contexts in an effort to better understand their meaning (Geertz, 1973). However, precisely because such documents obscure the intent of their authors and/or the authors themselves have a powerful incentive to withhold or misrepresent information, this evidence must be treated with the utmost caution. Where possible evidence was, therefore, triangulated to increase veracity and reliability (Denzin, 2009).

In addition to interpreting documentary evidence and public and private statements, I looked to the weapons that that belligerents retain or acquire during the process of peacemaking. While we

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5 There are two views on how triangulation works to improve research. The first holds that triangulation acts to eliminate or otherwise cancel out bias through the multiplication of methods and data, thereby allowing the researcher to converge on some sort of singular truth claim (M. R. Sarkees & Schafer, 2000). The second holds that triangulation breeds a range of perspectives and findings, which only sometimes converge. More often the multiplication of data implied by triangulation leads to ambiguous, inconsistent, or even contradictory findings (Kowert & Legro, 1996; Kratochwil, 1989; Müller, 2004, p. 419). This occurs, Mathison argues, because “different methods tap into different domains of knowing” (c.f., Jick, 1979). Mathison argues that the value of triangulation is realized when such findings are rendered sensible by the researcher. In this research I follow Mathison.
cannot gain access to the minds of combatants in order to determine their true intentions, Schweller argues that different types and quantities of weapons readily reveal, and are, in fact, used to signal, the intent of their users (1996). For example, a small number of lighter weapons may fend off attack, while larger numbers of heavier weapons are necessarily required for offensive purposes, hidden weapons can be used for a surprise attack but if they are well sequestered, or not in the hands of troops, they are more suited for defensive purposes (Jervis, 1993; Jack S Levy, 1984; Møller, 1993; Roe, 1999; Schweller, 1996). There are, however, those who argue that it is difficult or impossible for actors to distinguish between offensive and defensive weapons because of their inherent “dual purpose” (Blair, 1993; C.L. Glaser, 1992; Jervis, 1978, p. 201; Jervis, 1976, p. 64; Jack S Levy, 1984; Mearsheimer, 1994, p. 23; Møller, 1996; Posen, 1993; Shiping, 2010, p. 222; Wheeler & Booth, 1992, p. 30). We can, therefore, also look to see whether weapons acquired or retained by belligerents were used and to what effect. The disarmament literature assumes that all weapons are offensive; hence combatants that retain or acquire them are, by definition, spoilers. But the retention of weapons alone is not sufficient evidence of spoiling. Spoiling is the act of undermining an agreement. In conflating weapons with spoilers, proponents of disarmament confuse means and ends. Weapons are little more than the means of spoiling. The presence of weapons alone, therefore, is of little explanatory value in exploring the phenomenon of spoiling. Spoiling is only truly evident post hoc after an agreement has been undermined. Said differently, we can tell the presence of spoilers by evidence of spoiling behaviour. While no certain determination is possible, we might reasonably conclude that combatants are not spoilers if they do not use their arms to imperil a peace process or improve their strategic advantage. Holding back weapons, even if it is in contravention of an agreement, might simply be the act of cautious peacemakers, and not spoilers, as proponents of disarmament suggest.

Finally, I employ a series of counterfactual analyses to the cases under investigation (Tetlock & Belkin, 1996). In other words, I explore what might have happened to belligerents if they had disarmed and not retained their weapons. This approach, which can be traced back to Weber, is not merely speculation, supposition, or a series of “what-ifs?” By exploring paths not taken the researcher is better able to situate and explain why others were in fact chosen. Counterfactuals are today widely accepted as a robust and valid method in the study of international relations (Vucetic, 2011, p. 1303).
The point of this exercise is not so much to reject the prevailing literature outright, or to tease out law-like regularities about the practice of disarmament or the potentially productive role of weapons in the resolution of conflict or the process of post-conflict state formation, but is instead intended to discuss in some depth the assumptions proponents of disarmament hold, how and why the prevailing theories of disarmament fall short in explaining the retention of weapons by belligerents, and positing broad and generalizable plausible alternative explanations, drawing on cases that predate the current practice. This is done in an effort to help improve both the theoretical understanding and practical application of weapons and disarmament in the transition from war to peace in internal armed conflicts.

By exploring peace agreements, the negotiations that surround them, and their implementation, across a range of historic and contemporary examples regardless of success we can determine not only that disarmament is not a necessary condition for peace, as its proponents argue, but also how and why combatants retain and acquire weapons. Combatants do not simply emulate the so-called best practices of proponents of disarmament. Instead, combatants invest an extraordinary amount of time and resources ensuring that an agreement will not imperil them should that peace not obtain, even if doing so might undermine the ultimate prospects for peace. As I will argue, certain provisions, such as those governing the availability of weapons, are often signed precisely because parties fear that an agreement might fail. Studies that focus largely on success neglect that combatants often insist on certain provisions without regard for the impact that those provisions will have on the durability (i.e., success) of an agreement.

Lest it appear that this was a neat and tidy process, it was not. Instead, this was a messy process of rejecting, refining, and reevaluating concepts. Over the course of this research I experienced numerous reversals and setbacks, only fixing the focus of study, analytical categories, methodology, and case selection late in the process. However, this more fluid approach allowed me the ability to move back and forth between theory and observation before committing to either. In so doing, I was able to gradually refine some concepts and abandon others before subjecting them to deeper evaluation against a smaller and more relevant subset of observations.

“It is doubtful,” Friedrichs and Kratochwil write, “that any IR scholar has ever conducted research the way King, Keohane, and Verba describe it . . . Everybody knows, but nobody recognizes openly, that no one actual follows the stylized steps of hypothesis formulation, testing, and so on” (Friedrichs & Kratochwil, 2009). Instead, they argue, scholars “come up with
ex post rationalizations of how they would like to see their activity . . ." (Friedrichs & Kratochwil, 2009). In adopting an abductive approach to research I have attempted to embrace the messiness and uncertainty that characterizes much research in the social sciences.

**Outline**

This research is divided into three parts. In the first part, I review the relevant literature on the theory and practice of disarmament. I then highlight several problems with its implementation before suggesting an alternate understanding of the retention of weapons in the resolution and attempted resolution of internal conflict. In the second part, I evaluate these theories empirically against three cases of internal conflict in which belligerents did not disarm during the attempted resolution of their conflict or the subsequent process of state formation. The third and final section summarizes the findings and concludes the research with a discussion of how third parties might play a better role managing the insecurity generated in the process of conflict resolution, particularly when they retain weapons or otherwise fail to disarm, and discusses one particularly promising avenue for future research.

The first section contains two chapters. Chapter two is comprised of a review of the literature on disarmament in the resolution of internal conflicts. As disarmament emerged as a robust norm and a widespread practice in the wake of the Cold War a rich literature developed, mainly under the aegis of the UN and various other international organizations. Geared largely towards practitioners, this literature is long on discussion of best practices for implementation, but short on theoretical or empirical insights, particularly regarding the potential for insecurity that disarmament is likely to generate. In practice disarmament is rarely thorough; weapons are easily hidden and new weapons easily sourced. Those who do in fact disarm therefore risk being left defenseless, with no way to enforce future commitments. Nevertheless, peace often prevails. I will explore this before turning to a discussion of the secondary literature, which followed in large part to address the problems associated with disarmament, including Walter’s excellent discussion of third party enforcement and Harztell and Hoddie’s literature on power sharing. I also discuss democratization as a possible solutions to the problems generated by disarmament (though they do not explicitly claim themselves as such they are logical extensions to the problems identified with disarmament). These literatures raise their own problems in relation to disarmament. Contrary to Walter, third parties have historically had a poor track record at
keeping the peace, power sharing is prone to break downs, reversals and defections, and democratization correlates with increased levels of violence, at least in the short term before democratic norms solidify. Nor do they address the potential ontological insecurity raised by the disarming of combatants or lingering perceptions of insecurity generated by a history of armed conflict, focused as they are on material insecurity. I conclude this chapter by discussing the underlying assumptions that proponents of disarmament smuggle into their prescriptions—that weapons are inherently destabilizing and that the state must have a monopoly over the legitimate use of force in a given territory—assumptions I argue that are neither theoretically tenable nor empirically warranted. These assumptions cloud the ability of proponents of disarmament to see alternative solutions to internal conflict. Proponents of disarmament exclude a productive and legitimate role for weapons in the resolution of internal conflict, stubbornly labeling those that retain weapons spoilers. The exploration of cases that predate the practice of disarmament or in which disarmament was not adopted in which the retention of weapons was legitimate, therefore, promise to yield potential insights.

Chapter three proposes to relax the assumptions held by the proponents of disarmament in order to rethink the role of weapons in the resolution of internal conflict. I will argue that the resolution of internal conflict does not inherently demand the (re)creation of a monopoly over the legitimate use of force in a given territory. Indeed, it is possible that a state could have a patchwork of authorities and multiple legitimate armed groups within its boundaries. In other words, belligerents might retain their weapons without spoiling. Weapons can help address both the rational-material insecurities and sociological-ideational fears that arise in the resolution of internal conflicts. By providing a last line of defense weapons provide actors with insurance against failure and their disenfranchisement from the levers of power. They can be used to rein in potential challengers allowing actors to better make credible commitments. Finally, weapons are symbols of legitimacy that help increase the political capital of those that bear them. By relaxing the Westphalian prejudice, we can view weapons not only as a destabilizing force, as disarmament scholars argue, but instead as potentially stabilizing in the resolution of internal conflict. By providing a last line of defense and bolstering their legitimacy and sense of self, weapons allow belligerents greater freedom to engage in risky peacemaking activities; risks that they might otherwise not take if they were expected to disarm. Seen in this way, the retention of weapons in internal conflicts may aid, rather than derail, the prospects for peace.
Chapters four through six discuss three examples of belligerents retaining weapons in the wake of internal conflict. The first case focuses on the drafting and implementation of the Chapultepec Peace Accords, which put an end to the civil war between the government of El Salvador and the left wing guerrillas of the Frente Farabundo Marti de Liberacion Nacional (FMLN). The Chapultepec Accords are often cited as the first example of UN sponsored disarmament and peacekeeping in an internal conflict (Tommie Sue Montgomery, Martín-Baró, & Cardenal, 1995, p. 146). After more than a decade of violent conflict the parties found themselves stalemated. The FMLN had made few meaningful or lasting territorial gains and had failed to inspire the population to rise up in support and, despite extensive US assistance, the central government was unable to decisively quell the violence. Increasing reports of human rights violations threatened continued American support for the government, and the end of the Cold War, and the collapse of the Soviet Union precipitated a drying up of assistance for revolutionary groups worldwide. Consequently the parties resumed their previously stalled negotiations. With the aid of the UN and other mediators the government of El Salvador and FMLN concluded an agreement in 1992. The parties agreed to a ceasefire, during which time the security services were to be reformed, reduced in size, purged of human rights violators, and placed under civilian control. In return, the FMLN agreed to decamp, demobilize, and disarm in return for amnesty and partial inclusion in a new civilian police force. Land was to be redistributed to peasants and former combatants in an attempt to resolve long-standing socio-economic grievances. The political system was to be reformed, enabling the FMLN to participate for the first time in free, fair, open, and inclusive elections. Finally, human rights were to be enshrined in law and a Truth Commission was to be established to shed light on egregious violations perpetrated over the course of the conflict (it later found that the government had been responsible for the overwhelming majority of the violence that terrorized El Salvador). All this was to occur under the watchful eye of the UN (ONUSAL). Both sides made significant concessions enabling the agreement. In particular, at the behest of the UN the FMLN finally agreed to disarm and abandoned its longstanding demand to be included in the armed forces or to see the armed forces dismantled. Implementation of the agreement, however, proved rocky. After negotiating the agreement and ensuring its passage through the legislative assembly, President Cristiani found that he had little political capital remaining to ensure effective implementation. Land reforms were delayed, political reforms floundered, and, perhaps most importantly, the Salvadoran army, long considered a force of its own, balked at many of the provisions and dragged its feet or simply refused to implement the
agreed upon security sector reforms. And though the UN verified the disarmament of the FMLN, hidden weapons caches were repeatedly discovered in El Salvador and in neighbouring Nicaragua. ONUSAL observed, reported, and chastised, but could do little to increase the parties adherence to the agreements. Nevertheless, the ceasefire has remained intact—neither the FMLN nor the government has seen fit to violate it—and free elections were eventually held in 1994. Though the FMLN did not win those elections, they did win enough seats to form the opposition and, therefore, a seat at the table. Did the behaviour of the FMLN (i.e., holding back weapons in contravention of the agreement) constitute spoiling? The discoveries of numerous hidden weapons caches threatened to undermine the peace process at a critical stage and many practitioners and commentators were, therefore, quick to criticize the FMLN. Some continue to question their commitment to peace, even today (c.f., Abrams, 2014). However, the FMLN never used their arms for strategic advantage. In fact, the hidden weapons caches proved to be a political liability, costing the FMLN votes during the 1994 elections. And most commentators agree that the FMLN is today an entrenched part of the political system, not likely to return to violence (c.f., Walker, 2014). Indeed, as of the 2014 elections, they now control the government they once fought against. Labeling the FMLN spoilers neglects the extraordinary risks the organization took in engaging in a peace process. During the process, the FMLN revealed themselves to a government notorious for its brutality in exchange for little more than a series of promises. The FMLN had survived more than a decade of violent conflict, but neither democratization nor third parties could ensure that the FMLN would survive a reversal of the peace process. Their hidden weapons, on the other hand, did offer such a guarantee. However, once the process of FMLN integration into the political system appeared to be secure and irreversible, the FMLN lived up to its commitment to disarm. In other words, peace eventually led to disarmament, and not the other way around, as the disarmament literature suggests.

The second case is drawn from the annals of American history, a case which long predates the practice of disarmament in the resolution of internal conflict. In this chapter I explore the centrality of weapons in the project of American state formation. The threat of disarmament of

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6 It is not possible to know whether FMLN disarmament has ever been complete. Secret weapons caches are, by definition, secret. However, no major caches have been discovered since the 1992 elections and no weapons at all have been reported found since 2005. Hiding weapons is an insurance policy with an expiration date. Since weapons quickly become unserviceable and fighters quickly lose their effectiveness without training, we might nevertheless conclude that the FMLN has *ipsa facto* disarmed. I term this disarmament by omission.
American colonists by the British Crown helped spark the American Revolutionary war, and an armed citizenry helped secure their independence. Free from the Crown, the American colonists not only eschewed disarmament, they enshrined the right to bear arms in the Second Amendment to the Constitution. The Framers of the American Constitution were wary that the new federal government would monopolize power in their new union, much as the British had done, and therefore retained weapons in order to ensure their rights. The Framers drew their inspiration from the early-modern republican thought of Machiavelli and later English Whig theorists, both of whom emphasize the link between unarmed populations and the rise of despotic rule. An armed population was, therefore, thought essential to maintaining the liberty of the new union. Armed citizens could protect the state from foreign aggression, obviating the need for a standing army with which despotic rulers monopolize power and disenfranchise the population. Indeed, the various states eschewed disarmament and retained independent militias long after the formation of a joint central government. The result was not a state in the Weberian sense, with the monopoly over the legitimate use of force, but instead a state comprised of various sub-units with the material capacity to check the aspirations of the new federal government. In the uncertainty of the revolutionary period, arms provided the states with an insurance policy against the rise of a tyrannical central government, thereby enabling them to enter into a union and making the formation of the United States possible. However, as the Revolutionary period passed and the threat of tyranny subsided the states let their militias decline, and, as security threats to the fledgling state grew, the coercive apparatus of the federal government has grown in size and strength. Nevertheless, vestiges of the militias remain to this day. Dozens of American states maintain defense forces, or the legislation to raise them should the need arise, independent of the federal government. Despite more than 200 years lapsing since the conclusion of the American Revolutionary War and the adoption of the Second Amendment, this case proves highly instructive in exploring the contemporary practice of disarmament. Having shed British rule, disparate American colonists were able unite under a common system of government with the help of weapons. The retention of weapons provided the colonists with a guarantee that they would not be disenfranchised from power in their newly formed union or recourse if they were. In this way, weapons helped undergird the fledgling American government. Moreover, we learn from this case that actors need not establish a Weberian central authority in order to reconstruct a shattered nation. Finally, we see from this case that over time, as the threat and insecurity subside, the need for weapons gradually subsides. In short, the American example demonstrates
how weapons were used by various distrustful groups to create, rather than destroy, a state. While this case departs considerably from recent examples of disarmament it sheds important insights into the legitimacy and efficacy of an oligopoly over the legitimate use of force, which proponents of disarmament see as undesirable or even impossible today.

Chapter six discusses the Israeli-Palestinian peace process, a contemporary case in which two enemies locked in internal conflict not only foreswore disarmament provisions, but actually agreed to introduce new weapons into their disputed territory, despite the emergent norm. Moreover, Oslo demonstrates how weapons provide insurance against destruction when a peace process collapses and violence resumes. Weapons have long been used both by state and non-state actors to fight, terrorize, and defend and, with the onset of the Israeli-Palestinian peace process, weapons were turned towards the process of conflict resolution. After years of bloody conflict and numerous false starts, the parties achieved a breakthrough in Oslo, Norway. For the first time in their troubled relationship, Israel and the PLO agreed to formally recognize each other and agreed to find a peaceful resolution to their conflict. Over the course of the Oslo peace process, Israel gradually turned over territory in the West Bank and Gaza Strip to a democratically elected Palestinian Authority (PA), with Yasser Arafat at its head. The PA assumed control over most civil matters and created a “strong” police force, comprised mostly of PLO members, for the purposes of law enforcement and terror prevention. By the mid-nineties the PA controlled nearly substantially all Palestinian population centers in the West Bank and Gaza Strip and an end of conflict seemed not only possible but also imminent. However, the process quickly faltered, later to collapse. Violence then resumed, shattering any illusion that making peace would be easy. When it did, the Palestinians were accused of deliberately spoiling the peace process, proliferating weapons far in excess of the agreed upon numbers (from 30,000 lightly armed police to a force nearly double that amount), and then turning those weapons on Israel to achieve by force what they could not through negotiations. Palestinians responded, claiming the violence was simply a convulsion to welled-up frustrations. While the Palestinians undoubtedly failed to fully live up to their obligations under the terms of the agreements (as did Israel), the Israeli narrative belies the serious peril the PLO faced in returning to the West Bank and Gaza Strip. The Palestinian narrative fails to explain why weapons were in fact proliferated for so long and in such great numbers, in contravention of the agreement. Another explanation is in order. Oslo was an interim agreement, which deferred final status (i.e., Palestinian statehood)
until a later date. It included no third parties to guarantee the safety of the Palestinians, and Israel reserved the right to exercise the use military force as it saw fit. When the agreement collapsed this is, in fact, what Israel did. In March 2002, Israel launched some of the biggest ground incursions in its history, temporarily reoccupying the West Bank and Gaza Strip, and publicly contemplated the outright destruction of the PLO. Facing potential eviction or annihilation, Palestinian militants made widespread use of guerilla tactics, forcing Israel to abandon its plans. Had the PLO not acquired and later used their weapons they would have risked destruction. The accumulation of weapons by the PLO in contravention of the agreements can certainly be qualified as cheating, but it does not on its own constitute evidence of spoiling. And while the number of weapons that the PA accumulated was far in excess of what they would need for law enforcement, they were insufficient to achieve strategic gains against Israel. In turning their weapons on Israel, the PLO achieved little more than preserving their toehold in the West Bank and Gaza Strip. Indeed, the Intifada failed to achieve any political aim articulated by the PLO. Israel has made no substantial concessions to the PLO since the Intifada began more than a decade ago. In other words, the PLO used its weapons to ensure its continued survival.

Much of the research for this chapter took the form of semi-structured interviews conducted in Israel, the West Bank, and East Jerusalem in 2011 with high-level decision makers including of substantially all of the living negotiators of the Oslo peace process, their Norwegian mediator, and the head of the Palestinian Security Services during the height of the violence.7

The disarmament literature assumes that all weapons are offensive; hence combatants that retain or acquire them are, by definition, spoilers. However, these cases suggest that belligerents who retain or acquire arms are more likely cautious peacemakers than spoilers. In these examples combatants acquired weapons for the purposes of domestic law enforcement, their symbolic value, and perhaps most importantly as insurance against the breakdown of peace, legitimately in the latter two cases. Furthermore, the Salvadoran and American cases show us that belligerents are inclined to disarm on their own terms, without the aid or coercion of outside parties, when conflict becomes unthinkable. In both cases, this occurred after the passage of time and in which democratic institutions and norms had become well-entrenched features of those societies. In

7 These include Yossi Beilin, Saeb Erakat, Yair Hirschfeld, Ron Pundak, Ahmed Qurie, Jibril Rajoub, Terje Roed-Larsen, Uri Savir, and Joel Singer.
other words, belligerents disarmed because they no longer feared being disenfranchised or attacked.

In the seventh and final chapter I summarize the findings from this research before discussing strategies that parties have to reduce the prospects of moral hazard, ameliorate the security dilemma, and reduce domestic insecurity. I argue that third parties have an important role to play into improving the prospects for peace in the resolution of internal conflict. Rather than focusing their attention on disarmament, as they have been doing with increasing fervor since the conclusion of the Cold War, third parties might instead help belligerents manage their weapons. This is more easily done if belligerents retain or acquire their weapons by consent in an open, transparent, and regulated fashion, and not by foot-dragging or outright noncompliance, as they so often do when faced with the prospects of disarmament. Moreover, third parties can provide surveillance, raise the reputational costs of non-compliance, report violations, act as a tripwire, and provide mechanisms for dispute resolution in a further effort to ameliorate the security dilemma. I conclude by suggesting questions for future research into the role of weapons and disarmament in internal conflicts.

Terms and Definitions

Conflicts end in various ways: through third-party intervention, one-sided victory, war weariness (fatigue), or negotiation (D. E. Cunningham, 2010, p. 116). This research, however, focuses only on the latter category, specifically negotiated agreements to terminate internal armed conflicts. For the purposes of this research, internal armed conflicts are fought within the boundaries of a state or another political entity (such as a colony or an occupied territory) in an effort to capture the government or some or all of the territory (in the latter case this means capturing control of the government as well) or to resolve an outstanding grievance. Such conflicts may be ideological, political, ethnic, religious, or about the distribution of resources. Intra-state conflicts over territory (i.e., secessionist conflicts) and intra-state conflicts over government (i.e. civil wars) as well as guerilla wars, insurgencies, anti-colonial wars, and numerous other forms of non-state violence are all included under this rubric. While many define civil wars more narrowly as conflicts over government, the broader definition used here is widely used and

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8 Some of the disarmament literature tends to focus the definition of civil wars rather narrowly as conflicts over
comports with the definition furnished by Mason et al., Sarkees et al., and others (1999, pp. 240-241; Meredith Reid Sarkees, Wayman, & Singer, 2003).\(^9\)

For the purposes of this research, some clarifications are in order. First, peace agreements need not include only states. They may include non-state actors, such as rebels, insurgents, guerillas, or other groups. They may include an internationally recognized government, they may include groups seeking such recognition, or some combination thereof. Moreover, such agreements need not include all warring parties. Agreements signed to resolve an anti-colonial conflict or secessionist conflict may not involve the colonial power or occupying force. Such agreements may be signed amongst the victors alone. Third, for a peace agreement to qualify as an agreement it must involve negotiation through dialogue. In other words, peace agreements cannot simply be coerced or imposed by one party (i.e., through military victory). Unilaterally imposed agreements, particularly those imposed by force or signed by Quislings, can scarcely be considered the product of negotiation (B. F. Walter, 1997, p. 345). This is not to say that power differentials cannot exist or that negotiations aren’t sometimes supplemented by the use of force, but unilaterally imposed agreements are unlikely to tell us much about how trust issues are managed in the voluntary resolution of internal conflict. Unilaterally imposed agreements are likely to be little more than ciphers for state power in which the “strong do what they will and the weak suffer what they must” (see also Dahl, 1957 on the coercive use of power; Thucydides, 1972). Fourth, peace agreements must aim to permanently resolve the conflict between the parties either directly, through a process, or through aspirational commitments.\(^{10}\) In other words, peace agreements are conflict termination agreements and not simply conflict management

government. The limited scope often remains implicit, with little explanation or justification provided (c.f., Berdal, 1996; Disarmament, 2007; Operations, 1999; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010; Spear, 1999, 2002; Stankovic & Torjesen, 2010). Walter, on the other hand, includes a range of internal conflict types (B. F. Walter, 2003; B.F. Walter, 1999). This project broadens the often inexplicably excluded by proponents of disarmament in an effort to make it more inclusive and encompassing of the phenomena under discussion.

\(^9\) Of course some conflicts are not so easily defined. For this reason, I have selected examples that both divide easily (i.e., as secessionist conflicts and civil wars) as well as one case that resists easy categorization (i.e., the Israeli-Palestinian peace process which is variously coded as a secessionist conflict, a civil conflict, an anti-colonial conflict, or an extra-state conflict).

\(^{10}\) Peace can range from the negative conception of a permanent cessation of hostilities (Mathison, 1988) to positive conceptions, which include justice, reconciliation, etc. (Brzoska, 2003; Egnell & Haldén, 2009).
agreements (c.f., ceasefire agreements or arms limitation treaties like SALT, SALT II, START, and others). This does not necessarily mean that parties will engage in a process of reconciliation or that their attempts to resolve the conflict will be successful (on reconciliation see Tang, 2011, p. 714).

I refer to ‘weapons’ throughout this dissertation, by which I mean arms and ammunition, devices used for offensive or defensive purposes or both, in the hands of organized corporate actors nominally trained in their use. These actors are variously referred to as guerillas, rebels, renegades, insurgents, belligerents, combatants, and others in the literature. I tend prefer the latter two, which are value neutral, as well as the equally neutral term ‘actor’ and ‘armed group(s).’ This definition excludes armed individuals as I wish to assiduously avoid wading into the domestic debate about gun control.

Finally, spoilers are those actors who use violence, or the threat of violence, to gain strategic advantage, increase bargaining leverage, or generally derail a peace process (for a comprehensive discussion of spoilers see Stedman, 1997). Spoilers negotiate and accede to peace agreements, for ulterior motives. Spoilers see peace agreements as tactical opportunities to advance their agendas, not vehicles for terminating conflict on peaceful terms. For spoilers negotiations are little more than a lull in violence in which they can regroup, rearm, and reposition their fighting force for a renewed attack.

**Conclusion**

The peacemaking literature in international relations has been described as “confused and ambiguous” (Burton and Dukes quoted in Bercovitch & Houston, 2000, p. 174). While there is a vast literature on peacemaking between states in international relations, the discipline remains somewhat muted on the processes by which internal armed conflicts are resolved. This is, perhaps, because the traditional focus of international relations has been the conflict between states, not conflict within, and because internal armed conflicts involve a range of non-state actors—from NGOs to terrorists. And yet, despite their occurring within the boundaries states and involving non-state actors, internal conflicts rarely remain internal; refugees, weapons, environmental problems, and others spill across borders creating zones of contagion (see P. Collier & Sambanis, 2002; Dixon, 2009; Hegre et al., 2001, p. 37; Salehyan & Gleditsch, 2006; Nicholas Sambanis, 2001; Skocpol, 1988), and third parties regularly intervene,
internationalizing otherwise internal conflicts. Despite a brief lull in the rate of internal conflict during the early aughts (Centre, 2005), the recent spike, for example in Libya, Syria, Egypt, Ukraine, DRC and elsewhere, reminds us that the study of internal conflict will remain of vital importance over the coming decades. Holsti reminds us that the study of international relations is of limited use unless and until it can address such conflicts (Kalevi J Holsti, 1998). This study aims to fill this gap in part by applying IR tools to the study of internal conflict. IR tools are particularly well suited, because internal conflicts often occur in environments approximating anarchy, the primary focus of IR scholarship (c.f., J. Snyder & Jervis, 1999, p. 17).

This research proposes to rethink the assumptions that undergird the practice of disarmament in the resolution of internal conflict. In particular, this research focuses on the potentially productive role that weapons can play in the resolution and attempted resolution of internal conflict, which has not been systematically explored elsewhere in the literature. Proponents of disarmament hold that weapons are offensive and destabilizing, and must, therefore, be removed in order to reconstruct the state in the wake of internal conflict. Those that fail to give up their weapons are, on this account, spoilers, intent on undermining the peace. And yet, many belligerents fail to spoil despite the continued presence of weapons. Eyre and Suchman caution, “weapons proliferation is a complex phenomenon that is unlikely to be fully explained by any single theoretical vocabulary” (1996, p. 110 emphasis added). Contrary to proponents of disarmament, belligerents often retain weapons without actively undermining the peace process. And, in some cases, peace has obtained despite the failure to disarm. In other words, all spoilers retain weapons, but not all weapons are used to spoil, as proponents of disarmament suggest. By relaxing the assumptions that proponents of disarmament smuggle into their project, it is possible to conceive of a state comprised of multiple armed groups at peace. By allowing for an oligopoly over the legitimate use of force we can envision a scenario in which actors hold on to their arms and cease fighting. In order to do so, this research necessarily looks beyond the

11 Walter, Posen, and Spear mention the role of weapons in the resolution of internal conflict in passing. For example, Walter writes, “allowing each side to retain observable weapons enhanced their feelings of security and made them more likely to follow through with treaty promises” (N. Sambanis, 2000). Posen suggests that “it may be reasonable for outside powers to provide material resources, including armaments, to help groups protect themselves” (1999). Similarly Spear writes, “cheating maybe stabilizing in the short term to prevent parties from being completely vulnerable if the settlement falls apart” (1993, p. 44). However, none of these authors explores the role of weapons in any real depth. Instead, they tend to actively dismiss the retention of arms as incompatible with the resolution of armed conflict.
current practice to explore how, why, and in what manner weapons have been legitimately retained by combatants.

Proponents of disarmament suggest palliatives that they believe belligerents ought to take rather than exploring what choices belligerents do take (and why). Disarmament, whether forced or voluntary, I argue, acts to threaten potential peacemakers by leaving them defenseless and removing a coveted symbol of legitimacy and social standing. Should a peace agreement fail, and conflict return—as they do more than fifty percent of the time—actors who do, in fact, disarm risk possible annihilation. Third party guarantees, power sharing, and democratization may remediate, but cannot completely resolve this concern. Third parties have a poor track record, power sharing can be revoked, and the initial phases of democratization often correlate with greater conflict rather than increased civility. While it is no doubt true that the tools of war can be used by belligerents to gain strategic advantage, increase bargaining leverage, or generally derail a peace process, weapons also provide insurance against the failure of peace and help mitigate the trust issues that may prevent the resolution of conflict. By providing insurance against failure, weapons allow belligerents greater freedom to engage in risky peacemaking activities, particularly where robust guarantees are not forthcoming. Without adequate guarantees, belligerents fearing for their survival might, therefore, simply be unwilling to enter into a peace process at all, or will likely hold back weapons in contravention of an agreement, and the prospects for peace will suffer.

This is not to say that peace agreements in which belligerents retain or acquire weapons will succeed. While weapons may secure belligerents from failure, their presence may also trigger a security dilemma, undermining the prospects for peace, or fuel post conflict insecurity. Should liberal interventionists desire to create stable conditions in post-conflict societies, they ought, therefore, to focus more closely on reducing the potential for a security dilemma or the possibility that weapons will fall into the hands of criminal elements, rather than insisting on the outright elimination of weapons as they currently do. And yet the commitment to disarmament shows no signs of abating. Despite the many problems it generates in practice, and its numerous theoretical shortcomings, proponents of disarmament continue to insist that the elimination of weapons is necessary to the resolution of internal conflicts. This stubborn insistence in the face of mounting problems, both theoretical and empirical, has all the hallmarks of degenerative research program. New thinking about weapons is in order.
This research follows the relatively small and neglected subset of the disarmament literature, for example the deeply innovative work being done by scholars like Spear, Muggah, and Torjesen, each of whom has seen fit to question the prevailing orthodoxies, for example the many problems associated with disarmament, the potential for disarmament to generate insecurity, and the advantage of delaying disarmament (Muggah, 2005, 2006, 2010; Spear, 1999, 2002; Torjesen & MacFarlane, 2007).
Chapter 2 Disarmament, Insecurity, and the Westphalian Prejudice

“And they shall beat their swords into plowshares, and their spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they learn war any more.”

-Isaiah 2:4

Introduction

Since the end of the Cold War a growing consensus has emerged amongst theorists and practitioners alike that belligerents must be relieved of their arms in order to reconstruct shattered states and establish a robust and durable peace in the wake of internal armed conflict. For example, an emphasis on disarmament has found its way into a diverse range of theoretical literatures, from democratization (c.f., Gowa, 2000 on the bullets to ballots hypothesis) and the democratic civil peace (Ellingsen & Gleditsch, 1997; Hegre et al., 2001; Krain & Myers, 1997; David A Lake & Rothchild, 1996, p. 60; Raknerud & Hegre, 1997; Ward & Gleditsch, 1998), to power sharing (D. L. Byman, 2002; Crocker & Hampson, 1996; Lijphart, 2004; Mansfield & Snyder, 1995; McRae, 1990; Nordlinger & Huntington, 1972; N. Sambanis, 2000; Sisk, 1996; J. Snyder & Jervis, 1999, p. 18; B.F. Walter, 1999, p. 141), and numerous others. Moreover, the practice of disarmament has since spread throughout the world through third party peacekeeping operations. In fact, all recent peacekeeping operations established by the UN Security Council have included disarmament provisions in their mandate. Disarmament might therefore be considered an emergent norm and robust practice.

Disarmament rests on two basic assumptions: first, for internal conflict to end the state must be made whole, and second, without guns wars cannot be fought. The widespread adoption of disarmament in the resolution of internal armed conflict raises two important questions: First, if belligerents give up their arms, how do they manage the dangerous transition between war and peace? In other words, how can they enforce the terms of a peace agreement and, most importantly, ensure their survival should the peace fall apart? This question is particularly important given the high failure rate of peace agreements, which can run as high as fifty percent within five years of signing, and the ferocity with which internal conflicts tend to be fought (Hoglbadh, 2008; see also B.F. Walter, 1999, pp. 128-129). Second, why must the state remain intact? In other words, why must a Westphalian unitary state model be imposed on warring
parties in order to terminate their conflict?

In a series of influential articles, Walter has outlined perhaps the most comprehensive treatment of the first problem. Walter assumes that in most cases belligerents are able to negotiate an acceptable resolution to the grievances that motivated the conflict in the first place, but unable to resolve the problem of credible commitments or overcome the risks that disarmament implies by leaving them defenseless. In other words, belligerents cannot trust that their interlocutors won’t defect after they disarm. Walter puts the risk plainly, “once groups send their soldiers home, hand in their weapons, and surrender occupied regions, they become sitting ducks for attack” (1999, p. 43). Similarly, Berdal writes, “when combatants are asked to give up their arms, they face a point of no return . . . if it goes wrong they have no defensive capacity” (1996). Faced with this problem Walter suggests that third party guarantees are a necessary condition for the resolution of internal armed conflicts. Third parties, Walter suggests, can provide credible guarantees, enabling belligerents to take the risks associated with peacemaking. Hartzell and Hoddie characterize Walter’s approach as a neo-realist form of peace making: peace through enforcement (2006).

On the other hand, Hartzell and Hoddie suggest that belligerents can take a neo-liberal approach to disarmament and (2006). They argue that combatants can be convinced to lay down their arms and terminate civil war and reconstruct the “central authority of the state” if robust forms of power sharing or power dividing institutions are devised, guaranteeing them that they won’t be disenfranchised from the levers of power in the future. Hartzell and Hoddie view third party guarantees as complimentary, but not necessary for the resolution of internal conflict (2006, p. 166). Recent work on the so-called democratic civil peace makes similar claims but also captures constructivist norms of in explaining the moderating influence of democracy. Along with democratic structures, the norms of democracy are said to promote moderation, dialogue, and generally allow for the resolution of grievances without resorting to the use of force.

The problem, however, with Walter’s approach is that third parties generally have a lackluster track record at keeping the peace. Third party guarantees are fickle and anemic. Third parties rarely commit the resources necessary nor are they generally willing to suffer the risks associated with peacekeeping. Power sharing and democratization fare little better. Proponents of democratization and power sharing fail to explain how shared institutions prevent parties from
defecting from the terms of an agreement. Walter writes, “simply guaranteeing that leaders will have a say in a new government will not be enough. Post-civil war factions do not simply fear that they will have little voice in government, they also fear that their very existence will be eliminated or marginalized in the process” (1999, p. 48). And, in fact, the transition to democracy is correlated with increased levels of violence, not stability.

Those that fail to disarm are often summarily labeled spoilers (Muggah, 2010, p. 1). Proponents of disarmament read the failure to disarm as a revealed preference; belligerents who keep their weapons do so because they are intent on undermining the peace. After all, why would belligerents wish to retain the weapons of war unless they were intent on using them? But the problems associated with third party guarantees, power sharing, and democratization prompts a reevaluation of this assumption. Faced with the choice between insecurity and cheating it is, perhaps, little wonder that so many belligerents cheat. When they do so without using their weapons to seek strategic advantage on the battlefield or to acquire leverage at the negotiating table they can hardly be considered spoilers.

Second, proponents of disarmament smuggle in assumptions about the nature of the state and the resolution of conflict that are neither theoretically tenable nor empirically warranted. Disarmament is meant to consolidate warring parties into a territorially contiguous state with the exclusive authority within its geographic boundary, particularly as regards the coercive apparatus. Said differently, proponents of disarmament want to bring warring parties together under a unified state rather than partition the state. Moreover, proponents of disarmament assume that there can be only one legitimate armed force within a country. Disarmament is meant to achieve this by ensuring that there is a monopoly over the legitimate use of force. Following Ringmar, we might term these assumptions a “Westphalian prejudice” (1996, p. 5). This prejudice clouds the ability of proponents of disarmament to see alternative solutions to internal conflict, particularly those regarding territorial integrity and those that relax assumptions regarding the role of weapons post-conflict.

In the following pages I will begin by reviewing the disarmament literature and its theoretical and empirical shortcomings with reference to numerous examples. In particular, I will discuss the potential for insecurity generated by the process of disarmament. Because disarmament poses an immediate challenge to the physical security of belligerents, there is a tendency within
the prevailing literature to view it as a material problem alone. However, insecurity rests not only on the physical security of combatants, but also on perception and identity. Next, I will proceed to discuss third party intervention, power sharing, and democratization—three prominent approaches to the resolution of internal conflict—as possible solutions to the problem of insecurity raised by the process of disarmament. None of these are a panacea to the trust issues belligerents face in the transition from a state of armed conflict to a state of peace, particularly, as each of these assume, when belligerents are asked to give up their weapons in the process. Finally, I will conclude by discussing the so-called Westphalian prejudice that proponents of disarmament smuggle in to their accounts and how this clouds their ability to see alternatives to disarmament. The point of this discussion is not so much to reject the prevailing literature outright, or to draw broad and generalizable conclusions, but to discuss in some depth how and why the prevailing theories fall short of bridging the all important transition from war to peace in internal armed conflicts. By sufficiently problematizing the disarmament we can explore other mechanisms, such as the counterintuitive role of weapons in the transition from war to peace.

Disarmament in Theory and Practice

Proponents of disarmament believe that “all arms are destabilizing and thus likely to increase the risk of war” (Cooper, 2006, p. 356). This claim makes intuitive sense. After all, weapons are the tools used to prosecute conflict. This claim is substantiated by the robust correlation found between the continued presence of weapons and war recurrence in internal conflicts (c.f., Ashton, 1997; Berdal, 1996; Brahimi, 2000, p. 7; Cooper, 2006; Crocker & Hampson, 1996, p. 67; Hampson, 1996, 1997; Spear, 2002; Stedman et al., 2002; Toft, 2009, pp. 19-21; Wagner, 1993). The disarmament of combatants is, therefore, considered by theorists and practitioners alike as a necessary condition for the successful resolution of internal conflict (Spear, 1999, p. 1). “By removing the means by which civil wars have been prosecuted [i.e., weapons],” Spear writes, “disarmament is meant to contribute to the security necessary for the successful implementation of civil war peace agreements. [On the other hand,] any peace settlement that allows for the retention of arms by groups,” she continues, “is open to charges of leaving in place the means for future conflict.” (Spear, 2002, pp. 141-142). Spear suggests that by depriving combatants of the means to fight they will be more “likely to compromise to make a peace settlement work” (Spear, 1999, p. 13). Those that fail to disarm are, therefore, often summarily labeled spoilers,
intent on destroying the peace process (Muggah, 2010, p. 1), or criminals, out for personal gain. After all, why would belligerents wish to retain the weapons of war unless they were intent on using them?

Disarmament has become what Muggah describes as a “growth industry” (2010, p. 2). This is for two reasons. First, since the end of the Cold War the incidence of internal conflict has been on the rise (T. D. Mason & Fett, 1996, p. 546; T. D. Mason et al., 1999, p. 239) owing, at least in part, to the break-up of the Soviet Union and the drying-up of Superpower support to their various proxies (Gleditsch, 2007; Harbom et al., 2006, p. 619; K. J. Holsti, 1995). The break-up of the Soviet Union also meant an end of Cold War rivalries, removing a major challenge to the resolution of internal conflicts. No longer did the Super-Powers automatically veto intervention amongst their proxies and allies at the UN. The end of the Cold War, therefore, gave rise to a significant expansion in the number and type of peacekeeping operations. The focus of peacekeeping shifted away from efforts to manage inter-state conflicts, through ceasefire and armistice monitoring, as they had done during the Cold War, towards larger multilateral missions aimed at resolving internal conflicts through active intervention within countries, budgetary allocations for peacekeeping grew dramatically, and the UN formed a dedicated Department of Peacekeeping Operations in 1992. In fact, more peacekeeping missions were created after the Cold War than in the combined forty-five years prior, many now containing disarmament provisions. As of 2005, the World Bank had supported at least 16 such programs, the UNDP at least 45 (Muggah, 2005, p. 245), and over 20 UN agencies and dozens of NGOs are engaged in disarmament activities at the expense of over USD 630 million per year (Muggah, 2010, p. 3). Fully 46% of the peace processes\textsuperscript{12} signed to resolve internal conflict between 1989 and 2005 contain disarmament provisions, according to the Uppsala dataset (Harbom et al., 2006). Moreover all recent peacekeeping operations established by the UN Security Council have included disarmament provisions in their mandate.\textsuperscript{13}

\textsuperscript{12} To get a more representative sample I lumped separate peace agreements between the same parties within this timespan together to form a “peace process” metric.

\textsuperscript{13} Disarmament programs operating under the aegis of the UN generally consist of three components, which are functionally and temporally differentiated: disarmament, demobilization, and reintegration, often referred to as DDR. In general, this literature tends to eschew explicit theorizing, emphasizing instead ‘best practices’ gleaned from experience. For example, there is widespread agreement that disarmament should be voluntary, balanced, and should include substantially all parties to the conflict (2002). The United Nations Inter-Agency Working Group on DDR has published a voluminous (near 1,000 pages) manual cataloguing such best practices (Disarmament, 2007, p.
Disarmament programs are meant to “build confidence” in peace agreements in two ways. First, by removing weapons and demobilizing combatants, disarmament promises to prevent spoilers from disrupting the peace process and preventing a return to war. In other words, disarmament removes the tools by which conflicts were prosecuted. Separating combatants reduces friction between warring sides and reduces the likelihood of accidents or misunderstanding that can undermine a peace process, allowing combatants to build trust by demonstrate their good will. Second, disarmament is typically bundled with economic activities meant to “stimulate spending on social welfare [and] enhance opportunities for [former combatants] livelihoods,” (Muggah, 2010, p. 2). In other words, belligerents are meant to trade in their weapons in exchange for “opportunities and assistance in finding new peaceful livelihoods” (Knight, 2004, p. 506).

Muggah identifies an evolution in disarmament research. While early research focused on qualitative and case specific studies of disarmament, mainly in Africa (for a review of disarmament in various African countries see Alusala, 2004; Alusala, 2011a, 2011b, 2011c; see Bendaña, 1999 on disarmament in Central America; Cilliers, 1996; Douma, van Laar, Klem, & Frerks, 2008; see Hauge, Gilles, & Doucet, 2008 on disarmament in Haiti; Kingma, 2000; Mitton, 2008; see Morgenstein, 2009 for disarmament in Columbia; for a general overview see Muggah, 2010; Restrepo & Muggah, 2009; Thakur, 2008; see zerdem, 2003 for disarmament in Kosovo), scholars have increasingly broadened their focus to include strategies of how to disarm more combatants faster and/or better reintegrate combatants so as to prevent a return to armed combat and reduce levels of violent crime in post-conflict societies. To this end, more recent research has tended to explore specific technical aspects of disarmament often with sophisticated inferential statistical models focused on the individual level of analysis (P. Collier, 2006; Humphreys & Weinstein, 2007; Muggah, 2010, pp. 10-11; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010).

1: for a comprehensive overview of the literature on DDR see Stankovic & Torjesen, 2010; Swarbrick, 2007). More recently, however, DDR programs have varied widely in their implementation from minimalist (weapons collection) programs to maximalist ones. In fact, Torjesen claims, they now increasingly suffer from a “lack of clarity,” often being improvised on the ground (Disarmament, 2007).
Despite its elegant simplicity and popularity amongst practitioners, even a cursory reading of the practice of disarmament reads like a catalogue of unalloyed failure. Disarmament programs tend to under-deliver on almost all conceivable metrics on which the concept is based. A few examples are in order:

First, disarmament programs regularly fail to fully collect arms and demobilize combatants. In fact, a review of the scholarly literature suggests problems with the implementation of disarmament programs in a plurality of cases in which it was applied. For example, despite negotiated disarmament provisions, only a fraction of weapons were collected in Afghanistan, Mozambique, the former Yugoslavia, Nicaragua, Angola, Liberia, El Salvador, Bougainville, Nepal, Afghanistan, Sierra Leone, and Cote D’Ivoire, to name a few (c.f., Ashton, 1997; Berdal, 1996, p. 18; Christensen & Utas, 2008; Hartzell & Hoddie, 2006, pp. 156-157; Knight, 2004, p. 501; Mukhopadhyay, 2009; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 5; Spear, 1999, p. 4; Stankovic & Torjesen, 2010, p. 3). In some cases, weapons are hidden in contravention of an agreement. For example, in Angola and Liberia weapons remained hidden throughout the countryside (Berdal, 1996, p. 18), up to 72 hidden weapons caches were found in Mozambique (Knight, 2004, p. 501; 1999, p. 4), and in El Salvador a staggering number of weapons were revealed hidden in five caches during the 1992 elections (containing 1,240 rifles, 2,000kg of explosives, 1.4 million bullets, 1,300 mortars, 3,900 grenades, 350 rockets and 19 surface-to-air missiles) (Spear, 1999). This list is necessarily incomplete; hidden caches are meant to be hidden, not found (more on the lack of quality information below). Finally, in Bougainville, Nepal, Afghanistan, and Cote D’Ivoire disarmament was simply placed on the “back burner” because of logistical difficulties according to the UN ("Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010). Voluntary gun buy-back programs tend to fare equally poorly. Citing examples in Angola, Mozambique, Central America, and Cambodia, Berdal claims that such programs tend to attract arms mostly of a low or unserviceable quality, with better weapons kept hidden in reserve (1996, p. 34). Such programs therefore have a “negligible effect on security” (Knight, 2004, p. 505). In fact, whether voluntary or mandatory, there are few if any, commonly cited examples of complete and fulsome disarmament and demobilization to be found in the literature. “Disarmament,” according to Knight, “... seldom ensures a total collection and disposal of weapons” (2004, p. 503).
Second, despite the best efforts of disarmament programs, new weapons continue to flow over porous borders and old weapons, collected through disarmament programs, are often “recycled” back into society. Spear argues that regional and international cooperation and effective arms embargoes would be required to stem cross-border weapons flows (1999, p. 14; 2002, p. 144), but these have not been forthcoming (see Krause, 2002 on the non-biding UN Conference on the Illicit Trade in Small Arms and Light Weapons). She further notes the near impossibility of eliminating arms or preventing their reintroduction into a former combat area, “given the global availability of light weapons and the porousness of most state borders, guns are so easy to obtain” (2002, p. 142; see also B.F. Walter, 1999). For example, Angola was placed under an arms embargo in 1993 in support of domestic disarmament provisions. Nevertheless UNITA had little difficulty securing new weapons, sometimes of improved quality. Spear speculates that these weapons came from China, Bulgaria, and other Eastern European countries (1999, p. 14).

Where disarmament programs neglect safe storage of weapons or fail to destroy weapons they may find their way back to the battlefield. The UN speculates that this may have occurred under their watch in Mozambique because of budgetary shortfalls which precluded weapons destruction (“Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations,” 2010, p. 23). Muggah cites the emergence of so-called black markets in weapons in the wake of DDR programs in Guinea, Liberia, Sierra Leone, Haiti and Solomon Islands” (2005, pp. 246-247; 2006, p. 198).

Third, the UN notes that command and control structures remain stubbornly intact even after demobilization and reintegration (“Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations,” 2010, p. 17) and can, therefore, later be remobilized with ease. Walter suggests that “a group could appear to disarm by handing over arms, sending soldiers home, and destroying heavy weaponry and still keep elite regiments on alert and supply lines open” (2003, p. 136). This did, in fact, happen in Eritrea and Ethiopia, according to Knight (2004, p. 502) and in Liberia and DRC, according to Swarbrick (2007, p. 27). In Sierra Leone command and control structures reemerged intact years after demobilization efforts were concluded and third parties had left (Christensen & Utas, 2008, p. 14).

Swarbrick suggests that different weapons manufacturers often use the same serial numbers. Even if this were the case, it seems highly unlikely that UN agencies would repeatedly come across the same serial number. In the cases where they do, the more parsimonious explanation is weapons recycling (Torjesen, 2009).
In other cases, rebels fled to neighbouring countries rather than submit to disarmament, as the Democratic Forces for the Liberation of Rwanda who fled to the DRC (Sengupta, 2014). We might say that in these, and numerous other cases, combatants ‘went to ground’ or despite, or perhaps because of, disarmament programs. Interestingly, in Sierra Leone combatants also became ‘shape shifters.’ According to Christensen and Utas, remobilized combatants often switched allegiances for financial benefit, remaining loyal not to a political party, but instead to former commanders and comrades in arms (2008, pp. 525-526, 532). The combination of desperation and superficial loyalties makes remobilization a near-endless possibility. While it is possible to collect the materials used to prosecute war, ephemeral social networks prove difficult if not impossible to dismantle.

As even these limited examples demonstrate, the real-world practice of disarmament seems to fare poorly. In many cases conflict persisted or reignited despite the practice of disarmament (c.f., Afghanistan, Cote D’Ivoire, and DRC to name but a few). In many more cases societies continue to teeter on the edge of instability despite the implementation of disarmament (c.f., Angola, Liberia, Bougainville, Nepal, Liberia, Mozambique, Sierra Leone, Haiti and Solomon Islands, Eritrea, etc.). Indeed, fully 21% of conflicts within the Uppsala dataset reignited within five years despite continuing disarmament provisions and 33% of peace agreements held despite lacking such provision, a crude but nevertheless instructive metric (Harbom et al., 2006). Given this mixed record of success one might call into question both the necessity and sufficiency of disarmament protocols to the successful resolution of internal conflict. Though neither the theory nor the practice of disarmament has remained static and both have continued to evolve these failures have not prompted a systematic reassessment of disarmament.

Moreover, these results call into question the causal relationship between disarmament and war recurrence. Disarmament is said to create the conditions for peace by “removing the means by which civil wars have been prosecuted” (Spear, 2002, pp. 141-142). Yet proponents of disarmament can point to few cases in which combatants were fully disarmed or properly demobilized. In fact, disarmament is rarely thorough and former combatants are easily remobilized. Lyons notes that “nearly all parties . . . keep some portion of their fighters and weapons outside the demobilization process” (quoted in Spear, 2002, p. 156). Nevertheless, in some cases peace obtains. Indeed, success is typically declared where conflict fails to reignite even if disarmament has not managed to remove weapons from combatants in a fulsome or
thorough fashion. For example El Salvador, Bougainville, Cambodia, Nicaragua, Ethiopia, and others are all considered successful examples of disarmament to varying degrees despite the failure to properly implement disarmament protocols. In other words, where peace obtains disarmament failures are often overlooked. Where disarmament fails to disarm, as it does in these and other cases, it cannot have the strong causal effects on the resolution of internal conflict that its proponents claim it has.

Disarmament and Insecurity

Proponents of disarmament suggest that weapons cause instability and fuel conflict. Weapons, therefore, ought to be eliminated. Without guns, it is thought, wars can no longer be fought and peace will obtain. But this analysis confuses cause and effect. Weapons don’t trigger conflict. In fact, the opposite is true. Conflict triggers belligerents to seek weapons. Weapons enable belligerents to prosecute their conflict and/or defend themselves in the face of attack. In other words, weapons don’t cause insecurity, conflict causes insecurity. Weapons are merely the tools used to prosecute and defend. They are, in other words, the material artifacts of conflict. Removing guns only promises to remove one particular type of material artifact, which can be easily substituted. Guns for machetes, bombs for rocks.

By reducing the cause of conflict to weapons, proponents of disarmament take a wrongheaded approach to conflict resolution. Meant to create the lasting conditions for peace, on its own disarmament is likely to fuel uncertainty and insecurity instead. In practice, disarmament is rarely balanced, thorough, or durable. Disarmament programs are increasingly foisted on unwilling participants—for example where not all belligerents have signed on to a peace agreement, or, indeed, where no peace agreement exists at all—and cantonment—that is the concentration of fighters in remote locations prior to disarmament—is increasingly being done away with in favour of immediate disarmament and demobilization (Disarmament, 2007, p. 26; Operations, 1999; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 8; Spear, 1999, p. 13). 15 Hostile groups, therefore, often remain dangerously intermingled. Without the ability to retreat to a safe distance, behind clearly

15 Spear advocates what might be termed forced or noncompulsory disarmament on the grounds that belligerents will be more likely to compromise if they are left without recourse to violence (1999, p. 13).
demarcated borders, as states can, a robust defense is hard to muster, the possibility of friction remains high, and the threat of surprise attacks becomes more menacing (C. Kaufmann, 1996; C. D. Kaufmann, 1998; Licklider, 1995; J. Snyder & Jervis, 1999; B. F. Walter, 1997, 2003). And because weapons are easily hidden, “recycled,” or sourced across porous borders, and former combatants easily remobilized, disarmament is more likely to alter the existing balance of power or magnify potentially threatening asymmetries ("Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 5; B. F. Walter, 1997, p. 362). Finally, parties may have difficulties determining whether agreements are being scrupulously adhered to. Because there is no ironclad way of determining the number of location of armaments, or whether caches of arms are hidden in contravention of an agreement, verification will do little to stem the anxiety of actors. Without adequate warning, belligerents would have little time to rearm in the face of defection (B.F. Walter, 1999, p. 135). Cheaters, therefore, have a first-move advantage (Charles L Glaser, 1994, p. 66). “As long as a threshold exists beyond which unilateral defense is impossible.” Walter writes, “groups [will] realize that an opponent need only wait for this time to attack (B. F. Walter, 1997, pp. 339-340; 2003, pp. 135-136). Such issues are only subject to enlargement during a peace process, when rebels are often asked to come out of hiding, or return home, putting them within reach of government forces, but before peace has fully consolidated. This liminal period between war and peace, which Stedman refers to as “the fog of peace,” is filled with risk and uncertainty (2002, pp. 1-2, 17, 44, 48). In sum, disarmament risks imperiling groups by leaving them defenseless and empowering those who cheat.

And the risk not insignificant: Approximately fifty percent of internal peace agreements fail within five years of signing, returning belligerents to a state of armed conflict (Hoglbadh, 2008; see also B.F. Walter, 1999, pp. 128-129). Moreover, internal conflicts are often characterized by a degree of violence rarely seen in inter-state conflicts (S. P. Huntington, 2006; T. D. Mason et al., 1999, p. 263). Despite the power asymmetries that prevail in the international arena, very few states have been completely wiped off the map as a result of armed conflict, particularly since 1945 (Fazal, 2004). Internal wars, on the other hand, are often waged in an effort to capture the state in its entirety by completely eliminating rivals (i.e., politicide or genocide). Disarmament is, therefore, likely to generate insecurity strong enough to undercut the pursuit of peace.
Disarmament is said to create a prisoner’s dilemma-like scenario in which belligerents are said to be wise to resist disarmament even if their desire is to make peace. Weingast writes, “if a group believes that there is even a small chance that it may become a target of genocidal attack, it may choose conflict over compromise and the risk of future destruction (1998). Similarly, Walter writes, “[even] a 95 percent risk-free disarmament plan might appear perfectly acceptable on paper, but to the groups involved, even a slight chance of an attack is often too high” (1997, p. 340). Once belligerents lay down their weapons they become subject to the threat of annihilation by those who might break the peace. Knowing this, belligerents are likely to cheat on the terms of an agreement by retaining weapons themselves, ostensibly for defensive purposes. In so doing, a reciprocated cycle of cheating has been set in motion. Walter refers to this cycle as a ‘security dilemma in reverse’ (1997, 2003; 1999).

Much like the security dilemma that is said to prevail in the international system, without an overarching authority to enforce the terms of an agreement actors must provide for their own security. However, they cannot do so without making others relatively less secure, thereby undermining the prospects for cooperation (Booth & Wheeler, 2008; Herz, 1950; Jervis, 1978; Kaufman, 1996b; Schweller, 1996; G. H. Snyder, 1984; Waltz, 1979). While anarchy is an international phenomenon per se (Jackson, 1990; D. A. Lake, 2003; Waltz, 1979), its effects are said to be approximately domestically when a government is unable or unwilling to guarantee and enforce commitments amongst various domestic groups (B. F. Walter, 1997, p. 337). The prosecution of internal conflict tends to undermine the legitimacy of the government and its attendant institutions, such as the police and judiciary, and, in some cases, destroys them altogether. In other words, such states come to resemble a state of Hobbesian anarchy (Hartzell & Hoddie, 2006, p. 156; K. J. Holsti, 1995; Kaufman, 1996a, p. 155; D. A. Lake, 2003). As such, the state can no longer enforce agreements. Neither side can trust that the other will abide by their commitments. Walter writes, “negotiating factions . . . are damned if they do and damned if they don’t. If they agree to demobilize, they leave themselves dangerously open to annihilation . . . but if they refuse, they trigger the . . . security dilemma” (1999, p. 46). She concludes, “neither side can convince the other that they will nobly resist a treaty’s temptations or naively fulfill its terms. And so, unable to enforce the agreement or survive exploitation, they avoid cooperation and continue to fight” (B. F. Walter, 1997, p. 337; see also Weingast, 1998).

Because disarmament poses an immediate challenge to the physical security of belligerents, there
is a tendency within the prevailing literature to view it as a material problem alone. However, insecurity rests not only on the structure of the domestic arena shattered by internal conflict said to approximate anarchy, but also on perception and identity. Alexander Wendt, for example, argues that mistrust does not obtain from the structure of anarchy, but arises instead through social interaction, which can be cooperative, competitive, or conflictual. “There is nothing prior to the first encounter,” he writes (Wendt, 1992). However, conflict has the power to consolidate and unite groups. Should interactions be threatening, a self-help system will likely arise, much like the one described above. “People who have little in common with others” Lake and Rothchild write, “may unite when they feel threatened” (1996, p. 55). Kaufmann and Posen argue that lines will often be drawn along ethnic boundaries when the state descends into civil war (C. Kaufmann, 1996; C. D. Kaufmann, 1998; Posen, 1993). However, this contention seems unnecessarily limited. Groups are equally likely to consolidate for their defense along linguistic, ideological, religious, racial, economic (class), and other lines.

Once sorted into ‘in-groups’ and ‘out-groups,’ difference tends to become magnified increasing mistrust and insecurity and making cooperation more difficult. In particular, the process of social categorization is said by social identity theorists to lead to “in group favoritism and out-group discrimination” (Mercer, 1995, p. 241; Tajfel, 1974). Myopic views of self and other, often referred to as the “fundamental attribution error,” tend to develop as a result (Goldgeier & Tetlock, 2001). Lake and Rothchild explain:

Groups often overstate the goodness of their own . . . while simultaneously vilifying others. Where emotional biases exist, groups are likely to interpret the demands of others as outrageous, while seeing their own as moderate and reasonable; to view the other as inherently untrustworthy, while believing themselves to be reliable; to insist upon adequate safeguards against the possible defection of the other, but interpreting the efforts of others to impose similar restrictions on them as a sign of “bad faith”; to believe that the other is withholding information or deceptive, while they are being open and honest; and so on (1996).

Further, elites are said fan the flames of difference for their own benefit (Fearon & Laitin, 2000). So-called “political entrepreneurs” and “ethnic activists” often stand to benefit by magnifying social cleavages. Through “blatant” appeals to their coethnics and by “outbidding moderates,” political entrepreneurs can enhance their popularity, their chances for electoral success, and prospects for personal enrichment (c.f., Fearon & Laitin, 2000; Hegre et al., 2001, p. 43; David A Lake & Rothchild, 1996, p. 60; Ward & Gleditsch, 1998, p. 4). Such behaviour tends to
intensify social cleavages, further polarizing society (Fearon & Laitin, 2000; David A Lake & Rothchild, 1996, pp. 44, 53, 54, 60; Stephen Van Evera, 1994). In these ways, the security dilemma can be thought of as a social phenomenon. Mistrust arises not because of the structure of the system, but because of threatening behaviour, which leads groups to turn inwards, amplifying difference. Groups tend to interpret the actions of other actors based on prior beliefs that they develop through repeated interaction (c.f., David A Lake & Rothchild, 1996, p. 51; J. Z. Rubin, Pruitt, & Kim, 1994 on stereotyping; Tang, 2011 on ethnocentrism). In other words, mistrust and insecurity is neither deterministic nor primordial, it is learned. “States act differently towards enemies than they do towards friends,” Wendt concludes, “because enemies are threatening and friends are not” (1992, p. 397).

Mistrust is said to become more deeply entrenched and attitudes more inflexible the longer a conflict persists and the greater the levels of violence. Once the process of social categorization has occurred, and groups have been sorted into in-groups and out-groups, these categories are said to remain remarkably stable and durable. The insecurity that arises as a result is, therefore, profoundly sticky, promising to persist long after its initial causes have dissipated or long since been forgotten (c.f., Kahneman & Tversky, 1979; J. S. Levy, 1997 on ‘sunken costs’ or ‘hardened attitudes’). Jervis concludes, “once a person develops an image of the other – especially a hostile image of the other – ambiguous . . . information will be assimilated to that image” (1976). As a result, once social cleavages are entrenched they become difficult, if not impossible to overcome. Kaufmann, for example, concludes that the restoration of multi-ethnic states is impossible in the wake of civil war (C. Kaufmann, 1996; C. D. Kaufmann, 1998). For structuralists the causes of insecurity are potentially mutable (as we will see below). Less so non-material causes of insecurity. Memory is far more resilient and resistant to change. In other words, “the beliefs groups have about their own safety and their perception of threat matter as much if not more,” Walter writes, “than the actual invulnerability” (1997, p. 340). However, proponents of disarmament scarcely recognize this. The increasing insistence on immediate disarmament at the expense of cantonment, for example, attests to this. Pursuing disarmament as soon as possible scarcely leaves time for belligerents to adjust to the new reality of peace (if in fact a new reality has been realized). Immediate disarmament promises to remove weapons when lingering fears persist even if the material causes of insecurity have been resolved.
Disarmament not only promises to leave belligerents defenseless and vulnerable to attack, it also threatens to remove a highly coveted symbol of status and legitimacy. Eyre and Suchman write, “technology is never just technology, every machine has a socially constructed meaning and a socially oriented objective” (1996, p. 71). Weapons are said by various authors to signify independence, strength, unity, national aspirations, etc.—what might be termed “prestige” (Sagan, 1996) or “machismo” (Knight, 2004, p. 505; Özerdem, 2002; Sedra, 2006; Spear, 1999, p. 3). Eyre and Suchman, for example, emphasize that new states often proliferate weapons for their symbolic value. If fledgling militaries were developed based on security needs alone, they argue, there would be significant variation in their composition and structure dictated by differing balances of power, geography, etc. Yet third world states develop remarkably similar militaries, with an emphasis on air and naval power, and mechanization. In fact, many such states field what can only be described as symbolic military forces. Eyre and Suchman describe third world air forces with no more than five aircraft and navies in newly independent nations without shared or navigable waters. They maintain that this pattern is a one of emulation. If one of the hallmarks of the modern state is a modern military, part of the process of becoming a modern nation state is the development of a similar force structure (Eyre & Suchman, 1996, p. 92; see also Lyall & Wilson, 2009). Seen in this way, the acquisition of a modern military follows the same isomorphic pattern of other elements of newly independent states, such as bureaucratic structures and other symbols of sovereignty, which tend to be patterned on those of developed countries (on institutional isomorphism see DiMaggio & Powell, 1991). However, unlike more “banal” symbols of nationalism (Billig, 1995), such as the flag or anthem, weapons also signal resolve. Eyre and Suchman note that the public display of weapons is a well-understood signal of the intention to defend the state against threats or aggression (1996, p. 74).16

Just as fledgling states acquire weapons for their symbolic value, so too do combatants in internal conflict.

Disarmament, therefore, threatens to diminish the status and legitimacy of belligerents at a time when they are expected to expend political capital in making concessions and in reining in potential challengers. If the identity of an actor rests, in part, on the strength and legitimacy conferred by weapons, then taking them away might have the potential to breed what might be

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16 Curiously, Eyre and Suchman do not discuss the display of weapons as signals of bellicosity.
termed ontological insecurity (Giddens, 1991; Mitzen, 2006; Wendt, 1999). Ontological security is the sense of order that actors have about themselves and their environment that allows them to make sense of, or give meaning to, events. When events conspire to undermine an actor’s sense of order they will lose the ability to make sense of their environment, creating ontological insecurity. The world will appear chaotic rather than organized, resulting in feelings of anxiety. Actors lose the ability to “systematically relate ends to means” (see also Giddens, 1991; 2006, p. 342; Wendt, 1999). Actors strive to minimize these feelings, according to Mitzen, by imposing a sense of order and meaning on their environment and their relationships with other actors. In particular, Mitzen suggests that actors will establish routines, even when they are self-destructive or self-defeating (2006, p. 347). In other words, actors, according to Mitzen, seek ontological security even at the expense of their physical security. Ontological insecurity may, therefore, explain, in part, why belligerents often hold back weapons in contravention of an agreement. Spear writes, “If your social standing has rested on your person as a defender of the society, symbolized by your possession of a gun, the de-roling which would occur as the society became peaceful could be difficult to deal with” (1999, p. 5). Actors would be expected to minimize these feelings and restore their ontological security. Holding back weapons would go a long way to do that.

In order that the security dilemma in reverse be overcome, and disarmament pursued, we are told that belligerents must seek material guarantees that they will survive defection or, worse, the breakdown of peace, under conditions that approximate anarchy (Fearon, 1994; Hartzell & Hoddie, 2003, p. 319; 2006; C. Kaufmann, 1996; C. D. Kaufmann, 1998; David A Lake & Rothchild, 1996; Licklider, 1995, p. 684; Spear, 2002, p. 154; Stedman, 1997, p. 5; Wagner, 1993; B.F. Walter, 1999, p. 43). For example, Walter writes,

even if combatants want to cooperate, and even if they are able to resolve the ideological and power political issues that ignited the war, they will still return to war if credible, enforceable guarantees on the terms of the agreement cannot be arranged. Once the underlying issues are resolved, negotiations become a search for guarantees. (1999, p. 39)

Not surprisingly then, the extant solutions to the security dilemma in reverse revolve around familiar neo-realist and neo-liberal solutions to the problem of cooperation under anarchy, two of which I review below. However, insecurity rests not only on physical insecurity of belligerents generated by the structure of anarchy, but also, as I have argued, on perception and identity.
Though the prevailing literature pays scarce attention to this problem, a focus on a normative account that addresses insecurity as well as material accounts are, therefore, justified. As such, a discussion of democratization—one such normative account—follows the discussion of third party guarantees and power sharing.

**Third Party Guarantees**

Walter departs considerably from the literature on third party involvements in conflict, downplaying the role of mediation, supervision, humanitarian relief, and technical assistance, arguing instead that the promise of armed intervention, so-called ‘peace enforcement,’ is the *sine qua non* of peacekeeping, particularly in the context of disarmament where armed groups are asked to give up their means of self-defense. Third parties, Walter suggests, can provide the enforcement necessary to ensure compliance and survival that belligerents seek during the transition from war to peace. In other words, third parties can provide the credible commitments that belligerents cannot provide for themselves under conditions approximating anarchy (see also Azar, 1983; Berdal & Malone, 2000; P. Collier & Hoeffler, 1998, 2002; Crocker & Hampson, 1996; Hampson, 1996; Licklider, 1993, 1995; Modelski, 1964; Pillar, 1983; N. Sambanis, 2000, p. 419; Stedman, 1997). Hartzell and Hoddie characterize this approach as neo-realist in nature because it is guaranteed by the use of force (2006).

In order to be successful, Walter notes that third parties must make meaningful commitments and demonstrate them in sufficient numbers. In other words, third parties must be willing to prevent violations through the use of force. Walter specifies three conditions for third party guarantees to be credible: first, the third party must have an interest in guaranteeing the peace (she cites economic, historic, or strategic interests); second, a guarantee must be backed by the promise of the use of force (this will require a third party to have equal or greater power than the parties to conflict); and, third, the third party must be able to “signal resolve” (i.e., it must send credible signals that it will intervene should an agreement be violated) (see also Licklider, 1995; B. F. Walter, 1997, p. 336; 2003).

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17 Walter suggests that we can judge third party guarantees by the troop commitments that they make. A weak guarantee “involves a formal promise to intervene should the treaty break down,” but little more. A moderate guarantee is backed by the deployment of at least 500 soldiers. Finally, a strong third party guarantee consists of a “massive” deployment (at least 10,000 troops) (B. F. Walter, 1997, pp. 340-341). Walter concludes, “observers or
Despite the gradual shift towards more active peacekeeping interventions in internal conflicts since the end of the Cold War, third parties that intervene in such a way as to satisfy all three of Walter’s conditions are rare. According to Uppsala while 86% of peace agreements contain some type of third party intervention only 22% have any form of robust third party peace enforcement such as a guarantee backed by the promise of the use of force (Harbom et al., 2006). However, these are often short lived and rarely involve the (arbitrary) commitment level of 10,000 troops said by Walter to be an “unambiguous and indisputable demonstration of intent” to credibly guarantee a peace agreement through necessary security guarantees (1991, p. 11).

For the United Nations, well-known institutional constraints make the provision of robust “guarantees” particularly difficult, several of which are worth noting. First, Stedman reports that the UN often fails to forcefully intervene in order to keep the peace because self-defense remains the “guiding norm” of peacekeeping. Most peacekeeping missions operate on the consent of the parties and can, therefore, be denied or revoked by states reluctant to cede important aspects of their sovereignty to outsiders. Where non-state actors may desire third parties for protection, states may be reluctant to have limits placed on their ability to respond to violence initiated by non-state actors. States may also be concerned about the possible bias of third parties or that asymmetries favour rebels who can easily melt away after an attack unlike national armies and police forces. Notwithstanding recent changes to the norms and laws surrounding sovereignty, which allow for more vigorous armed interventions in conflicts (c.f., R2P), peacekeeping has continued to prove anemic (Stedman et al., 2002, p. 6). Second, resources are often scarce and commitments short. UN missions are often “constrained by the direction, commitment and will of the Security Council” (Stedman, 1991). Unlike early UN peacekeeping missions, post-Cold War commitments are rarely open-ended or indefinite. In fact, Ball suggests that disarmament missions operating under the auspices of the UN typically only last one year even though “[UN sponsored disarmament programs] effectively takes three to four years” (1997). Unrealistic

unarmed peacekeepers with no military backup will have little positive effect on either negotiations or treaty implementation” (1997, p. 361).

18 For an interesting exploration of why the UN consistently tends to overpromise and under deliver on peacekeeping see Lipson’s account of “organized hypocrisy” Lipson argues that such failures stem from a normative desire to do something to terminate violence (or at least be seen to adhere to humanitarian norms) without shouldering the attendant costs (Swarbrick, 2007).
timetables are often accompanied by too few peacekeepers (Spear, 1999, p. 9; 2002). For example, in Cambodia, the UN mission suffered from a lack of personnel and mobility (Berdal, 1996, p. 63) and the UNAVEM mission in Angola had approximately 450 unarmed observers for 467 assembly areas, insufficient vehicles, and unreliable communication (Berdal, 1996, p. 63). Shortages of funds for peacekeeping have been reported in El Salvador, Mozambique, Angola, Cambodia, and Nicaragua (Crocker & Hampson, 1996, p. 67). Third, the quality of UN peacekeeping has noticeably declined as the burden has shifted from developed to developing countries (Brahimi, 2000, p. 18; Hartzell & Hoddie, 2006, p. 163). Fourth, peacekeeping is typically reactive, instituted in response to a troubling breakdown of peace, and not preventative. Finally, the UN regularly underestimates serious threats to their missions, sometimes until it is too late, and rarely confronts their failures in a systematic and honest way (c.f., "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 8). In a series of particularly candid and introspective reports the UN has recognized that insecurity persists in such places as Cote D’Ivoire, Liberia, and Haiti despite their best efforts (Brahimi, 2000; Operations, 1999). Posen, however, makes a more sweeping indictment of UN guarantees: “the UN has proven itself unable to . . . provide the credible security guarantees that would mitigate the security dilemma” (1993, pp. 33-34).

Walter similarly concludes that multilateral guarantees, such as those offered by the UN, are not particularly credible. However, she suggests that individual states can meet the conditions she specifies that lead to robust guarantees (1997, p. 361). This line of argumentation is equally misplaced. Contrary to Walter, Fortna shows that individual states account for a higher proportion of peacekeeping failures than the UN (2004). As with the UN, the commitments of individual states are notoriously fickle (David A Lake & Rothchild, 1996, p. 68). For example, the US unilaterally disengaged its 25,000 soldiers from the peace enforcement mission in Somalia after losing eighteen soldiers in Mogadishu in 1993 and Belgium pulled out of Rwanda after the loss of ten of its peacekeeping troops (Hartzell & Hoddie, 2006, p. 164). The decision to withdraw troops when peace enforcement becomes costlier suggests that “numbers don’t

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19 Spear counts only 298 peacekeepers (2007).
20 For example, the UN notes that “some countries have provided soldiers without rifles, or with rifles but no helmets, or with berets but no flak jackets, or with no organic transport capability (trucks or troops carriers) . . . troops . . . untrained in peacekeeping operations” (1999, p. 15; 2002, p. 154).
imply credibility of commitment” (Doyle, Chayes, & Chayes, 1996). Put differently, Mueller writes, “when Americans asked themselves how many American lives it was worth to save hundreds of thousands of Somali lives, the answer came out rather close to zero” (1996, p. 31). Lake and Rothchild note a paradox: while the end of Cold War opened the door to more third party interventions in internal conflicts, “absent the bipolar competition that drove them into the far reaches of the globe, the United States and other powers now lack the political will necessary to make a sustained commitment to this role” (1996, p. 68). In other words, states tend to hesitate or free ride rather than commit their own resources to peacekeeping (David A Lake & Rothchild, 1996). Simply put, third parties often prove reluctant to engage in so-called “peace enforcement” because it is costly and risky (Bowden, 2010, pp. 163-164; Peceny & Stanley, 2001, p. 14; Stedman et al., 2002). Glassmyer and Sambanis conclude that “most third parties often can do nothing in the face of remobilizing combatants” (2008, p. 381).

Effective monitoring, verification, and enforcement, whether by an individual state or multilateral organization, is often confounded by logistical poor conditions, lack of infrastructure, and vast geography (Berdal, 1996, pp. 42-43; Kingma, 2000; Knight, 2004; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 7; Stedman, 1991). In Bougainville, Nepal, Afghanistan, and Cote D’Ivoire, for example, disarmament was simply placed on the “back burner” because of logistical difficulties according to the UN ("Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010).

Peacekeeping is further hamstrung by poor quality or insufficient information (B.F. Walter, 1999, p. 136). To begin with, information on belligerents operating in the developing world is rarely accurate (Spear, 1999, pp. 9-10). However, belligerents also have incentives to deliberately misrepresent information. On the one hand, they might be inclined to inflate their numbers in order to improve their bargaining position, as they did in Angola and the DRC (Spear, 2002, p. 149; Swarbrick, 2007, p. 32). On the other hand, they might understate their numbers in order to avoid fulsome disarmament (Berdal, 1996, p. 35; Fearon, 1995). Spear concludes that verification efforts are often “crippled” not only because of a lack of resources

21 UNITA claimed 50,000 fighters and the government 200,000 while the UN estimated 37,300 and 113,700 respectively, according to Spear
and incentives to misrepresent information, but because of the “allergy of the United Nations to intelligence gather and analysis” (2002, p. 158). In other words, the UN lacks the political will to collect data, particularly those data that highlight its failures. Without reliable data third parties cannot effectively monitor and verify the terms of an agreement. In a contradictory note, Walter concludes “as long as cheating can cause enormous suffering . . . it is unlikely that groups will rely on early detection to ensure their safety” (1999, pp. 135-136).

In fact, instead of increasing security, third parties can sometimes have the effect of exacerbating the insecurity of belligerents engaged in internal conflicts. Rather than remaining impartial, third parties often pick sides (D. E. Cunningham, 2010; David A Lake & Rothchild, 1996, p. 62; G. H. Snyder, 1984, p. 19). During the Cold-War, for example, the Superpowers regularly intervened on behalf of groups that were nominally aligned with their economic, military, or ideological interests (Regan, 1996, p. 337). More recently, Posen argues that the UN, an advocate of so-called “balanced disarmament” ("Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 5) and a supposedly a neutral arbiter, has tended to pick favourites (see also Knight, 2004, p. 506; Posen, 1993, pp. 33-34). Rather than moderating behaviour, third party support “encourage[s] the weaker party to believe that the external power supports it, thereby prompting the group to fight on and hold out for a better deal than its position on the battlefield warrants” Lake and Rothchild write (1996, p. 69). They argue that this was the case in Somalia, Rwanda, and the former Yugoslavia. “Absent a belief in the fair-mindedness . . . of the external powers,” Lake and Rothchild conclude, “intervention in any form will fail to mitigate the conflict” (1996, p. 68). Luttwak argues that intervention prevents parties from negotiating, thereby deferring conflict to a later date. “Since no side is threatened with defeat and loss,” he writes, “none has a sufficient incentive to negotiate a lasting settlement.” (Luttwak, 1999). In sum, rather than help remediate conflicts, third parties risk prolonging or inflame them.

Despite these shortcomings, however, third parties can undoubtedly play a constructive role in peacemaking. Third parties can be effective mediators by providing information, solving coordination problems, offering creative solutions (such as fractioning or “separating values from interests”), promoting norms, and offering side payments for concessions (Hampson, 1997). Once an agreement is reached, third parties help make agreements more durable by providing surveillance, raising the reputational costs of non-compliance by reporting violations (Bell, 2006;
Druckman, Broome, & Korper, 1988; R. J. Fisher, 1983; R. Fisher, Ury, & Patton, 1991; Gilady & Russett, 2002; Kelman & Cohen, 1976; Kleiboer, 1996; Massoud, 2000; J. G. Stein, 1985; c.f., Touval & Zartman, 1985), acting as a tripwire, and providing mechanisms for dispute resolution. However, third parties cannot provide “guarantees” that a peace process will succeed or that actors who disarm will not face the threat of annihilation if it does.

Contrary to Walter, there is powerful countervailing evidence against the efficacy of third party guarantees. Several rigorous studies provide a more sober view of the effects of third parties on peace. Rarely do they commit the resources necessary to enforce the terms of a peace agreement, nor are they generally willing to suffer the risks associated with peacekeeping. Despite Walter’s claim that third party guarantees are a “necessary” condition for the “successful implementation of peace agreements” in internal armed conflict, the empirical record suggests otherwise. Contrary to Walter, Peceny and Stanley and Stedman cite numerous agreements that have succeeded in keeping the peace without the presence of robust third party guarantees (Peceny & Stanley, 2001, p. 14; Stedman, 1997, pp. 49-50). More importantly, numerous authors find that peacekeeping is not ironclad. In a wide-ranging study of peacekeeping, Doyle and Sambanis finds that peacekeeping “has no effect on the chances for peacebuilding success” though it does make a “positive difference” when it comes to “economic reconstruction, institutional reform and election oversight.” (2000). Several studies find that “undercommitted” peacekeepers increase the risk for the civilian populations that they were mean to protect (Beardsley, 2011; Hultman, Kathman, & Shannon, 2014). Fortna is far more bullish on peacekeeping, suggesting that war recurrence drops by 30% pre-1989 and nearly 70% post-1989 when UN peacekeepers are present (2004). However, her findings should be tempered. By her admission between 30-70% of conflicts recur despite the presence of peacekeepers (2004). This comports with the data found in Uppsala where half of all conflicts reignited despite the presence of peacekeepers, nearly same rate of conflict resumption as those without the benefit of peacekeepers (54%) (Harbom et al., 2006). In other words, third party guarantees fall short of a meaningful definition of guarantees. Third party guarantees, writes Ratner, “literally guarantees

22 Walter claims that in only two cases (Columbia 1958 and Yemen 1970) was a settlement reached without third party guarantees (Brahimi, 2000, p. 18). However, in so doing she ignores her earlier requirement that third parties must provide 10,000 plus troops in order to provide “unambiguous and indisputable” security guarantees. In fact, third parties usually fail to meet this standard (1997, p. 349).
“Choosing to rely on outside actors alone,” Hartzell and Hoddie conclude, “does not do away with the condition of domestic anarchy” (2006, p. 164).

Even if third parties were somehow able to overcome these problems and create robust guarantees they would still face commitment problems and perception problems. There is nothing to prevent third parties from reneging on or later revoking their commitment to enforcing the peace and belligerents need only wait until this time to launch a renewed attack (C. D. Kaufmann, 1998, p. 150; Luttwak, 1999). Indeed, Walter recognizes that if commitments expire prematurely they will have no positive effect (1997, p. 351). Even if such commitments were robust, third parties would still suffer from the perception of being fickle. Much like deterrence, one can only really be sure of the failures of peacekeeping, and not its successes. Because of their poor track record, belligerents are likely to greet peacekeepers with suspicion. If belligerents do not believe that third parties will be there to enforce the peace when they need it, they will be unlikely to put their faith in third party guarantees to begin with. In other words, belligerents are not likely to entrust their survival to third parties where they fear violent death, as they rightly do in internal armed conflicts. In this way, third parties have the same problem making credible commitments that belligerents do. Lake and Rothchild write, “an external guarantee that the parties expect will evaporate is no guarantee at all. (1996, p. 70). Snyder and Jervis conclude that third parties cannot, “overcome the warring groups’ fear that they could be exploited by their enemies as they disarm themselves” (1999).

It is worth considering the possibility that Walter has her casual story reversed. Peacekeeping may not be responsible for breeding successful peace agreements. Instead, successful peace agreements may make for fruitful peacekeeping. In other words, the willingness of the parties to engage in a real peace might lead to successful peacekeeping. Aggestam writes, “one . . . prerequisite [for successful peacekeeping] is the political willingness . . . of the parties to achieve, implement and consolidate negotiated settlement” (2002a).

**Power Sharing**

Harztell and Hoddie suggest that guarantees can be sought without the help of third parties. They argue that combatants can be convinced to lay down their arms and terminate civil war if robust forms of power sharing institutions are devised, guaranteeing them that they won’t be disenfranchised from the levers of power or subject to arbitrary authority in the future (2003;
2006, p. 158). They write, “groups will be more likely to commit to peace if assured that their rivals will be unable to monopolize the state and use these positions of authority to the detriment of their former adversaries” (Hartzell & Hoddie, 2006, p. 159; see also David A Lake & Rothchild, 1996, p. 62). For Hartzell and Hoddie, then, power sharing, and not third party enforcement, is the answer to the security dilemma belligerents face in laying down their weapons (2006, p. 166).

Proponents of power sharing suggest that it acts to limit, decentralize, and disperse power, and balance groups through checks and balances, mutual vetoes, and others, thereby promoting moderation, cooperation, and compromise (D. L. Byman, 2002; Crocker & Hampson, 1996; Lijphart, 2004; Mansfield & Snyder, 1995; McRae, 1990; Nordlinger & Huntington, 1972; N. Sambanis, 2000; Sisk, 1996; J. Snyder & Jervis, 1999, p. 18; B.F. Walter, 1999, p. 141). Power sharing operates on the same well-known neo-liberal principle—tit-for-tat reciprocity (c.f., Axelrod & Hamilton, 1981; Keohane, 1984, 1986a, 1986b; Keohane, 1988; S. D. Krasner, 1983; Oye, 1986)—that is said to make cooperation possible under anarchy. Rather than relying on the force of arms to guarantee an agreement, as Walter proposes, Hartzell and Hoddie suggest that power sharing promotes “a positive sum perception of political interactions” through reciprocity, repeated interaction, and common interests (2003, p. 319). Moreover, proponents of power sharing suggest that by granting formerly disenfranchised groups a share of the power, the insecurity they face in laying down weapons can be overcome. In these ways, power sharing is said to help manage the transition between war and peace and, in fact, it is increasingly being used.23

Hampson notes that there is not one “off the shelf model” for power sharing (1997, p. 711). Power sharing has been arranged formally and informally (i.e., by contract, such as Nigeria, or by tacit agreement, such as Kenya) and in a variety of regime types (i.e., in democracies, such as South Africa, or authoritarian regimes, such as Zambia) (David A Lake & Rothchild, 1996, p. 166).

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23 According to the Uppsala dataset, 75% of all peace processes to terminate secessionist wars contain provisions for regional autonomy or local self-governance (Stedman, 1997, pp. 49-50 discuss two such cases, El Salvador and Guatemala). Only the agreements in Bosnia-Herzegovina (Croat), India (Tripura), Philippines (Mindanao), Senegal (Casamance) and Yugoslavia (Slovenia) do not. However, a close reading would suggest that these too largely contain provisions for regional autonomy and self-governance. For example, the Washington Agreement created autonomous cantons under the Federation of Bosnia-Herzegovina, Tripura has been a separate state within India since 1949, the Muslim regions of Mindanao are now largely autonomous, and the peace agreement in Yugoslavia (Slovenia) ultimately led to a full withdrawal of Yugoslav forces from Slovenia and a declaration of independence.
Power sharing can occur through direct political (i.e., a joint government and bureaucracy) and military integration, by leveling the playing field to allow full participation in the political life of the state (i.e., free and fair competitive elections, which will be discussed in greater detail below), or though ‘power dividing’ (i.e., a federal system, regional autonomy, etc.) (see Glassmyer & Sambanis, 2008 on military integration; Hampson, 1997 on power dividing; Hartzell & Hoddie, 2003; 2006 on political integration; Lapidoth & United States Institute of Peace, 1997 on autonomy arrangements; T. D. Mason & Fett, 1996 on "consociational agreements"; B.F. Walter, 1999, pp. 138-139 on the merits of decentralized federal parliamentary systems). Power sharing can be implemented immediately or can proceed through stages (i.e., first an interim government, then electoral reform, and only then competitive elections).

By balancing groups and creating a positive sum game power sharing is said to disincentivize defection and incentivize cooperation between former combatants (J. Snyder & Jervis, 1999, p. 18). However, it is unclear from these accounts how power sharing acts to preclude actors from defecting from the terms of an agreement. The prospective benefits of cooperation may be enticing, but they do not guarantee that defections will not occur. Walter suggests that spoilers might simply adopt a cooperative strategy in order to lull the other side into complacency prior to launching a renewed attack (1999, pp. 135-136). She writes, “once [belligerents] surrender their assets to a single administration they make it easy for their opponents to set up a one-party state” (1999, p. 43). Similarly Glassmyer and Sambanis note that “once rebels demobilize . . . the government can renege on its promises” (2008, p. 365). And, indeed, in several cases they have. For example, in 1989 Milosevic revoked the autonomy granted to Kosovo under former President Tito and in the late 1970s President Nimiery of Sudan rescinded similar commitments notoriously imposing sharia law on the south, both cases precipitated renewed violence (David A Lake & Rothchild, 1996, p. 52).

New institutions are, by definition, untested and tend to be staffed largely by former combatants and government officials “with lingering partisan loyalties,” according to Walter (1997, p. 340). She writes, “these institutions might eventually serve to reassure groups that their rights and liberties will be protected, but when new, they could just as well be used as instruments for further repression” (1997, p. 340). “Once there has been heavy fighting,” Kaufmann writes, “the sides are likely to distrust each other far too much to entrust any authority to a central
government that could potentially be used against them” (1996, pp. 156-157). As such, they promise few guarantees and do little to remediate the security dilemma. Because the costs of defection are potentially catastrophic, defection is likely to remain the dominant strategy. Parties are better off keeping their weapons even if their desire is to make peace; under such an arrangement it is the only way that belligerents can guarantee their survival. Indeed, power sharing mechanisms only led to peace in half of those cases that adopted them in the Uppsala dataset. In the other half, conflict resumed within five years of signing a peace agreement despite the inclusion of power sharing mechanisms (Harbom et al., 2006).

*Democratization*

Hartzell and Hoddie propose a division between neo-liberal and neo-realist structures in overcoming the security dilemma created by disarmament in internal conflicts (2006). They characterize Walter’s approach as a neo-realist form of peace making—peace through enforcement—and their own as neo-liberal—peace through reciprocity. Following this division, we can extrapolate and explore a constructivist solution to the insecurity generated by disarmament. One such solution is captured by the democratic peace theory.

The democratic peace theory has been called the closest thing to a law like regularity in international relations (J.S. Levy, 1988, p. 88). That democracies do not go to war with one another has been variously explained as a product of democratic norms and/or democratic structures. Of interest here is that the norms of democracy are said to allow for the resolution of grievances without recourse to violence. Democratic societies, in particular liberal democratic societies, are, on the one hand committed to dialogue and compromise, and on the other hand, averse to conflict because of the human costs it entails (Maoz & Russett, 1993; Owen, 1994). While the bulk of the democratic peace literature explores the relationship between states, there is a small and growing literature that explores applies this relationship to the domestic arena (Ellingsen & Gleditsch, 1997; Hegre et al., 2001; Krain & Myers, 1997; David A Lake & Rothchild, 1996, p. 60; Raknerud & Hegre, 1997; Ward & Gleditsch, 1998) and has increasingly become a widespread pillar of foreign policy (Annan, 2002 on UN policy; see Ish-Shalom, 2008 on American and Israeli policy; Ish Shalom, 2008; Jahn, p. 685; Schafer & Walker, 2006 on American and British policy).

However, democratization does not correlate with increased stability in internal conflicts, at least
in the short term. In fact, despite the supposed pacifying effects of democracy the transition period (particularly the so-called “third wave” of democratization) is correlated with increased levels of violence, both within and between states (Bratton, Van de Walle, & Lange, 1997; Casper & Taylor, 1996; Ellingsen & Gleditsch, 1997; Francisco, 1995; Hegre et al., 2001, p. 42; S. P. Huntington, 1991, 2006; Mansfield & Snyder, 1995; Raknerud & Hegre, 1997). These findings comport with the Uppsala data in which, rebel transformation into political parties, electoral reform, and/or calls for elections—crude proxies for democratization—do little to improve the prospects for peace. Indeed, according to the dataset 57% of peace processes which include these proxies for democratization fail within five years of signing, returning the parties to violence (Harbom et al., 2006). Several explanations have been offered to explain this paradox. First, Roland Paris argues that the recent focus on democratization often neglects the “root causes” of conflict (1997). In other words, the international community often focuses their attention on establishing democratic institutions at the expense of addressing other deep societal problems, which tend to reemerge at a later date. Second, Mansfield and Snyder argue that regime change of any type is likely to create winners and losers, with losers often turning to violence (1995, p. 22). Hegre notes that periods of regime transition act to “deconsolidate [existing] political institutions . . . create[ing] instability” (2001, p. 34). Similarly, Mansfield and Snyder note that it takes time before “democratic culture settle[s] in” (Diamond, 1990; Mansfield & Snyder, 1995, p. 24; see also B. F. Walter & Snyder, 1999). In other words, democratic institutions may be put in place before democratic norms emerge. Without mature democratic norms and institutions in place, social cleavages are easily exploited by potential losers through “blatant” appeals to coethnics and by “outbidding moderates” for the purposes of electoral or personal gain (c.f., Fearon & Laitin, 2000; Hegre et al., 2001, p. 43; David A Lake & Rothchild, 1996, p. 60; Ward & Gleditsch, 1998, p. 4). Finally, democratic norms may constrain and define behaviour, but they cannot ultimately prevent defections. They cannot guarantee the safety of belligerents who lay down their weapons. In short, neither democratic norms nor structures can overcome the security dilemma.

The Westphalian Prejudice

The disarmament literature bellies a hidden bias about the nature of sovereignty. For example, Walter writes, “to be successful, a civil war peace settlement must consolidate the previously warring factions into a single state . . . They must then surrender whatever remaining power they
have to a single administration, not necessarily their own (1999, pp. 133-134).” Elsewhere she notes, “the key difference between interstate and civil war negotiations is that adversaries in a civil war cannot retain separate, independent armed forces if they agree to settle their differences” (1997, p. 337). Similarly, Hartzell and Hoddie write, “by agreeing to end the conflict peacefully, formerly warring parties commit themselves to cease acting like the sovereign entities that they have come to resemble during the war and instead reconstruct central state authority” (2006, pp. 156, 164). Disarmament, therefore, acts to “reinforce and extend the reach and legitimacy of state authority . . . allowing states to reassert their monopoly of violence” (Muggah, 2010, p. 1). Common to these accounts is the implicit assumption that warring parties must lay down their arms and be consolidated into a single unit. In other words, proponents of disarmament argue that the state must be made whole for internal conflict to be successfully resolved. This recalls both the Westphalian and Weberian definitions of the state as territorially contiguous and mutually exclusive actors each with each with exclusive authority (i.e., a “monopoly over the legitimate use of force”) within a given territory (S. D. Krasner, 2001, p. 115; Weber, 1978). Following Ringmar, I refer to this assumption as the Westphalian prejudice (1996, p. 5).

However, the Westphalian model of sovereignty is not always an accurate description of state authority. The Westphalian model is “simple arresting and elegant,” Krasner writes, but it is also misleading, “it obfuscates the existence of many situations in which rulers, have, in fact, not been autonomous” (2001, p. 17). It similarly cloaks the deep cleavages that exist within many states. (Migdal, 2001). States regularly yield their authority over economic policy, human rights, and many others or are simply too weak or disorganized to assert their authority throughout their territory (S. D. Krasner, 2001, pp. 116-117; see also Schmidt, 2002, p. 617). For example, many states have what Krasner calls “areas of limited statehood” in which “central authorities (governments) lack the ability to implement and enforce rules and decisions or in which the legitimate monopoly over the means of violence is lacking, or both” (1995, pp. 118-119). Egnell and Halden suggest that European countries existed long before they exercised “extensive and routinized control over their populations” (2009, p. 38). Historically, European countries had multiple and often overlapping sources of authority within their boundaries, even after the Peace of Westphalia, which is said to delineate the mutually exclusive and territorially contiguous state system (Egnell & Haldén, 2009; Jackson, 1990, p. 534; Osiander, 2001; Spruyt, 2009). For
example, Charles Tilly describes European populations paying taxes to one authority and providing men to competing armies within the same area (Charles Tilly, 1978 quoted in Licklider, 1993, p. 192). Similarly many states found in today sub-Saharan Africa may be described as “quasi states” (1990, pp. 526-528). Quasi states are “loose patchworks . . . somewhat reminiscent of medieval Europe” which “possess uncertain authority . . . are ineffective and plagued by corruption . . . [are] highly segmented . . . [and] incapable of enforcing their writ throughout their territory,” according to Jackson (1990, pp. 526-528). In many such states, many of the functions formally associated with a central state are subcontracted out to a wide range of substate or nonstate actors,” according to Menkhaus (2007, p. 104). Holsti concludes, “any state that is unable to provide for its own defense, that tolerates highly armed political groups within its territory, and that uses excessively predatory or suppressive means to bridge the gap between the state and its nation(s), can hardly be based on hierarchal (mutual dependence) relations” (1995).

In these examples, states are simply too weak to be considered properly Westphalian. In other examples, however, strong actors have decided to voluntary limit or cede their authority creating deliberately non-Westphalian models of governance. For example, Levinson claims that the Westphalian model, with its emphasis on a strong central government, fails to take into account the American political tradition, which is “fundamentally mistrustful of state power and vigilant about maintaining the ultimate power . . . in the populace” (1989). Nor does the Westphalian model take into account post-war European states that voluntarily ceded their sovereignty to the European Union (EU), an extra-territorial or supra-national body (Ruggie, 2009).

Despite their internal incoherence these actors, weak and strong, are typically recognized as sovereign and enjoy equal standing under international law. Where Westphalian sovereignty requires effective control over a given territory, international recognition as a sovereign actor does not. In other words, internal authority and external recognition have been effectively “decoupled” (Jackson, 1990, p. 533; see also D. A. Lake, 2003 on external sovereignty). In fact,

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24 According to Herz, the Treaty of Westphalia, which ended the Thirty Years War in 1648, marked the “great divide” between “the muddled state of affairs of medieval Europe, when political units were still permeable and sovereignty was not an absolute, territoriality defined quality, and the modern era of closed units no longer brooking such interference” (Harbom et al., 2006). In other words, the Treaty was said to inaugurate an era of “neatly divided sovereign territorial states.”
the Montevideo Convention on the Rights and Duties of States, which has become a cornerstone of international law, seems to have been drafted explicitly for these purposes. It requires only that a state possess, “(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into negotiations with other states” (quoted in Jackson, 1990, p. 528). States lacking the characteristics of Westphalian sovereignty are still recognized as legitimate actors in the international arena.

In sum, sovereignty is rarely absolute and breaches are regular; states regularly fail to measure up to the Weberian ideal-type (Migdal, 2001). Indeed, tremendous variation exists amongst states, particularly regarding their coercive capabilities and territorial control. Yet the Westphalian model of sovereignty is taken uncritically as the standard by which others are measured (K. J. Holsti, 1995, p. 329; Migdal, 2001, p. 15). Variations from the ideal-type are seen as failures that should be rectified, according to Migdal (2001, p. 15). The need to impose or restore Westphalian sovereignty to states experiencing internal conflict is highly teleological; little more than a normative prescription smuggled into the literature about what a state ought to be. Critical IR scholars conclude that such views of sovereignty are deeply Eurocentric (c.f., Bilgin, 2008; Barry Buzan & Hansen, 2009; Ruggie, 2009, p. 159).

Schmidt writes, “the Westphalian concept has outlived its usefulness. It is now but a blunt tool in an area where much fine-grained work has been done. Continued references to a Westphalian system and the like are far more likely to obscure than illuminate” (Ringmar, 1996, p. 1; Schmidt, 2002, p. 615). The Westphalian prejudice provides “no way to theorize about arenas of competing sets of rules, other than to cast these in the negative, as failures or weak states or even as non-states,” Migdal writes (2001, p. 15) Indeed, by assuming a Westphalian prejudice the peacemaking literature reviewed above fails to conceive of a range of possible alternative definitions of statehood and, subsequently, novel approaches to resolving internal conflict.

Conclusion

Since the end of the Cold War the disarmament of combatants has emerged as a robust norm and widespread practice in the resolution of internal conflicts. Disarmament rests on the simple

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25 Importantly, the Convention refers to “government” not a single or unitary government.
notion that weapons are destabilizing and must, therefore, be removed in order to restore peace in the wake of internal conflict. However, disarmament threatens to increase insecurity rather than ameliorate it. Walter argues that disarmament creates a security dilemma in reverse. If belligerents give up their arms, as disarmament proponents demand, they cannot effectively ensure their survival should a peace agreement fall apart, as so many, in fact, do. Without weapons, belligerents are dangerously vulnerable to renewed armed conflict, particularly as the prosecution of a civil war undermines the legitimacy of the government and its attendant institutions, such as the police and judiciary, and, in some cases, destroys them altogether. As such, the state cannot be relied on to ensure that both sides will faithfully disarm. This problem, Licklider explains, “is literally [the difference between] life and death for the combatants” (1995, p. 681). Fearing the consequences of defection, therefore, belligerents are unlikely disarm themselves. It is, then, no wonder that Muggah has concluded that disarmament is not a “magic bullet” (2005).

For peace to obtain, Walter explains, belligerents require credible commitments that they will not be permanently excluded from power, or worse, face threats to their survival (1999, p. 43). Walter argues that third parties can provide such guarantees, Hartzell and Hoddie suggest that power sharing mechanisms can ensure that neither side will be disenfranchised even as they disarm, and the Democratic Civil Peace literature suggests that the norms of democracy allow combatants to resolve their differences through dialogue rather than through armed conflict. However, contrary to Walter, third parties have historically had a poor track record at keeping the peace, power sharing is prone to break downs, reversals and defections, and democratization correlates with increased levels of violence, at least in the short term before democratic norms solidify. Assuming, as does Walter, that peace agreements substantially resolve all other outstanding grievances between belligerents, the high failure rate of peace agreements that include these mechanisms tells us that they are, in many cases, simply insufficient to secure parties from defection or overcome their deep feelings of mistrust. Nor do these mechanisms address the potential ontological insecurity raised by the disarming of combatants or lingering perceptions of insecurity generated by a history of armed conflict. These mechanisms may mitigate, but cannot ultimately resolve, the feelings of insecurity that belligerents have in many internal conflicts, nor can they guarantee the survival of belligerents should a peace agreement fail. Walter herself concludes that “a 95 percent risk-free disarmament plan might appear
perfectly acceptable on paper, but to the groups involved, even a slight chance of an attack is often too high” (1997, p. 340). Disarmament may, therefore, simply be incompatible with security in many cases. Nevertheless, disarmament continues to be aggressively pursued by third parties, such as the UN, World Bank, and others. It has, in Muggah’s words, been fetishized (2005, p. 246). Disarmament has become an end in itself based in part on a commitment to the Westphalian ideal that they have smuggled in.

Proponents of disarmament insist on something domestically that is rarely countenanced at the international level: complete disarmament. Buzan notes that disarmament would be a “non-starter” internationally because it would leave states altogether defenseless (1987, p. 250; see also Cooper, 2006, p. 355). A continued insistence on disarmament without provisions that guarantee the safety of combatants is anathema to the resolution of internal conflict. Jervis and Snyder write, “a reduction in arms that makes the participant less secure will be part of the problem rather than the solution. Of course the ultimate goal is for the participants to no longer fear each other, but arrangements that lead one side or the other to fear that they are about to be stripped of all protection are not likely to produce even a temporary peace” (1999, p. 28). If groups cannot be made secure in the transition between war and peace and be made to feel secure they will be unlikely to fully disarm or take other risks involved in peacemaking. To do so would, in many cases, simply threaten to imperil them. Given the choice between insecurity and survival, belligerents will, therefore, likely cheat or simply avoid negotiations altogether. Spear writes, “without a sense of security, fighters and noncombatants alike will not want to part with their weapons” (2002, pp. 146-147). In other words, belligerents may, in fact, retain weapons because they fear the consequences of disarmament not because they are spoilers intent on undermining the peace process. And yet, those who cheat or otherwise fail to disarm are often summarily labeled spoilers by proponents of disarmament (Muggah, 2010, p. 1). The retention of weapons alone is not sufficient evidence of spoiling. Spooling is only truly evident post hoc after an agreement has been undermined. Said differently, we can tell the presence of spoilers by evidence of spoiling behaviour. In conflating weapons with spoilers, proponents of disarmament confuse means and ends. Weapons are little more than the means of spoiling, not the motivation for spoiling. The presence of weapons, therefore, is of little explanatory value in exploring the phenomenon of spoiling.

By simply relaxing the Westphalian prejudice central to the accounts above, which I have argued
is neither theoretically tenable nor empirically warranted, we may consider a range of alternate strategies for conflict resolution in internal conflict. For example, a commitment to territorial integrity precludes an exploration of partition, a solution Chaim Kaufmann enthusiastically advocates in the wake of ethnic conflict which has, in fact, been pursued in a variety of such conflicts ranging from the Indian subcontinent to Sudan (1996; 1998). However, contrary to Kaufmann, states rarely countenance partition and instead actively work to prevent it. In the following chapters, I will, therefore, explore another such possibility precluded by the Westphalian prejudice that, contrary to Kaufmann, leaves the state intact. Actors might hold onto their weapons and cease fighting. If belligerents need not reconstruct a unitary actor with a single monopoly over the legitimate use of force in the process of resolving their conflict, they need not disarm. In other words, a state could have multiple legitimate armed groups within its boundaries. I refer to as an oligopoly over the legitimate use of force within a given territory. By relaxing the Westphalian prejudice, we can view weapons not only as a destabilizing force, as disarmament scholars argue, but instead as potentially stabilizing in the resolution of internal conflict. Holding back weapons, even if it is in contravention of an agreement, might simply be the act of cautious peacemakers. Proponents of disarmament exclude a productive and legitimate role for weapons in the resolution of internal conflict. However, by providing a guarantee that they will survive should a peace process collapse, weapons allow belligerents the ability to take the risks associated with peacemaking. The next chapter explores this in detail.
Chapter 3 The Role of Weapons in the Transition from War to Peace in Internal Conflict

Introduction

The disarmament of combatants is meant to prevent the recurrence of war by “removing the means by which civil wars have been prosecuted” (Spear, 2002, pp. 141-142). Without guns, it is thought, wars can no longer be fought and peace will, therefore, obtain. However, disarmament often fuels insecurity rather than acting to reduce it (Muggah, 2005, p. 246). Disarmament programs have rarely (if ever) been fulsome or complete. In other words, disarmament “seldom ensures a total collection and disposal of weapons” (Knight, 2004, p. 503). Weapons are easily hidden, new weapons easily sourced, and former combatants easily remobilized. Disarmament is, therefore, likely to empower those who defect from the terms of an agreement by retaining their arms and imperil groups who abide by the terms of an agreement by leaving them defenseless and vulnerable. “Once [combatants] lay down their weapons,” Walter writes “. . . it becomes almost impossible to either enforce future cooperation or survive attack” (see also Glassmyer & Sambanis, 2008, p. 365; Hartzell & Hoddie, 2006, p. 156 who make similar arguments; David A Lake & Rothchild, 1996, p. 67; B. F. Walter, 1997, p. 336). Walter concludes, “neither side can convince the other that they will nobly resist a treaty’s temptations or naively fulfill its terms. And so, unable to enforce the agreement or survive exploitation, they avoid cooperation and continue to fight” (B. F. Walter, 1997, p. 337; see also Weingast, 1998).

In other words, disarmament triggers a prisoner’s dilemma-like scenario that often prevents the successful resolution of internal conflict. By signing a peace agreement both sides acknowledge that they would presumably be better off cooperating than continuing to fight. However, the fear of defection prevents belligerents from realizing this desirable outcome. Conflict, therefore, often persists even if belligerents wish to terminate it. Because disarmament poses an immediate challenge to the physical security of belligerents, there is a tendency within the prevailing literature to view it as a material problem alone. However, disarmament not only threatens to leave actors defenseless, it also removes a highly coveted symbol of social status and political legitimacy (Eyre & Suchman, 1996, p. 75; Spear, 1999, 2002).
In the last chapter we reviewed several methods by which belligerents seek to overcome this problem. First, Walter argues that third parties can offer to guarantee the terms of a peace agreement, supposedly enabling belligerents to take the risks associated with peacemaking, such as laying down their weapons. In practice, however third party guarantees “literally guarantees nothing” (Stedman et al., 2002, pp. 1-2). The commitments of third parties are often short lived and they rarely contribute the resources necessary for successful peace enforcement. But even where third party commitments are significant, they are rarely invested enough to withstand the high costs associated with peacekeeping. Further, because there is no ironclad way of determining the number of location of armaments, or whether caches of arms are hidden, verification does little to stem the anxiety of actors. And rather than remaining impartial and attempting to stabilize the peace, third parties have been known to take sides, further destabilizing combatants. Third party guarantees are fickle and anemic with a mixed record of success. Even if third parties were somehow able to overcome these problems and create robust guarantees they would still face a perception problem with their poor track record. Because of these shortcomings, belligerents are not likely to entrust their survival to third parties, particularly where they fear violent death, as they rightly do in internal armed conflicts.

Second, belligerents can share power in an effort to ensure their security and prevent their disenfranchisement from power. Rather than relying on the force of arms to guarantee an agreement, as Walter proposes, Hartzell and Hoddie suggest that power sharing can assure groups that “that their rivals will be unable to monopolize the state and use these positions of authority to the detriment of their former adversaries” (2006, p. 159). However, the costs of defection remain potentially catastrophic for belligerents, especially after disarmament has been undertaken and defensive capabilities have been lost. Walter writes, “simply guaranteeing that leaders will have a say in a new government will not be enough. Post-civil war factions do not simply fear that they will have little voice in government, they also fear that their very existence will be eliminated or marginalized in the process” (1999, p. 48). While power sharing is said to incentivize cooperation, its proponents fail to explain how shared institutions prevent parties from defecting from the terms of an agreement. Defection, therefore, remains the dominant strategy for combatants.

Third, and related, belligerents can adopt democratic norms and institutions to promote moderation and resolve grievances through dialogue. In particular, free, fair, and regular
elections, an independent judiciary, a free press, and others are said to establish the conditions for lasting civil peace by providing belligerents with non-violent recourse to resolve their differences. However, the pacifying effects of democracy are not seen at first. The transition to democracy is correlated with increased levels of violence. The process of democratization creates winners and losers and deconsolidates existing political institutions while democratic institutions are still in their infancy and democratic norms have yet to become entrenched. Without mature democratic norms and institutions in place, social cleavages are easily exploited generating conflict.

Common to these accounts is the shared assumption that warring parties must lay down their arms and be consolidated into a single territorially contiguous state, each with a monopoly over the legitimate use of force, which Ringmar terms the ‘Westphalian prejudice’ (1996, p. 5). Proponents of disarmament, therefore, exclude a productive and legitimate role for weapons in the resolution of internal conflict, stubbornly labeling those that retain weapons spoilers (Muggah, 2010, p. 1). By simply relaxing these assumptions we may allow for the possibility that a state could have multiple legitimate armed groups within its boundaries. In so doing, we can view the retention of weapons by belligerents not as an act of spoiling, as proponents of disarmament are wont to do, but instead as an act of cautious peacemaking by prudential actors. Weapons are, in this account, a via media between partition, which allows groups to retain their defenses within separate states, but which, contrary to Kaufmann is a rare occurrence (K. J. Holsti, 1991), and third party guarantees, which keep the state intact but place the security of actors in the hand of third parties. Weapons can allow belligerent groups to provide for their own security without resorting to partition while gradually building the institutions and norms necessary to sustain a durable peace.

Weapons are, paradoxically, both the tools used to wage war as well as the means to avoid it. Weapons are used to compel, as in armed conflict, and they are used to deter, so as to prevent armed conflict (George, 1991; Jervis, 1979, 1989; Mearsheimer, 1983; on compellence see Schelling, 1980; on deterrence see Janice Gross Stein, 1991, p. 432). In many cases, however, weapons also insure. Weapons help actors protect themselves should an agreement fail and violence re-erupt, as it so frequently does in internal armed conflicts. By providing a last line of defense, weapons, allow belligerents greater freedom to engage in risky peacemaking activities; risks that they might otherwise not take if they were expected to disarm. Without robust
insurance policies, such as those provided by weapons, belligerents might simply be unwilling to enter into negotiations at all. Those who insist on fulsome disarmament neglect those cases in which former combatants are expected to enforce the rule of law within a specified geographic area or enforce discipline amongst parallel or competing groups. Armed groups can better enforce discipline amongst their constituents and rein in splinter groups and other competitors who might emerge during a peace process. Armed groups can, therefore, better make credible commitments to their interlocutors by helping prevent spoilers from undermining the peace. Weapons have the added bonus of being highly symbolic of legitimacy and legitimating ones’ interlocutor is, perhaps, the most fundamental step in making peace with them. This assessment stands in contrast to the view of disarmament theorists and practitioners that view “all arms are destabilizing and thus likely to increase the risk of war” (Cooper, 2006, p. 356).

In the following pages I will begin by discussing the viability of relaxing the Westphalian prejudice. I will argue that the resolution of internal conflict does not inherently demand a unitary actor with the monopoly over the legitimate use of force in a given territory. By relaxing the Westphalian prejudice we can allow for the possibility that a state could have a patchwork of authorities and multiple legitimate armed groups within its boundaries. Then I will explore in detail the various reasons why belligerents might be inclined to retain weapons even as they engage in the process of conflict termination for reasons other than spoiling. Weapons can help address both the rational-material insecurities and sociological-ideational fears that arise in internal conflicts. By providing a last line of defense weapons provide actors with insurance against failure and their disenfranchisement from the levers of power. Weapons can be used to rein in potential challengers and are symbols of legitimacy that help increase the political capital of those that bear them.

Relaxing the ‘Westphalian Prejudice’

The peacemaking literature reviewed above shares what has been termed a ‘Westphalian prejudice.’ On these accounts warring parties must lay down their arms and be consolidated into a single territorial contiguous state each with sole authority within its geographic boundary in order for internal conflicts to be resolved. Westphalian sovereignty is about the legitimate control over a given territory to the exclusion of others, which is not easily amenable to shared, devolved, or otherwise competing forms of authority. This view is, however, largely
unwarranted. Sovereignty is rarely absolute and breaches are regular. The bright-line distinction between the anarchy of the international sphere and the hierarchy of the domestic sphere is largely unwarranted. The international sphere often tends towards hierarchy, with international actors exercising authority over states, while the domestic sphere is often anarchic, with central institutions exercising little effective control within their geographic domain (K. J. Holsti, 1995; Jackson, 1990; S. D. Krasner, 2001, pp. 116-117; Stephen D Krasner, 2003; D. A. Lake, 2003; Schmidt, 2002, p. 617). In these accounts, the Westphalian model of sovereignty is taken uncritically as the standard of what a state ought to be (S. D. Krasner, 2001, p. 17).

Sovereignty can be effectively ‘decoupled’ from territory, according to Ruggie, or ‘shared,’ according to Krasner, allowing multiple authorities to overlap with each other in the same place at the same time (Stephen D Krasner, 2003, p. 1091; Ruggie, 2009).26 This was the norm in medieval Europe and increasingly in post-war Europe in which states have ceded substantial authority to an extra-territorial or supra-national body (Ruggie, 2009). If the state can and does survive in the face of external challenges to its sovereign authority, as for example EU-member states do, why can’t states survive challenges from within, particularly if those challenges are by the consent of the parties (i.e., negotiated as part of a peace process)? In other words, why can’t sovereignty be shared amongst domestic actors?

26 By relaxing the notion that sovereignty is consonant with territory Ruggie opens the door both to multiple forms of sovereignty as well as territorial organization. He outlines three in particular: sovereignty need not be territorial (it can be based on kin, as in so-called primitive societies), it need not be fixed or contiguous (it can move from territory to territory, as is the case with nomadic groups), and it need not be mutually exclusive (such as the overlapping rights and responsibilities of medieval Europe or the European Union). Territory, then, is neither a necessary nor a sufficient condition for sovereignty. Instead, there is a variable and at times contingent spectrum between sovereignty and territory at one end of which sovereignty is completely tied to territory (i.e., the closest form being the modern Westphalian state) and at the other is sovereignty is completely delinked from territory (i.e., nomadic groups) (1998). Krasner describes arrangements in which sovereignty is effectively shared between a national authority and an external actor such as a state or international organization (Ruggie, 2009). Krasner furnishes several examples, historic and contemporary, including: the Ottoman Empire and Greece contracting out revenue generation on certain items as well as control over money supply to various European creditors nations as a condition to access credit; the security arrangements in West Germany after during the Cold War, in which the Germany renounced its right to acquire certain types of weapons (chemical, biological, nuclear) and granted the allies “expansive powers” including the right “to take any measures necessary to ensure order and discipline” and to declare a state of emergency; the construction of the Chad-Cameroon pipeline by ExxonMobil, in which oil revenue was placed in escrow with the World Bank which was charged with overseeing aspects of the agreement; and, finally, Hong Kong has continued to exercise “international legal sovereignty” after its handover to China, including “keeping its seat in the WTO and other international organizations, issuing passports, enforcing its own customs procedures, concluding visa agreements with other states, and establishing foreign economic missions” (2003, p. 1091).
The need to restore Westphalian sovereignty to states experiencing internal conflict remains unjustified. The resolution of internal conflict does not inherently demand the (re)creation of a unitary actor with the monopoly over the legitimate use of force in a given territory, particularly in secessionist conflicts. In fact, the resolution of internal conflict requires little more than the permanent cessation of hostilities between belligerents. By relaxing the Westphalian prejudice we can allow for the possibility that a state could have a patchwork of authorities and multiple legitimate armed groups within its boundaries, or what I have termed an oligopoly over the legitimate use of force within a given territory. Indeed, a relaxation of state sovereignty may be an attractive option when groups find themselves in a mutually hurting stalemate, that is when the costs of continued conflict increase while the likelihood of definitive victory decreases (on mutually hurting stalemates see W. Zartman, 2003).

**Weapons**

There are various reasons why challengers might be inclined to retain weapons even as they engage in the process of conflict termination. First, and most obvious, belligerents may retain or acquire weapons while engaging in peace negotiations for the purposes of spoiling, as disarmament theorists and practitioners argue (Muggah, 2010, p. 1). Weapons can be used by belligerents to gain strategic advantage, increase bargaining leverage, or generally derail a peace process (for a comprehensive discussion of spoilers see Stedman, 1997). For spoilers negotiations are little more than a lull in violence in which they can regroup, rearm, and reposition their fighting force for a renewed attack. In the case of spoilers weapons are the means to compel.

However, contra proponents of disarmament, weapons might also play a less nefarious role that contributes to peacemaking in internal conflict. Second, weapons may help mitigate the (perceptual) fear and (material) insecurity that belligerents have in making peace. When the central government is unable or unwilling to provide strong and impartial protection for its population, sub-national groups may mobilize for the purposes of self-defense, much as states are said to do in the anarchic international system, particularly if other groups pose a threat as they do in the context of civil wars (Hartzell & Hoddie, 2006, p. 156; K. J. Holsti, 1995; Job, 1992; C. Kaufmann, 1996; C. D. Kaufmann, 1998; Roe, 1999; J. Snyder & Jervis, 1999; B. F. Walter, 1997, p. 360; 2003). “Fearing for their security under such conditions,” Hartzell and Hoddie
write, “groups feel compelled to employ their own self-help measures, including the acquisition of arms” (2006, p. 156). In other words, lacking an overarching authority and facing the threat of violence, sub-national groups will “take matters into their own hands by accumulating weaponry and organizing militias” (Hartzell & Hoddie, 2006, p. 155). Weapons allow groups to provide a measure of security for themselves addressing both the rational-material insecurities and sociological-ideational fears that arise in internal conflict. It is important to note that the insecurity that actors face during armed conflict is not a product of the nebulous fears that motivate the security dilemma, but of the real threat of physical violence. In other words, actors don’t arm themselves because they are uncertain about the intentions of other’s. Actors arm themselves because of the threats posed to their security when the state descends into conflict.

As belligerents engage in the process of conflict resolution, however, their insecurity does not immediately subside. “The period immediately after the signing of a peace agreement,” Stedman writes, “[is] fraught with risk, uncertainty, and vulnerability for the warring parties” (1997, p. 5). The memory of violence remains fresh, trust remains low, peaceful norms have yet to mature, institutions have not yet consolidated, and reversals remain likely. Belligerents must, therefore, be mindful, as Schweller notes, that “today’s friend may be tomorrow’s enemy” (1996, p. 101). Of particular concern is the issue of relative gains: that one side might gain from the terms of an agreement in such a way as to potentially threaten the survival of others. If belligerents are to stop fighting and seriously engage in efforts to permanently terminate their conflict they must take steps to ensure that their efforts will not place them in jeopardy should the process fail. “Even if the state does not fear immediate attack,” Jervis writes, “it will still have to design policies that will provide safety if this trust is misplaced or if peaceful rivals later develop aggressive intentions” (1976, p. 83). Insecurity is, in part, what causes belligerents to arm in the first place. Unless or until belligerents overcome their perceptions of insecurity (i.e., fears) and ensure their material survival, it is unlikely that they will fully disarm. “Fearing defection,” Lyons concludes, “nearly all belligerents hold back weapons” (1999 quoted in Spear, 1999, p. 156). Weapons help insure belligerents against grave threats to physical security by providing the material tools for defense should conflict reignite during the transition from war to peace. Weapons can be used to provide protection, repel attacks, hold territory, and extract resources necessary for long-term survival.
Moreover, weapons provide actors with a self-enforcement mechanism, an alternative to third party enforcement of peace agreements or enforcement through newly-created shared institutions, of which actors will ostensibly be a part (see Glassmyer & Sambanis, 2008, p. 382 on self-enforcement mechanisms). In those cases, belligerents must trust their interlocutors to adhere to the terms of an agreement or that third parties (see Azar, 1983; Berdal & Malone, 2000; P. Collier & Hoeffler, 1998, 2002; Crocker & Hampson, 1996; Hampson, 1996; Licklider, 1993, 1995; Modelski, 1964; Pillar, 1983; N. Sambanis, 2000, p. 419; Stedman, 1997; B. F. Walter, 1997, 2003; B. F. Walter & Snyder, 1999; B.F. Walter, 1999) or newly formed state institutions (see D. L. Byman, 2002; Crocker & Hampson, 1996, p. 63; Lijphart, 2004; Mansfield & Snyder, 1995; McRae, 1990; Nordlinger & Huntington, 1972; N. Sambanis, 2000; Sisk, 1996; J. Snyder & Jervis, 1999, p. 18; B.F. Walter, 1999, p. 141) will enforce the terms if they do not. Self-enforcement, on the other hand, requires no such trust, thereby allowing belligerents to sidestep the problem of credible commitments (i.e., that they will survive defection). Much as international anarchy (Waltz, 1979) or conflictual relations (Schweller, 1996; Wendt, 1992, p. 397) are said to necessitate “self-help,” in which actors rely only on themselves to guarantee their security, by retaining weapons, domestic actors need not trust anyone but themselves to ensure their survival.

Weapons, then, are not so much an alternative to third parties, power sharing, democratization, and others, as much as they are an insurance policy against their failure (see Bilder and Touval on insurance-like policies in IR quoted in Cohen, 2001, p. 48) or what Stedman refers to as a “fail-safe” (1997). Belligerents may very well seek to reconstruct a leviathan and obtain outside enforcement, but they also require insurance that they will not be annihilated if the peace agreement fails and returns them to violent conflict. Even small numbers of weapons suffice for these purposes. Contrary to the claims of offensive realists, who argue that security seekers strive for a preponderance of power in order to ensure their survival, security-seeking actors may tolerate asymmetries without compromising their security. In fact, small numbers of weapons used by highly motivated troops with sufficient knowledge of their surroundings have increasingly managed to repel and, in some cases, overcome much stronger adversaries (Arreguin-Toft, 2001; Fearon & Laitin, 2003; Lyall & Wilson, 2009; Mack, 1975; Petraeus & Amos, 2009; P. L. Sullivan, 2007; P. L. Sullivan & Koch, 2009). In other words, it isn’t the size of the weapons that matters; it is how they are used. Even small numbers of weapons can,
therefore, be thought of as resolving the prisoner-dilemma like scenario outlined by Walter. She argues that the fear of defection often prevents belligerents from cooperating even when their desire is to terminate conflict. Without an overarching authority there is nothing to prevent actors from defecting from the terms of a peace agreement. Actors must, therefore, assume the worst about each other because defection from the terms of an agreement, such as a surprise attack, could prove catastrophic. This logic threatens to undermine the peace. Walter concludes that even if combatants want to cooperate, and even if they are able to resolve the ideological and power political issues that ignited the war, they will still return to combat if credible, enforceable guarantees cannot be found. If belligerents can muster a credible defense there is little to be gained from a unilateral defection from the terms of an agreement. While weapons are not a guarantee against failure, then, they do insure belligerents that they will survive, allowing them to take the risks associated with peace. Knowing that there is little to no advantage to offense and plenty of recourse to defense changes the calculus suggested by Walter. By raising the costs of defection, weapons reduce the incentives to defect, enabling belligerents to better engage in peacemaking activities.

Third, weapons provide actors with the ability to prevent the monopolization of power, whether by a central authority or by other groups. In other words, weapons may be used as check against tyranny and the disenfranchisement of groups from power. Hartzell and Hoddie write, “groups will be more likely to commit to peace if assured that their rivals will be unable to monopolize the state and use these positions of authority to the detriment of their former adversaries” (2006, p. 159). Further, by devolving the coercive authority of the state, weapons allow belligerents to reverse concessions should they later prove threatening by returning to arms. Berdal writes, “a key concern for guerilla forces during an uncertain and fragile peace process will often be to ensure that their ability to resume, or credibly threaten to resume, fighting is not lost too early in the peace process” (Berdal, 1996). Similarly, in a departure from her usual insistence on fulsome disarmament Walter writes combatants “can gain an added sense of safety if they are not forced to disarm fully, especially not before the political terms of an agreement have been fulfilled. Allowing groups to retain at least some arms in the open should help to reassure groups and act as an important deterrent against attempts by one group to establish dictatorial rule” (B. F. Walter & Snyder, 1999, p. 62). Simply put weapons prevent one group dominating others and the means to challenge such groups if they do.
In sum, weapons help actors prevent their marginalization from power as well as ensure their material survival, should violence re-erupt. By providing a last line of defense and “discourag[ing] unilateral defections from the agreement” (Glassmyer & Sambanis, 2008, p. 365), weapons, allow belligerents greater freedom to engage in risky peacemaking activities. This may explain why weak sides may wish to pursue weapons while simultaneously engaging in peacemaking. But why might the state be inclined to legitimate preexisting arms in the hands of belligerents or even facilitate the introduction of new arms?

Fourth, armed groups can better enforce discipline amongst their constituents and rein in splinter groups and other competitors who might emerge during a peace process. Armed groups can, therefore, better make credible commitments to their interlocutors by helping prevent spoilers from undermining the peace (K. G. Cunningham, 2011). Fifth, and related, weapons enable actors to enforce law and order within their domain. The disarmament literature tends to lump all types of internal conflict together, ignoring those cases in which arms many be desirable or even necessary for the successful resolution of conflict. Those who insist on fulsome disarmament systematically ignore those cases in which former combatants are expected to enforce the rule of law, for example in cases of divided power (i.e., a federal system, regional autonomy, etc.). The organized use of physical force is indispensable in this enforcement of law and order (Weber, 1978). By confining their definitions of civil war narrowly (i.e., to two or more parties fighting over government), proponents of disarmament exclude not only a range of other internal conflict types, but also a productive role for weapons in post-conflict society. In these examples weapons contribute to the peace, not by disincentivizing defection, as they do above, but by making the environment more stable and conducive to peacemaking weapons help incentivize cooperation.

Sixth, weapons not only act to strengthen actors materially—allowing them to rein in competitors, enforce law and order, and ensure their survival—weapons also have symbolic value. The acquisition of weapons may be deeply aspirational, particularly for those groups seeking recognition and legitimacy for their claims. As outlined in the previous chapter, weapons signify independence, strength, unity, national aspirations, etc.—what might be termed “prestige” (Eyre & Suchman, 1996; Sagan, 1996), “machismo” (Knight, 2004, p. 505; Özerdem, 2002; Sedra, 2006; Spear, 1999, p. 3), and “resolve” (Eyre & Suchman, 1996, p. 74). Just as fledgling states are said to emulate developed nations in acquire weapons, according to Eyre and
Suchman, so too combatants in internal conflict (Eyre & Suchman, 1996). Weapons are central to the coercive apparatus. Secessionists looking to establish a future state may, therefore, accumulate weapons in order to acquire the trappings of statehood. In other words, accumulating weapons may help them emulate a state or create a proto-state. In more general terms, where arms are acquired or retained through the process of negotiation, as they often are in the resolution of internal conflicts, they become a material artifact of mutual recognition between incumbent and challenger. By consenting to weapons incumbents act to confer legitimacy on their challengers. This doesn’t necessarily mean that they recognize their challenger’s claims as entirely legitimate, but it does signal that that they no longer have hegemony over legitimate claims. Moreover, it cannot readily be undone. Prestige may also be of particular importance to groups asked to make concessions in exchange for peace. The accumulation of political capital should help groups overcome domestic opposition, particularly from radical splinter groups or other competitors. Where disarmament promises to increase insecurity and reduce the social status of combatants, the acquisition or legitimation of weapons, therefore, promises to bolster their prestige.

Weapons play a dual role in the transition from war to peace, both in reducing the fears of defection and in bolstering prestige. Weapons are insurance policies, checks and balances, the tools of law and order, force, and resolve. More importantly, if arms are retained or acquired through the process of negotiation they can come to symbolize mutual consent and recognition. Conversely, disarmament exacerbates asymmetries and threatens to leave those stripped of their weapons defenseless, vulnerable to attack, and, in some cases, physical annihilation. Moreover, the process of disarmament has the potential to reduce the social status and prestige of combatants. Spear writes, “ownership of weapons confers a certain status in society which it is hard for combatants to give up for peace settlement. If your social standing has rested on your person as a defender of the society, symbolized by your possession of a gun, the de-roling which would occur as the society became peaceful could be difficult to deal with” (1999, p. 5). If weapons are powerful symbols of legitimacy, it follows that removing them would act to delegitimize combatants at the very moment when they are expected to act in a leadership capacity. Where premature demobilization and disarmament would, therefore, often prove destabilizing by delegitimizing combatants and exacerbating trust between belligerents, weapons may allow them to enter into the difficult, costly, and dangerous process of peacemaking without
fear that the process might jeopardize their survival and with a powerful boost to their legitimacy. And, despite the serious threats that violent challengers pose, states may have little alternative than to accept these arrangements should they wish to make peace. In fact states may find that accommodating their challengers allows them to better make credible commitments and mitigates the potential threats posed to the states ontological security. For these reasons, the notion held by proponents of disarmament that spoilers alone retain weapons in the wake of peace negotiations in internal conflict appears simplistic and incomplete.

Conclusion

Since the end of the Cold War disarmament has become a central feature of liberal interventionism in internal armed conflicts. In fact, all recent peacekeeping operations established by the UN Security Council have included disarmament provisions in their mandate. Disarmament is premised on two simple assumptions: First, that a state cannot have multiple armed groups within its territory (c.f., B.F. Walter, 1999, pp. 133-134) and, second, that “all arms are destabilizing and thus likely to increase the risk of war” (Cooper, 2006, p. 356). Proponents of disarmament hold that the abolition of arms will, therefore, prevent a recurrence of violence, allowing states the ability to rebuild post conflict. Subsequently, those who fail to disarm are typically labeled spoilers (Muggah, 2010, p. 1). After all, why would belligerents wish to retain the weapons of war unless they were intent on using them?

However, in resolving internal conflicts, proponents of disarmament insist on something that is generally eschewed at the international level: complete disarmament. Buzan notes that disarmament would be a “non-starter” internationally because it would leave states altogether defenseless (1987, p. 250). “Leaders are rarely certain enough about an opponent’s response,” Stein writes, “to make a large [irreversible] gesture” (1991, p. 443). “Precisely because the consequences of error are so great,” she continues, “leaders have an understandably pronounced fear of deception” (1991, p. 447). So too at the domestic level: disarmament threatens to leave groups defenseless and vulnerable should peace break down and violent conflict resume, as it does as much as fifty percent of the time (Hoglbadh, 2008; see also B.F. Walter, 1999, pp. 128-129). Disarmament also removes the ability of combatants to enforce discipline amongst competing groups or provide law and order, thereby decreasing their ability to make binding and credible commitments as part of a peace process. Moreover, disarmament removes a highly
coveted symbol of legitimacy at a time when they will be asked to make concessions for peace. If belligerents are compelled to do disarm prematurely they will be made more vulnerable and risk averse. In other words, premature disarmament is likely to create adverse conditions for peacemaking. Nevertheless, proponents of disarmament continue to insist on the disarmament of combatants in resolving internal armed conflict.

Belligerents are unlikely to engage in peacemaking activities, much less disarm, if they fear that they won’t survive the breakdown of peace. Unless belligerents can find guarantees that they will survive the collapse of the peace process they are unlikely to take the risks associated with peace. This means that peace agreements must include provisions that ensure their survival in case of failure. Many such agreements contain provisions for third party peace enforcement, but these have historically proven too anemic to constitute robust guarantees. It should, therefore, come as no surprise that combatants are unlikely to fully disarm despite the best efforts of liberal interventionists until there is clear and incontrovertible evidence that a peace process is durable and irreversible—something that is unlikely to occur quickly in long running and particularly violent internal conflicts. Where rivalries are longstanding, external guarantees are anemic, and the risks of violent reversals are high, we may expect actors to retain their weapons. Weapons are the best insurance policy against failure, whether accidental, incidental, or due to the presence of spoilers.

Walter writes, “if combatants can significantly reduce the possibility of a surprise attack and the possibility of permanent exclusion from power, they will sign and implement peace settlements. If they cannot, they will hold on to their arms and continue to fight” (1999, p. 135). By relaxing the Westphalian assumption it is possible to envision a post-conflict scenario in which combatants do all three. If combatants retain their weapons post conflict they can reduce the possibility of surprise attack and the permanent exclusion from power. By allowing for an oligopoly over the legitimate use of force we can envision a scenario in which actors hold on to their arms and cease fighting. Weapons inure belligerents against grave threats to their physical security by providing a deterrent capability and the material tools for defense. Arms are also of symbolic value, which may be of particular import to belligerents who are forced to make concessions as part of a peace process. This, of course, may explain why weak sides may want to retain weapons post conflict, but why would the stronger side, which are in many cases states, be inclined to agree to such terms? First, and most obviously, they may have little alternative.
many cases it is simply beyond the capacity of the stronger party to squelch their challengers. Even weak actors are often powerful enough and enjoy significant support and widespread legitimacy at home and abroad to pose a significant challenge to stronger sides. When a definitive victory is unlikely, and prolonged conflict promises to increase costs, belligerents are likely seek compromise and accommodation if doing so promises a way out, according to Zartman (2003). Second, Cunningham argues that states are often willing to grant concessions to their challengers when they are divided. They do this in an effort to “strengthen moderates,” according to Cunningham, in the hopes that they will rein in more radical competitors, particularly when they have failed to do so themselves (2011). Finally, states may be inclined to tolerate weapons in the hands of belligerents because doing so may reduce the threat to the legitimacy of the state posed by combatants and their weapons. Weapons undermine the states’ claim over the monopoly of the use of force and contest the claims to legitimacy on which state sovereignty has come to rest. That is, belligerents challenge not only the hegemony of state power but also the constitutive order of the Westphalian state. However, by recognizing challengers and normalizing their weapons, states can effectively reduce the threat such actors pose to their legitimacy. Somewhat counterintuitively, states may preserve or enhance their legitimacy and authority when they act to make an exception to it. In becoming the legitimacy-granting vehicle to those that would deny it, the state acts to bolster or cement its authority. By endorsing challengers, the state co-opts the challenge they present to its legitimacy, even if those challengers continue to pose a material threat. Seen in this way, the retention of weapons in internal conflicts may aid, rather than derail, the prospects for peace.

Nevertheless, proponents of disarmament suggest that leaving weapons in the hands of belligerents create hostile conditions for a lasting peace. For example, Spear argues that if belligerents are allowed to retain their weapons they will have less of reason to make peace (1999, p. 13), some suggest that weapons trigger sub-state security dilemmas (Hartzell & Hoddie, 2006; K. J. Holsti, 1995; Job, 1992; C. Kaufmann, 1996; C. D. Kaufmann, 1998; Roe, 1999; J. Snyder & Jervis, 1999; Spear, 1999; B. F. Walter, 1997, p. 360; 2003), others contend that the failure to collect weapons fuels crime and societal insecurity (Berdal, 1996; Disarmament, 2007; Muggah, 2010; Operations, 1999; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010; Stankovic & Torjesen, 2010; Swarbrick, 2007).
There are various methods by which belligerents can retain or acquire weapons, some of which are more or less likely to trigger or exacerbate these problems. Belligerents can hide weapons and fighters—what I have termed above ‘going to ground’ and what Mukhopadhyay calls “disguised combatanthood”—in contravention of an agreement, as nearly all parties do when the UN insists on disarmament provisions, according to Lyons (quoted in Mukhopadhyay, 2009, p. 550; Spear, 2002, p. 156). Further, combatants can withhold data from the other side, obscuring their noncompliance. Though cheating is not the same as spoiling, as proponents of disarmament contend, such actions are likely to undermine confidence actors have in each other, thereby triggering or exacerbating the security dilemma. Moreover, illicit weapons cannot readily be managed, easily subjected to monitoring, and can easily fall into unwanted hands, leading to violence and criminality. Alternately, actors can retain or acquire weapons by consent. Former combatants can be integrated into the pre-existing security establishment or a new joint force can be formed, giving “rebels some control over the state’s coercive capacity” (Glassmeyer & Sambanis, 2008, p. 366). Such arrangements, which are increasingly popular in the wake of internal conflicts, are referred to as military integration (MI) or “brassage” (see Colletta & Muggah, 2009; Glassmeyer & Sambanis, 2008 on military integration). Separate or parallel forces, what may be termed ‘dualism,’ can be created or maintained as part of a peace process, particularly in those cases where actors assume limited control (autonomy) in a given area. Alternately former combatants can be brought into a pre-existing military structure. MI may be thought of as a form of power sharing that does not require belligerents to lay down their arms as Hartzell and Hoddie insist on (2003; 2006, p. 158). Finally, and most commonly, an agreement can call for a gradual drawdown of weapon by one or more parties, the sequestration rather than destruction of weapons, and the gradual demobilization of combatants, for example in remote encampments (variously referred to as cantonment, assembly, or quartering sites), each of which allows belligerents to retain their defensive capacity before peace has been fully consolidated. Cantonment provisions allow belligerents to demonstrate a “willingness” to disarm without actually doing so, according to Knight (see also Kingma, 2000; Knight, 2004, p. 507; Spear, 1999, p. 7). In this way cantonment represents a “halfway house between a mobilized state and the dissolution of forces” (Knight, 2004, p. 510). Should actors retain or acquire weapons by consent, and not by foot-dragging or outright noncompliance, and should their behaviour be transparent, the security dilemma is likely to be ameliorated, moral hazard reduced, and societal insecurity diminished.
That actors can mitigate the security dilemma, however, doesn’t mean that they will mitigate the security dilemma. We learn from Lyons that cheating does, in fact, occur frequently. He finds that in nearly all cases of peacemaking in internal conflict in which belligerents were supposed to disarm weapons and troops were held back, often despite the best efforts of third parties (see also Hartzell & Hoddie, 2006, pp. 156-157; Lyons, 1999). The disarmament literature assumes that all weapons are offensive; hence combatants that retain or acquire them are, by definition, spoilers. Spoilers negotiate and accede to peace agreements, for ulterior motives. Spoilers see peace agreements as tactical opportunities to advance their agendas, not vehicles for terminating conflict on peaceful terms. And yet, despite the continued presence of weapons, many belligerents fail to spoil. While it is no doubt true that the tools of war can be used by belligerents to gain strategic advantage, increase bargaining leverage, or generally derail a peace process, weapons also provide insurance against failure and help mitigate the trust issues that may prevent the resolution of conflict. While no certain determination is possible, we might reasonably conclude that combatants are not spoilers if they do not use their arms to imperil a peace process. The examples explored in the following chapters suggest that belligerents who retain or acquire arms are in many cases cautious peacemakers rather than spoilers. Contrary to the predictions of disarmament theorists, belligerents often retain weapons without actively undermining the peace process. Where weapons in many cases provide much needed security, allowing belligerents to engage in the risky business of peacemaking, it is the manner in which they do it that often acts to exacerbate the security dilemma, undermining confidence in peace. Should liberal interventionists desire to create stable conditions in post-conflict societies, they ought, therefore, to focus more closely on reducing the incentives belligerents have to cheat rather than focusing on the outright elimination of weapons. In the final chapter, I will expand on these arguments and discuss methods by which this could be achieved.
Chapter 4 Despite Hidden Weapons Peace Prevails in El Salvador

“The reason we did not take an inventory of or destroy these arms was at no time because we were thinking of using them to conduct a further military offensive. The real reason . . . was simply that we had a profound mistrust of the [Armed Forces of El Salvador]. This forces us to keep one last negotiating card up our sleeve”
- Salvador Sánchez Cerén in a letter to UN Secretary General Boutros-Ghali

Introduction

El Salvador is Latin America’s smallest nation. Despite its diminutive size, however, El Salvador, played host to one of the regions longest running and most brutal internal conflicts. At the time of its resolution, the Salvadoran civil war had taken the lives of tens of thousands of civilians and had displaced several hundred thousand more. Not only had the war claimed a large toll on the people of El Salvador, it also spilled across borders as key players in the conflict played host to Cold War rivalries. Then, as the Cold War began winding down, the Salvadoran conflict was transformed through the application of novel forms of conflict resolution. The Salvadoran civil war provides us with one of the first examples of disarmament and peacekeeping within the borders of a state rather than disarmament and peacekeeping between national borders, as previous peacekeeping missions had done. It was also one of the first interventions in an ongoing internal conflict by a third party and one of the first to include democratic reform in its mandate (Tommie Sue Montgomery et al., 1995, p. 146). The Salvadoran peacekeeping mission was quickly declared a success and has since been emulated in internal conflicts the world over.

But such hasty pronouncements cloaked serious problems with the Salvadoran peace process.

Commitments made as part of the peace process were not implemented in a timely or fulsome fashion, particularly by the government, violations were ignored by UN peacekeepers, who then departed prematurely before peace had consolidated, and, most importantly, the rebels failed to properly disarm. The repeated discovery of weapons caches hidden by the rebels in contravention of the agreement threatened to undermine the peace process at critical stages. Many were, therefore, quick to criticize the rebels in the strongest possible terms. Indeed, still today some continue to question the former rebels commitment to peace (c.f., Abrams, 2014).
While there is little doubt that the rebels violated the terms of the agreement by withholding weapons and failing to disarm, I argue that their behaviour did not constitute spoiling. Despite lackluster implementation of the peace accords, the rebels demonstrated remarkable restraint. In fact, once they had acceded to the peace accords, the rebels never used their arms to gain strategic advantage or undermine the peace. Why, then, did the rebels risk undermining the entire process by withholding weapons in contravention of the peace agreements? I argue that they held back weapons as an insurance policy against failure. While the rebels had survived more than a decade of violent conflict, there were no meaningful guarantees put in place to ensure that they would survive the peace process. The rebels were asked to disarm with only an untested form UN peacekeeping and the promise of inclusion in the full political life of the country as guarantees. If the peace process were to be reversed—and the history of military intervention in politics suggested that it might—and the conflict were to reignite, the rebels would be left defenseless, save the protection of the UN.

In the following pages I begin first by exploring the antecedents of the civil war. The 20th century was marked by a history of economic inequality, political exclusion, violent repression, and successive coups. However, open conflict didn’t ignite in earnest in El Salvador until peaceful protest had been exhausted in the late nineteen seventies. Next I discuss in some detail the civil war period, which raged from 1979 to 1992. Once violence began, it took more than a decade before the parties found themselves stalemated and willing to resume their long-stalled negotiations. In the following section I discuss the process of negotiations and their outcome. The process, in many ways driven by the UN, amounted to nine separate agreements. These included a ceasefire, substantial democratic reform, land redistribution to resolve long-standing socio-economic grievances, and the establishment of a Truth Commission. Implementation was to occur under the watchful eye of the UN (for a good overview of the causes of conflict, the civil war, and the negotiations see: Bland, 1990; Corr, 1995; Holiday & Stanley, 1993; T David Mason, 1999; Tommie Sue Montgomery, 1982; Tommie Sue Montgomery et al., 1995; Tommy Sue Montgomery, 1995; J. G. Sullivan, 1995). I then turn to the implementation of the accords, which proved rocky. After negotiating the agreement and ensuring its passage through the legislative assembly, little political capital remained to ensure its effective implementation. Land reforms were delayed, political reforms floundered, and, perhaps most importantly, the Salvadoran army, long considered a force of its own, balked at many of the provisions. The UN
observed, reported, and occasionally chastised, but did little to increase adherence. Finally I turn to an analysis of the failure of disarmament in this case. I argue that the rebels looked to structure the agreements in such a way that would not imperil them. Their efforts, however, were repeatedly dashed by the UN and others. I conclude that the rebels, fearful of violent reversals, held back weapons surreptitiously, but did not spoil. Labeling the rebels spoilers neglects both the extraordinary risks they took in engaging in a peace process and the restraint they showed in the face of a government that repeatedly failed to live up to its obligations under the agreements. Despite the many problems implementing the peace accords, and the failure of the rebels to properly disarm, peace obtained in El Salvador. The rebels are, today, an entrenched part of the political system, not likely to return to violence. Indeed, after years of being outlawed, the former rebels now control the government they once fought against.

Relatively little has been written about either the Salvadoran conflict or its resolution in the field of international relations, which is surprising given its grave human consequences and lasting impact on the development of post Cold War peacekeeping. It was one of the first such mission that relied on active strategies of ‘peace enforcement’ in an internal conflicts—notably third party intervention in an ongoing conflict, disarmament, and democratization—and, because it put an end to the more than decade-long civil war in El Salvador, the Chapultepec Peace process is often cited as a successful example of peacemaking and has since spawned a generation of third party interventions now broadly referred to as “second generation peacekeeping” (Doyle & Higgins, 1995). But successful resolution of the Salvadoran conflict resulted in spite of the novel forms of conflict resolution implemented there. Disarmament was not systematically carried out and third parties did little to enforce compliance. Because peace obtained these failures have been discounted or largely ignored. This chapter attempts to shed light on the novel modalities employed in El Salvador in an effort to expand our understanding and unpack some of the assumptions central to such interventions.

The long Road to Civil War

Since winning its independence from the Spanish Crown in the nineteenth century, El Salvador has been wracked by political instability, conflict, and violence. These can be traced back, in large part, to early policies that brought about a shift from small scale subsistence agriculture, practiced mainly by the indigenous population, to large scale export farming. In order to provide
the necessary land and labour to support an export farming economy, early state policies displaced indigenous populations from their lands, vagrancy laws were passed, forced labour was instituted, and a national guard was created to suppress dissent. By the late nineteenth century, the Salvadoran economy had effectively been remade into a feudal structure that persists in large part to this day. Much of the productive land in the country had been concentrated in the hands of a small number of landowners, the so-called “fourteen families” (though their numbers are far greater), and large numbers of indigenous peasants were effectively made landless (campesinos). The extreme disparities between landowning elites and landless campesinos would motivate ongoing conflict in the country.

These economic and social changes were met with resistance from the beginning. The first violent revolt occurred in 1832 in a remote corner of El Salvador (the Insurrection of the Nonualcos) and spread quickly across the young country. Though the revolt was quashed, it helped set in motion a cycle that persisted until the 1990s: political and social protest amongst campesinos was met with brutal suppression, moderate reforms offered as prophylactics against further protest, military intervention in politics, and, finally, the reversal or minimization of reforms. In 1932 the country experienced another uprising led by Agustin Farabundo Martí, this time well organized and inflected with Marxist overtones. The uprising was triggered by the collapse in export prices (particularly coffee), which was borne most severely by campesinos. Minor concessions were offered (welfare, limited land redistribution, etc.) and then largely reversed by conservatives in the military influenced by the wealthy landowning elite. The uprising ended with the death of Martí and the slaughter of 15,000-40,000 campesinos (La Matanza) by Maximiliano Hernández Martínez who had assumed the presidency in the midst of the protests in a military coup. The names Martínez and Martí would later become bywords for the civil war that raged from 1979 to 1992.

For the next fifty years the military held the reins of power, sometimes directly, other times indirectly. When the military sensed threats to the status quo, it generally intervened directly in politics, often with the approval of the upper and middle classes. When stability prevailed, the military typically remained in the barracks and tolerated the trappings of democracy. In the event, the military itself was divided between younger reform-minded officers, who saw moderate liberalization as the best way to inoculate against unrest, and an old guard associated with entrenched interests who typically favoured more overt forms of repression. This tension
led the military to chart a schizophrenic course between the two poles, as well as endless jockeying for power, and successive coup attempts within the military. The cycle repeats in 1944, 1948, 1960, and 1961.

The next decade would see relative quiet and, as a result, a substantial liberalization in the political sector. A new moderate class of Christian Democrats emerged during this period intent on further liberalizing both the economic and political sectors, particularly through widespread agrarian reform, land redistribution, and economic modernization. These new parties enjoyed widespread support amongst the middle and lower classes desiring stability and the promise of economic growth. An ill conceived war with Honduras in 1969, which led to tens of thousands of Salvadoran civilians returning as refugees, as well as the oil shocks of the early 1970s increased the urgency for reform. However, widespread electoral fraud prevented reformists from realizing their plans. Frustrated with the lack of progress, reform-minded officers hatched a coup attempt in 1972. The coup failed, dashing the hopes of reformists.

With economic and political progress now stalled and moderate groups stymied, leftist revolutionary groups proliferated advocating direct actions, strikes, terror, and armed struggle. Nevertheless violence remained largely sporadic and localized. As it had done in the past, the government responded to the grumblings of the discontented both with concessions and repression. The government passed a modest land redistribution act in 1974 and also clamped down on dissent, sometimes violently. Numerous parties and organization associated with the left were banned, while others were effectively locked out of future elections through fraud and manipulation. At the same time, death squads associated with far-right cadres of the military and landed class emerged for the first time, killing or otherwise “disappearing” those associated with the protest movement. By 1976 those parties on the left that hadn’t been banned decided not to run in elections and the 1977 elections were once again spoiled by fraud. When mass protests erupted in the capital, the army fired on the crowd leaving hundreds—possibly thousands—dead.

The year 1979 saw yet another coup by military officers concerned that protests and violence were spreading and leading to instability. The US began providing substantial military assistance to the new Junta in an effort to stall the spread of communism to yet another Latin American nation. By now, the moderate opposition had been effectively locked out of politics and more radical groups were banned, harassed, and increasingly targeted with violence. Even
the Catholic Church, which had voiced opposition to some of the more egregious human rights abuses and advocated for the poor, was increasingly marginalized by the government. Though the military simultaneously promised modest reforms (land redistribution, nationalization of several sectors of the economy including the banking and primary commodity sectors, setting a date for elections, and reining in death squads), as it had done so many times in the past, it also significantly increased repression, later reversing many of the reforms it had promised. Peaceful means for political and economic change had largely been exhausted. Though marked by a long history of economic inequality, political exclusion, and violent repression, open conflict didn’t ignite in earnest in El Salvador until peaceful protest had been exhausted in the late nineteen seventies (T David Mason, 1999, pp. 186, 190).

The Civil War

As the violence intensified and became more widespread, several left-wing groups met in Havana in May 1980. By October four groups had unified under the banner FMLN, or Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front), a name chosen to honour the leader of the failed 1932 uprising.27 Drawing their inspiration from revolutionary groups in Cuba and Nicaragua (from whom they would allegedly receive ongoing support), the FMLN prepared to wage an armed struggle against the government and military of El Salvador. In late December of that year, Catholic Archbishop Oscar Romero was assassinated while giving a mass in the capitol. Romero had used his pulpit to champion the poor and had become an increasingly outspoken critic of the military government.28 His funeral, which attracted a quarter of a million mourners, was marred by violence. Dozens of mourners were killed and hundreds injured. Less than a month later, the FMLN launched its first wide scale attack against the government, delivering punishing blows, and capturing two remote areas of the country, which became a base for future operations. The civil war that would beset the country until the signing of the Chapultepec peace agreement in 1992 had begun in earnest.

27 The four groups comprising the FMLN were: the Fuerzas Populares de Liberation Farabundo Martí, Ejército Revolucionario de Pueblo, the Partido Comunista Salvadoreño, the Resistencia Nacional, and the Partido Revolucionario de los Trabajadores Centroamericanos. A fifth group, the Partido Revolucionario de los Trabajadores Centroamericanos, would later join the FMLN.

28 Romero would become one of the leading figures in what would be called Liberation Theology, a movement within the Roman Catholic Church seeking social, economic, and political change based on scriptural interpretation.
With the aid and complicity of their American advisors, the Salvadoran military responded to the uprising by instituting a brutal ‘scorched earth’ policy aimed at halting the insurgency by depriving the FMLN of the material support necessary for sustained operations against the government. This was accomplished through the widespread and indiscriminate use of force against both civilians and combatants. In campaign after campaign the military laid waste to remote areas of the country by land and by air. In one incident alone, nearly 1,000 civilians were murdered in El Mozote, a remote FMLN stronghold. Right-wing death squads nominally associated with the military now freely roamed the country terrorizing and killing civilians (some death squads bore the name of Martínez, after the military president who crushed the 1932 uprising led by Martí). In the first years of the conflict, the violence escalated at an alarming rate. Massacres occurred at Sumpul River in 1980, Lempa River and El Mozote in 1981. The dead regularly showed evidence of torture (Betancur, Figueredo Planchart, & Buergenthal, 1993; Committee, 1991). Almost anyone who might be even nominally sympathetic to the cause of the rebels had become a target of violence.

By 1982 the FMLN had begun calling for a peaceful resolution to the conflict, but to no avail. Left-wing parties were again excluded from national elections by the military, which took place in an atmosphere of increasing violence, terror, and repression. And, despite the election of a reform-minded independent candidate for president, and the creation of a transitional national-unity government (i.e., nominally led by a civilian), few substantive reforms were made. The war intensified. The FMLN took the fight to urban areas and succeeded in destroying numerous aircraft at a military airbase. Troubling reports of human rights violations continued to surface. The government began bombing civilian areas from the air and was accusing of using the Red Cross to lure civilians into ambushes. By 1984, the military had won the upper hand, forcing the FMLN to disperse and carry out sabotage rather than large-scale military campaigns, in order to avoid outright defeat (Corr, 1995, p. 153).

From a Glimmer of Hope to Full-Fledged Peace Negotiations

The 1984 election saw a candidate from the more moderate Christian Democrat party, José Napoleón Duarte, elected to office in what was another election marred by irregularities, violence, and the freezing out of left-wing candidates. In 1986, Duarte participated in a peace summit that brought together five Central American leaders with the goal of resolving their
various long-standing conflicts. Within a year an accord was adopted, committing those leaders
to democratic reform, arms control, and others. The *Central American Peace Accords*, as they
became known (also known as the Esquipulas Peace Agreement, after the town in which it was
signed), led to a breakthrough in Guatemala, helping resolve that nations long-standing conflict.
In El Salvador, however, progress was more muted. The legislature offered amnesty to
combatants on both sides, and Duarte attempted to place the security services under the
supervision of civil authorities in response to FMLN demands in an effort to reduce human rights
violations, and the government met at least 17 times with their FMLN counterparts in an effort to
negotiate a peace treaty, but to little effect.

By this time numerous areas of the country had been established as free fire zones, political
crackdowns persistent, even against moderate opposition groups (in 1984 the government had
arrested nearly all the leading labor leaders in the country and tried before military tribunals after
being subjected to abuses), the military retained its own commanders, and those accused of
human rights violations were never purged from the military. Moreover, Duarte’s reforms did
little to remediate the issues underlying the conflict. Political organizations were still repressed,
protests stifled, and economic disparities continued to grow, particularly after Duarte instituted a
series of austerity policies. Then in 1987 the head of the Human Rights Commission, a
Salvadoran NGO, was murdered. Though the circumstances of his death were unclear, the
murder provoked protests and the FMLN suspended talks. The negotiations did not yield and
agreement and the violence continued.

In the 1989 elections, Alfredo Cristiani of the right-wing ARENA party was elected president on
the promise to end the Salvadoran civil war. Once again, the national elections were marred by
political violence, coercion, intimidation, and the exclusion of left-wing parties. Though
political repression persisted under his tenure, Cristiani made clear his desire to continue the
talks with the FMLN that had begun under Duarte, and personally reached out to UN Secretary
General Javier Perez de Cuellar to help mediate negotiations. The first significant negotiations
between the government of El Salvador and the FMLN took place in September and October of
1989 in Mexico and Costa Rica respectively. During these meeting the FMLN demanded a
substantial reduction in both the power and size of the armed forces in exchange for a
comprehensive ceasefire. The government, believing the FMLN had little fight left in it after a
decade of sustained conflict, responded by demanding their unconditional surrender (Tommy
In response, the FMLN launched its largest offensive of the civil war. It brought the fight to the capitol, San Salvador, and won early successes. The response was amongst the most brutal yet seen. The military bombed the capitol, leading to mass civilian casualties, and human rights violations were allowed to increase to pre-Duarte levels. Extrajudicial killings and disappearances once again became commonplace. The execution of six Jesuit Priests on the University of Central America campus drew the attention of the world.

The violence of 1989 marked a turning point in the Salvadoran conflict. Despite early military victories, the FMLN had failed to take the capitol or any other strategic areas of the country. Nor had the revolutionary potential of the population been awoken, as the FMLN had hoped. Salvadorans either lacked the requisite revolutionary zeal or had been terrorized into submission. The FMLN would not win the country by a mass uprising or by force. And not only did the government and the military remain intact, they proved remarkably willing and capable of responding to the FMLN’s redoubled efforts by relaxing any restraint they had previously demonstrated. Yet despite their efforts, and the extensive support provided by the US, the government was unable to put a decisive end to the uprising. The FMLN was a formidable fighting force. Indeed, after a decade of fighting the military seemed to have made no progress in eliminating the FMLN. Not only had the parties stalemated, both parties risked losing the support of their principals as the Cold War began winding down. The Soviet Union was beginning to unravel, Cuba was nearing bankruptcy, and Sandanista rule in Nicaragua was rapidly approaching its end. Revolutionary support was dwindling. For their part, Americans were growing increasingly wary of the human rights violations committed in their name and the seeming inability of the political echelon to reform the military. The country lay in tatters, its population terrorized, its economy in free fall (for a comprehensive discussion of the stalemate between the FMLN and the government of El Salvador see: Bland, 1990, p. 194; Byrne, 1996; Corr, 1995; Holiday & Stanley, 1993; T David Mason, 1999, p. 193; Tommy Sue Montgomery, 1995, p. 141; Tulchin & Bland, 1992, p. 25).

Facing stalemate, and the threat of being cut loose from their benefactors, the parties reluctantly agreed to recommence their talks less than a year after renewed violence had begun. With the urging of the presidents of the Central American States, President Cristiani requested that the UN help mediate renewed talks (UNSC resolution 654 later authorized the involvement of the UN).
In February and March of 1990 the parties engaged in indirect talks. In April they met face-to-face in Geneva to formalize the conditions for ongoing dialogue.

Signed in April 1990, the Geneva Agreement specified a framework for negotiations between the government and the FMLN. The parties agreed to reach an agreement for the cessation of conflict within approximately six months time. The Agreement also set a vague agenda for negotiations, including reform of the armed forces, human rights, the judicial system, the electoral system, the constitution, the economy, and others. They agreed that former FMLN rebels would be reintegrated into the “civil, institutional and political life of the country” and that any agreement would be verified by the UN ("The Geneva Agreement," 1991).

By May, the parties had agreed to an agenda and timeline for the first round of peace negotiations. Signed on May 21, 1990, The General Agenda and Timetable for the Comprehensive Negotiating Process, also known as the Caracas Agenda, reiterated the goal of the parties, which was to reach a “cessation of armed conflict” with UN verification. The Caracas Agenda specified three tranches of items to be negotiated, including agreements on: the armed forces, human rights, the judiciary, the electoral system, constitutional reform, economic and social issues, and UN verification. Subsequent to these, a ceasefire would be negotiated. Finally, the parties would work out “guarantees and conditions for reintegrating the members of the FMLN . . . into the civil, institutional and political life of the country” ("The General Agenda and Timetable for the Comprehensive Negotiating Process," 1990). The Caracas Agenda proposed a phased approach for implementation, with elections coming prior to a ceasefire and an end-of-conflict. While the first phase of negotiations addressed all manner of social, political, and economic issues, the parties did not discuss a ceasefire or the manner in which reforms would be implemented. The parties agreed that they would first resolve the underlying issues before discussing how and when to put an end to the armed conflict. In other words, no reforms would be made and the conflict would be allowed to continue until a fulsome agreement was reached. It was an all-or-nothing approach to negotiations. Nothing was agreed until everything was agreed. Indeed, the parties continued to use armed violence as leverage as the bargaining process unraveled (J. G. Sullivan, 1995, p. 97).

Over the following months the parties met in various locations to negotiate the reform of the political, security, and economic systems, following the agenda and timeline set in Geneva and
Caracas respectively. These negotiations were officially mediated by Alvaro de Soto, the representative of the Secretary General of the UN.

The first substantive agreement between the parties was signed on July 26th, 1990 in San Jose, Costa Rica, after less than a month of negotiations ("The Agreement on Human Rights ", 1996). The speed with which the Agreement was reached is both a testament to the willingness of the parties to negotiate in good faith as well as the direct involvement of the UN (the document itself was largely written by the UN, a model that would be repeated in future rounds) (Tommy Sue Montgomery, 1995, p. 142). The San Jose Accords committed the parties to respect internationally recognized standards for human rights. In particular, the Agreement restored due process, freedom of expression, press freedoms and both parties agreed to immediately cease actions that threaten the “life, integrity, security, or freedom of the individual” as well as the practice of “disappearances and abductions.” Under the Agreement, the UN was mandated to promote human rights as well as investigate human rights violations (without enforcement powers). In a deviation from the plan adopted in the Caracas Agreement, the parties agreed to begin implementing the agreement on human rights prior to reaching a ceasefire. In July 1991, the United Nations Observer Mission in El Salvador (ONUSAL) began its monitoring mission. ONUSAL would soon to become the single most powerful UN mission ever deployed (Tommy Sue, 1995, p. 146).

In March 1991, groups associated with the FMLN (the Democratic Convergence) participated in their first legislative elections since the conflict had begun. FMLN affiliates won a modest nine seats (out of 84). Though the elections were once again marred by violence and fraud (left-wing candidates were threatened, one was shot in the eye, another murdered, and a local office of the Democratic Convergence was attacked with grenades), and Crisitani maintained his majority, the elections demonstrated that the FMLN would at least nominally be permitted to participate in the political process. Following the elections, the FMLN therefore proposed to accelerate negotiations (J. G. Sullivan, 1995, p. 97).

Shortly thereafter, on April 27, 1991, the parties signed the Mexico Agreement on constitutional reform, representing the culmination of months of hard negotiations and significant compromise. In particular, the FMLN abandoned its longstanding demand that the Salvadoran armed forces be dissolved altogether. Under the terms of the Mexico Agreement, the parties agreed that the
security services would be separated into functionally independent branches (armed forces, police, and intelligence) and subordinated to civilian authority, a firewall would create such that military courts could not be used to try civilians, and the armed forces would be trained to respect human rights and democratic values. Further, the military would be prohibited from exercising a role in domestic politics or inter security. The judiciary was to be reorganized so as to safeguard human rights through the election of judges and the attorney general by a two-thirds majority of the legislature and their independence would be secured through guaranteed budgetary allocations. The electoral system was to be reformed through the creation of a new independent elections board with jurisdiction over electoral matters and a public voting roll to ensure that all eligible citizens could vote. Finally, the parties agreed to establish a truth commission comprised of individuals appointed by the Secretary General of the UN in consultation with the parties. The legislative assembly narrowly approved these changes securing the reforms in law ("The Mexico Agreement," 1991). Montgomery argues that Cristiani expended virtually all of his remaining political capital to achieve the passage of these reforms (Tommy Sue Montgomery, 1995, p. 144).

Despite the significant progress made during the Mexico round, the parties were rapidly approaching a negotiating deadlock on the remaining issues. The FMLN position on the armed forces hardened over time. The FMLN had long sought a significant reduction in both the quantity and quality of the Salvadoran armed forces and the ability to remain armed post-conflict. In particular, the FMLN demanded the dissolution of the certain elements of the security services, such as the rapid response forces, the National Guard, and the Civil Defense Force, the reduction of the remaining armed forces, their purging of those accused of human rights violations, and their subordination to civilian authorities. The FMLN also demanded inclusion in the newly reconstituted armed forces and/or to remain armed within certain areas of the country (Corr, 1995, p. 154; Holiday & Stanley, 1993, p. 420; J. G. Sullivan, 1995, p. 92). However, the government was unwilling to entertain the political inclusion of the FMLN so long as they remained armed (Tommy Sue Montgomery, 1995, p. 144). Nor did the FMLN’s hardened position receive international support; Latin American leaders dismissed it at the first Ibero-American Summit, as did the UN Secretary General (Tommy Sue Montgomery, 1995, p. 144; J. G. Sullivan, 1995). As the negotiations slowed, the FMLN began once again demanding the abolition of the Salvadoran armed forces altogether. The deadlock threatened to derail
negations and undermine the progress that had been made to date (J. G. Sullivan, 1995, pp. 96-97).

In an effort to forestall the complete collapse of negotiations, UN Secretary General Javier Perez de Cuellar personally intervened, reconvening the parties in New York. In exchange for a guaranteed role in the political process and inclusion in a new civilian police force the FMLN softened its position and abandoned its demands to see the armed forces dissolved, to remain armed, and/or to be incorporated in the armed forces (J. G. Sullivan, 1995, p. 93). On September 25, 1991, the parties signed The New York Agreement ("The New York Agreement," 1991) and the Compressed Negotiation Agreement ("The Compressed Negotiations", 1991). The New York Agreement established a joint implementation committee (the Commission Nacional para la Consolidacion de la Paz or COPAZ), committed the government to dissolve the paramilitaries, to reduce the size of the armed forces, to “purify” them of human rights abusers, and to redistribute state owned lands to landless farmers and peasants. The aim of the Compressed Negotiations Agreement was to establish a new agenda and timeline to resolve all outstanding issues and the timeline for implementation and a ceasefire “in one go.”

The New York Act was concluded on December 31, 1991, minutes before the expiration of de Cuellar’s mandate as Secretary General. The Act established the dates for a ceasefire to take effect (February 1, 1992) and the end of conflict (October 31, 1992). With these dates set, the parties set to work resolving all outstanding issues. They agreed to a phased program of disarmament for both the FMLN and government forces. Following Cristiani and de Cuellar’s proposals, the FMLN agreed disarm outright while the government would dismantle the rapid reaction battalions, and paramilitary forces, reduce the security services by fifty percent, “purify,” retrain, and subject them to civilian authority. de Cuellar urged the parties to compromise on a smaller number and location of concentration zones (encampments/cantonments) and a short nine-month ceasefire in which disarmament and demobilization would take place. The government agreed to replace the former paramilitary national police with a national civil police force, comprised both of FMLN combatants and government personnel. On top of the measures to alleviate poverty agreed to in the New York Agreement, aid was also offered to demobilized combatants to ease their reentry into civilian life. Finally, while the parties did not agree to formal power sharing, the FMLN was to share in the implementation of the accords through equal membership in COPAZ and they were to be fully
integrated into the political life of the country. The FMLN would be legalized as a political party, able to fully participate in elections, and restrictions on the media would be lifted. Political prisoners would be freed and those who fled the country would be allowed to return unmolested. The timeline for the implementation of the peace agreement were unbelievably ambitious: reduction of the armed forces and elimination of the paramilitaries and rapid response teams within 150 days, complete purification of the armed forces within 255 days, new police recruitment within 90 days, and new police deployment, including members of the FMLN, within 270 days.

The parties signed their final agreement, the *Chapultepec Peace Agreement* (so named for the castle in Mexico City in which they were signed), which contained these provisions, to great fanfare on January 16, 1992. Present were the heads of the Central American States, numerous South American States, Spain, and the US Secretary of State. The civil war was now officially over, but would the peace hold?

*Implementation*

The ceasefire between the FMLN and the government took effect as planned on February 1, 1992 and has not been seriously violated to date. Following the agenda for implementation set at *Chapultepec* rapid progress was made as the constitutional changes began to go into effect. Several profound changes are worth noting. First, the military began rapidly cutting personnel, reaching its goal of reducing the size of the armed force by half ahead of schedule and within months, the UN verified the complete disarmament of the FMLN. The old police force, paramilitaries, and other groups were abolished, and the military undertook a purge of officers accused of human rights violations. A new national police force began deploying its first officers on schedule in 1993 and the military today operates on a new doctrine and has largely withdrawn from the political and economic affairs of the country.

Second, a truth commission convened, registering the testimonies of more than 20,000 Salvadorans. The commission published their much-anticipated findings, which painted a gruesome picture of human rights violations during the civil war. Thousands of civilians disappeared, nearly a hundred thousand were killed, and more than a million were displaced internally or became refugees in neighbouring countries. The commission found evidence of systematic targeted violence, directed at union activists, clergy, journalists, students, and others,
as well as large-scale indiscriminate violence, aimed mostly at civilian population who lived in FMLN strongholds. The commission attributed the majority of the human rights abuses perpetrated during the conflict to the government, the military, or right-wing death squads associated with them (Betancur et al., 1993).

Third, since being legalized as a political party, the FMLN has become one of the two dominant political actors in the country (alongside the right-wing ARENA party—the party that concluded the peace agreement with the FMLN). By 1994 the FMLN had picked up a quarter of the seats in the legislative assembly and by the 2000 elections they had won a majority. Since 1997 the FMLN has won the mayorships of several major cities, including San Salvador. In 2009 elections Mauricio Funes, the FMLN candidate, finally captured the presidency, the first time a leftist party had managed to do so. Though they have since lost their majority in the legislature, the FMLN has in fact been integrated into the political life of the country, as promised in the peace agreements.

Finally, more than 35,000 people, including landless campesinos as well as demobilized soldiers and rebels, received land or benefits as part of the socio-economic program.

However, implementation of the peace accords was not without serious problems. Almost immediately deadlines were missed, aspects of the agreements went unimplemented, and violations went unenforced, failures that can largely be attributed to the government and ONUSAL respectively. A few examples of which are in order. First, the violence did not immediately subside with the signing of the agreements. In late 1993, three senior FMLN officials were murdered (Tommy Sue Montgomery, 1995). The murders were a clear violation of the ceasefire and a clear provocation that could have triggered retaliation. Thankfully, the FMLN demonstrated restraint, and violence soon diminished and all parties were quick to overlook the incident (most accounts are clear that the ceasefire was never seriously violated).

Second, both the 1991 and the 1994 elections, the first in which FMLN affiliates or the FMLN proper participated, were marred by serious problems and irregularities. The 1991 elections were punctuated by violence aimed at FMLN associated candidates and sympathetic voters. Though the violence had largely subsided by the 1994 election, problems remained. The UN concluded that 786,000 adults were registered to vote by the time of the elections, a significant proportion
of eligible voters (Tommy Sue Montgomery, 1995, p. 153). In the interests of keeping the peace process on track, the UN was willing to overlook these “deficiencies,” declaring the results free and fair.

Third, the government seemed to lack the political will necessary to implement promised reforms (Tommy Sue Montgomery, 1995, p. 140). Having exhausted much of their political capital in negotiating and acceding to a peace agreement, the government was slow to pass needed legislation, in particular regarding land distribution, reform of the police, and the legalization of the FMLN as a political party (Tommy Sue Montgomery, 1995, pp. 144, 151). Even where legislation was forthcoming, the government was often unwilling to assume the costs associated with reform (Boyce, 1995; Tommy Sue Montgomery, 1995, p. 162). Moreover, Cristiani proved unwilling or unable to fire top military officials, cut their budget, or otherwise assert civilian control (Boyce, 1995, p. 2110).

Fourth, independent of the government, the military also dragged its feet implementing promised reforms. Though supposedly subordinated to civilian control, the Ministry of Defense remained in the hands of a general throughout the critical period of implementation (General Humberto Corado Figueroa). The creation of a new police force was long delayed because the military refused to dismantle the old police force or hand over resources in a timely fashion and former military commanders were appointed to head of the new police force (Boyce, 1995, p. 2108; Laurance & Godnick, 2001). The ranks of the police were filled with many former member of the security services without undergoing screening (i.e., purification) or training, in contravention of the spirit if not the letter of the peace agreements (Tommy Sue Montgomery, 1995, p. 159). Moreover, the government was slow to admit FMLN recruits, as agreed. The government appeared to lack either the will or the means to bring the military into line with the agreements. In the words of the then American Ambassador to El Salvador, William Walker, the government had “management control problems” over the military (Bland, 1990, p. 202). After years of American largesse, Millman described the Salvadoran military as a “force unto itself,” largely impervious to external reform (Millman, 1989). Indeed, the military itself maintained that its so-called “organic structure” was not subject to negotiation, according to Bland (1990, p. 199). It was, in other words, what is often referred to as a deep state or state within a state (status in statu).
Fifth, international donors also proved reluctant to meet their funding commitments. In fact, the donor shortfall for the new civilian police force alone came to as much as $311 million (Boyce, 1995). Boyce explains that many international donors expressed unease at the Salvadoran government’s own unwillingness to meet its funding commitments and feared that their own contributions might be used by the government for continued political repression and human rights abuses (Boyce, 1995, pp. 2106-2107). In the event, overpromising and undercommitting aid is a stock characteristic of international diplomacy.

Sixth, due to its short timeline and limited budget, the truth and reconciliation committee only collected a fraction of witness testimony and documentary evidence concerning human rights abuses perpetrated during the conflict. Not only would the full picture of human rights violations remain obscured, an amnesty law hastily passed by the legislature meant that no human rights abusers would ever be brought to justice in El Salvador. Without systematic purification of the security services many human rights abusers remained at their posts with impunity.

Finally, at the time of its creation ONUSAL was, perhaps, the single most powerful UN mission in the world, with a wide mandate, broad powers, and a significant budget (Tommy Sue, 1995, p. 146). Nevertheless, ONUSAL was simply too disorganized and committed too few resources for too short a time to effectively monitor or implement such a wide-ranging agreement. Montgomery describes a mission run by a timid and vacillating director (Tommy Sue Montgomery, 1995, p. 149). At its height the ONUSAL mission consisted of only 368 military observers, 304 police observers, and a few hundred support staff, charged with monitoring dozens of encampments and over 40,000 combatants in remote and sometimes inhospitable areas of the country (Holiday & Stanley, 1993, p. 433; Laurance & Godnick, 2001). The ONUSAL mission was hastily assembled. Very few of its staff knew anything about ONUSALs mandate or the situation in El Salvador. The Italian contingent, for example, arrived without the ability to communicate in Spanish and the Mexican contingent consisted of inexperienced junior recruits hurriedly promoted to officers to fulfill mission requirements (Tommy Sue Montgomery, 1995, p. 150).

But ONUSAL also seemed at times unwilling to help implement or properly verify the agreements. The FMLN repeatedly complained to ONUSAL about the lack of government and military compliance, even threatening to suspend cooperation early on in the process (Laurance
& Godnick, 2001). But ONUSAL did little to respond. The mission presided over years of delays and foot dragging on the part of the government and military. In particular, ONUSAL did little to push implementation of those provisions associated with the police force, military, elections, land redistribution, and others (Corr, 1995; Holiday & Stanley, 1993; Johnstone, 1995; Tommy Sue Montgomery, 1995; J. G. Sullivan, 1995). Many former combatants simply melted away rather than undergoing formal disarmament, demobilization, and reintegration, as planned. While ONUSAL may have lacked the power to force compliance it rarely used its “moral authority” to do so (Holiday & Stanley, 1993, p. 429). The government and military repeatedly missed deadlines and violated the accords often without censure. According to Sullivan, ONUSAL was unwilling to publically criticize the government for fear of risking its reputation as a “neutral arbiter” (J. G. Sullivan, 1995, p. 97). Though ONUSAL largely blamed the government and military for implementation failures (Holiday & Stanley, 1993, pp. 421-422), it alone bore responsibilities for failures of verification and enforcement.

That ONUSAL failed to completely live up to its obligations should not have been a surprise to those intimately familiar with the region. ONUSAL was initially formed in part out of the remnants of ONUCA (United Nations Observer Group in Central America), which was in the process of winding down operations. Formed by the UN Security Council in 1989 in response to the Central American Peace Accords, ONUCA was meant to limit rebel activity in the region. However, the mission was originally given little power and scant resources, and, therefore, did little more than play the role of observer. That changed, however, following events in Nicaragua. When the UNO opposition party unexpectedly won the 1990 national elections in that country ONUCA was given additional resources and an expanded mandate to oversee a peaceful transition of power. Despite winning the elections, Contras rebels aligned with the UNO were reluctant to lay down their weapons, fearing retribution by the military, which was still controlled by those loyal to the previous Sandinista government. Amongst others, ONUCA was to provide protection for the Contras as they voluntarily relocated to a series of safe havens (security zones) within the country, disarmed, and were reintegrated into civilian life. ONUCA declared the mission a success, having collected tens of thousands of weapons and helping to reintegrate thousands of former combatants (see Wrobel, De Oliverra, & Unies, 1997 for a comprehensive discussion of the ONUCA mission in Nicaragua). However, there was no telling how many rebels adopted to retain their weapons rather than submitting to a process of voluntary
disarmament. More importantly, the mission failed to prevent hundreds of rebels from rearming in response to a series of troubling reports of demobilized combatants—including a high-ranking former Contra commander—being murdered in suspicious circumstances (Boudreaux, 1991).

Despite the many problems with implementation that stemmed from the government, military, and ONUSAL it was the behaviour of the FMLN that sparked the worst crisis of process and risked undermining the entire peace accords. While combatants and soldiers were concentrated in encampments as agreed, the FMLN dragged its feet on their timely disarmament and demobilization at various stages throughout the process. Chapultepec contained a highly choreographed schedule that linked obligations and commitments in tight succession. Without proper verification the entire process threatened to fall behind schedule. Eager to keep the process on track, UN Secretary General Boutros-Ghali sent the Under Secretary General for Peacekeeping Marrack Goulding to intervene on his behalf. At Goulding’s repeated urging, the FMLN agreed to meet its commitments and release combatants for reintegration and hand over weapons to ONUSAL. However, the weapons it initially handed over were of poor quality and in insufficient quantities, leading both ONUSAL and the Salvadoran military to complain that the FMLN was less than forthcoming. When ONUSAL uncovered 15 tonnes of hidden weapons in Nicaragua and Honduras, the FMLN publicly denied the existence of any other hidden weapons and declared that it would henceforth fully comply with Chapultepec disarmament provisions. Though doubts remained, ONUSAL promptly declared the FMLN fully disarmed, less than three months behind schedule (Doyle, Johnstone, & Orr, 1997, p. 286; Laurance & Godnick, 2001; Wrobel et al., 1997).

Not long after, in May 1993, an accidental explosion in Managua revealed that the FMLN had withheld enormous quantities of high-quality munitions from ONUSAL. At five locations alone, ONUSAL and their Nicaraguan counterparts found more than a dozen sophisticated surface-to-air-missiles, hundreds of rockets, thousands of rifles, mortars, grenades, and pounds of high-explosives, and millions of bullets. To put this quantity of weapons in perspective, it represents nearly a quarter of the overall quantity of weapons that the FMLN declared and turned over to ONUSAL as part of the process of disarmament. The FMLN later admitted the existence of a further 120 arms caches and turned over tones of additional war materiel, though FMLN leaders claimed the weapons had not been touched since 1991 (Wilkinson, 1993). The discoveries of
numerous hidden weapons caches threatened to undermine the peace process at a critical stage and many practitioners and commentators were, therefore, quick to criticize the FMLN publically and privately in a range of fora. The United States threatened to cut off aid in support of the process and the Cristiani government threatened to bar the FMLN from participating in upcoming elections on the grounds that their inclusion was premised on disarmament. ONUSAL quickly destroyed the newly revealed weapons and once again certified the disarmament of the FMLN, narrowly salvaging the peace process.

On the heels of this crisis, and with major aspects of the agreement still unimplemented, ONUSAL declared *Chapultepec* a success and closed its mission on June 1995, only 45 months after the peace process had begun. In so doing, ONUSAL handed over responsibility for further implementation of the agreements to the government. The creation of the new civilian police force remained incomplete, FMLN combatants had not been fully integrated, and former members of the security services had infiltrated the ranks. The military continued to play an oversized role in the country and it had not been thoroughly purged of human rights abusers. Voter registration issues persisted, hampering reform of the electoral system. Finally, land reforms remained incomplete. With so many aspects of the agreements unfulfilled the peace remained fragile. Nevertheless, ONUSAL saw fit to turn over responsibility for the continued implementation and compliance of the peace process to the government of El Salvador (Nations, 1995).

Hidden weapons continued to be found in and around El Salvador, particularly after earthquakes and landslides, though mostly in unserviceable condition. As recently as 2005 the Salvadoran Minister of Defense Otto Romero explained that weapons seized in Honduras likely dated from the Civil War and belonged to the FMLN (*WikiLeaks Diplomatic Cable*, 2006). No substantial caches have been reported since.

*Spoilers or Cautious Peacemakers?*

The repeated discovery of weapons hidden in contravention of the agreements discredited the FMLN as a committed partner and risked undermining the entire peace process. They stood accused in various corners, such as the US, UN, and Nicaragua, of holding back weapons for the purposes of increasing their bargaining leverage or worse (Wilkinson, 1993). After all, why
would the FMLN keep their weapons in contravention of the agreements unless they intended to use them? As one might expect, the FMLN vigorously denied any such accusations. Not long after the hidden weapons were discovered in Nicaragua Salvador Sánchez Cerén, a top FMLN official now President of El Salvador, said in a letter to the UN Secretary General, “the reason we did not take an inventory of or destroy these arms was at no time because we were thinking of using them to conduct a further military offensive” (quoted in Laurence, 1988). However, such protests generally fell on deaf ears, particularly as weapons continued to be found in contravention of the agreements.

The FMLN had repeatedly abrogated the only major commitment it had made as part of the process, nearly undermining the fragile peace, but had they spoiled? In fact, the FMLN has never used violence after the ceasefire went into effect on February 1, 1992. Weapons were not used to further their strategic position, to increase bargaining leverage, or to undermine the peace process. Indeed, were it not for acts of god (i.e., earthquakes and landslides) or the suspicions of ONUSAL the FMLNs hidden weapons would have remained hidden. In other words, the FMLN never once demonstrated spoiling behaviour.

Quite the contrary.

The FMLN had gone to great lengths at the bargaining table to mitigate the likelihood of being locked out of the political life of the country and left defenseless if the peace process collapsed and violence resumed and later demonstrated remarkable restraint in the face of repeated setbacks, broken promises, and provocations. The parties agreed to terminate the armed struggle in return for full integration of the FMLN into the political life of the country and an end to human rights violations. And yet the government dragged its feet implementing major aspects of the agreements. Recall the violence that marked both the 1991 and (to a much lesser extent) the 1994 elections, the widespread fraud and irregularities that plagued both elections, the delays in implementing land reform, the failures to purge the military of human rights abusers or bring them to justice, the delays in integrating the FMLN into the new police, and many others.

More worrisome, the Salvadoran military—which was largely culpable for the gross human rights violations perpetrated throughout the country for more than a century—continued to operate with a considerable degree of autonomy after they were supposedly subordinated to
civilian control. For decades conservative elements within the Salvadoran military with ties to landowning elites had maintained control over the country. At times the military manipulated the political class, at others it dispensed with them altogether. When the military sensed a threat to its hegemony it increased repression, reversed concessions, and over-rode or deposed the government through repeated coups. In other words, the military had long held a praetorian role in Salvadoran society. Why, upon the signing a peace process by an elected civilian government, would things be any different?

Given its history, and the history of the region, the FMLN did not necessarily expect the military to voluntarily abide by the terms of the agreements nor did they expect the government would be willing or able to impose its writ on the military or the UN to enforce the terms of the agreement (Bland, 1990, p. 191; J. G. Sullivan, 1995). “The power of the armed forces—its ability to block peaceful social and economic change—has been a fact of life in El Salvador for many decades,” Bland writes (Bland, 1990, p. 191). In fact, the government continued to face serious opposition from rightist elements associated with the military throughout the period of implementation (Bland, 1990, pp. 202-203; Boutros-Ghali, 1995; Tommy Sue Montgomery, 1995, pp. 144, 158). In particular, the military was largely responsible for delays and failures to implement security-related provisions of the peace process, such as purging the military, dismantling the old police force, and enabling the creation of a new civilian police force. Moreover, the FMLN had taken an extraordinary risk in agreeing to cantonment provisions, which both concentrated and exposed their fighters leaving them vulnerable and open to attack.

Fearful of reversals, the FMLN had proposed a long and drawn out negotiating process, the better to gauge the depth of opposition and the likelihood of success. But President Cristiani and Secretary General de Cuellar, both eager for quick political victories, pushed rapid negotiations instead. Hence agreements with names like “The Compressed Negotiations.” The FMLN also demanded that all outstanding issues be resolved prior to a ceasefire. They wanted all issues resolved before being asked to disarm (J. G. Sullivan, 1995, p. 93). The FMLN similarly proposed a gradual phased approach to implementation of the agreements, but this too was rejected in favour of rapid implementation (Corr, 1995, p. 85; Holiday & Stanley, 1993, p. 420). Finally, the FMLN made numerous proposals throughout the negotiating process that would have either left them armed indefinitely (in remote corners of the country or through integration into the military) or would have allowed them to maintain their coercive capacity until late in the
process after they were well entrenched in the political life of the country (i.e., after successful elections, at a minimum) and after the military had been reformed and subordinated to civilian rule (Corr, 1995, p. 154; Hartzell & Hoddie, 2003, p. 321; Holiday & Stanley, 1993, p. 420; J. G. Sullivan, 1995, pp. 85, 89). Finally, the FMLN proposed inclusion in the police force. In other words, the FMLN had proposed to keep their weapons until they could be reasonably certain that they would not be alienated from the political process or, worse, destroyed by the armed forces.

However, the FMLNs attempts to prolong the process and retain their weapons for as long as possible met with little success at the bargaining table. Neither the government of El Salvador, nor the international community (the US, or the Central American States), nor the UN was willing to entertain the FMLNs various proposals (Tommy Sue, 1995, p. 144). The FMLN gradually softened its position, abandoning demands to be included in the armed forces or to see it dismantled altogether, but these were rejected as well (Bland, 1990, p. 200; Holiday & Stanley, 1993, p. 420; J. G. Sullivan, 1995, p. 93; Tommy Sue, 1995). The government would not agree to include the FMLN in the political life of the country until they disarmed (Tommy Sue, 1995, p. 144). And Perez de Cuellar appeared more concerned with keeping negotiations on track (recall that his term as Secretary General ran out the very night the agreements were finally concluded) as well as the territorial integrity of El Salvador intact than addressing the fear of insecurity expressed by the FMLN (J. G. Sullivan, 1995, p. 93). As a result, the UN, both in its role as a mediator and an author of many of the accords, insisted on the fulsome disarmament of the FMLN to be implemented early in the process (before their inclusion in the new police force), rejected any administrative division of the country (i.e., any relaxation of Westphalian statehood that would allow for FMLN enclaves), and proposed a novel and as yet untested form of peacekeeping to guard against the failure of the process (J. G. Sullivan, 1995, pp. 95, 97). In other words, the security provided by the FMLNs weapons were to be traded in exchange for untested guarantees and future promises, such as inclusion in an as yet to be created police force. These amounted to meager guarantees that the FMLN would survive what they viewed as a strong likelihood of a violent reversal of the political process by the armed forces.

Then, when the process got underway, many of the FMLNs fears began to come true. Key elements of the accords went unimplemented and violations went unenforced by ONUSAL as too little will and too few resources were committed to peacekeeping. Seeing significant problems with implementation, and having been unable secure any meaningful security
guarantees from their interlocutors during negotiations, the FMLN turned to self-help to ensure their survival. At first, the FMLN obfuscated by surreptitiously held back weapons from ONUSAL during the cantonment process. Then, as it became clear that certain elements of the accords would go unimplemented in a timely fashion (if at all) and that ONUSAL was unlikely to enforce the agreement, huge quantities of weapons were placed in caches throughout El Salvador and neighbouring countries. As the FMLNs so-called lifelines disappeared (such as their timely inclusion in the police and/or rigorous enforcement of the agreement by ONUSAL) and as violations of the agreement grew, so too did their commitment to seeking self-help alternatives, even if they violated the accords. Salvador Sánchez Cerén explained, “the real reason [weapons were not properly inventoried or destroyed] was simply that we had a profound mistrust of the [El Salvadoran Armed Forced]. This forces us to keep one last negotiating card up our sleeve” (Holiday & Stanley, 1993). Even the United States, long an ally of the government, acknowledged the insecurity the FMLN faced in signing such an agreement. Assistant Secretary of State Aronson told Congress that the FMLN had “legitimate concerns about its safety” (quoted in Laurence, 1988). All the while ONUSAL stood by, doing little to improve compliance with the agreements. Then, with large swathes of the agreement unimplemented, they closed up shop, leaving the parties to fend for themselves.

The fact that the FMLNs weapons were hidden, and only accidentally discovered, attests that they were not mean to be used in all but the most catastrophic scenarios (it also suggests, for reasons that should be plain that they could not have had any symbolic value). And, though hidden weapons continue to be found in El Salvador long after the FMLN was supposedly disarmed, the FMLN has never once used them in anger. Despite poor enforcement of the peace agreements and incomplete implementation the FMLN has seen fit to keep its weapons hidden, relying instead on the ballot box to pursue its goals.

Conclusion

The signing of the Chapultepec peace accords occasioned great enthusiasm for the novel modalities of peacekeeping that it included. Because it put an end to the more than decade-long conflict in El Salvador, peace enforcement was increasingly seen as a viable form of conflict resolution; welcome news given the proliferation of internal conflicts during that period. Hartzell and Hoddie, for example, suggest that once guarantees were put in place the rebels
readily laid down their arms (Hartzell & Hoddie, 2003, p. 321). However, as this case demonstrates, the enthusiasm surrounding disarmament, democratization, modest forms of power sharing, and third parties should be tempered. Neither disarmament nor democratic reform was fully implemented during the short life of the UN peacekeeping mission.

Not only did peace obtain largely in spite of these novel forms of peacekeeping, their inclusion engendered numerous problems throughout the life of the process. For example, the stubborn insistence on disarmament (i.e., a monopoly over the legitimate use of force vested only in the hands of the government) and their unwillingness to consider any form of relaxed sovereignty (i.e., administrative or territorial divisions of the country) significantly delayed progress at the bargaining table and at times threatened to undermine the negotiations and return the parties to open conflict. The FMLN had good reason to fear violent reversals and, therefore, went to great lengths to advance proposals that would ensure that they would not be disenfranchised from power or left defenseless if the peace process collapsed. But the government and the UN proved remarkably unsympathetic to the security concerns faced by the FMLN. The government would not be expected to go without weapons, but the FMLN was expected to disarm (J. G. Sullivan, 1995). Each of the FMLNs proposals was, therefore, rejected in turn, leaving them with limited options: They could walk away from the negotiations, abide by the agreement and remain defenseless, or hide weapons in contravention of the agreement as an insurance policy against its failure. The FMLN chose the latter.

While the FMLNs decision to cheat may have helped prevent the collapse of negotiations, the later discovery of hidden weapons nearly undermined the implementation of the peace process at a critical stage. The United States threatened to cut off aid and, more importantly, the government of El Salvador threatened to bar the FMLN from elections, which, if implemented, would likely have returned the parties to open combat. It was less the parties’ commitment to peace than their mutual exhaustion that prevented this outcome. Nevertheless, the discovery of weapons proved to be a political liability, costing the FMLN votes during the 1994 elections. Moreover, the slapdash fashion in which arms were retained has fueled long-term societal instability. Hidden weapons quickly fell into the hands of criminal elements who have since plagued El Salvador and neighboring countries. Though the war is now long over, violence remains a daily reality for many (Bourgois, 2001; Call, 2002; Moodie, 2011; Popkin, 2000). While the FMLN did not spoil and the ceasefire has remained intact to this day, the parties have,
nevertheless, paid a lasting price for the weapons retained in contravention of the agreements. One wonders if these might have been avoided if the insistence on disarmament and the unwillingness to consider administrative or territorial divisions of the country had been relaxed.

Additionally, the Salvadoran case aptly demonstrates the problems with third party involvement in internal conflicts. Indeed, third parties, including the Untied States, Cuba, Nicaragua, and the Soviet Union, helped fuel conflict by providing support to the warring factions in El Salvador. When third parties, such as the UN, set their sights on peacemaking, their involvement proved similarly problematic. Not only did the UN push progress in negotiations at the expense of legitimate security concerns of the FMLN, motivating them to hide weapons, the UN also proved remarkably incapable of living up to their own commitments made as part of the peace process. The UN failed to effectively monitor the peace agreement—inaccurately verifying the disarmament of the FMLN on several occasions—or to ensure compliance when violations were in evidence. The UN departed with much of the agreement still unimplemented—after only 45 months on the ground—leaving further implementation in the hands of the government, which was immature and still a site of contestation. Some authors go further, suggesting that the UN was not simply incapable of properly verifying or enforcing the agreements, it was also unwilling to do so. For example, Doyle et al. claim that the UN had repeatedly ignored violations in order to declare a quick success (Doyle et al., 1997, p. 287). If correct, this means that the UN was more concerned with keeping the process on track than actually keeping the peace in El Salvador.

Whatever conclusion one comes to concerning the failures of the UN mission in El Salvador—whether a product of incompetence or a lack of will—the implications remain the same. Belligerents seeking to ensure their survival are unwise to place their unwavering faith in third party guarantees. As the Salvadoran case demonstrates, combatants facing the cold reality of armed conflict know what scholars writing from the complacency of the ivory tower have not yet concluded: self-help is the only guarantee of survival. The UNs significant failures in El Salvador should, therefore, prompt a reevaluation in the scholarly literature of the value of third party guarantees.

Though the discovery of weapons hidden in contravention of the agreement prompted many to question the FMLNs commitment to peace, it is important to note they never once used their
weapons to violate the ceasefire. More importantly, once the process of political integration appeared to be fulsome and irreversible—which occurred long after the UN departed—the FMLN no longer found that it needed to maintain weapons at all. Though the FMLN never actively disarmed in the agreed upon manner (i.e., by formally handing over its weapons to the UN), its hidden weapons were neglected and quickly fell into a state of decay. To wit, the weapons found after earthquakes and landslides are generally in unserviceable condition. Since weapons quickly become unserviceable and fighters lose their effectiveness without training, we can conclude that the FMLN has *ipso facto* disarmed. I term this disarmament by omission and neglect. Disarmament did not create the conditions for peace, as proponents of the practice suggest. Quite the opposite. Peace led to disarmament.
Chapter 5 The United States Constitution and the Right to Bear Arms

“One loves to possess arms”
-Thomas Jefferson writing to George Washington

“A well regulated Militia, being necessary to the security of a free State, the right of the people to bear Arms, shall not be infringed.”
-The Second Amendment

Introduction

Guns have long held a privileged position in American society. In Colonial America, weapons were used for hunting, farming, the protection of private property, self-defense, and the enforcement of law and order. An armed citizenry expanded the frontiers of the young nation Westward. The threat of disarmament by the British Colonial administration helped spark the American Revolutionary war, and weapons in the hands of both regulars and irregulars helped secure American independence from the Kingdom of Great Britain (Cress, 1984). Later, during the process of Confederation, the Second Amendment helped neuter the role of the newly founded central government. The Second Amendment specified the right to bear arms. The states were wary of the federal government monopolizing power and retained weapons through state militias in order to ensure their rights. Indeed, even after the defeat of the Southern states in the Civil War, and the disbanding of the Confederate Army, many Confederate Officers were allowed to retain their arms, and the constitutional right of Southern states to retain their militias was not abrogated.

This chapter explores the origins of the American right to bear arms. Despite being “virtually ignored” by the U.S. Supreme Court (Shalhope, 1982) and, until recently, neglected by scholars (LaRue, 1987; Reynolds, 1994), a veritable cottage industry has developed amongst historians and legal scholars about the meaning and origin of the Second Amendment to the United States Constitution. Amongst these scholars, two distinct camps have surfaced: The first, self-described as the “standard model,” argues for an individual right to bear arms for self-defense, defense of the state, and the means with which to overthrow government should it become tyrannical (Amar, 1991, 1998; Halbrook, 1982, 1986, 1989; Kates, 1983; Levinson, 1989; Malcolm, 1996; Reynolds, 1994; Shalhope, 1982; Sprecher, 1965; Van Alstyne, 1994; Vandercoy, 1993). The
second view rejects this individualist argument, instead positing that the right to bear arms is a collective right closely associated with the militias. In other words, the right to bear arms is vested in the states. In this view, arms are meant for defense against foreign aggression, to quell domestic insurrection, and as a check and balance against federal power (Brant, 1965; Cress, 1984; Henigan, 1991; Hofstadter, 1970; Reynolds, 1994; Weatherup, 1988; Wills, 2000).

This debate largely follows the lines drawn in the contemporary gun control debate. Advocates of gun rights typically emphasize the individualist view of the Second Amendment while proponents of gun control tend to emphasize the state’s rights interpretation (Cornell & DeDino, 2004; Cottrol & Diamond, 1995; Kates, 1983; Reynolds, 1994; Shalhope, 1982; Weatherup, 1988). While the debate between the two camps, which some have termed “The Great American Gun War” (Bruce-Briggs, 1976), sheds more heat than light, this literature is nevertheless instructive in exploring how the Framers of the constitution viewed weapons. Despite their numerous points of disagreement, both sides of the Second Amendment debate highlight the privileged role weapons played in the post-Revolutionary American project.

Despite more than 200 years lapsing since the conclusion of the American Revolutionary War, the American example is replete with parallels to contemporary internal conflicts. As with many contemporary internal conflicts, the grievances of the colonists were met with recalcitrance by the British. Protest, repeatedly ignored, eventually gave way to politically motivated violence. The British response was, perhaps predictably, heavy handed, acting to increase grievances and bolster the revolutionary position. Loyal British citizens with legitimate grievances were eventually motivated to demand independence from the Empire and eventually secede through force of arms.

The war, sparked over local grievances, triggered violence between European colonial powers close to home (e.g., the Fourth Anglo-Dutch War) and as far away as the Mediterranean, India, and the West Indies. The conflict later involved—directly and indirectly—Spain, France, and the Dutch Republic on the American side, and thousands of German mercenaries on the British side. By wars end 60,000 United Empire Loyalists (i.e., those loyal to the British Empire) as well as untold numbers of slaves had fled the fighting in the United States for Canada. Today, we might call these political refugees. The violence had spread far beyond the borders of North America and involved numerous other powers. Today, these would be called spillover effects,
which, at its conclusion, had the effect of politically reorienting North America. The composition of British North America was much reduced and the thirteen colonies at the heart of the revolution had coalesced into a confederation called the United States of America. With such similarities, the American case should, therefore, provide useful insights into contemporary internal conflicts.

Most important for the purposes of this study, the United States proves a useful historical example for exploring the role of weapons in the resolution of internal conflict. Not only did the new state eschew disarmament amongst the disparate colonies that formed the union, it secured the right to arms through the Second Amendment. In so doing, the Framers created a loose confederation with weak central control, particularly as regards the coercive apparatus of the state. Indeed, the various states retained their militias, even after the formation of a federal government, and the new American federal government was limited in its ability to raise an army. The result was not a state in the Weberian sense, with the monopoly over the legitimate use of force, but instead a state comprised of various sub-units with the material capacity to check the aspirations of the federal government. Weapons were central to ensuring a republic free from tyranny, foreign or domestic. The militias were also used, on occasion, by the states to enforce discipline amongst their constituents thereby preventing potential spoilers from undermining the new Union. The Framers of the Constitution and the subsequent Bill of Rights drew their inspiration for the Second Amendment from the early-modern republican thought of Machiavelli and later English Whig theorists. The American example is, therefore, also of great interest to those interested in the subject of disarmament for revealing a body of philosophical literature that argues a virtuous role for the armed citizen.

The chief difference between the American example and contemporary cases in which disarmament is practiced is that the new confederation included only combatants in arms, and not the colonial masters against whom they were fighting (i.e., the British). In other words, the Revolutionary War is properly classified as a secessionist war or an anti-colonial war, and not a war over government as many other civil wars are. Notwithstanding this obvious difference, we can still draw numerous robust conclusions about disarmament and the nature of weapons in resolving internal conflict. In particular, we can explore how weapons are used by distrustful groups to create, rather than destroy, the state. We can learn that a state need not establish a Weberian central authority. And, finally, we can see that over time, as the threat and insecurity
subside, the need for weapons gradually subsides. In short, the American example demonstrates rather well how disparate warring groups who feared defection from an agreement used weapons as an insurance policy against failure, allowing them to enter into an arrangement to construct their state post-conflict.

This chapter proceeds as follows: I begin by exploring the cause and conduct of the American Revolutionary War. This section is brief because the history of the American Revolution and War of Independence have been extensively documented elsewhere (for excellent discussions see Becker, 1922; Black, 1991; Cogliano, 2008; E. G. Gray & Kamensky, 2013; Higginbotham, 1983; McCullough, 2005; Rakove, 2010). Next, I will discuss the drafting of the United States Constitution and Bill of Rights, particularly as they limit the coercive authority of the federal government. Then, I will discuss the intellectual origins of the Second Amendment that the Framers drew on when drafting the United States Constitution and Bill of Rights. Finally, I will discuss the evolution of the coercive apparatus in the United States. Though the United States has come to more closely resemble the Weberian ideal, the states continue to maintain important elements of coercive power and the ability to check the authority of the central government, which they have exercised on rare occasions. While the military balance between the states and the federal government is beyond doubt, the specter of an armed clash between the states and the federal government is likely enough to promote compromise and moderation, which was precisely what it was intended to do by the Framers.

The American Revolutionary War

The American Revolutionary War took place within thirteen of Britain’s North American colonies, which later formed the nucleus of the United States of America, from 1775-1783. The Revolution was sparked by a series of political and economic grievances held by the American colonists against the British colonial government. In particular, grievances focused on a growing body of unpopular legislation enacted by British authorities on their colonies without their advice or consent. These included a series of increased taxes and duties on imported goods, such as the Stamp Act, the Sugar Act, the Tea Act, and others, as well as British mercantilist policies, which severely restricted the colonists trade prospects abroad. These measures were ostensibly imposed by Britain in order to share the burden of war debt with its colonies incurred in the Seven Years, which was fought, in part, over colonial interests between the great powers, but had
the punishing effect of hampering the American economy. The colonists also harboured grievances concerning British restrictions on Westward expansion and settlement, the involuntary quartering of British soldiers, and the withholding of appointments to colonists under British arms. More generally, however, American grievances focused on the perceived disenfranchisement of their natural rights. Initially sparked by material grievances, the colonists came to be motivated by republican and liberal thought. In fact, the colonist’s scarcely disapproved of the principle of taxation. Because the American colonists did not enjoy representation within the British legislature, the increasingly onerous and burdensome legislation imposed on them without their advise or consent came to be viewed as contrary to their will and, thus, illegitimate. Increasingly, the authority of the British monarchy was seen to violate the natural rights of the colonists, themselves British subjects.

At first these grievances were expressed through protest, petition, and the boycott of British goods. American colonists, mostly loyal British subjects, simply demanded increased representation in matters concerning their administration. In other words, the colonists desired government by consent much as other British subjects enjoyed. In general, British recalcitrance to colonial demands and their heavy-handed response to mostly non-violent protest exacerbated tensions and precipitated increased violence in the colonies. In 1770, British troops fired on a crowd of American protesters in what later came to be known as the Boston Massacre. Hostiles intensified. In 1772 the Colonists, no longer satisfied with non-violent protest, burned a British Naval ship enforcing trade restrictions. The so-called Boston Tea Party followed. The British responded by enacting a series of legislation, which came to be known as the so-called Intolerable Acts. Rather than expanded the scope of American involvement in their own administration, the Intolerable Acts revoked the self-governing authority of Massachusetts, and enlarged the borders of Quebec. Meant to weaken the resolve of the colonial protesters, this punitive legislation hastened increased violence.

The colonists convened delegates from thirteen colonies—in what became known as the First Continental Congress—which pled with the King to intervene on their behalf. Instead, the crown declared the Congress traitors and sent troops to reassert colonial rule. The colonists had begun mobilizing their militias against Britain troops. In order to impose the new legislation, and consolidate their control over the restive colonies, British troops were sent to Lexington and Concord to confiscate the Massachusetts militias’ arms. On April 19th, 1775 the shot heard
'round the world was fired. American irregulars and British troops started trading fire. The American War of Independence (also known as the Revolutionary War) had begun. Violence quickly spread as other colonies sent troops to reinforce those fighting the British in Massachusetts and the British sent additional troops to quell what it now declared an outright rebellion.

At first, the war was fought by an admixture of American irregulars and militia members, but as the war progressed the colonists organized governance bodies, called provincial congresses, to replace British rule and direct the fighting. In 1775, the thirteen colonies convened the Second Continental Congress and proposed terms of peace to the British. When the terms of peace were refused, Congress declared its independence from Britain. In time, the Congress drafted Articles of Confederation, an early constitutional document, uniting the disparate colonies (now states) under a common system of government for the purposes of “common defense” (amongst others). The Articles of Confederation laid out the division of powers of the United States. While the Articles allocated the right to conduct foreign policy, declare war, and raise an army and navy to the federal government alone, each state was not only allowed but, in fact, required to “keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage” for the defense of the state (Article VI). The conflict with the British continued, becoming a full scale war now fought by an army temporarily raised by the Congress and organized under the command of General Washington, alongside irregulars and colonial militiamen.

The Continental Army suffered heavy losses in the face of a vastly superior British force, which generally proved decisive in direct battles against the Americans. In general, the Americans were poorly trained, and lacked sufficient armaments, experience, and a seasoned leadership. Nevertheless, the British were ultimately exhausted. After the disastrous defeat at the Battle of Chesapeake, in which the British surrendered an army of 8,000 men after heavy bombardment by the French Navy, support for the war was lost in Britain. Despite numerous reversals, the Americans had gradually wrested considerable territory from British control and in April 1782 the British Parliament voted to end the war. The Americans had prevailed through the combination of direct blows struck by the Continental Army the decisive blows struck by the French Navy well as the persistent harassment of American irregulars and the militias. Peace
was concluded in 1783 and the British withdrew their remaining troops from the former colonies. As the war ended, the fledgling United States mostly disbanded the Continental Army, “save 80 men to guard the stores” (Wiener, 1940, p. 183), leaving its defense in the hands of the state militias and navies and an armed citizenry.

*The Constitution and Bill of Rights of the United States of America*

Even before the conclusion of the Revolutionary War, a movement arose to replace the *Articles of Confederation*, under which the first American government was organized. While the *Articles* allowed the colonies under revolt the ability to declare independence, conduct foreign policy, and fight against the British (through an army raised exclusively for that purpose as well as the more permanent state militia forces enshrined in the *Articles*), under their terms the shared government remained dangerously weak and disunified. The Congress of Confederation, the first American Government, was little more than a temporarily organized loose association of colonies with little hope of conducting unified national policies in the long-term. In particular, under the *Articles of Confederation* the new state was too weak to properly manage their joint fiscal and monetary affairs, which repeatedly jeopardized not only the immediate economic health of the new state, but also its ability to prosecute the ongoing war. Even after their victory, complaints about the performance of the militias—persistently voiced by none other than General Washington—raised the need for a standing arm to confront future threats. (Hofstadter, 1970; Wiener, 1940). Almost as soon as they were adopted, therefore, efforts were made to strengthen the *Articles*, and with them the fledgling American government.

After several false starts, a constitutional convention was convened in 1787. Tasked with revising the existing *Articles*, the convention soon began drafting an entirely new constitution, aimed to replace the *Articles* with a more robust system of government. Where the first American government lacked many of the characteristics of a strong Westphalian state, the *Constitution* would provide for a much stronger central government with the power to raise armies, organize, arm, and discipline the state militias (Article I, section 8), declare wars and suppress domestic insurrections (Article I, section 7), and, perhaps most importantly, the ability to pay for these through effective taxation mechanisms. No longer would each state separately enjoy “sovereignty, freedom, and independence” as they had under the *Articles*. Justifications for the new constitution were widely circulated in the so-called Federalist Papers.
However, almost from the beginning, proposals to strengthen the federal government drew intense criticism from so-called Anti-Federalists. Though the Constitution contained a novel tripartite system of checks and balances against the imposition of arbitrary authority (i.e., a separate executive, legislature, and judiciary), Anti-Federalists grew concerned that a stronger federal government and its power to raise an army would come at the expense of and even jeopardize both individual and state’s rights. Anti-Federalists engaged in a public campaign opposing the work of the Federalists, most publicly through the works of “Brutus,” and later resisted the passage of the constitution amongst the various state legislatures. The work of the Anti-Federalists proved extremely effective: several states threatened to ratify the proposed Constitution only if amendments were made that clarified and enumerated individual and state’s rights. A compromise was reached, enabling the passage of the Constitution. Rather than changing the text of the Constitution, which was itself a product of difficult compromise, the states agreed to draft a subsidiary document, mollifying the deepest concerns of the Anti-Federalists (Higginbotham, 1998; Kates, 1983, p. 221). Twelve so-called amendments were presented to the first session of Congress, newly organized under the now ratified Constitution, ten of which were passed into legislation to become the core of what is known as the Bill of Rights.

Where the new constitution increased the power of the federal government, consolidating the weak confederation of the revolutionary period, following the concerns of the Anti-Federalists the Bill of Rights acted to constrain and balance those powers both by prescribing and proscribing certain behaviours and by defining explicit limits on the scope of government authority. These can be divided into individual and states rights. For example, the First Amendment prohibits laws that infringe on the freedom of religion, speech, press, assembly, and others, the Third Amendment prevents the quartering of soldiers on private property without consent, the Fourth Amendment prohibits unreasonable search and seizure, and the Fifth, Sixth and Eighth Amendments protect the rights of the criminally accused, all of which are rights broadly afforded to individuals. The Tenth Amendment, on the other hand speaks to states rights. It reserves all powers not explicitly granted to the federal government in the constitution to the states.

*The Right To Bear Arms*
The Second Amendment, however, is singular amongst the amendments contained in the Bill of Rights. It is the only amendment to contain its own preamble (“A well regulated Militia, being necessary to the security of a free State”) and it appears, on its face, both as an individual right (“the right of the people to bear Arms, shall not be infringed.”) as well as a state right (“A well regulated Militia”), fuelling the ongoing debate between Standard modelers and collective rights advocates. According to Kates, the right to bear arms was the most crucial component of the compromise necessary to ratify the Constitution. He writes:

. . . only four states suggested that the rights to assemble, to due process, and against cruel and unusual punishment be guaranteed; only three states suggested that freedom of speech be guaranteed or that the accused be entitled to know the crime of which he would be tried, to confront his accuser, to present and cross-examine witnesses, to be represented by counsel, and to not be forced to incriminate himself; only two states proposed that double jeopardy be barred . . .

Yet five states, what Kates describes as a consensus, called for an amendment guaranteeing the right to bear arms (1983, p. 222; Vandercoy, 1993 counts seven states).

Of interest here, however, is the reason why the right to bear arms was enumerated in the Bill of Rights. Constitutional scholars have variously interpreted the right to bear arms enshrined in the Second Amendment to have four meanings. The first and most basic interpretation of the Second Amendment is that the militias would enable the states to enforce law and order as they had done during the colonial period. Second, an armed citizenry and/or citizen militia would guard against foreign invasion. In other words, an armed population would act as a substitute or subsidiary of the armed forces of the federal government. Third, the state militias allowed the states to rein in potential spoilers, particularly in the early stages of confederation when the fledgling Union was at its weakest. On these three interpretations the emphasis is on internal and external security threats (“the security of a free state”). The fourth interpretation of the Second Amendment is that an armed citizenry and/or citizen militia guards against the imposition of tyrannical rule and guarantees the people a hand in their government. In this interpretation the emphasis is on freedom from arbitrary authority (“the security of a free state”). In other words, the Second Amendment was meant as a check on growing federal power, in particular its newfound coercive power. Let us explore these in greater detail.

The former colonies, now states, continued to enjoy considerable autonomy and authority within their domains, an early example of governance through power sharing. Though the new central
government was afforded important powers, the states were largely autonomous in the provision and enforcement of law and order (with the notable exceptions of counterfeiting, piracy, and insurrection). The colonies had used their militias for this purpose before confederation and they would continue to use them for these purposes after confederation (Malcolm, 1996).

Security was an ever-present concern for the fledgling state during the revolutionary and immediate post-independence periods. Powerful foreign empires controlled territory to the immediate north (Britain) and southwest (Spain) of the United States, the Western Frontier had yet to be pacified nor had government control been fully consolidated, and the high seas, which contained important trade routes vital to the American economy, were firmly under control of the British Navy. However, the Americans had prevailed over the British—securing their independence—not only through direct military engagements, but also through the persistent harassment of an armed population and the militias, using what might today be termed insurgency tactics (Kates, 1983, p. 270), as well as with the help of external assistance (and the overstretch and ineptitude of the British armed forces). The Second Amendment would continue provide the new state with both militias and an armed population with which to confront the various and sometimes overwhelming security threats the new country faced across its vast territory. Moreover, the militias promised to provide the new state with protection without the financial expense or opportunity costs (i.e., manpower lost to the army) associated with a standing army; costs the fledgling state could scarcely afford (Kates, 1983, pp. 214-215).

The new state not only faced security threats from abroad and the need to provide domestic law enforcement, it also faced considerable domestic opposition that might otherwise have undermined the authority new union and its leadership if allowed to fester. The United States emerged as a product of an anti-colonial or secessionist war and those suspected loyal to the British Crown had not all fled. Moreover, the new state faced considerable economic hardship that produced widespread grievances amongst its citizens. The states did not hesitate to turn their militias on their own populations in order to quash such challenges. Perhaps the best-known example is the suppression of the Shay’s Rebellion in 1787 at the hands of the Massachusetts government (for a comprehensive accounting see Richards, 2003; Szatmary, 1980). The rebellion was sparked over economic grievances in that state in the wake of the Revolutionary war. In particular, the wave of defaults by smallholder farmers unable to meet their obligations due to a contraction in the credit market and veterans returning from the war
who had not received back pay owed to them either by the state or the federal government. At first, these grievances were expressed largely through non-violent protests. Protesters, amongst them returning veteran Daniel Shays, agitated for tax relief and expanded credit. However, the protests gradually gave way to more direct actions—targeting tax collectors and blocking courthouses—after the legislature attempted to raise property taxes to meet its own debt obligations. On one occasion, the militia, sympathetic to the protestors, refused calls to keep the courthouses open. Though Samuel Adams argued that the protests were instigated by British agitators intent on undermining the new country, many of the protestors were returning veterans of the Revolutionary war and spoke in the language of the revolution (“overthrowing the tyrannical government of Massachusetts”). It was the popularity of their discourse, and not an allegiance to a foreign power, that stood as a direct challenge to the legitimacy of the new state. As the protests intensified, former president of Massachusetts James Warren warned of a looming civil war. The state appeared to be losing control of the situation. In response, a so-called riot act was instituted suspending due process rights, several of the ringleaders of the movement were indicted, and the governor called out the militia to ensure that the courts could convene. Despite minor concessions offered to the protestors, the movement radicalized and began arming for a direct confrontation with the state leadership. Shays assembled some 1,500 men with the aim of capturing the Springfield armory. The state quickly mustered its own resources. When the rebels approached the armory, they found the state militia waiting. Four rebels were killed and the rest scattered. The rebel attack had collapsed. The militia pursued quashing any resistance in its wake. In exchange for amnesty, several thousand protestors signed confessions, acknowledging their participation in the rebellion. The state had effectively squelched an early challenge to its legitimacy by turning the militia on its own citizens.

But the Second Amendment provided more than the ability to rein in challengers and guard against security threats at low cost. The purpose of the Second Amendment, according to nineteenth century Supreme Court Justice Joseph Story, was to guard “not only against sudden invasions . . . and domestic insurrections, [but also against] domestic usurpations of power by rulers.” Story continues, “the right of the citizens to keep and bear arms has justly been considered as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power by rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them” (quoted in
Levinson, 1989). In other words, the Second Amendment is said to ensure the freedom of the state by protecting against the imposition of tyrannical rule by the federal government. In this sense the Second Amendment is not simply a continuation of colonial arrangements, in which a militia—drawn from and comprised of the population—ensured the security of the colonies. On this view, the Second Amendment is a radical innovation designed to prevent the new government from monopolizing power at the expense of the states.

Freedom from arbitrary rule was the motivation for the Revolution and it remained the overriding concern of Anti-Federalists even after the new Constitution was drafted. Anti-Federalists feared that any new form of government could assume the worst aspects of British rule if not properly checked and demanded more explicit limitations on the new federal government, lest it exceed its authority. Under Article I, section 8 of the Constitution, the federal government was given the responsibility to organize, arm, and discipline the militias as well as the ability to raise a standing army. Anti-Federalists, therefore, worried that the federal authorities might neglect the militia, weakening the states and shifting the balance of power to the new federal government over time. Worse yet, some Anti-Federalists feared that federal control over the militia would leave the states altogether defenseless against arbitrary incursions into their authority by the new central government and its army, possibly leading to their destruction at the hands of the federal government (Henigan, 1991; Kates, 1983, p. 212; Levinson, 1989; Tribe, 1988). For example, Founding Father and Anti-Federalist George Mason argued that the new constitution would give the federal government the power to destroy the state militias “rendering them useless – by disarming them” (quoted in Henigan, 1991, p. 117). Luther Martin, also a Founding Father and Anti-Federalist, argued in front of the Maryland legislature, “if the general government should attempt to oppress and enslave them, [the states] could not have any possible means of self-defense” (quoted in Henigan, 1991, p. 117). The best-known Anti-Federalist tract, written by “Brutus” stated:

The liberties of a people are in danger from a large standing army, not only because the rulers may employ them for the purposes of supporting themselves in any usurpations of power, which they may see proper to exercise, but there is a great hazard, that an army will subvert the forms of the government, under whose authority, they are raised, and establish one, according to the pleasure of the leader. (Storing, 2008)

Some Federalists similarly feared government meddling. For example, Pennsylvania delegate to the Continental Congress Tench Coxe, a Federalist, feared, “civil rulers, not having their duty to
the people duly before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens" (quoted in Kates, 1983). However, Anti-Federalists generally had more faith that the checks and balances embedded in the Constitution would restrain the ambitions of the federal government (Vandercoy, 1993). Federalists like James Madison and John Marshall argued that the power to arm and maintain the militia was not exclusive to the federal government. They argued that there was nothing in the new Constitution that would prevent the states from keeping their own militias. Thus the fear of federal usurpation was unwarranted. Hamilton dismissed Anti-Federalist concerns as “far fetched . . . and extravagant” and Madison called their fears “misguided exaggerations” (quoted in Higginbotham, 1998).

Nevertheless, a compromise was reached between Federalists, who desired to create a stronger army with which to meet the growing security demands of the new state, and Anti-Federalists, who feared the consequences of a standing army, and wished to maintain the power of the states through their own coercive apparatus (Wiener, 1940, p. 184). The Bill of Rights affirmed the state’s ability to keep their own militias, “against the possibility of the federal government’s hostility, or apathy towards the militia,” according to Henigan (1991, p. 119). In other words, the Second Amendment provided the states with the right to form militias even if the federal government failed to do so (as later proved to be the case), a major concession afforded to the Anti-Federalists.

**Intellectual Sources of the Second Amendment**

American Constitutional scholars cite two major intellectual sources for the Second Amendment: the early-modern republican thought of Machiavelli and later English theorists variously referred to as Whigs, Republicans, or Libertarians (Bogus, 2000; Cress, 1984; Hofstadter, 1970; Malcolm, 1996; Pocock, 2009; Shalhope, 1982; Vandercoy, 1993; Weatherup, 1988). Drawing lessons from Ancient Rome, Machiavelli argued that an armed population is essential to maintaining the liberty of a republic (c.f., Machiavelli, 2009a, 2009b). Writing during the tumult of the Italian Renaissance, Machiavelli hoped these lessons might ultimately be of utility to his contemporary compatriots and benefactors. According to Machiavelli, Ancient Rome thrived when there wasn’t a class of professional soldiers, but succumbed to tyrannical rule when such a group arose, and ultimately crumbled when those groups persisted for extended periods (Kates,
For Machiavelli, military strength was essential for ensuring the independence of one republic from another. In other words, a strong coercive apparatus was necessary to maintain the freedom of the state. However, if the coercive power of the state was centralized in the hands of a small class of professional soldiers they could use their weapons to advance their interest at the expense of the general population, which would be powerless to resist (Cress, 1984). Moreover, should an armed class arise it would likely tend towards belligerent behaviour, according to Machiavelli, because it would stand to benefit from armed conflict. For Machiavelli, then, military strength is necessary to maintain the freedom of the state, but military strength concentrated in the hands of the few was anathema to freedom. An armed population, however, would simultaneously guarantee that the republic would remain free from other republics and free from a corrupt ruling class, which could result from the centralization of power in the hands of the few (Cress, 1984; Shalhope, 1982).

English theorists, such as William Blackstone, James Burgh, James Harrington, John Trenchard, Algernon Sidney, and others, often drew on Machiavelli’s republican thought when they discussed seventeenth century England, in particular the Civil War and the events surrounding the later Glorious Revolution (Cress, 1984; Kates, 1983; Vandercoy, 1993; Weatherup, 1988). Echoing Machiavelli, these theorists maintained that successive Stuart Kings attempted to raise standing armies and disarm the population in order to gain absolute control over their subjects. The Glorious Revolution put an end to the despotic rule of the Stuarts, in part by guaranteeing the English population the right to bear arms. An armed population guaranteed that the Crown could no longer impose its writ on parliament or the population at large by force. On this view, the English Civil War was really a series of conflicts between parliamentarians and successive Stuart Kings, not only over who ruled England, but also how England would be governed.

The first and second parts of the Civil War involved King Charles I (1642-46, 1648-49), ending in his beheading at the hand of Parliament. The grievances against the King were many and varied. Charles had married a catholic (fueling fears of a Catholic heir to the throne) and believed in the divine right of kings. Charles attempt to intervene in the Thirty-Years war without the approval of parliament ended in its dissolution. Charles avoided calling parliament for a decade during which time he attempted to impose new religious measures on the population, amongst others (the so-called period of “personal rule). When Charles attempted to do the same in Scotland they went into open revolt. Only then did the King recall parliament in
order to raise the taxes necessary to quell the rebellion. Parliament took this opportunity to attempt to restrict the power of the king, for example passing laws preventing the King from dissolving parliament, guaranteeing that it meet every three years, preventing the King from imposing taxes without their consent, and preventing the King from seizing control of the militia. Relations degraded. War began when Charles attempted to arrest five members of the House of Commons on charges of treason. The English Civil continued under Charles I’s son King Charles the II and ended in parliamentary victory at the hands of Oliver Cromwell’s forces (1649-1651).

With Charles II removed, England was briefly run as a republic by the so-called Rump Parliament (1649-1653), and then as a protectorate under the personal rule of Cromwell (1653-59). After Cromwell’s death, Charles II was (re)installed on the English throne by parliament (1660). The monarchy was restored, but only at the pleasure of parliament. Facing an armed population with republican sentiments, however, Charles II attempted to raise a select militia and disarm those considered “politically unreliable.” Owing to the ambivalence of parliament and the courts, Charles II attempts to monopolize power were largely ineffective (Malcolm, 1996).

After the sudden death of Charles II, and the appointment of his brother James II (1685), serious concerns were raised once again. James II, a Catholic who similarly believed in the divine right of kings, dismissed judges, attempted to disarm the population, created a large standing army with Catholics holding positions of authority, and purged Protestants from the Irish army. Concerned that the monarchy was once again overstretching its authority, parliament conspired with William of Orange (Holland) and his wife Mary II of England to depose of James. Their invasion—the so-called Glorious Revolution—succeeded and James II was exiled to France.

With James II deposed, parliament introduced the Bill of Rights and invited William and Mary to assume the throne. The Bill of Rights enumerated the grievances parliament held against previous monarchs in general, and James II in particular. Amongst others, it listed the disarming of Protestants and arming Catholics. The Bill of Rights removed the absolute power of the monarch and enshrined the rights of English citizens, marking the beginning of rule by parliamentary democracy. It guaranteed that Parliament would meet “frequently,” prevented the maintenance of a standing army in peacetime without the consent of parliament, and guaranteed that Protestants may have arms suitable for their defense. Though Englishmen had been armed
since the “dim days,” according to Malcolm, the Bill of Rights was the first time they were officially granted that right (1996).

English theorists writing about this period emphasized the link between the monopoly over the coercive apparatus of the state and despotic rule. Echoing Machiavelli, these theorists held that standing armies were agents of “political intrigue and corruption” (Malcolm, 1996). Monarchs raised them in order to marginalize parliament and centralize power. Armed citizens, on the other hand, could protect the state from foreign aggression, obviating the need for a standing army, as well as preventing despotic kings from monopolizing power, as they had done under successive Stuart kings. Blackstone, for example, called the right to arms an auxiliary right because it provided the means with which to guarantee all other basic rights (i.e., the right of persons and property) In other words, an armed population, as enshrined in the Bill of Rights, would guarantee the liberty of the people. An armed citizenry, therefore, was not only acceptable to these theorists, but also necessary for the virtue of the state.

Though separated by hundreds of years, these intellectual traditions share several sources and arrive at similar conclusions regarding standing armies and the virtue of an armed population. Americans of the Revolutionary generation were familiar with these literatures. They were printed in America, well circulated, widely read, and liberally cited (Bogus, 2000; Cress, 1984; Ganter, 1937; Hofstadter, 1970; Kates, 1983; Vandercoy, 1993; Weatherup, 1988). Federalists and Anti-Federalists alike, such as Brutus, Madison, Adams, Paine, and others, made frequent reference to the corruption and degeneration of ancient Rome and Stuart England at the hand of despotic rulers. The Americans had just revolted against arbitrary rule to which they had no recourse or representation. Fearful that power could once again be concentrated in the hands of the few, the Framers drew extensively on these literatures in arguing for an armed citizenry as a counterbalance to the federal government. Pockock terms this the “Machiavellian Moment” (2009).

From Checks and Balances to Insurrection

The argument that the Second Amendment prevents threats to the freedom of the state arising from within comes in what might be considered a strong and weak variant. The strong variant of the Second Amendment is often called the insurrectionist view because it contends that an armed citizenry has the right to rebel against arbitrary authority, much as the colonists rebelled against
the British. This view is most closely associated with the Standard Modelers. On this view, the Second Amendment provides the citizenry with the means (“arms”) and justification (“the security of a free State”) to resist and even overthrow their government should it become tyrannical (Kaminer, 1996, p. 42; Kates, 1983, p. 212; Reynolds, 1994, p. 510). In other words, the right to bear arms is guaranteed by the Constitution so that they can be turned against the government should the need arise. Federalist Paper 28, written by Alexander Hamilton under the name of “Publius,” refers to the right to resist or even overthrow a tyrannical government as the “original right to self-defense” (Hamilton, Madison, & Jay, 2008). Here, insurrectionist scholars often cite the Declaration of Independence, the articulation par excellence of the American Revolution:

... governments are instituted among men, deriving their just powers from the consent of the governed ... whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it ... (Jefferson, 1952)

It is also worth quoted James Madison, who later authored the Second Amendment, at length:

Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the federal government: still it would not be going too far to say that the State governments with the people on their side would be able to repel the danger. The highest number to which, according to the best computation, a standing army can be carried in any country does not exceed one hundredth part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the United States, any army of more than twenty-five or thirty thousand men. To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties and united and conducted by governments possessing their affections and confidence. It may well be doubted whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops. Those who are best acquainted with the late successful resistance of this country against the British arms will be most inclined to deny the possibility of it. (quoted in Henigan, 1991, pp. 120-121)

Unlike other Amendments, which prohibit or proscribe government behaviour, on this view the Second Amendment threatens consequences should they go unheeded. Predictably, the view that the constitution contains the seeds of its own destruction has inspired legions of detractors to denounce it (Henigan, 1991; Shalhope, 1999; Wills, 2000). However, even if the Framers did not provide American citizens with the right to overthrow their own government, the knowledge that the citizenry has the means to rebel against the state should act as a powerful constraint on the ambitions of the federal government. Uprisings are messy affairs and are, by all accounts,
better to be avoided particularly by leaders facing popular election. An armed citizenry, then, is not so much about overthrowing a tyrannical government but deterring it in the first place, according to Kates (1983, p. 270).

The weak variant holds that the militia counterbalances the power of the federal government. However it does so not by asserting a military challenge to the federal government as the strong variant contends (i.e., insurrection), but instead by limiting the necessity for the creation of a strong centralized army with which the federal authorities might interfere in the workings of the states. For example, Alexander Hamilton argued:

> If standing armies are dangerous to liberty, an efficacious power over the militia, in the body to whose care the protection of the State is committed, ought, as far as possible, to take away the inducement and the pretext to such unfriendly institutions. If the federal government can command the aid of the militia in those emergencies which call for the military arm in support of the civil magistrate, it can the better dispense with the employment of a different kind of force . . . To render an army unnecessary, will be a more certain method of preventing its existence than a thousand prohibitions upon paper. (2008 Federalist Paper 29)

Because the militias allow the states to adequately provide for their own defense, the new nation would not require a sizable military (Cress, 1984; Kates, 1983, p. 212; Weatherup, 1988). And without a strong centralized coercive apparatus, the federal government would be limited in its ability to forcibly interfere in the internal affairs of the states. Moreover, on this account the federal government would be forced to rely on the states for the defense of the nation, thereby reducing the likelihood that they might exceed their power. Reynolds writes, “at the time of the framing, the primary means of executing the law or quelling insurrection was by calling out the militia, a simply refusal on the part of the militia to perform its duties would be enough to frustrate tyranny pretty thoroughly” (1994, p. 510). Henigan concludes, “[the Second Amendment is] a check on government by limiting the utility and necessity of a national army and the ability of the national government to interfere in states rights” (Henigan, 1991, p. 109). By allowing the states to provide for their own defense, the Second Amendment helped to neuter the power and authority of the new federal government and strengthened the power of the states relative to the new federal government.

The so-called militia clauses of the Constitution act as a further check on the coercive power of the federal government in at least two ways. First, while Article I, Section 8 provides the federal
government with the ability to raise an army, the same Article limits the government’s ability to raise funds for that purpose for more than two years without legislative approval (Weatherup, 1988). Vandercoy suggests that this arrangements acts as a check on the power of the federal government because the “people” control the “purse.” In other words, the representatives of the people can limit the power of a federal army by under-funding it or defunding it altogether (Vandercoy, 1993). Second, though the Constitution provides the federal government with the power to enlist the militias in order to repel invasion or suppress insurrection (Article I, section 7),

29 the appointment of officers and the responsibility for training the militia is reserved to the states under Article I, section 8. In other words, while the Federal government would have the power to enlist the militia the allegiances of the militia would remain with local authorities who trained and appointed them. These concurrent powers further constrain the ability of the federal government to assert its coercive authority, necessitating the cooperation of the states (Vandercoy, 1993). Here it is again worth quoting James Madison:

Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached and by which the militia officers are appointed, forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of. (quoted in Henigan, 1991, pp. 120-121)

In other words, the appointment of officers by the states (to which the officers owe their primary allegiance) is said to prevent one branch of government (i.e., the federal government) from usurping the power of others (i.e., the state governments).

To be sure, the United States was created with an oligopoly over the legitimate use of force (Levinson, 1989). The former colonies, now states, continued to enjoy considerable autonomy and authority within their domains, an early example of power sharing. Though the new central government was afforded important powers, the states were largely autonomous in the provision and enforcement of law and order (with the notable exceptions of counterfeiting, piracy, and insurrection). The colonies had used their militias for this purpose before confederation and they would continue to use them for these purposes after. Not only was the new federal government limited in its ability to interfere in the internal affairs of the states, but competing sources of

29 However Article IV, Section 4 states that federal protection from domestic violence was to be applied only by request of the states.
coercive power acted as a check on potential aspirations of the newly found central authority. Coupled with the pre-existing limits in the constitution, the result was a central authority with little capacity to assert its writ other than by consent. In this way the Second Amendment can be thought of as part of the system of checks and balances or division of powers that characterizes American governance (Levinson, 1989; Reynolds, 1994). Just as the legislative branch balances the executive branch, and the judiciary balances the executive and legislature, under the Second Amendment the coercive power of federal government is balanced by the state militias. Despite the numerous and rather vitriolic disagreements between the sides in the American gun control debate, “there is little dispute” Kaminer writes, “that one purpose of the Second Amendment was to ensure that the people would be able to resist a central government should it devolve into despotism” (1996, p. 34). “The armed citizen . . . [and] military competent states,” Sanford Levinson writes, “were viewed as a potential protection against a tyrannical national government” (1989, p. 651). Revolutionary American colonists may have created a more perfect union, but they created it in the form of a less Westphalian State.

The Evolution of the Coercive Apparatus

Though the new state was surrounded by threats on faced serious domestic challenges, its military was largely disbanded at the end of the Revolutionary War. Despite being granted the authority to raise an army under Article I, section 8 of the Constitution, the federal government at first took little interest in doing so. While proposals to strengthen the federal army were repeatedly presented, most notably by George Washington and later by Secretary of War Henry Knox, both of whom argued that the militias underperformed during the Revolutionary War, the new federal military remained underfunded and anemic. The poor economic health of the new country, distrust of standing armies, and longstanding faith in the militias precluded the development of strong national force. Instead of developing a coercive apparatus along the Weberian definition, the new nation continued to rely on a disunified and almost anarchic amalgam of state militias and the remnants of the Revolutionary army to confront the threats to its security, both internal and external.

Over time, however, the coercive apparatus of the United States has come to more closely resemble the Westphalian ideal. The weak state response to the Shay’s rebellion prompted the government to pass the Militia Acts of 1792, which clarified and temporarily strengthened the
powers of the federal government. The Militia Acts enabled the president to call forth (i.e., federalize) the state militias in order to meet foreign aggression or to quell domestic insurrection. By the time the new country faced its second major armed insurrection—the so-called Whiskey Rebellion of 1794—the president had the power to send in state militias alongside federal troops. When violent protests erupted in Western Pennsylvania over taxes imposed by the federal government on Whiskey, president Washington did just that, sending in the militias of Virginia, Maryland, Pennsylvania, and New Jersey, in order to suppress the uprising. Much like the Shays Rebellion, the Whiskey protesters posed a threat to the nascent government. They opposed taxes, which the government desperately needed, used violence to prevent their collection, and justified their actions using the rhetoric of the Revolution. The militias, comprised of over 13,000 men, crushed the uprising decisively. The powers provided for in the 1792 Militia acts were made permanent in 1795. Nevertheless, safeguards against government over-reach remained and additional safeguards were negotiated and legislated over time, such as the Insurrection Act of 1807, which limited federal interventions to those requested by the states (Higginbotham, 1998).

As the United States matured the fear of a despotic central government subsided and the threat of domestic insurrection withered. Many states let their militias fall into a state of disrepair. Not surprisingly, then that the militias performed poorly when called out for the War of 1812. The lackluster performance in this foreign war convinced Americans of the need for a more robust force for the first time (Bellesiles, 1996; Higginbotham, 1998, p. 56; Hofstadter, 1970). In response the 1903 Militia Act was passed, turning the state militias into a reserve service for the federal military in addition to the traditional duties they performed for the states. Now known as the National Guard, the militias were, for the first time in American history, properly trained and accoutered with the help of federal funds. Nevertheless, the National Guard still swore allegiance to the state (as well as the president) and could only be federalized on constitutional grounds (i.e., to suppress insurrection and repel invasion).

Despite the increasing consolidation of power in the federal government, or perhaps because of it, the states have, on several occasions, defied the power of the federal government. Notwithstanding the increasing powers of the federal government, the president still had to rely on the states to provide the manpower necessary to enforce its writ, without which it would be stymied. In fact, the states were sometimes reluctant or unwilling to afford their support for
unpopular federal actions. For example, draft resistance was widespread during the Whiskey Rebellion, the unpopular Embargo Act of 1807 went largely unenforced by state militias (Higginbotham, 1998), and several states that opposed the War of 1812, including Massachusetts and New York, outright refused to send their militias to support federal troops in fighting the British (Wiener, 1940, pp. 188-189).

After the passage of the 1903 Militia Act the states lost their capacity to refuse to send their militias to assist the federal government in carrying out its constitutionally mandated duties. Nevertheless, the states continued to use their National Guardsmen to resist the impositions of federal government. Wiener provides several examples in the decade prior to the publication of his article: the Governors of Arizona and Oklahoma called out their National Guards to stop construction of two separate dams being built under contract with the federal government in their respective states and the Governor of Iowa mobilized his National Guard to prevent a hearing of the National Labor Relations Board (Wiener, 1940, pp. 214-219). More recently, several southern governors, including George Wallace of Alabama, attempted to use their National Guards to block federally mandated civil rights initiatives. In each of these cases strengthened federal control over the militias allowed the government to prevail militarily over the states. However, in all but the last case, in which president Kennedy did, in fact, federalize the militias, the federal government did not resort to force to achieve its goals. Instead, these crises were generally resolved via negotiation or the courts.

On some occasions the states went beyond simple defiance, using their coercive apparatus to outright challenge the authority of the central government, something that could not rightly occur in a properly Westphalian state. For example, in 1801 several Republican state governors threatened to call out their militias if congress failed to elect Thomas Jefferson to the presidency (he was). Though the Democratic-Republican ticket took more votes in the general election than the Federalist Party, owing to a Constitutional idiosyncrasy, which has since been revised, the Electoral College arrived at a tied vote between the two Democratic-Republican candidates Jefferson and Aaron Burr, his running mate and intended candidate for vice-president. Under the Constitution the matter was referred to Congress—which was then controlled by the losing Federalist Party—to decide. Despite being run as vice-president, Burr was the favoured candidate of Federalist Party. Federalists generally opposed Jefferson who was the most outspoken opponent of their party. After seven days and 35 ballots congress elected Jefferson
president, averting a crisis. Democratic-Republicans, including those governors who threatened violence, had gotten their way (Levinson, 1989; Malone, 1948).

The American Civil War is the example *par excellence* of the state’s ability to strike back against the federal government. Scholars have cited numerous causes, both distant and proximate, for southern states to attempt to secede from the United States, including: slavery (c.f., Ashworth, 2008; Foner, 1995; Schlesinger, 1991), northern modernization (c.f., Moore, 1966), southern culture (Potter, 1977), economic policies (such as tariffs) (c.f., Thornton & Ekelund Jr, 2004), the failure of the political system to find a suitable compromise (the so-called “needless war” hypothesis) (c.f., Randall & Donald, 1961), and the 1861 election of Abraham Lincoln who embodied the cleavages between north and south. Following the election of Abraham Lincoln, seven southern states announced their secession from the United States and formed their own confederation (The Confederate States of America) with several states following (the Confederacy ultimately numbered eleven in total). War began when the Confederacy attacked Fort Sumter, a strategic installation located in the south held by the US Army. At the time the US Army consisted of a paltry 16,000 troops and the Confederate Military was little more than a loose amalgam of volunteers and state militias. What often goes unstated in these accounts is that when the southern states no longer found the bargain struck at confederation desirable, they had the ability to challenge it. Without an armed populace and organized militias the south wouldn’t have been able to raise an army to challenge the federal government and the federal government likely wouldn’t have faced such a challenge if it maintained a sizeable peacetime army. Had the federal army been stronger and the states been weaker it is unlikely that southern grievances would have ever fuelled more than a minor insurrection. Though the south ultimately collapsed, the Civil War likely would never have occurred without the militias. In other words, the militias were a necessary if insufficient condition to fuel the Civil War.

With the defeat of the Confederacy, the southern states were once again subordinated to the authority of the government of the United States. And, while the Confederate Army was formally disbanded, two things of interest are of note regarding the coercive capacity of the southern states. First, after surrendering to Union forces most Confederate soldiers were allowed to retain their weapons (E. Abbott, 1927, pp. 212-234; Bellesiles, 1996, p. 452; A. H. Kydd & Walter, 2006, p. 75; Trudeau, 1994, p. 379). For example, Kydd and Walter note that Confederate Officers under the command of Robert E. Lee were allowed to retain their side arms
and personal property (including horses) after surrendering to Union forces at the battle of Appomattox (A. H. Kydd & Walter, 2006, p. 75). Second, and perhaps more importantly, despite their decisive defeat at the hands of the North the constitutional right of Southern states to retain their militias was not abrogated. While Congress initially disbanded rebel-dominated southern militias, armed blacks, and appointed officers loyal to the federal government (Cornell & DeDino, 2004, p. 522), the south was soon appointing its own officers and training its militiamen as provided for by the constitution. In fact, in the years following the conclusion of the Civil War the south managed to substantially reduce federal interference within its domain. In exchange for their support of the Republican candidate Samuel Hayes in the disputed 1876 presidential election (in which the democratic candidate Samuel Tilden had outpolled Hayes) the Republican controlled federal government withdrew its troops from former Confederate states and passed the Posse Comitatus Act of 1878. Federal forces were no longer present to enforce political reforms and the Posse Comitatus Act prevented the use of federal forces from enforcing state laws on behalf of the federal government. Jim Crow laws were enacted and black voters were once again disenfranchised. The so-called Reconstruction Era had effectively ended (Woodward, 1991). Despite their defeat at the hands of the north, the south retained its coercive capabilities and managed to reduce federal interference at the conclusion of the American Civil War.

What explains the failure to disarm the south? Aside from an abiding commitment to the republican ideals enshrined in the constitution, a “gun culture” had emerged in the United States (for a discussion of American gun culture see Bellesiles, 2003; Hofstadter, 1970; Michael, 2000). By the end of the Civil War guns had become central to the new American identity, conferring status and conceptions of manliness on their owners (Bellesiles, 1996, p. 447). Bellesiles writes, “with guns in their hands and bullets on their belts, the American frontiersman conquered the wilderness and created modern America” (1996, p. 436). The ownership of a gun had become a natural right. Under these circumstances, disarmament would have reduced the social status and

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30 This example, provided by Kydd and Walter, in large part contradicts Walter’s work reviewed elsewhere in this research. In numerous articles Walter calls for a complete disarmament of belligerents in the resolution of civil conflict, lest weapons fuel renewed violence. Yet, after the incomplete disarmament of the south, violence did not reignite.
prestige of southerners, heaping emasculation and humiliation on top of defeat. That southerners were allowed to retain their weapons perhaps mitigated the blow of their crushing defeat.

The practice of keeping militias for the purposes of national defense was largely done away with by the First World War (Wiener, 1940, p. 200) and by the end of the Second World War the US had amassed perhaps the most powerful standing national army in the world. Nevertheless, many states continue to maintain some measure of coercive force, largely free from federal interference, or the legislation to create it, should the need arise. Because successive legislation has made it easier for the National Guard to be federalized and, therefore, more likely to serve elsewhere in the country or even overseas, many states have organized so-called State Defense Forces (also known as militias, State Guards, or State Military Reserves). State Defense Forces answer solely to their local governments and cannot be federalized (Freilich, 2003). Twenty-three State Defense Forces are in operation today and nearly every state has legislation authorizing their creation should the need arise.

As these examples demonstrate, the federal government has never enjoyed a monopoly over the legitimate use of force and likely never will. Despite the increasing strength of the federal government the states continue to maintain a measure of independent coercive capability and have, on occasion, used it against the federal government. While some of these examples might qualify as provocative or even illegal (Wiener describes several as outright “treason”), they would not have been possible had the constitution not legitimated state coercive apparatuses independent from federal control. Though the states have not, in fact, prevailed against the federal government militarily, and they would be unlikely to prevail in any future armed conflict, the fact that the states retain a measure of coercive power encourages moderation on the part of the federal government. With some notable exceptions (i.e., the Civil War and the Civil Rights Era), the federal government rarely relies on its material strength alone to enforce its writ, generally preferring compromise and negotiation with the states. Notwithstanding the much stronger material capacity of the federal government, the specter of bloody clashes between Americans and/or the insubordination of National Guardsmen would simply be too costly in political terms to contemplate and is, therefore, generally sufficient to promote moderation.

Conclusion
In concluding the American example it is worth briefly considering a counterfactual. Would the founding of the United States have been possible if the states were forced to disarm and submit to a central authority with the monopoly over the legitimate use of force? Put differently, would the colonies have united without the Second Amendment? Numerous constitutional scholars answer this question with a resounding “no.” A loose confederation of American colonies with which to fight British rule was, in fact, possible, but a more robust shared government would not likely have been achieved without the Second Amendment. The drafting of a Bill of Rights was necessary in order to secure widespread support for the Constitution, and chief among the Bill of Rights was the Second Amendments right to bear arms. Fear of despotism was the chief grievance against the British and the grounds on which the ongoing Revolutionary War was fought. Republican thought instilled in the Framers the notion that disarmament and the raising of a standing army were the chief tools with which to subordinate and disenfranchise a population and, in fact, the attempted disarmament of Colonial Americans by the British was the spark that ignited the Revolutionary War. Without answering these widely held concerns, it is unlikely that Federalists and Anti-Federalists would have reached an agreement to expand the powers of the union. By providing a check against despotism, therefore, the Second Amendment helped made the passage of the Constitution and the United States as we know it possible.

Various interpretations have been offered on how the Second Amendment would prevent the monopolization of power: The strong variant holds that an armed citizenry would have the means to overthrow the government should it exceed its authority, thus providing a powerful disincentive for federal overreach. The weak variant holds that the militia counterbalances the power of the federal government by limiting the necessity of a strong centralized army with which the federal authorities might interfere in the workings of the states. Notwithstanding the claims of the insurrectionist school, the Second Amendment was not intended to undermine the union (i.e., spoil). In fact, on various occasions, the states used their militias to rein in potential spoilers in an effort to secure and strengthen the fledgling state (c.f., the Shays Rebellion and the Whiskey Rebellion).

In the uncertainty of the revolutionary period, the Second Amendment helped create a measure of certainty. The militias were an insurance policy against the failure of the union and the rise of a tyrannical central government and they were central to the unique system of power sharing and devolved authority between the states and the federal government. Unlike other checks and
balances, the Second Amendment allowed the states to enforce the Constitutional bargain themselves. In other words, the states need not rely on the federal government or some third party, such as the Supreme Court, to keep the federal government in check; weapons were a self-enforcing mechanism against the corruption of the union.

As the Revolutionary period passed and the threat of tyranny subsided the states let their militias decline, and, as security threats to the fledgling state grew, the coercive apparatus of the federal government has grown in size and strength. Nevertheless, vestiges of the militias remain (or legislation to raise it should the need arise) as lingering features of the nations birth through war with what it perceived to be an arbitrary and coercive authority. Even after the Civil War, the southern states retained their militias. Though the states have, on occasion, used their coercive power to counterbalance the authority of the central government, what is remarkable is how rare these incidents are. The United States has held together not because of its commitment to disarmament or the Westphalian ideal, but because of its unique system of power sharing and checks and balances, which include the Second Amendment.
Chapter 6 The Oslo Accords and Palestinian Guns: Spoilers or Cautious Peacemakers?

“I come bearing an olive branch in one hand, and the freedom fighter’s gun in the other”
-Yasser Arafat to the UN General Assembly, 1974

Introduction

Weapons have long played a key role in prosecuting the Israeli-Palestinian conflict. They have been used both by state and non-state actors to fight, terrorize, and defend. In 1948, Zionist forces used their guns successfully in fighting the combined Arab armies and creating a new state. Dispossessed Palestinian irregulars later used their guns to harass the new state from abroad. With the onset of the Israeli-Palestinian peace process in the nineteen nineties, Palestinians were meant to lay down their arms in the fight against Israel and turn them instead towards conflict resolution. Weapons were intended to secure the peace through the provision of law and order and the prevention of terror. But weapons were proliferated far in excess of the agreed upon numbers. When the process collapsed, and violence resumed, the Palestinians were accused of deliberately spoiling the peace process, turning their weapons on Israel for strategic gain. In this chapter I will argue that weapons were used by the Palestinians not to spoil, as the prevailing Israeli and American narratives hold, but instead to bolster their legitimacy, increase popular support, and as an insurance policy against the failure of the peace process and the resumption of violent conflict.

Historically a single contiguous entity, the British Mandate of Palestine was to be peaceably partitioned into two states—one Jewish and one Arab—by the 1947 UN resolution 181. Instead, violence erupted. When the smoke cleared, Israel had emerged in control of nearly two thirds of the territories destined for the Palestinian state (Cragg, 1997). The rest—the West Bank and the Gaza Strip—fell under Jordanian and Egyptian control respectively, territories which Israel later captured in the 1967 war. Over the years, several attempts were made to resolve the conflict.

31 There is little consensus on what type of conflict the Israeli-Palestinian one is. Dated from 1947, the year the Partition Plan was announced, the Israeli-Palestinian conflict resembles a civil war, which became internationalized in 1948 when the combined Arab armies joined the fray. Dated from 1967, the start of the Israeli occupation over the West Bank and Gaza Strip, the conflict appears to be of a secessionist or anti-colonial nature, aimed at evicting Israel from Palestinian territories. In sum, the Israeli-Palestinian conflict defies easy categorization as it has elements of a range of internal conflict types.
diplomatically, most notably by Egypt in the late 1970s, and later by the United States in the early 1990s, but with little effect. The Israeli-Palestinian conflict persisted. In 1993, however, the conditions were ripe for conflict resolution. The PLO had been weakened nearly to the point of bankruptcy and Israel was exhausted after years of fighting a years-long Palestinian uprising in the Occupied territories, the Intifada. Israel and the Palestine Liberation Organization (PLO) signed the first in a series of interim agreements. In signing what came to be known as the Oslo Accords after the city in which the first agreement was negotiated, Israelis and Palestinians made a sudden and profound shift towards a peaceful resolution of their conflict for the first time in their troubled history.

Over the course of the Oslo process, Palestinian autonomy was gradually extended to encompass substantially all Palestinian population centers in the West Bank and Gaza Strip. A Palestinian Authority (PA), with Yasser Arafat at its head, assumed control over civil administration from Israel, and a “strong” police force, comprised mostly of PLO members, was established for the purposes of law enforcement and terror prevention. Despite what many saw as auspicious beginnings, however, the Oslo process quickly ran into trouble. Israel accused the PLO of, among other things, inciting violence, failing to curb terror, expanding the police, and stockpiling weapons in excess of the agreed upon numbers. After a spate of terror attacks directed at Israeli civilians, Israel imposed strict closures and curfews on the Palestinian territories, and delayed, or avoided additional redeployments.

In his final months in office, President Clinton made an eleventh hour effort to revive the faltering process. After years of delays and false starts, Clinton convened the parties at Camp David, Maryland for final status talks aimed to put a permanent end to the Israeli-Palestinian conflict. Despite Clinton’s efforts, however, the talks collapsed without agreement. President Clinton and Israeli Prime Minister Ehud Barak made public statements to the effect that Arafat had rejected an historic offer for statehood. Within weeks, widespread violence had resumed, including a wave of shootings and suicide bombings directed at Israeli civilians, settlers, and soldiers alike. The Palestinians stood accused of spoiling the peace process. The PLO had accumulated weapons in excess of the agreements, rejected an historic offer for statehood, and now turned to violence to extract additional concessions from Israel. On this view, the Palestinian uprising, the so-called Intifada, was a premeditated plan by the Palestinian leadership to use their weapons for strategic gain.
For their part, the Palestinians claimed that the *Intifada* was a spontaneous response to Israeli provocations, and repeated failures to abide by the terms of the agreements, not a premeditated act of spoiling. Palestinian accounts note that the strict closures and curfews Israel imposed on the West Bank and Gaza Strip effectively negated many of the cooperative aspects of the agreements. They highlight Israel’s consistent failures to withdraw from territory in a timely fashion, if at all, as promised. They point to the continuous expansion of Jewish settlements in the West Bank and East Jerusalem, contrary to the spirit, if not the letter, of the agreements. And finally, they claim, the Israeli offer at Camp David was not as generous as Clinton and Barak made it out to be. When Ariel Sharon—the then leader of the Israeli opposition—visited the Haram al Sharif/Temple Mount, one of the holiest sites for both Jews and Muslims, accompanied by a retinue of more than a thousand armed Israeli police, in the weeks following the collapse of the peace talks, Palestinians responded with a series of largely non-violent protests. The protests only turned violent, they claim, in response to the heavy-handed Israeli response, which included the widespread destruction of infrastructure and institutions, the reoccupation or siege of territories turned over to the PA, and the indiscriminate use of lethal force.

It is not surprising that after years of bloody conflict what emerges are Rashomon-like accounts that sheds more heat than light about the causes of and culpability for the collapse of the peace process; many reflect little more than deeply entrenched partisan narratives (Aronoff, 2009; Pressman, 2003; Shamir & Maddy-Weitzman, 2005). In fact, neither side fully lived up to its obligations under the terms of the Oslo agreements or restrained themselves upon its collapse (Mitchell, Demirel, Jagland, Rudman, & Solana, 2001). After exploring these accounts in greater detail below, I advance alternative explanations for the proliferation of weapons in the hands of the PLO and their later use against Israel during the *Intifada*. In other words, I explore the more tractable question of whether logics other than or in addition to spoiling were at play in the accumulation and use of weapons in contravention of the peace process. I will do so with the aid of elite interviews conducted over the course of 2011 in Israel and the Palestinian Authority with members and former members of the PLO and the Israeli government. Because of their obvious incentives to misrepresent information, I supplement these with an analysis of the type and quantity of weapons proliferated by the PLO, how they were used, and to what effect (see Fearon, 1995 on private information and incentives to misrepresent). Finally, I consider a counterfactual: What would have happened to the PLO if it hadn’t proliferated weapons over the
life of the peace process?

The *prima facie* reason the PLO acquired weapons was for law enforcement and terror prevention, as provided for in the *Oslo Accords*. But this alone does not explain why the PLO proliferated weapons in excess of the agreements or why they were later turned on Israel. The PLO signed the Oslo accords in order to rehabilitate the organization. In so doing, the PLO took an extraordinary and unprecedented risk in signing the *Oslo Accords*. In so doing, they relocated the organization within close reach of Israel, their greatest military foe, and they did so without third party guarantees. Unlike previous Arab-Israeli negotiations (c.f., the Israeli-Egyptian Camp David Accords), the Oslo process did not provide for peacekeepers. There would be no neutral arbiter to prevent violations, enforce the agreement, or ensure the safety and survival of the PLO should the peace process collapse. Moreover, *Oslo* was an interim agreement, which deferred final status (i.e., Palestinian statehood) until a later date. Until final status negotiations were complete—and they had not yet started—there was no promise of what permanent status would entail or whether it would, in fact, be reached. In other words, Oslo entailed significant risks for the PLO, but few guarantees. In signing such an agreement, the PLO opened itself to criticism and attack from its challengers.

However, the PLO was able to moderate these risks by proliferating weapons: The PLO’s oversized security apparatus acted to counterbalance and, at times, restrain the PLO’s challengers; weapons provided the PLO with a last line of defense against their possible eviction or annihilation should the peace process collapse; and finally, the PLO was able to bolster its support by acquiring weapons, a powerful symbol of legitimacy and defiance. When the peace process did, in fact, collapse, Israel found its ability to reoccupy Palestinian lands or evict the PLO seriously impeded, despite its overwhelming military superiority. The PLO was able to use its weapons to good effect. Using asymmetric tactics, it was able to impose significant costs on Israel. As casualties mounted and its reputation suffered internationally, Israel retreated from Palestinian population centers and abandoned its plans to evict the PLO.

The accumulation of weapons by the PLO in contravention of the agreements can certainly be qualified as cheating, but it does not on its own constitute evidence of spoiling. While the PLO did too little to rein in its competitors or prevent terror, and failed to halt the violence once it began, there is insufficient evidence to conclude that the PLO had a premeditated plan to spoil
the peace process, as many extant accounts suggest. And while the number of weapons that the
PA accumulated was far in excess of what they would need for law enforcement, they were
insufficient to achieve strategic gains against Israel. Indeed, the Intifada failed to achieve any
political aim articulated by the PLO. Israel has made no substantial concessions to the PLO
since the Intifada began more than a decade ago. In turning their weapons on Israel, the PLO
achieved little more than preserving their toehold in the West Bank and Gaza Strip. Had the
PLO not acquired weapons in sufficient numbers, or turned them on Israel in the manner they
did, their future would have been uncertain.

Oslo is a particularly instructive case for exploring the role of disarmament and weapons in the
resolution of internal conflict. Oslo is one of the few contemporary cases of peacemaking to
foreswear disarmament provisions despite the emerging norm. Not only did the Oslo accords
contain no disarmament provisions for either Israel or the PLO, the accords introduced weapons
into areas formerly under Israeli occupation. Luft writes, “rarely in modern history has a nation
struggling for its independence been granted permission by its own military occupier to establish
a quasimilitary armed force” (1998). The disarmament literature tends to neglect the productive
and sometimes necessary role that weapons play in peacemaking, including, as the Oslo example
demonstrates, the provision of law and order and reining in potential spoilers and challengers.
Not only did Oslo forego disarmament, it also largely sidestepped or deferred partition,
democratization, and third parties as possible solutions to the trust issues raised in peacemaking.
In the interim Israelis and Palestinians would live in close proximity, with comingingled authorities
and populations. Israel retained overriding security control, even in areas ceded to the PA and
the PLO proliferated weapons as insurance against failure. These were their guarantees. And
perhaps most importantly, the Oslo case demonstrates how such insurance policies can be used
when a peace process does indeed collapse and violence resumes. Through the use of guerilla
style tactics the PLO managed to preserve its toehold in the West Bank and Gaza Strip and
reverse Israel’s stated plans to eliminate or destroy it.

In the following pages I will begin by reviewing the history of the Israeli-Palestinian peace
process. I will then proceed to discuss the negotiating breakthrough that led to Palestinian
autonomy in much of the West Bank and Gaza Strip. Next I will explore the security apparatus
that the PA created, in particular how the security apparatus exceeded the terms of the
agreement. I will then discuss the breakdown of the Oslo process and the dominant Israeli and
Palestinian narratives that arose to explain it. The former claims that the Palestinians used their weapons to spoil the peace process, the latter that the *Intifada* was a spontaneous response to welled-up frustrations. I will bracket these claims in order to explore in greater detail alternative explanations for the proliferation of weapons and their later use by the PLO. Because we cannot determine the intentions of the PLO or its leaders (some now dead or imprisoned) with absolute certainty, my goal is more modest: to offer countervailing evidence sufficient to problematize the prevailing views and robust enough lend credence to the alternate view of weapons during the Oslo period.

**Genesis of the Israeli-Palestinian Peace Process**

The genesis of the Israeli-Palestinian peace process can be found in the 1978 *Camp David Accords* between Israel and Egypt, despite the fact that no Palestinians were involved in these negotiations and Israeli and Palestinian negotiators would not actually sit together for more than a decade. The *Camp David Accords* broke a thirty-year diplomatic impasse in the region and established the first peace agreement between Israel and an Arab country. First and foremost the *Camp David Accords* led to the unprecedented *Egypt-Israel Peace Treaty* of 1979, but the *Accords* also outlined a land-for-peace formula to resolve the ongoing Israeli-Palestinian conflict based on UNSCR 242 and 338. In particular, the *Accords* called for the establishment of a “local” (i.e., Palestinian) self-governing authority in the West Bank and Gaza Strip for a five year transitional period during which time a final status agreement was to be negotiated ("Camp David Accords," 1978). Having been excluded from negotiations, however, both Jordan and the PLO were naturally critical of the agreement. For over a decade, therefore, little came of it.

In the wake of the Gulf War and the disintegration of the Iron Curtain, however, favourable conditions arose for renewed negotiations. The PLO’s support of Iraq and the collapse of the Soviet Union weakened the organization nearly to the point of bankruptcy. The PLO was, therefore, increasingly motivated to pursue talks with Israel. The PLO leadership thought that peace talks would stave off the complete marginalization of the PLO (Abed, 1992; Andoni, 1991; Indyk, 1991a; W. Zartman, 1997). Largely free from the constraints of the Cold War, the United States saw an opportunity to resolve the longstanding Israeli-Arab conflict. The United States and a fledgling Soviet Union, therefore, convened a multi-lateral peace conference in Madrid based on the Camp David formula. Though Israel, under the right-wing Shamir government, was
reluctant to engage in negotiations based on the principle of land-for-peace, the US cajoled Shamir to participate by threatening to cut off loan guarantees, which were desperately needed to help offset the cost of resettling the huge flow of immigrants from Russia (Indyk, 1991b).

Starting on October 30, 1991, leaders from Israel, Syria, Lebanon, Jordan, and representatives of the Palestinians (at the insistence of Shamir, the PLO was excluded from the talks) held three days of talks establishing a framework for ongoing bi- and multi-lateral negotiations. The exclusion of the PLO, Shamir’s continued policy of settlement expansion, and the very public nature of the negotiations, which led to much grandstanding, however, doomed the follow-on negotiations to failure. Despite the election of a pro-peace Labor Government under Yitzhak Rabin midway through the process, the bi-laterals had deadlocked.

Secret talks began shortly after the election that brought Labor to power between high-ranking members of the PLO and two Israeli Academics who answered indirectly to Israel’s then foreign minister Shimon Peres in Oslo, under the stewardship of Terje Roed Larsen, a Norwegian diplomat. The parties made significant headway and talks were adopted as the official backchannel of both the PLO executive and the prime minister and foreign minister of Israel. On September 9, 1993, Israel and the PLO exchanged letters, forming a sort of preamble to the Declaration of Principles, which was to be signed three days later to great fanfare on the White House Lawn. As the name suggests, the Declaration outlined a series of principles meant to frame the ongoing process of negotiations between Israel and the PLO in an effort to put a

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32 Israeli Prime Minister Yitzhak Shamir was famously quoted as saying, “I would have carried on autonomy talks for ten years and meanwhile we would have reached half a million people in Judea and Samaria.” In other words, Shamir had no intention of settling the conflict through negotiations (quoted in Shlaim, 1994).

33 Numerous explanations have been provided for the sudden breakthrough in Oslo. Most commentators agree that a shift in relative power contributed to the success. The PLO was weakened in the wake of the first Gulf War (as a result of the backlash owing to their public support of Iraq) and the collapse of the Soviet Union, a longstanding supporter of irredentist Arab states (Stephen D Krasner, 2003, pp. 1092-1095), which Israel saw this as an opportunity to achieve an agreement on more favourable terms. Nabil Shaath suggests that Israel offered greater concessions and demonstrated a willingness to accept an agreement with the Palestinians in Oslo where they hadn’t previously (Abed, 1992; Andoni, 1991; Barnett, 1999; Indyk, 1991a; Pruitt, 1997; Pruitt, Bercovitch, & Zartman, 1997). Similarly Shlaim, Hadar and Kelman suggest that the collapse of the Likud government, the most right wing government in Israel’s history, and the installation of a pro-peace Labor Government created permissive conditions for negotiations (1993). On the other hand, Moughrabi, Zureik et al mention the PLO’s decision in 1988 to “accept the partition of the historic land of Palestine” based on UN resolutions 242 and 338 for the first time (1992; 1994). Bar Siman-Tov argues that both Israelis and Palestinians moderated their positions on the conflict, recognizing that neither could win a zero-sum conflict definitely at the expense of the other (1991). Karin Aggestam, Louis Kriesberg, and David Makovsky suggest that the secretive environment at Oslo insulated the negotiators from broader political concerns and public attention, providing them with flexibility (1994).
permanent end to their conflict. In the *Letters*, the PLO and the Government of Israel for the first time formally recognized each other as legitimate negotiating partners and the PLO agreed to renounce violence and terror. The exchange of letters signaled a profound departure in Israeli-Palestinian relations. Not only had the parties engaged in armed conflict for nearly a century, but both parties had previously foresworn direct negotiations. Israel had previously rejected direct negotiations with the PLO in the Madrid peace process and had, in fact, propagated legislation banning Israelis from even meeting with members of the PLO. For its part the PLO denied Israel’s right to exist, declaring the establishment of the Jewish state both “illegal” and “null and void” in its charter.

Following the precedent set at Camp David, the *Declaration* laid out a five-year interim process based on the by now familiar land-for-peace formula established by UNSCR 242 and 338. During this time, the PLO would set up an elected self-governing authority to manage its internal affairs in those areas vacated by Israel and the two parties would engage in permanent status talks meant to determine the future of Jerusalem, refugees, settlements, security, borders, and other outstanding issues.34

*Gaza and Jericho First*

With the *Declaration* signed, Israel and the PLO began feverishly working out the details for Israeli redeployments and Palestinian self-government. On May 4, 1994 the parties signed the *Gaza-Jericho Agreement*, the first of a series of agreements on interim status, precipitating Israeli withdrawals from those areas. The agreement dissolved the Israeli military government and Civil Administration in Gaza and Jericho, its powers and responsibilities transferred to the Palestinian Authority in substantially all spheres of civil government, though the two would continue to collaborate in a long list of areas through “joint committees.” A Palestinian Police force assumed responsibility for law and order within areas under Palestinian authority. The agreement allowed no other arms, or armed groups to exist in these areas and Israel continued to

34 For excellent accounts of the negotiation process see Uri Savir’s *The Process* (2002a, 2002b; 2001; Makovsky, 1996) and the PLO’s chief negotiator Ahmed Qurei’s (Abu Ala) *From Oslo to Jerusalem* (1998), both of which are excellent firsthand accounts. Yossi Beilin’s *Touching Peace* (2006) fills in several details left out by Savir’s absence from the first two rounds and the BBC’s Jane Corbin expands on these memoirs in her *Gaza First* (1999), which is based on a series of interviews conducted with the negotiators even before the ink was dry on the *Declaration*. 
retain overall security authority in these areas, in particular over international borders, Israeli citizens, Jewish settlements, airspace, and coastal waters. A security perimeter was to be established around Gaza and Israel reserved the right to “exercise their security functions” where an act or incident required such action. Finally, a temporary international presence of 400 personnel was installed in Gaza and Jericho for six months with a vague mandate to monitor and assist in implementation.

Separate from the agreement and its annexes was a letter from Yasser Arafat, chairman of the PLO, to Yitzhak Rabin, prime minister of Israel, in which Arafat pledged, amongst other things, that both the PA and the Palestinian Police would act in accordance with the principles laid out in the agreement (an implicit reference to abstaining from incitement, hostility, or terror directed at Israelis, Israeli settlements, or the Israeli military), and that the PLO would amend the clauses in its covenant which denied Israel’s right to exist as soon as possible.

Despite minor hiccups, the first redeployments proceeded largely according to plan. On July 4, 1994 the PLO leadership, including Yasser Arafat, returned from exile to much fanfare and assumed responsibilities in those areas evacuated by Israel. The Interim Agreement on the West Bank and Gaza Strip (Oslo II or The Taba Agreement), signed on September 28, 1995, gradually extended self-rule to nearly the entire Palestinian population of the West Bank and Gaza Strip under a democratically elected authority with expanded civil responsibilities.\footnote{While the Oslo peace process did call for a democratically elected Palestinian Authority, subject to judicial review, it is fair to say that the parties involved were ambivalent about the prospects of Palestinian democratization and did not see it as a panacea to the trust issues that dogged the process. The first reference to elected Palestinian institutions in the West Bank and Gaza appeared in the 1978 Camp David Accords negotiated between Israel and Egypt. On the insistence of Israel’s Prime Minister Menachem Begin, the framework called for a locally elected Palestinian self-governing authority. However, this had more to do with systematically excluding the PLO, which was based abroad, than a commitment to democracy (1994). During the Oslo process Israel didn’t insist on democracy, according to Ron Pundak, one of the Israeli negotiators, “The Palestinians wanted democracy” he said, “we just followed” (Heller, 1979; Perlmutter, 1981). In fact, Israel initially reserved the right to directly veto Palestinian legislation if it exceeded the powers and responsibilities transferred to the Palestinians or if it was “inconsistent with the agreement” (2012). The Palestinians wanted democratic institutions for reason of “legitimacy” and “popular support” according to Palestinian negotiator Saeb Erakat and former Palestinian Prime Minister Ahmed Qurei (Abu Alaa) (“Gaza-Jericho Agreement,” 1994; ”Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip,” 1995). Ish-Shalom points out that since the collapse of the peace process successive right-wing Israeli politicians, including Prime Minister Netanyahu, have begun pushing for Palestinian democratization in what he calls the politics of “postponement” and “avoidance.” Democratization, he claims, is deployed as a way of delaying the resumption of peace talks or avoiding them altogether, while Israeli settlement expansion continues unabated (Erakat, 2012; Qurei, 2012).} Under the new Agreement the occupied territories were carved up into three zones of authority. In Palestinian
population centers, which were referred to as ‘Area A,’ the PA was given full responsibility for internal security and civil affairs; in ‘Area B,’ which was mostly comprised of the lightly populated peripheries of Palestinian population centers, the PA was to have full civil authority, but manage security jointly with Israel; and in ‘Area C,’ comprised mostly of unpopulated areas, military bases and Jewish settlements, Israel retained complete authority. The Agreement also enlarged the number and role of the Palestinian Police to include not only the provision of law and order but also terror prevention in cooperation with Israel.

A Strong Police Force and Armed Militias

Following the Camp David Accords, the Oslo Agreements allowed for, and facilitated the creation of, a “strong police force” in areas under Palestinian Authority. At first the reason given for the creation of a police force was the provision of law and order. Later, with the signing of the Interim Agreement, the mandate of the Palestinian Police was expanded to include terror prevention in cooperation with Israel (i.e., in order to rein in those groups, such as Hamas and Islamic Jihad, that didn’t support the peace process and were anticipated to use violence to undermine it). To this end, the Palestinian Authority set up the General Security Services (GSS), under which its various security apparatuses were coordinated (for a good discussion of the composition of the Palestinian security apparatus see A. Cordesman, 2006; Frisch, 2008; Luft, 1998). These included a range of organizations with varying mandates from the civil police and rescue services, to intelligence agencies and paramilitaries. The latter formed despite explicit

36 The Interim Agreement appears to relax the notion of Westphalian sovereignty by ‘decoupling’ it from territory, as described by Ruggie, and ‘sharing’ it between two entities, as described by Krasner (2008). Rather than disaggregate authority and responsibility into two discrete areas, one Israeli and one Palestinian, the two often overlapped, their populations and infrastructure comingled. Under the Agreement, authority is neither fixed, nor contiguous, or mutually exclusive. For example, Israel retained security responsibility and legal authority over its citizens no matter where they were (i.e., even if they were in ‘Areas A’). In other words, Israelis were subject to Israeli sovereignty even while in Palestinian areas. The opposite was, to a much lesser extent, also true. For example, Palestinians were under PA jurisdiction for national insurance even while working in Israeli territory. A more technical example concerns infrastructure connecting isolated Israeli settlements and military instillations deep within Palestinian territories. The agreements stipulate that the Palestinians will maintain this infrastructure. Israel also maintains a significant revenue collection on behalf of the Palestinian Authority (because importation is generally conducted through Israeli ports and Palestinians labour in Israel), which are then supposed to be remitted to the Palestinian Authority for their exclusive use.

37 In a comprehensive study, Luft lists ten organizations that answer to the GSS. These include: National Security Force (Ouwat al-Amn al-Watani), Civil Police (al-Shurta Madaniyya), Preventative Security Force (al-Amn al-Wiga’i), General Intelligence (Mukhabbarat al-Anma), Military Intelligence (Jstkhhabbarat al-Askariyya), Military Police, Coast Guard (Shurta Bahariyya), Aerial Police (Shurta al-Jawiya), Civil Defense (al-Difa’a al-madani), County Guard (al-Amn al-Mahafza) (Stephen D Krasner, 2003, p. 1091; Ruggie, 2009).
prohibitions in the various agreements against the development of armed forces in areas under PA control.

Under *Gaza-Jericho* the security services were to number 9,000 lightly armed personnel. This number was later expanded to 30,000 under the *Interim Agreement*. However, estimates suggest that the security services ultimately swelled to 50,000 or 60,000 personnel, well in excess of the agreed upon number. In fact, these numbers would make the PA the most heavily policed area on earth, with the highest police to civilian ratio, according to Luft (Luft, 1998). So too did the corresponding number upon weapons under Palestinian control (Luft, 1998). The ranks security services were drawn largely from members of the Palestinian Liberation Army—the armed wing of the PLO—loyal to Arafat. No recruits were to be implicated in serious crimes or terror and the *Agreements* required the PA to remit names of potential recruits to Israel for vetting. However, despite repeated Israeli requests, this never occurred. And despite explicit prohibitions against the introduction of armed forces *other than the Palestinian Police* a confusing patchwork of armed groups arose in areas under Palestinian control, some with alleged links to Arafat or Arafat’s faction of the PLO (c.f., Tanzim, the Al Aqsa Martyrs Brigade), others independent of, or even opposed to the PLO (c.f., Hamas, Islamic Jihad). Indeed, Arafat himself surreptitiously established two organizations outside of the GSS that answered to him directly, the Special Security Force (SFF) and the Presidential Security Service (PSS) also known as Force-17 (A. Cordesman, 2006). Nevertheless, Israel and the PA did establish a liaison committee to coordinate security matters and launch joint patrols in areas under shared jurisdiction as agreed upon.

*Violent Setbacks and Efforts to Revive the Ailing Peace Process*

Despite its auspicious beginnings, the actions of violent rejectionists on both sides managed to seriously undermine the peace process. Starting in 1994, the Palestinian rejectionist group Hamas undertook a series of increasingly deadly bus-bombings aimed largely at Israeli civilians. In response, Israel halted further redeployments and instituted closures and curfews on the Palestinian Territories that largely negated the cooperative aspects of the agreement, particularly in areas of economic cooperation. The Palestinian economy teetered as employment in Israel disappeared and their trade links with the outside world diminished (Levin, 2007). And throughout this period Israeli settlement expansion continued unabated in the West Bank,
contrary to the spirit, if not the letter, of the agreements. Both sides accused the other of undermining the agreement and doing too little to rein in challengers and prevent violence. Public Support for the agreement flagged. The peace process largely ground to a halt in response to two incidents. In February 1994 a Jewish terrorist opened fire on Palestinian worshippers at the Cave of the Patriarchs in Hebron killing 29. Then on November 4, 1995 Israeli Prime Minister Yitzhak Rabin, who was, perhaps more than any other public persona, identified with the Oslo process, was assassinated at a peace rally in Tel Aviv, to be replaced less than a year later by Benjamin Netanyahu, who was elected on an anti-Oslo platform in response to the spate of Palestinian terror attacks.

While there was no substantive progress on peace negotiations during Netanyahu’s tenure as prime minister, several agreements were signed recommitting the parties to uphold previous obligations made under the Interim Agreement. Most notably, Netanyahu agreed to redeploy from Palestinian areas of Hebron and extend a temporary international presence (TIPH) that had been established after the shooting at the Cave of the Patriarchs to preside over Palestinian areas of the city as part of the Protocol Concerning the Redeployment in Hebron, which was signed less than a year after his decision to build an exit leading from the Western Wall sparked a wave of violence in Palestinian areas. With little further progress forthcoming, President Clinton convened a summit in late 1998 at Wye River and, with the help of an ailing King Hussein of Jordan, managed to coax the parties to adopt a new timetable to implement mostly old commitments. The first of three phases of redeployments agreed to in the Wye River Memorandum was implemented, turning an additional approximately 13% of the West Bank over to the Palestinian Authority. However most of the rest of the Memorandum went unimplemented. Repeated requests to the PA to submit the names of its police for review, confiscate illegal weapons, crack down on armed groups operating outside of the framework of the GSS, and jail terrorists largely fell on deaf ears and Israel did not follow through on the second and third phase of redeployments. Moreover, though the parties agreed to resume permanent status talks, which had by then fallen years behind schedule, the talks made no headway while Netanyahu remained prime minister.

The Breakdown of the Oslo Process and the Resumption of Hostilities

By signing Wye River Netanyahu found himself in an increasingly difficult position. His right-
wing coalition partners became increasingly hostile at what they saw as capitulation to the Palestinians. On the other hand, the left was dismayed that progress with the Palestinians was too slow. Having alienated both his left and right flanks, Netanyahu’s coalition government collapsed within a year of signing *Wye River*. A nascent center-left coalition began to form, under the leadership of Ehud Barak, on a platform of invigorated peace talks. When one of Netanyahu’s center-right coalition partners bolted to join the Barak-led coalition, elections were called. Barak handily assembled a broad-based government with a commitment to vigorously pursue peace on multiple fronts.

In just over a year, Barak had quit southern Lebanon, which Israel had occupied after twenty-two years, had convened promising talks with Syria, and recommitted Israel to live up to its interim commitments and to re-start permanent status negotiations with the Palestinians in the *Sharm el-Sheikh Memorandum*, signed on September 4, 1999. Within a week of signing the *Memorandum*, however, the Barak government proposed to leapfrog Israeli commitments made as part of the *Interim Agreement* by accelerating final status talks with the aim of permanently resolving all outstanding issues between the parties. The Palestinians, however, were reluctant to engage in accelerated talks prior to promised Israeli redeployments (Agha & Malley, 2001; Malley, 2001; Sontag, 2001). Nevertheless, President Clinton convened the parties at Camp David from July 11-24, 2000. Despite Barak and Clinton’s enthusiasm, and the auspicious location, the Summit ended in failure. Barak and Clinton blamed Arafat for the failure while Arafat fingered Barak. Though the parties agreed to meet again in Taba, and, in fact made significant headway, the permanent status talks had lost momentum. Barak resigned as prime minister and called a snap election, which he lost to Ariel Sharon, and Clinton’s presidency had ended. Within months widespread violence had erupted across the East Jerusalem, the West Bank, and the Gaza Strip and security cooperation had ceased. The Oslo process has since been in abeyance. Though numerous negotiations have been held since (as I write negotiations are, in fact, ongoing), no significant agreements have been signed between Israelis and Palestinians.

*The Second Intifada and the Fatah-Hamas Conflict*

The violence that erupted after the Camp David Summit, and raged for the next five years, came to be known as the *Second Intifada* or the *Al Aqsa Intifada*. The name echoed the *First Intifada*, a political uprising from in the occupied territories consisting largely of strikes, stone throwing,
and other forms of civil disobedience. The first *Intifada* began in 1987 and stopped when peace talks began in the early nineteen-nineties. At the beginning, the *Second Intifada* was largely confined to mass demonstrations, general strikes, and stone throwing, much as had the *First Intifada*. However, non-violent protests rapidly gave way to violent clashes between armed Palestinians groups—including those with links to the PLO as well as those opposed to it—and Israeli forces, as well as a string of suicide bombings, kidnappings, assassinations, and mortar attacks.

The Israeli response to the uprising was swift and decisive. In 2002, Ariel Sharon launched a military assault on the Palestinian territories, dubbed “Operation Defensive Shield,” the largest military operation since Israel captured the territories in the 1967 War and the largest overall mobilization of army reserve forces since the 1982 Lebanon War. During that operation, Israel reoccupied most of ‘Area A’ including the six largest Palestinian cities that it had previously vacated under the terms of the Oslo agreements, rounded up thousands of Palestinians associated with the various militant groups, confiscated weapons, and placed much of the PA leadership under siege (in particular, Arafat was largely confined to his headquarters, the *Mukataa*, until his death in 2004). Much physical infrastructure and PA institutions were destroyed in the attacks. Within a year of the Operation, most of the PA’s security facilities had been destroyed and nearly three quarters of the PA security personnel were held in Israeli detention (A. Cordesman, 2006).

The Israeli military instituted a series of enhanced checkpoints throughout the West Bank, restricting movement of goods and people both within the West Bank and into Israel, and imposed strict curfews on population centers. A maritime blockade was imposed on Gaza, the border with Egypt sealed, links between Gaza and the West Bank severed, and Palestinian airspace closed off. The effect was to neuter the PA, choke the Palestinian economy, and slow the pace of Palestinian attacks.

The high casualty rates on both sides, however, gradually affected the scope of Israeli operations. At first, Israel responded to Palestinian violence by intensifying its ground incursions into Palestinian territory, culminating in Operation Defensive Shield. As Israeli casualties continued to mount, particularly as a result of Palestinian guerilla tactics, it adopted a series of increasingly heavy-handed and indiscriminate measures to clear areas of militants. In particular, fierce house-to-house fighting in areas like Jenin, which had seen extensive use of booby traps, ambushes, and improvised explosive devices, led to the wholesale destruction of some urban areas by Israeli
bulldozers. Palestinian civilians, who were often comingleled with militants in residential areas, faced the brunt of these tactics. As a result, Israel came under increasing scrutiny and international pressure. In particular, Israel faced widespread criticism for the devastation it visited on Palestinian areas and its use of what were often described as “collective punishment” or human rights violations. Israel found itself facing a dilemma: In combating Palestinian violence it could use less discriminatory tactics, and face international opprobrium, or it could put its own soldier in harms way. In either case, it was becoming abundantly clear that costly military actions on the ground could do little more than slow the pace Palestinian violence. Despite Israel’s overwhelming military superiority it could not altogether halt Palestinian attacks. Israel would not win an asymmetric war with the Palestinians, but it still stood to lose from continued conflict on the ground.

At the high point of the Intifada the international community stepped into the breach. In a new plan, dubbed the Roadmap for Peace, the so-called Quartet on the Middle East, which comprised the US, EU, Russia, and the UN, proposed a three-phase approach to halting the violence and renewing the commitment to a peaceful resolution of the Israeli-Palestinian conflict. In the first phase, the Palestinians were to halt the violence, reform their political institutions, and hold elections. Israel was to withdraw from areas it had reoccupied in Operation Defensive Shield, relax the checkpoints to ease the movement of populations as well as goods, and freeze the expansion of Jewish settlements. In the second and third phases, the parties were to establish the conditions for Palestinian statehood and renew their efforts resolve all outstanding issues with the aim of permanently ending the conflict through the by now well established formula of land-for-peace (i.e., two states).

After vigorous efforts by members of the Quartet, including a personal visit to the region by President George W. Bush, the parties adopted the Roadmap, the Palestinians unconditionally, Israel with extensive reservations. Sharon made clear that Israel would not consider a settlement freeze, and would go no further than the first phase of the Roadmap until all Palestinian obligations had been met in full. In particular, Sharon insisted on a fulsome restructuring of the Palestinian government, Arafat’s ouster, complete dismantling of Palestinian security services and all militant groups, recognition of Israel as a Jewish state, abandoning the right of return for refugees, and others. Though the PA did, in fact, pursue some institutional reform, it failed to effectively dismantle militant groups as agreed. Instead, Mahmoud Abbas, who was appointed
prime minister of the PA as part of the agreed upon reforms, brokered a ceasefire (*hudna*) amongst the various militant groups. The *hudna*, however, quickly fell apart and violence resumed. Violence persists even to this day, admittedly at lower levels.

Finding itself still stuck between the Scylla and Charybdis of asymmetric warfare, Israel gradually retreated from Palestinian populations centers, as it pledged to do as part of the first phase of the *Roadmap for Peace*. But contrary to the *Roadmap*, the retreat did not signal an end to the fighting. Having retreated from Palestinian populations centers, Israel turned to other means to combat Palestinian violence. As early as December, 2000 Israel acknowledged what had long been suspected: a policy of “liquidating” Palestinian militants (Sontag, 2000). As the *Intifada* intensified, Israel made increasing use of so-called “targeted assassinations,” which were, more and more, prosecuted from helicopter gunships and fighter jets as the costs of ground operations mounted (D. Byman, 2006; Hafez & Hatfield, 2006; Kober, 2007; Luft, 2003).

Around the same time, in 2002, Israel began constructing a barrier on the West Bank, they claimed on security grounds, the circuitous route of which places the maximal number of West Bank Jewish settlers on the Israeli side of the barrier (this is much disputed by Palestinians who counter that it amounts to a policy of land confiscation). Finally, in 2004 Israel announced its intention to unilaterally withdraw both its military personnel and civilian settlers from the Gaza Strip, an overpopulated area Israel had occupied since the 1967 War with little historical or religious significance. In 2005, just over a year later, it enacted the pullout (Efrat, 2006; Li, 2006; Roy, 2005). Though the *Roadmap* would go no farther and violence persisted, Israel had largely retreated from Palestinian populations centers, to the air and behind a barrier.

Israel’s retreat left behind a marginalized Palestinian Authority with a profoundly weakened Police Force and a failing economy. Arafat’s death in 2004, and his replacement by the more statesmanlike but far less charismatic Mahmoud Abbas, further weakened the PLO, the hitherto governing party of the PA. These conditions paved the way for the Hamas-PLO confrontation that followed the Palestinian legislative elections of 2006. Though Hamas had distanced itself from the most vitriolic rhetoric prior to the 2006 elections, the organization was neither supportive of the Oslo peace process in particular, nor a two-state solution to the Israeli-Palestinian process in general. Its victory in the legislative elections, therefore, triggered a wave of international sanctions against the PA, which was heavily reliant on the international donor community for funding. Having insisted on reform, the international community was not pleased
with the results. Though Abbas attempted to broker a compromise that would be suitable both to the donor community as well the PLO, negotiations proved fruitless. The agreed upon national unity government consisting of both Hamas and the PLO would never assume power. Instead, Palestinian factions turned their guns on each other. In response, Abbas dissolved the government. When the fighting had ended, the much-weakened PLO had lost control over the Gaza Strip. The Palestinian Authority had been rent in two, with Hamas assuming \textit{de facto} control over the Gaza Strip. The international community has since made repeated efforts to burnish the authority of the Palestinian Authority under Abbas to little effect.

\textit{Spoiling? Who’s Spoiling?}

The half-decade long convulsion of violence that followed the collapse of the Camp David Summit was most commonly blamed on Yasser Arafat and the PLO (Sontag, 2001). Israeli PM Barak and President Clinton, for example, both publically blamed Arafat for the failure of Camp David, claiming that the Israeli delegation offered an unprecedented deal to the Palestinians, which was summarily refused (Ben-Ami, 2005; Clinton, 2005; Morris & Barak, 2002; Pressman, 2003; Ross, 2005; Sher, 2006). These were said to include major concessions on nearly all outstanding issues between the parties: sovereign statehood on virtually all of the Occupied Territories, control over Christian and Muslim holy sites, including what Muslims call the Haram al Sharif and Jews the Temple Mount in the heart of the Old City of Jerusalem, as well as Arab neighbourhoods in both the Old City of Jerusalem and East Jerusalem, and a compensation fund for Palestinian refugees as well as the return of 100,000 refugees to Israel proper. Not only was the offer of statehood rejected, the Israeli and American narratives hold that the Palestinian delegation failed to present counter-offers, a sign of their refusal to negotiate in good faith. At the conclusion of Camp David, Clinton famously said that Arafat had “missed an opportunity” to achieve Palestinian statehood.

On this account, the Palestinians in general, and Yasser Arafat in particular, were never seriously committed to a peaceful resolution of the conflict. Despite repeated Israeli protests during the life of the peace process (c.f., notes for the record appended to the Hebron and Wye River Accords), the PLO failed to remove the offending sections of its charter in a timely fashion, exceeded the number of weapons allowed to it under Oslo, failed to remit the names of its police as agreed, and did too little to rein in violent challengers, such as Hamas and Islamic Jihad, or
prevent terror attacks against Israelis (Luft, 1998). The Palestinians then walked away from a generous offer of statehood and turned to violence in a premeditated plan to extract concessions from Israel (Pressman, 2003). Indeed, on several occasions during the Intifada, Palestinian militants with links to the PLO were implicated in violence against Israel (c.f., the lynching of two Israeli reservists in a PA police station in Ramallah in 2000) and made repeated attempts to smuggle more advanced armaments into the region (c.f., the Santorini and the Karine A incidents in which Israel interdicted ships laden with weapons). While the PLO leadership continued to publically call for the resumption of peace talks, bombastic rhetoric, including calls for the destruction of Israel and the so-called “Lebanonization” of the conflict (that is forcing Israel to leave the territories through violence), were also regularly heard (Sayigh, 2001; Shikaki, 2002), leading to charges of double-talk. In other words, the Palestinians were spoilers, who turned their weapons on Israel for strategic advantage.

That there was some measure of high-level complicity in the violence is beyond much doubt, but this does not, on its own, constitute robust evidence of spoiling. Numerous authors—many of whom are sympathetic to or associated with the Palestinian cause—question the conventional Israeli and American interpretation, suggesting that the Palestinians alone were not responsible for the resumption of violence that followed the Camp David negotiations. Several are worth noting here. First, these accounts neglect Israel’s consistent failures to live up to its own obligations under the Oslo Agreements, which acted to weaken the process long before the failure of the Camp David talks. In particular, Israel repeatedly failed to fully withdraw from Palestinian territories as agreed upon, and rarely did so in a timely fashion, particularly during the Netanyahu years. Both left and right wing Israeli governments continued to expropriate land ostensibly reserved for a future Palestinian state throughout the life of the agreement in order to build Jewish settlements and a dense network of by-pass roads for their exclusive use. Evan Barak failed to live up to his commitments to territorial withdrawal and expanded settlements in advance of permanent status negotiations (Sontag, 2001). Repeated closures of the territories restricted the movement of Palestinian civilians and the failure to build air and sea ports and the withholding of taxation revenue collected by Israeli customs authorities negated many of the economic benefits of the agreement. The result was a frustrated Palestinian population and a profoundly divided and weakened leadership (Shikaki, 2002). After years of setbacks, the PLO had little political capital left to sell the types of concessions Israel was demanding of it at Camp
David, nor did it have much ability to rein in the various challengers who would likely balk at
such a proposal. In fact, the Palestinian team expressed its reluctance to engage in final status
talks until promised Israeli redeployments were completed, a move that likely would have
bolstered the Palestinian team (Pressman, 2003, pp. 25-26). Such concessions, however, were
not forthcoming. Both Clinton and Barak were eager to leapfrog interim commitments—even
those made by Barak himself in Sharm el-Sheikh, less than a year earlier (Sontag, 2001).
Clinton’s time in office was running out and Barak was looking for a quick political victory to
shore up his flagging coalition government. Despite Palestinian reservations, Barak and Clinton
pressed Arafat into talks prematurely (Hanieh, 2001; Sontag, 2001).

Second, numerous accounts suggest that the Israeli offer at Camp David may have been
unprecedented, but it was not nearly as generous as Barak and Clinton made it out to be. Prior to
leaving for Camp David, Barak publically stated what he would not concede to the Palestinians.
The list was comprehensive: Barak would not return to the 1967 border, he would not divide
Jerusalem, he would not abandon the settlements, and he would not allow for Palestinian
refugees to return to Israel proper (Pressman, 2003, p. 38). Though Barak softened his position
at Camp David, in many cases he refused to compromise. Barak’s offer did not, for example,
propose to turn over the entirety of the areas Israel occupied, nor did it allow for a contiguous
Palestinian state or Palestinian sovereignty over important East Jerusalem neighborhoods, Arab
parts of the Old City, and the Temple Mount/Haram al Sharif. Barak proposed to annex
significant portions of the West Bank for security purposes and to accommodate Jewish settlers
(up to 23% on some accounts). Proposed land swaps were of a smaller area and of inferior
quality (1% for 9% in the arid Halutza Sands area adjacent to the Gaza Strip). Finally, Barak
insisted on an Israeli security presence on upwards of 15% of the territory reserved for the new
Palestinian state and a bifurcation of the West Bank into two or three Sections. The Palestinians
called into question the viability of a state that would arise as a result of such a deal,
disconnected and subject to the continued will of the Israeli security apparatus (Agha & Malley,
2001; Hanieh, 2001; Pressman, 2003; Sontag, 2001; Swisher, 2004). These shortcoming were of
particular concern given Israel’s consistent failure to hand over territory to the Palestinians as
agreed and the repeated restrictions of movement imposed on Palestinian territories during the
Oslo period and the recent reoccupation of Palestinian population centers during Operation
Defensive Shield. Nevertheless, final-status negotiations continued. It was Israel and the
Americans, however, and not the Palestinians, who walked away from the negotiating table. Having made considerable headway at Taba (c.f., Moratinos, 2001; Sontag, 2001) neither the lame duck PM Barak nor Sharon, who was slated to replace him as PM, would attend the scheduled follow up negotiations at Sharm el-Sheikh (Pressman, 2003, p. 9; Sontag, 2001). Moreover, the newly elected Bush administration had little interest in vigorously supporting negotiations as Clinton had. Final statutes negotiations ceased, in other words, in large part as a result of the Israeli elections and American apathy.

Third, both the trigger for and the escalation of the violence can be traced in large part to Israeli provocations and heavy-handedness. On September 28, 2000, less than two months after the collapse of Camp David, Ariel Sharon, the then leader of the right-wing opposition Likud party, paid a highly publicized visit to the Temple Mount/Haram al Sharif in the center of the Old City of Jerusalem. The visit occurred with the approval of the Israeli government and despite warnings by the PA that it was an unnecessary provocation likely to spark violent clashes. Sharon, himself a provocative figure because of his culpability in the massacre of Palestinian civilians at the Sabra and Shatilla refugee camp in 1982, visited the site in order to suggest that Israeli sovereignty there was immutable and that the Likud party, under his leadership, would defend it (an implicit jab against Barak with whom he would shortly be squaring off against in national elections). Sharon was accompanied by a massive retinue of police; many dressed in full riot gear. Sharon’s purpose was clear and the Palestinian reaction foreseeable (particularly given the violence that erupted after Netanyahu opened an exit from the Western Wall in 1996). The visit sparked a wave of rioting across East Jerusalem, which Israel responded to with overwhelming force and live ammunition (Pressman, 2003, p. 28). Within days thousands of Palestinians had been wounded and dozens killed. As Palestinian casualties mounted, demonstrations spread across the occupied territories. These protests, however, soon gave way to violent clashes.

Fourth, the violent acts that followed Sharon’s visit lacked coherence and were without obvious strategic aim or direction (Frisch, 2003; Luft, 1998; Sayigh, 2001). Attacks were sometimes confined to the Occupied Territories and at other times reached deep into Israel. Israeli civilians were targeted one day, military installations the next, and Jewish settlements on another. Palestinian militants attacked instruments of the Israeli occupation, the Israeli state, and Israeli citizens almost at random. The violence appeared improvised, not demonstrating any obvious
defensive or offensive tactics. In fact, the violence and violent rhetoric was a product of various groups, some with links to the PLO (c.f., the Tanzim or al Aqsa Martyrs Brigade), others violently opposed (c.f., Hamas and Islamic Jihad). The PLO itself maintained a disunified patchwork of security services and failed to assert any overarching control over its competitors. Though Palestinian militants delivered punishing blows both to the Israeli army and the civilian population, it was hardly conceivable that the patchwork of sometimes competing groups, fielding a few thousand poorly trained and poorly equipped fighters (Luft, 1998), operating from a small handful of population centers completely surrounded and surveilled by Israel, could prevail in any direct military confrontation (Pressman, 2003, p. 26). Indeed, the Intifada failed to achieve any recognizable political aim. Israel was not destroyed, it did not end the occupation, nor was it forced back to the negotiating table (Frisch, 2003; Sayigh, 2001). Instead, the violence alienated the Israeli left, brought Ariel Sharon and the right-wing Likud party to power, and was used to justify the actions that followed (Frisch, 2003, p. 69). Palestinian lands were reoccupied, severe restrictions on movement were imposed, negotiations and further Israeli redeploysments ceased, while Israeli land appropriation and settlement construction continued unabated. In fact, confiscation of Palestinian land increased under Sharon, as construction on a security perimeter, ostensibly in response to Palestinian violence, was initiated. As a result of the violence the PLO saw its authority weakened, its territory split in two, its infrastructure wrecked, its security services devastated, its economy collapse, and international support for Palestinian statehood diminish (Frisch, 2003, p. 67). 38

Finally, if the aim of the violence was to spoil, as the Israeli and American accounts suggest, why wouldn’t the Palestinians accept the Israeli offer at Camp David or Taba and then engage in military conflict? In other words, why wouldn’t they take the deal and then spoil? In fact, the PLO’s Ten Point Program of 1974 called for just such an approach: the gradual liberation of Palestine. Under the Program, the PLO specified a new strategy. Rather than relying on direct military confrontation to defeat Israel completely, as the combined Arab armies had attempted to do in previous wars, the PLO aimed to establish a Palestinian state in a piecemeal fashion and they would do so “by all means” (i.e., armed struggle and/or negotiations). In other words, the

38 Frisch notes that the Roadmap, issued in the midst of the ongoing violence, promised far less to the Palestinians in terms of statehood than did either the negotiations at Taba or the Clinton parameters that followed, which were premised on conditionality and, therefore, far more tentative (Luft, 1998).
PLO would attempt establish a foothold with which to continue fighting for the complete liberation of Palestine. In signing the *Declaration of Principles*, which committed the PLO to a peaceful resolution of the conflict, the PLO formally repudiated the *Program*. Moreover, Arafat publically recognized of Israel’s security and demographic concerns (c.f., Arafat, 2002). But more importantly, by not accepting the Israeli offers at Camp David and Taba, which would have given the organization a considerably larger territory and much wider autonomy, the PLO had demonstrated that it had discarded the phased approach. The PLO abandoned an opportunity to secure a strategic advantage with which to fight Israel. One is inclined to wonder what type of unorthodox spoiling would lead the Palestinians to refuse concessions from Israel at Camp David and Taba that would improve their strategic position, allowing them to extract further concessions from Israel by force. The only reason for the PLO to *not* accept the Israeli offers was that the PLO had made a commitment to abide by the terms of a final status agreement and the terms proposed by Israel were simply not acceptable (c.f., Pressman, 2003, p. 25 who attributes this line of argumentation to Stephen Van Evera). Indeed, if the PLO had a premeditated plan to spoil the peace process, one wonders why they failed to introduce more potent weapons over the life of the peace process *before the violence resumed* and they were under less scrutiny. The period preceding the failure of Camp David and the resumption of violence was an otherwise missed opportunity to increase their military strength if their intention all along was in fact to spoil the peace process. While several lacklustre attempts were in fact made to introduce better weapons (c.f., the Santorini and the Karine A), these efforts only occurred after the start of the violence and were prevented by Israel. The PLO failed to accumulate arms of a strategic nature (i.e., such as missile technology which could, effectively, change the balance of power) prior to the resumption of violence, contenting itself instead mostly with light arms.

On this account, Israel, not the PLO, was largely responsible for the breakdown of peace and the violence that followed. The *Intifada* was triggered by Ariel Sharon’s ill-timed and provocative visit to the Temple-Mount/Haram al Sharif. The violence escalated as Israel used the full force of its military to reoccupy Palestinian land in Operation Defensive Shield. In other words, Israel’s right-wing, which was still attached to the idea of “greater Israel,” triggered the violence for the purposes of reversing concessions successive left-wing governments had made to the Palestinians during the Oslo peace process and consolidating of its occupation of lands captured
in the 1967 war (Hanieh, 2001; Sontag, 2001). Indeed, calls for “transfer”—a euphemism for ethnic cleansing Israeli territory of its Palestinian population—began to enter the mainstream political discourse in Israel during this time (Sontag, 2001). Said differently, Israel spoiled the peace process by using violence to achieve what it could not at the negotiating table. The Intifada was a spontaneous response to the welled-up frustration that resulted from years of unmet Israeli promises to redeploy from Palestinian lands, continued settlement building on areas supposedly reserved for a future Palestinian state, and a lackluster Israeli offer at Camp David, all of which Palestinians viewed as a denial of their desire for self-determination (Pressman, 2003, p. 34; Sontag, 2001). The violence was appropriately named the Intifada, literally a shaking off, a convulsion of violence against the persistence of the occupation, not a premeditated or well-executed military strategy to extract concessions from Israel. In fact, the Palestinians lost significant ground during the Intifada in pursuit of statehood. If the goal of the violence was to spoil, we might as qui bono—who benefits. It is hard to conclude that the violence benefitted the PLO in any meaningful way.

In the final analysis, neither of the two competing explanations for the violence that followed the collapse of the Oslo peace process is definitive. There is sufficient evidence to suggest that the PLO built a bloated security apparatus in contravention of the agreements, did too little to rein in challengers (especially Hamas and Islamic Jihad), and was implicated in some violence against Israel, which continued admittedly at lower levels even after their threat of eviction or annihilation dissipated. However, there is insufficient evidence to conclude that the PLO had a premeditated plan to spoil or turned its guns against Israel for strategic gain. Had they intended to spoil we would expect them to accumulated higher quality weapons long in advance of the failure of the peace process. But they did not. Moreover, the PLO would have been well served by accepting Israel’s offer at Camp David and then spoiling. Instead, the PLO remained weak and the Intifada too disorganized to deliver military gains. In fact, the use of violence set the PLO back, both politically and militarily. Palestinian violence predictably precipitated a heavy-handed Israeli military response, which seriously weekend the PLO and undermined international support for the Palestinian cause. However, the violence was not merely a spontaneous response to welled up frustrations with Israeli intransigence and provocations, as Palestinian accounts often claim. The capacity to wage the Intifada was made possible by the proliferation of weapons in advance of the collapse of the peace process. This debate, so
obviously inflected by partisan narratives, sheds more heat than light on the role of weapons in this particular conflict. I will, therefore, bracket this discussion in order to explore alternate explanations for the proliferation of weapons in the hands of the Palestinian Authority and their use during the Intifada. In other words, I propose to explore whether logics other than or in addition to spoiling were at play.

**Coup Proofing, Insurance, and Symbolism**

Why did the Palestinian Authority accumulate excess numbers of weapons, create multiple and overlapping security agencies, employ many more police than agreed upon, and, in some cases, turn their weapons on Israel, if not to spoil? First, Frisch and Luft explain that Arafat personally had a hand in creating multiple competing security agencies for the purposes of coup proofing. Second, weapons were accumulated as an insurance policy against the possible eviction of the PLO from the West Bank and Gaza Strip or, worse, their total destruction at the hands of Israel in the event of the failure of the peace process. In fact, the PLO’s weapons were only turned against Israel in significant numbers after the collapse of the peace process when the threat of eviction and/or their destruction emerged as a real possibility for the first time. Their use, however, forced Israel to reevaluate its plans. Finally, armed personnel were a powerful symbol of the PA’s legitimacy and a signal of the Authority’s aspirations for statehood. These symbols proved important particularly as the PLO found its hegemony challenged as it made concessions via negotiations with Israel. The PLO’s weapons were put to use in the Intifada, according to Frisch, Shikaki, Sontag, Luft and others, in part to bolster flagging support for the PLO in an effort maintain control over an increasingly fractured and disillusioned polity. I will review these explanations in greater detail below.

During the life of the peace process, the Palestinian General Security Services swelled from a modest 9,000 lightly armed police to a force numbering 50,000 or 60,000 more heavily armed personnel, well in excess of what was agreed upon (Luft, 1998). In addition to the police force allowed for by the Agreements, the PA also set up a handful of overlapping and sometimes competing paramilitary organizations in contravention of the Oslo Accords. Frisch and Luft explain that Arafat had a personal hand in their creation. He did so, they suggest, as an exercise in the strategy of ‘divide and rule.’ The admixture of paramilitaries acted to counterbalance one another as well as those groups that were not included under the PLO umbrella, such as Hamas.
and Islamic Jihad (Frisch, 2008; Hirschfeld, 2012; Luft, 1998). Their power was diffuse. None of the paramilitary organizations were strong enough to challenge Arafat’s rule directly, but together the various factions loyal to him were strong enough to ward off threats from his competitors. Though drawn from competing factions within PLO, the various paramilitaries were all said to be loyal to Arafat (A. Cordesman, 2006). Arafat maintained loyalty not only through the development of a cult of personality based on his status as the longest standing and most visible leader of the Palestinian cause, but also through the creation of a bloated security apparatus that included many more fighters on the PA payroll than the agreed upon number. By creating a balance amongst and between the various factions Arafat aimed to guard against possible coups, mutinies, or insubordination.

Here, history has provided us with something of a natural experiment. Beginning with Operation Defensive Shield, and continuing throughout the Second Intifada, Israel maintained a policy of jailing or killing Palestinian militants associated with the PLO as well as their leaders and isolating Arafat physically and politically, severely weakening the PLO and its various paramilitaries. In fact, Israeli harassment was so effective that uniformed Palestinians all but disappeared from public view over the course of the Intifada. And, with Arafat confined to his headquarters, unable to exercise effective control, the delicate balance between the various factions of the PLO began to unravel resulting in increased infighting and competition ("Who Governs the West Bank? Palestinian Administration under Israeli Occupation," 2004). With little to check their ambitions, Hamas and other rejectionist groups became increasingly emboldened. Coming after a long period of confinement, Arafat’s death sparked an open power struggle, which ended in the PLO losing control over the Gaza Strip in what has sometimes been termed a civil war (c.f., Schanzer, 2008). In sum, the PLO, neutered by Israel, was unable to effectively rein in challengers or maintain control over the entirety of its territory, a weaknesses which Hamas exploited. While the PA was often accused of being unwilling to rein in challengers, we can see what happened when they were unable to do so, lending credence to Luft and Frisch’s argument that the PLO accumulated weapons, at least in part, for the purely domestic purpose of coup proofing.

Second, fearing the possible and likely collapse of the peace process, which would return the parties to a de facto state of armed conflict, and mindful of their past history of violence, the PLO undertook a series of steps to ensure its survival. Most important, the PLO accumulated
weapons in the hands of a loose network of paramilitaries and civilians as an insurance policy against Israeli efforts to evict, decapitate, or destroy the PLO. The accumulation of weapons, however, was not the first recourse of the PLO, but was pursued only after other preferred methods, such as third-party guarantees, were summarily refused by Israeli negotiators. When the process did in fact collapse, and the conflict resumed, Israeli leaders publicly entertained the idea destroying the PLO and removing Arafat. Israel began taking steps to implement this plan as part of Operation Defensive Shield. However, these actions proved too costly for Israel. While Israel enjoyed overwhelming military superiority over the fledgling Palestinian Authority, it found that it could not destroy the PLO without unacceptable casualty rates and international opprobrium. The loose patchwork of Palestinian militias proved a formidable foe. Using guerilla tactics, the Palestinians forced Israel to retreat behind a barrier and abandon its plans to destroy the PLO.

Since their defeat by Israel in the 1948 war, which Palestinians refer to as the naqba or catastrophe, Palestinian militants have been on the run, constantly harassed and repeatedly exiled from the various countries in which they sought refuge, sometimes at the hands of Israel, other times at the hands of their hosts. In the immediate aftermath of the 1948 war, Palestinian irregulars—the so-called Fedayeen—relocated to and staged their operations against Israel from bases in neighbouring Arab countries. However, these countries proved fickle benefactors, alternating support, ambivalence, or outright hostility to Palestinian militant groups. Under President Nasser, for example, Egypt made effective use of the Fedayeen, particularly in prosecuting its war of attrition against Israel. But Egyptian support largely dried up, as did the use of Egypt as a base of operations, upon Nasser’s death in 1970. More damaging to the Palestinian nationalist movement was their eviction from Jordan in what amounted to a bloody campaign to rid the country of the newly formed PLO in what later became known as Black September for the month in 1970 in which it began. Under the command of its new leader, Yasser Arafat, the PLO escaped to Lebanon and narrowly avoided complete annihilation at the hands of the Jordanian army in part because of the intervention of the Syrian army and the threat of intervention by Iraq and the Soviet Union. Just over a decade later, in 1982, the PLO was evicted from its new home in Lebanon, this time by the Israeli army. Once again, the PLO narrowly avoided total defeat and was allowed to relocate. Under the supervision of a multinational force, the badly battered PLO decamped to Tunisia. But even there, nearly 2,500
kilometers away from Israel, the PLO did not enjoy tranquility. The Israeli army continued to target the PLO. In 1985 Israel launched an air raid, completely destroying the PLO headquarters. Israel also relied on covert means to kill several PLO operatives and senior leaders (including Arafat’s right-hand man, Abu Jihad) in Europe and Tunis. As late as 1992, during the height of peace negotiations with the Palestinians, Israel expelled 415 senior members of Hamas from areas it occupied.

In relocating to the West Bank and Gaza Strip, Yasser Arafat and the PLO had knowingly assumed the greatest risk in the history of the organization. Jibril Rajoub, former head of the Palestinian General Security Service noted, “bringing back the whole political leadership made us vulnerable to Israeli aggression” (Rajoub, 2013). The PLO had signed an interim agreement in advance of an as yet to be negotiated final status agreement, affording them only a tenuous status over areas vacated by Israel. Not only was Oslo an interim agreement, it was also phased and limited in authority. Israel retained overall security control (amongst others) as well as the inherent ability to halt or even reverse the process (Pundak, 2012; Singer, 2012). Moreover, in returning to the West Bank and Gaza Strip, the PLO had concentrated both its leadership and rank and file within close reach of the Israeli security apparatus. In so doing, the PLO had created the conditions for another naqba. If the agreement failed, the PLO risked complete defeat and possible annihilation. And these risks were not purely theoretical. Israel had no intention of remaining idle if the agreement collapsed. Oslo negotiator Joel Singer stated the Israeli position clearly, “We maintained ultimate military authority. This was Rabin’s vision. The gradual process was intended to stop the transfer of authority if the Palestinians were not capable of doing their job. And obviously if worse comes to worse military planning takes into account the possibility of going back again” (Singer, 2012). Reports later surfaced in the foreign press of a secret Israeli contingency plan—dubbed Operation Thorn Field—to forcibly dismantle the PA, exile its leadership, and reinstitute the military occupation of Palestinian lands (Andromidas, 2002; Honig-Parnass & Haddad, 2007, p. 49).

Sensitive to these risks, the PLO requested the intervention of third parties, both in the initial Oslo negotiations and again after the breakdown of the process (Aggestam, 2001, p. 54; Roed Larsen, 2012; Singer, 2012). For the Palestinians, third party enforcement was seen as desirable, in part because they might provide a measure of security. However, Israel demurred, it would allow temporary monitors, but it cut short any discussion of third party enforcement, seeing them
as an unwanted constraint (Aggestam, 2001; Beilin, 2012; Hirschfeld, 2012; Pundak, 2012; Roed Larsen, 2012; Singer, 2012). Internationalizing the process would likely act to restrict the scope of their actions, both militarily and politically (Beardsley, 2011; Greig & Diehl, 2005). Israel demanded complete authority from the beginning of the process, particularly over matters it deemed essential to its security, and remained unwilling to accede to Palestinian desires after the process collapsed. In the words of Yossi Beilin, the deputy foreign minister of Israel to whom the Oslo negotiators answered at the time, Israel simply “didn’t trust international forces” (2012). The world’s first peacekeepers were stationed along Israel’s borders after the 1948 war to monitor the armistice. Their presence, however, generally failed to deter Arab aggression or prevent future wars. The 1967 war broke out after UNEF I withdrew from the Sinai Peninsula on the request of Egypt, and UNIFIL, which was established in southern Lebanon, is viewed as porous and biased against Israel, allowing terrorist attacks through, but preventing Israeli responses. Moreover, Israel has a deep mistrust of the UN and its various member agencies because of the hundreds of purportedly “anti-Israel” resolutions they have passed over the years (Aggestam, 2001, p. 54).

In signing the Oslo accords, the PLO had returned to the lion’s den, so to speak. And this time the PLO would not be able to rely on third party intervention if things went wrong, as they had in Jordan and Lebanon before. If the peace process were to collapse, without a final status agreement, the PLO would have no one to turn to prevent their possible annihilation or eviction. What they did, therefore, was turn to self-help mechanisms to ensure their preservation. Arafat presided over the creation of a bloated security apparatus that not only served the purposes outlined above, but was also capable of fighting Israel. Moreover, the PLO also prepared civilians and civilian infrastructure for conflict with Israel, according to Luft (1998). Emergency

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39 Third party monitors, not peacekeepers, were briefly introduced in the Hebron area on the insistence of the Palestinian side after the 1994 Cave of the Patriarchs massacre in which a Jewish terrorist killed 29 Palestinian worshippers in Hebron. In the wake of the massacre UNSCR 904 was passed, leading to the establishment of a temporary international presence in Hebron (TIPH). Meant to provide Palestinians with a feeling of the TIPH provided only for surveillance and monitoring by 50 to 60 staff, and not the power to intervene forcefully to keep the peace (i.e., peacekeeping or peace enforcement). The parties later signed the Agreement on the Temporary International Presence in Hebron on May 9, 1996, renewing the TIPH after it had expired the first time, and the Agreement on the Temporary International Presence in Hebron on January 21, 1997, reinstated the presence of internationals in the Hebron region after it expired a second time (Frisch, 2003, p. 76). The TIPH has since expired.

40 Several Israeli negotiators favoured the introduction of third parties and agreed that their absence was a major shortcoming of the agreement ("Agreement on the Temporary International Presence in the City of Hebron," 1997; "Protocol Concerning the Redeployment in Hebron," 1997).
rooms were renovated to handle large numbers of wounded, alternate water and electrical systems were built, self-defense courses were offered, including shooting lessons, hand-to-hand combat training, and first aid, and private rates of gun ownership were allowed to skyrocket (Luft, 1998; "Who Governs the West Bank? Palestinian Administration under Israeli Occupation," 2004, p. 18). “The right [of self defense] is part of our strategy” Jibril Rajoub told me, “the Israelis will never enjoy settlements, occupation, and security. And all of the scenarios will be on the table and we have nothing to lose” (2013). The PLO’s had created the capability to “Lebanonize” the West Bank and Gaza Strip, according to Luft (1998). That is, the PLO had prepared its security services, militias, civilians, and civilian infrastructure for a lengthy war of attrition against Israel. The multiple armed groups and widely armed civilian population were a redundant and decentralized Hydra, capable of continued fighting in the absence of a central leadership. In particular, the patchwork of overlapping armed groups and widely armed civilian population ensured that the PLO could not easily be decapitated. Even if the PLO leadership was killed or evicted, as they had been in the past, this organizational model ensured that militants would remain, fighting would continue, and Israel would not experience quiet. Though not capable of confronting the Israeli army directly, the PLO could inflict enough damage on Israel to make ground incursions or a long-term reoccupation of Palestinians lands, intolerable. Luft writes that the Palestinians believed that the high rates of casualties they could inflict amongst Israeli soldiers, civilians, and settlers would “deflate Israel’s national morale” causing it to reevaluate any potential action against the PLO (1998). In so doing, the PLO had created an insurance policy, thereby mitigating the risk it assumed in returning to the West Bank and Gaza Strip. “Don’t test us.” chief Palestinian negotiator Saeb Erakat remarked to me, “we will surprise you” (2012). Tariq Zaid, Chief of the Palestinian Police in Hebron, put it more clearly, “the Israeli army will not come back again. They know the Palestinians would fight with their lives and many would die” (Borger, 1997).

When the PLO was, in fact, tested, it proved remarkably capable of constraining Israeli actions. After the collapse of the peace process, Israel began implementing what Haaretz columnist Akiva Eldar has termed the “constructive destructive option”—that is the complete destruction of the PLO and the reimposition of its military occupation over previously vacated lands along the lines of the earlier leaked contingency plan Operation Thorn Field (2002). The constructive destructive option reached a high water mark when the Israeli cabinet adopted the decision to
“remove” Arafat, which came shortly after Israel’s second largest daily, *Ma’ariv*, ran an opinion entitled ‘Don’t Fear Expelling Arafat’ in its pages (Joh Kifner, 2002). Arafat’s days appeared numbered as high-ranking Israelis began issuing oblique threats. For example, Sharon’s senior advisor Ra’anana Gissin was quoted saying that “his [Arafat’s] days are numbered” and Sharon was quoted as saying that Arafat would share the fate of Sheikh Ahmed Yassin and Abdel Aziz Rantissi, both Hamas operatives who were exiled and later killed by Israel. Of course more important than what Israeli leaders said or what the Israeli military planned was what the Palestinian leadership believed it was prepared to do. Indeed, Arafat was said to have resigned himself to being killed or exiled (Bennet, 2002, 2003; Gilmore, 2003; Haaretz Service & Ratner, 2003; Harvey Morris & Wolfée, 2002; John Kifner, 2002; McGreal, 2004; Susser, 2002; Usher, 2002). Within two months of launching Operation Defensive Shield, Israel’s largest military operation in a generation, the PLO was devastated. Its infrastructure demolished, thousands of its police and militants rounded up, its weapons confiscated, and its leader, Yasser Arafat, isolated to his headquarters. However, the various armed groups operating in the West Bank and Gaza proved formidable; their decentralized organizational structure able to withstand Israel’s punishing blows. Despite its overwhelming military superiority and wide-ranging operations the Israeli military proved incapable of killing or capturing a sufficient number of Palestinian militants. Militants were, by then, deeply embedded in the surrounding civilian population, rarely wore uniforms, and would disappear underground when not fighting. In fact, the Israel military proved largely incapable of preventing terror attacks directed at its civilian population, quieting the restive territories, or effectively reasserting control over previously vacated Palestinian lands. Israel found itself largely powerless to defeat an enemy using what has been termed guerilla, insurgency, or asymmetric tactics. Where the Palestinian Police were readily identifiable and easily rounded up, the militias proved more resilient, often melting away before Israel could locate them. Though many of them were killed or imprisoned, the militias proved remarkably capable of continued harassment (A. Cordesman, 2006; A. H. Cordesman, 2002; Luft, 2002).

Despite their manifest weakness, Palestinian militants, were able impose costs sufficient to make Israel reconsider, and ultimately abandon, the constructive destructive option. Fighting an invisible enemy in heavily populated areas led to higher than predicted casualty rates amongst Israeli soldiers, threatening morale. Moreover, the extremely high rate of Palestinian civilian
casualties, amongst whom the militants were embedded, led to increasing international condemnation of Israel’s actions. Though Israel often shrugs off such criticism, particularly from UN bodies, at one point more serious threats were voiced in the EU of imposing trade sanctions (though they failed to materialize). As casualties mounted at home and censure multiplied abroad Israel began to reformulate its plans. It quit the Palestinian cities it had reoccupied during Operation Defensive Shield, limited further ground incursions into Palestinian population centers, and muted its threats to “remove” Arafat (although Israel continued to keep Arafat isolated, both physically and politically). In the months and years that followed Operation Defensive Shield, Israel began constructing a security barrier to wall itself off from the Palestinians, stationed its troops at checkpoints and other installations outside of Palestinian population centers, switched from large-scale ground incursions to aerial strikes (the so-called policy of targeted assassinations) and limited ground attacks (usually prosecuted quickly by small groups), and eventually withdrew completely to the perimeter of the Gaza Strip (the so-called unilateral disengagement). Operation Defensive Shield revealed the limits of Israeli power. Despite its overwhelming military superiority, Israel could not reoccupy Palestinian lands, destroy the PLO, or evict Arafat without assuming an unacceptably burdensome cost.

We might pause here to consider a counterfactual: What would have happened to the PLO if it hadn’t created have a significant armed capacity over the life of the peace process? The Israeli army made quick work of PA institutions during Operation Defensive Shield. Not surprisingly, the Israeli army was able to reduce Palestinian infrastructure, dismantle its police, and isolate PLO leadership within weeks of launching the operation. Despite its preparations, there was little the fledgling PLO could do to halt the Israeli army in a head-to-head military confrontation. Using guerilla tactics, however, Palestinian militants were able to raise the cost of Israeli incursions over time. Had the PLO not had this capacity it not only would have been feasible but also entirely likely that Israel would have followed through on the so-called constructive destructive option. If Israel had been allowed to do so, the Palestinian nationalist movement would likely have faced a plight similar to or even worse than it faced in 1948, 1970, 1982, or 1985. Armed resistance allowed the Palestinians to resist Israeli military actions, making their intended reoccupation of Palestinian lands and eviction or total destruction of the PLO impractical. The use of self-help mechanisms—armed resistance through guerilla tactics—helped prevent the complete annihilation of the PLO by imposing painful costs on Israel, forcing
it to abandon the constructive destructive option.

Finally, the PLO pursued the gun for its deeply symbolic meaning. The PLO spent considerable time and energy bargaining over various items of a largely symbolic nature during the Oslo period (Pundak, 2012; Quigley, 1997, p. 721). In negotiations with Israel, the PLO demanded a passport to replace extant Israeli, Jordanian, and UN travel papers (agreed, with conditions), a currency (denied, but the Palestinians were permitted to use the Jordanian dinar and US dollar as official currencies in addition to the Israeli shequel already in circulation), a postal system, including the right to issue stamps (agreed), an international telephony prefix (agreed, +970), a president (denied, the Arabic rais was to be used instead), and others. The PLO negotiated with international organizations for, amongst others, a Palestinian Internet country code top-level domain (.ps), as well as affiliation with or representation in various international bodies, such as the UN, the International Olympic Committee, and numerous football associations (FIFA, AFC, UAFA, and WAFF). The PA adopted a national anthem and previously banned flag,41 which became ubiquitous in the West Bank and Gaza Strip. But chief amongst the PLO’s symbolic achievements was the establishment of the GSS, a force which included not only armed police in smart uniforms bearing the Palestinian flag, but also a nascent air force (aerial guard), coast guard, and others (Luft, 1998).

Aside from their material role in waging armed struggle, enforcing law and order, and securing the PLO from physical threats, weapons symbolized the legitimacy of the PLO and broader Palestinian aspirations for statehood. In assuming control over law and order in areas vacated by Israel, the Palestinian police signaled the coming end of the Israeli occupation. The staging of numerous parades, ceremonies, commemorations, and honour guards by armed Palestinians, often with Yasser Arafat at their head, were a visible symbol of the PLO’s dominance and their ongoing commitment to armed struggle. Joint patrols between the Israeli army and the Palestinian police were a potent symbol of the legitimacy Israel had conferred on the PLO. And while the nascent Palestinian air force had no planes, and their navy no combat ships—Cordesman describes them as “proto-state institutions”—the PLO had laid symbolic foundations for a future state (2006). In so doing, Palestinian statehood appeared proximate, if not inevitable, with Arafat securely at its helm.

41 The Palestinian flag had previously been banned by Israel in the wake of the 1967 war.
According to Jibril Rajoub, the former head of the GSS and the current head of the Palestinian Olympic Committee and Palestinian Football association, the PLO had a “need” for symbols (2013). Since its inception, the PLO has waged a two-pronged battle for legitimacy and recognition. The PLO sought and, in many cases, won recognition as the “sole legitimate representative of the Palestinian people” from various states as well as international organizations. The PLO similarly sought legitimacy for the right to self-determination—that is a Palestinian state. Though the signing of the Oslo Accords was a watershed moment in Israeli-Arab relations, the PLO had not yet achieved what they most aspired to in negotiation with Israel: a sovereign Palestinian state. Oslo granted the PLO “authority” rather than sovereignty over areas vacated by Israel for an interim period, and remained fundamentally mute on the scope of final status, obscuring it in the long-disputed language of UNSCR 242 and 338.42 While Oslo speaks of establishing “just and lasting peace” and alludes to a two state solution it neither commits Israel to the establishment of a Palestinian state nor to specific borders (Kacowicz, 2005, p. 347). In the words of Israeli negotiator Ron Pundak, “the Israeli negotiators were told to keep all options open, from a Palestinian state to continued occupation” (2012). Though Israel now recognized the PLO “as the sole legitimate representative of the Palestinian people,” in signing an agreement that did not, on its face, recognize or grant Palestinian claims to self-determination, the PLO founds its legitimacy tested at home. Dissent was voiced both from within the PLO, particularly amongst younger members of the organization who were associated with fighting the first Intifada, as well as outside the organization, from Islamist groups such as Hamas and Islamic Jihad (Shikaki, 2002). The proliferation of national symbols, however, went a long way in shoring up the legitimacy of the PLO. In fact, Arafat returned to the West Bank and Gaza Strip to be greeted by jubilant, almost euphoric, crowds. Accompanied by members of the new Palestinian police force, Arafat—himself in fatigues—appeared victorious in the struggle to liberate Palestine rather than defeated, as the PLO’s small but vibrant opposition

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42 The meaning of UNSCR 242 and 338 has long been the subject of acrimonious debate revolving around the difference between the French and English texts of the resolution, both of which are authoritative under UN rules. Both texts call for an Israeli withdrawal, in English from “territories occupied in the recent conflict” and in French “des territoires occupés lors du recent conflit” (Hirschfeld, 2012; Pundak, 2012). In French “territories” is preceded by “des.” In English, however, “territories” is not preceded by a definite article. This minor difference is more than semantic; the inclusion of the preposition “des” is interpreted as an endorsement of an Israeli withdrawal from all territories occupied in the 1967 war while the lack of a preposition in English is read as an endorsement of a partial Israeli withdrawal.
contended. Rajoub concludes, “a flag, a national anthem, police or militants in uniform are part of prestige. [They signal that] we will never be part of the state of Israel. We will never be part of any other state. We will never leave this country” (2013).

The failure to achieve statehood, the continued expansion of Jewish settlements, and widespread accusations of corruption, mismanagement, and human rights violations, however, contributed to the continued marginalization of the PLO (Shikaki, 2002). At the same time, Shikaki notes, the popularity of Islamist rejectionist groups, such as Hamas and Islamic Jihad, were on the rise. These groups were seen as relatively incorruptible and willing to challenge perceived Israeli provocations (Shikaki, 2002; Sontag, 2001). When the peace process ultimately collapsed (along with the remaining support for the PLO), the PLO turned its weapons against Israel. In so doing the PLO bolstered its flagging support, regaining some of its lost popularity amongst the Palestinian population (Frisch, 2003; Luft, 1998; Shikaki, 2002; Sontag, 2001). In turning to violence, which was the preferred method of the more popular Islamic groups, and mimicking their organizational model (c.f., the Al Aqsa Martyrs Brigade), Shikaki explains that the PLO was attempting to capture some of their popularity. No longer were the Islamists perceived as the only group willing to challenge Israel (Shikaki, 2002; Sontag, 2001; "Who Governs the West Bank? Palestinian Administration under Israeli Occupation," 2004, p. 22). Frisch suggests that in turning to violence the PLO shifted attention away from Hamas and Jihad by becoming the major target of Israeli aggression (Frisch, 2003, pp. 68-69). In so doing, Luft suggests that the PLO rehabilitated its image as a “David” against the perceived Israeli “Goliath” (Luft, 1998). While the PLO failed to achieve any strategic aims in using weapons against Israel it had reasserted its dominance over the Palestinian polity.

Under the terms of the Oslo accords a modest security service was created under the auspices of the PLO for the expressed purposes of law enforcement and terror prevention in those areas vacated by Israel. Their ranks, however, quickly swelled. American and Israeli accounts of the collapse of the negotiations often claim the proliferation of weapons as evidence of a premeditated plan to spoil, which the PLO later enacted after walking way from Israel’s generous

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43 Arafat, who has been called the embodiment of Palestinian nationalism, typically foreswore civilian dress for fatigues and the kaffiyeh—the national headdress—delicately draped to resemble the shape of Palestine (2006, p. 378).
offer at Camp David. Palestinian accounts tend to gloss over their proliferation of weapons in contravention of the peace process, focusing instead on Israeli failures to abide by the terms of the agreements to which they claim the violence was a spontaneous response. Neither of these explanations satisfactorily explains the proliferation of weapons and their later use. Palestinians did not extract significant concessions from Israel through violence, nor were they likely to, begging the question: what were these weapons accumulated for and why were they turned on Israel? In this section I have offered several alternative explanations for their proliferation: An expanded security apparatus allowed for a diffusion of power amongst the various paramilitaries enabling Arafat to maintain his supremacy within a highly splintered and often violent polity; they provided the PLO with an insurance policy against possible annihilation; and, finally, they were a symbol of PLO’s legitimacy and their aspirations for statehood. While weapons were accumulated throughout the life of the process their use against Israel coincided with the breakdown of negotiations. When the process collapsed, Palestinian hopes for statehood were dashed, at least momentarily, and the fear of eviction or annihilation increased as Israel began reoccupying the West Bank and Gaza Strip. Within a short time, however, Israel had largely retreated from Palestinian lands, leaving the PLO battered but alive. Israel did not reverse itself because of sudden progress in negotiations, nor because of some newfound ability to secure itself from Palestinian violence, Israel decision to not evict the PLO came in large part because of the high costs of Operation Defensive Shield. The PLO achieved no strategic aims by turning to weapons. Quite the contrary. Statehood now appeared more distant. However, in utilizing familiar guerilla tactics against Israel the PLO was able to ward off attempts to evict it (or worse) and, to some extent, regain some of the legitimacy and popularity it had lost over the course of the peace process.

**Conclusion**

The Israeli-Palestinian conflict has raged violently for generations with little respite. Despite repeated attempts at its resolution, particularly by third parties, little progress was made in peaceably resolving their conflict. In fact, the enmity was so great entrenched that neither Palestinians nor Israelis would recognize each other’s existence, much less engage in direct negotiations. The violence, therefore, persisted. The Oslo negotiations marked a profound departure from this relationship. During the early nineties the parties recognized each other and engaged in face-to-face negotiations. As a result Israel ceded territory to the PLO, which in turn
established autonomy in those areas vacated by Israel. By the mid-nineties the PA controlled nearly the entire Palestinian population of the West Bank and Gaza Strip. For a brief moment a permanent end to the Israeli-Palestinian conflict seemed not only possible but also imminent. However, the violence quickly resumed, shattering any illusion that making peace would be easy. In response, Israel instituted military closures on the West Bank and Gaza Strip and slowed or halted further redeployments to the Palestinians. Further negotiations stumbled and then collapsed. When the violence worsened, Israel saw fit to launch ground incursions, temporarily reoccupying the West Bank and Gaza Strip and publicly contemplated the outright destruction of the PLO. The peaceable days of the early nineties, it turned out, was only a brief pause in the otherwise acrimonious relationship between Israelis and Palestinians. A separate Palestinian state would not emerge any time soon.

Oslo provides us with insights into the nature of weapons in the resolution of internal conflict. The agreements stipulated that the PA could develop a “strong” police force strictly for the purposes of law enforcement and terror prevention. Yet the PA proliferated weapons and expanded its security services in contravention of the agreement. Israel claimed that the PLO did so in a premeditated plan to spoil the peace process. While the Palestinians undoubtedly failed to fully live up to their obligations under the terms of the agreements (as did Israel), the Israeli narrative belies the serious peril the PLO faced in returning to the West Bank and Gaza Strip. Oslo included no third parties to guarantee the safety of the Palestinians, and Israel reserved the right to exercise the use military force as it saw fit. And, when the agreement collapsed this is, in fact, what Israel did. Facing potential eviction or annihilation, Palestinian militants made widespread use of guerilla tactics, forcing Israel to abandon its plans, demonstrating how weapons are used as an insurance policy against annihilation. Even between these grossly mismatched parties, Palestinians bearing light weapons were able to raise the costs of Israeli military actions beyond what Israel was willing to accept. Had the PLO not acquired and later used their weapons they would have risked destruction. Moreover, the Israeli narrative discounts the role Palestinian weapons played in reining in challengers, securing the regime, and bolstering the legitimacy of the PLO. With the aid of counterfactuals and elite interviews one can cast sufficient doubt on the prevailing narrative as well as a plausible alternative. Palestinian weapons were not—or not only—simply acquired for the purposes of spoiling. Lacking trust, or third party enforcement, Israelis and Palestinians both put their faith weapons. Though Oslo can
hardly be considered a success story, and while the availability of weapons may have made a return to conflict easier (i.e., it may have generated moral hazard), one wonders whether this admittedly modest breakthrough would have been possible without the gun.
Chapter 7 Conclusion

“Guns don’t kill people. People kill people.”
-unofficial slogan of the National Rifle Association

“Speak softly and carry a big stick”
-President Theodore Roosevelt

Introduction

The end of the Cold War brought with it an increase in the number of internal conflicts as well as a corresponding increase in the number of interventions meant to resolve them. In fact, more peacekeeping missions have been created since the end of the Cold War than in the previous forty-five years combined. Not only had the quantity of peacekeeping missions increase, so too did their quality. Motivated both by humanitarian concerns as well as the threats to regional and international stability posed by the proliferation of such conflicts, third parties began aggressively intervening in internal conflicts rather than sitting on the sidelines. Where peacekeeping missions previous to the conclusion of the Cold War tended to remain passive, monitoring belligerents along clearly demarcated borders, mostly after the shooting stopped, these new post Cold War missions—broadly referred to as “second generation peacekeeping”—regularly involved active interventions aimed at imposing the terms of peace on belligerents in the midst of ongoing internal conflicts (Doyle & Higgins, 1995). These new missions brought with them a host of new and sometimes novel practices and norms, an example of which is disarmament.

During that period a widespread consensus developed that belligerents must disarm and demobilize in order to establish a robust and lasting peace in internal conflicts. Without weapons, it was thought, continued conflict would be impossible and the state might be reconstructed with the monopoly over the legitimate use of force. The practice of disarmament has since been widely adopted; the overwhelming majority of peace agreements signed since the conclusion of the Cold War contain such provisions and all recent peacekeeping missions established by the UN Security Council have included disarmament provisions in their mandate (Hoglbadh, 2008).
But the widespread adoption of disarmament as routine practice in the resolution and attempted resolution of internal conflict belies serious problems. Disarmament efforts tend to under-deliver on almost all conceivable metrics. Most notably, such programs are rarely successful in fully disarming and demobilizing combatants (Knight, 2004, p. 503). In fact, belligerents often resist disarmament efforts, stubbornly clinging to their weapons. In those cases where peace obtains, such failures are often ignored or overlooked. However, where conflict reignites failures are often blamed on the poor performance of third parties (c.f., Ashton, 1997; Berdal, 1996; Brahimi, 2000, p. 7; Hampson, 1996, 1997; Knight, 2004; Muggah, 2005; Spear, 2002; Stedman et al., 2002; Toft, 2009, pp. 19-21; Wagner, 1993), on those who fail to disarm, who are often labeled spoilers, intent on destroying the peace process, or criminals, out for personal gain (Lyons, 1999; Muggah, 2010, p. 1; Spear, 2002, p. 156; Stedman, 1997; B. F. Walter & Snyder, 1999, p. 40).

Recent work—the so-called “second generation disarmament” literature—has, therefore, tended to focus on new and better strategies to disarm more combatants faster. However, to date, the widespread failures of disarmament have not prompted a wholesale reevaluation of its underlying assumptions. In the face of mounting problems the stubborn insistence on disarmament has all the hallmarks of degenerative research program.

This study has proposed to systematically rethink disarmament, from the theoretical assumptions that undergird it, to its implementation in practice. Peacemaking inherently places belligerents at risk: belligerents must expose themselves in order to negotiate, dialogue can lull them into a false sense of complacency, it often requires them to yield strategic gains and make other compromises, and spoilers and rejectionists abound, challenging not only the peace but the peacemakers as well. With the aid of several illustrative cases I have demonstrated that disarmament threatens to exacerbate the already risky business of peacemaking. The transitional period between war and peace that is remarkably uncertain. Belligerents cannot be certain that their interlocutors will follow suit by disarming in kind or that they will not renege on the terms of the agreement, after the other side has disarmed. After the shooting stops, but before peace consolidates, conflict could easily reignite. In other words, disarmament generates the type of commitment problems that are familiar to scholars of international anarchy. Should belligerents disarm they risk being disenfranchised from power or, worse, imperiled by those that have failed to do so. This is a particularly acute given the high failure rate of peace agreements, approximately half of which fail—thereby returning combatants to a state of conflict—within
five years of signing (Hoglbadh, 2008; see also B.F. Walter, 1999, pp. 128-129). Disarmament also promises to remove from belligerents a coveted symbol of their legitimacy at a time when they are expected to ensure the peace amongst its opponents.

Indeed, all three cases reviewed herein showed the high risks belligerents were asked to take in making peace. The American colonies had revolted against a foreign power that had attempted to impose its will on a resistant population in part by disarming them and depriving them the effective means to resist. In creating their new union, the Framers were, therefore, deeply sensitive to the risk of indigenous forms of despotism that might arise if the central government grew too powerful and the population did not maintain the effective means to resist. Similarly, in signing a peace agreement with Israel, the PLO inched its way towards peace as well as peril. After generations of conflict, in which the PLO had repeatedly flirted with annihilation at the hands of its enemies, the Oslo process established Palestinian autonomy over areas of the West Bank and Gaza Strip previously occupied by the Israeli military. In so doing, the PLO was meant to place its entire leadership and organizational structure within close range of Israel, their longest standing and most formidable enemy that had previously undertaken to destroy it. So too the FMLN. The rebels were expected to disarm in exchange for their inclusion in the political system of El Salvador, but the military had a long history of intervening in politics, violently reversing concessions. Nor did the Salvadoran military have much respect for international norms or laws, as witnessed by the egregious human rights violations it had undertaken during the Civil War. Nevertheless the peace agreements expected the FMLN to lay down their arms in pursuit of peace.

And, to greater or lesser extent, such fears proved correct in all three cases. The American Civil War, for example, has often been portrayed as Southern states seeking to secure their independence from a central government that increasingly sought to impose its will on them, particularly by those sympathetic to the Confederacy. Similarly, Palestinian fears were nearly realized when the peace process collapsed. Israel launched massive ground incursions, temporarily reoccupied the West Bank and Gaza Strip, destroyed much of the PA infrastructure, sidelined Yasser Arafat, and publicly contemplated, but then stopped short of, completely destroying the PLO. Likewise, the FMLN saw many of its worst fears realized during the early stages of the Salvadoran peace process when they were expected to disarm. Violence marked both the 1991 and 1994 elections, widespread fraud and irregularities plagued both, land reforms
were delayed, the military wasn’t purged of human rights abusers, and the FMLN was not brought into the new police force in a timely fashion. More worrisome, the Salvadoran military—which was largely culpable for the gross human rights violations perpetrated throughout the country for more than a century—continued to operate with a considerable degree of autonomy after they were supposedly subordinated to civilian control. In short, all three parties faced serious risks in making peace.

Third party guarantees, democratization, and power sharing may remediate, but cannot ultimately resolve the problems faced by belligerents asked to disarm. Simply put, proponents of these peacekeeping strategies assume that, correctly applied, they will improve the chances that a peace agreement will succeed. However, such strategies are rarely correctly applied. Nor do they provide robust guarantees that belligerents will survive reversals or, worse, the abject failure of peace. Third parties have a poor track record, power sharing can be revoked (and often has been), and the initial phases of democratization often correlate with greater conflict rather than increased civility. Assuming that belligerents share the fundamental desire of states to survive, and, much like states, do not rely on others to provide for their survival, they will turn to self-help to ensure their security. That is to say, actors facing the uncertain and potentially risky transition between war and peace are likely to take precautions. Just as states facing risk and danger in the international arena do not willingly disarm, neither should we expect domestic actors facing similar risks to do so.

And, once again, this is precisely what we saw in the three cases:

I argued that the Framers did not put their faith in the then novel system of democratic governance or power sharing alone to ensure their continued freedom. Alongside democratic representation and checks and balances between the various levels of government, the Framers foreswore disarmament (which was one of the precipitating causes of the revolutionary war) and the creation of a centralized military under command of the new federal government, instead enshrining the right to bear arms in the Second Amendment. Unlike other aspects of the Constitution, the Second Amendment enabled states to enforce the Constitutional bargain themselves if the need arose through the continued maintenance of independent militias. In sum, arms made America.

Similarly, I showed that the PLO did in fact request the intervention of third parties, but Israel
repeatedly rejected such requests. Israel’s negative experience with third parties—particularly the UN—eliminated any serious consideration that they might play a role in the Oslo peace process. Israel jealously guarded its sovereignty and was concerned that third parties would constrain its freedom of action. Without third party guarantees, the PLO instead pursued self-help mechanisms to ensure its survival. In addition to assembling a “strong” police force comprised mostly of former PLO fighters, the PLO also proliferated weapons and combatants in excess of the agreed upon numbers, their decentralized organizational structure capable of fighting Israel in sustained guerrilla warfare. In the wake of the failed Camp David II negotiations, and the resumption of violence between the parties, the PLO was widely accused of spoiling. I remain agnostic on this issue. What is certain, however, is that the PLO later proved capable of raising the costs of Israeli military action sufficient for them to reconsider their plan to evict or destroy the PLO, but not sufficient to achieve strategic gain.

Finally, and perhaps most importantly, I argued that UN intervention in the Salvadoran conflict—the first such intervention in an internal conflict post Cold War—largely failed to provide the requisite guarantees demanded by the FMLN. The UN did too little too to properly verify or enforce the peace, allowing violations to go unchecked, and then departed prematurely, before the peace had fully consolidated. Moreover, the promise of power sharing and democratization were just that: promises. They could easily be revoked or reversed by a revanchist military, as previous concessions had been revoked in the past. The FMLN, therefore, held back a portion of their weapons, but showed remarkable restraint and peace prevailed.

The first case, El Salvador, is sufficient to demonstrate that disarmament is neither a necessary nor a sufficient condition for the resolution of internal conflict as proponents of disarmament tend to suggest. The FMLN did not disarm in a timely fashion. Nevertheless, peace prevailed. The other cases, however, suggest that weapons can be legitimated and Westphalian sovereignty relaxed, allowing for an oligopoly over the legitimate use of force, contrary to the prevailing practice. In both cases, significant power was devolved to sub-state or non-state actors: the various states that comprise the American federation and PLO respectively. In the former case the states retained coercive authority through their militias while the federal army was allowed to wither. In the latter case Israel gradually ceded authority to a separate and autonomous Palestinian Authority.
The three cases used in this research help reveal both the shortcomings of democratization, third parties, and power sharing, as well the productive and even legitimate (in the latter two cases) role that weapons have in conflict resolution. Peacemaking entails risks, whether real or imagined. Third parties are fickle and reforms can easily be undone or overturned, particularly in the context of violent conflict. By providing self-enforcing mechanisms against failure, however, weapons allow actors to take the risks associated with peace. Contrary to proponents of disarmament, belligerents often retain weapons without actively undermining the peace process. And, in some cases, peace has obtained despite the failure to disarm.

However, if and when threats subside, actors may no longer feel the need to maintain their weapons as the American and Salvadoran cases demonstrate. Combatants are unlikely to fully disarm until there is clear and incontrovertible evidence that a peace process is durable and irreversible. Over time they sometimes learn that it is. For example, as the Revolutionary period passed in the United States, and the threat of tyranny subsided, the states allowed their militias to decay. So too in El Salvador. As democratic institutions matured, and the threat of renewed conflict subsided, the FMLN let their weapons fall into a state of disrepair and their combatants gradually returned to civilian life. We might, therefore, conclude that disarmament is unlikely to lead to trust, as proponents of the practice suggest, but that trust may instead lead to disarmament.

This is not to say that disarmament necessarily leads to one response or that peace agreements in which belligerents retain or acquire weapons will necessarily succeed. Where the disarmament literature tends to speak in the strong language of causality and/or probabilities, I make no similar claims about weapons or disarmament. Following an abductive approach I have instead developed a more preliminary and inherently more modest theory of weapons. The findings from these cases suggest that insecurity, whether generated by the process of conflict termination more generally or by attempts at foisting disarmament on unwilling combatants more specifically, at best conditions and constrains actor behavior rather than causing behaviour in any identifiably law like manner. That is to say that actions do not necessarily demand specific actions or responses. Moreover, the cases reviewed in this research reveal a deeply mixed record of success: in some peace prevailed, in others conflict reignited. Should outstanding grievances not otherwise be resolved (an assumption explicitly held by Walter and implicitly held by numerous other proponents of disarmament), or a mutually hurting stalemate not reached,
conflict is likely to reignite regardless of the presence or absence of weapons. Here, the Oslo Accords may be considered a cautionary tale. Even where grievances have largely been resolved at the bargaining table, conflict might still reignite for reasons totally divorced from or subsidiary to the presence or absence of weapons. For example, conflict might reignite due to accidents or misunderstandings tied to the security dilemma, or for any number of other reasons (more on these below). There are, in other words, numerous confounding factors that contribute to the durability of peace and the likelihood of renewed conflict. Weapons are merely one part of a long and confounding causal chain between war and peace.

Proponents of disarmament suggest that leaving weapons in the hands of belligerents creates the conditions for moral hazards, security dilemmas, and societal insecurity. Though proponents of disarmament provide scarce evidence for all but the latter, nor did we see significant evidence of these in the cases above, these problems are still worth discussing, particularly in those cases where peace fails to obtain. Even where peace does obtain, as it did in the United States and El Salvador, high rates of violence and criminality associated with weapons are hard to ignore. In this final chapter I discuss these problems as well as potential strategies with which they might be ameliorated. I argue that cheating—that is holding back weapons in contravention of an agreement (Lyons quoted in Spear, 2002, p. 156)—helps fuel all three problems. Weapons that are acquired by foot-dragging or outright noncompliance—as they so often are when belligerents are faced with the prospects of disarmament—can easily undermine confidence in a peace process, generating spirals of mistrust, and hostility. Moreover, illicit weapons cannot be subject to management or monitoring and can easily fall into unwanted hands. Weapons that are acquired by consent, and subject to rule-governed behaviour—what I have termed an institutional approach to weapons management—can reduce the prospects for moral hazard, moderate the security dilemma, and largely prevent societal insecurity. Rather than focusing their attention on disarmament, as they have been doing with increasing fervor since the conclusion of the Cold War, third parties might instead help belligerents manage their weapons.

I conclude this chapter by proposing several avenues for future research. First, the addition of more cases will allow both further refinement and validation of the theory. With the addition of carefully chosen cases it is possible to expand the theory beyond its current limitations to a more robust and generalizable theory of weapons in the resolution of internal armed conflict. Second, various states have been willing to tolerate the presence of armed groups post conflict and the
significant relaxation of sovereign control that they imply, whether by act (e.g., the United States and Israel-PLO) or by omission (e.g., El Salvador). This is particularly puzzling given the reluctance of third parties, such as the UN, to consider a legitimate role for weapons in the hands of belligerents in the resolution of internal conflict. We might then ask, under which states are willing to accede to weapons in the hands of their former competitors? Second, and closely related, is the question of why the UN has adopted the position on disarmament that it has. In undertaking this research I came to the (late) realization that the ideational roots of disarmament in internal conflict are underspecified. To date, no scholar has systematically explored from where the norm of disarmament emerged and why the practice took the shape that it did. Finally, much of this research has revolved around the shortcomings and failings of third parties in resolving the credible commitment problem. The reluctance of some states—Israel, for example—to engage third parties, however, seems to have little to do with the problem of credible commitments. Israel was unwilling to engage third parties in all but the most superficial ways for other reasons. Not all countries, however, have proved as reluctant as Israel to engage third parties, as the Salvadoran case demonstrates. On what grounds do states allow third party interventions? Further research into these and other questions will permit a better understanding of third party interventions and the process of disarmament in internal conflict.

*Moral Hazard, the Security Dilemma, and Societal Insecurity*

Weapons are notoriously dual purpose (Blair, 1993; C.L. Glaser, 1992; Jervis, 1978, p. 201; Jervis, 1976, p. 64; Jack S Levy, 1984; Mearshimer, 1994, p. 23; Møller, 1996; Posen, 1993; Shiping, 2010, p. 222; Wheeler & Booth, 1992, p. 30). They can be used for offense or defense, to prosecute crimes or to prevent them. Where I have argued that weapons can play a productive role in the resolution of internal conflict, proponents of disarmament have argued elsewhere that leaving weapons in the hands of belligerents creates the conditions for moral hazards, security dilemmas, and societal insecurity (i.e., crime and gun violence). Because proponents of disarmament provide scarce evidence for all but the latter, and little evidence is found in the cases above, I treat these problems as largely theoretical in nature. That is to say, that I accept the possibility that moral hazards and security dilemmas may arise as a byproduct of the retention of weapons in the wake of internal armed conflict and ought, therefore, to be taken seriously. However, because we do not have robust empirical evidence to exploit, we ought to tread somewhat lightly. Where the depth of the problem is questionable and uncertain assessing
possible solutions remains largely speculative and where there is a failure to heed such cautions practice risks running ahead of prudence, as it very much has with disarmament. With plenty of evidence on offer, however, the matter of societal insecurity is rather different. Let us proceed by evaluating these problems in turn.

First, Spear argues that a failure to disarm belligerents acts to generate moral hazards. She maintains that belligerents will have less of a reason to sue for peace unless and until they are disarmed. By leaving weapons in situ, she argues, belligerents will have continued recourse to violence and, as a result, less of a reason to make the compromises necessary for peace (Spear, 1999, p. 13). The resumption of violence between Israel and the Palestinians post-Oslo might be considered an example here. The ready availability of weapons made a return to armed conflict more viable and, perhaps, a more attractive option than they types of costly political concessions demanded by ongoing negotiations. However, Spear does not seriously contemplate the inverse of the moral hazard argument. While continued access to weapons may very well generate risky behaviour, the risk of being left defenseless is likely to lead to more risk averse behaviour. The cases above demonstrate that combatants are unlikely to sue for peace if doing so might imperil them. Because disarmament promises to leave combatants defenseless, it may, therefore, be anathema to peacemaking. Indeed Spear fails to consider that the demand for disarmament might be deployed in a cynical effort to prevent or undermine attempts at conflict resolution. For example Israel’s insistence on the disarmament of Hamas militants in the Gaza strip following the 2014 violence is likely to preclude any serious negotiations between the two. Furthermore, proposals to forcibly disarm combatants prematurely, before they have stalemated and/or outstanding grievances have otherwise been fully resolved, simply risks deferring conflict to a later date, to when third parties leave or new weapons can be found (C. Kaufmann, 1996). Removing weapons does little to resolve the underlying problems. Until such a time as parties have reached a mutually hurting stalemate, weapons use can hardly be blamed on moral hazard (on mutually hurting stalemates see W. Zartman, 2003). Instead continued violence is a consequence of the failure to reach a suitable resolution to outstanding grievances. This better explains weapons use in the Israeli-Palestinian case, for example, where solutions to the underlying issues have still has not been found. In other words, the conflict has not yet been exhausted and would likely have reignited even if every last combatant were disarmed. On the other hand, once parties have stalemated and outstanding grievances have otherwise been
resolved, they will have little reason to use their weapons in furtherance of their goals as we saw, for example, in the case of El Salvador. Indeed, not only do we not see evidence of former combatants returning to arms in this case, we see exemplary restraint in the face of continued provocation, constituting further evidence against the moral hazard argument.

The failure to resolve outstanding grievances and not moral hazard seems a more satisfactory explanation for the problem of renewed violence. Therefore, where belligerents have not yet stalemated, third parties may wish to intervene either to expedite victory or to level the playing field (C. Kaufmann, 1996; C. D. Kaufmann, 1998; Posen, 1993, p. 44), though such strategies risk prolonging conflict. Where parties have in fact stalemated, but an agreement has not yet been reached, third parties may help belligerents find a “way out” by providing information, effective mediation, solving coordination problems, offering creative solutions (such as fractioning or “separating values from interests”), promoting norms of peaceful exchange, offering side payments for concessions, and others (Hampson, 1997). In other words, rather than focusing on disarmament, third parties may work to level the playing field, resolve outstanding grievances, and reduce the prospects for friction, accidents, and misunderstandings so that belligerents don’t have a need to spoil.

Second, several proponents of disarmament argue that weapons trigger sub-state security dilemmas, not dissimilar to those prevailing under conditions of international anarchy (Hartzell & Hoddie, 2006; K. J. Holsti, 1995; Job, 1992; C. Kaufmann, 1996; C. D. Kaufmann, 1998; Roe, 1999; J. Snyder & Jervis, 1999; Spear, 1999; B. F. Walter, 1997, p. 360; 2003). “The means to anyone’s security,” Waltz writes, “is a threat to someone else” (1979, p. 187). Though Waltz is writing here about the international system, his observation is equally true of domestic actors. Sub-state groups cannot provide for their own security, proponents of disarmament argue, without making other groups relatively less secure. The result is often a “spiral of escalating hostility” (Kaufman, 1996a, p. 151). That is, attempts at securing one’s self can set in motion a cycle in which conflict becomes more likely. Walter writes, “negotiating factions . . . are damned if they do and damned if they don’t. If they agree to demobilize, they leave themselves dangerously open to annihilation . . . but if they refuse, they trigger the . . . security dilemma” (1999, p. 46). Such arguments offer more promise in explaining weapons use should outstanding grievances between belligerents otherwise be resolved.
The security dilemma is enduring, but not as indelible as generations of realists have argued; it does not inevitably arise as a consequence of anarchy, when it does it does not always trigger conflict, and it may be overcome, or at least managed. For example Schweller argues that anarchy and the desire for self-preservation are not enough to generate the reciprocated cycle of balancing at the heart of the security dilemma. He asks “if states are assumed to seek nothing more than their own survival, why would they feel threatened” (1996, p. 91)? Instead, Schweller argues, insecurity is generated by threatening behaviour. “States acquire more arms not because they misperceive the security efforts of other benign states,” he writes, “but because aggressive states truly wish to harm them” (Schweller, 1996, p. 98). Similarly, Wendt argues that threatening behavior—not anarchy—makes other actors less secure. “States act differently towards enemies,” he writes, “than they do towards friends because enemies are threatening and friends are not” (1992, p. 397). This explains why the presence of weapons in the hands of certain actors (i.e., benign states) are considered less threatening than the equivalent weapons in the hands of other actors (i.e., aggressive states). The same has been said of actors in internal conflict; domestic actors do not fear uncertainty, they fear the real threat posed by competing violent groups. Subnational groups “suddenly compelled to provide its own protection,” Posen writes, “must ask the following questions about any neighboring group: is it a threat (1992, p. 397)? In an ongoing internal conflict the answer is unequivocally ‘yes.’ The turn to self-help, then, is not a result of the breakdown of the state; it is a response to the real threat posed by violent groups who caused the breakdown of the state. Said differently actors in internal conflicts do not fear the uncertainty associated with the collapse of the state, they fear the real threat of violence posed by competing groups. Whatever the cause, actors are said to be able to moderate the worst effects of the security dilemma by shifting to a defensive footing, by

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44 Offence-defense theorists argue that when defense has the advantage competition should be mild and states can jointly enjoy high levels of security (Gilpin, 1981; Charles L Glaser, 1994; Charles L Glaser & Kaufmann, 1998; Roe, 1999, p. 187; S. Van Evera, 1999; Stephen Van Evera, 1998). Under such conditions, offence-defense theorists argue, the destabilizing spiral of balancing at the heart of the security dilemma slows or ceases altogether. “The security dilemma evaporates,” Snyder and Jervis write, “if the best defense is not a good offense but simply a good defense: if so, everyone can be secure simultaneously” (quoted in Jack S Levy, 1984, p. 220). What, then, qualifies as a ‘good defense’? For several authors geography is key. Jervis writes, “anything that increases the amount of ground the attacker has to cross, or impedes his progress across it, or makes him more vulnerable while crossing” (1978). Where a would be attacker has to cover more ground detection becomes more likely, and makes the attacker and their long supply lines more vulnerable (Jervis, 1993, pp. 190, 191, 194). Glaser and Kaufmann suggest that long distances between, heavy terrain, and sparse infrastructure act to slow the movement of attackers and provides cover for defenders (see also Biddle, 2001; Charles L Glaser & Kaufmann, 1998, pp. 62-63). Several authors note
that a smaller numbers of less potent weapons and troops reduces the prospects for offensive behaviour while allowing for a suitable defense (Biddle, 2001; Charles L Glaser, 1994, p. 68; Andrew Kydd, 1997a; Shaping, 2010). For example, light weapons, which cannot effectively reduce fortifications, are better suited to defense while heavy weapons are better suited for offense. Similarly, highly vulnerable weapons, such as heavy bombers and fixed missile sites, are better suited for first strikes (i.e., offense) because they can be easily destroyed in a surprise attack (Jack S Levy, 1984, p. 228; Møller, 1993; see also Roe, 1999, p. 187 on "security seeking" versus "power seeking" strategies). Biddle disagrees, suggesting that better armor and greater firepower is instead better suited for offence. He argues that offence exposes the attacker making them vulnerable to well-entrenched defenders. For the attacker to have the advantage, he argues, they must extend their range and protection, which they can achieve through greater mobility, firepower, and armor (1993, p. 205). Stationary weapons, static defenses, and forces that for various reasons fight well only when on their own soil, on the other hand, cannot effectively be used for offensive purposes. Citing Clausewitz, Møller argues that only one third of an attacker's strength is required to repel an offense because of the “home ground advantage” (Møller, 1993). Lastly, several authors suggest that material factors alone (such as the quantity and quality of weapons) are not sufficient to determine offense from defense because of the inherent dual nature of most weapons. Instead, these authors propose looking at the manner in which those weapons are used (i.e., doctrine, tactics, or force employment) in order to distinguish offense from defense (Biddle, 2001; Jack S Levy, 1984). Certain combinations of weapons, composition of forces, and their location (which are variously called force deployment, tactics, strategy, etc.) are said to favor offense while others are said to favor defense. For example, Møller suggests that states can shift to a defensive posture by moving troops to remote locations (i.e., the ‘rear’) and “stepping down” (i.e., lowering military readiness by switching to a reserve system, separating munitions from weapons, troops from equipment, etc.). He refers to this strategy as “non offensive defence” (NOD). Similarly Jervis suggests that passive resistance, guerrilla warfare, and citizen militias as primarily defensive because they fight well only on their own soil. They have much to lose and little to gain from foreign adventurism but have much to lose and everything to gain by repulsing foreign invasions (1993, p. 204).

Kydd defines costly signals as “small, unilateral cooperative gestures that involve some vulnerability on the part of the side that makes them” (2003, p. 333). Costly signaling works by “persuading the other side that one is trustworthy by virtue of the fact that they are so costly that one would hesitate to send them if one were untrustworthy” (2003, p. 326). The problem is that aggressive states have an incentive to appear benign in order to gain strategic advantage over their rivals. Aggressive actors, therefore, are likely to mimic certain signals that non-aggressive actors are likely to send. However, anything that places the sender at a military disadvantage is unlikely to be sent by an aggressive state, according to Kydd, because aggressive states generally seek a first strike military advantage. Costly signals effectively signal a states’ benign intention precisely because aggressive actors are not willing to send them. Costly signals must, therefore, be carefully calibrated. Too large and they will imperil the sender, too small and they will be dismissed as cheap talk. Said differently, costly signals must be costly enough that an aggressive actor would not make them, but not so costly as to imperil the sender (Shaping, 2010, p. 227). Where this occurs, signals separate aggressive from benign states by indicating an actor’s sincere preference for cooperation. Kydd suggests that a change in military policy, such as lowering the level of military readiness, reducing arms, adopting accommodating behavior towards domestic minority groups or satellite states, and others effectively signals a shift to a defensive posture. Where offence-defense theorists have a static view of weapons and force posture, some of which favor offense and others defense, costly signaling theory has a dynamic view of weapons and force posture; the inherent characteristics of weapons matter less than changes in the type, quantity, and location of weapons as well as force deployment. By varying these, actors can effectively signal their benign or malevolent intent, which cannot be discerned from the material characteristics of weapons alone, in a highly visible and transparent manner. In other words, where most weapons can effectively be used for either offensive or defensive purposes, and, therefore, fail to reveal the intent of the actors that field them, doctrinal choices are readily distinguishable and, therefore, readily reveal intent.

Tit-for-tat reciprocity is said to make cooperation possible under conditions of anarchy (Axelrod & Hamilton, 1981; Keohane, 1984, 1986a, 1986b, 1988; S. D. Krasner, 1983; Oye, 1986). On rational-material grounds reciprocity is said to incentivize cooperation by reducing the risk that the other side might gain more from an agreement (i.e., it minimizes the relative gains problem) and reciprocity provides valuable information (i.e., whether...
binding,47 and by institutionalizing their relationships.48 Over time weapons not used for offence should demonstrate restraint and commitment to peace. “Restraint,” Stein writes, “can reduce the risk of provocation . . . [and] can allay the fears of leaders caught in a process of escalation” (1991, pp. 433, 436). Jervis concludes, “once each side loses its unwarranted fear of the other side, some level of arms can be maintained that provides both sides with a reasonable measure of security” (1976, p. 83). In other words, where threatening behaviour can be distinguished from non-threatening behaviour, weapons can be maintained and the security dilemma managed (Schweller, 1996; J. Snyder & Jervis, 1999; Wendt, 1992).

The Superpowers made considerable use of these and other strategies in an effort to deescalate tensions and prevent the Cold War from turning hot. In particular, the Superpowers reduced their weapons stockpiles, eliminated certain classes of destabilizing first strike offensive weapons (e.g., MIRVs), and removed weapons from certain provocative and accident-prone locations (e.g., Turkey, Cuba, outer space, etc.). These concessions were, at times, made unilaterally, in an effort to credibly signal benign intentions, as was the case when Gorbachev announced the withdrawal of intermediate range nuclear weapons from Europe (Andrew Kydd, 1997b, p. 154), and at other times were traded back and forth in the context of institutionalized settings created via negotiation, such as SALT I, SALT II and START (Janice Gross Stein, 1991, p. 444). Moreover, the treaties the Superpowers developed set clear timetables and rules for implementation (such as what types of weapons or deployments that were permitted, when they

47 Jervis refers to as “self-binding” as self-impose limitations that actors place on themselves in such a way as to prevent or constrain future change. In so doing, actors signal not only a profound departure from their belligerent past, but also a permanent commitment to any such change, helping resolve the concern that actors may have about future reversals (i.e., that today’s friend may be tomorrow’s enemy). In other words, self-binding is meant to shape present as well as future behaviour, making it less threatening and more pacific. Classic examples of self-binding include post-War Japan and the Federal Republic of Germany (West Germany), in which constitutional changes and alliances restricted the type, quantity, and location of weapons and troops, limiting the prospects for expansion and aggression. In these cases reversals would both be highly visible and very costly (Jervis, 1978).

48 Formal or informal institutions are said to enable actors to regularize their interactions, codify the rules of the game, define norms of acceptable conduct, link issues, and increase both the quality and quantity of information they have about each other (Axelrod & Hamilton, 1981; Jervis, 1982; Keohane, 1984, 1986a, 1986b, 1988; S. D. Krasner, 1983; Oye, 1986; Janice Gross Stein, 1991). In so doing, institutions enable actors to more easily clarify their intentions, minimize uncertainty, judge compliance levels (i.e., whether belligerents are adhering to the terms of an agreement), and reduce the possibility of misunderstanding and miscalculation.
were permitted, and in what numbers), created clear lines of communication (such as hot lines), and surveillance mechanisms to improve information and ensure compliance. In so doing, their behavior became more predictable and transparent, reducing mistrust, the possibility of accidents, misunderstandings, and miscalculations, allowing them to gradually reduce their nuclear stockpiles and the chance of conflict (Levite & Landau, 1997, pp. 144, 146, 150). In the end, the Superpowers were willing to assume risks in an effort to moderate the security dilemma (i.e., that the other side would defect) both because those risks were limited (i.e., both sides continued to retain sufficient weapons for deterrence and defense) and the alternatives to cooperation were increasingly undesirable (i.e., the possibility of nuclear conflagration) (Halperin & Schelling, 1961). Weapons may have exacerbated the security dilemma, but they also provided the Superpowers with the security to make concessions with which to ameliorate it (Cooper, 2006, p. 356).

However, Walter rejects many of these strategies out of hand, arguing that they cannot effectively moderate the domestic security dilemma (1997, pp. 337-338; 1999, pp. 135-136). Where states can “create early warning systems and sophisticated monitoring and verification procedures . . . build military defenses, forge external alliances, and set up buffer zones . . . [use] side-payments and economic coercion . . . [and] use reciprocal strategies”, such strategies, she argues, are unavailable to domestic actors so long as they remain intermingled (B. F. Walter, 1997, pp. 337-338). Where agreements to terminate inter-state conflicts tend to be resolved in a reasonably straightforward and easily verifiable manner (i.e., by drawing a line in the sand and retreating from it), such arrangements, almost by definition do not, or cannot, occur in internal conflicts, according to Walter. More importantly, she writes, “as long as a threshold exists beyond which unilateral defense is impossible groups [will] realize that an opponent need only wait for this time to attack” (1999, pp. 135-136). In other words, for Walter the domestic security dilemma is enduring both because of the profound differences between the domestic and international spheres and because actors can simply lull each other into a false sense of complacency through cooperative techniques only to launch a renewed attack later.

Walter’s argument rests on the unsubstantiated and somewhat improbable assumptions. Despite remaining comingled within the boundaries of the state, many of the strategies that Walter summarily dismisses are indeed available. For example, sub-state actors can send costly signals of their desire to cooperate, by agreeing to ceasefires, offering recognition to their enemies,
entering into negotiations with them, accepting third party intervention, reducing their quantity and quality of weapons and fighters, and agreeing to relocate to remote locations within the boundaries of the country. Recognition of ones’ enemy and ceasefires often have political costs, coming out of the woodwork exposes belligerents to potential military reprisals (i.e., a so-called return address for violations), retreating cedes hard won and often strategic territory, and the introduction of third parties limits the scope of available actions. Aggressive actors, therefore, are unlikely to take such actions, but actors seeking to signal their benign intent might. Similarly, actors can shift to a defensive footing by lowering their military readiness, sequestering or reducing their weapons and fighters, and relocating their remaining forces to remote locations (Berdal, 1996; Charles L Glaser & Kaufmann, 1998; Jervis, 1993; Møller, 1993; Spear, 1999, 2002). Many of these provisions fall under the rubric of cantonment, a form of self-binding, which is increasingly being done away with because of logistical difficulties and expense. Though practitioners complain about the high cost, frequent delays, and logistical difficulties associated with remote and inaccessible cantonment locations (c.f., Kingma, 2000; Knight, 2004; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010, p. 7; Spear, 2002, p. 146), cantonment is an ideal candidate for moderating the security dilemma. By separating belligerents and increasing the ground (and, thus, time) they have to travel in order to attack, cantonment diminishes the possibility for surprise attacks, reduces friction, and the likelihood of accidents. In fact, Berdal finds that locating assembly points in “heavily mine-infested areas (often close, as it turns out later, to the guerillas own undeclared arms caches) is sometimes a pre-condition for cooperation” (1996). Where cantonment occurs with a lowering of military readiness, for example by separating troops from weapons, particularly under double lock provisions in which a third party holds one key and belligerents retain one key, surprise attacks will further be ruled out. Additionally belligerents can institutionalize their behavior through tacit understanding or by formal agreement. By outline the rules of the game, defining norms of acceptable conduct, and trading concessions step-by-step, behaviour becomes more predictable. Actors can better judge compliance levels (i.e., whether their interlocutors are adhering to the terms of an agreement) and build trust over time (or warning if they are not). Finally, third parties can provide surveillance, raise the reputational costs of non-compliance, report violations, act as a tripwire, and provide mechanisms for dispute resolution (Bell, 2006; Druckman et al., 1988; R. J. Fisher, 1983; R. Fisher et al., 1991; Gilady & Russett, 2002; Kelman & Cohen, 1976; Kleiboer, 1996; Massoud,
Not only do these strategies help moderate the effects of the security dilemma, they do so while allowing belligerents to avoid the perils of complete disarmament. Should a peace process collapse and fighting resume belligerents will not have ceded their entire fighting capacity.

It is unreasonable to think that belligerents can indefinitely maintain a pacific façade, as Walter does, without their malevolent preferences eventually being revealed (B. F. Walter, 1997, pp. 339-340; 2003, pp. 135-136). The methods outlined above promise not only to enable a shift to a defensive footing and reduce the probability of accident and misunderstanding, but also to improve both the quantity and quality of information available to belligerents. Given such information, actors can, over time, distinguish the behavior of spoilers from those with a genuine desire to cooperate. Even if such behaviour were merely a ruse at the beginning, as Walter suggests, it would still likely generate pacific outcomes over time. Just as we see “compliance pull” within international institutional arrangements—even amongst insincere and unwilling partners—so too are we likely to see it domestically, amongst actors who play the part of the peacemaker. Actors are said to comply with institutions for various reasons, including seeking the legitimacy they confer, avoiding the shame of noncompliance, and because they have become rhetorically entrapped by their commitments (K. W. Abbott & Snidal, 2000; Finnemore & Sikkink, 1998; Schimmelfennig, 2001). Similarly Adler and Barnett show that certain behaviours become unthinkable over time, in part because actors fail to plan for them. In so doing they fall out of favour, disappear from the discourse and the popular imagination, and are otherwise no longer planned for. So too with the failure to spoil. Neglected weapons quickly fall into a state of disrepair and fighters lose their effectiveness without training, as was the case in El Salvador. In other words, actors unpracticed in spoiling unlearn their ability to do so over time.

Through costly signaling, actors in internal conflict may demonstrate their benign intent, mitigating the security dilemma, much as the Superpowers did by reducing their stocks of offensive nuclear weapons on various occasions throughout the Cold War. The manner in which weapons are used (or aren’t used) is a readily discernable symbol of a belligerent’s commitment (or lack thereof) to peace. Because weapons are highly visible, their presence allows actors to learn whether their adversaries are adhering to the terms of an agreement. Weapons not used demonstrate a belligerent’s restraint and commitment to peace. Should parties abide by their
commitments, the fear of defection and mutual recrimination will gradually subside and belligerents will learn to trust each other *over time*. Of course, if cooperation isn’t in evidence (i.e., if weapons are used for the purposes of spoiling), the retention of weapons allows the parties to halt or reverse their concessions before their strategic position worsens. While such behaviour stops short of reducing or eliminating the underlying causes of conflict, such strategies can be used to reduce the fear, misunderstandings, and insecurity associated with the security dilemma. Where there is clear and incontrovertible evidence that a peace process is durable and irreversible arms may no longer be needed. Disarmament, in other words, is unlikely to lead to trust, but in some cases trust may lead to disarmament.

Finally, practitioners of disarmament have become increasingly concerned that the failure to collect weapons in a fulsome or timely fashion risks fuelling crime and gun violence, which are otherwise known as micro insecurity or societal insecurity. Unless disarmament is successful, they argue, weapons may fall into the hands of criminals particularly where reintegration programs fail and former combatants have few alternate economic prospects other than crime (Berdal, 1996; Disarmament, 2007; Muggah, 2010; Operations, 1999; "Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations," 2010; Stankovic & Torjesen, 2010; Swarbrick, 2007). Indeed, two of the cases explored above are plagued by gun crime and violence: The widespread availability of weapons in the United States has left a generations-long trail of bloodshed. “Since 1933,” Helfand writes, “more Americans have been killed by firearms in the United States than have been killed in all the wars in the history of the country” (see also Bellesiles, 1996; Bellesiles, 2003; quoted in Henigan, 1991; Levinson, 1989). Similarly in El Salvador and neighbouring countries gun violence has become a daily reality for many, particularly since the end of the civil war (Bourgois, 2001; Call, 2002; Moodie, 2011; Popkin, 2000). Despite the end of conflict, individual American and Salvadorans, to name but two examples, have paid a high price for the weapons in which their societies remain awash. Weapons may facilitate peacemaking, but might also be antithetical to peace. Said differently, the security of corporate actors, such as states or rebel organizations, may be at odds with individual-level security, a conundrum that has been identified by non-mainstream scholars of security studies (c.f., Paris, 2001; Smith, 2005; Ullman, 1983).

What is, perhaps, unique about both cases is the manner in which these weapons permeated society. In both cases weapons proliferation was a consequence of a relaxation or breakdown of
command and control functions exercised by a corporate actor. In the United States, for example, the Second Amendment historically provided weapons in the hands of trained militiamen who were required to muster periodically. In fact, individual gun ownership rates remained quite low until well into the last century. Serious problems with crime and violence only arose when gun ownership became widespread and was no longer tied to the militia requirements (Brant, 1965; Cress, 1984; Henigan, 1991; Hofstadter, 1970; Reynolds, 1994; Weatherup, 1988; Wills, 2000). In El Salvador and neighboring countries vast quantities of weapons fell into the hands of criminal elements (Bourgois, 2001; Call, 2002; Moodie, 2011; Popkin, 2000). Hundreds of tons of weapons and munitions were hastily hidden in contravention of the peace agreements and many FMLN combatants simply disappeared (i.e., they went to ground) rather than undergoing formal disarmament, demobilization, or reintegration. Without proper command and control there was little to stop opportunist from pilfering weapons, the numerous accidental explosions that rocked Managua, or former combatants turning to crime. Gun control advocates argue that stronger controls would alleviate the worst problems associated with gun violence and criminality. Though gun control is bitterly contested, particularly in the United States (Bruce-Briggs, 1976), more effective regulation and management would go a long way reducing the possibility that weapons find their way into criminal hands and in preventing accidents, like those seen in Nicaragua, while still leaving combatants recourse should a peace agreement fail.

That actors can use these strategies, however, does not mean that they will. The Superpowers, for example, took decades and suffered numerous reversals and false starts before serious efforts were undertaken. Indeed, it was not before the 1962 Cuban missile crisis, which brought the Superpowers to the brink of nuclear conflict, that they managed to begin stabilizing their relationship. Should third parties desire to create more stable conditions in post-conflict societies, as they profess to do, they might, therefore, focus some of their energies on helping belligerents manage their weapons, much as the Superpowers did, rather than single-mindedly focusing on disarming them, as they currently do. If belligerents constantly fear the consequences of defection they will have little incentive to undertake the risks associated with peace or they will likely cheat, as nearly all parties do when faced with the prospects of disarmament (Lyons quoted in Spear, 2002, p. 156). Cheating—that is holding back weapons in contravention of an agreement—helps fuel these problems. Weapons that are acquired by foot-
dragging or outright noncompliance can easily undermine confidence in a peace process, generating spirals of mistrust, and hostility. Moreover, by their nature illicit weapons cannot be subject to management or monitoring and can easily fall into unwanted hands. Weapons that are acquired by consent, in an open and transparent fashion, on the other hand, can be subject to rule-governed behaviour and institutional arrangements, helping to solve or at least mitigate the problems identified by proponents of disarmament.

In the event that belligerents retain their weapons, as they so often do, serious consideration should be given to these questions, particularly the role of third parties. I do not necessarily advocate a reduced role for third parties. Instead, successful weapons management would likely call for a different role for third parties. Rather than foisting disarmament on unwilling parties, they might provide surveillance—helping to reduce the information asymmetries that lead to accidents and misunderstandings—report violations—thereby raising the reputational costs of non-compliance—act as a tripwire, and provide mechanisms for dispute resolution.

Questions for Future Research

Numerous questions arose during the conduct of this research, which would themselves be suitable objects of study in the future. First, the exploration of additional cases of disarmament in internal conflict would undoubtedly be a profitable pursuit. Northern Ireland, Nicaragua, Sudan, Cote D’Ivoire, Lebanon, Mozambique, and Cambodia are all particularly good candidates for further research on disarmament in internal conflict. In Northern Ireland, for example, it was an open secret that the British government turned a blind eye to the retention of weapons by the IRA so long as they weren’t used for the purposes of spoiling. In fact, the so-called Good Friday Agreement called for little more than the exercise of “influence” in disarming their combatants. Nevertheless, peace has largely prevailed. So too in Nicaragua where Contra rebels only partially disarmed (and in some cases rearmed) after winning an electoral victory over the Sandinistas. There, voluntary disarmament was stymied by the failure of the UN to prevent the murder of several demobilized former combatants, including several high profile and well-publicized cases. These cases tell us that belligerents can retain weapons in contravention of the terms of an agreement yet peace can still prevail as it did in the Salvadoran case examined above.

Other cases, demonstrate that weapons can be used to stave off destruction should a peace process collapse. Similar to the Oslo process, for example, the Second Sudanese civil war was
ended by granting the south regional autonomy in advance of a final status agreement. And, much like the Oslo process, the newly autonomous South built up a security apparatus, ostensibly for the provision of security. However, the process fell apart after the South voted to secede. Within a year, the north had begun to take belligerent actions in an effort to reclaim the territory and resources it lost to the South. Despite the modesty of its armed forces, however, the South has managed to ward off these attacks and maintain limited independence. Similarly, rebels in northern Côte D’Ivoire retained their weapons despite promising to disarm as part of the peace agreement reached in 2007 with the incumbent government. They did so in part because the government had failed to properly implement important terms of the peace agreement itself (i.e., recognizing election results and integrating rebels into the military) and instead began to build up arms over the objections of peacekeeping forces and the international community. When the conflict resumed in 2010, the rebels were not only able to defend themselves, but were ultimately able to defeat the government.

Finally, other cases show that Westphalian sovereignty can be sufficiently relaxed to allow multiple armed groups to remain within a single territory, as the American case demonstrates above. Lebanon, for example, has managed to stabilize somewhat despite opposing factions not fully disarming and continuing to control significant territory within the country. But it is not alone. In Mozambique and Cambodia, for example, belligerents from opposing sides integrated into a unified military. Indeed, rather than fully disarm, belligerents on both sides continued to operate within a newly established military structure. Though we have seen examples of military integration elsewhere (in El Salvador, Uganda, Nigeria, the DRC, China and the Central African Republic for example), these cases are unique in that the numbers of former combatants are closely balanced—not merely a token number for defensive purposes—and were allowed to operate somewhat independently of each other, arrangements sometimes known as “dualism.”

Indeed, because disarmament programs so rarely succeed in effectively eliminating weapons, nearly any recent example would promise to strengthen confidence in the findings already presented. And additional cases continue to present themselves daily as disarmament is practiced in ever greater numbers of internal conflicts. However, none of these examples, which are represented by the upper and lower left-hand quadrants of table 1. below, demonstrate the consequences of effective disarmament. Even if they had to resort to cheating, as the FMLN did in El Salvador or northern rebels did in Côte D’Ivoire, belligerents found ways of keeping their
weapons for as long as they feared the collapse of the process in which they were engaged. In other words, these cases confirm the primary aspects of this theory without subjecting them to a ‘negative’ test. If weapons are to said to lead actors to take the risks associated with peace, a truly negative case would show what happens when actors are denied or fear being denied weapons as part of a process to resolve an internal conflict. A logical corollary to the theory is that the threat of effective disarmament should lead to suboptimal outcomes, as shown in the lower right-hand quadrant of table 1 below. If actors fear that disarmament will succeed, leaving them defenseless, peace negotiations will likely falter or collapse, returning the parties to violence, or will be avoided altogether, consigning the parties to continued conflict. Without adequate guarantees for their survival, the theory would predict actors to prefer the certainty of combat to the risks of cooperation, even if all other outstanding grievances could be or had otherwise been resolved.

<table>
<thead>
<tr>
<th>DISARMEMENT</th>
<th>NEGOTIATED (VOLUNTARY)</th>
<th>NON-NEGOTIATED (INVOLUNTARY)</th>
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<tr>
<td></td>
<td>cheating</td>
<td>one-sided victory</td>
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<td>RETENTION OF</td>
<td>military integration,</td>
<td>ongoing internal</td>
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<td>WEAPONS</td>
<td>regional autonomy,</td>
<td>conflict/negotiations</td>
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Table 1

However, because the resolution of internal conflict is so difficult to achieve, an ideal-typical negative case that is not merely a product of one-sided victory is hard to come by. The failure of peace is overdetermined, confounded by factors too numerous to count. Isolating one cause—disarmament, for example—is, therefore, a difficult proposition, particularly given incentives to misrepresent information, lack of access, and other problems the researcher faces in studying conflicts of this nature. Indeed, even where grievances have otherwise largely been resolved, conflict might still continue or reignite for reasons totally divorced from the presence or absence of weapons. Nevertheless, certain examples at least promise to approximate a negative case. The ongoing conflicts in Somalia and the Central African Republic, for example, may be explained in part as a by-product of the practice of disarmament. So too might the profoundly stubborn, but now since resolved, conflict in the Democratic Republic of Congo (DRC). While
prevailing explanations tend to focus on spoiling as the lead factor in the intractability of these conflicts, in these and other cases ill-conceived and aggressive disarmament programs instituted by large multinational peacekeeping forces acted as an additional break on peace. Fearing being left defenseless, rebel groups have either largely shunned peace negotiations or opted to return to conflict rather than continue with negotiations. In the case of the DRC, peace was simply delayed until the rebels were defeated. In the former examples, conflict remains ongoing. I will discuss these briefly below.

Somalia has been racked by domestic conflict for nearly twenty-five years, despite—or to some degree because of—repeated interventions by the international community to resolve it. In the 1980s, various regional groups (clans) responded with violence to attempts by the Barre regime to consolidate power. By 1991 the militants had managed to overthrow the incumbent government, but none of the groups were strong enough to assert its authority or assert control over the central government. The state, therefore, rapidly descended into internecine conflict between the various groups that had established tenuous pockets of regional control. In 1992, the UN intervened in the conflict, at first to provide humanitarian support (under UNOSOM I), and later to disarm the militias and implement a ceasefire between the parties (UNITAF, UNOSOM II). Authorized under Chapter VII of the UN Charter, the American-led peacekeeping force took an aggressive approach to the intervention, which fueled increased conflict between the factions. In particular, one of the high points of the intervention, and indeed the entire war, came when UN forces actively challenged the armed factions in capitol in the so-called Battle of Mogadishu. The intervention sparked furious fighting both amongst and between the factions they sought to retain and consolidate their power. Fearful of the threat posed by the UN forces, the factions fought with increased ferocity during the Battle of Mogadishu, imposing such costs that the UN decided to withdraw its forces in 1995 (for a detailed discussion see: Drysdale, 1997; Prestowitz, 2008). The conflict remains ongoing.

Similarly, the ongoing civil war in the Central African Republic also owes something to the disarmament and demobilization efforts that were meant to put an end to the so-called African Bush War that plagued that country from 2004-2007. Several peace accords were signed between the rebels and the incumbent government during that war in which the rebels were to be granted amnesty, integrated into the military, and a new unity government created in advance of elections in which former rebels would be allowed to participate. In exchange, the rebels were to
agree to cease fighting and submit to disarmament under the auspices of UN forces (MINURCAT). However, the rebels accused the government of consistently failing to live up to its terms of the agreement. Rather than disarm, as they had agreed, the rebels preferred to return to active combat, which they did in 2012. Not only did the UN fail to secure the terms of the agreement or provide security for those asked to submit to disarmament, they have since largely evacuated country in response to the renewed fighting.

Though now since resolved, the recent rebellion in the eastern North Kivu region of the DRC was sparked in part by dissatisfaction with the peace agreements and the performance of the new transitional government there. In particular, the government regularly failed to keep promises made to rebels as part of the various peace accords surrounding military integration, the disarmament of former combatants, and others. Facing the world’s largest peacekeeping effort (MONUC), the so-called M23 rebels or Congolese Revolutionary Army retreated to the bush and launched fighting against both the government and MONUC forces rather than submit to disarmament. As government and UN forces evaporated, the rebels managed to take the regional capitol, Goma. After their brief military success, however, the M23 offensive was effectively crushed by the overwhelming international force, and its leadership forced to surrender. Prior to their defeat, it is important to note that their response to involuntary disarmament was to continue conflict (Donovan, 2013).

Finally, the theory predicts that fulsome disarmament will usually result as a product of one-sided victory or coercion, and not voluntarily by negotiations, at least initially. This is represented in the upper right-hand quadrant of Table 1. Examples of one-sided victory abound, as the majority of internal conflict have historically been resolved in this way (Licklider, 1993, 1995; T. D. Mason & Fett, 1996; T. D. Mason et al., 1999; B. F. Walter, 1997). In such cases, victorious groups quiet restive populations and reassert their control, particularly over their coercive capacity. Examples here are too numerous to cite, but recently include: the defeat of the Liberation Tigers of Tamil Elam (LTTE or Tamil Tigers) in 2006 at the hands of the Sri Lankan Armed Forces, the defeat of the M23 rebels (Congolese Revolutionary Army) in the DRC by the largest international peacekeeping force assembled to date (MONUC), and the defeat of UNITA and FNLA forces at the hands of the MPLA after more than a quarter century of fighting in Angola.
Following the abductive method, this research has explored a limited number of cases in order to draw “most logical” or “most likely” conclusions. However, a higher degree of confidence in the theory may be achieved by expanding the set of cases. Where findings begin to repeat confidence in the theory is bolstered. Where variation is found, minor refinements in the theory can be made. Future research might, therefore, see fit to expand on these cases.

Second, while this research has largely been focused on the reasons belligerents seek to retain or acquire weapons, what is remarkable from the cases reviewed above is that at different times various states have been willing to tolerate the presence of armed groups post conflict and the significant relaxation of sovereign control that they imply, whether by act (e.g., the United States and Israel-PLO) or by omission (e.g., El Salvador). This is particularly puzzling given the reluctance of third parties, such as the UN, to consider a legitimate role for weapons in the hands of belligerents in the resolution of internal conflict. In the third chapter I speculated that states be inclined to legitimate arms even facilitate the introduction of new arms under several conditions. First, and most obviously, states may have little alternative. In many cases it may simply beyond the capacity of the state to quiet challengers and accommodation may provide a way out of conflict (2003). Second, states may be willing to grant concessions in an effort to “strengthen moderates,” in the hopes that they will in turn rein in more radical competitors (2011). Finally, states may be inclined to tolerate weapons in the hands of belligerents because doing so may reduce the threat to the legitimacy of the state posed by combatants and their weapons. Future research might further develop these ideas and explore them in greater depth empirically.

Third, the ideational roots of disarmament in internal conflict remain underspecified. While numerous excellent studies have been written on the history and development of disarmament and arms control in the international arena (c.f., Berkowitz, 1987; Burns, 2009; Croft, 1996; Freedman, 1986; C. Gray, 1992; J. E. Mueller, 1989; Towle, 1997), to date, no scholar has systematically explored from where the norm of disarmament in internal conflict emerged or why the practice took the shape that it did. Robert Muggah is alone amongst scholars of disarmament in suggesting a genesis of the idea, arguing that practitioners of disarmament pattern their efforts on American domestic crime reduction initiatives of the 1950s (2005). While Muggah’s research sheds important insights into the practice of disarmament more generally, it is, unfortunately, perfunctory on the issue of where the practice came from. Muggah
provides little evidence to support the veracity of his claim that disarmament in internal conflicts is an extension of inner-city gun buy back programs, nor is this claim intuitively correct. Internal conflicts have little semblance to even the most crime-wracked inner cities, nor do the vast majority of disarmament programs bear much similarity to gun buy back programs. Occurring as it does after armed conflict, disarmament tends to be far less voluntary and far more contentious.

Indeed, this gap in the scholarship on disarmament is particularly puzzling given both the novelty of the practice in the domestic sphere and its consequences on the prospects for conflict resolution. While the intellectual precursors for fulsome disarmament can be traced as far back as Kant, and systematic disarmament was attempted in the pre-war (c.f., the Hague conferences of 1899 and 1907) and interwar periods (c.f., the Covenant of the League of Nations, the Treaty of Versailles, the Kellog-Briand pact, and others), the practice had largely been abandoned in the international arena by the Cold War in favour of more modest efforts to limit and manage weapons instead (c.f., arms control agreements). The practice of disarmament in internal conflicts that emerged after the Cold War, on the other hand, once again sought the complete disarmament of combatants. In fact, disarmament efforts in internal conflict were not to take place under the supervision of the Office of Disarmament Affairs (UNODA), which had previously enjoyed the uncontested mandate on the subject, but under the newly formed Department of Peacekeeping Operations (UNDPKO). Why did this newly emergent norm diverge so widely from the practice of disarmament in the international arena? In other words, why was complete disarmament adopted as a mode of conflict resolution instead of weapons control, which had become the preferred method in the international arena? This is particularly puzzling given the failures to outlaw or indeed limit the conduct of warfare in the inter-war period.

As I have already noted at some length in previous chapters, proponents of disarmament in internal conflict appear to have a strong commitment to Westphalian sovereignty, which necessitated the fulsome disarmament of combatants. Because of their commitment to the status quo and the preservation of the territorial integrity of states, they could advocate little else. More than this, however, proponents of disarmament appear to have adopted many the hallmarks of the pre-war disarmament project. Freed from the constraints of the Cold War era (such as Super-Power deadlock in the security council) and emboldened by the victory of liberalism and democracy over communism, norm entrepreneurs were emboldened to advocate new and far-
reaching modes of conflict resolution, including the complete disarmament of combatants in internal conflicts. Indeed, the era gave rise to a rapid expansion, both in size and scope, of peacekeeping operations to confront the scourge of internal conflicts unleashed by the end of the Cold War. The continued advocacy of disarmament in the face of countervailing evidence, much of it coming from the practitioners themselves, smacks of what post-war realists referred to as inter-war idealism or utopianism—a faith in progress even when it is not forthcoming. Proponents of disarmament appear to have paid little mind to the threats facing belligerents in internal conflicts, which may be no less threatening than those faced by actors in the international arena.

Because the practice of disarmament became entrenched so quickly, it has a taken for granted quality about it and, therefore, continues to remain poorly understood. Further research might, therefore, expand on Muggah’s preliminary work by attempting to better uncover the roots of the practice of disarmament in internal conflicts. In particular, a genealogical or ethnographic method would be well suited to the task of tracing the development of the norm and practice of disarmament and why it came to diverge so radically from the prevailing international practice. Disarmament, as currently practiced in internal conflicts, is not likely a product of some sort of instrumental necessity. More likely it was arrived at through idiosyncratic social processes within one or more epistemic communities or communities of practice, such as the UNDPKO. Such methods better enable us recover the roots of practices that develop and unfold by happenstance and through discontinuous social practice rather than through a logical or rational evolutionary process (MacKay & Levin, forthcoming). In so doing, we may learn not only where the practice of disarmament in internal conflicts came from but also how and why it took the shape that it did.

Finally, third parties play various roles in the resolution and attempted resolution of internal conflicts—including mediation, surveillance, and others—but amongst the most important is their supposed role in resolving the problem of credible commitments. Even if belligerents wish to make peace, they cannot trust that their interlocutors will do the same. The result is often cheating. This problem, which Walter describes as the critical barrier to conflict settlement, is said to be most acute when no authoritative party exists to enforce contracts, as is the case under conditions of international anarchy, or domestically, when the state itself has become the object of fighting. According to Walter third parties are said to provide the necessary conditions with
which to ameliorate commitment problems (1997). Third parties can offer to guarantee the terms of an agreement, backing their commitments with the promise of force. In other words, third parties may provide the robust guarantees that parties to conflict cannot provide themselves.

However, few scholars have attempted to specify the conditions under which such guarantees are likely to be effective. Walter suggests that third parties must have an economic, historic, or strategic connection to the conflict, equal or greater power than the parties involved, and demonstrate their commitment to enforcement with a credible show of force. In other words, third parties must demonstrate both the interest as well as the ability to guarantee an agreement in order to help actors manage their commitment problems. However, the Israeli-Palestinian case suggests that these conditions alone are not a panacea. Though trust issues ran high, Israel assiduously avoided engaging third parties for all but the most minor roles in the Oslo peace process.

Not only did the Oslo Accords foreswear disarmament provisions, it is also one of the few peace agreements on record in which one sworn enemy provided the other with weapons: Israel facilitated the creation of a strong Palestinian police force, comprised mostly of PLO veterans, and the introduction of arms into areas turned over to Palestinian autonomy. Israel did so under the terms of an interim agreement, in advance of formal termination of the conflict, at a time when the Israeli-Palestinian conflict was still ongoing. Furthermore, over the course of the peace process, Israel did little to prevent the proliferation of weapons and fighters by the PLO far in excess of the agreed upon numbers.

Why did the Israeli-Palestinian case diverge so radically from the emerging norm of disarmament? As I argued above, weapons provided the PLO insurance against the failure of the peace process, amongst other things. But why would Israel help arm the Palestinians, and in the process erode their relative military capacity, rather than insist disarmament, which was the incipient practice at the time? Little known, the PLO had requested third party intervention during the interim period, but Israel was unwilling to consider third party enforcement or stewardship over those areas it would hand over to the Palestinians. It thus had little alternative but to arm the Palestinians for the *prima fascie* purpose of terror prevention (i.e., to reign in challengers) and domestic law enforcement.

Israel’s experience with third parties, such as the UN, is, perhaps, longer and more frequent than
any other state. Indeed, the newly founded organization gave rise to the Jewish state and its first peacekeeping mission was stationed along Israel’s new borders after the conclusion of the 1948 war. And though UN missions continue to preside over its various ceasefires, buffer zones, and borders, their presence has generally failed to prevent war or halt cross border incursions. For example, the 1967 war broke out after UNEF I withdrew from the Sinai Peninsula on the request of Egypt, and UNIFIL, which was established after Israel withdrew from southern Lebanon, is notably porous, allowing terrorist attacks through, while constraining Israeli responses. Moreover, Israel—more than any other state—has been the target of hundreds of UN and member agency resolutions condemning its behaviour. As a result, a deep mistrust towards the organization has developed within Israel, which can be usefully summed up in Ben Gurion’s oft-repeated refrain of contempt, “(dependent ו“). Rather than engage a third party, therefore, Israel took the unusual step of arming the PLO during the Oslo process.

Though Israeli objections to third parties are well documented, they have not been systematically mined in relation to the problem of credible commitments. Where lack of trust is typically seen as a dyadic problem, to be resolved by contracting an outside party, this case reveals that the involvement of a third party necessitates additional modeling. Where a third party is involved, commitment problems must be modeled not only between the original actors, but also between those actors and the third party. Actors must consider not only if they trust their enemies, but also if they trust a third party to enforce the terms of an agreement and whether their introduction will have any confounding effects. In other words, the introduction of a third party adds second order trust issues to the equation.

The Israeli-Palestinian case reveals that third party guarantees are significantly more complex than scholars have previously suggested. In addition to the conditions specified by Walter, this case suggests that third parties must also signal resolve, demonstrate even-handedness, and an understanding of, and commitment to, the security concerns of the parties. Will they be there for the long haul? To what extent will they treat the parties fairly? Will their presence constrain or undermine actor security? An untested party cannot answer these concerns. The reputation of a third party is, therefore, of considerable importance in assessing the robustness of a guarantee: A one-time show of force is not likely to be sufficient to demonstrate commitment over the long haul. Similarly, short-lived commitments, or those made by fickle parties, are likely to be of little use to actors looking for robust guarantees, as their adversaries can simply wait until that
time to defect. Even should these conditions be met, however, it is unlikely that most states would be willing to engage a third party. States jealously guard their sovereignty and are unlikely to willingly constrain it unless a conflict is sufficiently ‘hurting,’ that is when costs of conflict increase while the likelihood of definitive victory decreases (c.f., Zartman, 2003).

While potential third parties, such as the UN, may have had the will and ability to guarantee the Oslo process, they clearly did not fully satisfy a range of other conditions. In particular, their historic lack of resolve, perceived imbalance, and seeming failure to understand Israel’s idiosyncratic security concerns precluded them from the process. Indeed, so reluctant was Israel to engage third parties that it armed its enemies. Not all countries, however, have proved as reluctant as Israel to employ third parties. Today, even Israel appears less hesitant. Following the escalation of violence in 2014, Israel has publically contemplated a future role for third parties in Gaza.

This mostly forgotten chapter of the Israeli-Palestinian case offers insights into the conditions under which third parties ameliorate the so-called credible commitment problem and under which conditions they are unable to do so, both of which are currently underspecified in the literature. Indeed, Israel provides a crucial case study both because of its longstanding experience with and profound mistrust of third parties. Further research into this case will, therefore, permit a better understanding of the role of third parties in providing credible commitments in internal conflict, which can be tested against other cases in order to draw broad generalizable conclusions. Once again, the use of ethnographic methods is well suited to the task of tracing Israeli objections to third parties and how they evolved over time. This mode of research is of increasing urgency given the aging population of key informants, several of whom have died since I first began this project.

Conclusion

With no norm governing arms control or disarmament, the Framers of the American Constitution were free to construct their new state as they saw fit. Rather than lay down their arms, they constructed a novel form of government with an oligopoly over the use of force. On the backdrop of an internal conflict waged to wrest governance from their colonial masters, the Founding Fathers of the United States resisted the idea of consolidating power in a centralized institution fearing that it might be used to tyrannize the population. The Second Amendment,
which provided the various states the right to maintain their militias, was a powerful check against an untested federal government. Without the meddling of the international community the Oslo process too avoided the emergent norm of disarmament. Since the conclusion of the Cold War, however, and the emergence of the norm of disarmament, the modes by which internal conflicts have been resolved or attempted to be resolved have been far more constrained. Increasingly, belligerents are expected to lay down their arms in an effort to reconstruct the state as a unitary actor. Proponents of disarmament have been somewhat silent on the need to retain weapons, whether as an insurance policy against failure and a return to violence, to reign in challengers, or to enforce law and order. The narrow bias towards Westphalian sovereignty has blinded proponents of disarmament to these potentially productive uses for weapons in the resolution of internal conflict.

Indeed, one must wonder why belligerents must disarm and reconstruct a unitary actor in the resolution of internal conflict in the first place? Oslo and the American cases demonstrate that they do not. Proponents of disarmament suggest palliatives that they believe belligerents ought to take rather than exploring what choices belligerents do take (and why). In spite of the increasing norm and widespread practice of disarmament belligerents often stubbornly cling to their weapons as the cases above demonstrate. And they do so not—or at least not only—for the purposes of spoiling. While it is no doubt true that the tools of war can be used by belligerents to gain strategic advantage, increase bargaining leverage, or generally derail a peace process, weapons also provide insurance against the failure of peace and help mitigate the trust issues that may prevent the resolution of conflict. By providing insurance against failure, weapons allow belligerents greater freedom to engage in risky peacemaking activities, particularly where robust guarantees are not forthcoming.

Disarmament is neither necessary nor sufficient for the resolution of internal conflict. Such conflicts can and sometimes do get resolved without disarmament. Indeed, the practice of disarmament might actually act to constrain the prospects for peace. If, belligerents are compelled to give up their weapons they will likely be more risk averse and, therefore, less likely to take the necessary steps that conflict resolution requires. “A reduction in arms that makes the participant less secure,” Jervis and Snyder write, “will be part of the problem rather than the solution” (1999, p. 28). Alternately, they are likely to cheat, by retaining weapons in contravention of an agreement, which may undermine the process itself. Of course just as
disarmament does not cause insecurity, neither do weapons necessarily provide it. There are undoubtedly many cases in which internal conflict was resolved without belligerents retaining weapons (though I struggled to find examples in which belligerents willingly give up their weapons at the early stages of an internal conflict). However, such examples would do little to negate the arguments presented here. Instead, they demonstrate that the language of law-like causality is more likely to obscure than to illuminate.

If the goal of the international community is to improve the prospects for peace, disarmament, as it is currently practiced, needs to undergo serious re-evaluation. The end of the Cold War conditioned a new conversation about disarmament and the resolution of internal conflicts more generally. Hopefully the passage of time, and dozens of largely failed disarmament attempts, will make a new conversation possible. The aim of this research has been to provide a necessarily preliminary attempt to reconsider the role of weapons in the resolution of internal conflict.
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